A Study of Commonwealth Public Inquiries

Doctor of Philosophy Thesis

Gavin Scott Prasser
BA (Hons), M. Pub. Admin (University of Queensland)

School of Politics and Public Policy
Faculty of Commerce and Management
Griffith University

28 NOVEMBER 2003
SYNOPSIS

This thesis seeks to provide a comprehensive overview of the extent and use of public inquiries appointed by the Commonwealth government since federation. Given the increased incidence in public inquiries since the 1970s, particular attention is given to assessing inquiries during this period.

The thesis develops a clear definition of public inquiries to better identify the number established and to distinguish them from other advisory institutions and to allow more accurate comparison of their use by different governments over extended timeframes.

The thesis addresses a number of key issues concerning public inquiries such as the reasons for their appointment, their roles and functions in the political system, their powers of investigation, processes of operation, their different organisational forms and their impact on policy development. In addition, the thesis seeks to explain both the long term use of public inquiries in Australia, and in particular their increased incidence since the 1970s. Supported by new data, and a more rigorous definition of public inquiries, the thesis identifies trends in the number and type of public inquiries appointed, their use by different governments, the range of issues investigated, the processes employed and the changing composition of their memberships.

The thesis proposes that an important means of explaining the continuing appointment of inquiries is their intrinsic “publicness” – their public appointment, external membership, temporary nature, open processes, and public reporting arrangements. This “publicness” has given public inquiries a particular standing and legitimacy in the political system that for a variety of reasons, other institutions are increasingly unable to provide. Other issues concerning public inquiry appointment such as the effect of government partisanship, the impact of the electoral cycle, and the political motivations of governments are also assessed. A number of theories such as public choice are examined in relation to explaining inquiry appointment and found to have limited application in providing an overall explanation of inquiry use and their functions.

These different issues are analysed by examination of many individual inquiries and supplemented by in depth assessment of three clusters of case studies. The case studies cover seven inquiries of different types and powers appointed over a twenty year period by both Labor and Coalition governments into a range of different fields including public sector reform, allegations of corruption and maladministration and financial deregulation. Each set of case studies examines why the inquiries were appointed, their classification and type, the processes employed, the form and content of their reports, and their policy impact.
The thesis concludes that in examining why public inquiries are appointed and their roles in the political system, they need to be assessed not just by the effectiveness of their processes or the quality of their advice. These are important, but alone are not sufficient in explaining the persistent use of inquiries by all governments and their proliferation since the 1970s. The thesis contends that it is the “publicness” of inquiries which distinguishes them from other advisory bodies and gives inquiries particular standing in the Australian political system to be perceived to be able to legitimately investigate and advise on a wide of issues. Despite the growth of other advisory bodies in recent times, public inquiries have continued to be appointed in increasing numbers since the early 1970s regardless of the government in power and therefore need to be seen less as an aberration of the Australian political system and more as an important, if often understudied, component.

Future research areas recommended include the need for greater comparative analysis of their use with other Westminster democracies such as the United Kingdom, Canada and New Zealand.
TABLE OF CONTENTS

Synopsis ................................................................................................. i
Tables, Figures and Boxes ..................................................................... v
Statements of Acknowledgement and Originality ................................. vii
Abbreviations ..................................................................................... viii

Chapter 1: Introduction .................................................................... 1
Chapter 2: Literature Review .............................................................. 22

Introduction to Part One: Chapters 3-6 ............................................... 50

Chapter 3: Definition, History, Trends and Classification of Public Inquiries .................................................................................. 51
Chapter 4: Why Governments Appoint Public Inquiries – Issues and Explanations ........................................................................ 106
Chapter 5: Roles and Functions of Inquiries – What Inquiries Do ........................................................................................................... 146
Chapter 6: How Inquiries Work – Their Components and Life Cycles ................................................................................................. 175

Introduction to Part Two: Chapters 7-9 – Case Studies ......................... 206

Chapter 7: Public Inquiries in Action I – Administrative Reform Inquiries: Challenging Entrenched Interests .................................................. 207
Chapter 8: Public Inquiries in Action II – Case Study of Royal Commissions: Royal Commission into the Activities of the Federated Ship Painters’ and Dockers’ Union and the Royal Commission into Aboriginal Deaths in Custody ........................................................................... 236
Chapter 9: Public Inquiries in Action III – Case Study of the Campbell, Martin and Wallis Inquiries into Financial Deregulation ................. 273

Chapter 10: Conclusions ..................................................................... 303

Appendix 1: Royal Commissions and other Commissions of Inquiry appointed by the Commonwealth Government 1901-2003 under the Commonwealth Royal Commission Act 1902 ......................................................... 313
Appendix 2: Inquiries into Corruption and Impropriety appointed by the Commonwealth Government 1901-2003 ......................................................... 323
Appendix 3: Public Inquiries (non-Royal Commissions) appointed by the Commonwealth Government 1901-1972 326

Appendix 4: Public Inquiries appointed by the Menzies Coalition Governments December 1949-January 1966 332

Appendix 5: Public Inquiries appointed by the Holt, Gorton and McMahon Coalition Governments February 1966-December 1972 337

Appendix 6: Public Inquiries appointed by the Whitlam Labor Government December-November 1975 342

Appendix 7: Public Inquiries appointed by the Fraser Coalition Governments November 1975-March 1983 352

Appendix 8: Public Inquiries appointed by the Hawke-Keating Labor Governments March 1983-March 1996 362

Appendix 9: Public Inquiries appointed by the Howard Coalition Governments March 1996-June 2003 380

Appendix 10: Public Inquiries into Corruption and Impropriety by State Governments 1960-2003 (excluding joint inquiries with the Commonwealth – see Appendix 2) 387

Bibliography 390
Tables

Table 3.1  Number of Inquiries established by Commonwealth governments by decade 74
Table 3.2  Royal commissions by government 1941-2003: Number and incidence ratio 76
Table 3.3  Number of all inquiries appointed by Commonwealth governments 1949-June 2003 by government 79
Table 3.4  Royal commissions by government: Number and incidence 1941-2003 by months 80
Table 3.5  All Inquiries by government per months in office 80
Table 3.6  Inquiries and government election cycles: 1972-2003 83
Table 3.7  Public Inquiries by policy function: Menzies to Howard governments (percentage of total for each government) 92
Table 3.8  Inquiries appointed by Hawke-Keating governments 1983-1996 (percentage of total for each government) 95
Table 3.9  Howard Government – June 2003: numbers and percentage 96
Table 3.10 Policy cycle and public inquiry roles 99
Table 4.1  Spiegel’s reasons for appointment of inquiries 112
Table 4.2  Smith and Weller’s reasons for appointment of public inquiries 113
Table 4.3  Prasser’s reasons for appointment of inquiries 113
Table 4.4  Summary of reasons: situations and rationales for appointing public inquiries 114
Table 4.5  Dimensions of policy advice 115
Table 4.6  Inquiries and rational decision making 116
Table 4.7  Features of inquiries appointed for politically expedient reasons 123
Table 4.8  Reasons for inquiries and inquiries’ roles 127
Table 6.1  Public inquiries as projects 176
Table 6.2  Classification of inquiry chairs 1975-2003 181
Table 7.1  Characteristics of public inquiries 208
Table 8.1  Characteristics of public inquiries 240
Table 9.1  Characteristics of public inquiries 275
Table 9.2  Membership of the Campbell, Martin and Wallis Inquiries 286
Figures

Figure 3.1 Public inquiries and other advisory bodies 65
Figure 3.2 Number of royal commissions and other public inquiries per decade 1900-2003 75
Figure 3.3 Number of royal commissions and other public inquiries per government 1949-2003 77
Figure 3.4 Number of royal commissions per government October 1941-June 2003 78
Figure 3.5 Classification of public inquiries 89
Figure 3.6 Policy Cycle 98
Figure 4.1 Use of inquisitorial and policy advisory inquiries for rational and politically expedient reasons 126

Boxes

Box 3.1 Characteristics of public inquiries 55-56
Box 3.2 Summary of inquiry use in Australia 84
Box 6.1 Government tactics for blocking inquiries 197
Box 7.1 Summary of findings of the RCAGA and RCA 233
Box 8.1 Summary of findings about the RCPDU and RCADIC 269
Box 9.1 Summary of findings of the Campbell, Martin and Wallis Inquiries 300
STATEMENT OF ACKNOWLEDGMENT

Special thanks are given to the supervisor, Professor John Wanna, for his advice on the research and framework of the thesis. Professor Wanna provided constructive criticisms and suggestions throughout the research, preparation and writing of the thesis. His ongoing encouragement has been greatly appreciated and made the completion of the thesis possible. Professor Wanna’s promptness in responding to the many drafts of the chapters was particularly appreciated.

Acknowledgment is also given to Mr J.R. Nethercote for his comments and discussions on this topic and who suggested to the author whom he met while working for the Royal Commission on Australian Government Administration for the need for further research into the issue of public inquiries. Mr Nethercote has collaborated in the past with the author on several related projects including the 1984 Royal Australian Institute of Public Administration National Colloquium on Australian Public Inquiries.

Thanks are also given to the Queensland Department of the Premier and Cabinet for the special leave provided. Without this leave the thesis would not have been completed.

Finally, acknowledgement is given to Ms K. Scott for her assistance in checking inquiry lists and to Ms E. Gaskin and Mrs J. Prasser for the formatting and presentation of the manuscript.

Statement of Originality

This thesis has not previously been submitted for a degree or diploma in any university. To the best of my knowledge and belief, the thesis contains no material previously published or written by another person except where due reference is made in the thesis itself or is clearly acknowledged in the body of the thesis.

Scott Prasser
## ABBREVIATIONS

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>ABARE</td>
<td>Australian Bureau of Agricultural Resource Economics</td>
</tr>
<tr>
<td>ABC</td>
<td>Australian Broadcasting Corporation</td>
</tr>
<tr>
<td>ACA</td>
<td>Australian Consumers' Association</td>
</tr>
<tr>
<td>ACCC</td>
<td>Australian Competition and Consumer Council</td>
</tr>
<tr>
<td>AEC</td>
<td>Australian Education Council</td>
</tr>
<tr>
<td>ALP</td>
<td>Australian Labor Party</td>
</tr>
<tr>
<td>ANU</td>
<td>Australian National University</td>
</tr>
<tr>
<td>APS</td>
<td>Australian Public Service</td>
</tr>
<tr>
<td>ARC</td>
<td>Administrative Review Committee</td>
</tr>
<tr>
<td>ASTEC</td>
<td>Australian Science, Technology and Engineering Council</td>
</tr>
<tr>
<td>ASIC</td>
<td>Australian Security Investment Commission</td>
</tr>
<tr>
<td>ATSIC</td>
<td>Aboriginal and Torres Strait Islander Commission</td>
</tr>
<tr>
<td>APRA</td>
<td>Australian Prudential Regulation Authority</td>
</tr>
<tr>
<td>BRS</td>
<td>Bureau of Resource Sciences</td>
</tr>
<tr>
<td>CAAIP</td>
<td>Committee to Advise on Australian Immigration Policies</td>
</tr>
<tr>
<td>CBPA</td>
<td>Canberra Bulletin of Public Administration</td>
</tr>
<tr>
<td>CEDA</td>
<td>Committee for Economic Development of Australia</td>
</tr>
<tr>
<td>CIET</td>
<td>Committee of Inquiry into Education and Training</td>
</tr>
<tr>
<td>COAG</td>
<td>Council of Australian Governments</td>
</tr>
<tr>
<td>CRC</td>
<td>Co-operative Research Centre</td>
</tr>
<tr>
<td>DAS</td>
<td>Department of Administrative Services</td>
</tr>
<tr>
<td>DPM&amp;C</td>
<td>Department of Prime Minister and Cabinet</td>
</tr>
<tr>
<td>HREOC</td>
<td>Human Rights and Equal Opportunity Commission</td>
</tr>
<tr>
<td>IAC</td>
<td>Industries Assistance Commission</td>
</tr>
<tr>
<td>IDC</td>
<td>Interdepartmental committees</td>
</tr>
<tr>
<td>ICAC</td>
<td>Independent Commission Against Corruption</td>
</tr>
<tr>
<td>JCPA</td>
<td>Joint Committee of Public Accounts</td>
</tr>
<tr>
<td>IFS</td>
<td>Institute of Family Studies</td>
</tr>
<tr>
<td>DPM&amp;C</td>
<td>Department of the Prime Minister and Cabinet</td>
</tr>
<tr>
<td>JCPA</td>
<td>Joint Committee of Public Accounts</td>
</tr>
<tr>
<td>OECD</td>
<td>Organisation for Economic Co-operation and Development</td>
</tr>
<tr>
<td>NAC</td>
<td>National Aboriginal Conference</td>
</tr>
<tr>
<td>NAILSS</td>
<td>National Aboriginal and Islander Legal Services Secretariat</td>
</tr>
<tr>
<td>NBEET</td>
<td>National Board of Employment, Education and Training</td>
</tr>
<tr>
<td>NCA</td>
<td>National Crimes Authority</td>
</tr>
<tr>
<td>NSW</td>
<td>New South Wales</td>
</tr>
<tr>
<td>PCO</td>
<td>Privy Council Office</td>
</tr>
<tr>
<td>PMI</td>
<td>Project Management Institute</td>
</tr>
<tr>
<td>PSB</td>
<td>Public Service Board</td>
</tr>
<tr>
<td>RADC</td>
<td>Review of Australian Defence Capabilities</td>
</tr>
<tr>
<td>RBA</td>
<td>Reserve Bank of Australia</td>
</tr>
<tr>
<td>RCA</td>
<td>Review of Commonwealth Administration</td>
</tr>
<tr>
<td>RCADIC</td>
<td>Royal Commission into Aboriginal Deaths in Custody</td>
</tr>
<tr>
<td>RCAGA</td>
<td>Royal Commission into Australian Government Administration</td>
</tr>
<tr>
<td>RCPDU</td>
<td>Royal Commission into the Activities of the Federated Ship Painters' and Dockers' Union</td>
</tr>
<tr>
<td>SP&amp;DU</td>
<td>Amalgamated Federated Ship Painters' and Dockers' Union</td>
</tr>
</tbody>
</table>
CHAPTER 1: INTRODUCTION

Introduction and research question

The intention of this thesis is to provide a comprehensive overview of the extent and use of the institutional phenomena known collectively as public inquiries at the national level of government in Australia. The term public inquiries refers to discrete bodies which in their various organisational forms of royal commissions, task forces, committees, reviews and working parties, are temporary public bodies appointed by executive government and which often draw their members from outside government. A more detailed explanation of public inquiries and their delineation from other institutions of government is discussed in Chapter Three. The thesis focuses on public inquiries appointed by the Commonwealth government with particular attention being given to those public inquiries established during the last thirty years when there was a marked increase in their use (see Chapter Three). The central question the thesis seeks to answer is what are the particular features of public inquiries that have encouraged governments to persist in appointing them? After all, there are potential risks in appointing inquiries and since the 1970s there are more alternative advisory mechanisms.

Rationale and need for the study

By examining public inquiries over such an extended period and focussing particularly on their time of greatest use during the last thirty years, the thesis seeks to provide a comprehensive survey of Commonwealth public inquiries for the first time. By so doing the thesis will add to the body of knowledge concerning the number and type of public inquiries appointed, their methods of operation, and identification of the range of issues and policy areas which public inquiries have investigated and/or provided advice. Such a long-term perspective also provides an opportunity to identify important trends in their use during this period. Further, such a survey provides a means for better assessing important issues concerning public inquiries such as the reasons for their appointment, their functions and roles in the political system, and their impact on particular policy issues at the Commonwealth level in Australia.

This study is warranted for the following reasons.

Need to clarify and define public inquiries

First and foremost there has long been a need to clarify and define what really constitutes a “public inquiry.” As is discussed in Chapter Three, there has often been a failure to establish clear characteristics of public inquiries and to distinguish them from other institutions providing advice which operate within and close to government. This includes bodies such as in-house
public service policy units, reviews and project teams, research bureaux, interdepartmental committees, parliamentary committees, and permanent advisory bodies.

Thus, an important contribution of this thesis is to develop criteria by which the public inquiry form can be distinguished as a distinct organisational body. By such clear definitional assessment the thesis will be able to provide a sound basis for identifying public inquiries from the myriad of other advisory and investigatory bodies, determining more accurately inquiry numbers and trends in their use, and from this be able better to assess the contribution of public inquiries to government relative to other advisory bodies.

**Historical use of public inquiries in Australia**

A further reason to study public inquiries is that they have a long history in Westminster-type democracies such as the United Kingdom, Canada, New Zealand and Australia. As Smith and Weller (1978: 2) observed:

*In the British system of government, as in others which follow a similar model, royal commissions, committees of inquiry, and advisory committees are familiar parts of the political and administrative process.*

This use extended to Australia with the first inquiry being appointed during early settlement (Wettenhall 1978). Since then, public inquiries have been frequently appointed by State governments and, following federation, by Commonwealth governments (Borchardt 1991; Weller 1994; see Chapter Three). Given that Australian public inquiries “stem directly from British precedent” (Borchardt 1991: 7), like so many other institutions of Australian government, one of the key issues is how have these translated from Westminster to the Australian political system. While Australia has adopted “almost a complete panoply of Westminster-type ceremony, furnishings, and parliamentary dress” (Reid 1964: 92), in parliament and a range of other institutions such as parliamentary committees, cabinet, and the notion of an independent public service, there have been considerable differences in the way these have operated in the Australian political environment. Australia, as noted by the English political scientist David Butler, has long developed as a “variant” rather than a copy of the Westminster system (Butler 1973: 7-9). For instance, the Australian parliamentary system has been considered as being more overtly partisan and dominated to a greater extent by the executive than typically occurs in the United Kingdom (Reid 1966; Reid 1980; Reid 1984). So, too, is Australia’s public service perceived as being less independent from the demands of elected government than its Westminster counterpart (see Ives 2002; Nethercote 1984; Zifcak 1994).

Thus, an important issue is how have public inquiries, as another institution adopted from Westminster, developed and adapted in the Australian political environment?
Increased use of public inquiries since the 1970s

Another reason for this thesis is to understand the dramatic increase in Commonwealth public inquiries during the last thirty years (see Table 3.1 and Figure 3.2 Chapter Three). As this increase followed the election of the Whitlam Labor Government in December 1972, it was initially explained in relation to Labor’s programmatic and interventionist policy agenda, its election to office after twenty-three years in Opposition, and its consequential suspicion of the public service (Lloyd and Reid 1974; Whitlam 1985). The expectation was that this increased use of inquiries would decline after the Whitlam Government (Wilenski 1979). This did not occur, however. Inquiries continued to be appointed in numbers almost as high as during the Whitlam years and considerably more than during previous periods in Australian history. This occurred first under the subsequent Fraser Coalition Party Government (1975-83) and then Hawke-Keating Labor Governments (1983-96) (Weller 1994: 1-2). As Ransley (1994: 22) noted, “royal commissions and similar inquiries” became “a growth industry in Australia during the 1970s and 1980s.” Predictions that inquiry numbers would decline during the 1990s because they had “lost … their attraction” (Borchardt 1991: 14) were proved wrong. By the late 1990s it was assessed that “increasingly, governments sought to diversify their sources of advice by the use of ad hoc inquiries” (Dent 2002: 109). This trend has continued under the Howard Liberal-National Party Government elected in 1996 (see Chapter Three and Appendix 9).

By giving special attention to the period since 1972, this thesis seeks to explain why this increased and sustained use of public inquiries first occurred and has largely continued unabated. Such a focus also allows analysis of whether this increased use of inquiries was a reflection of particular governments, an expansion of government intervention in society (Wagner and Wollmann 1986: 603), or whether it has been a consequence of more complex developments in governance such as concerns about legitimacy, accountability and policy development in the political system (Keating, Wanna, and Weller 2000).

Australian experience of increased use of public inquiries

Not only has there been an increased and sustained use of public inquiries in Australia since the early 1970s, but this has also been a uniquely Australian experience. During this same period there has been a marked decline in their deployment in other Westminster democracies such as New Zealand, Canada and the United Kingdom (see Chapter Three). This is a reversal of previous trends during the 1950s and 1960s when it was observed that in Australia there was an “indisposition of the Australian Government to use the ad hoc committee device” (Spiegel 1973: 14). So extensive has the use of public inquiries become in Australia that it has provoked some commentators to suggest that inquiries had become “a distinctive feature of Australian public policy” (Miller 1993) and that inquiries represented a “revolutionary change in government policy making” (Wilenski 1977: 162). Thus, the thesis seeks to assess these views and explain the comparative increased use of public inquiries in Australia.
Assessing where public inquiries fit in the political system

There is also an issue of where inquiries fit within the political system in terms of their roles and relationships with other players and institutions. For instance, how public inquiries relate to the permanent public bureaucracy has long been a question of whether inquiries are either supplementing or supplanting the public service in providing advice to executive government. With the increase in inquiry numbers during the Whitlam Government this issue became even more prominent and more loaded with tension. As Lloyd and Reid (1974: 254) commented, “resort to outside advisory and investigatory resources on this scale presented a considerable threat to the traditional supremacy of the Public Service.” The subsequent continued increased use of public inquiries has reinforced the importance of this issue, involving as it does, concerns about the primacy of the public service in providing advice to government and the unsettling of existing networks. Moreover, the Australian political system like others since the early 1970s has become, as Weiss (1992: 66) observed, “a more complicated place than it was in the past, and government is called upon to perform a range of tasks that go beyond the functions of earlier times.” There are more institutional players with the growth of ministerial staff (Maley 2000; Walter 1986), external consultants (JCPA 1989; Martin 1998), research bureaux within government departments and attached specialised statutory-based bodies (Stewart 1995: Chapter Six; Warhurst 1982), an expanded Commonwealth parliamentary committee system (Nethercote 1982), the formation of co-operative research centres (CRCs), more external policy oriented think tanks (Hawker 1984; Marsh 1991, 1992), and increased numbers of interest groups often with their own research capacities (Marsh 1995; Matthews 1988; Warhurst 1997). How public inquiries stand in relation to these new and existing institutions has not been systematically investigated or assessed.

While there have been discussions about institutions under pressure, gaps in policy making capacity, the need for better policy integration and brokerage, problems of interest group and community participation and declining legitimacy of existing institutions, (Keating, Wanna, and Weller 2000; Marsh 2000), the potential roles and impact of public inquiries in regard to these issues have rarely been mentioned. Marsh (2000; 2001), in his assessments of interest groups and strategic policy capacity, makes no reference to the potential role of public inquiries in this regard. Oliver (1993: 134) assessed that Australia had a “closed non-porous policy-making system compared with … the United States” and did not make any mention of the potential role of public inquiries in Australia in this regard. Oliver concluded that:

Congressional committees provide a stage for lobby groups and think tanks to bring their ideas, research and advocacy within the political process. No such formal process exists in Australia at government level for reaching out for new ideas or, at the very least, seeking to achieve co-operation between the increasingly diffuse range of interest groups who make up Australian society.
Others discussing institutional arrangements and processes for providing advice to government and developing community consultation to a large degree have similarly ignored public inquiries in this context (CBPA 1993; Cuthbertson 1993; Ryan 1993; Weiss 1992; Wiltshire 1993). Those suggesting new institutional arrangements in Australia for improving advice from external sources to decision makers such as by “think tanks” have also overlooked the existing range of activities of public inquiries in this area (Jarman and Kouzmin 1993; Marsh 1991; Marsh 1992). When inquiries have been occasionally discussed in this context, their potential roles of providing policy advice have been dismissed with little detailed or informed discussion (see Bakvis 1997; Dror 1984a: 204). This is an area requiring more exploration and explanation than has hitherto occurred. This thesis, by examining public inquiries generally over such an extended timeframe and assessing the use of particular inquiries in a series of case studies (Chapters 7 to 9), will be able better to assess the role of public inquiries in relation to this issue of their role of providing advice to government.

**Fill the gaps in knowledge about public inquiries**

Indeed, another rationale for the thesis is to fill in the gaps of the previous studies of public inquiries in Australia that have been limited in terms of perspective, depth and currency. As shown in Chapter Two, previous studies have considered either individual public inquiries, their use by specific governments, or particular types of inquiries. Despite their long use in Australia, Spiegel in her 1973 study noted that “very little” was known about what inquiries did, their impact on policy or the reasons for their appointment (Spiegel 1973: 12). Others have stressed that inquiries “have not attracted the attention of writers to any great extent” (Hallett 1982: 1). Smart and Manning (1986: 201) concluded that “despite the apparent significance of such ... committees, their study has been largely ignored by Australian students of policy-making.” Attempts to address these deficiencies (Hawker 1977a; Prasser 1985; Smith and Weller 1978; Weller 1994) have been sporadic and not sustained. The study of public inquiries in Australia has thus been piecemeal and inconsistent, with an absence of detailed, long-term and comprehensive analysis across a number of governments and within a clear analytical framework. Moreover, studies of public inquiries in other Commonwealth countries such as the United Kingdom or Canada have failed to mention, let alone assess, their use in Australia (see Bulmer 1983a; d’Ombrain 1997; Plowden 1987; Peters and Barker 1993). Even in cross-national studies of trends in advising executive government, including Australia, public inquiries are only briefly mentioned. Their extensive use in Australia is not discussed (Bakvis 1997: 92-93).

**Growing concern about the powers of certain public inquiries**

A further reason for more detailed analysis of inquiries has been the growing concern about particular forms of inquiries such as inquisitorial royal commissions and their use of statutory prescribed coercive powers in the conduct of their investigations to collect evidence and
examine witnesses (Sackville 1984). While these issues have been raised previously, they have become more prominent since the 1970s because of the increased numbers of royal commissions being appointed to investigate allegations of wrongdoing (see Chapter Three). Moreover, during this period as a direct result of recommendations of a particular royal commission they gained further investigatory powers (Ransley 1994; see Chapter Eight).

This increase in powers has meant that Australian royal commissions, which have always enjoyed greater powers than their counterparts in the United Kingdom, have enhanced their relative coercive powers even further (Lindell 2002). Why this has occurred, and its implications for the role and impact of public inquiries in the Australian political system, has not been fully assessed. Specific discussion of this development occurs later in the thesis in the context of examining two key royal commissions appointed during this period (Chapter 8).

**Membership of inquiries**

One of the perceived advantages of public inquiries has been their use of external members largely drawn from outside the confines of the public service, government or members of parliament. Such external membership helps to give public inquiries a perceived independence from government and, in many cases, expertise on the matter being examined, as well as a claim to representing either or both the community (the public interest) or, at least, the major interests affected.

Indeed, it has been accepted that public inquiries can also include members who represent certain interests affected by the issue at hand and their inclusion is appropriate as they bring a certain level of knowledge and expertise to the matter.

There have, however, been concerns about certain aspects of public inquiry membership in some cases. Foremost amongst these has been the debate as to the appropriateness of present and former members of the judiciary serving on or chairing public inquiries (Fraser 1986). Such members have historically dominated Commonwealth royal commissions. However, the increased numbers of inquisitorial royal commissions appointed since the 1970s with such membership (see Chapter Three) has renewed concern about the value and efficacy of using such members of the judiciary on these inquiries (Carter 1993; Nyman 1986; Solomon 1983). This issue is explored further in the case studies in Chapter Eight.

Another issue has been that some public inquiries are so dominated by representatives of particular interests that the inquiry concerned has been seen as less about providing independent advice to serve the wider public interest and more about furthering benefits to narrow interest groups (McEachern 1987: 58). These issues are discussed in relation to different Commonwealth inquiries in Chapter Six.
Extended areas of investigation

Not only have the numbers and powers of inquiries increased since the 1970s, but so, too, has the range of policy areas into which inquiries have been appointed to investigate. Prior to the 1970s inquiries were restricted to a limited range of topics (Spiegel 1973). Since then it appears that inquiries have been appointed on a wider range of policy issues and areas. Verifying this possible expanded use of inquiries is an important aim of this thesis and represents a further reason why a comprehensive overview of public inquiries during this period is warranted. Chapter Three summarises patterns of use, policy areas affected, and provides the basis for further assessment of the use of inquiries by particular governments and inquiry relationships to policy trends.

Impact of inquiry reports

Inquiry numbers may have increased, but long held concerns about inaction on inquiry reports (Gosnell 1934: 110; Herbert 1961: 263-4) have not diminished and have been seen as causing “the greatest degree of dissatisfaction with royal commissions” and other forms of public inquiries (Bulmer 1981: 374, 1983a: 441). Similar views have been expressed in Australia in recent years in light of the proliferation of inquiry numbers and growth in their powers (Gittins 1981; Solomon 1983). It is also a lament by those who have chaired (Costigan 1986; Moffitt 1985: 119; Woodward 1989) or worked for inquiries (Hawker 1977a, 1977b).

The problem with these assessments has been that they have often been made immediately after a report has been released so that their long-term impact has not always been properly appreciated (Hazlehurst and Nethercote 1977). It has been suggested that it is difficult to trace the impact of an inquiry report because of the time needed to assess the long-term influence of its recommendations (Gosnell 1934: 112; Hawker 1977a; Smith and Weller 1978: 10). By examining seven inquiries appointed during the past three decades (see Chapters Seven – Nine) this thesis is able to assess this issue more appropriately than previous studies.

Why public inquiries are appointed

Finally, it has long been regarded that “one of the perennially fascinating questions about royal commissions and departmental committees [is] why they are appointed?” (Cartwright 1975: 84).

Why inquiries are appointed is not only one of the most important issues, but also perhaps the most difficult to address. There are a number of aspects of this issue that need to be considered.
Importance and significance of issue

The issue is important because, in Australia and other Westminster democracies, inquiries are not, in the main, triggered automatically by constitutional or legislative requirements compared to Sweden where similar mechanisms are incorporated and a prescribed part of the decision making process (Anton 1969; Premfors 1983). Instead, inquiries in Australia exist at the discretion of executive government. They are the result of specific government decisions. The issue is why governments continue to appoint inquiries when they not only have an extensive public bureaucracy to call upon but, as noted above, since 1972 an expanding array of other advisory mechanisms available. Assessing why governments appoint inquiries may inform us about the style and approach of governments and test notions of whether “reformist” or ideological dispositions of governments affect inquiry numbers. More pertinently, the continued and increasing use of inquiries suggests they perform a role and have a value to executive government still not able to be done by other institutions despite the more recent changes and additions to these.

This issue is of even more interest when it is appreciated that inquiries are not without risk to the appointing government. Inquiries, as highlighted in the case studies in this thesis, sometimes produce unintended and adverse consequences for the very governments that have established them. As McEachern (1987: 46) questioned, “why would elected officials choose to delegate some of their discretion and power to an outside body” like an inquiry which, although having no direct legislative power, “has the ability to form the agenda and shape the debate.” This issue of why governments appoint inquiries remains, as Rhodes (1975: 51) suggested, the “basic issue” concerning inquiries. (Similar issues arise in regard to other parts of the machinery of government such as why, in specific cases, governments create, amalgamate or even abolish departments, public corporations or other forms of statutory authorities.)

Difficulty of issue

Explaining government motivations in appointing inquiries is fraught with difficulty. This stems from the discretionary nature of public inquiry appointment in Westminster democracies. Inquiry appointment often seems random and haphazard. Moreover, reasons for appointment of any particular inquiry may be varied and several, ranging from desires to obtain more detailed and researched information, seek options, promote consultation, broker interest group discussions, to those involving delaying decisions and accommodating interests. Thus, it is not always easy to discern a government’s predominant motivation in appointing a particular inquiry. Some suggest government motivation for inquiries may be for illegitimate or politically expedient reasons including propagandising government policies, manipulating the policy agenda by delaying decisions or “smothering” issues, giving the illusion of action and consultation, and getting politicians or governments off the hook of political embarrassment (Bulmer 1982; Spiegel 1973: 16-17). Governments are not usually forthcoming in publicly stating these, and it is left to the observer to make an assessment by inference. While governments frequently give
explanations in announcing an inquiry, these are often not seen as the real reason. As Rhodes (1975: 67) commented, trying to identify “the true reasons” why governments appoint inquiries “may well remain … a matter of considerable argument” and which may never be totally resolved.

The persistence of governments in appointing public inquiries so extensively since the early 1970s despite the potential risks of doing so, suggests that inquiries serve important roles not always appreciated and which may go beyond the generally regarded ones of providing expert advice in response to some particular policy problem.

Contestation of the thesis

It is the contention of this thesis that, in seeking to explain why inquiries are used by governments, too much attention has been given previously to assessing what inquiries do in terms of how they gather and assess information, apply social science research techniques, and how effective their processes and members are. Focus has also concentrated on the quality and content of inquiry reports in providing a basis for “solving” particular policy issues, and their degree of impartiality and independence from executive government. Or, as Degeling et al (1993: 268) summed up:

Inquiries are conceived to be purpose driven instruments whose rationale lies in their contribution to the decision stages of policy making. Their role is to generate information and expert advice which will inform and impel the policy decisions of the authorities which commissioned them.

Hence, considerable attention has been given to whether recommendations are adopted, rejected or neglected, to assess whether a particular inquiry was “successful” or established for “legitimate” purposes to improve rational decision making or “illegitimate” roles to manipulate the policy agenda for overt and covert “political” reasons. These are all important issues, but they are only part of the inquiry role. Even if inquiries are appointed for “political” reasons, why do governments continue to appoint them if everyone suspects this is the purpose of their appointment? Indeed, what is the “political” role which inquiries now serve which other institutions of government are apparently failing or unable to provide?

The issue about public inquiries is not so much about their policy capacity, although this is not irrelevant, but about their “political” capacity. In particular, this is the need for policy making not only to be rational and problem solving in orientation, but also to be accepted as such; what has been called providing legitimacy to government decisions. As Polsby (2001: 7) has said, “legitimacy in policy making … refers to machinery and practices tending to increase the acceptability of public measures to the citizenry at large.”
It has been suggested that there has been a decline in legitimacy and trust in existing institutions of government (Keating, Wanna and Weller 2000; Luhmann 1979; Nye et al 1997). For instance, the notion of an independent public service has been seen to be supplanted by “responsive bureaucracies” run increasingly by personnel selected, appointed and easily dismissed by politicians (Keating, Wanna and Weller 2000, Chapter Three; Spry 2001). Trust in elected officials, while never high in Australia, has declined even further because of their involvement in scandals and corruption, often revealed by public inquiries appointed during this period (Tiffen 1999). Other new advisory mechanisms to government that have emerged since the 1970s such as ministerial staff have been seen as too close to executive government, self-interested and not vehicles for injecting independent analysis into the decision making process (Walter 1986; Woodward 1993). Internal and supposedly independent policy bureaux and even some statutorily based advisory bodies are themselves prone to government sponsored change, resource limitations, interference and reference manipulation (Edgar 1986; Sheldrake 1987; Singleton 1995; Stewart 1995). Even universities have been criticised as being compromised by the source of some of their funding or alleged bias in their predispositions about certain issues. Some external think tanks in Australia have also been seen as too ideologically compromised to provide advice that is both effective and “independent” (Lindsay 2001; Marsh 2000; Oliver 1993; Quiggin 2001). Nor are parliamentary committees regarded as being independent and able to engender trust and resolve policy issues because they are perceived to be too dominated by partisan considerations and lack expertise (Uhr and Wanna 2000).

Events following the Howard Government’s handling of the *Tampa* and children overboard issues in 2001 highlighted these problems. They showed the compromised role of the Australian Public Service, the intrusive and politically driven activities of ministerial staff and the partisan nature of the subsequent parliamentary committee investigation into the issue (Marr and Wilkinson 2003). In Polsby’s terms (2002: 9), the affair showed a “paucity of checks and balances external to government and the bureaucracy” and “secrecy in the process” of decision making and in managing the issue and evaluating government action.

Thus, declining public confidence in the many key institutions of government may be seen as contributing to the continued and increased use of public inquiries since the 1970s. While there have always been elements of this as long as inquiries have been used, recent trends have, as discussed, exacerbated these concerns. Public inquiries with their particular forms and processes promote a public acceptance for their investigation of particular issues and for the legitimacy of their reports, if not always in full agreement with their recommendations (Degeling *et al* 1993; Walls 1969: 367). As Bulmer (1981: 375) summed up:
Whatever their defects, commission reports come to have special standing within the political community … commissions find it easier to produce bipartisan conclusions on contentious issues than do select committees of the House of Commons or Congressional committees.

In essence, this thesis argues that the characteristics which combine together to constitute the modern public inquiry and separate it in form, membership and process from other institutions of government, most persuasively explain the value of inquiries to executive government, their continued use, and their role in the political system. In particular, if we dissect what constitutes a public inquiry and distinguish it from other institutions of government (see Chapter Three), then the fundamental characteristic is its “publicness.” It is this characteristic that gives inquiries the special standing they now appear to enjoy. This is not to say that inquiry expertise and the quality of their reports are not important. They are and, if exercised appropriately, reinforce perceptions about the status of inquiries vis-à-vis other institutions of government. However, the important issue is that inquiry reports when released have a greater level of acceptability than those produced by other institutions that do not exhibit the same features or use the same processes of a public inquiry.

“Publicness” of inquiries: key features

The characteristics of inquiries that contribute to their “publicness” include public appointment, external membership, temporary nature, open and inclusive processes of inquiry, power and status, and public reporting.

Publicly appointed

First, public inquiries are publicly appointed and announced and their existence is promoted by press release and advertisement. Such public proclamation of inquiries indicates government interest in an issue, and the possibility of government action, and places an issue on a more public stage. This public proclamation of a public inquiry is quite different to many of the other bodies operating inside government such as special project teams or interdepartmental committees whose existence may not always be publicly declared; similarly, engagement of a consultant in a particular subject is usually not announced publicly (though it may be reported in the Gazette). Indeed, much of the work by internal units in government is subject to explicit rules of confidentiality. We often do not know on what the bureaucracy is working. Restrictions on what ministerial advisers are doing are even more severe. While research bureaux within government departments have more transparent processes, there are limitations as to the level of public scrutiny. Similarly, parliamentary committees operate in the public arena and hold public consultations and release public reports. Not only are their members inexpert on many areas, such bodies are prone to reflect the normal adversarial and partisan battles which characterise parliamentary activity. They are also open to manipulation, especially committees
of the House of Representatives where government control of parliamentary processes is greater than in the Senate.

**External membership**

Public inquiry membership is also different from most other advisory institutions because it is drawn predominantly from outside the public service, executive government and other government agencies. Although appointed by executive government, inquiry members cannot be seen to be biased as this will undermine the value of the inquiry process. Moreover, public inquiry membership is made public, unlike many other government internal committees, and this acts as a further check on the calibre and independence of inquiry members. Considerable attention is given to what those outside of government think about the members, in a way that does not occur in the appointment of senior public servants where the focus is on loyalty vertically up to the government rather than worry about perceptions horizontally and externally to government.

**Temporary nature**

The temporary nature of inquiries is another feature. Each inquiry is new. Each brings together a new membership to look at a particular issue. The membership may be selected from a range of criteria, expert, representative, professional (see Chapter Three) but it is often diverse. Its very newness and “temporariness” means that unlike some statutory based advisory bodies of long standing, the regular public service, advisory councils or even parliamentary committees, it does not have a particular policy line or record of consistency to maintain. Nor do inquiries offer a long-term career for their members. This is not to say that inquiries cannot be “set-up” to represent certain groups or hoped for outcomes (see McEachern 1987). They can and do, but the process is more public and thus not without potential risks and by so doing the inquiry process may become less effective. Moreover, as is discussed in the case studies (Chapters 7-9), there is no guarantee that appointed members do what is expected. They often do not. Unlike public servants they do not have to follow orders, or in the case of parliamentary committees’ members, adhere to partisan loyalties. Unlike more permanent advisory structures, public inquiries experience fewer institutional pressures or socialisation processes. “Groupthink” may occur, but the public inquiry process and its limited lifespan makes this less likely (Hart 1990; Janis 1982). All this further enhances the public acceptability of inquiries and their reports. They are perceived to be more open minded on issues they have been asked to address than most other advisory mechanisms.

**Open and inclusive processes of inquiry**

As Rhodes (1975: 101) commented, one of the distinguishing features of public inquiries is that they operate in an open public way few other institutions can match. By their very nature and definition (see Chapter Three) they seek advice from the general public and interest groups,
often in open forums, and take detailed and usually publicly available records of such input. Compare this to the confidential nature of departmental committees, policy units and general policy advice to senior staff and ministers and advice offered by ministerial minders and consultants. Only parliamentary committees and some external research bodies like the Productivity Commission work so openly.

Such public processes of collecting information have been criticised as being ineffective and wasting time (Webb and Webb 1932: 142) and “poor instruments for conducting scientific inquiry” (Derthick 1971: 635). But they are not conducting scientific inquiry. They are developing policy that involves political management of issues, information and interests. Public hearings are not only theatre designed to attract attention and promote a wider range of viewpoints. Their real value, Sheriff (1983: 675) has suggested, lies “not in the cogency of arguments or the economical collection of information” but that wider public opinion is sought in the first place.

**Powers and status**

More than this, some inquiries like royal commissions have powers not just to ask for information and co-operation, but to compel it from whomever they deem appropriate, including executive government itself. That such compulsion is exercised publicly differentiates public inquiries further in this regard from most other internal and external advisory and investigatory bodies. Parliamentary committees have many of these powers but have to exercise them sparingly because of the partisan political context of their operations (Odgers 1991: 726). Departmental project groups, interdepartmental committees, research bureaux and advisory bodies work on the basis of co-operation with other agencies and stakeholders. This causes delays, requires accommodation to different interests and often compromises policy proposals.

**Report publicly**

Another characteristic of public inquiries is that their final reports are always made public (except for some of those on security matters, or where criminal investigations are possible). There are two important elements here.

The first is that an inquiry actually finishes its task. Unlike an internal study, there is considerable pressure on a public inquiry to finish what was asked for – the government wants it (mostly), the public expect it and the media frequently demands it. Other advisory mechanisms can be delayed or their investigations sidetracked, hijacked or just stopped. Not so with a public inquiry. Once started they almost always produce an output. Public inquiries are rarely closed down unless some unforeseen event occurs which makes this acceptable. Even with changes in government, the new regime is reluctant to close down inquiries appointed by the previous administration. The Fraser Government did close down several inquiries appointed by the
Whitlam Government that had not yet completed their investigations, but it allowed the vast majority to complete their investigations though with more restricted deadlines.  

Second, the inquiry report is there for all to see -- to assess, criticise, reject or implement. That reports are made public also puts considerable pressure on an inquiry and its members to do a report of some quality. While this does not always occur, it is a pressure lacking in so many other advisory reports produced by government agencies. It is another check on quality. This is unlike most reports, advice, and briefings provided by departments, ministerial advisers or consultants. Some departmental and consultancy reports and those provided by parliamentary committees, statutory advisory bodies and think tanks are made public. What distinguishes public inquiry reports is not just their “publicness,” but that those who write them are both outsiders and temporary, usually with other careers. Hence, there may be less willingness to say what the government wants, to be compromised by immediate partisan considerations and political events, or to be concerned, as is the case with a consultant, about the next contract (Hawker 2001).

Consequently, inquiry reports for this and other reasons may be seen as being “less sanitised” or compromised. Inquiry members frequently go on to become advocates for their reports and to criticise governments for their failure of implementation. This would be rare for parliamentary committee chairs who are usually drawn from the party in government or those in statutory bodies whose future may be tied to government funding and reappointment processes. It never occurs within the public service unless it becomes a whistleblower action that usually has adverse consequences for the person concerned.

Furthermore, issues can be suggested and options canvassed and policy gridlock overcome, which would not be the case in reports prepared by departments enwrapped as they often are in their own closed networks of existing interest groups seeking to maintain the status quo (Marsh 1995). As Sheriff (1983: 676-77) suggested, inquiries are “one of the few mechanisms available to propose the preposterous … to test public reaction.”

In summary, although it has been appreciated public inquiries are a “unique institution of government” (Cartwright 1975: 7), it has not always been clear just in what ways inquiries are “unique” and how this has affected their repeated appointment by governments. This thesis suggests that the “uniqueness” of public inquiries stems from their intrinsic “publicness” which has affected public perceptions of their expertise and independence from government. As such, public inquiries represent one of the few institutions in government that is respected and can be used to legitimise government action. As discussed earlier, inquiries are established not just to do research and analysis, but by their perceived independence, expertise and objectivity, provide, in Polsby’s terms, “acceptability” and legitimacy for policy proposals. As Sheriff (1983: 672) suggested:
governmental commissions basically are part of the legitimization function of the state such that their contribution to policy formulation is less important than is their contribution toward social harmony … commissions are appointed in exceptional circumstances when the task must not only be dealt with but be seen to be dealt with, and what differentiates their task from that of the regular bureaucracy is that they are more effective in performing the legitimization function that cannot be carried out in the hidden recesses of the regular bureaucracy.

**Thesis research methods and sources of information**

A combination of qualitative and quantitative methods was considered appropriate to this topic.

Qualitative analysis is required because the thesis deals with the behaviour of a range of government actors, patterns of action, perceptions of behaviour and ideas, and views about public inquiries that are subjective in nature. Qualitative analysis is used to "generate interpretations or understandings of the social world" involving as it does assessments of "subjective objects – reflexive human beings" (Read and Marsh 2002: 232). In the case of this thesis, this concerns assessment and interpretation of the various stated reasons and opinions given for the appointment of public inquiries, the different roles they perform, and their overall impact on policy development. The thesis does not use qualitative techniques such as surveys, interviews or focus group discussions given the historical nature of the topic and the timeframes involved. Instead, reliance is placed on documentary analysis supported by limited quantitative analysis in the collection of data on inquiry numbers and trends in their use. This data is set out in the thesis in the form of compilations of inquiries, members and appointment and reporting dates in the appendices (see Chapter Three and Appendices 1-10).

As Read and Marsh (2002: 231) observe about the combined use of qualitative and quantitative research:

*Most empirical researchers acknowledge that both qualitative and quantitative methods have a role to play in social science research and that, often, these methods can be combined to advantage.*

The documentary material upon which the thesis draws includes both primary and secondary sources of information.

Primary sources include material either in the form of documents or eyewitness accounts of those directly involved in a particular activity or event. The Webbs (Webb and Webb 1932: 105), in their assessment of social study methods, which included consideration of public inquiries, placed great stress on procuring primary sources of information:
… we can say with confidence that, for our own speciality – the analytical history of particular forms of social organisation – an actual handling of the documents themselves must form the very foundation of any reconstruction or representation of events, whether of preceding periods or of the immediate past … In our view the only safe place for summaries and abstracts is in the wastepaper basket.

For the purpose of this study primary documentary material includes the final formal inquiry reports; ministerial, parliamentary and press statements appointing inquiries and responding to inquiry recommendations; transcripts of evidence taken by inquiries; and submissions and statements from relevant interested parties in relation to specific inquiries. However, primary sources of information on important aspects of public inquiries such as why governments appointed them and what they really think of their recommendations or how they should be managed may not be comprehensive, accessible or even in existence. In the words of Professor G. Rhodes (1975: 67-8):

*Public statements, whether by ministers, committees, interested parties or ‘outsiders’ are obvious sources of information but, like all such sources, have to be interpreted, that is to say they cannot be taken at their face value. Moreover, the true reasons for the appointment of a particular committee may well remain a matter of considerable argument … The real difficulty is in applying the process to contemporary or near-contemporary events where there is a two-fold problem: first, the inaccessibility in most cases of certain documentary evidence, namely that recorded in departmental files in the form of correspondence, reports of private meetings and discussions, memoranda to ministers, cabinet committees etc; secondly, the possible relevance of unrecorded and private conversation and discussion.*

This problem is compounded by the fact, as is noted in Chapter Two, that there have been relatively few detailed accounts by those who have chaired or served on public inquiries at the Commonwealth level. Further, certain primary sources such as actual inquiry reports are not always available or attainable given their age and the failure of governments to store or catalogue inquiry reports consistently (Borchardt 1986; Cushing 1991). Consequently, the thesis has relied extensively on secondary data of an historical nature, including a wide variety of academic studies, articles and media commentaries concerning inquiries both in Australia and abroad.

**The focus on three sets of case studies**

To test the key issue identified in this thesis about the reasons for the persistent use of public inquiries by governments, their proliferation during and since the 1970s, and to assess other aspects such as inquiry roles, processes and impacts, the thesis has adopted the case study...
approach. Three different sets of case studies have been developed. Each set involves different types of inquiries, appointed for a range of reasons, in various organisational forms, and appointed by governments of both major political persuasions during a thirty year timeframe.

The purpose of the case studies is to assess a number of the key issues concerning public inquiries by reference to relevant examples of public inquiries. The case study approach has limitations. Much care is needed in making generalisations from limited samples (Stoecker 1991). Others have argued that case studies on public inquiries (e.g. Chapman 1973a; Bulmer 1980, 1983a; Smith and Weller 1978; Weller 1994) “would tell us nothing by way of generalisations about … committees” (Rhodes 1975: 66).

However, such a selective case study approach is warranted given the number of inquiries appointed during the period under review (over 600), and their diverse range of topics and forms. Moreover, the case studies are supplemented by extensive quantitative data concerning number of inquiries, trends in use, and policy areas investigated. Furthermore, unlike some studies on inquiries using the case study technique, and usually involving different inquiries chosen on availability and interest of authors who discuss inquiries from various perspectives, the case studies in this thesis are selected more purposively and assessed against a consistent framework of analysis.

Criteria of selection of case studies

The criteria for the selection of different inquiries used as case studies were designed to include examples of inquiries which:

- are different types of inquiries as discussed in Chapter Three, such as inquisitorial (those investigating allegations of wrong doing) and policy advisory inquiries (those concerned with providing policy advice);
- display different organisational forms such as the formal statutory based royal commission and the non-statutory, less formal advisory committee or taskforce, to assess if inquiry form affects roles, processes and impacts;
- were from three different policy areas (administrative reform, allegations of corruption and financial deregulation);
- were appointed by governments of different parties to assess any variations in the way inquiries were used;
- were appointed at different times during both the life of the appointing government to cover first term, mid terms and later periods of a government’s life cycle to assess if this affected the role and purpose of the inquiry;
- used different processes of investigation such as extensive consultation and public hearings contrasted to those with a strong research base or coercive powers of investigation;
had memberships of different numbers (e.g. single member inquiries and multi-member inquiries);
• had different compositions of members (e.g. judicial, representative, expert); and
• were of varying duration and costs (e.g. ranging from three months to four years).

Each set of case studies addresses a common set of key issues such as: how they meet the criteria of a public inquiry; the classification of the inquiry in terms of type, their powers and roles; reasons for inquiry appointment; roles performed by the inquiry; membership, processes and methods of working; roles performed; and inquiry impact.

The first set in Chapter Seven compares two inquiries about administrative reform, the Royal Commission into Australian Government Administration (RCAGA) and the Review of Commonwealth Administration (RCA). These inquiries were selected because both were into the issue of administrative reform and change – an area that has frequently been investigated by external public inquiries and therefore is in itself deserving attention. Each inquiry was appointed by governments of different political complexions and at different times of each government's life cycle. The RCAGA, with five members, took two years to finish and cost more than two million dollars. The RCA was a less formal committee with three members. It completed its investigations within three months. While the RCAGA was initially seen as a prime example of non-implementation, its long-term impact has led to reassessment of this view. The RCA, although quickly accepted by the government of the day, has been assessed as having a more limited long term impact and has not been regarded as an important contributor to administrative reform.

The second set of case studies in Chapter Eight is made up of public inquiries of a particular organisational form, the royal commission. These royal commissions – the Royal Commission into the Activities of the Federated Ship Painters' and Dockers' Union (RCPDU) and the Royal Commission into Aboriginal Deaths in Custody (RCADIC) – are also examples of the inquisitorial type of public inquiry. Each was appointed by different governments on issues that involved considerable controversy.

The third case study in Chapter Nine includes three policy advisory type inquiries that had been appointed into the important and single policy area of financial reform. These public inquiries were the Committee of Inquiry into the Australian Financial System (Campbell Inquiry) appointed in 1979 by the Fraser Government; the Inquiry into Australia's Financial System (Martin Inquiry) established in 1983 by the Hawke Government; and the Inquiry into the Financial System (Wallis Inquiry) appointed by the Howard Government in 1996. Consideration of these inquiries into the same policy issue allows inquiries to be assessed in relation to long term policy development and their roles as agenda setters, advocates, educators and mobilisers (e.g. Campbell Inquiry); legitimisers (e.g. Martin Inquiry); and reviewers (e.g. Wallis Inquiry).
Thesis structure

The thesis is structured as follows.

Chapter Two reviews the existing knowledge about inquiries by academics, key participants and political commentators, and will summarise the existing array of knowledge from Australia, the United Kingdom, Canada, New Zealand and the USA. These views will be classified; key issues and themes identified; and existing gaps in knowledge about inquiries highlighted.

Part One – Chapters Three to Six – provides an overview of the extent, nature, definition and issues concerning inquiries.

Chapter Three defines public inquiries and outlines their history and trends in use in Australia at the Commonwealth level and in other selected national governments. A method of classifying the key types of public inquiries is proposed; different organisational forms of inquiries are identified; and variations in their appointment by different governments detailed.

Why governments appoint inquiries and what circumstances and factors possibly trigger their appointment is the theme of Chapter Four. By reference to numerous examples and to the particular case studies chosen, Chapter Four provides a framework for better understanding this important issue, highlights the general causes of inquiry establishment and considers these in relation to different policy areas and government patrisanship.

Chapter Five discusses the roles and functions of public inquiries and their relationships to other institutions of government. By identifying these functions, this chapter provides further insights into why inquiries are appointed and their particular features that have made them such an essential part of the Australian political system.

Chapter Six describes how inquiries work over their defined life cycle and identifies their key components, processes and organisational forms. It provides a basis for assessing the operations of the inquiries analysed in the case studies in Part Two of the thesis.

Part Two of the thesis seeks to apply and test the key concepts and existing knowledge about inquiries by examining three sets of case studies covering seven different public inquiries.

The first set of case studies in Chapter Seven as outlined above assesses the role of the RCAGA and the RCA.

Inquisitorial royal commissions are analysed in Chapter Eight with particular attention given as to why the royal commission format was chosen and how it affected inquiry processes and outcomes.
The last of the case studies is in Chapter Nine. By considering three inquiries into deregulation of the financial system this chapter provides an opportunity to examine the role and impact of inquiries and the initiation, implementation and review of a major public policy initiative over a twenty year timeframe.

Chapter Ten summarises the findings of the thesis in relation to the key questions it has sought to address and explains how the research has enhanced knowledge about the role of public inquiries in the machinery of government and the reasons for their persistent use by government of all political complexions.
Endnotes

1. Some early royal commissions were chaired by elected officials. The 1907 *Royal Commission into the Navigation and Shipping Bill* was chaired by W.M. Hughes, a then Labor parliamentarian. The *Royal Commission on Food Supplies and Trade Industry during the War*, appointed in 1914, was chaired by former Prime Minister, Alfred Deakin (see Appendix 1).

2. Of the 201 public inquiries appointed by the Hawke-Keating governments, only the *Special Parliamentary Commission of Inquiry into the Conduct of the Hon Mr Justice Murphy* (1986) was closed down within a few months of appointment because of Murphy’s sudden death.

3. On coming to office, the Fraser Government closed down a number of public inquiries appointed by the previous Whitlam Government, but kept most in place albeit with new deadlines (Fraser 1976a).
CHAPTER 2: LITERATURE REVIEW

Introduction

This chapter examines the previous literature and research on public inquiries by academics, commentators and, where available, by inquiry members and staff themselves. While particular emphasis is given to previous studies of inquiries in Australia at the national level, which is the primary focus of this thesis, consideration is also given to research on inquiries in other Westminster and related systems of government.

Both abroad and in Australia, public inquiries have attracted research and commentary covering issues and viewing inquiries from a variety of different perspectives and in varying levels of detail. Nevertheless, as suggested in Chapter One, there are significant gaps in this material especially in relation to Australia where, despite a significant increase in their numbers and range of activities during and since the 1970s, there has been a relative paucity of research on inquiries.

Thus, the first section of this chapter seeks to assess, review and classify this existing body of knowledge so that the major findings, points of contention, and important gaps in our knowledge about public inquiries can be identified. By so doing, this chapter provides an important point of reference and comparison concerning the key issues to which the thesis seeks to address and the areas of knowledge it seeks to contribute.

The second section explicitly draws out the common themes and the issues raised by this literature; section three discusses the many gaps in the literature.

Section I: Sorting the material

The first issue is how this range of information can be sorted and classified before assessing their basic findings and themes.

The literature on public inquiries can be grouped into two broad categories: studies of specific inquiries; and general studies of government and public policy that mention inquiries. There is often overlap between these two different categories. Some areas of government and particular areas of policy have been so affected by a particular inquiry or set of inquiries that it is difficult to discuss the policy issue or area of government under study separate from the public inquiry involved. Indeed, the discussion about the policy area in terms of changes and trends has in some cases been intricately related to a particular public inquiry.¹
Nevertheless, there are differences in emphasis between these two broad categories that will now be discussed.

**Specific studies on public inquiries**

There are many studies that focus specifically on inquiries as a distinct institution of government, although they adopt a range of different definitions in distinguishing inquiries from other bodies. These studies seek to assess inquiries as a particular and separate part of government. They consider inquiries in varying levels of detail and from a wide range of different academic perspectives. Although these studies inevitably cover the many policy issues which inquiries investigate, their interest is primarily on the inquiry and its processes rather than the intrinsic nature of the policy issue.

Given the controversial nature of the topics inquiries investigate and their very public nature, much of the commentary on inquiries is by journalists writing in the popular media. Important elements of this source are also discussed.

Specific studies of inquiries embrace a broad range. Some have focused on compiling checklists of inquiries. Others have provided broad historical overviews or focused on specific aspects of inquiries such as their role in policy development and the wider political system. Some studies have concentrated on particular types of inquiries, such as those in relation to different policy areas or aspects of public administration. Other studies have considered how inquiries operate, their powers, and their methods of conducting research and preparing reports. Public inquiries have also been considered from a wide range of academic disciplines and there has been considerable overlap in these different aspects of inquiries. Most studies of public inquiries have considered them in the context of particular countries or systems of government rather than as an institution in their own right ranging across different jurisdictions.

Thus, in summary these specific studies of inquiries may be grouped into the following different categories:

- Checklists of inquiries
- Country/historical surveys
- Inquiries and public policy development
- Inquiries and rational decision making
- Inquiries and other advisory mechanisms
- Inquiries and policy impact and outcomes
- Inquiries and policy case studies
- Inquiries as instruments of specific governments
- Constitutional and legal perspectives on inquiries
• Sociology of inquiries
  – memberships
  – processes
• Media reporting of inquiries
• Techniques of inquiry analysis

Checklists of inquiries

A prime and basic source of information about inquiries has been studies that have compiled lists of inquiries. These checklists have been done in Australia, New Zealand (Robertson, Hughes and Henderson 1982), and Canada (Henderson 1967; Privy Council Office 1996).

Australian checklists have been compiled by both university and State librarians (Borchardt 1970; 1986; Hagger and Montanelli 1980; Zalums and Stafford 1980) and by certain parliamentary libraries (Cushing 1986; 1989; 1991). The aim of such lists has been to find ways to identify and classify inquiries in general (Borchardt 1986).

These checklists vary in detail with some being more comprehensive and others providing summaries of when inquiries were appointed, their membership, terms of reference and reporting dates (Borchardt 1986). Generally, these checklists do not discuss, except briefly, specific issues such as why inquiries were appointed, their methods of operation or their roles in the political system (Borchardt 1986).

Outlined in chronological order with no attempt to classify inquiries by type, policy issue or membership, such checklists are factually based and highly descriptive in nature. They are marred, as is discussed in Chapter Three, by failure clearly to define and distinguish public inquiries from other inquiring bodies such as parliamentary committees.

Despite these limitations, these checklists provide an important source of information concerning the incidence and overall use of public inquiries. The last of these checklists was produced in 1991 (Cushing 1991). Consequently, an important contribution of this thesis is to update this important and basic information about the number and type of inquiries appointed since the early 1970s and particularly covering the period since the last of the checklists was completed.

Country historical surveys of inquiries

A second major focus of studies on public inquiries has been country specific and historical surveys of the origin, use and roles of inquiries. This has involved surveys of inquiries in general and more detailed collections of case studies.
In the United Kingdom these have included detailed studies that have a long term focus (Cartwright 1975; Clokie and Robinson 1937; Rhodes 1975; Vernon and Mansergh 1940; Wheare 1955; Wraith and Lamb 1973) to those considering inquiries within more limited timeframes such as the decades of the 1960s and 1970s (Bulmer 1980; Chapman 1973a) and briefer overview assessments (Beattie 1965; Benson and Rothschild 1982; Bulmer 1980, 1983d; Gosnell 1934). Some studies have focused on inquiries appointed during certain periods like Bulmer’s (1980) on those inquiries established during the 1960s and early 1970s and Chapman’s earlier (1973a) study.

In Canada there have been similar studies on inquiries over a long period of time (Courtney 1969; Doern 1967; d’Ombrain 1997; Fowke 1948; Hodgetts 1949, 1964; Pross et al 1990; Sellar 1947) and in varying levels of detail.

Interest in public inquiries in New Zealand has been more limited, but has included brief historical overviews (Easton 1994; Simpson 1978).

Australian historical surveys include Borchardt’s (1991) study and other briefer assessments (Prasser 1985; Wettenhall 1978). There have also been studies of inquiries covering particular periods such as Spiegel’s thesis on Commonwealth inquiries appointed from 1957 to 1969 (Spiegel 1973) and Weller’s review of selected Commonwealth and State inquiries of the 1980s and early 1990s (Weller 1994). Some historical reviews have been concerned with particular types of inquiries such as those into public service change (Smith and Weller 1978).

Similar historical studies have surveyed presidential commissions in the United States both in detail (Cronin and Greenberg 1969; Flitner 1986; Tuchings 1979; Wolanin 1975) and more briefly (Bell 1966; Brown 1955; Sulzner 1971).

These historical studies include consideration of the origin of inquiries, reasons for appointment, potential roles, memberships, methods of operation and some analyses of different inquiries as case examples (Easton 1994; Pross et al 1990; Smith and Weller 1978; Spiegel 1973; Vernon and Mansergh 1940; Weller 1994; Wolanin 1975).

**Inquiries and public policy development**

One of the prime concerns of many studies of public inquiries has been their perceived role in policy development. For instance, Weller in his study on public inquiries in Australia sought to assess “what is the principal value of commissions and what do they do well or badly in the process of making contributions to public policy?” (Weller 1994: xii). It is a common theme of many other studies of inquiries (Chapman 1973a: 174-188; Clokie and Robinson 1937: v; Rhodes 1975: 189-211; Vernon and Mansergh 1940: 8). As d’Ombrain (1997: 87) observed about Canadian inquiries, these bodies have “delvesd into all kinds of issues … from issues of
Chapter 2

high policy to those of ... scandal," and, as noted by Walls (1969:366), inquiries “are a necessary and useful means of developing public policy.” Easton (1994) viewed New Zealand inquiries as “policy creators.” Presidential commissions in the United States have also been seen as part of the complex array of policy advisory mechanisms surrounding the president (Flitner 1986).

In considering inquiries as contributors to policy development, a fundamental issue has been “why governments choose this particular device” (Rhodes 1975: 51) and in what ways they contribute to policy development. There have been a number of responses to this issue as is now discussed.

Inquiries and rational decision making

One response has been for some studies to assess inquiries in terms of their ability to inject or use social science research techniques and social scientists to improve rational decision and policy making in government.

Bulmer (1981:353) among others, frequently and to the point of repetition, has explored the extent (inquiries) “are ... a means by which social science can have an impact upon policy-making” and sought to identify “what factors hinder the effective use of social science by governmental commissions?” (Bulmer 1982, 1983a, 1983b, 1993). In Australia, Hawker (1977a: 2) also critically considered public inquiries as vehicles for “expert instruments which would assess issues, marshal evidence and present choices or recommendations for action” as well as the use of social scientists in relation to specific inquiries (Hawker 1977d). Similar studies have occurred in relation to Canadian inquiries (Doern 1967; Pross et al 1990; Seymour-Wilson 1971) and their presidential commission counterparts in the United States (Louis and Perlman 1985; Merton 1975).

Underlying these studies has been the notion of inquiries as part of the instrumental or problem solving model of research utilisation and policy development (Snell 1983; Weiss 1977) whereby they are appointed to solve particular policy problems by virtue of their independent analysis, in depth research and implied rationality. Public inquiries from this perspective are, as noted in Chapter One, conceived as “purpose driven instruments ... [whose] role is to generate information and expert advice” (Degeling et al 1993: 268). This is very much the “decisionist” view of policy development (Colebatch 1993; Majone 1989: 13-20). Sherman’s (1997:3) suggestion that “most government decision making is preceded by some form of inquiry into relevant facts and principles as is most rational decision making” reflects this view. It is one that those involved in establishing inquiries frequently state as a prime reason for appointing an inquiry (Hawker 1977a: 1-2; Whitlam 1973).
Closely related to this notion of rational decision making has been the tendency to see inquiries as being independent from interest groups, concerned only with “facts” and, by virtue of their processes, able to provide proposals that are both transparent and rational. Bulmer’s (1981: 374) assessment of the role of inquiries in this regard highlights this view:

> Governments … set up commissions because they believe that they have public support and this support comes from the view that commissions are independent bodies, an instrument of truth and therefore a purveyor of justice whose siren song no government will be powerful enough to resist.

Thus, for some, inquiries are appointed largely to improve the quality and rationality of policy making. Inquiries gather facts and information, use experts, engage and promote public consultation, bypass vested interests both within government and externally, bring analytical techniques to bear on policy problems, provide independent advice, canvass options, define issues, and, in their reports and recommendations propose “solutions.” This is the “scientification of politics” or “end of ideology” view of policy-making (Wagner and Wollmann 1986: 615). Independent advisory bodies like public inquiries along with other special analytical techniques (e.g. cost benefit studies, environmental impact statements, feasibility studies) were considered an important way of letting society and decision makers know the “facts and figures.” As Weiss said, it was assumed that “once society really knew the facts and figures … corrective action would inevitably follow” (Weiss 1983: 214). Such an approach places great stress on assessing what inquiries did, their use of research techniques, the quality and independence of their memberships and processes, and their impact on particular policy issues (Bulmer 1981, 1982, 1983a, 1983b).

Others concerned about the realities of policy development and the potential role of inquiries in this process are less convinced by this perspective. Research and information do not exist in a vacuum. They are closely entwined by the political system and used “to support or moderate policy already preferred for broader reasons” (Coleman 1991: 450-1). As Stromsdorfer (1982: 37-38) summed up:

> It has become obvious that policy makers, while not totally subjective and non-rational, will use whatever data are at hand to support their case, regardless of the methodology with which it has been developed. Canons of scientific evidence are not ignored, but are applied selectively.

Indeed, it has been stressed that successful policy-making is about “the ability to provide acceptable reasons” for policy choices (Majone 1989: 23) and being seen to collect information or, as Feldman and March (1981: 178) suggest, performing the ritualistic process of collecting lots of information as this is the way good decision makers are supposed to act. This does not
mean that research and advice are irrelevant in policy and political debate, but that the “symbolic” value of the process of collection should not be undervalued. Hawker (1977a: 3) warned that “any analysis of the outcomes of the inquiries using the categories of rational decision making will lead to the wrong conclusions” as “public policy does not emerge in such a way.” Hawker listed other roles for inquiries. This has been articulated further by later research which, as noted in Chapter One, has come to see inquiries less as rational, independent techniques of providing advice, and more, by virtue of their particular characteristics, as a means of adjudicating disputes, legitimising decisions, safely proposing policy options, and a platform for negotiation with key stakeholders. It is not so much what inquiries propose that makes their advice so amenable, but rather that it is said by a public inquiry in a form of a report with recommendations that makes it acceptable. Degeling et al (1993) sees the real value of inquiries less in terms of providing cold rational advice and more in terms of their “capacity for orchestrating negotiation and bargaining between stakeholders” (Degeling et al 1993: 43), promoting acceptance of decisions, kite flying proposals, and promoting participation in decisions (Sheriff 1983). This is a view that has not been explored further, however.

Inquiries and other advisory mechanisms

Other studies concerned with the role of inquiries in policy development have sought to assess them in relation to existing policy advisory mechanisms such as the permanent public bureaucracy, ministerial advisers or other ad hoc and continuing advisory bodies and commissions both within and external to government. These studies have included very broad surveys such as Wagner and Wollmann’s brief discussion on public inquiries in relation to a host of other advisory bodies in the United Kingdom, certain European nations and the United States.

Others have been more country-specific. In the United Kingdom, the use and role of advisory committees in general and public inquiries in particular in relation to the overall machinery of government have long been an interest of study (Barker and Peters 1993; Harris 1961; Smith 1969; Vernon and Mansergh 1940: 19-28; Wheare 1955). So, too, have there been attempts to consider Canadian public inquiries in this context of providing advice to government (Deutsch 1973: 29). There has also been considerable discussion of public inquiries in relation to other policy and advisory institutions in Sweden (Anton 1969; Premfors 1983), and the United States (Cronin and Greenberg 1969: 327-332; Thomas and Wolman 1969).

In Australia, Spiegel (1973) only partly considered public inquiries in relation to other advisory mechanisms such as parliamentary committees and cabinet. More detailed analysis in this regard occurred with the increased use of public inquiries by the Whitlam Government (Hawker 1977a; Juddery 1974; Lloyd and Reid 1974). There was particular interest in how this increased number of inquiries examining a wider range of issues than previously meshed with existing institutions of long standing such as the public service and with other new arrangements...
including ministerial advisers and the increased number of permanent advisory commissions which the Whitlam Government appointed during this period. These have been ignored in subsequent studies of the Fraser Government (Patience and Head 1979) except for brief reviews (Prasser 1981). More specific attention was given to the use of inquiries in this advisory context in studies of the Hawke and then Keating governments (see below). Considine (1994: 99) briefly discussed the role of public inquiries and, while noting their “increasing importance” in providing “routines for influencing policy,” his subsequent discussion was on permanent advisory bodies like the Industries Assistance Commission rather than on temporary public inquiries.

Some of these studies considering advisory processes and policy development have seen inquiries as important, needed and innovative mechanisms in providing policy advice to overcome deficiencies in existing institutional arrangements such as inertia, ineffective policy analysis, organisational information failures and pathologies, and falling policy capacity (Deutsch 1973: 27; Hawker 1977a; Weiss: 1990, 97; Wilensky 1970). Others, as suggested above and in Chapter One, see the issue as being more complex, proposing that it is not so much the incapacity of existing institutions to provide advice, but rather the lack of public trust in and legitimacy of these existing and normal institutions of government (Keating et al: 2000; Nye et al 1997; Polsby 2001; Plowden: 1971: 104) caused by factors such as increasing politicisation of the public service and exposure of corruption across government agencies. This explains the continuing and increasing use of the public inquiry mechanism (Polsby 2001; Sheriff 1983: 671). This issue needs further exploration and will be addressed in this thesis.

From an institutional perspective, some have been more dismissive of the role of public inquiries in policy development and as part of the continuing advisory system of government. They have argued that public inquiries are too temporary, too dominated and compromised by inquiry members representing sectional interests and lacking in the multidisciplinary policy expertise needed for breakthroughs in policy development. Doern’s (1967: 433) conclusions in relation to Canada were that while inquiries can serve useful purposes, these are limited so it is necessary to “look into alternative and complementary methods of policy development.” Those that have examined other institutional advisory arrangements such as “think tanks” have either totally ignored the potential role of public inquiries in this regard (Jarman and Kouzmin 1993; Marsh 1991, 1992; Plowden 1987) or, like Doern, have seen inquiries as too short-term focused, inexpert and temporary to be of value (Dror 1984a: 204). Such conclusions have been supported only by limited evidence or detailed analysis of public inquiries (Dror 1980; Dror 1984b). Others, while showing awareness of inquiries, have seen other institutional arrangements such as reformed central agencies in the form of enlarged departments of the prime minister or greater use of consultants as a means of improving policy advice (Bakvis 1997; Martin 1998).
Inquiries and policy impact and outcomes

Given the interest in inquiries in policy development and the stress in many studies on the “decisionist” mode of policy making, there has, as noted in Chapter One, been considerable effort in assessing the impact of inquiries on the different issues they have been asked to investigate. After all, decision making in government is supposed to be about not only making choices, but also about achieving outcomes. This is a common theme evident in both general studies of inquiries in Australia (Hawker 1977a: 8; Spiegel 1973) and elsewhere (Cartwright 1975; Gosnell 1934: 110; Herbert 1961) and those considering either particular types of inquiries (Hanser 1965; Smith and Weller 1978) or individual inquiries (Cheeseman 1990; Harding 1980; Skolnick 1970). As Bulmer (1983a: 441) concluded, the issue of implementation causes “the greatest degree of dissatisfaction” with public inquiries, with some seeing non-implementation of recommendations as evidence that the motives of governments appointing them were, as Spiegel (1973) suggests, for “illegitimate” political reasons such as to delay decisions and covertly manage the policy agenda.

Others have stressed the difficulty of assessing impacts in the short term (Hawker 1977a: 8; Smith and Weller 1978: 10; Thomas and Wolman 1969: 462) and the need to view the role and impact of inquiries more broadly in terms of their education and legitimising influences (Baker 1988: 179; Hanser 1965: 208; Sheriff 1983: 672). More pertinently, a small number of studies suggest that assessing inquiries from the perspective of whether recommendations have been accepted or not, is too limiting and fails to appreciate the roles inquiries really serve. Sheriff (1983: 672) in particular notes that:

The success or failure of commission work must be evaluated not mainly on the extent to which their recommendations are implemented ... but on the basis of the extent to which their functioning has provided sufficient and appropriate visibility for the topic under scrutiny.

This issue again highlights one of the main concerns of this thesis, namely what it is about the particular characteristics of public inquiries that possibly allows them to perform this role, in what ways do they achieve it, and what does this tell us about policy development.

Inquiries and policy case studies

Much of the writing on inquiries examines them in relation to specific policy areas or issues. Such case studies consider inquiries as their prime focus and then assess their impacts on the particular policy matters being investigated. They provide background as to why a particular inquiry was appointed, how its members were chosen, methods of operation, outline of recommendations, and policy impacts. Some are by inquiry members themselves while others are observers from academic and media backgrounds.
Case studies have been undertaken by both academics and media commentators (see below) and occasionally by inquiry members (Hermes 1984; Moffitt 1985) or staff. Examples of some specific academic studies of inquiries of different policy issues in Australia and elsewhere include: Commonwealth tertiary education (Scott 1985; Smart and Manning 1986; Spiegel 1973), State education (Miller 1993), Canadian agricultural policy (Fowke 1948), Australian financial deregulation (Edwards and Valentine 1998; Sharpe 1982), gambling in the United Kingdom (Rothschild 1983), Aboriginal issues (Whimp 1994), impact of new technology (Harding 1980), environmental policy (Smith 1994), social security issues (Harding 1985; Marsh 1985), national health in the United Kingdom (Farrell 1983) and Canada (Marchildon 2002), Australian immigration policy (Birrell 1988), drug evaluation policy (Degeling et al 1993), police and corruption issues in the United Kingdom (Hart 1963) and Australia (Moffitt 1985; Prasser et al 1990a; Stone 1994; Tiffen 1999), reviews of certain Commonwealth organisations (Lumbers 1985), Australian local government finance (Howard 1987), public sector reform in Australia (Dickinson and Gleeson 1975; Hawker 1975; Hawker 1977b; 1997c; Nethercote 1984; Smith and Weller 1975; 1978) and overseas (Chapman 1973b), disasters in the United States (Dynes 1983), and those affecting federal-provincial relations in Canada (Doern 1967), to name but a few.

Inquiries as instruments of specific governments

In Australia, there has been consideration of the use of public inquiries by different governments. This has not occurred to the same degree overseas except in relation to some American studies (e.g. Cronin and Greenberg 1969).

This interest in Australia was prompted by the marked increased use of inquiries by the Whitlam Government and there was considerable appraisal of inquiries in relation to this government (Juddery 1974; Lloyd and Reid 1974). However, since then consideration of inquiries as an instrument and institutional phenomena of particular governments has waned. Even in relation to retrospective reviews of the Whitlam Government, with a few exceptions (Hawker 1977a; Whitlam 1985; Wilenski 1979), most have failed to maintain this interest and to consider inquiries as a particular institution distinguishable from other parts of government and warranting further study (Emy et al 1993; Patience and Head 1979). Assessments of the successive Fraser and Hawke governments (Head and Patience 1989; Jennett and Stewart 1990) also generally failed to highlight the role of inquiries, as a distinct institution, in relation to policy development. Instead, these studies structured their assessments of developments of different areas of public policy that sometimes mention public inquiries.

A small number of studies have considered the specific use of public inquiries by specific governments in more detail, such as the Hawke and Keating governments (Nethercote, Kouzmin and Wettenhall 1986: 176-200; Wettenhall and Nethercote 1988: 117-142; Wettenhall and Halligan 1992: 57-89). Subsequent studies of this genre on the Howard Government
(Singleton 1999) have not maintained this interest despite the continued use of public inquiries by the Howard Government (see Appendix 9).

**Constitutional and legal perspectives on inquiries**

While concern with the role of public inquiries on policy development has dominated the study of public inquiries, there has also been considerable interest in certain types of inquiries, such as royal commissions, in terms of their constitutional standing and legal processes. There have been several reasons for this interest.

First, royal commissions have certain features that set them apart from other forms of inquiries. While in the United Kingdom royal commissions are not constituted under their own legislation, this is not the case in Australia, New Zealand and Canada where such bodies are established under their own specific legislation and exert considerable coercive powers in their own right concerning the seeking of information, the calling, cross-examination and protection of witnesses and information assembled.

From the constitutional viewpoint there has been interest in Canada (Holland 1990) and Australia (Donoghue 2002; Hallet 1982: 22-3; Lindell 2002; Solomon 1983) of just where inquiries like royal commissions fit into the overall system of government, since although appointed by executive government, they are perceived to be totally independent from government yet exercise powers which executive government cannot overrule. Thus, royal commissions are part of the executive but they have a measure of autonomy from ministers.

A second concern from a legal perspective has been about the excessive powers exercised by royal commissions and their impact on civil liberties, in Canada (Henderson 1979; Hodgetts 1949) and Australia (Allars 1996; Campbell 1984; Hallet 1982; Sackville 1984). Since the 1970s these concerns have increased in Australia more than elsewhere because of the increased appointment by successive Commonwealth governments of inquisitorial royal commissions. Also, royal commissions gained further powers during this period. Such increases in powers have made some to suggest that these trends "provide cause for serious concern" (Sackville 1984: 10; see also Allars 1996; Nyman 1986; Ransley 1994). Consequently, there has also been interest and debate in the literature concerning the legal remedies for reviewing royal commission findings (Ransley 1994: 25-29; Solomon 1983). In New Zealand, because there has been greater judicial review of royal commission activities (Lindell 2002; Ransley 1994: 27), this has been less of an issue.

A third constitutional and legal issue has been whether judges should serve as royal commissioners. In the United Kingdom judicial appointment to royal commissions has long been an accepted practice (Bulmer 1982: 115-118; Cartwright 1975: 62-77). That such judges do not receive special payments has also been a factor of minimising interest or public controversy,
unlike those appointed to royal commissions in Canada and Australia. In Canada, judicial appointment to inquiries at both federal and state levels has long been practised, but not without criticism (Holland 1990: 100-102). This has also been an issue in Australia (Barwick 1979; McInerney 1978; Fraser 1986) with the Victorian judiciary resolving in the 1920s not to make members available to serve on inquiries. However, the increased numbers of royal commissions since the 1970s and consequent increased use of judges and senior legal counsels on these has renewed interest in this issue (see Donoghue 2001; Fraser 1986; Nyman 1986; and see Chapters Three and Eight).

Sociology of inquiries

Memberships

Interest in the extent and role of legal representatives as members or chairs of public inquiries has been supplemented by other studies which have assessed public inquiries more widely in terms of their sociology, organisation, power structures, internal dynamics among members and small group processes. There has been interest in how these factors have been affected by the particular characteristics of public inquiries such as their short term duration, varying memberships and different terms of references that affected the content, quality and impact of inquiry reports (Merton 1975: 162-166).

Studies have sought to classify inquiry members in a variety of ways. Some have classified inquiry members in terms of their perceived functions such as “experts,” “consensus builders,” “defusers,” representatives of interest groups or as advocates of particular views (Donnison 1968; Wheare 1955: 244). The discussion has been on how membership may have affected inquiry operations, processes and effectiveness in collecting and sifting information (Bulmer 1983a: 437; Courtney 1969: 202-209; Gosnell 1934: 98; Hanser 1965: 166-184; Merton 1975). These issues have also been examined in relation to specific case studies of inquiries (Bulmer 1980, 1983b; Chapman 1973a) and concerning inquiries in general (Chapman 1973a: 176-177; Rhodes 1975: 94-97). Some have even outlined desirable traits for inquiry members (Balfour 1910; Benson and Rothschild 1982: 341-2).

Australian analysts have sought at different times to classify inquiry membership in terms of professional background in general (Borchardt 1991; Hawker 1977a; Spiegel 1973). Some studies of particular inquiries have also discussed inquiry membership in these terms (Howard 1987). Such studies have assessed membership to consider whether inquiries can really be “independent” from government interference or dominance by different interest groups as well as whether members have the necessary skills to manage the inquiry, assess complex issues and utilise social science research methods to apply to the particular policy issue problems (Bulmer 1983c; Hawker 1977a; Merton 1975: 164-65).
While Rhodes (1975: 75) suggested “there is a close connection between the origins of committees and their memberships,” this is an issue that has not been explored in any detail. Nor are any general propositions made about ways in which membership type or origin could affect inquiry process or outcome. The exception to this has been McEachern’s (1987) study from a public choice perspective of advisory bodies appointed by the Federal government in the United States. McEachern defined membership in terms of producer, consumer and public interest backgrounds in relation to different types of policy issues and assessed whether advisory bodies have been used to curb the power of special interest groups or to enhance their influence in decision making. There has been some limited Australian analysis of inquiry memberships from this perspective (Prasser 1994; Zubrinich 1989).

Processes
A closely related issue is how inquiries operate. There has been considerable coverage of inquiry processes in the United Kingdom – how they collect evidence, hold hearings, sift information, write, prepare and present reports in general overviews (Bulmer 1983a; Cartwright 1975) and in relation to collections of case studies of inquiries (Bulmer 1980; Chapman 1973a). Some case studies have been written by those who chaired or worked for inquiries (Rothschild 1983; Shonfield 1969). While much of this material is descriptive, outlining in detail what an individual inquiry did, others have sought to assess inquiries from particular perspectives. Bulmer, for instance, examined whether inquiry processes, with their stress on public consultation and formal hearings, prevent the use of social science research techniques (Bulmer 1982: 111-115, 1983b, 1993). Bulmer and others were critical of the public inquiry process as a means of obtaining and assessing information (Doern 1967: 424-425; Merton 1975; Webb and Webb 1932). Similar concerns have been expressed about inquiry processes in Australia (Smith and Weller 1978; Weller 1994). Some attention has been given to these issues in relation to royal commissions and the effectiveness of adversarial court-like procedures compared to more investigatory inquisitorial processes (Ransley 1994: 24; Tiffen 1999; and see Chapter Eight).

While some of the literature is critical of inquiry processes others have seen them as an important element in their own right and not necessarily related to the procurement of information. Degeling et al (1993: 262-266) see the inquiry process as more a method of stage management highlighting both the formal and informal aspects of this process and, like Sheriff, see the real value of the public inquiry process in not just the theatre they provide, but in their opportunities for wider participation. This is seen as not only good for the political system but, more importantly, underlines the real role and effectiveness of the public inquiry mechanism and further helps to explain their continued use (Sheriff 1983: 675; Skolnick 1970: 235).

The literature makes little mention of theories of consultation (Anstein 1969; Bishop 1999), though consultation is one of the reasons often cited for holding a public inquiry (Brown 1955;
Bulmer 1982: 99; Hawker 1977a: 1; Whitlam 1973). Similarly, the literature on consultation itself ignores the potential capacity of public inquiries in this regard.

There have been few and usually limited attempts (Spiegel 1973) by those writing about inquiry membership and processes to consider these in relation to group dynamics and related concepts (Hart 1990; Janis 1982) except in an anecdotal or personally experienced way (Donnison 1968; Shonfield 1969). The early work by Cohen (1952) on these matters has not been pursued.

**Media reporting of inquiries**

Because of the public nature of inquiries in terms of both process and reports, and in contrast to many other processes and institutions of government, the activities of inquiries can be observed and reported upon more easily by the media. Media interest has mostly focussed on reporting individual inquiries. Such reports have been very descriptive, often simply detailing what was done or said. The emphasis has been on inquiries into controversial issues such as scandal and allegations of misconduct of public figures. Much of the media commentary has been highly speculative in seeking to explain why particular inquiries were appointed and how their proposals will be treated by government (Tiffen 1989; White 1991).

While media reportage has its limitations, it nevertheless provides an important appreciation of the current political contexts and immediate events leading to appointment of different inquiries, the issues that emerge during their investigations, and assessment of their potential impacts in ways other accounts may be less able or willing to do. Consequently, the case studies in Chapters Seven to Nine specifically utilise information and views from general media sources. Some studies have highlighted how some inquiries have been adept at using the media to promote their investigations and enhance the impact of their proposals (Tiffen 1999).

**Techniques of inquiry analysis**

Much of the literature on inquiries both in Australia and elsewhere has used case studies of either individual inquiries or collections of inquiries as the main means to assess inquiries in general. These case studies reflect either interest in a particular form of inquiry such as the royal commission (Borchardt 1991; Hanser 1965), or inquiries into particular and single areas of public policy such as corruption (Moffitt 1985; Tiffen 1999), allegations of impropriety (Bailey 1997), public sector reform (Smith and Weller 1975, 1978), those appointed during a particular period in time (Spiegel 1973), or across different areas of policy as highlighted above.

There is considerable variation in these collections of case studies in terms of both the types of inquiries they cover, and the way they are assessed. For instance, Bulmer’s (1980) study of inquiries in the United Kingdom examined eight different inquiries along with discussions on inquiry membership reporting and impact. Weller (1994) discussed both Commonwealth and
State public inquiries, but also included permanent investigatory bodies such as the New South Wales Independent Commission Against Corruption (ICAC).

Some case studies involve reflections of those who have chaired inquiries such as Rothschild’s (1983) summation of the Royal Commission into Gambling in the United Kingdom. In Australia, such personal reflections have been limited to a few instances such as Justice Moffitt’s (1985) detailed assessment of the New South Wales Royal Commission into Organised Crime that he chaired, and other inquiries into corruption at State and Commonwealth levels. Other inquiry members, chairs and staff have occasionally written briefly of their experiences (Costigan 1984a; Howard 1987; Lumbers 1985; Nieuwenhuysen 1985; Scott 1985; Woodward 1989). Overall, the volume is small and the detail limited.

Other studies of public inquiries

A second category of the literature views inquiries not as their primary focus, but as part of assessing other aspects of government. These include:

- studies on particular political issues or key events where a public inquiry may have figured, for example issues concerning corruption or disasters (Hall 1980) or those on public administration and reform where inquiries have sometimes been used as a one of the instruments of change (Caiden 1991; Chapman 1973a);
- general analyses of policy development, advisory processes and those concerned about acquisition and application of knowledge by organisations and governments where inquiries may be considered in relation to a number of other different mechanisms in terms of their abilities to acquire information, conduct research, provide expertise, and overcome informational pathologies to assist in government activities and decision making (Hogwood and Peters 1985: 63-86; Hood 1983: 91-114; Majone 1989; Weiss 1977, 1983; Wilensky 1970);
- analysis of different policy issues such as health, economic development, social security and Aboriginal affairs either generally or in relation to specific governments where inquiries may have had a minor or major role and impact (Emy et al 1993; Head and Patience 1989; Jennett and Stewart 1990; Patience and Head 1979);
- legal and constitutional studies considering issues which may involve matters of relevance to inquiries or even to have been prompted partly by some aspect of inquiry activity such as use of coercive powers by royal commissions (Allars 1996; see Chapter Eight).

Although public inquiries are not the prime focus of these studies they offer important insights into how inquiries operate and their role in the political system. Studies of particular policy issues or important events which may involve inquiries either directly or peripherally provide a viewing of inquiries in the context of particular policy areas and their interaction with other institutions and actors of the political system. Consideration of advisory systems, knowledge development and research in government assist in assessing how inquiries, with their particular
set of characteristics and processes, may contribute to these activities. Other research on broader themes such as administrative change or reform, while only briefly discussing inquiries, nevertheless provides additional insights into the activities and roles of inquiries. Similarly, constitutional and legal studies concentrating on the constitutional status and powers of institutions of government sometimes discuss public inquiries in terms of how inquiries have affected these. At the same time, writers from this perspective have highlighted how inquiry activity itself has been moderated and influenced by the nature of these constitutional settings (Donoghue 2001; Lindell 2002).

A number of studies of government, policy making or particular issues consider public inquiries. For instance, the detailed assessment of the 1964 Australian Navy disaster involving the sinking of HMAS Voyager (Frame 1992), focused attention on how the Australian Government and the Navy handled one of the worse naval disasters in Australian history. That two public inquiries in the form of royal commissions were appointed into the collision was important and their work is detailed, but it was not the prime focus of the study. However, Frame’s work does provide insights concerning the circumstances leading to appointment of both royal commissions, key aspects of their operations, and their impact on the issues under consideration.

Similarly, the famous Petrov spy defection case of 1954 has attracted considerable interest in terms of whether the Menzies Coalition Government contrived to manipulate events for electoral advantage by the appointment of the Royal Commission on Espionage in 1954. Again, although the royal commission was an important aspect of these studies, the attention was more on how the Menzies Government managed the issue and possibly used the royal commission mechanism at a critical point in the electoral cycle to inflict political damage on the then Labor Opposition rather than consideration of the inquiry as a particular institution of government (Manne 1987; Martin 1995; Nethercote 1995; Whitlam and Stubbs 1974).

Studies of Australian economic history have also referred to different public inquiries as part of their wider assessment of economic issues. For instance, the Menzies Government’s Committee of Economic Enquiry (Vernon Committee) appointed in 1962 prompted numerous comments by economists concerning different aspects of the Vernon Committee’s proposals relating to economic growth and approaches to economic policy (Arndt 1968; Capling and Galligan 1992; McFarlane 1968). Similar interest and focus among economists had been provoked by the earlier Brigden Inquiry into Tariffs appointed in 1927 (Copland 1936; Giblin 1936). More recently, the Campbell Committee of Inquiry into the Australian Financial System caused extensive discussion and debate about the desirability of its recommendations in financial and academic circles (see Chapter Nine). Again, the emphasis of these studies has been less on the public inquiry aspects of these different reports and more on assessing their content and potential impact of economic policy.
There has also been consideration of inquiries into tertiary education abroad (Kogan and Atkin 1982) and in Australia both at the national (Smart and Manning 1986; Williams 1978) and State levels (Miller 1993). Studies of education policy have considered inquiries in context of the historical development of government policy in this area (Smart, Scott, Murphy, Dudley 1986).

Davies’ study of the 1960 Commonwealth-appointed Martin Committee on the Future of Tertiary Education in Australia (Davies 1989) offers another variant of these sorts of studies. It could, given its focus on the Martin Committee, be perceived as a case study of a particular public inquiry. However, as Davies’ stress was on the development and history of tertiary education and the Martin Committee’s contribution to this through its recommendations, this work is more appropriately seen as primarily an examination of tertiary education policy rather than a study of a particular public inquiry.

Studies of knowledge use and acquisition, as discussed above in relation to rational decision making and inquiries, have been concerned with how organisational pathologies shape, segment, distort and prevent information flows to decision makers. Some of this research mentions, assesses and evaluates the role of public inquiries in relation to issues of information dissemination and knowledge utilisation (Hawker 1977c; Hogwood and Peters 1985). Much of this does not specifically discuss inquiries but it nevertheless provides an important background of theoretical and conceptual frameworks for assessing the potential roles of inquiries, encapsulating as they do views on models of research utilisation (Caplan 1976; Snell 1983; Weiss 1980), how information is used in ideological and policy debates (Majone 1989; Weiss 1983), the range of different institutions for policy advice, information as signals in organisations (Feldman and March 1981), the use of experts and expertise in policy (Benveniste 1972), and the capacities of governments to use technical information (Baker 1988).

Section II: What the literature tells us – common themes and key issues

Review of the literature reveals a number of common themes and issues. It also highlights some major gaps in the general knowledge about inquiries. Some of the ways the literature has described public inquiries include:

- Inquiries as distinct organisations
- Inquiries as instruments of continued use
- Importance of reasons for inquiry appointment
- Inquiry processes
- Inquiry memberships
- Constitutional and legal issues
- Comparative research
- Classifying inquiries
• Inquiries and other literature on government and public policy

Inquiries as distinct organisations

There is considerable consensus in the literature that public inquiries are a distinct organisation in modern government and that they share certain common characteristics distinguishing them from other institutions of government. There is, however, some variation in how public inquiries have been defined. This lack of rigour, consistency and sometimes effort in defining a “public inquiry” and how they are different from other advisory institutions has brought some confusion about what public inquiries are. This has made it difficult to distinguish them clearly from other institutions of government and historical overviews of trends in their use problematic. Comparative studies have likewise been limited because of these deficiencies.

Despite these limitations, the literature highlights that public inquiries are seen as a distinct if sometimes poorly defined part of government in Canada, United Kingdom, New Zealand, Australia and the United States. There is a need for more rigorous definition of public inquiries for this to be applied more consistently in the identification and selection of inquiries for study. This is an issue pursued in more detail in Chapter Three.

Inquiries as instruments of continued use

A further finding from previous studies is that public inquiries are an accepted, widely used instrument of executive government that have a long history. Historically based studies in the United Kingdom (Cartwright 1975; Clokie and Robinson 1937; Rhodes 1975; Vernon and Mansergh 1940; Wraith and Lamb 1973), Canada (d’Ombrain 1997; Pross et al 199), United States (Flitner 1986; Tuchings 1979; Wolanin 1975), New Zealand (Easton 1994; Simpson 1978) and Australia (Borchardt 1991; Smith and Weller 1978; Wettenhall 1978) confirm this. Beattie’s (1965: 10) view sums up this general acceptance:

The 20th Century is the age of committees. They are increasingly regarded as the only appropriate fonts in which opinions may be baptised and hence made respectable; they represent the triumph of organisation over informality; of the special over the general.

In the United States, Sulzner (1971: 438) concluded that “an increasingly common political institution in 20th Century America is the national governmental study commission” which has become the “fourth arm of government” (McEachern 1987: 41).

In Canada, d’Ombrain (1997: 86-87) notes how “public inquiries have been prevalent throughout the 20th Century” although in recent years their use has declined.
Similar observations been made about the long-term use of public inquiries in Australia (Cho 1975; Smith and Weller 1978; Spiegel 1973). There is general consensus that inquiry use is not only continuing but has increased to an extent not previously experienced (Hawker 1977a; Prasser 1985, 1994). Weller (1994: ix) noted in particular that “royal commissions and committees of inquiry … have punctuated Australian political history in the 1980s and 1990s.”

**Importance of reasons for inquiry appointment**

Foremost among the themes that emerge from previous studies is the importance and interest of understanding why inquiries are appointed. Walls’ (1969: 365) comments on this issue, in relation to inquiries appointed in Canada, echoes this basic concern:

> Many citizens today are speculating as to why royal commissions are necessary – why they last so long … appear so costly … why should government have to appoint a commission when they themselves are elected to solve such problems?

It is a common refrain repeated by most writing about inquiries in Canada (d’Ombrain 1997), the United Kingdom, (Bulmer 1980; Cartwright 1975: 5; Hanser 1965: 142; Rhodes 1975: 51), New Zealand (Easton 1994: 231) and Australia (Spiegel 1973: 14-19, Smith and Weller 1978: 3; Weller 1994: x) and in the United States (Flitner 1986; Tuchings 1979; Wolanin 1975). The issue remains as Bulmer (1983a: 436) comments, while “commissions are established for a variety of reasons,” it has not been clear “why certain topics are deemed suitable for commissions and others not.” This is a question also raised by others (Sheriff 1983: 669-70). As already noted, there are wide ranging explanations of why inquiries are appointed. The explanations range from their role in improving rational decision making to their being used for more short term politically expedient purposes.

Related to the issue of inquiry appointment have been attempts to articulate basic circumstances and reasons for their use (Prasser 1988: 123-4; Smith and Weller 1978: 3; Spiegel 1973: 14-19) in an attempt to impose some predicability into when inquiries may be used. Others see inquiry appointments as being so “random and haphazard” and unpredictable (Benson and Rothschild 339) that it is not worth the effort (Cartwright 1975: 1). Their use is reactive to events and therefore unpredictable. This view accepts that most governments, even those that have used them extensively like the Whitlam Government, engage inquiries without any “grand plan” (Hawker 1977a). It has been suggested that the explanation given by governments are more a case of rationalisation after the event. Others such as McEachern (1987) argue that governments appoint inquiries for a specific purpose and to investigate certain types of issues so as to obtain desired outcomes and therefore inquiry appointment may be more predictable than previously thought.
Few of the studies confront the issue being proposed in this thesis as to why inquiries continue to be used when there are associated risks to governments in doing so, and there are, as discussed, a range of competent other mechanisms for providing advice. These issues are considered in more detail in Chapters Three and Four.

**Inquiry processes**

One of the strengths of the literature is that it contains ample evidence on what inquiries do, how they are established, collect evidence, hold hearings, prepare reports and present recommendations. These are described in considerable detail both in general studies and in specific case examples. Some of these accounts are from those who have chaired or served on inquiries while others are from general commentators. A number of key issues are raised in relation to this such as the role of committees and the public inquiry process as a method of collecting information, assessing issues, and developing meaningful recommendations. Attention has been given to the limitations of public hearings, oral evidence, limited staffing, poor research, and effectiveness of members and the way reports have been prepared. These views question the notion as to whether inquiries can ever really be impartial and objective bodies giving independent advice to governments.

An emerging issue relevant to the focus of this thesis is that it is not the quality of the inquiry process or research, or the use of social science techniques that is the most important issue. Rather, as Sheriff (1983: 673) and others stress “it is their form rather than their content … that is important.” While impartial and neutral analysis is a feature of public inquiries, it is their special standing and status in the community, influenced by their memberships and open processes which really explain the continued use of inquiries. This issue is explored in subsequent chapters and in relation to the case studies in Chapters Seven to Nine.

**Inquiry memberships**

Membership is often regarded as critical to the performance of an inquiry in explaining why inquiries are appointed and the roles they may serve. Most of the information is, however, descriptive and anecdotal. There are also a number of issues in seeking to classify inquiries based on the characteristics of memberships. The results are of variable quality and relevance.

With the exception of McEachern’s public choice study on advisory committees in the United States, attempts to redress this gap and develop a more comprehensive theoretical framework that can be tested and inform us better about the possible reasons for inquiry appointment have been lacking in Australia and elsewhere. Such attempts as these have been tentative in nature (Prasser 1994; Zubrinich 1989).
Chapter 2

Constitutional and legal issues

Constitutional and legal aspects of inquiries, while a long-term interest in most jurisdictions where inquiries have been appointed, emerge as suggested in Chapter One, as an area of growing concern. This is especially the case in Australia where both the numbers of royal commissions and their powers have expanded during the last three decades. As Allars (1996: 265) notes:

_We live in times of escalating activity of investigative tribunals … This has been matched by an escalating concern by civil libertarians and courts regarding the damage which investigative tribunals may do to those who are investigated …_

How these matters affect the performance of particular inquiries in relation to policy development requires more detailed assessment in relation to the royal commissions considered in Chapter Eight

Comparative research

The literature provides few genuinely comparative inter-jurisdictional studies. There are also few longitudinal studies of inquiries under different governments in the one country. In Canada, d’Ombrain (1997) provided a survey of use between governments over a considerable timeframe, but does not include international comparisons. Cartwright’s (1975) analysis of the comparative use of public inquiries between the United Kingdom and other Commonwealth countries such as Canada, Australia and New Zealand was brief and without an analytical framework.

Other comparative studies have been limited to those concerning inquiry processes and the use of social science research in the United States by presidential commissions compared to counterparts in the United Kingdom (Bulmer 1981, 1983b). Hanser (1969) makes a brief comparison between royal commissions used in the United Kingdom and presidential commissions in the United States.

In Australia there has been some comparisons between different Commonwealth governments since the 1970s (Borchardt 1991), but with little explanation for variation in public inquiry use.

Moreover, studies of inquiry use across Westminster democracies are rare such as the United Kingdom, Canada, Australia and New Zealand despite a common constitutional and political heritage background. Spiegel’s thesis (1973: 334) only briefly compared the use of inquiries in Australia and the United Kingdom. Similarly, d’Ombrain’s more recent study of Canadian public inquiries does not mention public inquiries in Australia and only briefly refers to those in the United Kingdom.
Classifying inquiries

The literature includes many attempts to classify inquiries. Such classifications tend to range from using criteria which are clearly based on facts to increasing levels of supposition and interpretation, considerable debate and therefore potentially less accurate as a means of classifying inquiries. These classification attempts are now analysed.

**Inquiries by function**

Inquiries have been variously classified in terms of their functions as policy, investigatory and inquisitorial bodies (Borchardt: 1991; Hallett 1982: 12-14; Ransley 1994: 23-25). Policy inquiries have been deemed those that provide general policy advice to governments. Hallett (1982: 13) suggests that investigatory inquiries are essentially policy advisory bodies and are involved in "conducting research for the purpose of reporting facts and making recommendations to government" while inquisitorial inquiries are those seeking to identify the truth in relation to some incident, disaster or allegation. Others see some merit in distinguishing between policy/advisory inquiries into particular issues such as health or education and those inquiries that have to investigate a matter to ascertain the "facts" about an allegation or some accident. Ransley (1994) and Tiffen (1999) make further suggestions in classifying inquiries in terms of their mode of operations. They distinguish between those inquiries that adopt adversarial, legal-type processes and those that employ a more investigatory, aggressive and forensic, research-based approach. The problem is that all inquiries have an element of policy and advisory functions, so the distinctions are often blurred and therefore not helpful.

**Inquiries by members**

Others have sought to classify inquiries in relation to their members, labelling inquiries as "expert," "representative," "impartial" or "professional" according to this classification (Bulmer 1980; Donnison 1968; Rhodes 1975: 77-99; Wheare 1955), although the difficulties of doing so is acknowledged (Rhodes 1975: 91-92) as inquiries frequently involve a mixture of different member types with some able to be classified in several categories. McEachern (1987) has sought to classify membership by economic background in keeping with his public choice model.

