A PARLIAMENTARY BIBLIOGRAPHY

1991 - SEPTEMBER 1993

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BICAMERALISM

[This paper analyses the legislative influence of upper houses in bicameral legislatures.]


BILL OF RIGHTS

[This article contains an outline of the broad method of analysis adopted by the Supreme Court of Canada in exercising its powers of constitutional review under Canada's new Charter of Rights and Freedoms and tries to answer the question of whether the jurisprudence written by the Canadian Court should be of interest to anyone who is not legally bound to follow its judgments.]

[A former Supreme Court justice discusses the importance of entrenched and enforceable rights in a democratic society.]


[The author feels that rather than the ICCPR providing a de facto bill of rights it may spur the introduction of a constitutionally entrenched bill of rights for Australia.]

[Asking whether Australia should have a Bill of Rights is not the same as asking whether Australia should protect human rights. The answer to the second question is 'yes', whereas the answer to the first is far more equivocal.]


[This article was an address to the Australian Senate Occasional Lecture Series, given at Parliament House, 7 September 1992.]


[Article adapted from an address to the eighteenth Allen Hope Southey Memorial lecture, University of Melbourne, 29 August 1991. The author is a Justice of the Supreme Court of Canada.]


[What are the ramifications of the recent decisions of the High Court for the establishment of a general right to privacy?]

**BILLS - AMENDMENTS**


[This paper utilises the theory of organisation design developed by Galbraith in *Designing Complex Organisations* and *Organisation Design* in an analysis of the legislation amendment task.]

**BILLS, PRIVATE MEMBERS**


[In Canada rule changes have created the chance for private members' bills to play a key role in the decision-making role of government, but the track record to date has been dismal.]


[A look at the hurdles that need to be overcome if a private members bill is to succeed in Westminster.]

**BILLS - PROCEDURE**

Mitchell, Geoffrey D *Clerical corrections in bills which have passed both Houses*, paper presented to the Presiding Officers and Clerks Conference, 24th, Vanuatu, 1993: 6p.

[The author reviews a case in South Australia where an Act was challenged in a court on the grounds that a clerk had made changes not agreed to by both Houses.]

**BILLS - SCRUTINY**


McNaughton, Bronwyn *Referring bills to Senate committees: more heat then light?*, Legislative Studies, vol.6, no.1, Winter 1991: 34-45.


**BROADCASTING**


[Complaints about the restrictions on TV coverage of Parliament are likely to bring change.]


Miller, Toby, *The 'visible scenario' of politics: question time on screen*, Media Information Australia, no.59, February 1991: 55-58


[The Lords Select Committee on Broadcasting have reported on the future arrangements for televising proceedings of the House.]

**CLERKS**


[Table prepared by the Society outlining the rank, salary, appointment and tenure of clerks in Commonwealth Parliaments.]


[The Clerk of the House of Commons, Sir Clifford Boulton, KCB talks of his role.]

**COMMITTEES**


COMMITTEES - AUSTRALIA


[The Senate Scrutiny of Bills Committee will be 10 years old in November 1991. The author reflects on what has been achieved and considers where the Committee might go in the future.]

[The author outlines the important role of parliamentary committees in ensuring accountability.]

Chairman of the parliamentary inquiry into Australia's print media discusses the possibility that two witnesses, Mr Packer and Mr Kennedy, may have misled the Committee. Morning Show (2CN, ABC Radio), 23 March 1992: 3p.

[An inquiry into auditors and valuers would allow the Joint Committee on Corporations and Securities to review corporate behaviour.]


Hamburger, Peter Senate Inquiry into the Development of the Senior Executive Service, Canberra Bulletin of Public Administration, 61, July 1990.


[The law is often an ass, but the Senate watchdog's legal adviser ensures few donkeys get a run.]

[Deep in the heart of the Senate sits the first line of defence against over-the-top delegated legislation.]

McNaughton, Bronwyn The numbers, Australian Institute of Administrative Law Newsletter, no.6, 1991: 25-7.
[An outline of how one standing committee copes with the difference in the composition (the numbers) between the committee and the chamber when examining bills referred to it.]


Senate Committee attempting to define ministerial responsibility following problems with the pay TV tendering process. Lateline, 20 July 1993: 10p.


[A review of the performance which created media history in more ways than one.]


[The Senate Standing Committee on Regulations and Ordinances, a committee most people have never heard of, has never had its recommendations rejected by the Senate in almost 60 years.]

COMMITTEES - AUSTRALIA - NEW SOUTH WALES


COMMITTEES - AUSTRALIA - VICTORIA

[The author examines the Scrutiny of Acts Committee of the Victorian Parliament.]

COMMITTEES - UNITED KINGDOM

[A summary of the United Kingdom House of Commons committees work during the 1989-90 session.]

[The development of a system of select committees in the House of Lords is one sign of its emerging role as a revising chamber. The Select Committee on Science and Technology fitted the new-look House of Lords well: it played on the strengths of the House and complemented the work of the Commons instead of competing with it. This paper looks at the methods and enquiries handled by the Committee in the eighties.]

[British MPs, particularly backbenchers, are frustrated with their jobs and seek meaningful roles to play in the House. An increasingly important avenue is through select committee service, which offers them a variety of rewards and opportunities.]

