
The Parliament of the Commonwealth of Australia

Learning from other parliaments

Study Program 2006

**House of Representatives
Standing Committee on Procedure**

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Foreword

The study tour by members of the Procedure Committee was a great opportunity to visit a number of other legislatures and see at first hand different ways in which parliamentary democracy occurs. While many differences were apparent, there was a common theme among all parliaments – how to best serve constituents and make the operations of the parliament relevant and responsive.

We were most grateful to the members and staff of the various parliaments we visited for very generously briefing the committee and answering our many questions. While we were able to learn a certain amount prior to the visit by consulting various publications, it was the first hand experience of those operating in the various legislatures that gave real depth to our understanding.

Finally, I would like to thank the other participants in the study tour for their enthusiasm and friendship during what was a very challenging program. We all learned a great deal, and I am sure this broadening of our knowledge will be reflected in the work of the Procedure Committee into the future.

Margaret May MP
Chair



Participants

Chair	Mrs Margaret May MP
Members	Mr Luke Hartsuyker MP Ms Kelly Hoare MP Hon Roger Price MP
Accompanied by	Mr Kerry Bartlett MP (Chief Government Whip)
Secretary	Ms Judy Middlebrook

Note: The following members of the Procedure Committee were unable to participate in the overseas study program because of prior commitments

Mr Daryl Melham MP (Deputy Chair)
Ms Bronwyn Bishop MP
Mrs Trish Draper MP

Overview of visit

Background

- 1.1 In November 2005 members of the Procedure Committee discussed the possibility of travelling together to various overseas parliaments to study developments in parliamentary practice and procedure. The period selected for the study program was a fortnight during the 2006 Easter break in sittings. Members decided to use their individual study leave entitlements for the purpose. The alternative of requesting the Prime Minister to include the visit as part of the official delegation program was not pursued because of likely delays in approval and planning.
- 1.2 All members of the committee expressed an interest in participating in the visit but varying circumstances prevented some from joining the study group. The following committee members took part in the visit:
- Mrs Margaret May MP (Chair);
 - Mr Luke Hartsuyker MP;
 - Ms Kelly Hoare MP; and
 - Hon Roger Price MP.

Because of the nature of the issues to be studied, the committee decided to invite the Chief Government Whip, Mr Kerry Bartlett, to be

part of the study group. Mr Bartlett was not available for the whole visit but he was able to join the group for its meetings at the House of Commons, House of Lords and Scottish Parliament.

- 1.3 The Clerk of the House approved the participation of a staff member to act as secretary to the group because of the procedural significance of the program.

The program

- 1.4 At the committee meeting on 10 November 2005 the Chair invited members to suggest themes and issues to be included in the study program. On 1 December 2005 the committee approved a program and list of issues to be studied. The final program is at Appendix A. The preliminary issues list (which was sent to the parliaments to be visited to help them develop suitable programs) is at Appendix B. Background information on the committee which was also sent to the parliaments to be visited is at Appendix C.
- 1.5 The visit commenced on 14 April and continued until 3 May. Meetings were held on each working day where possible (i.e. there were no meetings on weekends or public holidays and one possible working day was used for travel to the Isle of Man). In hindsight, the program itself and the number of legislatures included might be regarded as somewhat ambitious.
- 1.6 While the committee had indicated to the parliaments to be visited the matters it wished to study, the programs were in fact developed by the host parliaments and partly reflect the priorities of those parliaments as well as the availability of Members and senior parliamentary staff. The timing of the visit was planned to include as many sitting days of overseas parliaments as possible. The committee was therefore able to observe sittings of the parliaments at Westminster, Edinburgh, Douglas (Isle of Man) and Paris. Sadly, it was not possible to schedule the visit to Cardiff on a sitting day. However, this turned out to be a benefit as the committee was able to explore thoroughly the technology of the ultra modern chamber of the National Assembly for Wales (which was opened in March 2006).

Major themes

- 1.7 The committee had firm views about what it hoped to learn and achieve during the study program (see Appendix B). The visit turned out to be considerably richer in terms of procedural development and the practice of other chambers than expected and a number of additional/alternative themes commanded the interest and attention of members.
- 1.8 The committee considers that it was successful in collecting relevant information on a number of issues identified at the planning stages of the visit including:
- The use of parliamentary committees for scrutinising legislation and other roles of committees;
 - The involvement of Members of Parliament in the administration of parliaments;
 - Resources allocated to parliamentary committees;
 - The work of comparable committees (procedure and modernisation committees);
 - Question time;
 - Electronic voting;
 - Processing of petitions including electronic petitions;
 - Arrangements for the election of Speakers;
 - Opportunities for private Members to speak.
- 1.9 A study of six chambers (counting both the Lords and Commons at Westminster) was bound to reveal additional matters of interest relating to practice and procedure and, of course, this visit did just that. Amongst other issues the committee developed new lines of inquiry including:
- The amount of time available for individual Members to speak – particularly on bills;
 - The conduct of Members and codes of conduct;
 - The interactive nature of debate in other chambers compared with the use of our chamber to deliver speeches to an often sparsely populated chamber (and the methods by which Members are encouraged to spend more time in the chamber);

- Innovative methods of communicating with the public and the resources allocated to this endeavour;
- The use of technology in modern parliaments (including information screens in chambers and public areas and the use of computers in chambers);
- Sitting hours; and
- Timetabling of formal votes.

Overview Conclusion

- 1.10 The committee set itself a formidable study program and learned a great deal (including things it did not know it needed to learn). It has yet to determine how best to process this information but it is likely that one or more inquiries will follow. In the meantime, a brief summary of some of the more significant issues follows in Chapter 2. Chapter 3 provides an introduction to the Parliaments visited.

Themes and issues

Introduction

- 2.1 As noted in Chapter 1, the committee identified a number of themes and issues before the commencement of the study program and the list expanded during the visits to various parliaments.
- 2.2 The committee studied six legislative assemblies (counting both the Commons and Lords) and covered a large number of topics during its discussions. Members also had opportunities to observe chamber and committee proceedings. The following observations do not attempt to cover the detail of the visits and the subjects are not explored exhaustively. Emphasis has been given to the more significant issues studied – particularly those which the committee felt held lessons for our own practices and procedures.
- 2.3 The issues are addressed in terms of major themes/issues and other matters of interest. While the distinction does imply that the committee felt it could learn particular lessons in some areas, it also reflects the amount of time available to study particular issues. There is no inference that the items addressed as “other matters” are not significant or valued. In many cases the distinction simply reflects the fact that unfortunately, the pressure of time meant that some issues were not explored as fully as the committee would have wished.

- 2.4 The committee's views and conclusions in relation to some of these themes/issues have to be regarded in the context of the different level of responsibilities and subject matter in the different parliaments. The Scottish, Welsh and Isle of Man legislatures have more local responsibilities and their smaller numbers of Members is also a factor in their organisational arrangements. Nevertheless the committee felt that the Australian Parliament could learn a good deal from the smaller parliaments.

Major issues

- 2.5 The committee has identified the following as major themes on which to report:
- inside the chamber including:
 - encouraging an interactive debating chamber
 - formal votes
 - programming business
 - electing a Speaker
 - question time
 - opportunities for private Members;
 - petitions;
 - technology including:
 - information screens
 - electronic voting
 - computers in the chamber;
 - committees; and
 - parliamentary administration.

Other matters

- 2.6 Other matters observed or studied include:
- a family friendly parliament including:
 - sitting hours
 - childcare; and
 - communicating with the public.

Inside the chamber

Encouraging an interactive debating chamber

- 2.7 The committee was impressed by the extent to which other chambers encourage and experience a higher level of interaction during debate than that experienced in the House of Representatives. The subject was discussed first with the House of Commons Modernisation Committee. Our members were astonished to learn that any Member wanting to participate in a debate in the Commons is expected to come to the opening of the debate. The call is in the hands of the Speaker in reality (as opposed to being in the hands of the Speaker but subject to the arrangements put in place by the Whips). For major speeches, Members are expected to write to the Speaker requesting the opportunity to speak. The Speaker then consults his own list in allocating the call and is unlikely to call a member who has not been listening to the debate in the chamber. Further, Members are not expected to leave the chamber as soon as they finish speaking. Such behaviour would not be conducive to the member getting the call on a future occasion.
- 2.8 It was not clear whether the practice in the House of Commons was a deliberate attempt to encourage an active debating chamber. It appears to have survived from a time when Members did not have so many other calls on their time. At the same time, Members of the Commons could see the advantages of the practice. One senior member expressed the view that the combination of a pre-arranged Speaker's list and a rule against interventions in the Chamber might lead to a "sterile debate".
- 2.9 Interactive debate in the smaller parliaments is also to some extent a function of the practice of expecting Members to be present in the chamber if they want to participate in a debate. In the small parliaments (the Tynwald and the National Assembly of Wales) Members are generally present during all proceedings – a discipline encouraged by the relatively short number of sitting days and hours and the fact that committee meetings are generally scheduled for times when the plenary is not sitting.
- 2.10 In the Scottish Parliament there is a convention that Members should be in the chamber for the whole debate but more strictly, that they must be in the chamber at least for the preceding and following speaker. It is not unusual for Members to be in the chamber for three

hours for a debate. The Scottish Parliament uses a list of speakers but they are not called in order.

- 2.11 The Scottish Parliament also allows interventions – another practice which encourages an interactive debating chamber. Like the practice in our own Main Committee, interventions may be accepted or rejected by the Member with the call. The practice seems to be common, with one member estimating that about half the speeches in the chamber have an intervention. The House of Commons also allows interventions. When asked if interventions encourage unruly behaviour, it was pointed out that a Member who abused the right to intervene would have a lot of difficulty “catching the eye of the Speaker”.
- 2.12 The committee found that the length of speeches also has an impact on the extent to which debate is lively and interactive. Most Members of other legislatures found it greatly surprising that in the House of Representatives, Members are permitted to speak on the second reading of bills for 20 minutes without interruption and that further, Members are permitted to read the speeches – generally to an all but empty chamber. The average length of a speech on legislation in Scotland is about six minutes. In France speech times are allocated to a political group which then allocates the time amongst its members. Members may have to share 15 minutes.
- 2.13 Despite the higher level of interactivity in other chambers, the committee did not find total satisfaction with proceedings. Reportedly, in Wales, although a lot of Members are in the chamber most of the time and there is “quite a lot of interaction”, the Presiding Officer would like to see more interaction.
- 2.14 In the context of encouraging an interactive debating chamber, the committee notes that it has recommended a mechanism supporting this in the House of Representatives. It proposed cutting the length of second reading speeches from 20 to 15 minutes and providing a period of questions and answers for five minutes before moving to the next speaker. It was proposed that Members could choose not to take questions. While this recommendation has not been supported as yet, the committee notes that the proposal had considerable support from Members on both sides of politics. The unfavourable comparison between the House of Representatives and other chambers in the context of an interactive debating chamber suggests that the committee’s proposal could be reconsidered in the future.

Perhaps other initiatives to promote a more interactive chamber could also be considered.

