

The Table

BEING
THE JOURNAL OF
THE SOCIETY OF CLERKS-AT-THE-TABLE
IN COMMONWEALTH PARLIAMENTS

EDITED BY
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USUAL PARLIAMENTARY SESSION MONTHS

222c

Parliament		Jan.	Feb.	Mar.	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	
UNITED KINGDOM			○	○	○	○	○	○			○	○	○	
NORTHERN IRELAND									<i>Suspended</i>					
JERSEY		○	○	○	○	○	○			○	○	○	○	
ISLE OF MAN		○	○	○	○	○	○			○	○	○	○	
CANADA	FEDERAL PARLIAMENT		○	○	○	○	○	○			○	○	○	
	Ontario										○	○	○	○
	Quebec										○	○	○	○
	Nova Scotia										○	○	○	○
	New Brunswick										○	○	○	○
	Manitoba										○	○	○	○
	British Columbia		○	○	○	○	○	○						
	Prince Edward Island										○	○	○	○
	Saskatchewan										○	○	○	○
	Alberta										○	○	○	○
Newfoundland										○	○	○	○	
Northwest Territories		○	○	○	○	○	○							
AUSTRALIAN COMMONWEALTH	COMMONWEALTH PARLIAMENT									○	○	○	○	
	New South Wales										○	○	○	○
	Queensland										○	○	○	○
	South Australia										○	○	○	○
	Tasmania										○	○	○	○
	Victoria										○	○	○	○
	Western Australia										○	○	○	○
Northern Territory										○	○	○	○	
PAPUA NEW GUINEA			○	○		○	○	○	○	○	○	○	○	
NEW ZEALAND										○	○	○	○	
WESTERN SAMOA										○	○	○	○	
SRI LANKA		○	○	○		○	○	○	○	○	○	○	○	
INDIA	CENTRAL LEGISLATURE										○	○	○	
	Andhra Pradesh										○	○	○	○
	Bihar										○	○	○	○
	Gujarat										○	○	○	○
	Haryana										○	○	○	○
	Kerala										○	○	○	○
	Madhya Pradesh										○	○	○	○
	Tamil Nadu		○	○	○	○	○	○						
	Maharashtra										○	○	○	○
	Karnataka										○	○	○	○
	Orissa										○	○	○	○
	Punjab										○	○	○	○
	Rajasthan										○	○	○	○
Uttar Pradesh										○	○	○	○	
West Bengal										○	○	○	○	
GHANA										○	○	○	○	
MALAYIA										○	○	○	○	
SARAWAK										○	○	○	○	
SINGAPORE										○	○	○	○	
SIERRA LEONE										○	○	○	○	
TANZANIA			○	○	○			○	○		○	○	○	
JAMAICA										○	○	○	○	
TRINIDAD AND TOBAGO										○	○	○	○	
UGANDA										○	○	○	○	
KENYA										○	○	○	○	
MALAWI										○	○	○	○	
ZAMBIA										○	○	○	○	
BERMUDA										○	○	○	○	
GUYANA										○	○	○	○	
BRITISH SOLOMON ISLANDS										○	○	○	○	
GIBRALTAR										○	○	○	○	
MALTA, G.C.										○	○	○	○	
MAURITIUS										○	○	○	○	
ST. VINCENT										○	○	○	○	
BELIZE										○	○	○	○	
CAYMAN ISLANDS										○	○	○	○	
LEOTHO										○	○	○	○	
COOK ISLANDS										○	○	○	○	
SEYCHELLES										○	○	○	○	
GREENADA										○	○	○	○	
ST. LUCIA										○	○	○	○	
BAHAMAS										○	○	○	○	
FIJI										○	○	○	○	
HONG KONG										○	○	○	○	

CONTENTS

USUAL SESSION MONTHS OF LEGISLATURES	<i>Back of title page</i>
I. Editorial	
Obituary Notices	
A. A. Tregear - - - - -	7
P. N. Thornber - - - - -	7
I. P. K. Vidler - - - - -	7
F. E. Islip - - - - -	7
Retirement Notices - - - - -	
Te. Hanumanthappa - - - - -	7
N. J. Parkes - - - - -	8
I. J. Ball - - - - -	9
Sir Richard Cave - - - - -	10
Honours - - - - -	11
II. THE CANADIAN SENATE AND ITS FUTURE. BY PHILIP LAUNDY -	12
III. A QUESTION OF HYBRIDITY: THE AIRCRAFT AND SHIPBUILDING INDUSTRIES BILL 1975-1977. BY J. F. SWEETMAN - -	23
IV. THE QUEEN'S SILVER JUBILEE: PRESENTATION OF ADDRESSES BY PARLIAMENT. BY SIR FRANK TWISS - - - -	31
V. QUEEN ELIZABETH THE SECOND OR THE FIRST OF NEW ZEALAND? BY L. B. MARQUET - - - - -	34
VI. COMMITTAL FOR CONTEMPT - - - - -	38
VII. PROCEDURE FOR THE JOINT SITTING OF THE FIJI PARLIAMENT. BY L. B. AH KOY - - - - -	44
VIII. COMPUTERS AND THE HOUSE OF COMMONS. BY F. A. CRANMER -	47
IX. THE AUSTRALIAN SENATE COMMITTEE SYSTEM - RECENT DEVELOPMENTS. BY A. R. CUMMING THOM - - - -	51
X. THE HOUSE OF LORDS OFFICIAL REPORT (HANSARD), 1946-1977. BY C. W. BLOGG - - - - -	58
XI. THE SOUND BROADCASTING OF PARLIAMENTARY PROCEEDINGS AT WESTMINSTER - - - - -	61
XII. PARLIAMENTARY LIBRARIES: ANSWERS TO THE QUESTIONNAIRE	68

XIII. APPLICATIONS OF PRIVILEGE	-	-	-	-	-	107
XIV. MISCELLANEOUS NOTES	-	-	-	-	-	113
1. <i>Constitutional</i>						
Quebec: Recognised parties	-	-	-	-	-	113
New South Wales: Ministers of the Crown	-	-	-	-	-	113
Queensland: Entrenchment of the State Constitution	-	-	-	-	-	113
Northern Territory: Constitutional changes	-	-	-	-	-	114
India:						
Representation for Sikkim	-	-	-	-	-	116
Allocation of seats	-	-	-	-	-	117
Powers, privileges and immunities of State legislatures	-	-	-	-	-	117
Hong Kong: Increase in membership of the Legislative Council	-	-	-	-	-	117
2. <i>Electoral</i>						
Western Australia: Electoral Act	-	-	-	-	-	117
New Zealand: Electoral Amendment Act 1976	-	-	-	-	-	117
3. <i>Standing Orders</i>						
Northwest Territories: Assembly Rules amended	-	-	-	-	-	118
Australia: House of Representatives: Days and hours of sitting - Adjournment of sitting, etc.	-	-	-	-	-	119
New South Wales: Legislative Assembly:						
Petitions	-	-	-	-	-	120
Grievance Debate	-	-	-	-	-	121
Victoria: Legislative Assembly: Time limits on speeches	-	-	-	-	-	121
Northern Territory: Cabinet Members	-	-	-	-	-	121
Rajasthan:						
Objection to a Member's vote	-	-	-	-	-	121
Observances in the House	-	-	-	-	-	122
Malta:						
Minutes of Proceedings	-	-	-	-	-	122
Recording of Debates	-	-	-	-	-	122
Same Motion or Bill may appear in same session	-	-	-	-	-	122
4. <i>Procedural</i>						
House of Commons: Urgent Debates	-	-	-	-	-	123
Australia: House of Representatives: Petition for leave to issue and serve subpoena for the production of official records and attendance of parliamentary officers in Court	-	-	-	-	-	123
Fiji: House of Representatives Division over a Division	-	-	-	-	-	124

5. *Emoluments*

House of Lords: Peers' expenses	-	-	-	-	125
Canada: Members' salaries, expenses and pensions	-	-	-	-	126
British Columbia: Ministers' and Members' remuneration	-	-	-	-	126
New South Wales: Members' salaries and allowances	-	-	-	-	126
Western Australia: Pensions for spouses of deceased Members	-	-	-	-	127
India: Pensions for Members	-	-	-	-	127
Maharashtra: Pensions for Members and free travel for Presiding Officers and Ministers	-	-	-	-	128

6. *General*

Westminster: Mistakes in Acts – Rent (Agriculture) Act 1976	-	-	-	-	128
New South Wales: Legislative Council: Ministers	-	-	-	-	130

7. *Ceremonial*

Northwest Territories: Presentation of a Speaker's Chair by the Parliament of Canada	-	-	-	-	130
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8. *Accommodation*

Malta: New Parliament Chamber	-	-	-	-	131
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XV. CLERKS BECOME MEMBERS, AND VICE VERSA	-	-	-	-	133
XVI. EXPRESSIONS IN PARLIAMENT, 1976	-	-	-	-	136
XVII. REVIEWS	-	-	-	-	139
XVIII. RULES AND LIST OF MEMBERS	-	-	-	-	144
XIX. MEMBERS' RECORDS OF SERVICE	-	-	-	-	156
XX. INDEX TO VOLUME XLV	-	-	-	-	158

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I. EDITORIAL

As is described in an article later in the volume, the United Kingdom's celebrations of Her Majesty The Queen's Silver Jubilee began with a parliamentary ceremony in Westminster Hall, in the presence of members of both Houses of Parliament, the Diplomatic Corps and distinguished guests from Commonwealth legislatures. Another article in this volume discusses the relationship with the Crown of a Commonwealth country, New Zealand, where Her Majesty is not only Head of the Commonwealth but also Queen. In this capacity she opened a session of the New Zealand Parliament earlier this year during her Jubilee tour of the Pacific and Australasia. It is therefore appropriate to take this opportunity to express, on behalf of all members of the Society of Clerks-at-the-Table in Commonwealth Parliaments, our congratulations to Her Majesty on the occasion of the Twenty-fifth anniversary of her Accession to the Throne and our best wishes to her for the future.

The Editors are now responsible for the storage and distribution of back numbers of THE TABLE. Nearly all volumes are available for those members of the Society who might like to take the opportunity of adding to their collection. We would be only too happy to provide prices on demand for particular, or groups of, volumes.

It was while glancing at some of the early volumes that the Editors came across the following comments in the Editorial to Volume II: - "on the whole (the Questionnaire) has been well responded to but the cooperation of the younger and smaller Legislatures is equally welcome, for it must be remembered there are many others of a like nature to which information will not only be interesting but useful. Each type of Legislature has its own orbit. It is therefore not the older established Parliaments alone which afford valuable precedents". The present Editors echo these sentiments and do earnestly hope that the smaller legislatures of the Commonwealth will not be afraid of submitting contributions (either articles or notes) for future issues of the Journal. We should perhaps explain that, this year, we have not made any particular

effort to invite articles from overseas because last year's journal was longer than is desirable for reasons of cost. Instead we have relied on what has been sent in without great pressure from us. However for the future we would like to be able to publish (and we are sure members of the Society would like to read) articles from many legislatures which have not contributed recently.

We record with regret the deaths of:—

A. A. Tregear, formerly Clerk of the House of Representatives, Australia.

P. N. Thornber, Clerk Assistant of the Legislative Assembly, Western Australia.

I. P. K. Vidler, formerly Clerk of the Legislative Assembly, New South Wales; and

F. E. Islip, formerly Clerk of the Legislative Assembly, Western Australia.

Te. Hanumanthappa, B.A. (Hon), B.L.—On 1st June 1976 Sri Te. Hanumanthappa retired as Secretary of the Karnataka Legislature. On 27th May, 1976, the following special resolution appreciating the services rendered by him was moved by Sri D. Deveraj Urs, the Chief Minister and Leader of the House of the Legislative Assembly.

“That Madam Speaker be requested to convey to Sri Te. Hanumanthappa, B.A. (Hon), B.L., on his retirement from the Office of the Secretary, Karnataka Legislature an expression of Members deep appreciation of the service which he has rendered to this House for the last twelve years, their admiration for his profound knowledge of its procedure and practice, their gratification for the help constantly and readily given to them, and their recognition of the great work he has done.”

Speaking on the resolution Sri D. Deveraj Urs, stated that Mr. Te. Hanumanthappa had served the Legislature for the last twelve years with distinction. He said that his work had been admired by successive Speakers and Members on both sides of the House. Even during tense moments in the House, Mr. Urs said Mr. Hanumanthappa had maintained his presence of mind. He was impartial and was known for his non-partisan stand. Mr. Urs said that with his rich parliamentary presence and remarkable presence of mind Mr. Hanumanthappa weathered a number of storms that rocked the House in the past.

The Leaders of different parties in the House praised the services of Sri Te. Hanumanthappa. The Speaker, Smt. K. S. Nagarathnamma joining the chorus of tributes to Mr. Hanumanthappa said that he never swerved from the path of truth, giving his frank and forthright opinion in resolving crises. Before asking the Chief Minister to move the motion, Smt. Nagarathnamma read out Mr. Hanumanthappa's letter in which he expressed his heartfelt gratitude to the Speaker, the Chief Minister and Ministers and to all Members of the Legislature for their unstinted co-operation in upholding the high traditions of the Legislature. There

was applause from the Members when the Speaker announced that the resolution of the House would be framed and presented to Mr. Hanumanthappa.

A similar motion was moved on the same day in the Legislative Council by Sri N. Hutchamasthy Gowda, the Minister for Revenue and the Leader of the House. Mr. N. Hutchamasthy Gowda said Mr. Hanumanthappa was constantly helping the members regarding parliamentary work. The Leader of the Opposition, Mr. S. R. Bommai, and the Deputy Chairman, Mr. T. N. Narasimhamurthy, suggested that Mr. Hanumanthappa should be nominated to the House.

Mr. S. Shivappa (Cong.) said Mr. Hanumanthappa had been of immense help to him when he was Leader of the Opposition in the State Assembly from 1964 to 1971. Either he should be nominated or made an adviser as was done in the case of his predecessor, Mr. Venkataramana Iyer. The Chairman, Mr. M. V. Venkatappa, said Mr. Hanumanthappa's services should be utilised by the State.

N. J. Parkes, C.B.E.—On 31st December 1976, Mr. Norman James Parkes retired from the Clerkship of the Australian House of Representatives.

Norman Parkes served the Parliament over a period of 42 years. In 1934 he was appointed to the Parliamentary Reporting Staff as accountant and in 1937 he transferred to the Department of the House of Representatives as an accounts clerk and reading clerk. He was a Chamber Officer from 1949 having been Serjeant-at-Arms and Clerk of Committees from 1949 to 1954 during which time, together with the Usher of the Black Rod, he escorted the Queen to open the Third Session of the Twentieth Parliament on 15th February 1954, the first occasion on which a ruling sovereign had opened the Parliament and, in fact, had visited Australia. In 1964, he was promoted to Third Clerk Assistant, in 1959 to Clerk Assistant, in 1964 to Deputy Clerk and, on 11th December 1971, to Clerk of the House.

During Norman Parkes' clerkship, three events, unique in the history of the Australian House of Representatives, occurred. The first was a joint sitting of the two Houses, the second was the resignation of a Speaker after failing to receive the support of the Government in the House, and the third was the dismissal by the Governor-General of a Prime Minister, with a popular majority in the Lower House, as a result of the Government's inability to secure the passage of Appropriation Bills through the Upper House.

From 1971 to 1976, as Honorary Secretary of the Commonwealth of Australia Branch of the Commonwealth Parliamentary Association he participated in many important Association activities including attendances at Conferences in Nigeria, New Zealand and the United Kingdom. He was also a member of the steering committee for the First, Second and Third Australasian Parliamentary Seminars which were an

important Commonwealth Branch initiative in the South-East Asian region. At a Branch function he received a presentation for his outstanding service.

Norman Parkes was the ninth Clerk of the House of Representatives since Federation and, unique in the history of Australian Clerks, followed in the path of his father, Ernest William Parkes, who was the fifth Clerk of the House during the years 1927 to 1937. In recognition of his service to the Parliament, Norman Parkes was made an officer of the Order of the British Empire in 1961 and in 1976 was promoted to Commander of that Order.

Complimentary references to the retiring Clerk were made in the House on 9th December 1976, the last day of his service in the Chamber.

Mr. Speaker (Rt. Hon. B. M. Snedden, Q.C.) said, in part:

"His has been a notable career . . . Whatever may be said of his career, one could never say of it that it lacked interest. Mr. Parkes and his wife Maida take with them, and they deserve, our good wishes and our thanks. To a friend, I say: Thank you, Norman; well done."

Mr. Speaker was followed by the Prime Minister (Rt. Hon. Malcolm Fraser, C.H.) who said, in part:

"Norman James Parkes has had a very long and distinguished record of service to this Parliament and through this Parliament to the people of Australia. He has come . . . from a family which has traditionally served this Parliament and the people of Australia from the beginning of Federation in 1901. There must be few families with such a long and distinguished record as that . . . On behalf of the Government Parties I thank you very much for what you have done for this Parliament to maintain and uphold the honour and dignity of this place."

The Leader of the Opposition (Hon. E. G. Whitlam, Q.C.) added, in part:

"When (Mr. Parkes) has spoken or written as the Clerk of the Australian House of Representatives . . . he has done so with the most complete sense of propriety and duty. He has been a man of experience, distinction and honour. We have been well served."

Similar tributes were paid by the Leader of the House and other Members.

His colleagues in the Parliament saw him as a distinguished Clerk and a warm and generous personality and, in retirement, wish him good health and much enjoyment.

(Contributed by the Clerk of the House of Representatives).

Ivor J. Ball, A.A.S.A., A.C.I.S.—After having completed fifty years in the service of the State of South Australia, almost forty years of which were spent at Parliament House, Mr. Ivor J. Ball retired on 25th February, 1977. He held the offices of Clerk of the Legislative Council for twenty-five years and Clerk of the Parliaments for twenty-four years. Since 1953, he had been Secretary of the South Australian Branch of the Commonwealth Parliamentary Association, and he was also foundation secretary of the

Parliamentary Bowling Club. Because of these activities Mr. Ball became widely known in Parliamentary circles throughout Australia and also in a number of overseas Parliaments. On the last sitting day before Christmas/New Year adjournment, tributes were paid in both Houses of Parliament to Mr. Ball's outstanding services, and speakers from all parties joined in wishing him a long period of healthy and happy retirement.

Sir Richard Cave, K.C.V.O., C.B.—Sir Richard Cave, retired on 31st July 1977 after 32 years in the Parliament Office, House of Lords. He joined the Office in 1945 and became Principal Clerk of the Judicial Office in 1959. In 1965 he was made Fourth Clerk at the Table (Judicial). He was responsible also for Peerage cases, and for Taxing matters. This bare summary does nothing like justice to his contribution.

The Judicial Office is a small and compact organisation which services the Lords of Appeal. It is the duty of the Principal Clerk to organise the presentation of appeals: to ensure that the rules are observed (and the fees paid!); to control the time limits, and to arrange that cases are brought on in an orderly programme. The continuing review of the Practice Directions is his responsibility, and it is he who brings rules to the attention of the Presiding Lord of Appeal. Thus the job is *sui generis* and calls for rather special qualities. First acquaintance with "Dick" Cave was made by most of us when we were Counsel at the Bar. It was to him that we applied for help when, as often happened, a House of Lords brief conflicted with other commitments. In spite of the august character of the "Lords", as it then appeared to us, we were always met with the greatest helpfulness and tact from him, and somehow cases could always be arranged for suitable dates. Seen from the other end by us as judges, Cave's adjustments might seem sometimes to be almost too kindly – but the lists still proceed and work develops with few gaps. This is partly due to a remarkable board kept in his room in which the cases are shown with different coloured pins according to their degree of readiness. Many cases come, or try to come, to the House of Lords from unrepresented litigants, so it was part of Cave's job to guide them through the procedure – sometimes a trying task. But his good nature and patience never failed and we seldom heard of lay dissatisfaction with his working of the Office.

The many Lords of Appeal for whom Dick Cave worked knew him as much more than their Principal Clerk. They knew of his devoted work for the Multiple Sclerosis Society, as Founder and Chairman, and for the Association of Lord Lieutenants. In seeing him retire, they know that they are saying farewell both to a pillar of their establishment, one of exceptional knowledge of the traditions of the House, and loyalty to those traditions, and to a true friend. He was made a Knight of the Royal Victorian Order shortly before his retirement.

(Contributed by Lord Wilberforce the senior Lord of Appeal in Ordinary).

Honours.—We would like, on behalf of our Members, to offer our congratulations to **Sir Richard Cave** on his knighthood. We would also like to congratulate **Sir Richard Barlas**, Clerk of the House of Commons, Westminster, on receiving a K.C.B.

II. THE CANADIAN SENATE AND ITS FUTURE

BY PHILIP LAUNDY

Director of the Research Branch, Library of Parliament, Canada

The Senate of Canada is regarded by many of its critics as an anachronism. Even among those who are not opposed to a second chamber in principle are to be found many who advocate Senate reform, and there is little doubt that if a new constitution were being written for Canada today its provisions concerning the Senate would be very different from those of the British North America Act of 1867. The Senate, like the House of Lords is a body of eminently worthy men and women who have contributed in various ways to public life, but the manner in which it is constituted is the principal handicap to the promotion of its public image. It is a wholly appointed body, Senators being appointed by the Governor-General on the advice of the Prime Minister. Under the British North America Act of 1867 they were appointed for life, but an amendment to the Act of 1965 introduced a compulsory retirement age of 75 for all Senators appointed subsequently. The average age of Senators has thus always been high, many having lived into their eighties and even their nineties.

Appointment to the Senate lies within the gift of the government in power and is an important element in the patronage at the Prime Minister's disposal. A Senator receives a salary of \$25,500, the same as a Member of the House of Commons, and a non-taxable allowance of \$5,300, which is one half that of a Member of the other House, not to mention generous pension rights and other perquisites as parliamentarians. As a reward for public service a senatorship is therefore not to be despised. Appointments to the Senate have always tended to be partisan in the sense that a Liberal Government has generally appointed Liberals and a Conservative Government has appointed Conservatives. Appointees to the Senate have traditionally included retired ministers, provincial party leaders, party organizers and retired or defeated Members of the House of Commons. There has also been the occasional appointment which has not been influenced by party loyalties, such as a retired provincial premier or a distinguished academic. In the main, however, a senatorship has been seen as a reward for the party faithful and this impression has tended to obscure the genuine calibre of many of those appointed. The system of appointment by the government in power has led to a situation where the present Senate has a preponderance of Liberal members, because with the exception of an interruption between 1957 and 1963 the Liberals have been continuously in power since 1935. The Conservative opposition in the Senate has become seriously depleted

in consequence, although since the introduction of a retirement age it has been understood that when a Conservative Senator retires he or she should be replaced by a Conservative.

The system of appointment has also been criticised as denying representation to other political parties having significant political strength in the country. For example, the New Democratic Party and the Social Credit Party have not only been represented in the House of Commons for many years but have frequently controlled the provincial governments in the Western provinces. At the present time Manitoba and Saskatchewan have N.D.P. governments and Social Credit is in power in British Columbia. The N.D.P. has never been represented in the Senate – although it must be acknowledged that the party favours abolition of the Senate – and the only Social Creditor ever to be appointed a Senator is the former Premier of Alberta, Mr. Ernest Manning.

The composition of the Senate and the qualifications of Senators are set out in Canada's basic constitutional instrument, the British North America Act. A Senator must be not less than 30 years of age, a resident of the province for which he is appointed, and possessed of freehold property of a net value of \$4,000 and real and personal property valued at \$4,000 over and above all debts and liabilities. The property qualifications do not amount to much by today's standards but in 1867 they guaranteed that a Senator would be a man of reasonable wealth and substance. The Senate was modelled on the House of Lords and designed to represent the property-owning classes, to be a chamber of sober second thoughts and a counter-balance to the popularly-elected chamber. It was given the same powers as the House of Commons except that it cannot initiate financial legislation. Unlike the House of Lords its powers have never been curtailed by statute and it could, in theory, veto bills, refuse supply, and bring the process of government to a standstill. In practice, it has voluntarily accepted a passive role in the parliamentary process, recognising that this is more in keeping with modern concepts of parliamentary democracy. Even at the outset of Confederation, although the Senate was conceived as a chamber of some potency, it was never intended that it should use its powers to frustrate the popular will. A contemporary observation by Sir John A. Macdonald, Canada's first Prime Minister, illustrates what the Fathers of Confederation had in mind:

"There would be no use of an Upper House if it did not exercise, when it thought proper, the right of opposing or amending or postponing the legislation of the Lower House. It would be of no value whatever were it a mere chamber for registering the decrees of the Lower House. It must be an independent House, having a free action of its own, for it is only valuable as being a regulating body, calmly considering the legislation initiated by the popular branch, and preventing any hasty or ill-considered legislation which may come from that body, but it will never set itself in opposition against the deliberate and understood wishes of the people"¹

An upper house is a not unusual feature of the Parliament of a federal

state, and it is clear that without a Senate there would have been no Canadian Confederation. It was a condition insisted upon by Quebec and the Maritime colonies to counter-balance the advantage of Ontario in terms of population. Six of the fourteen days of discussion which took place at the Quebec Conference of 1864 were devoted to the question of an upper house and its composition. However, the provinces did not emerge with equality of representation in the Senate. Instead the principle adopted was equal representation by region, a principle which has led to a highly inequitable distribution of Senate seats among the provinces. At the time of Confederation, which consisted at the outset of only four provinces, 24 seats were allocated to Quebec (formerly Lower Canada), 24 to Ontario (formerly Upper Canada) and 24 to the Maritime Region (Nova Scotia and New Brunswick). When Prince Edward Island entered Confederation in 1873 that province was allotted four of the senatorships already provided for the Maritime Region. In 1915 a further 24 seats were added to represent the Western Region consisting of four provinces, although it is difficult to recognize British Columbia and the Prairie provinces as having a common regional identity. Subsequently even this regional balance was upset. Six Senators were added when Newfoundland was admitted to Confederation in 1949 and in 1976 the Yukon and the Northwest Territories were given one Senator apiece.

Today the Senate consists of 104 members, the provincial breakdown being as follows: Ontario, 24; Quebec, 24; Nova Scotia, 10; New Brunswick, 10; Prince Edward Island, 4; British Columbia, 6; Alberta, 6; Saskatchewan, 6; Manitoba, 6; Newfoundland, 6; Yukon, 1; Northwest Territories, 1. Senators from the province of Quebec are deemed to represent the 24 historical electoral divisions of Lower Canada and must either reside or own their property in the division they represent. Senators for the other provinces are appointed at large. Provision also exists for the appointment of four or eight additional Senators, representing equally the four regions of Canada, but it has never been invoked. Under this regional distribution the four Atlantic provinces (Nova Scotia, New Brunswick, Prince Edward Island and Newfoundland) are generously represented in relation to the four Western provinces (British Columbia, Alberta, Saskatchewan and Manitoba), the latter having a combined population of about three times that of the former. Thus the representation in the Senate conforms neither to the principle of "rep. by pop." nor to that of equality of the provinces. The Senate does, however, protect the representation of the smaller provinces in one significant way. It is provided in the British North America Act that a province must be represented in the House of Commons by a number of Members not less than the number of its Senators. Without this protection some if not all of the Atlantic provinces might have suffered a reduction of their complement in the House of Commons through the application of the principle of "rep. by pop."

The Senate has never been a truly federalised institution even though it was conceived as such. The conventions of the Canadian parliamentary system have developed in such a way that the Cabinet has come to be regarded as the body where the provinces find their most effective federal voice. Every province, not to mention certain regions and minority interests within the bigger provinces, can expect to be represented in the Cabinet provided the party in power has the necessary geographical distribution of Members in the House of Commons. More recently the Federal-Provincial Conference has also emerged as a forum where the provinces seek to represent and safeguard their interests. Add to this the fact that the Senate normally has only minimal representation in the Cabinet, and one cannot escape the conclusion that the Senate has not developed as the protector of provincial rights and this is not the context within which the value of its work can be judged.

Under current practice the Cabinet includes only one Senator who is styled the Leader of the Government in the Senate, his function being to answer for the government in the Senate on all matters. Under an amendment to the Rules of the Senate in 1947 a Minister who is a Member of the House of Commons has the right to speak in the Senate but not to vote, a privilege of which advantage has seldom been taken.² Originally the Senate played a more potent role in the process of government. In the first Canadian Cabinet five of the thirteen ministers were Senators, and two governments in the nineteenth century were led by Senators. Nearly every major portfolio except that of Finance has been held at one time or another by a Senator. However, since 1921 it has been the practice, very rarely broken, that no departmental minister should be a Senator, and between 1957 and 1962 the Cabinet included no representative of the Senate at all. This has undoubtedly been a factor in the decline of the Senate's effectiveness although one which is consistent with the principle that the Cabinet is responsible to the elected chamber.

In 1968 Mr. Paul Martin, one of Canada's veteran statesmen, was appointed Leader of the Government in the Senate and dedicated himself to the task of revitalizing the upper house. The appointment of Mr. Martin, former Secretary of State for External Affairs and three-time contender for the leadership of the Liberal Party, certainly added prestige to the position, and he lost no time in declaring in his first speech in the upper house that he had not come 'into this historic chamber to preside over the liquidation of the Senate.'³ A vigorous defender of the prestige of the Senate he certainly was, but even he was unable to change the temper of the times and the facts of political life. Perhaps the Senate could again play a significant role in the composition of the Cabinet if a Prime Minister found himself obliged to form a government without being able to draw on any support in the House of Commons from a key province such as Quebec. In such a case he might be tempted to bring some ministers into the Cabinet via the Senate. However, such a move would certainly be heavily criticized as being contrary to democratic

principles and a radical reversal of well-established practice.

The Senate has rarely rejected a bill referred by the House of Commons, and while it frequently proposes amendments to legislation it hardly ever insists on them. The Senate has always faced a dilemma in fulfilling its role as a House of legislative review because if it takes a strong line it arouses indignation and if it is compliant it is held in contempt. The most famous occasion on which the Senate rejected a bill was in 1913 when it refused to pass the Naval Bill, forced through the House of Commons by means of closure, on the grounds that the issue should first be submitted to the judgment of the country. The last time the Senate obstructed a bill sent up from the House of Commons was in 1961 when it declined to give third reading to a bill to dismiss the Governor of the Bank of Canada. The result of this action was that the Governor was given the opportunity to be heard in his own defence before a Senate Committee after the House of Commons had declined to summon him before one of its own committees.

Examples of the Senate proposing amendments to bills are much more numerous. Very often the House accepts them as being improvements, but sometimes they give rise to controversy. A recent example occurred in 1974 when the Senate proposed an amendment to the Protection of Privacy Bill which would have eliminated a requirement that the person concerned be notified when a wire-tap was authorized. The Senate took the view that such a provision would hamper the administration of justice by advising criminals of the location and strategy of police operations. The Commons rejected the amendment and the Senate incurred a certain amount of odium for having proposed it. As Senator Goldenberg commented: 'If we enact legislation speedily, we are called rubber stamps. If we exercise the constitutional authority which the Senate possesses under the British North America Act, we are told that we are doing something that we have no right to do.'⁴

The power of the Senate to amend a money bill has been a matter of dispute between the two Houses. The House of Commons insists that the Senate has no such right and has so declared in a standing order.⁵ The Senate for its part has held that it is not precluded by the constitution from amending money bills, although it concedes that for the Senate to propose increases in expenditure would be contrary to parliamentary precedent. The Senate has never rejected or amended a supply bill, and has always exercised prudence in proposing amendments to other money bills. Nevertheless it has done so on various occasions and the House of Commons has sometimes accepted them, taking care to add the formula that the matter was not to be taken as a precedent.

In general the number of government bills introduced in the Senate is not great, although it has varied over the years. Between 1924 and 1945 only 36 government bills originated in the Senate but between 1946 and 1953 there were 138. Seventy eight bills were initiated in the Senate between 1954 and 1963 and 90 between 1964 and 1976. In spite of the

small quantity the Senate may claim to have made some contribution to the quality of legislation. One writer has observed:

"Governments have invariably found the Senate a well-suited place for first consideration of voluminous, complex, and highly technical pieces of legislation, such as consolidating measures, requiring great legislative experience as well as legal and financial talent and leisurely procedure. The services rendered by the Senate in such instances have been more than simple time-saving for the House of Commons; the Senate has turned out reliable and enduring pieces of legislation, which are amongst the best framed and most competently constructed Acts on the Statute Book of Canada."⁶

Virtually all private bills are introduced in the Senate although since the passage of the Divorce Act of 1968, prior to which every divorce required an individual Act of Parliament, the volume of private legislation has been very small. The most recent session during which a sizeable number of private bills other than divorce bills was introduced was in 1966-67 when 32 were initiated of which 23 passed both Houses.

One of the problems experienced by the Senate with regard to legislation is that adequate consideration of important bills is frequently impossible because of their late arrival from the House of Commons. Bills are often referred to the Senate towards the end of a session or just before a parliamentary recess when there is considerable pressure from government, opposition and members in general to dispose of outstanding business so that everyone can get away. It is to meet this problem that the Senate sometimes adopts what some might consider to be an unorthodox procedure and considers the content of legislation in advance of its adoption by the lower house. For example, in 1971 the government published a white paper on tax reform which was followed by a long and complicated bill completely revising the income tax structure. It was planned that the new legislation would come into force on January 1st, 1972. Consequently on September 14th, 1971 the Senate adopted the following resolution:

"That the Standing Senate Committee on Banking, Trade and Commerce be authorised to examine and consider the Summary of 1971 Tax Reform Legislation, tabled this day, and any bills based on the Budget Resolutions in advance of the said bills coming before the Senate, and any other matters relating thereto; and

That the Committee have power to engage the services of such counsel, staff and technical advisers as may be necessary for the purpose of the said examination."⁷

There is no doubt that had the Senate waited until the legislation was referred from the Commons (it was not, in fact, passed by the Commons until a few days before Christmas) the Senate would have had no opportunity to make any serious study of its provisions or offer any worthwhile input. In the event, the Senate Banking Committee was able to study the bill in depth and presented a report proposing numerous amendments, many of which were incorporated into the Act. Further amendments were deferred but included in the budget legislation of the following year. On various occasions since, the subject matter of legislation has been referred to a Senate committee 'in advance of the

said bills coming before the Senate' and the Senate has thus been better prepared in dealing with its legislative workload.

Similarly, since the end of the Second World War it has been the practice to refer the estimates of expenditure for study to the Senate Finance Committee once they have been presented to the House of Commons. This enables the Senate to undertake studies related to the estimates well in advance of the passage of the supply bills by the House of Commons. In recent years the Senate Finance Committee has used the estimates as the basis for undertaking major examinations of selected departments of government. In 1974 it completed an investigation into Information Canada, a department which had been heavily criticised and which has since been abolished as an economy measure. In 1976 it completed a report on the government employment services operated by the Department of Manpower and Immigration. Currently the Committee is investigating the accommodation program of the Department of Public Works.

If the legislative logjam handicaps the Senate in fulfilling its role as a chamber of sober second thoughts, perhaps it is evolving instead as a chamber of sober first thoughts. Investigations into major social and economic issues through its committee system have become one of the Senate's major activities in recent years. Many of the studies it has conducted are of the type normally associated with royal commissions – in fact the Senate may justly claim that its initiatives in this area have sometimes obviated the necessity for appointing a royal commission. The reports which have resulted from these investigations attract considerable attention and have influenced government policy. Recommendations arising from them are frequently acted upon, either by incorporation in legislation or through administrative action. Most of these reports are well covered in the press and probably do more to project a favourable image of the Senate in the public eye than any other activity. It is probably through its investigative committees that the Senate performs its most significant function, one which the overburdened Commons committees would be unable to undertake.

Among issues of concern investigated by standing and special committees of the Senate in recent years, resulting in major reports, mention may be made of science policy (1970), the mass media (1970), Canadian-Caribbean relations (1970), poverty in Canada (1971), Canadian-American relations (1975) and the agricultural potential of Eastern New Brunswick (1976). Joint committees with the House of Commons are also regularly appointed on major issues which in recent years have included the Constitution of Canada (1972), immigration policy (1976) and the National Capital Region, a committee which has yet to make a report. An important standing joint committee established by standing order of both Houses in 1971 is the Standing Joint Committee on Regulations and other Statutory Instruments which recently published its first major report. Prior to the appointment of this committee no parlia-

mentary committee existed for the oversight of delegated legislation.

Senate reform has been a subject of continuing discussion for many years, many Senators being themselves convinced of the desirability of reform. There is also reason to believe that there would be greater public support for reform than for outright abolition. The Special Joint Committee on the Constitution found that a majority of the witnesses who appeared before it favoured reform rather than abolition and many suggestions for reform were made. The major obstacle to reform would undoubtedly be the difficulty at arriving at a consensus because of the many and varied ideas which would be expressed by the proponents of reform. Some advocates of abolition argue that abolition is preferable as it would be so much simpler than reform. However, they sometimes tend to forget that the Senate could not be abolished without its own consent, and that since the number of Senators who may be appointed is limited by the constitution, there would be no way of ensuring that a bill adopted by the Commons could be forced through the Senate. Thus, if the Commons were to pass a bill abolishing the Senate it could create quite a constitutional dilemma. While the Senate would not wish to provoke a constitutional confrontation with the Commons, it might nevertheless insist on the issue being put to the judgment of the electorate before voting for its own abolition. As a matter of interest a private member's bill to abolish the Senate is regularly introduced in the House of Commons in each session of Parliament and has occasionally been debated, although it has never received a second reading.

In recent years two serious schemes for the reform of the Senate have been proposed, one by the federal government in 1969, the other by the Special Joint Committee on the Constitution of Canada in 1972. A feature which both schemes have in common is that the Senate should continue to be nominated and that Senators should be selected partly by the federal and partly by the provincial governments. The federal government proposal states *inter alia*:

"The Government of Canada feels that the Senate should be reorganized to provide for the expression in it, in a more direct and formal manner than at present, of the interests of the provinces. At the same time, the interests of the country as a whole should continue to find expression in the Senate to maintain there an influence for the unity of Canada.

The Government of Canada would therefore propose a new approach to the organization of the Senate to achieve this end. The Senate could be partly selected by the federal government and partly selected by provincial governments. The method of selection of Senators by the provinces could be by nomination of the provincial governments acting with or without the approval of their legislatures, depending on the provisions of each provincial constitution. The term of office for Senators could be limited to a specific number of years - perhaps six."⁸

The government scheme also suggests that the Senate be given the power to confirm the appointment of supreme court judges, ambassadors and heads of cultural agencies, a proposal clearly inspired by the example of the United States Senate. This proposal is open to criticism as being

unrealistic. The Canadian Senate cannot be compared to the United States Senate, which is a powerful legislative chamber having a special role to play in the foreign and judicial affairs of the nation, a role stemming from the separation of powers inherent in the American system of government. Neither can the United States Supreme Court be compared to the Supreme Court of Canada since each operates within an entirely different constitutional framework. Add to this that most Canadian ambassadors are career diplomats, and it is not unfair to question whether any Canadian government would take kindly to the rejection of one of its nominees by the Senate. This proposition was rejected by the Special Joint Committee on the Constitution which commented as follows:

"Suggestions have been made that the Senate could have some special power in confirming the appointments of Judges of the Supreme Court, Ambassadors and heads of cultural agencies. Such a role could lead to political controversy over the appointment, and to an unnecessary public discussion which would probably weaken the appointee rather than strengthen him. We reject this proposed role".⁹

The Special Joint Committee on the Constitution made several recommendations which included the enlargement of the Senate in order to give more equitable representation to the Western provinces; the appointment of two Senators for each of the two territories which at the time were not represented at all in the Senate; the elimination of the Senate's power to veto legislation and the substitution of a delaying power; the removal of the prohibition on introducing money bills in the Senate with the exception of appropriation bills; the elimination of the existing qualifications for appointment to the Senate and the substitution of those required for an elector plus residence in the province concerned; and the further reduction of the retirement age to 70. With regard to the appointment of Senators, the committee recommended that one half should continue to be appointed by the federal government as at present, and that one half be appointed by the federal government from a panel of nominees submitted by the provincial or territorial governments concerned, the new system to be brought into effect as vacancies arise.