**Inquiries by organisational form**

Inquiries have also been classified in terms of their organisational form distinguishing between statutory based royal commissions and non-statutory general policy advisory bodies such as committees of inquiry and task forces. In Australia this distinction also reflects notions of the powers of inquiries as royal commissions, which as discussed, have considerable powers compared to normal advisory bodies. In the United Kingdom this distinction is less satisfactory as royal commissions are usually not statutory based. There, the distinction has been between royal commissions, those formally appointed by the Crown, and departmental committees of inquiry that are appointed by a minister (Bulmer 1980). It has been stressed that these
distinctions are almost meaningless as both forms of inquiries largely operate the same way with the same limited powers (Cartwright 1975).

**Inquiries by processes**

Some have suggested inquiries can be classified according to the processes they use. For instance, inquiries with limited research capabilities and which rely primarily on public submissions and hearings to prepare their reports are seen as more consultative in style than those with more research based approaches (Bulmer 1983a).

**Inquiries by reasons for appointment**

Yet another classification is to see inquiries in terms of the reasons for their appointment. For instance, inquiries could be classified as to whether they were appointed to seek facts about an issue, lend legitimacy to a decision already made by government, delay decision making, show concern, manage the agenda, provide a means of consultation and so forth. Not only do most inquiries fulfil some or all of these functions, there is, as Rhodes (1975) and others have noted above, considerable difficulty in identifying exactly why governments choose to appoint an inquiry. The more politically expedient an inquiry, the less possible it is to ascertain the underlying reasons for an inquiry's establishment.

**Inquiries by policy issue**

Inquiries may also be classified in terms of common policy issues they are investigating, whether it is public service reform (Smith and Weller 1978) or other areas of public policy such as corruption, health policy or defence. This can, if conducted over suitable timeframes, show trends in the use of inquiries across policy areas and suggest possible government policy directions, although it has its limitations (Borchardt 1991: x).

Overall, there are many ways, often overlapping, of classifying inquiries. Chapman (1973a) is pessimistic about seeking to develop any framework for inquiry classification. Like Smith's (1969: 70) view of the difficulty in classifying advisory bodies in the United Kingdom, Chapman (1973a: 184) concludes "commissions can be so variegated that the value of broad generalisations becomes very doubtful." This reflects the multiple roles and diverse reasons for appointing inquiries and the wide variety of membership, forms and methods of operations.

**Inquiries and other literature on government and public policy**

Despite the long historical and, in Australia persistent and increased use of public inquiries, the general literature on government, public administration and public policy, with few exceptions, rarely analyse inquiries in great detail. Certainly, inquiries have been frequently discussed in relation to different policy issues or important events. But, as a distinct institution of government, as a contributor to policy development, as an advisory body and, as has been suggested, a key
player in democratic decision making and negotiation, inquiries have not received the attention that their continued use deserves.

Whether this lack of interest reflects that inquiries are only marginal players in policy development and the political process, or whether it is because, as this thesis suggests, there has been a lack of systematic and sustained interest in their roles and impacts, is the issue that needs to be answered.

Section III: Limitations of studies – identifying the gaps

Guy Peters’ criticism of lack of rigour or innovation in the study of comparative public administration seems apt when reflecting on the range of literature concerning public inquiries. Peters (1984: 5) wrote:

*This field of inquiry … once displayed great promise … It is now the concern of few scholars, however, and has become mired in endless descriptive studies of rather minute aspects of administrative behaviour … with little theoretical and conceptual development … The vast majority of the work in this field duly describes relatively minor elements of an administrative system in some country or makes predictable normative arguments … The intellectual fire appears to have gone from the field.*

Some of the gaps in the literature alluded to above now need to be considered in more detail and include the following areas:

- Failure to define public inquiries
- No framework for analysis
- Excessive focus on individual inquiries
- Stress on inquiries and rational decision making
- Lack of long term assessment
- Limited assessment of inquiries in relation to other institutions and processes of government
- Lack of current quantitative data of inquiry numbers and types.

Failure to define public inquiries

Failure of many of the studies on inquiries to define clearly what it is they are studying is foremost among the deficiencies. There is failure to define the term, clarify the boundaries and focus accordingly. Studies in related areas such as consultants do not assist when they commit the same fundamental error and include in their domain bodies that are clearly public inquiries but not consultancies (see Martin 1998 who includes several public inquiries as consultancies). This confusion makes inquiry numbers and trends in use difficult to assess and is an issue addressed in Chapter Three.
No frameworks for analysis

Many of the studies on inquiries lack any overarching framework of analysis and comparison, though there are exceptions to this (e.g. McEachern 1987). The different collections of case studies cited appear to have included particular inquiries more on the basis of contributor/author interest or availability of previously released work (e.g. Chapman 1973a) rather than the meeting of a clear selection criteria and research agenda. Consistent methods of defining, classifying and assessing inquiries have been too often missing from collections of case studies. Also clear research questions are not posed. Instead, we are repeatedly provided with descriptive narratives of what different inquiries did and proposed. Attempts to provide some general conclusions from these have often been limited. Overviews by Bulmer (1980), Chapman (1973a) and Weller (1994) remain brief, and often only lightly connected with the case studies selected.

Focus on individual inquiries

In the collections of case studies, some of the historical surveys, and most of the other material on inquiries, the focus has been on individual inquiries. These case studies often include a range of different authors whose selection appears ad hoc. The focus of these contributions varies widely even within one volume.

While other individual studies on inquiries deal with their topic adequately, their focus is primarily concerned with the particular issue that the inquiry is investigating. In such studies there is usually little attempt to assess why inquiries are appointed and their overall roles in relation to broader questions of inquiries in general. They add little new knowledge to inquiries in general.

Stress on rational decision making models

As noted above studies examining the role of inquiries in policy development have been preoccupied with the rational decision making model and have sought to evaluate the role and impact of inquiries too exclusively from this limited and, as discussed, flawed stance. Few have sought to relate inquiries even to some of the other models of policy development and to assess where and how inquiries fit (e.g. the policy cycle, agenda management, policy definition, options analysis, policy formulation, legitimisation, implementation and evaluation) and, as already highlighted, to concepts of consultation. These limitations are exacerbated by the focus on individual inquiries, even in collections of case studies that purport to assess a range of inquiries from some common analytical template that in practice has just not been done.

These studies fail to approach inquiries with not only a common analytical template by which some proper comparative analysis could be done, but also do not attempt to assess inquiries from any major viewpoint which can be tested.
Lack of long-term assessment

While individual case studies on particular inquiries continue to occur from time to time, these are chosen at random, author interest and possibly public controversy rather than as part of any long term investigation into inquiries in general. They inform about the particular inquiry, but do not necessarily add much about inquiries in general.

Assessment in relation to other institutions and processes of government

There is a lack of interest both by those specialising in inquiries or those interested in other areas of government study in seeing or assessing inquiries from any systemic viewpoint in relation to other institutions of government or advisory processes in general. This is surprising given acceptance in some of the literature that the appointment of inquiries may partly reflect dissatisfaction by governments at particular junctures in their life with existing institutions and advisory processes (Marchildon 2002; Plowden 1971: 106; Wilensky 1970: 57-8). It is mentioned, but not explored thematically, conceptually or at any realistic level of detail.

In particular, there are few attempts to explore the relationship between the use or non-use of inquiries by particular governments and other developments such as the growth of consultancies or the coming to power of more ideologically fixated governments. Nor is the changing nature of the political environment (e.g. resource cutbacks, public sector “managerialism”) considered.

These traits are particularly seen in relation to studies on advisory mechanisms and policy advice processes, information utilisation in government and the role of analysis in providing decision makers with better knowledge. Disappointingly, they almost all totally ignore public inquiries in the context of these discussions. In Australia, as discussed in Chapter One, research about where governments obtain advice from external think tanks (Marsh 1991, 2000), summits, ministerial staff (Maley 2000; Woodward 1993), permanent statutory bodies (Banks 1993; Coper 1993; Economou 1992; Wiltshire 1993), internal government policy bodies (Cuthbertson 1993), universities (Oliver 1993) and lobby groups (Delaney 1993) simply do not give inquiries a mention. Those few that do, like Dror, are totally dismissive (Dror 1984a: 204). Only Weiss (1990) suggests that in an era of expanding advisory mechanisms outside the confines and structures of the public service, inquiries can provide the flexibility and improvisation needed by governments on controversial and emerging issues. There has been no subsequent exploration of this important issue.

Lack of up to date quantitative data

Another gap in the literature has also been a surprising lack of quantitative data about inquiry numbers and trends in use, classifications of types, memberships, inquiry forms, topics and focus.
Previous efforts in this regard in Australia have now ceased. Cushing’s Commonwealth Parliamentary Library study lapsed more than a decade ago. Borchardt’s last checklist was completed in 1990. There have been no successors to his pioneering work. Those who continue to seek information on inquiry numbers have found severe limitations in relying on government sources and for this vital primary information. Government records are incomplete, scattered throughout several agencies and out of date. For instance, in Australia nationally, although the Department of the Prime Minister and Cabinet is responsible for royal commissions, it is not responsible for other types of more general inquiries appointed by ministers. There is no central registry on inquiry appointments. In Canada, the existence of an all encompassing *Inquiries Act* under which all inquiries are appointed ensures central coordination by the Prime Minister’s Office of their appointment (d’Ombrain 1997; Sherman 1997).

**Conclusions**

The literature on public inquiries has been *ad hoc* and a hit and miss affair. Selection of inquiries for study has, with a few exceptions (Smith and Weller 1978), been done randomly. Consideration of fundamental issues such as why inquiries are established and in what circumstances do governments turn to them for assistance has not been answered well. The field is littered with generalisations, unsubstantiated and intuitive assessments, and a preoccupation with minor issues. While some have called for more research and data on inquiries (Rhodes 1975: 211-212), this has not occurred.

As well as these limitations of those studies specifically focussing on inquiries there has been, as noted in Chapter One, another aspect of the literature deserving attention.

It is not so much what has been written about inquiries, but rather and more pointedly, what has not. Inquiries are ignored and occasionally dismissed by other writers on the political system. It is as if inquiries only exist in their own particular environment, to be studied as such. So while there have been studies seeking to assess the impact of particular inquiries on different areas of policy, there has been a lack of effort from those considering policy development or advisory processes of assessing just where public inquiries may possibly fit.

The remainder of this thesis will seek to address these deficiencies. It will update information about inquiry numbers, trends in use and comparisons between various Commonwealth governments. In particular, the thesis seeks to give attention, to the defining characteristics of public inquiries that attract governments to continue to appoint them in the numbers they have during the last three decades.
Endnotes

1. For instance, as discussed in Chapter Seven, key reforms of the public service both in Australia and abroad, have been closely associated with particular public inquiries. Chapter Eight outlines how policy areas such as Aboriginal affairs and organised crime have had their agendas set by certain public inquiries. Chapter Nine highlights how financial deregulation in Australia has been linked with three public inquiries appointed between 1979 and 1996 which have been seen as initiating, prompting and reviewing this policy initiative.
INTRODUCTION TO PART ONE: CHAPTERS 3 - 6

This Chapter introduces Part One of the thesis. Part One provides a framework of core knowledge and key issues which are then discussed in Part Two of the thesis (Chapters Seven to Nine) in relation to three different sets of case studies of public inquiries. These case studies have been chosen to assess the different propositions concerning public inquiries and, in particular, the key themes being analysed in this thesis and set out in Chapter One.

In particular, Chapter Three defines public inquiries, outlines their history, patterns and trends in their use and classification, and identifies key issues that are addressed in subsequent chapters.

Chapter Four examines the reasons governments appoint public inquiries. Chapter Five highlights the different functions inquiries perform in government and the political system. Part One concludes with Chapter Six that discusses public inquiry processes and their life cycle.
CHAPTER 3: DEFINITION, HISTORY, TRENDS AND CLASSIFICATION OF PUBLIC INQUIRIES

Introduction

This chapter outlines a range of criteria to identify and distinguish public inquiries from other bodies in government. It also provides a history of Commonwealth public inquiries, identifies patterns and trends in their use, and classifies them according to a number of different criteria. Key issues for analysis in subsequent chapters are highlighted.

The issue of defining public inquiries

An important objective of this thesis is to provide a better definition and identification of “public inquiries.” This has not been adequately handled in previous studies. Defining inquiries requires development of clear criteria that can be applied in a consistent and rigorous manner to identify and distinguish public inquiries from other advisory institutions of government.

Defining and accurately identifying public inquiries has long been a problem. B.C. Smith (1969: 2) observed in relation to advisory bodies in general in the United Kingdom that although,

> it has long been common practice in British government … to establish formal means by which ministers and governments can seek opinion and advice and information from outside the Civil Service … it is not easy to establish the precise numbers of advisory bodies … because there is no single definition of an advisory body.

Smith, although recognising the different types of advisory bodies, did not seek to define, differentiate or to classify them in any way.

Wraith and Lamb (1973: 13) noted in their study that it was “difficult to isolate ‘public inquiry’, in an exact or typical form, from certain other kinds of public investigations.” Cartwright’s (1975: 7) examination of public inquiries in the United Kingdom also acknowledged that “government nowadays appoints a great many committees, and their abundance makes the task of classifying them as difficult as it is important.” In Australia, Borchardt (1986: vii) similarly highlighted how the increasing number and range of advisory bodies now being appointed by Australian governments made it “increasingly complex” to identify public inquiries from these. Spiegel (1973: 6) also confronted this issue and observed at the beginning of her study of Australian inquiries appointed from 1957 to 1969 that:
A far more important problem had to be faced – one of definition … This problem arises partly because of the variation in labelling … (and) Ad hoc committees are nowhere defined formally and there are no statutes regarding them.

Failure to define public inquiries properly has caused a number of problems in previous works on public inquiries and other studies of government. Foremost amongst these has been the inability to recognise “public inquiries” as a distinct type of advisory body with particular features and therefore possibly serving certain roles in the political system. The term “public inquiry” has been misunderstood and used too loosely and hence their study has been marked by confusion with other bodies and the extent of public inquiry use has not been precisely identified. The number of public inquiries appointed over the years has thus been open to wide ranging claims, conjecture and speculation. For instance, concerns about the growth of “public inquiries” during the Whitlam Government period by the media (Courier-Mail 28 May 1975; Sorby 1974) and the Coalition Opposition (Hamer 1975; Anthony 1975) often confused public inquiries with other advisory mechanisms such as new permanent advisory commissions like the Schools Commission being appointed at this time.

Another consequence of the failure to define public inquiries has been lack of appreciation of their potential role and impact in the political system. As noted in Chapter One, this partly explains why public inquiries have often been ignored or undervalued in accounts of government advisory mechanisms.

Comparative analysis of the use of public inquiries during the life of particular governments, between different national governments in Australia, and internationally, has also been hampered by poor definition. Some comparative studies have not always identified public inquiries correctly and consequently not compared inquiries across different governments or jurisdictions appropriately.

This issue of definition has become even more important at the Commonwealth level in recent times given the emergence and growth of other types of advisory mechanisms highlighted in Chapter One. The policy advisory sphere of government has become increasingly crowded. The extent of use and particular roles and contributions of public inquiries in the political system can only be analysed if public inquiries are clearly defined and distinguished from these other advisory bodies.

Importantly, defining public inquiries also means clarifying the key features that combine to constitute a “public inquiry.” Understanding the distinctive features and attributes of public inquiries may well assist in appreciating those qualities that have prompted governments to appoint them with the enthusiasm they have since the 1970s.
Developing a definition of public inquiries

As noted by Borchardt (1986: vii), a body having the nomenclature “inquiry” or “commission” does not mean that it should be automatically determined as a “public inquiry.” Rather, warned Borchardt (1986: vii), many of these bodies on closer analysis were neither public bodies nor external to government, but consisted of government experts or partisan members whose hearings were “frequently held in camera and did not always invite submissions from the public at large.” Indeed, “inquiries” of a public nature can be initiated by a range of different bodies in Australia without being a public inquiry as defined in this thesis. For instance, “inquiries” can be established by permanent watchdogs such as the New South Wales Independent Commission Against Corruption (ICAC). They can also be appointed by advisory bodies such as the Productivity Commission, the Australian Law Reform Commission and the Human Rights and Equal Opportunities Commission. The Australian Public Service Commissioner can appoint special investigations into allegations of impropriety against a public servant.

Royal commissions are the exception to this reservation concerning nomenclatures of inquiry bodies. In Australia at both Commonwealth and State levels, as in Canada and New Zealand, such bodies are formally established under specific legislation (e.g. the Commonwealth’s Royal Commissions Act 1902). This legislation is concerned with bestowing special powers of investigation on such bodies and does not outline any other criteria. Such bodies usually bear the royal commission title, although there are some exceptions to this where the title may be “commission of inquiry.” However, the important point is that all bodies appointed under the Royal Commissions Act 1902 or its equivalent elsewhere, meet the proposed criteria of “public inquiries” and are included as such in this thesis.

Attempts to define public inquiries and to distinguish them from other advisory bodies include Vernon and Mansergh’s (1940: 33) broad definition of such bodies in the United Kingdom as being “any body appointed with the purpose of advising the central government.” This definition included not only royal commissions and departmental committees of inquiry but also, according to Vernon and Mansergh, joint sittings or conferences of parliament.

Chapman (1973a: 9) offered a more specific definition, that a public inquiry was “a body set up by government to consider a specific problem … works within fairly indicated constraints of time, resources and the political environment and may be called … royal commissions, commissions, or working parties.”

Cartwright (1975: 1) suggested that royal commissions and committees of inquiry were, “ad hoc advisory committees appointed by … the Crown and its ministers respectively” and were distinguishable from other types of advisory bodies by their temporary nature, external membership and public processes (Cartwright 1975: 8-31).
Bulmer’s more detailed definition (1982: 96) saw commissions of inquiry as:

... special ad hoc bodies set up to advise on specific policy problems ... established by government ministers ... The commission is a corporate group created by a public act whose duty it is to collect evidence, analyse a problem, report publicly and make advisory recommendations ... The group is an ad hoc body, created for a specific purpose and its life is limited to the time taken to produce a report ... The members appointed ... will tend to be leading public figures or representing particular interests.

Flitner (1986: 28), in his study of presidential commissions, the American equivalent of Westminster royal commissions, defined them as being “collective ad hoc groups which offer advice.” Wolanin (1975: 6-10) identified the key features of such bodies as ones created by a public act, normally the president, are advisory only (having no executive power to implement recommendations), are ad hoc and temporary, include members usually from outside government and make their report public. Such bodies, suggested Wolanin, exclude White House based advisory mechanisms, permanent advisory bodies, normal government departments, private think tanks, cabinet or congressional committees, regulatory agencies, and special conferences or summits.

In Canada, public inquiries have also been defined in these terms and identified by their royal commission designation, the predominant inquiry form (Courtney 1969; d’Ombrain 1997; Fowke 1948). What makes public inquiries in Canada easier to identify have been that most appointed by executive government are done so under the Inquiries Act (d’Ombrain 1997: 90). This legislation provides for public inquiries to take the form of either a public inquiry (similar to a royal commission) or a departmental investigation. Both are appointed for fixed terms by either cabinet or individual ministers with specific powers similar to those provided under the Commonwealth Royal Commissions Act 1902 (Sherman 1997: 15-16).

By contrast, in the United Kingdom, neither royal commissions nor departmental committees of inquiry are statutorily based. The equivalent British investigatory body with coercive powers like the Canadian, Australian or New Zealand royal commission is the tribunal of inquiry established under the Tribunals of Inquiry Act (Evidence) Act 1921. These tribunals can be either standing committees and are called administrative tribunals, of which there are several thousand (Cartwright 1975: 12; Vandyck 1965), or they can be ad hoc, advisory and inquisitorial inquiries. Tribunals of inquiry are usually established by resolutions of both houses of parliament and thus are not “pure” executive bodies. Occasionally in the United Kingdom a royal commission may be given powers under the Tribunals of Inquiry Act that allows it to subpoena witnesses and take formal evidence (e.g. the 1924 Royal Commission on Lunacy and Mental Disorder). More usually, tribunals are established as an inquiry. Recent examples (Lindell 2002) include Lord
Saville’s 1998 inquiry into the “Bloody Sunday” events in Northern Ireland, the Inquiry into the Dunblane Primary School Shootings (1996) and the Inquiry into the Death of Dr Shipton’s Patients (2001).

In Australia, at both the Commonwealth and State level, there has not been any all-encompassing legislation comparable to the Canadian *Inquiries Act* under which most public inquiries are appointed and hence, their identification made easier (Sherman 1997). However, even in Canada there are some policy advisory type inquiries that may not be appointed under this legislation. The exceptions to this in Australia, as noted, are royal commissions established under the *Royal Commissions Act 1902*, and a small number of other public inquiries appointed under a range of other legislation.\(^2\)

**Identifying and defining Commonwealth public inquiries: towards a definition**

In reviewing these different views as to what constitutes a public inquiry, it is proposed that for the purpose of this study of public inquiries at the Commonwealth level in Australia are those bodies that have all of the features outlined in Box 3.1.

**Box 3.1: Characteristics of public inquiries**

| First | they are non-permanent, *ad hoc* and temporary bodies having no continuing life or existence except for the specific period for which they are appointed. Inquiries are not part of the regular public bureaucracy, nor are they a continuing advisory body attached to a department or minister. |
| Second | they are established and appointed by executive government. This may be by cabinet, the prime minister or relevant minister. They are not appointed by a department or by a senior departmental officer as occur with many consultancies and internal project teams. Nor are they appointed or hired by a permanent advisory body some of which have discretion to commission special studies, consultancies or committees (e.g. Productivity Commission and Australian Law Reform Commission). |
| Third | they are funded totally by government, rather than by any other external public or private sources. The executive government determines the level of resourcing. Inquiries have no resort to any special funding source from within or outside of government. |
| Fourth | public inquiries are appointed and exist at the discretion of executive government. Their establishment is determined by executive government, not by parliament or some other institution of government. Moreover, this appointment is *ad hoc* and not part of any formal routine or triggered automatically by statutory requirements.\(^3\) Importantly, just as public inquiries exist at the discretion of government, so does their continued existence which can be terminated at any time by either the government which appointed them or any subsequent government. |
| Fifth | inquiries are discrete organisational units, not part of any existing government agency, department or permanent advisory body. While, for administrative purposes, they will be attached during their life to those departments most relevant to their subject area (see Chapter Six), this is a temporary arrangement for administrative purposes only. A public inquiry is not in any way part of the normal continuing structure of a government department. |
| Sixth | inquiry members are typically (but not invariably) drawn predominantly from outside the public service, government and do not include government ministers or backbenchers. They may occasionally |
include senior public servants as members, but these would usually constitute a minority of any inquiry’s total membership. Judges are regarded as non-government members because of notions of separation of powers and judicial independence. Significant external membership is an important component contributing to a public inquiry’s independence, legitimacy and “publicness.”

**Seventh**, a further important feature of inquiries that underlines their “publicness” is their need to promote actively their existence to the wider community. Public inquiries are not confidential bodies working inside government without public awareness of their appointment and key task, even though they may sometimes undertake confidential tasks that cannot at the time be made fully public. It does mean, however, that by a combination of ministerial media releases, public advertisement and interest group engagement, a public inquiry is very much in the arena of public awareness.

**Eighth**, inquiries must have clear terms of reference and these must be publicly stated. A public inquiry must not only be known to exist outside the confines of government, but so must its purpose.

**Ninth**, inquiries need to seek public participation actively through initiatives such as holding public hearings, forums, interviews and seeking submissions either broadly from the community or from targeted approaches to relevant stakeholders in a particular policy area. While varying in the levels of formality (see Chapter Six), such information excursions by public inquiries have an underlying basis of official sanction in a way that other bodies such as backbench committees are unable to wield.

**Tenth**, inquiries in keeping with their impermanence, finite life and specific purpose function, are expected to produce a report and this should be submitted to executive government (the governor-general, prime-minister or other minister), not to another advisory body. Moreover, this report ultimately needs to be made public within a reasonable timespan of the inquiry completing its task. Even so, it needs to be accepted that certain inquiry reports may, for reasons of national security or for legal considerations as a result of their findings, not be released in full. The *Royal Commission into the Activities of the Federated Ship Painters’ and Dockers’ Union* considered in Chapter Eight did not release all of its findings given the sensitivity of its findings and the resulting criminal investigations initiated. The report of the 1942 *Royal Commission of Inquiry concerning the Circumstances connected with the Attack by Japanese Aircraft at Darwin on 19 February 1942*, was initially only provided to Cabinet. It was not publicly released until 1945; its transcripts were not declassified until 1980 (Hall 1980: 203).

**Last**, public inquiries have advisory powers only. They can only make recommendations; they cannot implement their proposals. Inquiries are not adjudicatory or regulatory bodies with powers to take action like the Australian Competition and Consumer Commission (ACCC). They are appointed to inquire into an issue and to report their findings. Even royal commissions that investigate allegations or maladministration, although appearing to make judgements on the guilt or otherwise of different individuals, do not in fact do so. Their reports can only suggest that other authorities with appropriate powers investigate whether there is a basis for subsequent prosecution (see Donoghue 2001: 27 and Chapter Eight concerning the actions of the *Royal Commission into the Activities of the Federated Ship Painters’ and Dockers’ Union* concerning criminal prosecutions).

Thus, as Cartwright (1975: 1) suggested, public inquiries are a “unique institution of government.” This is partly because they encompass all the above features in a single institution. It is also, as this thesis contends, more than this. What really gives public inquiries their “uniqueness” and distinguishes them from other institutions in government are their “publicness” and the impact of this on how they are perceived in the political system as being independent and above the fray of normal politics. Superficially, public inquiries would not
appears to warrant this standing. After all, as the characteristics of public inquiries outlined in Box 3.1 highlight, they are appointed by executive government at a time of its choosing. It is executive government that decides the terms of reference, allocates resources and sets timeframes. It therefore greatly influences “how an inquiry should be conducted” (Hallett 1982: 50). It is executive government that selects and appoints members to serve on inquiries. As Hallett (1982: 50) suggests, “the person conducting the inquiry is, in reality, an agent of the executive” (Hallett 1982: 50). Inquiries can and have been dismantled by governments. There are no statutory requirements for governments to respond to inquiry reports formally, let alone implement their recommendations. Yet, despite this executive dominance, public inquiries in Australia and other Westminster democracies have continued to be generally perceived to be separate and independent from government (Donoghue 2001: 18) and to be bodies of “special standing within the political community” (Bulmer 1981: 375) in ways other advisory bodies cannot match.

At the same time this special “standing” of public inquiries is not automatic. It depends on how well governments understand and manage the distinctive components of a public inquiry. Attempts to manipulate inquiry outcomes by setting terms of reference too narrow, appointing certain types of members, and insisting on unrealistic deadlines, will undermine the utility of a public inquiry in several ways. Not only will such inquiries possibly be unable to give quality advice, more importantly they will not be seen as independent bodies giving impartial advice and thus erode the unique nature of the public inquiry form in terms of its “publicness” and independence from executive government. Such inquiries will therefore also fail the very political goals executive government wanted the inquiry to perform, whether this be providing a forum for negotiation, “kite-flying” options, legitimising decisions, promoting consensus, or educating the community.

Certainly, public inquiries may be criticised for a range of reasons that do not always imply they were established by executive government for covert political reasons. This is a normal aspect of any social science type advisory or research process. Public inquiries are not above such criticism. For instance, public inquiry research methodologies can be seen as flawed and their findings contested by interested parties disappointed with their results. Their terms of reference may be seen as too narrow or too wide. Inquiry membership is particularly open to criticism as inappropriate in terms of expertise, impartiality or representativeness. Even those public inquiries chaired by serving or former judges or senior lawyers are not beyond criticism in terms of perceived suitability for handling a particular issue. These are not new complaints and few inquiries can satisfy all on every aspect of their endeavours. When, in relation to a particular inquiry, these deficiencies combine and appear to have been deliberately engineered by governments so as to produce a predetermined outcome, then the credibility of the public inquiry instrument declines sharply. There are numerous examples of public inquiries which have been seen in this light. One significant example in recent times was the Western
Australian Royal Commission into Use of Executive Power (the Penny Easton Affair) appointed in 1995 by the Court Liberal Government. This royal commission was seen by many as a misuse of the public inquiry instrument. Although a State government-appointed inquiry, this royal commission had important federal implications on the then Keating Labor Government as it involved allegations concerning Federal Health Minister, Dr Carmen Lawrence, in relation to her previous role as Premier of Western Australia. Prime Minister Keating and various commentators believed the royal commission was a political “witch-hunt” and should not have been appointed. On the release of its final report which found against Dr Lawrence, Prime Minister Keating (1995) launched an unprecedented condemnation of the royal commission, describing it as being:

conceived as an act of political malevolence by the Court Government … the basic principles of natural justice were ignored … the terms of reference were deliberately narrow … drawn up to put Dr Carmen Lawrence and the Labor Party on trial … the establishment of this Royal Commission was unique and uniquely disreputable and it will stand as an example of the lack of principle, propriety and decency of the Court Government.

The effectiveness of a public inquiry thus depends on how well a government constructs a public inquiry by imbuing it with appropriate features of transparency, independence and rationality in its terms of reference, membership and resources, and resists the temptation to subvert these features. As suggested in Chapter One, the ultimate value of a public inquiry may depend as much on the acceptability of a report by virtue of its “publicness” and perceived independence of the inquiry process, as on the content of the final report.

**Difficulties in identifying Commonwealth public inquiries**

There are numerous difficulties in defining Commonwealth public inquiries. Not only is there no formal legislation under which they are appointed and defined but also there are numerous other bodies that have some, but not all, of the attributes of a public inquiry. These are now analysed.

**The overlap problem with consultancies**

Consultancies that have been used increasingly at the Commonwealth level since the 1970s (Correy 1999; JCPA: 1989; Martin 1998; Saint-Martin 1999) have posed a particular problem in being distinguished from public inquiries. Some commentators have deemed consultancies as public inquiries, while others have inappropriately labelled public inquiries as consultancies. For instance, Martin’s study of consultancies and public policy at the Commonwealth level (Martin 1998) failed to distinguish consultancies from public inquiries adequately. Although fully aware of public inquiries (Martin 1998: 2-3), Martin (1998: 75-82) adopted uncritically the Australian...
Public Service guidelines on consultancy definition (and applied these loosely in selecting consultancy case studies). Hence, the *Committee to Advise on Australia’s Immigration Policies* (CAAIP), was appointed by the Hawke Government in 1987 and chaired by Professor Stephen Fitzgerald, was classified by Martin as a consultancy. The CAAIP has all the features of a public inquiry, however. It was formally established by executive government and its appointment was publicly announced. The five members were drawn from a wide range of different backgrounds representing different interest groups and professional expertise from outside government. None worked for any consultancy firm or were professional consultants. Also, the CAAIP operated in the public arena, held public hearings and its final report was also released publicly. Other commentators also saw the CAAIP as “a public and wide ranging inquiry” (Birrell 1988: 262). If, as Martin suggested, one of the criteria of a consultancy is a tendering process (Martin 1998: 74), then the CAAIP clearly did not meet this criterion as it was appointed by the Minister for Immigration and Ethnic Affairs and did not go through any such tendering process.

Similar criticisms could be made of Martin’s nomination of the *Review of the Social Security System* chaired by Professor Bettina Cass as a consultancy. Again, this Review adopted extensive public processes, had an advisory committee drawn from across the welfare area, produced a number of discussion papers, sought public input, held numerous public meetings and was clearly seen by the appointing Minister, Brian Howe, as a means of providing a “new vision, a new understanding of where we should be going with the welfare state” (Howe 1985: 5). No evidence of a tendering process is provided by Martin or mentioned in the Minister’s announcements of the Review.

Martin also saw the *Review of the Implications for Australia of Economic Growth and Structural Change in East Asia* chaired by Professor Ross Garnaut as a consultancy despite its public stature and reporting processes. Although the Review was announced by the relevant minister without mention of tendering processes or consultancy, this particular case comes closest to being a potential consultancy and highlights the problems of distinguishing these from public inquiries.

Others have also confused consultancies with public inquiries. As is discussed below, Cushing’s compilations of Commonwealth inquiries included, among others, consultancies such as the Airport Concessions Inquiry by Becca Orr Pty Ltd and the Review of Australian Information Service by Price Waterhouse (Cushing 1986).

This confusion between consultancies and public inquiries is partly understandable. Superficially, consultancies share a number of common features with public inquiries. For example, consultancy members like those of public inquiries are often drawn from outside the public service, either as an individual expert or as an employee of a recognised consultancy firm. Consultancies like public inquiries have a limited life and produce a report with
recommendations that in the case of major consultancies may be submitted to the minister. Some consultancies seek information from key stakeholders both within and outside government often by direct contact and private meetings, but sometimes by public meetings or focus group discussions. While it may be suggested that consultants are “hired guns” because they are paid for their services, so too are most public inquiry members appointed by the Commonwealth (unlike their counterparts in the United Kingdom who tend to operate on a honorarium basis). Further, some inquiry chairs are not only experts, or those with considerable professional standing, but may also operate formal consultancy businesses. For example, Dr James McColl chair of the Royal Commission of Inquiry into Costs and Efficiency of Grain Storage Handling and Transport in 1988 and the 1997 Review of the Rural Adjustment Scheme, was not only an expert on agricultural issues, but also ran a consultancy business. While many consultants are engaged by departments rather than ministers to provide advice on a host of minor issues, some may be engaged more directly by a minister to examine a particular issue.

An example of delineating a consultancy from a public inquiry can be seen in the Review of Australia’s Defence Capabilities (RADC) announced in 1985 and chaired by Paul Dibb. Although, as then Defence Minister Kim Beazley acknowledged, Dibb was an “an independent consultant and senior research fellow at ANU” (Beazley 1985), the RADC has been designated as a public inquiry because, as Beazley explained, the terms of reference were publicly released, “interested parties can make written submissions … there will be regular briefings of the media … (and) Mr Dibb will report directly to me as Minister of Defence.” Moreover, the Defence Minister declared his intention “to make as much of the report as possible public” (Beazley 1985) which he subsequently did. Similar comments may be made about the Review of the Use of Civil Infrastructure in Australia’s Defence (1989), conducted by Alan Wrigley, who was for a time Special Adviser to the Minister for Defence as this was a temporary role, and the conduct of the investigation was open, public and consultative.

Similar issues have arisen in relation to a number of “inquiries” appointed by the Howard Government. For instance, the Review of Wine Exports and Wine Tourism, although conducted by the director of ACIL Consulting, David Trebeck, has been accepted as a public inquiry because the Minister publicly announced it as “an independent review” (Truss 2002). This review was also overseen by a steering committee chaired by the Department of Agriculture, Fisheries and Forests with representatives of key external interest groups, and sought public submissions, held public hearings and released its final report to the general public.

For the purpose of this thesis consultancies are bodies that are usually appointed on a confidential basis either as contractors or following some form of public tendering process. Although their membership is drawn from outside the public service like those of public inquiries, they may be identified as being a consultancy by whether such activities are their prime focus of work either on a self employed basis or for a consultancy firm. Consultancies do
not represent particular interest groups. Executive government such as ministers, cabinet or in the case of royal commissions, the Crown appoints public inquiries, while the vast majority of consultancies are engaged by senior public servants and departments under normal powers of delegation. However, ministers may also appoint consultants for special projects. Most consultancies investigate a range of relatively minor management, administrative or technical matters, although some may have wider and more important briefs.

**Distinguishing public inquiries from other advisory bodies**

Similar confusions in distinguishing public inquiries from the many other types of advisory bodies may be seen in Cushing's surveys of *Australian Federal Government Inquiries*, for the Commonwealth Parliamentary Library (1986, 1989, 1991). Cushing made no attempt to define "inquiries" as such. As a consequence she included many different types of advisory bodies, many of which were not public inquiries. Cushing's compilations included consultancy firms, parliamentary backbench government committees (e.g. Country Task Force), internal departmental bodies constituted totally by public servants (e.g. Nursing Homes and Hostel Review), intergovernmental committees of Federal, State and local government officials (e.g. Task Force to Review Queensland Nickel's Yabulu Nickel Refinery), investigations by ongoing permanent bodies (e.g. Waterfront Strategy by the Interstate Commission; Inquiry into Australian Capital Territory Finances by the Commonwealth Grants Commission), those chaired by parliamentarians including ministers (e.g. the Affirmative Action Working Party chaired by Senator Ryan), many whose reports were not made public (e.g. Inquiry into Tax Allegations concerning Denis Horgan) and even parliamentary committees. Cushing's last compilation was more rigorous and did "not include any inquiries carried out by parliamentary committees nor … inquiries by interdepartmental committees" (Cushing 1991: ii). Nevertheless, Cushing (1991: ii) noted the difficulties in identifying public inquiries accurately and still found that "it is not possible to state with certainty that every Federal Government inquiry from 5 December to date is listed. In spite of the diverse sources used and considerable cross checking, some inquiries will have escaped the net."

Hawker's (1977a) study of public inquiries appointed by the Whitlam Government further highlighted these problems. Hawker (1977a: 2) acknowledged that "it was not easy to define precisely what bodies it is we are talking about" and sought to provide some guidelines to identify public inquiries better. Hawker suggested the involvement of non-public servants and the separation of such bodies from permanent government agencies as an important means to identify public inquiries. Although Hawker (1977a: 2) admitted there remained a number of ambiguities in this identification of public inquiries, he did not seek to resolve these fully as, for the purpose of his study, there were "sufficient inquiries … identified to establish the mode as important, even if the boundaries are unclear." As a consequence, some of the "public inquiries" identified by Hawker do not, on closer examination, meet all the criteria outlined above (*Box 3.1*). His initial list of more than 120 inquiries thus needs to be qualified. Hawker (1977a: 6)
himself identified, although these were still included in his list, a number of bodies that “ended up becoming part of the permanent machinery of the public service.” Some on Hawker’s list include ongoing advisory bodies rather than temporary public inquiries, although they had many of the features of a public inquiry (e.g. Social Welfare Commission with its external members and investigations into a number of different issues). Also, Hawker included some bodies twice (e.g. Working Party on Tendering Procedures for Government Contracts, Working Party on State Legislation to Support the Jurisdiction of the Prices Justification Tribunal).

Cushing’s compilations also highlight a number of issues concerning inquiries listed by Hawker. With some, there was no record of a report being publicly released (e.g. Committee on Government Factories Workload). A number could not be verified by subsequent reviews of ministerial press releases, media comment, parliamentary papers (e.g. Task Force on Development of Outdoor Recreation) (Cushing 1991: 159-160). Hawker (1977a) also included, and acknowledged, several inquiries established by the previous government because of their ongoing impact during this period and in some cases modifications by the Whitlam Government (e.g. National Population Inquiry, Commission of Inquiry into Poverty in Australia, Committee of Inquiry into Crafts in Australia, Independent Inquiry into the Repatriation System).

All this shows the difficulties in correctly and consistently identifying public inquiries. But, with a clearer definition of public inquiries, the number appointed by the Whitlam Government needs to be reduced by almost a third.

Studies of specific inquiries, such as like Hazlehurst and Nethercote (1977: 2) on the Royal Commission on Australian Government Administration (RCAGA), did not seek to define public inquiries, except to see the RCAGA as “an advisory body with a limited life.”

The clearest attempt at defining public inquiries in Australia was by Elaine Spiegel in her study of committees of inquiry from 1957 to 1969. Spiegel suggested inquiries were those bodies that were appointed by the cabinet as a whole or by a minister. They report to a minister or cabinet and conduct public investigations including the seeking of evidence from the public. They are usually at least in part open to the public and the press. They have been given a specific task, and disband on completion of this assigned task. Their membership is drawn largely from outside the government and public service (Spiegel 1973: 6-7). Despite this set of criteria, Spiegel (1973: 9) admitted there were still “a series of practical problems … to be solved” in identifying inquiries because of the wide range of labels assigned to such bodies, and the lack of legislation and indexes. Spiegel stressed that her study could “not guarantee that every ad hoc committee of inquiry established during the period has been included.” Spiegel excluded cabinet committees, those appointed by statutory boards, and inquiries whose reports were not made public. Thus, Spiegel laid an important foundation for better defining public inquiries.
Since then a number of other advisory mechanisms have developed which need to be considered in the context of this analysis. Hence, more recent attempts to define public inquiries have sought to take these developments into consideration (Prasser 1988, 1994).

### Determining what are not public inquiries

By using the above criteria, a number of different types of advisory bodies are excluded as public inquiries. As depicted in Figure 3.1, these ranged from bodies mostly encompassed within the confines and controls of executive government and departmental structures to those on the fringe of government, but are excluded because of their permanence or partisanship. Thus, public inquiries exclude internal public service inquiries or committees such as interdepartmental committees (IDCs) or project teams. These are constituted totally by public servants (e.g. the National Maintenance Inquiry established by the Hawke Government in 1983 was totally staffed by the Family Law Branch of the Attorney-General’s Department). While these bodies are often temporary, their existence, terms of reference, memberships, activities and reports are rarely made public and their members are drawn totally from within the public service. Also excluded are departmental policy research units. Although providing policy advice, such units report directly in the form of confidential briefing notes to the public service hierarchy and minister on a range of topics. Their members are public servants.

Internal public service inquiries conducted by a public servant, sometimes on internal matters (e.g. discipline) or in relation to broader public policy issues, are generally not public inquiries because of their limited public exposure and, often, the confidentiality of their findings.

Most consultancies are also excluded for reasons set out above.

There are also special policy research bureaux located in government departments that have some independence from the normal routines of government such as the Australian Bureau of Agricultural Resource Economics (ABARE), Bureau of Resource Sciences (BRS), and the former Bureau of Immigration and Population Research. As permanent ongoing bodies these cannot be regarded as public inquiries despite the public release of some of their studies and their activities in the public domain (e.g. ABARE’s annual Outlook Conference, special reports and research), as much of their work remains confidential.

More independent from executive government direction are a wide range of permanent statutory advisory bodies or offices located more formally outside of government departments though with reporting processes to departments and ministers. These include the Australian Law Reform Commission, the Productivity Commission, the Commonwealth Scientific and Industrial Research Organisation (CSIRO), and the Australian Institute of Family Studies. Such bodies receive references from government to investigate certain topics, but they also have their own research agendas. They often involve, as members, external appointees from academia or
industry. The Productivity Commission and its predecessors, the Tariff Board, the Industries Assistance Commission, and Industry Commission, hold inquiries into different topics that utilise public processes such as formal hearings, draft reports and forums and have independent expert members. The permanent and ongoing nature of such bodies excludes them from being a public inquiry.

Some have seen parliamentary committees as a form of public inquiry because of their public processes of investigation and reporting and powers to call witnesses that have been seen as similar to royal commissions (Borchardt 1986: vii; Borchardt 1991: 18; Marshall 1990: ii). Parliamentary committees are not included as public inquiries in this study despite their increasing numbers and sophistication (Drinkwater 1997; Laing 1995; Uhr and Wanna 2000). Their membership is partisan in origin, with government backbenchers, especially in committees of the House of Representatives dominating their composition. Therefore, they are not perceived to be independent from government. Further, parliamentary committee operations and reports have frequently been characterised as extensions of the partisan debate that occurs in parliament and therefore hardly perceived as independent or analytical bodies.

There are also “think tanks”. Most, but not all, are independently funded (e.g. Evatt Foundation, Menzies Research Centre, Sydney Institute, Centre for Independent Studies, Brisbane Institute) and also public policy research centres at universities (Hawker 1984). Although conducting in-depth investigations, research or “inquiries” into topics they choose themselves or have been commissioned to do, their established nature and limited public processes excludes these bodies as public inquiries (Marsh 1991; Marsh 2000).

Other bodies excluded have been “inquiries” established by government entities such as statutory boards rather than executive government itself. During the Hawke Government the Inquiry into the Australian War Memorial (1985) was excluded as a public inquiry because it was appointed by, and reported to, the War Memorial Council rather than the responsible minister. So, too, was the Task Force on Amalgamation in Higher Education excluded because it was appointed and conducted by the National Board of Employment Education and Training (NBEET), a permanent advisory body. The Howard Government’s Australian Science Capability Review conducted by Professor Batterham, the Commonwealth Chief Scientist, was excluded as a public inquiry. Despite its public processes of consultation, executive government appointment and publicly released report, the Chief Scientist is a semi-permanent officer in the Commonwealth Government and the review was within the prescribed duties of that office.

Another type of inquiry under question includes those appointed jointly by Commonwealth and State governments. These can either be between the Commonwealth and particular States or, in some cases, all the States. Such joint appointment may be the result of some crisis or issue
or the consequence of formal intergovernmental processes such as Federal-State ministerial councils (Hede 1993) or the Council of Australian Governments (COAG). Spiegel (1973:8) only accepted as public inquiries those where the initiative for appointment came from the Commonwealth government. This general principle has been accepted in this study. Important examples of such joint Commonwealth-State public inquiries initiated by the Commonwealth include the two royal commissions discussed as case studies in Chapter Eight – the Royal Commission on the Activities of the Federated Ship Painters’ and Dockers’ Union, established with the Victorian government, and the Royal Commission into Aboriginal Deaths in Custody supported by all States. Other joint Commonwealth-State inquiries are clearly identified in Appendices 1-9.

Identification of public inquiries is not straightforward. It requires clear criteria for distinguishing these from the host of other advisory institutions and considerable checking of the particular body under review. Public inquiries listed in Appendices 1-9 have been selected on the basis of the criteria outlined above which have been applied more rigorously to reflect clearly identified public inquiries more accurately.

**Figure 3.1: Public inquiries and other advisory bodies**

<table>
<thead>
<tr>
<th>Ministerial advisers</th>
<th>Department policy units, project teams</th>
<th>Inter-department committees</th>
<th>Consultants</th>
<th>Research bureaux</th>
<th>Parliamentary committees</th>
<th>Permanent advisory commissions</th>
<th>Public inquiries (committees, task forces, royal commissions)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Closest to government and level of control</td>
<td>Decreasing levels of government control and increasing perceptions of independence</td>
<td>Degree of independence from government</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Overview: historical use of inquiries**

To understand why inquiries are appointed and the roles they serve it is important to place public inquiries in a historical context both in Australia and internationally and to identify key trends concerning their use. As suggested in Chapter One, public inquiries have a long history in Commonwealth and Westminster democracies such as the United Kingdom, Australia, Canada and New Zealand (Cole 1939; Brady 1939) and other related countries such as the United States.

**United Kingdom**

In the United Kingdom, public inquiries, most notably in the form of royal commissions, have been used extensively, initially as a means by which the Crown could obtain advice or inquire
into specific issues and wrong doings outside of other institutions such as parliament. The origin of royal commissions may be traced back to eleventh century England with William the Conqueror’s appointment of an “inquiry” to prepare the Domesday Book of land ownership (Clokie and Robinson 1937). During the nineteenth century more than 400 royal commissions were appointed by governments as a means of obtaining expert advice on many issues such as health, education, labour reform, public administration, welfare and factory legislation (Cartwright 1975: 32-49; Clokie and Robinson 1937: 75). As Gosnell (1934: 84-85) observed, “commissions of inquiry are part of the British parliamentary system … royal commissions and departmental committees are the chief advisory bodies in the legislative and administrative processes of Great Britain.” Such extensive use of public inquiries has continued in the United Kingdom, with some variations, throughout the twentieth century.

In addition to royal commissions, the other form of ad hoc public inquiry used in the United Kingdom has been a departmental committee of inquiry. These are “appointed by the minister rather than the Crown and are not, in practice, distinguishable from royal commissions in terms of importance and function though they lack some of the prestige which royal commissions enjoy” (Bulmer 1980: 1). As highlighted, some inquiries, largely those concerning allegations of misconduct, police corruption or brutality, or investigating certain types of accidents are appointed under the Tribunals of Inquiry (Evidence) Act 1921.

Canada

Similarly, public inquiries in the form of royal commissions have been used in Canada in considerable numbers since confederation in 1867 (Courtney 1969: 198-200; Hodgetts 1949) and their appointment in particular policy areas such as agriculture acknowledged (Fowke 1948). Indeed, during the latter half of the nineteenth century their use exceeded that of the United Kingdom (Cartwright 1975: 41). As d’Ombrain (1997: 86-87) recently concluded, “public inquiries have been prevalent throughout the twentieth century … and … have marked, if not inspired, some of the pivotal moments of Canada’s history.”

New Zealand

Inquiries, primarily in the form of royal commissions, have also long been used in New Zealand and are appointed under the Commissions of Inquiry Act 1908 (Fraser 1986: 90-93). Public inquiries in New Zealand have not been used as frequently as in Australia or Canada. Between 1868 and 1981 thirty-seven royal commissions were appointed in New Zealand compared to 350 in Canada since confederation and 122 in Australia since federation at the Commonwealth level. Nevertheless, the topics that New Zealand Royal Commissions have investigated have at times been significant and controversial. For instance, there have been royal commissions to review the social security system, contraception, the electoral system and nuclear power generation (Easton 1994; Simpson 1978). More recently, a royal commission was appointed
into genetic food modification and when reporting in 2002 became an important topic of debate during the national elections of that year (Fitzsimons 2001).

Other royal commissions have also gained special attention. The *Royal Commission into the Crash of an Air New Zealand Aircraft into Mount Erebus* (1981) generated considerable controversy. The basis of its findings was successfully challenged by Air New Zealand in the Judicial Committee of the Privy Council in the United Kingdom. This caused a scuttling of its major recommendations and consequently caused its chair, Mr Justice Mahon, to resign from the New Zealand Supreme Court.

**United States**

In the United States, the predominant form of external public inquiry at the national level, apart from Congressional Committees, has been the presidential commission or task force. These have been compared to the British royal commission in terms of status and importance (Hanser 1969). While such bodies may be traced back to the first presidency, it has been accepted that the present and modern form which presidential commissions now take originated under President Theodore Roosevelt who was “the first to employ groups of nongovernmental experts to examine problems of public policy” (Wolanin 1975: 5).

Since then presidential commissions have been used extensively in the twentieth century and are seen as an accepted part of the system of government though their impact, like their counterparts elsewhere, has often been questioned (Sulzner 1971; Tuchings 1979). Presidential commissions are established by presidential executive order under the Federal Advisory Committee Act which confers on these bodies limited powers, but importantly requires a formal response from the President within twelve months of a presidential commission report being submitted.

**Australia**

Australia has also had a long history in the use of *ad hoc* public inquiries. Indeed, while still a penal colony, Australia’s first inquiry was the appointment by the Secretary of Colonies of J.T. Bigge in 1819 to report on the state of the new colony and, in particular, the administration of Governor Macquarie (Borchardt 1991: 8; Wettenhall 1978). As each of the colonies gained self-government, public inquiries, mainly in the form of royal commissions, were regularly appointed. The topics they investigated included native police, charities, civil service (New South Wales), defence, local government, sugar industry, mining accidents (Queensland); education, factory regulation, and the River Murray (Victoria), and public service reform (Borchardt 1986; Marshall 1990; Zalums 1975; Zarafullah 1986; 1991).

At the Commonwealth level, the first public inquiry following federation (see Appendix 1) was a royal commission established in 1902 concerning the transportation of troops from South Africa.
Other royal commissions and more general inquiries followed (Appendix 3). The States have also continued to appoint royal commissions and other types of inquiries after federation (Borchardt 1991; Marshall 1990; Zalums 1975) with varying degrees of enthusiasm. As Marshall (1990: ii) observed:

*The importance of public tribunals of inquiry that have been commissioned in Australia has never been doubted. Since the attainment of self government … close to 3,700 public inquiries have been held to examine issues upon which the State and Commonwealth governments were unwilling to pronounce or which popular pressure wanted to see dealt with by non-political committees.*

While Marshall’s nominated number of inquiries needs to be tempered as it included select committees of parliament, not considered a “public inquiry” for the purpose of this study, the number of public inquiries has nevertheless been considerable (see Table 3.1 and Figure 3.2 below).

Public inquiries in the United Kingdom, United States, Canada, New Zealand and Australia, notwithstanding their *ad hoc* character, temporary tenure and lack of formal constitutional standing should not be seen as an aberration of government. Such bodies have played a significant part in these governments. As Smith and Weller (1978: 2) observed, “in the British system of government, as in others which follow a similar model, royal commissions, committees of inquiry, and advisory committees are familiar parts of the political and administrative process.”

The role and processes of appointment of public inquiries and their *ad hoc* appointment in Westminster democracies and related systems is in contrast to the more structured arrangements for similar bodies in countries such as Sweden.13

**Trends in governments’ use of public inquiries**

**Key issues**

In examining trends in the use of public inquiries by successive Commonwealth governments there is a need to identify a number of variables. For instance, is there any correlation between inquiry numbers and the political complexion of the government? It has been suggested that Labor governments are more prone to appoint public inquiries because of their interventionist and “reformist” policy agenda, and desire for more advice and consultation outside existing institutions because of Labor’s general distrust of these. By contrast, Coalition governments, in office for longer periods, supposedly less zealous in making policy initiatives and more comfortable in relying on established advisory mechanisms like the public service, use public inquiries more sparingly. These views partly reflect the “initiative-resistance” debate about Australian political parties (Crisp 1971; Hancock 1931; Mayer 1956).
Another variable is whether there is any connection between frequency of public inquiries and the life cycle of governments? Are more inquiries likely to be appointed during the first term of a new government, reflecting their policy initiatives, greater desire to review existing policies and distrust of advisory institutions inherited from the previous regime? Similarly, do governments appoint fewer inquiries the longer they are in office because they have less policy initiatives and they have come to better trust existing advisory arrangements?

Next is the issue of assessing what particular forms of inquiries are dominating. For example, are royal commissions the preferred option over other more informal types of inquiries such as committees, task forces or working groups.

A particular issue concerning royal commissions is how often anyone but judges or senior legal practitioners chair these bodies? Also related to the appointment of royal commissions is assessing the sort of issues they have been asked to investigate. In the United Kingdom, (Cartwright 1975: 28-31), royal commissions have been used for a wide range of policy advisory type issues. In Australia, it has been suggested (Donoghue 2001) that royal commissions are being used predominantly to investigate allegations of wrongdoing, or to discover the “facts” as to the cause and responsibility concerning some major accident or disaster.

Examination of the issues investigated by public inquiries provides an opportunity to assess any trends such as whether they reflect particular government policy initiatives, real or proclaimed. For instance, does a government coming to office on a platform of cutting government appoint public inquiries for this goal? Does a government preaching “consensus” use public inquiries as a means to achieve this? Do governments concerned with particular policy directions like micro-economic reform appoint inquiries into related areas?

Another question is what repeated use of public inquiries into a particular matter informs us about both the nature of the issue as well as about government decision making and the role of public inquiries in relation to this field. This is analysed briefly below and in more detail in Chapter Four.

Last, could the rise and decline in public inquiry numbers be seen in the same way management fads have been used to explain the different types of organisational changes in both business and government organisations (Byrne 1986; Micklethwait and Wooldridge 1997). Indeed, it has been suggested that different governments often establish new organisational units and initiate new policies that mimic developments elsewhere even if they are not always applicable to the situation at hand (Hogwood and Peters 1985: 5-17; Penrose 1982).

These issues concerning the different trends in inquiry use are analysed in the remainder of this chapter and throughout the thesis in relation to particular case studies.
Chapter 3

Trends in the United Kingdom

After falling into some disrepute by the end of the eighteenth century, public inquiries, primarily in the form of royal commissions, were greatly expanded in use during the nineteenth century (Cartwright 1975: 38-39). This period has been seen as the highwater mark in the use of public inquiries, mainly in the form of royal commissions (Cartwright 1975: 37; Clokie and Robinson 1937). Subsequently, royal commission numbers declined though there was a concomitant increase in the number of departmental committees of inquiry. Since the Second World War, these major forms of public inquiries continued to be appointed in considerable numbers with more than 600 having been established between 1945 and 1970 (Cartwright 1975: 42-44).

Cartwright (1975: 53) considered the appointment of public inquiries in terms of government partisanship. There were increases in their numbers under Labour governments between 1945 and 1949. Wide ranging public inquiries were a feature of the nature of the post-Second World War boom when the aim was to make interventionist government work better and before market competition had again become respectable. Another period of growth occurred during a brief part of Conservative Party rule (1957-9). While, the Wilson Labour Government (1964-70) appointed more royal commissions than previous governments (Cartwright 1975: 55; Bulmer 1991: 40), Cartwright concluded (1975: 200) that overall public inquiry use was such a regular and “constant feature of government in Britain,” that variations in the numbers appointed by different governments was minimal.

The first marked change in this pattern occurred during the Thatcher Government (1979-91) that “was hostile to the commission method” and consequently “no new royal commissions were appointed” during Thatcher’s prime-ministership (Barker 1993: 28-29; Bulmer 1991: 40). However, the Thatcher Government did appoint the Franks Committee on the Falklands War. Explanations for this decline include Thatcher’s impatience with the delays associated with public inquiry processes, her “conviction” politics with its clear policy agenda, dislike of the post Second World War “consensus” policy agreement (Kavanagh 1985) which prevented more ideological policy commitment and frustration with excessive public consultation which inquiry processes represent. Instead, the Thatcher period saw increased use of alternative mechanisms such as ministerial reviews and greater reliance on an expanded prime ministerial office (Barker 1993: 28-29; Bulmer 1991: 40-41). John Major’s term as prime minister (1991-1997) saw some, but limited revitalisation in the use of public inquiries, with major ones being established into issues such as the criminal justice system and export of arms to Iraq.

The Blair Labour Government, elected in 1997, has not shown any great enthusiasm to appoint royal commissions into key policy issues comparable to the Labour governments of the 1960s. However, it has placed more emphasis than its Conservative Party predecessors on consultation and partnerships with the broader community under the guise of a “stakeholding” and partnership style government (Coates and Lawler 2000). Partly as a consequence of this,
there was extensive appointment of short term task forces and reviews during its first few months of office (Daniel 1997). Blair (2002) himself admitted, “it is a good idea to have lots of different people from outside who can give you interesting insights and ideas.” This has manifested itself in establishment of specialised units with external experts based in the Prime Minister’s Office, contributing to make Blair the most presidential of prime ministers (Gray and Jenkins 2002; Hennessy 2000; Ives 2002). One development has been the use of inquiries appointed under the *Tribunals of Inquiry (Evidence) Act 1921*. Since 1995 there have been four such inquiries appointed (Lindell 2002).

Thus, in the United Kingdom, public inquiries have a long tradition of use and continue to be appointed. During much of the twentieth century, despite the more recent decline in the number of royal commissions, the use of public inquiries overall has been constant and their numbers since the Second World War high. It has only been since election of the Thatcher Government in 1979 that both the numbers and pattern of use of public inquiries have started to change perceptibly, with the number of royal commissions declining markedly. The use of other less formal advisory task forces and reviews has continued apace.

**Trends in Canada**

So extensively were public inquiries used by Canadian national governments between 1870 and 1969 that the number exceeded that of the United Kingdom by more than a third (d’Ombrain 1997; Henderson 1967; Hodgetts 1949). The peak period for Canadian public inquiries during the twentieth century was 1928 to 1938. While public inquiries have been considered an important part of Canadian government (d’Ombrain 1997; Fowke 1948; Courtney 1969; Pross et al 1990), some have questioned their policy value given their short term duration (Doern 1967).

In recent decades there has been a decline in their use. Since the first quarter of the twentieth century till the 1960-66 period, the annual average number of commissions appointed has halved (Courtney 1969: 199-200; d’Ombrain 1997: 87-89). This decline has continued in subsequent decades. Moreover, it has been argued that not only have inquiry numbers fallen, but also those public inquiries appointed by the Trudeau and Mulroney governments have been on less important subjects of public policy than previously (d’Ombrain 1997: 89, 101-102). During the 1990s there has been a further fall in the number of royal commissions appointed by federal and provincial governments (Marchildon 2002). The Chretien Federal Government during its ten years in office has appointed only six royal commissions, most of which have been on subjects regarded as minor issues. The exceptions to this include royal commissions into Aboriginal Peoples and most recently (2001) the health system (Zussman 2003: 9). Overall, the use and status of public inquiries in Canada by the mid 1990s was one where according to d’Ombrain (1997: 89, 102) there was:
considerable criticism of public inquiries due to concerns about costs, performances, fairness of the public inquiry process, as well as its usefulness as a vehicle for investigating systemic misconduct. Public inquiries have few admirers these days. They are messy and time consuming. As often as they are set up to provide new insights, they are set up to slough off inconvenient problems. Public servants see them as nuisances, and the recommendations are likely to be irrelevant.

D’Ombrain has lamented this “fading of the major policy inquiry.” He had argued (1997: 103) that public inquiries in Canada have been “a useful and important part of government essential to public confidence in the credibility of government, an important means of getting fresh thinking and of stimulating public awareness of important national issues.” Others concur. Bradford (1998) suggested that innovative ideas and national policy development have not come about as a result of societal bargaining as in Sweden, partisan debates like the United Kingdom, or political realignments as occurred in the United States. They have, instead, originated from royal commissions appointed by successive federal governments to assess the limitations of current approaches and to propose new development strategies and public philosophies in Canada. Given the absence of other innovative advisory mechanisms in Canadian government (Zussman 2003) and the past contribution of royal commissions, it has been suggested that “it is time for Canada to revive the public inquiry” to fulfil this role (d’Ombrain 1997:105).

**Trends in the United States**

In the United States the trend during the twentieth century has been for a gradual increase in the use of presidential commissions with key subjects of public policy being subject to their investigations, e.g., labor relations, executive government, and Pearl Harbour. During the post Second World War period the overall trend was for the number of commissions to increase with some variation between each administration (Brown 1955; Sulzner 1971). Significant increases occurred with the Kennedy and Johnson Democratic administrations (1961-69), with the number of commissions doubling compared to previous post war administrations (Cronin and Greenberg 1969; Thomas and Wolman 1969; Tuchings 1979). This increase coincided with policy activist presidencies such as Kennedy’s “New Frontier” and the expansion of social welfare programs under Johnson’s “Great Society” initiatives. As Bell commented during this period, “the number of government commissions has expanded enormously and these commissions seem to be developing into a new and unanticipated mechanism of government” (Bell 1966: 6). The subsequent Nixon Republican presidencies (1969-1974) saw even more use of such commissions.

Since then presidential commissions on important issues have continued to be appointed, averaging four or five a year (Flitner 1986: 1). The present Bush Administration has established
commissions on subjects such as the United States intelligence agencies, status of Puerto Rico, social security, citizen preparedness in relation to terrorism, and delivery of health care to veterans.

Presidential commissions have been seen as having “a significant role in policy making” (Louis and Perlman 1985: 33). Nevertheless, Wolanin’s (1975: 4) assessment that these bodies are “only one of the many advisory techniques available to the president and … are a relatively small thicket in the presidential forest” puts their role into perspective.

**Trends in New Zealand**

No royal commission was appointed in New Zealand between 1988 and 2001 when the *Royal Commission into Genetically Modified Food* was established, thus highlighting a decline in their use to a far greater extent than elsewhere. Unlike Australia (at both the Commonwealth and State levels) there has not been a spate of royal commissions into government corruption and maladministration (see *Appendices 2 and 10*).

Although royal commissions are no longer a favoured advisory choice, other forms of inquiries such as committees, ministerial committees and inquiries appointed under other legislation continue to be used in considerable numbers, although accurate lists, as Easton (1994:231) notes, are not available.

**Trends in Australia**

**Overall patterns of public inquiry use**

*Table 3.1 and Figure 3.2* provide information about Commonwealth public inquiries appointed since federation. There was a gradual increase in numbers up until the end of the 1920s, especially of royal commissions. From then until the decade beginning in 1970, the number of inquiries appointed declined and then stabilised. The 1970s saw public inquiry numbers increase dramatically to an unprecedented level reaching a peak during this period. Although the number of inquiries fell during the 1990s it was still at a level considerably higher than at any decade prior to the 1970s.
### Table 3.1 Number of public inquiries established by Commonwealth governments 1900-2003 by decade

<table>
<thead>
<tr>
<th>Decades</th>
<th>Royal Commissions</th>
<th>Other Inquiries</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1900-09</td>
<td>15</td>
<td>2</td>
<td>17</td>
</tr>
<tr>
<td>1910-19</td>
<td>29</td>
<td>1</td>
<td>30</td>
</tr>
<tr>
<td>1920-29</td>
<td>27</td>
<td>6</td>
<td>33</td>
</tr>
<tr>
<td>1930-39</td>
<td>10</td>
<td>10</td>
<td>20</td>
</tr>
<tr>
<td>1940-49</td>
<td>6^2</td>
<td>13^3</td>
<td>19</td>
</tr>
<tr>
<td>1950-59</td>
<td>2</td>
<td>20</td>
<td>22</td>
</tr>
<tr>
<td>1960-69</td>
<td>3</td>
<td>20</td>
<td>23</td>
</tr>
<tr>
<td>1970-79</td>
<td>12</td>
<td>167</td>
<td>179</td>
</tr>
<tr>
<td>1980-89</td>
<td>13</td>
<td>152</td>
<td>165</td>
</tr>
<tr>
<td>1990-99</td>
<td>3</td>
<td>96</td>
<td>99</td>
</tr>
<tr>
<td>2000-03</td>
<td>2</td>
<td>23</td>
<td>25</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>122</strong></td>
<td><strong>510</strong></td>
<td><strong>632</strong></td>
</tr>
</tbody>
</table>

**Footnotes**


2. Includes the Royal Commission into the Japanese Attack on Darwin that was appointed under the *National Security (Inquiries) Regulations*.

3. Includes ten inquiries appointed under *National Security (Inquiries) Regulations* which allowed the Attorney-General to appoint an inquiry on “any matter in relation to public safety or defence of the Commonwealth” (Section 1A). Such inquiries are identified in Appendices 1 and 3. Such inquiries have sometimes been counted as royal commissions (Fraser 1986), but are excluded as they did not exercise full royal commission powers.
Figure 3.2: Number of Royal Commissions and other public inquiries per decade 1900 - 2003

The use of royal commissions

The royal commission form of inquiry predominated as the major form of public inquiry until 1930s. The high point of their use was the period from 1911 to 1929 when fifty-six royal commissions were appointed. From 1940 until 1969 there was a significant decline in the use of royal commissions; only eleven royal commissions were appointed during this nearly thirty year period (see Table 3.1, Figure 3.3 and Appendix 1). This decline was part of an overall fall in public inquiries in general rather than dissatisfaction with royal commissions per se.

The election of the Whitlam Government in December 1972 saw an increased use of royal commissions, which during its three years in office appointed eight royal commissions – a considerable increase over the two commissions appointed by the post-Menzies Coalition governments between 1966 and 1972. Seven royal commissions were appointed during the seven year Fraser Government (1975-1983). The Hawke and Keating Labor governments (1983-1996) established twelve royal commissions. During its seven year period in office to date (1996 to 2003) the Howard Government has only appointed two royal commissions (Table
3.2; Table 3.3, Appendices 1 and 9), signifying a clear decline in their use (and inquiries generally) compared to the preceding thirty years of Labor and Coalition governments.

<table>
<thead>
<tr>
<th>Government</th>
<th>Partisanship</th>
<th>Years in office</th>
<th>Term in office (months)</th>
<th>Number of Royal Commissions</th>
<th>Incidence (Royal Commissions per month in office)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Curtin / Chifley govts</td>
<td>Labor</td>
<td>October 1941 – December 1949</td>
<td>98</td>
<td>4</td>
<td>0.0408</td>
</tr>
<tr>
<td>Menzies Govt</td>
<td>Coalition</td>
<td>December 1949 – January 1966</td>
<td>193</td>
<td>4</td>
<td>0.0207</td>
</tr>
<tr>
<td>Holt / Gorton / McMahon govts</td>
<td>Coalition</td>
<td>February 1966 – December 1972</td>
<td>82</td>
<td>2</td>
<td>0.0243</td>
</tr>
<tr>
<td>Whitlam Govt</td>
<td>Labor</td>
<td>December 1972 – November 1975</td>
<td>35</td>
<td>8</td>
<td>0.2286</td>
</tr>
<tr>
<td>Fraser Govt</td>
<td>Coalition</td>
<td>December 1975 – March 1983</td>
<td>87</td>
<td>7</td>
<td>0.0804</td>
</tr>
<tr>
<td>Hawke / Keating govts</td>
<td>Labor</td>
<td>March 1983 – March 1996</td>
<td>156</td>
<td>12</td>
<td>0.0769</td>
</tr>
<tr>
<td>Howard Govt</td>
<td>Coalition</td>
<td>March 1996 – June 2003</td>
<td>87</td>
<td>2</td>
<td>0.0230</td>
</tr>
</tbody>
</table>

Notes: Average incidence of royal commissions per month in office for Coalition governments since 1949: 0.0334 while average incidence of royal commissions per month in office for Labor governments since 1941: 0.0830 is considerably higher.
Historically, royal commissions in Australia have investigated both allegations of impropriety and, like their counterparts elsewhere, broad issues of policy. Nearly 60 per cent of all royal commissions appointed since 1901 at the Commonwealth level were concerned with providing advice on policy issues. Appendix 2 highlights the number of inquiries, mainly in the form of royal commissions, but also including a small number (nine) of non-royal commissions, appointed on questions of maladministration and impropriety. This type of inquiry became more significant from the 1970-79 decade onwards. By the 1980s and 1990s the focus on these sorts of issues especially dominated Commonwealth royal commissions. Indeed, from 1972 nearly 72.4 per cent of all Commonwealth royal commissions were appointed to investigate allegations or related issues. Since 1980, there has only been one general policy advisory royal commission (the 1986 Royal Commission into Costs and Efficiency of Grain Storage, Handling and Transport) (see Appendix 1). This emphasis on investigations into allegations and maladministration coincided with similar trends at the State level during this period (see Appendix 10). Notably, the only two royal commissions appointed by the Howard Government (2001) were inquiries into allegations of maladministration and impropriety (Table 3.1 and Appendices 1 and 9).

Despite the overall increase in royal commission numbers since 1972, it still did not match the highpoint of royal commission use during the two decades from 1910 to 1929 when 56 were appointed. Overall, from 1972 to 2003 a total of 29 royal commissions were appointed, with the
highest number being established during the 1980-89 decade (13 royal commissions). By the 1990-99 decade this fell to only three royal commissions (Table 3.1, and Appendix 1).

Overall, royal commissions have declined as a proportion of all public inquiries appointed since the early 1940s despite the increase in their numbers since the 1970s (Table 3.1, Figures 3.2 and 3.3). Their focus has also changed. There are now mainly appointed as inquisitorial inquiries to examine issues of maladministration and impropriety where their special powers of investigation in calling witnesses and obtaining access to evidence, as well as signifying the government’s concern with the issue, can be deployed. However, as is highlighted in Chapter Eight, this does not mean that Commonwealth royal commissions have not had significant policy impacts.

Increasing use of public inquiries other than royal commissions
Another clear trend beginning in the 1940s (see Tables 3.1, 3.2, 3.3 and Figures 3.2 and 3.3) has been the increasing use of non-royal commission forms of inquiries. In the 1900-09 decade non-royal commissions represented only 13.3 per cent of all inquiries appointed. By 1940-49 it was 50 per cent; 1970-79 93 per cent; 1990-99, 96 per cent (see Table 3.2; Figure 3.2). Table 3.3 highlights these trends in relation to different governments since 1949 and although there are some minor variations, the trend has been for the ratio of general public inquiries to royal commissions to increase. Non-royal commissions are now the predominant public inquiry form at the Commonwealth level.

Figure 3.4: Number of Royal Commissions per government October 1941 - June 2003
### Table 3.3  Number of all inquiries appointed by Commonwealth governments 1949 – June 2003 by government

<table>
<thead>
<tr>
<th>Government</th>
<th>Royal Commissions</th>
<th>Other Inquiries</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Menzies govts (Coalition) 1949 – 1965 (193 mths)</td>
<td>4</td>
<td>30</td>
<td>34</td>
</tr>
<tr>
<td>Holt / Gorton / McMahon govts (Coalition) 1965 – 1972 (82 mths)</td>
<td>2</td>
<td>27</td>
<td>29</td>
</tr>
<tr>
<td>Whitlam Govt (Labor) 1972 – 1975 (35 mths)</td>
<td>8</td>
<td>78</td>
<td>86</td>
</tr>
<tr>
<td>Fraser Govt Coalition 1975 – 1983 (87 mths)</td>
<td>7</td>
<td>85</td>
<td>92</td>
</tr>
<tr>
<td>1st Hawke Govt (Labor) 1983 – 1984 (21 mths)</td>
<td>5</td>
<td>52</td>
<td>57</td>
</tr>
<tr>
<td>2nd Hawke Govt (Labor) 1984 – 1987 (31 mths)</td>
<td>3</td>
<td>38</td>
<td>41</td>
</tr>
<tr>
<td>3rd Hawke Govt (Labor) 1987 – 1990 (33 mths)</td>
<td>1</td>
<td>38</td>
<td>39</td>
</tr>
<tr>
<td>4th Hawke Govt (Labor) 1990 – 1991 (21 mths)</td>
<td>0</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>1st Keating Govt (Labor) 1991 – 1993 (15 mths)</td>
<td>0</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td>2nd Keating Govt (Labor) 1993 – 1996 (35 mths)</td>
<td>3</td>
<td>45</td>
<td>48</td>
</tr>
<tr>
<td><strong>Sub-total for Hawke / Keating govts (Labor) 1983-1996 (156 mths)</strong></td>
<td><strong>12</strong></td>
<td><strong>189</strong></td>
<td><strong>201</strong></td>
</tr>
<tr>
<td>Howard Govt (Coalition) 1996 – June 2003 (87 mths)</td>
<td>2</td>
<td>56</td>
<td>58</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>35</strong></td>
<td><strong>465</strong></td>
<td><strong>500</strong></td>
</tr>
</tbody>
</table>

**Footnotes**

### Public inquiry numbers and partisanship

Studies of practice in other countries have not shown a strong correlation between government partisanship and the rate of public inquiry appointment (Cartwright 1975: 44-45; Wolanin 1975). In Australia, Borchardt came to the same conclusions (Borchardt 1991: 50). During the 23 years of Coalition governments, 1949-1972, public inquiries were used sparingly; though marginally more than the preceding decade dominated by Labor administrations (see Table 3.2, Figure 3.5 and Appendix 4). The Coalition, Holt, Gorton and McMahon governments (1966-1972) only established twenty nine public inquiries and like the Menzies Government (1949-1966) used royal commissions in a limited way only appointing two during this seven year period (see Tables 3.2, and 3.3 and Appendix 5). Towards the end of this long period of Coalition government (1971-72) there was a minor increase in numbers with the appointment of several important inquiries.¹⁵
Table 3.4: Royal commissions by government: Number and incidence by months
1941 – 2003

<table>
<thead>
<tr>
<th>Government</th>
<th>Partisanship</th>
<th>Years in office</th>
<th>Term in office (months)</th>
<th>Number of royal commissions</th>
<th>Incidence (royal commission per months)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Curtin – Chifley Governments</td>
<td>Labor</td>
<td>Oct 1941 - Dec 1949</td>
<td>98</td>
<td>4</td>
<td>24.5</td>
</tr>
<tr>
<td>Menzies Government</td>
<td>Coalition</td>
<td>Dec 1949 - Jan 1966</td>
<td>193</td>
<td>4</td>
<td>48.2</td>
</tr>
<tr>
<td>Holt/ Gorton/ McMahon governments</td>
<td>Coalition</td>
<td>Feb 1966 - Dec 1972</td>
<td>82</td>
<td>2</td>
<td>41.0</td>
</tr>
<tr>
<td>Fraser Government</td>
<td>Coalition</td>
<td>1975 (Dec – March 1983)</td>
<td>87</td>
<td>7</td>
<td>12.4</td>
</tr>
<tr>
<td>Hawke/ Keating Governments</td>
<td>Labor</td>
<td>March 1983 - March 1996</td>
<td>156</td>
<td>12</td>
<td>13.0</td>
</tr>
</tbody>
</table>

Table 3.5: All inquiries by governments per months in office
1949 - June 2003

<table>
<thead>
<tr>
<th>Government</th>
<th>Incidence</th>
</tr>
</thead>
<tbody>
<tr>
<td>Menzies</td>
<td>0.1762</td>
</tr>
<tr>
<td>Holt / Gorton / McMahon</td>
<td>0.3537</td>
</tr>
<tr>
<td>Whitlam</td>
<td>2.4571</td>
</tr>
<tr>
<td>Fraser</td>
<td>1.0575</td>
</tr>
<tr>
<td>Hawke / Keating</td>
<td>1.2885</td>
</tr>
<tr>
<td>Howard</td>
<td>0.6667</td>
</tr>
<tr>
<td>Average Labor:</td>
<td>1.5026</td>
</tr>
<tr>
<td>Average Coalition:</td>
<td>0.4743</td>
</tr>
</tbody>
</table>

The election of the Whitlam Labor Government in December 1972 saw a significant increase in the number of both general public inquiries and royal commissions (Tables 3.2, 3.3, 3.4, 3.5 and Appendix 6) and in the rate of inquiry appointment (Table 3.5). Many saw this proliferation of public inquiries as an aberration associated with the nature of the Whitlam Government and expected inquiry numbers to fall with the election of the Fraser Government in December 1975 (Wilenski 1979:41). Certainly, prior to coming to power the Fraser Government indicated it would reduce the number of inquiries and promised to “decommission Australia” (Anthony 1975) and restore the public service to its proper role as the principal policy adviser to government.
Chapter 3

(Hamer 1975). Indeed, the actions of the Fraser Government during its first month in office when it closed down over a number of inquiries appointed by the Whitlam Government and asked several others to report earlier than was originally required seemed to bear this declaration out (Fraser 1976a). Former Prime Minister Whitlam was highly critical of this attack on the public inquiry mechanism that he believed he had revitalised. As Whitlam (1976: 223) railed:

_The Fraser Government disparages all committees, even the parliamentary and judicial committees established by Liberal Governments. They are being abolished not to save money but to shirk facts. The Labor Government found that the scarcest commodity after 23 years of conservative rule was information. In whole areas of public policy – schools, health, the environment, industrial conditions, the National Estate, social welfare, local government – no body of facts or evidence existed … There was no core of information in which Federal or State governments could take decisions._

Whitlam need not have been so concerned. Instead, as Tables 3.2 and 3.3, Figure 3.3 and Appendix 7 show, the Fraser Government in its seven years in office, appointed more than 90 inquiries including seven royal commissions. One commentator was prompted to note that the “Fraser Government has developed quite a penchant for setting up inquiries” (Gittins 1981) to the point that it rivalled the Whitlam Government’s enthusiasm for inquiries (Borchardt 1991: 50). However, given its seven years in office, the rate at which inquiries were appointed was considerably less than that of the Whitlam Government (Table 3.5).

During the Hawke-Keating Labor governments (1983-1996) there was a continuation of the trend begun during the Whitlam period and maintained by the Fraser Government of appointing numerous public inquiries in many areas of public policy. Tables 3.2, 3.3, 3.4, Figure 3.3 and Appendix 8 outline the number of inquiries appointed by successive Labor administrations during this period. Overall, the Hawke and Keating Labor governments (March 1983-March 1996) appointed 201 inquiries including twelve royal commissions. The rate of appointment of inquiries was half that of the Whitlam Labor Government, and marginally more than the Fraser Government (Table 3.5).

Thus, a decade after the Whitlam Government began the increased use of inquiries, the numbers appointed by subsequent Labor or Coalition governments, although less were considerably higher than in the post Second World War period until 1972. Since 1972, public inquiries have been used more frequently than at any time in Australia’s history. Moreover, this level of increased use has been essentially sustained so that, by the 1980s, the public inquiry form had become very much an accepted and frequently used part of the advisory suite of all Commonwealth governments. Such consistent use of public inquiries by all governments
suggests that this proliferation in inquiry numbers may be linked less to the partisanship of particular governments and more to other factors. For instance, the Whitlam Government’s resort to public inquiries may be better explained that it came to office after nearly twenty three years in Opposition and hence had a sense of urgency both to implement its extensive program and be seen to be doing so. In this context, the public inquiry was an extremely useful mechanism to achieve these goals given its public profile, external membership, and ability to produce a definable product in the form of a formal report within prescribed time limits. The decline in public inquiry numbers appointed by the Whitlam Government following its re-election in May 1974 partly confirms this assessment (see Table 3.6).

Meanwhile, the Howard Government has only appointed fifty-nine public inquiries (including two royal commissions) between March 1996 and June 2003 (Tables 3.2, 3.3, 3.4, 3.10), a clear decline in the number and rate of inquiries being appointed compared to the Whitlam, Fraser, Hawke and Keating governments for comparable periods (Table 3.6). For the seven year period from 1983 to 1990, comparable to the Howard period in office, covering the first, second and third Hawke governments, 137 inquiries (Table 3.3) were appointed (including nine royal commissions). Whether this decline reflects the Coalition partisanhip of the Howard Government is open to debate. Previous notions that Coalition governments are less policy active than their Labor counterparts and therefore less likely to appoint inquiries have always been contestable. This becomes even more so given the policy active and self-declared “reformist” stance of the Howard Government (Simms and Warhurst 2000; Singleton 1999). Therefore, whether other factors have been at work such as the further growth in ministerial advisers (Maley 2000), consultancies (Correy 1999; McKinnon 2000) and the Howard Government’s greater ability and willingness to control appointments throughout the public sector (Barker 2000; Grattan 1998; Henderson 1998; Spry 2001) is worthy of examination.

**Inquiries and the cycle of government**

The issue of whether governments resort less to public inquiries the longer they are in office is portrayed in Table 3.6. There are clear trends with inquiry numbers falling in the second Whitlam (1974-75), Fraser (1977-80) and Hawke Governments (1984-87) (Tables 3.3 and 3.6). The small number of inquiries appointed by the first Keating Government reflected its short duration and mid-term leadership change and therefore cannot be seen as a first term government. Rather, the second Keating Government confirmed by the 1993 election win may be seen as equivalent to a first term government. It appointed 48 inquiries including three royal commissions (Table 3.3). The trend of declining inquiry use with each successive government continues with the Howard Government (Table 3.6 and Table 3.9).
### Table 3.6: Inquiries and government election cycles: 1972-2003

<table>
<thead>
<tr>
<th>Governments</th>
<th>Inquiry numbers(^1)</th>
<th>Percentage for each government(^2)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st Whitlam Govt</td>
<td>59</td>
<td>69.4</td>
</tr>
<tr>
<td>2nd Whitlam Govt</td>
<td>26</td>
<td>30.5</td>
</tr>
<tr>
<td>1st Fraser Govt</td>
<td>41</td>
<td>45.0</td>
</tr>
<tr>
<td>2nd Fraser Govt</td>
<td>26</td>
<td>28.5</td>
</tr>
<tr>
<td>3rd Fraser Govt</td>
<td>24</td>
<td>26.3</td>
</tr>
<tr>
<td>1st Hawke Govt</td>
<td>57</td>
<td>39.0</td>
</tr>
<tr>
<td>2nd Hawke Govt</td>
<td>41</td>
<td>28.0</td>
</tr>
<tr>
<td>3rd Hawke Govt</td>
<td>38</td>
<td>26.0</td>
</tr>
<tr>
<td>4th Hawke Govt</td>
<td>10</td>
<td>6.8</td>
</tr>
<tr>
<td>1st Keating Govt</td>
<td>6</td>
<td>11.1</td>
</tr>
<tr>
<td>2nd Keating Govt</td>
<td>48</td>
<td>88.8</td>
</tr>
<tr>
<td>1st Howard Govt</td>
<td>26</td>
<td>44.0</td>
</tr>
<tr>
<td>2nd Howard Govt</td>
<td>21</td>
<td>35.5</td>
</tr>
<tr>
<td>3rd Howard Govt</td>
<td>12</td>
<td>20.3</td>
</tr>
</tbody>
</table>

1. There is some minor variation in the number of inquiries for each government compared to other tables because of slight adjustments for certain inquiries.
2. The four Hawke governments and two Keating governments are treated separately.
Summary of trends in public inquiry use

Box 3.2 summarises public inquiry use at the Commonwealth level in Australia.

Box 3.2: Summary of inquiry use in Australia

- Public inquiries have had a long historical pedigree with the first being established within a few months of federation.
- There was a decline in the number of public inquiries in the period from 1930 to 1949. This low level of use stabilised during the 1950-72 with a slight increase in numbers towards the end of the period.
- From 1972 until the mid 1990s the number of inquiries increased to an unprecedented level. This increase in numbers coincided initially with the election of a Labor government (Whitlam 1972-75), but it was largely sustained by the subsequent Coalition Fraser administration (1975-1983) and Hawke-Keating Labor governments. Only with the more recent Howard Coalition administration, elected in 1996, has the number of inquiries shown a more marked decline, but this is still higher than the period prior to 1972. The Menzies Government appointed a greater proportion of royal commissions of all inquiries (11.7 per cent) than any government since the Second World War, followed by the Whitlam (9.3 per cent) and Fraser (7.6 per cent) governments.
- While the increased numbers of public inquiries has transcended governments of all partisanship, Labor governments appoint inquiries at a greater rate in relation to their time in office than their Coalition counterparts.
- Increased use of public inquiries since 1972 in Australia is at odds with trends in New Zealand, Canada and the United Kingdom during the Thatcher period.
- In relation to the forms of public inquiries, royal commissions have declined since 1930 in both numbers and as a proportion of all inquiries appointed. While, their numbers did increase after 1972, peaking in the 1980s, their proportion of total inquiries established fell (the 6 per cent for the Hawke-Keating governments and 3.3 per cent for the Howard Government).
- The majority of royal commissions appointed since 1901 to 1972 were appointed to provide policy advice on a broad range of issues, but since then nearly 74 per cent of royal commissions were established to investigate allegations of impropriety and corruption. Since 1980 only one royal commission has been announced to provide general policy advice.
- Since the 1970s a small number of other forms of public inquiries were appointed to examine issues of maladministration and allegations of impropriety.
- The rate and number of public inquiries declines the longer a government is in office (e.g. the second Whitlam, Fraser, Hawke and Howard governments). The exception to this was the increased use of inquiries by the second Keating Government that may be explained by other factors.
- Overall, public inquiries have become a more widely used, visible and accepted part of government since 1972, with a greater variation in organisational form as is evidenced by the number of inquiries appointed by all government during this period.
Classifying inquiries: towards a taxonomy

With so many Commonwealth public inquiries being established since 1972 an important issue is how they can best be classified in order better to assess the roles they may be performing, the issues they are addressing and the reasons for their appointment.

Numerous typologies have been suggested for classifying public inquiries in the past. Some such as Borchardt (1991: 11) have focussed on the key functions of inquiries. He classified of public inquiries as:

- investigatory (to establish facts and make recommendations on matters of policy);
- inquisitorial (to determine in the manner of the police, to assess the facts of an incident or of events in the past); and
- advisory (to formulate the basis of government policy).

This is similar to Hallett's classification that suggested inquiries could be either investigatory or inquisitorial. Investigatory inquiries are those that “conduct research for the purpose of reporting facts and making recommendations to government on matters of policy.” Inquisitorial inquiries “investigate and report on the facts relating to an incident or course of events in the past, such as allegations of maladministration (Hallett 1982: 13). Borchardt’s “advisory” category seems to duplicate the “investigatory” category. After all, advisory bodies are also involved in investigating “facts” either in terms of their gathering, sifting, interpreting or researching such information to establish them. They do not have to be inquiries into particular events or allegations but can be, and almost all are, inquiries appointed to provide advice on some policy issue.

Much of this discussion stresses the form, powers and statutory basis of inquiries especially royal commissions given that they are involved in inquisitorial and investigatory type inquiries and given their particular powers in Australia. Indeed, use of the term "investigatory" reinforces this notion of a royal commission.

This thesis proposes a simpler method of classification based on Hallett's categories, but with a change of term to reflect their more general character and Borchardt's third, “advisory” category. Thus, it is suggested that inquiries should be classified in terms of whether they are either inquisitorial/investigatory or policy advisory inquiries.

Inquisitorial inquiries include all those investigating allegations or seeking to find the cause of a particular catastrophic event such as an accident or to check some suspected impropriety. The primary tasks of such inquiries are to assemble, check and verify facts, hear and cross-examine witnesses, and come to conclusions where allocation of responsibility or blame is the prime result. This category would also include both certain types of royal commissions and public inquiries appointed for this purpose.
Chapter 3

The second suggested category is policy advisory inquiries. Such inquiries seek to provide advice to government on a wide range of issues. They are not concerned with investigating allegations, improprieties or the causes of some disaster. Rather, their aim is to inform, summarise and propose suggestions to government on the possible solution to a particular policy problem. These inquiries, as noted in Chapter Two, are linked to the notion of the instrumental or problem solving model of research utilisation and policy development (Snell 1983; Weiss 1977) whereby they are appointed to solve particular policy problems by virtue of their independent analysis, in depth research and implied rationality. Policy advice and policy development is less reliant on research and analysis than many appreciate. It also involves the need for negotiation and bargaining, promoting agreement and consensus across horizontal dimensions (Colebatch 1998; Degling et al 1993). So, too, should policy advisory public inquiries be seen and assessed in how they serve in this broader range of activities (Hawker 1977a).

A better understanding of inquiry processes, membership and activities can be made by categorising inquiries into these two distinct types. These distinctions are depicted in Figure 3.5.

Inquisitorial / investigatory inquiries: key features

Topics, processes and tasks
The topics which are investigated by inquisitorial inquiries have been about ascertaining and verifying the facts about particular events (disasters, accidents), the improper and possibly illegal actions of individuals or organisations or, as with the Royal Commission into Aboriginal Deaths in Custody (RCADIC, see Chapter Eight), a combination of both. Because such topics turn on what actually happened or who did what, they are specially reliant on what witnesses saw, experienced or knew about a certain incident or alleged act. They are therefore more dependent on evidence collected first hand from witnesses through a hearing and cross-examination process, than from evidence collected through wide ranging consultation or even research. As some witnesses may not want to come forward (as they may be implicated in the incident or they need protection against actions for libel), or certain information is not in the public domain, such inquiries are more likely to be appointed as a royal commission. This allows use of the coercive powers provided under the Royal Commissions Act and occasionally other relevant legislation, to force witnesses to testify or to obtain information from sources not normally available or accessible (see case studies in Chapter Eight).

Memberships and size
Although not in any sense courts of law, most inquisitorial inquiries, especially royal commissions, have outward manifestations of being so. This is seen not only by the procedures they adopt, the adversarial nature of their hearings, their use of legal counsel, but also by their membership which is dominated exclusively by those drawn from the legal profession and
judiciary. Such membership not only assists in making the inquiries appear neutral and independent, it also gives legitimacy to their use of coercive powers which are outside the traditional adversarial legal system (Carter 1993; Moffitt 1985: 186). As the focus of such inquiries is about ascertaining facts or events, rather than seeking to promote debate and discussion, they are usually, like most courts, bodies with single members.

Given the nature of their tasks inquisitorial inquiry reports are judgmental in tone and apportion blame about the cause of a particular problem in relation to procedures or persons. Although they themselves cannot launch prosecutions, their reports often result in further action by the relevant legal authorities (Carter 1993; Hawker 1994; Ransley 1994).

A review of inquisitorial inquiries, both royal commissions and non-royal commissions appointed since 1950, corroborates these features. With one exception chairs of all inquisitorial inquiries (including both royal commissions and non-royal commissions) are drawn from the legal profession or judiciary. Non-royal commission inquisitorial inquiries, which represent a small proportion of the total number of inquisitorial inquiries, have adopted less formal and public, but nevertheless legally based procedures.

Reflecting the nature of the investigations, royal commissions dominated the total number of inquisitorial inquiries (Appendix 1 and Appendix 2). Since the 1970s there has been an increasing number of inquiries performed mostly by royal commissions into issues of maladministration, corruption and impropriety. As noted, since 1950 inquisitorial royal commissions have become the dominant form of royal commission. Twenty five (71 per cent) of the thirty five royal commissions appointed since 1950 have been inquisitorial type inquiries. The other ten were concerned with providing broader policy advice (see Appendix 1).

In terms of size, only five (20 per cent) of the inquisitorial royal commissions appointed since 1950, had more than one member. All but one of the non-royal commission inquisitorial inquiries had one member. By contrast, of the ten policy advisory type royal commissions, four (40 per cent) were multi-member bodies. However, 70 per cent of these ten policy type royal commissions were chaired by legal/judicial chairs and members, supporting the view that this form of public inquiry is often used to befit the required status of the members rather than for any purpose associated with the nature of the topic or inquiry.

Policy advisory inquiries: key features
The membership, processes and activities of policy advisory inquiries in contrast to their inquisitorial counterparts reflect different roles and purposes.
Chapter 3

Topic, processes and tasks
If inquisitorial inquiries were narrowly focussed and aimed at allocating blame and seeking out the “truth” of an issue, then policy advisory inquiries covered most areas of policy and provided advice that by its very nature was less prescriptive.

Procedurally, policy inquiries gain information by co-operative consultation such as hearings and submissions and by some supplementary research rather than by coercive measures. They rely on their status as executive-appointed bodies to attract submissions and support. The predominant feature of the policy inquiry process is on listening, gaining an appreciation of issues, and understanding the range of views and opinions, rather than seeking the “one truth” or “solution” about an issue. Time and again those who chair such policy inquiries stress this collaborative and consultative approach in a way that is quite different from the inquisitorial inquiry (see case studies in Chapter Nine). Policy based royal commissions also adopt this style, rarely using their coercive powers to obtain evidence and avoiding excessively formal legalistic processes (see RCAGA case study in Chapter Seven).

Membership
While some policy inquiries have single members, the majority appointed since 1950 had membership ranging in number from two to as high as eighteen. Average membership of policy advisory inquiries from 1950-1972 (including policy royal commissions) was 5.5. During the Whitlam Government average membership was 4.4. Similar numbers were seen on Fraser, Hawke, Keating and Howard Government policy inquiries (see Chapter Six). Such multi-membership of public inquiries reflects the wider range of roles such public inquiries perform other than providing expert advice. While policy inquiries have expert or professional based membership in relation to the policy issue under consideration, they also include members who represent the different interest groups relevant to the policy area under consideration. Only policy inquiries have members drawn from such a wide range of different professional groupings, interest groups or academic disciplines. As Borchardt (1986: 65) observed, the eighteen member Working Committee on Secondary Education for Canberra was “due to the demands for representation by six lobby groups.” By contrast, inquisitorial inquiries are not only mostly single member based, but also they are essentially mono-professional in origin being drawn, as noted, overwhelmingly from the legal profession. Inquisitorial inquiry members have expertise, too, but of a different character from those on policy advisory inquiries, as they are concerned with knowledge of the law and its processes rather than content of the issue.

In summary, this diverse membership and less formal operational style reflects the different tasks and focus of policy inquiries compared to their inquisitorial counterparts. Policy inquiries are less able to provide guaranteed solutions to policy problems. As Hogwood and Gunn (1984: 109) stressed, “few, if any, problems are capable of a completely verifiable or unarguable definition,” being affected by competing values, contestable data, flawed causal analysis and
institutional interests. Policy issues can be viewed from many different prisms (Allison 1971), offering considerable variation in proposed responses. It has been suggested that successful policy-making is less about collecting masses of information or facts and increasingly about the “ability to provide acceptable reasons” for government choices of action (Majone 1989: 23). This does not mean that facts, research and even deterministic advice are irrelevant in the policy advisory process. On the contrary, “politics is most effective when based on truths” but there are in policy issues “an infinite number of truths” (Orlans 1971: 34), and policy inquiries represent just one means of presenting one sort of “truth” at a particular point in time.

Thus, while analysis and independent advice is important for policy inquiries, this needs to be seen as just one aspect of their policy advisory role. Such activities reinforce their status, but as discussed, policy development is as much about being seen to do analysis as the content of that analysis, and about securing agreement about the way forward, than in adopting the best solution. The “publicness” and independence of the public inquiry process is an important means of achieving this.

**Figure 3.5** sets out these different types of inquiry classifications.

---

**Figure 3.5: Classification of public inquiries**

- **Public inquiries by legislative base**
  - Royal Commissions (established under *Royal Commission Act 1902*)
  - Other statutory based inquiries (e.g. established under *Public Service Act 1922*)
  - Non-statutory public inquiries (e.g. committees, task forces, reviews)

- **All inquiries by function**
  - Inquisitorial (mostly statutory royal commissions, single members)
  - Policy advisory (usually non-statutory, with limited exceptions, mostly multi-member)
The value of inquisitorial /investigatory and advisory committee dichotomy

This distinction between policy and inquisitorial inquiries offers a better way to understand the many different reasons given for public inquiry appointment, their functions in the political system, and much of the discussion about inquiries. While there are common reasons and roles for both types, some discussion is more pertinent to one type than the other.

Thus, those who suggest inquiries provide a means for interest group representation or control (McEachern 1987) or a forum for negotiating and bargaining (Degeling et al. 1993) are essentially discussing policy type inquiries. This is where the potential for the greatest contention about issues occurs and where organised interests are most activated. So, too, are those who discuss (Chapter Four) the reasons for inquiry appointment in terms of their providing analysis, research, definition of issues, “kite-flying” options, airing views and grievances, mobilising support and consensus showing symbolic concern or action, delaying decisions, managing the policy agenda, justifying decisions or guiding implementation. These are more the roles of policy advisory inquiries than inquisitorial bodies.

While some of these elements occur with inquisitorial inquiries they are less prominent or important. For instance, inquisitorial inquiries can be used by governments to delay decision making, fill up the policy agenda and give an illusion of action (see Figure 4.1). However, given the contentious nature of their topics (e.g. accidents, maladministration and impropriety), the higher public profile of their proceedings and the more specific emphasis of their recommendations in terms of allocating blame and proposing remedies than most policy inquiries, there are greater risks confronting government in so using inquisitorial inquiries. While policy advisory inquiry reports may be dismissed as just one point of view open to considerable debate, they rarely speak as authoritatively on an issue as inquisitorial inquiries. Certainly governments have been blamed for failure to implement inquisitorial inquiry reports (Moffitt 1985; Woodward 1986), but they do so at considerable cost.

Inquisitorial inquiries are both by procedure and emphasis ineffective as mediating or negotiating bodies. They seek to extract responses from those not always willing to respond, and from sources not always readily available on topics some do not want to unveil. This may explain the problems the RCADIC had when it sought to perform these dual roles, compared to the other case study examined (Chapter Eight), the Royal Commission into the Activities of the Federated Ship Painters’ and Dockers’ Union (RCPDU).

Also, the legitimisation role of inquiries that this thesis and others (Sheriff 1983) argue is an important and vital part in explaining inquiry appointment is different with inquisitorial inquiries. With policy inquiries legitimisation is achieved by allowing stakeholders to participate in the inquiry process through representation on the inquiry (hence their larger memberships), and
through the submission and public hearings arrangements that produces reports often reflecting the views of key interests. Legitimisation with inquisitorial inquiries is partly achieved by the professional standing of their membership drawn as they mostly are from the legal profession. It is further achieved not by their consultation with stakeholders or their promotion of participation in their public hearings, but by their quasi-legal settings, processes and use of coercive powers which emphasise the seeking of “truth” about an issue, rather than trying to reach consensus about possible future action.

These issues will be further explored in the case studies in Chapters Seven to Nine where both policy advisory and inquisitorial inquiries are assessed.

**Other ways to classify inquiries**

There are other ways inquiries have been classified, but which offer fewer insights and less rigorous assessment.

**Statutory and non-statutory based inquiries**

One view is to consider whether they are statutory based or non-statutory based (Bailey 1997; Sherman 1997: 3-4). While such categorisation is easy it provides few insights because in Australia, unlike Canada, only royal commissions and a few other inquiries are legislatively based (see Footnote 2).

**By policy area**

Both policy and inquisitorial inquiries can be classified by the policy area they investigate (Cartwright 1975: 58). Given their focus, inquisitorial inquiries have been designated in the constitutional and legal policy area. However, some inquisitorial inquiries may be classified in other policy area. For instance, RCADIC has been allocated to the Aboriginal affairs policy area given the range of its proposals (see Chapter Eight).

**Table 3.7** summarises the different policy areas which inquiries have been appointed to investigate from the Menzies-McMahon Coalition Governments (1949-72) through to the Howard Government.
### Table 3.7: Public inquiries by policy function Menzies to Howard governments (percentage of total for each government)

<table>
<thead>
<tr>
<th>Functions</th>
<th>Menzies - McMahon</th>
<th>Whitlam</th>
<th>Fraser</th>
<th>Hawke-Keating</th>
<th>Howard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aboriginal affairs</td>
<td>-</td>
<td>4.0</td>
<td>6.1</td>
<td>9.0</td>
<td>5.0</td>
</tr>
<tr>
<td>Administration</td>
<td>9.8</td>
<td>5.1</td>
<td>4.9</td>
<td>2.8</td>
<td>5.0</td>
</tr>
<tr>
<td>Arts</td>
<td>1.9</td>
<td>1.0</td>
<td>-</td>
<td>1.1</td>
<td>6.7</td>
</tr>
<tr>
<td>Communications</td>
<td>3.9</td>
<td>3.0</td>
<td>4.9</td>
<td>-</td>
<td>5.0</td>
</tr>
<tr>
<td>Constitutional &amp; legal affairs</td>
<td>7.8</td>
<td>4.1</td>
<td>11.1</td>
<td>11.8</td>
<td>5.0</td>
</tr>
<tr>
<td>Consumer affairs</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Defence &amp; Security</td>
<td>7.8</td>
<td>6.1</td>
<td>2.4</td>
<td>6.7</td>
<td>1.6</td>
</tr>
<tr>
<td>Economy &amp; Industry Policy &amp; Assistance</td>
<td>7.8</td>
<td>11.3</td>
<td>8.6</td>
<td>12.4</td>
<td>22.0</td>
</tr>
<tr>
<td>Education</td>
<td>19.6</td>
<td>16.5</td>
<td>9.8</td>
<td>11.2</td>
<td>3.3</td>
</tr>
<tr>
<td>Employment &amp; industrial relations</td>
<td>1.9</td>
<td>11.3</td>
<td>3.7</td>
<td>2.8</td>
<td>1.1</td>
</tr>
<tr>
<td>Environment</td>
<td>3.9</td>
<td>9.3</td>
<td>1.2</td>
<td>3.3</td>
<td>10.1</td>
</tr>
<tr>
<td>Foreign affairs</td>
<td>-</td>
<td>-</td>
<td>4.9</td>
<td>0.56</td>
<td>-</td>
</tr>
<tr>
<td>Health</td>
<td>5.8</td>
<td>7.2</td>
<td>4.9</td>
<td>7.9</td>
<td>11.8</td>
</tr>
<tr>
<td>Housing &amp; Urban Affairs</td>
<td></td>
<td>2.0</td>
<td>1.2</td>
<td>1.7</td>
<td>-</td>
</tr>
<tr>
<td>Immigration &amp; ethnic affairs</td>
<td>1.9</td>
<td>2.0</td>
<td>3.7</td>
<td>5.0</td>
<td>-</td>
</tr>
<tr>
<td>Minerals &amp; energy</td>
<td>-</td>
<td>-</td>
<td>2.4</td>
<td>2.2</td>
<td>3.3</td>
</tr>
<tr>
<td>Primary industry</td>
<td>11.7</td>
<td>1.0</td>
<td>2.4</td>
<td>6.2</td>
<td>6.7</td>
</tr>
<tr>
<td>Science &amp; technology</td>
<td></td>
<td>1.0</td>
<td>7.4</td>
<td>5.6</td>
<td>-</td>
</tr>
<tr>
<td>Social welfare</td>
<td>1.9</td>
<td>5.1</td>
<td>4.9</td>
<td>4.9</td>
<td>3.8</td>
</tr>
<tr>
<td>Sports recreation</td>
<td>-</td>
<td>2.0</td>
<td>-</td>
<td>-</td>
<td>1.6</td>
</tr>
<tr>
<td>Transport</td>
<td>7.8</td>
<td>2.0</td>
<td>11.1</td>
<td>7.6</td>
<td>-</td>
</tr>
<tr>
<td>Veterans' affairs</td>
<td>3.9</td>
<td>-</td>
<td>1.2</td>
<td>2.1</td>
<td>9.2</td>
</tr>
<tr>
<td>Women's affairs</td>
<td>-</td>
<td>-</td>
<td>1.2</td>
<td>0.5</td>
<td>-</td>
</tr>
</tbody>
</table>

Considering public inquiries by functional policy area may indicate trends in relation to a government’s policy initiatives. For instance, Table 3.7 shows that during the Menzies-McMahon government period there were no inquiries into Aboriginal affairs, housing or urban issues, but had the highest proportion of inquiries during the 1949-2003 period into primary industry. This incidence of public inquiries may reflect the salience of certain issues on the policy agenda during particular governments. However, care needs to be taken in making conclusions from some generalised information even though political leaders sometimes suggest that the appointment of public inquiries does reflect priority concerns. For instance, Prime Minister Whitlam (1973: 9-10) declared that he was using inquiries because they would “help us focus quickly on the many new areas of policy initiative” and ensure “immediate action on a wider range of issues than would otherwise be possible” by accessing external expertise,
channelling new ideas and promoting consultation. This statement reinforced notions of public inquiries as instruments of rational decision making, providing analysis and advice prior to government decision and therefore reflective of policy priorities. Indeed, many of the Whitlam Government’s new policy initiatives did appear to be preceded by a public inquiry which performed roles such as providing a summary of key issues, proposing policy actions and outlining implementation strategies. Hence the Whitlam Government’s stated policy goal of extending areas of government support was seen in the appointment of inquiries such as the Committee of Inquiry into National Superannuation and the Working Party on Homeless Men and Women.