Negrine, Ralph Reporting parliamentary committees: the investigation of the Rover Group sale to British Aerospace, Parliamentary Affairs, vol.45, no.3, July 1992: 300-408. [The author examines the ways in which the media and select committees in the United Kingdom work together and how they can each improve the relationship.]


COMMITTEES - UNITED STATES

Cohen, Richard E. People of influence, National Journal, vol.23, no.24, 15 June 1991:1390-1. [As their legislative influence has grown, there have been frequent complaints about the assertiveness, power and arrogance of congressional committee staff assistants.]

CONSTITUTIONAL HISTORY


Millar, Ann 1891 and all that, Legislative Studies, vol.6, no.2, Summer 1992: 53-6. [The anniversary of the first draft of the Australian Constitution has been marked by an exhibition and by a series of lectures both held under the auspices of the Department of the Senate.]

........., Drafting the Pattern for a New Nation, Canberra Times, 14 August 1991.


CONSTITUTIONAL REFORM


Craig, John A United States of Australasia?, Australian Journal of Political Science, vol.28, no.1, March 1993: 38-53. [This article looks at the possibility of a political union between Australia and New Zealand and some of the processes and politics involved with five scenarios under which union might or might not take place.]


Dale, William The making and remaking of Commonwealth constitutions, International and Comparative Law Quarterly, vol.42, no.1, January 1993: 67-83. [This article attempts an assessment of the successes and failures of Commonwealth constitution-making during the past 40 years or more.]
Hulme, S E K. *The Constitution and its confused critics*. IPA Review, vol.45, no.4, 1992: 15-19. [This article is an edited version of a speech delivered to the inaugural Samuel Griffith Society Conference held in July.]


Legislative Assembly of the Northern Territory Committee on Constitutional Development. *Constitutional change in the 1990s: papers presented to conference*, 4-6 October 1992.

(a) Opening Address
Hon. J.H. Muirhead, Administrator of the Northern Territory

(b) Welcoming Address
Hon. Steve Hatton, MLA

(c) Keynote Address
Hon. Ray Groom, MHA, Premier of Tasmania

(d) A Government of Laws, and Not of Men
Justice John Toohey, AC, High Court of Australia

(e) Democratic Constitutionalism
David Solomon, Chairman, Electoral and Administrative Review Commission

(f) Wither Majoritarianism?
Peter McNab, Faculty of Law, Northern Territory University

(g) The Role of an Elected Convention in Constitutional Revision
R.D. Lumb, Professor of Law, University of Queensland

(h) Experiences in Constitutional Development in Post-Independent Papua New Guinea
Bernard Narokobi, MP, National Parliament of Papua New Guinea

(i) Constitutional Development in the Northern Territory
Hon. Steve Hatton, MLA

(j) Constitutions for all Australians
Lois O'Donoghue CBE AM, Chairman, Aboriginal and Torres Strait Islander Commission

(k) The Australian Constitution in the 1990s: Context and Agenda for Change
Brian Galligan, Federalism Research Centre, Australian National University

(l) The Contents of Constitutions
Professor Cheryl Saunders, University of Melbourne

(m) Constitutional Change in the 1990s
Hon. Kevin Rozzoli, MP

(n) Accountability: Myths and Reality
Dr Alistair Heatley, Reader in Politics, Northern Territory University

(o) Accountability and the Fiscal Constitution
Professor Cliff Walsh, Director, Centre for South Australian Economic Studies, University of Adelaide

(p) Regions and Peoples: Some Trends in International Constitutional Practice
Frederik Harhoff, University of Copenhagen, Denmark

(q) Emerging Northern Territory Constitutions in Canada: National Policy, Settler Hegemony, Aboriginal Ethno-politics, and Systems of Governance
Peter Jull, Northern Territory Research Unit, Australian National University

(r) Indigenous Law and Constitutional Change: the Road Ahead
Patrick Dodson, Chairperson, Council for Aboriginal Reconciliation

(s) Two Cultures - One Constitution: A Yolgnu Perspective on a Northern Territory Constitution
Wes Lanhupuy, MLA

(t) Reconciling Diversity: the Way Forward is to Understand the Past
Senator the Hon. Margaret Reynolds, Government Representative on the Council for Aboriginal Reconciliation
Our Diverse Multicultural Society: a Matter for the Constitution?
Steve Karas OAM, Immigration Review Tribunal

Understanding Each Other, Defining Ourselves - Our Diverse Multicultural Society: a Matter for the Constitution
Ms Sema Varova, Office of Multicultural Affairs, Department of the Prime Minister

Reconciling Diversity: a Personal View
Graham Nicholson, Crown Counsel, Office of the Solicitor General for the Northern Territory

Where do Aboriginal Town Campers fit in?
Tangentyere Council

Niue: Constitutional Development
1974 - 1992
Robert Rex, MLA

[The author proposes the adoption of an elected Constitutional Convention, similar to that which was used to draft the current Constitution in 1897-98.]

Saunders, Cheryl Making the best use of the constitutional decade, Constitutional Centenary, no.1, April 1992: 12-14.


[In May 1992, Ken Thomas published a document, Regional Government: a Four-Year Plan for Restructure under a Modern Australian Constitution, proposing a radically different system of government. In this article Thomas presents his arguments in depth.]

DELEGATED LEGISLATION

[One of the most difficult issues in dealing with quasi-legislation is to work out exactly what it is. This paper seeks to explore the nature of quasi-legislation by dealing with three aspects of its incidence.]