The committee also recommended that the investigative role of the Senate should be continued and expanded and that the government as well as the Senate itself should show an initiative in this regard. The committee recognized that this aspect of the Senate's work was of particular importance and commented:

"Criticism of the Canadian Senate has centred on the method of selection, the term of appointment, and the failure of some Senators to devote sufficient time, and attention to their duties as Senators. The Senate suffers as well from a misunderstanding of its role, unfavourable comparison with the American Senate (which it was never intended to duplicate), and inadequate publicity for the work it has done.

The Senate in fact has done a great deal of good work . . . Much of it, unfortunately, has gone unnoticed. If Canadian governments in the past have paid only lip service to Senate reform, the Senate itself in recent times has made great efforts to improve itself."¹⁰

Neither the federal government nor the joint committee recommended

that the Senate should become an elected or even a partially elected body. The rationale behind the government's thinking was explained in its white paper in the following terms.

"It may be asked why the Government does not propose an elected Senate. The reason is threefold. One factor is the importance of giving to the provincial governments themselves a means of naming people who could give direct and clear expression to the views and interests of the provinces, with such appointments being for a limited term to ensure that their holders are responsive to major changes in provincial attitudes. A second factor relates to our parliamentary system. In the present Canadian Constitution, as in those of other federal states, a veto in the Upper House is not regarded as a non-confidence vote. The Government is therefore not defeated if its measures are rejected in the Upper House. In Canada the federal Cabinet should continue to be responsible only to the House of Commons - the body elected directly by the people on a basis of representation by population. If both Houses were elected, it would be difficult to maintain this distinction in authority. Each would claim to represent directly the views of the people in different ways, and new uncertainties would creep into our system with consequent harm to the effectiveness of government. The third factor relates to the desirability of being able to name particular types of people to the Senate to help it meet special powers and responsibilities we propose for it."¹¹

The joint committee concurred in this view, stating: 'We do not feel that a wholly or partially elected Senate is the answer in the Canadian context.'¹²

There is certainly some substance in the view that an elected second chamber is likely to create more problems than it solves. An elected Senate could also claim to enjoy a popular mandate thus increasing the risk of its coming into conflict with the other House. There are some who feel that no nominated legislative body can be consistent with modern ideals of parliamentary democracy. If government is to rest on the consent of the governed, so the argument runs, it follows that those who control the policies and the direction of government must themselves be elected by the people. One can hardly quarrel with the principle. However, it surely does not follow that every institution of government must itself be directly elected in order to conform to democratic principles. The crucial condition is that those elected to lead the nation should have the last word. There is evidence that in countries where both Houses of a bicameral Parliament are popularly elected the results are not always encouraging. The Australian Senate has frequently been criticised on the ground that it is controlled, like the lower House, by the national, disciplined political parties under whose banners Senators and Members are elected alike, and that independent action by the Senate outside the strict framework of party discipline is most unlikely. It therefore rarely acts as a House of review or as a protector of states' rights but simply reflects party policies.¹³ The warning has not been lost on Canadians. As one eminent Canadian political scientist has written:

"If the Senate is not to be considered as a rival of the House of Commons . . . one of the most attractive alternatives, popular election, is almost certainly ruled out, unless

one could somehow invent an electoral system that provided no power base for the victors."¹⁴

Senate reform is not a priority for Canada's statesmen. Many a more pressing problem has yet to be resolved, particularly in the light of the election in the province of Quebec of a government dedicated to taking Quebec out of Confederation. After many years of discussion it has not even been possible to find a commonly accepted formula for detaching the Canadian constitution from its colonial origins and, if the metaphor is permissible, rooting it in domestic soil. Now that Quebec has elected a separatist government this issue has become even further complicated. A cloud of uncertainty hovers over Canada, the future of Confederation itself now being at stake. The revision of the constitution must await a favourable climate of negotiation, but when the time comes a reformed and revitalized Senate, reconstituted on a more representative basis, may yet find itself playing a key role as part of a new federal compact.

1. Parliamentary Debates on the Subject of the Confederation of the British North American Provinces 3rd Session, Provincial Parliament of Canada, Quebec, 1865, p. 36.
2. Rule 18 of the Senate reads: "When a bill or other matter relating to any subject administered by a department of the Government of Canada is being considered by the Senate or in Committee of the Whole, a minister, not being a member of the Senate, may on invitation from the Senate enter the Senate chamber and, subject to the rules, orders, usages, forms and proceedings of the Senate, may take part in the debate." Rules of the Senate of Canada, 1976, p. 6.
3. Debates of the Senate of Canada. First Session, 28th Parliament, 1968-69, Vol. I, p. 42.
4. Debates of the Senate of Canada. First Session, 29th Parliament, 1973-74, Vol. II, p. 1454.
5. Standing Order 63 reads: "All aids and supplies granted to Her Majesty by the Parliament of Canada are the sole gift of the House of Commons, and all bills for granting such aids and supplies ought to begin with the House, as it is the undoubted right of the House to direct, limit, and appoint, in all such bills, the ends, purposes, considerations, conditions, limitations and qualifications of such grants, which are not alterable by the Senate." Standing Orders of the House of Commons, January 1976, p. 62.
6. F. A. Kunz. *The Modern Senate of Canada 1925-1963*. University of Toronto Press, 1965, p. 198.
7. Journals of the Senate, vol. CXVII, 1970-71-72, September 14th, 1971, p. 375. See also Robert Fortier, *A New Initiative in Canadian Senate Procedure*, published in *Journal of Parliamentary Information*, 1975, p. 607.
8. See Government of Canada White Paper entitled "The Constitution and the People of Canada" Ottawa, Queen's Printer, 1969, p. 30.
9. *Constitution of Canada*. Special Joint Committee of the Senate and of the House of Commons, 1972, p. 34.
10. *Ibid.*, p. 34.
11. *The Constitution and the People of Canada*, *op. cit.*, p. 30.
12. *Constitution of Canada*. Special Joint Committee of the Senate and of the House of Commons, *op. cit.* p. 35.
13. See, for example, Anthony Fusaro, *The effect of proportional representation on voting in the Australian Senate*. *Parliamentary Affairs*, vol. XX, No. 4, Autumn 1967, pp. 329-336.
14. R. MacGregor Dawson, *The Government of Canada*, 5th revision, revised by Norman Ward, University of Toronto Press, 1970, p. 302.

III. A QUESTION OF HYBRIDITY: THE AIRCRAFT AND SHIPBUILDING INDUSTRIES BILL 1975 TO 1977

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The political fortunes of the main political parties in Britain have fluctuated widely over the past thirty years. So too have the policies over which elections have been fought. But a constant element in the conflict between the Labour and Conservative parties, which goes to the heart of the doctrinal differences between them, is the issue of nationalisation. It was therefore only to be expected that when in fulfilment of election pledges the Labour Government introduced a bill to bring into public ownership the aircraft and shipbuilding industries, the proceedings on such a measure would be bitterly contested by the Opposition. So it proved to be. What was unexpected was the series of unusual and complicated procedural difficulties which arose during the Bill's passage through Parliament, in particular the unprecedented questions of hybridity which it posed. It is the purpose of this article to describe those difficulties and to show how they were resolved.

The Aircraft and Shipbuilding Industries Bill was first introduced on 30th April 1975, but because of the pressure of other legislation the Government recognised that it was not possible to take the Bill through both Houses within the limits of the normal Session of Parliament. The Bill was therefore formally withdrawn in July, and at the same time the Government in a written answer undertook to proceed with it at the very earliest opportunity in the forthcoming Session.¹

Following this undertaking the Government with commendable despatch introduced the Bill on 20th November 1975. Second reading followed swiftly on 2nd December when the Government had a majority of five votes. The Bill was committed to Standing Committee D which began its proceedings before Christmas and continued to meet on both mornings and afternoons through the first months of 1976. There were tense moments in debate, tempers rose and fell, but the remarkable feature of the proceedings was the steady progress made with the Bill. Rumours of an impending allocation of time, or guillotine, motion to be moved by the Government circulated as the Committee reached its twentieth, then its thirtieth and then its fortieth sitting. But in spite of the delay in the progress of other controversial bills and a general build-up in the legislative programme, no guillotine fell, and the Bill was finally reported from the Committee at the conclusion of its fifty-eighth sitting on 13th May. The number of sittings was a record.²

So far so good. After due pause the Bill was put down for consideration on 25th May. On the morning of that day, Mr. Maxwell-Hyslop, the

Conservative Member for Tiverton, gave notice to the Speaker that he wished to raise a point of order to the effect that the Bill was hybrid. This challenge to a major, controversial piece of Government legislation, coming as it did at such a late stage in the Bill's progress, immediately led to tense and dramatic confrontation in the House in which the Chair and its advisers were inevitably involved. Before going on to describe subsequent happenings, we must examine what is meant by hybridity.

The standard definition of a hybrid bill was enunciated by Mr. Speaker Hylton-Foster on the London Government Bill in 1963: it may be defined "as a public bill which affects a particular private interest in a manner different from the private interest of other persons or bodies of the same category or class".³ In such a case it is the doctrine in both Houses of Parliament that the individual singled out for adverse treatment should be allowed to present a petition against the bill or the provisions of the bill which will affect him.

But the issue is not that simple to decide. Every person or group of persons is a member of a category or class of persons and every category or class is in turn subsumed in a wider grouping. The definition of hybridity therefore depends on where the limit of the category or class is drawn. Nationalisation bills present a particular difficulty because of their nature they seek to bring into public ownership a class of interests defined (albeit arbitrarily) by the bill itself. There are two rulings by the Chair – Mr. Speaker Clifton-Brown on the Iron and Steel Bill in 1949 and Mr. Speaker King on the Iron and Steel Bill 1967¹ – to the effect that the category or class against which hybridity is to be assessed is the category or class selected by the promoters of the bill. In other words it is unlikely that a nationalisation bill, which may be inherently hybrid, will in fact be hybrid for procedural purposes unless it fails to meet the test of including all private interests in the category or class of its own choosing.

Every public bill on presentation in the Commons is examined by the Public Bill Office to see whether it *may* be hybrid. If the Office so concludes, the House makes an order referring the bill to two officers of Parliament known as the Examiners of Petitions for Private Bills. Their duty is to examine the bill, taking such evidence as they deem necessary, and to decide whether it should be treated as hybrid and, if so, whether the relevant standing orders relating to private business have or have not been complied with.

These standing orders are mainly concerned with the giving of due warning by the serving of notices to those persons whose rights appear to be affected by the bill. In the case of most bills thought to be hybrid, the promoters will usually have taken the precaution of serving these notices so that the standing orders have usually been complied with in advance. But if the Examiners find that the standing orders have not been complied with, the matter is referred to the Standing Orders Committee. Their duty is to report whether the orders that do apply should

be dispensed with in the case of the bill before them. If they so report, the bill may proceed to second reading, but thereafter it is referred to a select committee before which persons may appear on petition and both sides may be represented by counsel. Proceedings may well be prolonged. When reported by the select committee the bill is usually re-committed to a Committee of the whole House or to a standing committee. Even in favourable conditions the progress of the bill is bound to be slow. Progress would be even slower if the Standing Orders Committee were to report that the relevant standing orders ought not to be dispensed with. Such a decision, even taken early in a Session, could gravely impede the passage of the bill.

Against this background it will be seen, that, if it were upheld, the charge of hybridity brought against a major Government bill late in the Session as it was about to be considered by the House on report would virtually put an end to the bill's chances of reaching the statute book.

The Aircraft and Shipbuilding Industries Bill was examined on its introduction both in April 1975 and in November 1975. No symptom of hybridity was detected. So far as the facts behind the Bill were concerned, the Public Bill Office and Parliamentary Counsel who had drafted the Bill were according to the usual practice wholly dependent on the provision of information by the Government Department concerned. Judgement was made on these facts and the Bill was allowed to proceed.

When six months later Mr. Maxwell-Hyslop raised his point of order on the Bill, he cited a particular shipbuilding company, which he claimed had been arbitrarily omitted from being nationalised. This point was considered¹ by the Speaker and in so far as the company had at the relevant date not been engaged in the construction of ships it was considered to have been correctly omitted from the provisions of the Bill. The Speaker therefore ruled that the submission made by the Member did not support the case for hybridity.⁵

Following the Speaker's ruling however, Mr. Maxwell-Hyslop introduced a wholly new fact, namely, that at the relevant time the company cited had been constructing a ship which he identified by name and by tonnage. In these circumstances the Speaker felt bound to reconsider his ruling. There followed a series of agonising and tense deliberations, relieved in a most bizarre manner by various formal celebrations of the United States Bicentennial. Whether the company was or was not building a *ship* depended on a highly technical dispute as to what constituted 'a floating or submersible vessel with an integral hull'.⁶ So far as practitioners of parliamentary procedure were concerned, there was a doubt about the answer. In 1962 the then Speaker had ruled that in any case where there was doubt whether a bill was or was not hybrid the bill ought to be considered *prima facie* hybrid. This therefore was the ruling which the Speaker gave on the following day, 26th May.⁷

Faced with the almost certain loss of the Bill if at this late stage of the

Session it had to go through all the hoops of a hybrid bill (there were in fact no precedents for dealing with the situation), the Government took immediate action by tabling a motion to dispense with the application to the Bill of the standing orders relating to private business. To this motion the Opposition put down an amendment upholding the Speaker's ruling that the Bill was hybrid and insisting that the normal procedures of the House should be made available to the private citizens affected by the Bill.

The debate on the Government's motion took place on 27th May. It was an acrimonious affair with the main speeches on both sides of the House constantly punctuated by the raising of points of order. There was much feeling and passion which the Chair could scarcely contain as the time came for voting. On the Opposition's amendment 303 Members voted for and 303 against. The Speaker gave his casting vote against the amendment on the principle that a decision of the House should be affirmed by a majority. The House then proceeded to divide on the Government's motion. The tension was acute. If, as seemed reasonable to expect, the result was again a tie, Mr. Speaker on the same principle as before would give his vote against the Motion. In the event 304 Members voted for the motion and 303 against.

Uproar followed as the implication of this vote was realised. On one side a group of Members were singing the Red Flag and cheering lustily; on the other the Opposition spokesman on the Bill seized the Mace and waved it angrily at his opponents.⁸ At this point the Speaker deemed 'grave disorder' to have arisen and he suspended the sitting. After a further twenty minutes he adjourned the House.

On the next day points of order were raised on the alleged breach of pairing arrangements by the Government. These were resisted by the Speaker who firmly disclaimed any responsibility for the subject of pairing. What had actually happened became a matter of press comment and speculation. Inspection of the division lists showed that a Government Whip had not voted in the first tied division, but had subsequently voted in the second division to give the Government its majority of one. The Government claimed that between the two divisions it had been discovered that the Minister of Agriculture, Fisheries and Food was away unpaired in Brussels at a Ministerial meeting. The Whip, who was already paired was, therefore, instructed to vote to compensate for the loss of the Minister's vote. The Opposition countered this claim by stating that, if the Government had formally asked for a pair for the Minister, they would have provided one in the person of one of their Members who amid much publicity had absented himself unpaired on holiday in Corfu.

Whoever was in the right, it was clear that a serious misunderstanding had arisen between the 'usual channels'. This may well have been a result of the tendency in recent years for pairing to become a calculated balancing by the Whips of the number of absent votes on both sides

instead of the private individual arrangement it had once been. But there was no mistaking the Opposition's conviction that the vote had been improper. All pairing arrangements were at once cancelled. For several weeks Ministers and Members who had planned official and private visits abroad and Members on select committees due to travel abroad were prevented from fulfilling their commitments.

The disruption of business and personal inconvenience to Members could not long continue. The Opposition's sense of grievance about the vote on 27th May was eventually recognised by the Prime Minister who, in a statement to the House on 22nd June, admitted that the normal courtesy of consultation about changes in pairing had not been observed. He went on to explain that the Government had decided to give the House the opportunity to vote again on the hybridity issue in the form of an Opposition motion to recommit the Bill to a select committee. This debate took place on 29th June, at the end of which the Opposition's motion was defeated by 311 votes to 297. Having thus purged their feelings, Members on both sides gradually resumed their normal personal arrangements for pairing.

Meanwhile the Government had deemed it prudent not to attempt to make further progress with the Bill. Eventually, however, as four other major bills were being delayed and making slow progress it became evident that only drastic measures in the form of guillotine orders would enable the legislative programme to be completed. Standing Order No. 44 authorises the passing of an allocation of time order after three hours of debate. The Government's action was more drastic than expected; it tabled for debate on a single day three of these motions, two dealing with two bills each, the third dealing separately with the Aircraft and Shipbuilding Industries Bill. Though the bracketing of bills in a single motion was strongly criticised by the Opposition parties, there were precedents and the Speaker ruled that it was permissible.⁹ But he hinted that there should be a limit to the number of bills included in a guillotine motion and suggested that the Select Committee on Procedure might examine the matter.

The allocation of time orders were approved and the Bill was duly considered and given a third reading. The Government whose case had consistently been that the Bill was not hybrid, took the precaution nevertheless of moving four technical amendments which in their view put the position beyond all doubt. Influenced partially by this fact and in part by the knowledge that *ab initio* the Bill had been judged in the Commons not to have been hybrid, the Lords did not directly invoke the issue. Questions were asked about particular cases of exclusion from and inclusion in the schedules to the Bill and the Government made statements in reply. The Lords were determined, however, to resist certain provisions in the Bill especially the inclusion of shiprepairing firms in the proposals for nationalisation. These were to emerge as the main point of contention between the two Houses. In anticipation of trouble the Government

tabled supplementary guillotine motions in the Commons dealing as before with all five bills, but it was to no avail in the case of the Aircraft and Shipbuilding Industries Bill. The snag for the Government was that disagreement between the two Houses in the absence of an absolute rejection of an amendment, that is without any counter-proposal or qualification, may be prolonged and protracted. So it was in this case. Six times messages passed between Commons and Lords, the last containing insistence by the Commons on the Amendments they were proposing in lieu of Lords Amendments. Only Prorogation prevented a seventh exchange.

It may be of interest to record at this point how graphically disagreements by one House to the proposals of the other are signified – ‘graphically’ because it is by underlining the offending words in the House copy of the Bill that disagreements are expressed. The colours used at each stage are based upon those in general use amongst the legal profession; black, red, green, purple. In the Session of 1974–75 an unprecedented fifth stage of disagreement was reached over parts of the Trade Union and Labour Relations (Amendment) Bill and a new colour – brown – was introduced. Yet another stage was reached over disagreement to certain parts of the Aircraft and Shipbuilding Industries Bill and a sixth colour was used – orange.

Having thus ‘lost’ the Bill in 1975-76, the Government wasted no time in introducing it again in the following Session. Their avowed intention was to use the procedure under the Parliament Acts to ensure that any further obstruction by the Lords would not prevent the Bill from becoming law. To save time and to preclude the possibility of amendment a procedural motion was moved to dispense with both the committee and report stages of the Bill. But hybridity was still an issue. It will, therefore, come as no surprise to learn that the Public Bill Office in the Commons judged that the standing orders relating to private business *might* be applicable and the Bill was referred to the Examiners. The Government’s reaction was to include in their procedural motion a declaration discharging the Examiners from considering the Bill and dispensing it from the application of private business standing orders. The motion was agreed to on 1st December 1976.

A last minute procedural difficulty was raised almost as the Bill was leaving the Commons. For the Parliament Acts procedure to apply the Bill is deemed to be the same Bill as the former Bill sent to the Lords if it is identical with that Bill or contains only such amendments as are certified by the Speaker as necessary due to lapse of time or to represent any amendments made by the Lords to the former Bill. In the present case the Bill included three amendments made by the Commons in lieu of Lords amendments and agreed to by the Lords and one amendment made by the Commons to a Lords amendment and agreed to by the Lords. In the view of the Opposition these amendments were improperly included in the Bill and the Speaker should refuse his certificate under

the Parliament Acts. In his ruling the Speaker pointed out that 'represent' was the key word.

"I am of the firm view that if the Lords accept a Commons disagreement to one of their amendments and at the same time accept a Commons amendment in substitution, or if the Lords accept a Commons amendment to one of their amendments, then there is no doubt that the Commons amendment so accepted, or the Lords amendment, as amended so accepted, represents in the fullest sense the original Lords amendment.

What must be borne in mind is that whether the Commons seek to make an amendment in lieu of a Lords amendment, or seek to amend a Lords amendment, it is part of a continuing process of the consideration of Lords amendments. In other words, a Commons amendment in lieu of a Lords amendment, or a Commons amendment to a Lords amendment, could not exist without the original Lords amendment. In the final stage of agreement by the Lords it represents the Lords amendment and is therefore proper to be covered by my certificate under the Parliament Acts."¹⁰

The Bill, once again in the Lords, was promptly deemed to be *prima facie* hybrid and referred to the Examiners. The two Examiners, usually the Clerks of Private Bills in each House, were on this occasion augmented by the appointment of the Counsel to the Chairman of Committees in the Lords and of Speaker's Counsel in the Commons as additional Examiners. For twenty six days – in itself a record – the Examiners heard the arguments for and against the issues of hybridity, first by the Government Agent claiming that the Bill did not discriminate against individual private interests and then by memorialists claiming that their interests were individually adversely affected by the Bill.

The Examiners issued their certificate on 17th February 1977. In their statement of reasons they explained how they had been guided in their approach by three Speakers' rulings in the Commons (see page 24). These effectively prohibited them from finding that the Bill was inherently hybrid because the particularity of the category or class selected by the Government for the Bill could not itself be questioned. Moreover it would in their view be inconvenient, to say the least, if the two Houses developed different doctrines of hybridity. They, therefore, addressed themselves to the submissions made by memorialists citing the cases of the exclusion or inclusion of four individual "shiprepairing" companies in the second schedule to the Bill. Their ruling was that the Bill was hybrid in respect of the omission of one of the companies. They went on to find that the Bill was also hybrid in that the condition of size of turnover in the second schedule was not germane as it related to the shiprepairing companies. They found no hybridity in the aircraft and other aspects of the shipbuilding parts of the Bill.

The Examiners concluded their report by making some fairly trenchant criticism of the way the hybridity rule had been used. Originally designed to protect the rights of the subject to plead his cause before Parliament if he was being discriminated against by legislation, the rule had "degenerated into a question whether the Parliamentary Counsel who draft bills for the Government have been successful in drawing a class into which the undertakings intended for nationalisation can be fitted

and which excludes the undertakings that the Government does not wish to nationalise". In their view the draftsman of this Bill was assigned an impossible task; he had in any case to rely on such information as the Government could glean from sources which were not always sympathetic. "Had he had the knowledge available to us, he would in all probability have succeeded. As it was, that knowledge was denied him, and the attempt failed".¹¹

Faced with the possibility of protracted proceedings on the Bill in the Lords and the consequent damage which delay and uncertainty would cause to the aircraft and shipbuilding industries, the Government made a bargain with the Opposition whereby the listed shiprepairing companies were deleted from the Bill.¹² Thereafter the Bill, as amended, passed swiftly through its remaining stages in the Lords. The final stage of the Bill in the Commons was brief (lasting only twenty minutes) but it was not without its irony. The same Lords amendments which had been rejected four months before in 1975-76 were once again before the Commons but this time the Government were moving to agree to them. After some gentle teasing by the Opposition the Lords amendments were agreed to without division.¹³ The Bill finally received the Royal Assent on 17th March; the procedure under the Parliament Acts had not been needed.

1. H.C. Deb. (Vol. 894), *cc.* 355-6.

2. To be fair, there were fifty-seven sittings on the Housing Finance Bill in 1972 which in total lasted half as long again as the sittings on the Aircraft and Shipbuilding Industries Bill.

3. H.C. Deb. (Vol. 669), *c.* 45.

4. H.C. Deb. (Vol. 458), *cc.* 47-51, and (Vol. 732), *cc.* 1215-23.

5. H.C. Deb. (Vol. 912), *cc.* 299-305.

6. Aircraft and Shipbuilding Industries Bill, Schedule 2, paragraph 6.

7. H.C. Deb. (Vol. 912), *c.* 445 *et. seq.*

8. He tendered a formal apology for his behaviour to the House the following day, H.C. Deb. (Vol. 912), *c.* 769.

9. H.C. Deb. (Vol. 915), *cc.* 1291-94.

10. H.C. Deb. (Vol. 922), *cc.* 451-4.

11. Certificate from the Examiners, H.L. Paper No. 71 (1976-7), pp. 12-13.

12. H.C. Deb. (Vol. 927), *cc.* 365-72.

13. H.C. Deb. (Vol. 928), *cc.* 237-43.

IV. THE QUEEN'S SILVER JUBILEE: PRESENTATION OF ADDRESSES BY PARLIAMENT

BY SIR FRANK TWISS, K.C.B., D.S.C.

Gentleman Usher of the Black Rod

The custom of the Houses of Parliament presenting Addresses to the Sovereign either individually or jointly is well established. An Address is frequently presented by a small number of representatives of the Houses who are received in audience by the Sovereign; but it is far less usual for both Houses to assemble as a whole to present Addresses.

The first Address by both Houses officially recorded in the Journals was in 1540, when a committee of the Lords joined with a committee of the House of Commons to attend King Henry VIII at St. James's Palace. The first instance of an Address being presented by the whole of both Houses was to King Philip and Queen Mary in 1554. The subject matter of subsequent Addresses has been very wide. Some of the earlier Addresses were contentious, pressing on the Government particular courses of policy; but increasingly an Address was used for expressions of congratulations or condolence and especially for thanks for the Gracious Speech from the Throne at the beginning of the session. In addition, there have been many Addresses of a routine nature – for instance, requesting that papers or accounts be laid before the House on some aspect of foreign or home policy; if the Sovereign has concurred, these papers have then been presented to Parliament by command of His or Her Majesty. In the eighteenth and nineteenth centuries, the number of such Addresses in each session was considerable.

In both Houses Addresses have been ordered to be presented either by the whole House, or by Privy Councillors, or by members of the royal household, who in the case of the Lords are known as 'the lords with white staves'. Occasionally special Members are nominated to present an Address, as in 1972 on the occasion of the twenty-fifth anniversary of the Wedding of Her Majesty The Queen and His Royal Highness, The Duke of Edinburgh.

On May 4th 1977 to mark the Silver Jubilee both Houses of Parliament assembled in Westminster Hall to present Humble Addresses of congratulation to Her Majesty and to hear from The Queen in person Her reply.

As a preliminary to this ceremony motions were moved in both Houses of Parliament on 3rd May 1977 "that an Humble Address be presented to Her Majesty to congratulate Her Majesty on the occasion of the Twenty-Fifth Anniversary of Her Accession to the Throne".

The actual ceremony for the presentation of these Addresses in Westminster Hall is simple and designed to enact a personal and traditional

method of communication between the Sovereign and Her Parliament. On Wednesday, 4th May 1977 the day's proceedings started by both Houses meeting for Prayers at 11.00 a.m., a special prayer for the occasion being used in addition to the normal ones. This completed, Peers and Members of Parliament made their way to Westminster Hall where a large body of distinguished persons such as Ambassadors, Commonwealth High Commissioners and Lord Mayors were already assembled.

The scene in the Hall, brightly illuminated as it was by the television lighting, was one of splendour. On the middle platform of the steps leading down into the Hall from the great memorial window were the two gilded chairs for The Queen and The Duke of Edinburgh while on either side other chairs were arranged for Members of the Royal Family and their Suite. On the lower platform chairs were ranged for The Lord Chancellor, The Speaker and their processions and tables provided to take the Maces. Then in the body of the Hall, Peers, Judges and Members of Parliament sat row upon row below their respective Speakers, the Prime Minister, Leader of the Opposition, Leaders of both Houses, Ministers and Front Bench Peers and Members occupying the leading rows.

The scene was thus set to initiate the formal ceremony which was the entry of The Speaker of the House of Commons, his procession augmented on this occasion by the inclusion of the Clerks at the Table. A voice could be heard calling out "Mr. Speaker" and shortly afterwards the Serjeant at Arms bearing the Mace came slowly up the centre of the Hall. By the time the Speaker, the Mace and the others in the procession had reached their seats, the cry of "Lord Chancellor" was heard and a second procession came down the aisle to take its place on the East side of the platform. Both Maces were placed on the tables provided, whereupon The Speaker and The Lord Chancellor took their seats.

For a brief interval the buzz of conversation was resumed to die away again as the band struck up the march "Scipio" by Handel which heralded the entry by the door at the far Northern end of the Hall of the State Trumpeters of the Household Cavalry, The Queen's Bodyguard of the Yeomen of the Guard and Her Majesty's Body Guard of the Honourable Corps of Gentlemen at Arms.

With slow and stately pace, their helmets, uniforms and accoutrements glittering in the brilliant lighting, these three groups proceeded through the length of the Hall, up the steps and so to positions assigned below the memorial window for the Trumpeters, on the upper platform for the Gentlemen at Arms and on the steps and lower platform for the Yeomen of the Guard. All was now ready to receive the Royal Family and The Queen.

A few minutes before midday The Queen Mother, The Prince of Wales, Princess Anne and Captain Mark Phillips and Princess Margaret entered and were conducted to their seats. They had just sat down and

the Gentlemen Ushers withdrawn when the notes of Big Ben, which had been silent for several months due to fractures in the mechanism, started the tuneful chime which precedes the striking of the Big Ben bell. As the twelfth stroke rang out the State Trumpeters started their Fanfare, the Serjeants at Arms stepped forward to cover the Maces and Her Majesty The Queen and Prince Philip entered the Hall escorted by the Lord Great Chamberlain, the Marquess of Cholmondeley and the Secretary of State for the Environment, Mr. Peter Shore, M.P.

As The Queen and The Duke of Edinburgh walked down the stairs to their chairs, the Gentlemen at Arms moved forward to the end of the upper platform, so that by the time The Queen was seated the colourful forms of Gentlemen at Arms and Yeomen of the Guard were in position around the Sovereign.

The Lord Chancellor then rose and delivered the Address by the House of Lords, moving forward up the steps on conclusion to kneel and present the document in its special red folder to The Queen. The Speaker followed in like manner, withdrawing along the platform to stand with The Lord Chancellor on either side of The Queen.

The Queen then rose and delivered Her Reply, sitting down when she had finished so that The Lord Chancellor and The Speaker could come forward again to receive the copies of the Gracious Reply.

The conclusion of the formal Presentation of Addresses was marked by the National Anthem.

At this point The Lord Chancellor moved forward and called for three cheers for The Queen, a move which while loudly supported in the Hall served to break the formal atmosphere of the occasion and give everyone present the chance to express their feelings in a personal way. The cheers were followed by loud clapping which continued as The Queen, The Duke of Edinburgh and Members of the Royal Family walked slowly down the steps and through the centre of the Hall and the audience to the North Doors, thence moving out into New Palace Yard. As The Queen passed through the doors, a fanfare sounded and the two Maces were uncovered.

Thus ended the time honoured ceremony. The Lord Chancellor's and Speaker's Procession led by the Maces withdrew from the Hall, the Judges departed and in a few minutes the great gathering was dispersing.

V. QUEEN ELIZABETH THE SECOND OR THE FIRST OF NEW ZEALAND?

BY L. B. MARQUET

Second Clerk Assistant, House of Representatives

"New Zealanders today owe allegiance to the Queen of New Zealand, not to the Queen of the United Kingdom, and receive protection from the former, not the latter." *In re Ashman and Best* (1976, unreported, Supreme Court, per Wilson, J.).

In the above-cited case, the learned judge had been asked to grant a release for two prisoners held in a New Zealand gaol pending extradition to the United Kingdom. The prisoners' counsel submitted, *inter alia*, that because of constitutional changes since the passing of the Fugitive Offenders Act 1881 (UK), that Act's provisions were no longer applicable to New Zealand/United Kingdom relations notwithstanding that the Act was still in force in New Zealand although repealed in the United Kingdom – a submission the court upheld. At the time of writing, it is understood that a case raising similar issues is before the New Zealand Court of Appeal.

The *Ashman* case would hardly have been noticed were it not for the observations of the court on the constitutional position of the Queen in relation to the United Kingdom and New Zealand.

The Constitution Act 1852 (UK) created a legislature and executive Government for New Zealand on the Westminster model, *mutatis mutandis*. Executive power was vested in a Governor and Executive Council, and the legislature comprised the Governor, Legislative Council (appointed) and a House of Representatives (elected). The Upper House was abolished in 1950, and New Zealand is a unitary state with a unicameral legislature and responsible government.

Under the 1852 Act the New Zealand Parliament had limited powers: e.g., it could not legislate extra-territorially, nor could it legislate repugnantly to the law of England. Moreover, fundamental aspects of the form of Government were "entrenched" by reason of the fact that the United Kingdom Parliament alone could amend the Act in this respect.

In 1907 New Zealand was made a Dominion and nomenclature of offices changed accordingly – the Governor became Governor-General, the Premier, Prime Minister, and so on. New Letters Patent and Instructions were issued in 1917 and 1919, redefining the office and powers of the Governor-General. (See (1919) New Zealand Gazette, 1213)

These changes were a manifestation of political changes which had been occurring throughout the Empire – the self-governing colonies had become more aware of their own identities. The process of change was speeded up considerably by the First World War, and in the post-war

period efforts were made to define, politically and constitutionally, the relationship between the United Kingdom and the Dominions and the Dominions *inter se*.

The position was considered in depth by the 1926 and 1930 Imperial Conferences, and culminated in the passing of the Statute of Westminster 1931. New Zealand chose not to adopt the 1931 Act until 1947, (cf Statute of Westminster Adoption Act 1947 (NZ)). Even so, this did not leave New Zealand free to amend entrenched provisions in its own Constitution Act and it was necessary, using the "request and consent" provision in the 1931 Act, for the United Kingdom Parliament to pass at the request of the New Zealand Parliament, the New Zealand Constitution (Amendment) Act 1947 (UK) (11 GEO. VI, Ch 4) the operative provision being

"it shall be lawful for the Parliament of New Zealand by any Act or Acts of that Parliament to alter, suspend, or repeal, at any time, all or any of the provisions of the New Zealand Constitution Act 1852; and the New Zealand Constitution (Amendment) Act 1857 is hereby repealed."

The power conferred by that provision was used for the first time in 1950 to abolish the Upper House.

As at December 1947, New Zealand was to all intents and purposes a sovereign state within the Commonwealth. In the same year "An Act to Assent to an Alteration of the Royal Style and Titles" was passed consequent upon the independence of India. This Act followed the constitutional view embodied in the 1931 Statute of Westminster that what touched the Crown was a matter for the Commonwealth Governments and not merely that of the United Kingdom. It was in conformity with this doctrine that the New Zealand Parliament had ratified the assent given by the New Zealand Government to the Abdication Act 1936 (UK), (cf 1937 NZPD 5, 8.).

With the accession of Queen Elizabeth II a further change was made to the royal title, but significantly this time without reference to the rest of the Commonwealth. The Sovereign was "... for use in relation to New Zealand . . . Elizabeth the Second by the Grace of God of the United Kingdom, New Zealand and Her Other Realms and Territories, Queen, Head of the Commonwealth, Defender of the Faith -".

So far, the Crown was still seen as being indivisible, yet, curiously, a Royal Powers Act was passed in the same year:

- "2 . . ." (1) It is hereby declared that every power conferred on the Governor-General by any enactment is a royal power which is exercisable by him on behalf of Her Majesty the Queen, and may accordingly be exercised by Her Majesty in person or by the Governor-General.
- (2) It is hereby declared that any reference in any Act to the Governor-General in Council or any other like expression, includes a reference to Her Majesty the Queen acting by and with the advice and consent of the Executive Council of New Zealand."

The legal necessity for this Act continues to be debated, but in the

event this argument may now be outdated in view of constitutional changes outlined below.

In the 1950's and 1960's, the policies of the United Kingdom and New Zealand Governments were formulated independently of each other – New Zealand was not involved in Suez in 1956, and the United Kingdom was not involved, unlike New Zealand, in the Vietnam war. During this period, and especially in the late 1960's and early 1970's, the view had gained currency that New Zealand was a South Pacific nation, and that she should act publicly as such. The United Kingdom's entry into the EEC probably brought home the fact that the United Kingdom and New Zealand were completely free to pursue their own policies, whether or not they coincided. Some concrete impetus was given to this impression of complete independence by the Constitution Amendment Act 1973 (NZ). In Mr. Justice Wilson's words:

“This (the 1973 Act) repealed section 53 of the Act of 1852 and replaced it with a provision containing no reference to the law of England (repugnancy); repealed sections 57, 58, 59 and 61, and deleted from section 56 the power of a Governor to reserve Bills for the signification of Her Majesty's pleasure, and the requirement that the exercise of this discretion to assent or refuse to assent to a Bill is subject to instructions given by Her Majesty. By this Act New Zealand established itself, *in law*, as an independent sovereign state.”

The learned judge goes on to say “The Royal Titles Act 1974*, by omitting reference to the United Kingdom, confirms the constitutional position that the Queen of New Zealand “. . . is a different entity from the Queen of the United Kingdom although she is the same person.”

There can be no doubt that, politically, New Zealand is a fully independent realm, its Head of State being the same person as the Head of State of the United Kingdom. Whether in the absence of a declaration made by Act of the New Zealand Parliament the Queen is a different sovereign *in law*, is a moot point although it can be argued that the cumulative effect of the 1973 and 1974 Acts has brought about that situation.

It may be argued that there is no practical effect as a result of this constitutional change. On the other hand, could it not be suggested that Queen Elizabeth II, in right of New Zealand, could abdicate in favour of King Charles III, while still remaining Queen Elizabeth II of the United Kingdom of Great Britain and Northern Ireland? More to the point, would the new Sovereign be Charles I of New Zealand?

Whatever the traditional arguments may be as to the divisibility of the Crown, it is submitted that the Crown in right of New Zealand is a separate entity from that of the United Kingdom or Australia or Canada or any other Commonwealth country which has the Queen as Head of State. If the constitutional change outlined above exists both in fact and in law, it may well be that some thought should be given to the legality

*The operative words of the statute are “Elizabeth the Second by the Grace of God, Queen of New Zealand. . .”

of New Zealand appeals lying to the Judicial Committee of the Privy Council in the absence of legislation passed by the New Zealand Parliament constituting the Privy Council as New Zealand's final appellate court.

The writer considers that these issues should be raised in this Silver Jubilee year, especially in view of the fact that in February of this year Her Majesty opened a session of the New Zealand Parliament for the first time as Queen of New Zealand.

VI. COMMITTAL FOR CONTEMPT

It is less than a century since the atheist Charles Bradlaugh, duly elected Member for Northampton but denied the right to affirm or take the oath, and "having disobeyed the Order, and resisted the authority" of the House, was committed to the custody of the Serjeant at Arms. He was released twenty-four hours later (although his struggle to take his seat was to drag on for nearly six years), the last victim of the Commons' power of commitment. The Committee of Privileges has now recommended (Third Report, 1976-77, H.C. 417) that this power should be abolished. It is timely, therefore, to trace something of the obscure origins and controversial history of what still remains the ultimate sanction of the House in defence of all its other privileges.

Molestation or arrest of Members or their servants was for centuries in the Middle Ages remedied in the courts, by the Lord Chancellor's writ, or by petition of the Lower House to the King. Although the House of Commons may be said to derive authority from the ancient High Court of Parliament, there is no record in its early history of punishment for contempt. But the medieval mind was not attuned to the theory of separation of legislative from judicial powers, and the case in 1543 of George Ferrers, Burgess from Plymouth, is more probably a sign of the Commons' growing strength than of a new-found (or rediscovered) constitutional role as a court of record. Ferrers was arrested in London as surety for debts on his way to Parliament and the Serjeant was sent with his mace, but no writ, to release him. The City Officers resisted, and in the ensuing fracas "the Serjeant was driven to defend himself with his mace of arms, and had the crowne thereof broken by bearing off a stroke, and his man was stroken down". The Sheriffs of London sided with their officers and forced the Serjeant to retreat. The Commons protested to the Lords, who judged the "contempt to be very great" and the Serjeant, still bearing only his mace, obtained Ferrers' release. The Sheriffs, Clerks of the Counter, and all others involved in the case against him, were sent to the Tower, to Newgate, or to "Little Ease", where they languished until the Mayor interceded for them.