Formal votes

- 2.15 When the committee first identified issues to study during the program, the interest in formal votes was expected to relate to the impact of electronic voting on the time taken for formal votes and the number of formal votes. In the event, other voting practices were found to be equally fascinating. Perhaps the most interesting aspect was that of the parliaments visited, none (except for the Tynwald) followed the House of Representatives practice of holding votes whenever a particular stage of proceedings is reached (except for the recent practice of deferring formal votes on Monday and Tuesday evenings during the former dinner break). In the Tynwald, voting whenever required by the business before the chamber is not an inconvenience because Members do not have to attend the chamber especially to vote. They are expected to be present at all times and no bells are used to alert those not in the chamber of a vote. As the method of voting is by roll-call, they would quickly be missed if absent.
- 2.16 In all the other parliaments visited there was some timetabling of formal votes for the convenience of Members generally and to avoid interrupting other parliamentary business.
- 2.17 The most disciplined example is “decision time” in the Scottish Parliament which is scheduled for 5.00 pm each day. The Presiding Officer reads out the first question at 5.00 pm and the question is also shown on the (electronic) voting console. The combination of electronic voting and scheduled voting times means that on average, voting takes 30 seconds for each vote and only a short time out of each day’s work. This example was particularly interesting because the Scottish Parliament has a comparable number of Members (129) and a comparable system of party discipline. The operations of the Parliamentary Bureau in Scotland (see paragraph 2.23 below) support the system of programmed votes.
- 2.18 Voting in the Welsh National Assembly is also programmed. The state of the art computers at each member’s desk encompass information about the question being decided as well as the electronic voting system itself. Screens in the chamber display results (as they do in Scotland and France).

- 2.19 The system of formal votes in the House of Commons combines long tradition with the large number of Members (up to 600) who might be involved in a vote. Votes may be timetabled two weeks in advance, allowing Members to plan their work better. On the other hand, the complicated (to the outsider at least) system of votes includes “running votes” which may be called at any time. Members were intrigued to hear about the priority system of voting – a one line vote (i.e. underlined on the voting list once) indicates that Members are not necessarily expected, a two line vote allows Members who are “paired” to absent themselves and a three line vote indicates compulsory attendance for the vote.
- 2.20 The committee has had some discussions on the possibility of extending the number of programmed or deferred votes in the House of Representatives. In particular, the committee has recently discussed the disruption caused to the Main Committee by divisions in the chamber. The committee notes that quarantining the full 30 minutes for Members’ statements has alleviated disruption to private Members’ opportunities to some extent. The possibility of deferring some formal votes during all or part of the Main Committee’s proceedings could further minimise disruption. No conclusions have been reached on the issue.

Programming chamber business

- 2.21 The committee was interested to compare the level of member involvement in programming chamber business with our own practices. Concerns that government business would not be processed efficiently were not unknown in other parliaments. On the whole however, (and perhaps with an outsider’s perspective) such concerns appeared to be given less priority than in our own chamber. This issue was raised with the Modernisation Committee of the House of Commons. The fact that the Chief Government Whip – a Cabinet level minister – is also a member of the committee, helped ensure that reforming the practice of the House did not jeopardise the processing of government business.
- 2.22 The committee notes that programming chamber business is a complex matter which may influence the relationship between the Executive and the Parliament to the detriment of the latter. The Modernisation Committee explored these issues in its second report [*Programming of Legislation and Timing of Votes*, July 2000 – particularly pp. xxv ff.]

- 2.23 The Scottish Parliament appears to have a highly evolved level of democracy in relation to programming business. A group of Members of the Scottish Parliament (MSPs) representing political parties or groups, forms the Parliamentary Bureau which decides the sitting pattern and the business to be discussed. The level of chamber-related detail proposed by the Bureau includes the overall business program, deadlines for stages of bills, ministerial statements and debates. The proposed agenda developed by the Bureau is then considered in the plenary before being adopted. The minutes of Bureau meetings are posted on the parliamentary website. The Bureau also meets with the Conveners' Group (committee Chairs) to allocate the travel budget to committees and has other administrative responsibilities in regard to committees which are detailed in Chapter 5 of the standing orders.
- 2.24 While the timetabling of chamber business is in the hands of the Bureau (and ultimately the Parliament itself) it should be noted that input by the Executive is significant, recognising that the government initiates the program. It appears to work with a degree of flexibility. As one MSP noted "it wouldn't really work if the government came in with a sledgehammer". The Scottish Parliamentary Bureau was also described by an MSP as "the Whips' trade union" which "stitches everything up". Nevertheless, it appears that non-government input into the chamber program is a reality.
- 2.25 In relation to chamber business, the Assembly for Wales has a Business Committee which ensures that all political interests have some input into proceedings. The committee consists of a member from each party, ensuring that all relevant interests are represented.
- 2.26 The French National Assembly also has a Bureau which arranges the business of the chamber. Its powers and responsibilities are set out in the Rules of Procedure – Chapter 4, rule 14 of which provides "The Bureau shall have power to arrange the deliberations of the Assembly and to organize and direct departments as provided in these Rules". The French Bureau also appears to have the governance responsibilities of the Scottish Corporate Body and the House of Commons Parliamentary Commission. It is noted here in the context of its influence on chamber business.

Electing a Speaker

- 2.27 The committee recently proposed a change to the arrangements applying to the election of Speaker of the House of Representatives [amendment to standing order 11 to allow Members to speak about

nominees even if there is only one candidate]. At the time, the committee also discussed the arrangement by which the Clerk of the House conducts proceedings until the election of Speaker, noting that the practice could have disadvantages. In particular, it could cause problems if conduct in the chamber required a response from the person presiding. The committee decided to consider the matter further following an investigation of the practices of other parliaments during the study program.

- 2.28 The committee was told of the following persons who preside over proceedings for the election of Speaker / Presiding Officer:
- In the House of Commons, the Member with the longest service (not being a Minister) conducts the election of Speaker;
 - The House of Lords was preparing for the election of its first ever Speaker (which has since taken place). Postal votes were allowed and the detailed results have been published. They were announced in the House by the Lord Chancellor;
 - The Scottish Parliament has detailed arrangements which provide for all eventualities. The meeting may be chaired by the former Presiding Officer (if he or she is available). Or, the Clerk chairs the first meeting (but only to enable the person who will chair the meeting during the election to take the oath or make an affirmation. If the former Presiding Officer is not available, the Clerk administers the oath or affirmation to the oldest qualified Member (not a party leader or candidate for Presiding Officer or First Minister) who then takes the chair until the election of a Presiding Officer;
 - In the Tynwald (Isle of Man), the Deputy Speaker from the previous Parliament takes the Chair for the election of Speaker and the election is conducted by secret ballot;
 - In the National Assembly for Wales the Clerk takes the Chair for the election of Presiding Officer; and
 - In the National Assembly of France, the oldest Member (biologically) takes the Chair and makes a speech on the occasion.
- 2.29 The committee has previously recommended that the current practice of the House of Representatives could be replaced by that used in the House of Commons (Father / Mother of the House not being a Minister). Disadvantages of the other models include:

- ⇒ In the Australian system the Deputy Speaker from the previous parliament is not necessarily a member of the new parliament and
 - ⇒ The oldest member chronologically is not necessarily the most experienced member.
- 2.30 An advantage of the House of Commons approach is that as Ministers are precluded, the election of Speaker is more likely to take place in a non-party political atmosphere.
- 2.31 The committee may consider this matter further in the context of its ongoing inquiry into the maintenance of the standing and sessional orders.

Conduct in the chamber particularly during question time

- 2.32 The committee was privileged to view the equivalent of question time in the House of Commons, the Scottish Parliament and the French National Assembly. The committee noted that although proceedings were lively and somewhat noisy – they were not marked by the level of political disputation which is a feature of question time in the House of Representatives. Consequently, they did not attract the sort of intervention on behaviour issues by the Speaker which has been a feature of question time in our own chamber for decades. The committee was keen to discover if there were any clear reasons for the differences in practice.
- 2.33 Some factors were immediately obvious. In the House of Commons for example, points of order are not generally allowed during question time but are heard after questions. The Speaker is the absolute authority on the application of the standing orders during question time (and at other times). There is no procedure for dissenting from the Speaker's ruling in the House of Commons. (Difficulties are addressed "through the usual channels"). These two factors alone, if incorporated into the practice or standing orders of the House of Representatives, would result in a very different question time from that frequently observed. Other differences to the standing orders and practices of other chambers may also be relevant. For example, the committee noted that the rules relating to answers in the House of Commons are more detailed than those of the House of Representatives.
- 2.34 Other factors were less easily identified. One, which is highly unlikely to be achievable by any change to the standing orders, is the different

psychological and emotional atmosphere in the chamber. The most marked example is the House of Lords. The committee's questions about the standards of conduct of behaviour and debate in the chamber were considered curious by some of those asked. Apparently Members of the House of Lords can be relied upon to behave in a "gentlemanly" manner – whether they be Lords or Ladies. The committee was told that in Wales also, order did not seem to be a problem. This was regarded as the natural behaviour expected of Members.

- 2.35 The exploitation of the standing orders to achieve political advantage also seemed to be less marked in other chambers – perhaps because of the different standing orders and practices involved. All the legislatures visited amalgamated oral questions with aspects of questions on notice. In some cases a question of which some notice had been given could be followed up by supplementary questions, providing a less scripted approach to answers. In Wales, two weeks notice of a question to the First Minister is required, with the Member who asks the initial question being entitled to ask a "supplementary" before other Members.
- 2.36 In the House of Commons, the rules regulating the form and content of questions are set out in Erskine May's *Parliamentary Practice* rather than in the standing orders. The rules are thus more comprehensive and more likely to constrain the use of question time as a platform for political disputation. For example, one of the rules is that questions must be drafted as concisely as possible.
- 2.37 The committee noted that in some other parliaments question time differed from day to day. The timetabling of Ministers – an experiment trialled in the House of Representatives in the 1990s and abandoned – is frequently used. The Scottish Parliament for example, distinguishes between First Minister's Question Time and "Question Time" (when MSPs can ask questions of Scottish Ministers other than the First Minister). During Question Time there is a period of time for general questions and another set aside for questions on specified themes such as the environment. The themes vary from week to week.
- 2.38 First Minister's Question Time in Scotland shares some characteristics with Question Time in the House of Commons. Six of the previously notified questions are selected by the Presiding Officer and these are followed by supplementary questions.
- 2.39 One factor which might have had a positive impact on the level of orderly conduct may have been time limits on questions and answers.

In Wales for example, the time limit for a supplementary question *and* the answer, is three minutes. It was pointed out to the committee that if a Member's question is too long, there would not be much opportunity for an answer. Concise and direct questions may have resulted in more concise and direct answers. The time limits would certainly not permit a leisurely canvassing of "alternative policies".

- 2.40 Similarly, in France there is a time limit of five minutes for both question and answer. The question time observed by the committee seemed lively and political but conduct stopped short of disorderly. The committee was told that there are different types of question periods – with those questioning ministers being more about programs and less political than the questioning of the Prime Minister (which the committee observed).
- 2.41 The committee considered whether codes of conduct might have an impact on Members' behaviour in the chamber, but this seems unlikely. In Scotland there is a code of conduct which is administered by a standards commissioner, but it seems focussed on behaviour generally rather than in the chamber. In Wales there is a Standards Committee but it focuses on the use of resources. There is no code of ethics in France.
- 2.42 The committee notes that the House of Representatives attracts considerable media and public criticism because of the conduct of Members in the chamber – particularly during question time. The committee has reported on improving question time in the past but has not addressed the matter during the past decade. The comparison with other chambers suggests that further consideration could be given to the format of question time in our own chamber. In this context, the committee notes that recommendations relating to question time have been made by both the House of Commons Modernisation Committee and Procedure Committee. The suggestions have met with some success.
- 2.43 In addition to discussing conduct in the chamber, the committee also sought information on codes of conduct for Members generally. This is addressed in the section on parliamentary administration (commencing at paragraph 2.103).