**ELECTORS’ INITIATIVE**

[The experience of referendums and initiatives in other countries suggests that Britain should give serious consideration to introducing them as a means of reviving democratic government.]

[Following extensive discussion, and in the face of considerable opposition, legislation and plans are now in place to permit several referendums to be held in Canada over the next few months on the constitutional issue. The author argues that such forms of direct democracy have a place in the Canadian political system, and that they could complement and enhance the legislative process.]


**ELECTORAL REFORM**

[An essay on first-past-the-post.]


[The first-past-the-post voting system suffered a battering at the hands of New Zealand voters in a 1992 referendum. A former New Zealand cabinet Minister explains why.]

[A change to Additional Member System would improve democracy and the economy.]


[In November 1993 New Zealanders will vote not only in a general election but also in a binding referendum on electoral reform. The author argues for the option of retaining the present first-past-the-post electoral system in combination with a new upper house of parliament.]

[Electoral reform re-emerged in the 1980s as a significant issue in British politics - political developments in the last ten years have undermined satisfaction with the system.]

AV plus AMS would improve the political culture - giving positive votes for candidates and parties.


[An explanation of the alternative vote.]

**ESTIMATES COMMITTEES**


[This paper outlines the place of performance evaluation in the recent administrative reforms and, in that context, assesses the changes made for the 1991-92 Program Performance Statements.]

**EXECUTIVE ACCOUNTABILITY**


[This article describes the various New Zealand State organisations that are not government departments. It examines the nature of their accountability to Parliament and the implications for the House of Representatives and its select committees.]


[This article discusses the need to define the relationship between the Executive and legislative arms of government in Britain as a prerequisite to constitutional reform.]


[Members of the Quebec National Assembly, facing public spending deficits in an economic recession, have developed a new mechanism to add to the more usual parliamentary control on the public purse.]


[The British government covertly helped British firms export defence-related equipment to Iraq for many years. Parliament proved ineffective for a number of reasons and an open question, whether the British Parliament can ever effectively oversee the actions of the executive, remains.]


[Parliamentary power has traditionally sprung from control over public taxation and spending. Is Parliament today able and willing to exercise to exercise this authority?]

[Financial oversight is an aspect of Parliament’s work which is often overlooked, yet it is one which has changed considerably in the United Kingdom during the 1980s. This article explains clearly its role in the scrutiny of government finance.]


**EXECUTIVE GOVERNMENT**


**FINANCE AND TRADE**


**HANSARD**


[Computerized Hansard will probably soon be technologically possible. But will it be desirable?]

**INFORMATION TECHNOLOGY SERVICES**


[The author reports on a survey of IPU members.]

**LEGISLATION**


[Includes a paper by Professor Charles Sampford, delivered at the OPC/RIPAA Seminar on New Policy Processes: Fundamental Legislative Principles, Brisbane, 2 April 1993.]


[The War Crimes Act 1991 set a number of constitutional records. It was the first time that a Conservative Government in Great Britain used the Parliament Acts. It was also the first Act to become law under the Parliament Act 1949 and only the fourth time the Parliament Acts 1911 49 had been invoked. The author looks at why there was so little reaction.]

[A paper, together with accompanying document, presented to a conference sponsored by the Parliamentary Joint Committee on Corporations and Securities and the Victorian Law Reform Commission.]

[Consolidating years of parliamentary enactments is nothing unusual, unless they are consolidated on computer disk and released within days of the end of a session.]


[The author identifies the costs of statutory ambiguity and evaluates the efficacy of the Federal Courts Study Committee's proposals.]


[The history and background to the enactment of the War Crimes Act in Britain.]

[A description of the elements of a theory of legislation helpful in making drafting decisions and justifying them in an accompanying memorandum of law.]

**MEMBERS**


[The training needs have been identified by members of the WA Legislative Assembly, now a representative group will be asked to consider a structured training approach.]

[Even though House of Commons members are overworked and understaffed, the majority of them are happy in their work.]

............... *Advice to new members: 'the real truth' - or the parliamentary gospel according to Austin Mitchell, MP*, The House Magazine, vol.18, no.554, 18 May 1992: 8.

[The workload of the House of Commons is increasing, quantitatively and qualitatively, and members are in danger of being overloaded.]


[This article examines recent attempts by the Canadian Parliament to deal with the issue of police investigations involving Members of Parliament.]

[Sabah has a population of approximately 1.4 million people, including just over 500,000 voters, who are all divided among 48 state Assembly constituencies. A member from one of those constituencies describes his place in the state's political system - from the market to the Assembly Chamber.]

**MEMBERS - AUSTRALIA - QUALIFICATIONS**

*Clerk of the Senate outlines the constitutional law on which legal challenges can be made to the eligibility of Members of Parliament: former member seeks High Court ruling for a by-election in the seat of Wills*, Daybreak, Friday 27 November 1992: 6p.


**MEMBERS - CONFLICT OF INTERESTS**


[This article advocates the imposition of an obligation on all members of parliament to make ad hoc disclosure of their personal interests whenever they are or appear to be in conflict with their public duties. An outline of the current position in Australia at both the Federal and State levels reveals the need for reform in this area, in respect of which certain recommendations are given.]


[Reconciling the public duties and private interests of Members of Parliament is a task which has proven in the past to be as difficult as it is important. A Special Joint Committee of the Canadian House of Commons and the Senate recently studied the issue and recommended that a completely new system be instituted to address conflicts of interest. The Committee's recommendations are the subject of the article.]