The Whitlam Government’s concern with indigenous affairs was indicated by its appointment of the Royal Commission into Aboriginal Land Rights. The inquiries into Lake Pedder and the Fraser Island Environmental Inquiry highlighted its interest in environmental matters (Table 3.7 and Appendix 6). However, despite Whitlam’s (1973) rationale for the use of inquiries, Hawker (1977a: 4) cautions against suggestions that the Whitlam Government had any strategic overview in the use of public inquiries:

There was no grand design underlying the establishment of the inquiries. They came into being when problems were identified, when ministers and public servants could turn their minds to the need for an inquiry, and when people to conduct an inquiry were available.

Borchardt (1991: 67) also suggested care in using public inquiries for gauging government policy direction, as “not all problems are resolved through tribunals of public inquiry.” Moreover, an inquiry on a particular policy area or issue does nor necessarily indicate the magnitude of the issue or whether a government really wants to act on the matter at all, as distinct from being seen to act or by appointing an inquiry filling up the policy agenda. It may also be just as instructive to note the areas where governments do not appoint public inquiries. This may be reflective of a government’s desire to keep certain issues off the agenda or what some have described as “non-decision making,” a form of agenda management (Barach and Baratz 1962).

Suggestions, that the Fraser Government’s platform of reducing government expenditure was reflected in appointment of certain types of inquiries into policy areas initiated by the previous administration (e.g. delivery of Aboriginal services, Albury-Wodonga growth centre), are only partially sustainable. Not only were these few in number (Prasser 1981), but also such review activity was conducted by the Administrative Review Committee (ARC) chaired by Sir Henry Bland which, because of its secretive nature, is not designated a public inquiry. Moreover, the longer the Fraser Government was in office, the less it became concerned with such reviews. Instead, like other governments, the Fraser Government appointed inquiries more in response
to immediate issues and crises concerning allegations, scandals or particular policy problems, than as a product of any strategic policy vision.

In reviewing the Hawke-Keating governments’ use of public inquiries it is difficult to link them to particular policy agendas either in its first term when it came to power on the basis of “consensus” politics or in its third term, when micro-economic issues were to the fore (Gruen and Grattan 1993). The number of inquiries into related economic issues is not evident (see Tables 3.8) and may be explained in the formation of permanent bodies in this area such as the Economic Planning Advisory Council (EPAC). The doubling of environmental inquiries during this same period may be seen as a response to the rise of environmental issues that dominated the 1990 elections (Bean, McAllister and Warhurst 1990). However, analysis indicates that there were only three public inquiries on environmental issues appointed during this period and they were on relatively minor matters (e.g. Intractable Waste, Review of the Australian National Parks and Wildlife Service and Review of the Supervising Scientist). One of most important environmental issues was seen as that concerning Coronation Hill (Warhurst 1990: 4), a matter handled not by a public inquiry, but by a newly established permanent advisory body, the Resource Assessment Commission (Economou 1992 and 1996).
Table 3.8: Inquiries appointed by the Hawke-Keating Labor governments 1983-1996 (percentage of total for each government)

<table>
<thead>
<tr>
<th></th>
<th>1st Hawke Govt</th>
<th>2nd Hawke Govt</th>
<th>3rd Hawke Govt</th>
<th>4th Hawke Govt</th>
<th>1st Keating Govt</th>
<th>2nd Keating Govt</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aboriginal Affairs</td>
<td>10.3</td>
<td>-</td>
<td>10.2</td>
<td>9</td>
<td>-</td>
<td>6.3</td>
</tr>
<tr>
<td>Administration</td>
<td>3.4</td>
<td>6.8</td>
<td>5.1</td>
<td>9.3</td>
<td>-</td>
<td>4.2</td>
</tr>
<tr>
<td>Arts</td>
<td>1.7</td>
<td>3.4</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Communications</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>2.1</td>
<td>2.1</td>
</tr>
<tr>
<td>Constitution &amp; legal issues</td>
<td>12.0</td>
<td>17.2</td>
<td>-</td>
<td>-</td>
<td>25</td>
<td>10.6</td>
</tr>
<tr>
<td>Consumer affairs</td>
<td>-</td>
<td>-</td>
<td>2.5</td>
<td>-</td>
<td>-</td>
<td>2.1</td>
</tr>
<tr>
<td>Defence &amp; security</td>
<td>5.1</td>
<td>3.4</td>
<td>7.7</td>
<td>-</td>
<td>-</td>
<td>8.5</td>
</tr>
<tr>
<td>Economy &amp; industry policy assistance</td>
<td>12.0</td>
<td>10.3</td>
<td>12.8</td>
<td>-</td>
<td>-</td>
<td>10.6</td>
</tr>
<tr>
<td>Education</td>
<td>5.1</td>
<td>6.8</td>
<td>15.3</td>
<td>27.2</td>
<td>-</td>
<td>12.7</td>
</tr>
<tr>
<td>Employment &amp; industrial relations</td>
<td>3.4</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Environment</td>
<td>3.4</td>
<td>3.4</td>
<td>7.6</td>
<td>18.1</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Foreign Affairs</td>
<td>1.7</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Health</td>
<td>8.6</td>
<td>10.3</td>
<td>5.9</td>
<td>9.3</td>
<td>12.5</td>
<td>6.3</td>
</tr>
<tr>
<td>Housing &amp; Urban Affairs</td>
<td>-</td>
<td>-</td>
<td>2.5</td>
<td>-</td>
<td>-</td>
<td>6.3</td>
</tr>
<tr>
<td>Immigration &amp; ethnic affairs</td>
<td>3.4</td>
<td>6.8</td>
<td>2.5</td>
<td>-</td>
<td>12.5</td>
<td>6.3</td>
</tr>
<tr>
<td>Minerals &amp; energy</td>
<td>-</td>
<td>-</td>
<td>2.5</td>
<td>9</td>
<td>12.5</td>
<td>2.1</td>
</tr>
<tr>
<td>Primary industry</td>
<td>6.8</td>
<td>13.7</td>
<td>7.7</td>
<td>9</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Science &amp; technology</td>
<td>3.4</td>
<td>3.4</td>
<td>2.5</td>
<td>9</td>
<td>12.5</td>
<td>4.2</td>
</tr>
<tr>
<td>Sports recreation</td>
<td>0</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>2.1</td>
</tr>
<tr>
<td>Social welfare</td>
<td>5.1</td>
<td>3.4</td>
<td>7.7</td>
<td>-</td>
<td>-</td>
<td>2.1</td>
</tr>
<tr>
<td>Transport</td>
<td>8.6</td>
<td>10.3</td>
<td>5.1</td>
<td>-</td>
<td>25</td>
<td>4.2</td>
</tr>
<tr>
<td>Veterans’ affairs</td>
<td>3.4</td>
<td>-</td>
<td>5.1</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Women’s affairs</td>
<td>1.7</td>
<td>-</td>
<td>2.5</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

Consideration of the Howard Government’s use of public inquiries in terms of its policy agenda and election mandate (Prasser and Starr 1997; Simms and Warhurst 2000; Singleton 1999) is interesting rather than illuminating (see Table 3.9 and Appendix 9). Not unexpectedly, given its apparent pro-market inclination, the largest proportion of inquiries has been into the economy and industry (representing 22 per cent of all inquiries appointed), far greater than any previous administration. These inquiries have been on a range of different topics with a strong emphasis on regulation review. At the same time, if the Howard Government was about greater
deregulation of industrial relations (Singleton 1997) then it has not been evident in the number of public inquiries into this area limited to only one inquiry into a single industry (Royal Commission into Building and Construction Industry). Similarly, there have been no inquiries into taxation, an area where the Howard Government with the introduction of the Goods and Service Tax (GST) has been most active or on immigration issues which loomed large as a policy issue prior to the 2001 federal election.

Table 3.9: Howard Governments 1996 – June 2003: Numbers and Percentage

<table>
<thead>
<tr>
<th></th>
<th>First Howard Govt</th>
<th>Second Howard Govt</th>
<th>Third Howard Govt</th>
<th>All Howard govts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aboriginal Affairs</td>
<td>2</td>
<td>-</td>
<td>1</td>
<td>3 (5.0%)</td>
</tr>
<tr>
<td>Administration</td>
<td>2</td>
<td>1</td>
<td>-</td>
<td>3 (5.0%)</td>
</tr>
<tr>
<td>Arts</td>
<td>1</td>
<td>2</td>
<td>-</td>
<td>3 (5.0%)</td>
</tr>
<tr>
<td>Communications</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>3 (5.0%)</td>
</tr>
<tr>
<td>Constitutional &amp; Legal Affairs</td>
<td>3</td>
<td>-</td>
<td>-</td>
<td>3 (5.0%)</td>
</tr>
<tr>
<td>Defence and National Security</td>
<td>-</td>
<td>1</td>
<td>-</td>
<td>1 (1.6%)</td>
</tr>
<tr>
<td>Economy, Industry Policy &amp; Assistance</td>
<td>6</td>
<td>5</td>
<td>2</td>
<td>13 (22.0%)</td>
</tr>
<tr>
<td>Education</td>
<td>1</td>
<td>-</td>
<td>1</td>
<td>2 (3.3%)</td>
</tr>
<tr>
<td>Employment &amp; Industrial Relations</td>
<td>-</td>
<td>1</td>
<td>-</td>
<td>1 (1.6%)</td>
</tr>
<tr>
<td>Environment</td>
<td>4</td>
<td>1</td>
<td>1</td>
<td>6 (10.1%)</td>
</tr>
<tr>
<td>Health</td>
<td>0</td>
<td>4</td>
<td>3</td>
<td>7 (11.8%)</td>
</tr>
<tr>
<td>Immigration</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Minerals &amp; Energy</td>
<td>-</td>
<td>2</td>
<td>-</td>
<td>2 (3.3%)</td>
</tr>
<tr>
<td>Primary Industry</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>4 (6.7%)</td>
</tr>
<tr>
<td>Science and Technology</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Social Security and Welfare</td>
<td>1</td>
<td>1</td>
<td>-</td>
<td>2 (3.7%)</td>
</tr>
<tr>
<td>Sport and recreation</td>
<td>-</td>
<td>-</td>
<td>1</td>
<td>1 (1.6%)</td>
</tr>
<tr>
<td>Veterans Affairs</td>
<td>3</td>
<td>1</td>
<td>1</td>
<td>5 (9.2%)</td>
</tr>
<tr>
<td>Total</td>
<td>26</td>
<td>21</td>
<td>12</td>
<td>59</td>
</tr>
</tbody>
</table>

Overall, classifying inquiries by policy area tells us what inquiries may be doing, but not necessarily the important things governments do. Inquiries are only one of many indicators of government activity. Care, therefore, needs to be taken in drawing any substantive conclusions from this sort of analysis.
Inquiries have often been appointed into similar or related issues over extended periods for a wide variety of reasons. It may also be indicative of different aspects of a particular policy issue being considered or the reoccurring nature of a policy problem. Sometimes this repeated use of public inquiries attracts criticism of governments. This issue is considered in more detail in relation to why governments appoint inquiries and the roles they serve.

By role in policy development
Another way to classify inquiries may be in terms of their roles in relation to certain models of policy development. For instance, as discussed above (Chapter Two), public inquiries in terms of both their techniques and roles have been seen as extensions of the rational model of policy development by the way they collect "evidence," research issues, hold hearings, and formulate "solutions." Public inquiries can thus be classified as to where they fit with these different tasks based on the levels of expertise in their members, how they operated and the type of report they produced.

Alternatively, public inquiries can be seen as performing a range of different tasks in relation to the cycle view of policy development (see Figure 3.6 and Table 3.10). According to this perspective, outlined in the inner circle of Figure 3.6, policy development involves agenda setting, policy definition, options analysis, legitimisation, implementation, evaluation, termination and succession (Hogwood and Gunn 1984; Hogwood and Peters 1985). At the same time there are a number of activities (outer circle of Figure 3.6) which need to be done repeatedly like consultation, negotiation and research.

Although there have been few studies (Marchildon 2002) to analyse and directly link inquiries to the different aspects of the policy cycle, many examinations of public inquiries discuss the different purposes and roles which they have been seen as performing. Wheare (1955), for instance, has highlighted the role of committees in performing advisory, negotiation, scrutiny, adjudicatory, legitimising, and information gathering roles. Others have suggested that inquiries are used for “kite-flying” new issues (agenda setting), clarifying issues (policy definition), providing options to government, proposing policy directions for government unsure what to do (goal setting), legitimising government decisions, providing guidelines for operationalising policies (implementation), and reviewing policies programs and institutions (evaluation) to justify change or termination or policy succession.

The limitation of this approach is that inquiries often fulfil multiple roles. An inquiry can sometimes both be involved in fact finding, consultation and options analysis. This is not surprising given that public inquiries embody so many particular features of which their "publicness" and apparent independence from government may be the most important, as this thesis seeks to explore.
Figure 3.6: Policy cycle

The policy cycle

Organisational/environ review

Identify & define issues with stakeholders

Obtain sign off

Develop & analyse policy options

Preliminary choice of instrument

Planning for evaluation

Formal consultation

Recommendations

Agenda Setting

Articulate Goals & Objectives

Policy Formulation

Implementation

Evaluate

Refine policy approach

Decision

Refrine policy approach

Measure outputs

Measure impact

Measure costs

Recommendations

Develop & communicate implementation strategy

Develop organisational plan

Evaluation strategies in place

Modified from Hogwood and Gunn 1984
<table>
<thead>
<tr>
<th>Policy cycle</th>
<th>Key activities</th>
<th>Potential inquiry roles</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agenda setting</td>
<td>Scanning</td>
<td>Information gathering, summarising/synthesising</td>
</tr>
<tr>
<td></td>
<td>Foresighting</td>
<td>Research, trends, ideas</td>
</tr>
<tr>
<td></td>
<td>Scenario planning</td>
<td></td>
</tr>
<tr>
<td>Goal setting</td>
<td>Problem definition</td>
<td>Setting macro or strategic goals</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Suggesting what ought to happen</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Some consensus of possible acceptable goals by consultation with key groups/opinion</td>
</tr>
<tr>
<td></td>
<td></td>
<td>assessments through hearings</td>
</tr>
<tr>
<td>Policy formulation/options</td>
<td>Options analysis</td>
<td>Testing firmer goals through analysis and consultation</td>
</tr>
<tr>
<td></td>
<td>Instrument choice</td>
<td>Promoting support for these</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Kite flying</td>
</tr>
<tr>
<td>Decision making</td>
<td>Making choices</td>
<td>Making recommendations</td>
</tr>
<tr>
<td></td>
<td>Signalling choices</td>
<td>Creating climate of certain policy direction</td>
</tr>
<tr>
<td></td>
<td>Formal approval</td>
<td>Legitimising decisions</td>
</tr>
<tr>
<td>Implementation</td>
<td>Operationalising</td>
<td>Blueprints and strategies for action</td>
</tr>
<tr>
<td></td>
<td>Organisation ownership</td>
<td>Promoting consensus</td>
</tr>
<tr>
<td></td>
<td>Resource application</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Program management</td>
<td></td>
</tr>
<tr>
<td>Evaluation, termination and</td>
<td>Assessing progress</td>
<td>Independent external assessment</td>
</tr>
<tr>
<td>succession</td>
<td>Measuring impact</td>
<td>Use of specialised techniques</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Justification for policy change or maintenance</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Consensus/consultation</td>
</tr>
</tbody>
</table>

**By membership**

Public inquiries may also be classified according to their membership, which has attracted interest in the literature. Membership can indicate the role and functions of different inquiries and explain why governments may have appointed a particular inquiry (Cartwright 1975:62-83; Rhodes 1975).

Membership may be classified in terms of the functions performed by individual members during an inquiry such as whether they are consensus builders, reflect strong philosophical viewpoints, provide expert technical advice, or are able to synthesise viewpoints (Donnison 1968). However, this requires intimate knowledge of each inquiry and is open to considerable
subjective assessment. Alternatively, inquiries have been classified on the professional backgrounds, expertise, representativeness of interest groups, and the professional qualifications of their members (Borchardt 1991: 55-61; Cartwright 1975:72). Much of this is descriptive which informs us little as to the potential role of an inquiry or its underlying purpose.

The exception to this has been McEachern’s study of advisory bodies in the United States (1987) that examines membership from a public choice perspective and seeks to highlight possible connections between advisory body membership and purpose and to predict inquiry appointment. This approach is analysed in Chapter Six.

**Methods of public inquiry operation**

Inquiries have sometimes been classified in terms of their methods of operation, powers and techniques in acquiring information.

Ransley (1994) and Tiffen (1999), for example, have considered inquiries in terms of those using adversarial and quasi-judicial approaches that rely on formal hearings and cross-examination of witnesses compared to those that use a more research based technique of investigation “aimed at discovering the truth of a situation” (Ransley 1994: 24). The problem with this approach is that many inquiries rarely use just one technique. For instance, the RCPDU, one of the case studies considered in Chapter Eight, used a combination of both techniques.

Others have categorised inquiries in terms of their level and different types of public consultation with issues such as their openness, number of submissions and witnesses heard, and use of formal hearings and special forums. There has been considerable effort in assessing inquiry use and application of social science research techniques compared to their reliance on the usual public hearing processes (Bulmer 1982, 1983c: 650-651; Chapman 1973a).

**Reasons for appointment**

Finally, inquiries can be classified in terms of the different reasons they have been appointed. As is discussed in Chapter Four, the reasons inquiries are established can vary extensively between what some regard as part of rational decision making to those who see inquiries being appointed for more politically motivated and expedient reasons.

Given that inquiries are established at the discretion of executive government and are not prompted by formal requirements, assessing and classifying inquiries will, as Rhodes (1975: 67) concluded, “rarely if ever” produce “conclusive answers.” Moreover, as is discussed in Chapter Four, there are often multiple reasons for the appointment of inquiries. Thus, classification by purpose must necessarily be based on considerable value judgements and limited information.
As stressed, any discussions about why inquiries have been established needs to appreciate the different types of inquiries as being the initial starting point in any such analysis. As well, the character of the public inquiry form, its “publicness”, is also an important element of this assessment.

Conclusions
This chapter has developed clear criteria to more rigorously identify public inquiries and to distinguish them from other advisory bodies. This has allowed for trends and patterns of inquiry use by different governments to be more accurate and for comparisons to be made with other jurisdictions. Inquiries have also been classified according to a number of different functions and roles. The chapter has found that in Australia, public inquiry numbers have increased dramatically since the 1970s compared to other Westminster democracies, and that there has been a decline in the proportion of royal commissions appointed by successive governments. At the same time, royal commissions are being increasingly deployed to investigate issues of misconduct rather than to provide broad policy advice.

This clearer definition of inquiries, the generation of up to date information about their numbers, trends, types, and the classification of inquiries provides an essential basis for further analysis in subsequent chapters.
Endnotes

1. Sometimes royal commissions may be appointed under the *Royal Commission Act 1902*, and have the powers of a royal commission, but do not use the term “royal commission” in their formal title. Some Commonwealth examples include: *Committee of Inquiry into the Efficiency and Administration of Hospitals* (1979), *Commission of Inquiry into Relations between the CCA and Seaview Air* (1994), and the *Commission of Inquiry into the Australian Secret Intelligence Service* (1994).

2. For instance the:
   - *Commission of Inquiry into Ranger Uranium Development in the Northern Territory and Inquiry into the Shoalwater Bay Training Area* were established under the *Environmental Protection Act*;
   - *Commission of Inquiry into the Lemonthyme and Southern Forests* appointed by the Hawke Government in 1987 was established under its own special legislation, the *Lemonthyme and Southern Forest (Commission of Inquiry) Act 1987*, which incorporated certain aspects of the *Royal Commission Act*;
   - *Inquiry into Allegations of Paedophile Activities in Department of Foreign Affairs and Trade* (1996) was appointed under the authority of the *Public Service Act 1922*. Such appointments are infrequent;
   - Inquiries appointed under *National Security (Inquiries) Regulations* which allowed the Attorney General to appoint an inquiry on “any matter in relation to public safety or defence of the Commonwealth” (Section 1A). Such inquiries are identified in Appendices 1 and 3.

3. The one exception to this was the 1988 *Defence Force Discipline Board of Review* chaired by Mr Justice Connor. This review of the legislation was prompted by the *Defence Force Discipline Act 1985* which required such a review to occur within three years of the legislation being enacted. This has been accepted as a public inquiry because it still required ministerial approval for appointment, was composed of external members selected by the government, and was conducted publicly.

4. The Fraser Government closed down a number of inquiries established by its predecessor, the Whitlam Government (Fraser 1976a).

5. The *Royal Commission on the Use and Effects of Chemical Agents on Australian Personnel in Vietnam* concluded there was no link between agent orange and adverse medical effects and was subsequently criticised by veteran associations for the methodology it used (*The Age* 17 March 1986) and caused several other reviews to be established later to reconsider the royal commission’s findings.

6. The first *Royal Commission on the Loss of HMAS Voyager* (1964) was so criticised on its allocation of blame and its methods of assessment that this lead to a second royal commission being established in 1967 which substantially altered the first royal commission’s findings (Frame 1992).

7. The Queensland *Royal Commission into the National Hotel Allegations* under Mr Justice Gibbs in 1963 has been assessed as an inquiry so constrained by its terms of reference that it was inevitable it would not find any widespread police corruption (see Fitzgerald 1990: 65).

8. The Hawke Government’s 1983 *Committee of Inquiry into the Australian Industrial Relations Law and System*, chaired by Professor Hancock, was seen as having a membership that reflected too greatly the “industrial relations club” of organised business, trade unions, the industrial relations machinery and government. Consequently, some regarded it as having failed “to come to grips with the glaring defects of the arbitration system” (Editorial, *Australian Financial Review*, 24 May 1985). The *Taskforce on Education and the Arts for Young People* was seen as biased, with few members with expertise in the area (McQueen 1985). The Howard Government-appointed *Committee of Inquiry to Review the Trade Practices Act* (Dawson Inquiry) was criticised after its release on the basis that many of its
proposals were wrong, its members inexpert in the area and its research resources inadequate (O’Loughlin 2003b).

9. Royal Commission on the Loss of the HMAS Voyager in 1964 was criticised on the grounds that its single member and chair, Sir John Spicer, did not have the appropriate background to understand the complexities of the issues being investigated (Frame 1992). The subsequent 1967 royal commission appointed to reassess this matter had a three person membership.

10. Some examples include:
   • The Queensland Moore Country Party Government appointed a royal commission into the dealings of former Labor Premier, Ted Theodore, over his dealings with the Mungana mine. At the time of the royal commission Theodore was Federal Treasurer and had to stand down just as the depression was affecting the Australian economy. Many saw the royal commission, which brought down a report critical of Theodore, as being driven purely by political motives.
   • The Menzies Government’s 1954 Royal Commission into Espionage was seen by some as an attempt to capitalise on Cold War anti-Communism sentiment during the 1950s and cause political damage to the then Labor Opposition (Whitlam and Stubbs 1974; Manne 1987; McKnight 1994; Martin 1995).
   • The Hawke Labor Government’s 1984 Independent Economic Inquiry into Transport Services to the Northern Territory that effectively absolved the government from honouring its 1983 election promise to build a railway line from Alice Springs to Darwin, was seen as biased and contrived (see Chapter Four for more details).

11. The Royal Commission into Use of Executive Powers was appointed by the Court Liberal Government in May 1995 into the circumstances surrounding the presentation of the so-called Easton petition to the Western Australian Legislative Council by a Labor member in November 1992. The tabling of the petition claimed Mrs Easton had perjured herself in a Family Law matter and also released information concerning the commercial activities of Mrs Easton’s estranged husband, Brian Easton. Four days after the petition was tabled, Mrs Easton suicided. It was argued that the then Labor Premier Dr Carmen Lawrence, by 1995 Federal Minister for Health in the Keating Labor Government, had full knowledge of this petition and had acted improperly by allowing this material to be tabled in parliament. While Dr Lawrence denied this, many former Labor ministers and staffers to Dr Lawrence claimed she was fully aware of the petition and had even raised the matter in Cabinet. Mr Ken Marks QC, formerly a Victorian Supreme Court Judge, chaired the Royal Commission. The Royal Commission rejected this and concluded that Dr Lawrence had been aware of the petition and had acted improperly. Consequently, as Dr Lawrence had lied to the Commission, she faced a trial for perjury that found her not guilty. However, Dr Lawrence’s political career had been considerably damaged. Throughout this whole period Prime Minister Keating refused to stand down Dr Lawrence from her ministerial position and attacked the Marks Royal Commission constantly.


13. In Sweden public inquiries or commissions of inquiry, as they are known, precede any new legislative change and are a formal and integral part of the policy-making process (Anton 1969; Heclo and Madsen 1987; Premfors 1983). They consist of members from outside the public bureaucracy largely drawn from the different interest groups likely to be affected by the particular issue under consideration. Their appointment is not the sole prerogative of the government, but rather is required to be established at key junctures in the decision-making process. Thus, in Sweden, inquiry appointment is more predictable, and their membership, processes and resources more prescribed and less open to
government manipulation and control. Heclo and Madsen (1987:12-13) summed up the Swedish situation thus:

\[
\text{The pre-eminent expression of the Swedish penchant for structured consultation is the official investigatory commission. From 300 to 350 such commissions have often been at work during any one year. It is considered usual to appoint a commission whenever a reform of any significance is considered, regardless of whether the reform involves policy, legislation or simply administrative change.}
\]

Recent assessment indicates that this system is still intact and that the "long standing and widespread use of commissions of inquiry … will remain strong," and has been effectively used to tackle some of Sweden's more recent economic and political crises (Miles 1997: 429).

14. Some examples of policy type royal commissions include those on pensions and national insurance (1905, 1924, 1927), governance in New Guinea (1906 and 1919), particular industries such as sugar (1911, 1919), pearl shelling (1912), meat export trade (1916), motion pictures (1927), wheat (1934), banking (1936), the public service (1918, 1974), taxation (1920), and human relationships (1974), administration of hospitals (1979), grain storage (1986) (see Appendix 1). The remaining royal commissions (along with a small number of other forms of public inquiries) have focussed on maladministration, impropriety or investigation into a crisis or disaster (Appendices 1 and 2).

15. These include the Borrie National Population Inquiry, the Henderson Commission of Inquiry into Poverty, the Toose Independent Inquiry into the Repatriation System, and the Asprey Taxation Review Committee. The Borrie Inquiry was appointed in 1970. The other inquiries were all appointed during 1971-72, with Asprey, Toose and Henderson inquiries appointed in August and October 1972, just a few months before the December 1972 election.

16. Mike Codd, a former Secretary of the Department of the Prime Minister and Cabinet, was appointed to chair the 1994 Inquiry into the Conduct of the Hon Alan Griffiths MP.

17. The Menzies Government appointed only one non-royal commission inquisitorial inquiry, the Commission of Inquiry into the Navuneram Incident, New Britain in 1958.

Non-royal commission inquisitorial inquiries appointed by the Hawke-Keating governments included:

- Independent Inquiry into the Circumstances surrounding the Non-payment of a Deposit for Satellite Pay TV licences and related matters
- Inquiry into Circumstances of Leo McLeay's Compensation
- Inquiry into the Conduct of the Hon Alan Griffiths MP
- Inquiry into the Hon M.J. Young's Customs Declaration
- Inquiry into the Running of the ACT Legal Aid Office
- Inquiry into Allegations of SP Gambling Against Telecom
- Review of Alleged Entry of War Criminals into Australia
- Inquiry into Allegations as to Administration of Aboriginal Affairs
- Special Parliamentary Commission of Inquiry into the Conduct of the Hon Mr Justice Murphy (appointed under special legislation)

Similar inquiries appointed by the Howard Government included the Independent Inquiry into Allegations of Corruption in the Australian Federal Police and the Inquiry into Allegations of Paedophile Activities in Department of Foreign Affairs. Both of these inquiries were appointed under the Public Service Act 1922.
18. These were: the 1954 Royal Commission on Espionage (three members); the second 1967 Voyager Royal Commission (three members); the 1984 Royal Commission into British Nuclear Tests in Australia (three members); the 1987 Royal Commission into Aboriginal Deaths in Custody (five members); 1994 Commission of Inquiry into the Australian Secret Intelligence Service (two members). The Special Parliamentary Commission of Inquiry into the Conduct of the Hon Mr Justice Murphy, which was not a royal commission, was a three member inquiry.

19. The Menzies Government appointed Committee on the Future of Tertiary Education had sixteen members, while the 1971 Working Committee on College Proposals for Canberra had eighteen members.

20. Some examples include: new industry development (Information Industries Taskforce) and reviews of existing regulatory regimes with possible relaxation of guidelines (e.g. Wallis Inquiry into the Financial System, National Corporate Governance Review, Review of the Competition Provisions of the Trade Practices Act, Small Business Deregulation Task Force, Taskforce on Industry Self-Regulation.

Introduction

This chapter examines what Cartwright (1975: 84) regards as “one of the perennially fascinating questions about royal commissions and departmental committees” (Cartwright 1975: 84) of why governments appoint public inquiries. Rhodes (1975: 51) too, stressed that, “the basic question to be examined” in relation to public inquiries “is why governments choose to use this particular device?” Others have highlighted the importance of this issue. Hanser (1965: 142) put the question as one of rhetorical omission:

*A government assumes the leadership in decision making. If it needs more information it has an elaborate civil service to get it. Why then call on a Royal Commission?*

Similarly in Canada, Walls (1969: 365) observed:

*Many citizens today are speculating as to why royal commissions are necessary – why they last so long and why they appear to be so costly to the taxpayer. On all sides one hears such remarks as: 'Why should government have to appoint a Commission when they themselves are elected to solve such problems.'*

Those writing about public inquiries in Australia have also stressed the importance of this issue (Smith and Weller 1978: 6-8; Spiegel 1973: 14-16; Weller 1994).

Before analysing why public inquiries are appointed it is important to appreciate that, as these bodies are established solely at the discretion of executive government, their reason for being must reflect the demands and needs of executive government. They are not vehicles for using social science research or for employing experts or even as methods of consultation. They may perform these roles, but only because executive government wants them to do so. By themselves, these activities do not explain why governments choose the public inquiry form to do these tasks. Public inquiries do not exist as an institution in their own right waiting to be used, or with governments obliged to employ them. They exist because executive governments have problems (demands) and seek whatever available and suitable means there are to respond to these. Sometimes they employ the public inquiry instrument. At other times they resort to different instruments. To understand better why governments appoint inquiries requires analysing the circumstances that lead an inquiry to be appointed and the stated reasons given by governments. It also involves identifying the intrinsic features of public inquiries that make them more attractive than other available advisory instruments (see Figure 3.1).
The analysis that follows does not seek to provide a definitive answer as to why governments appoint public inquiries. It essentially seeks to identify and better classify the range of reasons governments use in appointing inquiries, explanations in the literature and by commentators in relation to numerous examples. In particular, this chapter seeks to identify circumstances that have affected their use, and to assess whether the “publicness” of public inquiries has been an important factor in this.

**Importance of the issue**

Understanding why governments appoint inquiries is important for several reasons.

**Temporary bodies requiring discretionary executive government decisions**

Foremost amongst these and one of the defining characteristics of public inquiries (see Box 3.1) is that they are temporary bodies established at the discretion of executive government. Unlike their counterparts in Sweden,\(^1\) public inquiries in Westminster democracies are not created by programmed automatic constitutional, legislative or administrative triggers. Each and every public inquiry appointed at the Commonwealth level is the result of a specific executive government decision in relation to a particular issue or problem. The question is what motivates government to exercise this discretionary power to appoint a public inquiry?

**Range of other options**

Second, public inquiries are not instruments governments are required to employ. There are no formal or constitutional obligations that compel the Commonwealth government to appoint an inquiry. They are simply one of many different types of advisory and investigatory mechanisms that executive governments can choose to activate. Why governments choose public inquiries in preference to other advisory bodies has long been an issue. The increased use of public inquiries by successive Commonwealth governments since the 1970s has further heightened interest in the issue of what features public inquiries have that make them more attractive than other alternatives.

**Ad hoc nature of public inquiry appointment**

Third, the discretionary nature of executive government appointment of inquiries in Westminster democracies has had the effect of making establishment of an inquiry appear “random and haphazard”, unpredictable (Benson and Rothschild 1983: 339) and “reactive rather than anticipatory” (Hogwood and Peters 1985: 191) compared to their Swedish counterparts and the other more permanent advisory mechanisms. Some suggest public inquiry appointment (e.g. public choice theorists McEachern 1987 and Zubrinich 1989) may be able to be predicted by identifying particular circumstances and types of issues. The issue remains as to whether there is any pattern and predicability lying behind government use of inquiries. Even if inquiry
appointment is reactive, it remains to identify what sort of issues provoke governments to respond with a public inquiry.

**Clarifying government motives**

Fundamental in explaining why inquiries are appointed is clarifying government motives for their establishment. As outlined in the tables ([Tables 4.1-4.8](#)), many motives have been attributed to governments in appointing inquiries. Classifying these motives is needed to allow a better assessment of why governments appoint inquiries. Much of this debate has been whether, as executive government appointed bodies, inquiries are used for obtaining impartial advice for rational policy development or more for political expediency of furthering partisan objectives or what Spiegel (1973: 14-16) calls “illegitimate” political goals.

**Risks in using inquiries**

What makes better understanding of why governments appoint inquiries important is appreciating that there are considerable risks in their deployment compared to many of the alternatives. For instance, inquiries can take unexpected directions in the way they interpret their terms of reference, conduct their investigations and probe new issues. Although, as temporary bodies appointed at the behest of executive government, public inquiries can be disbanded if they become too controversial, their “publicness” largely precludes this. Once appointed few inquiries are ever wound up. With changing political circumstances the content and timing of inquiry reports can be embarrassing to government. Instead of being a “quick-fix,” many inquiries take longer and cost more than initially estimated attracting considerable criticism. Inquiry members may not only be impartial, but in some cases become zealots in seeking to promote implementation of inquiry recommendations regardless of whether it means criticising government openly both during and after the inquiry. Last, there is the risk that inquiries and their members may just not perform well in the assigned tasks, using flawed methodologies, inept public consultation processes and producing poor quality reports attracting public criticism and requiring further work including sometimes the appointment of either another inquiry or resort to other mechanisms. Inquiries may also cause governments to compromise on issues where they could have strong commitments. Thus, given these possible risks, why asks McEachern (1987: 46):

> ... would elected officials choose to delegate some of their discretion and power to an outside advisory body? Although these bodies have no direct legislative power, they conceivably have the ability to form the agenda and shape the debate.

Rhodes (1975: 201) argues that governments “choose to use committees of inquiry when they judge it politically safe to do so, or … when they judge it less risky than acting in any other way.”
If so, then the issue is clarifying the nature of these risks that encourage executive governments to seek to overcome them by appointing inquiries.

**Transactions costs in establishing inquiries**

In addition to these risks, establishing an inquiry requires administrative effort and executive government time. Decisions to appoint are prefaced by discussions, briefings and debates about the terms of reference, form, members and timeframes. These discussions occur across a range of levels within the public service. In some cases they will involve liaison with key interest groups concerning terms of reference and potential members. Prospective members will need to be contacted to ascertain their willingness to serve. In certain circumstances concerning major inquiries such as royal commissions into issues of significant public controversy cabinet will need to be briefed and its agreement obtained. Inquiries also require allocation of funds, support staff, offices and development of budgets. Thus, the opportunity costs in appointing an inquiry are considerable. Again, the issue is why governments appoint inquiries when there are other mechanisms (e.g. internal public service units, research bureaux, and even consultants) that can be employed more readily.

**Identifying the benefits of inquiries for government**

Highly relevant to this discussion about why governments choose to use inquiries over other mechanisms is the assumption in much of the literature and commentary that inquiries accrue benefits to government. Most of these benefits are expressed, in what is discussed later in this chapter, as politically expedient reasons. As McEachern (1987: 46) argues, governments “rationally choose to form advisory bodies and do so with the expectation of enhancing their expected support.” However, given the transaction costs in their establishment and the potential risks in their use, it is not always clear just how public inquiries secure these benefits or the nature of these benefits and whether they are all only based on political expediency.

**Usefulness of the public inquiry form**

Last, appreciating why governments use inquiries provides further insight into the important issue of not only “why are committees useful?” (Rhodes 1975: 190), but what is it about their form and features which make them so or, as Wolanin (1975: 29) asked:

> What are the unique and defining characteristics of commissions … What special capabilities do commissions possess? What circumstances and for what kinds of issues are commissions particularly suitable and useful?
Difficulties in assessing reasons for public inquiry appointment

Chapter One noted that assessing why governments appoint inquiries is difficult. Smart and Manning (1986: 203) concluded in relation to public inquiries appointed to investigate education issues that “the timing and emergence of inquiries and their triggering mechanisms are ... difficult to explain.” As Bulmer (1983a: 436) noted, “commissions are established for a variety of reasons. It is not always clear why certain topics are deemed suitable for commissions and others not.” There are several reasons why it is difficult to understand why inquiries are appointed.

One is that each public inquiry appointment is the result of a discrete executive government decisions tailored in each case to meet the particular demands of the situation. As Hawker argued, despite post-inquiry rationalisation by governments, there usually is no “grand plan” by governments in the appointment of inquiries as part of some broader strategy of information gathering, knowledge development and policy execution (Hawker 1977a; see also Dawkins 1984b: 2315). The multiple situations, different types of inquiries and wide range of issues being investigated makes generalisations about the reasons that governments appoint inquiries difficult to determine.

Publicly stated reasons for an inquiry’s appointment only reflect the explanations a government wants to present. Such explanations will normally be in terms of rational decision making including the need for more information, facts and impartial advice. Such explanations will not reflect what Bulmer (1982: 97) calls the “highly cynical and self-serving motives” often attributed to executive governments’ use of public inquiries. These motives include covert political goals of agenda management, decision postponement, interest group pacification and co-option and symbolic action. Consequently, public explanations by governments “cannot necessarily be taken at their face value” (Rhodes 1975: 67).

As public inquiries are executive government appointments, accessing detailed information from this source is also difficult. As Rhodes (1975: 67-68) points out, most of the documentary evidence concerning a public inquiry appointment will not normally be available until some time later. Because decisions to appoint inquiries will also involve unrecorded and private conversations among many key political actors (prime ministers, ministers, personal advisers, departmental heads, lobbyists) interacting across a range of organisational boundaries, much of it will not even be available in any useable form. Hence, “the true reasons for the appointment of a particular committee may well remain ... a matter of considerable argument” (Rhodes 1975: 67) among commentators who are obliged to interpret government motives from a limited range of information and those in government appointing inquiries who will wish to appear as rational actors seeking to resolve policy problems in the most effective manner. Also, as Wolanin (1975: 11-12) noted, attempts to explain why commissions are appointed is “risky business” because
such “commissions have multiple purposes” and the reasons for their appointment cover “a bag of possibilities.”

Whether governments can fully articulate why they appoint inquiries or seek analysis is another issue. As Hogwood and Peters (1985: 186) suggest:

> it would be a mistake to assume that administrators ... interested in ... policy analysis being conducted are clear in their own minds about why they want the analysis or how they would use it or that they would necessarily communicate the purpose of the research to whoever was to carry it out.

Governments may seek analysis as much for its own sake as a means of showing competency in policy development than for any intention of applying it to problems (Feldman and March 1981).

Another issue is the suggestion that policy choices may not be done as neatly by the vertical transmission of specific decisions by those in authority as constitutional arrangements suggest. Instead, policy emerges more horizontally across organisations as the result of a “complex set of relationships among participants, marked as much by continuity and ambiguity as by clear choices” (Colebatch 1998: 39). Thus, appointment of a public inquiry is the result of interactions from a range of participants both within and outside of government. This makes pinpointing who wants and decides on policy or the appointment of an inquiry less straightforward. As Degeling et al (1993: 269) stressed “so called decision makers such as a minister or the cabinet find that their contribution to policy formation often lies in not making choices but in authorising what is already in train.”

Last, there is the issue of the non-appointment of public inquiries. In many cases governments resist calls to establish an inquiry. The reasons given for not appointing an inquiry can be as revealing as those offered to support their establishment. There is also the issue of when the inquiry option does not even appear on the public agenda. This “non-decision making” (Bachrach and Baratz 1962 1963) or “deliberate decisions not to act” (Hogwood and Gunn 1984: 21) which “prevent certain grievances from developing into full-fledged issues” (Bachrach and Baratz 1963: 641) is particularly difficult to assess. The discretionary nature of public inquiries in Westminster democracies makes their non-appointment an important issue. Resistance to appoint inquiries may reflect a government’s desire to deflect issues from the agenda, or to reduce public interest in a certain area because of its potential to embarrass the government through an inquiry’s ability to access and divulge information and allocate blame. Although inquiries are often seen to be appointed to smother or delay issues, their appointment can often draw attention to an issue. Non-appointment of inquiries may also reflect other considerations. Public inquiries are less likely to be appointed in areas where governments
know what they want, are committed to a particular course of action and prefer to rely on their “in-house” expertise (e.g. the bureaucracy, ministerial advisers and their own ideological perspective). In such circumstances, governments are unwilling to risk possible compromise, delay or derailment by the public inquiry process. Examples include industrial relations where both the Labor and Coalition governments have appointed few public inquiries into key aspects of this issue during the last thirty years.\textsuperscript{11} The Howard Government’s decision to proceed with the goods and services tax (GST) without a public inquiry, despite some suggestions for one (Walsh 1997), may be seen as a further example,\textsuperscript{12} although this issue had been thoroughly aired during the 1980s by the Hawke Government’s 1988 Tax Summit and the Liberal Party’s 1993 \textit{Fightback} policy statement.

Because of these difficulties in accessing information and interpreting government motives, some have chosen not to probe too deeply into why governments appoint inquiries. Cartwright (1975: 3) concluded that as understanding this issue was “ultimately irresolvable,” he focussed instead on describing “how they (inquiries) work.” Rhodes (1975: 75) acknowledged that understanding the motives for government appointment of public inquiries “can never be finally or conclusively settled in most cases … because of the elusiveness of the interpretation of motives.”

### Explanations for appointing inquiries

The literature provides numerous explanations about why inquiries are appointed and the sort of circumstances that lead to their establishment. Tables 4.1 - 4.3 summarise these (including work this author has previously published). Table 4.4 represents a composite table highlighting the pragmatic reasons and situations for which governments may seek to appoint public inquiries.

**Table 4.1: Spiegel’s reasons for appointment of public inquiries**

<table>
<thead>
<tr>
<th>Legitimate reasons</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Fundamental and well established social institutions are being considered for change and all opinions need to be heard</td>
<td></td>
</tr>
<tr>
<td>2. A new field of policy that will affect the whole population</td>
<td></td>
</tr>
<tr>
<td>3. Issue cuts across many interests and departmental responsibilities</td>
<td></td>
</tr>
<tr>
<td>4. Issue is technically complex and beyond knowledge of departments</td>
<td></td>
</tr>
<tr>
<td>5. Issue concerns government itself e.g. as an employer</td>
<td></td>
</tr>
<tr>
<td>6. Issue is delicate and government needs endorsement of actions by independent body</td>
<td></td>
</tr>
<tr>
<td>7. Issue covers federal-state relations</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Illegitimate reasons</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Engendering program support</td>
<td></td>
</tr>
<tr>
<td>2. Postponing decisions</td>
<td></td>
</tr>
<tr>
<td>3. Acting as a public relations exercise</td>
<td></td>
</tr>
</tbody>
</table>

Source: Spiegel 1973:14-16
**Table 4.2: Smith and Weller’s reasons for appointment of public inquiries**

1. to establish facts and make recommendations about subjects of limited compass

2. to make general investigations on a subject where something has gone wrong, or there is a sense of malaise, or a general feeling that a review is needed. This may not involve simply finding facts but also redefining the terms of the inquiry and working out what kind of recommendations may be relevant

3. to secure a peaceful synthesis or adjustment of conflicting interests. This may involve the participation of interested parties as an inducement to compliance with the results

4. to educate the public or mobilise support for action which governments do not want to take solely on their own responsibility. Reports intended to legitimise public service retrenchments fit…

5. to show concern about a subject without actually having to do anything. At least this means of postponing awkward issues or taking the heat out of these situations. Such inquiries may have a large symbolic content

6. to allow expression of grievances

7. to follow up suggestions of previous inquiries

Source: Smith and Weller 1978: 3-5

**Table 4.3: Prasser’s reasons for appointing inquiries**

1. to respond to a crisis situation where immediate action of an independent kind is deemed necessary (for example, a bridge collapse, ship collision)

2. to investigate allegations of impropriety concerning some aspect or individual of government

3. to obtain more information of a more specific kind so as to provide the government with a clearer approach to achieving broad policy goals; institutions

4. to define policy problems in either more precise or more acceptable (politically or ideologically) terms

5. to provide the government with a broader range of policy options than what is being suggested by the public service or even to "second guess" those public service proposals

6. to review in an impartial manner existing programs, policies and organisations

7. to resolve public controversy and promote public participation and consensus about key issues by the inquiry process and membership

8. to assist governments in managing the policy agenda by the illusion of action, deflection of criticism, or co-option of critics

9. to justify government decisions already made but not publicised (and in some cases not formally decided)

10. to help determine what to do about promises made in Opposition

Source: Prasser 1988: 123-4
## Table 4.4: Summary of reasons: situations and rationales for appointing public inquiries

<table>
<thead>
<tr>
<th>Government policy demands and tasks</th>
<th>How inquiries assist</th>
</tr>
</thead>
<tbody>
<tr>
<td>Get stakeholders to agree to a possible solution</td>
<td>Provide means for interest group views to be heard (hearings, submissions, membership); Independent chair with stakeholders as members; provide means for negotiation and securing agreement</td>
</tr>
<tr>
<td>Government is confronted with an issue/problem but does not have an immediate solution</td>
<td>Buys time; provides expert advice and those of stakeholders; outlines options</td>
</tr>
<tr>
<td>Have a possible answer but need some level of public scrutiny, checking or confirmation that it is appropriate, acceptable and might work</td>
<td>Appoint expert body to research and/or representative body to approve; ‘kite flying’ of options; negotiation</td>
</tr>
<tr>
<td>Have vague idea of solution but need details worked out to be able to implement</td>
<td>Appoint expert body to better define the issue, provide some options and suggest possible actions.</td>
</tr>
<tr>
<td>Lacks expertise to handle or advise on an issue in public service and normal standing bodies and institutions</td>
<td>Use external members, experts on inquiry; consultation process and submissions</td>
</tr>
<tr>
<td>Have an answer or solution, but it needs further refining as it appears to be too expensive, disruptive, excessive</td>
<td>Use external members, experts on inquiry; consultation process and submissions</td>
</tr>
<tr>
<td>May want some “independent” analysis or reinforcement for preferred solution for internal consumption to get support from Treasury, other departments, other ministers, cabinet</td>
<td>Use high level inquiry with members of status and from key interest groups, inquiry performs educative role through hearing, interim reports, publicity</td>
</tr>
<tr>
<td>Inherited a policy from previous government and want to justify changes to it or to check it</td>
<td>Inquiry to review – independent, but sympathetic to new government</td>
</tr>
<tr>
<td>Want to stake and /or signal new ownership, imprint, direction, interest in a particular policy area</td>
<td>Appoint wide-ranging inquiry with clear government mandate and prestige to review area and map future directions</td>
</tr>
<tr>
<td>Interested in “doing something” (based on observations of developments in this area elsewhere and feeling that something could be better eg public service not “pulling its weight”) but need raw data or initial reconnoitre of the areas to articulate clearly the issues, problems, possible fields of activity</td>
<td>Inquiry with broad terms of reference; exploratory; synthesise information and trends and provide options</td>
</tr>
<tr>
<td>Defined the problem, decided what to do and need dedicated team to implement (compare to other internal project teams established repeatedly in public service)</td>
<td>Inquiry appointed with specific terms of reference, small membership and limited timeframes to provide clear proposals for implementation</td>
</tr>
<tr>
<td>Field or issue normally kept out of public view (e.g. security), but some event or crisis pushes this issue into public view and causes government to want this matter to be handled publicly (e.g. ASIS raid, allegation)</td>
<td>Inquiry of particular type e.g. royal commission to both provide independent analysis and be seen to be above reproach</td>
</tr>
<tr>
<td>Person promised position (in Opposition or other government context e.g. early retirement) and need to provide a temporary role</td>
<td>Inquiry provide task, income and activity; usually into minor issue</td>
</tr>
</tbody>
</table>
Categorising the explanations

This range of reasons for appointing inquiries includes the rational or instrumental use of public inquiry appointment, the politically expedient explanation, and those covering more pragmatic political management roles. Underlying all these explanations are the particular institutional features of public inquiries or what this thesis defines as their “publicness” which affects government decisions to opt for this instrument.

Inquiries appointed as adjuncts to rational decision making

First, there are those who stress that governments appoint public inquiries to assist in rational decision making by providing independent, impartial and expert advice to a government which can then be applied to “solve” the given policy problem. This is the instrumental view of public inquiry use. Inquiries contribute to rational policy development by obtaining expert advice from their members, their research, and to a lesser extent by the public consultation and submission process. Inquiries assist in rational policy development by their focus on giving independent analysis rather than what may be wanted by decision makers – what some may define as “cold” advice as distinct from “hot” political advice (see Table 4.5). Cold, rational advice is long term focussed, strategic, research based, uncompromising, best solution and not concerned with partisan gain or electoral issues. The relationship between these notions of rational policy development and the activities of public inquiries is outlined in Table 4.6.

<table>
<thead>
<tr>
<th>Rational (cold) advice</th>
<th>Political (hot) advice</th>
</tr>
</thead>
<tbody>
<tr>
<td>Information based</td>
<td>Rely on fragmented information</td>
</tr>
<tr>
<td>Research used</td>
<td>Opinion/ideological based</td>
</tr>
<tr>
<td>Independent/neutral</td>
<td>Partisan/biased</td>
</tr>
<tr>
<td>Long term</td>
<td>Short term</td>
</tr>
<tr>
<td>Proactive predictive</td>
<td>Reactive/crisis</td>
</tr>
<tr>
<td>Strategic and wide range/systemic</td>
<td>Single issues</td>
</tr>
<tr>
<td>Idealistic</td>
<td>Pragmatic</td>
</tr>
<tr>
<td>Public interest focus</td>
<td>Electoral gain</td>
</tr>
<tr>
<td>Open processes</td>
<td>Secret/deal making</td>
</tr>
<tr>
<td>Objective clarity</td>
<td>Ambiguity/overlapping goals</td>
</tr>
<tr>
<td>Seek/propose best solution</td>
<td>Consensus solution</td>
</tr>
</tbody>
</table>
Table 4.6: Inquiries and rational decision making

<table>
<thead>
<tr>
<th>Features of rational policy development</th>
<th>How inquiries perform these activities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Independent and expert advice outside of government</td>
<td>External inquiry members who are expert and independent from government; separate and discrete unit outside of government</td>
</tr>
<tr>
<td>Based on research, analysis and clarifying &quot;facts&quot; on issues</td>
<td>Specialised staff and research programs</td>
</tr>
<tr>
<td>Advice based on &quot;cold reasoning&quot;, and &quot;scientific analysis&quot;, and clear assumptions</td>
<td>Use of research, clear methodology, seeking &quot;fact&quot; style of operations</td>
</tr>
<tr>
<td>Seeking information and knowledge</td>
<td>Use of research, hearings, collection of &quot;evidence&quot;</td>
</tr>
<tr>
<td>Specialised in policy area</td>
<td>Members and staffing</td>
</tr>
<tr>
<td>Comprehensive review</td>
<td>Research; adequate time</td>
</tr>
<tr>
<td>Assessment of options</td>
<td>Research, interim reports, public testing, research program, consultation processes, outline of options</td>
</tr>
<tr>
<td>Aimed at providing &quot;solutions&quot; to specified policy problems</td>
<td>Specific terms of reference and reports with detailed recommendations</td>
</tr>
<tr>
<td>Uncompromising, disinterested advice</td>
<td>Temporary duration, no vested interest, professionalism and expertise of members, apparent impartial report</td>
</tr>
<tr>
<td>Provides formal advice and specific recommendations</td>
<td>Inquiry report presented to government and made public</td>
</tr>
<tr>
<td>Seeks to obtain formal endorsement from government of specific recommendations</td>
<td>Public release of report and formal presentation to government</td>
</tr>
</tbody>
</table>

Spiegel (1973: 14-16, Table 4.1) labels the appointment of inquiries for these purposes as “legitimate” as they seek to assist in the better policy development through advice based on research and analysis. Walls (1969: 365) sums up this rational policy making role of public inquiries:

The principal function of royal commissions is to place before government … a cold blooded impartial survey followed by an equitable solution to the problem submitted to it, a solution without concern as to its implication or on whose toes it may figuratively step.

Bulmer (1982: 96) also portrays the public inquiry as an “independent body whose task it is to form an authoritative and objective judgement of the policy problem which it has been given to tackle.”

Appointing inquiries for these rational policy reasons is relevant to all types of public inquiries (see Figure 4.1). Governments appoint inquisitorial inquiries to probe and investigate the “facts” underlying the cause of some disaster or the truth of allegations, largely in reaction to particular “events” (e.g. disasters) or allegations. Appointing policy advisory inquiries may be seen as a means to “solve” given policy problems. Certainly, this is the publicly stated reason for all public
inquiries by elected officials. For example, Whitlam (1976: 223), in justifying the extensive use of inquiries under his government, stressed:

The Labor Government found that the scarcest commodity after 23 years of conservative rule was information. In whole areas of public policy, schools, health, the environment, industrial conditions, the National Estate, social welfare, local government – no body of facts or evidence existed … There was no core of information on which Federal or State governments could take decisions.

Consequently, Whitlam (1973: 10) said, public inquiries were the “most effective way of producing a high quality report in a short time which combines the skills and insights of prominent citizens with the background and experience of the actual working of government.” This accords with seeing public inquiries as:

purpose driven instruments whose rationale lies in their contribution to the decision stage of policy-making. Their role is to generate information and expert advice which will inform and impel the policy decisions of the authorities who have commissioned them. This conception of policy and what is entailed has been criticised on empirical and conceptual grounds. (Degeling et al 1993: 271)

This perspective also fits with the “decisionist” mode of policy making with “official inquiries … conventionally discussed and evaluated in terms of the way their operations are in keeping with tenets of both constitutional government and of instrumental rationality” (Degeling et al 1993: 271). Weiss (1983) and others (Wagner and Wollmann 1986) suggested use of expert advisory bodies like public inquiries and other techniques represented the “scientification” of policy analysis providing objective, apolitical data and research that would help overcome the excesses of “politics” in its most pejorative sense. As Weiss (1983: 214) said, such “research was a … rational way to help solve problems … Implicit was the belief that once society really knew the facts and figures of social disorganization, corrective action would inevitably follow.”

Public inquiries with their expert external members and research were seen as being able to provide rational policy analysis and better able “to inform governments” (Bulmer 1982: 45; Hallett 1982: 12; Weiss 1990), “clarify facts” (Miller 1993: 6), provide detailed information to governments when previously there was none (Benson and Rothschild 1983: 340), and advise governments as to what they should do. An older view placed considerable emphasis on the role of inquiries as a means of obtaining facts before action such that “inquiry by royal commission [just] so generally a preliminary of legislation as to have become almost a part of the legislative process” (Vernon and Mansergh 1940: 8). Others stress their role in providing expert analysis and research (Bulmer 1982, 1983a). Inquiries were the means for objective advice and recommendations to be given to government overcoming institutional inertia, bias or
inadequacy in the permanent bureaucracy (Deutsch 1973; Hawker 1977a) and overcoming interest group capture of policy areas by promoting wider public interest policy solutions (McEachern 1987: 58).

Many of the reasons given by governments in appointing individual inquiries are the rhetoric of rational decision making. The Committee to Advise on Australia’s Immigration Policies appointed by the Hawke Government in 1987 was established according to the then Minister (Young 1987) to analyse, procure facts and advice. As the Minister stated:

_We need to know more about the effect of immigration on the current account, the restructuring of industry, and implications for the labour market and business sector … The Review is the first of Australia’s immigration policy for ten years._

The Committee of Inquiry into Folklife in Australia was appointed, as Minister Barry Cohen (1986) stated, to “provide properly considered advice on what needs to be done, and on priorities for government action.” The inquiry was needed because this was a “neglected area so far as governments in Australia are concerned” and about which the small and new Department of Arts, Heritage and Environment had only limited knowledge (Cohen 1986). Howard Minister John Anderson (1996) in establishing the Review of the Rural Adjustment Scheme, highlighted this notion of inquiries serving an independent evaluation role:

_The review will take a long term perspective … identify private and government sector strategies to most effectively facilitate rural adjustment, including the appropriateness, efficiency and effectiveness of the Rural Adjustment Scheme._

Governments in appointing inquiries often mention a range of different reasons. For instance, governments usually stress in announcing most inquiries that they would be “independent” from government, thus bestowing upon the inquiry a distinct status in the political system. This independence and status is further heightened by the way governments emphasise the external origin and expertise of their members. Sometimes this is stressed by an inquiry itself anxious to eschew any perception that it is in any way a “representative” type inquiry. For example, the Committee of Inquiry into Recognition of Overseas Qualifications stressed (Fry 1982: 3) in its final report highlighted that the members of the inquiry “were appointed on the basis of their experience and continuing involvement in specific areas of relevance to the Inquiry. They were not appointed as the representatives of any organisation to which they belonged or were employed.” The openness of inquiry processes, their intention to consult with key stakeholders and the community is another important element of the public inquiry instrument. Consultation in this context is seen more as a means of gaining more information which governments emphasise they need to solve the problem being investigated and which they hope will be supplemented by the extra research the inquiry is expected to provide. Indeed, governments
frequently express the hope that the inquiry would provide new information to initiate changes in policy direction\(^\text{17}\) and provide a better range of policy options\(^\text{18}\) from which they could choose. Inquiries were often appointed because of the need for independent review and evaluation of particular institutions,\(^\text{19}\) specific programs,\(^\text{20}\) different administrative processes,\(^\text{21}\) certain legislation,\(^\text{22}\) whole policy areas\(^\text{23}\) and even whole of government administration.\(^\text{24}\)

Being adjuncts to rational decision making, does not preclude inquiries from also serving certain “legitimate” political roles (Spiegel 1973). For instance, appointing an inquiry to identify the cause of a major problem, as in the case of inquisitorial type inquiries, also meets the immediate political demand of showing concern about an issue. Appointing an inquiry inevitably delays decision making. While this could be used to manipulate the policy agenda for covert political purposes of avoiding action, “delay can be a legitimate political and administrative tactic” (Cartwright 1975: 213) by allowing governments time to consider an issue more thoroughly. This is especially the case with a new policy matter about which the government and public bureaucracy know or understand very little. Inquiries appointed to fulfil or advise on election promises are examples of where government is seeking advice on how to proceed while at the same time meeting an election commitment.\(^\text{25}\) The practice of incoming governments sometimes appointing inquiries to review existing financial arrangements before embarking on further action is another example of this use of inquiries (e.g. the Whitlam Government’s *Task Force to Review Continuing Expenditure of the Previous Government* and the Howard Government’s *National Commission of Audit*). Indeed, the *National Commission of Audit* sought to provide a comprehensive plan for future government action and the several months it took to report delayed the newly elected Howard Government in making a number of initiatives. These delays caused some criticism (Henderson 1996). Similarly, using inquiries to “kite-fly” issues and or to promote support for a preferred policy may also be seen as attempts to minimise adverse reaction and political damage to the government and enhance electoral support. However, as Spiegel (1973: 13-17), McEachern (1987) and Sheriff (1986: 676) acknowledge such uses of inquiries can be legitimate in a democracy as it is “market testing” new ideas before implementation and may help to reduce unnecessary future problems. The “publicness,” of inquiries makes this a positive contribution to rational decision making.

In releasing the report of the 1985 *Inquiry into the Wine and Grape Industry* the Primary Industries Minister stressed that this would help “spark debate and comment” about the Inquiry’s recommendations (Kerin 1985). It was clear the Hawke Government had yet to make up its mind on what to do and the Inquiry allowed a wide range of proposals to be further debated with minimal adverse reaction to the government.

Public inquiries can also provide a means for allowing the legitimate airing and assessment of grievances (Bulmer 1983a: 660). This may particularly be the case in relation to inquisitorial inquiries where the events being investigated caused loss of life, and the inquiry, as well as
locating causes and blame, provides a means to assuage loss. The 1964 Royal Commission on the Loss of HMAS Voyager (Frame 1992) and Royal Commission into Aboriginal Deaths in Custody (see Chapter Eight) had elements of this. The two policy advisory inquiries appointed by the Howard Government into the supply of Telstra services to regions\textsuperscript{26} may be seen as a means of allowing regional interests to air their concerns about the inadequacy of telecommunications services.

The public participation processes used by inquiries have been seen as important adjuncts to rational decision-making by providing more input, information, external views and a means of checking government thinking about an issue (Sheriff 1983: 675). As one study (Howard 1987: 21) of the Hawke Government-appointed National Inquiry into Local Government Finance (NILGF) observed:

\begin{quote}
The NILGF represents an important achievement in the public inquiry approach to policy review. This came about as a result of the apparent success of the public consultations process in shaping and directing opinion and the contribution of research and analysis in the production of the final report.
\end{quote}

Such processes are not without potential political benefits as they provide a sense of participation in policy development often seen as lacking in Westminster democracies. The issue is when are such public participation processes used for the more politically expedient purposes of just keeping the public satisfied and reducing agitation around a policy issue, without any real intention to act on the issue?

**Politically expedient reasons**

At the other extreme, inquiries have been seen as being appointed for more covert political goals of agenda management and to produce desired outcomes that promote partisan political gain (see Table 4.7). As Bulmer (1983a: 436) sums up:

\begin{quote}
A good deal of cynicism has been expressed ... about why governments set up commissions ... commissions are used as a delaying tactic ... a substitute for decision making ... and were ineffectual or irrelevant.
\end{quote}

Dibelius’ Machiavellian-like observation (1930: 254) strongly suggests inquiries can be easily manipulated:
The statesman who nominates the commission can almost always determine the course that it is going to take, since he will have a pretty good knowledge beforehand of the mind of the experts whom he puts on it while, of course, avoiding any appearances of ‘packing’ his team.

Such inquiries are appointed as “a device to enable governments to do what they want to do anyway … clothing it in the legitimacy provided by research … mobilising support … providing an aura of objectivity and … prestige” (Bulmer 1982: 99). Inquiries, according to this perspective, are but “an excuse for delay or shelving an inconvenient proposal” (Vernon and Mansergh 1940: 34) and for “not so much for digging up the truth but for digging it in” (Herbert 1961) and for governments “enhancing their expected support” (McEachern 1987: 46).

What makes these inquiries politically expedient or, in Spiegel’s terms “illegitimate” (Spiegel 1973: 17-20, see Table 4.1), is that they are appointed by governments primarily “to avoid policy commitment than to solve problems … smothering problems with well publicized inaction than paving the way to novel action” (Sulzner 1971: 440). Such inquiries are a “whitewashing body appointed to shelve a given question until public attention is attracted elsewhere” (Gosnell 1934: 110). They are deliberately appointed “to give the illusion that something is being done about a problem” when nothing is intended (Thomas and Wolman 1969: 462). As Bulmer (1982: 99) says, such inquiries:

act as a symbolic response to political demands, damp down concerns, promote stability, without involving any commitment of resources or tangible benefits to citizens. Commissions may thus be able to deal with the politics of the situation rather than the situation itself.

Because no government would openly confess to having these aims when establishing an inquiry, identifying such “politically expedient” motivated inquiries is sometimes difficult. Such inquiries superficially appear the same as others with their external members, public hearings and release of a formal public report. Nevertheless, there are some tests that could be applied to assess the political expediency of inquiries. These criteria would encompass those actions by government which, when establishing an inquiry, would prevent it from probing too deeply or for too long into a particular issue. It includes, for example, whether an inquiry has narrow terms of reference, thus preventing an inquiry from following up information it may uncover during its investigations and causing it to focus on only a small part of a much larger problem. Short reporting timeframes will mean an inquiry could be hurried and not as thorough as required. Alternatively, excessively long timeframes may be attempts by a government to keep the issue off the agenda long enough until interest has declined or an election has been held. Inadequate resourcing in terms of staff and research can also be seen as prejudicing an inquiry’s outcome by limiting its capabilities to probe and assess. Appointing unsuitable
members (e.g. poor qualifications, partisans, over-representation of certain interest groups) will also be seen as attempts by governments to affect inquiry outcomes in ways favourable to themselves.\footnote{31} Other tests of political expediency include the inadequacy and inappropriateness of an inquiry’s methods of investigation\footnote{32} or whether reports were seen to be too ideologically biased.\footnote{33} There are also the processes used by government to respond to an inquiry once it submits its report. For instance, an inquiry referred to an inter-departmental committee of public servants, sometimes the very group whose action or inaction an inquiry may have been established to remedy, may indicate a low priority. Alternatively, referral to a senior body of ministers or a new dedicated unit with some open public processes dedicated to pursue implementation (see Chapman 1978: 292; Wilenski 1986a: 176-179) will be indicative of how genuine the government was in appointing the inquiry.\footnote{34} Whether an inquiry chair and other members are asked to serve some further role in overseeing implementation of a report are further indicators. There is also the failure to implement an inquiry’s recommendations and, despite positive rhetoric about an inquiry, a lack of “commitment of resources or tangible benefits to citizens” in subsequent government action (Thomas and Wolman 1969: 462).

Important as these criteria are in assessing the seriousness of a government in appointing a public inquiry, care needs to be taken in arriving at any assessment too quickly as is the wont of media commentators, parliamentary oppositions or particular groups in whose interests it is to portray inquiries in this way. For media commentators, it creates controversy and therefore news. For oppositions it is another means to attack the government. For interest groups, it may be because the inquiry report did not deliver the benefits expected or was critical of their activities. Moreover, time is often needed to evaluate not only whether an inquiry’s recommendations have been implemented (Smith and Weller 1978: 10-11), but to ensure perspective about an inquiry distant from the immediate events surrounding its appointment and the issue at hand. For instance, inquiries initially seen as being politically motivated, and driven by purely ideological reasons, have in some cases later been accepted as worthwhile and important contributors to rational policy analysis by those who originally criticised them. Such was the case with the Committee of Inquiry into the Australian Financial System appointed by the Fraser Government (see Chapter Nine). Inquiries take time for governments to digest. Delay may reflect this rather than any ulterior political purpose. Assessment by media commentators is marred by their sporadic and frequent superficial analysis of often quite complex issues.\footnote{35} Even inquiries with small staff numbers may not necessarily indicate its lack of importance.\footnote{36}

How governments use the public inquiries for politically expedient reasons is summarised in Table 4.7.
### Table 4.7: Features of inquiries appointed for politically expedient reasons

<table>
<thead>
<tr>
<th>Political expedient reasons for appointing inquiries</th>
<th>How inquiries perform these activities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Showing public concern about an issue when no real action is intended</td>
<td>Appointment of inquiry with prestigious members, public announcement</td>
</tr>
<tr>
<td>Appearing to respond quickly to a crisis or issue</td>
<td>Urgent appointment of inquiry</td>
</tr>
<tr>
<td>Reducing pressure to initiate policy actions</td>
<td>Appointment of inquiry, request for information</td>
</tr>
<tr>
<td>Postponing or delaying decisions for some time</td>
<td>Appointment of inquiry, time for choosing members, terms of reference, inquiry process, hearings and final report – awaiting for inquiry report</td>
</tr>
<tr>
<td>Delaying any substantive policy response to issues</td>
<td>Appointment of inquiry, awaiting for inquiry report and reviewing inquiry report</td>
</tr>
<tr>
<td>Kite flying/market testing for new policies or ideas</td>
<td>Informal forums, interim reports, final report</td>
</tr>
<tr>
<td>Acting as “safety-valve” for public concern about an issue</td>
<td>Appointment of inquiry, holding hearings, release of report</td>
</tr>
<tr>
<td>Providing venues for ventilating grievances to reduce demands on government</td>
<td>Public and informal hearings, seeking submissions</td>
</tr>
<tr>
<td>Promoting sense of participation in decision-making, but without seriously wanting to accept such advice.</td>
<td>Public and informal hearings, calling for submissions</td>
</tr>
<tr>
<td>Methods of interest group representation pacification co-option to occupy their time and interest and to reduce criticism of government.</td>
<td>Inquiry membership, special reference groups, hearings</td>
</tr>
<tr>
<td>Venues for negotiating policy solutions among stakeholders</td>
<td>Appointment of key stakeholder members to inquiries, focus group and informal discussions</td>
</tr>
<tr>
<td>Mobilising support for a government-preferred and already decided policy options</td>
<td>Use of hearings and consultations, terms of reference, appointment of key members, draft and final reports</td>
</tr>
<tr>
<td>Legitimising preferred (and sometimes pre-decided) policy choice</td>
<td>Publicity during inquiry, research, final formal report</td>
</tr>
</tbody>
</table>

Some more examples of what were seen as politically expedient inquiries include the Whitlam Government’s *Royal Commission into Human Relationships* that was regarded by some as just a sop to certain sections of the Labor Party and not a serious inquiry. Gittins (1981) saw the Fraser Government's “ill-fated” *Committee of Inquiry into Technological Change in Australia* as being appointed to show concern about an area where the government had little real interest. Harding (1985) has argued that in relation to unemployment policy the Fraser Government's appointed several inquiries as part of an agenda management strategy of tokenism and decision postponement. Inquiries were also used in this area to redefine the causes of unemployment as being excessive work disincentives in unemployment benefits, the inefficiency of existing government institutions, the performance of the education system and the rate of technological change to avoid tackling the underlying problems. The use of inquiries for these politically expedient purposes was corroborated, suggests Harding (1985: 233), by the way inquiry reports were quickly rejected and, in some cases, where specific
inquiry recommendations were not only ignored, but the government implemented exactly the opposite.42

The Hawke Government’s 1983 Independent Economic Inquiry into Transport Services to the Northern Territory, which absolved the government from honouring its 1983 election promise to build a railway line from Alice Springs to Darwin, was attacked as being biased and contrived. The chair of this inquiry, David Hill, was a former staffer of NSW Labor Premier Wran, and seen by some as being “a protégé of the Labor Party” (The Australian, 5 March 1984). As the then Chief Minister of the Northern Territory said, the inquiry “was nothing more than a pretext against which to finally retract the promise that the railway would be built” (quoted by Senator Kilgarriff 1984). Country-Liberal Senator Kilgariff (1984: 1954-1958) also attacked the Inquiry for its inaccuracies, the biasness of its chair and its lack of consultation. The Royal Commission into on the Use and Effects of Chemical Agents on Australian Personnel in Vietnam, under Justice P. Evatt, was seen as a means of honouring an election promise (the Labor Opposition promised an inquiry during the 1983 Federal election). That the Royal Commission did not then support the claims of veterans was assessed by some as a means of getting the Hawke Government out of making any additional benefits available. The Shipping Reform Task Force was criticised by the then Coalition Opposition as unnecessary, a delaying tactic and “no substitute for action” (Peacock 1988). Underlining this attack was the view that the Task Force’s membership was too limited, biased and dominated by the “coastal shipping club.” As Senator Hamer (1989: 3906) said:

No doubt the members of the Task Force are excellent people, but they are all people in the shipping game … there were no people outside the shipping industry … What we really wanted … were representatives of the users.

The Howard Government’s Small Business Deregulation Taskforce that resulted in little reform or change, has been seen as a symbolic action to honour an election promise to satisfy the small business lobby. Similarly, the Howard Government’s appointment of the Committee of Inquiry into Fuel Taxation at a time when its popularity was falling, had lost an important by-election in early 2001 (Ryan), and when fuel taxes had emerged as a major public issue, may be viewed as an attempt to show concern and delay decisions on petrol taxes until after the then impending Federal election. Rejection of the main recommendations of the Committee six months after the election indicates the Howard Government’s underlying short term political motives in appointing this inquiry. One regional resident (McLachlan 2002) concluded, in relation to the Regional Telecommunications Inquiry, that:
I’ve been around long enough to know that the prime function of politics is to win elections, and the function of commissions of inquiry is to throw enough dust to cover the facts.

Inquiries established primarily for politically expedient reasons are more likely to be of the policy advisory type as most of the examples above highlight. This is because such inquiries cover a broader range of issues than a conventional inquisitorial inquiry, and hence the motivations of governments in appointing such inquiries are open to wider interpretations and debate. Because the membership of policy advisory inquiries are also usually from a wider range of backgrounds than inquisitorial inquiries, the opportunities for such policy advisory inquiries to be constituted to reflect government agendas, is greater.

By contrast, inquisitorial inquiries, often with royal commission status and focus on investigating the causes of a major disaster or allegation of wrongdoing, are more factually focussed. Such inquiries are required to provide clear and definable answers – answers which can be verified, and which often involve allocation of blame and responsibility. Furthermore, membership of inquisitorial inquiries tends to be smaller than policy advisory bodies and drawn more often than not from the judiciary and legal profession. There is no guarantee that inquisitorial inquiries will not be used by governments for politically expedient purposes and some inquisitorial royal commissions have been criticised as being politically motivated, narrowly focussed and unnecessary. However, by drawing most of their members from the judiciary and legal profession, governments run greater risks than with other forms of inquiries, of such members being more willing to rebel against any attempt to deflect the inquiry process for partisan political considerations. Indeed, this has sometimes occurred.

*Figure 4.1* outlines the use of inquisitorial and policy advisory inquiries in relation to these fundamental different purposes. The differences in use between these two types of inquiries are marginal. Inquisitorial inquiries can be just as easily appointed for expedient reasons as their policy advisory counterparts. However, as discussed, the form, structure and membership of inquisitorial inquiries may require more adept and careful management by government if they are to be used effectively for these purposes.
### Rational

**Inquisitorial inquiries**

**Focus/motivation**
- solve problem and show concern
- respond quickly, but effectively

**Issues are:**
- real/controversial/urgent

**Inquiry goals:**
- ascertain “facts” concerning cause of problem
- locate and lay blame of responsible
- provide recommendations to minimise future occurrence of problem
- provide basis for further legal action

**Membership:**
- high status/small

**Methods:**
- adversarial, but often forensic/research backed
- clear consultation strategies

**Outcomes:**
- comprehensive report
- govt acceptance and implementation follow up processes
- long term actions

**Policy advisory inquiries**

**Focus/motivation:**
- obtain impartial analytical advice from expert body to seek “solution” to problem
- some ideas, but need more detailed information
- review & evaluate existing/previous policies

**Issues are:**
- “real” and causing problems and gaining public attention
- new, complex, cut across existing vertically focussed agencies, require break from present interest group

**Inquiry goals:**
- clarifies boundaries of policy area
- defines policy problems
- collects more facts and information
- expert, impartial/objective advice (membership and research) or
- has interest group input (processes/membership)
- refine govt thinking

**Membership:**
- small, expert

**Methods:**
- research based
- adequate time/resources
- effective public consultation processes

**Outcomes:**
- provides “solutions” to “solve” policy problem
- Promote “public interest” solutions
- Govt implementation and follow up processes

### Expedient

**Inquisitorial inquiries**

**Focus/motivation**
- show concern
- respond quickly to incident
- fill space on policy agenda

**Issues are:**
- real, but not high priority

**Inquiry goals:**
- assess issue, but primarily about illusion of action

**Membership:**
- high status/small, but symbolic

**Methods:**
- adversarial
- consultation, but *ad hoc*

**Outcomes:**
- acceptable report, but non-committal govt response
- referral to internal processes
- limited long term action

**Policy advisory inquiries**

**Focus/motivation:**
- to avoid/minimise adverse political impact, and maximise partisan goals
- minimise policy action
- be seen to be doing something

**Issues are:**
- controversial
- interest group intense

**Inquiry goals:**
- agenda management:
- show concern
- illusion of action
- postpone/smother issue (no intention of action)
- co-option of interests

**Membership**
- large/diverse/representative
- symbolic independent chair

**Methods:**
- limited research
- timeframes: too short/long
- consultation but unstructured and no intention of action

**Outcomes:**
- accommodate interest groups
- limited govt response – referral to internal processes
- no long term impacts
Table 4.8: Reasons for inquiries and inquiries’ roles

<table>
<thead>
<tr>
<th>Circumstances and reasons</th>
<th>Motivation of government in appointing inquiry</th>
<th>Tasks of inquiry</th>
<th>Characteristics of inquiry</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Investigate ‘crisis’ event</td>
<td>Show concern; action Apportion and deflect blame</td>
<td>Find facts, apportion blame, preventative proposals</td>
<td>Independence, expertise, quickness</td>
</tr>
<tr>
<td>2. Investigate allegations of impropriety</td>
<td>Reduce problem, defection Prosecute, show concern, containment</td>
<td>Find facts, investigate</td>
<td>Independence, openness legal/judiciary; royal commission</td>
</tr>
<tr>
<td>3. Obtain more information check facts, obtain expert advice, access research</td>
<td>Govt not sure what do; belief existing institutions not capable or ‘biased’</td>
<td>Research, bringing knowledge to decision makers</td>
<td>Expertness and some representativeness</td>
</tr>
<tr>
<td>4. Define /clarify issues (new)</td>
<td>Seek guidance on nature of issue</td>
<td>Assess issue</td>
<td>Expert or representative</td>
</tr>
<tr>
<td>5. Provide options, second guess public service</td>
<td>Govt not sure what do; belief existing institutions not capable or ‘biased’</td>
<td>Clarify situation, check issues, provide options</td>
<td>Expertness, representative and ‘political’ members;</td>
</tr>
<tr>
<td>6. Independent evaluation of existing programs/agencies</td>
<td>Assess key area, allow changes(cuts/termination /expansion</td>
<td>Evaluate area; develop criteria</td>
<td>Rationalistic, consultative</td>
</tr>
<tr>
<td>7. Promote public participation, consensus an agreed synthesis or adjustment of conflicting interests</td>
<td>Reduce political conflict, save time, get issue off agenda, get endorsement for preferred action</td>
<td>Secure agreement, negotiating</td>
<td>Representativeness - key stakeholders; extensive consultation; draft reports;</td>
</tr>
<tr>
<td>8. Show concern, illusion of action, symbolic, or indicate new direction</td>
<td>Seen to be doing something; Agenda deflection</td>
<td>Appear rational investigation into issue, consultation</td>
<td>High public profile, consultation, process oriented</td>
</tr>
<tr>
<td>9. Promote/justify decisions/mobilise support/educate</td>
<td>Reduce conflict and opposition</td>
<td>Kite flying Marketing Endorsement</td>
<td>Expert and representative,</td>
</tr>
<tr>
<td>10. Advise on promises made in Opposition</td>
<td>Show honouring of promise, advise on implementation; possible reneging</td>
<td>Assess viability of proposal and propose (if wanted) implementation plan</td>
<td>Expert, reasonable profile</td>
</tr>
<tr>
<td>11. Provide positions for partisans</td>
<td>Honour promise, satisfy deals</td>
<td>Dependent on nature of issue investigated and credibility of appointee</td>
<td>Political topic, small membership</td>
</tr>
</tbody>
</table>
Management of issues and problems

In reviewing the different rational and politically expedient explanations outlined in Tables 4.6 and 4.7 there is embedded among these, a more pragmatic view of why governments appoint public inquiries which cannot be placed easily in either category (see Tables 4.4 and 4.8).

For instance, sometimes governments seek a means to show interest in an area which previously, for ideological or other reasons, they have not indicated much support either in opposition or when previously in government. The agenda for such areas is often driven by previous government policies and the settled arrangement among policy networks (Rhodes 1997). Government motivation for becoming involved in these activities is more than just reviewing the particular institutions or programs of the previous government. It is about governments staking their interest in a policy area, finding a means to change policy direction, pre-empting further initiatives from the other players, and gaining support from those who were previously opposed to the government or its particular policy stances.

Governments could seek to achieve these goals by using departmental mechanisms, appointing consultants or referring the matter to permanent research bodies or seeking to have parliamentary committees investigate certain topics. However, a public inquiry offers certain advantages over these alternative mechanisms. For instance, a public inquiry, being such an instrument of executive government, is, on appointment, clearly seen to be a direct outcome of a government decision. Furthermore, the “publicness” of inquiries with their public processes, with external and often high profile or status membership, provide governments with a potentially more valuable vehicle not only to explore any new policy territory, but more importantly to signal to the policy network the government’s interest in this area. Just how great an interest will depend on the inquiry’s status, resources and calibre of members.

One example has been the Howard Government’s appointment of the *Major Performing Arts Inquiry* chaired by Dr Helen Nugent to research, consult and make recommendations in relation to the funding of arts bodies and provide new policy directions. This was a policy area where previous Liberal Party interest had been limited. It involved a small number of multiple players that were essentially well organised (e.g. performing organisations, State governments and regional bodies and numerous advisory bodies) and therefore able to be accessed by a public inquiry type process. It involved a relatively small amount of public expenditure that, if marginally increased and redirected, could have potentially important political benefits without adversely affecting the macro budget situation. As Minister Alston (1999) claimed, the *Major Performing Arts Inquiry* sought to “reposition the arts industry for the future” and “demonstrated the Government’s commitment to artistic excellence, the long term development of the companies and to the future of the arts.” Assessment of this Inquiry’s final report confirms its role and impact with one commentator (Turner 1999) suggesting that it represented a “curtain raiser to the future” of the arts sector. Others concurred with this assessment (Albert 2002).
That the key groups eventually accepted the Inquiry’s major recommendations also highlights another way inquiries assist government effecting policy change. This concerns the strong advocacy role that some inquiry chairs are willing to take both during and after the inquiry. Dr Nugent, after the report’s release, engaged in public debate, including sometimes vociferous public discussions with State ministers (see Nugent 2000b in her response to the Matt Foley (2000) the Queensland Art Minister’s criticisms). The appointment of other public inquiries in this policy area by the Howard Government (e.g. Inquiry into the Contemporary Visual Arts and Craft Sector and the Review of Australian Film Industry) reflects the Liberal Party’s interest in a policy area that they had hitherto largely neglected.

In a different way, governments may have some idea of the general direction they want to go, but require more details and greater justification for policy change. The Hawke Government’s use of Drought Policy Review Task Force sought to redefine concepts of drought relief and articulate better criteria for policy action and move from a “welfare” model rural assistance to a more programatic policy approach. As the interim report stated, “the scope of this … review represents a significant change from previous approaches to drought policy” (McInnes 1989: vi). The report of the Committee of Review of Migrant and Multicultural Programs involved “a qualitative shift in the way programs and services are provided, rather than any expansion into new areas.” Similarly, the Howard Government’s Welfare Reference Group chaired by Patrick McLure was seen as signalling “a seachange in the nature of the Australian welfare state” (Broughton and Chalmers 2001: 86) with its emphasis on mutual obligation principles for sole parents and the disabled.

In other cases a government’s goals may be more vague – a government wants to “fix” a problem, but is not sure exactly what to do. The Howard Government’s handling of the Australian Broadcasting Corporation (ABC) is an example. As with previous Liberal administrations, the Howard Government had problems, but ill-defined ones, with the national broadcaster. It established the Review of the Role and Functions of the ABC headed by Bob Mansfield, a private sector investment expert and at one time attached to the Department of the Prime Minister and Cabinet. While some saw the Review as a means to provide the rationale to cut the ABC, it may also be seen as the Howard government checking not so much what to do, but how far it could go, and possible adverse reactions to any reductions in the ABC’s services. The Review’s use of surveys, extensive forums, regional meetings underlined this goal. However, the Review did not produce what was expected, its report largely favoured the ABC. As one commentator (The Australian, 25 January 1997) observed:
The Mansfield Report … represents a big win for the national broadcaster … Mansfield seems to have tried to reconcile the interests of the ABC and its supporters with those of the Government. The resulting report is a deal-broker’s deft accommodation of apparently conflicting interests …

Weiss (1983: 222) has argued that “the imperative of democratic decision making is to accommodate the interests and ideologies represented in the society … it is more important to negotiate decisions that are at least minimally satisfactory to significant segments of the population than to reach some scientifically “best” solution that will provoke significant cleavages.” Inquiries can assist in this process not just in their ability to harness disinterested expertise but suggests Degeling et al (1993: 271) by “their capacity for orchestrating, negotiating and bargaining between stakeholders.” The Review of the Future of Drug Evaluation in Australia appointed by the Hawke Government was successful where seven previous inquiries had failed because it sought to use its status and processes to negotiate a viable policy outcome among the stakeholders.

While public inquiries are sometimes seen to be appointed to put off action, governments do appoint inquiries to get things done – quickly and without hesitation. Wolanin (1975: 11) sees inquiries as “instruments of action, reform and change not obfuscation and ‘standpatism’.” Many policy oriented public inquiries have a project task oriented approach as indicated by their limited timeframes, focussed terms of reference and small memberships. Their public inquiry form allows for quick formation, minimal requirements in recruitment and ability to work independently outside of normal government processes.

Governments can also appoint inquiries, in response to the rise of certain trends or fashions in relation to both certain issues or even the use of the public inquiry instrument itself. As discussed in Chapter Seven, the growth of inquiries into public administration reform during the 1970s in Australia reflected trends elsewhere in this area as much as it did needs in Australia.

Another issue concerning government appointment of inquiries is why there is repeated use of inquiries on similar or related areas over certain timeframes. While some (Martin 1998) have seen this in terms of the difficulty of the issue (“wicked problems”) or the inadequacy of the earlier inquiry, it may be seen more realistically as the normal outcome of policy development. Inquiries rarely review the whole of a policy area, but rather mostly focus on a component of it at a particular point in time. Inquiries are often only one of several influences on a policy area, accompanying other incursions like parliamentary committees, internal reviews and consultancies. Administrative reform is littered with these different, sometimes parallel, processes. Repeated inquiry appointment may reflect what Pollitt (2000) describes as organisational amnesia, whereby, because of changes in government, restructuring, turnover of staff and excess information, governments forget what has gone on before and reappoint an
inquiry into the same area. Such moves also highlight, as Rhodes (1997: 4) suggests, that policy development is “not linear but recursive” and iterative. Because there are often gaps, issues only half managed and reoccurring problems, there is a need for policy problems to be regularly readdressed, reconsidered and redefined as issues progress. Hence, the repeated use over time of different public inquiries into similar or related areas.\textsuperscript{47} Others see it in terms of the expanding involvement of government into an area such as education (Williams 1978) with government seeking additional advice as it strikes another aspect of the policy area.

**Institutional reasons: the “publicness” of inquiries**

Whatever the reason for governments appointing inquiries, the fundamental issue is why do governments resort to using the public inquiry instrument over other advisory bodies? Table 4.8 summarises circumstances leading to an inquiry appointment, government motivations, tasks performed by inquiries and their particular institutional characteristics affecting their selection. Establishing a public inquiry is, in essence, “contracting out” for advice. The issue then, as with other contracting out arrangements (Argy 2000; Davis and Rhodes 2000: 88-90; Industry Commission 1996; Kogan and Henkel 1983: 141), is what are the services that these other alternative mechanisms, mostly within government, cannot provide? There have been several responses to this.

One is that the public service is overloaded and focussed on maintaining and implementing an increasing array of policies (Deutsch 1973). As Prime Minister Whitlam (1973: 10) explained in his government’s use of public inquiries, to have asked the public service to investigate these same issues “would have meant an unbearable strain … The Service has been – and is – fully occupied responding to other initiatives of government, as well as ensuring the normal conduct of business.” Others argue that use of public inquiries can be seen more as “evidence of some malfunction of the permanent bureaucracy” (Plowden 1971: 104) and “the limitations and incapacities of governments” (Weller 1994: 259). These include views that the permanent bureaucracy is “unsuited for innovating” (Plowden 1971: 106). Dror has emphasised the need for “breakthroughs … in the capacities of government” in the provision of better strategic advice to leaders (Dror 1980: 139; 1984a; 1984b) and for which the permanent public bureaucracy structured as it is around vertically focussed and professional interests is unsuitable. There is also the public choice view that the public bureaucracy is too close to the policies and programs they administer and the interests who benefit from these and that the public service itself has a vested interest in maintaining existing arrangements and policies (Niskanen 1971).

Second, there are the organisational advantages, notwithstanding the range of tasks involved, in using a public inquiry rather than internal public service mechanisms. An inquiry can bypass numerous public sector processes in recruitment and budgeting. Outsiders can be appointed quickly at whatever levels are required. More specifically, an inquiry can be focussed on its tasks without the distractions that often affect internal project teams in terms of reporting
procedures, changing departmental and government priorities, changing senior personnel and
day to day intervention in their activities. External and internal permanent advisory bodies also
have their ongoing tasks to do. So sending a reference to the Productivity Commission or an
internal policy unit may take time to start, as other work has first to be cleared to meet the new
priority. The same may be said in relation to other alternatives like parliamentary committees.
By contrast, each public inquiry is a new body with its own agenda and focussed totally and only
on its given task. Once formed it is less prone to government direction, interference or internal
organisational politics. For instance, an inquiry by being an external body overcomes internal
government rivalries (Painter and Carey 1979). Hence, the Review of the Defence Force and
the Community chaired by Alan Wrigley and appointed in 1987, was needed, according to
Cheeseman (1990:8) because while:

many of the issues to be addressed by the Review were under consideration by
both the Department and the Australian Defence Forces … the potential value of
the Review was that it would look across existing defence functions and fiefs and
would not be constrained by the interests or preoccupations of those in power.

Government resort to public inquiries may be more fundamental than concerns about public
service overload or policy capacity. Many government departments identified in Figure 3.1,
have considerable expertise and reputations for rigorous analysis. Rather, it is not the capacity
of these bodies so much as their declining legitimacy which is the key factor driving
governments to appoint inquiries despite the potential risks and transactions costs with their
use. As Mr Justice A.E. Woodward, chair of the 1974 Royal Commission into Aboriginal Land
Rights, concluded (1985: 424):

There is little public confidence in the ability of the bureaucrats to deal properly with
the issues involved. Although in fact the much maligned inter-departmental
committee will often do a workmanlike job and produce sensible recommendations,
the very fact that it operates behind closed doors, and the necessary compromises
or trade offs may not be publicly explained, reduces confidence in the result … On
the other hand the courts are not satisfactory places to resolve such disputes …
They are expensive, the adversary procedure between identified parties is not
suitable for very detailed fact finding or the testing of opinions …

Commissions of inquiry, Sheriff argued (1983: 672):

are appointed in exceptional circumstances when the task must not only be dealt
with but be seen to be dealt with, and what differentiates their task from that of the
regular bureaucracy is that they are more effective in performing the legitimization
Chapter 4

function that cannot be carried out in the hidden recesses of the regular bureaucracy.

Sheriff (1983: 676) also suggests that inquiries have the “additional advantage that their formulation is not the result of a hidden discourse within the bureaucracy, but rather of an open forum with wide participation.” It is their "form ... rather than their content ... that is important" (Sheriff 1983: 673) in explaining their appointment by government. Others concur. Wagner and Wollman (1986: 604) highlighted that increasing policy analysis “has not signalled increased rationality in policy making, but an increased need by political actors to legitimise their positions through the use of research findings.”

This thesis argues it is the “publicness” of inquiries that really explains this increased use. Other bodies may have the capacity, but they suffer from diminished public status in the case of the public bureaucracy with its increasing politicisation, secrecy, over domination of particular groups, and lack of input from the wider community. By contrast, public inquiries offer several advantages to governments.

One advantage is that inquiries by their public nature and sometimes high profile allow governments to be seen to be responding to a crisis in an effective way. With the Voyager naval disaster the Menzies Government had recourse to alternative mechanisms such as an internal Naval Board of Inquiry, but previous criticism of this type of body and the lack of any alternative such as a Naval Board headed by an external judge led Prime Minister Menzies “to settle for a royal commission” (Frame 1992: 55-56). Menzies immediately saw the need for an investigation that would be “prompt, thorough, public and conducted by a judge” and “that the normal machinery for naval investigations is inadequate” (Menzies 1964). There are numerous other examples of crisis, major accidents and allegations of corruption causing governments to respond by appointing inquiries.

Another advantage is that inquiries through their wide-ranging memberships and public processes of hearings can save a government’s time in both assembling and obtaining interest group views and in coming to a clear conclusion. Most, but not all, public inquiries produce unanimous reports, unlike their parliamentary committee counterparts. As Bulmer (1981: 375) noted:

Whatever their defects, commission reports come to have special standing within the political community … commissions find it easier to produce bipartisan conclusions on contentious issues than do either Select Committees of the House of Commons or Congressional Committees.
Because of this, combined with the public nature of their processes and overall profile of an inquiry, an inquiry report can be used by government as a source of authority to justify the proposed changes more effectively than any other advisory body. As Howard (1987: 27) observed in his study of the NILGF, “their (i.e. public inquiries) visibility within the community and their association among peers outside the public service” were “important in overcoming concerns about secrecy and accountability” and thus encouraged greater acceptance of the inquiry’s recommendations. For these reasons public inquiries “enhance the stature of ... recommendations” (McEachern 1987: 50) making it easier to overcome opposition both within and outside of government in a way other bodies cannot project. Although government departments have adopted consultation processes these are still seen as being extensions of a government department that can be forgotten, buried or just neglected. A parliamentary committee also has public processes, but at times witnesses feel they are caught in crossfire of partisan point scoring. A public inquiry offers a more independent filter and some guarantee that contributions will get acknowledged, sometimes accepted, and at least recorded. Even inquiries that critically review particular institutions are more readily accepted than other bodies because the public nature of the process promotes greater acceptance of the result than would normally be the case. This is in contrast to similar reviews not done by public inquiries. Don Edgar (1986) lamented the internal review process originally proposed to examine the Institute for Family Studies (IFS). As Edgar commented, when it was known that “the review ‘team’ ... was to be totally internal ... we were appalled at what looked like a calculated hatchet job.” Consequently, this provoked considerable agitation as the IFS “set about campaigning to have the review widened in order to make it open, complete and representative” – a public inquiry no less.

Further, appointing a public inquiry signals a government’s interest in an area and raises perceptions of the government’s sincerity about a matter which other mechanisms cannot match. It is not just the extra knowledge which inquiries bring to the issue. These can be bought anytime by using consultancies or by utilising experts from within the public service. Rather, it is the external membership of inquiries, the use of experts and eminent persons, the representation on inquiries by certain interest groups and the public nature of the whole public inquiry process that give them acceptance.

Public inquiries with all their processes of employing research teams, use of consultation and production of formal reports also allows governments, as Feldman and March (1981: 178) suggest, to signal not only their interest in a particular policy area, but also their rational policy making credentials in a way other more internal mechanisms cannot do:

The gathering of information provides a ritualistic assurance that appropriate attitudes about decision making exist ... information is not simply a basis for action. It is a representation of competence and a reaffirmation of social virtue. Command
of information and information sources enhances perceived competence and inspires confidence. The belief that more information characterizes better decisions engenders a belief that having information itself is good and that a person or organization with more information is better than a person or organization with less … A good decision maker is one who makes decisions in the way a good decision maker does, and decision makers and organizations establish their legitimacy by their use of information.

As Feldman and March (1981: 178) argue, because of the importance of legitimacy in decision making, “conspicuous consumption of information is a sensible strategy.” This thesis argues that public inquiries by their “publicness” and methods of operation promote and show such a “conspicuous consumption of information” that few other advisory bodies can match.

It is the “publicness” of inquiries which have also long been seen as the appropriate mechanism to investigate allegations of wrong doing, corruption and issues concerning accountability. Lord Justice Salmon (1966) best summed up the role of public inquiries in this regard:

When there is a crisis of public confidence about alleged misconduct of persons in high places, the public naturally distrusts any investigation carried out behind closed doors … Unless these inquiries are held in public they are unlikely to achieve their purpose … that of restoring the confidence of the public in the integrity of our public life. And without that confidence no democracy can long survive.

As Bulmer (1981: 374) suggests:

Governments … set up commissions because they believe that they have public support and this support comes from the view that commissions are independent bodies, an instrument of truth and therefore a purveyor of justice whose siren song no government will be powerful enough to resist.

For governments the separateness of inquiries from government allows “kite-flying” or market testing of ideas with minimal adverse reaction on the government in a way discussion papers generated from internal government bodies, could not. Sheriff (1983: 676) suggest inquiries are “balloon raisers’ … (and) … commission reports are alternative mechanisms to policy papers published for discussion purposes” with inquiries being “one of the few mechanisms available to propose the preposterous, thus making more moderate proposals more acceptable.”
Conclusions

Problems of existing explanations

There are, as highlighted in Chapter Two, numerous problems with seeking to explain why governments appoint inquiries by the approach outlined above and in the sort of explanations used.

First, much of the discussion has been episodic, focussing on explaining the appointment of individual inquiries rather than a more systematic approach. It is therefore difficult to obtain an overview of why inquiries are being appointed. As Wolanin (1975: 12) observed, there has been a lack of systematic analysis of this issue with previous studies, providing "us with a catalogue of purposes without a discussion of which of them seems decisive in the largest number of cases and which appear in only a small number of cases."

Second, as some writers openly admit, there is an essentially descriptive element in much of the material. It tells us what different inquiries do rather than what roles they perform or why they are appointed (e.g. Cartwright 1975).

Third, Rhodes (1975: 201) observes that there are a range of propositions and generalisations given as to why governments choose to appoint inquiries such as to "obtain advice" are interesting but that "such generalisations may be true but not very revealing … (and) … There is scarcely any generalisation which can be made without numerous qualifications and exceptions."

Fourth, as Bulmer among others highlights, inquiries are appointed to serve a variety of purposes making it difficult to disentangle motives (Bulmer 1983a: 436). There is considerable overlap within and across these explanations (see Table 4.8), just as there is in relation to any particular inquiry. Rarely, even for the apparently most single focussed inquiry, is an inquiry established for just one reason. Inquiries are established for multiple reasons and motives. An inquiry established for independent evaluation of a policy, appearing to be independent and contributing to rational policy development can, quite unbeknown to the members of the inquiry, have parallel underlying political functions like showing public concern, justifying some decision already made, or providing an excuse for delay or action.

Fifth, the explanation that inquiries are appointed for overt political purposes of agenda management and symbolic achievement is too easy. While some inquiries may be able to be identified for such categorisation, it is not an easy task given the range of reasons for which inquiries are appointed. Inquiries as public bodies will be open for criticism by those who are adversely affected by their proposals. The criticism could turn on their methodology, membership or terms of reference, among other things.
The important point is that assessing inquiries from an either-or position in relation to rational decision making or political expediency misses the point. The two are not mutually exclusive, but are opposite sides of the same policy making process. Hawker (1977a: 3) concluded:

*Inquiries were represented by government in terms which conformed to the rational model of sequential decision making... as expert instruments... but... public policy does not emerge in such a way. It is the product of complex interrelationships between many actors and these relationships are not to be explained simply in terms of their formal roles... So it is with inquiries. The parts they played in the policy processes were ambiguous, shifting and various. It is not enough to say that the social scientists were appointed as expert and disinterested. The policy context within which they offered their advice influenced the way in which their expertise could be put to work. It is the processes of policy advice which need explaining before outcomes can be evaluated.*

Last, too many of the explanations for appointing inquiries only beg further questions across a whole number of areas. There has been too much focus on individual inquiries and mono-explanations and not enough effort to assess why inquiries, as a particular type of institution, are activated and what circumstances affect this choice.

**Some other comments**

So, given this diversity of roles and reasons for appointment, what can be concluded about why governments appoint inquiries? First, as noted, public inquiries exist because executive government wants them and their prime purpose is to meet government needs. As Hanser (1965: 217) said, in assessing public inquiries, “It is important to see it not alone, in a vacuum, but as it is linked with other structures, particularly parliament and the government.” That the reasons for inquiry appointments, like other actions of government, are not always penetrable or fathomable is not unusual, but the norm.

Second, inquiry appointment is essentially reactive to events, issues and opportunities. Governments, as Hawker (1977a) observed and Dawkins (1984b) later lamented, have no grand plan for their use in terms of information gathering and policy analysis. But only government can determine what issues or events are important enough to appoint an inquiry. If the appointment of inquiries appears *ad hoc*, it is because executive government demands are so. Seeking patterns for inquiry use is elusive. We know inquiries are appointed to respond to some perceived “crisis,” but ultimately the discretionary and executive dominance of inquiry appointment means that it is for government to define the “crisis.” Thus, attempts to predict their appointment must at best be taken as tentative.
Instead of trying to identify particular issues in explaining why inquiries are appointed, it is suggested that it is the “publicness” of inquiries that is the key to their extensive and continued use. Indeed, it may be argued that inquiries exist because they are *sui generis*, that is, they are of their own kind, unique and whose range of functions cannot be performed fully by other bodies. While performing many policy functions for executive government, inquiries may themselves be the prime policy output, filling up the policy space and consuming the attention and energy of the key policy players. Sheriff (1983: 673) suggests, “it is the form rather than the content of commission work that is important” in explaining not only what inquiries do, but why they are appointed.
Endnotes

1. As discussed in Chapter Three, Swedish commissions of inquiry are appointed automatically at certain junctures in the decision making process and their members and processes are clearly prescribed and defined (Anton 1969; Miles 1997).