The history of imprisonment by the House of Commons can be traced back scarcely further than the extant Journals of the House, which date from 1547. Already at this time the power seems to have been well entrenched; the Journals vividly illumine the growth and decline of its use.

Even in the earliest years committal was not used solely as a weapon in defence of Members' privileged immunity from harassment: in 1548 John Story, himself a Burgess, was committed first to the custody of the

Serjeant at Arms and then to the Tower for some five weeks, for "Offences in this Case towards his Majesty and his Council" – "Council" here referring to the Lower House. In 1552 a Member's servant, Hugh Fludde, who was being held in the gaol called the Counter, was granted Privilege by order of the House, stripped of it the next day and delivered to the Sheriffs of London by the Serjeant, whereupon he escaped with the help of one Creketoste, assaulting the Sheriffs' own serjeant. For this the House committed both, first to the Gatehouse, and subsequently to the Counter and to the Tower respectively. In 1557 a Member, Mr. Copley, was committed for speaking "unreverent Words of the Queen's Majesty"; in his defence he "required this House to consider his youth, and that, if it be an Offence, it might be imputed to his young Years". The Offence was reported to Queen Mary, but the Speaker was to plead for mercy on the juvenile reprobate. In the meantime he was to remain in the Serjeant's custody. The growing confidence of the House to punish lack of proper respect is instanced in the committal to the Serjeant's custody in 1559 (*I*, 60) of Thrower, servant to the Master of the Rolls, who "did say against the State of the House, that if a Bill were brought in for Womens Wyers in their Pastes, they would dispute it, and go the Question; and that he had heard the Lords say as much at his Master's Table". The luckless Thrower's denial of the insult was not accepted; and its attribution to the Lords cannot have helped to mollify the Lower House.

The practice of committal of Members and strangers alike, to the Serjeant's custody or to the Tower, flourished throughout the reigns of Mary and Elizabeth, and the House seems to have been as zealous in defence of the Crown and the Church as of its own privileges. The Tower almost became a kind of procedural device. In 1580, Mr. Norton complained of a book "not only greatly reproachful against some particular good Members of this House, of great Credit, but also very much slanderous and derogatory to the general Authority, Power and State of this House, and prejudicial to the Validity of the Proceedings of the same, and Making and Establishing of Laws; charging this House with Drunkenness, as accompanied in their Counsels with *Bacchus*" (*I*, 122). Mr. Hall, a Member, admitted responsibility for the contempt, and after lengthy debate it was "*Resolved*, That he should be committed to the Prison of the *Tower*, as the Prison proper to this House". The sentence was to last six months, and for so much longer as he should fail to retract, and was accompanied by a fine of 500 Marks and expulsion from the House.

The enthusiasm of the House for locking up those who incurred its displeasure reached its zenith in the 17th century, and the Journals of the period are thick with instances. Indeed, scarcely had James I's first Parliament heard their new King's Speech from the Throne than they proceeded, before even appointing the Committee of Privileges, to instruct the Serjeant at Arms to bring in two of the Yeomen of the

Guard who had arrested a Member (1, 149). The legal consequences of the Union of the Crowns in 1603 of England and Scotland incited some acrimony, and in 1606 Sir Christopher Piggott, one of the Knights of the Shire for Bucks., delivered himself "with a loud Voice (not standing up bare-headed, with Reverence to the State of the Assembly, as the Order is)" of "Invective against the *Scotts* and *Scottish Nation*, using many words of Scandal and Obloquy, ill beseeeming such an Audience" (1, 333). The House, although perturbed, took no action at the time, but the King, himself one of the slandered nation, communicated his displeasure, and the chauvinist was immediately committed to the Tower and expelled. But the confinement did his health little good, and learning that the King had relented the House released him two weeks later.

At times peremptory committal was threatened with draconian abandon, as an entry in 1610 vividly suggests:

"*Dorothee Clayton* preferreth a Petition, directed to the Queen, to the Lords of the -

If she clamour upon Mr. Speaker, or prefer any more Petitions, she is to go to Brydewell". (1, 452).

One wretch, a Catholic named Edward Floyde, in no way connected with the House, who in 1621 had insulted the King's Protestant son-in-law, the Elector Palatine, was even caught up in a wrangle over penal jurisdiction (the first of many) between Lords and Commons, with the result that he suffered extraordinary punishments at the behest of both Houses successively: these included not only imprisonment and a £1,000 fine, but a sentence to stand in the pillory with an inscription in his hat describing his offence and to ride bare-back, facing backwards and holding the horse's tail, from Westminster to the City (1, 609).

Commitment was not reserved for clamorous strangers or seditious troublemakers. In 1641 Mr. Herbert Price and Sir William Widdington were called to the Bar for "taking away the candles from the Serjeant violently". At first they refused to kneel, and "were caused to withdraw", but on their return, "they kneeling all the while, Mr. Speaker pronounced the Sentence against them, of their being committed to the *Tower*" (2, 171).

During a period of growing conflict between King and Parliament the House could not afford to relax its vigilance. In 1628, "Sir *Will. Boulstred* informs the House, that *Burgesse* fled from his own Parish, and went to Ipswich; there said, that he had been lately in some Company of the Parliament Hell-hounds and Puritans: There staid". (1, 932). The Serjeant was sent for the contemner. The House did not meet for another 11 years, but again in 1640 can be found sending the Vicar of Rothers-thorpe to the Gatehouse for making "very scandalous Speeches" against it (2, 71). A Member who likened the Attainder of the Earl of Strafford to "Murder, with the Sword of Justice" was expelled, never to be eligible as a Member again, and sentenced to the Tower and to acknowledge his offence at the Bar and publicly at Windsor (2, 158).

Inevitably the House, fighting to assert its authority during the Civil War, used its powers profusely for the good of the cause. Thus one Geo. Mayes, for refusing to submit to legal examination in the Court of Admiralty concerning a ship which had brought arms from Denmark for Newcastle, was committed to the Marshalsea prison in 1643 (3, 226). A Mr. Cranford, who in 1645 spread a report that certain Members had treated secretly with the King for a separate peace, was required to admit his crime at the Bar and at the Exchange and was imprisoned in the Tower (4, 212). Several Members who deserted the Service of Parliament and attached to the King's forces were committed, to the Tower and elsewhere. Committals reached such a level that in 1648, after some escapes, the House referred to a Committee the matter of "a fit House, to be appointed for the Serjeant at Arms that attends this House to keep his prisoners in" (6, 111).

The severity of the House reached an extreme under the Commonwealth, when James Nayler was punished for blasphemy not only by imprisonment and hard labour but by a succession of humiliating public displays and by frightful mutilation (7, 468). Death was suggested, but rejected on division. It is not surprising to find this same dour House humourlessly intervening in a pub brawl: when in 1658 Major Audley quarrelled with Mr. Turgis at "the sign of the *Legge* in the *Palace-Yard*", calling him "a base stinking fellow and a shit-breech" he was brought to the Bar as a "Dclinquent", sternly rebuked by the Speaker, and packed off to the Tower (7, 597).

Even after the Restoration the House was far from confining itself to punishment of corrupt electoral practices (compounded in the case of the Mayor of Northampton in 1660 by "irreverent carriage in the Church" (8, 276)), and legal harassment of Members or interference with their servants or property. No fines were exacted after 1666, but imprisonment remained a popular sanction, and the large numbers committed to the Serjeant's custody or elsewhere, included John Milton (8, 66), Samuel Pepys (for "miscarriage of the Navy") (9, 628) and two judges of the King's Bench who had found against the Serjeant in a case brought by another of his prisoners (10, 227).

Occasionally the Journals have some news of life in custody. When in 1689 the Earl of Castlemaine complained of his conditions and requested a servant to attend him in gaol and greater freedom of movement, the debate ended in a Resolution "that the Attorney General prosecute the Governor of Newgate for illegal usage of the King's subjects while imprisoned" (10, 276). A later prisoner in the Gatehouse tried the same story and was permitted a servant, but the two Members appointed to investigate reported that he was not ill-used (12, 44).

In 1707 the Serjeant at Arms petitioned the House for reimbursement of charges incurred in apprehending persons who on release at the end of the Session would abscond without paying their fees. The House resolved that in such cases the Order for commitment should be renewed

at the beginning of the new Session and that this should be a Standing Order (15, 376). This procedure seems to have been efficacious, for in 1711 the Serjeant reported that he had received satisfaction from all those committed to his custody in the last Session, with the exception of the corrupt Portreeve of Tavistock, who was thereupon re-committed (17, 23). Not all Officers of the House found it so easy to collect their fees: one Committee Clerk in 1720 was assaulted in Exchange Alley by a furious petitioner who took him by the collar and demanded the return of certain papers. When the Clerk, Lucas Kenn, refused to comply until the Fees were paid, his assailant told him he was a rogue, and worse than a pickpocket. "Upon which there was a great Crowd, and Kenn's Wig was torn, and his Hat beat off, and he was mobbed out of the Alley; some crying out, That he was a Pick-pocket; and others, that he had sold Stock, but could not deliver it; though he publicly declared, he only kept the Votes till the Fees due to the Officers of the House were paid" (19, 370). The instigator of the assault was committed to the Serjeant's custody.

Financial and electoral malpractice and related offences were by this time the chief forms of wrongdoing for which the power of committal was invoked, the latter remaining so until 1868, when the jurisdiction of the House in the trial of controverted elections was transferred by the Parliamentary Elections Act to the courts of law. Of financial abuses, the most flagrant are surely those associated with the South Sea Company. The bursting of this infamous speculative bubble in 1720 led to the committal of numbers of the directors, promoters, and others to the Serjeant's custody or to the Tower. Those who were Members were also expelled. A clerk in the Company's office who threatened one of his colleagues in an attempt to suppress evidence, "laying his hands violently on this Examinant's Face, squeezed his Jaws very hard, and said, If the Examinant discovered any thing, he would be the Death of him" (19, 562), was committed to the Gatehouse. Among the grounds for committals arising out of disputed elections were gross prevarication before an election committee, false evidence, disobeying a summons or the Speaker's warrant, unduly delaying a writ, tampering with witnesses, summoning witnesses without authority, failing to make an election return and challenging a Member to a duel over his conduct on an election committee. The eighteenth century is also notable for the number of persons imprisoned for counterfeiting Members' signatures for postal franks.

The constitutional authority of the Commons to commit has rarely been seriously questioned. Indeed, for just such a query, in 1810, Sir Francis Burdett, a Member for Middlesex, was committed to the Tower, provoking a seven-year battle which raged through both houses of Parliament, the King's Bench, the Exchequer Chamber, and the Lords in their judicial capacity. The *cause celebre* originated in a complaint made to the House of a letter published in "Cobbetts' Weekly Political

Register" entitled "Sir Francis Burdett to his Constituents, denying the Power of the House of Commons to imprison the People of England" (65, 224). Sir Francis, not surprisingly for one of his professed views, did not make the Serjeant's task easy for him. He was not at home, he was in Wimbledon, he was back at home once more; finally, when the Serjeant caught up with him, he had to call for police, infantry, and cavalry support and force an entry. The resulting Iliad of litigation ended in a complete victory for the Commons at every level. The case elicited a stirring defence of the power in question by Mr. C. W. Williams Wynne, M.P., who published in pamphlet form the substance of a speech he had hoped to make "had I not been deterred, both by the lateness of the hour, and the great ability with which the subject had already been treated". The phrases of his peroration resoundingly rebut the notion that commitment is an unnecessary, undesirable or inappropriate power in the hands of the legislature: "Without this power, every inquisitorial funtion of the House must be nugatory. No witness could be compelled to attend; or if he attended to answer questions which might be asked of him, unfettered by the restraint of an oath, he might relate any falsehood which he chose, secure, even if detected, from the possibility of punishment".

However just the sentiments of Mr. Williams Wynne, it is unlikely that deep regret will be felt at the desuetude into which committal has fallen since his day (only three persons have been committed since 1866, the last being Bradlaugh, in 1880). Quite apart from considerations of decorum or of judicial safeguards against an oligarchic power, there was an element of comic incongruity inherent in a power invoked not only against strangers, Members, and even Mr. Speaker, but against the gaolers themselves. This occurred in 1728, when numerous abuses came to light in the running of the Fleet prison, including extortion, bribes taken to allow some prisoners to escape, and cruelty to others amounting to torture. The Warden, Ex-Warden, and their Tipstaff and assistants, were committed to a rival institution, Newgate.

The House can rarely have provoked greater confusion, however, than in the case, a century earlier, of Sir Thomas Shirley, a Member held in the Fleet at the suit of a creditor. After several weeks' delay and various exchanges with the Lords, the Warden, Trench, was sent to the Tower, and the Serjeant instructed to secure Shirley's release, only to be sent back empty-handed by the determined Mrs. Trench. The Commons, by a small majority, resolved to send "Six Gentlemen of the House . . . to free him with Force" (I, 205). Before this drastic procedure was employed, a fresh and but fruitless attempt was made to liberate Shirley by legislation. In desperation, it was "*Moved*, That the Warden might be sent for, and once again terrified with the Prison of *Little Ease*"; and after four days in this notorious dungeon he agreed to yield up his prisoner, and was himself given his freedom. Of the chaos which reigned meanwhile at the Fleet the Journal says little; but the moral may be drawn that whoever should guard the guards themselves, the House of Commons are better employed on other matters.

VII. PROCEDURE FOR THE JOINT SITTING OF THE FIJI PARLIAMENT

BY MRS. L. B. AH KOY, O.B.E.

Clerk to Parliament

The opening of the first sitting of Fiji's bi-cameral Parliament in 1970 at which the Governor-General was to address Parliament posed certain problems of practice and procedure: for instance, whether the tradition of Westminster should be followed of the House of Commons being summoned to the House of Lords. But the inception and composition of the Senate differs from the Lords and the question asked was whether it would be logical and proper for the House of Representatives to be invited by the newly appointed Senate to join it to hear the Governor-General's address; or should the House of Representatives invite the Senate?

Composition of Parliament:

Since Fiji's Independence on 10th October, 1970, there has been a House of Representatives and a Senate, whereas previously there was a Legislative Council of 36 elected members and four officials. Fiji's Constitution provides for a House of Representatives of 52 Members, all directly elected, 22 of whom are Fijian, 22 Indians and 8 General or of another race. The normal term of the House of Representatives is five years, but it can be dissolved at any time by the Governor-General, acting in accordance with the advice of the Prime Minister. The life of the House may also be extended in certain circumstances for not more than five years, but not more than twelve months at a time. The Speaker is elected from among the 52 elected members.

The Senate consists of 22 Members appointed by the Governor-General; eight are nominated by the Great Council of Chiefs; seven by the Prime Minister, six by the Leader of the Opposition and one by the Council of Rotuma. The term of office of a Senator is six years, and his tenure is not affected by dissolution. The term of office of a member appointed to fill a vacancy occurring because a person has vacated his seat in the Senate for a reason other than the expiration of his term of office, is for the unexpired portion of the term of office of that person. To ensure continuity eleven of the 22 appointed on Independence were appointed for a term of three years. The President is elected from among the 22. The Prime Minister's nominees are assigned responsibility for legislation in the various portfolios.

Limitation on the powers of the Senate:

A Bill for an Act of Parliament may originate only in the House of

Representatives. In the case of the Appropriation Bill, the Senate must pass the Bill "without amendment by the end of the day after the day on which it was sent to the Senate." If it is not so passed, it may be presented to the Governor-General for assent unless the House of Representatives resolves otherwise. Any Money Bill other than an Appropriation Bill, if it is not passed by the Senate without amendment within twenty-one days after the Bill was sent to the Senate, may, unless the House of Representatives resolves otherwise, be presented to the Governor-General for assent.

In the case of an urgent Bill, if it is not passed by the Senate within seven days after it has been sent to the Senate or is passed by the Senate with any amendment to which the House of Representatives does not agree within seven days after the Bill was sent to the Senate, the Bill (with such amendments, if any, as may have been agreed to by both Houses) unless the House of Representatives resolves otherwise, would be presented to the Governor-General for assent.

If any Bill, other than Appropriation Bills, Money Bills, Urgent Bills or Bills altering the Constitution and laws affecting certain "reserve" legislation listed in section 67 and 68 of the Constitution, Fijian land, customs and customary rights, is passed by the House of Representatives in two successive sessions and has been sent to the Senate in each of these sessions, at least one month before the end of the session, is rejected by the Senate in each of those sessions, and provided that at least six months had elapsed between the date on which the Bill was passed by the House of Representatives in the first session and the date on which it was passed by that House in the second session, that Bill on its rejection for the second time by the Senate, unless the House of Representatives resolves otherwise, would be presented to the Governor-General for assent.

Alteration to Constitution and certain other laws :

In addition to reviewing legislation, the Senate has a vital role particularly in the consideration of "reserve" legislation, and proposals affecting Fijian land, customs and customary rights shall not pass either House unless it is supported in each of the two Houses by three-quarters of each House, and also six of the eight Great Council of Chiefs' Members in the Senate.

To alter certain specified sections of the Constitution, a three-quarters majority is required in each of the two Houses and certain other sections require a two-thirds majority in each of the two Houses.

Practice and Procedure at Joint Sitting :

Consequent to consultations and consideration, it was decided that the House of Representatives should invite the Senate to join it to hear the Governor-General's address. The House of Representatives meets at the appointed time as for an ordinary meeting with the Speaker in the

Chair. After Prayer and confirmation of the Minutes of the previous sitting, Mr. Speaker requests the Leader of the House to invite the President and members of the Senate (who meet in a place nearby) to join it to hear the Address of the Governor-General. The bar of the House is opened to admit the procession from the Senate which is led by the Clerk to the Senate without the Senate Mace. The President takes his seat beside the Speaker, to his left, the Senators are seated amongst the Members of the House of Representatives. The Speaker then invites the President to accompany him to meet the Governor-General at the entrance to the Chamber, preceded by both the Clerks and Mace Bearer.

The Governor-General takes the Chair, the Speaker sitting on his right, and the President of the Senate on his left. After the address, the Governor-General is escorted from the Chamber by both the Speaker and the President, preceded by both Clerks and the Mace Bearer. The Speaker, upon resuming the Chair with the President beside him, adjourns the sitting for a brief period, the Senators withdrawing from the Chamber. On resumption, the House carries on with its normal business.

VIII. COMPUTERS AND THE HOUSE OF COMMONS

By F. A. CRANMER

A Senior Clerk, House of Commons

In Vol. XLIV¹ Mr. M. F. Bond explained the thinking behind the introduction of a computerised retrieval system for E.E.C. documents and parliamentary records in the House of Lords. The purpose of this note is to take the story of computer applications further, and to indicate the areas under consideration for computerisation in the House of Commons.

Current Developments

With the exception of Library indexing, computer applications in the House of Commons are still at the exploratory stage. For the most part, the impetus for considering computers as a possibility came from the decision of HMSO to begin a phased transfer to computer typesetting for Parliamentary papers, between the end of 1978 and the spring of 1982. Such a change would mean that all the House documents would be readily available on magnetic tape for computer searching, and it is agreed that there is a *prima facie* case for investigating the extent to which this database could help the House in its work. Various possibilities have been considered and the following are examples of areas in which automatic data processing is most likely to be of value.

More than 40,000 Parliamentary Questions are tabled every Session, and the Table Office expends considerable effort in checking whether or not newly-tabled questions are already covered by previous Answers during the same Session. Since Questions and their Answers are fairly short, and discrete in content, they are well suited to full text searching and retrieval using natural language keywords.

Such a system could also retrieve Early Day Motions, which are difficult to index manually. An associated problem is the need to keep up to date the lists of Members who have signed each Motion. At present, this takes up a considerable amount of clerical effort every day. Once stored in a computer, updating would be automatic and printouts of complete lists of Members who had signed any particular motion could be obtained as required.

These applications depend on the provision of a database from HMSO; others could, however, be designed which involved the compilation of new databases (at a price) and which might prove cost-effective. The compilation of the *Votes and Proceedings*, which are subsequently turned into the *Commons Journal*, might be assisted by the storing of forms and

precedents on magnetic tape, in the way currently proposed for the House of Lords precedent files.

Select Committees are also an activity in which automatic data processing might be of value, and an experiment funded by the National Computing Centre is being conducted at present to test the feasibility of such an application. A sub-Committee of the Select Committee on Nationalised Industries has been conducting an enquiry into the scrap steel aspect of the British Steel Corporation's activities. The Committee's Specialist Adviser, Mr. J. W. Taylor, has produced two programs. The first retrieves text, for use in processing the evidence taken by the Committee. The retrieval system has been tried largely on abstracts of evidence prepared by Mr. Taylor, though one day's verbatim evidence has been fed into the database. The second, ('SCEPTIC') is a modelling program which enables the user to test the assumptions and market predictions of witnesses. The experiment remains to be evaluated.

Library Indexes

One area in which a firm decision has been made to proceed with computerisation is in the preparation and provision of indexes.

The House of Commons Library maintains several quick reference strip indexes to its holdings, and their updating makes considerable demands on staff time. When the Norman Shaw North building was opened as extra accommodation for the House of Commons, a branch Library was set up, duplicating the main reference materials held in the main Library. It was decided, however, that it was not possible, by existing manual methods, to provide a full set of up-to-date indexes for the new branch library. This problem, together with the increasing difficulty experienced in rapidly updating all the indexes in the main Library, led the Librarians to consider the possibility of applying automatic data processing to the problem.

The House of Commons (Services) Committee has now agreed in principle to the Library's proposal, subject to the approval of the House as a whole, and work has already begun on the compilation of a thesaurus for indexing. As well as solving the immediate problem of providing multiple copies of existing indexes, it is hoped to make fuller use of the information contained in the indexes than has hitherto been possible, by, for example, providing current awareness services tailored to the needs of individual groups of users, should resources permit.

The Library proposes that all the material at present held on the existing indexes should be transferred to the system over a period of five years. The first priority would be a computer index of Questions, since at the moment the Library does not have such an index except in a limited form. The system would be consulted by means of visual display units (VDUs), six at first, with the possibility ultimately of expanding to twelve.² Such a development will not pre-empt the possibility of full-text retrieval at some later date, and in any case, as the Central Computer

Agency pointed out, much of the material indexed is produced outside the House and will never be available in machine-readable form.³

The system may prove valuable to users outside the Library itself. It may well be, for example, that it could assist the Table Office clerks in the retrieval of Questions as an interim measure until full text retrieval becomes a possibility.

The Informal Joint Committee

On 13th May 1976, in answer to a Written Question in each House, the Leaders of the two Houses announced the setting up of an informal Joint Committee of Peers and Members "to consider and advise on the contribution that computer-based systems might make towards meeting the information and other requirements of both Houses".

The Committee took written evidence from the various Departments within the Palace of Westminster, and received submissions from the major manufacturers. In addition, the Central Computer Agency (CCA) gave evidence orally.

In their Report,⁴ the Committee came to two main conclusions: that existing projects should be encouraged and supplemented by the phased introduction of further applications, and that a formal Joint Committee of both Houses should be set up to study and to make recommendations on computer applications and developments and to supervise their implementation. In addition, the Committee set out a series of principles which should govern any application:

"The applications should be easy to use by someone unskilled in the use of computers.

The terminals should operate satisfactorily in a normal office or committee room environment with a minimum of apparatus. Attention should also be paid to the possibility that visual displays may ultimately be required in the Chambers of both Houses.

Users' access to data should be through a dialogue at a terminal, conducted with the use of words and phrases in ordinary language. The introduction of any application should not pre-empt future developments.

The overall system should be independent of any particular manufacturer. Individual applications should be able to operate on a variety of machines, thus giving the user independence from the supplier and therefore greater control of the system.

Developments should at all times be appropriately co-ordinated between the two Houses.

Applications should be provided, as appropriate, with back-up facilities which will ensure the minimum possible interruptions of service.

In view of the fact that Parliament will in future make use of computer systems operated by outside bodies, such as commercial organisations and government departments, and in order to minimise

opportunities for confusion arising from the use of both external and parliamentary systems, systems developed in Parliament should, whenever possible, follow generally accepted design practices.

Development should take into account the possibility of public access to some parliamentary databases in return for payment, without prejudice to use by either House."

As a result of this Report, Computer Sub-committees of the House of Lords Offices Committee and the House of Commons (Services) Committee have been set up, with the intention that they should meet jointly if necessary. The sub-committees have not yet begun their work, but this development is likely to prove of crucial importance in the development of computer services in the Palace, inasmuch as for the first time Members have become involved in a formal way in the question of the possible application of computers to the work of Parliament. Prior to the setting up of this Committee, the subject had been of concern only to the Officers of the two Houses.

The Committee have also given their endorsement to a principle which has been at the forefront of the minds of those involved at earlier stages, namely, that any computer system must be a joint exercise between Lords and Commons. While such a proposal may appear to be blindingly obvious to an outsider, it is very much a new departure for the U.K. Parliament, where with the exception of printing, separate services have been provided for each House. While each House will no doubt require special facilities for particular aspects of its own work there will inevitably be areas for which a common system could be provided, and the guidelines set out by the Committee are designed to provide the maximum flexibility in any computer application.

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1. M. F. Bond, 'Computer Applications in the House of Lords', *THE TABLE XIV* (1965), pp. 51-58.
 2. 'Fifth Report from the Select Committee on House of Commons (Services)', H.C. 377 (1976-77), paras. 8 and 9.
 3. *Ibid.* para. 13.
 4. Report of the Informal Joint Committee on Computers to the Leaders of both Houses', H.L. 35, H.C. 78 (1977).

IX. THE AUSTRALIAN SENATE COMMITTEE SYSTEM - RECENT DEVELOPMENTS

By A. R. CUMMING THOM

Clerk Assistant, Australian Senate

All those with an interest in the parliamentary system of government are aware of the criticisms directed against the institution of Parliament itself. Those with an interest in preserving the institution are perhaps most concerned with the common criticism that parliaments are increasingly coming under party, or executive domination, with an apparently decreasing interest or involvement in the electorate at large. In some quarters the criticism even takes the form that parliament has become remote from, or irrelevant to that electorate.

Within that background it is therefore encouraging to be able to report on the most recent "institutional" developments in the Australian Senate Committee system - and, particularly, to report upon them at a time when somewhat more controversial matters are the vogue in relation to the Senate.

Readers of THE TABLE will recall a previous article (Vol. XL, 1972) by the Deputy-Clerk of the Senate, Mr. Roy Bullock, in which a description was given of the steps taken in 1970 and 1971 to expand the Senate's committee system, to make the Parliament more effective and to bring it into closer contact with the ordinary citizen at both individual and organizational levels. To understand the recent developments, a brief recapitulation of that early history is not out of place.

In 1970 the then President of the Senate (Senator the Honourable Sir Alister McMullin) who for some time had taken a sympathetic interest in the potential expansion of the operation of committees, tabled in the Senate, as Chairman of the Standing Orders Committee, a Report relating to a standing committee system. That Report (Parliamentary Paper No. 2 of 1970) contained a number of suggestions from the Clerk of the Senate (Mr. J. R. Odgers) who, at the request of the Committee, had put forward various proposals for the establishment of a new, comprehensive system of Standing Committees. The Committee, in tabling its Report, stated that it did so without making any recommendations.

Before the Report came on for consideration in the Senate, the then Leader of the Opposition in the Senate (Senator Murphy) gave notice of a motion for the appointment of seven standing committees. The motion differed from one of the propositions in the Report by adding one additional Committee and varying the suggested titles of the committees - and therefore, to some extent, their areas of responsibility. This motion was followed by further motions by the then leader of the Government in the Senate (Senator the Honourable Sir Kenneth Anderson)

and the Leader of the Democratic Labor Party in the Senate (Senator the Honourable V. C. Gair). The Government motion, proposing the establishment of Estimates Committees, to scrutinize government expenditure by means of a detailed consideration of annual appropriations, was put forward as an alternative to the Standing Committees proposed in Senator Murphy's motion. The motion by Senator Gair, in turn, proposed that, consistent with a spirit of gradualness, only two of the proposed standing committees should be established in the first instance and that a report should be made by the President on the operations of those two Committees before the remaining Committees were established.

After a lengthy debate all three motions were agreed to, the President tabled his Report in February 1971 (Parliamentary Paper No. 32 of 1971) and the Senate undertook the task of making the new system effective. Insofar as the motions of both the Government and the Opposition referred to the examination of estimates of expenditure there was an apparent contradiction - and it still remains - but, in practice, that function is dealt with by the Estimates Committees and not by the Legislative and General Purpose Standing Committees, as the new standing committees came to be known.

From 1971, when the establishment of all the new committees was completed, to 1976 the work of both types of committees steadily increased, both in intensity and effectiveness. During that period some 74 matters were referred to the standing committees and 52 reports were presented to the Senate; and the Estimates Committees examined, in increasing detail, the annual appropriations. As a result of this continued activity, interest inevitably developed in giving the committees the increased status of being established under Standing Orders, rather than having their continued existence dependent upon the passing of sessional resolutions. For some time the issue remained low-key and the matter never reached the floor of the Senate. In February 1977, however, the matter was considered by the Standing Orders Committee and that Committee recommended to the Senate the adoption of new standing orders to provide for the establishment, at the commencement of each Parliament, of both Legislative and General Purpose Standing Committees and Estimates Committees. On 16th March the Senate adopted the recommendations; the Legislative and General Purpose Standing Committees were established on 17th and 24th March and the Estimates Committees on 20th April.

When moving the motion for the adoption of the new standing order (36AA) relating to the Legislative and General Purpose Standing Committees, the Leader of the Government in the Senate (Senator the Honourable R. G. Withers) said -

"As honourable Senators know, since the introduction of legislative and general purpose standing committees in 1970 there has been some debate on whether they ought to be standing orders committees or sessional committees as they are now, if I may describe them in that way. Honourable senators who were here in 1970 will remember

that there was some debate on this matter at that time. Government members and supporters at that time were of the opinion that they ought not be embodied in the Standing Orders but that the Senate ought to experiment - I put the matter quite gently - with legislative and general purpose standing committees to ascertain the number, the type, the range of areas, and all the rest of it. As honourable senators will recall, originally some six, seven or eight were proposed but I think we set up only two, or three or four at that time. The idea was to move into this area gently and slowly and to see how we went. I think it is fair to say six or seven years later that honourable senators on both sides of the chamber are satisfied, I hope, that the concept envisaged in 1970 has been shown to work. We have had quality reports out of those committees. In many cases quite outstanding reports have been presented to the Parliament.

I for one am enormously pleased that the Standing Orders Committee has agreed that the committee system in the Senate has at last come of age . . ."

Speaking in the same debate, Senator Douglas McClelland, the Manager of Opposition Business in the Senate, who had been Manager of Government Business in the previous government, from 1972 to 1975, supported the proposal in the following terms -

"I believe that these standing committees can contribute enormously to the well being of the Australian community, especially at a time when the Australian public is querying the validity of the parliamentary institution. We have to face up to these aspects. This is one way in which we are facing up to the problems of change and I believe it will be for the good of the Parliament and everyone connected with it generally."

In proposing the adoption of the new standing order (36AB) relating to the Estimates Committees, Senator Withers told the Senate -

"The same situation applies here as applied to the legislative and general purpose standing committees. As honourable senators will recall, in 1970 Estimates Committees were brought in as an experiment. I think it is fair to say that in spite of the fact that there were a few problems, certainly on the first day on which they met as I recall it - I see one of the Clerks smiling - in the main they have worked out successfully. In fact, some of my colleagues see an extended role for them in the future. They see these committees examining not just the appropriation Bills twice a year but perhaps running some sort of audits between looking at those Bills."

Both proposals were agreed to unanimously, and an important step in the Senate's development was completed. Predictably, as an institutional matter, it received little, if any, public comment, but it has been well received by those with a genuine interest in, and concern for the role of Parliament.

The new Standing Orders are in essentially the same terms as the sessional resolutions which had been passed in previous years. One significant variation from the resolution passed in 1976 was the re-appointment of the Committee on Finance and Government Operations - which had been in existence from 1971 to 1975 but had been dropped in 1976, when certain re-arrangements took place in the names and areas of responsibility of the seven committees established in that year. Its re-appointment was a reflection of the strongly held view that the Senate could profitably extend its interest in, and supervision of, government expenditure. It was also expected that the Committee might move into

the important and previously largely neglected area of parliamentary oversight of statutory bodies. This latter concept was in fact borne out when, on 5th May, the Senate referred to that Committee "Government funding of, and expenditure of public moneys by, Commonwealth statutory authorities and corporations, particularly those which present annual reports to the Parliament".

For those readers with an interest in the "mechanics" of the new standing orders and their practical implications some comment upon a few particular matters may be of value.

Standing Committees

1. *Areas of responsibility* — The selection of the names of the committees — and therefore, in broad terms, their areas of responsibility — has been carried out with a view to covering the full scope of the Commonwealth Government's constitutional responsibilities. Since the Committees were first established there have been several name changes but the Senate, in accepting the recent proposal of the Standing Orders Committee, has confirmed the original concept of full coverage of government operations. The committees now, therefore, consists of the Standing Committees on Constitutional and Legal Affairs; Education and the Arts; Finance and Government Operations; Foreign Affairs and Defence; National Resources; Science and the Environment; Social Welfare; and Trade and Commerce. The re-establishment of the Committee on Finance and Government Operations, mentioned above, has filled the gap created by its abolition in 1976, which covered areas such as the public service, methods of government finance, and statutory authorities. In addition it becomes the appropriate Committee to which can be referred matters raised by Estimates Committees in their reports on the annual appropriation bills.

In accordance with the sound procedural principle of flexibility, paragraph (1) of the Standing Order includes the phrase "unless otherwise ordered", qualifying the number and names of the Committees. This leaves it open to the Senate, upon agreeing to the resolution of appointment at the commencement of each Parliament, to make whatever variations it may wish.

2. *References* — Under paragraph (2) of the Standing Order the committees are empowered to inquire into and report upon "such matters as are referred to them by the Senate . . ." There is no "general" power for committees to initiate their own inquiries without referral from the Senate. Senator McClelland indicated in the debate in the Senate that consideration had been given by the Standing Orders Committee to the inclusion of such a power, but that the recommendation had been against it. In a sense the matter is not of great practical significance as the Committees can, and do, effectively generate their own references by promoting the necessary motions in the Senate. However the "brake" desired by the Senate does exist, in that such references must still be agreed to

by the Senate itself.

A further matter of interest, which in itself constitutes an important source of potential investigation, is a Resolution of the Senate which provides that "all annual reports of Government departments and authorities, including statutory corporations, laid on the Table of the Senate, shall stand referred, without any Question being put, for consideration and, if necessary, for report thereon, to the Legislative and General Purpose Standing Committees." This Resolution, which is of sessional effect only, had been passed during previous sessions and was agreed to again on 22nd March 1977. It provides for the President of the Senate to transmit a copy of each such report to whichever committee he deems appropriate, and the effect is to give the Committees a wide opportunity to inquire into the activities of all government departments and authorities.

In respect of the consideration of Bills by the committees, it is true to say that this form of legislative examination has not often been utilized. Only 6 Bills have been referred and in two of those cases the referral was in the form of referring "the clauses" of the Bill, rather than the Bill itself as a stage in its legislative consideration. In each case the Committee to which the clauses of the Bill were referred has taken evidence from interested persons and that practice is now well established. In the main, however, the Committees conduct inquiries of an investigative nature, on subject matters both broad and narrow. Current references, for example, include such diverse matters as Australian science policy, priority of crown debts and the need for an increased Australian commitment in the South Pacific.

3. *Membership* — Each Committee consists (again "unless otherwise ordered") of six Senators, three who are members of the Government and three who are not. The Standing Order provides for the representation of Independent Senators as well as members of the official Opposition and continues the tradition that the Chairman of each Committee shall be a Government member with a casting vote. Provision is also made for participation in public meetings by senators who are not members of a Committee. Such senators may question witnesses, unless the committee otherwise orders, but may not vote.

4. *Sitting times* — Although the problem of finding sufficient time for committees to meet has been considerable and has given rise to some concern, both in committees and in general discussion, the new Standing Order specifically precludes the holding of committee meetings while the Senate is actually sitting, unless the Senate orders otherwise. This confirms the long established position in the Senate and contrasts with the practice in the House of Representatives.

5. *Televising of Committees* — Paragraph (21) of the new Standing Order provides that the Committees may authorize the televising of public

hearings of the Committees, at the discretion of each committee and under such rules as the Senate may adopt. This provision had been in the sessional Resolutions of appointment since 1973 and, to date, the Senate has not adopted any such rules. The committees have not, therefore, had any of their meetings televised.

Estimates Committees

1. *Areas of responsibility* — Since their establishment the Estimates Committees have reflected, both in number and areas of responsibility, the number of Ministers in the Senate. As many readers are no doubt aware, the Senate Ministers (normally six or seven in number) not only represent in the Chamber their own administrative responsibilities but also, between them, those of the twenty or more Ministers in the House of Representatives.

Each Minister in the Senate attends one Committee, which then examines, in considerable detail, the Estimates of that Minister's own Department and those of the Departments whose Ministers he represents. This happens in respect of both the principal annual appropriations, in September-October, and what are often described as the additional, or supplementary appropriations, in April-May.

The Standing Order provides that there shall be referred to the Committees "the annual Estimates, as contained in the Papers presenting the Particulars of Proposed Expenditure, and the Additional Estimates, as contained in the Papers presenting the Particulars of Proposed Provision for Additional Expenditure." This phraseology has an historical basis which it is not proposed to discuss in detail. Sufficient to say that, for practical reasons, when the Appropriation Bills are introduced into the House of Representatives the Senate is provided with documents which consist, in their entirety, of the Schedules of those Bills — the actual details of the expenditures proposed to be appropriated by the Bills themselves. These documents, entitled "Particulars of Proposed Expenditure for the Service of the Year Ending on 30th June 197—" — and "Particulars of certain proposed expenditure in respect of the Year ending on 30th June 197—" — are then immediately available to the Senate and its estimates committees for detailed examination, without the delay which would result from waiting, for some weeks, for the actual Bills to be forwarded from the House of Representatives. This permits a comprehensive examination, but the actual agreement to the Appropriations is still effected by the later passage through the Senate of the Bills themselves.

During the examination of the proposed appropriation items, questions are directed to the Ministers and the departmental officers who accompany them. The Committee members are assisted in their consideration by the provision, from departments and authorities, of explanatory notes. These notes, originally treated as private to the Senators, are now tabled in the Senate and available for public examination. In accordance

with established practice any question with a "policy" content is answered by a Minister and not a public servant.

In addition, the right is still maintained for Senators to ask further questions when the Bills are considered at the Committee of the Whole stage, although this is, naturally, a lesser examination.

2. *Membership* - Membership of the Committees is similar to that of the Legislative and General Purpose Standing Committees - six members, unless otherwise ordered, with provision for representation of independent Senators. As with the Standing Committees, the provision, in paragraph (4) of Standing Order 36AB, for determination of membership by the Senate in the event of an absence of agreement, has not been necessary. Any Senator may attend and participate in the deliberations of any Estimates Committee and question witnesses, but shall not vote (paragraph 10). This gives all Senators the opportunity to pursue, as far as practicable, all their areas of interest. The total potential of that provision is, however, difficult to achieve, in view of the practice whereby, pursuant to paragraph (13) of the Standing Order, it is customary for three of the committees to meet simultaneously.

3. *Sitting times* - The Estimates Committees do not experience the same problem as the Standing Committees of finding adequate time to meet. Consistent with the basic concept of the committees - in essence, the replacement of the Committee of the Whole consideration by specialist committee examination - the Senate suspends its sittings on chosen days to enable the committees to meet. In practice the Senate suspends after question time for the greater part of the day and resumes at a later hour (normally 10 p.m. - or 5 pm., if the Senate is to rise early) for the purpose of moving the adjournment, and thereby ensuring the cherished opportunity for a general debate on that motion.