[An argument for the need to legislate to solve the problem of conflict of interest.]


**MEMBERS - ETHICS**
Cranford, John R. *Keating hearings take Senate into thick of S&L swamp: publicity will affect senators’ futures and raise issues of constituent service and campaign finance*, Congressional Quarterly Weekly Report, 10 November 1990: 3787-93.


[D] [The spectacle of the high-profile scandal may do more to shape senators’ behaviour than did the ruling.]


[This article treats, and places into historical context, recent ethicsscandals in the U.S. Congress. The formulation and operation of the codes are critically assessed in the article, and related to the currently low public reputation of the American Congress.]


[The resignation of Senator Graham Richardson has raised questions about the way politicians use their influence to help constituents, friends and family members.]

Ellis, David *Time to clean the House*, Time, 30 March 1992: 44.

[Many Congressmen lay the blame for the House bank scandal at the feet of the Speaker.]


[Four of the Keating Five are expected to run for re-election and may face a harsher verdict from voters.]


[Articles relating to the latest scandal in Congress - the House bank scandal, and the players in the game.]


[A new US House ethics committee has been installed. This article looks at the history of the new chairman and the likely approach of the new committee.]


[The disclosure of the identity and records of all those who wrote bad cheques at the House bank may be seen as either a hope for restoring the credibility of the House or a development that will reshape the makeup of the House.]


[The US House of Representatives ignored its Speaker and cast aside deep concerns about institutional power and individual rights in deciding to turn over House bank records.]


Martin, Stephen *Steps towards the development of a code of conduct for members and senators in the Australian parliament*, paper presented to the Presiding Officers and Clerks Conference, 24th, Vanuatu, 1993: 8p.
[The author reviews Australian moves to a code of conduct in the States and the Commonwealth, and especially the determinations of the Working Group established by the Commonwealth Parliament to develop such a code.]

[Under a new ethics law the time honoured career path: lawmaker-turned-lobbyist will be a thing of the past.]


[Faced with an odious whispering campaign, he refused to act against the House bank's proprietor.]

[Excerpts from the ethics committee's report on the House banking scandal.]

[The text of the conclusions of the U.S. Senate Ethics Committee after hearings on the Keating Five senators.]

**MEMBERS - REMUNERATION AND ALLOWANCES**


[The author explains the Commonwealth parliamentary superannuation scheme.]

**MEMBERS - RESEARCH SERVICES**


**MEMBERS - RESIGNATION**


**MEMBERS - STAFF**

[An article prepared after a questionnaire was sent to all members of the IPU. It covers the work done by Members staff in various parliaments around the world.]

**MEMBERS - TERMS**

[It has been argued that the rapid membership turnover in the Canadian House of Commons robs the institution of a dedicated and experienced group of MPs and produces a Parliament stocked with political amateurs.]
[The author argues that limiting legislative tenure will further the goals of representative democracy. Part I analyses the Framers' intended structure and rationale of a bicameral legislative branch and Part II discusses the merits of term limitation.]


Jost, Kenneth *Term limits: will a recent setback derail the term-limit movement?*, CQ Researcher, vol.2, no.1, January 1992: 3-23.
[Setting term limits for members of Congress has long been talked about, but proposals drew little attention. However a national term-limit movement has suddenly grown up. Now efforts are under way to place initiatives on the ballot in at least a dozen states.

[This article focuses on some of the unintended outcomes of limiting terms.]

[This article is an effort to assess the potential effect of term limits and US state legislatures.]

[Voters in more than a dozen states will decide whether limiting congressional terms is the only sure cure for Washington's woes.]


[Limiting terms of office is the first step toward controlling a government dominated by Congressional careerists and lifetime lobbyists.]


[Throw the rascals out' has taken on ominous new meaning as irate voters across the United States threaten to throw everybody out.]

[As legislators in the US have become more secure, so dissatisfaction with US legislatures has increased. Is the limitation of terms the answer?]

**MEMBERS - WOMEN**


Lord, Margaret *Women's way: the importance of women in politics*, The Parliamentarian, vol.74, no.2, April 1993; BC11

[Women have a different approach to problems, an approach which is badly needed in politics today, argues a female member of the British Columbia legislature.]


[British Columbia women have worked for decades to achieve full political equality with men, a goal yet to be reached.]


[Extracts from the paper presented as a Senate Occassional Lecture, 9 March 1992].


[This is a challenge to women parliamentarians as well as men: change the system!]


[This issue brings together papers given by Dr Marian Sawer, The Hon. Susan Ryan AO, Janine Haines, The Hon. Dame Margaret Guilfoyle, DBE as part of the Senate Department's *Occasional Lecture* series and Senator Patricia Giles at the opening of the exhibition entitled *Trust the Women.*]


[Nearly 100 years after Federation, women account for just 18 percent of Australia's MPs. It's not right, it's not fair and it's not democratic!]


OMBUDSMAN


Pearce, Dennis *Minding the people's minder*, Australian Institute of Administrative Law Newsletter, no.9, 1992: 14-16.

PARLIAMENT

Conflicts between Parliaments and the Courts, Constitutional and Parliamentary Information, no.163/1, 1992: 22-31.
[An article prepared after a questionnaire was sent to all members of the IPU.]