2. See Chapter Eight concerning the Royal Commission into the Activities of the Federated Ship Painters’ and Dockers’ Union.

3. Few inquiries are ever disbanded once established. The Special Parliamentary Commission of Inquiry into the Conduct of the Hon Mr Justice Murphy, appointed by the Hawke Government, was wound up on Murphy’s death within a few months of its appointment.

4. Such was the case with the Royal Commission into the Activities of the Federated Ship Painters’ and Dockers’ Union (see Chapter Eight) which widened its field of study, obtained extended terms of reference and exposed departmental incompetence, tax evasion and corruption to the embarrassment of the Fraser Government which appointed it. The Hawke Government’s Committee to Advise on Australia’s Immigration Policies proposed tighter use of economic criteria in migrant selection, questioned the value of multiculturalism and wanted a more rigorous citizenship process and was seen as a serious embarrassment to the government (The Sun, 6 June 1988). The 1977 Committee of Review of the Commonwealth Employment Service found there was little evidence of “dole bludging” and proposed major changes to the Commonwealth Employment Service. As Gittins said (1977), the report was “definitely not what the government ordered.”

5. The Royal Commission into Aboriginal Deaths in Custody, for instance, went for nearly three years and caused increasing political criticism over its delays and rising costs. The Royal Commission was originally budgeted to cost $1.8 million, but eventually cost more than $35 million (see Chapter Eight). Inquiries are frequently a target concerning their costs by both sides of parliament. During the Whitlam Government the Coalition Opposition attacked the government over inquiry costs (Anthony 1975). During the Hawke Government, Labor Senator Gerry Jones (1984) complained the cost of eight royal commissions and argued that the “aggregate results of those inquiries were of dubious value to the Australian people” and could have been done by parliamentary committees “at a fraction of the costs.” Most of the inquiries attacked by Senator Jones had been appointed by the previous Fraser Government, but during this time there was rising concern within the Hawke Government of the costs of a number of inquiries it had appointed (McGregor 1984).

Labor Shadow Attorney-General Robert McClelland, attacked the two Howard appointed royal commissions (Royal Commission into the Building and Construction Industry and Royal Commission of Inquiry into the HIH Group) because their costs totalled over $53 million (McClelland 2002).

6. Justice P Evatt who chaired the Royal Commission on the Use and Effects of Chemical Agents on Australia Personnel in Vietnam believed the findings of the inquiry should be “shouted from the roof tops” (The Australian 23 August 1985) and went to considerable lengths to campaign for the findings of his royal commission including developing a $40,000 five week publicity campaign, much to the chagrin of the Hawke Government as the veteran associations were strongly opposed to the Royal Commission’s findings. Justice Evatt continued to defend publicly the Royal Commission’s findings five years after the report had been completed (The Australian 12 May 1990).

7. The aforementioned Royal Commission on the Use and Effects of Chemical Agents on Australia Personnel in Vietnam was particularly condemned on these grounds by Vietnam veterans (The Age 27 November 1985), overseas specialists (The Age 17 March 1986), and even the Minister who appointed the inquiry (The Australian 14 November 1987). Several further inquiries, court cases and considerable
media attention continued (e.g. Four Corners, “Chemical Warfare”, 30 July 1990) till 1994 – almost a
decade after the Royal Commission had been appointed.

8. For instance, the Hawke Government resisted for some time to appoint an inquiry into the Age Tapes
issue, only succumbing after considerable political and media pressure. The comments by then
Attorney-General, Senator Gareth Evans (1984), in opposing a public inquiry is revealing of
government rationale for such resistance: “it is not necessary, and indeed it is quite destructive … of
public confidence in the executive, legislative and judicial institutions of government, for every piece of
scuttlebutt or tale of scandal to result in a full scale, full length royal commission.”

9. As discussed in the Chapter Eight, the Hawke Government initially resisted forming the Royal
Commission into Aboriginal Deaths in Custody until a series of events made this untenable.
The Hawke Government resisted calls from the Coalition Opposition to establish a royal commission
into the mafia. Prime Minister Hawke (1990) explained in correspondence to Premier Greiner that in
“reviewing the material raised, the establishment of a specially constituted royal commission would not
be the most productive way of proceeding” and would cut across other investigations.
Despite an election promise, the incoming Howard Government, after considerable discussion, decided
not to appoint an inquiry into media ownership. According to one report, it was rejected because the
Prime Minister was concerned that such an inquiry “would simply be an opportunity for continuing
controversy over media policy” (Wright 1996). What is interesting about this issue is that there had
been similar calls during the Hawke Government for such an inquiry but this too had been strongly
resisted by the Hawke Government despite support from the backbench and the then Howard-led
Opposition. As the then Attorney General argued, “there was no case for a kind of whizz bang bells
and whistles” inquiry (Austin 1988) into this area.

The Howard Government refused to appoint a royal commission into the paedophile/child abuse issue
during 2002-2003 period on the grounds of costs and that the issue was a State responsibility
(O’Loughlin 2003a). It showed a similar reluctance to appoint an inquiry into Telstra following an ABC
Four Corners program concerning its administration. Calls for an inquiry into Federal intelligence
agencies following the 2002 Bali terrorist attack were rejected by Prime Minister Howard (2002a) on
the basis that there was simply not enough information indicating that Bali could be a target for
terrorists.

10. The Independent Economic Inquiry into Transport Services to the Northern Territory may have been
appointed to honour an election commitment and to keep the issue off the policy agenda. However, its
failure to recommend what key interests wanted caused considerable outcry and increased agitation
over the issue (see Footnote 10, Chapter Ten).

11. The Fraser Government appointed no major inquiry into this area. Attempts to set up a joint Federal-
State inquiry failed. The Hawke Government appointed the Committee of Review into Industrial
Relations Law and Systems chaired by Professor Hancock, which was strongly criticised by the then
Coalition Opposition as being too limited in focus and producing what some regard as the
“quintessential ‘Club’ document” (Editorial, Australian Financial Review 16 May 1987) as the Inquiry’s
membership was dominated by those drawn from the so called “industrial relations club.”

12. Walsh (1997) argued that although, “in terms of the strictly technical requirements of tax policy, such
an inquiry is not necessary; a Treasury green paper would be a more efficient and economic way of
addressing the situation. However, in terms of political management, the virtue of a national inquiry
would be that it would serve to defuse the issue at the next election.” However, the Labor Opposition
and Australian Democrats in the Senate united to appoint a parliamentary committee of inquiry into the
GST.
13. When establishing inquisitorial inquiries governments frequently stress their “independence.” However, policy advisory inquiries are also portrayed in these terms. For example, the Howard Government in announcing the *Review of the Implementation of Whole of Government Information Technology Outsourcing Initiative* in November 2000 mentioned six times in the Minister’s press release that the inquiry would be conducted by an “independent reviewer” and also stressed the “independent” nature of the review (Fahey 2000). In appointing the *Review of the Joint Coal Board* in 1990, the Minister stressed that the “review is to be a genuine one. It is to be a thorough investigation with no predetermined conclusions” (Kerin 1990: 2415-2416).

14. Governments frequently mention the expertise of inquiries especially on topics of a technical nature. The *Joint Task Force on Intractable Waste* (1987) was seen to have a membership with a high level of expertise. The external origin of inquiry members is also stressed to reinforce this notion of independence. For example, when appointing the *Independent Inquiry into the Distribution of Federal Road Grants* the Transport Minister stressed how the Inquiry’s chairman, Mr Roy Cameron, would bring “considerable independence and experience, having been Ambassador to the OECD and a senior Treasury official” (Morris 1985). At times inquiries have been criticised for being too over-representative of interests rather than experts. Hence, complaints that the *Independent Panel into the Assets Test* had only one academic member (Professor Gruen) while the other nine members were drawn from the different interest groups.

15. Consultation processes are often stressed. Federal Minister for Transport Peter Morris (1984) stated in establishing the *Task Force on Shipping Costs* that it was an “to be a co-operative effort between relevant sectors of the industry. The Task Force will operate so as to ensure effective consultation with all parties involved.” The *Inquiry into the Grape and Wine Industry* was appointed to “spark debate and comment.”

16. As noted in the text regarding the *Committee to Advise on Australia’s Immigration Policies*, the Minister highlighted the need for more information to assess trends and issues in this area. The *Independent Assessment of the Sugar Industry* appointed in 2002 pointed out that, prior to its establishment, “the only authoritative study in the past decade was conducted by ABARE (Australian Bureau of Agricultural and Resource Economics)” in 1996 (Hildebrand 2002: 10).

17. The *Independent Committee of Inquiry into National Competition Policy* had as part of its terms of reference the role to “advise on appropriate changes to legislation and other measures.”

18. Inquiries have been appointed with the tasks of providing governments not only with general advice, but also in some cases with a range of policy options. Examples of inquiries providing detailed options include several appointed by the Hawke Government such as the:

- *Independent Review of Economic Regulation of Domestic Aviation* (Hawke Government 1986) which outlined a range of five options on the regulation – deregulation continuum;
- *Independent Inquiry into the Distribution of Federal Road Grants* considered options for funding State and local governments and generated considerable debate; and
- *Drought Policy Review Task Force* was asked by the Minister “to identify policy options” in developing a new focus for policies in this area (Kerin 1989).

The Howard Government’s *Inquiry into the Financial System* (Wallis) while a review of progress of the of the earlier (1981) *Committee of Inquiry into the Australian Financial System* and deregulation of the Australian financial sector, was also asked to provide a range of options for future initiatives in this area given the rapid changes in the financial system, which the government could consider (Edwards and Valentine 1998).
19. For example, inquiries into the ACT Fire Brigade, Australian Institute of Multicultural Affairs, Bureau of Immigration and Population Research, Australian Maritime College, Bureau of Mineral Resources, Great Barrier Reef Marine Park Authority; Greenhouse Office (see Appendices 8 and 9). Senator Cook (1988), in announcing the Review of the Australian Bureau of Mineral Resources, explained it had been "ten years since the Bureau had last been ... reviewed."

20. For example, Drought Assistance, Free Limbs Scheme, Rural Adjustment Scheme, Adult Migrant Education Program, Rural Adjustment Scheme (see Appendices 8 and 9).

21. For example, the Inquiry into Quarantine Policy and Processes.


23. For example, the Review of the Social Security System (1983); the McClure Welfare Reference Group and total systems analysis e.g. Review of the Repatriation Hospitals System (1983); Quality of Education Review (1986); the Review of Business Programs (1996). Some of these were reviews into the progress of previous inquiries e.g. the 1996 Inquiry into the Financial System was required to assess the impact of the Committee of Inquiry into the Australian Financial System; the National Review of Nursing Education (2000) checked the implementation of two previous inquiries in this area.


25. Some inquiries were themselves election promises. The Fraser Government promised the inquiry to review financial regulation, hence the 1979 Committee of Inquiry into the Australian Financial System. The Hawke Government promised inquiries which became: the Independent Economic Inquiry Into Transport Services to the Northern Territory, the National Road Freight Industry Inquiry and the Royal Commission into the Use and Effects of Chemical Agents on Australian Personnel in Vietnam and the Royal Commission of Inquiry into the Compensation Arising from the Social Security Conspiracy Case. The Howard Government promised to appoint inquiries into financial deregulation and small business red tape. Several of these inquiries were also appointed to map out ways to achieve election promises.


27. The Inquiry into Taxation of the Gold Industry (1986) was attacked by industry players as being narrow and biased in its focus and membership and therefore prejudicial in affecting the outcome (Crawford 1986).

28. The Chair of the 1980 Independent Public Inquiry into Domestic Air Fares complained in his final report that "it was a matter of regret that the decision of the Government … for this Inquiry to report on its investigations by 31 January 1981 caused us to cancel hearings … and precluded further desirable examination of the submissions …" (Holcroft 1981: ix).

The Coalition Opposition called for wider terms of reference and more time for the 1988 Inquiry into Allegations as to the Administration of Aboriginal Affairs.

29. The Committee of Inquiry into Technological Change in Australia was seen as taking too long and thus a means for the Fraser Government to avoid responding to pressure on this area (Harding 1980). So, too, did the Royal Commission into Aboriginal Deaths in Custody. Although it began with bipartisan support, as time progressed this support declined with the Coalition Opposition became increasingly agitated over the delays and costs (see Chapter Eight).

30. The Royal Commission on the Use and Effects of Chemical Agents on Australian Personnel in Vietnam argued strongly that it was inadequately resourced, and in particular that it required $9.1 million to conduct a long term survey of veterans. This demand was rejected by the Hawke Government (Courier-Mail, 8 August 1984). Earlier, the Government had rejected demands by Justice Evatt
concerning his fees and requests for additional staff. Justice Evatt regarded this rejection as interference with the Royal Commission’s independence (Courier-Mail, 14 July 1984).

31. Many inquiries receive this criticism:

- The 1987 Committee into Higher Education Funding was criticised because it did not include enough representatives from the tertiary education sector;
- The Taskforce on Repetition Strain Injury was seen as too inexpert (Australian Financial Review, 13 February 1985);
- The Taskforce on Education and the Arts for Young People was described as being composed of people with little knowledge of the area (McQueen 1985);
- Sheldrake (1987) attacked the Committee of Inquiry into Australian Institute of Multicultural Affairs (AIMA) as being a “witch-hunt” given that it was chaired by a former Labor Minister, Moss Cass and advised on the abolition of AIMA, a Fraser Government initiative;
- The 1989 Shipping Reform Task Force was seen to be too dominated by those from the industry rather than from “people outside the shipping industry” (Hamer 1989: 3906).

32. Prominent lawyer and himself a chairman of an inquiry in the Fraser Government, Frank Galbally QC (1983), had no hesitation in attacking the Committee of Inquiry into Australian Institute of Multicultural Affairs, noting that the report “could not sustain its conclusion that the Institute was inefficient and ineffective in meeting its statutory objects.” Moreover, Galbally was “astonished that the Committee had come to this conclusion since the report had given no attention to this part of the terms of reference” (the report lacked “objectivity from beginning to end, exampled by its selective misuse of information” and was littered throughout “with errors and mis-statements.”

Sometimes governments attacked the processes of the very inquiries they had appointed, as was the case with Prime Minister Fraser’s criticism of the Royal Commission into the Australian Meat industry. Indeed, Fraser, in his response to the Royal Commission, corrected the royal commission for its inaccuracies, sometimes “unhappy omissions” (Fraser 1982a: 1631), and basically rejected its findings against the then Primary Industry Minister, Peter Nixon.

33. The Fraser Government’s inquiries into the Australian financial system, Australia Post and Telecom were all attacked by the Labor Opposition for being ideologically biased towards privatisation and market principles (see Chapter Nine; Button 1981; Dawkins 1982a; 1982b).

34. This is discussed in more detail in Chapter Seven in relation to the Royal Commission into Australian Government Administration.

35. Frame (1992) in his study of the two royal commissions into the Voyager disaster noted the limited analysis by media commentators on this issue.

36. The Major Performing Arts Inquiry chaired by Dr Helen Nugent was seen to have full support from the Howard Government, but only had a secretariat of four staff (Nugent 2000a). Also, most inquiries have considerable support from the sponsoring department, with the inquiry secretariat acting as a manager of this ongoing briefing process (see Chapter Six).

37. These inquiries included: Committee of Review of the Commonwealth Employment Service (1976), Committee of Inquiry into Education and Training (1976), the Committee of Inquiry into Unemployment Benefit Policy and Administration (1977), and the Committee of Inquiry into Technological Change in Australia (1978).


41. Committee of Inquiry into Technological Change in Australia (1978).
42. For example, the Fraser Government announced in 1977 that unemployment benefits would be paid two weeks in arrears instead of in advance as recommended by the Committee of Inquiry into Unemployment Benefit Policy and Administration (Harding 1985: 233).

43. For example, see: the Menzies Government’s 1954 Royal Commission into Espionage and the Western Australian Royal Commission into Use of Executive Powers. The Royal Commission into the Activities of the Federated Ship Painters’ and Dockers’ Union appointed by the Fraser Government in 1981, was initially seen by the Labor Opposition, as being politically motivated to attack the Labor Party in the lead up to State and Federal elections (see Chapter Eight). The Howard Government’s 2001 appointed Royal Commission into the Building and Construction Industry was seen by some as a political tactic to draw attention away from the government’s failings prior to an impending election (Cook 2002; Marr 2003) or as one editorial (Courier-Mail, 13 October 2001) commented:

> When Workplace Relations Minister Tony Abbott persuaded Cabinet last July to establish a royal commission into the construction industry few people doubted this was a political exercise.

44. As exemplified by Justice P. Evatt (see footnote 30). Similarly, Frank Costigan QC, who chaired the Royal Commission into the Activities of the Federated Ship Painters’ and Dockers’ Union, was publicly critical of the Hawke Government when it sought to close down his inquiry earlier than anticipated (see Chapter Eight).

45. The Fraser Government had appointed Alex Dix to chair the Committee of Review of the Australian Broadcasting Commission in 1979 in an attempt to exert more control over the body (Davis 1988).

46. Project team like inquiries are characterised by short term timeframes (e.g. less than three months) and specific nature of their report which is less about canvassing options and more concerned with informing the government what has to be done. They also have a limited consultation process (usually no formal public hearings, but direct discussions with stakeholders). Some examples include: the Whitlam Government’s Coombs chaired Task Force to Review Continuing Expenditure of the Previous Government (1973) and the Howard Government’s the National Commission of Audit (1996), Review of the Implementation of the Whole of Government Information Technology Outsourcing Initiative (2000), and the Review of Policy Advice to the Minister for Aboriginal Affairs (2002).

47. For instance, Chapter Seven summarises the numerous public, parliamentary and internal inquiries appointed into public sector reform. In the area of tertiary education, the Menzies Government appointed the Committee on Australian Universities (1956), and later the Committee on the Future of Tertiary Education in Australia. The Fraser Government established the Committee of Inquiry into Education and Training, Inquiry into Management Education and the Inquiry into Teacher Education. The Hawke-Keating Government also appointed an inquiry into management education (Taskforce on Leadership and Management Skills) and proposed another inquiry into teacher education which provoked one editorial (The Australian, 6 November 1986) to comment:

> There have been … three previous inquiries to teacher education in the last ten years … Too often in education…inquiries become a form of avoiding taking action. It is not at all clear, for example, that a re-run of the Auchmuty Report will serve much useful purpose.

The Howard Government established in 1997 the Review of Higher Education, but in 2002 the new Minister for Education initiated another review, conducted by his own department.

48. The allegation of corruption and poor practice led to the appointment of Royal Commission into the Australian Meat Industry appointed in 1981 by the Fraser Government. The Age Tapes issue caused the Royal Commission of Inquiry into Alleged Telephone Interceptions issues in 1984. The Keating Government responded to accident disaster in 1995 when it appointed a royal commission into the
Seaview air crash. Reporting to the Howard Government, it documented the gross incompetence of the Civil Aviation Safety Authority and the factors leading to the disaster. The Federal Minister for Transport, John Sharp, summed up the importance of the royal commission in unveiling the issues who lamented “It is a tragedy that it took this long for such action and required a royal commission lasting 18 months and costing $20 million” (The Australian, 10 October 1996). More recently, the Howard Government’s Royal Commission of Inquiry into HIH insurance collapse, Australia’s biggest corporate disaster, was seen as necessary because of the sense of crisis and decline in public confidence pervading corporate Australia and existing regulatory regimes and bodies (Editorial, The Australian, 16 March 2002).

49. Several public inquiries appointed by the Whitlam, Hawke, Keating or Howard governments had minority reports. An example includes the 1984 appointed National Inquiry into Local Government Finance. The 1927 Royal Commission on the Commonwealth Constitution also had a dissenting report.

50. The Committee Inquiry into the Australian Financial System was seen just as important in overcoming both business opposition and that within Federal Treasury (see Chapter Nine).

51. The Inquiry into the National Aboriginal Conference (NAC) under H.C. Coombs (1983) was highly critical of the NAC. The inquiry report was used by the Federal Aboriginal Affairs Minister to justify the abolition of the NAC (The Australian 3 April 1985), a move that caused only minimal adverse reaction from relevant interest groups because of the strong case made by the Coombs-chaired inquiry and the status of Coombs himself with the relevant interest groups.

52. The Review of Commonwealth Administration appointed in 1982 by the Fraser Government was, as one commentator observed at the time, established to “examine what could be done to prevent recurrences of embarrassing crises” (Mackinnon 1983). This inquiry is discussed in Chapter Seven in more detail. Most inquisitorial inquiries are responding to a crisis of some sort either in relation to a disaster or allegations of wrongdoing (see Appendix One and Appendix Two).
CHAPTER 5: ROLES AND FUNCTIONS OF INQUIRIES — WHAT INQUIRIES DO

Introduction

This chapter considers the different functions public inquiries perform in the political system. Some of these functions partly reflect why governments appoint inquiries. The wide variety of functions that inquiries serve in the political system goes beyond purposes envisaged by appointing governments. This is because, as this thesis argues, public inquiries have a set of features (see Box 3.1) that make them “unique institutions” (Cartwright 1975: 7) and “extraordinary instruments” (Marchildon 2002: 1), allowing them to perform a range of functions which few other bodies in the political system can match. These functions also reflect the nature, trends and demands of the political system in which inquiries operate. As Hanser (1965: 217) stressed, “it is important” when assessing the roles of a public inquiry to see it “not alone, in a vacuum, but as it is linked with other structures.” If inquiries “are the confessions of government of the inadequacy of normal institutions to cope with extraordinary situations” (Slee 1984), then the functions inquiries perform are those which existing institutions cannot do as effectively.

There are several trends that affect the functions of public inquiries. Foremost amongst these is the declining trust in existing political institutions, elected representatives and public officials (Funnell 2001; Mackay 1998; Nye et al 1997). There has also been excessive restructuring, cuts and interference to the public bureaucracy with a consequential loss of skills, organisational memory, knowledge, independence and declining abilities in policy capacity (Pollitt 2000). At the same time, there has been the emergence of a more intrusive media (Mills 1993; Parker 1990), creating a climate of “consumer politics” where “demand is sudden and intense” and “satisfaction must be swift” (Lloyd 2000). The increase in the range of expertise and social science knowledge and research since Second World War has not solved policy problems through rational analysis as easily as expected, but has increased dilemmas and choices for decision makers (Brooks and Gagnon 1990; Weiss 1983). There have also been demands for increased public participation and consultation in decision making (OECD 2000a) by a more sophisticated electorate and a wider range of well resourced interest groups (Marsh 1995; Warhurst 1997).

Together, these trends have placed added pressures on government to resort sometimes to other instruments outside their normal permanent options, which are seen to be responsive to emerging issues and problems, provide sources of up to date policy advice, improve access to decision making, and, given the growth of competing expertise, are able through their perceived independence and legitimacy to have the “ability to provide acceptable reasons … for choices and actions” (Majone 1989: 23).
The remainder of this chapter identifies how these different trends have affected the range of functions that inquiries perform.

Key functions of inquiries

This thesis has identified from the literature and analysis ten interrelated roles and functions of public inquiries:

- Instruments of executive government
- Investigatory and inquisitorial activities
- Agenda managers and scanners
- Advisory and problem solvers
- Information gatherers and researchers
- Knowledge synthesisers, interpreters and integrators
- Consultative mechanisms
- Promoters, mobilisers and educators of public opinion
- Mediators and conflict managers
- Legitimisers of government actions

Instruments of executive government

A primary function of public inquiries is to serve as an instrument of executive government. The term “instrument,” refers to the sort of administrative arrangements, structures and processes which governments employ to produce or deliver policies that it wants or, as Hood (1983: 8) says, to provide “the link between wish and fulfilment” without which policies will just be “fantasies.” There has been increasing interest in the range of instruments and tools governments have at their disposal, and of the importance of matching these to policy tasks (Salamon 1989), as debate about using more market mechanisms to achieve better environmental outcomes shows (Productivity Commission 2000; Sturgess 1998).

Public inquiries are one option in the range of advisory instruments (see Figure 3.1) available to government. However, inquiries more than most other advisory bodies are instruments solely appointed and specially attached to executive government. Executive governments continued resort to inquiries indicates that they perform functions of value different from alternative advisory bodies. They are instruments designed by executive government for executive government. Few other advisory bodies are so commanded by executive government in terms of their appointment, purpose and resources. While executive government also exercises considerable control over other advisory mechanisms, their relationships with government are affected by a number of constraints. For instance, government departments and other permanent advisory bodies, despite being increasingly “politicised” are still affected by statutory requirements concerning their duties, roles, routines of operation, methodologies, professional standards and procedures for staff appointment. As continuing bodies, unlike public inquiries, they have long term interests and embedded constituencies, agendas, and particular values not
easily amendable to the short term interests and demands of governments. There are often
more formal rules of engagement between these bodies and government, making relationships
sometimes difficult and complex. Considerable time is needed to abolish, change and
reconfigure these organisations to meet government goals and priorities. Indeed, many of these
bodies such as the public bureaucracy and advisory bureaux, have been themselves subject to
various reviews by public inquiries appointed by executive government, to meet their demands
which has often resulted in their abolition or substantial reorganisation.

Yet, although inquiries are agents of executive government from which they draw considerable
status, their “publicness” confers on inquiries a particular utility and circumscribes their
manipulation by executive government.

**Investigatory/inquisitorial activities**

A function of certain types of public inquiries is that of investigating issues, complaints or
allegations. Many other bodies serve these functions (Grabosky and Braithwaite 1986). Some
are regulatory type bodies that investigate complaints, oversee certain sectors of the economy
and enforce legislative requirements. Others investigate the causes of particular events such as
accidents (e.g. coronial inquiries) and allegations of wrongdoing by individuals in governments
and in society (e.g. Federal Police or special anti-corruption bodies like the National Crimes
Commission).

Inquisitorial inquiries also perform these investigatory functions and continue to be appointed to
do so despite the existence and growth of other regulatory mechanisms. Public inquiries offer
certain advantages over other bodies and are appointed because of perceived deficiencies with
existing regulatory arrangements and institutions exposed by major incidents. Their external
membership and temporary tenure make them less likely to pursue regulatory activities to
maintain or expand their existence (Niskanen 1971) or to be easily “captured” by interest groups
as occurs with many other regulatory and investigatory bodies (Bernstein 1955; Sabatier 1975).
Also, as royal commissions, such inquisitorial inquiries have special powers of investigation
exceeding those of many other existing regulatory bodies. Their prestige is enhanced because
their membership is so often drawn from the judiciary. Combined with their public processes,
these powers can be exercised more legitimately than would be the case by other bodies.

Inquiries perform investigatory functions that could not be done by existing bodies because of
the need for certain sensitive issues to be seen to be assessed by an independent body not in
any way involved in the issue. Indeed, inquiries often expose institutional deficiencies and lead
to the formation of new regulatory bodies.
Agenda management and scanning function

Modern government is faced with increasing demands, complex problems and competing agendas. Government itself often adds to these problems because of its size and inter-agency competition. It is compounded by the shortness of the political timeframe and the electoral cycle that too often demands immediate action and short term policy initiatives so that there is “no time to think very deeply or broadly about anything. The busy work drives out the time for reflection … the urgent drives out the important” (Adams 1979: 546).

While inquiries are sometimes appointed to assist governments in managing the policy agenda (see Table 4.7) for politically expedient purposes of deliberately avoiding decisions while giving an illusion of interest and action about an issue, others have suggested that such inquiry use has been “greatly exaggerated” (Bulmer 1983c: 662). Rather, inquiries perform a valuable function in giving governments an appropriate mechanism to allow governments time to consider new issues. As noted, Cartwright (1975: 213) concluded, “delay can be a legitimate political and administrative tactic” as “under certain circumstances the best action may be no action at all.” Appointment of an inquiry “may be as harmless and as economical as any” (Fowke 1948: 165-6) if it prevents governments from taking unnecessary or precipitate action.

Inquiries perform the function of giving government time to “think” more effectively in several ways than many other mechanisms. Their public appointment and processes clearly signals government awareness of an issue, provides opportunities for input and indicates the possible desire for more information before making definite decisions. They force interested parties through the inquiry process of providing submissions, better to define and articulate the issues. Their investigations collect information and promote analysis (see below) so that government may understand the key issues more clearly. Inquiries are often given open ended terms of reference precisely for these reason. They not only respond to the issue at hand, but also assess what other matters may be emerging.^[7]^  
So, while appointing an inquiry may temporarily reduce pressure on a government for immediate action, the “publicness” of the inquiry process means that this may often be only a brief reprieve. Indeed, impending release of an inquiry report often raises public expectations about potential government initiatives.^[8]^ Thus, government tactics of using an inquiry as a method of justifying inaction until the inquiry report is available may be difficult to sustain once an inquiry has reported. Inquiries produce recommendations to which governments have either to respond or implement.

Advisory and problem solving functions

Governments have always sought advice, but it is a function whose dimensions have increased in recent times. As Peters and Barker (1993: 1) suggest:
Providing advice to government has become a very large game which almost any number can play. A large number of individuals and organizations, inside and outside of government, are involved in this process daily and modern governments have become consumers of advice. It is in fact, characteristic of the contemporary democratic state to want to be seen to be receiving as much advice as possible.

Although many accounts of advisory processes fail to discuss the role of inquiries (CBPA 1993) or too easily dismiss their potential in this area (Dror 1984a), providing advice to government has been seen by others as an important function which inquiries perform. As McEachern (1987: 48) noted, inquiries “advise government … on complex technical and scientific questions … to allow legislators to make better choices.” Public inquiries, according to Flitner (1986: 28), are “collective ad hoc groups” which offer advice that is “dispassionate and impartial … upon difficult policy issues” (Bulmer 1993: 41).

The whole focus and structure of public inquiries stresses this function. Their terms of reference command inquiries to “advise” or make recommendations to governments to help solve specific problems. Their mode of operations in calling for submissions, researching issues and hearing evidence and ultimately in providing governments with “advice” in the form of a report with definite recommendations to government to take certain courses of action, further emphasises this advisory role. Public inquiries give advice on a host of issues ranging from assisting governments on how to implement election promises, providing new ideas, responding to emerging issues, and reviewing particular policies, programs or institutions in terms of their enhancement, termination or redirection. Public inquiry advice can be anchored in the expertise of members, the quality of research the breadth of consultations, and the representativeness or prestige of their membership.

Inquiry terms of reference and ministerial statements appointing them often stress or imply that an inquiry will not only provide advice to government, but also resolve a particular problem. As Rhodes (1975: 207) suggested, inquiries are primarily “concerned with issues which have to be resolved if the business of government is to be carried on.” Their function Rhodes continued (1975: 207), “is not … primarily to find the truth, but rather to find a reasonable way of dealing with a problem on the facts as they can see them.” Public inquiries, Deutsch observed (1973: 30), “are very versatile instruments and are likely to continue to play an important role as a source of advice and of respite for hard pressed governments”. Public inquiries are often deemed to resolve contentious issues as much because of their particular form and processes or their “publicness,” as in the quality and detail of their report and recommendations (Sheriff 1983: 672). Inquiries that settle or resolve an issue are those that not only satisfy the government that appoints them, but also the policy network related to the issue under investigation.
Information gathering and research functions

The information gathering function is underlined by the capacity to call for submissions and hold hearings. Information is located in several sources. Some exists within government, some resides in outside bodies and some needs to be specially developed by research. The issue about information is that while much of it is readily available on request or is offered; in some instances information even from within government may be withheld from normal processes of policy development because of interorganisational rivalries (Simmons 1998) and problems of hierarchy (Downs 1967). Although public inquiries are just one of several ways governments collect information (see Hood 1983: 21-39 and 91-114), they perform this function in ways that offer several advantages over other advisory mechanisms.

First, inquiries cast a wider net than many other advisory bodies by their public advertisement for submissions and deliberate and focussed seeking of information from key interests and experts. The “publicness” of inquiry processes and its official status helps put the issue on the agenda, gains attention and promotes responses that other more informal mechanisms or internal departmental bodies could not achieve.

Second, inquiries are able to obtain information from within government and largely already in existence in departmental files, case studies, and officer knowledge and experience. This information is accessed by inquiries through both formal and informal requests and briefings. As inquiries are appointed by government, and often have high status if appointed by a senior minister or prime minister, this enhances perceptions of their importance and the need to make information available. Inquiries “smoke out” information from government agencies that previously may have been unwilling to provide such material to an internal body. Failure to do so may mean an agency's interest may be diminished in public hearings or face possible condemnation in the inquiry report. Non-government players, depending on the nature of the topic and its salience to their interest, will also respond accordingly.

Third, inquiries by their very request for information based around certain terms of reference and the holding of public hearings where views have to express, encourage stakeholders to articulate and define their positions and develop new information in ways they would not have done otherwise.

The “publicness” of inquiries means they allow those co-operating with government and stating a particular viewpoint to be clearly seen. However, some information held both within government and in outside bodies can be deliberately withheld. State governments, for instance, have sometimes refused to co-operate with particular Commonwealth public inquiries. Interest groups may see an inquiry as against their interests.
Lastly, certain types of inquiries, such as the inquisitorial royal commission can be invoked. It can not only request information, but also legally demand and seize information from individuals or organisations which they may not want to give and that is not normally in the public domain. This information can be further enhanced by research and in some cases by more covert information gathering techniques such as secret surveillance of particular individuals (see *Royal Commission into the Federated Ship Painters' and Dockers' Union* discussed in Chapter Eight).

Inquiries often supplement these processes by using varying levels of research (Hawker 1977a, 1977e; Bulmer 1982). While some inquiries only have small secretariats of four to five people and consequently rely more on the sponsoring department to provide briefings and support, others employ more extensive research teams often headed by senior academics and experts.

In summary, inquiries with their specific terms of reference, their ability to concentrate on prescribed tasks without fear of ministerial interference or changing agendas as occurs with many departmental units, and their access to considerable budgets, are able to garner and produce a body of knowledge that rivals if not exceeds that held in existing government (and non-government) institutions.

Inquiries not only collect information, but also inject information into the political system through release of their reports and further enhance this by the release of oral evidence and written submissions. Many other internal government advisory reports are either not released or only in sanitised versions. Although there are some exceptions (such as the Productivity Commission), internal bodies do not usually make available the evidence upon which their reports are based.

**Knowledge synthesisers, interpreters and integrators**

Governments are confronted with several problems concerning information and access to knowledge. Foremost amongst these is not a lack of information but its excess and increasing specialisation. Wilensky (1970: 57-58) concluded “information has always been a source of power, but it is now increasingly a source of confusion. In every sphere of modern life, the chronic condition is a surfeit of information, poorly integrated or lost somewhere in the system.”

Another issue is that although many policy problems cut across numerous departments (e.g. environmental issues), information and knowledge about such issues often remain locked in vertically focussed departments and segmented further by different expertise and competing professional disciplines (Dror 1984a; 1984b). Their focus is on incremental adjustments to existing policies. They often fail to appreciate changing trends and the need for innovative and at times risk-taking policy adjustments (Dror 1986). Consequently, governments do not fully appreciate the extent of issues or bring the most effective concentration of knowledge to tackle problems (see Painter 1979 concerning urban policy). As Wilensky (1970: 49) concluded,
“intelligence failures are rooted in structural problems that cannot be fully solved; they express universal dilemmas of organisational life ... In all complex systems, hierarchy, specialization and centralization are major sources of distortion and blockage of intelligence.” This has led to major intelligence and policy failures. The problem has been exacerbated by the intermittent nature of government interest in issues as they rise and fall on the issue-attention cycle (Downs 1972), the frequent restructurings of government agencies, high turnover of senior staff, and the consequential loss of corporate memory (Pollitt 2000). Hawke Government Minister John Dawkins (1984b: 2320) summed up the frustration facing governments in relation to providing advisory advice. Dawkins believed there was a need “to work out means whereby the results of policy analysis can be better integrated and made use of in the critical policy formulation processes of government” so that government is better “able to develop the means of longer term policy analysis and priority review whose work can have a real effect for the benefit of all ministers.”

Expanding central agencies to develop whole of government strategies has been one response to this issue (Berrill 1980; Weller 1983), but such bodies too often react to the agenda of other agencies and become over-concerned with process rather than long term policy outcomes. Forming “think tanks” close and near to leaders is another option (Dror 1980; 1984a), but are often hard to develop and their longevity has in practice been short lived (Blackstone and Plowden 1988).

Others have suggested the role of public inquiries as a possible means to overcome this problem. Minister Dawkins (1984b: 2320) believed it was important “to find ways of fully and properly taking account of ... the work and reports of committees and commissions of inquiry that are too often used not as a means of solving a difficult policy issue, but of putting it off.” Wilensky (1970: 57-58) saw the value in developing new arrangements to “bypass or diversify the regular machinery and to seek first hand exposure to intelligence sources both inside and outside the organization,” and suggested that “study commissions and ad hoc committees” could be “the most important and reliable sources of organizational intelligence” to overcome these problems of inertia, delay and information segregation.

Inquiries are able to perform this function in several ways. First, they are able to obtain views and information from a wide variety of sources, much of which was in existence, but not previously available, though which inquiries are better able to access than other advisory bodies. Second, the consultative and mediating mission of inquiries (see below) means inquiries more than other advisory bodies make greater effort to incorporate these different views in their reports, if not necessarily to agree with them. In addition, public inquiries although often having members who are experts invariably include those who represent wider interests. Public inquiries are rarely narrow, technically oriented bodies. The inquiry report by being such a public document seeks to talk to both government and the wider community about issues. Their
reports are written and developed to assist in the understanding of these matters. In summary, inquiries by their very form, membership and processes seek to corral and synthesise existing information, interpret it in the light of the issue at hand and then integrate it into a cohesive whole in the form of an inquiry report conducive to discussion and action.

Not only do inquiries synthesise existing knowledge, their ad hoc and temporary nature means that their reports represent the latest information and state of play on a matter. Inquiry reports are frequently greeted as being the latest authoritative thinking about an issue. That it appears in a report which summarises submissions received, research conducted and provides clear recommendations only adds to an inquiry’s perceived credibility and accessibility. Inquiries, Weiss has observed (1990: 103), represent “another route by which research reaches decision makers,” bypasses conventional formal communication channels and gets information, much of it already in existence, recognised by decision makers. Inquiries by their very public nature assure attention is gained in a way few other advisory bodies can match. As McGregor (1980: 154) commented, public inquiries “draw together and deploy existing knowledge in such a way as to present the politically influential public with the most compelling supporting arguments for their conclusions.”

Consultation and participation functions
Consultation has long been an accepted practice of democratic decision making as a means for overcoming some of the limitations of representative democracy and for increasing citizen participation (Arnstein 1969; Bishop and Davis 2002; Macpherson 1977; Truman 1951: 373-377). The Royal Commission into Australian Government Administration itself (Coombs 1976a: 138) noted the increasing importance of consultation at the Commonwealth level and paid considerable attention to this matter in its report:

_We note … a growing tendency on the part of governments to depart more significantly from the simplicity of the relationships between the minister and his department and to establish other channels through which the minister can be informed and advised … They can be seen as attempts to adapt the Westminster model to an increasing community desire to participate in decision-making processes and also to draw upon a wider range of professional knowledge and skills than it is practicable or politic to maintain in the administration itself._

Consultation has been seen as more than just a method of collecting views and inputs from external interested parties. Consultation processes are also reflections of existing policy development networks involving “insiders” who dominate and have responsibility for decision making and “outsiders” of other agencies and external groups who seek to influence decision outcomes (Colebatch 1998: 23; Rhodes 1997). How these networks are constituted and the level of interaction between them defines and shapes the policy issues. Both within and external
to government are a range of formal and informal, permanent and ad hoc methods of consultation including parliamentary committees, public inquiries, standing advisory bodies, public service committees (e.g. interdepartmental committees), summits and corporatist type arrangements.

Demands for consultation have been increasing with the growth of new “post-materialist” interest groups and their desire for a greater role in government decision-making (Marsh 1983: 442-444), and the need for governments to counter apparent disillusionment and trust in existing systems. Governments are responding with new consultation mechanisms in government decision-making (e.g. community engagement divisions in government departments and regional cabinet meetings).

Promoting consultation has long been accepted as an important public function of inquiries (Cartwright 1975: Chapter 8) and continues to be so despite the growth of these other mechanisms. However, the literature on consultation largely ignores the role of public inquiries in this regard (e.g. Bishop 1999; CBPA 1999; Edwards 2003).

The consultation functions of public inquiries have been seen by governments to include a means of “providing a ... channel of communication between Parliament and the people” (Whitlam 1973). This is more than just collecting evidence, but reflects notions of democratic input into decision-making. Consultation by inquiries is an important part of their information gathering function and a “means of incorporating into governmental processes the views of different social groups” (Bulmer 1993: 43). Public inquiries, as they seek and obtain submissions from those outside of government, also perform a “listening” function. Consultation is also one of the “detecting” tools of government, of probing community views and checking issues (Hood 1983). Consultation by public inquiries also reinforces the legitimacy of their reports and recommendations and the subsequent actions that governments take. Governments like to stress this aspect of inquiries especially when they are largely accepting their proposals.27

The nature and features of public inquiries distinguishes them from other consultation processes and provides them with certain advantages in performing this function.

Although consultation performed by government departments is now frequently done, it is often seen as only assessing community reaction to proposals already decided upon with little real intention to allow participation in decision-making. Departments are deemed to lack both expertise and sincerity in these tasks (Considine 1994: 162), especially given their long term roles in both advising and delivering policies which are often the focus of consultation. As Howard (1987: 24) summed up in relation to the National Inquiry into Local Government Finance:
One of the major reasons for creating public inquiries has been that the public service, as traditionally structured under the conventions of ministerial responsibility, is not well suited to obtaining views, opinions and contributions from outside bodies on policy issues. Conventions of public service anonymity and secrecy have tended to limit outside involvement in the policy decision making process. There is often little opportunity for the scrutiny and appraisal of advice provided by permanent public servants on contentious issues.

While corporatist advisory frameworks were seen as providing avenues for consultation (Singleton 1990), this was often limited to certain groups with other key interests often deliberately locked out. Such arrangements were seen by some as “fascism with a human face” and providing no opportunity for input by those with different perspectives (West 1984) and sit uneasily with other notions of Westminster democracy (Singleton 1995). Consultation by public inquiries is by contrast, open to all, as their public advertisements seeking submissions imply, and as their active seeking of views from a range of outside interests confirms.

Consultation by some key bodies like the Productivity Commission and its predecessors appears to match the processes and openness of a public inquiry. However, their particular and well known underlying rationale deters some groups from participation as the results are seen to be foregone conclusions. By contrast, because every public inquiry appointed is new, it represents another chance for interest groups to present their views. The mixed membership of inquiries means the results of the inquiry process are less predictable. Even inquiries sometimes seen as having members dominated by certain interests will, because of their “publicness,” be seen as being more open minded than the alternatives. Consultation by parliamentary committees, while often legitimate searches for community input, sometimes pursue partisan goals and are adversarial in style deterring some from participating in their deliberations, and thus undermining their value as consultative mechanisms.

The “publicness” of public inquiries ensures that the consultation process is open and transparent and is on relatively neutral ground. Moreover, some forms of public inquiries, like the royal commission, provide legal protection of information provided during consultation. As Bishop and Davis (2002: 21) suggest, consultation by public inquiries represents a form of “delegation” by governments with the “intention … to ensure policy options are formulated at arm’s length from partisan politics.”

Inquiries have enhanced the consultation function by supplementing the usual methods of receiving submissions and hearing oral evidence in formal settings by other techniques so as to gain a wider range of viewpoints and to probe issues more fully. Hence, the use of special informal forums, workshops and surveys. Inquiries also use interim reports to test reaction
from interested parties and are a further means of promoting consultation and eventual endorsement of recommendations.\textsuperscript{30}

Another important way public inquiries promote consultation is by their use of multiple external members from a diverse range of interests.\textsuperscript{31} Other advisory mechanisms usually draw their members from a more limited range of sources either from within the public service, as with most internal advisory bodies, the ranks of elected officials for parliamentary committees, or some intermittent use of outsiders as with the Productivity Commission. Ongoing and permanent advisory structures attached to most departments become dominated by those groups relating to specific portfolio areas especially from producer interests rather than from wider sources (Matthews 1976). Studies (Prasser 1994: 18) show that public inquiries, although often including a large proportion of representatives from producer interests, are mostly chaired by independent, expert and public interest members.\textsuperscript{32}

Nevertheless, inquiries have not been without criticisms in performing this consultation function. Some have seen inquiries as just another part of “theatocracy” (Lyman and Scott: 1975) whereby governments stage manage activities and pseudo-events and use the time taken to do consultation as a means to “eat up media time and attention” (Hood 1983: 33).\textsuperscript{33} Criticisms have included concerns about the lack of time for adequate consultation and the limited range of consultation both in terms of particular groups and geographic areas.\textsuperscript{34}

Others like McEachern have highlighted that inquiry membership can be manipulated under the auspices of consultation and representation so as to be dominated by particular interests and therefore affect the inquiry outcome (McEachern 1987: 46-50).\textsuperscript{35} Some have suggested that given the relatively few numbers who actually participate in inquiry processes\textsuperscript{36} they are with few exceptions\textsuperscript{37} more a “means of promoting elite participation” (Bulmer 1982: 99) than any wider community participation.

In summary, consultation is a function not uniquely performed by public inquiries, but their particular features can enhance this function in the political system. As Sheriff (1983: 673) suggested, notwithstanding their limitations, “the participatory aspect of commissions” is becoming “increasingly important over time” because of the other developments in the political system that have tended to stress greater executive government control.

**Promoters, mobilisers and educators of public opinion**

Bashevkin (1988) and others (Lloyd 1968: 290) stress that “only when a government has built up public support for its policy or has been carried forward in a wave of opinion, can much get done.” Governments have a host of means available to achieve this function (Hood 1983). Public funds can be used to advertise government programs on the grounds that these are “educating” the public on the value and availability of certain programs. Governments at the
national level employ more journalists in ministerial offices than previously to develop, release and interact with the media so as to influence public debate and opinion. Special media units within government monitor public comment and respond accordingly. These techniques are often supplemented by party paid opinion polling (Mills 1993). There are also the host of other advisory mechanisms which release, both formally via reports, and informally by off the record briefings and leaks (Summers 1981), information seeking to influence public opinion.

However, many of these methods are often seen as being intrinsically flawed. Publicly funded campaigns are seen as too skewed to reflect favourably on the government both in their content and timing before an election and attract adverse publicity. The interaction between ministerial media minders and external journalists is seen as too close (Parker 1990). Departmental reports, no matter how well researched, are seen as being liable to censoring and tampering. Parliamentary committee reports, especially on controversial topics, are seen to be captured by the dominant partisan interests, notwithstanding reform and increasing assertiveness of committees in the Senate (Gregory and Painter 2003).

Inquiries with their particular public features can also serve this function of promoting and mobilising in ways sometimes more effective than other techniques (Rhodes 1975: 71; Plowden 1971: 105). Notwithstanding the potential of inquiries to serve politically expedient purposes to manipulate public opinion under the guise of the supposed independent public inquiry, it has been argued that inquiries “can be used to ‘educate’ the public about what are viewed by legislators to be necessary but unpopular actions” (McEachern 1987: 47). In general, inquiries perform this function as Bashevkin (1988: 392) noted by the way that they:

> … communicate with the general public, usually via the mass media, in the course of holding hearings and later on in publicizing their final reports. This communication is believed to provide a mediating role for public opinion between commissions … on the one hand, and the government policy process which commissions hope to influence, on the other.

The very appointment of an inquiry helps to put an issue on the agenda. An issue gains further attention by an inquiry’s public hearings. Moreover, the release of an inquiry's final report can promote discussion and inject more information in a more palatable form from a perceived more legitimate source into the public arena. While governments decide what to do with the report, the ensuing debate further keeps the issue alive. Sometimes these debates can persist for some time. This is assisted by the fact that public inquiry reports are not only released, but also are sometimes, depending on their importance and profile, subject to specific parliamentary debates which further raises their visibility. This is in contrast to many internal government reports which are never released. Thus, public inquiries are seen, “as a means of mobilizing support for particular policies … helped by the aura of objectivity surrounding commissions and
their prestige …” (Bulmer 1983c: 660). Hence, inquiry reports have more potential impact in promoting issues and educating the community than the other instruments available to governments.

Promoting support for an issue and educating the public about the need for a particular course of action will require varying levels of effort depending on the nature of the issue. Public choice analysts would argue that inquiries can perform important educative roles in relation to those policies providing widespread community benefits at the cost of narrow interests, because the broader community is not organised to participate in such debates and to understand the benefits of such changes. As McEachern (1987: 51) argued, “a truly public advisory commission could increase the expected political support (for such policies) and … could tout the widespread benefits … generating some support among otherwise ignorant consumer voters.”

Inquiries seen to have performed these educative roles include the two inquiries41 appointed to examine Australia’s financial system which helped put, and then maintain, financial deregulation on the policy agenda leading to wide ranging, but importantly accepted, change in this policy area (see Chapter Nine). So, too, were the two inquiries into Telstra and regional services appointed within two years of each other by the Howard Government (Telecommunications Service Inquiry [TSI], March 2000 and the Regional Telecommunications Inquiry [RTI], August 2002), seen as serving educative and opinion forming functions, but perhaps for more politically expedient reasons and with less success.42

Sometimes public inquiries in performing this educative function need to be seen in the context of other initiatives that are also seeking to prompt change in a particular area. These may be planned or ad hoc reactions to emerging issues. Public sector reform at the Commonwealth level exemplifies this. Between 1974 and 1996 there were not only two public inquiries appointed, but also a host of other internal task forces and parliamentary committee inquiries that together promoted considerable change in the Commonwealth public sector (see Chapter Seven).

This confluence of so many other reports and reviews advocating certain policy adoptions is the “enlightenment” view of how policy research and knowledge gradually becomes adopted by decision-makers (Snell 1983). Together, these different reports from public inquiries and other bodies come to be seen as the “conventional wisdom” in relation to a particular issue. It should not be assumed that these different institutional efforts are coordinated. In some cases they are, but more often it is one prompting the other. The result, as Weiss (1990: 101-106) explained, is that because “policymakers are busy people, and reading is low on their list of activities,” they rely heavily on what they already know and hear in the public arena from a wide variety of sources including their staff, inquiries, interest groups and issue networks (see also Parr et al 1991). Public inquiries through their reports and the ensuing debate they trigger contribute to
the information in the “public arena” and, because of their “publicness” this information is perceived to have greater credibility than that from other sources.

**Mediators and conflict management function**

Weiss (1983: 222) argued that, “the imperative of democratic decision making is to accommodate the interests and ideologies represented in the society … it is more important to negotiate decisions that are at least minimally satisfactory to significant segments of the population than to reach some scientifically ‘best’ solution that will provoke significant cleavages.” Some see a key function performed by inquiries as “mediating among diverse interests” and “conflict management” (Louis and Perlman 1985: 37). Thus, Rhodes wrote (1975: 207), a key role of inquiries “is not … primarily to find the truth, but rather to find a reasonable way of dealing with a problem on the facts as they can see them.” Inquiries help secure consensus on what needs to be done. Degeling et al (1993: 271) suggested that:

> … the ultimate policy effectiveness of ... inquiries is ... to be found not in their alleged capacity for harnessing disinterested expertise, but in their capacity for orchestrating negotiation and bargaining between stakeholders ...

Inquiries achieve this function in several ways.

First, during the very formation of an inquiry there is often considerable negotiation concerning its terms of reference and membership within government and with external groups, so that key interests can be mediated. Multi-member policy advisory inquiries are sometimes noted for their wide ranging membership of key stakeholders rather than just their expertise.43

Second, the inquiry report can serve, as Sheriff (1983: 676-677) suggested, “in the delicate negotiation among interested forces” by proposing “an initial extreme statement – for which the government is, by definition, not responsible, given the acknowledged independence of commissions.” Consequently, this “can be a very useful bargaining device” (Sheriff 1983: 677). Indeed, what may be proposed in one inquiry can be moderated by a following one44 thereby making a certain policy more acceptable.

Third, inquiry reports “can be used to test ... public reaction” (Sheriff 1983: 677). Inquiries, Bulmer suggested (1983c: 660-661), can:
act as a means of trying out policy proposals … a means for the government to fly kites about policies that are too controversial to be implemented immediately on the government’s own initiative. The commission rather than the government undertakes the task of sounding out public reaction … It may then be easier subsequently for the government to push through its intended policies.

Often public reaction may be so adverse that governments either openly reject or just ignore the inquiry.55 Yet, throughout the inquiry process, the important issue is that government can avoid being directly involved in any imbroglio. It can watch and assess the drift of public debate and opinion without itself expressing a viewpoint that could offend some and gladden others. Governments can wait stating a public position until formally responding to an inquiry’s recommendations. This it can do quickly, with some delay, or not at all.

A further way inquiries serve this mediation function is by their public consultation processes. The formal aspects of this provide a venue where organisational stances can be made and be seen. It informs stakeholders of each other’s official views. At the same time many inquiries supplement these arrangements with informal discussions where compromises are often pursued. As well, interim reports can act as reflection of the current state of discussion about a topic, but with further debate invited. Moreover, when policy change is suggested, it is the inquiry and its final report which is seen as the prime proposing agent, not the different stakeholders who officially, as their formal submissions show, maintained their stated organisational positions, or the government. Thus, inquiries help the different interests come to accept policy changes while at the same time maintaining support from their members.

Some inquiries engage in a form of negotiation by preparing their reports in line with what they see will be acceptable to key stakeholders and the current political environment. For instance, Alex Dix (see McCarthy and Flynn 1981) who chaired the 1979 Fraser Government appointed Committee of Review of the Australian Broadcasting Commission expressed his mindfulness of government and key interest groups views before submitting his final report:

> We have to be practical about this. There is no point in us coming up with a copious and well argued report if it is politically unacceptable in either a public or government sense. We’d be wasting time … I am not anxious to produce a report that has no chance of being implemented.

Dix was reported to have met with the Minister for Communications several times to discuss options before his report was finally submitted (McCarthy and Flynn 1981). Edgar (1981: 11) was highly critical of Dix’s approach, arguing that a public inquiry should not produce a report based on its acceptability, but rather one which “examines all the issues with integrity and makes recommendations consistent with the roles and needs it has explored without
consideration of the current political environment” (see also Davis 1988). It has been noted that a number of other inquiries have sought not to compromise their reports, but at least to focus on matters which would be practical and have a greater chance of being implemented.  

The accepted notion of consensus and unanimity that pervades the ethos of public inquiries (Cartwright 1975: Chapter 10) further reinforces these mediation and conflict conciliation roles. Public inquiries exhibit less public dissent than other advisory bodies only occasionally having dissenting reports (e.g. the 1987 National Inquiry into Local Government Finance). Indeed, in some cases, inquiry members representing particular interests have been criticised for not registering a dissenting report. This is in contrast to parliamentary committees where dissenting views, largely based on partisan divisions, are more frequent. Even reports by permanent advisory bodies such as the Productivity Commission are marked by occasional minority reports (e.g. the 2002 report on car tariffs to 2005).

It is not just the ethos of consensus that makes inquiries more effective in forging agreements and mediating across interests. Rather, it is the way public inquiries are seen to be different from the other more expert, but narrowly focussed advisory mechanisms based as they are on single value systems and methodologies (e.g. economics, environmentalism). Inquiries with their multiple memberships from a range of different interests, their public processes, their temporary nature and their perceived neutrality, are better able to secure agreement both among their own members and with the interested public about an issue and make proposals that will gain acceptance. The consensus style of public inquiries often provides a shortcut, not a delay in decision making. As Weiss (1990: 103) sums up:

*Consensus reports suggest the thorny differences have been resolved and that major segments of society have reached agreement. Policymakers are spared the task of working out the resolution of differences, and they can embrace the report without fear of major opposition.*

While not all inquiry reports achieve this, many do. The consensus generated by the Howard Government’s Welfare Reference Group (McClure Report) with seven members from a wide variety of backgrounds and seeking to achieve a fundamental change in policy direction, is one important example (Curtain 2001: 39-42). During 2002 the Howard Government evoked the consensus of the Welfare Reference Group in seeking to have its welfare legislation pass the Senate. There are other examples where public inquiries have been used to mediate across divergent interests and forge consensus. However, this does not always work as the *Royal Commission on the Use and Effects of Chemical Agents on Australian Personnel in Vietnam* chaired by Justice Evatt showed.
The Review of the Future of Drug Evaluation in Australia (RFDEA) appointed by the Hawke Government exemplifies an inquiry being successfully used to perform these mediation and negotiation roles where seven previous public inquiries and other instruments such as parliamentary committees had failed to secure change. This was because the RFDEA actively sought to use its status and processes to negotiate a viable policy outcome among the stakeholders in a variety of formal and informal settings that allowed stakeholders to move from their public and official views to those that could accommodate different viewpoints. To do this the RFDEA did not rely just on the usual inquiry methods of awaiting for submissions, holding formal hearings, doing research and then producing a report with recommendations which are then left to be resolved by government and the public bureaucracy. Instead the RFDEA acted more strategically and identified and exploited opportunities to have “off the record discussions,” and to test proposals with key interests before inclusion in the final report (Degeling et al 1993: 263-267). Thus, from this perspective, “conducting an inquiry now becomes concerned with recasting the existing alignment of relations between stakeholders and with fashioning settlements which draw the support of a significant number of erstwhile contestants” (Degeling et al 1993: 271).

As Colebatch (1998: 110) suggests, a “public inquiry … provides an opportunity for stakeholders to negotiate policy change which can then be announced by the minister.”

The legitimising of government actions

With so many institutions of government now seen to have been colonised by executive government appointees, so many processes altered to meet executive government demands, so much advice tailored to give the government what it wants (Puplick 2003), apparent declining public trust in government institutions and elected officials should not be a surprise. There has been a fall in the number of permanent policy research advisory bureaux. Those left have had often had their resources cut and become increasingly under the control of departments and governments (Edgar 1986; Millett and Kingston 1996; Toohey 1996). The ongoing politicisation of the public service has further reinforced these trends. It has meant there are fewer institutions which executive government can now call upon to provide independent advice and to legitimise its decisions to the electorate’s satisfaction.

Because of their “publicness” inquiries are one of the few bodies that still hold a certain degree of perceived independence from executive government to be able to exercise legitimisation functions that are effective and appropriate. In some cases governments may seek to use inquiries for politically expedient reasons such as to “enable governments to do what they want to do anyway” (Bulmer 1982: 99). In other instances, inquiries are vehicles to “confer legitimacy on a specific policy” which have been arrived at as a result of deliberation, research and discussion (Louis and Perlman 1985: 37) and which government now wants to implement with a minimal amount of opposition. Inquiries provide both a blueprint for action and a means for
Justifying that action. As such Sheriff (1983: 672) sees inquiries as performing an important role in ensuring social harmony in the political system.

Public inquiries achieve this legitimacy “by research … mobilising support … providing an aura of objectivity [and] … prestige” (Bulmer 1982: 99). Their processes of collecting and assessing information “conforms to the normative ideal and the public’s expectations” of how decisions are supposed to be made (Wolanin 1975: 39). Their “publicness” in membership and consultation processes reinforces this. Sheriff (1983: 673) stresses:

*It is the form rather than the content of commission work which is important … It is the opportunity to bring representatives of a great variety of viewpoints, which is facilitated by the appointment of commissions and which contributes toward this participative image of the modern state … It is not so much what policy is formulated, but how it is formulated that takes precedence.*

While some other institutions perform some of these functions technically better e.g. research by specialised advisory research bureaux, none has such features that although appointed by government are able to exert both authority yet detachment from executive government.

At the same time, some inquiries are able to exert a greater sense of legitimacy than others. Policy advisory type inquiries are seen to be less authoritative and thus are less effective in legitimising government actions based on their recommendations. Their work is open to less certainty and to greater speculation and debate. Multiple membership reflect wide ranging interests and hence their reports are sometimes seen as less expert or independent. By contrast, inquisitorial inquiries with their smaller memberships drawn mostly from the judiciary or legal profession, use of more formal quasi-legal settings and processes and their focus on assessing the “facts” of an issue, are seen to be more authoritative and therefore to exercise greater legitimacy. However, as noted, with the *Royal Commission on the Use and Effects of Chemical Agents on Australian Personnel in Vietnam*, a royal commission does not always guarantee legitimacy for its proposals or provide government with an appropriate means to justify a certain course of action.

**Conclusions**

The functions public inquiries serve are those which reflect both their intrinsic qualities, the nature of the political system of which they are a part, and the deficiencies or limitations of the alternative range of instruments. Numerous as inquiries have been, and significant as some of their reports are, public inquiries as temporary bodies with external and often part time members cannot be expected completely to fill the void of other institutional failure on a permanent and ongoing basis. Their *ad hoc* nature precludes this. Governments need ongoing advice and from those who are directly involved in the actual implementation of policy, not just
its formulation or evaluation as is the case with public inquiries. Thus, the range of functions that inquiries perform must always be seen as complementary to the existing array of other more permanent bodies. As Marchildon (2002: 10) concluded, public inquiries may be “extraordinary instruments” but they are “supplements to the government decision making process, not replacements for it.” Rather, the virtue of the public inquiry is their temporary and ad hoc nature and their “publicness” which allows inquiries to be seen to perform a range of functions in an acceptable way, and which often assists in making existing institutions and processes work better, but without supplanting them.

Inquiries may be instruments of executive government yet their “publicness” ensures independence from excessive manipulation. Inquiries investigate certain matters other bodies are less capable of doing, but the issues they report on and the recommendations they make have eventually to be carried out by either existing or new permanent bodies. Inquiries help manage the policy agenda and may be used sometimes to manipulate issues for executive government political advantage. Yet, they also provide a respite from the demands for immediate action. They give governments time to respond to issues more appropriately. Inquiries provide advice, but their cue often comes from patterns, routines and views of a host of other bodies. Inquiries collect information, much of which is from other institutional players both within and outside of government. Inquiries synthesise and repackage this information into more understandable proportions that can better be communicated to decision makers and other players. Inquiries by their public processes and stress on consultation enhance and restore democratic ideals in policy making and promote opportunities for input and negotiation that have sometimes been downgraded by existing institutions by the necessities and complexities of organisational life. Inquiries with their perceived independence and legitimacy have new policies accepted in the community and across organisational boundaries and interests and assist, as their repeated use indicates, in the better functioning of the political system.

These are the functions of public inquiries in the modern political system. They are not new, and may be less a “revolutionary change in government policy making” than Wilenski (1977:162) suggested about the use of inquiries during the Whitlam Government, but they are not insignificant. Public inquiries cannot replace existing institutions, but they have certainly enhanced their effectiveness in a wide variety of ways as the examples highlighted in this chapter clearly show and which will be further highlighted in the case studies in Chapters Seven to Nine.
Endnotes

1. The relationship between governments and departments are subject to a number of constraints. Some are legislatively based such as the powers and processes of governments to appoint or remove department heads (Spry 2001; Weller and Wanna 1997). Controversy over the sacking of the head of the Defence Department by the Howard Government in 1999 highlight the sensitivity of these relationships (Nethercote 2002: 91-92; Spry 2001)

In relation to certain advisory bodies like the Industries Assistance Commission (IAC) and its successors, governments have also faced legislative limitations on the terms of reference of topics which can be sent to such bodies. For instance, during the 1970s the Industries Assistance Commission Act prevented governments from allocating both long term and temporary assistance to industries unless it had first been examined by the IAC. The Fraser Government changed the legislation to remove the need to send references to the IAC for short term assistance and even established a new authority, the Temporary Assistance Authority (TAA), to examine such government requests. Ongoing antipathy between the Fraser Government and the IAC led to further changes to commissioners, cuts in staffing and resources and alterations to the terms of reference in relation to criteria for assessing assistance (Warhurst 1982b; Rattigan 1986).

2. There have been numerous public inquiries into different Commonwealth related agencies (e.g. the Independent Commission of Inquiry into the Commonwealth Scientific and Industrial Research Organisation), particular government departments and their components (e.g. the Review of the Australian Bureau of Mineral Resources, and Defence Review Committee) or the whole public sector (e.g. the Royal Commission Australian Government Administration and Review of Commonwealth Administration). Also see Smith and Weller 1978 and Chapter Eight).

In addition, there have been public inquiries into different advisory bodies such as:

- The Hawke Government, dissatisfied with the IAC, appointed in 1984 the Review into the IAC, to recommend changes to its form and structure. Other bodies were later to merge with the IAC; there were several changes in ministerial responsibility; and it eventually became the Productivity Commission in the Treasurer’s portfolio;

- The Australian Institute of Multicultural Affairs (AIMA) established by the Fraser Government was seen by the incoming Hawke Government as being too tainted by the previous administration. In 1983 it appointed the Committee of Review of the Australian Institute of Multicultural Affairs chaired by former Labor minister Dr Moss Cass. This lead to AIMA’s abolition in 1986, which was also seen by some as more the result of rivalry from the permanent bureaucracy than from its performance, as Sheldrake (1987: 275) commented:

  Inside the bureaucratic system the Institute had fought with several departments over its view, had often made use of data the like of which departments had not seen, and forced changes against very considerable resistance. The legacy was a dislike of the Institute by several departments … especially by the Department of Immigration and Ethnic Affairs which had seen its policy making role largely usurped by the Institute …

- AIMA’s successor, the Bureau of Immigration Research and Population Research formed as a result of a recommendation of the Committee to Advise on Australia’s Immigration Policies in 1989, was itself subject to another inquiry in 1993, the Review Committee of the Bureau of Immigration and Population Research, chaired by former Labor staffer and prime minister’s and immigration department head, John Menadue, who suggested a number of changes.

- The Aboriginal and Torres Strait Islander Commission (ATSIC) has been in continual conflict with the Howard Government and been subject to two public inquiries, the ATSIC Review Panel (2002)
and the previous Review of Policy Advice and Support to the Minister for Aboriginal and Torres Strait Islander Affairs (1997).

- The regulatory Australian Competition and Consumer Commission (ACCC) was reviewed by the National Corporate Governance Review appointed at the end of 2002 as was its key legislation by the Review of the Competition Provisions of the Trade Practices Act.

3. Examples (see Stewart 1995: Chapter Six; Millett and Kingston 1996) include:

- The Institute of Family Studies was reviewed by the Hawke Government and subject to cuts and changes which some believed were inappropriate (Edgar 1986);
- The Hawke Government established the Economic Planning Advisory Council upset Treasury and, as some predicted (Davidson 1983), after suffering major cuts in funding and revised terms of reference was eventually merged with the Bureau of Industry Economics and the Industry Commission, in the new Productivity Commission (Singleton 1985; Banks 1993);
- The Resource Assessment Commission was formed by the Hawke Government to provide independent advice on environmental issues following a host of problems during the 1980s. However, the Hawke Government perceived it as providing ambivalent advice and failing to remove environmental issues from the government’s agenda and it was subsequently abolished (Mills 1993; Economou 1996);
- ATSIC, in addition to aforementioned public inquiry reviews, was also subject to several Auditor-General reports and, by 2003, was stripped by the Howard Government of its funding responsibilities;
- The Bureau of Transport and Economics had its staff cut by 30 per cent during the first term of the Howard Government;
- The Office of Multicultural Affairs in 1996 was subsumed into the Department of Immigration whose name was changed to the Department of Immigration and Multicultural Affairs to reflect this absorption;
- The Bureau of Immigration, Multicultural and Population Research was in 1996 incorporated into the Department of Immigration with a reduced budget and research tasks.

4. Inquiries, mostly in the form of royal commissions, have been appointed to report on:

- major disasters and crises (e.g. Royal Commission into Relations between the CCA and Seaview Air, and the Royal Commission on the Loss of the HMAS Voyager);
- allegations of maladministration concerning the law (e.g. Royal Commission of Inquiry into Chamberlain Convictions);
- allegations of corruption (e.g. Royal Commission into Allegations Concerning some Australian Maritime Unions; Royal Commission into the Builders’ Labourers Union);
- concerns with the functioning of key public bodies (e.g. Royal Commission on Australia’s Security and Intelligence Agencies);
- private sector bodies institutions (e.g. the 2001 Royal Commission of Inquiry into HIH);
- perceived failures of existing regulatory bodies e.g. the 1981 Royal Commission into Australian Meat Industry; the Royal Commission of Inquiry into HIH while appointed to investigate the causes of Australia’s largest corporate collapse, was also required under its terms of reference to investigate “the adequacy and appropriateness of arrangements for the regulation and prudential supervision of general insurance.”
5. For instance the:

- **Inquiry into Allegations of Paedophile Activities in Department of Foreign Affairs and Trade** appointed by the Howard Government could have been conducted by a Public Service Commission investigation rather than a open public inquiry as it was appointed under the *Public Service Act 1922* (Bailey 1997);

- **Royal Commission of Inquiry into HIH** was asked to investigate the key regulatory bodies in this areas because they were seen as indirect contributors to the HIH collapse. The Royal Commission found that Australian Prudential Regulation Authority (APRA) and the Australian Securities and Investment Commission (ASIC) had failed to communicate over issues that were evident about the HIH collapse. In particular the Royal Commission concluded that APRA's "performance in supervising HIH was ineffective. It missed many warning signs, was slow to act, and made misjudgments about vital matters (RCHIH 2003: Executive Summary). APRA itself had been formed as a result of the 1996 *Inquiry into the Financial System*, but the Howard Government did not establish APRA as originally proposed by the Wallis Report (Murray 2003).

6. The **Royal Commission into Activities of the Federated Ship Painters’ and Dockers’ Union (RCPDU)** during its investigations also revealed unexpected levels of corruption and organised crime and significant gaps in the Commonwealth’s regulatory framework. This led the Royal Commission to recommend the formation of the National Crimes Commission (see Chapter Eight).

7. The **Committee of Inquiry into Education and Training** appointed by the Fraser Government was seen to have very broad terms of reference so it could both examine the present state of the field and cast a wide view concerning possible future trends (Williams 1979). So, too, may the **Committee of Inquiry into Technological Change Inquiry into Technological Change** that reported in 1980 be so regarded given its terms of reference that stressed the need to highlight future trends in this area (Selby-Smith 1981).

8. The Fraser Government repeatedly refused to announce any new policy action while it was awaiting for the reports from the **Study Group on Structural Adjustment** and the aforementioned **Committee of Inquiry into Education and Training** and **Committee of Inquiry into Technological Change Inquiry into Technological Change** to the point that this put some pressure on the inquiries to complete their investigations sooner than originally anticipated.

9. For instance, the advisory and problem solving aspects of inquiries is seen by the:

- **Committee on the Future of Tertiary Education in Australia (1961)** was required to, “study the problems of the existing form of tertiary education … make recommendations on any changes required”;

- **Committee of Inquiry into the Recognition of Overseas Qualifications (Fry 1981)** was required to “report conclusions and make recommendations to the minister … on action which should be taken to overcome the problems identified”;

- **National Committee on Violence (1988)** was appointed to "find ways of dealing with the rising tide of violence" (Press Release 16 October 1988);

- **The Independent Committee of Inquiry National Competition Policy (1992)** was appointed, as its terms of reference state, “to advise on appropriate changes to legislation and other measures.”

10. The first Hawke Government appointed the following inquiries which were promised in the prior election:

- **The Royal Commission on the Use and Effects of Chemical Agents on Australian Personnel in Vietnam**;
Chapter 5

- Royal Commission of Inquiry into the Compensation Arising from the Social Security Conspiracy Prosecutions;
- Committee of Review into Australian Industrial Relations Law and Systems;
- Committee of Review of the Australian Institute of Multicultural Affairs;
- National Road Freight Inquiry;
- Independent Economic Inquiry into Transport Services to the Northern Territory.

11. Inquiries appointed to provide new ideas for emerging issues include (see Appendices 1-9):
- Royal Commission on Wireless (1927)
- Royal Commission on the Moving Picture Industry in Australia (1927)
- Royal Commission on Television (1953)
- Committee of Inquiry into Technological Change Inquiry into Technological Change (1980)
- Committee of Inquiry into Telecommunications Services in Australia (1981)
- Commission of Inquiry into the Current Health Status of the Australian Population (1985);
- Independent Committee of Inquiry into National Competition Policy (1993);
- Information Industries Taskforce (1996).

12. See Chapter Four, Endnotes 19-23.

13. Expertise of members is frequently, though not exclusively, stressed around inquiries involving technical and scientific issues such as:
- Inquiry into Safety Standards at CSIRO (1983) chaired by Professor Andrew;
- Commission of Inquiry into the Current Health Status of the Australian Population (1985) was chaired by acknowledged health expert Dr Llewellyn-Jones;
- Inquiry into Medical Education was chaired by the expert and highly regarded Professor Doherty.

14. The Royal Commission into Australian Government Administration was seen by some (Parker 1977) as having produced an array of research on the public service that had not been done previously.

15. Most inquiries or their appointing minister stress the level of consulting a particular inquiry has done. However, some inquiries are more adept at this than others. The Royal Commission into Aboriginal Deaths in Custody, for instance not only was one of the longest running inquiries (nearly three years), but had multiple commissioners, State by State project teams and focus, extensive public hearings, and a range of ancillary working parties (see Chapter Eight).

16. The Independent Panel into the Assets Test (1984) had nine members representing the Returned Services League, consumer groups, pensioner associations, academia and church organisations. The 1961 Committee on the Future of Tertiary Education in Australia had sixteen members incorporating representatives from industry, secondary schools, State education, academics, primary industry and several universities from different disciplines (see Davies 1989).

17. Most inquiries are chaired by generally well known people in their respective fields some of whom bring particular national prestige with them to the position. For instance, Sir Leslie Martin who chaired the Committee on the Future of Tertiary Education in Australia had a long history of involvement with tertiary education and held senior posts in this field. Indeed, at the time he chaired the Universities Commission. Keith Campbell who chaired the Committee of Inquiry into the Australian Financial System was seen as having an important level of prestige in the business community (see Chapter Nine).

18. Given the well organised nature of the tertiary education sector, this area affords an opportunity to assess reaction to inquiries appointed in this field. The 1957 Committee on Australian Universities and 1961 Committee on the Future of Tertiary Education received strong support from both the both the
Federal bureaucracy, universities and the relevant unions (Davies 1989). Key and respected members of the policy community, Sir Keith Murray and Sir Leslie Martin, chaired both these inquiries. Both produced recommendations that received strong support across the policy community. By contrast, the spate of different inquiries into the tertiary education area appointed by the Hawke-Keating governments (eg Quality of Education Review Committee, Committee of Inquiry into Higher Education Funding) was narrower in focus. There was considerable opposition and debate to the recommendations.

19. The Queensland Government during the premiership of Bjelke-Petersen, often refused to co-operate with Commonwealth public inquiries and parliamentary committee investigations. In the case of the NILGF, early hostility was later replaced with full co-operation (private communication).

20. The Major Performing Arts Inquiry had a small secretariat of four. The 1973 report by Sir John Crawford on a commission to advise on assistance to industries had no staff.

21. By contrast some inquiries have quite large staffs. The RCAGA employed up to fifty research staff and numerous consultants. The RCPDU had a research staff and numerous consultants. The Committee of Inquiry into the Australian Financial System used an extensive research group headed by an senior academic. The Mortimer Inquiry had a total of twenty-two staff including consultants.

22. Some examples of information failure include: Pearl Harbour (Wohlstetter 1962), the Cuban missile crisis (Allison 1971) and the Vietnam War (Tuchman 1984).

23. Former senior public servant Sir John Crawford chaired the Study Group on Structural Adjustment. The other members although knowledgeable about the issues were also representatives of the different and sectional interests including Bob Hawke, President of the ACTU, Brian Inglis, Managing Director of Ford Australia, and N.S Currie, Secretary of the Department of Industry and Commerce.

24. Hawke Health Minister Neal Blewett (1986: 1885) in relation to the Commission of Inquiry into Current Health Status of the Australian Population observed that the final report was “highly readable” with an “easy style” that “should ensure that it is widely read across Australia”.

25. The Commission of Inquiry into the Current Health Status of the Australian Population (chaired by Dr Llewellyn-Jones, appointed in March 1985) was seen by Health Minister, Dr Neal Blewett (1986: 1885-86) as:

> The most significant report tabled on the subject of health in Australia to date. It is important because it has the potential to provide a turning point in health policy…the report provides us with an up to date profile on the status of our health.

26. Governments are not formally required to provide a formal response to public inquiry reports, unlike those of parliamentary committee reports which since the early 1980s require a response within six months of a report being tabled.

However, public inquiries during the course of their investigations often attract considerable attention and thus there is great interest in a government’s response. The more controversial or policy significant the inquiry topic, the greater the expectation is for the government to respond quickly and with some rigour. For instance, the release of the Committee of Inquiry into the Efficiency and Administration of Hospitals in December 1980 was seen to spark off considerable interest and demands for a government response, as Woods (1981) observed:

> The Jamison Report … will intensify debate on what measures the federal Government should adopt to reel in Australia’s soaring health bill … The federal government can expect strong lobbying in the next few weeks as the report’s recommendations are officially released and options examined.
The 1981 Committee of Review of the Australian Broadcasting Commission (chaired by Alex Dix) provoked similar interest and anticipation to which the government responded to in first forming an interdepartmental committee of senior officials and then a ministerial committee (Snow 1982), all of which caused delays and criticism from the then Labor Opposition (Dawkins 1982a: 1265).

27. See the Minister Blewett's comments (Blewett 1986: 1885) in relation to the Commission of Inquiry into the Current Health Status of the Australian Population that noted the extent and level of consultation.

28. This view was expressed by Confederation of Apparel Manufacturers in relation to the Industries Assistance Commission and its investigation into tariffs for the textile industry (Sydney Morning Herald, 27 October 1976).

29. Special informal forums and workshops have been used in relation to a number of inquiries so that there was a better dialogue between both the public, inquiry members and interested parties (e.g. Building Regulation Review Task Force, Review of Social Security System, Welfare Reference Group, Review of the ABC, and the Royal Commission into Australian Government Administration and the Royal Commission into Aboriginal Deaths in Custody).

30. Usually only inquiries into major topics use interim reports. Some examples include the:
   - Royal Commission into the Activities of the Federated Painters’ and Dockers Union issued numerous interim reports as its investigations unfolded;
   - Royal Commission into Aboriginal Deaths in Custody released an interim report that was important in outlining its focus and future directions;
   - 1997 Review of Higher Education;
   - McClure chaired Welfare Reference Group;
   - The ATSIC Review Panel (2002) released an interim report with the Minister for Aboriginal Affairs noting that it would “form the focus of further public consultation by the Review Panel” (Ruddock 2003).

31. The aforementioned Study Group on Structural Adjustment is one example. The Independent Panel on the Assets Test had nine members drawn from academia, voluntary associations, pensioner groups, consumer bodies and church organisations.

32. See Chapter Six for full discussion concerning membership of inquiries.

33. The Fraser Government was criticised by the Labor Opposition for appointing the Committee of Inquiry into Housing Costs in June 1977, then citing the inquiry to delay any policy response to the issue and failing to respond to the recommendations for twenty months during which time the “situation has continually grown worse” (Uren 1980: 924). So too was the Fraser Government’s appointed Committee of Inquiry into Technological Change in Australia seen as just taking up policy space with little real effort at investigating the issue with any rigour (Selby-Smith 1981). Those working for this inquiry also reported that the consultation process was “farcical” with little interest in probing or assessing the issues (Harding 1980). Technologists dominated this inquiry with little representation by industrialists and economists whose membership could have made the inquiry more pertinent.

Similarly, the 1984 Hawke Government appointed Royal Commission into British Nuclear Tests in Australia between 1952-1963 chaired by former Whitlam Government minister Mr Justice McClelland was seen by the then Coalition Opposition as being more about the theatre of blame of previous Liberal governments than seeking to tackle the issue of possible nuclear waste at Maralinga in South Australia (Downer 1986). That the Royal Commission needed to be followed up by an expert committee to assess sites reinforced this view. As Liberal Senator John Carrick (1986: 1001-1002) lamented:
The report ... has done great harm to the whole concept of royal commissions. It is ... an embarrassment ... to anyone who believes that a royal commission ought to report in objectivity and depth. It is in fact a report without merit. It is conceived in hate, in political bias and in Anglophobia ... It was long on rhetoric and short on facts ... I know of nothing more ugly than a pretence of judicial inquiry which inveighs against dead men, which puts its political hates and vituperations on paper and produces nothing at all.

34. The Howard Government’s Regional Telecommunications Inquiry (2002) was criticised on these grounds.

35. There are certainly examples of this such as the Shipping Reform Task Force with its membership drawn largely from the industry (Hamer 1989), to those seen as lacking in expertise such as the Taskforce on Education and the Arts for Young People (McQueen 1985). The aforementioned 1984 Royal Commission into British Nuclear Tests in Australia between 1952-1963 was criticised for having only one member out of three with any knowledge of nuclear technology (Downer 1986: 33).

36. A random assessment of inquiries shows that the actual number participating in any single inquiry can appear to be numerically small and represent more the insider policy network than the wider community. For instance, the Royal Commission into Australian Government Administration received 750 submissions and heard evidence from 356 witnesses. Given the issues it was examining, this was seen as a very high response rate. Other more narrowly focussed inquiries receive far fewer responses. The 1977 Study Group on Structural Adjustment received 63 submissions of which four were from academics, twelve were from business firms, but the largest group (29) were from industry associations (but only two consumer type bodies). The rest were Federal and State government departments and one trade union. Indeed, those who make submissions to inquiries generally represent the who’s who of any policy area; it is almost invariably dominated by producer interests.

37. The Howard Government-appointed Review of the Role and Functions of the ABC went beyond the simple call for submissions and holding of formal hearings. Instead, it went to considerable effort to hold community forums, do surveys across regional areas and to engage the community more proactively than is the case with most inquiries. The result was that participation, although at a very general level ran into the thousands rather than just the hundreds. This, and the strong support given to the ABC by respondents to surveys and at forums did have the effect of stopping the Howard Government from cutting the ABC at that point in time.

38. The former head of the Commonwealth Department of Education, Dr Peter Shergold, was accused of deleting certain sections of the Department’s National Report on Australia’s Education Sector 2001 because it could have embarrassed the government. As one editorial wrote (Sydney Morning Herald 15 August 2003):

What is clear ... is that some in the service’s leadership appear more concerned to satisfy the hubris of its political masters than to insist that professional analysis, however distasteful, should be produced and published for judgement by its true owners – the voting public of Australia.

39. The discussion on the Committee of Review of the Australian Broadcasting Commission went on for several years after the inquiry had reported while the Fraser Government sought how to assess the report and implement its recommendations. Questions about the Committee of Inquiry into Management Education (1980) were still being raised in Parliament in 1983 (Evans 1983b). The Royal Commission into Australian Government Administration provoked discussion long after the official public service committees appointed to assess it had disbanded (Dent 2002).
40. The report of the 1975 Fraser Government appointed Administrative Review Committee was never released. This secrecy was condemned at the time (Editorial, Canberra Times, 24 November 1976; Scott and Hoyle 1976).

41. These were the 1979 Committee of Inquiry into Australian Financial System, (Campbell Inquiry) and then, in 1983, the Inquiry into Australia’s Financial System (Martin Inquiry).

42. These inquiries were seen as repeated attempts to change opinion in regional areas, within government (the National Party was highly sceptical of such changes) and other parts of the political system (e.g. independent and minor party senators) of the virtues of privatising the remainder of Telstra (The Australian, 8 November 2002). Commentators suggested the 2002 Regional Telecommunications Inquiry (RTI), had been appointed to reinforce the benefits highlighted by the earlier Telecommunications Service Inquiry which had failed to gain the level of support required to have this policy initiative implemented. Initially, it appeared the RTI had also not been successful in convincing either regional voters or the National Party to change their views (Kitney 2002). However, the subsequent quick response and acceptance by the Howard Government to its main recommendations including considerable increases in spending on regional telecommunications (Alston 2003) contributed to National Party acquiescence in mid 2003 to accepting the privatising of the remainder of Telstra. Nevertheless, support by regional voters or from Independent and minor party senators have yet to be confirmed. Overall, these inquiries have not had the same educative impact as those with financial deregulation. Their independence has been more questioned and the government’s motives in their appointment have been seen as more politically expedient (McLachlan 2002).

43. As noted in Endnote 16, the Independent Panel on the Assets Test with its nine members were drawn from a wide cross section of interests. The Panel was seen more as a "representative" type body than as an expert committee.

44. The chair of the 1981 Committee of Inquiry into Australian Financial System, Keith Campbell, stressed that the report would propose what was needed rather than seek to produce a report with an eye to what may be politically acceptable. The subsequent Hawke Government Inquiry into Australia’s Financial System chaired by Vic Martin was seen as moderating some of the earlier Campbell Report proposals in order for the proposals for deregulation to be more acceptable to the Labor Party (see Chapter Nine).

45. Although the Committee of Inquiry into Telecommunications Services in Australia appointed by the Fraser Government was initially greeted by the then Minister (Brown 1982: 2716-2718) as being “a momentous report ... a milestone in the history of telecommunications” proposing “a major restructuring of telecommunications in Australia”, the adverse reaction it received from trade unions, consumer groups, the National Party and regional interests soon resulted in the Fraser Government abandoning the inquiry. This was prompted by an impending Federal election.


47. For example, Bill Mansfield, the trade union representative on the Committee into Technological Change in Australia, was criticised for not recording a dissenting opinion (Harding 1980).

48. The Inquiry into Private Practice in Public Hospitals reflected the Hawke Government’s attempt to inject a new mediating mechanism to overcome industrial action by surgeons in New South Wales. Its report was viewed by the Federal Health Minister as a “constructive and ideal vehicle for establishing harmonious association between government and the medical profession” (Sydney Morning Herald, 12 October 1984).
49. This Royal Commission argued with the Hawke Government over its reporting timeframe, resources and eventually as its report cleared Agent Orange from causing harm to Vietnam personnel, with veteran associations. As one commentator (Mercer 1990) noted, "If a royal commission is judged by how successfully it resolves matters it is inquiring into, then the Evatt Royal Commission was a dismal failure … The veterans were outraged."

50. These included one public inquiry, two parliamentary committee investigations, a review by the Industries Assistance Commission and a further one by the Business Regulation Review Unit, a study by the Commonwealth Public Service Board, and an assessment by a national advisory body (Degeling et al 1993: 260-261).

51. For instance, the Labor Opposition was critical of the findings of the Fraser Government appointed inquiries into telecommunications (Committee of Inquiry into Telecommunications Services in Australia), and postal services (Committee of Inquiry into Monopoly Position of the Australian Postal Commission) because they were seen, like the Committee of Inquiry into Australian Financial System, as being primarily too ideologically based in both purpose and findings (see Button 1981, Dawkins 1982b and Chapter Nine).
CHAPTER 6: HOW INQUIRIES WORK — THEIR COMPONENTS AND LIFE CYCLES

Introduction
This chapter examines what inquiries do and how they operate. To carry out their assigned roles, public inquiries perform a range of tasks. Inquiries are not passive bodies merely collecting information as it comes to them. They actively seek information from a range of sources by using a variety of techniques, which is then processed; within a specified timeframe they produce a formal report with recommendations. The chapter identifies the key components, main processes used and key steps of an inquiry – its life cycle – from when an inquiry is originally conceived, appointed, forms, conducts its investigations, prepares its report and presents its report to the government. By outlining these core components and processes, this chapter provides a framework for assessing the three sets of public inquiry case studies considered in Chapters Seven to Nine.

Public inquiries as projects
One way to view public inquiries is as projects. The tasks they perform are similar to the work done by teams in managing projects. A project has been defined as “a temporary endeavour undertaken to create a unique product or service” (PMI 1996: 167) or a “one time activity with a well defined set of desired end results” (Meredith and Mantel 2000: 9). So, too, are public inquiries temporary bodies required to provide a special and defined product, namely their report and recommendations. Most projects are performed by discrete organisations, project teams, often with temporary and specially recruited staff appointed for the duration of the required task. Projects have clear clients and stakeholders, as do inquiries. Both projects (Hartley 2003: 8-9) and public inquiries face constraints in time, (deadlines), costs (finite budgets) and specification (defined specification or terms of reference). Projects and inquiries go through a life cycle including appointment and formation; task definition; investigation, research and consultation (implementation); completion and presentation; and closure.

Despite the similarities between projects and public inquiries there are noteworthy differences. The “publicness” of inquiries means their activities are more open to review than most projects and their relationship to their client or “principal,” the government, are more complex. Although appointed by executive government, inquiries are usually expected to act independently from government sometimes posing strains between the “principal” and the inquiry. Public inquiries are often more independent in determining their direction and even duration. For instance, an inquiry may uncover such important and controversial issues that it can almost resolve its own timeframe, budget and even request that government change its terms of reference.
Table 6.1 outlines the key features of projects and their overlap with public inquiries.

<table>
<thead>
<tr>
<th>Project team features</th>
<th>Public inquiry manifestations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agreed and measurable objective, deliverable or outcome</td>
<td>Produce a report</td>
</tr>
<tr>
<td>An agreed budget</td>
<td>Budget is estimated and approved by the government (but sometimes becomes out of the government’s control)</td>
</tr>
<tr>
<td>Discrete, dedicated organisation</td>
<td>Specially appointed temporary body</td>
</tr>
<tr>
<td>Specially recruited members</td>
<td>Specially recruited members mostly from outside government</td>
</tr>
<tr>
<td>Clear client/principal commissioning authority and stakeholders</td>
<td>Appointing government, and interest groups in relevant policy area, but clients often wider and not always clear.</td>
</tr>
<tr>
<td>Temporary</td>
<td>Inquiries are temporary bodies</td>
</tr>
<tr>
<td>Agreed start and finish dates</td>
<td>Inquiries are appointed at defined starting points and are usually given timeframes by government as to when they are expected to report</td>
</tr>
<tr>
<td>An agreed specification of tasks to complete</td>
<td>Inquiries have terms of reference which define their tasks</td>
</tr>
<tr>
<td>Logical task dependencies (multiple tasks being performed at once)</td>
<td>Hearings and research and writing of report often occurring concurrently</td>
</tr>
<tr>
<td>Action and task oriented</td>
<td>Must produce a report</td>
</tr>
<tr>
<td>Project cycle of formation, project definition, implementation, presentation, closure and exit, aftermath</td>
<td>Similar inquiry cycle</td>
</tr>
</tbody>
</table>

Source: Project management details modified from Hartley (2003: 6)

The rest of this chapter identifies the main components of inquiries and assesses how these different components operate during, what has been termed, the inquiry life cycle.

**Inquiry components**

All public inquiries share the following common components:

- the “inquiry” exists as a distinct organisation unit for a time;
- the principal: executive government and a sponsoring minister and/or department;
- inquiry members
- inquiry staff and secretariat
- participants (e.g. witnesses, interested parties)

While all public inquiries share these common characteristics there are variations among inquiries in the number and origin of members and supporting staff. Although all inquiries are
temporary, some can be in existence for several years while others have duration of only a few months. All inquiries seek information, but some rely more on public hearings and submissions while others conduct specific research. Although all inquiries produce reports as their final product, there are considerable variations in the size and style of these. Some publish only a report; others publish a report and supporting documentation including significant submissions, research papers and statistical data.

The temporary inquiry

A key component is the inquiry itself. This is a discrete organisational unit and takes a wide variety of forms and nomenclatures. The inquiry is the entity that provides the organisational framework to which members are appointed, work, interact and report. Each inquiry is largely self-contained as an administrative unit with its own members, staff, budget and internal processes. It normally manages its own budget and purchases.

Relations with the principal

Each inquiry, like every project, has a key client or principal whose demand for a particular output is the rationale for its existence. While executive government is the prime principal, in practice this usually is the relevant minister and related department. For instance, an inquiry into an environmental issue will be announced usually by the environment minister (e.g. the 1987 Commission of Inquiry into the Lemonythyme and Southern Forests was announced by the Commonwealth Minister for Arts, Sport, the Environment, Tourism and Territories). Indeed, the decision to set up an inquiry often originates with the minister and department.

While all inquiries have a government imprimatur, in some cases inquiries have full cabinet endorsement giving the inquiry greater status. This can be enhanced further if an inquiry is seen to be driven by a prime minister if the issue is deemed of national significance, cuts across several departmental boundaries or involves allegations against a particular department, minister or senior official. Some inquiries are directly sponsored by the prime minister and a very small number overseen by the Department of the Prime Minister and Cabinet (DPM&C). For some years administrative responsibility lay with either the department of the Special Minister of State (1973-75;1983-87) or Administrative Services. For more than a decade inquiries have been the responsibility of the line department. In some cases there can be friction between the prime minister with other ministers, not only over inquiry terms of reference and membership, but also in responses to recommendations.

Departmental sponsorship involves providing a range of support services to an inquiry such as administrative and research staff, locating and supplying offices, and provision of budgets. The department that is the major sponsor can affect the status and effectiveness of an inquiry.
inquiry supported by a junior minister and department will not have the same imprimatur as, say, an inquiry sponsored by the prime minister.

Some inquiries become so dependent on the sponsoring department that their very independence has sometimes been questioned. The inquiry is so “colonised” as to be seen as little more than an extension of the sponsoring department. In other cases the sponsoring department may be virtually inactive.

The “publicness” of inquiries also suggests that their stakeholders are wider than the appointing government. Not only is there a broad range of stakeholders in every policy area, but also there is the wider community to which inquiries, through their public reports, make aware of their proposals. Indeed, the topics and reasons for their appointment reflect a “public interest” role for public inquiries. This is particularly observable concerning inquisitorial inquiries investigating a major disaster or allegation. Such inquiries see their ultimate “client” as the general public that has a right to know the causes of an incident or the veracity of an allegation regardless of the impact on the appointing government.

Inquiry members

The inquiry consists of two groups. First, there are the members largely external to government but formally appointed by the government and who are charged with performing the tasks specified by the government. Then there are the staff, mostly from the public service, who are attached to assist these members. Membership is one of the most important aspects of any inquiry. As Gosnell (1934: 93-94) commented:

*Once it has been decided to appoint a commission on a given subject, the next question that arises is its composition. A commission may be a small body of supposedly impartial persons, it may be a small body of experts, it may be a large body which is representative of all the main interests concerned.*

The “publicness” of inquiries reinforces this. It is not only the intrinsic qualities of expertise of inquiry members that is important, but also whether such members are perceived to be independent from government and the issue being investigated. Because membership is specially selected and appointed by the executive government, it is in itself an important indicator of the underlying purpose and importance of an inquiry. Membership, like the decision to appoint an inquiry in the first place, is chosen by the government and mostly from outside of immediate existing government institutions. Internal departmental project teams or interdepartmental committees (IDCs) reflect normal organisational structures and memberships based on departmental interests. The bureaucracy and not ministers usually choose IDC members unless the issue is of such political salience that the IDC itself becomes more embroiled in this. Parliamentary committee membership, although party based, rarely involves
direct intervention by the executive government. Backbenchers are usually asked to nominate committees of interest and the party whips resolve allocation. However, these nominations are often checked with the prime minister’s office. Membership of permanent advisory bodies, although formally appointed by the government, often depends on advice from a wide range of interest groups. Membership of many advisory bodies is often driven by concerns about securing the representation of key interests as much as their expertise (ASTEC 1997).

The importance of membership to inquiries is reflected in the considerable time governments often give to their selection. For instance, in selecting the members of the Committee on the Future of Tertiary Education in Australia appointed by the Menzies Government there were “protracted negotiations between the commission (University) and officers of the prime minister’s department” over several months (Davies 1989: 35). Prime Minister Menzies took personal interest in the appointment of the committee, rejecting several suggestions and successfully requiring the inquiry to include a wider range of members than originally proposed, so that with sixteen members it became one of the largest inquiries ever appointed by the Commonwealth. Other examples highlight the importance of this process.7

Because membership is one of the most outward manifestations of inquiries, it is scrutinised closely for what it may inform about the purposes of a particular inquiry and inquiries in general. There have been different approaches to classifying membership. Borchardt (1991: 60) classified members in terms of their professional backgrounds such as armed services, agriculture, business, clerks, economics, engineers, medical practitioners, scientists, legal background, or public servants, though his assessment also included select committees of parliament and hence distorted the analysis in relation to public inquiries. Others have defined membership in terms of their impartiality, expertise or representativeness of particular interest groups (Cartwright 1975: 62-66). Public choice analysts have defined membership in terms of their interest group origins, identifying members as belonging either to producer or consumer groups so as to assess whether inquiries are vehicles either for particular interests or to overcome such groups (McEachern 1987).

Based on a mixture of professional backgrounds and interest group origin, this thesis suggests that inquiry members can be classified into the following broad categories:

- **academics** are those employed by academic institutions in formal teaching and research positions;
- **business sector**, embracing those working in the private sector as company directors, chief executives, board members and senior management staff;
- **present/former public servants** are those currently or whose previous careers were primarily in the public sector;
• **judicial/legal** such as serving and retired members of the judiciary and other legal practitioners;
• **professionals/experts** are those with a clear education and/or experience in a particular area and with acknowledged expertise such as doctors, engineers, scientists; and,
• **partisans**, are those who are former politicians or in senior advisory positions (e.g. ministerial advisers), usually of the same political background or connections to the party in government appointing the inquiry. Governments often look for a sympathetic opponent to enhance image of impartiality and prospects of general acceptance.\(^8\)

Whatever method is used to classify inquiry members there often will be some blurring across the different categories. For instance, some experts may also be seen to represent certain interest groups.\(^9\) Academics can also be expert in a particular area or, as is the case with the many inquiries into different aspects of tertiary education, seen as representatives of a particular interest group.\(^10\) **Table 6.2** shows that public servants, mostly retired, chaired a large proportion of inquiries. Many of these former public servants (e.g. Sir John Crawford and H.C. Coombs), chaired inquiries for several governments (e.g. Whitlam, Fraser and Hawke governments), and had multiple qualities. They were professionals and experts in their particular fields, had formal qualifications, often had business experience and occasionally worked as academics. Sir John Crawford was a professor and university vice-chancellor. Tim Besley, chair of the 2000 *Telecommunications Service Inquiry*, was a professional engineer, chair of a major corporation, and previously had been chairman of the Commonwealth Bank, and Secretary of the Department Business and Consumer Affairs.

Identifying "impartial" members is problematic. While often reserved for those who are members of or previously from judicial or a professional legal background, it can be applied to academics who are sometimes appointed because of their perceived expertise and impartiality. However, academics can also be seen to represent particular views on issues such as a pro-market perspective\(^11\) or supporting a certain perspective on an issue.\(^12\) Sometimes it is not clear what aspects of a person’s background were most relevant in explaining their appointment to a particular inquiry as some members have multiple qualities.\(^13\)

Even with apparently partisan members, such as former politicians or senior ministerial staffers, there may be sound reasons for their appointment based either on their previous experience or personal professional backgrounds.\(^14\) Minister Mark Vaile’s (1998) explanation when appointing Ian McLachlan, former Cabinet minister in the first Howard Government, to chair the 1998 *Wool Industry Future Directions Taskforce*, that his appointment was warranted because of his corporate and government experience, combined with his position as one of the most country’s largest wool producers is typical. Other partisan appointments may be hard to identify as they inevitably involve those whose political connections may be less overt, but nevertheless critical in explaining their appointment.
Trends in membership
Royal commissions, especially the inquisitorial type, that have dominated this form since the 1970s are always chaired by those drawn from the judiciary and legal practice. Since 1972 only two royal commissions have been chaired by those from outside this legal background (Royal Commission into Australian Government Administration and Royal Commission of Inquiry into Costs and Efficiency of Grain Storage, Handling and Transport). By contrast, policy advisory inquiries have included members from a wider range of backgrounds. This has become more pronounced with the expansion of policy advisory inquiry numbers and their topics since 1972. The Whitlam Government showed a high predilection to recruit academics who chaired 40 per cent of its inquiries. Nearly 19 per cent of inquiries were chaired by members of the business community, while another 19 per cent were chaired by legal practitioners including judges and former judges; 25 per cent of all inquiry members came from the public service (Hawker 1977a).

Table 6.2 further summarises trends in the origin of inquiry chairs. Of significance is the change between the Fraser and Hawke-Keating governments and the Howard Government in terms of the use of academics and public servants. Under the latter there is a marked decline while appointment of professional/expert, business and, importantly, partisan members showed an increase that represented a break with previous trends.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Academics</td>
<td>15.5</td>
<td>28.8</td>
<td>10.6</td>
</tr>
<tr>
<td>Business</td>
<td>26.7</td>
<td>15.6</td>
<td>19.5</td>
</tr>
<tr>
<td>Public Servants</td>
<td>25.5</td>
<td>14.9</td>
<td>3.5</td>
</tr>
<tr>
<td>Judicial/legal</td>
<td>25.3</td>
<td>19.8</td>
<td>17.7</td>
</tr>
<tr>
<td>Professional/Expert</td>
<td>4.2</td>
<td>17.6</td>
<td>32.7</td>
</tr>
<tr>
<td>Partisan</td>
<td>2.8</td>
<td>3.3</td>
<td>16.0</td>
</tr>
</tbody>
</table>

Other categories may be used to classify inquiry chairs. For instance, members can also be classified on the basis of gender. Overall, the use of women as chairs of inquiries has been stable. Women remain under-represented across all governments. During the Whitlam Government 6 per cent of inquiries were chaired by women who also composed 16 per cent of all inquiry members. These proportions were the same with the first Hawke Government. During the second Hawke Government only two inquiries were chaired by women,15 the same as during the third Hawke Government16 (5 per cent of all inquiries). The Keating Government also
only appointed two women to chair inquiries.\textsuperscript{17} So far the Howard Government has appointed three women as chairs of inquiries.\textsuperscript{18} Similarly, trade union representatives have chaired few public inquiries throughout this whole period.\textsuperscript{19}

**Public choice analysis of memberships**

There have also been attempts to classify membership of inquiries from a public choice perspective (McEachern 1987; Prasser 1994; Zubrinich 1989). This has been used as a means of assessing whether inquiries have been captured by organised producer interest groups to extract benefits from government. Alternatively, McEachern (1987: 49) has argued that a public inquiry “could prove instrumental in offsetting the inordinate influence of producer-voters … by having a truly independent body” with members who were independent, expert or from consumer groups. McEachern concluded that producer interests dominated advisory bodies. This allowed such narrow groups to gain benefits paid for by the wider community.

Analysis of inquiries appointed by the first, second and third Hawke governments show that independent, expert, public interest persons chaired 68.1 per cent of public inquiries. Producer group members (i.e. those involved in developing policy and whose existence is dependent on the continuation of the policy or who directly benefit from the policy) only chaired 28.1 per cent of inquiries. No representatives of consumer groups (i.e. those who purport to represent the broader community or “public interest”) chaired an inquiry.