Opportunities for private Members

- 2.44 The committee was pleased to learn that in comparison with other parliaments, the House of Representatives performs very well in the

context of providing opportunities for Members. Our Members appear to have more opportunities to speak on matters affecting their personal interests in matters of public administration and the interests of their electorates than in comparable parliaments. Of course, the other national parliaments visited have far more Members than the House of Representatives – a natural dampener on opportunities for each to speak as a private Member. Indeed, it was suggested that the French National Assembly practice of allowing the oldest Member (in years) to speak at the election of Speaker might provide the only opportunity that Member has had to speak in the chamber.

- 2.45 The committee considers it has had a positive role in encouraging opportunities for House Members and will continue to consider the issue when possible. It notes that the House of Commons acknowledges the model of the Main Committee in its development of Westminster Hall – an innovation which has certainly improved opportunities for private Members in that House.

Petitions

- 2.46 During the current parliament the committee has considered the introduction of e-petitions. Initially, the committee was not persuaded that allowing members of the public to lodge petitions electronically would necessarily improve the overall processing of petitions. Indeed, it was thought possible that the appearance of applying modern technology to the ancient petitioning process could bring it into disrepute if other aspects of responding to petitions were not also improved. The introduction of e-petitioning might lead the public to think that the process of petitioning was being invigorated, but failing to take action on how parliament and the Government deal with petitions would lead to false expectations.
- 2.47 The visit to the Scottish Parliament changed the committee's opinion of e-petitioning and the role of petitioning. The example of the Scottish Parliament demonstrated a way to revolutionise the whole process of petitioning the parliament. The committee was privileged to meet with Michael McMahon MSP – the convener of the Public Petitions Committee, and other members of the committee as well as Dr Jim Johnson – clerk of the committee.

- 2.48 The committee is considering addressing the topic of petitioning parliament as a separate inquiry so the following is a brief overview of the process in Scotland.

The Scottish Public Petitions Committee

- 2.49 There are nine members of the Public Petitions Committee – selected with regard to the balance of the political grouping in the Parliament. The function of the committee is to consider whether each public petition is admissible (according to the rules in Chapter 15 of the Standing Orders). Once it is ascertained that a petition complies with the rules (particularly if it is within the competence of the Scottish Parliament), the committee then considers what action should be taken on the petition.
- 2.50 The committee meets about once a fortnight and at each meeting usually considers a total of 14 petitions – an initial consideration of six new petitions and further consideration of eight current petitions. Petitioners may be asked to appear before the committee at a public hearing. MSPs who are not members of the committee may attend a meeting to support a petition in which they have an interest and may address the committee (with the Convener's consent). There is a transcript of the meeting which is available on the website.

E-petitions

- 2.51 Electronic petitions were introduced in 1999. Technical support is provided by British Telecom's Teledemocracy Centre. The idea came from Napier University, staff of which developed the system and asked the Scottish Parliament to test it. The current system was formally launched in February 2004 and one third of petitions are now electronic. Napier University piloted the software which is now used widely including in the German Bundestag. It is not considered a commercial enterprise.
- 2.52 The electronic system is now integrated into the normal petitioning process. The object was not to replace paper petitions. The principal petitioner is required to submit a paper petition – it is the signatures which can be collected electronically.
- 2.53 The committee discussed the problem of verification of electronic petitions. This is left to Napier University who supply technical support. The University has drawn the committee's attention to a similar e-mail address being used several times but this turned out to

be a number of petitioners who worked together. The conditions of use have been amended to remove names if they cannot be verified.

Admissibility

- 2.54 While petitioners may be assured that their petitions will be considered carefully, they must first comply with strict admissibility rules. The subject or problem must be within the power of the Scottish Parliament to address. They must not be inflammatory.

Processing petitions

- 2.55 Committee staff work with petitioners to ensure admissibility. Staff prepare a background brief on all petitions considered at the regular committee meetings. Once petitions are accepted, they are lodged on the parliamentary website whether or not they are e-petitions. They stay on the parliamentary website for four to six weeks. Although many petitions are promoted by MSPs, they do not need the support of an MSP and require only one signature. The single or principal signatory is the person the committee (and the Minister if relevant) deals with.
- 2.56 Once the committee chooses to focus on a particular petition, responses to the petition are invited in much the same way as investigatory committees invite evidence. The committee writes to various individuals, communities and organisations asking for views and then considers the responses. The committee writes to the relevant Minister asking him or her to respond to the issues raised within six weeks (though there is some flexibility if required). The committee has the power to issue a summons to a Minister to give evidence but this power is not used. Ministers respond positively to invitations to discuss matters raised in the petition.
- 2.57 There is not usually a backlog of petitions and there is usually only a delay of a month or so before a petition is brought before the committee (though the process itself takes longer).
- 2.58 Not all petitions are confrontational. The example was given of a petition to promote the importance to Scotland of Robbie Burns. The Minister worked with the committee and principal petitioner to maximise the celebration of the poet's contribution to Scottish traditions.

- 2.59 The petitioning process is popular with the public and media. Petitions are sometimes received in the garden lobby in a media event. It is up to the petitioner rather than the committee to publicise a petition. Nevertheless, the committee does receive a lot of inquiries from the press.

Effectiveness of petitions system

- 2.60 The committee was told of many examples of successful petitioning including the following two. Three years ago a member of the public failed in an attempt to initiate a public inquiry into institutional child abuse. The subject was addressed by means of a petition. The Petitions Committee wrote to the Minister asking about delays in addressing the problem and eventually asked for a debate in the plenary. The First Minister rose in the chamber and apologised to those abused in institutions and then promoted a full inquiry.
- 2.61 A second example of successful petitioning addressed the practice of spreading human waste on farmland. The result of the petition was (eventually) a change in legislation which prevented the practice.
- 2.62 The Petitions Committee commissioned a formal evaluation of petitioning which was conducted by Glasgow University and published in September 2005.

Conclusion

- 2.63 The committee was impressed by the total package of processing petitions in Scotland and hopes to consider the issue further during the current parliament. At the same time, the committee notes that the resources (including time) needed to process petitions in Australia is likely to be considerably greater than in Scotland with its much smaller population. If Australians began to consider petitioning as an effective means of addressing problems the volume of work could be very large indeed.

Technology

Introduction

- 2.64 Not surprisingly, the committee found that new parliaments and new parliamentary buildings made the best use of technology both in the chamber (including electronic voting) as well as in the use of plasma/LCD screens for providing information to Members, staff and the public (not necessarily in that order). However, the committee also noted that the oldest parliamentary building visited – the Palace of Bourbon in Paris – used electronic voting (with results screens). It was also noteworthy that the Parliament at Westminster uses screens in committee rooms in Portcullis House to display business in both chambers.
- 2.65 The Scottish Parliament and the Welsh National Assembly – the two newest buildings – were particularly impressive. In the Scottish Parliament Members are provided with a card which includes a “chip”. It opens all doors in the building and by inserting it in the slot of the consoles at each desk in the chamber and in committee rooms, MSPs can sit at any desk.
- 2.66 The provision of information throughout the parliamentary buildings visited appears to be based on the assumption that Members and staff are highly mobile and do not spend time just in the chamber or in their private rooms. It was easier to get information about proceedings in the chamber and in committees in all the parliaments visited than it is in our own parliament. In Wales and Scotland this access to information by use of technology extended to Members of the public visiting the parliament.
- 2.67 While not related to technology, it is important to note here that the House of Commons had easy to understand and relevant hard copies of documents aimed at helping visitors understand proceedings in the chamber and in committees. All the parliaments visited (with the possible exception of the Tynwald) seemed to have excellent resources available to inform visitors. The education centre at the National Assembly of Wales (housed in the historic Pierhead building adjacent to the new Assembly building) is particularly impressive.
- 2.68 Leaving aside the use of information screens, most of the parliaments visited appeared to meet the need for information via documentation better than our own parliament. This is not a comment on the quality

of our guide service which the committee considers is very good indeed. However, the documentation provided by our parliament and the number of screens showing proceedings does seem less than in comparable parliaments.

- 2.69 In this context the committee notes with concern that the Australian Parliament still has no strategic information and communication technology (ICT) plan. The need for such an approach was raised by the Parliamentary Service Commissioner in his 2002 review of parliamentary administration. The review recommended that the Senior Management Coordination Group assume greater responsibility for coordinating information and communication technology. The main outcome of the review was the amalgamation of three of the parliamentary support departments into a single Department of Parliamentary Services. This was achieved by resolution of both Houses in August 2003, but the resolution did not incorporate the recommendation about a coordinated ICT approach.
- 2.70 Because of the significance of technology to the functioning of the parliament and its communication with the public, the Procedure Committee is interested in exploring this issue further.

Information screens

- 2.71 The new Welsh Assembly building on Tiger Bay in Cardiff provides an outstanding example of the use of information screens to inform Members and visitors of proceedings in the chamber and in the committees. The Assembly moved into its new building just a month before the committee visited and its use of technology is certainly, in part, a consequence of its modernity. However, the resources invested in information screens also indicate a strong commitment to educating visitors and informing Members about the business of the Assembly. As soon as visitors enter the building they see four large plasma screens – two on either side of the information desk – providing information (presumably in both English and Welsh). Other screens are placed throughout the Assembly building.
- 2.72 The Scottish Parliament is also an excellent example of the use of information screens to inform the public and Members about proceedings. As noted above, the committee rooms in Portcullis House are also provided with information screens to inform Members about business. The committee was left with the conviction that more resources ought to be directed by our own parliament towards this form of public information.

- 2.73 The committee in a previous parliament recommended that information screens be placed in the chamber to provide information to Members and the public about the business before the House. The current committee has not committed itself to large screens in the chamber – noting that this could be considered further in the context of electronic voting – but is committed to extending the number of screens/television sets in the building for the use of the public. The one interactive information screen in the public area on the House of Representatives side is inadequate. The televisions in the marble foyer and outside the gallery of the chamber are also inadequate in comparison with the efforts of other parliaments.

Electronic voting

- 2.74 The Scottish Parliament and the National Assemblies of France and Wales currently use electronic voting for all formal votes. The House of Commons Modernisation Committee has considered introducing electronic voting but has not decided positively on the topic. The Tynwald is planning to introduce electronic voting (and expects to save two minutes per vote as a result).
- 2.75 This committee has considered the topic several times but has not yet decided to recommend the introduction of electronic voting. Neither has it recommended against electronic voting – preferring to take a monitoring approach. [See *Review of the conduct of divisions*, August 2003, pp. 6–8]. This contrasts with the experience of the Scottish Parliament. When the new parliament was being developed, the Consultative Steering Group recommended electronic voting. There was no debate – apparently it seemed almost automatic that the formal votes would employ modern technology. There has been no adverse feedback from Members. The Scottish Parliament, like the Welsh Assembly, is now on its second electronic voting system.
- 2.76 None of the parliaments which use electronic voting have considered any form of remote electronic voting. Those who were asked dismissed the idea as lacking accountability and transparency.
- 2.77 The time-saving benefits of electronic voting were certainly obvious in the parliaments visited. Some of the potential problems of electronic voting were discussed with relevant staff. The committee was reassured that possible pitfalls such as recording the wrong vote and not being certain of the question before the chamber which may have been issues in the early days of electronic voting, are not real issues. The potential problem of Members arriving to vote without

their individual cards has been addressed by providing chamber staff with spare cards which can be programmed to identify the Member.