[This issue contains two papers given as part of the Senate Department's Occasional Lecture series - Russia's Parliaments by Harry Rigby and Parnell and the Art of Politics by Professor Oliver MacDonagh.]

The Volume of parliamentary workload, Constitutional and Parliamentary Information, no.163/1, 1992: 65-94.
[An article prepared after a questionnaire was sent to all members of the IPU.]

PARLIAMENT - AUSTRALIA

[Former member Neil Brown suggests four reforms which he feels would result in substantial improvements in the workings of Parliament.]


[This article is the speech given by the author in a debate on the Canberra Parliamentary Press Gallery.]

Lynch, A. At the Feet of the Master A Gentle Man - Memories of Professor Gordon Reid, 1923-1989, (Ken Spillman ed) Cancer Foundation of Western Australia, 1990.

[Should a set of rules relating to dissolutions of popularly elected House be in place? Should the rules relating to the exercise by Governors and Governors-General of their reserve powers be defined?]

[The amount of legislation which comes before Parliament is increasing at an alarming rate. But the conventions which allowed full debate and scrutiny of proposed laws and regulations and which kept governments accountable are in decline.]


PARLIAMENT - AUSTRALIA - ADMINISTRATION

PARLIAMENT - AUSTRALIA - NEW SOUTH WALES


PARLIAMENT - AUSTRALIA - QUEENSLAND


Fouras, J *The tides of change: Queensland's emerging parliamentary committee system, paper presented to the Presiding Officers and Clerks Conference, 24th, Vanuatu, 1993: 6p.* [This paper traces the historical development of the Queensland parliamentary committee system.]


PARLIAMENT - AUSTRALIA - SENATE


*Leader of the Opposition in the Senate explains his proposed resolution for deadlines for the introduction of budget bills, P.M., 3 August 1993:2p.* [Michael Brissenden speaks with Senator Robert Hill, Leader of the Opposition in the Senate.]

*The legislative process in the Australian Senate: a brief description of the procedures under which bills are considered in the Senate, Procedure Office, May 1992*

*The President of the Senate, Senate Brief*, no.6, June 1992: 8p.

*Procedural motion to impose a deadline on the introduction of legislation into Federal Parliament has been passed by the Senate, A.M., 19 August 1993: 3p.*

*Senate, Daybreak, Wednesday 4 August 1993:4.* [Pru Goward speaks to Harry Evans, Clerk of the Senate and Senator John Faulkner, Manager of Government Business in the Senate.]

*The Senate Chamber and the role of Senators, Senate Brief*, no.7, August 1992.
Senate committees, Senate Brief, no.4, February 1992: 8p.


[The election gave Paul Keating more personal power within the ALP than any previous prime minister. But, as the author explains, he lost control of the Senate and is now dependent on both minor parties to pass legislation.]

PARLIAMENT - AUSTRALIA - VICTORIA

[Can the Strategic Management Review, commissioned by the Presiding Officers, revitalize the Victorian Parliament and become a model for other Australian parliaments?]

PARLIAMENT - AUSTRALIA - WESTERN AUSTRALIA


[Widespread change to parliamentary and public sector practices has been recommended by the WA Inc Royal Commission to prevent a recurrence of the excesses of the 1980s.]


PARLIAMENT - CANADA

[Three Canadian members discuss Parliament's ability to respond to regional concerns and grievances on constitutional matters, the current mood in the House of Commons, and the need for parliamentary reform.]

Dobell, Peter C. and John Reid A larger role for the House of Commons, Parliamentary Government, no.40, April 1992: 3-4

[News clips from question period are all that most Canadians see of Parliament in action. And they are not impressed. Focused policy debates could be a more meaningful principal arena in which the opposition leadership could confront the government.]

[Objections to excessive party discipline often result in calls for more free votes, but straightforward free voting would undermine effective, responsible government. A more nuanced approach could make MPs more responsive to constituency and regional concerns.]
Standing committees remain partisan and seem to have limited impact on government policy or legislation. A better approach would be for the government to turn deliberately to standing committees for advice.

[Canada's governing party goes to unprecedented lengths to overcome the opposition party's majority in the nation's appointed Senate.]

[A member of the Canadian Parliament looks at ways of reforming that Parliament, including a strengthened committee system and a Senate modelled on the Australian Senate.]

**PARLIAMENT - CANADA - SENATE**

[A modest proposal for Senate reform along the lines of the British House of Lords.]

[Reform may seem a recipe for boredom, but an elected Canadian Senate offers the best hope of setting right historic injustices and racial delusions.]


[Canadian Senate reform and federal-provincial relations should be addressed in the same forum, in effect, creating a new Canadian system.]

[While many Canadians were outraged by the passage of the GST, they should not doubt the constitutionality of stacking the upper house.]

[The Canadian Senate, as it now stands, is unacceptable. Choosing its members on a providence-wide basis might provide an answer.]

**PARLIAMENT - HUNG**


**PARLIAMENT - INDIA**

[An examination of the central position that Parliament occupies in India's political system.]

[The view of Parliament as the highest court of the land - the court of public opinion - is not always accepted by the land's other courts.]
[To function effectively, Parliament must defend the right of its members to speak freely and forthrightly - subject to certain limitations.]


[The Punjab Speaker considers the qualities that legislators need to carry out their duties effectively.]

Nath, Jyotirmoy Division of duty: we represent the people. The Parliamentarian, vol.72, no.3, July 1991: 221-3.
[An Indian state Speaker assesses Parliament's role as legislator and the relationship between central and state powers.]