Consideration of multi-member inquiries (some 65 per cent of all inquiries) shows that 60.2 per cent of these had the majority of their members drawn from producer groups. This was tempered with twenty-two of these inquiries being chaired by independent/expert persons (e.g. judges and academics). Only two inquiries (2.2 per cent) had a majority of their members from consumer groups. Independent/expert people dominated some 30.6 per cent of inquiries. A further five inquiries had their membership shared equally between producer representatives and independent people. Thus, in terms of total inquiry membership, producer representatives dominated all inquiries, sometimes conspicuously so.\textsuperscript{20} From a total of 524 members of all inquiries during this period, producer group members represented 56.8 per cent of the total compared to 3.2 per cent from consumer groups, and 37.2 per cent for independent/experts. This confirms McEachern’s thesis that producer interests dominate inquiries. Whether these inquiries always make recommendations that benefit such groups, or if the existence of independent chairs minimises such influences, is another issue.

**Remuneration of members**

A difference with inquiries appointed in Australia compared to the United Kingdom is that many inquiry members are paid for their services, while in the United Kingdom service is often served on a more honorary basis (Hennessy 1990: 541-586). Such an approach has been criticised as
amateurish given the reliance on inquiries to provide the sort of advice requested. As Shonfield (1969: 125) commented on this situation:

> giving advice is not a part time activity ... It ought to be treated ... as something which requires some whole-time attention, at least at the beginning and at the end of an investigation – which means that government must assume responsibility for paying the normal remuneration of the people concerned during these periods – and needs to be backed from the start by a fully professional research team.

This approach stands in contrast to presidential commissions that are noted for the high quality of their appointees, their expert focus, professional approach and extensive research staff (Bulmer 1983a; Wolanin 1975: Chapters 5-6). In Australia, members of inquiries, especially major ones, are often full time and paid accordingly. Others are engaged and appointed on a fixed term consultancy basis. This explains the high costs of many inquiries. Some serve as chairs of inquiries more than once, and are even appointed on occasions to chair a later inquiry into the same issue.

**Inquiry size**

While most royal commissions and inquisitorial inquiries have single members (see Appendix 1), policy advisory committees are more usually multi-membered. During the Fraser Government the average membership per inquiry was 3.46. This rose to an average of 4.1 during the Hawke-Keating period and then fell to an average of 3.0 members per inquiry for the Howard Government inquiries.

**Inquiry staff**

The third component of every inquiry is the staff, “appointed to assist committees in carrying out their mandates” (Cartwright 1975: 79).

**Numbers, levels and origin**

While a few inquiries do not provide any details about staff (e.g. the 1993 *Review of the Australian Geological Survey Organisation*) and a very small number eschew their use for research purposes, most inquiries employ staff in varying numbers, levels and from different origins. In a few inquiries staff were employed only on a part-time basis. The departmental person appointed to act as secretary of the 1987 *Committee of Inquiry into “Victim” Toys* was required to perform this task “in addition to my normal work as Director, Travel Industry Section, Tourism Division, of the Department of the Arts, Sport, the Environment, Tourism and Territories.” However, in most cases staff are employed on a full time basis to work for the duration of the inquiry.
Core secretariat staff is frequently supplemented by external consultants, seconded staff from universities and key agencies, and specialists from elsewhere in the bureaucracy. Dr Helen Nugent (2000a) the chair of the *Major Performing Arts Inquiry*, explained the role of the secretariat in relation to her inquiry and the need to use additional consultants:

> The inquiry’s staff … was quite small. In addition to the four members of the committee, a core staff of four was supplemented at various points by the generous assistance of firms Anderson Consulting, Boston Consulting, Mitchell Madison, Price-Waterhouse Coopers and Wesfarmers.

### Staff roles

Inquiry staff performs several functions.

First, members of the secretariat staff act as managers or administrators of the inquiry. They are involved in organising the inquiry program, arranging meetings, handling correspondence, locating and organising office space and managing budgets. As one senior inquiry staffer (Howard 1987: 6) observed, the “day to day operations of an inquiry are similar to the mainstream of public service work.” The importance of staff in assisting an inquiry to set its direction was noted by one inquiry staffer (Lumbers 1985: 21) in relation to the 1982 *Committee of Inquiry into Commonwealth Laboratory Services and Facilities* that the inquiry secretary, recruited from the sponsoring department, was responsible “in consultation with members” in developing “the plan of attack and dealt with problems of getting … staff and offices. A logical plan was drawn up to chart the various information gathering and decision-making steps”. One inquiry chair regarded the “insider” knowledge of staff recruited from sponsoring departments as essential (Nieuwenhuysen 1985: 31), because they “know the way in which the bureaucratic system works” and “is of great value.”

Second, some departmental staff appointed have special expertise about an area and are able to provide considerable research support to an inquiry by preparing briefing notes on submissions, suggesting possible lines of investigation, drafting questions for inquiry members to ask at hearings, and preparing report drafts. In certain cases the research function requires more extensive support and a specialised group, often headed by a director reporting to the inquiry secretary and chair and staffed with academic and specialist consultants, is formed.

Generally, inquiries, like many project teams, operate on a matrix structure with close collaboration, high levels of teamwork and “camaraderie” among staff and members (Hartley 2003: 165-191; Hawker 1975; Nugent 2000a).

The importance and work of staff is usually acknowledged in most inquiry reports. This comment by the chair of the *Quarantine Review Committee* (Lindsay 1988) is typical:
The dedicated secretariat put at our disposal, made possible the rapid collation and preparation of the report and we thank [them] … for cheerfully steering the report through its many drafts.

As another inquiry chair (Nieuwenhuysen 1985: 31) noted, that the “energetic, hard working, long suffering research, administrative and word processing staff was basic to the work’s success.”

**Criticisms of staff**

Nevertheless there have been several criticisms of inquiry staff. Some inquiry staff have been seen as being too close to government or departmental interests. The President of the Administrative and Clerical Officers’ Association, Ann Forward (1980) condemned the secretariat of the Committee of Inquiry into Technological Change in Australia as being “hand picked” by the Fraser Government as it “wanted to make sure it was stacked with people who supported its view.” The secretariat was also assessed as being “plagued with problems” with a high turnover of staff, resignations and general dissatisfaction (Harding 1980).

Another long held criticism of inquiry staff has been that like parliamentary committee staff, they are “too small (in number), too inexpert, and too junior, particularly in dealing with senior public servants” to do much more “than to perform basic secretariat duties and limited research” (Weller 1979: 63). Certainly, many inquiries have small and relatively junior levels of staff, but many also had extensive staff, used consultants and commissioned detailed additional studies to an extent few parliamentary committees, could match.

Some inquiry chairs have also questioned staff quality and selection processes. Nieuwenhuysen (1985) expressed frustration with some of the initial departmental staff nominated to serve on his inquiry with the Treasury trying to “brush off some useless people.”

As inquiries offer no long term career positions and are of unpredictable lengths, it is sometimes difficult to attract and retain high quality staff (Gunning 1984). Others involved with inquiries have complained how some sponsoring departments seek to allow employment of staff only from their portfolio. This was the case with Treasury in relation to the Committee of Inquiry into the Australian Financial System (Valentine 1984).

**Other stakeholders: inquiry participants**

Stakeholders in projects as defined by Hartley (2003: 18) are “parties with a vested interest – positive or negative – in the success (or otherwise) of the project.”

In addition to the sponsoring department, other key stakeholders include those who decide to participate in the inquiry process and give oral and written evidence. Organised interest groups
rather than individual citizens dominate participation in inquiries. Organised interests usually represent a majority of witnesses and provide most of the submissions.29

Participation levels will be affected by numerous factors including, perceived importance of issue, relevance to interest groups, profile of issue and topicality of matter, prestige of inquiry and potential impact of the inquiry. The status of inquiry members, particularly the chair, and perceived seriousness of the government’s motivations in appointing the inquiry are also important determinants of participation in any inquiry. Those inquiries seen as being appointed for politically expedient reasons will attract less interest or, at least, be given less effort on behalf of witnesses in preparing submissions. Indeed, certain interests may even boycott such inquiries unless the inquiry has the power to compel attendance and participation. This has often been the case with some royal commissions whose rationale was initially seen as politically expedient.30

The inquiry life cycle

Empirical evidence would suggest that public inquiries, like projects, go through a life cycle whereby “each project progresses through a series of stages from beginning to end” (Hartley 2003: 11). Each stage is integral to the success of any project in terms of producing the deliverable report on time and on budget. There are many different permutations of project life cycles. There are no standard operating procedures. For the purpose of this study and based on an assessment of numerous different inquiries, the public inquiry life cycle is:

- Initial appointment
- Establishment process
- Defining the scope and parameters of the inquiry
- Conduct of inquiry investigations and information gathering
- Formulating conclusions and preparing the report
- Report presentation and inquiry closure
- Aftermath and impact

Nugent (2000a), in her overview of the Major Performing Arts Inquiry, captures the essence of the inquiry cycle – the steps that had to be taken, the range of tasks involved and the underlying pressure to meet deadlines and produce a report to government. Nugent notes that with initial formation of the inquiry there was a need to ensure a “balancing a number of competing interests.” Early discovery of the lack of information and the need to devise strategies for extensive “data gathering and subsequent analysis” was important. The public nature of the inquiry required “a commitment to being consultative” and “ongoing communications” involving “dozens of phone calls made each working day complemented by more than 200 formal face to face, written and telephone interviews and by more than 80 interstate trips.” Throughout the inquiry there was a need to “balance competing interests … with the commitment to being
consultative” which also “had continually to be balanced with being independent” which was “not always easy.” Preparing the report produced considerable stress, but “teamwork and dedication to the task” allowed the report to be submitted on time. Importantly, most of the recommendations were accepted which made the whole process rewarding.

**Initial appointment**

The starting point for any inquiry is its formal announcement by the government. It is this statement that gives all public inquiries their status and imprimatur to act. The triggers for appointing an inquiry, as discussed, are varied. At this point inquiry members will usually have been approached and terms of reference drafted and agreed. Public inquiry membership, unlike that of some other advisory bodies, is not done by advertisement, but rather by private soundings of potential candidates developed at high level between the minister’s office and the department. It will be finalised before any official inquiry announcement. This process may take considerable time as locating those who are technically competent, have the appropriate status and are available, is not always easy. Discussions of these matters are not public. Once settled, an inquiry’s terms of reference, membership and reporting timeframe will be announced by ministerial press release or a formal statement in parliament.

**The establishment process**

The formation phase is when an inquiry starts to operate as a unit. Members may have been announced, but they have yet to meet. The inquiry chair may have met the relevant minister to discuss the government’s goals. The inquiry secretary will have been selected and held a preliminary meeting with the chair. Tasks during this phase include development of budgets (business plans), locating and furnishing of offices and developing procedures about how the inquiry is to work, for example, frequency of meetings, briefings, and handling of issues, correspondence, and recruiting additional staff. Much will depend on the individual style and preferences of the chair, the type of inquiry appointed and the government’s timeframes as well as the capabilities of the initially appointed staff.

Because each inquiry is new the process of establishment varies from inquiry to inquiry. Importantly, at the Commonwealth level there is a lack of any central coordinating authority in managing inquiries, maintaining inquiry lists or monitoring their recommendations. The DPM&C only takes a supervisory role in relation to royal commissions and specific inquiries supported by the prime minister. In the past the Department of Administrative Services (DAS) or the Special Minister of State acted as central coordinators of inquiries and their servicing. This function fell by the wayside and individual inquiry management largely resides with the relevant sponsoring department. As a consequence there is no consistent framework for setting up public inquiries. There are no checklists, guidelines or accumulated wisdom able to be given to those appointed to chair or manage inquiries. Each inquiry has to go through a steep learning
process to appoint staff, develop budgets, hold hearings, sift information and write a report. This lack of clear process and the time taken to provide accommodation, equipment and budgets frequently slows down the inquiry process and is frequently commented on by those directly involved in inquiries. As Howard (1987: 6-7) observed:

*Given the extent of inquiry activity in recent years, it is of some surprise that there is no permanent arrangement for the use of facilities and services. There are, for example, no serviced offices that can be readily taken up ... there is not a pool of support staff that can be readily assigned to inquiries as they are established ... Not surprisingly, therefore it was some time between the announcement of the inquiry and full operations.*

On joining the *National Inquiry into Local Government Finance* (NILGF) as adviser, Howard was initially frustrated by the lack of clear processes and contingency arrangements. Others setting up inquiries have frequently echoed this complaint. For instance, Lumbers (1985: 21) who worked on the *Committee of Inquiry into Commonwealth Laboratory Services and Facilities* concluded that because of difficulties in procuring staff this “delayed the Inquiry about six months.” Other inquiry chairs have made similar complaints.31

Initial meetings of the full inquiry will primarily be about members familiarising themselves with each other and, to some extent, with the topic. Rarely will the secretariat have been fully formed at this stage and, at best, only some preliminary background briefings will have been done. The dimensions of the inquiry task will have yet to be fully appreciated.

**Defining the scope and parameters of the inquiry**

Before fully starting their work, every inquiry, seeks in a variety of ways to define the parameters and boundaries of their tasks and to plan how the inquiry is to be conducted (Hartley 2003: 33-51). This wrote Cartwright (1975: 106), is “the first phase of any committee” and involves “interpreting the inquiry’s mandate.”

The time this phase takes depends on the nature of the inquiry and scope of the topic under review. Narrow issues can be quickly interpreted. More complex tasks as reflected in long terms of reference take longer. It will also depend on the number of inquiry members – the larger the number, the greater likelihood of more debate. Whether the inquiry is “expert” or “representative” or the issue new or long discussed will affect the time needed to define inquiry direction. Also, some terms of reference may be so poorly drafted that considerable time is required to clarify an inquiry’s scope. Sometimes these issues are never fully resolved, but form part of recurrent discussion as the inquiry proceeds.
As Lumbers (1985: 22) observed in relation to the Committee of Inquiry into Commonwealth Laboratory Services and Facilities, “the terms of reference were a problem. The first set showed all the hallmarks of the kind of compromises that might be expected from an IDC and subsequently from Cabinet.” While Professor Ross, who chaired this inquiry, was prepared to write to the minister for clarification, many inquiries are “reluctant to go back to the source of the inquiry and seek interpretations of their terms of reference. It is as if, having been handed their instructions on tablets of stone, they must muse in solitude on what they are really supposed to do” (Lumbers 1985: 22). One of the criticisms of some inquiries chaired by judicial and legal members is this adherence to the literal interpretation of the terms of reference with no lateral movement or expansion of the inquiry into relevant, but perhaps unspecified areas. This, some commentators have suggested (Fitzgerald 1990), is why some earlier State royal commissions into police corruption like the 1964 Queensland Royal Commission into National Hotel never touched on the underlying cause of endemic police corruption. Similarly, the failure of the first 1964 Royal Commission on the Loss of HMAS Voyager to resolve all the concerns about the issue came about because the royal commissioner, a judge, took a narrow view of the terms of reference (Frame 1992). By contrast, the second inquiry into this matter, the 1967 Royal Commission of Inquiry into Allegations made by Lt Cdr PT Cabban, with its three members, was more flexible in how it interpreted its terms of reference and ran its investigation and allowed key participants to make more effective use of the inquiry process in pursuing certain lines of investigation (Frame 1992).

Some inquiries are undeterred by their terms of reference and willing to venture into wider than anticipated areas because of their expertise and natural inquisitiveness. The Committee of Inquiry into Management Education (1980), according to one of its members (Scott 1984: 6), “really defined its own terms of reference and quickly set the parameters for its inquiry”, because the inquiry “was absolutely certain that they knew what was needed and good.” In other cases it is the result of when an inquiry identifies new issues that it believes require further investigation. Sometimes this may lead to requests for wider terms of reference. This was the case with both the Royal Commission into the Activities of the Federated Ship Painters’ and Dockers’ Union and the Royal Commission into Aboriginal Deaths in Custody (see Chapter Eight).

During this phase an inquiry, by defining the parameters of its investigations, also begins to clarify what data is needed, its availability, and how it is to be obtained. Consideration will be given to whether there should be public hearings, and, if so, how many, and where. Research requirements will also be assessed and initial briefings consumed and further ones requested along with departmental files, previous reports and a general review of existing knowledge and expertise about an issue.
These matters, especially concerning the direction of the inquiry, are rarely fully resolved. It is an iterative process that often changes as an inquiry progresses, finds out more and better understands the subject matter. In some cases there will be turning points as certain information becomes available which help the inquiry to focus better. In other situations, like the Committee of Inquiry into Management Education, the initially developed framework remains.

Investigation and information gathering

An important phase for any inquiry is the collection of information. This will be from within government (e.g. previous reports, departmental files, consultancy reports, views of officers) and elsewhere. The “publicness” of inquiries emphasises the role of being seen to obtain the views from those outside of government and that inquiry reports are rational instruments whose reports are based on verifiable information. As Cartwright observed (1975: 126), inquiries “need information” and “information is … the life blood” as “few committees are so expert or so representative that they cannot profit from the views of others.” Whether this information gathering is relevant to an inquiry’s actual findings depends on a number of issues. It can be affected by the underlying reasons for the inquiry’s appointment (was it to justify a decision already made or was the inquiry set up to find an answer about an issue of which the government was unsure of, or wanted tested). Inquisitorial inquiries are very much about discovering “facts” concerning major events or allegations. It can also be affected by the inquiry membership who may be so self-opinionated that it uses this phase to seek information largely to corroborate its views. As one member of the Committee of Inquiry into Management Education (Scott 1984: 6) recounted, after an initial brainstorming session “the Committee produced an executive summary of what its main thrusts were. The next fifteen months were really spent searching for evidence to support those conclusions.”

Others (Goldring 1984) have seen the investigation phase as more important and an essential means to inform the inquiry about the issue. Dr Helen Nugent (2000a) in relation to her Major Performing Arts Inquiry saw the task as follows:

The size of the task made it daunting. Early on, the inquiry made a commitment to being fact based, yet limited information was available. Collecting industry, performance and financial data that allowed comparisons across companies and art forms took months of data-gathering by the companies and subsequent analysis by the inquiry staff. Such data was an essential precursor to the second phase of modelling the financial impact of the options presented in the inquiry’s discussion paper.

Some inquiries are particularly noted for their more forensic role in seeking information, checking evidence and forming their views accordingly. Other inquiries approach the task with
little rigour or analytical framework, adopting what Shonfield (1969: 124) called the “pragmatic fallacy” whereby you [an inquiry],

*just plunge right into your subject; collect as many facts as you can; think about them hard as you go along; and at the end use your commonsense, and above all your feel for the practicable, to select a few good proposals out of a large number of suggestions which will surely come your way.*

Similarly, the holding of public hearings and reliance on oral evidence has been seen of limited value by commentators (Bulmer 1983c: 648). Some inquiry members also confirm that public hearings “were irrelevant to the final report. The transcripts were never looked at” (Scott 1984: 6). Others have valued their contribution to both inform the inquiry and to legitimise their activities. As Howard discussed in relation to the NILGF, the public hearings imposed “a heavy physical and mental contribution on the part of members and staff” and was at times “very repetitive and … distracting from the point of view of research and analysis.” Nonetheless, Howard concluded, “the democratic processes implied in the consultations process allowed the inquiry room to move. In particular, local government associations and State grants commissions could not monopolise the local government voice. The importance of the consultations process was evidenced in the rapid acceptance of the Inquiry’s recommendations.”

Many inquiries supplement public hearings with research that often supports and reinforces the information collected by the hearings. In other cases, the research is more fundamental to the inquiry, dominating the focus and direction of the inquiry. One inquiry chair explained research was needed (Nieuwenhuysen 1985: 30) as the “committee could not have relied only on submissions for its evidence. A major research effort was required to create the materials and information necessary for assessment and recommendation” and in relation to key aspects of the topic there was “only a small, indeed minimal literature” available.

Inquiries face three challenges during this phase. First, there is the issue of gaining the information necessary to complete the given tasks. The “publicness” of the inquiry process means the final report and recommendations need to be shown to be based or appear to be based on evidence collected and topics researched. While inquiries may collect a lot of information, not all of it may be relevant. In other instances some key witnesses, in the case of policy advisory inquiries that do not have powers of compulsion, may just not provide the information required. Governments may also decide not to fund the research an inquiry deems necessary.

Second, while inquiries typically boast about the amount of information they obtain, the number of submissions received, witnesses heard and research done as a means of legitimising their
recommendations, some inquiries can be overwhelmed by the detail, complexity and sheer volume of the information they collect. The result is voluminous reports which are hard to follow, lack focus, and whose proposals are difficult to market, summarise or understand.  

Third, information gathering is done against a background of the unrelenting inquiry life-cycle with specified timeframes putting considerable pressure on members and staff to move quickly. Inquiries are not long term studies where the client is remote and the final product subject to limited review. Public inquiry clients are executive governments often in a rush for inquiry responses. There is also the wider policy community interested in what the inquiry proposes and just as demanding for the final report. Sometimes the very speed of completing an inquiry produces a report that is perceived as rushed and poorly researched and argued. Some inquiries only last for a few months (e.g. the 2000 Review of the Implementation of the Whole of Government Information Technology Outsourcing Initiative took two months). Others took years (e.g. 1983 Royal Commission on Australia’s Security and Intelligence Agencies took over two years to finish). The average length of inquiries during the Fraser Government was 12.86 months, 13.3 months for the Hawke-Keating period and 11.45 months for the Howard Government.

Formulating conclusions and preparing the report

No matter how prestigious an inquiry, or whatever its type, and no matter how long it has been sitting, all inquiries must eventually produce a report. It is both the output and the outcome of the public inquiry project. The report is “the immediate, practical result of a committee’s labours” (Cartwright 1975: 168). The “publicness” of inquiries means that their reports are subject to more scrutiny than those produced by most advisory bodies. It is the report, not the hearings, research papers or discussions, by which any public inquiry will be ultimately assessed. There are usually high expectations about the quality and impartiality of inquiry reports.

Preparing the report is regarded by those associated with inquiries as the most stressful and “difficult task” in the life of an inquiry (Gunning 1984: 12). The process of writing the report, according to Cartwright (1975: 178), is more than a clerical task and involves a range of tasks such as deciding just what the inquiry has found, interpreting the information, resolving what to recommend, agreeing on report size, detail and style. For instance, should the report be written in a detached and clinical manner or is a more polemical and advocacy approach warranted? There is also the issue as to whether the recommendations should be drafted so that they have a chance of being accepted by the government as some inquiry chairs (Dix 1980 and Edgar 1981; Goldring 1984) and staff have commented (Hawker 1977c). There is also the issue of whether inquiry unanimity should be preserved and, if so, how. Timeframes influence inquiry report preparation with some chairs arguing publicly with the government that they need more time to do the report properly. Because of these pressures, preparing a report is a time of “polarization, conflict and mutual accommodation” (Merton 1975: 161) among inquiry members.
and staff. Sir Bruce Williams (1979: 5), Chair of the 1979 Committee of Inquiry into Education and Training, summed up the process thus:

_The Committee had many meetings … studied background papers … and the 581 submissions… participated in seminars and discussed and amended several drafts. From this extended process members … developed a common approach … and although they did not homogenise their thinking, they did develop a much greater degree of unanimity than the nature of first discussions led me to expect._

Differences of opinion were overcome, Williams explained (1979: 5), by using language with a “degree of ambiguity” and, despite some differences in the members’ backgrounds, they “worked well together” with no major splits between those with an education background and those from business.

Although preparing the report appears to be at the end of the inquiry cycle, it often commences at an early stage of an inquiry and is a continuing part of an inquiry’s activities. As Cartwright (1975: 168) observed, “before all the evidence has been received most committees will already have begun to hold meetings to assess the general directions indicated by the information already received and to discuss the shape of their reports.” This does not mean inquiries prejudge the evidence they collect or the views they hear. Report writing itself is iterative, but with a major effort at the end of the inquiry cycle. Howard’s experience with NILGF reflects this:

_The importance of the final report means that it is a major drafting exercise. Reports do not simply appear at the end of the final meeting of the committee. Report writing is a continual process … background material can be assembled in report format at an early stage … An initial draft … was prepared by the research director after consultation with a small working party … members made further contributions … it was a long and drawn out process._

Few public inquiry reports are written by one person, whether by the secretariat or by individual members. With the Committee on the Future of Tertiary Education in Australia, “no individual or single group of people wrote the committee’s report. Almost every one of its twenty-four chapters was written by a different person or persons” (Davies 1989: 111). However, inquiry secretaries and chairs usually take a major role in the initial drafts that are presented to the full inquiry for discussion and amendment. In the words of Cartwright (1975: 178), “the job of preparing a first draft can have considerable influence on its ultimate form.” Drafts gain a momentum of their own as they set the tone, direction, content and overall framework of the report.
Some inquiries in the course of their investigations and preparing their reports are overtaken by events. The government which appointed them has been replaced and the inquiry finds itself reporting to a government of different complexion and one that may be less sympathetic to its original purpose. In other cases the issue itself has become less important (perhaps as the government hoped) and the urgency for action declined. In the case of the NILGF, the Hawke Government made major changes to intergovernmental finances that overtook some elements of the inquiry’s investigations. These changing situations pose a number of issues as to whether the inquiry should just continue on or attempt to respond to the changing circumstances and modify the direction of their investigations and final report accordingly. Such changing circumstances can lower the morale of an inquiry team considerably as one of the key motivations of groups like inquiries is the hope that the final product will be accepted by the principal and it will make a difference (Hawker 1977c). If it appears that the report will be discarded or ignored by an unsympathetic government, then there seems to be little reason for continuing. The problems of maintaining morale at the end of the cycle confront most temporary project teams (Hartley 2003). This is exacerbated by these changing circumstances.

**Presentation and inquiry closure**

Once a report is completed an inquiry needs to decide how it should be presented. Unlike parliamentary committee reports that are required under standing orders to be tabled in parliament with an accompanying statement by the chair, there are no such formal arrangements for public inquiries. While it would appear that this is a matter totally at the discretion of the inquiry, there are some constraints. For instance, reports are usually presented to the government before being publicly released and it is up to the government to decide when to release the report formally. While most reports are released immediately, there can in some cases be delays. With major inquiries into controversial topics (e.g. royal commissions) or matters of great policy importance, the inquiry report is too anticipated to be so delayed which could be construed as government interference. Inquiries at this point of the cycle just before the release of their report are at their potentially most powerful. Another distinction is that royal commissions formally report to the Governor-General, not a minister, and, unlike less formal non-statutory inquiries government cannot easily delay their public release.

Inquiries have several presentation options. The report can just be prepared as a detailed document and forwarded to the relevant minister who decides how and when it will be released. Alternatively, an inquiry can be more proactive in seeking to ensure its report has maximum impact by the very way its prepared and written. Some inquiries hire specialist writers and editors to assist in this (e.g. *Review of Business Programs*). They can also pursue a strategy of active presentation through special media releases and by their members holding post inquiry interviews and preparing follow up articles. Some inquiry members acknowledge that their absence at the time of release was detrimental to the initial impact of the report (Nieuwenhuysen 1985: 32). While Spiegel (1973: 369) points out that in most cases, “once a
report is handed in, the committee takes no more interest … it has no means of pressure … and any further interest taken is by individuals on a personal basis," this has become less usual. Increasingly, inquiry chairs and some members, because of their own commitment or government preference, take a more active role in the subsequent public debates.40

Aftermath

Post-inquiry processes
Unlike with parliamentary committee reports, there is no requirement for governments to respond formally to inquiry reports. Once presented, an inquiry can be processed by a range of different mechanisms. These can include departmental and interdepartmental committees of public servants often from the very sponsoring agencies that supported the inquiry or, contrariwise, which may have been the target of inquiry criticism. As Lumbers (1985: 24) commented of the Committee of Inquiry into Commonwealth Laboratory Services and Facilities, in the subsequent IDC process to assess the report, “some of the injured departments were out to unravel the Inquiry’s findings”. Governments can simply reject inquiries within a very short timeframe. The recommendations of the 1977 Myers-chaired Committee of Inquiry into Unemployment Benefit Policy and Administration was “scrapped … within a week” (Harding 1985: 233), the 1996 National Commission of Audit was, in the main, largely dismissed by Treasurer Peter Costello. Even when formal machinery has been established, this may be no more than a continuing part of the strategy of political expediency with little real intention of purposive action.

Implementation
Implementation is one of key areas for testing inquiries in terms of whether they were appointed to tackle an issue genuinely or just to manage the agenda for politically expedient reasons. Bulmer (1983a: 441) highlighted that “the greatest degree of dissatisfaction … has been at the implementation stage.” Inquiry members (Moffitt 1985: 119; Woodward 1986 and 1989; Goldring 1984), staff (Hawker 1977c; Wilenski 1986a, 1986b), commentators (Gittins 1981; Herbert 1961: 263-4), and interest groups often feel frustrated and even cheated at such implementation failure and too easy dismissal of their often quite considerable labours. Some inquiry chairs have been more philosophical about possible non-implementation of their reports. Peter Kirby, a long term public servant who chaired the 1984 Inquiry into Labour Market Programs, commented that although he had “his fingers crossed” about the inquiry’s implementation, he would not be surprised if it did not happen as he was “one of the great cynics of public service, and of public life” (The Age, 26 January 1985). Such investment by inquiry members and those closely associated with them is not unusual for any temporary project team that works closely together under considerable pressure (Hartley 2003). The project has a life of its own. Inquiry members become so attached to their “output,” the report, that they feel considerable ownership of it, forgetting it was the government that commissioned them and the inquiry, and it is the government that ultimately “owns” the report.
Justice Moffitt (1985: 119) has stressed that “failure to respond effectively to recommendations and revelations of commissions of inquiry has not been confined to any one government or one political party.” It is endemic in the use of inquiries. For some, non-implementation implies that either the inquiry got it wrong or it was appointed for reasons of political expediency. As Gosnell (1934: 110) noted:

*The worst that can be said about a commission is that it is a whitewashing body, appointed by government to shelve a given question until public attention is elsewhere, and that its report is destined to go into a pigeonhole.*

Just as inquiries exist at the discretion of executive government, so, too, are outcomes of the reports they deliver. Prime Minister Menzies (1958: 743) stressed that it was for governments to decide the fates of inquiry reports, as such bodies are “outside government” and “are not responsive to public opinion, and … do not know what the process has been by which governments today undertake responsibilities that our grandfathers did not think of.” This view was more spectacularly seen in operation when Menzies (1965: 1084) scuttled one of the major recommendations of the McEwen (Deputy Prime Minister) sponsored *Committee of Economic Enquiry* (Vernon Committee) to establish an outside committee of economic experts to advise government:

*To the extent that this came about, both Commonwealth and State governments, whatever their party complexions, would find themselves subject to pressure and even coercion, into the adoption of policies or projects which, between them, they might not select at all … In the Australian democratic system of government based on the consent of a free community, no government can hand over to bodies outside the government the choice of objectives and the means of attaining them in important fields of policy, particularly when such bodies would, through the power of publication, come to exercise what I have described, I hope not extravagantly, as a coercive influence on government.*

Later governments and ministers have expressed similar views. Social Security Minister, Senator Don Grimes (1984: 2349), responded when the government was being attacked for failing to accept the recommendations of the *Independent Panel into the Assets Test*, that, “as the government we must be the final arbiter of the national interest and … we have chosen a different course from that preferred by the Panel.”

Governments have a range of techniques to manage and sometimes to scuttle inquiries completely (see *Box 6.1*).
Box 6.1: Government tactics for blocking inquiries

**Nipping them in the bud** by giving an inquiry limited terms of reference, unreasonable deadlines, poor resources and non-co-operation (e.g. the 1981 *Independent Public Inquiry into Domestic Airfares* appointed by the Fraser Government complained bitterly that it received no co-operation from the Department of Transport and inadequate information and was given a “quite unreasonable time constraint” apparently because the Fraser Government had entered into a new agreement with Ansett Airlines about which the Inquiry was not informed and which made its investigations largely redundant (Holcroft 1981: x);

**Ignoring them**, whereby no formal response is ever given to their recommendations or the response is only of a very general kind (e.g. *Committee of Inquiry into Technological Change in Australia* see Harding 1985; Selby-Smith 1981);

**Finding flaws** which, while not condemning the report outright lead to recommending or initiating further investigations (e.g. the Hawke Government’s response [Grimes 1984] to the *Independent Panel into the Assets Test* involved criticism of the Inquiry’s costings);

**Openly attacking** the veracity of the inquiry report and in some cases the chair (e.g. Fraser Government’s response to the *Royal Commission into the Australian Meat Industry*);

**Bureaucratising** them by establishing after they have reported, committees or task forces within the bureaucracy, ostensibly to implement an inquiry’s recommendations, but with the knowledge (or hope) that normal inter-departmental rivalries and professional jealousies will either strangle or slow down the implementation process (e.g. *Committee of Inquiry into Commonwealth Laboratory Services and Facilities* [Lumbers 1985]; *Royal Commission on Australian Government Administration*);

**Adopting a strategy of fully accepting, are doing it, or have done it**, approach by which a government removes demand for action over an inquiry report by repeatedly stressing how implementation was or is in the process of occurring (e.g. Premier Neville Wran’s responses to criticisms from Justice Woodward concerning *Royal Commission into Drug Trafficking* and the Fraser Government’s responses to the RCAGA [Carrick 1980]);

**Establishing a new public inquiry** or another type of inquiry on the same area with different members and altered terms of reference with the hope of receiving a report more in line with a government’s goals (e.g. Howard Government which after the 1997 *Review of Higher Education* established in 2002 a departmental review into this same area).

**Assessing impacts**

In assessing the impact of public inquiries there are several aspects that need to be appreciated. First, as Hanser (1965: 208) observed, “even if an inquiry report appears rejected, its influence may be considerable in the long term, as its work still remains an important weapon in continuing the pressure to induce change of policy.” Such reports become important landmarks of current thinking and knowledge about an issue. They become points of reference around which subsequent discussion occurs. Their proposals get absorbed and modified over time. Some inquiries may be ahead of their time and their suggestions become more acceptable with growing awareness of the issues they were examining. This has certainly been one view of the *Royal Commission on Australian Government Administration* (see Chapter Seven).
Second, in examining a particular policy area or issue, “the outcomes of inquiries are not easy to disentangle, so closely do inquiries necessarily become interconnected with other elements of the policy process” (Hawker 1977a: 8). Inquiries may be just one of several investigations or activities in a particular policy issue.

Third, there is the very “publicness” of inquiries. It is not so much what they recommended or whether it was accepted or not, but that the issues were raised at all. As Sheriff (1983: 672) has stressed, “the success or failure of commission work must be evaluated not mainly on the extent to which their recommendations are implemented… but rather on the basis of the extent to which their functioning has provided sufficient and appropriate visibility for the topic under scrutiny.”

**Conclusions**

Public inquiries are discrete, temporary information gathering and reporting bodies that come in various forms and use a range of different techniques to complete their tasks. Although the *ad hoc* nature of their appointment means each inquiry is different in how it is formed, does its work, and presents its report, all inquiries have to proceed through a life cycle that has a determinate end. The public inquiry instrument and process is not without its critics. Its limitations, especially in relation to the use of social science research, have been frequently canvassed (Bulmer 1982). This may reflect more the interests of producers (i.e. academics) than is likely to be advanced by users of inquiry reports. Nevertheless, one inquiry staffer (Howard 1987: 24) has suggested the public inquiry mechanism has great strength. It is able to “combine two often distinct approaches to the review of public policy … independently commissioned research and analysis … and the process of obtaining, informing and shaping opinion” (Howard 1987: 24). This research is made more acceptable because of the “publicness” of inquiries, and as effective as other advisory bodies in tackling the issues under consideration and for “inserting the accumulated wisdom of the social sciences into the policy arena” (Louis and Perlman 1985: 58). The constraints on public inquiries are less to do with their form or processes and more to do with the wider political system of which they are a distinct, but small, part. One public inquiry chair (Nieuwenhuysen 1985: 33) summed up the case for public inquiries thus:

*My own experience leads me to hold confidence in the advantages of a government sponsored independent inquiry … I cannot think off-hand of one study from any of the bureaus which has the weight of influence which can be derived from a good independent government committee of inquiry that is given a brief to study an issue of public importance, is told that the recommendations may well have direct policy implications, is composed of different interest group representatives, provided with good research staff, and required to seek community opinion.*
The next section of the thesis, Chapters Seven to Nine, examines how three different sets of public inquiries operate through the inquiry life cycle and the issues that have been raised about inquiries in the preceding five chapters.
Endnotes

1. The Royal Commission into the Activities of the Federated Ship Painters’ and Dockers’ Union and the Royal Commission into Aboriginal Deaths in Custody (see Chapter Eight) were two inquiries which, by virtue of their investigations, were able to extend their final reporting date, request their terms of reference be changed, and greatly increase their budgets.

2. The Royal Commission into the Australian Meat Industry, appointed in 1981, was driven by Prime Minister Fraser as it involved allegations concerning the administration of the meat inspection service by the Department of Primary Industry and therefore had implications for the Minister, Peter Nixon, a senior figure in the National Party.

3. Prime Minister Whitlam announced the Royal Commission into Australian Government Administration, but the day to day management of the royal commission resided with the Special Minister of State. Prime Minister Fraser was greatly interested in the terms of reference, membership and activities of the Committee of Inquiry into the Australian Financial System, but the drafting of the terms of reference, and the initiation of the inquiry, was left to the Treasurer and Treasury in liaison with PM&C.

4. For example, the 1997 Review of Business Programs that assessed business programs for investment, innovation and export largely being delivered by the Department of Industry, Science, and Tourism (DIST) had a fifteen person secretariat of whom eleven members were from DIST. Although the secretariat was supplemented by four sets of consultants, the predominance of the DIST staff in this inquiry is clear. This reliance on departmental staff is typical with most inquiries utilising staff from departmental sources.

5. There was considerable debate between Prime Minister Menzies and Trade Minister John McEwen over the recommendations of the 1963 appointed Committee of Economic Enquiry (Arndt 1968; Cook 1996). Similarly, there was continuing friction between Prime Minister Fraser and Treasurer John Howard in forming the 1979 Committee of Inquiry into the Australian Financial System. Further friction occurred after the Committee produced its report (see Chapter Nine).

6. The Study Group on Structural Adjustment chaired by Sir John Crawford is one example. Not only was one of its four members the Secretary of the Department of Industry and Commerce, the sponsoring department, but also most of its staff came from this department. The recommendations in the final report were seen as coinciding with the interests of the department, underlined by the Study Group’s endorsement of an increased role for the Department of Industry and Commerce (Study Group on Structural Adjustment 1979: Chapter 16; Langmore 1979). The report was also seen as largely reflecting the existing interests involved in this policy area. As one editorial (Australian Financial Review 7 March 1979) wrote, inquiry members saw themselves “as representatives of interest groups – not as inquisitive individuals” and that “there is not one word in the report which will arouse a moment’s concern in the breast of the most over-protected manufacturer, or the most militant unionist. Their representatives have covered all contingencies.”

Similarly, the Howard Government’s 1996 National Commission of Audit was seen primarily as a “stalking horse” for the Treasury and the Department of Finance and the economic rationalist policy line given that its research director, from the private consultancy firm Access Economics, had worked previously in the Federal Treasury. Nine of its ten member research secretariat came from the Department of Finance and one from the Treasury. Also, its chair was described by one critic as being an “active member of the New Right Institute of Public Affairs think tank” (Mendes 1998: 77). Other inquiries also have been criticised for being dominated by the sponsoring department or representing “vested” interests. The 1984 Committee of Review into the Australian Industrial Relations Law and Systems chaired by Professor Keith Hancock and with members from both employer groups and trade
Chapter 6

unions was sponsored by the Department of Employment and Industrial Relations. Consequently, one editorial described the inquiry as producing a report that was the “quintessential (Industrial Relations) Club document” (Sydney Morning Herald 16 May 1987).

7. The case study (Chapter Nine) concerning the Committee of Inquiry into the Australian Financial System highlights how there were considerable delays in appointing its members because of disagreements between the Treasurer, John Howard, and Prime Minister Fraser.

8. For example, the Keating Government appointed in 1992, Ian McPhee, Minister for Immigration and Ethnic Affairs in the Fraser Government to chair the Committee for the Review of the System for Review of Migration Decisions.

9. For instance, the many inquiries into rural industries are inevitably dominated by those with considerable expertise in the area, but who at the same time either represent organised interest groups or themselves have rural interests related to the topic under investigation. An example includes the 1993 Wool Industry Review Committee that although chaired by academic Professor Ross Garnaut included other members such as Rodney Price, Chairman of the Australian Wool Industry Council, and Stephen Bennett, CEO of Country Road that had links to the industry.

10. For instance, the 1988 Committee to Review Higher Education Research Policy was chaired and totally dominated by ten members from the tertiary industry sector. Not surprising it recommended, in the words of one newspaper headline, a “spending spree” on tertiary research.

11. For example, Professor Hilmer who chaired the Independent Committee of Inquiry into National Competition Policy.

12. This was the case concerning Professor Hancock who chaired the Committee of Review into Australian Industrial Relations Law and System.

13. For example, Dr John Nutt, chair of the 1989 Building Review Task Force, was both a highly qualified engineer (therefore an expert), a chairman of a private sector consulting company (hence a member of the business sector) and also a representative of one of the key interest groups (building industry) in this policy area. There seems is little relationship between the legal qualifications of Ian Harper, a partner in a Sydney-based law firm, and his chairing of the Wool Promotion Review Committee. Rather his directorship of Westpac and other business interests, eg board member of Reckitt and Colman and Thomas Cook, may have been more relevant.

14. Examples of partisan appointments include:

- Mr Justice Bowen appointed to chair the 1977 Committee of Inquiry into Public Duty and Private Interest had been Attorney-General in the Gorton and McMahon governments and subsequently Minister for Foreign Affairs;
- Moss Cass who chaired the 1983 Committee of Review of the Australian Institute of Multicultural Affairs had been, inter alia, Minister for the Environment and Conservation in the Whitlam Government;
- David Hill, chair of the 1983 Independent Economic Inquiry into Transport Services to the Northern Territory, was an economist by training and had served as head of the New South Wales Railway. Previously, he had worked for Premier Neville Wran as head of his Ministerial Advisory Unit and his appointment was perceived as highly political;
- Dr James Jupp, chaired the 1986 Committee of Review of Migrant and Multicultural Programs and Services. This was an area of expertise, but Dr Jupp was also a member of the Australian Labor Party;
- Margaret Guilfoyle, who chaired the 1996 Review of the Social Security Review and Appeals System had been a Minister for Social Security, and later Finance, in the Fraser Government.
Malcolm Turnbull was appointed in 1997 to chair the *Review of the Managed Investments Act 1988*, although a senior member of the Liberal Party did have through his merchant bank positions, expertise in this area;

Warwick Parer, a former Liberal Senator and minister who chaired the Howard Government’s *Independent Review of Energy Market Directions*, was seen as an appropriate choice to lead this inquiry (Mitchell 2003) given his previous career in the coal industry and acknowledged expertise;

Warwick Smith chaired the *Review of Greenhouse Office* had been a minister in the first Howard Government, but in areas unrelated to this topic;

David Trebeck from ACTIL Consulting was a former Liberal Party official and chaired two Howard Government inquiries (*Committee of Inquiry into Fuel Taxation* and *Review of Wine Exports and Wine Tourism*). Except for his long term policy experience in Canberra, Trebeck had no particular expertise in these areas. David Gonski was a member of the *Major Performing Arts Inquiry* and chaired the *Review of Australian Film Industry* and was seen to have connections with the Liberal Party;

Ron Phillips who chaired the 2002 *Review of the Role of Divisions of General Practice* was former Liberal New South Wales Minister for Health;

Ian McLachlan, previous Minister for Defence in the first Howard Government, was appointed to chair the 1998 *Wool Industry Taskforce*, because of his “corporate and government experience, combined with his position as one of the country’s largest wool producers” (Vaile 1998). McLachlan had also been President of the National Farmers’ Federation.


16. For example, the *Review of Export Market Development Assistance* and the *National Working Party on Portrayal of Women in the Media*


18. These were the *National Review of Nursing Education*, the *Review of the Social Security Review and Appeals System*, and the *Major Performing Arts Inquiry*.

19. No trade unionists chaired inquiries during the first three Hawke governments (1983-1990), but Bill Kelty, Secretary of the ACTU, did chair the *Regional Task Force* appointed by the Keating Government in 1993.

20. The 1987 *Committee of Inquiry into Tourism Shopping* had a nine person membership which was similarly dominated completely by producer representatives, in this case from the tourism industry.

21. The chair of the *National Committee on Violence* was appointed on fixed term consultancy rate.


24. The *Committee of Inquiry into “Victim” Toys*, stressed that “all necessary research has been undertaken by the suitably qualified Committee members and suitably qualified persons making written submissions to the Inquiry” (Correspondence with author by inquiry, 19 November 1987).

25. Some examples of inquiries and their staffing levels include the:

- **Independent Review of Current Practices and Procedures for Dealing with Asbestos in Defence** (1990) employed only two full time staff;
- **Independent Inquiry into the ACT Fire Services** (1986) had five staff all drawn from the public service (Atwood 1986: vi);
- **Committee of Inquiry into Tourism Shopping** (1988) had two staff to do research and managing the inquiry;
- **Committee of Inquiry into Medical Education and Medical Workforce** employed only four officers;
- **Committee of Review of Private Overseas Student Policy** (1984) had seven full time staff and a further six part time staff all of whom were drawn from “the departments of Immigration and Ethnic Affairs, Education and Youth Affairs, Foreign Affairs, and the Australian Development Assistance Bureau” (Goldring 1984b: iv);
- **Study Group on Structural Adjustment** (1977) had two joint secretaries, eight “professional staff”, four “experts” a further nine “support” staff, five typists, eleven consultants and five working groups with fifty-five members;
- **Committee of Inquiry into the Monopoly Position of the Australian Postal Commission** (1982) had sixteen staff including an Australian Post liaison officer, two researchers, six administrative and five secretariat staff;
- The **Committee of Inquiry into Medical Education and Medical Workforce** employed four officers including one senior executive service level officer, two class 8 research staff and a class 10 research officer.
- **Review of Business Programs** (1996) employed fifteen staff from the industry departments;
- Some of the major inquisitorial inquiries like the **Royal Commission into the Activities of the Federated Painters’ and Dockers’ Union** employed a large secretariat that expanded as the inquiry’s role grew (see Chapter Eight). The **Royal Commission into Aboriginal Deaths in Custody** not only had multiple commissioners, but also numerous State-based project teams (see Chapter Eight). By contrast, the 1981 **Royal Commission into Activities of the Australian Building Construction Employees and Builders Labourers’ Federation** was a single member inquiry, with a small number of staff and a correspondingly moderate budget of $46,000.

26. Dr B.R. Ward, letter to author, 13 January 1987. For example, the **Committee of Inquiry into Tourism Shopping** (1988) had a class 11 officer as manager and a class 6 research assistant.

27. Examples include the **Study Group on Structural Adjustment** with eleven consultants and five working groups with fifty-five members. The 1994 **National Review of Nurse Education in Higher Education** employed, in addition to its seven person secretariat drawn from two Commonwealth departments, two major consultancies – one was from a university with four academics. The other was a “health consultant” (Reid 1994: 28). The **Review of Business Programs** had five consultants including one to edit the report.
28. For instance, the 1988 Review of the Implications for Australia of Economic Growth and Structural Change in East Asia chaired by Professor Garnaut had a secretariat headed by Dr Pamela Gutman. Dr Gutman not only had not only held policy roles in PM&C on Asian affairs, but also had completed PhD studies on Burma, and “her public service career included experience in the administration of immigration policy and multicultural policy” (Lee 1991: 41). Dr Gutman had also served on several Asian studies associations (Lee 1991: 41). Similarly, Treasury officials dominated the staffing and research roles in inquiries in certain areas such as financial deregulation.

29. The source of submissions to the NILGF is typical. Of the 328 submissions the breakdown by category was overwhelmingly from organised interests:

<table>
<thead>
<tr>
<th>Sources of submission</th>
<th>Percentage of total submissions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Government agencies (Commonwealth, State and local)</td>
<td>72.8</td>
</tr>
<tr>
<td>Local government associations/organisations</td>
<td>7.3</td>
</tr>
<tr>
<td>Business and rural associations</td>
<td>1.8</td>
</tr>
<tr>
<td>Welfare Associations</td>
<td>2.4</td>
</tr>
<tr>
<td>Ratepayer associations</td>
<td>2.7</td>
</tr>
<tr>
<td>Unions</td>
<td>0.6</td>
</tr>
<tr>
<td>Academics</td>
<td>1.2</td>
</tr>
<tr>
<td>Individuals</td>
<td>5.4</td>
</tr>
<tr>
<td>Members of parliament</td>
<td>1.5</td>
</tr>
<tr>
<td>Library associations</td>
<td>2.4</td>
</tr>
<tr>
<td>Other</td>
<td>1.9</td>
</tr>
</tbody>
</table>

30. As discussed in Chapter Eight, the Royal Commission into the Activities of the Federated Ship Painters’ and Dockers’ Union was initially seen in this way and encountered considerable opposition from the unions. So, too, was the Howard Government’s Royal Commission of Inquiry into the Building and Construction Industry strongly resisted from the union throughout the course of its investigations, with threatened boycotts only overcome by the inquiry using its powers of compulsion.


32. Tiffen (1999) highlighted this activity in relation to several royal commissions into corruption at both State and Commonwealth levels such as the Royal Commission into the Activities of the Federated Ship Painters’ and Dockers’ Union and the Queensland Fitzgerald Inquiry.

33. While inquiries may collect a lot of information, not all of it may be relevant. In other instances some key witnesses, in the case of policy advisory inquiries that do not have powers of compulsion, may just not provide the information required. Warwick Holcroft who chaired the Independent Public Inquiry into Domestic Airfares highlighted how his Inquiry was unable to obtain appropriate levels of cooperation from the Department of Transport and Ansett Airlines (Holcroft 1981: x).

34. As highlighted, the Royal Commission on the Use of and Effects of Chemical Agents on Australian Personnel in Vietnam is a particular example.

36. The *Wool Industry Review Committee* that completed its work within five months was seen as being “unduly rushed” and consequently prone to “inadequate thought … to the fundamentals of its recommendations” (Fraser 1993).

37. This became an important issue towards the end of the *Royal Commission into the Activities of the Federated Ship Painters’ and Dockers’ Union* that repeatedly sought extensions (see Chapter Eight).

38. Some examples include the:
   - Asprey *Committee on Taxation* was appointed by the McMahon Government, but reported to the Whitlam Government;
   - *Independent Inquiry into the Repatriation System*, chaired by Justice Toose was appointed by the McMahon Government in October 1971 and did not report till December 1975 to the Fraser Government;
   - *Royal Commission on Australian Government Administration* and the *Royal Commission on Human Relationships* were appointed by the Whitlam Government, but reported to the Fraser Government.
   - *Royal Commission of Inquiry into Relations between the CCA and Seaview Air, Committee to Review Australia’s Quarantine Policies and Programs, Review of Aboriginal and Torres Strait Islander Heritage Act 1984* were appointed by the Keating Government, but reported to the Howard Government.

39. See Footnote 33 in Chapter Five in relation to government delays in responding to reports. In relation to delays in the actual public release of inquiries, just one of many examples include the *Review of National Parks and Wildlife Service* which, although submitted in March 1989 was not formally presented to the Commonwealth Parliament till December that year.

40. Dr Helen Nugent, Chair of the *Major Performing Arts Inquiry*, took a key role in defending the report’s proposals and in providing further advice to the Howard Government on the results of the negotiated outcomes. Justice Evatt has no hesitation in commenting on his *Royal Commission on the Use and Effects of Chemical Agents on Australian Personnel in Vietnam* some ten years after it reported. Other chairs have attacked governments for delays in acting on their proposals. As is discussed in Chapter Nine, Frank Costigan QC, of the *Royal Commission into the Activities of the Federated Ship Painters’ and Dockers’ Union* had no hesitation in engaging in public debate with the government in the later stages of his inquiry and several years after the royal commission had reported (Costigan 1986). Dr Peter Wilenski who conducted the 1979 *Review of Government New South Wales Administration* was also appointed to chair its implementation committee (Alaba 1994).
INTRODUCTION TO PART TWO: CHAPTERS 7 - 9
CASE STUDIES

In Part 2 of this thesis, the analysis turns to an in depth case study method in order to evaluate specifically the issue of “publicness” and other key aspects of inquiries such as their reasons for appointment, functions, varied organisational forms, processes and impacts on policy. These three clusters of case studies encompass seven public inquiries ranging from single person to multi-member bodies appointed by both Labor and Coalition administrations. They include examples of both policy advisory and inquisitorial type inquiries; some were royal commissions. Their life cycles range from a few months to almost three years. Members drawn from the judiciary and elsewhere in the legal profession chaired several of the inquiries. Other chairs included a former senior public servant and three from business. Governments appointed some of the inquiries shortly after coming to office; others once they were in office. Two were established towards the end of a government’s term in office. The inquiries selected employed an array of different processes. Some adopted formal public hearings and relied extensively on public submissions. Others supplemented these by inquiry-initiated research. Several inquiries had royal commission powers of investigation.

The two inquiries examined in Chapter Seven were into machinery of government and administrative reform issues, once a prime area of public inquiry activity. These inquiries were the Royal Commission into Australian Government Administration (RCAGA) and the Review of Commonwealth Administration (RCA). Each inquiry was appointed by a different government at different stages of its electoral cycle. They had contrasting memberships, organisational forms, powers, processes and impacts.

Chapter Eight focuses on a particular organisational type of public inquiry, the inquisitorial royal commission. The Royal Commission into the Activities of the Federated Ship Painters’ and Dockers’ Union (RCPDU) and the Royal Commission into Aboriginal Deaths in Custody (RCADIC) are the examples chosen. This case study affords assessment of how this particular form of inquiry operates.

The third set of case studies, in Chapter Nine, includes three policy advisory inquiries appointed by different governments over a nearly twenty year timeframe into the banking and financial system – the 1979 Committee of Inquiry into the Australian Financial System (Campbell Inquiry), the Inquiry into Australia’s Financial System (Martin Inquiry) established in 1983, and the 1996 Inquiry into the Financial System (Wallis Inquiry). The role of inquiries as policy initiators, agenda setters, advocates, educators and mobilisers, legitimisers, and reviewers are examined in relation to this set of inquiries.
CHAPTER 7: PUBLIC INQUIRIES IN ACTION I — ADMINISTRATIVE REFORM INQUIRIES: CHALLENGING ENTRENCHED INTERESTS

Introduction

This chapter examines two inquiries into administrative change and reform. The first was the Royal Commission into Australian Government Administration (RCAGA). Its appointment was foreshadowed in the Whitlam Government’s 1974 policy speech and followed shortly after the Whitlam Government’s return to office in May 1974. The second was the Review of Commonwealth Administration (RCA). The Fraser Liberal-National Party Government established it in September 1982. This proved to be just a few months prior to an early Federal election in March 1983 when the Fraser Government lost office.

Reasons for selection

These two inquiries have been chosen for several reasons. First, both the RCAGA and the RCA clearly meet the criteria of a being a public inquiry as outlined in Chapter One (see Table 7.1).

Second, both inquiries were primarily into the public service, an area where the public inquiry instrument was seen at the time at both Commonwealth\(^1\) and State\(^2\) levels, and abroad\(^3\) (March and Olsen 1989: 53-116; Chapman 1978) as the prime means of instigating reform and change (Smith and Weller 1978). These two inquiries afford a means of assessing such external methods of public sector review which some such as Dickinson and Gleeson (1975: 3 and 13), of the then New South Wales Public Service Board have suggested “is open to serious question” and “has serious limitations when you consider ongoing change.”

Third, these two public inquiries mark the high point and the end of an era for administrative change by external public inquiries. Since the RCA reported in January 1983, external public comprehensive reviews of Commonwealth administration have ceased. Instead, there have been the narrowly focussed reviews such as the Hawke Government’s efficiency scrutiny program led by Sydney financier David Block and the National Commission of Audit appointed by the Howard Liberal-National Party Government in 1996. A similar trend has occurred at the State level.\(^4\) Increasingly, modern public sector management is now marked by frequent change and reorganisations, continuing cutbacks, a focus on economies, driven more internally by the Finance and Treasury departments supplemented by external consultants reviewing different parts of government. More than this, governments now have a more “responsive” public service in terms of their control over senior appointments and abilities to change structures and staffing without reference to independent bodies. The entrenched interests of a permanent public service have been shaken. Governments are now more in control.
Fourth, how did the political environment affect a government’s decision to choose the public inquiry instrument?

Fifth, although investigating the same area, each inquiry had distinctly different organisational forms and processes. One was a royal commission and took more than two years to submit its five volume report. The other RCA adopted informal and largely private processes, had limited research capabilities, and produced a short volume report within three months.

Sixth, what functions did each inquiry perform in the political system? Did the longer RCAGA focus more as a knowledge gatherer and synthesiser? Was the RCA with its shorter timeframe and limited consultations more oriented to addressing specific problems identified in the various controversies that preceded its appointment?

Seventh, there is the important issue of an inquiry’s immediate and long term impacts. What factors affected this?

<table>
<thead>
<tr>
<th>Criteria</th>
<th>RCAGA</th>
<th>RCA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-permanent, ad hoc and temporary</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Established and appointed by executive government</td>
<td>Yes – Prime Minister</td>
<td>Yes – Prime Minister</td>
</tr>
<tr>
<td>Resourced by government</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Exist at the discretion of government</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Discrete organisational units, not part of any existing government agency</td>
<td>Yes – separate body</td>
<td>Yes – separate body</td>
</tr>
<tr>
<td>Composed of members drawn mostly from outside the public service and government</td>
<td>Yes – included however, one serving official, a retired official and a full time public service unionist</td>
<td>Yes – all three were non-government</td>
</tr>
<tr>
<td>“Publicness” ie processes were transparent, actively promote existence to the wider community</td>
<td>Yes – public announcement, advertising</td>
<td>Yes – public announcement and advertisement</td>
</tr>
<tr>
<td>Clear and public terms of reference</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Actively seek public participation</td>
<td>Yes – consultation, public hearings, surveys</td>
<td>Yes – but limited consultation</td>
</tr>
<tr>
<td>Produce a public report</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Have advisory powers only</td>
<td>Yes</td>
<td>Yes</td>
</tr>
</tbody>
</table>
Why were they appointed?

Why executive government chooses the public inquiry instrument instead of other available mechanisms is key issues concerning inquiries. While the appointment of any inquiry partly reflects the existing political environment, Schaffer (1977: 280) noted in relation to public inquiries of this type “a major administrative reform commission begins work in a specific political setting. An understanding of that setting helps explain why the commission was created.”

RCAGA

The Whitlam Government’s decision to appoint the RCAGA was not sudden. There had been some discussion within the Australian Labor Party (ALP) about some form of inquiry into the public service prior to the ALP winning government in December 1972. However, nothing was promised in this regard by the ALP during the 1972 election campaign. Indeed, the 1972 ALP Policy Speech made few promises about public inquiries in general. It was not until the Whitlam Government had been in office nearly twelve months and after some debate that a public inquiry was agreed to in December 1973 and included in the ALP election policy speech for the May 1974 double dissolution election. As those close to the royal commission (Bourke, Hawker, Nethercote, Tucker 1975: 129) summed up:

The final decision to proceed with an inquiry emerged after more than twelve months discussion and debate involving ministers and their staffs, members of parliament, officials, academics, journalists and trades unionists from public sector organisations.

There were several factors which affected the Whitlam Government’s decision to appoint a public inquiry into the Australian Public Service (APS).

Political environment

Foremost amongst these was the general political environment and the nature of the Whitlam Labor Government. Out of office for twenty-three years the ALP had a pent up policy program which it wanted implemented quickly. Added to this sense of urgency was concern that it may not hold office for long. In addition, the Whitlam Government perceived itself as having “reformist” goals in relation to both policy issues and the institutions of government (Emy et al: 1993). Many in the Whitlam Government were concerned that there were an array of ‘entrenched interests’ opposed to their “reformist” platform. Like their counterparts in the United Kingdom, many ALP members felt they were in office, but not in power (Crossman 1979; Rose 1976; Wilenski 1986a: 95-6). The APS was perceived to be one of the “entrenched” interests and “many of the party did not believe that after twenty-three years of Liberal government, the senior public servants would be able or willing to serve a Labor government” (Smith and Weller...
1975: 23). The APS was seen as slow and obstructionist by many in the ALP (Brenchley 1974) with increasing tensions between ministers and departments and with key central agencies (see Lloyd and Reid 1974; Lloyd and Troy 1981: 68-94). Consequently, as early as March 1973, government backbenchers in caucus and some ministers were agitating for some form of inquiry into the public service, preferably a parliamentary committee type investigation (Solomon 1973a). This interest was heightened by the Coalition Opposition’s criticisms of the APS’s growth and their own proposals for an inquiry.

A related factor was that such an external inquiry would reinforce the Whitlam Government’s “reformist” credentials. As Colebatch (2002:95) said, “establishment of the RCAGA was a reform initiative by a reform oriented government.” A high profile public inquiry with the prestige of the royal commission into the APS was what “reformist” governments ought to do. That, as Whitlam (1974a) highlighted, “there had not been a comprehensive inquiry into the Australian Public Service since 1920” heightened the need for “reform.” The appointment of the RCAGA was proclaimed by Whitlam (1974a) as being “an historic development in Australian public administration” reflecting his government’s “modernising of the national public administration.”

Trends in public sector reform
Policy initiatives and management techniques are affected by trends and fashions (Hogwood and Peters 1985). At this time external public inquiries both in Australia and elsewhere were considered as appropriate instruments for administrative review. Australia had not had a major public service inquiry for fifty years while, as Whitlam (1974a) noted, “in recent years many countries had appointed inquiries into their Public Services. Amongst these were Canada … Britain … Ireland and Germany”. The Whitlam Government believed Australia was well overdue for such an inquiry. That the Victorian and South Australian State governments had appointed public inquiries in this area during 1973 was a further prompt for establishment of RCAGA (see Hawker 1977c: 17-19).

Understanding of the area
Inquiries are sometimes motivated by governments seeking to enhance their understanding of a particular issue or area about which they have limited knowledge, experience and experience. This is particularly the case with newly elected governments like the Whitlam Government. Here was a party, out of office for so long, wanting to initiate a host of programs, but with little appreciation of the means of doing so or of the vast administrative machine which it had inherited from the previous regime. Although the ALP came to power with a programatic policy framework, it had no detailed plan for the public service. As Hawker concluded (1981: 14), “the government had few definite ideas about reforming the Public Service … when it appointed the RCAGA … the Government did not know what it wanted the Commission to do.” An important motivation for the RCAGA was thus to inform the government about the area and recommend what should be done.
Such motivations are what Spiegel (1973) has defined as “legitimate” or rational reasons. The composition of the RCAGA, especially the appointment of Dr H.C Coombs, a former and highly respected senior public servant known for his independence of thought and great knowledge, to chair the RCAGA, its eighteen month timeframe and wide terms of reference underlined the breadth of its mission and the seriousness of the inquiry. As Peter Wilenski (1974), one of Whitlam’s key staff and the RCAGA first special adviser (1974) proclaimed, the RCAGA “is so vitally important – the success of the Government’s programs … depend on the ability of the Public Service to carry them out. It [i.e. the RCAGA] is going to be the most important inquiry into the Public Service ever held in Australia.”

**Politically expedient reasons**

There were more politically expedient reasons for its appointment. The appointment of the RCAGA neutralised the Coalition Opposition’s policy in this area. More importantly, it resolved internal ALP criticism, and prevented use of other potentially less suitable mechanisms. The announcement was itself a popular decision among key stakeholders within government, the public service, the business community, trade unions and academia (Wiltshire 1973; Smith and Weller 1975). It represented action – important for a “reformist” government. Wiltshire (1976: 1) reflected, “when the inquiry was announced the only puzzling aspect was why it took so long to eventuate. Hardly anyone was opposed to the idea.” The media was also supportive. One editorial (The Australian 10 June 1974) reflected:

> The idea of a royal commission into the Public Service has appealed to almost everyone who has been connected with the service in the past decade or so … The Australian Public Service has not been given such a large-scale objective investigation since Federation: the system is overdue for it.

There were other reasons. Weller and Smith (1977: 10) suggest that the RCAGA was not established in a “disinterested mood of intelligence gathering and analysis;” it was also an attempt to rearrange “the internal power structure of the service.” Indeed, Coombs, chair of the RCAGA, was known to have strong views about some of the key agencies of perceived “entrenched” interests, especially the Treasury. Indeed, prior to his acceptance as chair, Coombs had been involved in a number of activities for the Whitlam Government which had brought him into some conflict with the Treasury and especially its Secretary, Sir Frederick Wheeler (Coombs 1981: 317-320).

**Opting for the public inquiry instrument**

The Whitlam Government chose the public inquiry instrument partly because it was an accepted and conventional tool. It was what everyone else was using in this area. Other options were considered. Some backbenchers (for example, Paul Keating, see Solomon 1973a) wanted a parliamentary committee. This suggestion, opposed by Whitlam, was only narrowly rejected by
Caucus in April (Johns 1973; Walsh 1973). Whitlam saw a parliamentary committee inquiry as being too easily hijacked by both his own restive backbenchers and the Coalition Opposition. It also risked being seen by the APS as too potentially controversial and a possible “witch-hunt.” A review by the Public Service Board was another option, but the Whitlam Government was already having frustrations with this agency in relation to setting up new departments and staffing.

In these circumstances a public inquiry appeared the best option. After all, the Whitlam Government was using such bodies extensively and their deployment for this purpose elsewhere was usual. Importantly the “publicness” of an external inquiry ensured attention, supported the government’s consultative approach and helped to minimise APS concerns. The royal commission form ensured appropriate status. Moreover, its public inquiry form could legitimise future Labor government initiated changes if appropriate. Thus, the December 1973 Caucus meeting agreed, with Whitlam’s strong support, that the government should appoint a royal commission which, as the Caucus motion stated, would be “in the interests of the Public Service, the Government and the community” (see Solomon 1973b).

RCA

While the circumstances leading to the Fraser Government’s appointment of the RCA were different from that of the RCAGA, it shared with the Whitlam Government a frustration that the APS was too entrenched in its outdated management practices to respond effectively to both the demands of an elected government and changing economic, social and technical environment (Fraser 1982b: 1781-82; Wanna et al 2000).

Political environment

While the RCAGA was appointed early in the life of the Whitlam Government, the Fraser Government’s appointment of the RCA came after nearly seven years in office and after a numerous previous and ad hoc interventions, secret reviews and frequent reorganisations of the APS. It was to be the culmination of a litany of public service and administrative scandals in the preceding two years that produced a crisis atmosphere and climax in the Fraser Government appointing the RCA in September 1982. Indeed, just two days before the announcement of RCA the report of the Woodward Royal Commission into the Australian Meat Industry had been released and criticised the Fraser Government and the Primary Industry Minister over mismanagement of meat inspection. In reaction, the Fraser Government had launched an unprecedented attack on the Royal Commission (Fraser 1982a). A month before, the Royal Commission into the Activities of the Federated Ship Painters’ and Dockers’ Union had highlighted in one of its interim reports, mismanagement in the Australian Tax Office, ministerial laxity and uncovered tax evasion schemes involving senior Liberal Party organisational office bearers. There had also been scandals involving the Australian Dairy Corporation, Auditor-General reports critical of departmental overspending, a parliamentary
committee inquiry into the Health Department on medical fraud and overservicing, and accounting problems with the Australian Wheat Board. Moreover, as a result of cost cuttings and efforts to implement the 1981 Lynch ministerial *Review of Commonwealth Functions*, and the frenetic pace of policy development under Fraser, the Public Service Board in its 1980-81 annual report was unusually blunt in highlighting these pressures as the cause for increasing workloads, declining efficiencies and falling morale throughout the APS which they had caused. The sudden reorganisation of the departments in May 1982, made without consultation, as with many other Fraser Government initiatives with APS, caused “widespread confusion in the Public Service” and according to some had further lowered morale (Hoyle and Carr 1982: 252).

**Appointing the inquiry: stated reasons**

It was in this atmosphere of crisis that the Fraser Government, without discussion or consultation, and just two days after attacking the findings of the *Royal Commission into the Australian Meat Industry*, suddenly announced another inquiry, the RCA. As Fraser explained (1982b: 1781), the government was concerned with the “breakdowns and administrative failures in a number of areas of government over the last decade or so” and questioned whether the “the Public Service, as presently organised, has the management tools, the flexibility and the capacities to meet the challenges that presently exist and that lie ahead”. Fraser concluded (1982b: 1782) that “the Government proposes that there should be a report to government on aspects of the performance of the whole Commonwealth administration” because it “believes that it is vital not only to remedy deficiencies in administration as they become known, but also to look more broadly at the Public Service and the demands upon it in order to do whatever can be done to prevent such breakdowns occurring”. The RCA was to be “a major examination of Commonwealth administration.” It would “examine, report on and make recommendations in relation to the requirements for an efficient and effective Public Service and in particular to identify the demands and pressures upon the Public Service” (Fraser 1982b: 1782).

In contrast to the RCAGA, the announcement of the RCA was not well received. After all, the Fraser Government had been seen to have ignored the RCAGA report, shown no interest in public sector reform and partly caused the very problems the RCA was being asked to investigate by its frenetic pace, *ad hoc* interventions into the APS and secret non-consultative approaches. Summers (1982c) reported “no-one doubts the Public Service is sick and in need of some change. That need was there before the scandals dramatised it,” but perhaps also “the political system may be just as sick.” She continued:
Not since 1972, during the final days of the McMahon Government, have senior ranks of the career Public Service been so disillusioned, frustrated and even bitter about the way Canberra is run at the moment ... none demur from the basic proposition that the way the Prime Minister ... runs Cabinet government ... is detrimental to good administration and good government.

The ALP Opposition, while accepting that there “can be no quibble about a proposition that there should be a review of functions in public administration at any time provided the motivation is desirable” (Hayden 1982b: 1784), was more explicit arguing that the “standards have broken down in the Public Service because of the unreasonable strains which have been imposed upon it and because of the demoralisation which is a direct product of the Government’s persistent abuse of it.”

**Politically expedient reasons**

Given the timing of the review in the lead up to an election year, the RCA was perceived as being appointed for politically expedient reasons of agenda management, showing action and concern and seeking to allocate blame elsewhere. It was seen as a “quick fix” (Summers 1982c). As Opposition Leader Bill Hayden’s (1982b: 1786) commented:

> I have only this to say: We all know what this [i.e. the RCA] is about. This is an effort by the Government to try to divert attention from its own very grave and culpable failures which have been released day after day in the most alarming manner. This is just to try to engage the attention of members of the public on the Public Service and to convert them to the totally spurious belief that all the responsibility rests with the Public Service.

The RCA’s, limited terms of reference, membership, and tight three month reporting timeframe reinforced these perceptions. It all looked like a “diversionary tactic” (Thompson 1989: 218). Moreover, the Fraser Government’s attack on the *Royal Commission into the Australian Meat Industry* (Fraser 1982a: 1630-31) and previous record of ignoring inquiries (Gittins 1981; Harding 1980; 1985) hardly augured well for another public inquiry.

**Opting for the public inquiry instrument**

The Fraser Government may have appreciated how its appointment of the RCA would be received. There were alternatives. The PSB could have reviewed management issues, as could a Cabinet committee. The Joint Committee on Public Accounts (JCPA) was doing valuable work on public sector recruitment issues including selection and development of senior managers (JCPA 1982). However, a PSB investigation was too internal, would take too long and a number saw the Board as part of the problem. A Cabinet review was too close to the government and a parliamentary committee inquiry would be prone to be driven by partisan considerations.
Given the scandals facing the Fraser Government and its own record of previous secret inquiries into the public service and sweeping changes without consultation, the government needed a mechanism which, as Fraser himself suggested (1982b: 1782), would be able to provide an “opportunity for the public to be reassured about the future of the Service.” Only the “publicness” of an external inquiry could offer such assurances, be quickly established, show activity and report in time. Even if the RCA was seen to be a politically expedient inquiry, it nevertheless offered the Fraser Government the only viable option of providing useful advice and because of its “publicness” of being seen to do so. It was better than doing nothing. For the Fraser Government it had nothing to lose.

Membership

Membership is an important indicator of an inquiry’s purpose and roles.

RCAGA

The RCAGA had five members – one of the largest appointed to any royal commission, many of which tend to be single member bodies (see Appendix 1). It included two members closely allied to the Public Service, Peter Bailey, a Deputy Secretary of the Department of the Prime Minister and Cabinet and Paul Munro, Secretary of the top peak body of public service unions. Bailey had also had prior inquiry experience as a member of the Committee on Administrative Discretions.

However, although other members were from outside the service, the chairman, Dr H. C. Coombs, had himself served a lifetime in government service for both Labor and Coalition governments culminating in governorship of the Reserve Bank. He had already undertaken several other assignments for the Whitlam Government. Only one academic was appointed, Professor Enid Campbell, whose specialty was constitutional and public law, not public administration or management. Dr Isaac, Deputy President of the Conciliation and Arbitration Commission and had previously been a Professor of Economics at Monash University and a senior official in the Department of Labour and National Service. He was seen as having expertise in public sector industrial relations.

The RCAGA’s membership could be classified as “representative.” Munro represented the public service unions, Bailey the senior levels of the APS and central agencies, Isaac the industrial relations area and Campbell the broader academic community. None was overtly partisan. Commentators saw Coombs as the “right man for the inquiry” because of his experience and understanding of the public service system (Editorial, The Australian 10 June 1974) and his considerable expertise (McGuinness 1974). Overall, the membership was assessed as a “reasonably well balanced group” (Wiltshire 1976: 4). However, membership could also be seen as being too dominated by public service “insiders” and that it was a “safe”
inquiry being acceptable to the senior ranks of the APS. Others argued that the membership was not expert enough for the tasks the RCAGA was being asked to perform. For instance, there were no outside experts or academics in public administration. Although some assessed that none had management qualifications (Weller and Smith 1977), it could be argued that Coombs and Bailey had senior management experience. Public choice theorists (McEachern 1987) would suggest that the RCAGA was dominated by producer interests, in this case, the APS with three of its members drawn from this area. Bailey was a serving public servant. Coombs was a former public service chief executive and Munro, through his union and former work experience, was closely tied to the public service.

An additional element to the RCAGA’s membership was the assignment of Dr Peter Wilenski from the Prime Minister’s Office as Special Advisor to the Commission. Such appointments to inquiries have been rare. Coombs (Davidson 1974) explained Wilenski’s role as follows:

*In many royal commissions conducted on legalistic lines there is counsel to the Commission to ensure that the relevant issues and that the necessary people and submissions are brought to their attention. I see him [Wilenski] doing that.*

Wilenski’s presence indicated prime ministerial interest and gave the RCAGA a connection to key political decision-makers. It also may have aroused some concerns around the bureaucracy as Wilenski was seen as Whitlam’s agent on the inquiry. Even so, this strategy was only partly effective. During the course of the inquiry Wilenski, who was not a formal member of the inquiry, found he was unable to participate in some of the formal hearings and to question witnesses. In any case he was only with the RCAGA for four months before being appointed Secretary to the Department of Labour and Immigration. His replacement, Tom Fitzgerald, a financial journalist who was ill for part of the inquiry, did not have the same status or connections with Prime Minister Whitlam. The departure of Wilenski may have meant a loss of political insight into the possible direction of the Commission.

**RCA**

The RCA’s membership contrasted with that of the RCAGA in several respects. It was smaller. Its three members were drawn from a different base. Unlike the RCAGA, it included two senior business people (John Reid, Chairman of James Hardie Industries and a Director of BHP and Sir Ronald Elliot from Brambles Industries and former Managing Director of the Commonwealth Bank). Its third member was Professor John Rose, an academic economist, but at the time working in the Prime Minister’s Office. Rose may be seen as the Prime Minister’s person on the inquiry, as Wilenski was seen to be at the RCAGA, but in this case was given a more formal and public role as a member of the inquiry. The RCA had more external non-public service members than the RCAGA and included those with more general managerial experience and qualifications. Reid had served on the 1976 Bland *Administrative Review Committee* (ARC) and
was seen as a close personal friend of the Prime Minister (Summers 1982c). He had also
served on other inquiries such as the *Independent Committee of Inquiry into the Commonwealth
Serum Laboratories* and was no stranger to public service issues (Summers 1982c).

While membership of the RCAGA received little criticism, Opposition leader Bill Hayden (1982b: 1784) was less enthusiastic about that of the RCA, pointing out the need for a public service union representative. He was critical of Reid as chair because of his connection to BHP, a company Prime Minister Fraser had been less than praiseworthy about a week previously. Also, some considered that Reid’s previous membership of the Bland ARC was not necessarily an asset given the previous criticism the ARC had received over its secrecy and thrust of its report (Schaffer 1977; Scott and Hoyle 1976: 347-8). None of the RCA’s members had actual public administration experience, though the secretariat managed by Bruce MacDonald, Deputy Secretary of the Department of Administrative Services and previously Secretary of the PSB, ensured access to extensive experience and knowledge of public sector issues.

Indeed, while the RCAGA had a diverse staff from within and without the public sector, and used consultants extensively, the RCA was supported exclusively by staff drawn from the APS.

**Processes, resources and timeframes**

There were great contrasts in the way each inquiry went about their tasks. Their “life cycles” varied and this affected their processes of operation.

**RCAGA**

Prime Minister Whitlam (1974a) anticipated that the RCAGA “would report within two years” and was the most important of the eight royal commissions this government had established (Whitlam 1974b: 4656). This is considerably longer than most inquiries whose average length is less than eleven months, indicating the Whitlam Government’s expectations that the RCAGA was to be a major review.

The RCAGA adopted several strategies to obtain the information it needed. It employed the usual public inquiry process of calling for submissions by advertisement, but early on decided that it needed “to take special measures to alert individuals and groups in the community to its existence and where necessary assist them in bringing relevant material before the Commission” (Bourke et al 1975: 130). These included utilising the Commonwealth Adviser on Community Relations to assist in promoting public participation (Bourke et al 1975: 130), and writing to 150 government agencies and 500 organisations throughout Australia to encourage involvement. Some 750 written submissions were received from a wide variety of organisations and individuals (RCAGA 1976: Report, 4).
Early in the inquiry cycle informal discussions were held with key organisations, senior public servants and former officials, “designed to assist in identifying central issues for inquiry and investigation” (Bourke et al 1975: 131). As Hawker (1975: 2) noted, the RCAGA “was not given a clear brief at the outset” and therefore spent considerable time clarifying just what its focus should be. This definition phase characterises many inquiries. As Hawker (1975: 3) stressed, “the fourteen terms of reference meant that almost nothing conceivable could by definition be excluded from the purview of the Commission.” These informal discussions continued throughout the inquiry and represented what Degeling et al (1993) labelled as “off-stage” dialogues designed to obtain a greater insight into key issues than would normally occur in public inquiry processes. There were also visits to public sector workplaces, discussions with rank and file servants and an extensive staff survey. According to Hawker (1975: 3), the process was an iterative one as the “Commission and its staff defined the issues of concern to them progressively over time.”

Some fifty-five days of public hearings began a few months after the inquiry was established. These involved 356 witnesses and produced several thousand pages of transcripts of evidence. As with most inquiries, both the written submissions and witnesses were dominated by organised interests. Hawker (1975: 6) lamented that, despite its best efforts, “the Commission found it hard to get beyond the already organised groups within the community.”

Extensive research was an important feature of the RCAGA’s procedures. As RCAGA staff (Bourke et al: 1975: 130) explained, the “nature of the work of the Commission’s task made it essential that it should not rely entirely on public submissions and evidence formally put before it, but would need to initiate extensive research on its own behalf.” The final RCAGA report also explained its reliance on research, noting its sponsorship of professional studies of issues so as “to base its conclusions on competent and informed research” (Coombs 1976: Report, 5). The research group (up to sixty staff) were supplemented by nearly fifty consultants from academia mainly and also the private sector.

Half way through the inquiry five task forces on key areas (regionalism, science, economic policy, health and welfare, and efficiency) involving on average half a dozen members drawn from a wide range of fields were appointed in “order to concentrate research resources on particularly urgent problems” (Hawker 1975: 6). In addition, there was a Trade Union Advisory Committee, a Business Advisory Committee and a Working Group on Aboriginalisation.

Although a royal commission, the RCAGA rarely invoked its formal powers to obtain information. The public hearings, unlike inquisitorial inquiries chaired by judges, were unencumbered by adversarial legal processes with counsel and cross examinations. The RCAGA largely operated as a policy advisory type inquiry, not an inquisitorial one. The RCAGA adopted a cooperative and deferential style in dealing with witnesses and departments. While
Weller and Smith (1977: 19-20) have suggested that this sometimes made it difficult for the RCAGA to obtain the information it needed as quickly as required, much of the information required was not readily available. It had to be specially assembled. Invoking powers would not have been effective as it could have provoked adverse reactions by those who had to develop the required data.

The RCAGA was a massive undertaking completed in two years. It produced large amounts of information on topics that had hitherto not been made public or even available. The RCAGA even spent some time considering its own processes and the Royal Commission Act 1902 under which it was appointed. As the Commission commented in its final report (RCAGA 1976: Appendix Vol 4, 340):

*In recent years the Australian government has made increasing use of royal commissions and other ad hoc bodies such as committees of inquiry. As part of its inquiries the RCAGA has been examining the role and operation of such bodies as tribunals of inquiry and as sources of advice on policy.*

Impressive as the RCAGA’s efforts were, Professor Bernard Schaffer of the University of Sussex (1977), Research Consultant to the Commission, suggested that the inquiry failed to determine what issues were of interest not just to the Whitlam Government, but any government. Indeed, there was a lack of connection to the Whitlam Government and an unwillingness of the Commission to offer advice on important administrative reform and reorganisation issues as they were actually being encountered. It was as if the RCAGA worked in a vacuum and determined its agenda from afar (Schaffer 1977: 283-4).

In the last nine months of its cycle, the RCAGA found itself working under several pressures and constraints. First, there were the normal stresses of a project team coming to an end of its life and meeting a looming deadline. Staff was exiting and pressures mounting within the Commission for tasks to be completed and the report to be written (Hawker 1978). Then there were the changes in the external environment with the sudden fall from office of the Whitlam Government. Not only had the RCAGA lost its sponsor, a threat to any project, but, also, the newly elected Fraser Government appointed the Bland-chaired ARC in December 1975. Many saw the ARC as the new government’s own public service inquiry (Caiden 1977: 10-11), albeit a secret one set up in competition to the RCAGA. These changes added to the stresses of the RCAGA’s final months.

Like all inquiries, the focus of the last months was on writing the report. Hawker (1978: 59) noted the difficulties in writing the report made more so by the length of the inquiry, the range of issues covered and the amount of information collected. As Hawker (1978: 59) commented, the “final period was the most difficult of all. The bringing together of overlapping, scanty,
inconsistent and under-and-over written material into one ‘received version’ which was subject to extensive revision … was a slow and painful process.”

**RCA**

The RCA went about its tasks differently from the RCAGA for several reasons.

The RCA’s terms of reference were more limited than the RCAGA’s. Prime Minister Fraser (1982b: 1783) stressed that while the terms of reference ensured that the RCA would have considerable flexibility in the conduct of its investigations “it is not proposed that this Review should repeat the work done by the Coombs Royal Commission … Nor is it … to duplicate the work done by parliamentary committees, by the Auditor-General, the Public Service Board and by management consultants”. Instead, the RCA was to focus more on the demands and constraints on public sector managers and to propose ways in which the APS response to changes could be improved. It was “not intended,” Fraser (1982b: 1783) said, “that it [the RCA] should be a protracted one.” So the RCA had a much tighter timeframe (three months) than the RCAGA. Some regarded this as a “Herculean task” (Summers 1982c).

Unlike the RCAGA and given its time constraints, the RCA did not hold public hearings. However, it did seek out specific witnesses for informal discussions (RCA 1983: Report, 5). There was no research team comparable to the RCAGA, but its eighteen person secretariat recruited from the Public Service was above average in size and seniority for a public inquiry. Overall, the RCA was a very limited inquiry in relation to both its terms of reference and processes of operation and lacking a clear framework for analysis and detailed techniques for discovery and assessment of issues. Moreover, there was an almost amateur quality about its whole approach. For instance, as the RCA Report noted about Reid’s overseas visit (RCA 1983: 5): “The Chairman took the opportunity, when in London for other reasons, to hold very useful discussions on common problems. Material on issues facing various countries was also examined, to see if any parallels could be drawn.” However, the details of these meetings and their benefits to the RCA’s investigations are not provided.

Similarly, the RCA stressed its discussions and informal meetings with more than 160 different people (RCA 1983: Report, 5), but these were not identified and neither were the issues canvassed nor the nature of the meetings. There was an element of the “pragmatic fallacy” throughout the RCA process, of collecting views and evidence about issues, developing some consensus and then writing the report. Nevertheless, that the RCA was able to deliver a report within such a limited timeframe is a credit to the skills of its members and, more so its staff. Whether the final product delivered was worthy of the effort is another issue. Its “life-cycle” was very compressed compared to the RCAGA and this undoubtedly affected the quality of its report.
Like the RCAGA, events overtook the RCA. Although it reported to the government which appointed it, within two months of its submission, the Fraser Government was swept from office at an early election at a time of its own choosing. The Hawke Labor Government was to be the real recipient of the RCA Report and would decide its fate.

What the inquiries said: form and content

RCAGA Report

If one of the reasons for appointing an inquiry is to provide information and give advice to government then the RCAGA succeeded. It produced a 500 page report and four additional volumes of appendices providing detailed research, summaries of consultants' papers and surveys. It made 337 recommendations covering many aspects of public administration and related areas such as parliament, the community and consideration of special areas of policy such as science and economic policy development. (The RCAGA's own report had been preceded by reports from the different task forces.)

The tone and style of the report was neither exulting nor excessively critical. It accepted the APS had been through much change and had served well, but that "Australian government administration now needs significant adaptation to deal responsibly, effectively and efficiently with the tasks which confront it" (RCAGA 1976: Report, 7). Recommendations were embedded throughout the Report to give proposals context and supported by clear arguments. While the wording of some recommendations was vague, this may have been deliberate so as to allow flexibility in implementation (Hawker 1977d: 18; Wiltshire 1976: 6) in the same way Williams commented about the presentation of his inquiry report on tertiary education several years later (Williams 1979). Some saw the report fragmented with key issues like efficiency dealt with in a number of different areas (Wiltshire 1976). Others complained about the difficulty in identifying clear themes or a Coombs "doctrine" (Spann 1977). This may have reflected Coombs' non-confrontationist style and the breadth of the material covered. Others were more positive, with Parker (1977: 58) noting that the "total result is exciting, an unprecedented achievement in this genre, it goes beyond all previous public service inquiries. It cast every kind of net in assembling information and getting ideas." In particular, the RCAGA Report met one of its prime reasons for appointment of giving the Whitlam Government a framework for better managing the Public Service in the future. As Hawker (1977d: 17) said:

In sum, the Commission proposed a broad set of changes which went far to create the sort of program for administrative reform which the Labor government had not possessed when it came to office.
The problem was that the RCAGA reported to a different government whose agenda did not match that of its predecessor and in a different context in which the post-war era of public sector affluence was slowly being replaced by more restricted approaches to government.

**RCA Report**

The RCA Report was, excluding appendices, just 130 pages long. The focus was narrower and the style crisper than that of the RCAGA. It made fewer recommendations (just under eighty) than the RCAGA. Although it commented on the excessive changes to the APS, relationships between central agencies and the rest of the APS, and the need for a freeing up of senior appointment processes, many of its recommendations were general and tentative in nature. This aspect, and its suggestion for the need for further follow up actions and investigations in a range of areas, gave the impression that the RCA’s Report was rushed and its analysis limited. Many of its recommendations were seen as sensible and largely endorsing issues raised previously by the RCAGA and coinciding with the JCPA’s report on selection and development of senior managers which had been released in October 1982 (Carr and Thynne 1983). The RCA stressed that there were “no quick-fix solutions” (RCA 1983: Report, xiii) and that the problems recently encountered while partly the responsibility of the APS in general, also reflected the nature of the broader political system. Importantly, it proposed that there was need for a “period of organisational stability” (RCA 1983: Report, xiv), a comment that could be construed as a pointed criticism of the Fraser Government’s erratic management approach.

While the RCAGA attracted considerable media interest both on its release and afterwards, the RCA aroused limited attention on its release in January 1983. One detects from the Fraser Government’s low key endorsement a certain disappointment in the final product. It was seen as ineffectual by the Labor Opposition (Evans 1983a) and generally as too little, too late by most commentators (MacKinnon 1983). Overall, the RCA was an inquiry appointed by a government that had used up its political capital and in particular its goodwill with the APS and the public. It was too late to come to grips with the underlying problems facing a government in office for seven years. Even if the RCA had been more incisive, it was especially too late for the Fraser Government if it were not in a mind to rush to an early election.

Given the crisis context of the RCA’s appointment, it needed a more frank and open approach to discussing both the nature of the problems and their causes. Discussions about parliamentary sitting times, housing arrangements for ministers in Canberra and the format of Cabinet submissions (RCA 1983: xix) are hardly innovative reforms. Nor are exhortations like, recommending “each minister exercise clear administrative leadership of his Department” (RCA 1983: Report, xx) helpful. The RCA did not understand process, pace and style in their impact on the APS. Nor did it confront how the Fraser Government’s actions across a range of areas had undermined the effectiveness and confidence of the APS and so soured relations with the
government across all ranks. Indeed, that could have been a chapter in its own right, but it is
alluded to rather than discussed directly. The RCA could have had as its starting point the major
proposals of the RCAGA and considered what had been implemented, and what was now
needed. For the RCA to be effective it needed to put on the agenda the Fraser Government’s
failures in public sector management and provide a more positive framework to move forward.
Only then would the inquiry have been credible with the APS and the wider community, but as
the RCA was constituted, this was not possible.

In summary, the RCAGA was about taking the APS out of the narrow confines of public
administration and organisational structures to a broader agenda. Certainly, the RCAGA was
concerned about internal administrative issues such as efficiency, coordination and how
ministers relate to the APS. But, it went beyond these and attempted to discuss the APS in
context of the community, regional areas and issues like delivery of services and important
policy areas such as, economic policy, science, health, welfare, Aboriginal affairs, women and
freedom of information and, most importantly, about the process of change itself.

By contrast, the RCA was more internally focussed on a narrower agenda of structures,
personnel and the demands of executive government. It made suggestions for greater
delegation of responsibilities to departments, new financial management arrangements, greater
flexibility in staff management, and new systems for senior staff appointments. Many of these
were tentative and limited by the Fraser Government’s current approaches such as concerning
staff establishments. It was to be the subsequent Hawke Government that real changes in these
areas were to be made (Nethercote 1984). The Hawke Government’s capacity to act came not
only from its newness in office, but from the availability of a plan of action devised in party
circles (ALP 1983), but drawing extensively on the RCAGA, the JCPA’s inquiries and even to
some extent the RCA. In this instance, the Labor Party – in particular its front bench – was the
channel of influence rather than formal governmental and public service processes.

Implementation and impact

Implementation is seen as one of the hallmarks of assessing the success or failure of any
inquiry, but assessment is less straightforward than some suggest. Inquiries need to be
considered in relation to their type, subject area and political context. The RCAGA and RCA
were particular types of inquiries – primarily they were inquiries into the public service and their
impact needs to be seen in this context. Moreover, more than most other policy advisory
inquiries, comprehensive administrative reform inquiries are seeking to change not a single
institution or policy area, but a set of interrelated interests formally structured into a relatively
coordinated whole and in whose interests it may be to resist proposals for change.
RCAGA

One view of the Fraser Government’s treatment of the RCAGA, as Wilenski (1986a: 184) argued, was that it represented “a textbook case in non-implementation of administrative reform.” The explanation seemed clear. The government, which appointed it, lost office. The RCAGA reported some eight months after the election of the Fraser Government which had not only a very different view of public service issues, but also had been critical about the previous government’s use of public inquiries and the many changes it had made to the APS. The RCAGA was seen as the “creature of Whitlam’s reforming zeal” (Scott and Hoyle 1976: 347). Even Coombs, was viewed suspiciously by the Fraser Government despite his high status and work for previous Coalition governments (Hawker 1977c: 21). The Fraser Government’s priorities in coming to office were different to those that motivated the Whitlam Government to appoint the RCAGA in the first place. The Fraser Government was about changing the previous regime’s initiatives, not building on them; about restoration of the values which Whitlam was deemed to have undermined. As a new government, the Fraser Government was about action, not assessment of a report of a royal commission it did not appoint.

The way the Fraser Government did not invite any members from the RCAGA to assist in overseeing its implementation endorsed this view. So too were the Fraser Government’s strategies in responding to the RCAGA been portrayed as attempts to resist implementation. For instance, the formation of numerous interdepartmental and ministerial committees (Matthews 1978; RIPA 1976) to consider the recommendations and which were mostly internally public service staffed and driven, were seen as an attempt to “bureaucratise” the Commission (see Box 6.1). Fraser’s (1976b) statement in the House of Representatives (Fraser 1976b) outlining the government’s response to the RCAGA which appeared to accept many of the recommendations could be seen as the “we are doing it strategy.” As Hawker (1977c: 24-25) contended, closer analysis indicated less than fulsome support. Senator Carrick’s (1980) subsequent nine page response in 1980 to a question on notice summarising the Fraser Government’s implementation of the RCAGA further reinforced the “we are doing it” approach. The Fraser Government’s establishment of another inquiry into the public service, the ARC, immediately on coming to office and before the RCAGA had reported, was also seen as further undermining of the Commission. So too, were the numerous changes to the APS initiated by the Fraser Government before receiving the final RCAGA report in August 1976. Departments were abolished and new ones created, Whitlam Government appointed departmental secretaries removed, and other inquiries into different government agencies and government policies appointed (Hawker 1977d; Prasser 1981; see Appendix 7).

However, these views need to be tempered. Many of the critics of the Fraser Government had been closely associated with the RCAGA. Wilenski, in particular, had personal and party interests in so portraying the Fraser Government’s response. Non-appointment of inquiry members to oversee implementation of their reports is not unusual. A new government must
show that it knows what it wants to do and so the Fraser Government could hardly wait nine months for the RCAGA before it initiated changes. Moreover, the processes and interdepartmental committees established by the Fraser Government to advise on implementation, while not exactly the same as endorsed by its predecessor were nevertheless extensive and involved senior officials of experience. Indeed, the RCAGA report was treated more seriously than many other inquiries. There was also some veracity to the view that many of the proposals of the RCAGA were in fact being implemented. Indeed, neither the Fraser Government nor the APS were inactive. The Fraser Government’s splitting of Treasury in 1976, a proposal discussed, but not recommended by the RCAGA, although personally favoured by Coombs, was seen as an important reform (Wanna et al 2000: 91-93). Further, regardless of how the Fraser Government’s treatment of the RCAGA is assessed, non-implementation of administrative review inquiries has long been observed in Australia (Dickinson and Gleeson 1975) and abroad (Chapman 1978; Shand 1991). It has to do with the vastness of the topic, the timeframes and the low attention spans by governments on such issues. As March and Olsen (1989: 81) noted, external administrative reviews “have difficulties in sustaining attention of major political actors … leaders are typically too busy to be more than very occasional participants” in the administrative reform game. Hawker (1977c: 27) saw the issue of non-implementation of the RCAGA less in partisan terms and more in terms of the temporariness of public inquiries and the nature of administrative reform in general:

*the content of the report ... is not Labor … nor for that matter Liberal … oriented. It is a detailed assessment of the service which is within the mainstream of Australian political thought on administrative matters. It is broadly acceptable to any of the major parties. The real problem ... is that few ministers are much interested in administrative reform. If there is not much in the report to antagonise then there is not much about which they can maintain enthusiasm either … it deals with long term issues, often in a general way, which are not likely to interest politicians concerned about short term and immediate problems. The Labor Party had it still been in government would have handled the report in much the same way as the present government has done … the report has aroused little interest in Labor.*

Administrative reform inquiries, more than other policy or more narrowly focussed inquisitorial inquiries, attempt to seek change of a broader and integrated set of institutions that have considerable capabilities to resist. The central issue about administrative reform is not only the appropriateness of the proposals, but with, as Caiden (1977: 14) wrote, “bureaucratic power, bureaucratic preferences and prejudices,” and whether these can thwart political objectives and power.
In the long term, Hawker’s prediction (1977c) that as the RCAGA “put many issues of administrative reform on the agenda” it would exert a long term influence on government has by recent assessment proved partially correct with its recommendations having been gradually adopted and become part of public service processes and thinking (Colebatch 2002). Reform of the magnitude proposed by the RCAGA takes time and so it should. In the case of the RCAGA, it did.

RCA

As for the RCA, it was seen at the time of appointment as a “quick fix” and a diversionary tactic. The Fraser Government accepted most of its proposals within a week of the RCA report’s release (Fraser 1983a). As Fraser (Fraser 1983a) stated, the RCA’s proposals were “a working blue-print for improving the performance of the Public Service.” While the Labor Opposition (Evans 1983a) was to describe the RCA report as a “weak and superficial document, highly conservative in its approach, erratic in its analysis and eccentric in many of its conclusions,” others have concluded its thrust was not so very different from that being proposed by the ALP (1983) in their policy statement on the public service (Nethercote 1984: 32-33).

In terms of reforms of the APS, the RCA has been seen as but one of several influences affecting the direction of administrative reform. The RCA’s brevity, the circumstances and reasons for its appointment and the change of government so soon after it reported limited its impact. While the ALP were critical of the RCA, the new Hawke Labor Government although coming to power with a clear public service reform agenda than any of its predecessors (ALP 1983) which it sought to implement quickly with the assistance of its own mechanisms of review (Nethercote 1984), nevertheless was seen to absorb key elements of its proposals (Wanna et al 2000:149-151).

Functions

These inquiries performed several key functions in the political system.

Instruments of executive government

Both the RCAGA and RCA, appointed by executive governments, reflected their concerns and agenda and their successes and failures were largely the result of their roles in respect to the appointing governments.

The RCAGA was established by a government desiring to tackle extensive administrative reform both because of particular problems it was encountering and its notions of “reform” in general. The issue was how best this should be done. Caucus wanted a parliamentary inquiry, but Prime Minister Whitlam believed this would be the wrong process. Eventually, after...
considerable debate, the Whitlam and the executive view won. Thus, the RCAGA was appointed by executive government but not without some input from the government backbench.

With the RCA there were none of these tensions. The Fraser Government was dominated by the executive and in particular by the Prime Minister. The RCA was an inquiry driven by the Prime Minister in terms of its timing, purpose and approach. It was Fraser’s last attempt to make some order out of the chaos for which he and his ministry had been largely responsible by a fairly free wheeling use of prime ministerial prerogatives. The RCA’s failure, like that of the government, was a proxy of the Prime Minister’s failure.

**Agenda managers and scanners**

Both inquiries performed certain agenda management roles (see *Table 3.10*), but in distinctly different ways and for different purposes.

With the RCAGA its appointment further signalled the Whitlam Government’s “reform” credentials, and headed off backbench action in this area. As discussed, the Whitlam Government and the ALP wanted reform of the public service, but did not know how this should occur or what form it should take especially in relation to head of departments’ tenure or Treasury control and power. The RCAGA gave the Whitlam Government a legitimate breathing space to come to grips with a major issue when it was already embroiled in so many other changes.

For the RCA the context was different. Its appointment was less about giving the government time to think than about giving the illusion that the Fraser Government was actually responding actively to the administrative scandals engulfing it. It did this, though its motivations seemed transparent. It was to be a temporary and largely ineffective approach.

In each case only the “publicness” of an external inquiry could perform these functions without causing undue criticism.

**Advisory and problem solvers**

Both inquiries fulfilled certain advisory and problem solving roles. The Whitlam Government wanted external advice on how to forge a more modern public service that had not had a major public review for fifty years. There was also the perception in the Whitlam Government that the APS was obstructionist and that the RCAGA was one way to develop a new administrative system more in keeping with the needs of a “reform” government. The RCAGA’s wide terms of reference, royal commission status and two year reporting timeframe indicated the Whitlam Government’s more long term interest in this issue.
The Fraser Government also required advice from outside existing institutions because the series of administrative problems occurring during this period were partly seen as a result of a managerially deficient APS. That the Fraser Government gave the RCA limited terms of reference and short timeframe showed its concern with a more immediate and narrower range of problems. In keeping with what was so often its style, the Fraser Government sought, and was given, a stop-gap report to tackle specific issues.

**Information gatherers and researchers**

The RCAGA with its extensive and structured processes and in depth research was the first major inquiry into the APS for fifty years and thus collected information that had not existed previously. It identified gaps in the existing knowledge and sought in an instrumental way to fill those with relevant information. The RCAGA not only gathered information, but its extensive research program created new sources of knowledge about the public sector. Wiltshire (1976: 38) suggested that the “the research commissioned … and the evidence supplied will be invaluable in future planning of our system of government.” However, the RCAGA’s focus assumed a growing rather than a possibly contracting public sector and this aspect was neglected. Nevertheless, as Parker (1977: 59) concluded the RCAGA did not cover all areas, but it was impressive.

The RCA used a less rigorous process of information gathering, was less research based and consequently the information it collected was less detailed or new and largely supplied by government agencies. It was also more anecdotal in content.

**Knowledge synthesisers, interpreters and integrators**

Information gathering is important, but even more so is the way inquiries synthesise the material received, analyse it and put it in a form that is understandable and accessible.

As Parker (1977: 59) said, the RCAGA’s volumes “are much more valuable than the average text-book on government.” Notwithstanding criticisms of its structure and failure to develop a clear doctrine (Spann 1977), the report was seen as generally well written, laid out and explanatory (Wiltshire 1976: 6). Some saw it “more a public servant’s document rather than one for the layman or anyone external to the system” (Wiltshire 1976: 7). Nevertheless, the RCAGA, brought together both hard data on public administration issues and current thinking from both within and outside government administration on a range of areas. There were gaps and some of its views may be contested, but compared to State inquiries at the time in Victoria and South Australia, the RCAGA was both a more energetic gatherer of information and imaginative interpreter of trends. The issues the RCAGA raised became “part of the normal expectations of government” (Colebatch 2002: 98).
Chapter 7

The RCA was meant to bring some order to all the ideas and changes that had been discussed about the public service since the 1970s. In this it only partially succeeded providing in some cases only a brief pastiche of the problems and possible solutions. Despite Reid’s excursions in London, the RCA provided little real appreciation of the wider trends in public administration or clearer definition of exactly what were the broader drivers of administration under the Fraser Government.

Consultative mechanisms

Public consultation is one of the distinguishing features of inquiries and an important factor affecting their “publicness.”

Consultation was one of the hallmarks of the RCAGA with its efforts going beyond all previous inquiries of this type in Australia and internationally. As Parker (1977: 59) observed, the RCAGA was “notable for its openness to creative ideas from all sources, especially young people, and for its attempts to dig beneath formal structures … to some human issues of society.” It stood in contrast to the Fraser Government’s secretive ARC, the Lynch Review of Commonwealth Functions and other forays into public sector change. With the RCAGA, consultation was not just a means to an end, but, in many ways, it was an essential part of its brief. In this the RCAGA was different from the more closed and limited processes of the RCA and many of the public service inquiries in the United Kingdom such as the Fulton Committee (Chapman 1973b) and the Glassco and later Lambert royal commissions in Canada (Chapman 1978) which did not have public hearings.