- 2.78 In the Scottish Parliament, the LED display on the voting console displays what the Member voted for. If the wrong button is pressed, the vote can be changed within 50 seconds by simply pressing the correct button. The Scottish Parliament has had one failure of the system – caused by a power surge.
- 2.79 While the whole purpose of electronic voting is to save time and ensure accuracy, the first quality can also be a disadvantage. Staff of the Scottish Parliament consider it possible that more amendments are pressed because of the ease of formal votes.
- 2.80 The staff of the Scottish Parliament provided some technical details of their system. Proprietary brands can be purchased off the shelf, though individual legislatures would have the opportunity to “tweak” the software to provide the required functions and presentation. The Scottish Parliament selected a provider by tender – which was won by Phillips. The system cost £45,000 initially and there is an annual retainer for maintenance.

Computers in the chamber

- 2.81 The Welsh National Assembly is an outstanding example of the use which can be made of fully installed computer systems in the chamber. The committee was impressed by the demonstration of the usefulness of the system. It is as close to a “paperless” chamber as possible. The Assembly had moved into its new building on Tiger Bay in Cardiff only a month before the visit and the chamber computer system in use was the second iteration. The chamber used from 1999 to 2006 also featured in-built computers at each desk, but it had been decided to install new computers in the new building rather than use the previous system.
- 2.82 As the Assembly was not sitting at the time of the visit, committee members were able to have a “test run” of the system. The menu system was simple and intuitive. All chamber documents were easily accessible. The system is used to communicate with the Presiding Officer and other Members in the chamber. Members wanting the call have to message the Presiding Officer and he or she allocates the call (and activates the microphones) through the system. Electronic voting is managed through the same computer system and the results transferred to the large results screens in the chamber.

- 2.83 The committee considers that the Main Committee is ideal for testing procedures before they are introduced into the chamber (e.g. interventions). The Main Committee could also be used to test the suitability of in-built computers in the chamber – preferably before the details of a possible new chamber are finalised.

Committees

Staffing and resources

- 2.84 The committee was keen to compare the resourcing of investigatory committees in overseas parliaments with the support provided to our committees. The level of resourcing appeared to be comparable, though the House of Representatives is by no means a leader in the field. An important distinction is the level of involvement by Members. However, this may be more apparent than real. The House of Commons Commission, for example, has responsibility for staffing and resourcing all functions of the House, but staffing decisions are delegated to the clerk and clerk assistants.
- 2.85 Similarly, the Corporate Body of the Scottish Parliament has the formal authority to approve the staffing of committees but at the management level this task is performed by the Clerk Assistant (committees) – a comparable situation to the House of Representatives.
- 2.86 The House Committee of the Welsh Assembly provides a “strategic approach” to staff management. While detailed staffing matters are delegated to the Clerk, it is recognised that Members have an interest. The Clerk told the committee that while staff matters had been delegated to him, he would defer to the House Committee if they had a particular concern. The fact that the committee “holds the purse strings” is also an indicator of its influence. The Welsh Assembly is moving towards a Parliamentary Commission, comparable to that at Westminster, from May 2007.

Status of committees and their work

- 2.87 The newer parliaments have had the opportunity to observe the committee process and include methods of supporting the work of committees from the beginning.

- 2.88 The standing orders of the Scottish Parliament for example, provide for 12 days per year of debate on committee work. Committees are led by “conveners”, and the Conveners group decides which reports get debated in the plenary. In Scotland, reports are presented to Scotland rather than to the Parliament. Once the report is published, an interval of 8 weeks is allowed for a government response before the report, if selected, is debated in the chamber. The Leader of the House in the Scottish Parliament is the Minister for Parliament and has no other portfolio. Informal discussions between the Minister for Parliament and the committee Conveners ensure that the work of committees is suitably recognised in the chamber.
- 2.89 In the Welsh National Assembly, six days per year are reserved for considering committee reports. The Presiding Officer presides over the debate and the panel of committee chairs decides which reports get debated.

Committees and scrutiny of legislation

- 2.90 All parliaments visited appear to give a more active role to committees in the scrutiny of legislation (and pre-legislation) than our own. The two national parliaments – Westminster and France – take this committee role very seriously.
- 2.91 The committee had discussions with senior staff of committees in London and Edinburgh. The opportunity to observe a hearing on a bill by one of the standing committees of the House of Commons was very much appreciated. While the committee did not have much time at the hearing what we did observe seemed to be a well-informed cross-examination of the responsible Minister. In the House of Commons all bills are considered by a standing committee except for major constitutional bills (which are considered by the Committee of the Whole). Some very minor bills are also considered in the Committee of the Whole instead of being subjected to closer scrutiny in a standing committee.
- 2.92 In the Scottish Parliament, bills are introduced and then referred by the Bureau to a “lead committee”. Only that committee is required to report on the bill though other committees may make their own inquiries. Ministers appear before committees inquiring into bills.

Work of Procedure/Modernisation committees

- 2.93 The committee met with the Procedure and Modernisation Committees of the House of Commons and with the Procedures Committee of the Scottish Parliament. The similarities with the work of our committee were more striking than the differences. The main distinction is the status of members of the House of Commons Modernisation Committee – which includes the Leader of the House and the Chief Whips. (The Chief Government Whip has the status of a cabinet level Minister).
- 2.94 The membership of the Modernisation Committee is comparable to the former Standing Orders Committee of the House of Representatives. That committee was replaced by the Procedure Committee in 1985, partly because it was perceived as being too politically “top-heavy” to achieve meaningful change. This inertia does not seem to have attached to the Modernisation Committee which has achieved considerable reform with strong support from the Government.

Parliamentary administration

Members' involvement in administration

- 2.95 The involvement of Members in administrative arrangements of the Scottish and Westminster parliaments appears to be considerable compared with our own experience. The only comparable body in the Australian Parliament is the Joint House Committee but it does not facilitate Member involvement in the administration of the Parliament in a way comparable to that observed during the study program. The House of Representatives Selection Committee also performs some of the functions of programming bodies (though only in relation to committee, delegation and private Members' business).

Types of parliamentary administration

- 2.96 Compared with our own Parliament there appear to be two significant areas of Member involvement – first in programming of parliamentary business and second, at the level of resourcing (both financial and staffing). The former is addressed in paragraphs 2.21 to 2.26 above.

- 2.97 There may be separate bodies dealing with the two areas of administration – as in the Scottish Parliament’s Parliamentary Bureau (programming chamber business) and its Corporate Body (finance and administration). In other cases (e.g. the House of Commons) programming issues are dealt with “through the usual channels” – comparable with the House of Representatives arrangements. However, the Parliament Commission permits Members a more direct involvement in administration generally than is available to Australian Members.
- 2.98 The House of Commons Commission was created by the House of Commons (Administration) Act 1978, but has been reviewed and reformed several times. It is chaired by the Speaker. Other members include the Leader of the House, a Member nominated by the leader of the opposition and three back-bench Members appointed by the House. In practice, these members come from the government, the official opposition and one of the smaller parties. Thus the Commission must operate by consensus. The Commission is responsible for finance and administration and has wide powers. In practice, the Commission has delegated many of its functions in respect of staff and this protects the political neutrality of staff members. However, it retains responsibility for overall staffing arrangements.
- 2.99 In Scotland the Corporate Body is the Board of Management of the Parliament – having responsibility for the budget and the allocation of resources.
- 2.100 The French National Assembly has a Bureau, chaired by the President of the Assembly, which sets the rules governing the organisation and operation of departments of the Assembly including staff regulations and relations between the administration of the Assembly and staff associations. [*Rules of Procedure of the National Assembly*, Chapter IV, Rule 17]. The Bureau consists of six other Members elected by the Assembly at the commencement of a new session. They are supported by three Quaestors and 12 secretaries who are also elected by the Assembly. A committee of Members appointed to ensure proportional representation of the political groups, oversees the operations of the Bureau and issues a public report each year.
- 2.101 The Bureau appears to have considerable control over the day to day operations of the Assembly. All staff are appointed “in a manner provided by the Bureau” [*Rules of Procedure*, Chapter IV, Rule 18].

Conclusion

- 2.102 The committee was keen to learn whether Member involvement in administration was a matter of real power and / or influence, or more apparent than real. While there are clear differences across parliaments, there appears to be real influence by Members in all parliaments visited compared with the situation in our own parliament. Nevertheless there seemed to be various accommodations which ensured that governments were able to get legislation processed efficiently.

Codes of conduct

- 2.103 Discussions about a possible code of conduct for Members of the Australian Parliament have been held from time to time over the past two decades but no code has yet been implemented. The committee was therefore interested to learn how this issue had been addressed by the parliaments visited.
- 2.104 Most parliaments visited had some form of a code of conduct and responsibility for implementing the code generally rested with administrative bodies on which Members were represented. In most cases the code of conduct incorporated or existed alongside the rules relating to disclosing Members' interests. Both Houses of the Australian Parliament have such registers but they are not associated with wider guidelines on conduct.
- 2.105 At Westminster, both the House of Commons and House of Lords have codes of conduct for Members. The Commons' code of conduct (which is separate from the code for Ministers) was introduced in 1996 and updated in 2005. The code has an accompanying "guide to rules relating to the conduct of Members". The rules outline seven general principles of conduct underpinning public life, including integrity, accountability and honesty. The Commons has a Parliamentary Commissioner for Standards who publishes an annual report.
- 2.106 The code of conduct for the House of Commons has the status of a resolution of the House.
- 2.107 The Scottish Parliament also has both a Ministerial Code and a code of conduct for MSPs. Like the House of Commons, the code was agreed

by resolution of the Parliament. The first (2000) code was updated in 2003.

- 2.108 The committee was told that the Scottish Parliament also has an independent Scottish Parliamentary Commissioner who deals with complaints against Members based on the code of conduct. There is a Standards Committee with five members covering the four main parties. The role of the committee is to investigate conduct complaints which have been made to the Standards Commissioner. Generally, the Standards Commissioner identifies a breach of the code which is then considered by the committee.
- 2.109 In relation to general disciplinary provisions, the Presiding Officer can only ban a Member for a day. If a more severe penalty is called for, it is considered by the Parliamentary Bureau and then, if necessary, the matter is considered by an emergency meeting of the Standards Committee. The protections offered to Members accused of breaches of the code of conduct are appropriate because of the strict penalties which may apply. In a recent case, five MSPs who were suspended from the campus for a month for disruptive behaviour. MSPs are not paid for the duration of the exclusion. The committee notes that since 1998 a Member suspended from the service of the House of Commons also has his or her salary withheld for the period of the suspension.
- 2.110 The National Assembly for Wales has a code of conduct for Members which appears to have similar administrative arrangements to that of Scotland. The register of Members' interests is associated with the code. A Committee on Standards of Conduct considers complaints referred to it by the Presiding Officer. There is also an independent National Assembly Commissioner for Standards who provides "... advice and assistance on any matters of principle relating to the conduct of Assembly Members". The Commissioner is able to undertake investigations of complaints against Members for breaches of the code or of resolutions of the Assembly.
- 2.111 While not wishing to enter into the debate of whether the House of Representatives should have its own code of conduct, the committee can certainly see the advantages of involving Members in upholding standards both in the chamber and in public life generally.

Other issues

A family friendly parliament

Sitting hours

2.112 The two newer parliaments (in Wales and Scotland) certainly had the most modern arrangements for sitting days and hours. In both parliaments the sitting hours are virtually ordinary business hours – in Wales 9.00 am to 5.30 pm. The Assembly sits for 32 weeks per year.