4. *Reports* - Paragraph (18) of the Standing Order provides that the Committees' Reports are to be received by the Senate without debate and consideration of them is to be deferred until the Appropriation Bills are being considered. This ensures that the matters raised by the Committees are placed before the Senate prior to its consideration and approval of the Bills and, in practice, the matters so raised are almost invariably re-considered in Committee of the Whole.

Although institutional developments are not as dramatic as those in the political arena there are some who believe that they can prove of more lasting consequence. The writer is unashamedly one of those who cling to that belief - a belief founded on the Churchillian philosophy that the Parliamentary form of government (with the accent on *Parliament*) may not be the best possible form of government but it is better than any of the other forms yet tried.

X. THE HOUSE OF LORDS OFFICIAL REPORT (HANSARD) 1946-1977

By C. W. BLOGG, O.B.E.

Formerly Editor of the Official Report, House of Lords

Since the end of the Second World War, all offices in parliament have seen a tremendous change and increase in their volume of work – none more so than the Official Report of the House of Lords. The first big change came in 1946 with the return to office of a Labour Government. Their Manifesto included many nationalisation proposals. At this time the House sat on only three days a week, and speakers referred to 7 o'clock in the evening as “this late hour”. The staff of *Hansard* then consisted of six Reporters, an Editor, one clerk and three typists.

The House soon began late Sittings on the nationalisation Bills, and the existing staff was totally inadequate to cope with the greatly increased length of Sittings. Temporary staff were recruited either from the Press Gallery or from among the verbatim shorthand writers in the High Court, but within a short time the permanent staff of *Hansard* was increased to eight Reporters and four typists. The quantity of work became too much for one Editor to handle, and an Assistant Editor was appointed.

To a large extent, however, the House of Lords was still a different House from the House of Commons; speeches were shorter, and the Members seemed less Party-minded. One great advantage from the viewpoint of *Hansard* reporting was the fact that the House of Lords was then Sitting in the King's Robing Room – their Lordships' House having been taken over by the House of Commons while that Chamber, which had been bombed, was being rebuilt. The King's Robing Room is a small room, and the *Hansard* reporters, sitting in the centre of the Floor, could hear perfectly well speakers from all parts of the House without the need for mechanical amplification.

In May 1951, the House of Lords moved back into its old Chamber, the Commons Chamber having been rebuilt. Before the war, a single microphone hung from the ceiling in the centre of the Chamber; now, for the first time, microphones were installed at regular intervals above all Benches. With this innovation the difficulties of reporting grew; speakers were no longer the orators of the past, and even seemed deliberately to position themselves between microphones. The House continued to be much busier, becoming more and more like a second House of Commons. The most influential change came with the passing of the Life Peerage Act in 1958. Although many people expert in their own field were raised to the Peerage under this Act, thus adding considerably to the expertise of the House, many M.P.s were also created Life Peers and brought with them the customs and habits of the House of Commons.

The Peerage Act 1963 also brought further innovation in that it gave to hereditary Peeresses the right to sit and to vote in the House of Lords in their own right, and also amended the qualifying rights of Scottish and Irish Peers. Thus the composition of the House changed radically, and with it the tempo. No longer was 7 o'clock referred to as "this late hour".

In June, 1962, a system of tape recording was introduced. This was not intended to be a substitute for Reporters. Although, perhaps, given the time, a transcription from the recording may be more "verbatim" (factually it is no more accurate in content), the process is so cumbersome that even with the addition of many more staff the *Hansard* Daily Part could not be printed and delivered all over the country, as it is now, by the next morning. The tapes are used for checking purposes only. Reporters and editorial staff are able to check queries - perhaps words not clearly heard, or an unfamiliar name or place. This system has proved its worth. The typescript of a speech is produced in exactly the same time as previously, because the Reporters have continued with their normal routine of dictating their 10-minute turn direct to a typist. The checking of any queries on the tape is done only after the speech is in type. In this way the number of errors in reporting (which must always be present in the reporting of any assembly carried out under pressure and when time is such an important factor) has been significantly reduced. On occasions the tape has been a friend to *Hansard*. It is well recognised in the reporting world that the recollection of speakers as to what they have said is often at fault. The tape has proved that the reported speech is correct - although it must be admitted that the reverse is sometimes the case!

By 1963, the staff of the Official Report had increased to ten Reporters, an Editor, an Assistant Editor, a sub-editor and one clerk. There were by now four typists. The workload of the House has continued to increase; 1976 being a particularly heavy year. Monday sittings, once a rarity, have now become commonplace. At the end of the 1976 Session many very long sittings - and on a few occasions all-night sittings - were required to deal with the backlog of legislation. During this busy period a Bill was taken in Committee off the Floor of the House, and although by now the staff had increased to thirteen Reporters, an Editor, Assistant Editor, two sub-editors, three clerks, six typists and one typists' Supervisor, it was necessary to engage from an outside firm a complete team of audio-typists to deal with the Committee.

Although *Hansard* is sufficiently staffed to deal with all late Sittings and the occasional "all-nighter", a fresh look will need to be taken at the whole staffing position if, as seems likely in the future, further Bills are taken off the Floor of the House.

The recording equipment has also grown and become more sophisticated. It consists of a console containing three tape decks, two of which take over automatically from one another every half an hour, the third

being for emergency purposes in the event of the break down of either of the other two machines. There is also a master machine with a long-playing tape.

The House of Lords *Hansard* now operates what can justifiably be described as the best possible reporting system: Reporters present in the Chamber listening to and taking down in shorthand every speech (often asides are made which the microphones do not pick up, but without which following observations may be quite meaningless), backed up by a recording. No doubt technological advances in recording will be made, but it will be many years before the system now in use by the House of Lords *Hansard* staff can be bettered for speed of production coupled with remarkable accuracy.

XI. THE SOUND BROADCASTING OF PARLIAMENTARY PROCEEDINGS AT WESTMINSTER

The last volume of *THE TABLE* briefly recorded that an experiment in public sound broadcasting of House of Commons proceedings had been held in June and July 1975 and that following this experiment both Houses of Parliament had resolved that they would support the permanent public sound broadcasting of their proceedings. A Joint Committee was then appointed to make detailed recommendations as to how these Resolutions could be implemented. This Committee produced what is expected to be a Final Report (H.L. 1976/77 123; H.C. 1976/77 284) at the end of March 1977, and the principal recommendations were accepted by both Houses of Parliament at the end of July, 1977.

The saga of public broadcasting of parliamentary proceedings at Westminster stretches back over twelve years. Accounts of earlier broadcasting experiments in both sound and vision can be found in previous volumes of *THE TABLE*, in particular Volumes XXXV and XXXVII. They show that the history of broadcasting at Westminster has been a chequered one, with bursts of enthusiasm followed by periods of inaction notably between 1968 and 1975. The first enquiry into the possibility of broadcasting the proceedings of the House of Commons was begun by the Select Committee on Publications and Debates Reports in Session 1964-65. This enquiry was continued by the Select Committee on Broadcasting & c of Proceedings in Parliament in Session 1965-66 and brought to a conclusion by a Select Committee of similar title in Session 1966-67. The principal conclusions of the Committee were that continuous live broadcasting was impracticable and undesirable, that the House should make available to the broadcasting organisations a "feed" of the proceedings of the House and that a closed circuit experiment, in sound and in vision, should take place. A proposal for a joint House of Commons and House of Lords closed circuit television experiment was rejected by the House of Commons on 24th November 1966. A Select Committee of the House of Lords then recommended a three day closed circuit television experiment in the House of Lords to take place early in 1968 and this was later extended to include a closed circuit sound experiment.

Following this experiment, which took place in February 1968, a Select Committee of the House of Lords recommended that, if that House wished to authorise an experimental period of public broadcasting, the period should last one year during which time the BBC and ITA should be permitted to broadcast either by television or sound on a "drive in" basis. This Report was debated by the House of Lords on 20th March 1969 but no steps were taken to implement the recommendations.

The House of Commons authorised an experiment in closed circuit radio transmission on 11th December 1967 and the experiment duly

took place in April and May 1968. The Broadcasting Sub-Committee of the Select Committee on House of Commons (Services) considered this experiment and concluded that it proved that radio broadcasting was both feasible and a most effective method of bringing Parliament to the public. It concluded that there was no case for continuous live broadcasting and the principal use of material would be as recorded extracts. The Select Committee on House of Commons (Services) published this Report without comment as it had insufficient time to complete its consideration of it before the end of the Session.

Following that Report, the House of Commons has considered on a number of occasions whether its proceedings should be broadcast, either publicly or on closed circuits and on 24th February 1975, it decided to authorise an experiment in the public sound broadcasting of its proceedings.

A four week experiment in public sound broadcasting took place in the House of Commons during June and July 1975. This experiment was generally agreed to be a success and the Services Committee reported that broadcasts could be arranged satisfactorily on a permanent basis. The Queen's Speech at the Opening of Parliament in November 1975 indicated that both Houses would be given an opportunity of deciding this issue. Subsequently both Houses agreed to the Resolutions already referred to.

Following these Resolutions a Joint Committee was appointed to consider the organisation and details of broadcasting. The Services Committee had drawn attention to a number of matters which required their consideration, for instance, whether a parliamentary broadcasting unit should be formed, the question of archives, copyright and the broadcasting of committee proceedings.

The first matter to which the Committee gave consideration was the construction of commentary boxes in each House. The Committee had been advised that such boxes could only be built during the long summer recess and that if broadcasting were not to be delayed, early decisions were required both by the Committee and by each House. The Committee realised that any decision on commentary boxes was bound to be a significant one, since the construction of such boxes would pave the way for the eventual introduction of permanent broadcasting of proceedings. The Committee's First Report was therefore of more significance for the future of broadcasting than the simple question of the location of commentary boxes.

The building of commentary boxes in any parliamentary chamber inevitably poses problems, for instance the displacement of seating, obtrusiveness and visibility. These problems are acute in a building such as the Palace of Westminster where the Chambers are highly symmetrical and elaborately decorated. The House of Lords Chamber especially is a highly formal and decorated room in the Victorian gothic revival style. The symmetry of the room is such that a commentary box would have been unacceptably obtrusive except in two places. One place was

above the Throne but such a location was technically difficult to construct and not totally satisfactory from the point of view of command of the Chamber or of access. The other place was the Press Gallery. This was the location favoured by the Committee and agreed to by the House. The Committee recognised that no location would be ideal but said that "this is the best location aesthetically consistent with the requirement that the view of the Chamber should be as complete as possible . . . and it would have the added advantage of keeping press and broadcasting facilities in one location in the Chamber".

As far as the House of Commons was concerned the location of a commentary box was just as difficult a problem to solve but for different reasons. No location at gallery level gave sufficient overall view of the Chamber. The choice of places therefore came down to either the south-east or south-west corner of the House at floor level. Both these locations give an uninterrupted view of the Chamber, facing the Speaker's Chair. The broadcasters in evidence to the Committee gave their preference as the south-east corner of the Chamber from where they could get a clear view of the Government Front Bench. It would also have been cheaper to construct a commentary box in that corner. However the Committee decided that it was of greater convenience to the House that the box should be constructed in the south-west corner of the Chamber. They observed that "Government Front Bench spokesmen are invariably known prior to a debate and in any event they are more readily recognised than many Opposition speakers. Additionally it might be considered an advantage for commentators to see the spokesmen of minority parties from the front rather than from behind".

Both Houses agreed to the Report before the Summer Recess and construction work began almost immediately after Parliament rose. By the time each House returned in the autumn the exteriors of the commentary boxes were complete although decorative work and other minor matters were dealt with subsequently. Both boxes required full air conditioning and this is one of the reasons why each one cost in the region of £37,000. It can be said however that both boxes have been beautifully built and blend in well with the existing architecture. Indeed, the Commons box is almost unnoticeable until it is realised that its construction involved removing a row of seats and bringing a wall forward into the Chamber.

Having made their Report about the location and design of commentary boxes, the Joint Committee turned their attention to other matters. They took evidence from the British Broadcasting Corporation (BBC), the Independent Broadcasting Authority (IBA), representatives of the broadcasting unions, the Clerk of the Records, House of Lords, the Department of the Environment and the Solicitor General. They were not able to complete their work during the parliamentary session 1975-76 and were therefore reappointed in the 1976-77 session during which they issued two reports.

The first matter to which the Committee gave their attention related to the provision of accommodation for broadcasting. The allocation of accommodation within the precincts of the Palace of Westminster is the responsibility of other Committees of both Houses and the Committee did not therefore make any precise recommendations. They merely drew to the attention of both Houses the fact that accommodation would be required by the broadcasters and that since permanent accommodation would not be available immediately, temporary accommodation should be found.¹ They recommended however that Parliament should provide permanent accommodation at public expense in the same way as for members of the press, but that the broadcasters should bear the cost of any temporary accommodation.

Following an announcement by the Government that the Norman Shaw (South) building on the Embankment (formerly part of New Scotland Yard) would be made available for parliamentary use, the Services Committee of the House of Commons agreed that the Lower Ground Floor should be allocated for use by the broadcasters. Work is now proceeding on the conversion of this accommodation for broadcasting purposes but it is likely to take a year to complete.

The most important single issue which the Committee had to decide was whether the origination of the "live signal" from the Chamber of each House for use by the broadcasting organisations should be handled by a specially created unit on behalf of Parliament or whether responsibility for it should be placed in the hands of some other organisation. The BBC indicated to the Committee, at an early stage of deliberation, that they were prepared to originate the signal and meet the cost of so doing. They would make a charge to any other organisation who wished to receive a "clean feed". The IBA, on the other hand, favoured Parliament being responsible for signal origination. The major argument in favour of a Parliamentary Broadcasting Unit was that it would place total control of the operation in the hands of staff responsible to the two Houses. It was argued that this would give Parliament greater safeguards against a misuse of the signal. The Unit could also, if given legal personality by legislation, hold the copyright in the signal and thus in any archive tape. The argument against a Unit was principally one of cost. It would not be an efficient use of public money to staff a Unit which would be operational only during the time when Parliament was sitting, a period of forty weeks a year; if the staff were employed by the broadcasting authorities, they could be otherwise deployed during recesses. Moreover there would be problems relating to career progression for these specialist staff. It was also argued that the interposing of a Unit between Parliament and the broadcasters could create delays in supplying material and so possibly detract from the news value. The Committee attached great importance to the principle that broadcasting

1. The Committee tentatively proposed Cromwell Green for temporary accommodation.

should, so far as possible, be left to broadcasters. Having considered the arguments for and against, the Joint Committee decided that the advantages of a Unit were outweighed by the disadvantages. They therefore recommended to Parliament that the broadcasting authorities should be invited to originate the signal. As far as control was concerned, the Committee believed that this could be exercised, first, by imposing conditions on the broadcasters by means of Resolutions of each House and, secondly, by appointing a Joint Committee to oversee the broadcasting of parliamentary proceedings.

The Committee recommended that the Resolutions should cover the use to which the material might be put by the broadcasters (or any other body to which they supplied a "feed"). In particular, the Committee recommended that parliamentary proceedings should not be used in light entertainment, or satirical, programmes. They recommended, furthermore, that if the broadcasting authorities wished to use parliamentary material on records or in cassettes they should consult the proposed Joint Committee on each occasion. The Committee also recommended that the broadcasters should impose conditions, similar to those imposed on them, on any foreign broadcasting organisations which received the material. The Committee fully understood that there was probably little which either Parliament or the broadcasting authorities could do if "pirate" broadcasting took place. They pointed out that re-use of already broadcast material would be in breach of the broadcasters' copyright and remedy could be sought in the courts. The Committee concluded, however, that "pirate" broadcasting was unlikely to be a serious problem. With regard to the role of the proposed Joint Committee, the Committee did not envisage its taking a day-to-day interest in broadcasting of parliamentary proceedings. It would, instead, oversee the arrangements for broadcasting and act as a link between the broadcasters and Parliament. The Committee would advise on the use of material in cases of doubt, as well as filter complaints (which, it was accepted, may well arise) from Members of both Houses, or members of the public.

The Committee recommended in conclusion that the arrangements which they proposed for the origination of the signal should be reconsidered in the light of experience within three years of the commencement of public broadcasting.

The Committee gave similar consideration to the question of control of broadcasting of Committee proceedings. They recommended first that the control of recording equipment in Committee rooms should continue to lie with those previously responsible, i.e., the Editor of Debates and the Official Shorthand Writer, whenever they are using mechanical means of recording Committee proceedings. Secondly, they recommended that all feeds from Committee Rooms should pass through the relevant *Hansard* room. This was to further safeguard the proceedings of any Committee from being broadcast unofficially. The Joint Committee agreed however that it would not be right for individual Committees

to have the power to decide whether the broadcasting authorities should have access to particular sessions. This would be giving them a power which the House would not have. The Joint Committee went on to say that:

"If a Committee wishes to exclude Strangers from its meetings, it may resolve to do so but the Joint Committee can see no justification for the selective exclusion of the broadcasting media from public access to Select Committees. It is therefore unable to support the proposition. It considers though that it is reasonable that Members should know that a particular session is being recorded or broadcast live, and recommends that in all cases the appropriate broadcasting authority should advise the Clerk to the Committee in advance and that an appropriate indicator should be installed in each Committee Room. It further recommends that each Committee Room should be equipped with a switch which can be operated under the authority of the Committee to cut off the outside feeds if the Committee resolves to exclude Strangers from part, or all, of a particular meeting.

The Joint Committee is aware that, on occasions, requests may be made for permission to record or broadcast private meetings sponsored by Members which are being held in Committee Rooms of either House. It recommends that such permission should not be granted in view of the fact that the two Houses have no control over the conduct of such meetings."

So far as a sound archive was concerned, the Joint Committee recommended that Parliament should retain a master tape of all House proceedings and of such Committees as are broadcast. They were not convinced however that it was necessary to preserve the full master tape for ever and recommended that after one year a process of selection should take place. Selection would take place under the authority of the Joint Committee (which they had recommended should be appointed to consider all matters appertaining to broadcasting). A permanent sound archive of selected material would be formed about six months after the end of each session. The Committee felt that access to the complete tape should be allowed to members of either House, although no copies should be made without the express permission of the Joint Committee. As far as members of the public are concerned, the Committee were opposed to applying a thirty year rule to the selected tape archive but recognised that the provision of facilities for earlier access was not immediately possible. They recommended that open access to the selected tape archive should be postponed until a more favourable economic climate allowed for the provision of suitable accommodation and facilities. The Committee concluded that:

"recommendations relating to archives can only be tentative. In particular, the provision of permanent accommodation for a sound archive and the associated listening facilities proposed above will need to be considered in the light of the availability of Parliamentary accommodation near the Palace of Westminster. It therefore recommends that these should be reviewed by the future Joint Committee in the light of practical experience within five years of the commencement of public sound broadcasting."

The Joint Committee then dealt with questions of copyright, legal

privilege and parliamentary privilege. They concluded that none of these matters raised any great difficulty with regard to broadcasting save in so far as Parliament might wish to hold the copyright in archive material. They found that there is at present no suitable person or body in which the copyright of such material could be vested. They were further informed that legislation was likely to be required to achieve this purpose and they therefore recommended that further study should be given to this matter by the Joint Committee, the broadcasting authorities and the Government with a view to bringing definite proposals to Parliament before the first of the material for permanent preservation is placed in the archives.

One curiosity was drawn to the attention of the Committee during their deliberations, namely that section 4 of the Independent Broadcasting Authority Act 1973 prevents the I.B.A. from broadcasting any expression of opinion by, amongst others, directors or officers of a programme contracting company on matters of political, or industrial, controversy, or relating to current public policy. The Committee were told that the I.B.A. interpreted this section to include statements in Parliament by Members of either House, who fall within the above definition. The Authority would therefore exclude from their broadcasts of Parliamentary proceedings, speeches made by such members, although the BBC would be free to broadcast them. The Committee agreed that such a situation would be absurd and therefore recommended legislation to remove from the scope of section 4 any participation in Parliamentary proceedings by a Member of either House who might be reason of another occupation be caught by the terms of that section.

The Committee briefly considered the relationship of the Official Report (*Hansard*) to any tapes of parliamentary broadcasts. It had been suggested that such tapes might be used to cast doubt upon the authenticity of *Hansard* as the official report of Parliamentary proceedings. The Joint Committee doubted whether any real difficulty would arise, partly because the tapes would have no official status since they would not be produced by Parliament, and partly because to use other records to challenge the Official Report would be in breach of the Bill of Rights.

The Committee received a memorandum from the I.B.A. on advertising schedules at times when Parliament was being broadcast. The I.B.A. hoped that advertising on such occasions would be left to them to regulate. The Committee were content to do this, subject to discussions between the I.B.A. and the proposed Joint Committee, if necessary.

Finally the Committee recommended that permanent sound broadcasting of parliamentary proceedings should begin in the autumn of 1977. This target will be met to a limited extent by occasional broadcasts but full broadcasting is not likely to begin until February 1978, when temporary accommodation becomes available.

XII. PARLIAMENTARY LIBRARIES

The Questionnaire for Volume XLV of THE TABLE asked the following questions:

1. Is there a parliamentary library in your legislature?
2. If so, please give brief details of:
 - (a) the history of the library;
 - (b) the system of control (for example, to whom is the Librarian or other chief officer responsible? is there a Committee of Members appointed to oversee the Library?);
 - (c) the holding of books and pamphlets (size, scope, method of book selection, etc.);
 - (d) the holding of newspapers, periodicals and other reference materials;
 - (e) the stock of parliamentary and other official publications, domestic and foreign;
 - (f) the existence of any special collections (for example, statistical collections or newscuttings services);
 - (g) the facilities for book lending;
 - (h) the library's catalogues and, where appropriate, internally compiled indexes;
 - (i) any microfilm/fiche stock and facilities;
 - (j) the quick reference and information services (other than research) available;
 - (k) the research services;
 - (l) the use, if any, of computer facilities.
3.
 - (a) What use do Members make of the library services?
 - (b) Who else may use the library and its services?
 - (c) Is there an annual budget for the library?
4. If your legislature is bicameral, does each chamber have its own library? If so, what are the arrangements for co-operation between the two libraries?
5. Are there any other comments you wish to make?
6. If your legislature does *not* have a library, what arrangements exist to provide Members with essential books and information?

The replies to the Questionnaire show that most Commonwealth legislatures have their own libraries. Those smaller assemblies which are without a library hope that when accommodation and expenditure permit they will be able to form one. It appears to be unique to Westminster that each House should have its own library; elsewhere in the Commonwealth, parliamentary libraries serve both Houses, where two exist.

The work of parliamentary libraries is, of course, of growing importance, with members of legislative assemblies requiring an ever-increasing

amount of specialised knowledge. The answers to the Questionnaire show how each parliamentary library is seeking to meet this growing demand. It is apparent that computers and microform are being used extensively both to store and retrieve the information which parliamentarians require. The smaller libraries (where such modern aids are not yet available) provide reference and research facilities by well-tryed methods, such as catalogues, indexes and press cutting services.

Westminster: House of Lords

The library was founded in 1826 when the Clerk Assistant was instructed to provide "such a Collection of English Law Books as, in his experience, he may consider useful to the House for reference" and certain other books. The fire which destroyed the old Palace of Westminster in 1834 completely gutted the library's rooms but fortunately almost all the books were saved. The new Library designed by Charles Barry was ready in 1848 and the books were moved into their present rooms in the autumn of that year. The present collection contains many bequests from Peers, including Lord Chancellor Truro's working library of over two thousand law books. The Library still retains a strong bias to the law and provides the necessary text books and legal authorities for the House when it is sitting in a judicial capacity. The staff of the Library has grown steadily over the last twenty years and now numbers eleven, including the Librarian. The Librarian is appointed by the Offices Committee of the House and is responsible to a Sub-committee appointed on the Library, first formed in 1922.

The Library has about 70,000 volumes and a considerable collection of contemporary and eighteenth/nineteenth century pamphlets. The Library stock covers a wide range of interests but is especially strong in legal and biographical works. Approximately 300 new book titles are added annually. These are selected by the Librarian without reference to the Library Committee. There is a Suggestions Book in which Peers may suggest new books. About 400 periodicals, newspapers and annuals are taken, as well as a wide range of other reference material. All British parliamentary papers and a wide selection of other official publications are kept. Apart from an extremely large collection of law books, the Library has a complete set of Printed Peerage Cases.

Most books may be borrowed by Peers and the Library will borrow on their behalf through the national book borrowing network. The Library is at present producing a new, comprehensive catalogue to take the place of the present printed catalogue produced in 1908 and card catalogues. Microfilm facilities are being created. The Library provides information and research services. A Library Clerk has recently been appointed to increase this service to Peers. Procedural enquiries are normally referred to the Information Office of the House. A computer terminal provides access to databases generated within the House of Lords by the Information Office and the European Office. The Library

itself has a database for internally generated indexes to its current intake of pamphlets and other reference material and official publications.

In addition to Peers, the Library may be used by Officers of the House and members of the Lord Chancellor's Office. The Library is not open to strangers except at times when the House is not sitting and then only by permission of the Library Committee for research that cannot be undertaken elsewhere. The cost of acquisition of books, periodicals etc. is borne on the vote of H.M. Stationery Office. The salary of the staff is borne on the general House of Lords' vote. While each House has a separate library, the House of Lords' Library makes considerable use of the collections and specialised information services of the House of Commons Library. Regular meetings have been instituted to co-ordinate policy between the two libraries, and the full facilities of each library are open to members of either House.

The first major enquiry into the Library since its formation was carried out in 1976 and 1977. It was conducted, at the invitation of the Leader of the House, by a Working Group of Peers. The Group made a large number of recommendations with regard to the future development of the Library and the type of service it should offer to members of the House. These are now being considered by the Library Committee with a view to implementation.

Westminster: House of Commons

The House of Commons Library was founded in 1818 and developed during the nineteenth and early twentieth centuries as a good general library of books, pamphlets and official publications, despite losing about one half of its printed books and many manuscript records in the Great Fire of 1834. The modern functions of the Library as a current affairs library and as a reference and research service for Members date from 1945-46, and the present staff of the Library numbers 80. The Librarian is appointed by Mr. Speaker and is administratively responsible for the holdings and services of the House of Commons Library. A Library Sub-Committee of four Members of Parliament, who are also members of the full Select Committee on House of Commons (Services), advises the Librarian on policy and other general Library matters affecting Members.

The Library holds about 120,000 books (non-fiction), a large selection of nineteenth century and modern pamphlets, and a good collection of public records. The Library takes about 100 newspapers, British and foreign, about 1,600 periodicals and a wide selection of annuals, guides, encyclopaedias, Government circulars and other quick-reference materials. The Library also holds a comprehensive stock of British parliamentary records, a wide selection of other domestic Government publications, a comprehensive stock of European Communities publications, and a selection of foreign publications. There are good collections of statistical and scientific material and three news-cutting services.

The Library loans most of its books to Members and borrows books from other libraries on Members' behalf. There are author and alphabetical subject catalogues for books and pamphlets, and nine internally compiled indexes to parliamentary and other special material. At present the Library has very little microfilm stock, but it has two readers-printers and is planning to increase its holding of micro-form material.

Quick-reference and information services are supplied to Members by the Parliamentary Division (i.e. the Reference Division) of the Library, on a comprehensive basis in connection with Members' official duties. The Research Division (15 senior staff) provides objective research assistance to all Members of Parliament individually, and also compiles a number of Background Papers and bibliographies on subjects of general interest to the House of Commons. Most of the Library's senior research staff are subject specialists.

At the time of writing the Library's plans to transfer its nine manually compiled indexes to a computer system are under consideration by the House. If the scheme is approved the Library hopes to compile a consolidated data base of references, over a period of years, which will be accessible to the Library and certain other users by means of visual display units.

The Library and its services are intensively used by Members in connection with their parliamentary duties. The Library also offers a limited amount of rest and recreational facilities to Members. Members of the House of Commons use the Library as of right. Members of the House of Lords may use the Library by courtesy of Mr. Speaker, subject to priority always being accorded to Members of the House of Commons. Commonwealth Clerks on attachment may use the Library and, subject to certain strict limitations, Members' personal Research Assistants may also use the Main Library. However, the Branch Library in the Norman Shaw (North) building is open to all Research Assistants, without restriction during normal office hours.

The Library's annual budget for staff and for other expenses appears in the Supply Estimates, Class XIII, 2. These Supply Estimates are placed before Parliament in the normal way. In 1976-77 the estimated cost is over £400,000.

Isle of Man

A reference library is provided. It was founded in June 1975 as part of the Clerk of Tynwald's Department with two personnel. The Library is under the executive control of the Secretary of the Printing Committee of Tynwald. There is a certain bias towards parliamentary and constitutional material, selected from reviews, catalogues, abstracted articles, personal recommendations. At present this is of limited size.

Copies are held of each island newspaper for the preceding 12 months, *The Times* (six months), and various general, political or legal periodicals. Copies of local newspapers going back many years are available from

other sources, and articles from *The Times* are abstracted weekly. Copies of all Manx official and parliamentary publications are held, for many of which the library acts as a sales point. There are copies of Statutes of the United Kingdom, *Hansard* (House of Commons), current U.K. Bills, selected U.K. reports and pamphlets. Material regarding the Commonwealth Parliamentary Association and commonwealth countries is held. An abstracting service from newspapers is carried out on important subjects, or particular interests of Members. A special collection of documents relating to Manx history is a particular feature.

Spare copies of originals, or photo-copies from them, are usually available for borrowing by Members (subject to copyright). Members may borrow non-reference material.

A shortlist of reference material is circulated, and a catalogue is maintained in the library of all documents. There is no audio-visual collection nor any access to computers. The reference material is balanced to allow for quick or in-depth research. The personnel are available during weekdays to prepare information of any type as requested.

Being still rather a "new" facility, the library tends to be used by the "newer" members, particularly where there is no government department responsible for the subject of the Member's interest. Housed in the main government offices, the library is open to use by other departments, as well as the public.

An allowance for the library and its responsibilities is included in the annual budget of the Printing Committee. Due to its size, the library works in close cooperation with other local, public and museum libraries to supplement its resources. It is hoped the library, though originally envisaged as a research facility for members, will develop as an information bureau and statutory publications office for members of the legislature, government staff and the general public.

Canada

The Library of Parliament was initially established in 1841 as the Library of Parliament of the Province of Canada, by the amalgamation of the Legislative Libraries of Upper and Lower Canada. Following Confederation, it became the Library of Parliament for Canada by *An Act in relation to the Library of Parliament* (SC 1871, c. 21 – now the Library of Parliament Act [RSC 1970, c. L-7]). The Library is designated as a department within the meaning and purpose of the Financial Administration Act, the Parliamentary Librarian having the rank of deputy minister. The present Library building was opened in 1876, and, there being until 1950 no National Library in Canada, the Parliamentary Librarians acquired a national rather than a strictly parliamentary book collection. Since 1950 and the transfer of much general material to the National Library, the Library of Parliament has concentrated its collecting and services on the needs of Parliament.

The Parliamentary Librarian and the Associate Parliamentary

Librarian, both appointed by the Governor-in-Council, are responsible to the Speaker of the Senate and the Speaker of the House of Commons assisted by a Joint Committee appointed by the two Houses.

The catalogued collection of books, periodicals, official publications, etc. consisted as of 31st December 1976 of 413,848 volumes. In addition there is a virtually complete collection of the parliamentary publications of the United Kingdom, Australia, New Zealand and South Africa, of the congressional records of the United States (including many administrative reports) and of the official publications in English and French of the United Nations Organization. Emphasis in collecting is on parliamentary history and procedure, politics and foreign affairs, economics and finance, law, history and political biography; social policy; Canadiana. Currently, the Library subscribes to 141 daily and 555 weekly newspapers, and in excess of 2,100 periodical titles. It has a large historical collection of newspapers on microfilm and of periodicals, either bound or microform. It maintains a large general and specialized political reference collection in the main library and small working collections of reference works in its two branch libraries, e.g. all Canadian federal and provincial publications, which are fully catalogued; uncatalogued but organized comprehensive collection of United Kingdom parliamentary publications; United States Congressional and administrative documents; Australia, New Zealand and South African federal parliamentary publications; United Nations publications - (English and French) printed and mimeographed. The Library regularly selects, clips and files articles by subjects from 29 Canadian newspapers. As of 31st March, 1976 there were 2,898 current and 1,657 historical files available. In addition, books of xeroxed clippings on politically important subjects are prepared and indexed. The Library also has a growing collection of the papers prepared for Parliamentarians and committees by its Research Branch. Books, including some recreational reading, periodicals, official publications, etc., are available for borrowing at the Main Library and the Confederation Building and Victoria Building Branches to parliamentarians, Parliament's officers and staff and other authorized users. The Library also lends through interlibrary loan.

The Library has card catalogues (one English, one French) providing access to all catalogued material by author, title, and subjects. Kardex records are maintained for all serials, official and others. Card indexes, either interim or permanent, are prepared for uncatalogued documents and for a collection of mimeographed speeches by Ministers and other politicians. The Library also prepares indexes, published by the Senate, to the Minutes of the Proceedings of Senate Committees. The growing collection of microform presently numbers almost 20,000 reels of microfilm (principally newspapers and periodicals) and over 50,000 microfiche (principally official publications). The Library has the necessary equipment for reading and preparing hard copy of both microfiche and microfilm.

The Information and Reference Branch answers inquiries, selects and provides source material for use in speeches and papers; prepares bibliographies, indexes, abstracts, compilations and current awareness services; maintains current and retrospective clipping files and answers questions or provides copies of articles. The Research Branch prepares research papers and notes for speeches for senators, members of Parliament, parliamentary committees and parliamentary associations. Its officers also provide oral briefings and other consultative research aid to parliamentarians, committees or parliamentary associations. The Library has computer terminals for information retrieval at its Main and Confederation Branch Libraries. It presently has access to the data bases provided by Q/L Systems and is presently exploring the feasibility of contracts with other suppliers of computer-stored information.

All Members makes some use of the library's services – for browsing, borrowing, information and/or research assistance. Authorized borrowers include the Governor General, Members of the Privy Council, officers of Parliament, Justices of the Supreme and Exchequer Courts, members of the Parliamentary Press Gallery and other persons receiving authorization from either the Speaker or the Parliamentary Librarian. Service is also extended to foreign embassies and consulates in Ottawa and to employees of the Public Service as required.

Ontario

At the time of Confederation, 1867, the Library of the Province of Canada was taken over by the federal government and \$100,000 was given to Ontario as compensation and as a fund from which to create a new legislative library. This library was under the control of the Speaker and a standing committee of the Assembly until 1946. From 1921–1976, the library, for administrative purposes, was under three different ministries. Finally, in April, 1976, it became a part of the Office of the Assembly. The Legislative Librarian reports to the Director of Administration of the Legislative Offices. There is no committee of Members appointed to oversee the library.

There are 144,000 bound volumes in the Library and countless pamphlets and government reports in the humanities and law. The library selects from a sea of publications those which it considers will be of use. This is done by professional library staff watching reviews in reputable journals, newspapers, *Hansard*, etc. All users of the library are invited to recommend purchases and, in the case of Members, these are almost invariably acted upon.

Approximately 230 newspapers are received currently from most Ontario communities, representative papers from the capitals of other provinces, *The Times* (London), *The Guardian*, *New York Times*, *Wall Street Journal*, and *Christian Science Monitor*. About 300 periodicals are currently received. The library has almost complete holdings of Ontario government publications and major reports from other provinces.

It is a depository library for Canadian and United States federal government publications. Selected material is filed from other jurisdictions, e.g., United Kingdom, Australia, etc. Ontario local history is especially well covered.

Members of the Legislature, caucus research staff, Press Gallery, and civil servants have full borrowing privileges for books for three weeks (except reference books, including law texts and government publications which may be borrowed overnight). Any item may be borrowed by a Member for use in the House when the Assembly is sitting. Interlibrary loans can be arranged. Access to the collection is provided by the card catalogue under author, subject, title, series, etc., and there are reference cards for all the subjects one might look under to the exact word or phrase by which libraries consistently present each idea. Apart from the card catalogue, there is a wide variety of government publication checklists, bibliographies and periodical indexes. In addition, the staff keep a current newspaper clipping file on government committees, ministerial affairs, studies, new reports and publications; updates appointments in "Corpus Administrative Index"; index Bills in progress through the Ontario Legislature, Canadian Parliament, and all provincial legislatures in Canada; prepare a legislative chronology of the Bills of the current session of the Ontario Legislature; and a scrapbook *Hansard* for each session of the Ontario Legislature. Six newspapers are retained in microfilm form. These are the three Toronto English dailies, *Globe & Mail*, *Star* and *Sun*; the *New York Times*, *The Times* (London), and *Financial Post*. Also, there are a number of periodicals and theses on microfilm, together with the government publications of the Provinces of Canada. Two microfilm readers, a reader-printer, and a portable microfiche reader are on the premises.

Qualified librarians man the main enquiry desk and answer the telephones so that requests for information may be quickly interpreted and given immediate attention. Bibliographies are prepared on request for individuals or for groups. The library also writes to any member appointed chairman of a Select Committee and offers to prepare a bibliography for distribution at his Committee's first meeting. Records of materials borrowed by the Members of the Legislature are maintained at the library's circulation desk in order that the staff may be able to identify second requests for the same publications.

The Bi-Monthly Booklist provides a subject listing of new books, and is available to Members, government officials, and other libraries. *PS (Periodical Selection)* is prepared for Members only and is distributed every three weeks during the session and every four or five weeks during the recess. This is organized according to the subject interests of the Legislature. "*Your Library*", a guide for Members of the Legislature, is given to Members for permanent reference.

Present use of the library by Members of the Legislature is difficult to measure. If the service were offered to Members exclusively, it would be

simple to tabulate use. Only in the matter of the actual borrowing of books can use be identified for a certainty (84 of 125 Members borrowed from the library in the past year). It is assumed that other Members would be asking reference questions which did not involve borrowing, that photocopying of library material would be substituted for borrowing in other cases, that personal staff of Cabinet Ministers would be doing research for their ministers, and that much use by Members would be indirect in nature, i.e., requests from Members' secretaries, party caucus research staff, unidentified questions by telephone, etc. It can be said with certainty, by simple observation, that the majority of Members use the newspaper section of the library on a more or less regular basis. The Ontario civil service and, under specified conditions, the public, may use the library.

British Columbia

The Legislative Library dates from 1863 although the first Librarian was not appointed until November, 1893 and the Act by which the Library was formally established was passed in 1894. Under its Act, "the management and control of the Library . . . shall rest in a Committee to consist of the Speaker of the Legislative Assembly and members of the Executive Council . . . of which Committee the Speaker shall be ex officio chairman." [RSBC 1960, c. 216, s.3(2)]. In practice, however, the Library has been placed within a department or ministry for administrative reasons throughout its life, although the annual report of the Librarian has always been presented by the Speaker and has been tabled by him in the House. A second annual report has for several years been made to the Provincial Secretary.

There are approximately 300,000 catalogued books and pamphlets covering most subject areas. The collection is naturally strongest in the fields of political science, parliamentary affairs, the social sciences, and Canadian and British Columbia history. Science and technology are represented only in a general way and with material accessible to the layman; for detailed material in the sciences help is sought from the university libraries of the Province.

The Library subscribes currently to over 650 periodicals in all subject areas, although again the academic libraries provide assistance in the scientific and technical fields. The newspaper collection includes virtually complete files of all newspapers published in the Province. In addition, the Library subscribes to at least one daily paper from each of the other Canadian provinces and to a number of British and U.S. dailies. With the exception of the *London Times* and *New York Times*, newspapers from outside the Province are retained only for one year.

The Library has an almost complete collection of the publications of the British Columbia government since 1872. The Clerk's Papers are also transferred to the custody of the Library when they are deemed no longer in current demand for the House.