[The Parliament of India is at the apex of the world's largest democracy. To undertake its vast responsibilities, some of Parliament's work has been assigned to a carefully formulated collection of committees.]

[Constitutionally and in practice, Parliaments and legislatures should be partners in the conduct of public affairs, working in harmony - most of the time.]

[Are parliamentarians adequately equipped to monitor government spending and financial policies? An Indian member examines his Parliament's performance in an area which is historically the basis of parliamentary power.]

[A constitution alone cannot create a true Parliament. Every Assembly needs Members with vision and courage to stand firm for democracy against grasping governments. India has its share of such Parliamentarians.]

PARLIAMENT - MEDIA

[This article looks at the law of parliamentary privilege in the area of leaks from House of Commons (G.B.) select committees and considers whether there are any alternative approaches to the problem.]

PARLIAMENT - PROCEDURE


[Paul Mason worked diligently for more than 40 years to keep legislators up to date on parliamentary law. Now a seasoned commission has taken up where he left off.]


[The latest edition of the legislator's bible on procedures reflects today's pressures and practices.]


[In this background guide for non-parliamentary readers, House of Commons questions and the way in which business is arranged are examined.]

PARLIAMENT - UNITED KINGDOM

[This article looks at the role of the Leader of the Opposition during Prime Minister's question time.]

['Parliament is the most sophisticated political prison in the world' says a British member of Parliament, but he can see a way to escape.]


[A British member of Parliament suggests some reforms which would make for a more civilised Parliament and healthier members.]


[This article looks at the twenty-five years the Parliamentary Commissioner scheme has been operating and at what can be done to realise its full potential.]

[The ways of working are out of date, does this member of the British Parliament have solutions?]

[The Deputy Leader of the Labour Party (UK) sees changes in parliamentary procedure as the way to obtain consensus government.]

Ingle, Stephen *The Glorious Revolution and the party system: has the myth passed its sell-by date?*, *Politics Review*, vol.1, no.3, February 1992: 2-5.
[It has traditionally been claimed that, since the Glorious Revolution, the United Kingdom has had a two-party system. The author critically examines this claim and argues that Britain needs a different way of running its affairs.]

............ *The Glorious Revolution and the party system: has the myth passed its sell-by date?*, *Politics Review*, vol.1, no.3, February 1992: 2-5.
[It has traditionally been claimed that, since the Glorious Revolution, the United Kingdom has had a two-party system. The author critically examines this claim and argues that Britain needs a different way of running its affairs.]


[Working in a House that looks more like a museum than a modern legislature has its drawbacks.]

[A British member of Parliament sees the prospect for reform and modernisation coming not only from reorganising the system within but from a fundamental constitutional reform outside.]


[How do the business managers plan for a session that they know will not last beyond June 1992?]


Quade, Quentin L. *Don’t fix it too much*, *Political Quarterly*, vol.63, no.2, April/June 1992: 186-96.
[After renewed observation of British politics the author feels that the reforms needed can best be satisfied within the extant system.]


[The 1980s was a decade in which the House of Lords, dismissed by many before 1979 as being of no consequence, appeared to enjoy a new burst of life. This article purposely stresses the case for achievement.]

[George Bright, MBE, about to retire after nearly 43 years as Editorial Supervisor of the Vote, reminiscences.]


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Ever since it was enacted in section 2 of the European Communities Act 1972 that Acts of Parliament, both past and future, should take effect subject to Community law, there has been the prospect of a clash. The clash has now occurred.

PARLIAMENT - UNITED KINGDOM - ADMINISTRATION

(The process of reforming the administration of the United Kingdom Parliament is now in full swing. This article outlines the changes that are being undertaken and their benefits.)

PARLIAMENT - UNITED KINGDOM - HOUSE OF COMMONS - COMMITTEES, SELECT

(The process of re-establishing the departmental select committees after the 1992 general election showed once again weaknesses in the system by which these committees are set up and have their members elected.)

PARLIAMENT - UNITED KINGDOM - HOUSE OF COMMONS - PROCEDURES

[A look at the latest Commons Procedure Committee report into parliamentary questions.]


PARLIAMENT - UNITED KINGDOM - HOUSE OF LORDS - COMMITTEES


(The author questions what he is doing joining in an unelected Upper House on the basis of `no damn merit whatever'.)

PARLIAMENT - UNITED STATES

[Members of Congress are now being more attentive in their approach to the drafting of legislation due to the approach of Justice Scalia, "We are a government of laws not of committee reports."]

[Debate before voting on issues would appear to be a thing of the past in the U.S. Senate.]

[Capitol Hill is bracing for the largest freshman class since 1932. Many of the prospective Senators and House members are campaigning as outsiders, swearing that they'll do things differently.]


[Procedural reforms cannot improve Congress' standing as much as decisive action on meaningful legislation.]

[The power to investigate has evolved into one of the most potent weapons available to Congress in its perennial struggles with the executive branch. This article attempts to map what stimulates an inquiry and its course and outcome.]

[From the term-limitation movement to the rise of Ross Perot, the signs of discontent with the political status quo are everywhere. The author outlines a plan to channel that discontent in an innovative direction, one that would make the House of Representatives more democratic and more responsive to the variety of opinion found in the country.]


[The USA Congress has faced a number of changes in recent years. This article charts the nature and development of these changes, and examines the impact they have had on Congress in the 1980s.]