2.113 The committee is very much aware that the pressure of time on national parliaments with a full range of responsibilities requires a more stringent approach to the number of sitting hours than in smaller parliaments with more limited subject matters to address. The House of Commons now has more reasonable sitting hours than previously but acceptance of the changes did not seem to be overwhelming. Moreover, the committee did not consider the current sitting hours entirely “family friendly”. The hours are:

- 14.30 - 22.30 on Mondays and Tuesdays
- 11.30 - 19.30 on Wednesdays
- 10.30 - 18.30 on Thursdays
- 09.30 - 15.00 on sitting Fridays.

Westminster Hall debates take place at the following times:

- 09.30 - 11.30 & 14.00 - 16.30 on Tuesdays and Wednesdays
- 14.30 - 17.30 on Thursdays.

Childcare

2.114 The Scottish Parliament has a crèche for the use of visitors to the building. It is not intended for regular use by Members and staff though it may be used for that purpose in an emergency. Access to the crèche is free for up to three hours – thus allowing visitors to observe proceedings, give evidence to committees or simply to explore the building. The crèche has places for up to ten children from babies to five year olds. Places may be booked or people can simply turn up with young children and see if a place is available. The committee got the impression the service is not well patronised.

2.115 On inquiry, the committee was told that while there is no childcare provided at Westminster, staff may access vouchers to help with the

costs of work-related childcare. There does not appear to be any help given to Members needing work-related childcare.

Communicating with the public

- 2.116 Both the Scottish Parliament and the National Assembly for Wales were excellent examples of sound administration and good resourcing coming together to support public education about and community involvement in proceedings. The House of Commons has also made a concerted effort in recent times towards improving community involvement in the work of the House.
- 2.117 The Tynwald retains the more traditional approach of posting a notice on the front door indicating the business and hours of sitting. In the context this is probably an effective means of informing the public about the business of the legislature. It was certainly bolstered by a very active radio station which appeared strongly focussed on the work of the Tynwald.
- 2.118 The Welsh Assembly provided centralised administration for all its public engagement efforts, encompassing visitors, marketing / public relations, education (schools and public), media and parliamentary relations. The Education Centre is housed in the 19th century Pierhead Building across a pedestrian mall from the new parliament building. On the outside, the building contrasts with the modernity of the main building, but the interior of the building has been refurbished to meet contemporary needs. There are 54 staff who perform the equivalent Australian functions of the Parliamentary Education Office, the Parliamentary Relations Office the House of Representatives Liaison and Projects Office, the guide service and other smaller offices. Again, the use of technology is impressive. The committee was also impressed by the outreach education program. As well as bringing students to Cardiff, there are educational advisers who visit schools throughout Wales to deliver parliamentary education.
- 2.119 The committee also notes the use of information screens throughout the parliament building which play a significant role in enriching public visits to the building (in addition to informing Members about proceedings in the chamber and in committees).
- 2.120 While the Scottish Parliament has also invested heavily in public education, the procedures relating to petitions are also very effective means by which the public can communicate with the Parliament.

Conclusion

- 2.121 The committee benefited greatly from exposure to the practices and procedures of other parliaments. The experience was highly enjoyable as well as informative. A number of suggestions for detailed inquiries have arisen from the study program. The committee is currently considering a priority list and timetable for these issues.

Notes on parliaments visited

Parliaments studied

- 3.1 This chapter provides a brief overview of the parliaments studied during the program in order to provide a context for the observations in Chapter 2. The notes are from the perspective of the committee's interests and do not attempt to provide an overview of the parliaments themselves. There is obviously much more that could be said about each of the parliaments visited, but such comments would not reflect the experience provided by the study program.
- 3.2 As noted in paragraph 1.6 above, the committee was able to visit, observe and have discussions at the House of Commons and House of Lords in London, the Scottish Parliament in Edinburgh, the Tynwald in Douglas, (Isle of Man), the National Assembly for Wales in Cardiff and the French National Assembly in Paris. The notes on these assemblies reflect information provided during discussions as well as documents provided by our hosts.
- 3.3 Three main factors influenced the decision to visit the four parliaments in the United Kingdom and one in France:
- a desire to compare practices and procedures with other parliaments sharing Westminster origins (The House of Commons, House of Lords, Scottish Parliament and National Assembly for Wales);
 - an interest in learning how quite different parliamentary traditions address issues relevant to all legislatures, including scrutinising the Executive, use of parliamentary committees, communicating with the

public, procedures for conducting formal votes, how parliaments adapt themselves to societal changes (the Tynwald and the French National Assembly in addition to the parliaments in Britain); and

- time constraints imposed by the need to slot the visit into part of the Easter break (returning in time for the Budget sittings) and the sitting patterns of other parliaments.

3.4 The committee would have liked to visit the Riksdag in Stockholm to study its influential parliamentary committee system and the Swiss Parliament in Berne to study the role Members have in the programming and administration of the Parliament. Time did not permit the extension of the visit to accommodate these objectives.

The Houses at Westminster

History

3.5 The history of the Parliament at Westminster is also part of our own parliamentary history (via the colonial legislatures). For Australians who think of history in terms of decades and the occasional century, the time scale of the Parliament at Westminster is awe-inspiring.

3.6 The House of Lords traces its origins to the 11th century when councils attended by the then version of the great and the good (the powerful and wealthy and the Church) advised the Saxon Kings. By the 13th century the King's advisers were more representative geographically and by the 14th century two distinct houses emerged. The house comprising shire and borough representatives became known as the Commons while the other, consisting of religious leaders (Lords Spiritual) and powerful magnates (Lords Temporal) became the Upper House or House of Lords. The United Kingdom Parliament remains bicameral.

3.7 These ancient origins are significant in the context of the now rapid pace of change, particularly in the case of the House of Lords. The recent history of the Upper House is nothing short of revolutionary especially considering that the Life Peerages Act which allowed the creation of unlimited numbers of peerages for life, is less than 50 years old. Of the more than 700 Members of the House of Lords at the end of 2005, 579 held life peerages and only 92 hereditary peers remained members. The Law Lords and Bishops made up the remaining numbers. The 1999 House of Lords Act removed the right of most hereditary peers to sit and vote in the

House, although an amendment to the Bill enabled the remaining 92 hereditary peers to remain until the House is fully reformed. Before 1999 more than 700 hereditary peers were entitled to sit and vote in the House.

Significant issues

- 3.8 The House of Commons has 646 Members of whom 520 are males and 126 females. The major party (which forms the Government) is the Labour Party with 355 members. The Conservatives have 196 members and the Liberal Democrats 63. There are only two Members classified as independents, though several of the minor parties which make up the remainder of the membership have only one member. Significantly, party lists do not include the Speaker, the Chairman of Ways and Means or the Deputy Chairman of Ways and Means.
- 3.9 The House of Lords operates on a party system like the House of Commons, but there are a significant number of Members (192) who occupy the cross-benches.
- 3.10 Reform was the main topic of conversation in all meetings held with staff and Members from the House of Lords and Commons. The Lords presented the committee with an insight into the dynamics of thorough-going reform. Reform of membership leads inexorably to questions about role and function. Members of the House of Lords are not elected and there has been significant adverse publicity about influences affecting appointment. Nevertheless, it appears to be accepted that the new House of Lords has more moral authority than the historic hereditary House. It is not clear if the fact that about a third of the Members are ex-Members of the House of Commons is significant in this regard. While the recipients of most life peerages are determined by an Appointments Commission, various office holders (Prime Ministers, Speakers and others) may be appointed as peers at the end of a parliament in a system known as “dissolution honours”.
- 3.11 The Lords take very seriously their scrutiny role which appears to be in response to the membership changes. The detail (Committee) stage of bills may not be well scrutinised until the bill is considered by the Lords. Average daily attendance in the Lords in 2004-5 was 388, up from 140 in 1962-63. While this may seem a fact from the distant past – in terms of the history of the Lords, forty years is a brief moment. The committee was told that the Lords was about to change the centuries-old practice of putting the chair of the Lords in the hands of the Lord Chancellor. At the time of the visit the practice was about to be overturned by the election of a Lord Speaker. (A female Speaker has since been elected and the Lord Speaker,

Baroness Hayman, took office in July). The Speaker of the House of Lords will be elected for five years and may not serve more than two terms. The Lord Speaker's powers have been carefully documented – awarding the office more influence than that wielded by the Lord Chancellor but (apparently) significantly less than that of the Speaker of the House of Commons. For example, the Chief Government Whip retains control of the speaking lists. The Lord Speaker may offer procedural advice but not during question time when that function remains with the Leader of the House.

- 3.12 One pleasing aspect of reform is that influence over practices and procedures does not flow in one direction only. Both the Commons and Lords have established parallel debating chambers – Westminster Hall in the Commons and the Grand Committee which meets in the Moses Room, in the Lords.
- 3.13 Prime Minister's question time in the House of Commons provided an example of how parliamentary traditions do not necessarily inhibit meaningful proceedings. The quaint (at least to Australian Members) practice of beginning questions with an inquiry on official engagements, leads to "real" supplementary questions which, moreover, may be followed up to glean further information.
- 3.14 The committee noted that the committee systems in both Houses at Westminster appear to be well resourced. All committees have dedicated secretariats and any flexibility in the staffing levels does not extend to sharing whole secretariats. The 18 departmental committees in the House of Commons are each staffed by between three and 10 permanent staff. In addition there are short term staff on two to four year contracts.
- 3.15 The committee was intrigued by the concept of "opposition time" which results in 20 parliamentary days being allocated to the motions and other business chosen by the official opposition and minor parties.
- 3.16 A highlight of the visit to Westminster was the meeting with the Procedure Committee (chaired by Mr Greg Knight) and the Modernisation Committee (chaired by Sir Nicholas Winterton). Through this meeting the committee gained a greater understanding of particular Westminster practices and the attitude to procedural reform. The discussion on the role of Speaker and his control over aspects of chamber business and who speaks was particularly interesting.
- 3.17 The current inquiry being conducted by the Modernisation Committee is "connecting Parliament with the public" – a topic of particular interest to our committee and one on which the committee has reported.

The Scottish Parliament

History

- 3.18 The union of the Scottish and English crowns occurred in 1603 when James VI of Scotland, the son of Mary Queen of Scots, became King of England and Scotland. However, Scotland continued to have its own parliament for more than a century after that – until the union of the parliaments in 1707. Scotland gave up its parliament for economic reasons but the union did not deprive Scotland of its sense of separateness. Many Scottish institutions and traditions – not least aspects of the legal system – were never entirely incorporated into a British attitude. Many years of working for a renewal of a Scottish Parliament ended with the advent of the Labour Government at Westminster.
- 3.19 In 1997, 290 years after the dissolution of the last Scottish Parliament, a referendum produced a clear majority in favour of the creation of a new Scottish Parliament. The vote was put into effect in the Scotland Act – an act of the United Kingdom Parliament – in 1998 and the new Parliament met in May 1999 (and was officially opened by the Queen in July 1999).
- 3.20 The Scotland Act is, in effect, the Scottish constitution. It lists the matters devolved to the Scottish Parliament and gives that parliament the right to increase or decrease basic income tax (a power not as yet used). The devolved powers equate in essence with the powers the states in the Australian constitution retained at federation. Social security, fiscal powers, trade and foreign policy are retained by the parliament at Westminster.
- 3.21 The Scottish Parliament is a unicameral assembly with 129 Members – 73 of whom represent constituencies (and are elected by a first past the post system) and 56 are regional Members of the Scottish Parliament (MSPs). There are eight regions, each with seven members elected by a proportional representation system. The largest party is the Scottish Labour Party (50 members) with the Scottish National Party the next in size (27 members). There are a number of smaller parties and three independents.