The Library has "depository" status for the receipt of Canadian federal government publications and it collects extensively the publications of the other provinces. It has an international exchange agreement with the Library of Congress and it also selects a good deal of additional U.S. material relevant to its service. It has a large British collection, including complete sets of *Hansard* and the Statutes; the British Sessional Papers are complete from 1908. Australia and New Zealand are also both well represented because of long-standing exchange agreements. The extensiveness of British Columbia holdings in periodicals, newspapers, and government material means that this regional collection is itself a special collection. Because there was no official verbatim report of the House debates before 1970, the Library clipped all press reports of the House from the Vancouver and Victoria daily newspapers. These scrapbooks comprise the only verbatim reporting for the House from 1872-1970 when a provincial *Hansard* was established. The scrapbooks are being filmed and microfiche copies should be available later this year. This clipping service is in addition to the Library's major newspaper indexing service.

The Library subscribes to the Profile collection of provincial government publications on fiche and also to the full CIS fiche and index service, making available all U.S. Congressional material to the Members and their staffs.

Full borrowing privileges are extended to Members. More or less the same privilege is extended to their research staffs, to members of the press gallery and others connected with the House; to the Executive Council and their research staffs. Naturally, some items cannot be circulated because of rarity or condition, but the Library makes every effort to meet requests. There is no fixed loan period. There is a normal card catalogue providing access to the catalogued collection of books and pamphlets. It is a dictionary catalogue, that is, containing author, title, subject, and series entries in one alphabet. The Dewey decimal classification system and Library of Congress subject headings are used. The main public catalogue also contains cards for books in fifteen government departmental libraries for whom the Legislative Library provides cataloguing services and for books in both the Open Shelf collection of the Library Development Commission and the collection of the Provincial Archives. There is a separate subject and title index to the government publications collection, again in cards. In addition the Library maintains the extensive newspaper index referred to above. Rather than clip isolated items from the papers, the Library has found that much greater use can be made of newspaper material through a subject index and that many more points of access can be provided. Items relating to British Columbia, whether of a political nature or not, are indexed daily from the Vancouver *Sun*, the Vancouver *Province*, the Victoria *Colonist*, and the Victoria *Times*. Between 50,000 and 60,000 news stories are indexed each year, generally under more than one

subject heading. It is estimated that the total number of entries per year is now approaching 150,000.

The Library has an extensive microfilm and microfiche collection including much of the provincial newspaper collection, the files of the *London Times* and the *New York Times*, files of periodicals, theses, and the fiche services mentioned above, CIS and Profile. Seven microfilm readers are available, one of which is a reader-printer, and six fiche readers, one of which is a reader-printer.

The Library provides a very full reference service but it does not yet have a research division. The staff of the reference division, however, provide a level of reference assistance that frequently can be equated with the assistance provided by research staffs in other jurisdictions as a study of the material supplied during the past year has proved. There is, however, a need for at least a small research staff of subject specialists. The Library has recently installed a DEC Writer II and together with the Library Development Commission has signed contracts with CAN/OLE, Informart, and QL systems.

The Members and their research staffs make extensive use of the Library's services. A survey is being conducted at the present time which will give an even clearer idea of the volume of the service and of its effectiveness. Although service to the Members and their research staffs is of the prime importance, where possible the Library will try to assist anyone in need of material held only in its collection. Access to the material can be either by means of inter-library loan or by direct visit. Use of the Library during sittings of the House is, however, restricted. The Library budget for the current fiscal year (1976/77) is \$604,988; the budget as presented, but not yet approved, for 1977/78 is \$646,994.

Quebec

The Legislative Library of Quebec, also called the Library of the National Assembly of Quebec is one of the oldest, if not the oldest, library in the province. With the establishment of responsible government in 1791, some books were gradually acquired for the use of the House, under the direction of the Clerk of the House himself. With the unification of Upper and Lower Canada in 1841, the Library was amalgamated with the Legislative Library of Upper Canada and was finally located in Ottawa to become the Library of the Canadian Parliament. The new Legislature of Quebec of 1867 then started its own library of which the present library is really its successor. The Librarian or Director general of the Library, is directly responsible to the President of the Assembly "assisted, during each session by a committee" (Legislature Act, Chap. 6, Div. V, R.S.Q. 1964). The Director, the Associate Director and the staff are appointed by the Lieutenant-Governor in Council.

The collection of documents is close to 700,000 which is estimated at approximately 300,000 volumes, 45,000 periodicals and 10,000 reels of

microfilms. The library receives annually 1,500 periodicals and 550 newspapers. The collection is primarily based on federal, provincial and foreign government documents, such as France, Belgium, Great Britain and United States. The Legislative Library has been a depository library of American documents since approximately 1901. It also covers law, history, political science, economics and some other branches of the human sciences.

Book borrowing is restricted to the members of the National Assembly, civil servants and other persons authorized by the Director. The age and quality of the collection restrict service to non-parliamentarians. This is primarily achieved by means of interlibrary loan. The library of the National Assembly carries out its main objectives by providing its users not only with information usually already in print but also research or specially prepared papers by professional research staff. The information service can be summarized as follows: reference, borrowing, indexing, clipping, copying, bibliographic services, cataloguing, reading facilities and bindery.

The newest function is provided by research officers. This began informally in 1972 and although it made slow progress it seems to fulfil a need. The essential difference between the reference and research services is that the reference staff provide raw and bibliographic material while the research staff prepare original, critical and historical subject papers along with documents and appendages when necessary. The library has not as yet access to computer facilities but is seriously considering joining one of the networks in the not so distant future.

In 1976, inquiries reached 15,000; book borrowing amounted to 9,875 external loans and 27,696 internal loans; interlibrary loans, strictly to other libraries, increased from 513 to 814. With an annual budget close to \$1.5 million, the library of the National Assembly of Quebec carries out its objectives and tries to improve service to individual parliamentarians and committees. Previous to its abolition in 1968, the Legislative Council or Upper House had access and equal status vis-a-vis the Legislative library.

Nova Scotia

The lofty chamber of Province House was originally the court-room in which many of the trials closely identified with the early history of the Province took place. The library was established in 1862 through the efforts of pioneer legislators including Joseph Howe and in 1880 it was amalgamated with the collection of the Nova Scotia Historical Society. In 1954 (the latter collection having been removed to the Public Archives of Nova Scotia) the Legislative Library was completely reorganized. The primary emphasis is now laid on providing legislative reference material with the collecting of "Novascotiana" a secondary function. The Librarian is responsible to the Director of the Nova Scotia Provincial Library. There is no committee of members.

The collection consists of approximately 65,000 books and pamphlets.

Emphasis is placed on history, economics, political science and political biography, in addition to government publications. The Library receives approximately 300 titles of periodicals and newspapers, including provincial weeklies, Canadian dailies, the *Sunday Times* and *Observer*. There is a complete coverage of Nova Scotia government documents, selected official publications of the federal government and nine other provinces; British parliamentary debates, statutes and other documents.

Borrowing privileges are limited to members of the Legislature, the civil service, judiciary and interlibrary loan. The catalogue is based on the Dewey Decimal Classification with a single dictionary catalogue. Approximately 3,000 reels of microfilm are stocked, principally related to newspaper and government documents; there are also several thousand microfiche of publications of the provincial governments.

Telephone and desk reference services are available for all enquiries but research work is limited, due to lack of staff. There are no computer facilities.

Members make frequent use of the library, especially during session, but do not draw on its potential to any degree. The general public may use it for reference only. The Library has an annual budget.

Saskatchewan

The North-West Government Library, the predecessor of the Legislative Library, had its beginning in 1876 with the arrival in Fort Livingstone of the first Lieut. Governor and his staff to set up Territorial government for Northwest Canada. With them came a small book collection to which additions were soon made. There is a record of expenditure for books and newspapers for the first fiscal year of 1876/77. In August 1877 the Library moved with the administration from Fort Livingstone to Battleford. In 1883 the Government and library moved again to Regina, by then confirmed as the capital and seat of government for the North-West Territories. A Legislative Assembly was established in 1888, before which time the library was under the exclusive and personal control of the Lieut. Governor. In 1889 the Legislative Assembly set up a standing committee on "Standing Orders and Library". The Lieut. Governor was however still the active head of the executive government of the Territories and as such remained dominant in the administration of the library. By 1893 the change-over from a "government library" to a "legislative library" was complete. The Assembly approved a new set of rules submitted by the Standing Committee on the Library which placed the library in charge "of the librarian under instruction from the Executive Committee" (close approximation of the present-day Executive Council). In 1905 the provinces of Alberta and Saskatchewan were established but the Territorial Legislative Library remained in Regina and became the Legislative Library of Saskatchewan. In 1910 the library moved into the still uncompleted Legislative Building, the first government agency to do so. A Section was added in 1935 to

the Legislative Assembly Act providing for the appointment of a legislative Librarian . . . "under the direction of the President of the Council and subject to the standing orders of the Legislative Assembly relating to the Library . . ." (Statutes of Sask. 1934/35, cap. 2, sec. 7). This is the only legislation covering the library. Operating under the Standing Orders of the Assembly, the library is under the control of the Speaker while the Legislature is in session. At other times the Premier, as President of the Council, is the minister in charge. There is a Select Standing Committee of the Assembly on the Library.

The library's holdings include approximately 85,000 books (including bound periodicals), 105 vertical file drawers and over 4,800 linear feet of pamphlets and government documents (but excluding bound Statutes and Hansards). The Library subscribes to about 350 periodicals and receives about 620 on a complementary or depository basis. 113 newspapers are purchased, of which eighty are Saskatchewan weeklies. Book selection gives priority to the political and social sciences, law and history with special emphasis on Canadian material. The Library is a depository library for Canadian federal, Saskatchewan and U.S. government publications. It also receives Australian parliamentary papers which are transferred to the University of Regina library. In addition the library receives the Statutes of the United Kingdom, the Canadian provinces, Yukon, Northwest Territories, Eire, Northern Ireland, Australia, New Zealand, and some of the American States, the British Parliamentary Debates, the Journals of most of the Canadian provinces, current Bills, Votes and Proceedings, and Debates of several of the provinces, and many annual departmental reports and general publications of other provincial governments. The library has very good collections of Canadiana, especially Western Canadiana (including Saskatchewan local histories); materials on the Canadian Indians, particularly of the Plains regions; books on the Northwest and the Arctic including a considerable number of rare and valuable books on early explorations. It also has a complete set of Statistics Canada publications (except for some customary losses) and it is a Depository library for International Labour Office publications.

Accession lists are distributed periodically. The usual facilities exist for lending. A card catalogue is maintained of the collections. In addition there is the Saskatchewan Newspaper Index of the four Saskatchewan dailies and *The Western Producer* and an Index to The Commonwealth, (The Saskatchewan N.D.P. bi-weekly - so far from January 1975). The library subscribes to MicroMedia's Pro File service which provides Canadian provincial government publications on microfiche. There are also theses on subjects of particular interest in the fields of politics and government, economics, history, and sociology relating to Saskatchewan. Microfilm includes the *Financial Post*, *Maclean's*, and theses. Readers are provided.

A reference service is provided by telephone or on a personal basis.

Research officers are attached to party Caucuses as follows: Government caucus: 2 full-time on Library payroll but under direction of Caucus. Opposition (funds provided to Opposition parties on a proportional basis) - Liberal caucus: 1 full-time; Progressive Conservative caucus: 1 part-time. Library staff answer reference questions involving lengthy searches and select source material for the use of Members but do not prepare research papers or write speeches. The library has access to the Provincial Library's telex network for interlibrary loan service.

Statistics relating to reference services for and borrowing by Members are not kept separately but are included in general statistics:—

	1973/74	1974/75	1975/76
Books from general collection	3,289	3,259	3,686
Law texts, Statutes and Debates	995	1,260	1,029
Pamphlets and Maps	1,298	1,609	1,785
Periodicals	765	868	943
Newspapers	602	848	716
Statistics Canada materials	449	268	878

N.B. These figures do not include renewals (which are often made several times for an item) or materials used on the premises.

The library is open to the public for reference service. Books are lent to local lawyers, university students, the local federal civil service, and members of the public engaged in special studies or projects, but for the most part periodicals, government documents, and pamphlets must be used on the premises by these persons. Books are lent to individuals outside the city through the interlibrary loan service. The Budget for fiscal year 1977/78 is \$173,370.

Northwest Territories

Members have access to the facilities and services of the Northwest Territories Government Library.

Australia

The Library was established in 1901 immediately after the first Parliament of the Commonwealth of Australia met. It has always served both the Senate and the House of Representatives. From 1903 until the 1960s its role as a parliamentary library was affected by its development also as a national library. In 1960 the National Library of Australia was established by statute and during the next few years the two institutions were separated. In 1966 a Legislative Research Service was established within the Parliamentary Library and has changed its character, making it a research and information department based on a library.

The Parliamentary Library is one of five separate parliamentary departments. The Parliamentary Librarian has Permanent Head status within the Australian Public Service. He is responsible to the President of the Senate and the Speaker of the House of Representatives who, like the Parliamentary Librarian, derive from the Public Service Act their

administrative power to control the Department. Each chamber appoints as one of its Standing Committees a Library Committee consisting of its Presiding Officer and another six members. The two Committees always sit jointly. Their role is advisory.

The Library's present holdings total approximately 40,000 volumes. The subject coverage is wide, reflecting the broad interests of the federal parliament, together with material on history, geography, literature, etc. A small collection of fiction is also held. Material is selected from national bibliographies, book trade periodicals, and publishers' journals. Practically all material in the collection is in English. Approximately 150 newspapers are received, most of them Australian. Twenty-five newspapers published overseas are received and all arrive by airmail. 4,500 periodical titles are currently received, the subject coverage being similar to the monograph collection. Approximately 4,500 parliamentary and other official publications of a serial nature are received by the Library. The Library maintains a comprehensive collection of documents relating to the Commonwealth of Australia Parliament and significant collections deriving from the Australian State Parliaments and from such countries as Great Britain, United States of America, Canada and New Zealand. Smaller collections of basic materials are held for many of the countries of Asia.

Special collections are held of news clippings, transcripts of current affairs programmes, Members' speeches and questions in Parliament, publications of Australian political parties, and monographs written by past or present Members of the Parliament.

Members of Parliament may borrow an unlimited number of books for periods of up to one month. Serials are not available for loan, but photocopies of requested articles will be provided. Other users including the staff of the Parliament may also borrow from the Library with some restrictions imposed.

The Library's catalogue is undergoing a transition. Until December 1975 it was a dictionary catalogue on cards with an author/title sequence and a subject sequence. Since January 1976 all monographs have been included in a printed catalogue produced by a computer and shortly microfiche will be used. For the time being serials continue to be added to the card catalogue.

A small index is maintained for current parliamentary papers and is a useful supplement to the published indexes. Current periodical articles relevant to the work of Parliament are selected and abstracted and the abstracts are used by Parliamentarians and staff in keeping abreast of current affairs.

The Library holds a number of newspapers on microfilm and also some government publications, particularly the U.S. Congressional Documents set. Both microfilm reader/printers and microfiche readers are available in the Library.

The Library provides:

- (1) A ready reference service in which answers are provided immediately, generally drawn from standard reference tools;
- (2) A current information service which can provide selected newspaper clippings, transcripts of current affairs broadcasts etc. on any topic of concern to the Parliament;
- (3) Reading lists and copies of periodical articles selected for their relevance and pertinence to the Member's request;
- (4) Bibliographies;
- (5) Film screenings;
- (6) Current awareness services, primarily an SDI service called ALERT;
- (7) A fortnightly "Select List of Acquisitions" and a fortnightly "Index of Current Information" to facilitate use of current materials;
- (8) Displays of relevant materials on current topics and the preparation and circulation of Current Topics Reading Lists.

A major function of the Department of the Parliamentary Library is to provide a Legislative Research Service, the activities of which are co-ordinated with those of the Library and Legislative Information Service by means of a Request Co-ordination Unit within the Office of the Parliamentary Librarian.

With a professional staff of 28 graduate subject specialists (who are not librarians) the Research Service is organized in six groups:

- (i) Defence, Science and Technology
- (ii) Education and Welfare
- (iii) Finance, Industries, Trade and Development
- (iv) Foreign Affairs
- (v) Law and Government
- (vi) Statistics.

On request the Service provides written and oral analysis and interpretation for individual Parliamentarians. Basic Papers, Current Issues briefs, and Digests of Bills before Parliament are also initiated within the Research Service in anticipation of debates and circulated to Senators, Members and Committees who wish to receive them. Research Specialists are available for consultations with clients and also with both parliamentary and party committees. Seminars on topics of importance to Parliament are also arranged for Senators, Members and their personal staffs.

The Library does not have its own computer facilities, but it has a contractual arrangement with commercial computing firms for a semi-automated circulation system and a computer-based cataloguing system.

Most Senators and Members of Parliament make considerable use of the services provided by the Department of the Parliamentary Library including the SDI, Research, Reference, Press Cuttings and general book loans. Much photocopied material is provided, within copyright limitations. Book loans tend to be decreasing overall but there is a steady

increase in requests for specialized research assistance – 43 per cent increase between 1974 and 1976. There is marked interest in access to audio-visual and audio material such as recordings of current affairs programmes on television and radio. The researchers in the Statistics Group receive many requests for data related to electorates such as enrolments, voting patterns, projected changes and regional analyses. The Department's facilities are also used by Parliamentarians as members of Parliamentary and Party committees, secretariats of Parliamentary committees, other officers of other Parliamentary departments, research officers of Senators and Members, and, with some limitations, by the Parliamentary press gallery. The budget for running expenses for 1976/77 is \$A1.776 million.

Parliament provides an annual fellowship to enable young political scientists to gain first hand experience of Parliament at work. Each Fellow works for one calendar year within the Legislative Research Service and also carries out an approved research project relevant to the activities of Parliament.

South Australia

The South Australian Parliamentary Library was established in 1854 initially to serve the Legislative Council, a unicameral legislature which preceded the bicameral system of responsible government set up in 1857. The Library is controlled by a committee of four members of each house which meets as a joint committee under the chairmanship of the President of the Legislative Council. The Parliamentary Librarian has a staff of nine.

The book stock consists of 50–60,000 volumes and a considerable collection of pamphlets, covering a wide range of subjects with emphasis on the social sciences, biography and local history. Newspapers are confined to South Australian metropolitan and country papers and other Australian capital morning dailies and the London *Times*. Complete sets of all Australian statutes, parliamentary papers and debates are held with similar material from Great Britain. Foreign holdings are minor. Newspaper cuttings from the main local papers have been filed alphabetically by subject since 1971.

Books are lent to members and ex-members, staff, and government departments and some other approved persons. The dictionary catalogue combines author, subject and title entries. Some material in microform is being acquired and a reader printer for fiche and 16 and 35 mm film is being purchased. All staff handle quick reference enquiries, and a weekly current reading sheet of about 15 items is circulated to members. Two research assistants were appointed to the library staff in April 1976 and completed 160 assignments in the first 8 months. No computer facilities are used. Members initiate about 200 enquiries, and borrow 120 books per month of a total work load of 460 enquiries and 160 loans per month. Photocopies supplied number 2,500 per month. The Budget

for 1976-77 is: Salaries, \$114,000; Books, periodicals, newspapers, binding et., \$19,000; Equipment, \$4,000.

Northern Territory

A small library has been maintained for the last fifteen years to give members access to the legislation of the Federal and State governments, the *Hansard* reports of debates in the Federal Parliament, historical records of Australia, basic texts on a range of subjects with Territory relevance and some general fiction. A selection of interstate newspapers and periodicals including some from overseas are supplied and the Assembly makes use of Keesings reference service.

There is a position of librarian on the establishment and, as with all staff in the Assembly, he is responsible to the Clerk. It has not been deemed necessary to form a library committee in recent years as space problems have limited the growth of the library and acquisitions are confined to satisfying specific requests from members.

The collections are indexed according to the Dewey system. Books may be borrowed by members and staff only but *bona fide* students or research workers may, at the discretion of the Clerk, be permitted to work in the library. The librarian undertakes some research on behalf of members particularly during sittings of the Assembly. As a service to members the librarian supervises the maintenance of pamphlet sets of current Territory legislation. This overcomes problems caused by long delays in the production of bound volumes of consolidated laws.

The expansion of the library and its services, together with the installation of sophisticated research tools, is dependent upon the provision of adequate space. Only a new Parliament House can meet this requirement.

New South Wales

The Library dates from 1840 when the Colony possessed a Legislative Council only. From 1856 when a bicameral Parliament came into being there were two libraries operating, but these were amalgamated in 1862 and their control placed under a Joint Library Committee. The Resolutions of 1862 passed by each House defined the functions and organisation of the Parliamentary Library. These Resolutions were rescinded in 1968 and replaced by new Resolutions which define the scope and role of the Parliamentary Library in a manner much more suitable to modern conditions and needs. The Librarian is responsible for matters of policy to the Joint Library Committee (ten Members of each House). The Presiding Officers control matters of administration relating to staff and the Parliamentary Librarian is directly responsible to them.

The collection is very large in view of the lengthy history of the Library. Collections are in excess of 150,000 volumes (but no stocktake has been made for over fifty years). Publications of all kinds are held (monographs, serials, pamphlets, newspapers). Microforms are now starting to be collected. The Parliamentary Librarian is responsible for the selection

of all acquisitions. No break-down of categories of publication exists and would, in any case, be rather misleading. In response to modern information needs the tendency is to invest a large slice of the budget in reference material such as indexes, bibliographies, standard works of reference, and a wide range of serials. A comprehensive press clipping section now operates. Clippings are filed both under personal names and under subjects. In many cases multiple entry is used (clippings are photocopied for this purpose). Files are arranged chronologically under subject and/or personal name. Two officers work full-time on producing the relevant files which are available for consultation by Members and reference staff.

Normal lending facilities exist but are not an aspect of the work that is at all important. The Library's role as a lender of books is inconsiderable; its role as a library service providing information is, however, paramount. Normal card catalogues exist. A card index to Sydney newspapers covers the period 1910-1975 - this is a unique reference tool in Australia. Conversion of card catalogues to microfiche is at present under consideration. Some microfilm (35 mm) is held and a great increase in purchasing is programmed to start later this year. No microfiche holdings exist at present, but it is expected that serials on microfiche will be bought, as well as some internal microfiche records produced.

There is a reference and information service which handles both minor and speedy inquiries, as well as much more demanding requests. Five officers work full-time in this section: all are qualified graduate librarians. There is a support staff of one typist and one attendant. The term "research" gives rise to difficulties of definition and the term varies greatly in use amongst Members and officers. If research implies the creation of new knowledge based on primary sources, the Library does not claim to be competent to fulfil this role. It does, however, provide information derived from secondary sources and often requiring an intellectual contribution, judgment and experience from the reference officers. There are no computer facilities. Statistics show a continual increase in use of the Library and that almost all Members make use of it for information. Others allowed access are public servants and scholars unable to find the required materials elsewhere.

Developments in most of the Australian parliamentary libraries are now occurring rather rapidly and some novel services are expected when the new Library is occupied in 1980 approximately. This Library will be able to exploit audio-visual media in a way at present impossible. The Library has just received the Premier's sanction to introduce a service using video-tape cassettes featuring current affairs programmes of topical importance being televised in Sydney. This service, when operational, will be unique in Australian parliamentary libraries.

Queensland

The Library was formed in 1860. The present staff numbers fifteen, including a Librarian and Deputy Librarian. The Librarian is responsible

to a Committee, consisting of the Speaker as Chairman and six back-benchers.

The collection includes 120,000 volumes and 12,000 pamphlets mainly covering politics, economics, law, education, Australian literature and history. Parliamentary publications are stocked from Great Britain, the United States, New Zealand, Australia and all Australian States. There is a special collection of 19th century literature known as the O'Donovan collection. There are also newscuttings of Australian papers from 1957.

Members and staff may borrow books, which are also loaned to other libraries. There is a printed book catalogue of three volumes covering 1860-1901; a card catalogue covering 1948-1975 and since 1975 there has been a computerised information service. An index to periodical articles is issued quarterly. Indexes are also maintained to Australian legislation by subject matter and to questions asked in the House. Micro-form facilities are proposed from 1978.

The Research and Reference Service is staffed by graduate librarians and supporting staff. They supply quick reference information as well as typed briefs on more detailed queries. Material is stored and retrieved through a mini computer. Extensive use is made of these facilities by nearly all members. The Library is not primarily a lending library but a dispenser of information. In addition to members and staff, restricted use of the facilities is allowed to ex-members, the judiciary and senior public servants. Members of the public are allowed access to any historical material which is not available elsewhere in the State. The Library's budget in 1975/76 was \$30,500 and in 1976/77, \$39,500.

Tasmania

The Tasmanian Parliamentary Library dates from 1856 after the first elections for the House of Assembly. Prior to this, the Legislative Council had maintained a collection of books and a Library Committee was formed in 1852. Books still exist bearing the stamp "Library, Legislative Council, V.D.L." A printed "Catalogue of the Parliamentary Library of Tasmania" appeared in 1899 and a supplement in 1918. A manuscript catalogue lists additions from 1918 to 1946. Following recommendations in the 1943 Binns Report on Library Services in Tasmania, substantial changes were made in the organisation of the library. An arrangement was made for the State Library to provide a Legislative Reference Officer to serve Members when Parliament was in session. The acquisitions policy was geared more closely to the distinctive requirements of a parliamentary library, a card catalogue was installed and the Dewey Decimal Classification adopted. In 1968 certain recommendations were made for the future development of the Library. Most of these have been implemented: the provision of a photo-copying service; increase of book fund; lay-out improvements; increase of staff; and transfer of the title of Librarian from the Clerk of the House of Assembly to a qualified officer responsible to the Joint Library Committee.

The Librarian is responsible to a Committee comprised of Members from both Houses – currently six from the Legislative Council and six from the House of Assembly. Meetings are called several times each year and the Librarian is expected to report on progress and problems. The Committee must be consulted about any major policy changes and may, of course, suggest improvements and offer criticism. The Librarian, his Deputy and one clerical assistant are members of the State Library staff seconded for duty at Parliament House. Some clerical assistance is provided by the House of Assembly.

The main subject strengths of the Library are in the social sciences (particularly political science, economics, law and administration) but there is also coverage of a wide range of topics for background material in areas likely to involve state legislation, e.g., housing, censorship, conservation, drugs, gambling, pollution, regional planning, road safety, etc. Local history is another area which is well represented. There is a good range of reference works such as directories, encyclopaedias, etc. Legislative publications and governmental materials of all kinds are received from the states of the Commonwealth, from the Federal Government, from Great Britain and some other countries, notably New Zealand, South Africa, Canada and U.S.A.

Holdings for the Parliaments concerned are extensive but vary as to the period covered, e.g., parliamentary Debates for Commonwealth and the States begin at 1900. Tasmanian House of Assembly Journals begin at 1856.

Bibliographies, publishers' announcements, periodicals, etc., are scanned as received for suitable books to purchase. 25 daily or weekly newspapers are received regularly:

- 10 Tasmanian
- 12 from other States
- 3 from overseas (2 U.K., 1 U.S.A.).

These are entered on cards in a Newspaper File as received and the following information is recorded. Title, Place of origin, Supplier (name and address), Number of copies, Frequency, Subscription cost, Date of Publication, Volume and number of issue (if applicable), Date of receipt, Period for which paper is kept and ultimate fate (e.g. "Keep for 3 months, then discard" or "Keep for 2 years in vault").

The three main daily Tasmanian papers (*Mercury*, *Examiner* and *Advocate*) are bound in bi-monthly volumes by the Government Printer and are permanently retained, the holdings going back to the early 1800's.

Counting official papers of a serial nature, about 1,000 serial titles are received. Only 82 of these are paid subscriptions. The majority of official papers are sent free or on an exchange basis (i.e. Tasmanian Government publications are sent to other libraries).

The three main Tasmanian newspapers (*Mercury*, *Examiner* and *Advocate*) are scanned daily for news items relating to current Parliamentary business and areas in which Tasmanian Parliamentarians are con-

cerned. Items in the Federal political sphere are not indexed unless there is some Tasmanian connection. The cuttings are filed alphabetically by subject according to a pre-determined set of subject headings. Tasmania is the only Australian State with no published Debates (*Hansards*). There are plans to introduce the recording of debates which should eventuate by 1978. Since 1920 *The Mercury* has been reprinting press reports relating to the business in Parliament. These comprise a reprinting in chronological order on loose sheets of all Parliamentary proceedings which have appeared in *The Mercury* for the year. The cost of reprinting is borne by Parliament and about 60 copies are printed and bound. These are distributed to M.P.s, Government Departments and some other bodies. The reprints are difficult to use as there is no printed index. A typewritten index is compiled by the Clerk of Papers for the use of both Houses, but otherwise items can be traced only through the indexes to the Votes and Proceedings. Since the introduction of a Press Cutting Service, less use is made of the reprints. Three Mainland papers (*The Australian*, *Sydney Morning Herald* and *The Age*) are scanned for articles of political interest – any material which could be of possible future use.

Members may borrow books from the Library under the usual rules. An exchange collection of approximately 800 books is loaned by the State Library for recreational reading. This consists of about two-thirds fiction and one-third general interest non-fiction supplied direct from Resources Section and replenished from time to time (i.e. 100 returned and 100 new books supplied whenever it seems necessary). This arrangement is unique in Australian Parliamentary libraries and saves expenditure on material of limited usefulness. Recordings are supplied by the State Library Recorded Music Section on a similar basis (approximately 200 at a time), except that there is a charge for borrowing (20 cents for each L.P.).

The Library has a normal Dictionary catalogue with two separate alphabetically arranged sequences: "Author and Title" and "Subject". Serials are classified but not given subject headings. Any other material not considered worth cataloguing is filed in a Vertical File.

Members are issued each month with a subject index to current serials and a list of recent additions to the Library. With a good knowledge of the resources of the library and retrieval methods, many reference queries can be answered quickly; others may involve lengthy research. When Parliament is in Session, there is often a degree of urgency not normally experienced in a Reference Library. Enquiries may be received in person, by telephone and by mail.

If the Library cannot provide an answer to a query, contact is made with the most appropriate outside Library (usually the State Library). In 1974/75 the Library undertook 250 substantial research enquiries. There are many hundreds of lesser reference queries and extensive use is made of the press-cutting service, periodicals and newspapers. Because Ministers often have information sources of their own and staff to do

research for them, the library is used more by the Opposition Members and by Government back-benchers. Parliament House staff, and officers of the Public Service may be given the privileges of the library at the discretion of the Librarian; but in all borrowings, sitting Members of the Tasmanian Parliament shall have priority. Students and other members of the general public may be admitted to the library for study or research purposes at the Librarian's discretion but shall not have the right to borrow.

The salaries of three members of the Library staff (Librarian, Library Officer and Assistant) are paid by the State Library – one staff member (typist-clerk) is paid by the House of Assembly. An amount is submitted each year by the Librarian to the Library Committee for the purchase of books, periodicals, newspapers, equipment, furniture, etc., during the coming financial year. If approved, the amount is included in the Estimates for consideration by the Treasury.

Victoria

The Library was founded in 1851 and is as old as the State of Victoria itself. It was the first Government supported Library in the State. Between 1901 and 1927 the legislature shared the Library with the Commonwealth Parliament before the latter moved to Canberra. The Library serves both Houses and is under the control of a Committee consisting of five members from the Legislative Council and five from the Assembly. The President of the Legislative Council and Mr. Speaker are respectively Chairman and Deputy Chairman.

The Library holds approximately 150,000 books and pamphlets. Annual additions are approximately 2,000, two thirds being acquired by purchase and one third by exchange, particularly with official publications. A basic reference collection exists, with emphasis on social sciences and law. Some recreational material is held.

Western Australia

The Parliamentary Library of Western Australia was established under the Law and Parliamentary Library Act, 1873. It serves both Houses. Since 1970 the library has entered a phase of development. First a Library Reference Officer was appointed to assist users with their reference enquiries and to see that the library functioned on sound "library" principles, the Dewey system was introduced and a book-card, date stamp borrowing system was inaugurated. Secondly, the library, which was spread over three separate rooms on two floors, was centralized. Thirdly, as well as members receiving a "Current Topics" "Current Awareness" and "Recent Accessions" list, the library was able to produce the bibliography "Official Publications of Western Australia" on a quarterly basis. In January, 1976 for the first time a qualified librarian was appointed to the post of Parliamentary Librarian and a qualified Assistant Librarian was appointed in March. The library is still changing,

still attempting to meet the many and different problems of to-day. The Librarian is responsible to a Committee consisting of the Presiding Officer and two members of each House.

There are approximately 20,000 books (including parliamentary papers and a small fiction collection). There is continuous culling of the collection to see that only material relevant to members' needs is retained. Books are selected where possible by reviews from periodicals and published review journals.

The Library takes 47 newspapers (primarily Australian and Western Australian country papers); 174 reference books (four sets of encyclopaedias, dictionaries, yearbooks, etc.); and 216 periodicals. Hansards, parliamentary papers, acts and bills from each Australian state are received. Bound volumes of Acts from Great Britain and House of Lords and House of Commons debates are received. Acts and bills are also received from New Zealand. A close scrutiny is kept on new H.M.S.O. publications and those of relevance are purchased. A newspaper cutting service is maintained. Four Australian newspapers are perused daily and relevant articles cut out and placed on 58 subject files, e.g., Hospital Administration, Uranium, Drugs and Alcohol. Three weekend newspapers are treated in the same manner.

Members can have four books on loan at any one time – particular titles not held in the library can be obtained on inter-library loan. An author/title catalogue with a classified sequence is maintained. A 3M "500" Reader Printer is in the library. The newspaper cutting files (1970–1974) are on microfiche and *The West Australian* newspaper is on microfilm from 1973.

The staff of the library is five and any quick reference or research is done by the person most able, suitable and available. An 'Accessions List' of publications and articles of interest to members is issued monthly. This should be available on a fortnightly basis shortly.

There are no computer facilities. The use made of the library differs with each member. It is up to the library staff to promote use of the library to its fullest extent and various ways are being developed of doing this, e.g., the 'Accessions List'. Ex-members and parliamentary staff may use the library. The 1976–1977 Budget estimate is \$71,000 for salaries, books, audio-visual material, etc.

For many years the Parliamentary Library has relied on other libraries, particularly the State Library, for 'back-up' reference. Books and other material are readily made available to Parliament on an inter-library basis from all other major libraries in the State. This service is both appreciated and reciprocated. The library service is going at present through a marked transitional stage and for this reason answers to some of the questions may be completely different in the near future.

New Zealand

A Parliamentary Library was founded in Auckland in 1858. When

Parliament moved to Wellington in 1865 the Library came with it. Parliament took over the old Provincial Council Chambers in Wellington and the Library was housed in its own new wooden building. The present building was erected in 1898-99 and was occupied in 1901. The first Librarian was also the Clerk of the House, while the second was Hon. Alfred Domett who at the same time as being Librarian was also a Legislative Councillor, Secretary for Crown Lands, Land Claims Commissioner, and Registrar-General! The first full-time Librarian was appointed about 1871. Since 1966 the Library has been a constituent division of the National Library of New Zealand, under the terms of the National Library Act 1965. The Chief Librarian is responsible, on the one hand, to the Library Committee of the House for the determination of policy and, on the other, to the National Librarian for the administration of that policy. The National Librarian is responsible not to the Committee of the House but to the Minister of Education. The Committee, therefore, has no means of requiring its policies to be carried out. The Library Committee is traditionally chaired by the Speaker of the House.

The total catalogued collection is 400,000 volumes, of which approximately half is books and pamphlets; there are good collections covering all fields of knowledge with emphasis on social sciences; a near-comprehensive collection of New Zealand material selected from intake resulting from Library's control of legal deposit provisions of the New Zealand Copyright Act; and other material selected from national bibliographies, reviews, etc. There are comprehensive holdings of New Zealand newspapers plus about 30 overseas papers; approximately 6,500 periodical titles are held and a quick reference stock of approximately 5,000 volumes.

The library is a depository for U.S. and Canadian (Federal and Ontario Provincial) government publications; publications of the U.N. and its subsidiary organisations, OECD, EEC, and a number of other international organisations; it is the exchange partner with United Kingdom, USA and Australia for government publications and receives similarly on exchange parliamentary publications from approximately 50 countries; stocks of New Zealand government and parliamentary publications are comprehensive. Uncatalogued official publications (other than New Zealand) currently occupy approximately one mile of shelves.

A special New Zealand research collection is held in the Library. Book lending facilities are available. There is a divided alphabetical card catalogue containing authors and titles in one sequence and subjects in another; indexes of main New Zealand daily and weekly newspapers are maintained; important articles obtained from scanning 300 journals are indexed and major background articles from newspapers, journals, etc., clipped for vertical files. Most New Zealand newspapers are held on microfilm, together with the *New York Times*; there is microfiche of Canadian Provincial official publications 1973-1975.

A staff of eight provide quick reference and information services. The Library is presently adding radio and T.V. recording and play-back services for news and current affairs programmes. One staff position (in addition to the eight posts mentioned above) provides research assistance in economic and statistical areas; another eight posts also provide research assistance where required. It is planned to begin in 1977 a computer link into the New Zealand Statistics Department database, provided this step is approved by the Government.

Members request assistance in person, by letter or via secretaries of the staff of Party Research Units. Others who may use the Library are the staff of Parliament Buildings, including Ministerial staff, staff of Government Departments, research workers and any who can show they need access to material not readily available elsewhere. There is a small budget for book-stock and a few other items, (e.g., travel, freight, and cartage) other items are included in the National Library budget, or the budget of the Legislative Department.

Papua New Guinea

The Library was set up towards the end of 1969, (Parliament was converted from the old Port Moresby Hospital) and was part of the Research and Information Section. It is now separate from the Research and Information Section and comes under the control of the Chief of Division Services who is responsible to the Clerk and the Speaker. There is a Library Committee, but members have not been appointed.

There are approximately 5,000 books. Material in the Library covers the Social Sciences, law, politics, economics etc., and is selected by interested Members and Staff of Parliament. There is a small general reference collection. Sixteen newspaper titles are held – from Australia, England, U.S.A., Singapore, Indonesia, Samoa and the Phillipines. 150 periodical titles are held, once again the emphasis being on the Social Sciences. All Parliamentary publications of Papua New Guinea are kept in the Library, from the First Sitting in 1964. An exchange system has been set up with other countries – particularly of the Pacific e.g. Hawaii, Samoa, Fiji, to obtain their Parliamentary publications. Newspapers from Australia and Papua New Guinea are scanned daily – articles of present or possible future interest to the work of Parliament are cut out and filed in Subject folders for easy retrieval and reference.

Books are loaned to Members and Staff of Parliament for a period of three weeks. Periodicals are not taken out of the Library. Author/title subject card catalogues are kept. Microform facilities are not available. Language tapes have been made available to the Interpreters. A Videotape system will soon be set up, as part of the Library. An Acquisition List is published every three months just before each sitting and distributed to Members and Staff. A Guide to the Library will be published for the new Members after the next General Election.

India

In 1921 a small Library was set-up for the convenience of the Members of the then Central Legislative Assembly. This small Library continued to serve the Members on a modest scale till Independence. It was only after the achievement of Independence in August, 1947 and the work connected with the drafting of the new Constitution for the country by the Constituent Assembly that the demands on the Library started growing. This resulted in the gradual expansion of its collections and the staff. The year 1950 saw the beginning of systematic efforts to build up its collections and the establishment of a Research and Reference Branch as part of the Library. The Library today forms a Wing of the entire Service known as Parliament Library and Reference, Research, Documentation and Information Service (called LARRDIS in short.) The present arrangement and nomenclature of the Service is the result of a functional reorganisation brought about during 1974-75. The LARRDIS which includes the Parliament Library is headed by the Director. The Director is responsible to the Secretary-General, Lok Sabha. There is a Library Committee constituted by the Speaker from amongst the Members of Parliament to advise him on matters concerning the Library. The Committee consists of nine members, *viz.* six from Lok Sabha (including the Deputy Speaker) and three from the Rajya Sabha. The Deputy Speaker is the *ex-officio* Chairman of Committee. The term of the Committee is one year.

The holdings, at present, are nearly 600,000. As the Library has to cater primarily for the needs of Members of Parliament it has to reflect the entirety of national effort. This involves a selection of books from the field of human activity relating to almost all subjects but with special emphasis on Parliamentary work of Members. Books on all branches of human knowledge are acquired, the only exceptions being books on advanced technical knowledge, pure science, etc. The Library regularly receives 196 newspapers and 912 other periodicals both Indian and foreign. Of the newspapers, 54 are in English, 41 in Hindi and 101 in regional languages. As regards the periodicals 735 are in English, 63 in Hindi and 114 in regional languages.