By contrast, the RCA’s consultation was restricted to APS staff and limited number of external players in private meetings. Given its limited timeframe the RCA had little scope to expand this. Again, this limited consultation was seen as characteristic of the Fraser Government’s approach in dealing with the APS. The RCA, although a public inquiry, was a limited one.

Promoters, mobilisers and educators of public opinion

All inquiries have the potential to influence public opinion. Their very “publicness” strongly suggests this. Inquiries can be a means of putting issues on the agenda informing the interested public and promoting support for particular actions. Public opinion can be involved groups and individuals as well as the general public for whom some inquiry topics are of peripheral interest.

Certainly, the RCAGA through its reports and discussion papers put numerous issues on the public agenda and paved the way for important changes about key issues which affected later debates and actions in relation to the public service (Colebatch 2002).
More than this was the way the RCAGA put the notion of public sector reform and change at the centre of attention in a way that they had never been previously. Indeed, in subsequent years public sector reform was to be a continuing rather than episodic event and, for a time became an important part of most political parties’ election agendas (ALP 1983). As John Dawkins (1984b: 2321), Minister for Finance in the Hawke Government, stressed, “good administration is central to the effective functioning of government and … to the health of our democracy”.

In this regard, the RCA’s influence was limited. Later governments adopted some of the issues it raised concerning recruitment, but others were already advocating a number of these proposals. The RCA helped loosen some of the strictures on employment conditions, but it was under the Hawke Government that these matters were to be systematically and addressed with a fair measure of formality.

**Legitimisers of government actions**

One of the unstated goals in appointing an inquiry is to confer legitimacy on preferred courses of action. The “publicness” of inquiries endows them with this capacity. It is one of the most powerful and effective roles of public inquiries in the political system – powerful, because if well executed it is not explicit and therefore more easily accepted; effective, because it can allow governments to have their way, to manage the agenda, to justify and defend their decisions which appear to be made on the basis of advice which they have received from an independent and expert body called a public inquiry. To perform this role an inquiry must be seen to be independent by virtue of its membership and processes, and its recommendations soundly based on evidence collected and research conducted. An inquiry also needs to make recommendations that a government wants.

The RCAGA, by its royal commission status, acceptable membership and open consultation processes had a legitimising potential. However, the problem the RCAGA faced was that it reported to the Fraser Government that could not use the RCAGA’s proposals to justify its immediate administrative changes. Not only was the RCACA another government’s inquiry, but also because its proposals were not what were required by the Fraser Government so early in its first term of office. Hence, the Fraser Government appointed the ARC to provide advice on immediate administrative reorganisation. However, the ARC was unable to be an effective legitimising agent for these administrative changes because of its secrecy and membership (Schaffer 1977: 288-9).

So, in the short term, the RCAGA was not used to any great extent to legitimise changes except in relation to certain limited areas (Hawker 1977d). By the time the Fraser Government lost office, and the Hawke Government came to power, many of the issues raised by the RCAGA were either less pressing or had been gradually implemented.
As for the RCA, its legitimising role was to matter even less. The RCA was compromised from the beginning. Political expediency was unusually conspicuous in precipitation of its appointment. Even if the Fraser Government had won the 1983 elections, given the circumstances of the RCA’s appointment, its terms of reference, limited public consultations, brief report and membership, it is doubtful whether its report could have had the prestige to legitimise the major changes the Fraser Government needed.

Conclusions

These two public inquiries into government administration represent the last of their kind at the Commonwealth level. As Shand (1991: 243) concluded, “the setting up of royal commissions or committees of inquiry to look at management or administrative matters … now seems to be regarded as a relatively ineffective way of achieving change.” This does not mean administrative change and reform itself has ceased. On the contrary, the pace of public sector change has increased since the RCAGA and RCA. The Hawke-Keating governments instigated a period of extensive change involving a continuing program of rationalisation, commercialisation, agency change and restructuring. The Howard Government has continued in this vein. The important change that has occurred is the choice of instrument. The periodic external public inquiry is no longer in vogue in Australia, the States or internationally. Just as in other areas of public policy, resort to ad hoc inquiries has at different times been replaced by formation of more permanent institutions, so too has the public inquiry been made redundant in relation to administrative reform and change. This should not be surprising for the limitations of such external, temporary bodies in relation to inducing long term change has long been noted both in relation to government (Caiden 1969) and corporate life generally (Dunphy and Stace 1988; Kimberley and Quinn 1984). What is surprising is the persistence of the public inquiry instrument, given its limitations.

The factors that have caused this abandonment of the public inquiry in this area are several and can be seen in relation to the limitations of the RCAGA and RCA. First, inquiries are slow. While they can, as the RCA shows, be quickly assembled and completed, this is at the cost of some of their best features of “publicness” – consultation, research, informed analysis. Certainly, no public inquiry can match the speed of the modern management consultant now so evident in the halls of government.

Second, inquiries usually produce long reports. The RCAGA highlights this. Such reports are interesting, informative and educative, but not always what harassed governments really want. Such reports are hard to digest. They consume resources and attention. Prompt implementation is rarely easy.

Third, inquiries in administrative reform are temporary and episodic. Inevitably, as Dickinson and Gleeson (1975: 13-14) suggested each successive inquiry “automatically becomes
preoccupied with the shortcomings of the past," with too much attention given to processing their reports at the cost of considering other emerging issues. Both the RCAGA and RCA were inevitably in this mould despite their strenuous efforts to produce reports relevant to the immediate future in relation to the RCA and the medium to long term concerning the RCAGA. Yet, they both dated quickly. Both were overtaken by election of new governments and a different definition of the administrative problem. Some of the major changes in the public service such as the growth of administrative law were not even an outcome of the RCAGA, but of other, older, less public service oriented inquiries.\(^9\)

Fourth, inquiries are outsiders seeking to peer into a vast government machine that they sometimes cannot fully appreciate. Could the business members of the RCA really appreciate what was happening to the APS under Fraser without having had more direct experience? The RCAGA was more effective in this regard, both because several of its members had appropriate backgrounds and their extensive staff were largely drawn from the public service. It was supplemented by an extensive consultation process, a one-stop shop pilot study, several task forces and in depth surveys of APS staff.

Fifth, the “publicness” of inquiries, although a virtue, is also a weakness. Inquiries are about consultation, even if sometimes symbolic. Inquiries are involved in collecting information and research as a basis of conclusions. Inquiries produce public reports prompting debates, and recommendations to be assessed and ultimately implemented which can be evaluated against some objective measure. By contrast, governments are about making decisions, having their own way, wanting their decisions implemented, not assessed or questioned. Importantly, in relation to the public sector, governments now have greater control of the public bureaucracy. It is now their show to command. The independent agencies have gone, along with the independence of advice, staff appointments and day-to-day actions, so why share it with a public inquiry. It was only when governments were on the outside looking in did a public inquiry seem appealing. The walls are down. The elected officials are in, so no need to spoil the party with an independent, public body known as a public inquiry.

Sixth, the recommendations of public inquiries sometimes surprise the government that appointed them. The “publicness” of their reports makes this a surprise that governments cannot conceal or ignore. By contrast, a management consultant or an internal inquiry like the ARC only reports to the government. Their proposals, if embarrassing, can be quickly buried in the “confidential” category.

Box 7.1 summarises the key findings about these two inquiries into the administrative change and reform.
Box 7.1 Summary of findings of the RCAGA and RCA

- Inquiries in terms of their very appointment, membership, processes and impact are an outcome of their immediate political environment including the nature and style of the government, the issues it is dealing with, its place in the electoral cycle and their underlying political goals (for example, RCAGA of getting a public service review away from Caucus; the RCA of being seen to be doing something about public service mismanagement as well as overt problem solving roles);
- Newly-elected governments will frequently appoint inquiries to help in implementation of new policy ideas made in opposition or to provide guidance and advice on areas where they have limited experience or knowledge (e.g. the RCAGA to advise on future public sector changes);
- Newly-elected governments will be more interested in comprehensive solutions as they are less concerned with maintaining or defending the status quo and thus their inquiries will be characterised by broad terms of reference, considerable timeframes, and extensive resources as was the case with the RCAGA; the RCA was a more focussed investigation;
- There is no evidence that newly-elected governments are more prone to use inquiries – the RCAGA was appointed by the Whitlam Government in its second term and the RCA by the Fraser Government just over mid-way through its third (indeed the Fraser Government appointed numerous inquiries during its last term in office);
- Newly-elected governments will use inquiries not only to provide advice on implementing specific or stated policy promises, but also to supplement or provide guidance about areas where they have limited experience. This will also serve to stamp a government’s interest in this area, set boundaries and provide frameworks for future actions. Governments are not interested so much in the detail of these exercises, but rather that they are given a framework which is expert and rational and broadly conforms to their general approach – they trust the inquiry process to generate this framework (e.g. the Whitlam Government’s wide terms of reference to the RCAGA);
- Longer established governments need to deal with problems which are often of their own making and if these become significant at critical junctures in the electoral cycle, such inquiries must be quick, focussed and problem solving (e.g. the RCA);
- No matter how independently an inquiry is structured, if a government is tainted in relation to the issues under study, or if its motivation is driven by political expediency, the inquiry’s effectiveness in relation to both political and substantive goals will be undermined (e.g. the RCA adversely affected by the way by the Fraser administration was embroiled in crisis and controversy);
- Resorting to inquiries reflect perceived problems with the broader political system and dissatisfaction or distrust of existing institutions. The RCAGA was appointed because the Whitlam Government was distrustful of the APS and felt obstructed on many areas. The RCA was the result of the breakdown of the administrative system and hence the need for an external mechanism of review;
- Appointment of inquiries, although often appearing sudden, is usually a culmination of several different forces that combine together to create the necessary momentum to suggest to a government that an inquiry is appropriate. With the RCAGA this took nearly twelve months, and with the RCA it was the result of repeated public scandal spanning several years.
Endnotes

1. External public inquiries in the form of two major royal commissions in 1918 (Royal Commission on Public Service Administration chaired by Duncan McLachlan and Royal Commission on Public Expenditure Commonwealth of Australia with a View to Effecting Economies chaired by Sir Robert Gibson) laid the foundations of new public service legislation in 1922. Thereafter, at the Commonwealth level, there was limited interest in major public sector reform. It was not until towards the end of Second World War that the Commonwealth appointed the Bailey chaired Committee of Inquiry into Systems of Promotion and Temporary Transfers in 1944. A further inquiry followed over a decade later with the Boyer Committee of Inquiry into Public Service Recruitment in 1957. These were narrowly focussed inquiries, but their recommendations were accepted and in their respective fields their impacts were major (Caiden 1967). During the 1960s the Commonwealth Service underwent extensive change deriving from the Boyer report, the need to enhance professionalism especially by recruitment of graduates, streamlining classification and organisation as a consequence of arbitral decisions, and progressive and increasing use of computers.

2. At the State level there had been numerous inquiries into State public services during the nineteenth century that laid the foundations for most State public administration systems (Wettenhall 1978; Zafarullah 1986; Zafarullah 1991). During much of the twentieth century there were few external public inquiries into State public services. However, there was renewed interest in public sector change during the 1970s resulting in several inquiries such as the:
   - Corbett Committee of Inquiry into the Public Service in South Australia (1973), see Thompson 1976;
   - Bland Board of Inquiry into the Victorian Public Service (1973);
   - Premier Lewis’ Review into the Machinery of Government and the Economy of Government Operations (1975), see Davies 1976;
   - Wran Labor Government’s Review of New South Wales Administration headed by Peter Wilenski in 1977, see Parker 1979;
   - Cartland Review of Tasmanian Government Administration (1979);
   - Savage Public Service Review Committee in Queensland (1986).
   These public service focussed inquiries were supplemented by inquiries into corruption at the State level that in some cases had important implications for State public services (see Appendix 10 and Prasser et al 1990a).

3. Internationally, there had been a similar long line of external public inquiries into the public service. In the United Kingdom these included the seminal Northcote-Trevelyan Inquiry in 1853, the MacDonnell Royal Commission (1914), Haldane Committee on Machinery of Government (1917), the Bradbury Inquiry (1919), Tomlin Royal Commission (1931), the Priestly Royal Commission on the Civil Service (1955) and the wide ranging Fulton Committee of Inquiry into the Civil Service (1966). As Chapman (1973b: 13) observed: “it had become an accepted convention that there would be a major inquiry into the Civil Service about once in every generation of civil services”. However, the Thatcher Government did not appoint external inquiries of this type, opting for a more focussed approach with particular service wide initiatives such as the formation of the Efficiency Unit within government and the Next Steps program (Mitchell 1999: 5).

March and Olsen (1989:105) observed that in the United States “the tradition … was to attempt large-scale reorganization through ad hoc commissions, committees and task forces”. Presidential appointed inquiries prior to Second World War included the Keep Commission (1905), the Cleveland Commission on Economy and Efficiency (1913), the Joint Committee on the Reorganization of the Administrative
Branch of Government (1920) and the Brownlow Committee on Administrative Management (1937).
This trend continued in the post Second World War period with the two Hoover Commissions (1947 and 1953), the Rockefeller chaired Presidential Advisory Committee on Government Organization (1953); the Ash Advisory Council on Executive Organization (1969); and the Volker Report, Leadership for America: Rebuilding the Public Service (1989).
In Canada, there was the 1908 Civil Service Commission Report, the 1946 Royal Commission on Administrative Classifications in the Public Service, and the Glassco-headed Royal Commission on Government Organization (1963), the Lambert Royal Commission on Financial Management and Accountability (1979) and the D’Avignon Special Committee on Personnel Management and the Merit Principle (1979). Several important provincial inquiries into the public service included the 1971 Cronyn Committee on Government Productivity in Ontario.
In New Zealand, there was the 1912 Commission upon Unclassified Departments of the Public Service in New Zealand. In 1962, Justice McCarthy chaired Royal Commission to Inquire and Report upon State Services in New Zealand.
In Eire, the businessman Liam Devlin chaired the Public Services Organization Review Group in 1966.


5. Only one was promised, a national superannuation inquiry (ALP 1972).

6. The 1975 Bland chaired Administrative Review Committee (ARC) was held in secret and its reported limited analysis further undermined its credibility. The ARC did not provide the hoped for direction and justification of the reorganisation of the APS instigated by the Fraser Government during its first six months in office (Patience and Head 1979). The 1981 Review of Commonwealth Functions (RCF) chaired by Sir Phillip Lynch, Minister for Industry and Commerce with its strong emphasis on cutting back programs and the public service fared little better. It was exposed by the Labor Opposition as a largely hollow exercise that would in reality cut only a limited amount of public expenditure, while at the same time causing considerable change and instability to the public service (Zifcak 1994: 21-22). Moreover, like the ARC, it was conducted “in an aura of secrecy … with limited consultation with the departments and authorities whose functions were under the microscope” and, as such, was “pretty much a new methodology for an Australian public service inquiry ” (Hoyle and Wettenhall 1981: 306).

7. There were numerous reorganisations of government departments by the Fraser Government both on coming to office (Hawker 1977d) and throughout its life. The last in mid-1982 was sudden and unexpected (Hoyle and Carr 1982), and the consequence of ministerial sackings.

8. Following several inquiries into the environment during the 1980s the Hawke Government created the Resource Assessment Commission (RAC) as an attempt to avoid such temporary and ad hoc inquiries. However, this proved to be a temporary measure as the RAC was later abolished.

9. Administrative law reform was largely the outcome of the 1971 Sir John Kerr chaired Commonwealth Administrative Review Committee and which was particularly taken up by the Fraser Government. It was an area, except for discussion of freedom of information that was not considered in detail by the RCAGA. The RCA was concerned about the implications of the new administrative law on APS management and decision making.
CHAPTER 8: PUBLIC INQUIRIES IN ACTION II — CASE STUDY OF ROYAL COMMISSIONS: ROYAL COMMISSION INTO THE ACTIVITIES OF THE FEDERATED SHIP PAINTERS’ AND DOCKERS’ UNION AND THE ROYAL COMMISSION INTO ABORIGINAL DEATHS IN CUSTODY

Introduction

This chapter examines inquiries of a certain organisational form and type, the royal commission. Royal commissions can be either policy advisory or inquisitorial type inquiries. Prior to the 1970s the majority of royal commissions were of the policy advisory type (see Appendix 1), but since then royal commissions have predominantly been of the investigatory or inquisitorial type, representing 72.4 per cent of all such commissions appointed during this period. The two royal commissions chosen in this case study, the Royal Commission into the Activities of the Federated Ship Painters’ and Dockers’ Union (RCPDU) and the Royal Commission into Aboriginal Deaths in Custody (RCADIC) were inquisitorial type inquiries.

Royal commissions at the Commonwealth level are distinguished from other types of inquiries by the following features:

- appointed by the Crown, not directly by ministers of state, under Letters Patent;
- established under their own specific legislation, the Royal Commissions Act 1902;
- endowed with a range of specific powers conferred on them by their legislation to assist them in the conduct of their inquiries including the powers they do not possess at common law such as: powers to summon witnesses, apply for search warrants, and issue a warrant for the arrest of witnesses.¹

Some inquiries at the Commonwealth level are appointed under the Royal Commissions Act but do not bear the royal commission designation. They nevertheless have the same powers and use the same processes as royal commissions.² What is important, is the authority of appointment, not the designation. Royal commissions are found in Commonwealth countries like the United Kingdom, Canada and New Zealand, though there are important differences in the meaning and significance of a “royal commission” among these in terms of powers and the sort of issues they are appointed to investigate.³
Why study royal commissions?

Royal commissions, as a particular form of public inquiry, deserve attention for several reasons. First, royal commissions have long been considered the “most prestigious of executive inquiries in Australia” (Sherman 1997: 6). The issue is whether this perceived status is warranted in terms of what royal commissions actually do and their overall impact.

Second, there have been civil liberty concerns about the coercive powers of investigation which royal commissions exercise. These concerns increased with amendments to the Royal Commissions Act in 1982 that gave commissions greater power to fine witnesses and force them to give evidence even self-incriminating. Sackville (1984: 7, 10-11) contended that these changes:

undercut protections against the intrusions of the State that many consider to be of fundamental importance to the administration of justice (and) … the expanding powers and functions of royal commissions in Australia provide cause for serious concern … that investigative royal commissions constitute a serious and continuing threat to civil liberties in Australia.

Also there have been concerns about the “potential unfairness inherent in permitting royal commissions to make findings of criminal guilt on the basis of evidence that would be inadmissible before a court and by reference to a standard of proof that may be less stringent than that applied in criminal prosecutions” (Sackville 1984: 11). Royal commissions, draw their conclusions, not on the basis of reasonable doubt and admissible evidence, but on the balance of probabilities and the acceptance of hearsay evidence. At the same time, royal commissions can protect evidence and witnesses from defamation law and possible retaliations.

Third, royal commissions have been appointed to investigate “controversial … issues” and important matters (Sherman 1997: 9). Whether this is correct and the royal commission form was really appropriate or just used by a government to show symbolic concern about a matter, is an important issue to consider.

Fourth, there has been debate about the heavy reliance on judges and senior legal practitioners appointed to chair royal commissions. Whether such appointment is warranted given the issues investigated by royal commissions or simply used by governments to enhance an inquiry’s “publicness,” perceived independence and profile, is a significant question. The chairing of inquiries by judges too easily gives the impression that inquiries, like the courts, are independent from executive government and "give the inquiry the status of proceedings in a court, treating it as a judicial proceeding" (Moffitt 1985: 186). Royal commissions are not courts of law. They neither accept evidence in the same way, nor hand down judgements on the guilt or otherwise of individuals. Inquisitorial royal commissions, like all public inquiries, make
recommendations that are first assessed by government and then sometimes referred to other bodies for action. Another issue has been that such deployment of judges on inquiries is a constitutional issue as it represents an intrusion into judicial independence by the executive and a breakdown in the separation of powers (Fraser 1986; McInerney 1978; Moffitt 1985). Such concerns in the past provoked the Chief Justice of the Victorian Supreme Court, Sir William Irvine (1922), to resolve not to allow members of the Victorian judiciary to serve on such executive-appointed inquiries. For Irvine, the proper role of judges was:

\[ \text{to hear and determine issues of fact and of law ... There begins and ends the function of the judiciary. It is mainly due to the fact that, judges in all British communities have, except in rare cases, confined themselves to this function, that they have attained ... the confidence of the people.} \]

While the Irvine doctrine has been largely adhered to in Victoria, it has not been followed in the other States or at the Commonwealth level (Fraser 1986: 10-34). Nevertheless, concern about members of the judiciary serving on royal commissions increased with the growth in the number of inquisitorial royal commissions appointed since the 1970s, the controversial nature of their topics, and the unprecedented criticism which some royal commissions have received.\(^5\)

The appropriateness of the professional training of judges in relation to the subject areas that commissions have investigated has been another issue. As Gosnell (1934: 98) noted, “commissions were primarily policy-determining bodies and a judge by training was not the right person to lead in the formulation of policies. Judges looked upon proceedings as contentious and likely to accept compromises.” Solomon (1983) also argued:

\[ \text{The judges and Queens’ Counsels who are appointed as royal commissioners have little direct expertise in the matters into which they are required to delve. The justification for appointing them seems to rest on the grounds that lawyers, and particularly judges, are used to sifting the evidence and finding ‘the truth’}. \]

\[ \text{There are several difficulties with that sort of proposition. The legal system in Australia is not intended to determine ‘the truth’ in legal disputes. It is an adversary system intended to find which of two civil litigants has a better case ... Discovering ‘the truth’ is irrelevant. As for sifting the evidence this is done against a background of complex rules which tend to be thrown out the window as soon as the lawyer is transmogrified into a commissioner}. \]

Fifth, a related criticism has been that royal commissions chaired by legal practitioners involve excessively formal, adversarial and complex processes through which multiple legal teams represent various stakeholders at public hearings. These bodies are not always the most
appropriate means to investigate these issues. As one commentator (Killen 1982: 82) observed, “royal commissions are not necessarily the best equipped bodies to determine the facts. They can become unnecessarily combative forums in which advocacy can deflect and wrong conclusions are made.” This has resulted in flawed reports often needing rectification later by further inquiries and reviews, special legislation (Bulmer 1983a; Moffitt 1985: Chapters 5 and 9), and hence increased inquiry costs. The problems with the first of the Voyager royal commissions especially highlighted the limitations of the traditional judicially lead and conducted royal commission.

Sixth, the resurgence in royal commission numbers, especially of the inquisitorial type since the 1970s (see Table 3.1 and Appendix 1), warrants consideration of this particular form of inquiry.

Selection of the RCPDU and RCADIC

The RCPDU and RCADIC were chosen as examples of royal commissions because both clearly meet the criteria of being external public inquiries (see Table 8.1) and having been established under Letters Patent and the Royal Commissions Act 1902. They are both examples of the investigatory or inquisitorial type royal commission, chaired by members of the legal profession, which were appointed to investigate perceived controversial issues. As both exercised, in varying degrees, their royal commission powers to call witnesses and obtain information, and received criticism both during and after their investigations, these inquiries offer the means to assess the range of issues concerning royal commissions. Also, the commissions deserve attention as they have been seen as “landmark” inquiries in terms of the nature, importance and controversy of the issues they examined, the particular methodologies they used, and the overall impact of their reports on both their respective subject areas and the political system in general. Each commission was respectively the longest running and most expensive inquiry appointed by the Commonwealth government.
Table 8.1: Characteristics of public inquiries

<table>
<thead>
<tr>
<th>Criteria</th>
<th>RCPDU</th>
<th>RCADIC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-permanent, ad hoc and temporary</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Established and appointed by executive government</td>
<td>Yes – Prime Minister</td>
<td>Yes – Prime Minister</td>
</tr>
<tr>
<td>Resourced by government</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Exist at discretion of government</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Discrete organisational units, not part of any existing government agency</td>
<td>Yes – separate body</td>
<td>Yes – separate body</td>
</tr>
<tr>
<td>Composed of members drawn from mostly outside the public service and government</td>
<td>Yes – Frank Costigan QC was a member of the Victorian Bar</td>
<td>Yes – all members were either former judges or practising lawyers from outside government</td>
</tr>
<tr>
<td>“Publicness” i.e. processes were transparent, actively promoted existence to the wider community</td>
<td>Yes – public announcement and advertising</td>
<td>Yes – public announcement and advertising</td>
</tr>
<tr>
<td>Clear and public terms of reference</td>
<td>Yes by Letters Patent from the Governor-General</td>
<td>Yes by Letters Patent from the Governor – General</td>
</tr>
<tr>
<td>Actively seek public participation</td>
<td>Yes – public submissions and hearings</td>
<td>Yes – public submissions and hearings</td>
</tr>
<tr>
<td>Produce a public report</td>
<td>Yes, though several volumes remained confidential</td>
<td>Yes</td>
</tr>
<tr>
<td>Have advisory powers only</td>
<td>Yes</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Why were they appointed?

Important issues in relation to the RCPDU and the RCADIC are why they were appointed and, in particular, why was the royal commission form invoked.

RCPDU

The RCPDU was appointed by the Fraser Coalition Government in conjunction with the Victorian Liberal government in September 1980 to inquire into the possible “illegal activities” of the Melbourne-based Federated Ship Painters’ and Dockers’ Union (SP&DU).

Background: immediate events and stated rationale

One of the usual triggers for appointing an inquiry, especially an inquisitorial one, has been because of some perceived “crisis” prompted governments to develop a response (see Tables 4.3 and 4.8). In the case of the RCPDU it was the SP&DU’s long history of corrupt and criminal behaviour, combined with a series of articles in the Bulletin during 1980 chronicling “murder and mayhem on a frightening scale” which created this sense of “crisis” that the SP&DU was out of control and existing institutions no longer effective (Tiffen 1999: 104). Other Commonwealth and
State inquiries in related areas increased this perception and provoked Prime Minister Fraser (1980) to express concern whether “present methods of law enforcement are adequate” and to announce the RCPDU to examine the SPD&U—an overdue response to a problem long out of control.

Political environment and politically expedient reasons

The immediate political environment greatly affected the Fraser Government’s decision to appoint the RCPDU. During 1980 the Fraser Government was experiencing declining popularity and facing its third election due no later than December 1980. Industrial relations and concerns with “rogue” unions had emerged on the policy agenda and were to become increasingly important (Bennett and Cole 1989). In Victoria, industrial relations issues were also significant and the long serving Liberal Government was confronting a reinvigorated Australian Labor Party (ALP) Opposition (Holmes 1984). In these circumstances, appointing an inquiry that, while investigating a legitimate policy problem, and at the same time might embarrass the Federal ALP Opposition and its Victorian counterpart by uncovering SP&DU links to the ALP had immense appeal to the Fraser Government. Such an inquiry could also unsettle the aspirations of Mr R.J. Hawke, then about to enter Commonwealth Parliament. Hawke, as former President of the Australian Council of Trade Unions (ACTU) and former President of the ALP, could have had some dealings with the SP&DU. The political expediency of the Fraser Government’s appointment of the RCPDU was underlined by the inquiry’s initial narrow terms of reference concentrating on the SP&DU, its short twelve months deadline and comments by Coalition ministers during parliamentary debates linking the SP&DU to the ALP (Fraser 1982c). As Senator Carrick (1982: 679), leader of the government in the Senate subsequently stated, “the Painters and Dockers’ Union is not an authentic trade union … but, in fact, is a gathering of criminals who are recruiting criminals for criminal purposes. That same gathering is affiliated with the Australian Labor Party.” Nine days after establishing the RCPDU, the Fraser Government announced the 1980 federal election. As Justice Moffitt (1985: 82) concluded, “this was an inquiry set up by Liberal governments, which, on its face, was an inquiry into the crimes of a particular union, which, being a union, was on the other side of the political fence.” Grattan (1982) summed up the Fraser Government’s motivation thus:

When it set up the Costigan Royal Commission … the Fraser Government was confident enough that any political spinoff would be to its advantage … Costigan was sure to confirm what everyone knew about the dreadfulness of the union, and a good union bash might do some harm to the Labor Party as well.

On its appointment, the Fraser Government did not have any expectation that the RCPDU would reveal issues of organised crime and tax evasion and adversely affect the Fraser Government’s future. As Frank Costigan QC reflected at the end of the inquiry (RCPDU 1984: Final Report Vol 2, 30):
When the Commission commenced there was no clearly expressed objective other than to investigate the Union. The Victorian Branch had been notorious for its violence over many years. There were suggestions of widespread ‘ghosting’ … of failure to comply with financial regulations relating to Union accounts, of pilfering and other … minor offences.

Moffitt (1985: 82) summed up the situation thus:

The Costigan inquiry into one small union led it to examine organised crime on a wide basis operating across Australia. This, which became the core of the inquiry, was not the consequence of a political decision that organised crime should be examined. It was by reason of a political accident. Some of the revelations, made in the course of its unintended investigations, became matters of political embarrassment, first for the Liberal Party … then, in turn for the Labor Party.

Opting for the public inquiry and royal commission instrument

The Fraser Government’s decision to use the public inquiry instrument and, in particular, the royal commission form, stemmed from several factors. There was acceptance that previous inquiries and investigations by State and Federal police and government agencies had failed to tackle endemic corruption on the wharves and the criminal activities of the SPD&U. Inability to obtain information, poor coordination across Commonwealth and State agencies, and a lack of vigorous action by existing authorities had contributed to this situation. A royal commission with its special powers to probe, call witnesses and collect evidence could overcome these institutional and jurisdictional limitations. Other alternatives such as a parliamentary committee were inappropriate. Moreover, the impending election would delay its work. Federal-State task forces of police had failed. There was also at the time no permanent Commonwealth anti-corruption or crime investigation body to investigate such matters. Such a body, the National Crimes Commission (NCA), was not established till 1984 and was itself a recommendation of the RCPDU.

The “publicness” of the inquiry instrument offered the Fraser Government several advantages. Its appointment publicised the Commonwealth’s and the Victorian State Government’s interest and concern about a long term, but increasingly serious policy problem. It showed that the Fraser Government was “doing something”. The external membership of a public inquiry indicated the desire of the government to obtain independent advice in an area littered with inter-organisational rivalries and lack of success. Also, a royal commission had special powers of investigation that other bodies lacked. Should such an inquiry find any connections between the SP&DU and the ALP, then these revelations, made as they would be by an independent inquiry, would be seen as more legitimate and therefore potentially more damaging to the ALP than allegations made during the course of partisan debate. Further, the Fraser Government
had shown a willingness to use the royal commission instrument on several occasions previously (see Appendix 7). That the RCPDU’s royal commission status and powers were to become increasingly important and relevant in unveiling corruption in areas outside of the SP&DU was not anticipated by the Fraser Government.

**RCADIC**

The motivations of the Hawke Government in appointing the RCADIC were more purposeful, clearer and less entangled in partisan gamesmanship than that of the Fraser Government’s appointment of the RCPDU. Indeed, its decision to use the royal commission form of inquiry was from the start more commensurate with the RCADIC’s original tasks, than was the case with the RCPDU.

**Background: immediate events and stated rationale**

Like the RCPDU, the RCADIC was appointed in response to a perceived crisis. In its case, it was about the rising incidence of Aboriginal deaths in custody that were to be highlighted by specific events during 1987. There had been a long history of recorded Aboriginal deaths in custody and concerns from academics (Hanks and Keon-Cohen 1984), those involved in Aboriginal legal affairs (Gale and Wundersitz 1985), Aboriginal activists and from within the ALP itself. During 1987 “a disturbing sequence of Aboriginal deaths in custody” highlighted increasing awareness of both the problem, “of police and prison guard brutality,” and of the lack of independence and competency by State and Territory coronial investigations which too often had exonerated officials from culpability (Hazlehurst and Hazlehurst 1989: 36). The incidence of Aboriginal deaths in custody during 1987 had increased to what the RCADIC (1988: *Interim Report*, 7) later acknowledged as “well above the average over the preceding six years.” Some States were also beginning to appreciate the extent of the problem.11

An outbreak of violence between white and black communities on the Queensland and New South Wales border, leading the Hawke Government to refer the issue to the Human Rights and Equal Opportunity Commission (HREOC) before the July 1987 Federal election, was a further symptom that Aboriginal affairs was an increasingly volatile problem. In early August 1987, the incident that finally triggered the RCADIC’s appointment was the death in custody of Aborigine Lloyd Boney. This was the forty-fourth such death since 1980 and caused riots in Boney’s home town of Brewarrina in northern NSW. The Federal Attorney-General, Lionel Bowen, responded that “something had to be done” about the issue (*The Age*, 8 August 1987). Three days, later on 11 August 1987, Prime Minister Hawke (1987a: 1) announced that “Cabinet has decided to establish a royal commission into Aboriginal deaths in custody in conjunction with the States,” because the problem “has reached a dimension where clearly the concern of not only the Aboriginal community, but the wider Australian community is such that it [i.e. the royal
commission] is appropriate." Thus, the RCADIC was to inquire into both the causes of the Aboriginal deaths and the adequacy of State and Territory coronial and other inquiries.

The appointment of the RCADIC in this “crisis” context highlights, as Downs (1972) suggested, how long term endemic policy problems can rise quickly on the policy agenda when specific events trigger their “alarmed discovery.” Demand for policy action of some type follows. Governments often responded by establishing new (or redesignating existing parts of the bureaucracy) institutional arrangements. These often proved inadequate because the nature and extent of the problem were wider and more complex than first appreciated. In these circumstances, resort to the public inquiry provides government with both a quick and public response, but also offers a means to appreciate better an issue before deciding on courses of action and committing resources. Such was the case with the RCADIC.

Political environment and motivations

Resort to a public inquiry was, as Aboriginal Affairs Minister Gerry Hand stated, necessary because the government “did not pretend to have the solutions”; thus there was a “need to have some sort of inquiry rather quickly. My job is to find out the truth and that’s what the government is going to be attempting to do” because “to make judgements when you have very little information would be foolish” (The Age, 8 August 1987). This information seeking role of inquiries (see Table 4.8), a legitimate and rational goal in appointing inquiries, was nevertheless affected by the current political environment at this time. There was, for instance, the forthcoming 1988 Bicentennial Year and the need to forestall both international criticism and possible agitation by Aborigines during celebrations because of their frustration with the lack of action about this issue (Hazlehurst and Hazlehurst 1989: 37; Jennett 1990: 264; Walsh: 1990).

Further, with the election behind it, the Hawke Government was more willing to embark on a public inquiry that had a twelve month timeframe and therefore should have completed its investigation well before the next Federal election was scheduled.

Another legitimate political concern was the delicate issue of dealing with the States on those areas normally under their jurisdiction such as prisons and administration of justice. Given that several of the States were also Labor administrations added to the political sensitivity of this issue and the need for any Commonwealth response to be seen to be conducted fairly and transparently, if it was to enjoy State government support.

The Hawke Government had its own political goals in appointing an inquiry. It had backed down on several issues prior to the July 1987 elections such as land rights and health and education initiatives (Jennett 1990: 267). In these circumstances, appointment of a royal commission in response to these events and Boney’s death was an opportunity to show a government interested in the needs of the Aboriginal community.
As the Hazlehursts summed up, the RCADIC was appointed as a result of the, “public disorder which it [Boney's death] caused, and the threats of further public disorder in the imminent Bicentennial year” (Hazlehurst and Hazlehurst 1989: 37). It was also a case that the issue could no longer be ignored either politically or in policy response terms. As one journalist commented, Boney’s death was a case of “one death too many” (see Hawke 1987a).

**Opting for the public inquiry instrument**

Choosing a public inquiry to respond to these events in both policy and political terms was affected by several aspects relating to the “publicness” of the inquiry instrument. It showed publicly that something indeed was being done. The terms of reference highlighted the problem solving focus of a task oriented body like an inquiry. The use of an inquiry clearly signalled Commonwealth engagement in the issue. The choice of the royal commission form of inquiry, perceived to be the most important and powerful type of inquiry, further emphasised the Hawke Government's seriousness about the issue. While a HREOC inquiry had already been established and although headed by a judge of the Federal Court, it, like a parliamentary committee inquiry or a departmental investigation, did not have the same prestige or powers of a royal commission. Prime Minister Hawke (1987a) explained the rationale to appoint a public inquiry and in particular a royal commission:

> Although the Human Rights and Equal Opportunity Commission was to conduct an inquiry into Aboriginals and the criminal justice system, the increasing calls from the Aboriginal community and from many others for a royal commission indicate to us, and we accept, that any inquiry which did not have the status of a royal commission would be unacceptable. A royal commission has the power to summons witnesses to give evidence or to produce documents whereas the Human Rights and Equal Opportunity Commission has much more limited powers in this area … This decision … will ensure that we will receive full cooperation and that, in this sense, there will be a fully national focus on this very distressing problem.

There were other institutional reasons for using the public inquiry instrument. The Commonwealth Government did not have any direct jurisdiction in this area, and its direct knowledge of what was a State and Territory responsibility was limited. This problem was exacerbated by the considerable changes to the Australian Public Service (APS) announced by the Prime Minister following the July 1987 election. The APS, including Aboriginal affairs, was at the time, in a state of flux. Existing Aboriginal advisory bodies such as the National Aboriginal Council were in the process of being replaced with a new statutory authority, the Aboriginal and Torres Strait Islander Commission (ATSIC), but this had not yet occurred (Jennett 1990: 264). Thus, a public inquiry was a means by which the Commonwealth could show concern and
quickly obtain information and expert advice about a problem of which it had limited direct experience or effective and acceptable administrative means of obtaining it.

That State and Territory agencies were themselves seen, as the terms of reference indicated, part of the problem, necessitated the Commonwealth using a mechanism that would be both acceptable to the States and powerful enough to investigate the issues and withstand possible attack. A Commonwealth parliamentary committee was not seen as authoritative or independent in dealing with the substantive issues or the States, while the “publicness” of an inquiry offered several advantages. It provided a vehicle for joint Commonwealth-State sponsorship, which was necessary, given the State-based nature of custody matters. As Prime Minister Hawke (1987a: 13) stated, “because as the Royal Commission Act stands now, you do not have power coercively to have the States involved.” The States had to cooperate if as Hawke (1987a: 13) stressed “you are going to have a comprehensive national royal commission” and the best way to achieve this was by joint sponsorship with the States. The public nature and status of a royal commission appointed, as it was, in a “crisis” atmosphere, made it hard for State governments to reject such joint sponsorship.

Another consideration in appointing a public inquiry was that it provided a means for grievances to be expressed, if not solved. The “publicness” of inquiries engenders this role. Public hearings offer a means for those affected and often least empowered to express a view and to make their concerns known, not just to the government, but, via the public inquiry process, to the community. The public inquiry was an apt choice for this particular issue and the group most aggrieved – the Aborigines – who saw in the appointment of the royal commission, an independent body to whom they could at last air their grievances without fear of adverse reaction.

Justice Muirhead, the first of the two chairs of the RCADIC (1988: 5) summed up the rationale for the inquiry:

The Royal Commission was established because there was widespread public disquiet about the numbers and circumstances of Aboriginal deaths in custody. It was precisely because all previous inquiries, including coronial and police investigations were regarded by many people in the community as having failed to adequately investigate the circumstances, that a royal commission with wide powers was seen to be necessary.

Risk taking

While the appointment of the RCADIC could, as public inquiries often do, act as a “circuit breaker”, they also have political risks. In the case of the RCADIC, it could increase rather than decrease public and media interest during the forthcoming Bicentennial Year. Examining State
and Territory agencies and processes had the potential to embroil the Commonwealth government in increased conflict with these bodies. There were also different expectations about the RCADIC between the Hawke Government and key Aboriginal groups which hoped the RCADIC would, like other inquisitorial royal commissions, identify individual police and prison officer wrongdoing and initiate prosecutions. The establishment of the RCADIC and its “publicness” clearly stamped Commonwealth interest in a complex and potentially difficult policy area, what some call “wicked problems” or, as Gruen and Grattan (1993: 251-262) deemed this particular issue, an “impossible problem” with few easy solutions. Minister Hand (Sydney Morning Herald, 19 November 1987) acknowledged these concerns shortly after the RCADIC was established:

The Royal Commission … could become an embarrassment to the Federal Government in the Bicentennial Year. But it seems to me it’s not a risk necessarily for the Government: the time has come for the whole community … to face up to something that’s been going on for a long, long time. We’ve all pretended it wasn’t happening and you know it has been happening.

Others, too, saw the appointment of the RCADIC as a “courageous move in Aboriginal affairs because it was in defiance of the old political maxim that a government should never establish a royal commission unless it knows it can control the outcome” (Jennett 1990: 266). While seeking to manage the issue, the Hawke Government was less motivated in appointing the RCADIC for overtly partisan or politically expedient reasons. There was a desire to tackle the problem. As the Hazlehursts (Hazlehurst and Hazlehurst 1989: 37) assessed, appointment of RCADIC was “a demonstration … of the determination of the Labor Government of Bob Hawke to put right some of the injustices of the country’s colonial past.” The legitimacy of the Hawke Government’s motives was underlined by acceptance of the RCADIC across stakeholders including key Aboriginal groups, direct sponsorship of the inquiry by all State and Territory governments and public support by the Coalition Opposition and minor parties. Such widespread endorsement was in contrast to the RCPDU, supported as it was by only one partisan aligned State government and perceived by the then ALP Opposition and many commentators as being a largely politically expedient exercise to embarrass the ALP before an election. The criticism the RCADIC initially received on its appointment was that its terms of reference were too narrow (NAILSS 1988a: 3), not whether there should be an inquiry or not.

**Membership and staff**

A key issue concerning royal commission membership has been their domination by legal practitioners and their impact on inquiry processes and outcomes. Both these two royal commissions had members drawn from this area and, like most inquisitorial inquiries, began with a single member. However, in the case of the RCADIC, the membership was to grow.
RCPDU

Frank Costigan, a Queen’s Counsel, not a judge, headed the RCPDU. Present or former judges have headed most other inquisitorial royal commissions since Second World War. Some saw Costigan’s appointment as a reflection of the initial narrow focus of the inquiry on the SP&DU, and the political expediency underlying the Fraser Government’s motives. As Moffit (1985: 83) commented, chairing the royal commission was a “job … not greatly relished, because of its potential danger” to the reputation of the person taking on the role, given its underlying political goals. Nevertheless, Costigan had considerable criminal law expertise suited to examine the SP&DU’s potential illegal activities. Whether this would be suitable to investigate the wider issues of organised crime, that the RCPDU was eventually to explore, was another issue.

Although the RCPDU was to have its terms of reference widened twice and its workload increased, neither the Fraser nor Hawke governments appointed additional commissioners. However, it received extra assistance in the form of the Office of Special Prosecutor, established by the Fraser Government on the advice of the RCPDU, headed by two Queen’s Counsels, to follow up tax evasion, fraud and other prosecutions (RCPDU 1984: Final Report Vol 1, 102). The RCPDU was also to gain considerable extra staff from a wide range of sources, employing over a hundred staff at one stage.

RCADIC

The RCADIC’s differed from the RCPDU in several respects. A former judge, Mr Justice Muirhead, not just senior legal counsel, initially chaired it. Muirhead also had direct experience and expertise in Aboriginal legal issues and was seen as being “particularly well qualified” to chair the RCPDU (The Age, 12 November 1987). Supporting legal counsel to the RCPDU, Gary Eames and Robert Bellear, also had experience with the Aboriginal Legal Service.

With reports circulating a few months after its appointment that the RCADIC was “under-resourced” and that it needed wider terms of reference (Editorial, The Age, 9 December 1987), the Hawke Government’s response was to appoint initially three additional commissioners in May 1988 (Wootten, Johnston and Wyvill). All were Queen’s Counsels. Hal Wootten had served as a judge. A further commissioner (Daniel O’Dea, a former Western Australian judge) was appointed in October 1988. Another commissioner, Pat Dodson, was announced later. The appointment of the additional three commissioners in May 1988 coincided with a twelve month extension of the inquiry from December 1988 to December 1989 and wider terms of reference. That the initial three additional commissioners were Queen’s Counsels rather than judges was seen by some as a drop in the status of the Commission (The Australian, 26 March 1988).

This dominance by legal practitioners, some with direct knowledge in this area, reflected the Hawke Government’s decision to establish an expert and impartial, rather than a
“representative” inquiry. Not only would it have been difficult to accommodate all the diverse interests, many of which were in open conflict with each other, but also it would have undermined the necessary perceived independence of the inquiry. Some in the Aboriginal community criticised the RCADIC as “overwhelmingly ... non-Aboriginal, Anglo-Saxon and dominated by male lawyers” (NAILSS 1988: 1). Concern was also expressed about the background and credentials of some of the Aboriginal consultants employed by the RCADIC (NAILSS 1988: 6). These criticisms were strongly rejected by the RCADIC and the Hawke Government. The appointment of Aborigine, Pat Dodson, to the RCADIC mid-way through the inquiry was a partial response to this criticism. A further criticism as the RCADIC began to examine the wider social and cultural causes of the deaths was that its membership was “too restricted to the legal arena” (Lateline 1990).

Justice Muirhead’s resignation from the chair in January 1989 two years before the inquiry was completed was unusual for a royal commission. While this had the potential to affect the RCADIC’s creditability, continuity and effectiveness adversely, this did not occur. Muirhead’s resignation was seen as a consequence of the stress the inquiry had imposed on him. He went on to become Administrator of the Northern Territory. The RCADIC proceeded with minimal disruption until May 1991 testifying to the abilities of Muirhead’s successor, Elliot Johnston QC and the other commissioners.

Process, resources and timeframes

The issue concerning royal commissions is whether their generally perceived more formal and legalistic processes and coercive powers were warranted and affected inquiry outcomes.

RCPDU

Several aspects about the RCPDU’s processes deserve attention. First, there was the length of the RCPDU’s life-cycle which far exceeded its original twelve month appointment. The RCPDU took forty-nine months to complete its investigations. Its terms of reference were expanded twice. Second, the RCPDU used innovative methods of investigation, not only for a royal commission, but also as an investigatory body examining organised crime. Indeed, the process of the RCPDU was to be almost as important as its findings. It represented a breakthrough in crime investigation (Tiffen 1999: 107-109). Third, the scope of its investigations moved from the narrow confines of one particular union to the whole ambit of organised crime. Last, there was the enormity of the Commission’s task. It held 400 days of public and private hearings, gathered nearly 20,000 exhibits and generated three million pages of paper. It released five interim reports over a period of four years. Its final report encompassed eleven volumes, six of which were confidential. The RCPDU cost more than $14 million, far in excess of its original estimate and at the time was Australia’s most expensive inquiry.
Phases and focus

The RCPDU’s life cycle may be divided into two distinct phases. Initially, as Costigan observed (RCPDU 1984: *Final Report Vol 2*, 30), “when the Commission commenced there was no clearly expressed objective other than to investigate the Union.” Thus, during this first phase, the RCPDU was “devoted exclusively to an examination of the Union” (RCPDU 1984: *Final Report Vol 1*, 2). Costigan (RCPDU 1984: *Final Report Vol 2*, 30) found that “the sum total of collected intelligence was of negligible proportions” in relation to the SP&DU. Costigan recalled that at first there was limited interest from Commonwealth departments and police agencies and the Victorian Government was “lacking in enthusiasm for the Inquiry” and “even less helpful” than Commonwealth agencies (RCPDU 1984: *Final Report Vol 2*, 30). Such antipathy perhaps reflected perceptions about the political expediency of the Fraser Government’s motivations in appointing the royal commission. Interest and respect for the RCPDU was to change dramatically during its life cycle as it both unveiled real issues concerning the SP&DU and highlighted wider and unexpected aspects of organised crime.

Because of the lack of information and the difficulties in accessing reliable sources on the SP&DU, Costigan requested, and was granted, an extension till the end of 1982. As Costigan (RCPDU 1981: *Interim Report No 1*, 10) explained, “It is clear the task imposed upon me is far more formidable (and probably more significant) than was initially realized.” A second *Interim Report No 2* on further activities of the SP&DU was delivered in July 1981. The focus at this stage still remained on the SP&DU.

As Costigan recalled, the “first moment of real light” came shortly after this extension (RCPDU 1984: *Final Report Vol 1*, 9). The Commission accidentally discovered during public hearings that a company operated by the SP&DU not only did not perform any contract work relating to the docks, but also was a centre for international money laundering and tax evasion. The connection between the activities of the SP&DU and these wider issues was at last appreciated, if not fully understood. Thus, commenced the RCPDU on its second phase of investigating not just the SP&DU, but these related issues. It was the better identification, understanding and untangling of these connections which was to explain the RCPDU’s further extensions, extra two years duration, three further interim reports during the next two years of the inquiry and expanded terms of reference. The RCPDU’s small secretariat grew during this phase to more than 103 staff and was supported by special prosecuting counsels and consultants assisting in key management tasks.

Innovative processes

What distinguishes the RCPDU as both an inquiry and a royal commission was its adoption of innovative methods of investigation that affected both its outcome, duration and awareness of organised crime in Australia.
Although the RCPDU used traditional public hearing methods of collecting evidence and adversarial methods of cross-examining witnesses, it increasingly relied on a more research-based approach. The RCPDU found that even when backed by royal commission powers of summons and fines, these were ineffective in dealing with the code of silence surrounding the SP&DU (RCPDU 1984: Final Report Vol 2, 1-7). There were no leads and no ability to make connections. As Costigan (RCPDU 1984: Final Report Vol 2, 6) said, “when starting the Commission, I determined that some means should be developed of investigating major criminal activities conducted behind such a wall [of silence]. Some way had to be found of penetrating it.” Costigan “found it difficult to place much reliance upon the spoken word … Witnesses … were prepared to evade the question or give an untruthful answer” (RCPDU 1984: Final Report Vol 2, 21). Thus, Costigan asked (RCPDU 1984: Final Report Vol 2, 24), “if the witness providing oral testimony is not a fruitful source of information where may one look?”

The breakthrough which the RCPDU developed, first in response to the intransigence of SP&DU members and later on other broader issues of tax evasion and corruption was not, as some would contend, the use of the coercive powers of a royal commission. These had a role, but were only a minor explanation. Nor was it a royal commission’s ability to collect evidence such as gossip and general scuttlebutt not admissible in a court of law as some suggested. Rather, it was its systematic collection of documentary evidence from a wide range of reliable sources, analysed by skilled staff who were capable of making connections with apparently disparate pieces of information. This is what allowed the RCPDU to make the required breakthroughs and piece together the jig-saw of information about organised crime, corruption and tax evasion. This approach was made possible by the RCPDU’s adoption of an effective computer information management system that allowed access to a wide range of material, and for that material to be properly classified so as to connect it to relevant issues. As Costigan (RCPDU 1984: Final Report Vol 2, 33) explained:

I was conscious of the lack of any bank of processed information … of the widespread nature of the sources of information available and the seemingly inconsequential nature of much of the information procurable from each of those sources. On its own each item of information counted for little. It was only if it could be combined in a satisfactory manner that it would prove valuable. The system of combination was critical.

For Costigan (RCPDU 1984: Final Report Vol 2, 33), “the answer lay in the management of the information” and so the RCPDU engaged consultants to establish an integrated computer based management information system that allowed names and crimes to be cross checked and referenced. Costigan (RCPDU 1984: Final Report Vol 2, 33) argued this system not only did not exist among the many different law enforcement agencies in Australia, but the RCPDU “led the world in some of their applications.” As Tiffen (1999: 106) concluded, the “Costigan
Commission pioneered the use of computerised data to trace connections between personnel and transactions.” The RCPDU also accessed large amounts of information held legally in numerous Commonwealth and State government agencies.

The RCPDU did successfully request the Fraser Government to amend the *Royal Commissions Act 1902* to increase its powers in obtaining evidence from witnesses and in accessing taxation records. Nevertheless, Costigan rejected the view that it was the exercise of these coercive royal commission powers that allowed the RCPDU to make its breakthroughs or that these were a threat to civil liberties. Costigan and others involved in inquiries of this type (e.g. Justice Moffitt 1985) have argued that royal commission powers are quite limited compared to those enjoyed by police forces which can rely on informants, undercover agents, telephone tapping facilities, forensic science capabilities, and entrapment (RCPDU 1984: *Final Report Vol 2*, 16-17).

Costigan (RCPDU 1984: *Final Report Vol 2*, 16) rejected the criticisms by the then Labor Premier of New South Wales, Neville Wran (Wran 1984), that the RCPDU should not have acted on information that would not be admissible as evidence in court as being contrary to “natural justice”:

> It is dangerous nonsense to propose that a Commissioner await the assembly of evidence admissible against a nominated criminal before reporting to Government on such matters … Indeed it has never been required … it would be contrary to the public interest.

Costigan (RCPDU 1984: *Final Report Vol 2*, 18-19) stressed it was neither “the existence of common law powers (to examine witnesses and procure documents)” nor “the existence of unusual powers” that gave the RCPDU success in unveiling first the corruption of the SP&DU and then the related range of corrupt activities. It was, instead, “the methods by which the power was exercised … (and) the operational techniques which have been developed to take advantage of the information procured by powers which many possess” (RCPDU 1984: *Final Report, Vol 2*, 18-19). Costigan believed, “there is no lack of necessary power. What is lacking are techniques and equipment,” skilled staff and the will to act (RCPDU 1984: *Final Report Vol 2*, 19).

A further innovative approach by the RCPDU compared to existing police agencies was its ability as an investigatory royal commission to pursue issues even if at first there were no known links to organised crime or a specific identifiable complaint. As Moffitt (1985: 126) explained:
much of the organised crime ... Costigan came upon appeared because he investigated criminal activity not then known to have such links. His inquiry did not suffer the disability of having to be able to see from the outset some link with organised crime before he could proceed.

The RCPDU, unlike the subsequently formed NCA, did not have to wait for references from a committee before investigations could be started. Costigan was highly critical of the proposed NCA precisely because it did not have this independence and freedom of action and that its activities were too controlled by an intergovernmental committee (RCPDU 1984: Final Report Vol 2, 54ff).

Another important feature of the RCPDU was its employment of staff of a different calibre and background than in most law enforcement bodies. As Costigan explained, “analysis was the working tool of the Commission” which demanded “considerable intellect, and an ability to interpret complex commercial transactions. It was very much a lawyer’s task, not a detective’s work” (RCPDU 1984: Final Report Vol 2, 122). The status, task oriented focus and resources of a royal commission allowed such people, who were in relative short supply, to be specially selected and employed by a single body for a short time.

The RCPDU’s great achievement was its understanding of “the intricacy of the pattern of connections by which members of the criminal underworld operate in this country,” to get beyond the “lower level” criminals and to see “how one thing leads to another” (RCPDU 1984: Final Report Vol 1, 81-84). Costigan (RCPDU 1984: Final Report Vol 2, 63) proclaimed the Commission had developed a unique system of information gathering and analysis and that “Law enforcement agencies in Australia have nothing to match this system ... It is a major defect in their operations. It should be corrected as a matter of highest priority.”

Problems: closing down the RCPDU

Inquiries, like many project teams, sometimes have difficulties in meeting deadlines and in managing their closures. Particular problems concerning the Commission’s deadlines developed between the RCPDU and the Hawke Government during its last twelve months. Costigan (RCPDU 1984: Final Report Vol 1, 237) requested extensions until December 1984 because “even with the powers granted to me under the Royal Commission Act there is a growing tendency to impede my work by lengthy court proceedings which are intended to outlast my term.” “Unless such an extension is granted,” Costigan wrote, “it will not be possible to maintain the thrust of my investigations or to hand over to the new Crime Authority in an efficient and sensible manner.” The Hawke Government rejected these requests. It decided the RCPDU should be wound up by July 1984 and the final report submitted by October. Costigan (RCPDU 1984: Final Report Vol 1, 251-262) regarded this as prematurely ending important investigations, putting undue stress on staff and not allowing a proper transition period to the
NCA. Some (Moffitt 1985: 98-99) believed this was because the RCPDU's investigations were impinging too closely on key business figures and those associated with the ALP. Indeed, the RCPDU received during its latter stages increased criticism from civil liberty groups and Liberal and Labor politicians over its processes and lack of “natural justice”. As Moffitt (1985: 84) summed up:

Thus, not only was the inquiry closed down before its original charter had been completed, but particular aspects of it, including some which Costigan said had reached a sensitive part-heard stage, were closed down, leaving it for others, including politicians, to decide whether they were to be continued.

**RCADIC**

Like the RCPDU, the RCADIC was extended from its original twelve month inquiry to one which lasted nearly thirty-one months and given expanded terms of reference.

**Phases and focus**

Initially, the RCADIC saw its tasks to identify and examine each reported Aboriginal death in custody, so as to allow it to develop a thorough understanding of how and why such people died in custody. By so doing, the RCADIC sought to develop an overview of the causes of Aboriginal deaths in custody and make recommendations as to legal processes and prison designs to ameliorate the problem. This is what Whimp (1994: 85) described as the “legal inquiry phase” of the RCADIC. It was dominated by the adversarial legal approach with an emphasis on “oral testimony, eyewitness accounts, and the theatrical participatory elements of formal hearings” (Whimp 1994: 85). It produced large amounts of written and oral evidence that took considerable time to assess with one typical case involving seventy six witnesses, heard over twenty nine sitting days with 140 exhibits and 3,000 pages of transcripts.

By mid-1988, only three cases had been examined. The court-like proceedings were imposing stress upon the Aboriginal community, many of whom were grieving over relatives who had died in prisons, and confronting to police and prison witnesses who saw themselves “on trial.” Also, the “magnitude and complexity of the issues were significantly underestimated” by both the Hawke Government and Justice Muirhead (Hazlehurst and Hazlehurst 1989: 45). The problem, one commentator suggested, was that the RCADIC was seeking to use “traditional forensic examinations of individual deaths” which was unsuited to dealing with an issue when the underlying cause of the problem was “deeply rooted in sociological injustice” (Hewett 1988). Justice Muirhead himself admitted the inquiry had become a “lawyers’ picnic” (Sydney Morning Herald, 5 August 1988), the workload too great and its processes too slow. Consequently, Muirhead suspended the work of the Commission in July 1988 and reviewed its processes (The Australian, 13 July 1988). He concluded that the issue was not just about the number of...
Aborigines dying in custody, but rather why so many Aborigines were in prison in the first place and the need to appreciate wider social and cultural factors.

As a result, the second phase of the RCADIC began. Muirhead sought and was given five additional commissioners. Each was assigned different States and conducted separate inquiries simultaneously. This had not occurred with any previous royal commission. Further, in response to Commonwealth government and Aboriginal agitation about its slowness, the Commission produced an *Interim Report* in December 1988 “to inform the Governments of the Commission’s activities to date, to update information … and to outline … the work ahead” (RCADIC 1988: *Interim Report*, 1). Some initial recommendations to improve custodial procedures were made.

At the same time, the RCADIC received the first of several extensions, initially from December 1988 to December 1989. Later extensions included a further twelve months and then again till March 1991. The RCADIC finally reported in May 1991. The Hawke Government granted these extensions with little public hesitation.

Importantly, the *Interim Report* signalled the RCADIC’s new focus and its acceptance that it was “essential … for the Commission to consider social and cultural factors” which are “seldom comprehensively revealed upon inquiries into specific deaths.” Such an approach, Muirhead concluded, requires a “wider perception by Commissioners in their search for understanding” (RCADIC 1988: *Interim Report*, 2-3). As a result the terms of reference were expanded to “take into account social, cultural and legal factors which, in your judgement, appear to have a strong bearing on these deaths.” Although continuing to use a case by case approach, the RCADIC adopted a parallel process of informal “overview” sessions with relevant stakeholders. This was supported by information produced by an expanded research unit supplemented by Aboriginal Issues Units in each State. These units provided important local knowledge on different issues and a better means for engagement with the Aboriginal community (Whimp 1994: 89). This second phase represented a more social science research approach to assessing deaths in custody (Whimp 1994: 84).

### Difficulties: extensions and new members

Despite these new directions, the RCADIC encountered several problems. The RCADIC’s focus, to “ascertain and bring to light the underlying reasons for this unacceptable death toll and to make ... recommendations ... to bring a greater measure of justice” (*Interim Report*, 5), rather than to seek to punish wrongdoers caused considerable criticism from Aboriginal groups. Aboriginal activist Charles Perkins (1989) called for a review of the RCADIC because “there had been no prosecutions of any policeman or any warden in the prisons and it looks as though the Aboriginal people have just died in vain and this inquiry’s provided nothing.”

There were also legal challenges from the Western Australian police and prison unions resulting in a temporary halt to the Commission’s Western Australian investigations, until their case was...
rejected by the Supreme Court at the beginning of 1989. Although State governments were co-sponsors of the RCADIC, there were frequent problems with cooperation from several States. Bipartisan support for the Royal Commission waned as the length and costs of the RCADIC grew. Liberal parliamentarian, Fred Chaney (1989: 492), a former Minister for Aboriginal Affairs in the Fraser Government, complained that there were inefficiencies in the RCADIC’s approach in “getting to the bottom of what is after all not a particularly new problem.” Opposition spokesman, Dr Wooldridge (1990) suggested the RCADIC “had become an industry in its own right … when the money could be used elsewhere”, a view echoed by former Federal Labor Finance Minister, Senator Peter Walsh (1990, 1991).

Justice Muirhead’s prediction that the inquiry was likely to be “both difficult and protracted” (RCADIC 1988: Interim Report, 4) thus proved to be correct.

What the inquiries said: form and content

Both the RCPDU and RCADIC, because they were public inquiries, made important and significant findings and recommendations that would not have occurred otherwise.

RCPDU

A number of the RCPDU’s reports were not publicly released because of the confidentiality of their content. Nevertheless, the reports that were released were seen as providing a breakthrough across a range of issues that existing law enforcement and investigatory agencies had failed to achieve. The five interim reports16 and multi-volume final report covered a wide range of areas from the activities of the SP&DU, to tax evasion, drug trafficking, corruption and incompetence in government agencies and organised crime. They also proposed new methods and institutional arrangements to tackle these problems.

An important achievement of the RCPDU both in terms of how it wrote its various interim reports and what it said was its ability to use clear non-legalistic narrative to provide a clear overview of the extent of criminal activity and maladministration not previously thought possible. Importantly, the RCPDU, from the myriad of different sources of information, provided the first systematic overview of the type, nature and extent of organised crime in Australia. Many found the Commission’s findings initially hard to accept (Costigan 1984a: 7). However, the inquiry’s royal commission status and the considerable research and evidence provided in its reports gave credibility to claims about the extent of organised crime in Australia which had been lacking in previous attempts to expose this problem (Tiffen 1999).
RCADIC

The RCADIC’s final report included five volumes encompassing the whole ambit of Aboriginal affairs.17

In response to its original terms of reference concerning custodial practices, the RCADIC provided important assessment and recommendations and, in some cases, even detailed guidelines to promote numerous reforms in custodial practice, conditions and staff training, upgrading of prison facilities, research topics and the need for improved data collection. It provided a comprehensive picture of the level of Aboriginal incarceration and the rate of deaths in custody. It clarified the meaning of this term and standardised assessment processes (McDonald 1994).

The real thrust of the RCADIC, as its supplementary volumes highlight, was its attempt to examine what has been described as the “underlying causes” of deaths in custody. As the Federal Minister for Aboriginal Affairs, Robert Tickner (1994), stressed three years later, the “central theme” of the RCADIC “was the need to support self determination by indigenous peoples and to address the profound disadvantage which they experience in all the important aspects of social life – in employment, education, health status, housing and related services.” Particular stress was given to policies to end Aboriginal inequality and the need for “reconciliation between the Aboriginal and non-Aboriginal communities … if injustices to Aboriginal people are to be avoided,” and the need for Aboriginal “self-determination” (RCADIC 1991). In summary, the thrust of the RCADIC was visionary and its recommendations wide-ranging encompassing most areas of policy.

Implementation and impact

Implementation of inquiry recommendations is always problematic. The issue concerning these two inquiries is whether the perceived status and prestige of a royal commission caused these commissions to fair any better. There is also the matter of whether the subject matter of their respective investigations affected the implementation process.

RCPDU

The RCPDU needs to be considered first and foremost as an inquiry into organised crime and corruption and evaluated as such. Other inquiries in this area have been less than successful as Justice Moffitt (1985: 103) summarised:

*Despite the seriousness of organised crime the general response of a succession of governments to these recommendations (of inquiries) has been largely negative. Some recommendations have been implemented, but any response has been piecemeal, usually dilatory, and watered down. Often what has been done has*
Moffitt and others (Woodward 1986) argue that inquiries into these areas have particular problems in having their recommendations implemented because the issues they raise and the proposals they suggest are often contrary to the priorities of governments and powerful interests in society. Because the stakes are so high, such inquiries meet even greater resistance and attempts to undermine their implementation than other types of inquiries.

As discussed, governments have a range of techniques in which to manage inquiries (see Box 6.1). While initially the RCPDU had narrow terms of reference with a focus only on the SP&DU, this was to be considerably expanded. Nor was the Commission denied resources. It was only during its last twelve months that the Hawke Government sought to hasten the Commission’s closure more quickly than Costigan desired and others thought desirable.

A distinguishing feature of the RCPDU was Costigan’s strategy of releasing interim reports and recommendations throughout its life rather than waiting till the end of its investigations to produce one report with the usual long list of recommendations. This proved an effective means of ensuring implementation of the RCPDU’s major recommendations before the Commission was closed. It also assisted in the Commission gain wider terms of reference and several extensions in time. In particular, Interim Report Number 4, released in July 1982, highlighting tax evasion schemes, was sensational. As one journalist (Brown 1982) noted:

"The molehill of 1980, when Prime Minister Fraser persuaded the Victorian Liberal Government to join with the Commonwealth in establishing the Royal Commission to investigate ‘allegations of illegal activities’ by the painters and dockers, has grown into a mountain … this controversy, on the seen and unseen evidence is big, very big."

No government could afford to close down such an inquiry, oppose key proposals or refer matters to other bodies. Interim Report Number 4 caused the Fraser Government to introduce almost immediately retrospective tax legislation despite opposition within the Liberal Party. The RCPDU was quickly granted an extension and extra resources. In Tiffen’s view (1999: 106), the use of interim reports was an “important part of the political pressure Costigan built to promote policy reform, and to gain the necessary search powers to further pursue organised crime.” The Fraser Government also had the Royal Commission Act amended in 1982 in line with changes proposed by Costigan to give the RCPDU extra powers. Costigan (RCPDU 1983: Interim Report No 5, Vol 1, 13) explained the use of the interim report approach and also idea for prosecutions to begin while the inquiry was still running:
Chapter 8

The traditional royal commission did not normally make interim reports as I have done ... In the normal course, the commission would conduct its hearings, assess the evidence and write a report. Having delivered the report, the commissioner then returned to his former occupation ... the report went to government. Some weeks later the question of prosecution would arise and some hapless lawyer would be given the task. Frequently, the already well worn path of investigation had to be followed again, only this time not by some highly qualified lawyer specially selected ... but by a lesser ranking solicitor who ... had a heavy workload. The situation had obvious faults.

To remedy this, and as an important means to prompt continuing implementation of its findings, was acceptance of Costigan’s suggestion for the RCPDU to be empowered to refer matters for prosecution direct to appropriate law enforcement agencies and for teams of prosecutors to be specially established (the Office of Prosecutor, the forerunner of the Director of Public Prosecutions). This approach, Costigan considered (RCPDU 1983: Interim Report No 5, Vol 1, 13), “would allow the immediate referral of the matter as it was being investigated, with the valuable flow of ideas, information and understanding.”

Interim Report Number 4 (July 1982) also proposed a permanent crime commission (the NCA) to continue RCPDU’s work and overcome the problem inquiries encounter when their experience and knowledge is often lost as the inquiry is finished and their work handed onto existing agencies. The Fraser Government accepted this proposal. After it lost office in March 1983, the issue of the NCA passed to the new Hawke Government. There was considerable tension between the RCPDU and the Hawke Government about the form and powers of the NCA. The Hawke Government established the NCA in 1984, but without the powers or independence Costigan had recommended. 18

Despite the many prosecutions that the RCPDU helped to initiate, the extensive reports and research it produced, many of its proposals came under increasing attack as the Commission concluded in 1984 (see Box 6.1 in relation to inquiries generally). Labor Premier Neville Wran (1984) and civil libertarians attacked the RCPDU (The Australian, 5 August 1985), over its alleged excessive use of royal commission powers. There were criticisms that the Commission had cost too much and achieved little (see Costigan’s response in RCPDU 1984: Final Report Volume 1). Later there was even personal ridiculing of Costigan’s abilities (see Premier Wran, 1986). As one editorial (The Age, 23 May 1985) lamented about the lack of action by the Hawke Government:
Rarely has the rhetoric of good intentions rested on so meagre a record of demonstrable achievement … seven months after the Costigan Report, organised crime continues to flourish in the face of government procrastination, indifference or, dare we suggest, reluctance to act decisively. So far only three minor recommendations … have been accepted. Six … critical to the success of the fight against organised crime, have been rejected.

Like those who have chaired other inquiries, Costigan after leaving the Commission expressed concern about the lack of implementation and particularly about the ineffectiveness of the new NCA (The Australian, 8 August 1985; The Age 8 April 1986, Sydney Morning Herald, 23 September 1990). Costigan’s criticism that certain actions by the Wran New South Wales State Government would “cause enormous harm to the fight against organised crime in this country” (The Age, 13 March 1986) received strong rebukes from Premier Wran and Federal Minister Mick Young (1986). Former royal commissioners such as Moffitt and Woodward supported Costigan’s contentions.

An important impact of the RCPDU was the way it boomeranged back on the government that appointed it, the Fraser Government. Its reports highlighted the Fraser Government’s incompetence, questioned ministerial responsibility, caused internal party rifts, destabilised Fraser’s leadership and thwarted proposals for an early federal election (Ayres 1987: 426; Grattan 1982)

RCADIC

In contrast to the reception given to the RCPDU, the Commonwealth Government, now lead by Prime Minister Paul Keating, was highly supportive of the general tenor of the RCADIC recommendations. The Federal Minister for Aboriginal Affairs, Robert Tickner (1991a), hailed RCADIC’s final report as providing a blueprint for the future and “an historic document” and emphasised how the Commission had “evolved into an unprecedented national inquiry into the condition of the Aboriginal people.”

Processes

As with all inquiries it has been suggested that there is a need to assess the impact of the RCADIC not just in relation to its specific recommendations, but in the way it affected the policy agenda (Gosnell 1934). Because of the RCADIC, Aboriginal reform issues according to Jennett (1990: 266-7), were now back on the agenda as:
the publicity surrounding the deaths of Aborigines in custody has reactivated some mass public sympathy for Aboriginal issues, after effective anti-land rights campaigns had closed off much of this by portraying Aborigines as receiving ‘special benefits’ which they ‘don’t deserve’.

While the RCPDU spawned the NCA, the RCADIC prompted establishment of a number of formal processes to assess its recommendations and monitor its progress. While there were elements of “bureaucratising” the RCADIC with so many forums, committees, intergovernmental meetings and discussions, there were important differences compared to other inquiries. For instance, there were requirements for annual reporting on progress in implementation. ATSIC, as recommended by the Commission, was given overall responsibility for coordinating responses and overseeing the process, and received extra funding for this task. That so many areas of Commonwealth and State government, beyond the immediate areas of police and prisons, were involved in these discussions and processes highlighted one of the RCADIC’s main themes of the need for a whole of government approach to this issue.

Policy responses

In policy and resources terms the Hawke and then Keating governments’ actions showed strong support for the RCADIC proposals. Immediately after release of the RCADIC’s final report, the Commonwealth injected a small amount of extra funding ($8 million) to Aboriginal affairs and set out a clear timeframe for providing a response. A meeting with State governments in July 1991 agreed to develop a National Response that would also include extensive consultation with the newly established ATSIC and other groups. Twelve months later the Commonwealth and State governments’ response was released and accepted the RCADIC’s major recommendations with the Commonwealth agreeing to provide an extra $150m over five years for implementation of key projects (The Australian, 1 April 1992). In June 1992, after criticism about the adequacy of this initial injection of funds, the Commonwealth announced a further $250 million. As one commentator (Milne 1996) assessed, this additional funding “vaulted Aboriginal policy beyond the interminable and ultimately futile debate over land rights towards a pragmatic employment based path that encourages black self sufficiency” and showed Prime Minister Keating’s “priority … to the issue.” Opposition criticism was muted.

The RCADIC caused a detailed and considered response by Commonwealth and State governments, a clear system of monitoring and reporting, and a considerable increase in funding for a wide range of programs. In public inquiry terms these actions represented unprecedented support and success in implementation. Implementation of the RCADIC’s recommendations became, for a number of years, a set topic for discussion at a number of Federal-State ministerial and officer meetings. In 1994 a House of Representatives inquiry was appointed to assess implementation progress.
Nevertheless, there have been criticisms. Whether the RCADIC assisted or not in “solving” the original policy problem, Aboriginal deaths in custody, has been open to question. A study by McDonald and Cunneen (1997: 19) five years after the RCADIC reported showed that the number of deaths was equal to the previous highest figure, although the number dying in police custody had fallen dramatically. Further, the full implementation of the RCADIC’s recommendations still had a long way to go because of the lack of real commitment by governments, especially by the Commonwealth. McDonald and Cunneen (1997) concluded that with the election of the Howard Government, “one cannot assume that the next five years will produce any better outcomes.” Interestingly, the Howard Government’s National Commission of Audit recommended abolition of Aboriginal Legal Services and the mainstreaming of Aboriginal programs that was directly contrary to the RCADIC’s proposals.

**Functions: analysing the roles of the RCPDU and the RCADIC**

An important issue concerning the functions performed by these inquiries is whether their inquisitorial royal commission form and the nature of their topics affected the roles they performed in the political system.

**Instruments of executive government**

While both inquiries were clearly appointed by executive government their respective relationships with executive government were different, as was the degree of their independence.

Like the RCAGA, the RCPDU reported to a government different to the one that appointed it. That the RCPDU was initially seen by the ALP as being appointed by the Fraser Government for politically expedient reasons undoubtedly affected its perceptions. While the RCPDU initially embarrassed the Fraser Government, during the latter part of its investigations it also began to have adverse impacts on the ALP, causing, according to some, its premature closure (Moffitt 1985). That the RCPDU was wound up against its wishes by the Hawke Government underlined the limitations of the public inquiry instrument and its dependence on executive government for not only its appointment, but also its continuing existence.

Both royal commissions, but especially the RCPDU, did not meet their appointing government’s original goals. The RCPDU was originally established by the Fraser Government to examine one union. This was to be expanded by the Fraser Government because the nature of the findings of the interim reports gave it little option but to accept public demands for this by the Commission. Hence, the RCPDU became less an instrument of the incumbent government and for a time was able to set its own direction, scope and duration. However, the Hawke Government during 1984 was able to resist many of the RCPDU’s requests, reassert government control and force its closure.
The RCADIC, too, was increasingly able to determine its fate. While Prime Minister Hawke (1987a: 1 and 8) on its appointment was adamant that the RCADIC would “cover only the issue of Aboriginal deaths in custody” and that its appointment “does not suggest … any implication about further funding” for Aboriginal affairs, this was, in fact, what happened. The RCADIC sought wider terms of references and several extensions and given the sensitivity and increasing profile of the issue, the Hawke Government agreed quickly without public protest.

These royal commissions highlight both the powers and limitations of the public inquiry instrument. The “publicness” of these inquiries, enhanced in these cases by their royal commission status, particular members, and controversy of their findings, gave them considerable independence from executive government interference. However, in the face of determined executive government action, inquiries, even royal commissions like the RCPDU, can be brought to heel and stopped altogether. Justice Muirhead (1987: 4) outlined the limitations of public inquiries when he noted that:

*A commission is not a court. It has not the power to deal with those before it, save in the contempt sense. It can recommend but cannot implement its decisions … the hearings, are binding to none. Put simply, the function of a commission is to inquire and report to governments. It is in that sense but an arm, possibly a long inquiring arm, of the executive.*

**Investigatory and inquisitorial functions**

Both inquiries performed the important royal commission investigatory function of assessing allegations and determining facts about particular matters of public interest, but Costigan saw the RCPDU as a “different type” of public inquiry in performing these functions. The RCPDU was not concerned with just identifying some past wrongdoing and then referring its findings to government. Rather, in Costigan’s view (RCPDU 1983: *Interim Report No 5, Vol 1, 7*), the Commission was required “not only to detect and describe the subject of its investigation [but] to examine existing laws and administration and, if found wanting, prescribe some remedy, but also to see to the suppression of the criminality.” It was for these reasons, the RCPDU had the government establish a special prosecuting office to initiate action on matters referred to it by the RCPDU during the course of its inquiry rather than wait till the end of its investigations. The RCPDU’s new investigating techniques showed just how inquisitorial and probing a royal commission could be. Importantly, these functions were enhanced by the lack of their exercise by any comparable existing institutions of government. The RCPDU filled a gap until the formation of the NCA.

The RCADIC in its “search for evidence” (RCADIC 1988: *Interim Report*, 9) performed the important investigatory function to “provide new insights into the circumstances of deaths” (RCADIC 1988: *Interim Report*, 6) perceived to be lacking in previous State coronial and police
inquiries. The RCADIC was able to perform this investigatory function more effectively because of its public inquiry methods, royal commission powers, nature of membership, public processes and specialised staff.

Thus, these inquiries show that in certain circumstances and for particular issues, royal commissions perform an investigatory function more effectively than other institutions whose powers are lacking, focus too narrow, interest spasmodic, resources limited and independence questionable.

**Agenda managers and scanners**

Both inquiries may have been appointed to assist the government to manage the agenda better, but each became more important in how they put new issues on the agenda.

In the case of the RCPDU it was organised crime, tax evasion and corruption that few had thought really existed in Australia especially at the Commonwealth level. These issues were to drive government activities and public debate for some considerable time after the Commission had reported.

For the RCADIC it was a reigniting of both the interest in and government commitment to Aboriginal affairs, at least for the remainder of the term for Commonwealth Labor governments.

**Information gatherers and researchers**

Both inquiries gathered large amounts of information from a wide variety of sources that they supplemented by specialised research.

The RCPDU gathered information, much of which had not been known previously. This was because of its intrinsic criminality and secrecy. It was also the result of the different organisational boundaries within and outside of government that prevented linkages being made. Still other information was produced afresh by the Commission’s special research, hearings and interviews. In this way, unlike other inquiries investigating similar organisations (e.g. *Royal Commission into the Activities of the Australian Building Construction Employees and Builders Labourers’ Federation*), the RCPDU operated, as Costigan (*RCPDU 1981: Interim Report No 2, 8*) stated, more “akin to a crime commission and less a royal commission investigating one particular union.” The RCPDU was more an intelligence agency probing for information and making connections than an inquiry simply collecting information in an *ad hoc* manner.

So, too, did the RCADIC collect, through its case by case approach and hearings, considerable details about both the circumstances of individual deaths and flaws in their subsequent
assessment by the relevant authorities. As the inquiry progressed, this was increasingly underpinned by research and linked to the wider socio-economic causes of the deaths.

The success of the commissions in performing this information gathering and research function was aided by their royal commission status and powers, their task force approach and ability to apply what Bulmer (1982) called social science research techniques in much of their work.

**Knowledge synthesisers, interpreters and integrators**

More than just gathering information was the way both commissions synthesised it in both interim and final reports in a form that provided a comprehensive overview for the first time about their respective topics. This was because as public inquiries with such wide remits for investigation, each commission was able to operate across all levels of government and their different vertically structured and focussed organisations. The RCPDU gave an insight into organised crime which few suspected even existed, while, according to Prime Minister Keating (1994), the RCADIC was “the most comprehensive and searching analysis of the condition of indigenous Australia.” It was this “connectiveness” of their reports that really distinguished these two royal commissions.

**Promoters, mobilisers and educators of public opinion**

Each commission put new issues on the agenda and profoundly affected public opinion. The RCPDU alerted the community to the extent and nature of organised crime and the fallibility of existing institutions in dealing with these areas. It put organised crime and a host of related issues on the policy agenda. As Tiffen (1999: 109) concluded, the RCPDU “energised both political and enforcement activity in these areas,” caused extensive changes to legislation, formation of new agencies and changed perspectives about an area previously not thought to be a major problem in Australia.

Similarly, the RCADIC widened debate of Aboriginal affairs. It was not only deaths in custody, high imprisonment rates, arrests for drunkenness which were highlighted, but the overall Aboriginal condition of which these were just “symptomatic of past failures” in many policy areas (RCADIC 1988: *Interim Report*, 65).

It was the “publicness” of these bodies as inquiries that allowed this function to be performed as effectively as it was. As public inquiries, each commission generated considerable publicity, sometimes very deliberately. The length of their investigations increased this profile more than usually. As public bodies perceived to be independent and prestigious, the commissions generated an interest that few other institutions could have achieved.
Advisory and problem solvers

Unlike many investigatory royal commissions that are often concerned primarily with allocating blame, the RCPDU and RCADIC never saw their prime role merely in these terms. They increasingly saw their primary function as policy advisors and advocates of particular actions to solve the serious policy problems they had uncovered. These problems were not only about individual wrongdoing, but about systemic and policy failure which required a whole new set of government policy responses. This is what their voluminous detailed and researched reports delivered. The RCPDU both identified a policy problem that few thought even existed and a policy framework for an effective response. Similarly, the RCADIC sought to replace the existing fragmented policy and institutional arrangements with its narrow focus on the deaths in custody problem, with a different and wider definition of the policy problem.

Costigan (Interim Report 1983, No 5, Vol 1, 9-10) contended that:

*Commissions of inquiry have a very important and valuable role to perform. That role is not just detecting criminal offences and bringing prosecutions. Our country has a number of Police Forces … in doing just that … The matters worthy of attention of a Commission of Inquiry require a much greater breadth of action than mere prosecution.*

These wider roles, Costigan said (Interim Report 1983, No 5, Vol 1, 10), included assessment of the appropriateness of existing laws and government policies to deal with the problems discovered, the nature of administrative action and consideration of the capabilities and capacities of existing law enforcement agencies and the need for their reform.

Similarly, the Federal Minister for Aboriginal Affairs, Robert Tickner (1991b), stressed the policy advisory functions of the RCADIC and noted that:

*there has never before been undertaken such a comprehensive inquiry into the conditions experienced by Aboriginal Australians … the overview and recommendations of that Royal Commission … provide tremendous insight into the problems experienced by Aboriginal people and give further understanding of what action is required to address those critical issues of Aboriginal disadvantage.*

Mediating and consultation roles

While public inquiries often perform a mediating role among different interests or provide a vehicle for consultation, this is often a less important feature with inquisitional type inquiries given their concern with either allocating blame or checking the veracity of certain allegations. Such inquiries are less concerned with seeking mutual accommodation of their proposals.
across different interests. Certainly, the RCPDU did not seek to perform mediating or consultation roles either through its membership, processes or focus of investigations. The RCPDU sought to identify criminal activity, develop an overview of organised crime and, where possible, assist in prosecution.

On the other hand, the RCADIC from the beginning sought to serve a mediating and consultation role with indigenous people as a means of assisting in the “grieving” process (Whimp 1994). This role increased during the second phase of the RCADIC, which despite some Aboriginal criticisms about its effectiveness was one that the Commission sought to achieve (RACDIC 1988: Interim Report).

Legitimisers of government actions

The “publicness” and perceived independence of inquiries make them potential important legitimisers of subsequent government actions. The more contentious a government’s proposed action, the greater the reliance on an inquiry for its implementation. Its royal commission form may enhance the legitimisation function of an inquiry. It can also be affected by its membership. For example, dominance by independent expert people instead of those recruited as representatives of vested interest groups, can give an inquiry greater credibility. Even more important in affecting the legitimisation power of an inquiry is whether it effectively carried out its designated roles, its investigations tackled legitimate policy issues, met the “publicness” criteria of inquiries (openness, external independent members) and that it produced a report that reflected the evidence and recommendations that were deemed relevant and necessary.

As a result of the RCPDU’s reports and recommendations the Fraser and Hawke governments enacted a range of new measures. Many of them were of a regulatory nature that according to some undermined certain civil liberties. Other proposals led to the establishment of important new institutions with considerable investigatory powers in their own right. That these were largely successful reflected the prestige of the RCPDU in exposing organised crime in a range of areas that allowed government to legitimise a diverse range of important changes. One example was the Fraser Government’s introduction of retrospective legislation to outlaw and penalise tax evasion schemes identified in the RCPDU’s Interim Report No 4 in the face of considerable opposition from within the Liberal Party (Ayres 1987: 425-6), especially in Western Australia.

In a different way, the RCADIC legitimised increased direct Commonwealth involvement not only in custody issues, but also through new consultative mechanisms and protocols, in fields where previous Commonwealth involvement had been peripheral. This opportunity to expand Commonwealth involvement was specially exploited by the Keating Government that placed a high priority on Aboriginal issues.
Conclusions

The RCPDU and RCADIC produced large and complex reports that evoked necessarily detailed responses from governments that often took considerable time. The commissions’ proposals led to establishment of new institutions, policies and administrative arrangements, affected government policy priorities and put new issues on the policy agenda. The many successes that these commissions had in their respective fields, in both highlighting particular issues and having many of their recommendations implemented, was more than just the result of the quality and comprehensiveness of their reports and research. This was important. However, it was also because of their “publicness” as inquiries and, in particular, as royal commissions, which ensured that they were able to do the required investigatory tasks and gain the level of public, media and government interest necessary for implementation of their major recommendations.

Another distinguishing feature of both the RCPDU and RCADIC reports was not just the scandals or malpractices they discovered, important as these were. It was how each commission also revealed wider aspects of the initial problem they were asked to investigate. Inquiries too often only have the opportunity to focus on minor parts of larger policy problems. By contrast, both these commissions, although initially given narrow issues to examine, were able to widen this focus and consider the broader underlying causes of these specific problems.

Royal commissions because of their particular powers and general prestige will continue to be important where law and order and administration of justice are concerned.

As examples of the inquisitorial royal commission inquiry, the RCPDU and the RCADIC highlight a number of important features of this now predominant type of royal commission and their use in the political system. These are summarised in Box 8.1.
Box 8.1: Summary of findings about the RCPDU and RCADIC

- The royal commission form makes a difference in how an inquiry operates and, importantly, its effectiveness. As indicated by the RCPDU and RCADIC, the basic processes of public inquiries were enhanced by their royal commission form, status and powers of investigation and protection of evidence they were able to afford some witnesses;
- Royal commissions with their coercive powers are appropriate to conduct investigations into maladministration and corruption over other forms of inquiries. In relation to the RCPDU this was important both in obtaining information previously not available and in maintaining pressure on first the SP&DU and, later, other targeted groups. However, unless supported by the special techniques of information gathering and research, these powers alone would not have been enough for the RCPDU to expose organised crime as failures of previous royal commissions of this character have shown. Similarly, the RCADIC supplemented the normal royal commission and adversarial processes with a more research based approach, so as to probe the deaths in custody issue more effectively;
- Inquisitorial royal commissions, as the RCPDU and RCADIC show, can perform, in addition to their investigatory roles, important policy advisory functions;
- As with other inquiries, the effectiveness of royal commissions is highly dependent on the calibre of their members and their understanding of the issues as much as their royal commission form;
- Royal commissions investigate highly important and controversial issues. Both commissions are seen as significant turning points in their respective fields, though, their initial topics were far less important;
- Although appointed by executive governments, the “publicness” of inquiries, if adroitly exploited by their chairs, can expand their roles, powers and duration in ways that other institutions of government are unable to do;
- Governments when appointing inquiries for their own political purposes should not assume that favourable outcomes are certain or public inquiries are merely extensions of executive government. The RCPDU, in particular highlights the risks governments take when they appoint an inquiry;
- The use of quasi-legal processes and employment of legal professionals, as occurred with both these inquiries, make royal commissions more expensive and time consuming than most other forms of inquiries;
- Royal commissions can and do adopt innovative investigative processes as the RCPDU especially shows;
- Governments tend to be more enthusiastic about inquiries they appoint than ones they inherit (e.g. the Hawke Government’s less than fulsome support for the RCPDU);
- Appointment of inquiries often occur, as in these cases, where there was a lack of existing permanent advisory or investigatory institutions;
- Although inquiries are not a substitute for ongoing policy advice the systems of information gathering and analysis which they develop can be “routinised” and integrated into government decision making through the new organisations they may recommend (e.g. the NCA) or the processes of implementation they can trigger (e.g. the post RCADIC reporting arrangements);
- These royal commissions show that inquiries can provide a means of “breaking through” political paralysis and institutional inertia, redefine issues and contribute to significant policy innovation.
Endnotes

1. In 1982, royal commissions were given greater powers to summons witnesses and to impose higher penalties for witnesses who refused to comply with a commission’s demands to give evidence or appear before a hearing. Most importantly, there is a denial of the rights of witnesses to refuse to give evidence for fear of self-incrimination. This increase in powers was a direct result of a request from the RCPDU in 1982.

2. See Endnote 1 in Chapter Three.


4. Since 1970 only two royal commissions, the 1974 Royal Commission into Australian Government Administration and the 1986 Royal Commission into Grain Storage, Handling and Transport, were not chaired by judges or senior legal practitioners.

5. Examples of this criticism include:
   - Justice P. Evatt and the 1983 Royal Commission on the Use and Effects of Chemical Agents on Australian Personnel in Vietnam was criticised for both its processes, costs and findings and was subject to further review (see Chapter Four, Endnote 7);
   - The Hawke Government’s Royal Commission into British Nuclear Tests in Australia between 1952-1963, was strongly attacked by the Coalition Opposition for being a highly flawed and biased inquiry (see Carrick 1986);
   - Prime Minister Fraser’s attack on the Woodward Royal Commission into the Australian Meat Industry was seen as unprecedented at the time (see Chapter Seven); Prime Minister Keating’s 1994 public condemnation of the “political” nature of the West Australian appointed Marks Royal Commission into the Use of Executive Powers issue (see Chapter Three);
   - The Keating Government was highly critical of the South Australian Royal Commission into the Hindmarsh Island Bridge and was latter subject to Federal and High Court reviews and a further Commonwealth inquiry (see Chapter Three);
   - Justice P.M. Woodward’s complaint that the recommendations of his Royal Commission into Drugs were not being implemented by the New South Wales Government was attacked by Premier Wran as being “absolute fantasy” by people “who are getting on in years” (Sydney Morning Herald, 25 June 1986).

6. See Chapter Four, Endnote 5 concerning inquiry costs. Some examples include:
   - RCAGA $2.1 million
   - RCPDU $14 million
   - RCADIC $35 million

7. Frame (1992) concluded in relation to both royal commissions into the Voyager disaster that the “method of inquiry played too great a role in affecting the outcome of events” and thus there was the need for a different type of inquiry to more effectively investigate such complex matters. The problems of the single member judicially lead royal commission were particularly evident in relation to the first 1964 Royal Commission on the Loss of the HMAS Voyager chaired by Sir John Spicer (Frame 1992: 125-144).

8. As discussed in Chapter 3, the number of royal commissions appointed by governments since 1949 showed a marked increase following election of the Whitlam Government in 1972 which appointed eight royal commissions within three years. The Fraser Government appointed seven during its seven years in office and the Hawke-Keating governments, twelve royal commissions over a thirteen year
period. The Howard Government has reversed this trend. In seven years it has only appointed two
royal commissions.

9. These included the:
   • New South Wales’ Justice P. Woodward’s *Royal Commission into Drugs* (appointed in 1977 and
     reported in October 1979);
   • South Australia’s Sackville chaired *Royal Commission into Drug Use* (appointed in 1977 and
     reported in April 1979); and,
   • Commonwealth’s Justice Williams’ *Royal Commission into Drugs* (appointed in October 1977 and
     reported in December 1979).

Costigan drew attention to these inquiries, other police task forces and the role of the RCPDU in
supplementing their work (see RCPDU 1984: *Final Report* vol 5, Chapters 1 and 4).

10. Another royal commission announced at this time was the *Royal Commission into Drug Trafficking*
    chaired by Justice Stewart. This royal commission would not start till June 1981 when Justice Stewart
    became available.

11. The Queensland National Party Government’s own departmental inquiry into the issue before the
    RCADIC had concluded that Aboriginal deaths were more than just matters of individual suicide, but
    reflected a range of policy and institutional factors including poor prison and police custody
    accommodation, procedures, staff training and coronial practice (Powder and Law 1987).

12. There was an across party motion of support in the Senate for the royal commission (*The Age*, 24
    November 1987).

13. Appendix 1 highlights that of the twenty-five inquisitorial royal commissions appointed since 1949 all
    but two were single member inquiries.

14. Since the Second World War no royal commissioner had resigned from a Commonwealth inquiry (see
    Borchardt 1986).

15. The Western Australian Government established its own inquiry into related issues took legal action to
    try to exclude some deaths as part of the investigations and delayed in responding to requests from the
    Commission for information (*The Australian*, 5 November 1988). Both the Queensland National Party
    and New South Wales Coalition Government stopped cooperating with the RCADIC at different points
    Government threatened to take legal action to limit the RCADIC from examining wider social issues,
    although this was part of the Commission’s expanded terms of reference to which all States had
    agreed (*Courier-Mail*, 17 November 1989). Relations with Western Australia were further soured when,
    following one of the Commission’s reports, five policemen were charged for assault. They were later
    acquitted

16. The interim reports were:
   • *Interim Report No 1*, March 1981 on SP&DU membership, control and criminal background of its
     members;
   • *Interim Report No 2*, July 1981, on SP bookmaking, unemployment fraud, use of false names by
     Union members;
   • *Interim Report No 3*, December 1981, on proposed changes to taxation law;
   • *Interim Report No 4*, July 1982, on taxation fraud, organised crime suppression, and bottom of the
     harbour tax evasion schemes;
   • *Interim Report No 5*, July 1983, on a proposed national crime commission and other fraud
     schemes.
17. The final report provided an overview. This was supplemented separate volumes covering social conditions, police and community relations, education, health and poverty (Volume 2); criminal justice issues (Volume 3); ideas for change (Volume 4); international issues, land and reconciliation matters (Volume 5). There were 339 recommendations.

18. In particular, the RCPDU wanted the NCA to have the same powers as royal commissions in being able to override the traditional right against self incrimination and being independent from political veto. Both these suggestions were rejected and, along with the secrecy provisions, produced what Moffitt and other former royal commissioners labelled as a body with “serious deficiencies” (Moffitt 1985: 124). Costigan concurred with these criticisms (1984b; 1986; 1990).
CHAPTER 9: PUBLIC INQUIRIES IN ACTION III—CASE STUDY OF THE CAMPBELL, MARTIN, AND WALLIS INQUIRIES INTO FINANCIAL DeregULATION

Introduction

This is the last of the chapters examining specific public inquiries as case studies. The chapter focuses on three inquiries, appointed by three different governments (the Fraser, Hawke and Howard governments, two Liberal and one Labor), over a period of seventeen years from 1979 to 1996, into the policy area of financial regulation.

The first of inquiries is Committee of Inquiry into the Australian Financial System appointed in 1979 by the Fraser Liberal-National Party Government and chaired by Keith Campbell. Next there is the Martin Inquiry into Australia’s Financial System established by the Hawke Labor Government in March 1983 under the chairmanship of Vic Martin. Last, is the Stan Wallis chaired Inquiry into the Financial System formed by the Howard Liberal-National Party Government in 1996. These inquiries will henceforth be known respectively as the Campbell, Martin and Wallis inquiries.

Reasons for selection

These inquiries were chosen for several reasons.

First, each of these inquiries met the criteria of a public inquiry (see Table 9.1). They all were temporary bodies appointed by executive government with mostly external members and which conducted their activities publicly.

Second, these were inquiries into one major policy issue that extended over a seventeen year old timeframe and covered the full range of policy development activities. Thus, consideration of the three inquiries affords assessment of the use and role of the public inquiry instrument promoting an issue onto the agenda, defining its boundaries, suggesting options, proposing policies for implementation, legitimising choices and evaluating its impacts.

Third, these inquiries were intricately related to each other and need to be viewed together. The Campbell Inquiry was important in initiating financial deregulation. The Martin Inquiry was appointed partly to assess the Campbell Report and other aspects of financial deregulation not originally discussed. The Wallis Inquiry reviewed the impact of financial deregulation largely established by the two previous inquiries.
Fourth, these inquiries, but specially the Campbell Inquiry, have been associated with causing a major policy shift in Australian economic policy, the dismantling of Australia’s highly regulated financial system that itself had been established as a result of another inquiry, the 1935 Royal Commission into Monetary and Banking Systems (Butlin 1937; Schedvin 1970). This change to deregulation represented a fundamental break with the long standing regulatory regime which both non-Labor and Labor governments had established, maintained and in the case of Labor, sought to greatly extend at one stage.¹ Hence, Edwards and Valentine (1998: 297) have deemed these as “watershed inquiries.” As Kelly (1992: 77) argued, these inquiries not only ushered in financial deregulation, but acted as “an irresistible catalyst to further deregulation of Australian society – its markets for goods, labour and service … an economic revolution.” Indeed, financial deregulation was “presented by Keating from 1984 onwards as basic to the achievement of economic growth, to the improvement of economic efficiency through restructuring, and to maintenance of an anti-inflationary discipline” (Kelly 1992: 76).

Fifth, if implementation of inquiry recommendations has been an area of dissatisfaction (Gosnell 1934) then, as Edwards and Valentine (1998: 311) stress, the “one characteristic which differentiates the inquiries (Campbell, Martin and Wallis) … from the majority of such exercises is their success.” All the inquiries have had their recommendations largely accepted and implemented. Understanding the causes of this success factors is important the role of inquiries in policy development.

Sixth, there is the key issue of why the public inquiry instrument was repeatedly used in this area. There were other alternatives including permanent expert bodies both within (e.g. Treasury) close to (e.g. the Reserve Bank of Australia [RBA]) and outside of government (e.g. universities, consultancies) that could have been employed.

Last, assessing the use of inquiries in a single policy area provides a means to track actual policy changes and their underlying rationale. As Edwards and Valentine (1998: 297) suggest:

*The different concerns and objectives of these reports are an accurate measure of the extent of the changes that had occurred in the financial system over that period. They also reflect changes in theories about financial and monetary relationships.*
### Table 9.1: Characteristics of public inquiries

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Campbell</th>
<th>Martin</th>
<th>Wallis</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-permanent, ad hoc and temporary</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Established and appointed by executive government</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Resourced by government</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Exist at the discretion of government</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Discrete organisational unit, not part of any existing government agency</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Composed of members drawn from mostly outside the public service and government</td>
<td>Five members</td>
<td>Four members</td>
<td>Five members</td>
</tr>
<tr>
<td>“Publicness” i.e. processes were transparent, actively promote existence to wider community</td>
<td>Yes – public advertisement</td>
<td>Yes – but limited actions</td>
<td>Yes – public advertisement</td>
</tr>
<tr>
<td>Clear and public terms of reference</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Actively seek public participation</td>
<td>Yes – hearings, consultation and Interim Report</td>
<td>Limited – discussions with key groups</td>
<td>Yes – hearings, submissions and Interim report</td>
</tr>
<tr>
<td>Produce a public report</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Report to government not another advisory body</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Have advisory powers only</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
</tbody>
</table>

### Why were they appointed?

While each inquiry had their own particular reasons for establishment, understanding the reasons for the Campbell Inquiry’s appointment in 1979 is pivotal to appreciating the reasons for the subsequent Martin and Wallis inquiries given their close links to each other.

### Campbell Inquiry 1979

An important aspect about the appointment of the Campbell Inquiry deserving special attention was the fourteen month gestation period from when the inquiry was first publicly mooted by Prime Minister Fraser, till its final establishment. This delay was unusual. Most inquiries are quickly established once announced. Understanding the reasons for this delay in being established is important in appreciating the reasons for its appointment and its subsequent treatment by the Fraser Government. While most inquiries have clear sponsors in terms of ministers and departments, there has been ongoing debate as to who in the Fraser Government initiated its appointment and championed its proposals. Both former Prime Minister Fraser and former Treasurer Howard, have both taken credit for its initiation (ABC 1994; Ayres 1987: 408-413; Kelly 1992: 78; Weller 1989: 376-383).
Chapter 9

Appointing the inquiry: stated reasons
Unlike several of the inquiries considered in Chapters Seven and Eight, the Campbell Inquiry was not established as a result of some particular trigger event or perceived crisis. It was unlike its forerunner, the 1935 Napier Royal Commission into Monetary and Banking Systems that was appointed in response to the Great Depression and Australia’s resultant economic and social crisis (Crisp 1971: 252; Schedvin 1970). Rather, the Campbell Inquiry, as its terms of reference stated, was appointed to “inquire into … the structure and methods of operation of the Australian financial system”, all key financial institutions and existing methods of government regulation and to make recommendations for “the improvement of the structure and operations of the financial system” (Campbell 1981: xxiii).

The origin of the Campbell Inquiry’s was Malcolm Fraser’s November 1975 Federal Election Policy Speech promise for a “comprehensive examination of ways in which the efficiency of the Australian capital market can be improved with special reference to the availability of finance for the expansion of small business investment” (Liberal Party 1975: 16). However, it was only midway through the 1977 December election campaign when Prime Minister Fraser, in responding to a question during an address at the Securities Institute about the previously promised examination, announced that an inquiry would be established after the election (Weller 1989: 377). It was not a major election issue.

While the original 1975 election promise was primarily motivated by concern about small business and its access to finance, the formation of the Campbell Inquiry with its wider terms of reference, was to examine “the efficiency of the financial system” (Campbell Report 1981: xxiii), was driven by several economic and political influences.

Changing economic environment: the pressure for deregulation
Economic pressures rose from the gradual breakdown of the old regulatory regime governing international financial markets following the collapse of the Bretton Woods system in 1971. By the late 1970s this was beginning to impact increasingly on how nations managed exchange rates, foreign investments and their own internal management of their economies and regulatory regimes. In these circumstances Australia’s highly regulated financial system, developed for different times and circumstances, was being seen by some within government, the business community and academia, as no longer providing the most optimal system for the Australian economy. As Edwards and Valentine (1998: 299) suggested, the “the creation of the Campbell Inquiry was a reaction to widespread dissatisfaction with the functioning of the system of regulation that had been created … after World War Two,” so that by 1979, “there was general agreement … that financial regulation was not achieving its objectives.” Other players in the financial sector such as building societies and credit unions, were constrained by the existing regulatory regime, also desired a review. Thus, there was increasing consensus
Chapter 9

(Valentine 1982: 4) that a review of the financial sector was “long overdue.” As the Campbell Inquiry (1981: xxvi) explained:

The last inquiry into the Australian financial system was the Royal Commission into the Monetary and Banking System which reported in 1936. At the time of the Commission’s deliberations, the Australian economic environment was very different from now … Today, the economic environment is far more complex … The international economic environment has altered greatly, and the world financial markets have become more closely integrated … In keeping with these economic developments and in response to them, the Australian financial system has undergone a major transformation.