Significant issues

- 3.22 Following the positive vote in the 1997 referendum a Consultative Steering Group was established to develop proposals for the practical operation of the new parliament. The group (which represented all major

political parties) published its blueprint *Shaping Scotland's Parliament* in January 1999. The plan rested on four principles:

- Sharing power;
- Accountability;
- Openness, accessibility and participation; and
- Promoting equal opportunities.

- 3.23 These principles have since been adopted by the parliament. It appeared to the committee that they had been successfully incorporated into the practices, the proceedings and the building itself. The committee was intrigued by the way the Scottish Parliament took the basic building blocks of the Westminster system but adapted them to suit the philosophy of the new regime in ways that make some of them unrecognisable.
- 3.24 Parliaments are by nature bound by precedent. They are also the home of competing political and policy interests which may be in an uneasy balance. These two factors make it difficult to achieve significant reforms. Long term members of procedure committees (and not just in Australia) understand these pressures very well. It was therefore refreshing to talk to MSPs and staff who appeared to be resisting these parliamentary shackles. There seemed to be a freshness and openness in the attitudes of both MSPs and staff which give the new parliament an air of being free to explore ways of reflecting the aspirations of the community.
- 3.25 The building itself creates an immediate impression of innovation. It seems a place where ideas can be expressed and put into practice. The building (which was the subject of media and public outcries about cost overruns – not unfamiliar to Australians who remember the building of our own “new” parliament building) was designed by Enric Miralles. His Barcelona company won a 1998 international design competition. The Spanish firm EMBT created the new building in partnership with a Scottish architectural firm. The new parliament moved from its temporary accommodation into a building which is rooted in the landscape. Concrete “branches”, covered with grass, emerge from the leaf-shaped building. The landscape theme is picked up by large external wooden “stalks”. The modern building incorporates a heritage building – Queensberry House, part of which dates from 1667. Ironically, it was the home of the second Duke of Queensberry, one of the signatories of the Treaty of Union which saw the end of the Scottish Parliament in 1707.
- 3.26 Many of the discussions held with MSPs and staff provided food for thought for the committee and it is difficult to prioritise them. It is

certainly impossible to describe them all adequately, so a quick glimpse of highlights must suffice.

- 3.27 The petitions process is described above in Chapter 2 and but it bears repeating that the committee found the operations of the Petitions Committee to be notable and exciting. The arrangements seemed to be successful in converting an ancient (some might say “moribund”) process into a meaningful avenue for addressing community concerns. It is tempting to see the new life given to the petitions process as symbolic of the success of the Scottish Parliament in its aim to be open to the Scottish people.
- 3.28 Other innovative aspects of the Scottish Parliament included its administrative arrangements which appeared much more “democratic” in terms of Member involvement, than our own. As noted in Chapter 2, the business of the chamber is decided by the Parliamentary Bureau. This body, chaired by the Presiding Officer, appears to embody the roles of the “usual channels” in the more traditional Westminster based parliaments. It sets the business program for the chamber including the timing and other programming details of bills. It also appoints and determines the remit of committees. The results are published in the Business Bulletin, but surprisingly for Australian Members, so are the minutes of meetings. All are available on the website. The committee notes that while decisions about programming chamber business appear to be democratic to the point that efficiency might be impeded, discussions with non-government MSPs implied that in fact Parliament’s time is controlled by the Executive rather than by the Parliament itself – at least in comparison with some European parliaments.
- 3.29 The Scottish Parliamentary Corporate Body, also chaired by the Presiding Officer, provides staff, accommodation and services for the parliament – mirroring to some extent the functions of our Department of Parliamentary Services. Again, decisions are made by elected MSPs and all deliberations are open to public scrutiny on the website. The Corporate Body meets once a fortnight and members claimed the body was more than a “rubber stamp” for the Executive. The Clerk is the CEO of the Corporate Body.
- 3.30 First Minister’s question time in the Scottish Parliament was mentioned in Chapter 2. This avenue for scrutiny is enhanced by the fact that the six questions which are featured are selected by the Presiding Officer. MSPs are then able to follow up with supplementary questions. In addition to First Minister’s question time, there is one period of general questions of

Ministers and another is set aside for questions on specific themes (e.g. health).

- 3.31 Formal votes in the Scottish Parliament appear to be a model of efficiency. All votes are taken at the same time – generally at 5.00 pm on Wednesdays and Thursdays. Electronic voting enhances the efficiency of the process. Voting takes about 30 seconds and the voting console on each desk shows the subject of each vote. Following “decision time”, there is a period of “Members’ business” which provides an opportunity for private Members to speak on matters concerning their constituencies.
- 3.32 Another innovation (in comparison with many parliaments basing their traditions on Westminster) is “time for reflection”. While the Scottish Presbyterian Church is embedded in the history and traditions of Scotland, the new parliament did not adopt the practice of opening prayers. Instead, the first item of business on Wednesdays is “time for reflection” during which a speaker addresses the meeting for up to four minutes. The Parliamentary Bureau advises the Presiding Officer on suitable speakers who may then be invited to speak. In practice, nominations for speakers may be proposed by the religions or faiths direction. The selection of speakers reflects the balance of beliefs in Scotland (based on statistical data recorded in the Census). In addition to the established churches, speakers have been Buddhist, Bahá’í and “no religion”.
- 3.33 The planners of the new Parliament assumed that technology would be central to the practices and functions of the assembly. Electronic voting for example, appears not to have been the subject of debate and consideration. Rather, it was assumed that a modern parliament would have this functionality. Each MSP has a card containing a chip. It is necessary to use the card to open doors in the building, to vote, to indicate one’s request to speak in the chamber and it may also be used to obtain cash from an ATM. Members do not have allocated seating and the card allows them to sit anywhere in the chamber. However, MSPs seem to follow the convention of sitting in party blocks and party discipline appeared to be strong.
- 3.34 The committee spent two days at the Scottish Parliament so much more could be recorded, but these notes are not intended to be a complete account. A final note though should record the work of the Procedures Committee. The committee is indebted to Mr Donald Gorrie MSP, the Liberal convenor of the Procedures Committee, for sharing his observations on “how things are going” for the Scottish Parliament. While not attempting to summarise the discussion, one item in particular interested the committee – the treatment of committee reports. Reports are

presented to Scotland – not to the Parliament. They are debated in the chamber during 12 half days per year set aside for the purpose. The convenors group decides which reports get debated (as opposed to being the subject of statements) and the debates may be held after the report is published for eight weeks. The delay gives the government an opportunity to respond to recommendations before the debate.

- 3.35 The committee was a little surprised to find on its arrival at the Scottish Parliament that its “pioneering” study visit to Scotland was merely the most recent of a long list of Australian parliamentary visits. The relatively young Scottish Parliament has received 75 visits from Australian parliaments, consisting of over 300 members. With hindsight, the statistics are entirely understandable.

The Tynwald

History

- 3.36 The hand of history may rest heavily on the parliaments of Westminster and even Edinburgh, but in terms of parliamentary history, the Isle of Man is unique. The Tynwald, the legislature of the Isle of Man – a Crown Dependency of the United Kingdom but not a part of the UK – can claim to be the oldest continuous parliament in the world. In one form or another it has an unbroken history of more than 1000 years. Far from having its history lost “in the mists of time”, the modern Manx people and their parliament take pride in recounting the detail of their history and traditions.
- 3.37 The island was settled by the Vikings in the 8th century and the invaders brought with them the tradition of meetings of community leaders (generally landholders) to decide matters of policy and to settle disputes. The formal system of meetings can be traced back to the 10th century. A particular Viking tradition was the outdoor meeting in a place of particular geographic significance. It continues to the present day. When Viking rule was replaced by the authority of the King of Scotland in 1266, this Viking “parliamentary” tradition remained. It continued through centuries during which the ownership of the island passed between Scotland and England. The Stanley family of Lancashire were the Lords of Mann from 1405 to 1736 when it passed to the Dukes of Atholl who retained power until it was re-vested in the British Crown in 1765. The

British Queen is the current Lord of Mann. She is represented by a Lieutenant Governor.

- 3.38 The ancient traditions are celebrated in annual outdoor sittings of the Tynwald – held on a hill at St Johns on 5 July each year. In the Viking tradition, the laws were read out aloud in their entirety at the annual outdoor meeting. This continues but fortunately only the laws passed since the last Tynwald Day are now read. This ceremony has real as well as symbolic significance. Each Act of Tynwald must be promulgated on Tynwald Hill within 18 months of enactment or it ceases to have effect.
- 3.39 As an indication of the power of tradition in the Isle of Man, the open air sitting at St Johns is held on 5 July because this was midsummer day in the Julian calendar. When the old calendar was replaced throughout Europe in the 18th century, the Isle of Man retained the old identification of midsummer day for the purposes of the annual outdoor sitting.

Significant issues

- 3.40 The Isle of Man has a tri-cameral parliament consisting of a popularly elected House of Keys, a Legislative Assembly and the two sitting together as the Tynwald Court. Each legislative part has its own chamber in the current parliament building in Douglas. The parliament has met at different sites in its long history. The immediately previous parliamentary building is in Castletown and is kept in its original condition – complete with quills at every seat at the table.
- 3.41 The Legislative Council has ten members and includes *ex officio* the Bishop and the Attorney General (who does not have voting rights). The other members of the Council are elected by the House of Keys. The chairman of the Council is currently the Hon Noel Cringle.
- 3.42 The House of Keys consists of 24 elected representatives from 15 constituencies. Three Members are females. A quorum is 13 including the Speaker but with an absolute majority of 16 being required to change the constitution. Members serve a five year term. The legislative year is from October to June, during which sittings are normally held three Tuesdays per month from 10.00 am to 1.00 pm and from 2.30 pm to 5.30 pm. Each sitting commences with prayers followed by Question Time. Most of the remaining time is devoted to proposed legislation.
- 3.43 The remaining Tuesday of the legislative year is the start of the monthly sitting of the Tynwald which can last for three days. Regarded as the third

part of the legislature, the Tynwald consists of the House of Keys and Legislative Council sitting together. The chairman of the Council is also the President of the Tynwald and is elected for a five-year term by Tynwald members (i.e. members of both Houses). At meetings of the Tynwald, the Speaker of the House of Keys (currently the Hon Tony Black SHK) and the House of Keys officials sit at the front of the lower level of the Tynwald chamber while the President and Legislative Council officials occupy a higher level behind the Speaker.

- 3.44 The committee was privileged to be present at a sitting of the Tynwald and to witness a formal vote. As noted in Chapter 2 above, a Tynwald vote is held in two parts, with a roll call of the House of Keys being conducted first, followed by a similar process for the Legislative Council. The respective clerks conduct the vote and count and announce the results.
- 3.45 Questions for oral answer are published on the order paper before the sitting. On the day the committee attended, none of the 9 questions (several having multiple parts) seemed to be of the “Dorothy Dix” variety.
- 3.46 Reverence for tradition permeates the buildings, traditions and practices of the Tynwald and its several parts and not just on Tynwald Day. On the day the committee attended a meeting the topic before the chamber was rescission of a previous decision regarding the title of the Head of State. This topic inflamed strong passions and accusations of lack of respect (including lack of respect for the Sovereign) were made. The absence of certain Members from the chamber (an unusual event apparently) was noted and an attempt to adjourn the matter was unsuccessful.
- 3.47 A further example of respect for tradition is the Manx Sword of State which is carried before the Lord of Mann or the Lieutenant Governor if the Sovereign is not present, on Tynwald Day at the outdoor sitting. This sword dates from the 12th or 13th century and may have been the sword carried by King Olaf on crusade against the Moors about 1215. Its original end is missing – having been apparently used as a poker. The sword lies on the table in the middle of the Tynwald Chamber in Douglas during ordinary sittings.
- 3.48 Despite the weight of tradition (and the robes worn by the Speaker of the House of Keys and the President of the Tynwald at the annual outdoor sitting are truly spectacular) it would be a mistake to consider the legislative arrangements of the Isle of Man irrelevant to the modern day. The subject matters dealt with by the Tynwald are as up to date as those in other jurisdictions (car parking and speed limits dominated the legislature and the radio during the committee’s visit).