The Library subscribes to 177 periodicals and 11 newspapers while others are received on exchange or complimentary basis. The Library has a collection of Parliamentary Debates, Acts and Reports of various Parliamentary Committees of the Commonwealth Countries and other European Countries. The Library is also a depository for the publications of the United Nations and its allied agencies.

As an aid to reference work and to cater for the needs of Members of Parliament the Press Clipping Service maintains a collection of editorials, articles and news items from selected newspapers on important legislative measures, political, legal, economic, socio-cultural, scientific and technological fields. The Clippings are classified according to a specially devised classified scheme.

Books may be borrowed only by the Members in person or through Personal Assistants/messengers duly authorised by them for the purpose. Books are lent out for a period of seven days during Session periods and fifteen days during non-Session periods.

An alphabetical catalogue (author/title/series and subject arranged in separate sequences) is maintained in the Library. The arrangement of entries is dictionary-wise. A separate catalogue for government publications and reports of the United Nations and its allied agencies is maintained. The Documentation Service is also responsible for cataloguing all records such as books, reports, periodicals, press clippings and documents of all kinds received in the Library.

The following periodicals are published by the Documentation Service.

- (i) Abstracts of Books, Reports and Articles (Quarterly):— A periodical containing abstracts of important books, reports and articles published in India and abroad, on subjects of current interest.
- (ii) Documentation Fortnightly:—Scanning the books, reports, newspapers, periodicals and other documents, received in the Library during a fortnight, picking out the relevant material that should be brought to the notice of Members and suitably annotating and listing them by subject matter.
- (iii) Documentation Lists on Specific Subjects (*ad-hoc*):—Documentation lists on certain specific subjects coming up for discussion in both the Houses and/or of interest to Members are compiled and brought out as and when necessary.

Microfilms of some of the old Indian Newspapers and Constituent Assembly documents are available.

The Reference Service assists the Members of Parliament in the discharge of their Parliamentary Work through:

- (i) Supply of on-the-spot references contained in the published documents;
- (ii) Collection of material, factual data, statistics, etc., involving detailed study and reference work;
- (iii) Preparation of Bibliographies on important Bills coming up before Parliament; and
- (iv) Preparation of Reference Notes on important topics coming up before Parliament;
- (v) Arrangements also exist for meeting the information needs of Members in Hindi.

The Information Service keeps Members well-informed about the latest news, Indian as well as foreign and for this purpose English and Hindi teleprinter machines have been installed in Parliament House. The machines are maintained and serviced by the "Samachar" a national news agency. During the days when either House is in Session, the teleprinter machines are kept working from 2 a.m. till the House rises in the evening. These are scanned through during the day and the important news items are cut out and displayed on the teleprinter boards outside

the Library Ground Floor. This process of scanning the news and displaying it at constant intervals is continued throughout the day till the rising of the Houses.

The Research Service is *inter-alia* responsible for preparing and issuing in English and Hindi specialised Brochures, Background Notes, Information Bulletins, Briefs, Fact Sheets, Current Information Digests, etc., to provide Members of Parliament, efficiently and promptly, with objective background data and information on various topics of current interest or on legislative measures, likely to come up for discussion in Parliament. The Research Service also issues some full length studies in the form of books and monographs. The following important periodicals are published regularly.

- (i) *Journal of Parliamentary Information* (Quarterly): Contains practice and problem-orientated articles on constitutional and Parliamentary topics from Members of Parliament and other experts in the field. It also serves as an authentic record of important parliamentary events in India and abroad.
- (ii) *Digest of Central Acts* (Quarterly): Contains synopsis of Central laws.
- (iii) *Digest of Legislative & Constitutional Cases* (Quarterly): Contains abstracts of judgements of the Supreme Court and the High Court involving important legislative and other cases.
- (iv) *Diary of Political Events* (Monthly): Annotated chronology of National and International Political Events.
- (v) *Digest of News and Views on Public Undertakings* (Monthly): A periodical containing abstracts of news-items and comments about the various public undertakings, appearing in important newspapers and journals received in the Library.
- (vi) *Sansadiya Patrika* (Quarterly): Contains mainly original contributions in Hindi on various constitutional and parliamentary subjects from Members of Parliament and other experts in that field. Authentic recorder of Parliamentary events in India and abroad.

Computer facilities are not available.

The Services offered are fully utilized by the interested Members. Apart from the Members of Parliament, *bona fide* research scholars and accredited Press correspondents may use the Library Services, during inter-Session periods for consultation of books/documents which are not available in other Libraries. Former Members of Parliament are also entitled to use the Library. All these matters are regulated under the Library Rules. The Library serves both the Houses. A Weekly Parliament Library Bulletin is brought out to inform the Members of the latest books and reports added to the Parliamentary Library.

Andhra Pradesh

The Library serves both Houses of the legislature, although there is a small reference library in the Legislative Council. The Library and its staff are under the control of the Secretary to the Legislature. There is a

Library Committee of ten members, seven from the Assembly and three from the Council. The Library's holdings number 20,000 volumes. Parliamentary publications held are the debates of both Houses of the legislature, the Lok Sabha, Rajya Sabha and both Houses at Westminster. A card index catalogue is used. The Research and Reference Section provides information for members and holds newscuttings. Books may be borrowed by Members. The Library may be used by research students and the staff of the Legislature Department.

Karnataka

The Legislature Library dates from the 1940's. The former princely State of Mysore had representative bodies with limited function, e.g. the Representative Assembly from 1881 and the Legislative Council from 1924. The printed debates of both these bodies were retained. In 1935 the debates of the Legislative Assembly and Legislative Council of India and the Madras Legislative Council were subscribed to. A few reference books such as Dictionaries, Handbooks, Election manuals, Rules, Standing Orders of the Legislative Houses of the then British Indian Provinces were purchased. In 1939 debates of all the British Indian Legislatures were purchased. In 1941 Government agreed to the purchase of good reference books. Government also appointed an *ad hoc* Committee of six Officers and non-official members under the Chairmanship of the President of the Legislative Council.

The Library began to receive more attention in 1950 with a new Legislature coming into being under the new constitution. In 1960, the Librarian's post was upgraded and a qualified Librarian was appointed. The classification of books was switched over in 1963 from decimal classification to colon classification. A Reading Room for the use of members of Legislature and Officers was opened and a separate Budget was provided to subscribe for periodicals. The Budget to purchase books and periodicals has also been increased. In 1975 the post of Librarian was again upgraded to the grade of Under Secretary (Library-cum-Research) with one Section Officer appointed to the Library and one Section Officer to the Research Wing.

The Rules of Procedures and Conduct of Business provides for a Library Committee consisting of Chairman/Speaker and six members nominated by the Speaker and three members nominated by the Chairman to advise on all matters concerning Library. The Librarian is responsible to the Secretary and to the Speaker and Chairman.

The Library holds nearly one lakh Volumes. The books are selected by a check list, on "approval" basis, book reviews, recommendations by Members and Officers of the Legislative Assembly and Legislative Council. Nearly 58,000 pamphlets are stocked. One hundred and fifty periodicals and five hundred documents are received.

The Browne charging system has been adopted. Every Member may borrow two books at a time, the books may be kept for 15 days only. A

classified catalogue has been adopted. Code Cards have been arranged according to Author, Title and Subject. In addition to this there is a supplementary, Quarterly classified accession list of books added to the Library which is distributed to the members.

There are no microform or computer facilities. The Library has a short range reference service. A research service provides bibliographies, indexing of Articles, up to date Acts, background material on important subjects, paper cutting, folders on the activities of the Legislature and Committees.

The Members borrow books and make use of reference materials such as Bibliographies prepared on Bills and subjects coming up before the House. Officers and Officials of the Legislature and the other Heads of the Governments, Ministers, Research Scholars also make use of the Library. There is also an Inter Library Loan System. The annual budget is Rs. 1,00,000/- for purchase of books and reports and Rs. 10,000/- for Periodicals.

There is one Library common to both Houses. During the Session some of the reference materials are kept in the lobbies of the Legislative Assembly and Legislative Council for immediate reference.

Maharashtra

The library was started in 1922 after the then Home Member brought to the notice of the President the need to have a separate library for the members. Initially, the working of the legislature library was limited to the supply of Acts and Rules of the Government of India and the State Governments, Proceedings of the Legislature, Reports of the various Legislature Committees and Administrative Reports of various Government Departments etc. Gradually, the stock increased and in the year 1950 a person qualified in Library Science was appointed. The strength of the library staff has been increased from time to time to cope with the increasing activities undertaken by the Legislature library. In the year 1963 the post of Librarian was upgraded to Gazetted status with change in the designation to Librarian, Research and Information Officer. The Assistant Librarian was also upgraded and he was designated as Deputy Librarian. At present the library staff consists of One Librarian, Research and Information Officer, one Deputy Librarian, who are qualified in Library Science. They are assisted by Six Assistants and Seven Clerks.

The Library is directly under the control of the Secretary to the Legislature and he manages the affairs of the Library through the Joint Secretary to the Legislature and the Librarian, Research and Information Officer. The Librarian, Research and Information Officer is responsible for the day-to-day administration of the Library.

There is a Joint Committee of both the Houses consisting of 16 members (11 from the Assembly and 5 from the Council) nominated respectively by the Speaker and the Chairman and includes the Speaker, the Chairman, the Deputy Speaker and the Deputy Chairman and the Chief

Minister. The Chairman, Legislative Council is the head of the Library Committee. This is an advisory committee. The term of this committee is one year.

The total number of books and reports in the library is 27,000. This includes books on Parliamentary, legal and Constitutional topics, Economics, Politics, Development, Co-operation, Agriculture, Industries, Planning etc. The reports include various administrative reports of the Departments/Ministries of State and Union Government and also the reports of the various Commissions appointed by the State and Union Government.

The Library Committee appoints a Sub-Committee known as the Book selection sub-Committee, which is headed by one of the Deputy Presiding Officers term by term, and includes two other members of the library committee as its members. The term of Office of this sub-committee is one year. The sub-committee meets once a month. Books recommended by individual members of the legislature are purchased subject to the approval of the book selection sub-committee. The Speaker, the Chairman and the Secretary, are however empowered to order purchase of books directly. The total number of newspapers and periodicals received by the library is 212. There are quite a number of useful reference books.

The stock of parliamentary and other Official publications numbers about 45,000. It includes the proceedings of the Indian Parliament and the State legislature (1854 and 1862 respectively) from inception, the proceedings of State Legislatures in India, debates of the Parliament of Canada and United Kingdom. The proceedings of the House of Commons date from Cobbett's Parliamentary History.

A newspaper-cutting service was started in this library in 1964. The compilation of statistical information was started in 1969. Books are lent to Members of the Legislature for a period of seven days during the Session period and for fifteen days during the non-session period. A member can borrow four books at a time.

The library maintains a Card Catalogue according to Title, Author and Subject. The library also maintains indices of various subjects discussed in both the Houses of the Legislature.

The indices referred to above and also indices to articles in periodicals serve as quick reference tools. Research includes preparations of "bibliographical notes" on important bills. Each "bibliographical note" gives the background of the bill, and statistical information refers to similar legislation elsewhere, gives a list of useful books quoting relevant chapters and pages, and refers to articles on the subject published in various newspapers and other periodicals. Background papers on constitutional parliamentary and allied topics are prepared for the benefit of the members. Statistical information useful to the members in the discharge of their legislative duties, is collected from various sources and charts are prepared.

The members of the Legislature make immense use of the various services provided by the Library. Research Scholars, Social Workers and Government Officers are also allowed to use the Library and its services. The annual budget for the Library is Rs. 50,000.

Rajasthan

The Assembly Library was established in March, 1952. The Library functions under the Administrative control of the Secretary of the Legislative Assembly and the supervision of the Speaker. There is a Library Committee consisting of five members, who advise the Speaker on the working of the Library and suggest improvements in its functioning. The holding of books and pamphlets is 43,718. The Library takes thirteen daily newspapers and 113 periodicals. The number of Parliamentary publications is 15,111. Regular clippings on selected topics are made from seven newspapers. Lending facilities are available to the following categories of persons:

- (1) Members of the State Legislature.
- (2) M.P.'s representing the State.
- (3) Officers and staff of the Secretariat.
- (4) Ex-M.L.A.'s and M.P.'s representing the State after depositing a security of Rs. 50.00 only.
- (5) Research Scholars.

The Library has published a catalogue in book form. An authorised card catalogue is also maintained. There is a Research and Reference Officer. Government publications, newspaper clippings, proceedings of the House and books on current topics are mostly used by the Members. Research scholars registered by the Universities can also, with the permission of the Secretary, use the Library. In 1977-78 the Library has a budget provision of Rupees 35,000/- for purchasing reading material, including books and periodicals.

Tamil Nadu

The Library which has been functioning from 1921, has a good collection of approximately 300,000 volumes on History, Politics, the Constitutions of various countries, Law, Economics, Geography, Social Service, Labour and Industrial relations, Animal Husbandry etc., in addition to Administration and other reports of the Government, and United Nations publications. The Library is under the immediate control of one Under Secretary. The Secretary of the Legislative Assembly is the overall controlling authority. No Committee of Members exists to oversee the Library.

House of Commons Debates, Congressional Records, pamphlets, reports, debates of various State Legislatures are stocked. The process of selection of books is carried out by the Secretary of the Legislative Assembly.

Daily newspapers in English, Tamil and some other Indian languages

and various magazines and journals, both Indian and Foreign, are received in the Library either on payment of subscription or as complimentary copies. The following parliamentary debates are stocked:—

DOMESTIC:

1. Central Legislative Assembly Debates (India) from 1921 to 1945;
2. Constituent Assembly Debates from 1947 to 1949;
3. Lok Sabha Debates from 1950 to 1975;
4. Rajya Sabha Debates from 1954 to 1974;
5. Tamil Nadu Legislative Assembly Debates from 1937 to 1975;
6. Tamil Nadu Legislative Council Debates from 1921 to 1975 and Debates of some other State Legislatures in India.

FOREIGN

1. House of Commons Debates from 1909 to 1975;
2. House of Lords Debates from 1909 to 1961-62; and
3. Journals of the House of Commons from Vol. 29, 1640-42 to Vol. 229, 1973-74.

The Library has statistical collections on agriculture, socio-economic and political matters. A news-cutting service is provided by a separate section known as the Reference and Research Section. Books are lent on loan slips for a week at a time. Loan slips are renewed after a week's time if required, but the borrowers are not allowed to retain the books beyond a period of one month.

The catalogue of books available in the Library is printed only once in five years; but accession lists of new books are printed every three months.

Research services are provided by the Reference and Research Section but the Library has quick reference facilities. There are no computer or microform facilities available.

Members of the Legislature make good use of the Library Services. Besides members of the Legislature, Members of Parliament, prominent persons, officers of the Secretariat and Research Scholars are also allowed to make use of the Library. The funds required by the Library annually are met from the budget provisions for the Legislative Assembly Department. The Legislature is bicameral and the Library is common to both the Houses.

Sabah

There is no proper Library due to shortage of space. There will be a Library when a new Assembly building is available in the near future.

Bermuda

The library has been in existence since 1958 and was established as soon as space became available in the Sessions House Building which is partly occupied by the House of Assembly. It serves both Houses of the Legislature.

The Clerk to the Legislature is the Librarian and he is responsible to

the Speaker of the House of Assembly for the running of the library. The House and Grounds Committee of the House of Assembly receives regular reports from the Clerk to the Legislature concerning the library.

There are approximately three thousand books and pamphlets in the library; some of which date back to the Eighteenth Century. Books are regularly presented by Members of the Legislature or purchased by the Clerk to the Legislature, who advises, and is advised, by the Speaker as to the books to be purchased.

Newspapers, periodicals and other reference materials in the library are both domestic and foreign, and issues are kept up to date. Parliamentary and other official publications are obtained locally and from abroad. Numerous Commonwealth Countries send copies of such publications to the House of Assembly's library. Statistical collections and newscuttings (domestic and foreign) are available for reference purposes in the library. All members of the Legislature are able to borrow books from the Library.

The Library is being re-catalogued and this should be completed this year. An up to date index should be available before the end of the year. Microfilm records of old publications in the Library are kept in the Government Archives Department, which has facilities for microfilming. Members of the Legislature are able to obtain reference and information services at short notice.

The Clerk to the Legislature researches Parliamentary records for members of the Legislature and the public. There are no computer facilities at present.

Members of the Legislature are making increasing use of the library services. In addition members of the public, mainly persons doing research work for publications they are working on, are permitted to use the Library.

There is a small annual budget for the Library, which is included in the Annual Estimates of Expenditure for the Legislature. It is hoped that the budget will be increased before long.

Malta

The library of the House of Representatives was enlarged and enhanced in July 1967 by a donation of a bookcase full of reference books on parliamentary procedure by the House of Commons (U.K.).

Additions and acquisitions were constantly being made to the Library but the new status of Republic engendered a pressing need for an up-to-date library, to cope with the exigencies and requirements of a fast changing economy. To this effect Government earmarked a substantial sum of money for the acquisition of adequate books to meet the ever increasing demand for information and research work by Members of the House.

The control of the Library of the House falls under the responsibilities of the Clerk of the House or his delegate, and the facilities for book

lending is on a pattern similar to that operational in the Public Lending Libraries. Though no computer system of control is operational, the services rendered by the Library to the Members are deemed to be sufficient to cope with the present requirements.

Zambia

The present Parliamentary Library dates from April 1967. Prior to this, there was just a Members' reading room with the minimum number of reference books. The Librarian is answerable to the Clerk of the House. There is a sessional committee, called the Library Committee, consisting of Mr. Speaker and seven Members appointed by Mr. Speaker at the beginning of every session. Mr. Speaker is the Chairman of this Committee. The Library Committee assists Mr. Speaker with advice on matters connected with the administration of the Library and decides on what manuscript papers and returns presented to the House from time to time shall be printed and in what form. The Library has 17,000 volumes of books and a large collection of pamphlets on various subjects. The book selection is done by the Librarian using Publishers' catalogues including B.N.B., Bookseller, C.B.I. and British Book news. The Library subscribes to 106 periodicals, including the newspapers of the main world capitals. The Library also has a good sized Reference section with well selected reference tools. There are 3,000 volumes of Hansards and statutes from Commonwealth countries, including Zambian Parliamentary papers. A newspaper cuttings service is available in the Parliamentary Debates Section of the Library.

Members may borrow books for a period of 28 days. Unless the book has been reserved by another Member, the loan can be renewed for a further period of 28 days. The Library has a dictionary catalogue. The books are catalogued according to the Anglo-American rules. The books are classified according to Dewey Decimal classification. Indexes to Bills and Acts are compiled. Indexes are also compiled on newspapers and selected periodicals. The reference section of the Library provides Members with quick reference and on-the-spot information. A research service is provided. There are no computer or microfilm facilities. Members make a very good use of the Library's borrowing and reading facilities especially when Parliament is meeting. The staff of the National Assembly may also use the Library.

Lesotho

There was a library during the period of the Legislative Council and the pre-independence National Assembly, but there was no building set aside for the library; the books were stored in one of the offices. It was only in November 1967 that arrangements were made to use the present room as a library (which is also a Committee room). The Librarian, who is one of the Clerks Assistant, is responsible to the Clerk of the House. He keeps a record of all new publications introduced into

the Library, as well as the Loan Register. There is no committee of Members appointed to oversee the library.

There is a good number of books and pamphlets covering a wide range of subjects. Books are selected from Publishers' catalogues which cover topics which are likely to be of service to Members of Parliament such as Parliament, Politics, Administration, History, Economics, etc. There are regular Newspapers, periodicals and other reference materials, both domestic and foreign. There is a vote in the budget for the purpose of defraying the annual subscriptions required for these papers.

The stock of parliamentary and other official publications consists of about 2,300 books covering a wide range of subjects such as Biography, Encyclopaedia, Philosophy, Religion, Sociology, Politics, Administration, Parliament, Economics, Law, Education, Literature, Science, History, Anthropology, Agriculture, Business, Music and Sport. There are statistical collections but no newscutting service. There is a Loan Register divided into the Number of book, Title of book, Author, Date borrowed, Borrower's signature, Date returned, Date received.

There are no reference or research facilities; nor are there any microform facilities.

Library services are mainly available to Members of Parliament; the library is at their disposal and they have access to it whenever they wish. They make their selection from books on a wide variety of subjects relevant to their needs as Representatives of the People. They are at liberty to sit and read the books in the library or obtain loans of them for reference and study. Besides the books, they also have access to pamphlets, magazines and newspapers that are normally filed in the library. Members of the parliamentary staff are also free to visit the library. Civil servants from the other Government Departments and University students may make use of library services. There is an annual budget for the library.

Fiji

There is a very small reference library which was founded in January 1974. It serves both Houses. The Speaker, the President of the Senate and the Clerk to Parliament are responsible for the Library. The Librarian selects new books, magazines etc. and submits a list to the Clerk, who after consulting the Speaker and the President, orders those books selected. Borrowing is severely limited by reason of the size of the collection. Members do not use the Library frequently, although naturally more use is made of it when either House is sitting. It is hoped that better library facilities will be provided when general parliamentary facilities are improved.

St. Lucia

A parliamentary library was started in 1968 with a donation of books from the House of Commons. Prior to 1968 copies of House of Commons

and House of Lords Debates were kept by the Administrator, who was also President of the C.P.A. branch. The present library is under the direct control of the Speaker and no committee is appointed.

Books are bought as required within an annual allocation of \$100. Local newspapers are also bought. Books may be borrowed by Members of the House and financial members of the C.P.A. for periods of up to fourteen days, on application to the Clerk's office.

Members make very little use of the library, there being no reading room as such. As mentioned already members of the C.P.A. may also use the library. It is accepted that the present facilities are not sufficient and that there is a need for a large library with research services under the supervision of a librarian.

XIII. APPLICATIONS OF PRIVILEGE

AT WESTMINSTER

House of Commons (Complaints of passages contained in certain documents).—On 17th November 1976 a Labour Member complained in the House of Commons of certain words contained in a document circulated "within the Palace of Westminster" by Mr. Iain Sproat, a Conservative Member. The passages complained of read as follows:—

"The Labour Party has clearly been infiltrated to a terrifying degree by fifth columnists who call themselves Labour, but who in fact hold views totally alien to the democratic Labour tradition. They have tricked decent Labour voters who would be horrified if they realised what certain of their MPs and others really stood for.

And among MPs themselves there are now at least 30 whose views are, in my opinion, virtually the same as those of Communists, assorted Trotskyite groups, Marxists and the so-called New Left, etc. These MPs are perpetrating a massive fraud on the voters by standing for Labour; they are little less than the equivalent of undercover political agents for alien political creeds".

After debate, and on a division, the matter was referred to the Committee of Privileges.

On the following day another Conservative Member complained of certain words contained in a document issued by the Social Democratic Alliance. Among the passages complained of was the following:—

"We do not argue, as did George Orwell over 30 years ago, that there are 'underground Communists' in Parliament. We do however argue that there are Labour Members of Parliament whose views and actions would lead a reasonable man to believe that they have sympathies with the varying shades of totalitarian communism".

The document later listed some 33 Labour Members who it was alleged were writing or lending aid and comfort to Communist or Trotskyite organisations and newspapers. Again on a division, the House agreed to refer the matter to the Committee of Privileges.

In their First Report for Session 1976-77 (HC 58) the Committee dealt with both complaints. They reported to the House that in their view the cases did not call for inquiry by them since although some of the language used might be held to reflect on Members of the House neither document could properly be considered to damage or obstruct the work of the House and so to amount to a contempt of the House. In reaching this conclusion the Committee drew attention to what the Committee of Privileges had said in a Report in 1964:—

"It seems particularly important that the law of parliamentary privilege should not, except in the clearest case, be invoked so as to inhibit or discourage the formation and free expression of opinion outside the House by Members equally with other citizens in relation to the conduct of the affairs of the nation".

(HC 247 (1963-64)).

In their Report the Committee of Privileges then referred to what the Speaker had said in the course of his ruling on 18th November 1976. The Speaker had said:—

“The 1967–68 Select Committee on Parliamentary Privilege drew the attention of the House to the fact that the powers of the House in regard to privilege, and particularly in the matter of contempt of the House, were extremely wide in their scope and that, in their view, these powers should only be exercised sparingly. It is not for me to comment on that Committee’s opinion on the exercise of the powers of the House, since, as I reminded the House yesterday, the House has never come to a conclusion on the Committee’s recommendation.”

In the light of this statement the Committee recommended that the recommendation of the Select Committee on Parliamentary Privilege of 1967–68 be referred to them for review. On 27th January 1977 the House agreed that the recommendations of that Committee should be referred to the Committee of Privileges. Their Report on this subject was published in July 1977 (HC 147, 1976-77) but has still to be considered by the House.

WESTERN AUSTRALIA

Select Committee of Legislative Assembly appointed to inquire into remarks made by Member in the House.—On 9th November 1976 Mr. M. Bryce, Australian Labour Party member for Ascot, made the following remarks. “Some of the members of this Government have in fact grown very wealthy during their parliamentary careers through the manipulation of capital, and these same people –” and “In fact, one of them we know very well has sticky fingers”.

On the following day the Premier gave notice of the motion “That a Select Committee be appointed to inquire into and report upon allegations made against a Minister or Ministers of the Government by the Member for Ascot in the Legislative Assembly on 9th November, 1976.”

A lengthy, heated debate took place on 11th November with the opposition attempting, and failing, to make five amendments to that motion. The select committee was formally appointed and was made up of two Government supporters, two Opposition members, and the mover, who also came from the Government side and who was subsequently appointed chairman.

There is no formal provision for a privileges committee in Assembly but the select committee, as appointed, was for all practical purposes acting as a privileges committee.

The select committee met on four occasions between Friday, 12th November and Wednesday, 17th November. On three occasions Mr. Bryce was called before the committee to give evidence. On the first occasion Mr. Bryce was asked to name the Minister or Ministers to whom he referred in his remarks on 9th November. Mr. Bryce replied saying that he was happy to do so but before he did he sought a number

of assurances from the select committee. The assurances sought by Mr. Bryce were:

- “1. That a ruling from the Committee will guarantee my immunity from prosecution and civil proceedings of any kind, as provided for in Sections 20 and 31(2) of the Royal Commission Act.
2. An assurance that the same immunity described above will apply to any witnesses who may be called before the Committee.
3. An assurance that the Parliamentary sub-judice rule –
 - (a) will not apply to the Committee's proceedings to prevent discussion of any matter in respect of which a writ has been issued and
 - (b) will not prevent the Committee from reporting to Parliament in respect of any matter.
4. An assurance that nothing said, or done, or reported upon during the Committee's deliberations will involve anyone in contempt of any Court in respect of any matter which is regarded as sub-judice.
5. An assurance that no person will be directed by the Government to claim Executive Privilege in respect of any information.
6. An assurance that witnesses, including any Civil Servant, will be protected in the manner provided for under Section 30 of the Royal Commission Act.
7. An assurance from the Chairman that he will direct the Clerk of the Assembly to summon all or any witnesses nominated by me.
8. An assurance that the Committee will award reasonable costs and expenses incurred by any witness in attending the Committee's proceedings.”

After taking advice and following deliberation in committee the Chairman informed Mr. Bryce that the committee could not properly give the assurances sought by Mr. Bryce as, apart from anything else, it had no power to do so. The Chairman then proceeded with his initial question and the Member declined to answer on the grounds that the committee had refused to give the assurances.

The committee proceeded in this fashion with several points of order and challenges to the rulings of the Chairman until it eventually presented its report on Wednesday, 17th November. The report was received without debate, as required by Standing Orders. The report said:

“Your Committee has endeavoured to enquire into the allegations made by the Member for Ascot, but has been unable to proceed with its task because the Member for Ascot has declined to answer any questions related to the allegations on the grounds that the Committee refused to give certain assurances.”

As there is a provision in the Legislative Assembly Standing Orders permitting the presentation of a minority report this opportunity was taken by the two Opposition members to be extremely critical of the committee and its operations, calling it “nothing less than a political charade” and accusing the committee of “illegal action”. The minority report also said,

“It is quite evident that this type of committee is inappropriate to an investigation of this kind as it deliberates in secret, votes in secret and can take evidence in secret and is composed of a majority of members of the Government against whom the allegations have been made”.

The next step was taken on Thursday, 25th November by Mr. Thompson, who had chaired the committee, giving the following notice of motion:

"That the House —

- (1) Notes the report of the Select Committee tabled in the House on the 17th November, 1976;
- (2) Views with grave concern the actions and attitudes of the Honourable Member for Ascot who having made serious allegations under the privilege of Parliament against a Minister or Ministers thereafter obstructed the will of the House by refusing to answer lawful and relevant questions put to him by the Select Committee;
- (3) Believes the Honourable Member for Ascot to be liable to be found guilty of contempt consisting of an offence defined in Section 8 of the Parliamentary Privileges Act, 1891;
- (4) Resolves that the punishment for such an offence as prescribed in the said section 8 would be in the circumstances inappropriate and inadequate to convey the censure of the House;
- (5) Requests the Attorney General to initiate a prosecution of the Honourable Member for Ascot for a breach of section 59(2) of the Criminal Code."

Before the next day of sitting, which was the following Tuesday, considerable public debate took place on the proposed action, particularly the reference to initiating charges against the member under the Criminal Code. The relevant part of the Criminal Code reads:—

"59. Any person who—

- (1) . . .
- (2) being present before either House of Parliament, or before a Committee of either House, or before a joint Committee of both Houses, authorised to summon witnesses, refuses to answer any lawful and relevant question; is guilty of a misdemeanour, and is liable to imprisonment for two years."

Press articles reported that certain Government supporters, particularly members of the National Country Party, the smaller party in the Government coalition, were against pressing for legal action under the Criminal Code.

In due course the motion was brought up in the House and moved by Mr. Thompson. The Deputy Premier then rose and, in seconding the motion, moved to delete paragraphs (2) to (5). This was agreed to and the House then, after much argument, agreed to the balance of the Deputy Premier's amendment which was to insert in lieu of the deleted paragraphs the following:—

- "(2) Views with strong disapproval the conduct of the Honourable Member for Ascot in irresponsibly making under Privilege of Parliament serious allegations against Ministers of the Crown, and then refusing to answer lawful and relevant questions put to him by the Select Committee in an effort to ascertain if the said Member had any credible evidence to support such allegations;
- (3) Is of the opinion that the Member's refusal to answer the said questions may well amount to Contempt of Parliament under the Parliamentary Privileges Act, 1891, but,
- (4) Having regard to the limited range of punishments available to the House under the said Act, resolves that in the circumstances the House merely records its con-

- tempt for the said Honourable Member and his allegations; and
- (5) Requests the Attorney General to undertake consideration of appropriate amendments to that Act with a view to furnishing the House in the future with more adequate powers of punishment of its own members for contemptuous conduct."

The voting followed party lines.

This closed the matter as far as the House was concerned but has left yet to be solved such difficult questions as:

- If a member is to be held responsible to the House for what he says in the House what techniques should be employed to question him?
- Do such matters as raised in the assurances sought by the Member, particularly the protection to witnesses appearing before committees, require any further codification?
- To what extent is a member of Parliament appearing before a select committee of Parliament immune from prosecution in another Court concerning his behaviour before that Select Committee?

NEW ZEALAND

Leader of Opposition apologises for disclosing evidence.—One of the two cases in 1976 in which the Committee of Privileges found that a breach of privilege had been committed arose out of statements made by the Leader of the Opposition to members of the news media, in which evidence heard in private by the Foreign Affairs Select Committee was disclosed. In Volume 405, page 2132 of *Hansard* the Minister of Justice, the Hon. David Thomson is reported as saying:—

"The Privileges Committee has carefully considered the matter of privilege referred to it by the House on 21st July 1976 relating to statements made by the Rt. Hon. W. E. Rowling in the course of a television interview. The Committee now has the honour to report as follows. The committee, having considered the relevant *Hansard* records and evidence, written and oral, submitted by the Leader of the Opposition, the chairman of the Foreign Affairs Committee, and certain members of the press gallery, resolves that the matter complained of did amount to a technical breach of privilege and recommends that the House accept the following statement from the Leader of the Opposition as made to the committee: "If what I did say is held not to conform with the strict requirements of Standing Orders, I express my regret, and apologise to the committee, and through it, to the House." I move. *That the report do lie upon the table.*"

ZAMBIA

Imputations against Members.—On 3rd August 1976 the Hon. Member for Kalomo, Mr. N. D. Sifwa, M.P., raised as a matter of privilege an article by a "Parliamentary Correspondent" of the *Zambia Daily Mail* newspaper of 30th July, 1976, entitled "MPs boob". He submitted that the contents of the article constituted a *prima facie* case of breach of parliamentary privilege under sections 3 and 19 of the National Assembly (Powers and Privileges) Act, Cap. 17 of the Republic of Zambia in that the article concerned had made bad imputations on

Hon. Members of Parliament who voted against the Second reading of the National Sports Council of Zambia Bill, and the House as a whole.

In his considered ruling, Mr. Speaker said that a *prima facie* case of breach of Parliamentary Privilege had been established. Consequently, on a motion moved by the Leader of the House, the Rt. Hon. Prime Minister, the House resolved, that the matter of complaint be referred to the Standing Orders Committee.

On 5th August 1976 Mr. Speaker informed the House that the Standing Orders Committee had considered the matter carefully and had found the contents of the article scandalous, disrespectful and insulting. He went on to quote Article 87 of the Constitution of Zambia under the country's One-Party Participatory Democracy and Section 3 of the National Assembly (Powers and Privileges) Act.

Mr. Speaker also reminded the House of the fact that the provisions of the Act did not in any way mean that anybody outside the House was barred from commenting on what had been said in the House, if such comment was constructive. He further informed the House that the committee strongly felt that, in the same way as Members of the House were controlled in the use of certain words generally referred to as "unparliamentary language", the press and indeed other outsiders should also restrain themselves in the use of offensive words. Mr. Speaker also stressed that the House could accept any comment or criticisms of whatever was debated in the House if such comments or criticisms were constructive. The uncalled for attacks on Members of Parliament who voted against the Second Reading of the National Sports Council of Zambia Bill were an affront to the honour and dignity of the House and were not in the interest of the country as a whole.

Mr. Speaker finally informed the House that the Standing Orders Committee had adjudged Vincent Mijoni, the Editor-in-Chief of the *Zambia Daily Mail*, guilty of publishing most irresponsible, provocative and insulting words which contained unfortunate reflections on the conduct of the House and a breach of its privileges. The House therefore decided that the Editor-in-Chief must apologise unreservedly behind the Bar of the House. Standing behind the Bar of the House, Vincent Mijoni accordingly apologised unreservedly.

XIV. MISCELLANEOUS NOTES

1. CONSTITUTIONAL

Quebec (Recognised parties).—On 22nd December 1976 assent was given to a Bill to reduce from 12 to 11, for the duration of the present Legislature, the number of members that a party must elect to the National Assembly in order that:

- (a) The member who is party chief, the member who is party house leader and the party whip may receive the indemnities provided for in Section 98a of the Legislature Act;
- (b) The party itself may share in the allowance provided for in Section 390a of the Election Act.

New South Wales (Ministers of the Crown).—The Constitution (Ministers of the Crown) Amendment Act (No. 48 of 1976) amended the Constitution Act, 1902, to maintain the number of Ministers permitted under that Act, and two other Acts which were to be repealed.

The Constitution Act, 1902, provided that the holder of an office of profit under the Crown was disqualified from being a Member of Parliament, but that restriction did not apply to certain offices including:—

- (a) The office of Premier, Attorney-General and 15 other Ministers, and
- (b) Any "office of profit under the Crown created by an Act of Parliament as an office of the Executive Government"

(Secs 17B (3) and 27).

In category (b) two additional offices were created by the Department of Agriculture Act, 1907, and section 5 of the Ministry of Transport Act, 1932. By the Department of Agriculture (Repeal) Act (No. 49 of 1976) and the Miscellaneous Acts (Transport Legislation) Amendment Act (No. 55 of 1976) the existing statutory basis for the offices of Minister for Agriculture and Minister for Transport were removed. The Constitution (Ministers of the Crown) Amendment Act then placed those two Ministers on the same basis as other Ministers by increasing the figure "15" in the Constitution Act, 1902, to "17".

(Contributed by the Clerk of the Legislative Council).

Queensland (Entrenchment of the State Constitution).—A Bill amending the Queensland Constitution was introduced and passed in late 1976, its purpose being to ensure that the integrity of the Constitution cannot be undermined or interfered with by anyone outside Queensland; to declare the office and functions of the Governor; and to stipulate that the legislation cannot be repealed or amended unless with the approval of electors at a referendum. The provisions of the Bill provide that the Parliament of Queensland consists of the Queen and

the Legislative Assembly; that the Queen's representative the Governor is he who is appointed to the office under the Queen's Sign Manual and Signet. In addition it is provided that in appointing and dismissing Ministers of State the Governor is not subject to direction by any person and his sources of advice are not limited.

Northern Territory (Constitutional changes).—The article, 'Constitutional Advances in Northern Territory, Australia', (THE TABLE Vol. XLIV pp. 75-78) referred to the joint committee of the Federal Houses of Parliament which had inquired into and made recommendations on the transfer of executive responsibility for "state-type" powers from the Federal Government to a Territory government formed from the Legislative Assembly. Legislative action was taken in 1976 at both the Federal and local levels to enable the initial transfer of responsibilities to proceed.

The *Northern Territory (Administration) Amendment Act 1976* inserted in the Principal Act two new Parts, one to replace the Administrator's Council with an Executive Council consisting of the persons holding office as executive members and the other providing that "There shall be such number of offices of executive member of the Legislative Assembly and of such respective designations, as the Administrator from time to time, after consultation with the Minister, determines." The Administrator also determines the matters in respect of which the holder of each executive office is to perform the functions of an executive member and these are:

- (a) matters arising under specified laws of the Territory, other than laws of the Commonwealth, as amended from time to time; or
- (b) matters to which the functions of a specified Department of the Public Service of the Territory relate.

The functions of an executive member are, subject to the directions (if any) of the Administrator, to assist in the administration of the government of the Territory and, in particular:—

- (a) to formulate policies and plans, and proposals for expenditure, in relation to those matters;
- (b) to make recommendations to the Council* in relation to those matters;
- (c) to administer any laws of the Territory specified in relation to that office in a determination in force to the extent that those laws relate to any of those matters; and
- (d) where any of those matters are dealt with by a Department of the Public Service of the Territory – to direct the activities of that Department relating to those matters.

In December 1976, His Honour the Administrator determined that effective from 1st January 1977 there would be five offices of executive

* "Council" means the Executive Council of the Northern Territory of Australia.

member of the Legislative Assembly the appointees to which would administer between them some 43 Ordinances of the Territory.

Those offices are:

- Majority Leader and Chief Secretary;
- Executive Member for Finance and Local Government;
- Executive Member for Law;
- Executive Member for Transport and Industry; and
- Executive Member for Community Services.

Thus, for the first time, persons accountable to the people of the Northern Territory became responsible for six statutory authorities and boards, the Northern Territory Public Service, the police, prisons, fire brigades, local government, library services, civil defence and emergency services, motor vehicle registry, building regulation, weights and measures and wildlife conservation and control.

The *Transfer of Powers Ordinance* 1976 attended to all the necessary amendments of Northern Territory Ordinances consequential on the transfer of responsibilities. Amendments to the Interpretation Ordinance defined for the purposes of the new legislation such terms as "executive member" and "department".

There had been since 1928 provision in the law for a Northern Territory Public Service which at the time of passage of the *Public Service Ordinance* 1976 consisted of the Department of the Administrator and the Department of the Legislative Assembly. The Department of the Administrator was made up of the Administrator's Branch, the Executive Branch, the Education Branch, the Police Branch, the Prisons Branch and the Fire Services Branch. With the exception of the staff of the Legislative Assembly and the Administrator's personal staff, all the clerical staff of the branches were Commonwealth Public Servants, no attempt having been made hitherto to enlarge the Northern Territory Public Service.