Political environment

Reinforcing these economic pressures was the changing political environment. Neither Fraser, nor the Liberal Party when it gained office in 1975, was a ideologically pro-market proponent of financial or other forms of deregulation. Fraser himself had been assessed as being “neither a ‘right’ radical nor liberal”, but a conservative, “more willing to acknowledge the limitations of the market system and the need for regulation” (Ghosh 1978: 24; Tiver 1978: 251-261). As one commentator observed (Castles 1986: 27), the Fraser Government was “similar to that of previous Coalition governments” since the Second World War, which despite the public rhetoric support for free enterprise, were not particularly noted for pro-market policies opting instead for Keynesian economic policy and extensive ad hoc government intervention in the economy (Castles 1986: 24-25; Tiver 1978: 59-102).

As the full economic impacts of the 1973 oil shocks such as “stagflation”, rising unemployment, and the failure of traditional Keynesian economic management became evident alternative policy prescriptions emerged first abroad and then in Australia, in the form of the pro-market, deregulatory, neoclassical economic policies, labelled as the “New Right” (Simms 1982a, 1982b). As Tiver (1978: 102) noted “by 1975, a few (in the Liberal Party) were looking again at the updated free-market and monetarist theories of Hayek and Friedman.” This manifested itself within the Federal Parliamentary Liberal Party with the emergence of the backbench group known as the “dries” (Henderson 1994: 264; Simms 1982a). While still a nascent group at the time of the Campbell Inquiry’s appointment in January 1979 when Fraser’s dominance was still so evident, their numbers and importance were to increase. After the Fraser Government’s near loss at the 1980 election, Simms (1982a: 162) noted there was, “a revival of laissez-faire and free market rhetoric” in the Liberal Party and growing influence of the “dries.” As a result, Fraser during his last term (1980-1983) sought to both “mollify those sections of the coalition parties” who believed the Fraser Government had lost its way, and to give it a new focus, by placing greater stress on “small government” and deregulation. The appointment of the Lynch Review of Government Functions in 1981 to identify areas for cutting back government, and
other public inquiries to investigate deregulation in areas such as airlines, postal services and telecommunications were further examples of this. Moreover, the “dries” held important votes in the April 1982 Peacock leadership challenge to Fraser (Ayres 1987:424). Indeed, the ideological battle between the increasingly influential “dries” and more moderate members was to dominate internal Federal Liberal Party politics for some time after it lost office 1983 (Henderson 1994; O’Brien 1985).

The appointment of the Campbell Inquiry largely predated the full impact of these ideological trends and internal Liberal Party dynamics, but they become increasingly important during the course of the Campbell Inquiry. By the time its final report was presented in November 1981, they were more evident and posed particular stresses on the Fraser Government in its deliberations to decide how to respond to the Campbell Report.

**Internal government pressures: inquiry sponsorship**

These economic and political pressures combined to give impetus for the appointment of the inquiry. The final push for the Campbell Inquiry came from within Fraser’s own personal office and department (the Department of Prime Minister and Cabinet [DPM&C]). Economic adviser, Professor John Rose and Mr Edward Visbord, head of the Economic Policy Division in the DPM&C drafted the initial briefing paper and terms of reference for the proposed inquiry including coverage of “the management of tap issues, the auctioneering of securities, foreign exchange, foreign investment guidelines, and the role of the Reserve Bank” (Ayres 1987: 410-411; Weller 1989: 377). A briefing paper from DPM&C was presented to the Monetary Committee of Cabinet in early February 1978 that agreed, “to proceed with an independent, non-judicial inquiry into the Australian capital market” (Weller 1989: 377). Treasurer John Howard and his department were then given carriage of the matter. However, it was not until January 1979, a year later that the terms of reference and membership were finally approved. During this long gestation period Prime Minister Fraser frequently requested Howard to progress this matter more quickly (Ayres 1987; Weller 1989).

That the Campbell Inquiry took fourteen months to be established, suggests that the Fraser Government either did not see financial deregulation as a high priority issue, or was itself undecided about its overall stance. It also indicated considerable resistance from within government by Treasury, the National Party and according to some, Treasurer Howard, although this was not the public perception. The lack of a clear sponsor for the Campbell Inquiry, as the wrangle between Fraser and Howard over its appointment showed, was indicative of this lack of resolve and clarity of purpose and would affect how the Fraser Government would respond to the final report on its release. If the Fraser Government hoped that by appointing an inquiry it would allay concerns and show interest, and then as with other inquiries, do nothing as the issue dropped from view (Gittins 1981; Harding 1985), then the
Fraser Government was to be surprised by the momentum which the Campbell Inquiry would help to generate for deregulation.

Opting for the public inquiry instrument
The Fraser Government had several options in deciding how to respond to this issue. One included relying on a Treasury prepared white paper. Treasury had the expertise to prepare such a discussion paper. During the Fraser Government’s period in office white papers had been used in other policy areas such as industry policy. However, the Treasury’s reluctance to support suggestions for an inquiry indicated it lack of enthusiasm for this new policy direction. Moreover, white papers did not have the same perceived prestige or independence as a public inquiry. It was an internally public service produced document, though released for public comment. Treasury’s authorship had other problems. It was a body seen as being too remote from the realities of business and at times even inimical to business interests. Moreover, institutions like Treasury and the RBA were themselves intricately entwined and self interested in the present regulatory regime to be expected to provide the necessary independent analysis.

Another option was the parliamentary committee inquiry. This does not appear to have been seriously considered, possibly being seen as not expert enough and likely to increase, rather than moderate partisan conflict and public disquiet.

There were other permanent institutions of economic policy advice, such as the Industries Assistance Commission (IAC). However, the IAC’s terms of reference were unsuitable, focussed as they were on the specific industry tariffs and assistance measures rather on industry wide performance matters. Even if the IAC had such a role, it was a body under some criticism from both the Fraser Government and the private sector as being “anti-business” and unable to provide independent analysis.

In these circumstances, Professor Rose, argued the review be conducted by a public inquiry, “provided a group of six good people could be persuaded to do a lot of good work to produce a high grade report” necessary to ensure change in this area (Weller 1989: 377). Rose emphasised the external membership and research capabilities of a public inquiry as being important attributes to ensure a successful outcome for this task. Only an external inquiry could view the issue and existing arrangements dispassionately, do its own research, consult effectively, build support and overcome internal government opposition.

Another reason for the use of the public inquiry instrument was that the importance of the financial sector warranted it. After all, the previous comprehensive review into this area had been done by an external inquiry in the form of a royal commission. That a royal commission was not appointed in this instance reflected trends of using royal commissions for inquisitorial type roles. Moreover, an inquiry into deregulation did not need the powers of a royal
commission or the presence of a judge as this was not an investigation into bank failures or corruption, and allocating blame as would occur during the 1980s at the State level (see Appendix 10) and which partly overshadowed the 1935 royal commission. This was an inquiry seeking information, assessing trends and identifying issues so as to provide advice to government about the future direction of public policy. In the case flexibility in process and use of a wide range of different members necessitated the appointment of a policy advisory committee of inquiry rather than the more formal royal commission.

So, in summary, the appointment of the Campbell Inquiry was driven by changing economic policy pressures and heightened by new ideological influences having particular resonance for a political party like the Liberals espousing “free enterprise” principles. The issue confronting the Fraser Government was how to forge new policy directions and effectively manage their implementation, politically and in economically. The Campbell Inquiry was about helping a government find its way through these changes, understand a new policy area, redefine its approach to economic management and manage potential critics both within (e.g. the National Party and Treasury) and outside (e.g. home borrowers, banking employees, the rural sector, small business) of government. That deregulation was itself a new policy trend in “fashion” (Hogwood 1987: 43) may also have affected the decision to appoint an inquiry. It signalled to both important external constituents such as the increasingly broad interests in the financial sector, and internal critics, that the Fraser Government was aware, if not yet fully embracing, the latest thinking on this area. Last, given the institutional opposition from within government by Treasury (see Kelly 1992; Weller 1989: 380-383), only an external public inquiry of some prestige and intellectual ability could hope to overcome or at least neutralise this.

Just how committed the Fraser Government was to deregulation remains questionable. The Campbell Inquiry’s terms of reference clearly indicated it was about advising government on how to move to deregulation. Treasurer Howard (1979) stressed in announcing the Campbell Inquiry, it would take into account the Fraser Government’s “free enterprise objectives,” and its appointment “should be seen as a positive attempt by Government to improve the efficiency and flexibility of the Australian financial system.” Importantly, stated Howard (1979), the “objective of the Inquiry was not more regulation by the Government.” However, whether the Fraser Government appreciated the extent of deregulation that the Campbell Inquiry would propose and the impact it would have in putting this issue so firmly and publicly on the agenda on other areas of the economy and its management by government, is another issue.

**Martin Inquiry 1983**

**Appointing the inquiry: stated rationale**

If the Campbell Inquiry had a long gestation, then the opposite occurred in relation to its successor the Martin Inquiry. It was appointed suddenly and unexpectedly in May 1983, just two months after the election of the Hawke Labor Government. Its task, as its terms of reference
stated (Martin Report 1984:1-2), was to “have regard to the recommendations of the Committee of Inquiry into the Australian Financial System (Campbell Inquiry), the Government’s economic and social objectives, and the need to improve the efficiency of the financial system” and to advise on how “the benefits of economic growth are equitably distributed … with the enhancement of opportunities for economically and socially disadvantaged groups.” The appointment of the Martin Inquiry appeared to reflect the Hawke Government’s desire to develop an understanding of an area about which the ALP was traditionally wary. It was an attempt, by its stress on social issues, to put the new government’s stamp on a policy area associated with the previous administration (see Table 4.1). After all, the ALP had expressed strong opposition to the Campbell Report on its release and campaigned against it during the 1983 election. Some regarded the Martin Inquiry as a means to delay deregulation – an example of a Labor Government being unable to make appropriate economic management decisions (Potts 1984). As Kelly (1992: 79) observed, “in 1983 the majority of the ALP rejected the Campbell Report as free market dogma which had no place in a Labor administration.”

Economic environment and political exigencies

Although opposed to deregulation while in Opposition, the ALP in government were soon confronted by the realities of office. There were emerging economic pressures such as an impending currency crisis which the Hawke Government and its new Treasurer, Paul Keating became more aware of on gaining office. They also came to appreciate the extent of change occurring in the financial sector and the importance of its reform for the vitality of the whole economy. Kelly (1992: 79) explains, within “just after a few months after their election, Hawke and Keating had been converted … to financial deregulation.” That oppositions once in government, often change previous stated policies as they face up to the reality of office and are exposed to new information and unforeseen problems is not unusual (Rose 1976). The challenge is to recognise the changed situation and role and to respond suitably. For the Hawke Government this meant it was how to restart the deregulation process begun under the Fraser Government, but largely stalled. To achieve this new policy direction, the Hawke Government had to develop a rationale to explain its new stance, overcome party opposition, and like the Fraser Government, overcome internal government obstruction from a difficult Treasury Secretary and other external interest group resistance. However, the Coalition Opposition, with Howard as Treasury spokesman, would support the Hawke Government’s deregulation actions.

It was in these circumstances that the Hawke Government reached for the public inquiry instrument for what some would regard as the politically expedient or “illegitimate” (Spiegel 1973: 17) purpose of justifying a preconceived strategy to adopt the deregulatory approach. While the Campbell Inquiry gave substance to the then Fraser Government’s notions about financial deregulation and to gain support from business, government and the community, Martin had a different agenda and a different audience. It was to signal to the business community that deregulation was not off the agenda, highlight the viability of incorporating social
objectives within a economic policy framework to help the Hawke Government gain support within the ALP and assist the government in committing a major policy turnaround.

Many saw the Martin Inquiry as unnecessary (Editorial, *The Australian*, “No Good Reasons for a New Inquiry,” 31 May 1983). As economic commentator David Potts (1983), commented:

*If there is one thing worse than asking a silly question, it is asking a silly question twice. Especially when the first answer was good enough anyway. Yet the Government has decided to set up a committee half of which will be bureaucrats to review the recommendations of the Campbell Committee.*

Such views misunderstand the role of public inquiries and the policy development process. The Martin Inquiry may have been a “ploy to overcome ALP and Caucus objections to some of the major recommendations of the Campbell Report” and criticised as such (Editorial, *The Australian*, 31 May 1983), but policy development is as much about acting tactically to gain support by using certain processes to develop arguments and help legitimise desired policy outcomes, as it is about research and analysis (Sheriff 1983). The Martin Inquiry, suggested Kelly (1992: 81), “was a mechanism Keating needed, to resurrect the financial deregulation agenda which Labor had rejected in the form of the Campbell Report.” This would be what the Martin Inquiry would help achieve. It redefined deregulation in terms more acceptable to the Australian Labor Party (ALP) and hastened its implementation.

**Opting for the public inquiry instrument**

That public inquiry mechanism offered the Hawke Government several advantages to achieve its goals, largely because of the “publicness” of its features. For instance, to minimise internal ALP opposition to deregulation, then only a new review body appointed by the Hawke Government, would show that it was not acting on the recommendations of the Fraser Government’s inquiry. The Martin Inquiry would assert that deregulation was not harmful in achieving social goals, which “meant that Labor could now be its own master; it could claim authorship and legitimacy for its own deregulation” (Kelly 1992: 87).

Executive government could more quickly establish the public inquiry mechanism than a parliamentary committee with its terms of reference, timeframes and membership more tightly controlled. Being such a public body also sent clear signals to external players about the new government’s interest in the issue. The Martin Inquiry’s public processes, although less elaborate than its predecessor, gave assurances that its discussion and report would be open, input allowed and the final report able to be scrutinised. The independence of the public inquiry also offered ensured that its views would be worth considering. As Perkin (1983) commented in relation to this feature and its importance in affecting ALP opinion:
The new inquiry [Martin Inquiry] may well be a device to get some independent recommendations that could help the Government overcome the difficulties of equating Campbell recommendations with ALP policy. It could … provide the ammunition needed by government to get through some policy changes that otherwise do not fit with its basic policies.

Wallis Inquiry

Of the three inquiries, the Wallis Inquiry established just two months after winning office in March 1996 by the Howard Liberal-National Party Government, represents the simplest and most focussed in terms of a government’s motivation, its scope and its role. The short ten month deadline given to the Wallis Inquiry, indicates this. The Wallis Inquiry did not have to consider, like the Campbell Inquiry, the whole financial sector, or assess whether deregulation should occur or the form it should take. These important agenda setting and policy definition tasks had already been done. Nor were social issues an important issue. These had been attended to by the Martin Inquiry and later by several parliamentary committees (Edwards and Valentine 1998: 301).

Appointing the inquiry: stated purpose

By 1996, deregulation had become part of the accepted part of Australian public policy with full bipartisan support (if not total across the board minor party backing). The focus of the Wallis Inquiry was narrower than the Campbell and Martin inquiries. Treasurer Peter Costello (1996) charged the Wallis Inquiry with “providing a stocktake of the results arising from the financial deregulation of the Australian financial system since the early 1980s” and with identifying “the forces, driving further change…in particular, technological development” The Wallis Inquiry (1997: vii) saw its reason for appointment and role as follows:

Much of the regulatory framework for the Australian financial system has been established over the 16 years since the Australian Financial System Inquiry (Campbell Committee) reported in 1981. The financial system has been transformed over this period and continues to undergo sweeping change. Against this background the Government decided in 1996 to establish a new inquiry to review these developments, to consider the factors likely to drive further change and to make recommendations for further improvements to the regulatory arrangements.

Thus, the Wallis Inquiry had both a review and future directions role.

Economic and political environments

There were both economic and political pressures for a further review of the finance sector. At the economic level, there were important drivers of change in terms of demands (e.g changing
consumer preferences) and supply (e.g. new technology) (Davis 1997). Because of these changes the existing regulatory framework established by the Campbell Inquiry, now sixteen years old, there was in need for fine tuning. Also, although there was general agreement that deregulation had worked well, it had not been without its problems as several parliamentary committee reports and other critics had highlighted. There were also some aspects of the original deregulation process, like the “six pillar” banking policy that had not yet been addressed. Other problems included increasing domination by large banks, volatility in financial variables, and excessive unproductive borrowing (Davis 1997; Valentine 1990).

A changed political environment also affected the decision to appoint another inquiry. Just as the newly elected Hawke Government appointed the Martin Inquiry partly to declare its interest in this area, so too did the new non-Labor Howard Government, out of office for thirteen years, wish to reassert its hegemony over this important area. Also, it was one of which the Coalition parties and especially Howard, had seen themselves as a prime instigator, but for which they had not been properly recognised. Indeed, while it was a Coalition government which had appointed the Campbell Inquiry and put deregulation on the policy agenda, as Gruen and Grattan (1993: 138) stress “the major removals of restrictions … took place under Labor” and hence the Hawke Labor Government had received much of the political kudos for deregulation. Keating as Treasurer and Prime Minister, in his harangues across the parliamentary chamber to the Coalition Opposition, delighted in stressing how they were the pro-deregulators who could not deregulate, too captured by the bureaucracy to take the initiative (Keating 1988). Thus, the Howard Government’s appointment of the Wallis Inquiry was partly about instigating a policy review. It was also an attempt to reconnect the Coalition parties to an important policy they had once initiated. Financial deregulation was also an area dense with interest groups with which the Coalition parties had long had associations and who had high expectations of the Howard Government’s pro-business election platform (Howard 1996; Starr and Prasser 1997).

**Opting for the public inquiry instrument**

The Howard Government had even more options than its predecessors in deciding how to evaluate financial deregulation. In addition to existing departments like Treasury, the interdepartmental mechanism or parliamentary committees, private consultancies had by this time increased in importance (Dent 2002; Hawker 2001; Martin 1998). Moreover, the IAC became the more wide ranging Productivity Commission, quite capable of such industry wide reviews.

Several factors affected the decision to use the public inquiry instrument. As the primary task of the Wallis Inquiry was one of policy evaluation, the public inquiry instrument was with its features of “publicness,” particularly suited for this task. It was external, had open processes, was temporary with no long term institutional interest, and reported publicly. This was concomitant with perceived notions of how policy evaluation should be done of a major policy
area where there are numerous and powerful interests. As Hogwood and Gunn (1984: 236) suggest, “an outside organisation may be commissioned to ensure greater public confidence in the evaluation results, either for reasons of expertise or because a report from outsiders might appear to be more objective.” More so than with any other part of policy development process is the notion that evaluation be conducted by an “independent” agency. Neither inter-departmental committees, departments like Treasury, parliamentary committees nor consultants, are perceived as independent or as “external” to government, as a public inquiry. The Productivity Commission, though an independent statutory body with public processes, was seen as a too market oriented body to do an evaluation that would be perceived to be independent.

There was also historic precedent to use the inquiry instrument. Since the first major inquiry into this area, the 1935 Napier Royal Commission, the public inquiry had become the favoured instrument in this policy area. Not to use an inquiry would have been perceived by the sensitive business policy community as indicating a lower priority to this issue by the Howard Government.

Also, the Howard Government, like all parties out of office for long periods, had an innate distrust of the public bureaucracy it had inherited from the previous government. In Opposition the Coalition parties had criticised senior appointments to the Australian Public Service (APS) made by the Hawke and Keating governments. It was too early in the life of the new Howard Government to have appointed its own people to key positions in government departments and related institutions. In these circumstances, the quickest way to “import” those with the perceived appropriate political background and trust was either through consultancies or the public inquiry mechanism. The consultancy path was both less public, but had limited status. Also, those expectant supporters wanting a role with the new government may not have seen a consultancy as having the necessary public profile or prestige to warrant their involvement.

Thus, the Wallis Inquiry was appointed to review or evaluate what had happened with financial deregulation and to provide advice for further incremental change to accommodate new trends. As Lim (1997: 301) suggests, the “timing of the inquiry was opportune as the existing climate was marked by uncertainty about the nature of the evolving financial system and the anxieties about the potential financial disasters.”

**Membership**

In relation to these three inquiries the issue is whether these varied between inquiry to inquiry and government to government. **Table 9.2** provides a comparison.
As outlined in Chapter Six, inquiry members can be classified in terms of being representatives of certain groups (e.g. consumer or producer groups) or being classified as expert, impartial/public interest or political and partisan members.

Several aspects of membership about these three inquiries are of interest. Overall, all the inquiries were dominated by those from the business sector, who represented 64 per cent of the members. These business representatives were those with backgrounds in the banking and the financial sector. This dominance occurred regardless of which government appointed them. These inquiry members, although having expertise, were nevertheless representatives of producer groups. No representatives of consumer groups like the Australian Consumers’ Association (ACA) were appointed. Academic members and those from the public sector (e.g. Treasury and Reserve Bank) each represented 21 per cent of the membership. Academic members may be regarded as independent and exercising certain “consumer” functions. The lowest proportion of finance industry representatives occurred with the Hawke Government’s Martin Inquiry where there were also two (50 per cent) members from Treasury and the Reserve Bank. In public choice terms, these Treasury and Reserve Bank members may be seen as part of the finance sector as their institutions played such a key role in the management of this area, and they have an interest in maintaining their agency involvement in this field.

Despite this domination in membership by the business sector, none of the inquiries received serious criticism in this regard. This was partly because several of these business representatives had considerable status. Sir Keith Campbell was described as “one of the most respected businessmen in the country” (The Australian 18 November 1981). Vic Martin was similarly regarded, though he was seen by the Australian Federation of Credit Unions, one of the smaller players in the financial sector, for being too close to the large banking and insurance sector (Australian Financial Review, 6 June 1983). Wallis on several company boards was seen to have the necessary background to conduct the inquiry.

<table>
<thead>
<tr>
<th>Inquiry</th>
<th>Total</th>
<th>Business</th>
<th>Academic</th>
<th>Public Servant</th>
<th>Gender</th>
</tr>
</thead>
<tbody>
<tr>
<td>Campbell</td>
<td>5</td>
<td>4 (property and bankers &amp; insurance)</td>
<td>None</td>
<td>1 (RBA)</td>
<td>All male</td>
</tr>
<tr>
<td>Martin</td>
<td>4</td>
<td>1 (bankers &amp; insurance)</td>
<td>1</td>
<td>2 (Treasury and RBA)</td>
<td>All male</td>
</tr>
<tr>
<td>Wallis</td>
<td>5</td>
<td>3 (banker, company directors)</td>
<td>2</td>
<td>(Possibly 1 if Professor Carmichael is included)*</td>
<td>4 male 1 female</td>
</tr>
<tr>
<td>Total</td>
<td>14</td>
<td>9</td>
<td>3</td>
<td>3</td>
<td></td>
</tr>
</tbody>
</table>

*Professor Carmichael was formerly a Bond University academic and then joined the Australian Financial Institutions Commission.
Nevertheless, these three financial inquiries confirm McEachern’s (1987:49-50) public choice arguments that inquiries may be vehicles for self interested groups to gain benefits from public policy. Governments tend to appoint more of these producer type members to such inquiries as a mechanism for the key players to come together to agree to policy change and thus “confer political support in return for the passage of special interest legislation” (McEachern 1987: 49-50). Given subsequent evaluation by some commentators (Hand 2000) and two House of Representatives parliamentary committees (Martin and Hawkins 1992) about the adverse consequences for consumers of financial deregulation, then it may be accepted that these inquiries were about reconfiguring the benefits of financial regulation less across the whole community and more in relation to the existing array of players.

Process, resources and timeframes

There were some differences in the way each inquiry conducted their investigations, but much of this concerned the scale of effort rather than the processes used. The Campbell and Wallis inquiries adopted similar arrangements with extensive consultation arrangements, while the Martin Inquiry followed a less extensive approach. These differences reflected the reasons for their appointments, the roles each inquiry performed and their respective timeframes.

Campbell Inquiry

The Campbell Inquiry took the longest to report (over two years), employed the largest number of research staff, had the most public discussions, employed several consultancies and produced the largest volume of reports of all the inquiries. It actively sought submissions from the public. While the Campbell Inquiry did not hold formal public hearings like royal commissions, it did conduct numerous meetings around Australia to discuss some of the submissions with key contributors. As well, it sought comments and commissioned studies from a further sixty academics and leading consulting firms. The Campbell Report (1981: xxxvi) highlighted this public consultation role and processes:

> various facets were debated at public hearings and seminars … This exposure helped to confirm the Committee’s view that the community while recognising a government responsibility to ensure stability and confidence, was nevertheless receptive to the prospect of a more open and flexible financial system.

The important characteristic of the Campbell Inquiry process that distinguished it from later inquiries, was the considerable expertise of its staff. In addition to Fred Argy, a former senior Treasury official, as its Secretary, four senior advisors served the Campbell Inquiry and a ten person ongoing research team, headed by Professor Tom Valentine and involving staff recruited from academia and Treasury. It was an impressive array of talent and resulted in the Campbell Inquiry producing a report that was seen as providing both new insights into the area
and one that was authoritative because it was backed by appropriate levels of research. However, some academics (Sharpe 1982) criticised its methodologies.

**Martin Inquiry**

By contrast, the Martin Inquiry produced a much briefer single volume report within eight months. Martin had only a small secretariat staffed mainly from Treasury and the Reserve Bank. The Martin Inquiry (1984: 4) also adopted a less wide ranging consultative process than its predecessor. The Martin Inquiry believed that given the earlier Campbell Inquiry, it had “decided not to invite submissions from the public, not to hold public hearings nor to conduct extensive consultations with interested parties,” but rather “where necessary … the views of expert groups were sought.” However, this caused no public criticism. The narrower terms of reference of the Martin Inquiry and its closeness in timing to its predecessor meant that such features were not seen as essential.

**Wallis Inquiry**

The Wallis Inquiry worked within a tight timeframe of ten months, but unlike Martin, sought public submissions, held public consultations in all States, published an interim discussion paper and held seminars to stimulate public debate and participation in its process (Wallis 1997: viii).

The Wallis Inquiry, though less well endowed with research staff than Campbell (it had eighteen staff) nevertheless employed several consultancies and received several hundred submissions. As Professor Valentine (1997: 304) commented, the Wallis Inquiry “with its strict deadline … had to rely heavily on material drawn from submissions to bolster its arguments. It did not have time to do its own research.”

**Overview**

These different approaches reflect the varying policy development roles each inquiry performed and the underlying rationale for their respective appointment. The Campbell Inquiry, as the policy initiator, agenda setter, systems reviewer and policy innovator, had to consider the whole area of financial deregulation, provide the first comprehensive analysis of this area, and develop a new policy framework. Its open-ended terms of reference compared to the other inquiries indicated these roles and along with less demanding timeframes allowed it to perform these considerable tasks.

The Martin Inquiry, as it terms of reference stated (Martin Report 1984: 4), took the Campbell Report as its initial point of reference. Martin was a review of what Campbell was proposing. It was not a complete assessment of the finance sector.
The Wallis Inquiry was a more extensive review of both what had happened since the Campbell and Martin reports with some consideration of future possible trends. It was far more consultative than the Martin Inquiry and went to considerable lengths, given its limited timeframe, to discuss issues across the community as well as with the relevant interests. In this, the Wallis Inquiry performed as a typical external review body (Barkdoll 1980). As one of its members (Harper 1997b: 288) stressed, the Wallis Inquiry, “unlike its predecessor, the Campbell Inquiry … did not focus primarily on deregulation of the Australian financial sector. Its concern was more to reconfigure regulation … to changing financial conditions.” It was not required to develop a whole new framework for financial sector management like Campbell.

None of these inquiries used or had the powers to seek information or witnesses like royal commissions. These three inquiries employed processes which reflected their non-statutory advisory policy inquiry approach of asking for submissions, conducting independent research, using sustained analysis and proposing recommendations for implementation.

What the inquiries said: form and content

Campbell Inquiry

The Campbell Inquiry set the scene and pattern for the Martin and Wallis inquiries in terms of the overall direction of policy debate in this area. As the first inquiry into the financial sector since 1935, and given the major policy shift that it was to propose and legitimise, it is not surprising that the Campbell Report was the largest in terms of size (a 900 page final report accompanied by four research volumes and an extensive Interim Report). It was the most extensive of all the inquiries in terms of areas covered and range of recommendations. The Martin Inquiry produced a single volume. The Wallis Inquiry being a review of the area was more detailed and produced 700 page final report and an interim report.

Campbell was seen at the time by most as the most comprehensive and up to date analysis of the Australian financial sector and economy, making 300 specific recommendations and findings on a wide range of areas affecting the financial sector. The Campbell Report is still seen as the major and seminal work on this area, compared to the briefer Martin Report and the less significant Wallis Report (Carron 1984; Edwards and Valentine 1998; Gittins 1997).

The significant theme of the Campbell Inquiry (Campbell Report 1981: 1) was its adoption as its basic principle that, “that the most efficient way to organise economic activity is through a competitive market system which is subject to a minimum of regulation and government intervention.” Although acknowledging that “unregulated markets do not always work perfectly” the Campbell Inquiry “holds firmly to the view that the discipline of the market remains the most economically efficiency basis for allocating funds and resources from the viewpoint of the community as a whole” (Campbell Report 1981: 1). Consequently, because of this view, the
Campbell Inquiry’s recommendation for deregulation meant “far reaching deregulation of the financial system” (Edwards and Valentine 1998: 300). While it accepted the importance of social objectives and outcomes, Campbell argued these should be clearly set by government and best be achieved through specific taxing and spending programs rather than by manipulating and distorting the financial system which produced long term adverse results on the rest of the economy.

This fundamental approach of reliance on markets and transparency of government policy was, as Edwards and Valentine (1998: 300) assessed, “shared by all subsequent inquiries.” If the Fraser Government was seeking independent analysis to endorse a deregulatory policy initiative, as it said it was, then the Campbell Report gave it unequivocally. The Campbell Inquiry’s proposals for removal of all interest rate ceilings and barriers to foreign bank entry, extension of Reserve Bank liquidity support to non-bank institutions, relaxation of exchange controls, move to a free exchange rate, privatisation of government owned financial intermediaries and removal of special low interest loan arrangements to the rural sector, were largely re-endorsed by the Martin Inquiry and assessed as successful by the Wallis Inquiry.

An important aspect concerning the Campbell Report that affected the Fraser Government’s response was that it was more integrated than other inquiry reports. This meant that it was not easy to accept some recommendations and not others (Weller 1989: 379).

**Martin Inquiry**

The briefer Martin Report endorsed the major aspects of the Campbell Report’s recommendations. The Martin Inquiry, suggested one editorial, “happily obliged … advocated the admission of foreign banks … dismissed the other ideas (of Labor’s)” and “done something much more positive and important for the Government” by providing it with a “vehicle not merely to preserve the existing degree of deregulation, but also to press ahead with further deregulation” (Editorial, *Sydney Morning Herald*, “Martin: Tailor Made for Labor”, 24 February 1984). In particular, the Martin Report re-endorsed the Campbell Inquiry’s recommendation to deregulate home loan interest rate arrangements and the foreign bank entry proposal. However, being less purist than the Campbell Report, it placed certain stipulations on these proposals such as suggesting only a limited number of foreign banks entries and with 50 per cent Australian equity.

While the Campbell Report was praised for its free market approach, the Martin Report had received some adverse reactions because it was seen to be too pragmatic, of not supporting deregulation enough on issues like foreign bank entry. As Gittins (1984) commented about this adverse reaction, “the rising tide of hostility – from everyone except the local banks – is a product of political naivety combined with not a little of self-interest.” According to Gittins (1984), the Martin Inquiry got the political calculations right:
Martin’s brief was to review the Campbell Committee ‘having regard to the Government’s social and economic objectives’ – which is a nice way of saying: having regard to what Keating could reasonably hope to get Caucus to swallow …

Martin was never intended to be as economically pure as Campbell. What would have been the point?

In essence, the Martin Report endorsed the major thrusts of the Campbell Report, but in policy development terms redefined these into a more palatable form for the Labor Party and provided more detail in policy terms on areas where the Campbell Report had been vague. The Editorial of the *Sydney Morning Herald* (24 February 1984) stressed “the Martin Report is a much more conventional, practical report” than the Campbell Report. Moreover, in pursuing and supporting deregulation of housing interest rates, Martin stressed the equity issues that helped Treasurer Keating overcome Labor Party Caucus resistance to later deregulation of this area. If Campbell was seen as the blueprint for deregulation in general, Martin was the “blueprint for abandoning the ALP’s pre-election housing policy and instead moving in the opposite direction” (Mockridge 1984).

**Wallis Report**

The Wallis Report similarly confirmed that the deregulation of the financial sector as recommended by the Campbell Report, endorsed by Martin and largely implemented by the Fraser and later Hawke governments, had been effective in creating a “more resilient flexible” economy. Overall, the Wallis Report argued that the benefits of deregulation, though not as great as expected, outweighed the costs and proposed further deregulation with the removal of the existing arrangements preventing Australian banks to merge. It also recommended several new institutions in regulation and the removal of the Reserve Bank from day to day supervision of the banks in line with other central banks abroad. Despite its detailed 700 page report and 115 recommendations, it was recognised that the Wallis Report was “far from comprehensive in its coverage of the problems of the financial system” compared to the Campbell Inquiry (Valentine 1997: 304). Others, such as Gittins (1997) were more critical, suggesting that the content of the Wallis Report was a:

*fizzer … It’s not the world changing document Peter Costello and the committee led us to expect and sections of the media have billed it as. In terms of its potential impact on bank customers and the wider economy, it bears no comparison with the Campbell Report.*

This was to be expected. The Wallis Inquiry, was essentially performing an evaluation role of what had been initiated as a result of first the Campbell Inquiry and then Martin Inquiry. Its brief was to review these changes and make further recommendations to maintain momentum in the same policy direction. As Gittins (1997) explained, the lesser significance and impact of the
Wallis report was because “you can deregulate the financial system only once. When you’ve done so, all that remains is tidying up loose ends. And that’s all the Report’s about: tidying up.”

Implementation and impact

While Edwards and Valentine’s (1998) believed these three financial inquiries were unusual in being so successful in having their recommendations accepted and implemented, this belies the resistance, which the Campbell Inquiry in particular, initially met on its release and the considerable time it took for its proposals to be accepted. Again, the Campbell Inquiry set the pattern for the subsequent Martin and Wallis inquiries. The eventual acceptance of the Campbell Inquiry’s proposals for deregulation would set in train an irresistible policy momentum.

Campbell Inquiry

The Campbell Inquiry was hailed as “historic” by many commentators (The Australian, November 1981). Many saw the Campbell Report as an overdue major breakthrough. In policy development terms, the Campbell Report took the financial deregulation issue from the narrow confines of the expert policy community and put the issue firmly on the broader public policy agenda where it became a major topic of national debate and an important issue during the 1983 election.

Nevertheless, there was some criticism from academics concerning the quality of its analysis (Sharpe 1982) rather than the deregulatory thrust of its recommendations. Others, like former senior Fraser Government ministerial adviser, Russell Schneider (1981), believed the Campbell Report was too clearly prepared by business people, and “fails to put together the case study evidence which would justify change – the sort of evidence necessary for politicians to sell to a nervous and suspicious electorate” in the “political marketplace”. Schneider, predicted the Campbell Report’s recommendations would be “almost be unsaleable … (and) the Report will join the others gathering dust on the parliamentary shelves”.

The Fraser Government, while not initially accepting the Campbell Report’s proposals, in the face of the Labor Opposition’s total condemnation, mounted a spirited defence of its basic deregulatory thrust. Treasurer Howard (1981b), the day after the Report’s release, stressed the Fraser Government’s “commitment to a freer, less regulated and competitive financial system” and that “many of the recommendations (of the Campbell report) were fully consistent with those objectives.” However, Cabinet did not endorse the Campbell Report prior to its public release. “Early Canberra reaction,” noted one observer (Keegan 1981) the week after the Campbell Report was released “is far from encouraging.” Indeed, the Campbell Report went to Cabinet twice before being publicly released with National Party ministers reportedly seeking to alter parts of it pertaining to rural support (Kelly 1981). Indeed, the delay in setting up the Campbell Inquiry by the Fraser Government was repeated in the length of time the Fraser
Chapter 9

The Government took to respond to the Campbell Report's and its slowness in implementing the recommendations. The delay was a reflection of both the complexity and nature of the Campbell Report's proposals, and the intrinsic nature of the Fraser Government with its coalition composition, and its particular place in the electoral cycle.

Opposition came from several sources. In the community, there were many interests seeking to maintain the status quo (e.g. rural sector, small business, parts of the banking sector and certain). State governments, regardless of political complexion, were reluctant to publicly support the recommendations given the potential impact of their electorates and special financial arrangements. Some proposals such as deregulation of the housing interest rates were highly politically salient issues that if implemented too quickly could cause such electoral opposition as to scuttle the whole Campbell Report. Indeed, Labor Premier Wan expressed strong opposition when the Hawke Government did deregulate this sector in 1986 (*The Age*, 5 April 1986).

The ALP Opposition rejected the Campbell Report’s recommendations within thirty six hours of its release (Willis 1981), quickly dispelling any hope of bipartisan support. Interest groups like the ACA also opposed the major deregulatory thrust of the Campbell Report. Indeed, both the Labor Party and groups like the ACA saw the Campbell Inquiry not as an independent impartial analysis, but as an ideologically biased report (Willis 1981) as they did with other similar inquiries into telecommunications and postal services (Dawkins 1982b; Button 1981).

In addition to all these problems, the Fraser Government itself, in the months succeeding the release of the Campbell Report, was engulfed in an increasing number of crises, declining support, and leadership challenges to Fraser (April 1982). The Fraser Government was caught between the desire to adopt a more pro-market approach, respond to the growing influence of the “dries” within its ranks, satisfy significant business support for deregulation and set the government in a more decisive reformist direction. Yet, it was confronted with National Party scepticism, a need to acknowledge short term electoral opinion, and Treasury and Reserve Bank opposition. While implementing the Campbell Report posed problems for the Fraser Government, so too did a failure to do so. After all, the Fraser Government had appointed an inquiry composed of Australia’s leading business leaders to provide advice in line with the Fraser Government’s specified terms of reference and its professed free enterprise philosophy. As one editorial (“Campbell and Liberalism,” *The Age*, 19 November 1981) commented:

> The irony is the Government, having got what it asked for, has been neatly impaled on it the horns of a dilemma. Will the Liberal Party have the courage of its free enterprise convictions and adopt what the Campbell Report has prescribed as pure in principle and desirable in practice? Or will it shrink in the face of resounding electoral repercussions from putting into practice what it has long proclaimed to be
Treasurer Howard (1981b) contended that the Campbell Inquiry was established to promote financial deregulation and would not have been established, "in the first place if we had not believed in those objectives" and that as "many of the recommendations of the Committee were fully consistent with those objectives. I do not retreat one inch from what I have said about the objectives of the Government in this area." Nevertheless, the Campbell Inquiry may not only have been more wide ranging than expected, but also the nature of the sector and the structure of the Campbell Report made it less amendable to the usual ad hoc, incremental and compromised nature of most policy development especially under the Fraser Government. Indeed, the Campbell Report was not just a report with recommendations that could then be assessed by government for implementation. Nor could it be so easily separated from the policy area on which it was reporting. While trends in the financial sector had partly caused the Campbell Inquiry to be appointed, its activities, heightened by the inquiry’s intrinsic “publicness,” so consumed the policy space that it influenced the content, direction and pace of financial deregulation. The Campbell Inquiry had become a part of the policy area, affecting and in turn being affected by its interactions with other stakeholders.

Professor Valentine (1982: 14) partly understood this. He warned at the time (1982: 14) that while there will be "many difficulties if the authorities try to implement the recommendations of the Campbell Committee … inaction is not a viable alternative. The distortions which have appeared in the financial system will continue to develop" and cause major problems unless there was full implementation of the “integrated program of reform” embodied in the Campbell Inquiry. The Campbell Report combined with the ongoing economic changes, had given financial deregulation a momentum that was hard to resist.

This was not appreciated by the Fraser Government which had appointed a public inquiry partly to obtain advice, but also by an inquiry’s “publicness” to show interest in the issue, appeal to certain groups, and possibly map out a program of change. The Fraser Government assumed that as an executive appointed instrument, the Campbell Inquiry would provide options for it to assess, and as it had done with so many other inquiries, decide in its own time what to implement, if anything. However, in this case, the inquiry so influenced the debate and salience of the issue that the Fraser Government found itself less able to ignore the inquiry it had established without appearing indecisive and defensive of vested interests.

The formation of a taskforce with representatives from those government agencies that had opposed the formation of the Campbell Inquiry appeared to indicate that the Inquiry was going to be “bureaucraticised” with little attempt at implementation. However, the inclusion on the
taskforce of two senior ministerial staff from the Prime Minister’s and Treasurer’s offices as well as representatives from the DPM&C indicated that the Fraser Government was taking the Campbell Inquiry and its implementation more seriously. Nevertheless, Howard’s preferred piecemeal process of taking each agreed separately negotiated proposal to Cabinet was inappropriate for quick implementation of a report that was highly integrated in nature. As Howard (see Weller 1989: 380) explained:

> I took the view that the only way you would get substantial progress because of deep seated opposition was … to do it bit by bit. We decided we could never make a definitive statement or give a definitive response because that would force the government to take specific decisions on specific issues.

This approach assumed the Campbell Report’s recommendations could be easily considered separately and their political implications assessed. Many saw this process as a result of resistance from Treasury, the RBA, the National Party and the Fraser Government’s indecisiveness (Weller 1989: 382). Again, there has been debate as to whether it was Fraser’s cautiousness or Howard inability to overcome an obstructionist Treasury that caused delays in developing a more positive response to the Campbell Report. According to Ayres (1987: 413):

> The perception in Fraser’s office – and certainly … Fraser himself – was that he and Cabinet were kept waiting week after week for the relevant recommendations from Howard. Who in turn would be waiting on a reluctant Treasury. The momentum was lost. Any notion that John Howard attempted to force the pace of change against Cabinet obstruction is a total misrepresentation of the truth.

Whatever the causes, by the time the Fraser Government fell from office in March 1983, it had only “implemented a few of the less contentious proposals” of the Campbell Report (Carron 1984: 208). It was seen as another example of policy failure by the Fraser Government during its “sorry 7-year economic story” (McGuinness 1983). It was to be left to the incoming Hawke Government to resolve the implementation the Campbell Report and the deregulation issue.

**Martin Inquiry**

The Hawke Government had appointed the Martin Inquiry soon after coming to office to advise it on the Campbell Report. However, before the Martin Inquiry reported, the Hawke Government had accepted deregulation whole-heartedly and decided to implement a number of important reforms seen as urgent. Hence, foreign exchange controls were lifted, Australian overseas investment restrictions removed, the exchange rate floated, before the Martin Inquiry reported. When it did, the Martin Report largely endorsed these initiatives, reinforced the deregulatory thrust, and made suggestions for further changes. After the Martin Report the Hawke Government’s continued with further deregulation. In 1984, foreign bank entry, as
initially recommended by Campbell and supported and modified by Martin, was implemented along with other key recommendations. Further, in 1986 the Martin endorsed proposal to deregulate housing interest rates was also implemented and represented the last major part of the deregulation package as proposed by the Campbell in 1981 and endorsed by Martin in 1984.

Wallis Inquiry

In contrast to the Campbell Inquiry, the Howard Government formally accepted most of the Wallis Report’s proposals within a few months of its release. As Wallis Inquiry member, Professor Harper (1997a) celebrated following the Howard Government’s formal response to the Wallis Inquiry:

Well, it’s just about all there. Apart from the Treasurer’s previous rejection of the recommendation to allow bank mergers among the four major banks and a couple of minor name changes, the Government has accepted all of the Wallis Committee’s key recommendations.

The Wallis Inquiry’s quick success was the result of several factors. Deregulation was no longer an issue of contention. It had been put on the policy agenda by a combination of changing economic trends, the Campbell Inquiry. Its momentum had been restored by the pragmatic Martin Report and the changed attitude by the Hawke Government and its skills particularly that of Treasurer Keating, pushing ahead with reforms in the face of internal ALP opposition, Treasury reluctance and electorate scepticism. By the late 1980s the key deregulation issues had largely been resolved and accepted. They were no longer an issue. There was bipartisan support. The Wallis Inquiry’s endorsement of deregulation was the final formal approval of deregulation.

Functions

In assessing the activities of these three inquiries, four key functions can be discerned.

First, especially with the Campbell Inquiry, they helped put financial deregulation firmly on the policy agenda. The issue was well known to key policy players prior to the Campbell Inquiry’s appointment as its terms of reference clearly show. While many thought deregulation was inevitable, and an inquiry not really important, the Campbell Inquiry by its two year consultative process, discussion papers, interim report, research and considerable publicity, did what crises do to other issues, alerted a broader community to the importance of financial deregulation. This agenda setting was less important for the subsequent Martin and Wallis inquiries. Certainly, there was no other institution within government or outside of government that could have as effectively as the Campbell inquiry, put deregulation on the top of the policy agenda. Other
bodies like Treasury and reserve Bank were too divided. The business sector was not authoritative enough. The universities were too remote.

Second, all three inquiries were important information gatherers and researchers, but it was the Campbell Inquiry which set the pace in terms of depth, detail and impact of this. It laid the foundations for the subsequent inquiries. More than just gathering information, the Campbell Inquiry was also a great synthesiser of knowledge. In a way only a public inquiry can, by its temporary but highly focussed activity, methods of collecting evidence from both within and outside of government, and use of consultants, the Campbell Report was the great summariser of knowledge about deregulation which few other institutions could match. Importantly, the Campbell Report connected deregulation to broader issues about economic policy and management, the role of government in a changed international environment, and the need for more transparent policies in relation to achieving social goals. The Campbell Report has become the touchstone of knowledge about deregulation in Australia. Some other bodies may have had the expertise, but whether they would have been allowed to devote so much resources to the task in another issue.

Third, each of the inquiries was issue promoters and public opinion educators. Their public inquiry processes assisted in this. They engaged with the key interests and sought to extend this to the wider community, especially the Campbell and Wallis inquiries. Again, as with most inquiries, their contacts with the broader community were overwhelmingly dominated by organised interests. Nevertheless, their activities generated considerable media and public discussion that would not have occurred had they been the product of government departments, university research centres, or consultancies. Their creditibility as independent public inquiries with external members drawn from relevant areas of business and academia, assisted in this role. That each inquiry largely reinforced each other added to their effectiveness as conduits to public opinion.

Last, and perhaps most importantly, governments used each of these public inquiries governments to legitimise subsequent policy action in this area. Even the few cautious steps taken by the Fraser Government were accompanied by acknowledgment of the Campbell Report's endorsement of such action. The Hawke Government, given its antipathy to the Campbell Inquiry when in Opposition, had to be more circumspect in citing it for its subsequent full embracing of deregulation. While its own Martin Inquiry would assist in this legitimisation process, many of the deregulatory steps were made before the Martin Inquiry reported. Consequently, it was the Campbell Report that really was used to underpin the Hawke Government's actions in this area and though these were understated at first by the government itself, for most commentators it was clear that the Hawke Government had in fact implemented the reforms outlined by the Campbell Report (Gruen and Grattan 1993: 140-142). As time went on, the Hawke and Keating governments became more forthright in acknowledging that they
were the ones who had really implemented the Campbell Report. The Martin Report became less visible in this context. The implication is clear. The Campbell Report had attained such a status in Australian economic policy development that taking credit for its implementation was a political asset (Gruen and Grattan 1993: 272-273).

Governments were acting either on one of the inquiry’s recommendations, considering them or responding to why certain proposals were not being implemented. Such legitimising roles have long been seen as important for inquiries (Sheriff 1983) and were highly evident here. It is where the “publicness” of inquiries is particularly effective. These inquiries set the direction of policy development in this area.

These inquiries were important in assisting with the placement of financial deregulation on the policy agenda. They helped prompt its acceptance by successive Australian governments. This would not have occurred had not both the policy debate among the relevant policy community and the general economic and political trends also been going in the same direction.

**Conclusions**

Carron (1984:196) and others have suggested that the acceptance and eventual implementation of the Campbell Report’s recommendations “may be attributed as much to the predispositions of government officials or to the exigencies of the market as to the persuasiveness of the Campbell Committee’s arguments.” Related to this, is the view that deregulation was inevitable and would have occurred anyway without the Campbell and other inquiries. These views ignore the realities of the political environment and the complexities of policy development.

For instance, within government at the time of the Campbell Report’s release, there was strong opposition to deregulation both at the political and bureaucratic level. Neither Treasury nor the Reserve Bank was an enthusiastic supporter. Treasury was a particularly obstructionist. The officials most supportive of deregulation were personal advisers in both the Fraser and Hawke governments and officials in parts of DPM&C. Personal advisers are important allies in the policy development, but their influence is not always decisive (Walter 1986). There are limitations as to what they can do when confronted with opposition from other key players, especially strongly based institutional ones like Treasury and the RBA. As argued more recently, institutions do matter (Keating *et al* 2000). So too, with central agencies like DPM&C which although close to the prime minister cannot afford in the long term to constantly override line agencies with whom they have to work on other issues. The Fraser Government also faced considerable opposition from its National Party coalition partner, and the Hawke Government had to confront a restive Caucus, a potentially difficult trade union movement and wrestle with important ideological concerns. Yet despite these formidable opponents, deregulation happened
quickly and almost painlessly at a pace few expected and which rarely occurs for such major policy shifts (Stutchbury 1990: 57-58).

Nor were economic pressures and changing political pro-market trends by themselves adequate in explaining how deregulation occurred the way it did and when it did in Australia. Institutional pressures would have delayed deregulation until such time as some event or crisis provoked a hasty and *ad hoc* response that would then have only addressed the immediate issue rather than the broader policy framework. This had long been seen as a feature of Australian economic policy making in general (Cook 1996; McFarlane 1968; Vernon 1965) and the Fraser Government’s approach in particular (Davis 1989; McGuinness 1983).

These inquiries, but particularly the Campbell Inquiry, overcame these problems. The Campbell Report not only put deregulation firmly on the public agenda and raised awareness of the issue outside the narrow confines of the policy community. It also provided a overall blueprint for action across a whole area of economic policy rarely seen in policy development. Its success was that it took care of what Colebatch (1998) described as the two dimensions of policy – the vertical and horizontal. As a major public inquiry of such standing it obtained, if only partially under the Fraser Government and then more wholeheartedly by the Hawke Government, formal approval from the key decision makers. Its recommendations were processed vertically up to those in authority for approval. However, this would not have been as forthcoming if at the same time, the “publicness” of the Campbell Inquiry with its consultations, public debate, research and report had not also engaged horizontally across the various interests and organisational boundaries, which helped build support for deregulation. Certainly, deregulation would not have occurred had the Campbell Report been delivered to totally unsympathetic governments or in a policy environment that was not undergoing considerable pressure for the sort of proposals which Campbell suggested. At the same time, it is doubtful if any government could have achieved deregulation without these inquiries. They gave both profile to the issue and cogency to the arguments which governments needed to successfully move in this fundamentally new policy direction. No other institution offered governments such a means to achieve such ends.

That deregulation was seen in retrospect, as producing not quite the level of benefits expected and had a number of problems concerning consumers (Argy 1996; Hand 2000; Valentine 1990) does suggest that these inquiries were, as their membership indicated, very much established in the interest of the key producer groups to further their agenda. The key findings concerning these inquiries are summarised in Box 9.1.
Box 9.1: Summary of findings of the Campbell, Martin and Wallis Inquiries

This case study highlights how inquiries:

- provided policy advice of a high order on complex issues;
- mapped out new policy areas for governments;
- performed policy advisory roles which existing institutions in a particular policy area were unable to do because of bias, self interest and institutional rigidity;
- performed important legitimising roles to pave the way for new policy initiatives and justify policy reversals;
- performed different complementary roles in the policy development of financial deregulation; Campbell was the agenda setter and issues presenter; Martin the definer and operational implementer; and Wallis the reviewer and future scanner (see Table 3.10);
- maximised their impact if their proposals were in line with relevant policy trends, thinking and circumstances;
- cannot resolve all policy and political issues and problems for governments seeking to initiate major policy change – there is still the usual tasks for governments, ministers, and departments to do – of building support, of articulating rationale, of needing to further work on how to operationalise particular policies – but inquiries can assist and this assistance is greatest if their reports are well constructed, researched and received;
- need to have membership relevant to the purpose of the inquiry and the nature of the policy issue and the key producer interest groups;
- concerned with providing policy advice do not require coercive powers or complex formal public hearings as is the case with inquisitorial royal commissions.
Endnotes

1. The Royal Commission, chaired by Justice Napier, was appointed in 1935 by the Lyons United Australia Party-Country Party Coalition Government and one its members was Ben Chifley who later became a Labor Prime Minister (1945-1949). As Prime Minister, Chifley unsuccessfully attempted to introduce both bank and airline nationalisation (Arndt 1997; Crisp 1960).

2. These were the Committee of Inquiry into Telecommunications Services in Australia (1981), Committee of Inquiry into Monopoly Position of the Australian Postal Commission (1981), and the Independent Public Inquiry into Domestic Airfares (1980).

3. Despite the initiative by Fraser’s office and the DPM&C, externally many saw the Campbell Inquiry as Howard’s idea. As one commentator (Davis 1981) later wrote:

   The Committee and its report have been Mr Howard’s baby. He pressed for Cabinet in late 1978 for an inquiry which could lead to reduced government regulation of the banks and financial institutions … Mr Howard has a lot of political capital invested in the inquiry and its translation into Government policy.

Howard (see Hall 1982:97) himself also declared:

   I have made no secret of the fact that I was the prime instigator of getting the Campbell committee established and I have always identified myself very strongly with the objective of a reform that improved the financial system.

Howard has maintained this view (ABC 1994) despite strong criticism from Fraser (ABC 1994) and others as to its veracity. According to Fraser’s biographer (Ayres 1987:408-409), Howard’s claims were a “myth … promoted for political reasons, not securely based on the historical record, which gives lie to it.” Professor Rose recalled “throughout that time, Treasury constantly resisted the change while Fraser was always in favour of it [the Campbell Inquiry]. It was really only Fraser himself who eventually got it there, with his great weight and his pushing” (see Kelly 1987).

4. The day after the Campbell Report was released the then Labor Opposition Treasury spokesman, Ralph Willis (1981) totally rejected its proposals:

   The Treasurer today produced a report which the Opposition … cannot accept … We cannot accept its ideological basis … that reliance on markets will bring about a more optimum result than will government regulation … Deregulation … means higher interest rates for home buyers … small business … farmers…increased government charges … more volatile exchange rate … and less control by the government over the form of development of the Australian economy … it involves the introduction of foreign banks and high levels of foreign investment in the Australian financial industry.

5. During the 1983 election campaign new Treasury Opposition spokesman, Paul Keating, wrote to all banking staff promising the ALP’s rejection of the Campbell Report’s major proposals and especially foreign bank entry (Summers 1983).

6. Subsequent criticism after deregulation had been introduced saw the House of Representatives Standing Committee on Banking, Finance, and Public administration hold two inquiries (1991 and 1992) while the Prices Surveillance Authority also produced two reports on related issues (1992 and 1995). Thus, in relation to the finance area, it seems that while public inquiries like the Campbell Inquiry of 1979 and the Martin Inquiry of 1984 have set the major direction for change there were other participants in this process.

7. Professor Sharpe (1982: 284-285) believed the Campbell Report was, “poorly organised, making it difficult to read and evaluate,” and adopted a “blunderbuss” approach by which “in attempting to report on all aspects of the operation and regulation of the financial system, its analysis of the more important
issues is frequently lacking in detail.” Nevertheless, Sharpe did not disagree with the deregulatory thrust of the Campbell Report, but that it should have been done better, given the “considerable community consensus that deregulation … is necessary … that predated the Campbell Report.” Sharpe (1982: 292) concluded “it would have been reasonable to expect that the Committee’s deliberations would produce a consistent, well argued framework or blueprint for reform … In this respect the Campbell Report has proved very disappointing.”

8. Deputy Prime Minister and National Party leader Doug Anthony described the Campbell Inquiry as a “Treasury type document” (Sydney Morning Herald, 14 November 1981) and expressed reservations about proposals to deregulate interest rates (The Australian, 23 November 1981).

9. The taskforce was chaired by Treasury and involved representatives from the Reserve Bank, and DPM&C, and unusually, personal staff from both the Prime Minister’s (Professor Rose) and Howard’s offices (Dr John Hewson).
CHAPTER 10: CONCLUSIONS

Introduction

This thesis has sought to provide the first comprehensive survey of the extent and use of public inquiries appointed by the Commonwealth government since federation. In so doing, the thesis has provided systematic documentary information and knowledge about public inquiries. It has also sought to define public inquiries clearly, thus allowing them to be more readily distinguished from other advisory institutions and for trends in their use identified. Further, the thesis seeks to explain both the long term use of public inquiries in Australia and, in particular, their increased incidence since the 1970s. Importantly, the thesis examined one of the perennial issues concerning inquiries, namely, what is it about these bodies that has so attracted governments to use them so persistently.

The long term perspective adopted by the thesis, supported by considerable new data, has allowed identification of trends in the number and type of public inquiries appointed, their use by different governments, the range of issues investigated, the processes employed and the changing composition of their memberships. Based on examination of many individual inquiries and supplemented by analysis of three clusters of case studies, the thesis has analysed long standing issues about why inquiries have been established and tested particular explanations as to the reasons for their continued appointment and their impact and role in the political system.

Adding to empirical knowledge about public inquiries

Identifying gaps in knowledge

The thesis identified a number of gaps in the present knowledge about public inquiries. For instance, there had long been a failure to define clearly what was meant by the term “public inquiry” and to distinguish them rigorously from other advisory bodies. There was limited framework for analysing inquiries with too much emphasis placed upon examining individual inquiries. With a few exceptions, little attempt was made to place the work of inquiries in the context of different policy areas or the policy process in general. Assessment of inquiries was often made on the basis of rational decision making in relation to reasons for their appointment, functions performed, and their impact on particular issues. There was also a lack of long term assessment of inquiries, so that clear trends in their use were not understood. Previous attempts to survey inquiries often only covered narrow historical periods. Spiegel (1973) considered some of the inquiries appointed by the Menzies Government, Smith and Weller (1978) focused on inquiries into public services appointed mainly in the 1970s. Weller (1994) covered some of the inquiries appointed throughout Australia during the late 1980s and early
Adding to the body of knowledge

The thesis has added to the empirical body of knowledge about public inquiries across a number of areas in several ways.

Defining public inquiries

First, the thesis has developed a clear definition of public inquiries and the criteria that must be met for a body to be designated as such. Inquiries have been defined in this thesis as those bodies that are:

- non-permanent, *ad hoc* and temporary with no continuing life or existence except for the specific period of their appointment;
- established by executive government by either cabinet, the prime minister or relevant minister and not by a department, senior departmental officer, or a permanent advisory body;
- funded totally by government, not by any other external public or private sources;
- appointed and exist at the discretion of executive government, not by parliament or some other institution of government and are not normally triggered automatically by statutory requirements;
- discrete organisational units, not part of any existing government agency, department or permanent advisory body;
- composed of members who are typically (but not invariably) drawn predominantly from outside the public service, government and do not include government ministers or backbenchers;
- involved in promoting their existence to the wider community by a combination of ministerial media releases, public advertisement and interest group engagement;
- guided by clear and publicly stated terms of reference;
- characterised by seeking public participation through public hearings, forums, interviews and submissions from the community;
- responsible for producing a report with recommendations that is submitted to executive government and made public;
employed in an advisory capacity only.

Defining public inquiries more precisely is essential for any analytical study and has been one of the important inadequacies in previous studies in this area. A robust and clear definition establishes public inquiries as a distinct organisational type. It provides a means to distinguish public inquiries from the numerous other advisory institutions and bodies which governments have at their disposal and frequently use. Clear definition overcomes some of the problems of previous work in this and related areas, which has often discussed advisory bodies that are not public inquiries. These studies have included parliamentary committees, backbench committees, interdepartmental committees, public service task forces and project teams (Cushing 1986). Public inquiries have also been confused with other advisory activities such as consultancies (Martin 1998). Lack of clarity of definition has also meant that it has not been possible to obtain accurate information on inquiry numbers and trends in their use. Those studies that have attempted to compile lists of inquiries have included other advisory mechanisms like parliamentary select committees (Borchardt 1986; Marshall 1990). It is one of the arguments of this thesis that the term “public inquiry” has been used too loosely and applied to a host of different bodies that have some, but not all, of a public inquiry's requisite features.

Comprehensive historical overview

Second, by defining public inquiries more rigorously, other important aspects about them can be more effectively assessed. Consequently, the thesis has been able to assemble data that provides a composite and a comprehensive historical overview of inquiry use since federation until June 2003. Previous attempts have to date only concentrated on certain organisational forms of inquiries, such as the formal and statutory-based royal commission (Borchardt 1991; Fraser 1986; Lindell 2002) while ignoring the more informal type of public inquiry. This thesis has provided more accurate and complete information on all forms of public inquiries and assembled empirical data not previously available as shown in Appendices 1-10.

Generation of new data and classifications

Third, the thesis by producing new and more extensive data and better defining public inquiries has made possible a more informed analytical series of classifications. For instance, inquiries can be categorised by function across different governments over several decades, allowing comparison about inquiry use between different administrations. Similarly, improved data has allowed the different policy areas which inquiries have been appointed to investigate to be identified and compared over long term timeframes. This has served to show whether there are particular policy issues attracting greater use of inquiries over certain periods and to assess these appointments in relation to different governments and their policy priorities. It has also been possible to define different types of inquiries in terms of their organisational forms, powers, memberships and reasons for appointment, and more importantly, to identify trends in
their use and draw conclusions. These different classifications, underpinned as they are in this thesis by considerable new data, provide the essential basis for the further study of inquiries.

Another contribution of this thesis is to develop a clear taxonomy of inquiry types. This has provided a more instructive vehicle for viewing and understanding the purposes and functions of the myriad of different inquiries with their various nomenclatures. Too often in the past, analysis of inquiries was too focussed on particular organisational forms, such as royal commissions, without appreciating just what the distinctions were between other forms of inquiries and how these affected what they did and how they should be evaluated. This taxonomy has also provided for a more accurate overview of inquiry trends.

**Changing forms and scope of inquiries**

Fourth, such a long term and comprehensive survey of public inquiries has allowed observation about the changing use of inquiries. Foremost amongst these has been the decline in the royal commission as a proportion of total inquiry numbers. Inquiries are now dominated by the more informal variety of committees, task forces, reviews, working groups and independent panels that did not occur as frequently prior to the 1970s. Few predicted this trend and some paradoxically contended the increased use in these types of inquiries would not occur (Borchardt 1991: 14). Others suggested that the increase in public inquiry numbers that occurred during the 1970s would not extend after the Whitlam Labor Government (Wilenski 1979). Moreover, the royal commission inquiry form has been used increasingly in an inquisitorial capacity of seeking the “facts” about some incident or allegation, rather than providing general policy advice as in the past. Royal commissioners have increasingly come from a judicial-legal background to separate the “findings” of such investigations from the executive. This highlights one of the key roles of inquiries in the policy process of providing “arm’s length” advice to executive government.

Further, there has been both an increase in the number of inquiries appointed since the 1970s and the range of topics about which they have provided advice. This change has been accompanied by the growth of the more informal policy advisory type inquiries.

**Updating and classifying membership details**

Fifth, the generation of new data has allowed membership details of inquiries to be updated and by the development of a uniform set of occupational categories has allowed trends in inquiry composition to be identified and compared. It has provided a basis for comparing deployment of different types of memberships between different governments. It has also allowed particular theories about inquiries, such as public choice, to be tested across a large number of inquiries and in relation to the specific case studies. Assessment shows that the composition and size of inquiry membership has changed. Inquiries have become larger and their members drawn from
a wider array of occupations than previously with fewer from the legal profession except in relation to inquisitorial inquiries.

**Categorising reasons for inquiry appointments**

Sixth, the thesis has identified and categorised the different rationale used by governments and developed by commentators to explain public inquiry appointments. Given such persistent use of public inquiries by successive Commonwealth governments since federation and their increased use since the 1970s, the issue of understanding why different governments have found public inquiries so attractive when they have a host of other bodies at their disposal remains a significant one. After all, as discussed and shown in the case studies, appointing public inquiries have not been without risk to government.

The thesis highlights and details the rational and politically expedient reasons that have been used to explain inquiry appointments and assesses these in relation to the provision of different types of policy advice and various types of public inquiries. Further, the thesis develops additional categories to explain inquiry appointments in the context of managing policy processes and issues.

**Analysing reasons for inquiry appointments**

Seventh, the thesis has analysed these different categories of explanations by consideration of numerous individual inquiries and the three sets of case studies across different governments. This provides a more accurate assessment of inquiry use.

The thesis concludes that previous explanations of inquiry appointment relied too heavily on rational and “decisionist” or problem solving models of policy making. As Colebatch (1984: 4) has suggested, this approach assumes that policy is the outcome of “decisions” made by those in authority that are then transmitted downwards to complying organisations to be implemented to meet defined goals that solve specified “problems.” Inquiries also have been seen in this way. They have been established by those in authority and executive government to provide advice on specific “problems,” which also involve defining issues, providing options and making recommendations of preferred courses of action. The ways public inquiries operate reinforce these notions given their clear terms of reference, “expert” members, extensive information gathering activities and the production of reports with recommendations.

However, just as this rational, vertical-authority driven model of public policy development does not occur as neatly as suggested (Colebatch 1998: 37-39; Degeling et al 1993; Hawker 1977a: 3), so too, should public inquiries not be seen only from this limited perspective. There are other players not always in positions of authority influencing policy choices. Goals are often decided after “decisions” have been made which themselves are the result of considerable
“horizontal” interaction across many organisations both inside and outside of government. Expertise, seen as so important in rational decision making, is only one of the ingredients, and sometimes not even an important one (Coleman 1991; Weiss 1983). As Colebatch (1998: 100) has observed, there is much occurring in the political system which is more aptly described as “policy activity” rather than “policy making” and which is only distantly connected to actual decisions and outcomes. March and Olsen (1989: 48) summed up what they regarded as a more realistic appraisal of the policy process:

Information is gathered, policy alternatives are defined, and cost-benefit analyses are pursued, but they seem more intended to reassure observers of the appropriateness of actions being taken than the influence of the actions. Potential participants seem to care as much for the right to participate as for the fact of participation; participants recall features of the process more easily … than they do its outcomes; heated argument leads to decision without concern about its implementation; information relevant to a decision is requested but not considered; authority is demanded but not exercised.

Colebatch (1998: 53) not only concurred but also stressed “policy is about process as well as outcome and about commitment as well as goals.” Given this view of policy development, the thesis argues that the reasons public inquiries are appointed and the roles they serve are less about acting as an instrument of gathering information and providing independent analysis and advice. Instead, the thesis proposes that because of their “publicness,” inquiries have a particular status not enjoyed by other institutions of government and are able to satisfy different elements of policy development including those identified by March and Olsen. While inquiries can be seen as providing rational problem solving advice, the thesis shows that their features of “publicness” s allows inquirie to satisfy other requirements of the policy process and political system such as promoting participation, providing forums for debate and putting issues on the agenda. In what has been seen as an increasingly “networked state” (Davis and Rhodes 2000: 95), inquiries through their processes of operation and “publicness” provide a means for different interests, policy networks and communities, to communicate and negotiate more effectively across vertically structured hierarchies and organisations. This is different from the public choice perspective that sees inquiries as being used by certain interest groups to extract more “rents” from governments. In the case of policy advisory inquiries, as those into financial deregulation show, public inquiries provided a means for new ideas and dialogues, sometimes contrary to the existing arrangements, to be proposed without adverse consequences to the participants as well as government.

It is for these reasons that Smith and Weller (1978: 10) cautioned in assessing implementation of inquiry recommendations only in an instrumental way, because “inquiries are outcomes in public policy as well as inputs.” They highlighted how the act of setting them up an inquiry is an
indication of concern even if it is only that it be efficiently aired. Public inquiries, as this thesis and its different case studies have shown, are not just neutral adjuncts in the political system involved in gleaning “facts”, checking their veracity, and proposing “solutions” to executive government where the authorised decision-makers choose their preferences. Public inquiries by their very appointment interact with, and affect, the political environment in which they operate. They signal government interest in an area that previously was not considered important. This interest may not always be about desiring purposive action. Instead, the very act of having an inquiry into a certain topic, and the processes it uses often impact on the policy area itself. Not only is interest increased among the public and particular interests, but also during the course of the public inquiry its processes, consultations and hearings may affect the direction of debate about an issue.

Inquiries may be the outcome of vertically transmitted decisions by executive government, but their public oriented processes encourage horizontal interaction across many organisational boundaries within government and beyond. They discover new sources of information that influences policy debate. The Royal Commission into the Activities of the Federated Ship Painters’ and Dockers’ Union (RCPDU) discovered new information that completely transformed the issues being investigated and by so doing put new issues on the agenda, changed the focus and tenor of public debate and caused new government initiatives and policies in ways that had not been envisaged when it was first appointed. The Campbell Inquiry put considerable momentum behind the deregulation issue that then dominated the policy agenda for the next two decades. The Royal Commission into Australian Government Administration’s achievement was less about implementation of specific proposals, but through its public processes moved public administration and reform more centre stage so that it gained increased attention from elected officials for much of the following decade.

**Resolving contentious issues and previous lines of investigation about inquiries**

It is argued in this thesis that the more rigorous definition and identification of public inquiries, the comprehensive overview of their use, the identification of their features of “publicness” and the development of a wider range of inquiry categories for explaining inquiry appointment, has allowed a number of other issues about their use to be resolved.

For instance, suggestions that newly elected governments appoint more inquiries than those that have held office for considerable periods have been able to be tested across four governments. It is has been found that while governments in their first terms do appoint more inquiries than in later periods of office, the differences are more marginal than previously assumed. Indeed, in some cases, governments that have been in power for some time resort to greater use of the public inquiry instrument, as was the case with the McMahon, Fraser and Keating governments.
Similarly, views about whether Labor administrations have a greater propensity to use inquiries than their opponents have been able to be tested more effectively on the basis of sound data. Liberal (Coalition) governments appoint inquiries on a regular basis and in the case of the Fraser Government, was almost as prolific as its immediate Labor Party predecessor, despite criticisms and predictions to the contrary (Whitlam 1976; Wilenski 1979), although this is often not the public perception today.

In addition, because of its comprehensiveness, the thesis has assessed some speculations and theoretical conjectures about inquiries. One of the most important of these has been public choice explanations for inquiry appointments (McEachern 1987; Zubrinich 1989). These have suggested that the key to understanding why inquiries are appointed and the prediction of their use lies in understanding the nature of their memberships. Public choice advocates contend that certain interests can capture inquiries, usually those from “producer” groups, who seek to manipulate inquiries to obtain public policy benefits. Public choice analysts predict inquiries will be most invoked when government policy is about conferring benefits on narrow groups paid for by the rest of the community. Assessment of 130 inquiries appointed during the 1980s concludes the limited applicability of public choice theory. Inquiries are too dominated by “independent” members as chairs. More than this, public choice theory in general, which seeks to provide all encompassing explanations for political activity, is only partially relevant to studying why inquiries are appointed and the roles they serve in the political system. There are other factors affecting appointment of inquiries other than vote maximisation by governments or satisfying the needs of narrow interest groups. The thesis shows in the case studies that none of the inquiries can be totally explained in these terms and that the very nature of inquiries meant that their directions were not always predictable.

The view that public inquiries are an inflexible formal instrument also needs reconsideration following analysis of the case studies in this thesis. In each of the three sets of case studies, inquiries appointed by the Fraser Government were examined. This provided an opportunity to assess not only how one government used public inquiries across a number of different policy fields and at different times in its electoral cycle, but also the versatility of the public inquiry instrument. For instance, in the first case study, the Fraser Government’s use of the Review of Commonwealth Administration showed how in an atmosphere of crisis and by a government under pressure, a public inquiry can be quickly assembled and may produce its final report within a short three-four month timeframe. The second case study highlighted the Fraser Government’s appointment of a royal commission (RCPDU). Initially its focus was narrow, but one which expanded into a more wide reaching and long-term investigation. The RCPDU highlights how an inquiry can be flexible and adopt innovative methods of investigation to expose previously unknown problems. Last, there was the policy advisory Campbell Inquiry which by dint of its membership, high level research and considerable prestige, was able to overcome internal government opposition, bureaucratic inertia, scepticism by some sections of
business and ultimately, even its harshest critics in the Labor Party, to give financial deregulation the momentum it had previously lacked.

Finally, the thesis has been able to rebut views that inquiries are appointed for only symbolic and politically expedient reasons and suggest, as a result of its long term survey and analysis of numerous inquiries and case studies that more complex explanations are at stake. Not only have distinctions been made between different types of motivations and the role of legitimate political goals compared to those based on political expediency, but also the importance of inquiries in assisting governments in managing issues and problems have been more effectively shown. In particular, the thesis, by its emphasis on the “publicness” of inquiries has better explained why governments persist in using the public inquiry instrument.

Conclusions and suggestions for further research

This thesis sought to provide a comprehensive and up to date account of public inquiry use in Australia at the Commonwealth level. It has achieved this. Its findings have been strongly grounded in the generation, compilation and categorisation of new data. It has relied on not just one case study to assess issues, but an extensive survey of many inquiries spread over several decades. This has been supplemented by the use of the more intense cluster of three sets of case studies covering seven inquiries of both major types, appointed by Labor and Coalition governments on a wide variety of issues over a period of two decades. Moreover, the thesis has not only provided a critical assessment of the different reasons for inquiry use, but also proposed and tested a conceptual framework to explain why executive governments resort to the public inquiry instrument.

A number of issues have been identified for further research. There needs to be greater inter-jurisdictional comparison between inquiries in Australia and in other Westminster based systems. This should not only seek to develop clear definitions of inquiries across these jurisdictions so that numbers and trends in use can be effectively monitored and assessed.

There also needs to be consideration of how far Australia’s version of the public inquiry instrument has developed in its own right, in the same way others have assessed other institutions of Australian government (Butler 1973). Further research is needed into analysing the role of inquiries in relation to general policy advisory activities of government. Inquiries have either been ignored (CBPA 1993) or only considered in isolation to this important activity.

It is now appropriate to consider public inquiries not as aberrations of government, but as an important and integral part of it. They need to be more specifically and regularly analysed and assessed in relation to a host of different areas such as providing advice, mechanisms for participation, agents of change and mediators of conflict. If interest in institutions is increasing, as some suggest (Keating et al. 2000; Lowndes 2002; Rhodes 1997), then the present failure to
discuss inquiries in relation to these developments is a serious gap. This thesis contends that
government largely because
of their particular features of “publicness” which few other institutions can readily match. They
have become the institution of “last resort” because of the trust that they engender. Whether the
factors that have caused the decline in trust of other institutions will continue, remains a long
term issue to consider.
APPENDIX 1

Royal Commissions
and other Commissions of Inquiry
appointed by
the Commonwealth Government
1901 – 2003
under the Commonwealth
Royal Commissions Act 1902
Commonwealth inquiries appointed 1901-2003 under the *Royal Commissions Act* are listed in chronological order with family name of chair, number of inquiry members, date of appointment (month and year) and date of reporting (month and year), and where possible length of inquiry to nearest month in brackets.

1902
Royal Commission on Transport of Troops from Service in South Africa in the SS *Drayton Grange* and the Circumstances under which Trooper H. Burkit was not landed at Adelaide from the SS *Norfolk* (*McLean* [5]: August 1902-October 1902/2 mths)

1903
Royal Commission on Bonuses for Manufacturers Bill (*Kingston* [12]: January 1903 - March 1904/ 14 mths)
Royal Commission on Sites for Seat of Government of the Commonwealth (*Kirkpatrick* [4]: January 1903-July 1903/6 mths)

1904
Royal Commission into Alleged Improper Practices in the Butter Trade (*Morrison* [3]: April 1904- January 1905/10 mths)
Royal Commission into the Navigation and Shipping Bill (*Hughes* [9]: June 1904-September 1907/ 43 mths)
Royal Commission into Affray on Goaribari Island, British New Guinea (*Murray*: July 1904-September 1904/2 mths)
Royal Commission on the Commonwealth Tariff (*Quick* [9]: December 1904-August 1907/33 mths)

1905
Royal Commission on Old Age Pensions (*Chapman* [11]: February 1905-June 1906/16 mths)
Royal Commission on Tobacco Monopoly (*Pearce* [6]: December 1905-June 1906/6 mths)

1906
Royal Commission on Ocean Shipping Services between Australia and the United Kingdom (*Thomas* [9]: January 1906-October 1906/9 mths)
Royal Commission into the Present Conditions including Method of Government of the Territory of Papua New Guinea and Means of Improvement (*Mackay* [3]: August 1906-February 1907/7 mths)
Royal Commission on Secret Drugs, Cures and Foods (*Beal*: December 1906-August 1907/8 mths)

1908
Royal Commission on Postal Services (*Cook* [7]: June 1908-October 1910/28 mths)
Royal Commission on Insurance (*Hood* [2]: December 1908-October 1910/22 mths)
Royal Commission on Stripper Harvesters and Drills (*Poynton* [5]: December 1908-July 1909/8 mths)
1910
Royal Commission on Tasmanian Customs Leakage (Bamford [7]: December 1910-October 1911/10 mths)

1911
Royal Commission on the Sugar Industry (Gordon, then Brown [5]: October 1911-December 1912/14 mths)

1912
Royal Commission on the Fruit Industry (Foster [7]: April 1912-November 1914/31 mths)
Royal Commission on the Pearl Shelling Industry (Bamford [6]: April 1912-September 1916/52 mths)

1913
Royal Commission on Certain Charges against Mr Henry Chinn (Hodges [1]: January 1913-November 1913/11 mths)
Royal Commission on Northern Territory Railways and Ports (Clarke [3]: March 1913-February 1914/11 mths)
Royal Commission on Powellised Timber and Contracts for Timber for Kalgoorlie – Port Augusta Railway (Gregory [7]: December 1913-November 1914/11 mths)

1914
Royal Commission on the Commonwealth Electoral Law and Administration (Sinclair [5]: January 1914-July 1915/18 mths)
Royal Commission on the Meat Export Trade (Street [1]: June 1914-December 1914/6 mths)
Royal Commission on Food Supplies and Trade and Industry during the War (Deakin [3]: August 1914-October 1914/3 mths)

1915
Royal Commission on Mail Services and Trade Development between Australia and the New Hebrides (Bamford [2]: March 1915-September 1915/6 mths)
Royal Commission on Liverpool Military Camp, New South Wales (Rich [1]: July 1915-August 1915/2 mths)

1916
Royal Commission on the Charges made by D.L. Gilchrist concerning the Construction of the Western Section of Kalgoorlie to Port Augusta Railway (Eagleson [1]: March 1916-August 1916/5 mths)
Royal Commission to Inquire into and Report upon Certain Charges against the Administrator and Other Officers of the Northern Territory Administration (Barnett [1]: May 1916-August 1916/3 mths)
Royal Commission on Federal Capital Administration (Blackett [1]: June 1916-June 1917/12 mths)
1917
Royal Commission on Java and the East Indies, Singapore and the Straits Settlements (Long [1]: February 1917-May 1918/15 mths)
Royal Commission on Navy Defence Administration (McBeath [3]: July 1917-August 1919/13 mths)

1918
Royal Commission on the War - Australian Imperial Force (Griffith [1]: 6 March 1918-14 March 1918/8days)
Royal Commission on the Birth and Parentage of All Persons in the Commonwealth Public (Barnett [1]: May 1918-September 1919/15 mths)
(Royal Commission of) Inquiry on Release of Irish Republican Brotherhood Internees (Harvey [1]: August 1918-September 1918/2 mths)
Royal Commission on Public Service Administration (McLachlan: October 1918-January 1919/4 mths)
Royal Commission on Public Expenditure of the Commonwealth of Australia with a view to effecting economies (Gibson [3]: November 1918-September 1920/21 mths)
Royal Commission on Commonwealth Taxation Law on Leasehold Estates in Crown Lands (Knibbs [3]: December 1918-October 1919/10 mths)

1919
Royal Commission on the Sugar Industry (Piddington [3]: March 1919-March 1920/12 mths)
Royal Commission on Industrial Troubles on Melbourne Wharves (Dethridge [1]: June 1919-November 1920/17 mths)
Royal Commission on late German New Guinea (Murray [3]: August 1919-December 1919/5 mths)
Royal Commission to Enquire into Complaints by the Munitions Worker Passengers to Australia by the Transport SS Bahia Castillo (Cohen [3]: October 1919 – lapsed)
Royal Commission on Northern Territory Administration (Ewing [1]: November 1919-May 1920/7 mths)
Royal Commission on the Cost of Living (Basic Wage) (Piddington [7]: December 1919-April 1921/16 mths)

1920
Royal Commission on Commonwealth Taxation (Kerr [7]: September 1920-June 1923/33 mths)
Royal Commission on the Selling Price of Coal (Hibble [3]: September 1920-lapsed)

1921
Royal Commission on Pillaging of Ships’ Cargoes (Macfarlane [1]: February 1921-July 1921/5 mths)
Royal Commission on the Matter of Uniform Railway Gauge (Garvan [3]: February 1921-October 1921/9 mths)
Royal Commission on Cockatoo Island Dockyard (Reid [7]: April 1921-July 1921/3 mths)
Royal Commission on the Loyalty of German Nationals (Macfarlane [1]: July 1921-lapsed)

1923
Royal Commission to Enquire into and Report on the Circumstances Attending the Supposed Loss at Sea of the Steamship Sumatra (Cohen [3]: 25 July 1923-31 July 1923)
Royal Commission in Connection with Sugar Purchases by the Commonwealth through Mr W.E. Davies in September and October 1920 (Mitchell [1]: August 1923-September 1923/1 mth)
Royal Commission in Connection with Supply of Joinery by E. & A. Green to the War Service Homes Commissioner (Henchman [1]: September 1923-March 1924/6 mths)
Royal Commission on the Navigation Act (Prowse [7]: September 1923-August 1925/23 mths)
Royal Commission on National Insurance (Millen [7]: September 1923-October 1927/49 mths)

1924
Royal Commission on the Method of Determining the Unimproved Value of Land held under Crown Leases (Kerr [3]: July 1924-December 1924/6 mths)
Royal Commission on the Assessment of War Service Disabilities (Blackburn [5]: August 1924-December 1924/4 mths)
Royal Commission to Inquire into Extracts from the Reports in Parliamentary Debates of Speeches made by Mr Scullin in the House of Representatives on 7 and 19 August 1924 in Relation to Land Tax Matters (Edwards [1]: September 1924-December 1924/4 mths)
Royal Commission on the Finances of Western Australia, as affected by Federation (Higgs [3]: November 1924-September 1925/11 mths)

1925
Royal Commission on Public Health Administration (Syme [5]: January 1925-November 1925/11 mths)

1926
Royal Commission on Norfolk Island Affairs (Whysall [1]: January 1926-July 1926/6 mths)
Royal Commission on Certain Matters in Connection with the British Phosphate Commission (Robinson [1]: June 1926-July 1926/1 mth)

1927
Royal Commission on Wireless (Hammond [4]: January 1927-July 1927/6 mths)
Royal Commission on the Edie Creek (New Guinea) Mining Leases (MacGregor [1]: March 1927-September 1927/7 mths)
Royal Commission on the Moving Picture Industry in Australia (Marks [7]: May 1927-March 1928/10 mths)
Royal Commission on the Commonwealth Constitution (Peden [7]: August 1927-September 1929/24 mths)
Royal Commission on Child Endowment or Family Allowances (O'Halloran [5]: September 1927-December 1928/15 mths)
1928
Royal Commission of Inquiry into Fatalities at Bundaberg January 1928 (Kellaway [3]: February 1928-June 1928/4 mths)

Royal Commission to Inquire into Statements in the Press in regard to Alleged Offers to Members to Resign Seats in the Federal Parliament (Scholes [1]: May 1928-September 1928/4 mths)

Royal Commission on the Finances of South Australia as affected by Federation (Cook [3]: July 1928-March 1929/7 mths)

1929
Royal Commission on the Coal Mining Industry (Davidson [3]: June 1929-December 1929/6 mths)

1930
Royal Commission on Alleged Bribery of Members of Parliamentary Joint Committee of Public Accounts by Agents of Broadcasting Companies (Dethridge [1]: May 1930-August 1930/3 mths)

1931
Royal Commission on the Prosecution of Jacob Johnson (Beeby [1]: August 1931-lapsed, perhaps due to change of government 19 December 1931)

1932
Royal Commission on Performing Rights (Owen [1]: September 1932-April 1933/7 mths)
Royal Commission on the Simplification and Standardisation of Taxation Laws (Ferguson [2]: October 1932-October 1934/24 mths)

1933
Royal Commission to Inquire into the Trade in Mineral Oils and Petrol and Other Products of Mineral Oils (Lamb [3]: April 1933-March 1935/23 mths)

1934
Royal Commission on the Wheat, Flour and Bread Industries (Gepp [5]: January 1934-April 1935/15 mths)

Royal Commission into the Circumstances Surrounding the Retirement of Lieutenant-Commander Alan Dermot Casey from the Royal Australian Navy (Napier [1]: July 1934-August 1934/2 mths)

1935
Royal Commission Appointed to Inquire into the Monetary and Banking Systems at present in operation in Australia (Napier [6]: November 1935-July 1937/20 mths)

1938
Royal Commission on Doctors’ Remuneration for National Insurance Service and other Contract Practice (Dethridge [3]: July 1938-lapsed, due to death of chair)
1939
Royal Commission Regarding the Contract for the Erection of Additions to the General Post Office, Sydney (Maxwell [1]: June 1939-July 1939/2 mths)

1941
Royal Commission to Inquire into and Report upon the Contract or Contracts with Abbco Bread Co. Pty Ltd for the Supply of Bread to the Department of the Army, and other matters (Maxwell [1]: March 1941-August 1944/41 mths)
Royal Commission on Expenditure of Public Funds, Use of Public Moneys and Disclosure of Budget (aka Secret Funds Royal Commission) (Rogers [1]: September 1941-November 1941/2 mths)

1942
Royal Commission of Inquiry concerning the Circumstances connected with the Attack by Japanese Aircraft at Darwin on 19 February 1942 (Lowe [1]: March 1942-April 1942/1 mth)\(^1\)

1943
Royal Commission in the Matter of an Inquiry into a Statement that there was a Document Missing from the Official Files in relation to "The Brisbane Line" (Lowe: June 1943-July 1943/1 mth)

1947
Royal Commission to Inquire into and Report upon Certain Transactions of the Sydney Land Sales Control Office of the Treasury (Kirby [1]: June 1947-September 1947/3 mths)

1949
Royal Commission to Inquire into Certain Transactions in relation to Timber Rights in the Territory of Papua New Guinea (Ligertwood [1]: January 1949-June 1949/6 mths)

1953
Royal Commission on Television Stations and Programs (Paton [6]: February 1953-May 1954/15 mths)

1954
Royal Commission on Espionage (aka The Petrov Inquiry) (Owen [3]: May 1954-October 1955/18 mths)

1962
Royal Commission on Alleged Improper Practices and Improper Refusal to Cooperate with the Victoria Police Force on the part of Persons Employed in the Postmaster-General's Department in Victoria in relation to Illegal Gambling (Taylor [1]: June 1962-March 1963/9 mths)

1964
Royal Commission on the Loss of HMAS Voyager (Spicer [1]: February 1964-August 1964/6 mths)
1967
Royal Commission on the Statements made by Lieutenant-Commander Cabban and matters incidental to the HMAS Voyager Royal Commission (Burbury [3]: May 1967-February 1968/9 mths)

1970

1973
Royal Commission into Aboriginal Land Rights (Woodward [1]: February 1973-May 1974/15 mths)
Royal Commission into Petroleum and Petroleum Products (Collins [1]: September 1973-November 1976/38 mths)

1974
Royal Commission of Inquiry into Transport Charges to and from Tasmania (Nimmo [1]: April 1974-March 1976/23 mths)
Royal Commission on Australian Government Administration (Coombs [5]: June 1974 - August 1976 / 26 mths)
Royal Commission into Human Relationships (Evatt [3]: August 1974-November 1977/39 mths)
Royal Commission into Intelligence and Security (Hope [1]: August 1974-October 1977/37 mths)
Royal Commission into Alleged Payments to Australian Maritime Unions (Sweeney [1]: September 1974-April 1976/20 mths)

1975
Royal Commission on Norfolk Island (Nimmo [1]: May 1975-October 1976/17 mths)

1977
Royal Commission of Inquiry into Drugs (Williams [1]: October 1977-January 1980/27 mths)

1978

1979
Royal Commission of Inquiry into the Viability of the Christmas Island Phosphate Industry (Sweetland [1]: December 1979-February 1980/2 mths)

1980
Royal Commission into the Activities of the Federated Ship Painters and Dockers Union (Costigan [1]: September 1980-October 1984/49 mths)
Appendix 1

1981
Royal Commission of Inquiry into Drug Trafficking (Stewart [1]: June 1981-February 1983/18 mths)\(^4\)
Royal Commission into the Activities of the Australian Building Construction Employees and Builders Labourers Federation (Winneke [1]: August 1981-May 1982/9 mths)\(^5\)
Royal Commission into the Australian Meat Industry (Woodward [1]: September 1981-September 1982/12 mths)

1983
Royal Commission of Inquiry into the Activities of the Nugan Hand Group (Stewart [1]: March 1983-March 1985/24 mths)\(^6\)
Royal Commission on Australia’s Security and Intelligence Agencies (Hope [1]: May 1983-May 1985/25 mths)
Royal Commission on the Use and Effects of Chemical Agents on Australian Personnel in Vietnam (Evatt [1]: May 1983-August 1985/27 mths)

1984
(Royal) Commission of Inquiry into the Compensation arising from the Social Security Conspiracy Prosecutions (Mitchell [1]: February 1984-June 1986/16 mths)

1985
Royal Commission of Inquiry into Alleged Telephone Interceptions (Stewart [1]: March 1985-December 1985/9 mths)\(^7\)

1986
Royal Commission of Inquiry into Chamberlain Convictions (Morling [1]: April 1986-June 1987/14 mths)\(^8\)
Royal Commission of Inquiry into Costs and Efficiency of Grain Storage, Handling and Transport (McColl [1]: October 1986-February 1988/17 mths)

1987
Royal Commission to Inquire into Aboriginal Deaths in Custody (Muirhead, then Johnston [5]: October 1987-May 1991/31 mths)\(^9\)

1994
(Royal) Commission of Inquiry into the Australian Secret Intelligence Service (Samuels [2]: March 1994-March 1995/12 mths)
Royal Commission of Inquiry into the Leasing by the Commonwealth of Accommodation in Centenary House (Morling [1]: May 1994-October 1994/6 mths)
(Royal) Commission of Inquiry into Relations between the C.C.A. and Seaview Air (Street, then Staunton [1]: October 1994-September 1996/23 mths)
2001
Royal Commission of Inquiry into the Building and Construction Industry (Cole [1]: August 2001-April 2003/19 mths)

Royal Commission of Inquiry into H.I.H. (Owen [1]: August 2001-April 2003/20 mths)

Footnotes
1. Appointed under National Security (Inquiries) Regulations.
2. Appointed by Commonwealth, Queensland, Tasmanian, Victorian and Western Australia governments.
3. Established by Commonwealth and Victorian governments.
4. Established by Commonwealth, New South Wales, Victorian and Queensland governments.
5. Established by Commonwealth and Victorian governments.
6. Extension of Royal Commission into Drug Trafficking and jointly appointed by Commonwealth and New South Wales governments.
7. Extension of Royal Commission into Drug Trafficking and jointly appointed by Commonwealth and New South Wales governments.
8. Established by Commonwealth and Northern Territory governments.
9. Established by Commonwealth and all State governments.
APPENDIX 2

Inquiries into Corruption and Impropriety
appointed by
the Commonwealth Government
1901 - 2003
Inquiries are listed in chronological order by decade with family name of chair and year of appointment in brackets.

1901-1909
Royal Commission into Alleged Improper Practices in the Butter Trade (Morrison: 1904)

1910-1919
Royal Commission on the Charges made by D.L. Gilchrist concerning the Construction of the Western Section of the Kalgoorlie to Port Augusta Railway (Eagleson: 1916)
Royal Commission to Inquire into and Report upon Certain Charges against the Administrator and Other Officers of the Northern Territory Administration (Barnett: 1916)

1920-1929
Royal Commission on Pillaging of Ships’ Cargoes (Macfarlane: 1921)
Royal Commission to Inquire into Statements in the Press in regard to Alleged Offers to Members to Resign Seats in the Federal Parliament (Scholes: 1928)

1930-1939
Royal Commission on Alleged Bribery of Members of Parliamentary Joint Committee of Public Accounts by Agents of Broadcasting Companies (Dethridge: 1930)

1940-1949
Royal Commission to Inquire into and Report upon the Contract or Contracts with Abbco Bread Co. Pty Ltd for the Supply of Bread to the Department of the Army, and other matters (Maxwell: 1941)
Royal Commission on Expenditure of Public Funds, Use of Public Moneys and Disclosure of Budget (aka Secret Funds Royal Commission) (Rogers: 1941)
Royal Commission to Inquire into and Report upon Certain Transactions of the Sydney Land Sales Control Office of the Treasury (Kirby: 1947)
Royal Commission to Inquire into Certain Transactions in relation to Timber Rights in the Territory of Papua New Guinea (Ligertwood: 1949)

1960-1969
Royal Commission on Alleged Improper Practices and Improper Refusal to Cooperate with the Victoria Police Force on the part of Persons Employed in the Postmaster-General’s Department in Victoria in relation to Illegal Gambling (Taylor: 1962)

1970-1979
Royal Commission into Alleged Payments to Australian Maritime Unions (Sweeney: 1974)
Royal Commission of Inquiry into Certain Matters relating to Electoral Redistribution of Queensland in 1977 (McGregor: 1978)
1980-1989
Royal Commission into the Activities of the Federated Ship Painters’ and Dockers’ Union (Costigan: 1980)
Royal Commission of Inquiry into Drug Trafficking (Stewart: 1981)
Royal Commission into the Activities of the Australian Building Construction Employees and Builders Labourers Federation (Winneke: 1981)
Royal Commission into the Australian Meat Industry (Woodward: 1981)
Royal Commission of Inquiry into the Activities of the Nugan Hand Group (Stewart: 1983)
Inquiry into Circumstances Surrounding the Customs Declaration by the Hon. M.J. Young at Adelaide 5 July 1984 (Black: 1984)
Inquiry into Allegations of S.P. Gambling Against Telecom (Vincent: 1984)
Inquiry into the Financial and Administrative Arrangements of Grants made Under the Community Housing Expansion Program (O'Donovan: 1985)
Royal Commission of Inquiry into Alleged Telephone Interceptions (Stewart: 1985)
Special Parliamentary Commission of Inquiry into the Alleged Conduct of the Hon. Mr Justice Murphy (Blackburn: 1986)
Review of Alleged Entry of Suspected War Criminals into Australia (Menzies: 1986)
Review of Tender Procedures for Coastwatch Contracts (Menzies: 1987)
Inquiry into Allegations as to the Administration of Aboriginal Affairs (Menzies: 1988)

1990-1999
Independent Review of the Civil Aviation Authority’s Tender Evaluation Process for the Australian Advanced Air Traffic System (McPhee: 1992)
Inquiry into Circumstances of Leo McLeay’s Compensation (Street: 1993)
Independent Inquiry into the Circumstances surrounding the Non-Payment of a Deposit for Satellite Pay TV Licences and related matters (Pearce: 1993)
Commission of Inquiry into Relations between the C.C.A. and Seaview Air (Staunton: 1994)
Royal Commission of Inquiry into the Leasing by the Commonwealth of Accommodation in Centenary House (Morling: 1994)
Inquiry into the Conduct of the Hon. Alan Griffiths M.P. (Codd: 1995)
Independent Inquiry into Allegations of Corruption in the Australian Federal Police (Harrison: 1996)
Inquiry into the manner in which D.F.A.T. has DEALT with Allegations of Paedophile Activities (Hunt, then O’Neill: 1996)

2000-2003
Royal Commission of Inquiry into the Building and Construction Industry (Cole: 2001)
Royal Commission of Inquiry into H.I.H. (Owen: 2001)
APPENDIX 3

Public Inquiries (non-Royal Commissions)
appointed by
the Commonwealth Government
1901 - 1972
Inquiries are listed in chronological order by decade with family name of chair, year of appointment and year of reporting in brackets. Details are limited in some cases and this list does not purport to be totally inclusive of all public inquiries.

1901-1909
Board of Inquiry in connection with Charges made in the House of Representatives against Major James Clarence Hawker, R.A.A. (Waddell: 1906 – 1906)
Committee Appointed to Inquire into the Question of the Supply of Uniform Clothing for Commonwealth Services, and Establishment of Government Clothing Factory (Pethebridge: 1909 – 1909)

1910-1919
Committee Concerning Causes of Death and Invalidity in the Commonwealth (Mathews: 1916 – 1916)

1920-1929
Inquiry into Allegations of Flogging and Forced Labour of Natives (Canning: 1923 – 1924)
Committee Appointed in connection with the Royal Australian Naval College, Jervis Bay, and the Royal Military College, Duntroon (David: 1923 – 1924)
(Inquiry into) Losses due to Soldier Settlement (Pike: 1927 – 1929)
Commission of Inquiry touching the Shooting of Certain Aboriginals in Central Australia (O'Kelly: 1928 – 1929)
Commission Appointed to Inquire into and Report upon Matters relating to the Mass Meetings of Natives that occurred at the Roman Catholic and Methodist Mission Stations at Malaguna on 2 and 3 January 1929 (Griffiths: 1929 – 1930)

1930-1939
Sugar Inquiry Committee (Gunn: 1930 – 1931)
Committee Appointed to Inquire into the Effect of the Depression upon Purchasers and Borrowers under the War Services Homes Act (Treloar: 1932 – 1932)
Commonwealth Wool Inquiry Committee (Gunn: 1932 – 1932)
Tobacco Inquiry Committee (Townsend: 1933 – 1933)
Committee Appointed to Inquire into the Question of Establishing a Plant in Australia for the Production of Oil from Coal by the Hydrogenation Process (Rivett: 1934 – 1934, plus June 1937)
Board of Inquiry … into the Land and Land Industries of the Northern Territory of Australia (Payne: 1937 – 1937)
Committee Appointed to Investigate the Facilities Available for Small Loans (Garran: 1937 – 1938)
Committee Appointed to Investigate New Site for the Administrative Headquarters of the Territory of New Guinea (Griffiths: 1938 – 1938)

Committee Appointed to Survey the Possibility of Establishing a Combined Administration of the Territories of Papua and New Guinea and to Make a Recommendation as to a Capital Site (Eggleston: 1939 – 1939)

1940-1949

Power Alcohol Committee of Inquiry (Fadden: 1940 – 1941)

Board of Inquiry Appointed to Inquire into Hire Purchase and Cash Order Systems (Chancellor: 1941 – 1941)

Board of Inquiry on Matters relating to the Australian Defence Canteens Service (Spooner: 1942 – 1942)

Commission to Inquire into Certain Trading Operations in connection with the Sale or Disposal of Apples and Pears on behalf of the Australian Apple and Pear Marketing Board (1942)

Commission of Inquiry into Postal, Telegraphic and Telephonic Censorship (Webb: 1944 – 1944)

Commission of Inquiry into the Supply and Distribution of Rationed Goods [aka “Quota sold” inquiry] (Bradley: 1944 – 1944)

Commission of Inquiry into the Truth of the Imputation Contained in Certain Statements attributed to Albert James Hannan, Crown Solicitor for South Australia (Clyne: 1944 – 1944)

Board of Inquiry to Inquire into and report upon Matters connected with Legal Proceedings in the High Court by Angus Dean of Hobart (Reed: 1944 – 1945)

Commission of Inquiry on Cases of Privates J. Wilson, J.J. Derrick, and Sapper A.L. Chalmers on Charges of Mutiny (Reed: 1944 – 1945)

Inquiry into Matters relating to the Detention of certain Members of the “Australia First Movement” Group (Clyne: 1944 – 1945)

Board of Inquiry Appointed to Investigate the Trial and Punishment of Offences against Military Law and the Administration of Places of Confinement of Military Offenders (Reed: 1945 – 1946)

Commissioner appointed to Inquire into and Report upon the Coal Mining Industry (Davidson: 1945 – 1946)

Commission to Inquire and Report upon the Stevedoring Industry (Foster: 1945 – 1946)

1950-1959

Committee Appointed to Investigate Question of Payment of Special Subsistence Allowance to Australian Prisoners of War, 1939-1945 (Owen: 1950 – 1950)

Special Committee on whether Quarantine Precautions being taken against Sirex Wood Wasp should be Intensified, Maintained or Relaxed (Cuming: 1951 – 1952)


Inquiry Committee on the Australian Sugar Industry (McCarthy: 1952 – 1952)

Commonwealth Committee on Rates of Depreciation (Hulme: 1954 – 1955)

Committee of Inquiry into the Stevedoring Industry (Tait: 1954 – 1957)
Appendix 3

Committee of Inquiry into the Salaries and Allowances of Members of the Commonwealth Parliament (Richardson: 1955 – 1956)

Committee on Australian Universities (Murray: 1956 – 1957)

National Library Inquiry Committee (Paton: 1956 – 1957)


Committee of Inquiry into Public Service Recruitment (Boyer: 1957 – 1959)

Commission of Inquiry into the Navuneram Incident, New Britain (Mann: 1958 – 1959)

Committee Appointed by the Attorney-General of the Commonwealth to consider what Alterations are Desirable in the Copyright Law of the Commonwealth (Spicer: 1958 – 1959)

Committee of Inquiry into the Salaries and Allowances of Members of the Commonwealth Parliament (Richardson: 1959 – 1959)

Committee to Investigate the Prospects of Agriculture in the Northern Territory (Forster: 1959 – 1960)


Decimal Currency Committee (Scott: 1959 – 1960)

Ad Hoc Committee of Inquiry into the Commercial Accounts of the Post Office (Fitzgerald: 1959 – 1961)

Commonwealth Committee on Taxation (Ligertwood: 1959 – 1961)

Coal Utilisation Research Advisory Committee (Pettingell: 1959 - 1962)

1960 - 1969


Committee of Enquiry into Wool Marketing (Philp: 1961 – 1962)

Committee on the Future of Tertiary Education in Australia (Martin: 1961 – 1965)


Commission on Higher Education in Papua and New Guinea (Currie: 1963 – 1964)

Committee of Economic Enquiry (Vernon: 1963 – 1965)

Committee of Inquiry into Academic Salaries (Eggleston: 1964 – 1964)

Committee of Investigation into Transportation Costs in Northern Australia (Loder: 1964 – 1965)

Committee set up by the Governments of New South Wales and the Commonwealth of Australia to Enquire into New South Wales Intrastate Air Routes (Coleman: 1965 – 1965)

Committee of Inquiry into the Need for a College of Advanced Education in the Australian Capital Territory (Burton: 1965 – 1966)

Committee on Social Patterns of the Commonwealth Advisory Service – the Departure of Settlers from Australia (Dovey: 1966 – 1967)

Committee of Inquiry into Intrastate Air Services in New South Wales (Coleman: 1967 – 1968)

Committee of Inquiry into Health Insurance (Nimmo: 1968 – 1969)
Committee of Inquiry into Salaries of Lecturers and Senior Lecturers in Colleges of Advanced Education (Sweeney: 1968 – 1969)

Commonwealth Administrative Review Committee (Kerr: 1968 – 1971)
Committee of Inquiry into the Royal Military College (Fox: 1969 – 1970)
Committee to Investigate and Plan Future Nursing Education in the A.C.T. (Hennessy: 1969 – 1970)

Commonwealth Advisory Committee on the Teaching of Asian Languages and Cultures in Australia (Auchmuty: 1969 – 1970)

1970 - 1972
Committee of Inquiry into the Financial Terms and Conditions of Service for Male and Female Members of the Regular Armed Forces (Kerr, then Woodward: 1970 – 1973)
Secondary Education for Canberra: Working Committee on College Proposals for the Australian Capital Territory (Campbell: 1971 – 1972)

Committee on Administrative Discretions (Bland: 1971 – 1973)
Inquiry Committee into Scientific and Technological Information Services (Crisp, then Jones: 1971 – 1973)

Inquiry into the Departure of Settlers from Australia (Zubrzycki: 1971 – 1973)
Expansion of Medical Education: Committee on Medical Schools (Karmel: 1972 - 1973)
Health Insurance Scheme Planning Committee (Deeble: 1972 – 1973)

Inquiry into Academic Salaries (Campbell: 1972 – 1973)

Schools in Australia: Interim Committee for the Australian Schools Commission (Karmel: 1972 – 1973)

Special Committee on Teacher Education (Cohen: 1972 – 1973)
Committee of Inquiry into the Crafts in Australia (Bonython: 1972 – 1975)

Taxation Review Committee (Asprey: 1972 – 1975)
Footnotes
1. Appointed under National Security (Inquiries) Regulations.
APPENDIX 4

Public Inquiries
appointed by
the Menzies Coalition Governments
December 1949 – January 1966
Appendix 4

Inquiries are listed in chronological order with family name of chair, number of inquiry members, date of appointment (month and year) and date of reporting (month and year), and where possible length of inquiry to nearest month in brackets. In some cases not all details are available from the public record.