- 3.49 Furthermore, the Tynwald appears to have managed to maintain real substance in ancient traditions such as petitioning. Any person may approach Tynwald Hill on Tynwald Day and present a Petition for Redress of Grievance. If the petition is in order, any Member of Tynwald may subsequently request the Tynwald to consider the substance of the petition. The committee was told that grievances are in fact addressed by this procedure and changes to legislation have followed.
- 3.50 The committee found it refreshing to see that the Manx national day – Tynwald Day – has at its heart a parliamentary tradition. Tynwald Day is a day of celebration and party for the whole island and is a very grand occasion indeed.

Welsh Assembly

History

- 3.51 The history of the National Assembly for Wales is both similar to and different from that of the Scottish Parliament. The similarities begin with chronology.
- 3.52 A separate Welsh legislature was initiated by the new Blair Government in July 1997 with the publication of a White Paper *A Voice for Wales*. Proposals in the paper were endorsed in a referendum in Wales in September 1997. The Parliament at Westminster passed the Government of Wales Act in 1998 and this established the National Assembly for Wales which first met in 1999. As in Scotland, the parliament met initially in a temporary building but has since (March 2006) moved into a splendid new building.
- 3.53 There are significant functional differences between the Welsh and Scottish Parliaments – not least of which is the fact that the transfer of authority to the Welsh Assembly has been more gradual than that experienced by Scotland. The effect of the National Assembly for Wales (Transfer of Functions) Order 1999 was to transfer the devolved powers and responsibilities from the Secretary of State for Wales to the Assembly. The central function of the Assembly is to determine delegated (subordinate) legislation. Currently, it cannot enact primary legislation in its own right (unlike the situation in Scotland).

- 3.54 Perhaps more significantly, there is (currently) no legal separation between the Executive and the Legislative branches in Wales – an unusual situation for a body which had its origins in the Parliament at Westminster. The system of governance is being developed and it is expected that a bill to separate the parliament and government of the Assembly will be enacted by the end of 2006 (with appropriate changes to be made in 2007).

Significant issues

- 3.55 The Welsh National Assembly (legislative branch) consists of 60 Assembly Members elected for four years. Voters have two votes – to elect 40 constituency Members by a first past the post system – and 20 regional Members by a proportional representation system. There are five regions – each covering seven to nine constituencies.
- 3.56 The Assembly sits in plenary session on Tuesday and Wednesday afternoons. Wednesday mornings and Thursdays are usually devoted to committee work. As in some other parliaments with limited sitting times (compared with the Australian Parliament) Members are likely to be in the Chamber whenever the Assembly sits. The committee was told that the debating style of the chamber is quite interactive, but that the Presiding Officers would like to see more interaction.
- 3.57 Question time (though not observed by the committee) appears to be an effective forum for discovering information – partly because of the standing orders applying – particularly in relation to timing. First Minister's questions are held on Tuesdays and two weeks notice of questions is required. A Member who asks the question is allowed a supplementary question and other Members can then get a supplementary question. There is a three minute limit on the total time available for the question and answer of supplementary questions. It follows that a question which is too long is unlikely to get a full response. This tends to limit prefacing of questions by observations or comments.
- 3.58 The Assembly has seven subject committees and five standing committees. Each subject committee mirrors the portfolio of a Cabinet Minister and the relevant Minister is a member of the Committee. One of the standing committees which interested the committee was the "Committee on Standards of Conduct" which oversees the conduct (as specified in the regulations) of Members and examines alleged breaches. There is a standards commissioner (similar to the situation in Scotland). Failure to comply with the rules of the Register of Members' Interests is a criminal

offence. There seems to be an unwritten agreement with the Crown Prosecutor not to use this power to pursue trivial matters.

- 3.59 The Assembly also has a Business Committee (with duties similar to the Bureau in Scotland), a House Committee (comparable with the Scottish Corporate Body) and five Regional Committees.
- 3.60 The latter underline the strong commitment of the Assembly to “taking the parliament to the people”. Both constituency and regional Assembly Members make up each Regional Committee. They ensure that the views of local communities are heard so the Assembly can better represent the whole of Wales. Some Assembly parliamentary service staff are based in the regions to develop relationships with local, community and regional groups. They attend events and exhibitions where they meet local people, seek their views and promote the work of the Assembly.
- 3.61 The current role of committees appears to be constrained by the limitations on the Assembly’s powers but there is some scrutiny of legislation. This is a situation which will be addressed by the evolution of the Assembly’s functions.
- 3.62 Six days a year are reserved for debating committee reports. A panel of chairs decides which reports get debated.
- 3.63 Sittings are chaired by the Presiding Officer who is elected by all Assembly Members and who continues the Westminster responsibility for ensuring that all decisions are made on the basis of equality and impartiality. As in the House of Representatives (and previously in the House of Commons), the Clerk of the Assembly takes the chair for the election of the Presiding Officer.
- 3.64 The committee’s timetable did not allow a visit to the National Assembly for Wales on a sitting day. While this was unfortunate, it did allow the Clerk (Paul Silk) to spend more time with the committee than would have been possible on a sitting day. It also allowed the committee to “invade” the chamber and experience first hand the impressive technology available to Assembly Members.
- 3.65 The attention paid to constituents outside of Cardiff is mentioned in 3.60 above. This work is complemented by the outreach program in Cardiff. An impressive visitors’ centre occupies the historic Pierhead building. The equivalent functions (for the House of Representatives) of the Parliamentary Relations Office, the Liaison and Projects Office, the Parliamentary Education Office and the Department of Parliamentary Services Guide service are administratively unified and operate out of the Pierhead building. There are about 54 staff members engaged on these

activities. Students travelling to Cardiff for education programs are subsidised by £1 per mile.

3.66 Chapter 2 refers to some of the technology available to Assembly Members, staff and visitors to the Senned building on Cardiff Bay. The information will not be repeated here except in summary. Key aspects were:

- Computers integrated into every desk in the chamber which are simple to operate and control the voting system, access to information (including chamber documents), and communication with the Presiding Officer and other Members in the chamber; and
- Information screens throughout the building – particularly clustered near the main information / visitors’ reception area – which allow Members, staff and visitors to find out what is happening (and what is coming up) in the building.

French National Assembly

History

3.67 The history of the French Parliament (by its various names) is closely linked with the violent history of the French population’s struggle against what was seen as tyranny of one form or another. Most Australians know of the French Revolution of 1789 which (eventually) resulted in the end of the traditional hereditary monarchy (but not attempts to found another). From that period – the establishment of the first National Assembly – French sovereignty was held to belong to the nation rather than the person of the monarch. This revolutionary concept was expressed in the constitutions of 1791 and 1795.

3.68 Skipping a couple of centuries and much more messy history, France is now enjoying the Fifth Republic. The current legislative arrangements consist of a Senate and a National Assembly. The latter was visited by the committee on a sitting day. The amount learned by observing the chamber was somewhat constrained by the “language difficulty” – i.e. we had either non-existent or limited French. This deficiency was expertly addressed by M. Frédéric Slama but unfortunately he could not talk to the whole group during sittings.

- 3.69 The National Assembly consists of 577 Members (known as deputies). Members represent single member constituencies and are elected for five years (though the President may dissolve the Assembly earlier). The electoral system is proportional representation. In the European style, the separation of powers – particularly between the legislature and the executive – is more absolute than in our system. Ministers are elected, but once they are selected as Ministers they stand down from their constituencies.
- 3.70 The Assembly meets in the historic Palais Bourbon which overlooks the River Seine. The building was constructed between 1722 and 1728 for the Duchess de Bourbon (a “legitimated” daughter of Louis XIV) and declared a national property under the Revolution. In 1827 the state acquired the palace and commissioned the architect Jules de Joly to transform it into a seat for the parliament. Many traces of its aristocratic origins including magnificent frescoes, statues, paintings and tapestries remain. Later artworks have added to the richness of the building. The library – 42 metres long and featuring on its walls and ceiling paintings by the 19th century artist, Delacroix – is particularly memorable. Amongst its treasures are the original minutes of Joan of Arc’s trial in Rouen. The committee is very grateful for the opportunity to view the public and private areas of this magnificent building while listening to a description of how the Assembly works.
- 3.71 The building has adapted well to the modern age and is now a communications hub. The Palais Bourbon has had its own television channel since 2000 which broadcasts from the Assembly itself parliamentary debates, news and political information.

Significant issues

- 3.72 The Assembly is making a big effort to engage with the public via the website and facilities within the palace. The latter has a Kiosk, which, in addition to selling souvenirs, has an interactive consultation area. As well as collecting written information on the Assembly and its committees, the area provides access to the website and the many CD-ROMs produced by the Assembly.
- 3.73 The committee was very pleased to have the opportunity to attend question time where the proceedings could be guessed at despite the language barrier. The committee was left with the impression that the occasion did seem to be a forum for obtaining information. Also, while it

was “lively”, the behaviour of the deputies seemed to be respectful of the institution. Some details were filled in during a later meeting. Question time is held at 3.00 pm and questions are allocated in proportion to the number of members in a party. The question time observed was apparently “all politics” but other question times are more genuinely opportunities for gaining information.

- 3.74 The committee was keen to find out about how the committee system of the Assembly operated. The differences from our own system seem so immense that it is difficult to take away ideas which might work in our own parliament. There are only six permanent committees – one of the smallest has 73 members but others are larger. Each is equipped with a permanent secretariat with eight senior parliamentary staff and another seven more junior staff members.
- 3.75 The role of committees in scrutinising legislation appears to be very significant. Draft bills emanate from the Executive. Once transmitted to one of the Houses, they are sent to the committee with responsibility for the subject matter. A rapporteur (a deputy who is a member of the committee) is appointed and an inquiry conducted. The resulting report is presented to the committee members who have a debate on the report. Scrutiny gets down to the level of clauses and amendments may be incorporated. Amendments can be received from deputies who are not members of the committee. At the end of the process, the draft bill which is transmitted to the plenary is the draft bill of the committee. In the plenary, all amendments are debated once more. Once a draft bill is agreed to by the House it is transmitted to the other House where the whole process (including committee scrutiny) is repeated.
- 3.76 The rapporteur’s work is private but he (rarely she) has a significant input into the inquiry. The result of the rapporteur’s private investigation may be incorporated into the report. Alternatively, when the Executive forwards a draft bill, the Assembly can decide to establish an inquiry committee on the subject of the bill. That inquiry would be held in public. Inquiry committees have a maximum of 30 members.
- 3.77 In response to a question about how electronic voting works in the Assembly, the following information was provided:
- There are two rings of a bell for a vote after which the President waits for five minutes;
 - For an ordinary vote, usually only those deputies within the “hemicycle” vote;

- For a full vote of all 577 deputies, each sits in his / her own seat and presses “yes”, “no” or “abstain”;
- The result is displayed on the President’s screen first and he announces the result. Only then can it be displayed on the chamber screens.