The old Public Service Ordinance was full of anomalies and it was not capable of modification to suit the needs of a modern public service.

The *Public Service Ordinance* 1976 provides for the appointment by the Administrator of a Public Service Commissioner, establishes a Public Service of the Northern Territory with such departments and units of administration as the Administrator considers necessary, authorizes the Administrator to create positions of Departmental Heads and other Chief Executive Officers and requires the Commissioner to determine the terms and conditions of employment of employees. Unlike the Australian Public Service there will be no staff divisions and there will be no "officers" of the service, everyone appointed under the Ordinance will be an employee.

Care has been taken in the Ordinance to protect the rights of employees of the former service, which includes the staff of the Assembly, and there will be no diminution of their entitlements and conditions of service. The rights of Commonwealth public servants transferred to the Territory service will be fully protected by both Federal and Territory legislation,

and such employees of the new service will have the right to re-entry into the Commonwealth service and the right of promotion and appeal in respect of offices in that service.

The Legislative Assembly under the previous Ordinance was a separate department with the Speaker at its head and the Clerk of the Assembly with delegated authority responsible for its day to day operation.

Because only five departments have been determined by the Administrator under the new legislation the Assembly is now part of the Department of the Chief Secretary. It might appear that there has been a loss of status in the office of Speaker but special provision has been made to preserve the independence of the Assembly. The Speaker has all the powers of, or exercisable by, a Departmental Head under the Ordinance and the regulations so far as they relate to employees employed as staff of the Legislative Assembly as if those employees were in a Department for which he is responsible. And further: "A power conferred on, and exercisable by, the Commissioner shall, so far as it relates to employees as staff of the Legislative Assembly, be deemed to have been delegated to the Speaker of the Legislative Assembly and to be exercisable by him with respect to such employees."

A similar delegation of a power conferred on an Executive Member has also been made to the Speaker.

The passage of the legislation referred to represents the most important stage yet in the constitutional development of the Northern Territory. The manner of the administration of the legislation will no doubt determine the speed and extent of further development.

(Contributed by the Clerk of the Legislative Assembly).

India (Representation for Sikkim).—By the Constitution (Thirty-sixth Amendment) Act 1975 which came into force on the 26th April, 1975, Sikkim became a constituent unit of India as the 22nd State in the Indian Union. Section 3 of that Act inserted a new article 371F in the Constitution to provide *inter alia* that the sitting members of the Assembly for Sikkim formed as a result of the elections held in Sikkim in April, 1974 shall be deemed to be the members of the Legislative Assembly of the State of Sikkim duly elected under the Constitution, that until other provisions are made by Parliament by law, there shall be allotted to the State of Sikkim one seat in the Lok Sabha and that the representative of that State in the existing Lok Sabha shall be elected by the members of the Legislative Assembly aforesaid. Section 4 of that Act amended the Fourth Schedule to the Constitution to allot one seat in the Rajya Sabha to that State.

With a view to giving effect to the provisions of the Constitution (Thirty-sixth Amendment) Act 1975 Government decided, in consultation with the Election Commission, that the Representation of the People Act, 1950 and the Representation of the People Act, 1951 should be extended, with necessary modifications, to the State of Sikkim. As

Parliament was not in session and as it was necessary to extend those Acts so that the representatives of the State of Sikkim in Parliament could be elected without delay, the President promulgated on September 9th, 1975, the Election Laws (Extension to Sikkim) Ordinance, 1975. An Act replaced that Ordinance.

(Contributed by the Secretary-General of the Rajya Sabha).

India (Allocation of seats).—The Constitution (Forty-second Amendment) Act 1976 provides that the allocation of seats in the Lok Sabha to the States, the total number of seats in Legislative Assemblies of the States, the extent of Parliamentary and Assembly constituencies and reservation of seats for the Scheduled Castes and Scheduled Tribes, as determined on the basis of the 1971 census, shall be frozen till the year 2001.

India (Powers, privileges and immunities of State Legislatures).—The Constitution of India provided that the powers, privileges and immunities of a State legislature and of its members and committees should be such as may be defined by the Legislature and until so defined should be those of the United Kingdom House of Commons at the time of the establishment of the Constitution. The Forty-Second Amendment Act 1976 provides that in future the powers, privileges and immunities of a House of a State legislature should be, so far as possible, in accordance with those of the Lok Sabha, where such House is the Legislative Assembly, and in accordance with those of the Rajya Sabha, where such House is the Legislative Council.

Hong Kong (Increase in membership of the Legislative Council).—The membership of the Legislative Council was increased from 30 to 42 during 1976.

2. ELECTORAL

Western Australia (Electoral Act).—An amendment was made to the Electoral Act to provide that where a voter is physically unable to mark a ballot paper, he may be assisted by a person nominated by him, or, if no such person is available, by the presiding officer.

New Zealand (Electoral Amendment Act 1976).—This Act is designed to restore the position regarding Maori representation to that which obtained before the passage of the Electoral Amendment Act 1975. The 1975 legislation enacted a formula whereby the number of Maori electorates was to vary according to the total Maori population. The 1976 amendment repeals this provision and provides that there shall henceforth be four Maori electoral districts. In fact the 1975 provision was not in force long enough to be put into effect, so Maori representation

at the next general election will be on the same basis as it has been since 1867.

3. STANDING ORDERS

Northwest Territories (Assembly Rules amended).—The Rules of the Legislative Assembly were extensively revised in 1976. These changes were as follows:—

- (1) Addition of definitions of
 - (a) "Executive Committee"
 - (b) "Point of Order"
 - (c) "Privilege"
 - (d) "Strangers"

These additions were required in consequence of other changes.

- (2) The period in which the Assembly will meet in any given year were increased from 3 weeks, 2 weeks and 1 week respectively, to 4 weeks, 3 weeks and 2 weeks respectively to provide adequate time to consider the increased volume of business.
- (3) Provision for an immediate appeal to the Assembly of a Speaker's ruling was repealed following similar action taken in the Canadian House of Commons in 1969 and subsequently in certain provincial jurisdictions.
- (4) A provision was added to permit Members to vote on questions concerning indemnities, expenses, allowances and salaries of Members in spite of the general prohibition against voting on a matter in which a Member has a direct pecuniary interest.
- (5) A provision was added whereby the Clerk was directed to mail the transcripts of the last sitting day of a Session to Members' places of residence to permit them to make any necessary corrections before the printing of the final debates.
- (6) Revised provisions were added prohibiting persons admitted to the gallery from entering the portion of the Chamber reserved for Members etc., from sending notes to Members, from smoking, from recording by use of television or sound equipment, the proceedings of the Assembly and from bringing food or beverages into the Chamber.
- (7) A revised order of business to be conducted at the beginning of each Session and at the beginning of each day to more accurately reflect current practice was adopted.
- (8) A revised provision concerning the time available for debate of the Motion on the Commissioner's opening address was adopted to accurately reflect current practice.
- (9) Revised provisions were adopted so that Members may direct questions to the Commissioner, the Deputy-Commissioner or a Member of the Assembly appointed to the Executive Committee. In the past, oral and written questions could only be directed

to the Commissioner or the Deputy-Commissioner. The change was necessary to recognize the recent addition of elected Members to the Executive Committee of the Northwest Territories.

- (10) New provisions were added setting out those Motions which do not require notice and those which are non-debatable.
- (11) A new provision concerned with "Motions for the Production of Papers" was added to provide another means of dealing with certain matters of business.
- (12) A new provision reiterating the clause of the Northwest Territories Act whereby Money Bills may only be introduced by the Administration was inserted for clarity and on the recommendation of the Minister of Indian and Northern Affairs.
- (13) A provision was inserted by which Private Bills and Private Members Bills will be dealt with after first reading in the same manner as Government Bills to eliminate misunderstandings which had previously occurred in consideration of these classes of Bills.
- (14) New provisions were adopted requiring all speeches in Committee of the Whole to be strictly relevant to the item or clause under discussion and prohibiting Members from speaking for more than ten minutes at any one time in Committee of the Whole, to provide the Chairman with more effective means of exercising control in Committee of the Whole and to adopt provisions in effect elsewhere.
- (15) The rule listing the officers of the Assembly was expanded to include the Sergeant-at-Arms and Deputy-Sergeant-at-Arms to officially recognize the recent appointment of these officers. These duties prior to 1975 were undertaken by members of the Royal Canadian Mounted Police.

Australia: House of Representatives (Days and hours of sitting - Adjournment of sitting etc.).—During the 30th Parliament (February 1976 onwards), the meeting times have been 2.15 p.m. on Tuesdays and Wednesdays, and 10.30 a.m. on Thursdays. A sessional order was introduced in February 1976 allowing a specific time for debate on the adjournment:—

"That, unless otherwise ordered, at 10.30 p.m. on each sitting day the Speaker shall propose the question—That the House do now adjourn—which question shall be open to debate; if the House be in committee at the time stated, the Chairman shall report progress and upon such report being made the Speaker shall forthwith propose the question—That the House do now adjourn—which question shall be open to debate.

Provided that:

- (a) if a division be in progress at the time fixed for interruption such division shall be completed and the result announced,
- (b) if, on the question—That the House do now adjourn—being proposed, a Minister requires the question to be put forthwith without debate, the Speaker shall forthwith put the question,
- (c) nothing in this order shall operate to prevent a motion for the adjournment of the House being moved by a Minister at an earlier hour,
- (d) any business under discussion and not disposed of at the time of the adjournment

shall be set down on the Notice Paper for the next sitting, and

- (e) if the question—That the House do now adjourn—is negatived, the House or committee shall resume the proceedings at the point at which they had been interrupted.

Provided further that, if at 11.00 p.m., the question before the House is—That the House do now adjourn—the Speaker shall forthwith adjourn the House until the time of its next meeting.”

This sessional order was altered in April 1976 to allow Ministers the right of reply from 11.00 p.m. to 11.10 p.m. to matters raised in the adjournment debate:—

“Provided further that, if at 11.00 p.m. the question before the House is—That the House do now adjourn—the Speaker shall interrupt the debate, at which time—

- (f) a Minister may require that the debate be extended until 11.10 p.m. to enable Ministers to speak in reply to matters raised in the preceding adjournment debate; at 11.10 p.m., or upon the earlier cessation of the debate, the Speaker shall forthwith adjourn the House until the time of its next meeting, or
- (g) if no action is taken by a Minister under paragraph (f), the Speaker shall forthwith adjourn the House until the time of its next meeting.”

The resolution of February 1976, as amended, was extended in August for the remainder of the year. On 7th April 1976 a further sessional order was introduced limiting Members' speaking time in the adjournment debate, to 5 minutes instead of 10 minutes as set down in S.O. 91:—

Each Member . . . 5 minutes (no extension of time to be granted):

Provided that, if no other Member rises to address the House, a Member who has already spoken to the motion may speak a second time for a period not exceeding 5 minutes.

The order was introduced again for the Budget session (August-December).

(Contributed by the Clerk of the House of Representatives).

New South Wales: Legislative Assembly (Petitions).—Standing Orders relating to Petitions have been extensively amended and in the main now follow procedures applying in the House of Representatives. Provision is being made for Petitions to be lodged with the Clerk two hours before the meeting of the House at which it is proposed that they be presented. The Clerk will announce to the House the Petition lodged with him for presentation and, in each case, indicate the member who lodged it, the identity of the Petitioners and its subject matter. All Petitions will be deemed to be received unless a motion that a particular Petition be *not* received is agreed to. Copies of each Petition received are to be forwarded by the Clerk to the responsible Minister.

Provision is also made for Petitions in future to be printed, photocopied or reproduced by other mechanical process. Petitions in other than the English language may be presented and, in such cases, are to be accompanied by an English translation certified as correct by the member concerned.

New South Wales: Legislative Assembly (Grievance Debate).—A new Standing Order 122B provides for a "Grievance" debate. On Thursdays when General Business Orders of the Day have precedence, that is every third Thursday, Mr. Speaker shall propose the Question "That grievances be noted" before calling on the first item of General Business. Each member may speak to such motion for ten minutes with the Leader of the Government (or his representative) having the right of reply to each member speaking.

Victoria: Legislative Assembly (Time limits on Speeches).—On 16th September 1976 a number of Standing Orders were amended to reduce existing speech time limits by one-third. The limits now applying to speeches are as follows:—

In the House — Thirty minutes;

In Committee — One of Twenty minutes; and One of Ten minutes;
(2 speeches)

and the time allocated for speeches during the Grievance debate has been reduced to twenty minutes. A time limit has also been placed on any reply. The right of reply which previously existed had no time limit imposed. The Leader of the Third Party has also been given additional rights to place him in the same position as the Leader of the Opposition relative to speech rights.

Northern Territory (Cabinet Members).—Standing Orders were amended primarily to take account of the office in the Majority Party of "Cabinet Member" formerly termed "Executive Member". Seven of the majority party including the Majority Leader are designated "Cabinet Members". Five of these are members appointed by the Administrator to executive offices and under the Northern Territory (Administration) Act form the Executive Council. In the Assembly each of these members has the carriage of legislation and the responsibility for the answering of questions pertaining to a particular department of the Northern Territory Public Service. These five departments administer the state-type powers transferred from the control of the Federal Government.

The remaining two Cabinet Members have the responsibility for liaison with departments of the Commonwealth Public Service administering those areas of government where control has not been relinquished by the Federal Government. They have the carriage of legislation introduced into the Assembly on behalf of the Federal Government and the responsibility for providing answers to questions on matters still under Federal control.

Rajasthan (Objection to a Member's vote).—A new Rule was passed to govern procedure for objecting to the vote of a Member on grounds of personal, pecuniary or direct interest. If a vote is challenged on the above grounds, the Speaker may, if he considers it necessary, call

upon the Member making the challenge and the Member whose vote has been challenged to state their cases. The Speaker then decides whether or not the vote of the Member should be disallowed. Any challenge must be made immediately after the division and before the result is announced.

Rajasthan (Observances in the House).—Rule 269 was amended by the addition of sections prohibiting smoking and drinking water, etc. in the House, the bringing of arms, sticks or umbrellas into the House and sleeping in the House.

Malta (Minutes of Proceedings).—At the sitting of the 29th November, 1976, the Minister of Justice and Parliamentary Affairs moved that during the current Legislature, the minutes of the proceedings of the House along with the Notice Paper could be drawn up in Maltese only. The motion was agreed to. Standing Order 171 provides *inter alia* that every vote and proceeding of the House should be noted by the Clerk and recorded in the Maltese and English languages.

Malta (Recording of Debates).—At the sitting of the 29th November, 1976, the Minister of Justice and Parliamentary Affairs moved the suspension, for the duration of this Legislature, of Standing Order No. 173 which provides that all debates and discussions in the House “be taken down by officers appointed to this effect”. Instead he moved that “for the duration of this suspension the Speaker be authorised, insofar as he considers it possible, to make arrangements to take down the debates of the House and insofar as these debates are taken down in accordance with these arrangements they shall constitute the journals of the House about what is taken down. Speaking on the motion, the Minister said that this was already the practice in the previous Legislature. The use of tape-recorders had been introduced and as a result reports of debates were being made available sooner. The motion was carried.

Malta (Same Motion or Bill may appear in same session).—At the sitting of 14th December, 1976, the Minister of Justice, Lands, Housing and Parliamentary Affairs moved that for the duration of this Legislature, Standing Order No. 25 (which states that the same motion cannot be proposed again in the same session) and Standing Order No. 107 (which states that the same Bill is not to be twice offered in the same session) be suspended together with all other Standing Order provisions which go against this suspension. Speaking on his motion, the Minister said that the two Standing Orders under discussion originated from the usages and practices of the House of Commons where there was a reason for them because each session there lasted one year: but here in Malta the distribution of business into yearly sessions had been rarely followed. The motion was carried.

4. PROCEDURAL

House of Commons (Urgent Debates).—During the past year the Speaker allowed the following Motions for the adjournment of the House under Standing Order No. 9:—

- Direction by the Secretary of State for Education and Science to the Tameside Borough Council (14th June, 1976; *Hansard*, Vol. 913, c.32) (Mr. Speaker having determined that the matter was proper to be discussed, the House then determined on a division that the motion should not be made).
- Inquiry into the leakage of Cabinet papers (24th June 1976; Vol. 913, c. 1840).
- Delivery of Post Office Mails (3rd November 1976; Vol. 918, c. 1407).
- Abduction of school children from South-West Rhodesia (2nd February 1977; Vol. 925, c. 563).
- Situation at British Leyland (1st March 1977; Vol. 927, c. 190).

Australia: House of Representatives (Petition for leave to issue and serve subpoena for the production of Official Records and attendance of Parliamentary Officers in Court).—On 25th February 1976 a petition was presented to the House of Representatives by the Attorney-General (the Hon. R. J. Ellicott, Q.C., M.P.) on behalf of Mr. D. Sankey, a solicitor of Sydney, N.S.W. In the petition, Mr. Sankey requested leave for himself and his legal representative to inspect documents tabled in the House during the course of proceedings on 9th July 1975, between 2.55 p.m. and 10.09 p.m., to issue and serve a subpoena for the production in Court of relevant official records of that day's proceedings together with relevant documents tabled during those proceedings, and to issue and serve subpoenas requesting the attendance in Court at Queanbeyan, N.S.W. of all those who recorded the relevant proceedings.

The petition was similar to a petition presented to the House on 21st October 1975 on behalf of Mr. Sankey and reported in Vol. XLIV of THE TABLE.

On 4th June 1976 the Leader of the House (the Hon. I. Sinclair, M.P.) moved, pursuant to notice, that in response to the petition the House grant leave to the Petitioner and his legal representative to inspect and produce in Court the relevant documents and records, and also grant leave to an appropriate parliamentary officer to attend the Court hearings.

In response to this motion a Member of the Opposition raised several matters of privilege, namely that the motion was not in accord with the requests made in the petition and that the production elsewhere of the tabled documents would be a breach of parliamentary privilege. The Speaker stated that he could not accept either of the issues raised by the Honourable Member as a ground of breach of privilege and debate con-

tinued on the original motion which was later agreed to.

A further petition was lodged on behalf of Mr. Sankey by the Attorney-General and presented to the House on 9th December 1976. The petition sought that the House grant leave to the Petitioner and his legal representative to adduce into evidence the *Hansard* report of the proceedings of 9th July 1975 in order to prove as a fact what was said in the House on that day by the then Prime Minister, the Hon. E. G. Whitlam, Q.C., M.P., and the then Minister for Minerals and Energy, the Hon. R. F. X. Connor, M.P., recorded on pages 3556-3601 inclusive and pages 3610-3625 inclusive of Weekly *Hansard*, No. 12, 1975.

Later that day a Member of the Government (the Hon. W. C. Wentworth, M.P.) moved that the House having considered the petition, grant leave for the *Hansard* report of the proceedings of 9th July 1975 to be adduced in evidence and for the necessary arrangements to be made for its verification in court as sought by the Petitioner. The Speaker ruled that the Honourable Member was not in order in moving the motion at that time because he had not given notice of the motion nor had he been successful in suspending Standing Orders to move the motion. The Honourable Member thereupon lodged a notice of motion with the Clerk which has been placed on the Notice Paper under General Business, Notice No. 1, for the beginning of the 1977 Autumn period of sittings.

Fiji: House of Representatives (Division over a Division).— Voting on questions proposed for decision in the House of Representatives is determined by a majority of votes of the Members present and voting. The question is put by the person presiding in the House, the votes being taken by voices "Ayes" and "Noes", and the result declared by the person presiding. If any member calls for a Division, the votes are taken by the Clerk who asks each member separately, referring to him by his constituency, how he desires to vote. Upon being called, every member should vote by saying "Aye" or "No", or, if he wishes to abstain from voting, by saying "I abstain". Having taken the votes and abstentions, if any, the Clerk declares the result. No member is obliged to vote and may abstain. The results of Divisions are recorded in the Minutes which are printed daily and confirmed at the next sitting.

One such Division took place on Monday 7th June, 1976; the Government Members voted for, and the Opposition members against, a particular proposal. One Opposition member was recorded as abstaining. When the result of that Division was declared by the Clerk, there was no query as to the correctness of the recorded result of the voting. However, the next day, when the Leader of the House moved for the confirmation of the Minutes of the sitting of the 7th June, the Opposition member who had been recorded as having abstained, contended that he should have been recorded as voting "No". The Opposition Whip moved that the Minutes be amended accordingly. Speaking in favour of the amendment the Leader of the Opposition maintained that the Clerk may not

have heard that member saying "No" because there was, at that time, a lot of noise from the Government benches. In support of his amendment, and appealing to the House to accept it, the Opposition Whip said he "wished all members to remember that they were honourable gentlemen and if a member himself says that he said "No" but was not heard by the Clerk, and that he did not say "I abstain", the House should respect the authority and dignity of each member and accept his word". One independent member said that he could not go along with the amendment because it appeared that the member abstained from voting the previous day because he "could not vote against his conscience". Others, Government members, argued that the member did not say "No".

A Division was called for on the amendment. While waiting for the Division to commence, after the warning buzzer had been sounded, Mr. Speaker said that in some Parliaments, members were required to go through particular voting lobbies and if, inadvertently, a member went into the wrong lobby, he was held to his vote; a vote could not be changed on reflection or because of an error or misunderstanding on the part of the Member. Referring to the relevant provisions in the Standing Order he pointed out that a peculiar situation would arise where a Member says neither "Aye" or "No" and stays mute. In recording the votes the Clerk has only three options and unless a member comes out loud and clear with one option or the other, he would be recorded as abstaining because if he says nothing there is no fourth option. Mr. Speaker rather lightheartedly observed that there were members who were fairly loud when making their speeches in the House but when voting, somehow or other, lost their voices.

Since that Division, the Clerk has repeated the individual votes of each member as the votes are being recorded. The amendment moved by the Opposition Whip was lost and the Minutes of the 7th June, 1976, as printed and circulated, were confirmed.

(Contributed by the Clerk of the House of Representatives).

5. EMOLUMENTS

House of Lords (Peers' expenses).—Following their consideration of the Report of the Top Salaries Review Body on Peers' expenses (Cmnd. 6749), the Government proposed a change in the Resolution of the House of Lords governing expenses. From 1957, when a daily expenses allowance was first introduced, Peers had been entitled to claim reimbursement of any expenses incurred by them within a specified daily maximum. While the coverage of this allowance had never been clearly defined, it was generally accepted that the daily maximum covered all expenses (save travel which is separately reimbursed) incurred in attending the House, including overnight accommodation, where necessary, and meals. The Resolution of the House of 24th March 1977 provides for a two-tier system of expenses:—Peers whose main home is out of

London and who therefore have to find overnight accommodation in London, may claim expenses within a daily maximum of £16.50; Peers whose main home is in London or who travel home each night may claim within a lower maximum of £13.50.

The Top Salaries Review Body had recommended a higher expenses allowance for Peers but the Government were not able to consider this recommendation under existing pay policy.

Canada (Members' salaries, expenses and pensions).—The Senate and House of Commons Act and Supplementary Retirement Benefits Act (Amendment) Act was assented to on 15th June 1976. The purpose of the Act was to remove the "indexing" of the salary and expenses paid to Members of Parliament for 1976 and to limit increases in certain pensions, which would have resulted from "indexing" between 1975 and 1976.

British Columbia (Ministers' and Members' remuneration).—The Constitution Amendment Act 1976 reduced, for the year commencing 1st April 1976, the salaries and allowances of all Cabinet Ministers and Members of the Legislative Assembly by 10 per cent.

New South Wales (Members' salaries and allowances).—Under the provisions of the Parliamentary Remuneration Tribunal Act, 1975, the Tribunal (the Hon. K. W. Asprey, retired Judge) determined new salaries and allowances for Ministers, office holders and Members of Parliament, to apply from 1st January, 1977. The new rates are as follows:—

Member	Salary	Expense allowance	Electoral allowance (refer 5th Schedule Constitution Act)	Total remuneration (excluding Electorate allowance)
	per annum \$	per annum \$	per annum \$	per annum \$
<i>Legislative Assembly:</i>				
Private Member	20,660	...	6,300-9,900	20,660
Ministers of the Crown—				
Premier	45,860	10,700	6,300-9,900	56,560
Deputy Premier	41,030	5,350	6,300-9,900	46,380
Other Ministers	38,550	5,000	6,300-9,900	43,550
Holders of Offices—				
Speaker	35,990	5,000	6,300-9,900	40,990
Chairman of Committees	25,910	2,750	6,300-9,900	28,660
Leader of Opposition	35,990	4,900	6,300-9,900	40,890
Deputy Leader of the Opposition	25,910	2,750	6,300-9,900	28,660

Member	Salary	Expense allowance	Electoral allowance (refer 5th Schedule Constitution Act)	Total remuneration (excluding Electorate allowance)
	per annum \$	per annum \$	per annum \$	per annum \$
Leader of other Party (not less than 10 Members)	25,910	2,750	6,300-9,900	28,660
Deputy Leader of other Party (not less than 10 Members)	20,660	1,300	6,300-9,900	21,960
Government Whip	24,140	1,300	6,300-9,900	25,440
Opposition Whip	24,140	1,300	6,300-9,900	25,440
Parliamentary Secretary	24,140	1,400	6,300-9,900	25,540
Whip—Party not less than 10 Members	20,660	1,300	6,300-9,900	21,960
<i>Legislative Council:</i>				
Private Member	9,540	3,540	...	13,080
<i>Ministers of the Crown—</i>				
Leader of Government Members	41,530	5,000	...	46,530
Deputy Leader of Government Members	39,400	5,000	...	44,400
<i>Holders of Offices—</i>				
President	26,140	4,425	...	30,565
Deputy Leader of Government Members (when not a Minister of the Crown)	15,760	4,350	...	20,110
Chairman of Committees	15,760	4,350	...	20,110
Leader of Opposition	20,660	4,350	...	25,010
Deputy Leader of the Opposition (when Leader of a Party)	15,760	4,350	...	20,110
Deputy Leader of the Opposition (when not Leader of a Party)	11,620	4,350	...	15,970
Government Whip	11,100	4,350	...	15,450
Opposition Whip	11,100	4,350	...	15,450

(Contributed by the Clerk of the Legislative Council).

Western Australia (Pensions for spouses of deceased members).

—The Parliamentary Superannuation Act was amended to enable widowers of deceased members to obtain the same benefits as widows.

India (Pensions for Members).—The Salaries and Allowances of Members of Parliament (Amendment) Act 1976, *inter alia* entitled an ex-Member of Parliament who has served for a period of five years, whether continuous or not, to a pension at the rate of three hundred rupees per month, and an additional pension of fifty rupees per month for every year in excess of five but in no case is the pension to exceed five hundred rupees per month.

Maharashtra (Pensions for members and free travel for Presiding Officers and Ministers).—The Maharashtra Legislature Members Pension Act 1977 provides pensions to members of the Legislative Assembly and Legislative Council. It also extends the facility of free travel by rail for up to 10,000 kilometres outside the State of Maharashtra to the Presiding Officers and Ministers, together with spouses. This facility was previously available only to members of the legislature.

6. GENERAL

Westminster (Mistakes in Acts – Rent (Agriculture) Act 1976)*_t
—Between 27th September and 22nd November 1976 when Parliament was prorogued the House of Lords was engaged in the consideration of virtually all stages of the six most important and controversial Government Bills of the session 1975–76. One of these six Bills was the Rent (Agriculture) Bill: “a Bill to afford security of tenure for agricultural workers housed by their employers and their successors”. It was brought from the Commons and given a First Reading on 27th July. After a four and a half hour debate it received a Second Reading on 5th October. Its Committee stage, as usual in the Lords on the Floor of the House, occupied the House for four days between 20th and 29th October. Over 100 amendments were tabled of which 80 were agreed to; the Bill was reprinted as amended in Committee. A further 81 amendments were tabled for the Report stage which was held on 11th November.

One of these Report amendments made on 11th November was a Government amendment to meet a point made by the Opposition in Committee. The amendment was agreed to by the House and the Bill was again reprinted, as amended on Report. The Bill was read a Third Time and passed by the Lords on 15th November.

That particular day had seen the House of Lords exceptionally busy in consideration of the later stages of legislation. Prior to the third reading of the Rent (Agriculture) Bill not only had Royal Assent been given to 17 Public Bills, but a complicated series of amendments and Commons Reasons to the Dock Work Regulation Bill had also been disposed of. Later that night the House proceeded to consider over 50 of their own amendments to the Race Relations Bill to which the Commons had disagreed. In any event during the evening of 15th November the Public Bill Office in the Lords faced the task of inserting into the Rent (Agriculture) “House” Bill the 129 amendments made by the Lords. Amendments made at Report and Third Reading need to have their line references converted back to accord with the original print of the Bill as brought from the Commons. The Government Amendment referred to above was wrongly converted and some three lines of text were incorrectly removed from the Bill. Once the mistake was made there was little time to put it right, for the session had only a few days to run and Bills were moving between the two Houses with alarming rapidity.

The Bill complete with mistake was returned to the Commons late in the evening of 15th November. The Commons produced a printed list of the Lords Amendments by the afternoon of 16th November and on the 17th November these were considered by the Commons. The amendment was thus agreed to by the Commons in its incorrect form. As a Minister later remarked: "Not to make too pretty a point, it made it into a load of nonsense". The Lords received the Bill back on 18th November with many of their amendments disagreed to. On 21st November, when the Lords did not insist on any of their amendments, the Bill was ready for Royal Assent which it promptly received on 22nd November.

During the preparation of the print of the Act, the Public Bill Office in the Lords discovered the mistake. The Clerk of the Parliaments in discharging his responsibility for publication of Acts of Parliament, held that the amendment in question had not been made and thus when the Act was finally published in December, it appeared without it. The only way in which this mistake could be corrected was by an amending bill. For this purpose the Rent (Agriculture) Amendment Bill was introduced in the Lords in January 1977. The Bill restored the amendment to the form in which the Lords had passed it.

Although the amending bill received Royal Assent on 26th May, a number of general points were raised during its passage through both Houses. Indeed in the Commons the whole question of the validity of the Rent (Agriculture) Act was discussed at some length during the Second Reading debate [Commons *Hansard*, 10th February 1977, col. 1581 *et seq.*]. Furthermore it was admitted that other similar mistakes had occurred in the recent past, though none with such unfortunate consequences. Most of these, including mistakes to the Local Government Bill 1972 and to the Children Bill 1975, had occurred at times of considerable legislative congestion.

As a direct consequence of the events described above, the Government decided to introduce a Bill into the House of Lords called "An Act to facilitate the Correction of Mistakes in Acts of Parliament". The short title was Acts of Parliament (Correction of Mistakes) Bill. The purpose of the Bill was to permit the Clerk of the Parliaments, in a case where a mistake had, in his opinion, affected the text of an Act, to lay before both Houses a statement setting out the relevant facts [C. 1(1).]. Where such a statement had been laid, the Minister could lay before Parliament a draft Order in Council "making such changes in the Act to which the statement relates and such consequential changes in any other enactment as appear to him required in order to bring the law into conformity with what, in his opinion, it would be had the mistake not been made" [C. 1(3)].

The Bill was introduced on 27th April, but created controversy. As a result, the Government decided on 11th May to drop the Bill, and the Lord Chancellor issued the following statement (*Times*: 11th May 1977).

"This Bill is an administrative measure, introduced for the purpose of correcting

clerical errors in Acts of Parliament in the belief that it would have all party support.

This belief was mistaken and some firmly held opposition to the Bill had been expressed. The Bill has no political content and therefore in the absence of general support for this purely administrative Bill, the Government have decided not to proceed with it".

Opposition had been expressed on the ground that the Bill might have been used to "correct" legislation which, owing to pressure of time, had been passed through Parliament without proper scrutiny, and so encourage further legislative congestion.

(Contributed by M. G. Pownall, a Senior Clerk in the House of Lords).

New South Wales: Legislative Council (Ministers).—On 25th May, 1976, at the meeting of Parliament which followed the general election held on 1st May, a new administration was announced. The former Liberal Party—Country Party Coalition Government, which had held office since 13th May, 1965, was replaced by the Australian Labour Party administration. In the Legislative Council the Hon. D. P. Landa announced details of the new Ministry and that he had been elected the Leader of the Government in that House. He further announced that the Hon. Edna S. Roper had been elected Deputy Leader of the Government in the Council. However, Mrs. Roper is *not* a member of the Ministry and her position relates simply to the Legislative Council. Since the turn of the century it has generally been the practice of different governments to have two representatives of the Cabinet in the Legislative Council. Exceptions have occurred, however, when the filling of a vacancy caused by death or resignation of a Minister has resulted in only one Minister for a short period. The Hon. E. S. Roper has not been called upon to speak for the Government by way of answering questions or piloting Bills through the House; but, by leave of the House, she led for the Government on occasions after the Minister formally moved the second reading of a Bill — the right of reply being in the hands of the Minister only. The Hon. D. P. Landa acts as the sole spokesman for the Ministry in the conduct of House proceedings.

7. CEREMONIAL

Northwest Territories (Presentation of a Speaker's Chair by the Parliament of Canada).—In 1975 the Legislative Assembly of the Northwest Territories became a fully elected body presided over by a Speaker chosen in the usual manner by his colleagues. Until then it was presided over by the Commissioner of the Northwest Territories and consisted of ten elected and four appointed Members.

To mark this significant change in status the Parliament of Canada decided to present a Speaker's Chair to the Territorial Legislature. Miss Eleanor Milne, the Official Sculptor of Canada, was commissioned to design the Chair and she and Mr. Gordon Fairbairn worked closely together in its construction. Both are associated with a small and very

special government unit which produces furniture and executes stone carvings for the House of Commons and other government buildings.

Reflecting some of the usual characteristics of Speaker's Chairs, the Northwest Territories Chair, hand crafted from White Ash, is a most impressive blend of traditional and contemporary design. Among its more outstanding features are the mosaic work crown and Northwest Territories Coat of Arms created from Canadian stones which adorn the back of the Chair. The overhead canopy is supported by curving uprights, shaped to resemble stylized walrus tusks. The outward projecting wings on each side are surmounted by soapstone carvings of a caribou and a polar bear, perhaps the best known of arctic animals. The rich blue velvet upholstery and deep pile carpeting on the dais present a striking contrast with the blonde wood finish of the Chair.

A unique feature of this Chair, which weighs close to one thousand pounds and is over 8 feet in height, is that after each session it can be dismantled for storage. This is required because the Legislative Assembly at present has no permanent quarters.

On Saturday, 22nd January, 1977, the opening day of the Winter Session, the presentation was made by the Honourable Renaude Lapointe, Speaker of the Senate, and the Honourable James Jerome, M.P., Speaker of the House of Commons. Mr. Speaker Jerome in his remarks briefly referred to the long history of the development of parliamentary government in Canada and throughout the Commonwealth. Immediately after the presentation, the Commissioner of the Northwest Territories, Stuart M. Hodgson, O.C., K.St.J., presented his Opening Address to the Assembly, officially opening the 61st Session. Following the conclusion of the Commissioner's Opening Address, the Assembly unanimously adopted a motion, introduced by Deputy Speaker, D. M. Stewart, that the House express its appreciation to the Parliament of Canada for the presentation of the magnificent Chair.

8. ACCOMMODATION

Malta (New Parliament Chamber).—On 13th August 1976 the President of the Republic of Malta opened the new Chamber of the House of Representatives. For over 400 years the Magisterial Palace of Valletta has been the seat of Malta's government, where all its constitutional, political, legislative and administrative decisions are made. Until 1976 the House of Representatives, and its predecessors, had met in the Tapestry Chamber of the Palace. But pressure of space and the need for better facilities necessitated a move to an alternative site within the Palace. The chosen room was the Old Armoury Hall and its conversion for parliamentary use presented considerable architectural difficulties. The configuration of the Hall, especially the disproportion between length and width, and the considerable height between floor and ceiling, created particular problems of design, and technical difficulties such as

lighting and acoustics. Structural considerations created yet more problems, as the heavy loads of the necessarily thick masonry cross-walls, and of the Strangers' Gallery, had to be carried by an unsupported floor of an underlying storey.

The new Chamber is divided into three separate, yet visually linked, spaces. The main one is the Chamber proper, which has room for eighty seats, forty along each side in two rows, the back row on a slightly raised platform. The inward curving lines of the seats create a contrast with the bare stone walls. At the far end of the Chamber stands the Speaker's podium, and the tables of the Chairman of Committees and the Clerk to the House. Behind the Speaker, on a screen wall of limestone, hangs the official Crest of the Republic, embroidered in silk. The floors of all public areas are paved with polished hard stone slabs salvaged from old paving-stones. The colour-scheme of the Chamber provides a good study in contrast, and is restful to the eye. The gold of the carpets in the Members' seating area is well set off by the deep purple of the central spaces, and, in turn, by the neutral off-white colour of panels and walls.

The Strangers' Gallery has a seating capacity of 200 people, which compares very favourably with about 60 which was the maximum number of seated persons the previous Chamber could take. In front of the gallery there are special seats for government guests and distinguished persons, and accommodation for the press.

Acoustics in the Chamber are almost perfect. Two large canopies of special sound-absorbing material hang over the Chamber and the Strangers' Gallery. Acoustic-panels made of special fibre and covered with an open-weave textile material complete the sound treatment. Sound-equipment is of a high standard. Two large slit windows provide good visibility of the Chamber to the operators of the sound-recording equipment which registers all speeches. Each Member has a low-volume speaker, and each pair of seats has a separate microphone. Government advisers and heads of departments sitting behind the Speaker's podium can talk directly to Ministers on an intercom system. The Strangers' Gallery and all public areas are amply served with loud-speakers.

XV. CLERKS BECOME MEMBERS, AND VICE VERSA

The recent elections of a number of Clerks as members of their former Houses have prompted the Editors to compile a list of those clerks, not necessarily Clerks-at-the-Table, who have become members of a legislative assembly. Some clerks have become members of the assembly they previously served; others have become members of another assembly, often the other chamber in a bicameral system, while in one case a Clerk of the United Kingdom House of Commons subsequently became Speaker of the Nigerian House of Representatives. Sometimes the process has been reversed and members have become clerks. During the Eighteenth and Nineteenth centuries several House of Lords Clerks were members of the House of Commons while still in office. More recently, a Member of the Prince Edward Island Legislature has also been its Clerk.

Badeley, Sir Henry, Clerk of the Parliaments, 1934-1949; Member of the House of Lords, 1949-1951.

Banerjee, B. N., Secretary-General of Rajya-Sabha, 1963-1976; Member of Rajya Sabha, 1976-present.

Bowyer, Robert, Clerk of the Parliaments, 1609-1621; Member of the House of Commons, 1601-1609.

Brand, A. G., Assistant Clerk in the House of Commons, 1876-1887; Member of the House of Commons, 1891-1895 and 1900-1906.

Brougham, H. C., Clerk in the House of Lords, 1857-1876; Member of the House of Lords, 1886-1927.

Campion, Sir Gilbert, Clerk of the House of Commons, 1937-1948; Member of the House of Lords, 1950-1958.

Childers, Erskine, Clerk in the House of Commons, 1895-1910; Member of the self-constituted Dail Eireann, 1921.

Connell, J., Deputy Clerk in the Barbados Legislature, 1972-1975; Member of Barbados Senate, 1976-present.

Courteney, W., Clerk Assistant of the Parliaments, 1826-1835; Member of the House of Commons, 1812-1826; Member of the House of Lords, 1835-1859.

Cullen, T. R., Clerk of the Prince Edward Island Legislative Assembly, 1949-1958, 1966-1975; Member of the Prince Edward Island Legislative Assembly, 1943-1947, 1951-1955.

de Grey, W., Reading Clerk, House of Lords, 1753-1763; Member of the House of Commons, 1761-1771; Member of the House of Lords, 1780-1781.

Dyson, J., Clerk of the House of Commons, 1747-1762; Member of the House of Commons, 1762-1776.

Elliot, H.F.H., Junior Clerk in the House of Commons, 1870-1882; Member of the House of Commons, 1885-1892.