Committee appointed to Investigate Question of Payment of Special Subsistence Allowance to Australian Prisoners of War, 1939 - 1945 (Owen [3]: May 1950-October 1950/5 mths)

Special Committee on whether Quarantine Precautions being taken against Sirex Wood Wasp should be Intensified, Maintained or Relaxed (Cuming [3]: October 1951-June 1952/9 mths)


Inquiry Committee on the Australian Sugar Industry (McCarthy [5]: March 1952-October 1952/7 mths)

Royal Commission on Television Stations and Programs (Paton [6]: February 1953-May 1954/15 mths)

Royal Commission on Espionage (aka The Petrov Inquiry) (Owen [3]: May 1954-October 1955/18 mths)

Commonwealth Committee on Rates of Depreciation (Hulme [5]: September 1954-June 1955/8 mths)

Committee of Inquiry into the Stevedoring Industry (Tait [3]: November 1954-October 1957/35 mths)

Committee of Inquiry into the Salaries and Allowances of Members of the Commonwealth Parliament (Richardson [3]: August 1955-May 1956/9 mths)

Committee Appointed by the Attorney-General of the Commonwealth to Review Commonwealth Bankruptcy Law (Clyne [7]: February 1956-December 1962/82 mths)

National Library Inquiry Committee (Paton [8]: May 1956-April 1957/11 mths)

Committee on Australian Universities (Murray [5]: December 1956-September 1957/9 mths)

Committee of Inquiry into Public Service Recruitment (Boyer [5]: September 1957-November 1959/27 mths)

Commission of Inquiry into the Navuneram Incident, New Britain (Mann [1]: August 1958-May 1959/9 mths)

Committee Appointed by the Attorney-General of the Commonwealth to consider what Alterations are Desirable in the Copyright Law of the Commonwealth (Spicer [5]: September 1958-December 1959/15 mths)

Committee of Inquiry into the Salaries and Allowances of Members of the Commonwealth Parliament (Richardson [3]: January 1959-April 1959/3 mths)

Decimal Currency Committee (Scott [7]: February 1959-October 1960/20 mths)

Coal Utilisation Research Advisory Committee (Pettingell [8]: June 1959-March 1962/33 mths)

Dairy Industry Committee of Enquiry (McCarthy [5]: July 1959-November 1960/16 mths)

Committee to Investigate the Prospects of Agriculture in the Northern Territory (Forster [3]: August 1959-October 1960/14 mths)
Ad Hoc Committee of Inquiry into the Commercial Accounts of the Post Office (Fitzgerald [5]: September 1959-April 1961/19 mths)

Commonwealth Committee on Taxation (Ligertwood [5]: December 1959-June 1961/18 mths)

Sugar Inquiry Committee - 1960 (McCarthy [3]: November 1960-August 1961/9 mths)

Committee of Enquiry into Wool Marketing (Philp [3]: January 1961-February 1962/13 mths)

Committee on the Future of Tertiary Education in Australia (Martin [16]: August 1961-July 1965/47 mths)


Commission on Higher Education in Papua and New Guinea (Currie [3]: February 1963-March 1964/13 mths)

Committee of Economic Enquiry (Vernon [5]: February 1963-May 1965/27 mths)

Royal Commission on the Loss of HMAS Voyager (Spicer [1]: February 1964-August 1964/6 mths)

Committee of Investigation into Transportation Costs in Northern Australia (Loder [6]: April 1964-September 1965/17 mths)

Committee of Inquiry into Academic Salaries (Eggleston [1]: May 1964-October 1964/5 mths)

Committee set up by the Governments of New South Wales and the Commonwealth of Australia to Enquire into New South Wales Intrastate Air Routes (Coleman [2]: May 1965-July 1965/2 mths)

Committee of Inquiry into the Need for a College of Advanced Education in the Australian Capital Territory (Burton [6]: November 1965-June 1966/7 mths)
Classification by policy area of all inquiries appointed by the Menzies Governments 1949-1966

Inquiries are listed alphabetically within the relevant policy area.

**Administration**
Ad Hoc Committee of Inquiry into the Commercial Accounts of the Post Office
Committee of Inquiry into Public Service Recruitment

Committee of Inquiry into the Salaries and Allowances of Members of the Commonwealth Parliament (1956)

Committee of Inquiry into the Salaries and Allowances of Members of the Commonwealth Parliament (1959)

**Constitutional and Legal Affairs**
Commission of Inquiry into the Navuneram Incident, New Britain

Committee Appointed by the Attorney-General of the Commonwealth to Consider what Alterations are Desirable in the Copyright Law of the Commonwealth

Royal Commission on Alleged Improper Practices and Improper Refusal to Cooperate with the Victoria Police Force on the Part of Persons Employed in the Postmaster-General’s Department in Victoria in relation to Illegal Gambling

**Communications**
Royal Commission on Televisions Stations and Programs

**Defence and National Security**
Royal Commission on Espionage *(aka The Petrov Inquiry)*

Royal Commission on the Loss of HMAS Voyager

**Employment and Industrial Relations**
Commonwealth-State Apprenticeship Inquiry

**Economy, Industry Policy and Assistance**
Committee Appointed by the Attorney-General of the Commonwealth to Review Commonwealth Bankruptcy Law

Committee Appointed by the Commonwealth Government to Review *Bills of Exchange Act 1909-1958*

Committee of Economic Enquiry

Committee of Inquiry into the Stevedoring Industry

Commonwealth Committee on Rates of Depreciation

Commonwealth Committee on Taxation
Appendix 4

Decimal Currency Committee

Education
Committee of Inquiry into Academic Salaries
Committee of Inquiry into the Need for a College of Advanced Education in the Australia Capital Territory
Committee on Australian Universities
Committee on the Future of Tertiary Education in Australia
Committee on Higher Education in Papua and New Guinea
National Library Inquiry Committee

Minerals and Energy
Coal Utilisation Research Advisory Committee

Primary Industry
Committee of Enquiry into Wool Marketing
Committee to Investigate the Prospects of Agriculture in the Northern Territory
Dairy Industry Committee of Enquiry
Inquiry Committee on the Australian Sugar Industry
Special Committee on whether Quarantine Precautions being taken against Sirex Wood Wasp should be Intensified, Maintained or Relaxed
Sugar Inquiry Committee – 1960

Transport
Committee of Investigation into Transportation Costs in Northern Australia
Committee set up by the Governments of New South Wales and the Commonwealth of Australia to Enquire into New South Wales Intrastate Air Routes

Veterans’ Affairs
Committee Appointed to Investigate Question of Payment of Special Subsistence Allowance to Australian Prisoners of War, 1939 - 1945
APPENDIX 5

Public Inquiries
appointed by
the Holt, Gorton and McMahon
Coalition Governments
February 1966 – December 1972
Inquiries are listed in chronological order with family name of chair, number of inquiry members, date of appointment (month and year) and date of reporting (month and year), and where possible length of inquiry to nearest month in brackets. In some cases not all details are available from the public record.

Committee on Social Patterns of the Commonwealth Advisory Service – the Departure of Settlers from Australia (Dovey [13]: May 1966-November 1967/18 mths)

Committee of Inquiry into Intrastate Air Services in New South Wales (Coleman [2]: March 1967-April 1968/13 mths)

Royal Commission on the Statements made by Lieutenant-Commander Cabban and matters incidental to the HMAS Voyager Royal Commission (Burbury [3]: May 1967-February 1968/9 mths)

Committee of Inquiry into Health Insurance (Nimmo [3]: April 1968-March 1969/11 mths)

Committee of Inquiry into Salaries of Lecturers and Senior Lecturers in Colleges of Advanced Education (Sweeney [3]: June 1968 – May 1969/11 mths)

Committee of Inquiry into Awards in Colleges of Advanced Education (Wiltshire [3]: June 1968-June 1969/12 mths)

Commonwealth Administrative Review Committee (Kerr [4]: October 1968-August 1971/22 mths)

Commonwealth Advisory Committee on the Teaching of Asian Languages and Cultures in Australia (Auchmuty [9]: March 1969-September 1970/18 mths)

Committee to Investigate and Plan Future Nursing Education in the Australian Capital Territory (Hennessy [5]: July 1969-May 1970/10 mths)

Committee of Inquiry into the Royal Military College (Fox [5]: September 1969-April 1970/7 mths)

Committee of Inquiry into Academic Salaries (Eggleston [1]: March 1970-May 1970/2 mths)

Committee of Inquiry on the Problem of the Crown of Thorns Starfish (Walsh [6]: May 1970-March 1971/10 mths)\(^1\)


National Population Inquiry: Population and Australia, a Demographic Analysis and Projection (Borrie [1]: September 1970-March 1975/54 mths)\(^3\)

Designs Law Review Committee (Franki [6]: October 1970-August 1973/34 mths)

Committee of Inquiry into the Financial Terms and Conditions of Service for Male and Female Members of the Regular Armed Forces (Kerr, then Woodward [6]: October 1970-na 1973)

Inquiry Committee into Scientific and Technological Information Services (Crisp, then Jones [13]: February 1971-May 1973/27 mths)

Inquiry into the Departure of Settlers from Australia (Zubrzycki [10]: September 1971-July 1973/22 mths)
Independent Inquiry into the Repatriation System (Toose [1]: October 1971-September 1975/48 mths)

Secondary Education for Canberra: Working Committee on College Proposals for the Australian Capital Territory (Campbell [18]: November 1971-December 1972/13 mths)

Committee on Administrative Discretions (Bland [3]: December 1971-October 1973/22 mths)

Expansion of Medical Education: Committee on Medical Schools (Karmel [7]: June 1972-July 1973/13 mths)

Taxation Review Committee (Asprey [5]: August 1972-January 1975/29 mths)

Commission of Inquiry into Poverty in Australia (Henderson [5]: August 1972-August 1976/48 mths)\(^4\)

Special Committee on Teacher Education (Cohen [5]: September 1972-March 1973/6 mths)

Inquiry into Academic Salaries (Campbell [1]: September 1972-May 1973/8 mths)

Committee of Review of Prerogative Writ Procedures (Ellicott [3]: October 1972-May 1973/8 mths)

Inquiry into Superannuation Pension Updating of Commonwealth Superannuation Pensions (Pollard [1]: November 1972-April 1973/5 mths)

Committee of Inquiry into the Crafts in Australia (Bonython [9]: December 1972-March 1975/27 mths)\(^5\)

Footnotes
1. Established jointly with the Queensland Government.
2. Established jointly with the Queensland Government.
3. Established by the Gorton Government, the inquiry continued to release reports through till 1978.
4. Established by the McMahon Government in August 1972, the Henderson Inquiry received strong support from the incoming Whitlam Government elected in December 1972 and issued numerous reports till 1976.
5. Established by the McMahon Government, the inquiry had its terms of reference extended and additional members appointed by the Whitlam Government.
CLASSIFICATION BY POLICY AREA OF ALL INQUIRIES APPOINTED BY THE HOLT, GORTON AND MCMAHON GOVERNMENTS 1966 - 1972

Inquiries are listed alphabetically within the relevant policy area.

Administration
Committee on Administrative Discretions
Commonwealth Administrative Review Committee

Arts
Committee of Inquiry into the Crafts in Australia

Constitutional and Legal Affairs
Committee of Review of Prerogative Writ Procedures
Designs Law Review Committee

Defence and National Security
Royal Commission on the statements made by Lieutenant-Commander Cabban and matters incidental to the HMAS Voyager Royal Commission
Committee of Inquiry into the Financial Terms and Conditions of Service for Male and Female Members of the Regular Armed Forces
Committee of Inquiry into the Royal Military College

Economy, Industry Policy and Assistance
National Population Inquiry: Population and Australia, a Demographic Analysis and Projection
Taxation Review Committee

Education
Committee of Inquiry into Academic Salaries (1964)
Committee of Inquiry into Awards in Colleges of Advanced Education
Committee of Inquiry into Salaries of Lecturers and Senior Lecturers in Colleges of Advanced Education
Committee to Investigate and Plan Future Nursing Education in the A.C.T.
Commonwealth Advisory Committee on the Teaching of Asian Languages and Cultures in Australia
Expansion of Medical Education: Committee on Medical Schools
Inquiry into Academic Salaries (1972)
Secondary Education for Canberra: Working Committee on College Proposals for the Australian Capital Territory
Special Committee on Teacher Education
Environment
Committee of Inquiry on the Problem of the Crown of Thorns Starfish
Royal Commission into Exploratory and Production Drilling for Petroleum in the Area of the Great Barrier Reef

Health
Committee of Inquiry into Health Insurance
Independent Inquiry into the Repatriation System

Immigration and Ethnic Affairs
Committee on Social Patterns of the Commonwealth Advisory Service
Inquiry into the Departure of Settlers from Australia

Science and Technology
Inquiry Committee into Scientific and Technological Information Services

Social Security and Welfare
Commission of Inquiry into Poverty in Australia
Inquiry into Superannuation Pension Updating of Commonwealth Superannuation Pensions

Transport
Committee of Inquiry into Intrastate Air Services in New South Wales
APPENDIX 6

Public Inquiries
appointed by the
Whitlam Labor Government

December 1972 – November 1975
Inquiries are listed in chronological order with family name of chair, number of inquiry members, date of appointment (month and year) and date of reporting (month and year), and where possible length of inquiry to nearest month in brackets. In some cases not all details are available from the public record.

Schools in Australia: Interim Committee for the Australian Schools Commission (Karmel [9]: December 1972-May 1973/5 mths)


Health Insurance Scheme Planning Committee (Deebie: December 1972-May 1973/5 mths)

Inquiry into Proposed Increases in Steel Prices (Moore [1]: January 1973-February 1973/2 mths)


Committee on Computerisation of Legal Data (Mullin [7]: January 1973-March 1974/14 mths)

Committee on Computerisation of Criminal Data (Ward: January 1973-April 1975/28 mths)

Committee on the Biological Effects of Nuclear Explosion Fallout – Academy of Science Report to the Prime Minister (Robertson [4]: February 1973-April 1973/3 mths)

Inquiry into the Role, Scope and Development of Recreation in Australia (Bloomfield: February 1973-April 1973/2 mths)


Inquiry into Powers over Prices and Incomes (Winter: February 1973-November 1973/10 mths)

Australian Pre-Schools Committee of Enquiry into Care and Education of Young Children (Fry: February 1973-December 1973/10 mths)


Royal Commission into Aboriginal Land Rights (Woodward [1]: February 1973-May 1974/15 mths)

Committee of Inquiry into the Future of Lake Pedder (Burton [4]: February 1973-July 1974/17 mths)


Committee on Child Care Standards (Ebert: March 1973-May 1973/3 mths)

Inquiry on a Commission to Advise on Assistance to Industries (Crawford [1]: March 1973- September 1973/7 mths)

Committee of Inquiry into the Australian Post Office (Vernon [3]: March 1973-April 1974/13 mths)
Committee on Open University: Open Tertiary Education in Australia (Karmel [13]: March 1973-April 1974 / 13 mths)

Committee of Inquiry into a National Rehabilitation and Compensation Scheme in Australia (Woodhouse [3]: March 1973-July 1974/16 mths)


Task Force to Review Continuing Expenditure of the Previous Government (Coombs [1]: April 1973-August 1973/5 mths)

Committee on Australian Technical and Further Education (Kangan [11]: April 1973-April 1974/12 mths)

Committee of Inquiry into Citizen Military Forces (Millar [6]: April 1973-June 1974/14 mths)

Pilbara Region Development Committee (Spooner: April 1973-July 1974/15 mths)

Committee of Inquiry into Community Relations (Lippmann [11]: April 1973 – October 1975 / 29 mths)

Committee of Inquiry into National Superannuation (Hancock [4]: April 1973-March 1977/47 mths)

Inquiry into Education for Community Recreation Workers (Hamilton-Smith [1]: May 1973-December 1973/7 mths)

Committee of Inquiry into the National Estate (Hope [8]: May 1973-September 1974/16 mths)

National Committee on Discrimination in Employment and Occupation (McGarvie [1]: May 1973- March 1975/22 mths)

Committee of Inquiry into Land Tenures (Else-Mitchell [3]: May 1973-February 1976/33 mths)

Committee on Possible Ways of Increasing Imports (Rattigan [1]: June 1973-August 1973/2 mths)

Committee of Inquiry into the Protection of Privacy under the New Health Insurance program (Whalen [7]: June 1973-December 1973/6 mths)

Inquiry into Certain Aspects of the Stevedoring Industry (Foster [1]: June 1973-June 1975/24 mths)


Inquiry into Employment in the Building Industry (Evatt: July 1973-April 1975/21 mths)

Review Committee on Australian Legal Aid (Turner: July 1973-May 1975/22 mths)

Inquiry into Education of Servicemen’s Children (Mackay: August 1973-June 1975/21 mths)

Committee on Personnel and Training in Health Careers: Australian Health Manpower (Sax: August 1973-na 1975)

Committee of Inquiry into Technical Education in the Australian Capital Territory (Gilmour [5]: September 1973-September 1974/12 mths)
Committee of Reference for Defence Forces Pay (Coldham: September 1973-March 1975/18 mths)

Committee of Inquiry into the Maritime Industry (Summers [1]: September 1973-June 1976/33 mths)

Inquiry into Aboriginal – Police Relations (Shilton: September 1973-terminated by Fraser Government June 1976)

Royal Commission into Petroleum and Petroleum Products (Collins [1]: September 1973-November 1976/38 mths)

Inquiry into Ecological Basis, Organisation, and Market Prospects of Turtle and Crocodile Farming Projects in Northern Australia (Carr [2]: October 1973-October 1973/1 mth)

Interim Committee on Consumer Standards (Street [6]: October 1973-April 1974/6 mths)

Committee of Review into the School of Public Health and Tropical Medicine (Sax [1]: October 1973-August 1975/22 mths)

Committee of Independent Inquiry into Implications of Establishing Frequency Modulation Broadcasting (McLean [2]: November 1973-March 1974/4 mths)

Committee of Inquiry into the Government Procurement Policy (Scott [4]: November 1973-May 1974/6 mths)


Committee of Inquiry on Integration of Data Systems (Crisp [5]: December 1973-March 1974/3 mths)

Committee of Inquiry into the National Forensic Institute (Clark [6]: December 1973-April 1974/5 mths)

Committee of Inquiry into Labour Market Training (Cochrane [3]: December 1973-May 1974/5 mths)

Working Group on Rural Policy in Australia (Harris [4]: December 1973-May 1974/5 mths)

Task Force to Investigate Modern Housing Techniques (Burkitt [7]: December 1973-June 1974/6 mths)

Committee of Inquiry on the Co-ordinated Registration and Operation of Federal and State Employee and Employer Industrial Organisations (Sweeney [1]: February 1974-August 1974/6 mths)

Committee of Inquiry on Museums and National Collections (Piggott [8]: April 1974-November 1975/19 mths)

Royal Commission of Inquiry into Transport Charges to and from Tasmania (Nimmo [1]: April 1974-March 1976/23 mths)

Royal Commission on Australian Government Administration (Coombs [5]: June 1974-August 1976/26 mths)

Copyright Law Committee on Reprographic Reproductions (Franki [4]: June 1974-October 1976/28 mths)
Committee of Inquiry into Workloads in Government Factories (O’Connor [15]: July 1974-October 1974/3 mths)

Committee to Advise on Appropriate Policies for the Development of Manufacturing Industry (Jackson [7]: July 1974-October 1975/15 mths)

Working Party on Social Change and the Education of Women (McKinnon [9]: July 1974-November 1975/16 mths)

Committee of Inquiry into Chiropractic, Homeopathy, Osteopathy and Naturopathy (Webb [4]: August 1974-April 1977/32 mths)

Royal Commission into Intelligence and Security (Hope [1]: August 1974-October 1977/37 mths)

Royal Commission into Human Relationships (Evatt [3]: August 1974-November 1977/39 mths)


Royal Commission into Alleged Payments to Australian Maritime Unions (Sweeney [1]: September 1974-April 1976/20 mths)

Committee of Review of the Tertiary Education Assistance Scheme (Williams [4]: October 1974-May 1975/7 mths)

Study Group into the Feasibility of a National Sports Institute (Coles [8]: October 1974-November 1975/13 mths)

Working Party on Transition from Secondary Education to Employment (Mather: October 1974-November 1976/25 mths)

Inquiry into Medical Fees (McIntosh [1]: October 1974-December 1974/3 mths)

Committee of Inquiry into Inflation and Taxation (Mathews [4]: November 1974-May 1975/6 mths)

Committee of Inquiry into the Teaching of Languages of the Major Migrant Groups in Australian Primary and Secondary Schools (Mather [11]: November 1974-March 1976/16 mths)

Committee of Inquiry into Public Libraries (Horton [7]: March 1975-February 1976/11 mths)

Committee on Post-Secondary Education in Tasmania (Karmel [4]: April 1975-February 1976/10 mths)

Enquiry on Medical Fees for Private Medical Benefit Purposes (McIntosh: May 1975-December 1975/3 mths)

Independent Committee of Inquiry into Radio Australia (Waller [8]: May 1975-December 1975/7 mths)

Fraser Island Environmental Inquiry (Hookey [2]: May 1975-February 1976/10 mths)

Royal Commission on Norfolk Island (Nimmo [1]: May 1975 – October 1976 / 17 mths)

Commission of Inquiry into Ranger Uranium Development in the Northern Territory (Fox [1]: May 1975-May 1977/24 mths)

Working Party on Public Broadcasting (Evans: July 1975-October 1975/3 mths)
Inquiry into the Australian Services Canteens Organisation (Osborne: July 1975-January 1976/6 mths)

Survey of Vietnamese Refugees in Australia (Martin [1]: July 1975-terminated by Fraser Government February 1976)

Footnotes
1. Only interim report tabled; no final report released.
3. New deadline imposed by Fraser Government.
4. New deadline imposed by Fraser Government.
5. New deadline imposed by Fraser Government.
6. Appointed jointly by Commonwealth and Queensland Governments.
CLASSIFICATION BY POLICY AREA OF ALL INQUIRIES APPOINTED BY THE WHITLAM GOVERNMENT 1972 - 1975

Inquiries are listed alphabetically within the relevant policy area.

**Aboriginal Affairs**
Access to education: Evaluation of Operations and Effectiveness of the Aboriginal Secondary Grants Scheme
Advisory Group on the Implementation and Development of a Program of Bilingual Education in Schools in Aboriginal Communities in the Northern Territory
Inquiry into Aboriginal – Police Relations
Royal Commission into Aboriginal Land Rights

**Administration**
Committee of Inquiry into the Australian Post Office
Committee of Inquiry into the Government Procurement Policy
Committee of Inquiry on Integration of Data Systems
Royal Commission on Australian Government Administration
Task Force to Review Continuing Expenditure of the Previous Government

**Communications**
Committee of Independent Inquiry into Implications of Establishing Frequency Modulation Broadcasting
Independent Committee of Inquiry into Radio Australia
Working Party on Public Broadcasting
Constitutional and Legal Affairs
Committee on Computerisation of Criminal Data
Committee on Computerisation of Legal Data
Copyright Law Committee on Reprographic Reproductions
Inquiry into Powers over Prices and Incomes
Royal Commission on Norfolk Island

**Consumer Affairs**
Interim Committee on Consumer Standards
**Defence and National Security**
Committee of Inquiry into Citizen Military Forces
Committee of Reference for Defence Forces Pay
Inquiry into the Australian Services Canteens Organisation
Inquiry into Education of Servicemen's Children
Royal Commission into Intelligence and Security

**Economy, Industry Policy And Assistance**
Committee of Inquiry into Inflation and Taxation
Committee on Possible Ways of Increasing Imports
Committee to Advise on Appropriate Policies for the Development of Manufacturing Industry
Inquiry into Certain Aspects of the Stevedoring Industry
Inquiry into Proposed Increases in Steel Prices
Inquiry into the Role, Scope and Development of Recreation in Australia
Inquiry on a Commission to Advise on Assistance to Industries
Pilbara Region Development Committee
Royal Commission into Petroleum and Petroleum Products

**Education**
Assessment Panel on the Design for the Governance and Organisation of Education in the A.C.T.
Australian Pre-Schools Committee of Enquiry into Care and Education of Young Children
Committee of Inquiry into Public Libraries
Committee of Inquiry into Technical Education in the Australian Capital Territory
Committee of Inquiry into the Teaching of Languages of the Major Migrant Groups in Australian Primary and Secondary Schools
Committee of Review into the School of Public Health and Tropical Medicine
Committee of Review of the Tertiary Education Assistance Scheme
Committee on Australian Technical and Further Education
Committee on Open University: Open Tertiary Education in Australia
Committee on Post-Secondary Education in Tasmania
Committee on the Location, Nature, and Development of Institutions of Tertiary Education in Sydney, Melbourne, and the Albury-Wodonga Region
Inquiry into Education for Community Recreation Workers
Schools in Australia: Interim Committee for the Australian Schools Commission
Study of Possible Development of Studies in Languages and Linguistics, including Aboriginal Linguistics, in Australian Universities
Working Party on Transition from Secondary Education to Employment
**Appendix 6**

**Employment and Industrial Relations**
- Committee of Inquiry into a National Rehabilitation and Compensation Scheme in Australia
- Committee of Inquiry into Commonwealth Employment Service Statistics
- Committee of Inquiry into Labour Market Training
- Committee of Inquiry into Workloads in Government Factories
- Committee of Inquiry on the Co-ordinated Registration and Operation of Federal and State Employee and Employer Industrial Organisations
- Inquiry into Employment in the Building Industry
- National Committee on Discrimination in Employment and Occupation
- Royal Commission into Alleged Payments to Australian Maritime Unions

**Environment**
- Commission of Inquiry into Ranger Uranium Development in the Northern Territory
- Committee of Inquiry into Land Tenures
- Committee of Inquiry into the Future of Lake Pedder
- Committee of Inquiry into the National Estate
- Committee on the Biological Effects of Nuclear Explosion Fallout – Academy of Science Report to the Prime Minister
- Fraser Island Environmental Inquiry
- Inquiry into Ecological Basis, Organisation, and Market Prospects of Turtle and Crocodile Farming Projects in Northern Australia
- Redcliff Environment Inquiry
- Working Group on the Economic and Environmental Aspects of the Export Hardwood Woodchip Industry

**Health**
- Committee of Inquiry into Chiropractic, Homeopathy, Osteopathy and Naturopathy
- Committee of Inquiry into the National Forensic Institute
- Committee of Inquiry into the Protection of Privacy under the New Health Insurance Program
- Committee on Personnel and Training in Health Careers: Australian Health Manpower Enquiry on Medical Fees for Private Medical Benefit Purposes
- Health Insurance Scheme Planning Committee
- Inquiry into Medical fees

**Housing and Urban Affairs**
- Task Force to Investigate Modern Housing Techniques

**Immigration and Ethnic Affairs**
- Committee of Inquiry into Community Relations
- Survey of Vietnamese Refugees in Australia
Primary Industries
Working Group on Rural Policy in Australia

Science and Technology
Committee of Inquiry on Museums and National Collections

Social Security and Welfare
Committee of Inquiry into National Superannuation
Committee on Child Care Standards
Review Committee on Australian Legal Aid
Royal Commission into Human Relationships
Working Party on Homeless Men and Women

Sport and Recreation
Study Group into the Feasibility of a National Sports Institute

Transport
Committee of Inquiry into the Maritime Industry
Royal Commission of Inquiry into Transport Charges to and from Tasmania

Women’s Issues
Working Party on Social Change and the Education of Women
APPENDIX 7

Public Inquiries
appointed by the
Fraser Coalition Governments
November 1975 - March 1983
Appendix 7

Inquiries are listed in chronological order with family name of chair, number of inquiry members, date of appointment (month and year) and date of reporting (month and year), and where possible length of inquiry to nearest month in brackets. In some cases not all details are available from the public record.

Inquiry into the Delivery of Services Financed by the Department of Aboriginal Affairs (Hay [1]: December 1975-June 1976/7 mths)


Medibank Review Committee (Holmes [1]: January 1976-August 1976/7 mths)

Committee of Inquiry into the Role of the National Aboriginal Consultative Committee (Hiatt [4]: April 1976-November 1976/7 mths)

Review Committee on Trade Practices Act (Swanson [5]: April 1976-August 1976/4 mths)

Committee of Inquiry into the Structure of the Australian Broadcasting System and Associated Matters (Green [1]: April 1976-September 1976/5 mths)

Review of Fees and Benefits of Pathology Services under Medibank (Sax [1]: April 1976 – November 1976/7 mths)

Inquiry into Teacher Staff in A.C.T. Schools (Neal [1]: June 1976-October 1976/5 mths)

Committee of Inquiry into Care of the Aged and the Infirm (Holmes [4]: June 1976-January 1977/ 8 mths)


Defence Forces Pay Committee (Coldham [1]: July 1976-April 1979/33 mths)


Inquiry into Aboriginal Land Rights (Northern Territory) Bill 1976 – Analysis of Representation (Hay [1]: August 1976-October 1976/2 mths)

Committee of Inquiry into the Bureau of Meteorology (Howson [3]: August 1976-December 1976/4 mths)

Committee of Inquiry into Official Establishments (Grimwade [5]: September 1976-May 1979/32 mths)

Inquiry into the Tasmanian Rail System (Joy [1]: September 1976-June 1977/10 mths)

Women’s Advisory Committee to the Prime Minister (Beaurepaire [4]: September 1976-September 1977/12 mths)

Committee of Inquiry into the Commonwealth Scientific and Industrial Research Organisation (Birch [3]: October 1976-August 1977/10 mths)

Committee of Inquiry into the Structure of Industry and the Employment Situation in Tasmania (Callaghan [1]: December 1976-June 1977/6 mths)


Committee Appointed to Examine the Desirability and Feasibility of Introducing a System of Loans for Australian Post-Secondary Students (Butcher [5]: December 1976-June 1977/6 mths)

Committee of Inquiry into Education and Training (Williams [10]: December 1976-February 1979/27 mths)

Public Inquiry into the Concept of Self-Regulation for Australian Broadcasting (Gyngell [3]: January 1977-July 1977/7 mths)

Committee of Inquiry into Public Electricity Supply in the Northern Territory (McKay [3]: February 1977-June 1977/4 mths)

Committee of Inquiry into Trade Union Training (Paine [3]: March 1977-August 1977/5 mths)

Committee of Inquiry into Unemployment Benefits Policy and Administration (Myers [1]: March 1977-July 1977/4 mths)

Study Group to Review Overseas Cargo Shipping Legislation (Heaver [1]: March 1977-March 1978/12 mths)

Committee of Inquiry into Medical Fees for Medical Benefits Purposes (Ludeke [1]: April 1977-October 1977/6 mths)

Inquiry into Principles of Wage Fixation (Moore [14]: May 1977-April 1978/11 mths)

Ad Hoc Working Committee on Australia-Japan Relations (Myer [8]: May 1977-May 1978/12 mths)

Committee of Inquiry into Housing Costs (Eyers [3]: June 1977-July 1978/13 mths)

Committee on Applications and Costs of Modern Technology in Medical Practices (Sax [13]: June 1977-November 1978/17 mths)

Study Group on Structural Adjustment (Crawford [4]: September 1977-March 1979/18 mths)

Committee of Inquiry into Nurse Education and Training (Sax [11]: September 1977-August 1978/11 mths)

Review of Migrant Services and Programs (Galbally [4]: September 1977-May 1978/8 mths)

Independent Committee of Inquiry into Operations and Capital Works Programs of the Commonwealth Serum Laboratories (Nossal [2]: October 1977-May 1978/7 mths)

Royal Commission of Inquiry into Drugs (Williams [1]: October 1977-January 1980/27 mths)²


Review Committee into Royal Australian Airforce Organisation (McNamara [1]: November 1977-September 1978/11 mths)
Appendix 7

Review of Ord River Irrigation Project (Young [5]: January 1978-February 1979/14 mths)

Committee of Inquiry into Public Duty and Private Interest (Bowen [3]: February 1978-July 1979/17 mths)

Committee on Protective Security Review (Hope [1]: February 1978-May 1979/15 mths)

Inquiry into Whales and Whaling (Frost [1]: March 1978-December 1978/9 mths)

Inquiry into Employment Implications of Live Sheep Export Trade to the Middle East (Miller [1]: April 1978-August 1978/4 mths)


Committee on Australia’s Relations with the Third World (Harries [10]: April 1978-April 1979/12 mths)

Joint Committee of Inquiry into the Sugar Industry (McKinnon [1]: May 1978-April 1979/11 mths)


Commission of Inquiry into the Pharmaceutical Manufacturing Industry (Ralph [3]: September 1978-August 1979/12 mths)

Inquiry into Research and Development Activities and Capabilities of the Australian Atomic Energy Commission (Kirkwood [1]: November 1978-November 1979/13 mths)

Review of Stevedoring Industry Arrangements (Wallace [1]: December 1978 – June 1979/6 mths)

Inquiry into Meat Inspection Arrangements of the Commonwealth and States (Kelly [1]: December 1978 – September 1982/45 mths)

Committee of Inquiry into Technological Change in Australia (Myers [3]: December 1978-July 1980/19 mths)

Committee of Inquiry into Australian Financial System (Campbell [5]: January 1979-September 1981/32 mths)

Medical Fees Inquiry (Ludeke [1]: March 1979-July 1979/4 mths)

Inquiry into Australia’s Patent System (Stonier & members of Industrial Property Advisory Committee: May 1979-November 1984/66 mths)

Committee of Inquiry into the Efficiency and Administration of Hospitals (Jamieson [3]: August 1979-December 1980/16 mths)

Committee of Inquiry into Occupational Health and Safety (Williams [1]: October 1979-June 1981/21 mths)

Committee of Review of the Australian Broadcasting Commission (Dix [3]: November 1979-May 1981/18 mths)

Independent Inquiry into Representation for Long-distance Owner-drivers (Hay [1]: November 1979-February 1980/3 mths)

Royal Commission of Inquiry into the Viability of the Christmas Island Phosphate Industry (Sweetland [1]: December 1979-February 1980/2 mths)

Committee of Inquiry into Management Education (Ralph [5]: April 1980-April 1982/24 mths)

Committee of Inquiry into Electricity Generation and the Sharing of Power Resources in South East Australia (Zeidler [6]: April 1980-October 1981/18 mths)

Committee of Inquiry into Revitalisation of Australian Shipping Industry (Crawford [1]: May 1980-February 1982/21 mths)

Inquiry into Taxation Zone Allowance (Cox [1]: September 1980-August 1981/11 mths)

Royal Commission into the Activities of the Federated Ship Painters and Dockers Union (Costigan [1]: September 1980-October 1984/49 mths)

Independent Public Inquiry into Domestic Airfares (Holcroft [3]: November 1980-February 1981/4 mths)

Inquiry into Disclosure of Electoral Expenditure (Harders [1]: December 1980-May 1981/5 mths)

Albury – Wodonga Review Committee (Starkey [3]: December 1980-June 1981/7 mths)

Committee of Inquiry into Williamstown Dockyard (Hawke [1]: March 1981-March 1982/12 mths)

Committee of Review of Migrant Assessment (Price: March 1981-September 1981/6 mths)

Defence Review Committee (Utz [4]: May 1981-October 1982/18 mths)

Royal Commission of Inquiry into Drug Trafficking (Stewart [1]: June 1981-February 1983/18 mths)

Committee of Review into Productivity and Innovation in the Department of Science and Technology (Kirby [3]: July 1981-December 1981/5 mths)

Royal Commission into the Activities of the Australian Building Construction Employees and Builders Labourers Federation (Winneke [16]: August 1981-May 1982/9 mths)

Task Force to Review Guidelines for the Community Youth Support Scheme (Turnbull [8]: September 1981-December 1981/4 mths)

Committee of Inquiry into Monopoly Position of the Australian Postal Commission (Bradley [3]: September 1981-August 1982/11 mths)

Royal Commission into Australian Meat Industry (Woodward [1]: September 1981-September 1982/12 mths)

Working Group to Review Agricultural Policies (Balderstone [1]: September 1981-September 1982/12 mths)

Committee of Inquiry into Telecommunications Services in Australia (Davidson [4]: September 1981-October 1982/13 mths)

Inquiry into the Australian Institute of Aboriginal Studies (Walsh [1]: September 1981-December 1982/15 mths)

Committee of Inquiry into Recognition of Overseas Qualifications in Australia (Fry [12]: December 1981-December 1982/12 mths)
Committee of Inquiry into Commonwealth Laboratory Services and Facilities (Ross [5]: January 1982-March 1984/26 mths)

Committee of Review of the National Health and Medical Research Council (Shea [1]: February 1982-June 1982/4 mths)\footnote{1}

Review of Customs Administration and Procedures in New South Wales (Mahony [1]: April 1982-April 1983/12 mths)

Committee of Review of the Role and Functions of the National Capital Development Commission (White [3]: July 1982-July 1983/12 mths)

Review Committee for Evaluation of Vietnam Veterans’ Counselling Services (Waterhouse: August 1982-August 1984/24 mths)

Review of Commonwealth Administration (Reid [3]: September 1982-January 1983/6 mths)

Inquiry concerning the Deputy Crown Solicitor’s Office, Perth (Mackay [1]: September 1982-April 1983/8 mths)

\textbf{Footnotes}

1. Date of reporting is taken wherever possible as the date indicated in the report when the inquiry made its actual final submission to the government. In some cases reports were not publicly released or printed till some time after this submission had occurred. In cases where there are long term gaps in submission of report to the government and actual release of the report this is indicated in the footnotes.

2. Established by Commonwealth and State governments of Queensland, Tasmania, Victoria and Western Australia.

3. Established jointly by Commonwealth and Queensland governments.


5. Established by Commonwealth and Victorian governments.


7. Established by Commonwealth and State governments of Queensland, Tasmania, Victoria and Western Australia.


CLASSIFICATION BY POLICY AREA OF ALL INQUIRIES APPOINTED BY THE FRASER GOVERNMENTS 1975 - 1983

Inquiries are listed alphabetically within the relevant policy area.

**Aboriginal Affairs**
Committee of Inquiry into the Role of the National Aboriginal Consultative Committee
Inquiry into *Aboriginal Land Rights (Northern Territory) Bill 1976*
Inquiry into the Australian Institute of Aboriginal Studies
Inquiry into the Delivery of Services Financed by the Department of Aboriginal Affairs

**Administration**
Committee of Inquiry into Monopoly Position of the Australian Postal Commission
Committee of Inquiry into Official Establishments
Committee of Review of the Role and Functions of the National Capital Development Commission
Inquiry into Disclosure of Electoral Expenditure
Review of Commonwealth Administration
Review of Customs Administration and Procedures in New South Wales
Task Force on Self-Government in the A.C.T.

**Constitutional and Legal Affairs**
Committee of Inquiry into Public Duty and Private Interest
Inquiry concerning the Deputy Crown Solicitor’s Office, Perth
Inquiry into Australia's Patent System
Review Committee on *Trade Practices Act*
Royal Commission into Australian Meat Industry
Royal Commission of Inquiry into Certain Matters relating to Electoral Redistribution of Queensland in 1977
Royal Commission of Inquiry into Drug Trafficking (1981)
Royal Commission of Inquiry into Drugs (1976)

**Communications**
Committee of Inquiry into Telecommunications Services in Australia
Committee of Inquiry into the Structure of the Australian Broadcasting System and Associated Matters
Committee of Review of the Australian Broadcasting Commission
Public Inquiry into the Concept of Self-Regulation for Australian Broadcasting
Task Force into National Communications Satellite System
Defence and National Security
Committee of Inquiry into Williamstown Dockyard
Committee on Protective Security Review
Defence Forces Pay Committee
Defence Review Committee
Review Committee into Royal Australian Airforce Organisation

Employment and Industrial Relations
Committee of Inquiry into Trade Union Training
Committee of Review of the Commonwealth Employment Service
Independent Inquiry into Representation for Long-distance Owner-drivers
Inquiry into Principles of Wage Fixation
Royal Commission into the Activities of the Australian Building Construction Employees and Builders Labourers Federation
Royal Commission into the Activities of the Federated Ship Painters and Dockers Union

Economy, Industry Policy and Assistance
Albury – Wodonga Review Committee
Committee of Inquiry into Australian Financial System
Committee of Inquiry into Revitalisation of Australian Shipping Industry
Committee of Inquiry into the Structure of Industry and the Employment Situation in Tasmania
Committee of Review into Productivity and Innovation in the Department of Science and Technology
Inquiry into Taxation Zone Allowance
Joint Committee of Inquiry into the Sugar Industry
Review of Stevedoring Industry Arrangements
Royal Commission of Inquiry into the Viability of the Christmas Island Phosphate Industry
Study Group on Structural Adjustment

Education
Committee Appointed to Examine the Desirability and Feasibility of Introducing a System of Loans for Australian Post-Secondary Students
Committee of Inquiry into Education and Training
Committee of Inquiry into Management Education
Committee of Inquiry into Nurse Education and Training
Committee of Inquiry into Recognition of Overseas Qualifications in Australia
Inquiry into Teacher Staff in A.C.T. Schools
National Inquiry into Teacher Education
Professional Staffing for A.C.T. and Northern Territory Schools
Environment
Inquiry into Whales and Whaling
Review of Ord River Irrigation Project

Foreign Affairs
Ad Hoc Working Committee on Australia-Japan Relations
Committee on Australia’s Relations with the Third World

Housing and Urban Affairs
Committee of Inquiry into Housing Costs

Health
Commission of Inquiry into the Pharmaceutical Manufacturing Industry
Committee of Inquiry into Commonwealth Laboratory Services and Facilities
Committee of Inquiry into Medical Fees for Medical Benefits Purposes
Committee of Inquiry into Occupational Health and Safety
Committee of Inquiry into the Efficiency and Administration of Hospitals
Committee of Review of the National Health and Medical Research Council
Committee on Applications and Costs of Modern Technology in Medical Practices
Independent Committee of Inquiry into Operations and Capital Works Programs of the Commonwealth Serum Laboratories
Medibank Review Committee
Medical Fees Inquiry
Review of Fees and Benefits of Pathology Services under Medibank

Immigration and Ethnic Affairs
Committee of Review of Migrant Assessment
Review of Migrant Services and Programs

Minerals and Energy
Committee of Inquiry into Electricity Generation and the Sharing of Power Resources in South East Australia
Committee of Inquiry into Public Electricity Supply in the Northern Territory

Primary Industry
Inquiry into Employment Implications of Live Sheep Export Trade to the Middle East
Inquiry into Meat Inspection Arrangements of the Commonwealth and States
Working Group to Review Agricultural Policies
Science and Technology
Committee of Inquiry into Technological Change in Australia
Committee of Inquiry into the Bureau of Meteorology
Committee of Inquiry into the Commonwealth Scientific and Industrial Research Organisation
Independent External Review of Defence, Science and Technology Organisation
Inquiry into Research and Development Activities and Capabilities of the Australian Atomic Energy Commission
Review of the Operation of Australia’s Astronomical Observatories

Social Security and Welfare
Committee of Inquiry into Care of the Aged and the Infirm
Committee of Inquiry into Unemployment Benefits Policy and Administration
Task Force Inquiry into Co-ordination of Welfare and Health
Task Force to Review Guidelines for the Community Youth Support Scheme

Transport
Committee of Inquiry into the Federal Government's Transport Business (QANTAS, Australian National Airways, Australian National Railways Commission, Australian Shipping Commission)
Independent Public Inquiry into Domestic Airfares
Inquiry into the Tasmanian Rail System
Study Group to Review Overseas Cargo Shipping Legislation

Veterans' Affairs
Review Committee for Evaluation of Vietnam Veterans’ Counselling Services

Women’s Issues
Women’s Advisory Committee to the Prime Minister
APPENDIX 8

Public Inquiries appointed by the
Hawke-Keating Labor Governments
March 1983 - March 1996
Appendix 8

Inquiries are listed in chronological order with family name of chair, number of inquiry members, date of appointment (month and year) and date of reporting (month and year), and where possible length of inquiry to nearest month in brackets. In some cases not all details are available from the public record.

Royal Commission of Inquiry into the Activities of the Nugan Hand Group (Stewart [1]: March 1983-March 1985/24 mths)

Committee of Review into the Impact of Radford College on A.C.T. Schools (Anderson [9]: April 1983-July 1983/3 mths)


Royal Commission on Australia's Security and Intelligence Agencies (Hope [1]: May 1983-May 1985/24 mths)

Inquiry into Australia's Financial System (Martin [4]: May 1983-January 1984/8 mths)


Committee to Review the Australian Overseas Aid Program (Jackson [5]: May 1983-March 1984/10 mths)

Royal Commission on the Use and Effects of Chemical Agents on Australian Personnel in Vietnam (Evatt [1]: May 1983-August 1985/27 mths)


Inquiry into Aboriginal Legal Aid Services (Harkins [1]: July 1983-October 1985/27 mths)

Committee of Review into Australian Industrial Relations Law and Systems (Hancock [3]: July 1983-May 1985/22 mths)

Panel to Review the Australian Trade Commissioner Service (Curran [4]: July 1983-October 1983/4 mths)


Task Force on Education and the Arts for Young People (Boomer [11]: August 1983-November 1984/15 mths)


Copyright Law Review Committee (Shepphard [10]: August 1983-October 1988/64 mths)

Review of Industries Assistance Commission (Uhrig [1]: August 1983-January 1984/5 mths)

Committee of Review of Private Overseas Student Policy (Goldring [5]: September 1983-March 1984/7 mths)

National Road Freight Industry Inquiry (May [3]: September 1983-September 1984/12 mths)
Appendix 8

Inquiry into National Aboriginal Conference, Aboriginal Development Commission, Aboriginal Hostels, and Department of Aboriginal Affairs (Coombs [1]: October 1983-May 1984/8mths)

Independent Economic Inquiry into Transport Services to the Northern Territory (Hill [1]: October 1983-December 1983/3 mths)


Committee of Inquiry into Homelessness and Inadequate Housing in the A.C.T. and Surrounding Regions (Drake [3]: November 1983-January 1984/3 mths)

Committee of Review to Examine Completion of Launceston General Hospital and Hospital Development Needs of Northern Tasmania (Shann [3]: November 1983-March 1984/4 mths)

Task Force on Shipbuilding (Somes [7]: November 1983-February 1984/3 mths)

Committee of Inquiry into Labour Market Programs (Kirby [5]: December 1983-December 1984/12 mths)

Committee of Review of the Special Broadcasting Service (Connor [3]: December 1983-March 1985/15 mths)

Review Committee of Experimental Building Station at North Ryde, N.S.W. (Ryan [5]: December 1983-April 1984/4 mths)

Inquiry into Superannuation Fund Investment and Commissioner for Superannuation (Monaghan [1]: January 1984-March 1984/3 mths)

Inquiry into the Rights of Private Practice in Public Hospitals (Pennington [3]: January 1984-June 1984/6 mths)

Inquiry into the Running of the A.C.T. Legal Aid Office (Pryor [1]: February 1984-May 1984/3 mths)

Panel of Review of the Proposed Incomes and Assets Test (Gruen [9]: February 1984-May 1984/3 mths)

(Royal) Commission of Inquiry into the Compensation arising from the Social Security Conspiracy Prosecutions (Mitchell [1]: February 1984-June 1986/16 mths)

Independent Inquiry into Aviation Cost Recovery (Bosch [3]: February 1984-December 1984/11 mths)

Task Force on Aboriginal and Islander Broadcasting and Communications Policies (Wilmot [1]: March 1984-August 1984/6 mths)

Inquiry into Allegations of S.P. Gambling Against Telecom (Vincent [1]: March 1984-September 1984/7 mths)

Review of the Repatriation Hospital System (Brand [4]: March 1984-September 1985/18 mths)

Committee of Inquiry into the Establishment of a Manufacturing Advisory Service on Computer Assisted Manufacturing (Cashman [1]: April 1984-July 1984/3 mths)

National Inquiry into Local Government Finance (Self [7]: May 1984-November 1985/18 mths)

Review of the Offset Policy (Inglis [3]: May 1984-November 1984/7 mths)

Expert Committee on the Review of Data on Atmosphere Fallout Arising from Nuclear Tests in Australia (Kerr [4]: May 1984-June 1984/1 mth)

Enquiry into Gambling and Amusement Machines in the A.C.T. (Edmunds [1]: June 1984-March 1985/9 mths)


Inquiry into Circumstances Surrounding the Customs Declaration by the Hon. M.J. Young at Adelaide on 5 July 1984 (Black [1]: July 1984-August 1984/1 mth)

Review of the Schedule of Medicare Benefits (Layton [5]: July 1984-November 1985/17 mths)


Task Force on Australian Public Service and Defence Housing Programs (Monaghan [1]: August 1984-January 1985/5 mths)

Quality of Education Review Committee (Karmel [5]: August 1984-April 1985/9 mths)


Task Force to Review Australia’s International Trade Policy (Tesse [3]: September 1984-disbanded)

Inquiry into the Grape and Wine Industry Including the Effect of the 10% Wine Tax (McKay [4]: September 1984-June 1985/10 mths)

Working Party to Review Objective Meat Export Trade Descriptions (Cameron [6]: September 1984-February 1985/6 mths)

Task Force to Review Australia’s Overseas Liner Shipping Legislation (Rowland [4]: September 1984-February 1986/17 mths)

Task Force on Shore Based Shipping Costs (Webber [7]: September 1984-July 1986/23 mths)

Committee of Review of Aboriginal Employment and Training Programs (Miller [5]: October 1984-August 1985/10 mths)

Task Force on Repetitive Strain Injury in the Australian Public Service (Linehan [8]: December 1984-August 1985/9 mths)

Review of Australia’s Defence Capabilities (Dibb [1]: February 1985-June 1986/16 mths)

Royal Commission of Inquiry into Alleged Telephone Interceptions (Stewart [1]: April 1985-December 1985/9 mths)


Commission of Inquiry into the Current Health Status of the Australian Population (Llewellyn-Jones [7]: March 1985-October 1986/19 mths)


Committee of Review of Adult Migrant Education Programs (Campbell [5]: April 1985-August 1985/4 mths)

Working Party on the Sugar Industry (Savage [7]: May 1985-August 1985/4 mths)

Review of Australia Heritage Commission Act (Hope [1]: June 1985-September 1986/15 mths)

Review of International Air Freight Policy Relating to Export of Primary Produce (Scully [2]: June 1985-November 1985/5 mths)

Inquiry into the Financial and Administrative Arrangements of Grants Made Under the Community Housing Expansion Programme (O’Donovan [1]: July 1985-August 1985/1 mth)

Nursing Homes and Hostels Review (Rees [1]: July 1985-April 1986/9 mths)

Inquiry into Taxation of the Gold Industry (Gutman [1]: November 1985-May 1986/7 mths)

Inquiry into Australia’s Plant Breeding Needs (Lazenby [1]: July 1985-April 1986/10 mths)

Committee to Review T.A.F.E. Funding (Hudson [6]: August 1985-April 1986/8 mths)

Review of Efficiency and Effectiveness in Higher Education (Hudson [6]: August 1985-November 1986/14 mths)

Merino Export Review Committee (Newton [5]: October 1985-May 1987/20 mths)

Independent Review of Research and Educational Requirements for Public Health and Tropical Health in Australia (White [2]: December 1985-January 1986/2 mths)

Inquiry into Nursing in the A.C.T. (Sax [1]: December 1985-February 1986/3 mths)


Independent Inquiry into the Distribution of Federal Road Grants (Cameron [3]: January 1986-October 1986/10 mths)

Committee of Review of Migrant and Multicultural Programs and Services (Jupp [4]: January 1986-November 1986/10 mths)

Australian Government Committee of Inquiry into Tourism (Kennedy [5]: January 1986-December 1986/11 mths)


Review of Customs Tariff (Anti-Dumping) Act 1975 (Lambert, then Gruen [1]: February 1986-March 1986/2 mths)

Independent Inquiry into the A.C.T. Fire Brigade (Attwood [3]: March 1986-August 1986/6 mths)

Royal Commission of Inquiry into Chamberlain Convictions (Morling [1]: April 1986-June 1987/14 mths)³

Committee of Inquiry into Folklife in Australia (Anderson [3]: April 1986-August 1987/17 mths)
Appendix 8

Special Parliamentary Commission of Inquiry into the Alleged Conduct of the Hon. Mr Justice Murphy (Blackburn [3]: May 1986-August 1986/4 mths)

Review of Alleged Entry of Suspected War Criminals into Australia (Menzies [1]: July 1986-December 1986/5 mths)

Committee of Review on Government High Technology Purchasing Arrangements (Inglis [4]: July 1986-February 1987/8 mths)


Committee of Review of Standards Accreditation and Quality Control and Assurance (Foley [1]: September 1986-October 1987/11 mths)


Royal Commission of Inquiry into Costs and Efficiency of Grain Storage, Handling and Transport (McColl [1]: October 1986-February 1988/17 mths)

Review of Civilian Transport Infrastructure (Abeles [8]: November 1986-November 1988/24 mths)

Committee of Inquiry into Medical Education and the Medical Workforce (Doherty [7]: January 1987-April 1988/15 mths)

Defence Facilities Review (Cooksey [1]: February 1987-July 1988/17 mths)

Commission of Inquiry into the Lemonthyme and Southern Forests (Helsham [3]: May 1987-May 1988/12 mths)

Review of Australian Quarantine Arrangements for the Future (Lindsay [4]: May 1987-May 1988/12 mths)

Committee of Inquiry into 'Victim' Toys (Reynolds [10]: August 1987-January 1988/6 mths)

Review of Tender Procedures for Coastwatch Contracts (Menzies [1]: September 1987-November 1987/2 mths)

Committee to Advise on Australia's Immigration Policies (Fitzgerald [6]: September 1987-May 1988/9 mths)


Consultative Group on Biotechnology Industry Development (Carruthers [8]: October 1987-June 1988/8 mths)

Air Safety Regulation Review Task Force (Lane [3]: October 1987-May 1990/31 mths)

Royal Commission to Inquire into Aboriginal Deaths in Custody (Muirhead, then Johnston [5]: October 1987-May 1991/43 mths)

Committee of Inquiry into Tourism Shopping in Australia (Bradbury [9]: November 1987-September 1988/10 mths)

Committee of Inquiry into Higher Education Funding (Wran [3]: December 1987-April 1988/5 mths)

Review of Australian Maritime College (Morrison [1]: March 1988-June 1988/3 mths)


Task Force on Aboriginal Education Policy (Hughes [6]: April 1988-October 1988/7 mths)

National Review of Teacher Education in Mathematics and Science (Speedy [7]: June 1988-October 1989/5 mths)

Review Committee on Marine Science and Technology (McKinnon [8]: June 1988-February 1989/9 mths)

Committee to Review the Role and Functions of the National Health Technology Advisory Panel (Smith [5]: July 1988-February 1989/8 mths)


Defence Force Discipline Legislation Board of Review (Connor [3]: September 1988-September 1989/12 mths)

Review of the Australian National Parks and Wildlife Service (MacDonald [1]: September 1988-March 1989/7 mths)

Review of Aboriginal Arts and Crafts Industry (Altman [3]: October 1988-March 1989/5 mths)

Committee to Review Higher Education Research Policy (Smith [10]: October 1988-April 1989/6 mths)


National Committee on Violence (Chappell [11]: October 1988-December 1989/14 mths)

Inquiry into Allegations as to the Administration of Aboriginal Affairs (Menzies [1]: November 1988-June 1989/8 mths)

Review of the Implications for Australia of Economic Growth and Structural Change in East Asia (Garnaut [1]: November 1988-October 1989/12 mths)

Shipping Reform Task Force (Deveson [11]: November 1988-April 1989/5 mths)

Committee for Review of Export Market Development Grants Scheme (Hughes [4]: December 1988-June 1989/7 mths)


Review of the Accounting Discipline in Higher Education (Mathews [3]: March 1989-June 1990/16 mths)


Review of the Commonwealth’s Free Limbs Scheme (Eagleson [4]: April 1989-October 1990/19 mths)

Review of the Office of the Supervising Scientist (Taylor [1]: July 1989-November 1989/5 mths)


Committee of Review of Commonwealth Primary Industry Statutory Marketing Authorities (Davis [3]: August 1989-October 1990/14 mths)


Inquiry into Industrial Property Protection for Industrial Design (Lahore [4]: December 1989-September 1991/10 mths)


Review of the Institute of Advanced Studies, Australian National University (Stephen [8]: March 1990-October 1990/8 mths)

Review Committee of Training Costs Related to Award Restructuring (Deveson [3]: June 1990-October 1990/4 mths)


Review of the Joint Coal Board (Kelman [1]: October 1990-February 1991/5 mths)


Review of the Training for Aboriginals Program (Johnson [1]: September 1991-November 1992/15 mths)

Review of the National Space Program (Curtis [3]: November 1991-June 1992/8 mths)


Review of the Structure of Nursing Home Funding (Gregory [1]: June 1992-February 1994/20 mths)


Committee of Inquiry into National Savings (Fitzgerald: na-June 1993)
Appendix 8

Inquiry into Circumstances of Leo McLeay’s Compensation (Street [1]: February 1993-April 1993/3 mths)

Wool Industry Review Committee (Garnaut [3]: April 1993-August 1993/5 mths)

Republic Advisory Committee (Turnbull [9]: April 1993-September 1993/6 mths)

International Liner Cargo Shipping Review (Brazil [3]: April 1993-January 1994/10 mths)

Independent Inquiry into the Circumstances surrounding the Non-Payment of a Deposit for Satellite Pay T.V. Licences and related matters (Pearce [1]: 3 May 1993-19 May 1993/1 mth)

Task Force on Regional Development (Kelty [11]: May 1993-December 1993/8 mths)

Committee of Review of the Australian Customs Service (Conroy [3]: May 1993-February 1994/10 mths)

Commission of Inquiry into the Shoalwater Bay Training Area (Woodward [3]: May 1993-May 1994/13 mths)

Review of Marine Research Organisation (McKinnon [1]: July 1993-October 1993/4 mths)

Committee to Report on Development of Northern Territory and Darwin as Australia’s Northern Link to East Asia (Wran [4]: August 1993-June 1995/22 mths)

Review of the National Health and Medical Research Council (Bienenstock [1]: August 1993-January 1994/6 mths)

Review of the National Board of Employment, Education and Training (Wiltshire [1]: September 1993-March 1994/7 mths)


Access to Justice Advisory Committee (Sackville [11]: October 1993-May 1994/8 mths)

Independent Committee of Inquiry into National Competition Policy (Hilmer [3]: October 1993-August 1994/11 mths)

National Planning Transport Taskforce (Webber [3]: October 1993-December 1994/14 mths)

Review of Employment Support for People with Disability (Baume [12]: October 1993-January 1995/15 mths)


Taskforce on Urban Design (Mant [12]: November 1993-December 1994/13 mths)

Review Committee of the Bureau of Immigration and Population Research (Menadue [8]: November 1993-October 1994/12 mths)

Broadband Services Expert Group (Johns [12]: December 1993-December 1994/12 mths)

Inquiry into the Law of Joint and Several Liability (Davis [2]: February 1994-January 1995/11 mths)

(Royal) Commission of Inquiry into the Australian Secret Intelligence Service (Samuels [2]: March 1994-March 1995/12 mths)
Appendix 8

Review of the Coal Industry (Taylor [1]: March 1994-August 1995/18 mths)

Review of the Australian Institute of Criminology (Tanzer [1]: April 1994-June 1994/3 mths)

Inquiry into the Winegrape and Wine Industry (Scales [3]: April 1994-June 1995/11 mths)

Royal Commission of Inquiry into the Leasing by the Commonwealth of Accommodation in Centenary House (Morling [1]: May 1994-October 1994/6 mths)


Review of Government Business Programs (Burgess [1]: June 1994-October 1994/5 mths)

Civic Experts Group (Macintyre [3]: June 1994-December 1995/19 mths)

Review of the Role and Functioning of Institutional Ethics Committees (Chalmers [1]: September 1994-March 1996/19 mths)


Committee of Inquiry into Temporary Entry of Business People and Highly Skilled Specialists (Roach [1]: October 1994-August 1995/10 mths)


(Royal) Commission of Inquiry into Relations between the C.C.A. and Seaview Air (Street, then Staunton [1]: October 1994-September 1996/23 mths)


Inquiry into the Conduct of the Hon. Alan Griffiths M.P. (Codd [1]: March 1995-July 1995/3 mths)


Review of University Management (Hoare [4]: June 1995-December 1995/6 mths)


Independent Inquiry into Women’s Artistic Gymnastics Program at the Australian Institute of Sport (Opie [1]: September 1995-December 1995/2 mths)

Review of Aboriginal and Torres Strait Islander Heritage Act 1984 (Evatt [1]: October 1995-June 1996/8 mths)

Review of Aboriginal Councils and Associations Act (Fingleton [5]: October 1995-April 1996/6 mths)


Committee to Review Australia’s Quarantine Policies and Programs (Nairn [4]: December 1995-October 1996/10 mths)

Review of Australian Maritime College (Stanley [1]: na 1995-October 1995)

Commonwealth Hindmarsh Island Report (Mathews [1]: January 1996-abandoned)
Footnotes
1. Established as a result of the Royal Commission into Drug Trafficking.
2. Fifth report of the original five references.
3. Terms of reference of original review extended and new chair appointed February 1987 in response to recommendations of original report.
4. Established as a result of the Royal Commission into Drug Trafficking.
5. Appointed by Commonwealth government in conjunction with Northern Territory government.
6. Inquiry stopped due to Murphy’s terminal illness.
7. Appointed by Commonwealth government in conjunction with all State governments.
10. Subsequently abandoned following election of Howard government in March 1996.
CLASSIFICATION BY POLICY AREA OF ALL INQUIRIES APPOINTED BY THE HAWKE-KEATING GOVERNMENTS 1983-1996

Inquiries are listed alphabetically within the relevant policy area.

**Aboriginal Affairs**
Committee of Review of Aboriginal Employment and Training Programs
Commonwealth Hindmarsh Island Report (did not report)
Inquiry into Aboriginal Legal Aid Services
Inquiry into Allegations as to the Administration of Aboriginal Affairs
Inquiry into National Aboriginal Conference, Aboriginal Development Commission, Aboriginal Hostels, and Department of Aboriginal Affairs
Review of Aboriginal and Torres Strait Islander Heritage Act 1984
Review of Aboriginal Arts and Crafts Industry
Review of Aboriginal Councils and Associations Act
Review of Aboriginal Land Rights (Northern Territory) Act 1976
Review of the Aboriginal Benefit Trust Account (and Related Financial Matters) in the Northern Territory Land Rights Legislation
Review of the Training for Aboriginals Program
Royal Commission to Inquire into Aboriginal Deaths in Custody
Task Force on Aboriginal and Islander Broadcasting and Communications Policies
Task Force on Aboriginal Education Policy

**Administration**
Independent Inquiry into the A.C.T. Fire Brigade
Review of Australian Honours and Awards: A Matter of Honour
Inquiry into the Financial And Administrative Arrangements of Grants Made Under the Community Housing Expansion Programme
Royal Commission of Inquiry into the Leasing by the Commonwealth of Accommodation in Centenary House
Task Force on Australian Public Service and Defence Housing Programs

**Arts**
Committee of Inquiry into Folklife in Australia
Task Force on Education and the Arts for Young People

**Communications**
Broadband Services Expert Group
Appendix 8

Constitutional and Legal Affairs
Access to Justice Advisory Committee
Constitutional Review Commission
Copyright Law Review Committee
Independent Inquiry into the Circumstances Surrounding the Non-Payment of a Deposit for Satellite Pay TV Licences and related matters
Inquiry into Allegations of S.P. Gambling Against Telecom
Inquiry into Circumstances of Leo McLeay’s Compensation
Inquiry into Circumstances Surrounding the Customs Declaration by the Hon. M.J. Young at Adelaide 5 July 1984
Inquiry into Superannuation Fund Investment and Commissioner for Superannuation
Inquiry into the Conduct of the Hon. Alan Griffiths M.P.
Inquiry into the Law of Joint and Several Liability
Inquiry into the Running of the A.C.T. Legal Aid Office
National Inquiry into Local Government Finance
Republic Advisory Committee
Review and Expanded Review of Commonwealth Criminal Law
Review of Alleged Entry of Suspected War Criminals into Australia
Review of Regulatory Regime for Patent Attorneys
Review of the Australian Institute of Criminology
Royal Commission of Inquiry into Alleged Telephone Interceptions
Royal Commission of Inquiry into Chamberlain Convictions
Royal Commission of Inquiry into the Activities of the Nugan Hand Group
Special Parliamentary Commission of Inquiry into the Conduct of the Hon. Mr Justice Murphy (stopped due to Murphy’s terminal illness)
Task Force on Self-Government for the A.C.T.

Consumer Affairs
Committee of Inquiry into ‘Victim’ Toys

Defence and National Security
Commission of Inquiry into the Australian Secret Intelligence Service
Commission of Inquiry into the Shoalwater Bay Training Area
Defence Facilities Review
Defence Force Discipline Legislation Board of Review
Defence Force Retirement and Death Benefits Review
Inquiry into A.S.I.O. Security
Review of Australia’s Defence Capabilities
Review of Australia’s Defence Cooperations Programs and Policy on Export of Defence Equipment
Review of Tender Procedures for Coastwatch Contracts
Review of the Australian Defence Force Personnel and Family Support Services
Review of the Use of Civil Infrastructure in Australia’s Defence – the Defence Force and the Community
Royal Commission on Australia’s Security and Intelligence Agencies

**Economy, Industry Policy & Assistance**

Australian Government Committee of Inquiry into Tourism
Building Regulations Review Task Force
Committee for Review of Export Market Development Grants Scheme
Committee of Inquiry into National Savings
Committee of Inquiry into the Establishment of a Manufacturing Advisory Service on Computer Assisted Manufacturing
Committee of Inquiry into Tourism Shopping in Australia
Committee of Review of Standards Accreditation and Quality Control and Assurance
Committee of Review of the Australian Customs Service
Committee of Review on Government High Technology Purchasing Arrangements
Committee to Report on Development of Northern Territory and Darwin as Australia’s Northern Link to East Asia

Consultative Group on Biotechnology Industry Development
Independent Committee of Inquiry into National Competition Policy
Inquiry into Australia’s Financial System
Inquiry into Industrial Property Protection for Industrial Designs
Panel to Review the Australian Trade Commissioner Service
Review of Government Business Programs
Review of Industries Assistance Commission
Review of the *Customs Tariff (Anti Dumping) Act 1975*
Review of the Implications for Australia of Economic Growth and Structural Change in East Asia
Review of the Offset Policy
Task Force on Regional Development
Task Force to Review Australia’s International Trade Policy

**Education**

Civic Experts Group
Committee of Inquiry into Higher Education Funding
Committee of Review into the Impact of Radford College on A.C.T. Schools
Committee of Review of Private Overseas Students Policy
Committee to Review Australian Studies in Tertiary Education
Committee to Review Higher Education Research Policy
Committee to Review T.A.F.E. Funding
Industry Taskforce on Leadership and Management Skills
National Review of Nurse Education in the Higher Education Sector
National Review of Teacher Education in Mathematics and Science
Quality of Education Review Committee
Review Committee of Training Costs Related to Award Restructuring
Review of Agriculture in Australia’s Colleges and Universities and Related Education
Review of Australian Maritime College (1988)
Review of Computing Studies and Information Sciences Education
Review of Efficiency and Effectiveness in Higher Education
Review of Engineering Education
Review of National Language Policy
Review of the Accounting Discipline in Higher Education
Review of the Commonwealth’s New Schools Policy
Review of the Institute of Advanced Studies, Australian National University
Review of the National Board of Employment, Education and Training
Review of University Management

**Employment & Industrial Relations**
Committee of Inquiry into Labour Market Programs
Committee of Review into Australian Industrial Relations Law and Systems

**Environment**
Commission of Inquiry into the Lemonthyme and Southern Forests
Expert Committee on the Review of Data on Atmosphere Fallout Arising from Nuclear Tests in Australia
Independent Panel on Intractable Waste
Joint Task Force on Intractable Industrial Wastes
Review of Australia Heritage Commission Act
Review of the Australian National Parks and Wildlife Service
Review of the Office of the Supervising Scientist

**Foreign Affairs**
Committee to Review the Australian Overseas Aid Program

**Health**
Commission of Inquiry into the Current Health Status of the Australian Population
Committee of Inquiry into Medical Education and the Medical Workforce
Committee of Review to Examine Completion of Launceston General Hospital and Hospital Development Needs of Northern Tasmania
Committee to Review the Role and Functions of the National Health Technology Advisory Panel
Independent Review of A.C.T. Health Services
Independent Review of Research and Educational Requirements for Public Health and Tropical Health in Australia
Inquiry into Nursing in the A.C.T.
Inquiry into the Rights of Private Practice in Public Hospitals
Nursing Homes and Hostels Review
Review of the Future of Drug Evaluation in Australia
Review of the National Health and Medical Research Council
Review of the Role and Functioning of Institutional Ethics Committees
Review of the Schedule of Medicare Benefits
Review of the Structure of Nursing Home Funding
Task Force on A.C.T. Health Services
Task Force on Repetitive Strain Injury in the Australian Public Service

Housing and Urban Affairs
Review of Better Cities Program
Taskforce on Urban Design
Urban and Regional Development Review

Immigration and Ethnic Affairs
Committee for the Review of the System for Review of Migration Decisions
Committee of Inquiry into Temporary Entry of Business People and Highly Skilled Specialists
Committee of Review of Adult Migrant Education Programs
Committee of Review of Australian Institute of Multicultural Affairs
Committee of Review of Migrant and Multicultural Programs and Services
Committee of Review of the Special Broadcasting Service
Committee to Advise on Australia’s Immigration Policies
Review Committee of the Bureau of Immigration and Population Research

Minerals and Energy
Inquiry into Taxation of the Gold Industry
Review of the Australian Bureau of Mineral Resources and Geophysics
Review of the Australian Geological Survey Organisation
Review of the Coal Industry
Review of the Joint Coal Board
Primary Industry
Committee of Review of Commonwealth Primary Industry Statutory Marketing Authorities
Committee to Review Australia's Quarantine Policies and Programs (1995)
Drought Policy Review Task Force
Inquiry into Australia's Plant Breeding Needs
Inquiry into the Wine and Grape Industry Including the Effect of the 10% Wine Tax (1985)
Inquiry into the Winegrape and Wine Industry (1994)
Merino Export Review Committee
Review of Australian Quarantine Arrangements for the Future (1987)
Review of Australian Wool Industry
Review of International Air Freight Policy Relating to Export of Primary Produce
Royal Commission of Inquiry Costs and Efficiency of Grain Storage, Handling and Transport
Wool Industry Review Committee
Wool Promotion Review Committee
Working Party on the Sugar Industry
Working Party to Review Objective Meat Export Trade Descriptions

Science and Technology
Committee of Inquiry into Safety Standards at the C.S.I.R.O. Applied Organic Chemistry and Advanced Materials Laboratories at Fisherman's Bend, Melbourne and the Death of C.S.I.R.O. Employee, Dr R. Bergmansco
Information Technology Review Group
Research Reactor Review
Review Committee of Experimental Building Station at North Ryde, N.S.W.
Review Committee on Marine Science and Technology
Review of Marine Research Organisation
Review of the National Space Program
Royal Commission into British Nuclear Tests in Australia between 1952-1963
Task Force to Review C.S.I.R.O.'s External Communications Activities

Social Security and Welfare
Committee of Inquiry into Homelessness and Inadequate Housing in the A.C.T. and Surrounding Regions
National Committee on Violence
Panel of Review of the Proposed Incomes and Assets Test
Review of Employment Support for People with a Disability
Review of the Social Security System
Review of Welfare Services and Policies in the A.C.T.
(Royal) Commission of Inquiry into the Compensation arising from the Social Security Conspiracy Prosecutions
Social Impact Study of the Casino Development Proposal for Section 19, Civic, A.C.T.

Sport and Recreation
Enquiry into Gambling and Amusement Machines in the A.C.T.

Transport
Air Safety Regulation Review Task Force
Independent Economic Inquiry into Transport Services to the Northern Territory
Independent Inquiry into Aviation Cost Recovery
Independent Inquiry into the Distribution of Federal Road Grants
Independent Review of Economic Regulation of Domestic Aviation
Independent Review of the Civil Aviation Authority’s Tender Evaluation Process for the Australian Advanced Air Traffic System
International Liner Cargo Shipping Review
National Planning Transport Taskforce
National Road Freight Industry Inquiry
Review of Civilian Transport Infrastructure
(Royal) Commission of Inquiry into Relations between the C.C.A. and Seaview Air Shipping Reform Task Force
Task Force to Review Australia’s Overseas Liner Shipping Legislation
Task Force on Ship Building
Task Force on Shore Based Shipping Costs

Veterans’ Affairs
Inquiry into the Needs of Australian Merchant Mariners, Commonwealth and Allied Veterans and Allied Mariners
Review of the Commonwealth’s Free Limbs Scheme
Review of the Repatriation Hospital System
Royal Commission on the Use and Effects of Chemical Agents on Australian Personnel in Vietnam

Women’s Issues
Independent Inquiry into Women’s Artistic Gymnastics Program at the Australian Institute of Sport
APPENDIX 9

Public Inquiries
appointed by
the Howard Coalition Governments
March 1996 – June 2003
Inquiries are listed in chronological order with family name of chair, number of inquiry members, date of appointment (month and year) and date of reporting (month and year), and where possible length of inquiry to nearest month in brackets. In some cases not all details are available from the public record.

National Commission of Audit (Officer [4]: March 1996 -June 1996/3 mths)

Independent Inquiry into Allegations of Corruption in the Australian Federal Police (Harrison [1]: March 1996-April 1997/13 mths)

Small Business Deregulation Task Force (Bell [6]: May 1996-March 1997/10 mths)

Inquiry into the Financial System (Wallis [5]: May 1996-March 1997/10 mths)

Inquiry into the Manner in which D.F.A.T. has dealt with Allegations of Paedophile Activities (Hunt, then O'Neill [1]: June 1996-May 1997/mths)

Information Industries Taskforce (Goldsworthy [1]: June 1996-August 1997/14 mths)

Review of the Role and Functions of the A.B.C. (Mansfield [1]: July 1996-January 1997/7 mths)

Review of Rural Adjustment Scheme (McColl [3]: September 1996-May 1997/8 mths)


Independent Inquiry into Urban Air Pollution (Stamm [11]: October 1996-September 1997/11 mths)


Review of Business Programs (Mortimer [1]: November 1996-June 1997/7 mths)


National Task Force on Whaling (Puplick [4]: December 1996-June 1997/6 mths)


Review of the Social Security Review and Appeals System (Guilfoyle [1]: January 1997-May 1997/5 mths)

Review of the Repatriation Medical Authority and the Specialist Medical Review Council (Pearce [2]: April 1997-July 1998/15 mths)

Review of Policy Advice and Support to the Minister for Aboriginal and Torres Strait Islander Affairs (Taylor [1]: October 1997-December 1997/3 mths)


Review of Australian Film Industry (Gonski: July 1996-February 1997/7 mths)
Review of Endangered Species Protection Act (Boardman [1]: na-April 1998)


Major Performing Arts Inquiry (Nugent [4]: December 1998-December 1999/12 mths)

Wool Industry Future Directions Taskforce (McLachlan [6]: February 1999-June 1999/4 mths)


Intellectual Property and Competition Review Committee (Ergas [4]: July 1999-September 2000/14 mths)


Taskforce on Industry Self-Regulation (Collier [9]: August 1999-December 2000/16 mths)

Welfare Reference Group (McClure [7]: September 1999-March 2001/18 mths)

Inquiry into Access to Australia’s Biological Resources in Commonwealth Areas (Voumard [1]: December 1999-September 2000/9 mths)

Telecommunications Services Inquiry (Besley [3]: March 2000-October 2000/7 mths)

Review of Australian Defence Force Remuneration Arrangements (Nunn [3]: August 2000-August 2001/12 mths)

Inquiry into Definitional Issues Relating to Charitable, Religious, and Community Service Not-For-Profit Organisations (Sheppard [3]: September 2000-March 2001/6 mths)


National Review of Nursing Education (Heath [7]: April 2001-September 2002/17 mths)

Committee of Inquiry into Fuel Taxation (Trebeck [3]: July 2001-March 2002/9 mths)

Inquiry into the Contemporary Visual Arts and Craft Sector (Myer [1]: July 2001-May 2002/10 mths)

Review of Impact of Trade Practices Act on Doctors in Rural and Regional Australia (Wilkinson [3]: August 2001-November 2002/16 mths)

Royal Commission of Inquiry into H.I.H. (Owen [1]: August 2001-April 2003/20 mths)

Royal Commission of Inquiry into the Building and Construction Industry (Cole [1]: August 2001-April 2003/20 mths)


Review of Wine Exports and Wine Tourism (Trebeck [1]: November 2001-November 2002/12 mths)
Independent Assessment of the Sugar Industry (Hildebrand [1]: February 2002-June 2002/4 mths)

Committee for Review of Veterans’ Entitlements (Clarke [3]: February 2002-January 2003/11 mths)


Independent Review of the Australian Greenhouse Office (Smith [1]: May 2002-June 2002/2 mths)

Regional Telecommunications Inquiry (Estens [3]: August 2002-November 2002/4 mths)

Independent Review of Soccer (Crawford [4]: August 2002-May 2003/9 mths)

Review of the Residential Aged Care Sector (Hogan [1]: September 2002-due end 2003)

Independent Review of the National Institute of Clinical Studies (Owen [4]: October 2002-pending)

Aboriginal and Torres Strait Islander Commission Review Panel (Hannaford [4]: November 2002-pending)

National Corporate Governance Review (Uhrig [1]: November 2002-pending)

Review of the Role of Divisions of General Practice (Phillips [6]: November 2002-pending)


Expert Committee on Complementary Medicine (Bollen [18]: May 2003-due August 2003)

Footnotes
1. Conducted by Australian Academy of Technological Sciences and Engineering.
CLASSIFICATION BY POLICY AREA OF ALL INQUIRIES APPOINTED BY THE HOWARD GOVERNMENTS 1996 - 2002

Inquiries are listed alphabetically within the relevant policy area.

Aboriginal Affairs
Aboriginal and Torres Strait Islander Review Panel
Review of Aboriginal Land Rights (Northern Territory) Act 1976
Review of Policy Advice and Support to the Minister for Aboriginal and Torres Strait Islander Affairs

Administration
National Commission of Audit
Review of Governance Arrangements for Commonwealth Government Business Enterprises
Review of the Implementation of the Whole of Government Information Technology Outsourcing Initiative

Arts
Inquiry into the Contemporary Visual Arts and Craft Sector
Major Performing Arts Inquiry
Review of Australian Film Industry

Communications
Regional Telecommunications Inquiry
Review of the Role and Functions of the A.B.C.
Telecommunications Service Inquiry

Constitutional and Legal Affairs
Independent Inquiry into Allegations of Corruption in the Australian Federal Police
Inquiry into the Manner in which D.F.A.T. has Dealt with Allegations of Paedophile Activities
Review of Attorney General's Legal Practice

Defence and National Security
Review of Australian Defence Force Remuneration Arrangements

Education
National Review of Nursing Education
Review of Closer Collaboration between Universities and Major Publicly Funded Research Agencies
Review of Higher Education
Economy, Industry Policy & Assistance
Commonwealth-State Inquiry into the Tasmanian Economy: Tasmania into the 21st Century
Information Industries Taskforce
Inquiry into the Financial System
Intellectual Property and Competition Review Committee
National Corporate Governance Review
Review of Business Programs
Review of the Competition Provisions of Trade Practices Act
Review of Managed Investments Act 1988
Royal Commission of Inquiry into H.I.H.
Small Business Deregulation Task Force
Taskforce on Industry Self-Regulation

Employment and Industrial Relations
Royal Commission of Inquiry into the Building and Construction Industry

Environment
Independent Inquiry into Urban Air Pollution
Independent Review of the Australian Greenhouse Office
Independent Review of the Great Barrier Reef Marine Park Authority
Inquiry into Access to Australia’s Biological Resources in Commonwealth Areas
National Task Force on Whaling
Review of Endangered Species Act

Health
Expert Committee on Complementary Medicine
Independent Review of the National Institute of Clinical Studies
Review of Impact of Trade Practices Act on Doctors in Rural and Regional Australia
Review of the Australian Blood Banking and Plasma Product Sector
Review of the Residential Aged Care Sector
Review of the Role of Divisions of General Practice

Minerals and Energy
Committee of Inquiry into Fuel Taxation
Independent Review of Energy Market Directions

Primary Industry
Drought Policy Review Taskforce
Independent Assessment of the Sugar Industry
Review of Rural Adjustment Scheme
Review of Wine Exports and Wine Tourism
Wool Industry Future Directions Taskforce

**Sport and Recreation**
Independent Review of Soccer

**Social Security and Welfare**
Inquiry into Definitional Issues Relating to Charitable, Religious, and Community Service Not-For-Profit Organisations
Review of the Social Security Review and Appeals System
Welfare Reference Group

**Veterans Affairs**
Committee for Review of Veterans’ Entitlements
Independent Review Panel of the End of War List - Vietnam
Review of Service Entitlement Anomalies in respect of South East Asian Service 1955 - 1975
Review of the Repatriation Medical Authority and the Specialist Medical Review Council
APPENDIX 10

Public Inquiries into Corruption and Impropriety by State Governments
1960 - 2003

(excluding joint inquiries with the Commonwealth – see Appendix 2)
Inquiries are listed by State in chronological order with family name of chair and year of appointment in brackets.

NEW SOUTH WALES
Royal Commission into Organised Crime in Clubs in New South Wales (Moffitt: 1973)
Royal Commission into Drug Trafficking (Woodward: 1977)
Royal Commission into New South Wales Prisons (Nagle: 1978)
Royal Commission into New South Wales Police Administration (Lusher: 1979)
Royal Commission into Allegations Against Mr Kevin Humphreys, S.M. (Street: 1983)
Special Commission of Inquiry into Certain Allegations by the Right Honourable Ian McCahon Sinclair (Cross: 1984)
Special Commission of Inquiry into Certain Allegations by R. Bottom (Cross: 1984)
Special Commission of Inquiry into the New South Wales Early Release Scheme (Cross, then Slattery: 1984)
Special Commission of Inquiry into the Police Investigations of the Death of Donald Bruce Mackay (Nagle: 1986)
Royal Commission into Deep Sleep Therapy (Slattery: 1988)
Royal Commission into Productivity in the Building Industry in New South Wales (Gyles: 1990)
Royal Commission into NSW Police (Wood: 1994)

QUEENSLAND
Royal Commission into the National Hotel Allegations (Gibbs: 1963)
Inquiry into the Southport Betting Case (O'Connell: 1975)
Committee of Inquiry into Sexual Offences involving Children and Related Matters (Sturgess: 1984)
Committee of Inquiry into the Enforcement of Criminal Law in Queensland (Lucas: 1976)
Committee of Inquiry into Possible Illegal Activities and Associated Police Misconduct (Fitzgerald: 1987)
Parliamentary Judges’ Commission of Inquiry (Gibbs: 1989)
Commission of Inquiry into the Care and Treatment of Patients in the Psychiatric Unit of the Townsville General Hospital between 2 March 1975 and 20 February 1988 (Carter: 1990)

SOUTH AUSTRALIA
Special Inquiry into the Police Special Branch Security Records (White: 1977)
Royal Commission into the Dismissal of Commissioner of Police, Harold Hubert Salisbury (Mitchell: 1978)
Royal Commission into the State Bank of South Australia and the State Bank Group of Companies (Jacobs: 1991)
Inquiry Concerning the Minister of Tourism (Worthington: 1992)
TASMANIA
Royal Commission into the Edmund Rouse Bribery Affair (*Carter*: 1991)

VICTORIA
Board of Inquiry into the Purchase of Land in Victoria by Alan Humphrey Croxford (*Harris*: 1972)
Board of Inquiry into Allegations Against Members of the Victorian Police Force (*Beach*: 1975)
Board of Inquiry into Certain Land Purchases by the Housing Commission and Questions Arising Therefrom (*Gowans*: 1977)
Royal Commission into Certain Housing Commission Land Purchases and Other Matters (*Frost*: 1979)
Board of Inquiry Relating to Certain Matters within the City of Richmond (*Nicholson*: 1981)
Royal Commission into the Tricontinental Group (*Woodward*: 1990)
Royal Commission into the Metropolitan Ambulance Service (2000)

WESTERN AUSTRALIA
Report of Inspector on a Special Investigation into Rothwells Ltd (*McCusker*: 1989)
Royal Commission into Commercial Activities of Government and Other Matters, Western Australia (*Kennedy*: 1991)
Royal Commission into Use of Executive Power (Easton Petition issue) (*Marks*: 1995)
Royal Commission into the City of Wanneroo (*Davis*: 1996)
Royal Commission into whether there has been any corrupt or criminal conduct by Western Australian Police Officers (*Kennedy*: 2002)
Bibliography
ABC, 1994, *The Liberals*, ABC Television Documentaries, Melbourne


Austin, P., 1988, “Evans Rejects Newspaper Inquiry Call,” *The Australian*, 20 April


Balogh, S., 2003, "$60m and 12 tomes But Real Dirt Hidden,” The Australian, 27 March


Barker, G., 2000, “Yes Minister,” Australian Financial Review, 10 October

Barwick, G., 1979, “Judges Wrong for Inquiries: Barwick,” The Age, 3 July


Beazley, K., 1985, Minister for Defence, Correspondence with author, 4 June

Bell, D., 1966, “Government by Commission,” Public Interest, No 3, Spring, 3-9

Bennett B. and Cole, K., 1989, “Industrial Relations,” in B. W. Head and A. Patience, (eds), From Fraser to Hawke: Australian Public Policy in the 1980s, Longman Cheshire, Melbourne, 177-212


Berrill, K., 1980, Strength at the Centre: The Case for a Prime Minister’s Department, University of London, London


Blair, A., 2002, Evidence to Select Committee, House of Commons, 16 July


Bolkus, N., Senator, 1989, Press Release, 6 September


Borchardt, D.H., 1991, Commissions of Inquiry in Australia, La Trobe University Press, Bundoora


Brady, A., 1939, “Royal Commissions in the Dominions,” University of Toronto Quarterly, Vol VIII, 284-292


393


Brown, W., 1982, “This ‘Whodunnit’ is a Best Seller,” *Courier-Mail*, 28 August


Caiden, G., 1969, Administrative Reform, Allen Lane, London


Caiden, G., 1991, Administrative Reform Comes of Age, Walter de Gruyter, Berlin


Campbell, E., 1984, Contempt of Royal Commissions, Faculty of Law, Monash University, Clayton


Capling, A. and Galligan, B., 1992, Beyond the Protective State, Cambridge University Press, Melbourne


Carrick, J., Senator, 1980, Commonwealth Parliamentary Debates, Senate, Answers to Questions, 23 May, 2863-2871

Carrick, J., Senator, 1982, Commonwealth Parliamentary Debates, Senate, 8 September, 679

Carrick, J., Senator, 1986, Commonwealth Parliamentary Debates, Senate, 13 March, 1001-1002


Carter, W., 1993, “The Role of Judicial Enquiries in Modern Public Sector Management,” Royal Institute of Public Administration Australia Bulletin, (Queensland Division), September, 19-21

Cartwright, T.J., 1975, Royal Commissions and Departmental Committees in Britain, Hodder and Stoughton, London


Caves, R.E. and Krause, L.R., (eds), The Australian Economy: A View from the North, Sydney: Allen and Unwin,


Bibliography


Costello, P., Press Release, June 1996


Costigan, F., 1984b, “Crime Body Will Fail,” Sydney Morning Herald, 7 September


Crawford, H., 1986, Letter to the Editor, The Australian, 8 May

Crawford, J., 1979, (Chair), Study Group on Structural Adjustment, Report, Australian Government Publishing Service, Canberra

Crisp, L.F., 1960, Ben Chifley, Longman, Melbourne


Cushing, F., 1986, Australian Federal Government Inquiries, 1 January to July 1986, Commonwealth Parliamentary Library, Canberra

Cushing, F., 1989, Australian Federal Government Inquiries, 1 January to 31 August 1989, Commonwealth Parliamentary Library, Canberra


Daniel, C., 1997, “May the Taskforce Be With You,” New Statesman, 1 August, 27

Davidson, G., 1974, “Public Service Comes Under the Microscope,” Canberra Times, 7 June

Davies, S., 1989, The Martin Committee and the Binary Policy of Higher Education in Australia, Ashwood House, Melbourne

Davis, G., 1988, Breaking Up the ABC, Allen and Unwin, Sydney


Dawkins, J., MP, 1982a, Commonwealth Parliamentary Debates, House of Representatives, 23 March 1265-1266

Dawkins, J., 1982b, Commonwealth Parliamentary Debates, House of Representatives, 28 October, 2718-2719

Dawkins, J., 1984a, Budget Reform, Australian Government Publishing Service, Canberra


Dix, A., 1980, reported in The National Times, 30 March


D’Ombrain, N., 1997, “Public Inquiries in Canada,” Canadian Public Administration, Vol 40, No 1, Spring, 86-107

Donoghue, S., 2001, Royal Commissions and Permanent Commissions of Inquiry, Butterworths, Sydney


Evans, G., Senator, 1983a, *The Canberra Times*, 2 February

Evans, G., Senator, 1983b, *Commonwealth Parliamentary Debates*, Senate, 9 December, 3606

Evans, G., Senator, 1984, *Sydney Morning Herald*, 27 February


Foley, M., 2000, “Shabby Performance from Cultural Elite,” *Courier-Mail*, 5 January


Fraser, M., MP, 1982c, *Commonwealth Parliamentary Debates*, House of Representatives, 18 February 320-321

Fraser, M., MP, 1983a, *Commonwealth Record*, 7-13 February 154-155


Bibliography


Gittins, R., 1984, "Vic Martin Did a Tricky Job Well," *Sydney Morning Herald*, 27 February


Goldring, J., 1984a, RIPE, (Royal Institute of Public Administration), "Summary of Discussions," *National Colloquium on Royal Commissions and Committees of Inquiry*, Sydney, 16 June


Goldring, J., 1984a, RIPE, (Royal Institute of Public Administration), "Summary of Discussions," *National Colloquium on Royal Commissions and Committees of Inquiry*, Sydney, 16 June


Goldring, J., 1984a, RIPE, (Royal Institute of Public Administration), "Summary of Discussions," *National Colloquium on Royal Commissions and Committees of Inquiry*, Sydney, 16 June


Grimes, D., Senator, 1984, *Commonwealth Parliamentary Debates*, Senate, 1 June, 2349


Gunning, R., 1984, RIPE, (Royal Institute of Public Administration), "Summary of Discussions," *National Colloquium on Royal Commissions and Committees of Inquiry*, Sydney, 16 June

Hagger, J. and Montanelli, T., 1980, *Consolidated Index to the Checklists of Royal Commissions, Select Committees of Parliament and Boards of Inquiry, held in the Commonwealth of Australia, Queensland, New South Wales, South Australia, Tasmania and Victoria, 1856-1960*, La Trobe University, Bundoora


Hall, T., 1980, *Darwin 1942: Australia’s Darkest Hour*, Methuen, Sydney

Hall, W., 1982, “Political Obstacles to Implementing Campbell,” *Banker*, Vol 132, September, 95-118


Halligan, J., Beckett, I. and Earnshaw, P., 1991, "The Australian Public Service Reform Program," in (eds), J. Halligan and R. Wettenhall, (eds), *Hawke’s Third Government*, University of Canberra and Royal Institute of Public Administration Australia (ACT Division), 7-56, Canberra
Halligan, J. and Wettenhall, R., (eds), 1991, Hawke’s Third Government, University of Canberra and Royal Institute of Public Administration Australia (ACT Division), Canberra

Hamer, D., Senator, 1975, “Labor’s Heavy Hand: Its problem with the Public Service,” The Age, 11 November


Hancock, W.K., 1931, Australia, Ernest Benn, London


Hanser, C.J., 1965, Guide to Decision: The Royal Commission, Bedminster, New Jersey


Harris, R., (ed), 1961, Radical Reactions, Hutchison, London


Hawke, R.J., MP, 1986, Press Release, 19 March

Hawke, R.J., MP, 1987a, Press Conference, Transcript, 11 August

Hawke, R.J., MP, 1990, Correspondence to Premier Greiner quoted in Commonwealth Parliamentary Debates, House of Representatives, 24 May, 1012

Hawker, G., 1975, “The Royal Commission on Australian Government Administration: A Progress Report,” Public Policy Paper 2, Department of Political Science, University of Tasmania, October


Hawker, G., 1984, “Public Policy Institutes in the Australian Context,” *Paper presented to Australasian Political Science Association*, University of Melbourne


Howard, J., MP, 1981a, *Commonwealth Parliamentary Debates*, House of Representatives, 15 September, 1291

Howard, J., MP, 1996, Policy Launch Statement, 18 February

Howard, J., MP, 2002a, ABC News OnLine, 23 November

Howard, J., MP, 2002b, Address to the Australian Chamber of Commerce and Industry, Canberra, 14 November

Howard, J., MP, 2002b, Address to the Australian Chamber of Commerce and Industry, Canberra, 14 November


Irvine, W., 1922, quoted in G. Fraser, (ed), 1986, Judges as Royal Commissioners and Chairman of Non-Judicial Tribunals, Victorian Law Foundation, Melbourne


Jennett, C. and Stewart, R.G., 1990, (eds), Hawke and Australian Public Policy, Macmillan, Melbourne


Jones, G. Senator, 1984, Press Statement, 7 November

Juddery, B., 1974, At the Centre: The Australian Bureaucracy in the 1970s, Cheshire, Melbourne


Keegan, D., 1981, “A Lot to Digest from Campbell Inquiry,” The Australian, 18 February


Kelly, P., 1984, The Hawke Ascendancy, Angus and Robertson, Sydney

Kelly, P., 1987, “Fraser Guns for Howard Over Economic Deregulation 'Myth,'” The Australian, 24 October


Kennedy, K.H., 1978, The Mungana Affair, University of Queensland Press, St Lucia


Kerin, J., MP, 1990, Commonwealth Parliamentary Debates, House of Representatives, 9 October, 2415-2416


Killen, D.J., 1982, Inside Australian Politics, Methuen Haynes, Sydney

Kimberley, J. and Quinn, R.E., 1984, Managing Organizational Transitions, Irwin, Homewood


Kogan, M. and Atkin, J.M., 1982, Legitimating Education Policy: The Use of Special Committees in Formulating Policies in the USA and the UK, Stanford University IFG CERAS, Stanford, July


Langmore, J., 1979, “The Crawford Report,” *Newsletter, RIPA (ACT Group)*, Vol VI, No 2, June, 4-6


Louis, K.S. and Perlman, R.J., 1985, ”Commissions and the Use of Social Science Research,” *Knowledge: Creation, Diffusion, Utilization*, Vol 7, No 1, September, 33-62


McClelland, R., Senator, 2002, Media Release, 18 February


McFarlane, B., 1968, Economic Planning in Australia, Cheshire, Melbourne


McGregor, R., 1984, “Govt Baulks at Cost of Royal Commissions,” Sydney Morning Herald, 3 August

McGuinness, P.P., 1974, “What the Public Service Really Needs is a Regular Shakeout from the Top,” National Times, 10-15 June


McKinnon, M., 2000, “$630m Splurged on Consultants,” *Courier-Mail*, 24 July


McQueen, H., 1985, “All Report, No Thought,” *Australian Society*, April, 39


Melsner, A., 1976, *Policy Analysis in the Bureaucracy*, University of California, Berkeley


Bibliography


Mockridge, T., 1984, Sydney Morning Herald, 23 February


Morison, W., 1983, The Australian, 18 May

Morris, P., MP, 1984, Press Release, 5 September


Muirhead, J.H., 1987, Facts about the Royal Commission, Royal Commission into Aboriginal Deaths in Custody, Canberra


NAILSS, 1988, Report on recent Developments in the Protection of Fundamental Freedoms of Indigenous Peoples – A Review of the Australian Royal Commission on Aboriginal and Torres Strait Islander Deaths in Custody, NAILSS, Sydney, 3 August


Nugent, H., 2000a, “Finally, the Curtain Draws,” The Australian, 19 May


Odgors, J.R., 1991, Sixth edition, Senate Practice, Royal Australian Institute of Public Administration (ACT), Canberra

O’Donoghue, L., Three Years On: The Quality of Life for Indigenous Australians, Australian Government Publishing Service, Canberra, Volume 1

OECD, 2000a, Engaging Citizens, OECD, Paris

OECD, 2000b, Government of the Future, OECD, Paris


O’Neil, M., 2001, “Why We Need More Royal Commissions,” Horizons, Fall, 1-5


Painter, M., and Carey, B., 1979, Politics between Departments, University of Queensland Press, St Lucia


Patience, A. and Head, B., (eds), 1979, From Whitlam to Fraser, Oxford University Press, Melbourne


Peacock, A., 1988, Press Release, 14 November


Peters, B. Guy, 1994, quoted in D. Savoie, Thatcher, Reagan, Mulroney: In Search of a New Bureaucracy, University of Toronto Press, Toronto


Pollitt, C., 2000, “Institutional Amnesia: A Paradox of the ‘Information Age’?,” Prometheus, Vol 18, No 1, 5 -16


Potts, D., 1983, “Asking a Silly Question Twice,” The Australian, 2 June

Potts, D., 1984, “See the Conquering Treasurer Comes,” The Australian, 21 September


Prasser, S., 1990b, “The Fate of Inquiries: Will Fitzgerald be Different?,” in S. Prasser, R. Wear, and J.R. Nethercote, (eds), *Corruption and Reform*, University of Queensland Press, St Lucia, 98 -122


Prasser, S., 1992b, “Public Inquiries and the Third Hawke Government,” in R. Wettenhall and J. Halligan, (eds), *The Third Hawke Government*, University of Canberra and Royal Australian Institute of Public Administration (ACT Division), Canberra, 57-89


RIPA, (Royal Institute of Public Administration), 1984, *Summary of discussions of National Colloquium on Royal Commissions and Committees of Inquiry*, Sydney, 16 June


Savoie, D., 1994, *Thatcher, Reagan, Mulroney: In Search of a New Bureaucracy*, University of Toronto Press, Toronto


Schneider, R., 1978, “Bill of $4m for Govt Inquiries,” *The Australian*, 15 December


Sherman, T., 1997, Executive Inquiries in Australia: Some Proposals for Reform, Centre for International and Public Law, Faculty of Law, Australian National University, Law and Policy Papers, Paper No 8, Canberra


Simmons, A., 1998, Territorial Games: Understanding and Ending Turf Wars at Work, AMACOM, New York

Simms, M., 1982a, A Liberal Nation: The Liberal Party and Australian Politics, Hale and Iremonger, Sydney


Singleton, G., 1997, (ed), The Second Keating Government, University of Canberra and Institute of Public Administration (ACT Division), Canberra


Slee, J., 1984,"The Best of Imperfect Justice," Sydney Morning Herald, 3 October


Smith, R.F.I. and Weller, P.M., (eds), 1978, Public Service Inquiries in Australia, University of Queensland Press, St Lucia 1978


Solomon, D., 1973b, “Royal Commission to Inquire into PS,” The Canberra Times, 6 December


Spann, R.N., 1979, Government and Administration in Australia, Allen and Unwin, Sydney


Tickner, R., MP, 1991b, Commonwealth Parliamentary Debates, House of Representatives, 9 September, 883


Tiffen, R., 1989, News and Power, Sydney; Allen and Unwin


Uren, T., 1980, Commonwealth Parliamentary Debates, House of Representatives, 19 March, 923-926


Walsh, M., 1997, “Tax Inquiry is the Way to Go,” *Sydney Morning Herald*, 20 May


Warhurst, J., 1982a, *Jobs or Dogma?: The Industries Assistance Commission and Australian Politics*, University of Queensland Press, St Lucia


Wettenhall, R. and Nethercote, J.R., (eds), 1988, Hawke’s Second Government: Australian Commonwealth Administration 1984-87, Canberra College of Advanced Education and the Royal Australian Institute of Public Administration (ACT Division), Canberra


White, S., 1991, Reporting in Australia, Macmillan, Melbourne


Whitlam, E.G., 1974a, “Royal Commission into the Australian Public Service,” Press Release, 6 June


Wilenski, P., 1974, quoted in G. Davidson, “The Public Service Comes Under the Microscope,” *Canberra Times*, 7 June


Williams, B.R., 1978, ”Why All Those Inquiries into Education?,” *Search*, Vol 9, No 3, March, 87-91


Wran, N., 1986, *The Age*, 14 August


Young, M., MP, 1986, *The Age*, 15 March

Young, M., MP, 1987, *Press Release*, 4 September


Zalums, E. and Stafford, H., 1980, *A Bibliography of Western Australian Royal Commissions, Select Committees of Parliament and Boards of Inquiry, 1870-1979*, Flinders University, Bedford Park South Australia


Zifcak, S., 1994, *New Managerialism: Administrative Reform in Whitehall and Canberra*, Open University, Buckingham

Zubrinich, R., 1989, *Formal Model of Independent Public Inquiries*, BA Honours Thesis, Department of Government, Faculty of Arts, University of Queensland