[The apprenticeship norm that encouraged new members to learn about the ways of the institution before striking out on their own is a thing of the past. New members are now encouraged to actively pursue their own self interests and to be aware of their importance to such an extent that it decreases the effectiveness of the House as an organization.]

**PARLIAMENT - UNITED STATES - CONGRESS - CONFERENCE COMMITTEES**

[In the United States all legislation must be adopted in identical form by both Houses. The Americans make extensive use of conference committees to resolve differences between the chambers. This article uses three case studies to examine the congressional conference as a legislative institution in its own right.]

**PARLIAMENT - UNITED STATES - CONGRESS - SENATE - COMMITTEES**

[This article looks at who participates in the legislative work of the U.S. Senate committees, why, and what are the consequences for policy making at this stage of the process?]
PARLIAMENT HOUSE


[In 1984, the author argued in a paper entitled "A new Parliament House - a new parliamentary order", that the design of the new Parliament House would have a significant impact on the operation of Parliament. Now, after a study conducted to test his hypotheses, he reports on the impact which the building has had on the Parliament.]

PARLIAMENTARY BUILDINGS


[The Curator of Works of Art, Palace of Westminster outlines the unique art collection being established for the New Building.]


[The Clerk of the New Building Sub-Committee outlines the history of phase one of the project to improve the accommodation of British parliamentarians: it's only taken 28 years.]


[The architect commissioned to design phase two of the New Building writes of his plans for the phase two project.]


[The architect of the new building discusses the challenges that faced him as he adapted and conserved the derelict buildings that were to become the New Building.]

PARLIAMENTARY COMMISSIONER (U.K.)


PARLIAMENTARY DOCUMENTS


PARLIAMENTARY EDUCATION


["Parliamentary government" doesn't have to send a yawn through the classroom. The Parliamentary Education Office in Canberra shows the way in adding spark to government courses for youngsters. And it does it without getting burned by its political masters.]

HHarris, Don, One kid, one vote, State Legislatures, vol.6, no.10, November/December 1990: 29-31.
[With voter turnout nationally at an all-time low, Arizona has taken a lesson from Costa Rica in teaching kids healthy voting habits.]


PARLIAMENTARY INTERNSHIP

McInnes, Craig and John Power A Parliamentary internship: issues for practical politics, Legislative Studies, vol.6, no.2, Summer 1992: 46-52.
[The authors look at how the parliamentary internship program at University of Melbourne operates and the results after two rounds of internships in 1991.]

PARLIAMENTARY LIBRARIES


PARLIAMENTARY OFFICERS

Management of parliamentary staff: training, career and mobility, Constitutional and Parliamentary Information, no.163/1, 1992: 32-64.
[An article prepared after a questionnaire was sent to all members of the IPU.]

PARLIAMENTARY PRIVILEGE


[The author discusses the injunctions restraining publication of these letters and suggests that the law governing the reporting of parliamentary proceedings needs clarification.]

[The author, Clerk of the Parliament, Queensland, gives details of two occasions on which criticisms of the Speaker by Opposition members were found to be contempts and the members concerned suspended from the service of the House, and poses four questions in relation to the events.]

Juddery, Bruce His house is his castle, Australian Business, 31 July 1991:30
[Clerk of the Senate Harry Evans uses verbal weapons to repel attempts to limit the Upper House's powers.]

[A criticism of a recent New Zealand decision on the provision in the 1688 statute concerning the absolute freedom of speech of members of Parliament and whether this applies to documents provided by the member in the furtherance of his public duties.]

[To function effectively, Parliament must defend the right of its members to speak freely and forthrightly - subject to certain limitations.]
[While the Commonwealth and other States have passed legislation enshrining the rights and institutions of parliamentarians, NSW has yet to make a decision.]

[India considers the citizen's right to reply.]

**PARLIAMENTARY SCRUTINY**


**PARLIAMENTARY SECURITY**


**PARLIAMENTARY SYSTEM - REFORM**

[If MPs are merely to reflect the views of their constituents, why not just plug voters into a national computerised voting system?]


**PRESIDING OFFICERS**


[Should presiding officers belong to political parties? A veteran Indian State Assembly Speaker argues for a new non-partisan era to revive some of the best traditions of parliamentary democracy.]

[Respect for the institution of Parliament is said to be waning in Australia. The Speaker of the New South Wales Legislative Assembly argues that the election of a Presiding Officer who can rise above party politics would help to restore parliamentary pride.]


[Sir Peter Kitcatt CB retired at Easter from his post of Speaker's Secretary. He talked to the author about his role as the Speaker's right-hand man.]

**PRIME MINISTERS**

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[In selecting their leaders, British political parties display a number of significant differences from the way American political parties choose their presidential candidates. These differences concern qualifications, nomination procedures, previous political experience, the timing and duration of the process, financial outlay required, the role of the media and, most importantly, who participates in the selection and the role given in each process to professional politicians as opposed to party 'members'.]


**PROROGATION**


[Was the proroguing of Parliament at 5.59pm, 8 February 1993 an instance of the Department of Prime Minister and Cabinet deferring to the Clerk of the Senate?]

**QUESTIONS (INFORMATION)**


**REPUBLICANISM**


[It is possible that the moral and cultural authority of the Crown is now well enough entrenched within the informal constitution to survive the end of monarchy.]