Gosset, Sir William, Serjeant at Arms, House of Commons, 1835-1848;

- Member of the House of Commons, 1820-1826.
- Gwandu, Alhaji Umaru, Clerk of the House of Assembly of the Northern Region of Nigeria, 1949-1959; Speaker of the House of Assembly of the Northern Region of Nigeria, 1959-1965.
- Hardinge, Nicholas, Clerk of the House of Commons, 1731-1747; Member of the House of Commons, 1748-1758.
- Headlam, C.M., Clerk of the House of Lords, 1897-1924; Member of the House of Commons, 1924-1929, 1931-1935 and 1940-1952.
- Helsby, L.N., Temporary Senior Clerk in the House of Commons, 1940-1941; Member of the House of Lords, 1968-present.
- Howie, Robert, Clerk in the New Brunswick Legislative Assembly, 1970-1972; Member of the Canadian House of Commons, 1972-present.
- Ivory, F. J., Clerk Assistant of the Queensland Legislative Assembly, 1881-1896; Member of the Legislative Assembly, 1873-1878; Member of the Legislative Council, 1879-1881.
- Kaul, M. N., Secretary of Lok Sabha, 1947-1964; Member of Rajya Sabha, 1967-present.
- Kermeen, T. E., Clerk of Tynwald, 1964-1976; Member of the House of Keys, 1976-present.
- Kolane, J. T., Clerk to the Lesotho National Assembly, 1969; Speaker of the Lesotho National Assembly, 1973-present.
- Krishna Ayyar, R. V., Secretary, Madras Legislative Council 1924-1937, Official Member of Indian Legislative Assembly, 1935-1936; Secretary to Madras Legislature, 1937-1941; Secretary to Madras Legislative Assembly, 1952-1955.
- Le Brocq, A. D., Greffier of the States of Jersey, 1963-1971; Member of the States of Jersey, 1973-present.
- Le Marchant, Sir Denis, Clerk of the House of Commons, 1850-1871; Member of the House of Commons, 1846-1848.
- Madon, K. S., Clerk of the Zanzibar Legislative Council, 1955-1960; Speaker of the Zanzibar Legislative Council, 1960-1964.
- May, Sir Thomas Erskine, Clerk of the House of Commons, 1871-1886; Member of the House of Lords, 1886.
- Metcalf, Sir Frederic, Clerk of the House of Commons, 1948-1954; Speaker of the Nigerian House of Representatives, 1955-1960.
- Monze, Mrs. L. A. W., Editor of Parliamentary Debates, Zambia, 1971-1972; Member of the National Assembly, 1973-present.
- Mwananshiku, C. M., Clerk of the Zambian National Assembly, 1966-1967; Member of the National Assembly, 1968-present.
- Natarajan, C. D., Secretary of the Tamil Nadu Legislative Assembly, 1955-1971; Member of Rajya Sabha, 1974-present.
- Peel, A. G. V., Junior Clerk in the House of Commons, 1891-1892; Member of the House of Commons, 1917-1918.
- Raymond, L., Clerk of the Canadian House of Commons, 1949-1967; Member of the Canadian House of Commons, 1945-1949.

- Rhodes-James, Robert, Clerk in the House of Commons, 1955-1964; Member of the House of Commons, 1976—present.
- Rose, George, Clerk of the Parliaments, 1788-1818; Member of the House of Commons, 1784-1818.
- Rose, Sir George Henry, Clerk of the Parliaments, 1818-1835; Member of the House of Commons, 1794-1832 and 1837-1844.
- Rose, W. S., Reading Clerk, House of Lords, 1800-1824; Member of the House of Commons, 1796-1800.
- Russel, Lord Charles, Serjeant at Arms, House of Commons, 1848-1875; Member of the House of Commons, 1832-1848.
- Shaw Lefevre, Sir John, Clerk of the Parliaments, 1855-1875; Member of the House of Commons, 1832-1833.
- Smith, Thomas, Clerk of the Parliaments, 1597-1609; Member of the House of Commons, 1588, 1593.
- Swamikannu, Pillai, L. D., Secretary, Madras Legislature, 1920-24; President of the Madras Legislative Council, 1924-1925.
- Williams, T., Clerk of the Northern Rhodesia Legislative Council, 1955-1956; Speaker of the Northern Rhodesia Legislative Council Assembly, 1956-1964.
- Wise, E. F., Assistant Clerk in the House of Commons, 1908-1914; Member of the House of Commons, 1929-1931.

XVI. EXPRESSIONS IN PARLIAMENT, 1976

The following is a list of examples occurring in 1976 of expressions which have been allowed and disallowed in debate. Expressions in languages other than English are translated where this may succinctly be done; in other instances the vernacular expression is used, with a translation appended. The Editors have excluded a number of instances submitted to them where an expression has been used of which the offensive implications appear to depend entirely on the context. Unless any other explanation is offered the expressions used normally refer to Members or their speeches.

Allowed

- "badly misleading the public" (*N.S.W.P.D.*, Vol. 121, p. 4132)
- "blackmailing" (*A.P.L.A. Procs.* 12.3.76)
- "bumbo" (*Can. Com. Hans.*, 1.4.76)
- "bunkum" (*N.S.W.P.D.*, Vol. 121, p. 4350)
- "flunkey" (*Can. Com. Hans.*, 1.4.76)
- "incestuous" (*Can. Com. Hans.*, 1.4.76)
- "instigating" (*Malta*, 15.3.76)
- "malicious" (*Malta*, 10.1.76)
- "misled" (*W.A. Debates*, 1976, p. 3918)

Disallowed

- "bastard" (*Zambia P.D.*, Vol. XLI, c. 480)
- "Biadab" (uncivilized) (*Sabah Official Report* Vol. 1, No. 2, Col. 43-44)
- "blackmailer" (*A.P.L.A. Procs.*, 16.2.76)
- "blackmailing" (*Br. Col. Hans.*, 1976, p. 433)
- "blatant liar" (*W.A. Debates*, 1976, p. 1575)
- "bloodsucker" (*Zambia P.D.*, Vol. XLI, c. 124)
- "bundle of bald-headed old coots" (*N.Z. Hans.*, Vol. 407, p. 3742)
- "censorship Sabha" (*India R.S. Procs.*, 1976)
- "chicanery" (*Zambia P.D.*, Vol. XLI, c. 2007)
- "cowardly" (*Br. Col. Hans.*, 1976, p. 457)
- "criminal" (*N.S.W.L.A. Hans.*, 1976/77, p. 468)
- "crook" (*N.S.W.L.A. Hans.*, 1976/77, p. 2449)
- "deceitful" (*Br. Col. Hans.*, 1976, p. 80, 300)
- "deception" (*Br. Col. Hans.*, 1976, p. 83)
- "deliberate lie" (*N.S.W.L.A. Hans.*, 1976/77, p. 4121)
- "deliberately misled" (*Br. Col. Hans.*, 1976, p. 1840-2)
- "despicable" (*Br. Col. Hans.*, 1976, p. 457)
- "devils" (*Zambia P.D.*, Vol. XLI, c. 2505)
- "diatribe of crap" (*Vict. L.A. Hans.*, p. 7841)
- "dictatorial" (*Br. Col. Hans.*, 1976, p. 809)

- “dishonest” (allegation that a member belonged to an accountancy firm that did things that were dishonest) (*N.Z. Hans.*, Vol. 407, p. 3677)
- “dishonesty” (*Br. Col. Hans.*, 1976, p. 136)
- “effeminate giggles” (*N.Z. Hans.*, Vol. 407, p. 3677)
- “essence of untruthfulness” (*Malta*, 22.2.76)
- “exercise their absolute power in a corrupt form” (of the Opposition) (*N.S.W.L.A.*, Vol. 127, p. 3694)
- “exploited” (*Zambia P.D.*, Vol. XLI, c. 3223)
- “false and misleading, in a lying way” (*Aust. Sen. Hans.*, p. 1878)
- “falsehood” (*Can. Com. Hans.*, 3.12.76)
- “Genghis Khan” (*Zambia P.D.*, Vol. XLI, c. 3023)
- “guttersnipe” (*N.S.W.L.A. Hans.*, 1976/77, p. 925)
- “he finds him guilty and sends him for trial” (*N.Z. Hans.*, Vol. 403, p. 471)
- “he has improved on that because he is not telling lies” (*N.S.W.L.A. Hans.*, 1976/77, p. 246)
- “he has just about run out of fingers” (member confused in his counting) (*N.Z. Hans.*, Vol. 408, p. 4298)
- “homosexual” (*N.Z. Hans.*, Vol. 407, p. 3677)
- “hypocrite from Hornsby” (*N.S.W.L.A. Hans.*, 1976/77, p. 1896, 1910)
- “hypocritical statement” (*N.S.W.L.A. Hans.*, 1976/77, p. 1881)
- “Jew hater” (*Aust. Sen. Hans.*, p. 959)
- “Jew lover” (*Aust. Sen. Hans.*, p. 959)
- “Judas” (*N.S.W.L.A. Hans.*, 1976/77, p. 1884)
- “I bet a lot of people agree” (when qualifying a withdrawn remark) (*N.Z. Hans.*, Vol. 403, p. 668)
- “I can only assume that the power influence of this place has been used to silence me again” (*W.A. Debates*, 1976, p. 4379)
- “I withdraw the word vicious, but maybe malicious might be better” (*St. L. Hans.*, 28.1.76)
- “if he shuts up” (*Q’ld. Hans.*, p. 2856)
- “illegally” (*Can. Com. Hans.*, 22.3.76)
- “intention to pacify some of us, and possible misguide some of us” (*St. L. Hans.*, 28.1.76)
- “kangaroo court” (*N.Z. Hans.*, Vol. 404, p. 1331)
- “keep your mouth shut” (*Br. Col. Hans.*, 1976, p. 1068)
- “lapdog” (*N.Z. Hans.*, Vol. 406, p. 3040)
- “larrikin for South Perth” (*W.A. Debates*, 1976, p. 4039)
- “lawful, this Government does nothing” (*St. L. Hans.*, 29.10.76)
- “leading thug” (*N.Z. Hans.*, 407, p. 3763)
- “let me put it in monosyllables” (*St. L. Hans.*, 23.4.76)
- “libellous, despicable statement” (*N.Z. Hans.*, Vol. 406, p. 2643)
- “liar” (*Q’ld. Hans.*, p. 1963)
- “lied” (*W.A. Debates*, 1976, p. 3918)
- “lies” (*Can. Com. Hans.*, 3.12.76)
- “loose talk” (*A.P.L.C. Procs.*, 30.7.76)
- “loudmouth” (*Br. Col. Hans.*, 1976, p. 1066)

- "lousy" (*Br. Col. Hans.*, 1976, p. 525)
- "low down Gutter Snipe" (*Vict. L.A. Hans.*, p. 2939, 6.10.76)
- "malicious" (*Zambia P.D.*, Vol. XLI, c. 2687)
- "maniacal" (*Aust. Sen. Hans.*, p. 1208)
- "member had no understanding of the brief prepared for him by someone a stranger to this House" (*N.S.W.L.A. Hans.*, 1976/77, p. 1501)
- "mischievously" (*A.P.L.A. Procs.*, 12.3.76)
- "most corrupt Minister" (*Malta*, 15.1.76)
- "obscene gesture" (*N.Z. Hans.*, Vol. 404, p. 1349)
- "old daddies" (*N.Z. Hans.*, Vol. 403, p. 598)
- "old giggling Gertie Opposition Whip" (*N.S.W.P.D.*, Vol. 127, p. 3760)
- "over-promoted corporal" (*N.Z. Hans.*, Vol. 405, p. 1813)
- "Pakistani" (*India R.S. Procs.*, 1976)
- "paw" (of Governor-General) (*Aust. Sen. Hans.*, p. 571)
- "performing animals" (of Ministers) (*Vict. L.A. Hans.*, p. 3598)
- "phony" (*Br. Col. Hans.*, 1976, p. 2113)
- "political mercenaries" (*Zambia P.D.*, Vol. XLI, c. 3103)
- "political morons" (*N.Z. Hans.*, Vol. 405, p. 2262)
- "political mouse" (*N.Z. Hans.*, Vol. 405, p. 2261)
- "pound of flesh" (*India R.S. Procs.*, 1976)
- "racist" (*N.Z. Hans.*, Vol. 404, p. 1480)
- "rat bag" (*Aust. Sen. Hans.*, p. 124)
- "Red reverend, the representative in this country of the Communist Party" (*N.Z. Hans.*, Vol. 407, p. 3676)
- "referee, you can't win when the . . . is against you (of the Speaker)" (*N.Z. Hans.*, Vol. 408, p. 4558)
- "salary, you are not worth the . . . you are receiving" (*Malta*, 6.11.76)
- "scab" (*N.S.W.L.A. Hans.*, 1976/77, p. 925)
- "Select Committee was a sham of a committee" (*W.A. Debates*, 1976, p. 4298)
- "shut your mouth you white-haired old mug" (*Q'ld. Hans.*, p. 2039)
- "sleeping like herrings in tomato sauce" (*Zambia P.D.*, Vol. XLI, c. 2458)
- "stupid" (*Br. Col. Hans.*, 1976, p. 778)
- "thug" (of State Premier) (*Aust. Sen. Hans.*, p. 2339)
- "tool, the Cabinet is using the Governor as its" (*A.P.L.A. Procs.*, 23.7.76)
- "untruth, that is an" (*N.S.W.L.A. Hans.*, 1976/77, p. 370)
- "untruthfulness" (*Br. Col. Hans.*, 1976, p. 83)
- "Wee Bertie Walker Department, Wee Willie Winkie Department" (*N.Z. Hans.*, Vol. 404, p. 1550)
- "Whiz kid" (*N.Z. Hans.*, Vol. 406, p. 2580)
- "Wiretappers, get your, on the job" (*N.Z. Hans.*, Vol. 405, p. 1700)
- "Yahoos, sit there like a pack of silly, laughing their silly heads off" (*N.Z. Hans.*, Vol. 403, p. 667)
- "Yapping Yahoos" (*Vict. L.A. Hans.*, p. 7517)

XVII. REVIEWS

Mr. Speaker, Sir. By Lord Selwyn-Lloyd (Jonathan Cape, 1976. £4.95 in U.K.).

Ministers of the Crown have written so voluminously in recent years about their achievements, fears, triumphs and disappointments that the literary public are no longer held continuously in thrall. Winston Churchill led the way and Harold Macmillan gave further respectability to the tradition. Many others have followed, but so far none of them has fulfilled the expectation of startling disclosures. Lord Selwyn-Lloyd is therefore to be admired for refraining from entering a competition in which, had he cared to do so, he could surely have claimed a major prize.

As a parliamentary diarist he has recorded with incisive clarity his five years as Speaker, first describing the problems he faced and then showing in detail how he acted over particular incidents and controversies, both in the Chair and privately behind the scenes. What has been written by Lord Selwyn-Lloyd is a fascinating story which leaves at the end a deepened respect for his frankness, good humour and kindness. These were the old-fashioned virtues which combined to carry him through every difficulty in his arduous office and which finally brought him the unqualified admiration of the House of Commons.

Things began badly, however, when he had been misled into standing as a candidate for the Speakership in 1971 without the knowledge that an old friend and colleague, the Rt. Hon. John Boyd-Carpenter, was also in the running. The latter withdrew and the field was apparently clear for an uncontested election silently presided over by the Clerk, in accordance with precedents honoured for the past 600 years. The rule of the House was well-known: "Should there be only one candidate he is unanimously called to the Chair without any question being put." Suddenly, Mr. Maxwell-Hyslop, a backbencher, rose and proposed as Speaker a senior Member (the Rt. Hon. Sir Geoffrey de Freitas) who had no desire to stand as a candidate. In the game of cricket, there is a rule that the batsman may not strike the ball twice, but there is no rule against a bowler producing a second ball from his pocket. It is simply assumed that such behaviour will not occur. Unhappily, the rule of silence prevented the Clerk from giving open expression to that thought. Consequently, Mr. Selwyn-Lloyd had to begin his term of office with the embarrassment caused by the backbencher's manoeuvre in forcing an ineffective division against him.

The House later accepted a recommendation by a Select Committee that in future the Father of the House should preside at the election of the Speaker, with powers to enforce order which the Clerk did not possess and which, indeed, had never before been found necessary.

An important part of the book deals with the immense range of the Speaker's duties outside the Chamber and refutes the concept that the Speaker is bound by a convention to be remote from his parliamentary colleagues and to exist in lonely isolation: "Owing to the impartiality of the Chair, Speaker's House provides an admirable neutral meeting ground for those with widely differing views". Lord Selwyn-Lloyd explains; "I started off with the idea of having all Members to lunch. In my first two Parliaments, I entertained about five hundred in this way . . . In addition, I began by trying every two months to have an evening party for a widely drawn mixture of guests. I invited Members of Parliament, peers, officials, industrialists, representatives of political parties, trade unionists, business and personal friends."

The international delegations and Commonwealth Conferences which came to London during this period made their way to the Speaker's House in such numbers that Mr. Speaker must sometimes have felt overwhelmed. The mere list of these engagements is formidable.

In a summary on the future of Commons Members, Lord Selwyn-Lloyd emphasises the three qualities most needed to face the "unrelenting abuse of their species" as being "character, common sense and judgment". These were in fact the hallmarks of his own long career in the House.

(Contributed by Sir Barnett Cocks, formerly Clerk of the House of Commons, Westminster).

Australian Senate Practice (Fifth Edition). J. R. Odgers (Australian Government Publishing Service, Canberra, 1976).

The admiration which Mr. Odgers clearly feels for the House which he serves has permeated earlier editions of this notable work and the preparation of this edition has clearly been a labour of love because in a preface Mr. Odgers feels able to declare firmly that, "As at 1976 the Senate is at the zenith of its power. It enjoys a good electoral system in proportional representation, a successful committee system has been established and the Senate's responsibilities and great financial powers are recognised. Above all, the Senate has won the confidence and goodwill of the people . . ." Whether Mr. Gough Whitlam and his colleagues in the Australian Labour Party would agree is open to question.

To those with an interest in constitutional matters and who have followed with rapt attention the Australian constitutional crisis of 1975, which resulted in the Governor-General's dismissal of the Labour Government on 11th November 1975, the initial stages of this constitutional crisis raised very important questions of constitutional law and practice concerning the powers of the Senate with respect to supply and while Mr. Odgers finds "nothing new in the Australian Senate deferring a money bill to discipline a government" his very detailed and thorough discussion of all the precedents and practice in this respect is invaluable.

In another chapter Mr. Odgers draws attention also to the fact that on two occasions in 1975 the practice of State Parliaments filling a casual

vacancy by the choice of a person who was a member of the same political party as the vacating Senator was not followed and suggests that the effect is to distort the vote of the people. Your reviewer finds this interesting because throughout the 50 years of its existence the Senate of Northern Ireland in such circumstances always accepted the nomination of the political party which had previously held the seat although the governing party could, if it so wished, have used its superior voting strength to capture the seat.

There is also much of interest in the chapter on the committee system, which enables the Senate to refer to the appropriate committee, for inquiry and report, any Bills, estimates, messages, petitions, inquiries or papers. It is the view of Mr. Odgers that these committees, sitting in Canberra or travelling when necessary throughout the country, "taking Parliament to the people" are essential to enable any modern legislature to discharge its functions fully and effectively. Certainly even the rather hesitant steps taken in this direction at Westminster in recent years would appear to support this opinion. Moreover, the system of devolution proposed for Scotland envisaged "a highly developed system of committees" and this was a theme which had already been made a feature of the constitution of the new Northern Ireland Assembly in 1973.

Inevitably one compares Odgers with Erskine May – in itself perhaps as high a tribute as one could pay – and while the forthright language and uncompromising declarations of opinion of Odgers are somewhat strange to those educated in the muted tones of Erskine May, the same devotion to well-established principles of parliamentary practice and procedure are apparent throughout. In any event a Clerk in Northern Ireland should be the last to complain of forthright language and uncompromising declarations! The Senate of Australia is exceedingly fortunate to have in its service so able and devoted a Clerk and one can only hope that Mr. Odgers will produce many more editions of his volume.

(Contributed by R. H. A. Blackburn, Clerk of the Northern Ireland Assembly).

The Houses of Parliament. ed. M. H. Port (Yale University Press, 1976, £14.50).

Is another work on the New Palace of Westminster really necessary, we ask? For those whom James Pope-Hennessy's brief and elegant essay has already enthused or the sixth volume of the History of the King's Works informed, the appearance of a collaborative architectural biography of the Houses of Parliament, over 300 pages long, presented in prose that rarely lapses into the least hint of liveliness and at a price well beyond the purse of all but the enthusiast or the institutional librarian, may seem well calculated to deter. The volume, like the New Palace itself, is imposing from without and elaborated within by the

most profuse, but instructive, ornament. It is – indeed, its end papers tell us so – “an authoritative study”.

The plan of the work is easy and straightforward. The editor gives the briefest description of the old Houses; recounts the Fire of 1834 and the Competition; and then, with Pugin’s biographer, Phoebe Stanton, relates the history of the Palace’s construction and Parliament’s fitful attempts to oversee it. Denis Smith devotes two chapters to the elucidation of Victorian building technology (structure, lighting, ventilation, but not, alas, drainage); another two chapters examine, in five short essays, the decorative arts; and the work concludes with Priscilla Metcalf’s survey of the Palace’s architectural influence – far-flung excursions to Ottawa, Sydney and, more curiously, Budapest.

Of these contributions, the bulk of the essays on painting and on furniture has already appeared in print. John Christian on stained glass and Shirley Bury on metalwork break new ground in demonstrating how much of the original work – even in the Lords – has vanished, and in their accounts of the craft firms on whom the Gothic Revival relied so heavily. The core of the book is to be found, however, in the central chapters (IV to IX) by Port and Stanton. These undoubtedly represent the fullest account of the work of Barry, Pugin and their continuators on the Palace. They will sadly disappoint anyone looking for an easy contrast between our vigorous and vigilant forefathers and the alleged inability of the present Offices and Services Committees to keep their own House in order.

From start to finish, muddle reigned over the administration of the new buildings: well-informed, highly articulate, mid-Victorian muddle: muddle of a liveliness that even the Lethæan pens of Port and Stanton are quite unable to suppress. Reports, pamphlets, refutations crowd the scene: the Fine Arts Commission, endorsing in the vaguest manner “the privilege of an artist, to work up his ideas as he goes along”; the Committee of the Lords, hot and uncomfortable in their temporary accommodation, anxious for speed; the Commons Committee, suspicious and jealous of any alteration, demanding from Barry a half-yearly report and plans of all proposed amendments; Lord Bessborough, First Commissioner of Woods and Works, with a “low view of architects”; and Lord Lincoln, his Whig successor, rejecting any suggestion that “he should exercise a control of architectural taste and design over the architect”. And around the Commission, the Committees, the builder, the painters buzz, elegant and distracting, the no less informed, no less articulate ladies of the party. Lady Charlotte Guest digs out Mr. Barry from a meeting “to explain the symbols of the ornamentation”; Miss Agnes Strickland, the lady historian, “pokes about the unfinished buildings” and hurts her feet. Undeterred, she notes: “Lady Willoughby’s black damask was half a yard deep in dust. Fortunately, mine being dust-coloured . . .”

The Prince Consort himself (it is hardly surprising) takes an active

role: intervenes to prevent Maclise resigning his commission for the Royal Gallery frescoes – sketches elaborate diagrams of reflectors to diffuse the light the painter lacks – pens scientific memoranda on the use of waterglass as a medium for fresco – comes up from Osborne – has Maclise consulted the German experts? The painter is packed off to Berlin; comes back a convert to the new technique; the first fresco is unveiled in March 1862. And now an even more alarming question rages in the public journals: had Wellington and Blucher in fact ever met on the battlefield at Waterloo? The Queen herself takes up the pen, consults the Crown Princess; the Crown Princess consults the aged General Nostitz, Blucher's aide-de-camp; the General consults his memory: all is well.

Every figure, every incident conspires against the authors: it is almost impossible to write dully about the building of the Houses of Parliament. Anecdote after anecdote springs from the page: Dyce, dispatched by the Commission to Italy to report on fresco techniques, tries to quantify the effect of candle smoke on the Sistine Chapel; Disraeli, revolted by the smell of sewage in the Thames and the stench of boiling bones wafting over from Lambeth, brings in the Bill for London's main drainage. Above all, Barry, the master-builder and committee-man, and Pugin, profusely and fanatically fluent in design, emerge with enormous credit from this work. Mr. Port has struggled manfully to contain his team of authors to a discreet narrative; time and again the subject defeats them. The result is a copious but scholarly work, of which the reading, the purchase even, can be recommended.

(Contributed by Jeremy Maule, a Clerk in the House of Lords).

XVIII. RULES AND LIST OF MEMBERS

The Society of Clerks-at-the-Table in Commonwealth Parliaments

Name

1. The name of the Society is "The Society of Clerks-at-the-Table in Commonwealth Parliaments".

Membership

2. Any Parliamentary Official having such duties in any legislature of the Commonwealth as those of Clerk, Clerk-Assistant, Secretary, Assistant Secretary, Serjeant-at-Arms, Assistant Serjeant, Gentleman Usher of the Black Rod or Yeoman Usher, or any such Official retired, is eligible for Membership of the Society.

Objects

3. (a) The objects of the Society are:

- (i) To provide a means by which the Parliamentary practice of the various Legislative Chambers of the Commonwealth may be made more accessible to Clerks-at-the-Table, or those having similar duties, in any such Legislature in the exercise of their professional duties;
- (ii) to foster among Officers of Parliament a mutual interest in their duties, rights and privileges;
- (iii) to publish annually a JOURNAL containing articles (supplied by or through the Clerk or Secretary of any such Legislature to the Officials) upon Parliamentary procedure, privilege and constitutional law in its relation to Parliament;
- (iv) to hold such meetings as may prove possible from time to time.

(b) It shall not, however, be an object of the Society, either through its JOURNAL or otherwise, to lay down any particular principle of parliamentary procedure or constitutional law for general application; but rather to give, in the JOURNAL, information upon these subjects which any Member may make use of, or not, as he may think fit.

Subscription

4. (a) There shall be one subscription payable to the Society in respect of each House of each Legislature which has one or more Members of the Society.

(b) The minimum subscription of each House shall be £15, payable not later than 1st January each year.

(c) Failure to make such payment shall make all Members in that House liable to forfeit membership.

(d) The annual subscription of a Member who has retired from parliamentary service shall be £1.25 payable not later than 1st January each year.

List of Members

5. A list of Members (with official designation and address) shall be published in each issue of the JOURNAL.

Records of Service

6. In order better to acquaint the Members with one another and in view of the difficulty in calling a full meeting of the Society on account of the great distances which separate Members, there shall be published in the JOURNAL from time to time, as space permits, a short biographical record of every Member. Details of changes or additions should be sent as soon as possible to the Officials.

Journal

7. One copy of every publication of the JOURNAL shall be issued free to each Member. The cost of any additional copies supplied to him, or any other person shall be £3.50 a copy, post free.

Administration

8. (a) The Society shall have its office at the Palace of Westminster and its management shall be the responsibility of the Clerk of the Overseas Office, House of Commons, under the directions of the Clerks of the two Houses.

(b) There shall be two Officials of the Society, one appointed by the Clerk of the Parliaments, House of Lords, and one by the Clerk of the House of Commons, London; each Official shall be paid an annual salary, the amount of which shall be determined by the two Clerks. One of these Officials shall be primarily responsible for the editing of the JOURNAL.

Account

9. Authority is hereby given to the Clerk of the Overseas Office and the Officials of the Society to open a banking account in the name of the Society and to operate upon it, under their signature; and a statement of account, duly audited, and countersigned by the Clerks of the two Houses of Parliament at Westminster shall be circulated annually to the Members.

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XIX. MEMBERS' RECORDS OF SERVICE

Note.—**b.**=born; **ed.**=educated; **m**=married; **s.**=son(s);
d.=daughter(s).

Members who have not sent in their Records of Service are invited to do so, thereby giving other Members the opportunity of knowing something about them. It is not proposed to repeat individual records on promotion.

Allnut, Ian Lea.—Second Clerk Assistant and Serjeant-at-Arms of the Legislative Assembly of Western Australia; *b.* 26th February, 1947; *m.* 1976; *ed.* Cottesloe State School and Scotch College; Clerk of Papers, Legislative Assembly 1966–70; Assistant Clerk of Records and Accounts, Legislative Assembly 1970–73; Clerk of Records and Accounts, Legislative Council, 1973–76; Second Clerk Assistant and Serjeant-at-Arms of the Legislative Assembly since July, 1976.

Bawden, Thomas Arthur.—Clerk Assistant of Tynwald and Clerk of the Legislative Council; *b.* 7th February 1941; *m.* 1968; *1s, 1d*; *ed.* Douglas High School, Isle of Man; Clerk to Deemster 1963–1976.

de Vos, Pieter Francois.—Clerk Assistant of the Legislative Assembly of the Northwest Territories, Canada; *b.* 14th April 1946; *m.* 1968; *1s 1d*; *ed.* High Schools in Cape Town and Bloemfontein; South Africa and Philadelphia, U.S.A.; University of South Africa; Junior Committee Clerk 1967, Committee Clerk 1968–69, Senior Committee Clerk 1970–72, Clerk of the Assessment Court and Administrative Control Officer of the City Council of Bloemfontein, South Africa 1973–76; Clerk Assistant of the Legislative Assembly, N.W.T., since August 1976.

Gupte, D. G.—Deputy Secretary to Maharashtra Legislature; *b.* 1st January 1920; joined Law Department of Madhya Pradesh at Nagpur, 1.9.1947; allocated to Bombay State in 1956 at the time of reorganisation of States; appointed as Assistant Secretary to Maharashtra Legislature in October 1960; and as Under Secretary, in March 1970; appointed as Deputy Secretary on 17th August 1973; on Deputation to Legislative Affairs Department, Government of Maharashtra from 2nd July 1976 to 31st January 1977; rejoined Maharashtra Legislature Secretariat in February 1977.

Kudalkar, G. G.—Joint Secretary to the Maharashtra Legislature Secretariat; *b.* 18th August 1922; joined Government Service in 1945; worked in the Civil Supplies Department and Office of the Controller of Accommodation before joining the Maharashtra Legislature Secretariat

in December 1949; appointed Assistant Secretary in Maharashtra Legislature Secretariat in October 1960; appointed Under Secretary in the same office in October 1969; appointed Deputy Secretary on 9th January 1971 and Joint Secretary on 16th August 1975.

Nande, Gunavant Shrikrishna.—Secretary, Maharashtra Legislature Secretariat, Bombay. *b.* 11.12.1925; soon after Law Graduation, joined the Judicial Service of the erstwhile state of Madhya Pradesh in 1950; joined the Judicial service of Maharashtra State on re-organisation in 1956; served in various districts as Assistant Judge and Additional Sessions Judge and later as District and Sessions Judge; joined Maharashtra Legislature Secretariat as Additional Secretary on 11th September 1975; appointed as Secretary on 1st November 1976.

Ramaswamy, C. K.,—Secretary, Tamil Nadu Legislative Council, India; *b.* 4th May, 1932, Coimbatore District; *ed.* at National College, Tiruchirapalli, American College, Madurai, and Law College, Madras; enrolled as an Advocate of the High Court of Tamil Nadu in 1962; joined the Legislature Secretariat Service of Tamil Nadu in 1955; Appointed as Assistant Secretary, Tamil Nadu Legislative Assembly in 1968, Deputy Secretary, Tamil Nadu Legislative Assembly in 1972; Appointed to the present position in October, 1976.

Subrahmanyam, V. M.—Deputy Secretary, Maharashtra Legislature Secretariat; *b.* 1st March 1928; joined Hyderabad Government Service on 12th September 1949; allocated to Bombay State in 1956 at the time of reorganisation of States; on deputation to Government of Pondichery in April 1967; Private Secretary to Lt. Governor of Pondichery from April 1967 to October 1968; Special Officer in the Law and Labour Department, Government of Pondichery from October 1968 to January 1969; Under Secretary Law and Labour Department, Government of Pondichery from January 1969 to February 1970; Appellate Assistant Commissioner (Commercial Taxes) from March 1970 to April 1971; rejoined Maharashtra Legislature Secretariat in May 1971; Under Secretary till September 1975; Deputy Secretary since 23rd September 1975.

XX. INDEX TO VOLUME XLV

ABBREVIATIONS

(Art.)=Article in which information relating to several territories is collated.
(Com.)=House of Commons

- ACCOMMODATION AND AMENITIES,
—Chamber, new (Malta), 131
- ACTS,
—mistakes in (U.K.), 128
- ADDRESSES,
—jubilee, silver (U.K.), 31
- AIRCRAFT AND SHIPBUILDING INDUSTRIES BILL,
—hybridity, 23
- AUSTRALIAN COMMONWEALTH,
—committee system (Sen.), 51
—days and hours of sitting etc. (H.R.), 119
—library (Art.), 82
—subpoena, petition for leave to issue (H.R.), 123
- AUSTRALIAN STATES,
—New South Wales,
—grievance debate (L.A.), 121
—library (Art.), 86
—ministers, 113; (L.C.), 130
—petitions (L.A.), 120
—salaries etc., 126
—Northern Territory,
—cabinet members, 121
—constitutional, 114
—library (Art.), 86
—Queensland,
—constitution, entrenchment, 113
—library (Art.), 87
—South Australia,
—library (Art.), 85
—Tasmania,
—library (Art.), 88
—Victoria,
—library (Art.), 91
—time limits on speeches, 121
—Western Australia, *see also* Privilege
—electoral, 117
—library (Art.), 91
—pensions for spouses, 127
- BERMUDA,
—library (Art.), 102
- BROADCASTING,
—sound (U.K.), 61
- CANADA,
—library (Art.), 72
—salaries etc., 126
—senate, 12
—Speaker's chair, presentation to NWT, 130
- CANADIAN PROVINCES,
—British Columbia,
—library (Art.), 76
—salaries, 126
—Northwest Territories,
—library (Art.), 82
—rules amended, 118
—Speaker's chair, presentation, 130
—Nova Scotia,
—library (Art.), 79
—Ontario,
—library (Art.), 74
—Quebec,
—library (Art.), 78
—recognised parties, 113
—Saskatchewan,
—library (Art.), 80
- CEREMONIAL,
—jubilee addresses (U.K.), 31
—Speaker's chair, presentation (N.W.T.), 130
- CLERKS,
—become members, 133
- COMMITTEES,
—developments (Aust. Sen.), 51
- COMMONS, HOUSE OF, *see also* Privilege
—committal for contempt, 38
—computers, 47
—library (Art.), 70
—urgent debates, 123
- COMPUTERS,
—(Com.), 47
- CONTEMPT,
—committal, 38
- CROWN,
—Queen of (N.Z.), 34
- ELECTORAL,
—(W.A.), 117; (N.Z.), 117
- ENTRENCHMENT,
—constitution (Qld), 113
- FIJI,
—division over division, 124
—joint sitting, 44
—library (Art.), 105
- HANSARD,
—(Lords), 58
- HONG KONG,
—membership of Council, 117
- HYBRIDITY,
—Aircraft & Shipbuilding Bill (U.K.), 23
- INDIA,
—library (Art.), 95
—pensions, 127
—seats, allocation, 117

- Sikkim, representation of, 116
- state legislatures, powers etc., 117
- INDIAN STATES,**
 - Andhra Pradesh,
 - library (Art.), 97
 - Karnataka,
 - library (Art.), 98
 - Maharashtra,
 - library (Art.), 99
 - pensions etc., 128
 - Rajasthan,
 - library (Art.), 101
 - observances, 122
 - vote, objection to, 121
 - Tamil Nadu,
 - library (Art.), 101
- ISLE OF MAN,**
 - library (Art.), 71
- JUBILEE, SILVER,**
 - addresses, presentation (U.K.), 31
- LESOTHO,**
 - library (Art.), 104
- LIBRARIES, PARLIAMENTARY,**
 - (Art.), 68
- LORDS, HOUSE OF,**
 - Hansard, 58
 - library (Art.), 69
 - peers' expenses, 125
- MALTA,**
 - Chamber, new, 131
 - debates, recording of, 122
 - library (Art.), 103
 - minutes, 122
 - same motion etc. in same session, 122
- MINISTERS,**
 - (N.S.W.), 113; (N.S.W.L.C.), 130
- NEW ZEALAND, see also Privilege**
 - electoral, 117
 - library (Art.), 92
 - Queen of, 34
- PARLIAMENTARY PROCEDURE,**
 - division over division (Fiji), 124
 - hybridity (U.K.), 23
 - joint sitting of Parliament (Fiji), 44
 - petition to issue subpoena etc. (Aust. HR), 123
 - urgent debates (Com.), 123
- OFFICIAL REPORT, see Hansard**
- PAPUA NEW GUINEA,**
 - library (Art.), 94
- PAYMENT OF MEMBERS,**
 - general (Lords), 125; (Can), 126; (Br. Col.), 126; (N.S.W.), 126
 - pensions (Can.), 126; (W.A.), 127; (India), 127; (Mahar.), 128
 - travel for presiding officers & ministers (Mahar.), 128
- PRIVILEGE,**
 - (*Note.*—In consonance with the decennial index to Vols XXXI—XL, the entries relating to privilege are arranged under the following main heads:
 1. *The House as a whole*—contempt of and privileges of (including the right of Free Speech).
 2. *Interference with Members in the discharge of their duty, including the Arrest and Detention of Members, and interference with Officers of the House and Witnesses.*
 3. *Publication of privileged matter.*
 4. *Punishment of contempt or breach of privilege.*)
 1. *The House*
 - Members,
 - reflections on (Com), 107
 - imputations against (Zam.), 111
 - Ministers, reflections on (W.A.), 108
 2. *Publication*
 - evidence disclosed (N.Z.), 111
 3. *Punishment*
 - Members, imputations against (Zam), 111
 - Ministers, reflections on (W.A.), 108
- RENT (AGRICULTURE) ACT,**
 - mistakes in (U.K.), 128
- REVIEWS,**
 - “Australian Senate Practice” (Odgers), 140
 - “Mr. Speaker, Sir” (Selwyn-Lloyd), 139
 - “The Houses of Parliament” (ed. Port), 141
- SABAH,**
 - library (Art.), 102
- ST. LUCIA,**
 - library (Art.), 106
- SESSION MONTHS OF PARLIAMENT, see back of title page**
- SIKKIM, see India**
- SOCIETY,**
 - Members' Honours List, records of service, retirement or obituary notices marked (H), (S), (r) or (o) respectively:
 - Allnutt, I. L. (S), 156
 - Ball, I. J., (r), 9
 - Barlas, Sir R. (H), 11
 - Bawden, T. A. (S), 156
 - Cave, Sir R. (r), 10
 - De Vos, P. F. (S), 156
 - Gupte, D. G. (S), 157
 - Hanumanthappa, Te (r), 7
 - Islip, F. E. (o), 7
 - Kudalkar, G. G. (S), 156
 - Nande, G. S. (S), 157
 - Parkes, N. J. (r), 8
 - Ramaswamy, C. K. (S), 157
 - Subrahmanyam, V. M. (S), 157
 - Thornber, P. N. (o), 7
 - Tregear, A. A. (o), 7
 - Vidler, I. P. K. (o), 7
- STANDING ORDERS,**
 - amended (N.W.T.), 118
 - cabinet members (N.T.), 121
 - days and hours of sitting etc. (Aust.

- HR), 119
 —debates, recording of (Malta), 122
 —grievance debate (N.S.W.L.A.), 121
 —minutes (Malta), 122
 —observances (Raj.), 122
 —petitions (N.S.W.L.A.), 120
 —same motion etc. in same session (Malta), 122
 —time limits on speeches (Vict. L.A.),
- 121
 —vote, objection to (Raj.), 121
- WESTMINSTER,
 —acts, mistakes in, 128
 —broadcasting, sound, 61
 —hybridity, question of, 23
 —jubilee, silver, 31
- ZAMBIA, *see also* Privilege
 —library (Art.), 104

24, 05