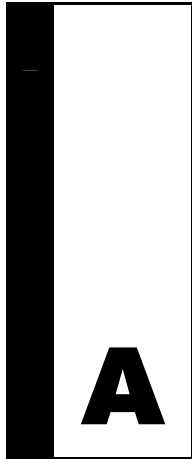
- 3.78 The committee attempted to pursue its interest in the administration of the Assembly (but cannot guarantee that some of the detail was not lost in translation). The short story is that the Government decides the agenda of the Assembly and not the Assembly itself. Within these constraints, the process seems fairly open. It seems that on Tuesday mornings, the Speaker (President of the Assembly) meets with committee chairs and chairs of political groups in a gathering known as the President’s Conference. The agenda for the plenary is determined including the detail of how much time should be accorded to each bill. Speaking time is divided amongst the political groups and they then allocate the time within each group. It may be as much as 15 minutes per person but it depends on how many people wish to speak. On a recent immigration bill, each deputy could speak for 5 minutes.
- 3.79 The sitting pattern of the Assembly covers eight months (from October to June) less the Christmas / New Year holiday and a Spring break. The Assembly sits from Tuesday to Thursday with a daily pattern as follows: 9.30 am – 12.30 pm; lunch break; 3.00 pm to about 7.30 pm; dinner break; 9.30 pm to about 1.00 am. In addition the Assembly can have extraordinary sittings in the summer break.
- 3.80 The committee was keen to learn about the role of the Speaker / President. During question time in the chamber his authority seemed fairly absolute. Later however, the committee was told that questions and answers should be brief – about two and a half minutes each. Despite this, the President is unlikely to interrupt the Prime Minister (though questioners are not treated so gently). Interestingly, procedural change is usually initiated by the President of the Assembly. Procedural change must be achieved by legislation but the bill only has to be approved by the relevant House. By tradition, procedural changes need the support of all members (not just the majority). This seemed somewhat of an innovation to committee members from both sides.

Conclusion

- 3.81 Much more could be noted about the parliaments visited and what the committee learned but enough information has (hopefully) been provided to convey the flavour of the study program. All members of the committee agree that we enjoyed much, learned much and can learn a great deal more. It only remains to thank, once again, our many kind hosts for generously sharing their time and expertise with us.

Margaret May MP

Committee Chair



Appendix A – Meetings

Westminster

Mrs Susan Morrison, Procedure Committee Assistant Clerk

Tour of Palace of Westminster

House of Lords round table

Lord Brabazon of Tara, Chairman of Committees

Lord Grocott, Government Chief Whip (PPS to Tony Blair 1994-2001)

Lord Shutt of Greetland, Liberal Democrat Chief Whip

Lord Williamson of Horton, Convenor of Crossbench Peers

Andrew Makower, Clerk of the Procedure Committee

Rhodri Walters, Clerk of Committees and the Overseas Office

Rt Hon Hilary Armstrong MP, Government Chief Whip

Alan Sandall, Deputy Principal Clerk, Public Bill Office: programming of legislation and bills etc

Andrew Kennon, Principal Clerk, Select Committees: scrutiny of legislation in terms of pre-legislative scrutiny of draft bills before select committees and resources for select committees

Christine McCafferty MP

Reception at Australia House (hosted by Deputy High Commissioner)

Modernisation Committee

Procedure Committee

Prime Minister's Question Time

Scottish Parliament

Margaret Neal, External Liaison Officer and Assistant Secretary, Scotland Branch of the CPA [presentation on Devolution and the Scottish Parliament]

Bill Aitken MSP and Margo MacDonald MSP [functions of the Scottish Parliamentary Bureau]

Donald Gorrie MSP Convener, Karen Gillon MSP Deputy Convener, Jonathon Elliot and Mary Dinsdale, Clerks of the Procedures Committee [all aspects of the procedural committee and how changes take place]

First Ministers Question Time

Members of the Commonwealth Parliamentary Association (Scotland Branch) Executive Committee (James Douglas-Hamilton MSP and Jamie Stone MSP)

Michael McMahon MSP Convener and Dr James Johnson Clerk of the Petitions Committee [all areas of petition work, focusing on e-petitions]

Kenny MacAskill MSP, John Scott MSP and Duncan McNeil MSP – Members of the Scottish Parliamentary Corporate Body and Judith Proudfoot (Secretary), [role of the Corporate Body]

Deputy Presiding Officer, Trish Godman MSP

Elizabeth Watson, Head of Committee Office [staffing of Committees, public participation / fact finding events and external committees]

Ken Hughes, Head of Chamber Office [electronic voting arrangements, Question Time and First Ministers Question Time]

Irene Fleming, Senior Assistant Clerk, Business Team [Parliamentary Timetables]

Ken Hughes Head of Chamber Office, Elizabeth Watson, Head of Committee Office, Irene Fleming, Business Team and Margaret Neal, Assistant Secretary CPA (Scotland Branch)

Tour of the Scottish Parliament

Tynwald (Isle of Man)

Speaker of House of Keys – Hon J.A. (Tony) Brown and President of Legislative Council [with Clerk Malachy Cornwell-Kelly]

Tour of House of Keys and Legislative Council Chambers

Speaker Brown [work of the chambers and Tynwald Court]

Observation of opening prayers, debate and formal vote in Tynwald

Jack Keighly [Tynwald Hill – site where laws read aloud on Tynwald Day and St John's Church on Tynwald Hill].

Welsh National Assembly

Guided tour of Senedd and Pierhead. Overseas and External Relations Unit.

Andrew George, Head of Chamber Services and Clerk to the Business Committee.
[Demonstration of Information and Communication Technology in the Senedd Siambr]

Gill Lambert, Head of Public Information and Education [Engaging the Public; Briefing and discussion]

Dianne Bevan, Deputy Clerk to the Assembly and Clerk to the House Committee
[House matters; committees; briefing and discussion]

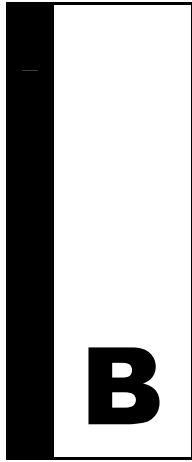
Andrew George, Clerk of the Business Committee [Assembly Business; briefing and discussion]

French National Assembly

Ms Pascale Forget, External Affairs [Tour of Palais Bourbon with a history of the institution]

Mr Philippe Houillon, President of the Legislation Committee [Session of questions to the Government]

Mrs Corinne Luquiens, Director of the Office of Procedure



Appendix B – Issues for study

General

- Parliamentary scrutiny of legislation particularly by the use of committees;
- Parliamentary scrutiny of government particularly by the use of question time (equivalents)
- The involvement of members in the administration of parliaments (including Bureaux and Commissions]
- The role of procedural “reform” in precedent bound institutions
- Opportunities for private members
- Arrangements for the opening of parliament

United Kingdom

House of Commons:

- Meeting with the Modernisation Committee to discuss role and function; reform agenda; approaches to procedural reform
- Meeting with Procedure Committee to discuss approaches to the standing orders; role of the Procedure Committee; recent activities
- Westminster Hall – role and prospects for development
- Prime Minister’s Question Time
- Scrutiny of legislation – approaches; methods; outcomes
- Parliamentary committees – structure and staffing; role of non-members; e-consultations
- Arrangements for opening day including election of Speaker
- Management of business before the House – programming;
- Role of Speaker – particularly in the chamber - rulings; points of order; dissents;
- The security environment - impact on Members, staff and public.

House of Lords:

- Structural reform and future prospects for reform
- Lords' committee system

Parliament of Scotland:

- Developing procedures for new functions
- Petitioning the Parliament (including e-petitions)
- Public information
- Electronic voting
- Use of technology in parliaments
- Committee system
- Conduct of question time

Tynwald (Isle of Man):

- Role of Legislative Council, House of Keys and Tynwald Court
- History of the Tynwald and impact of its legacy on other parliaments
- Approaches to balancing tradition and relevance to current values and expectations - extent to which the balance is reflected in the standing orders
- Maintenance of the standing orders
- Jurisdiction of the Tynwald
- The open air meeting tradition – current status
- Opening day ceremonies

Welsh National Assembly

- Evolution of the Assembly and role/function
- Use of technology (the “paperless chamber”)
- Public information
- Electronic voting

French National Assembly

- Overview of the presidential system
- Adapting procedures to changing political circumstances
- Electronic voting
- Arrangements for the election of Presiding Officer
- Arrangements for special committees to consider legislation (government and members)
- scrutiny of the executive
- the concept of a parliamentary bureau



Appendix C – Committee information

[information sent to Parliaments about the Standing Committee on Procedure]

1 Procedure Committee

Role
History
Major achievements
Recent inquiries
Current inquiry
Ongoing interests

2 Similar House of Commons committees

Modernisation Committee
Procedure Committee

Role

To inquire into and report on the practices and procedures of the House and its committees. (SO 221)

7 members (4 government; 3 non-government)

History

First established 27 February 1985. Replaced Standing Orders Committee. Joint Committee on Parliamentary Committee System found in 1976 that the standing orders committees in both Houses were too top-heavy with ex officio appointments (Speaker, Deputy Speaker, Leader of the House, Leader of the Opposition) to find time to achieve results.

Because of the Constitution (sections 49, 50) and because 60 out of 75 original Members had served in colonial legislatures, many of the powers, privileges, practices and procedures were passed on from the House of Commons. During its first half century, procedural reform in the House of Representatives was slow. Temporary standing orders adopted in 1901 were not replaced by permanent standing orders until 1950.

Before the Procedure Committee, the focus of procedural change was on streamlining the operation of government business: gag (1905); speech time limits (1912), guillotine (1918); permanent SOs (1950); new financial procedures (1963).

The Procedure Committee has broadened the scope of procedural reform to include greater opportunities for private Members; the operations of committees and community involvement.

Major achievements

A comprehensive regime for arranging private Members' business and the consideration of committee and delegation reports (1989).

Establishment of the Main Committee as a parallel debating Chamber to streamline the legislative workload and provide opportunities for private Members (1994).

Measures to enhance the visibility and accessibility of the House to the public through media and other channels (2001).

Complete redrafting and reorganisation of the standing orders (2004).

Recent inquiries

Maintenance of the standing and sessional orders part 1: speeches at the election of Speaker and time of presentation of Explanatory Memorandums [presented 27 March 2006].

Procedures relating to House committees including: arrangements for presenting reports; time allocated to committee work in the House and Main Committee; and attendance at committee meetings by visitors [presented 5 December 2005].

A History of the Committee on its 20th anniversary [presented 28 November 2005].

All aspects of media coverage of the House (including proceedings in the House, the Main Committee and committees of the House) [presented 10 October 2005].

The application of the standing orders on the anticipation rule [presented 14 March 2005].

Current inquiry

Maintenance of the standing and sessional orders including review of sessional orders:

Main Committee meetings on Mondays to consider committee and delegation reports

Order in the Main Committee

Times for Members' statements and adjournment debates in the Main Committee

Times for debates on dissent motions

Ongoing interests include

Improving the status and operations of the Main Committee

Voting procedures

Opportunities for private members

Improving opportunities for scrutinising legislation

Conduct in the House especially at question time

Arrangements for opening of parliament