[Malcolm Turnbull and Lloyd Waddy, QC, put their views on the issue.]


[This paper uses longitudinal sample survey data to examine the social and political bases of public attitudes on the monarchy-republic issue.]


[Will the country become a republic under Paul Keating? He'd need a successful referendum to do it, but as the author has found, we are the world champions at rejecting constitutional change.]


Condren, Conal *The Australian Commonwealth, a republic or a republican virtue*, Legislative Studies, vol.6, no.2, Summer 1992: 31-4.

[The author asks is it not anomalous that we have a Governor-General who, because of the physical facts, performs virtually all Head of State functions but is yet not Head of State?]

[The author spells out the principal constitutional obstacles to converting Australia from a monarchy to a republic.]


[Becoming a republic is not simply a matter of cutting links with the British monarchy. It is much more complicated a process than that, with far-reaching ramifications.]


[Richard Walsh talks with the author about a political system which he feels is not serving the nation well and the government he would like to see replace it.]


Leaver, Richard *Biting the dust: the Imperial conventions within republican pretences*, *Australian Journal of Political Science*, vol.28, special issue, 1993: 146-61. [This paper looks to the realm of foreign policy in order to see what of relevance to Australia's republican question might now be brewing there.]

MacDonagh, Oliver *Republicanism in modern Irish history*, *Legislative Studies*, vol.6, no.2, Summer 1992: 41-2.

Maddox, Graham *Republic or democracy*, *Australian Journal of Political Science*, vol.28, special issue, 1993: 9-26. [Republic and democracy are not interchangeable. The author traces the development of the concepts in Ancient Greece and Rome and shows how some of the ideas were adopted by the Americans for their Constitution. He concludes that what is needed in Australia is a removal of the checks and balances that obstruct the flow of democratic impulses in our present system.]


Major constitutional reform is necessary before Australia can become a republic, *Lateline*, 6 April 1993: 11p.

Mautner, Thomas *Some thoughts on our monarchy*, *Legislative Studies*, vol.6, no.2, Summer 1992: 39-40.

Murray, Les *'This is your sovereign speaking'* , *The Independent Monthly*, June 1993: 20. [It's all very well to pledge allegiance, but shouldn't a citizen demand in return the loyalty of the state?]

O'Brien, Patrick *We the people*, *The Independent Monthly*, June 1993: 20-3. [The author details 20 minimum principles which must be part of a new constitution if advocates of a republic are serious about wanting a democratic constitution and open government based on "the political supremacy of the people".]


............. *Liberalism and republicanism*, *Australian Journal of Political Science*, vol.28, special issue, 1993: 162-189. [Republicanism and liberalism are discussed under the headings of liberty and law, democracy and government, and life in the good polity.]

............. *The Ideal of the republic*, *Eureka Street*, vol.3, no.7, September 1993: 15-17. [The call for an Australian republic not only provides an occasion for discussing constitutional change, it provides an occasion to ask what it means to be a citizen.]


*The Prime Minister's HV Evatt lecture*, *Constitutional Centenary*, vol.2, no.2, May 1993: 5p. [Extracts from the Prime Minister's address announcing the formation of the Republic Advisory Committee, together with the terms of reference for the Committee.]

Ratnapala, Suri *The High Court and the Constitution: the chance to redeem the republic*, draft paper presented on 14 July 1993 to the *Bert Kelly Lectures Restoring the True Republic*, sponsored by the Centre for Independent Studies, 46p.
[According to the author, the task of restoring our lost rights and liberties should be at the top of any agenda for constitutional reform in Australia.]


I Mabbett, Ian *Not Plato’s*: 28-32.

II Horne, Donald *The one-third monarchy*: 32-5.

III Watson, George *An age of monarchs?*: 35-8.

IV O'Brien, Patrick *From westminster man to democratic man*: 38-9.


Sharman, Campbell *Executive privileges*, *Legislative Studies*, vol.6, no.2, Summer 1992: 27-8.


[This paper is an exercise in parliamentary theory, attempting to draw on political theory to clarify options in Australian political practice.]

Waddy, Lloyd *Australians for Constitutional Monarchy submission to the Republican Advisory Committee*, July 1993.

Walker, G *Ending constitutional drift: a democratic agenda for change*, draft paper presented on 14 July 1993 to the *Bert Kelly Lectures Restoring the True Republic*, sponsored by the Centre for Independent Studies, 19p.

[The author argues that the division of powers between states and the Commonwealth should be reasserted and recognised as a central protection of individual freedom and the foundation of economic and political development.]


[One of the ways seen to test whether or not a republic can work is to write a constitution for a republic and see what the problems are. Here we have *A Constitution for an Australian Republic* and Professor Winterton's reasoning behind his constitution.]


[An explanation of how a republican constitution would strengthen the people's power by making the executive and the head of state subject to the constraints of law.]


[This article examines the role of a head of state and whether an Australian republic needs one at both national and state levels if parliamentary executive form of government is retained. It considers whether the president should have 'reserve powers', how they should be defined, and the effect that abolition of the monarchy would have on them. Consideration is also given to the method of choosing the head of state.]

**RESPONSIBLE GOVERNMENT**


**SOCIAL SECURITY**


**WHIPS**

[Professor Norton looks at the role of the Whips in the House of Commons.]

**WITNESSES**

[Some reflections on the rights and obligations of witnesses appearing before the National Assembly of Québec.]