The Table

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IN
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THE SOCIETY OF CLERKS-AT-THE-TABLE
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EDITORIAL

Those who follow British politics to any degree cannot help but have noticed the extent to which stories about MPs' expenses dominated the news agenda for week after week during the spring of 2009. Some of the revelations united the political parties, the media and the public in condemnation, and seemed to stir up a more general discontent with the political system. The effects on the United Kingdom's constitution, and on its Parliament, are still unfolding. For the most part, the events and their ramifications fall outside the scope of this edition, which covers 2008. However, I am most indebted to Chris Stanton, Clerk of Divisions in the UK House of Commons, for producing an article at short notice on one of the most high-profile consequences—namely, the election of a new Speaker of the House of Commons following the resignation of Speaker Michael Martin. The article describes the operation for the first time of a new system of electing a Speaker, which was devised after concerns that the previous process for electing Speakers was not well suited to elections involving multiple candidates. The field for replacing Mr Martin was heavy, comprising ten candidates. The discussion in the lead up to the election was dominated by the expenses revelations and proposals for reforming the system of expenses, and the Commons more widely. The successful candidate, John Bercow, was elected on a platform of reform, the outcomes of which will no doubt be documented in future editions of *The Table*.

This edition also contains an article on a remarkable project recently completed in the Australian Senate, to provide a fully annotated edition of the Senate's Standing Orders. Rosemary Laing, Deputy Clerk of the Senate, describes in lively fashion the background to and workings of the project, which provides a history of the amendments to each standing order, and a commentary thereon. As the forward to the *Annotated Standing Orders of the Australian Senate* says, it enables "a full understanding of the history, context and rationale of each standing order [to] be readily obtained, as a guide to interpretation and future amendment."

The third article concerns another significant election: that of the President of the Republic of South Africa in September 2008. M K Mansura, the Secretary to the National Assembly, and Francois Basson, Procedural Officer, explain the parliamentary process of replacing Thabo Mbeki with Kgalema Motlanthe (who in May 2009 was replaced by Jacob Zuma and is now Deputy President). The article also covers the consequential elections of Speaker and Deputy Speaker of the National Assembly, made necessary by the appointment of the previous Speaker as Deputy President.

In the final article, Paul Bélisle, until recently Clerk of the Senate of Canada and Clerk of the Parliaments, and Jill Anne Joseph, Deputy Principal Clerk and Manager, Strategic Planning, explore in depth an approach to managerial practice in a parliamentary context. Their article looks at how results-based management has operated in the Canadian Senate since its introduction in 2004. The article analyses the benefits and drawbacks of this approach, and candidly assesses its impact on the Senate Administration and the elements needed for the approach to succeed. The article ends by suggesting that parliamentary administrations that are benefiting from such modern management practices should share their positive experiences; this contribution is undoubtedly a valuable and significant addition to that sharing of knowledge.

In addition to the above articles, this year's edition contains an eclectic and interesting range of miscellaneous notes, and updates on developments in the field of privilege and on standing orders.

One of the criticisms often levelled at parliaments is that their debates and proceedings are remote from the concerns of citizens; that they lack "relevance". In recent years remedies to that have included measures to increase the topicality of proceedings. This year's comparative study looked at the scope for topical questions and debates in Commonwealth parliaments. As with all comparative studies, the results make for interesting reading.

In the last issue Christopher Johnson announced that it would be his final one as editor. Readers will no doubt join me in expressing sincere thanks for his sterling efforts in continuing to maintain its high standards. I have very much enjoyed editing my first edition of *The Table* and hope that during my tenure the journal can continue to provide a valuable and, I trust, interesting forum for exchanging information, views, experiences and best practices, at a time when the demands on parliaments are perhaps as great as they have ever been. My thanks go to the authors of articles for this edition, and to all those who have contributed to its contents.

MEMBERS OF THE SOCIETY

New South Wales Legislative Assembly

On 18 November 2008 **Russell Grove** became the longest serving Clerk of the Legislative Assembly of New South Wales, having served as Clerk for 18 years, 2 months and 10 days.

Russell was appointed as Clerk of the Legislative Assembly on 8 September 1990 after being recruited to the staff of the Legislative Assembly on 15 February 1971.

New South Wales Legislative Council

Julie Langsworth was appointed Acting Clerk Assistant—Procedure on 3 January 2009. Prior to her appointment to this position, Ms Langsworth held the positions of Director—Corporate Support, Director—Committees and Principal Project Officer—Committees. Prior to joining the Department of the Legislative Council in 1996, Ms Langsworth worked as Graduate Research Assistant at the University of Western Sydney on an Australian Research Council grant project. Ms Langsworth is also a registered nurse.

Susan Want was appointed Acting Director, Table Office, on 5 January 2009. Prior to her appointment to this position, Ms Want held the positions of Manager, Procedure Office, Acting Director—Procedure and various committee positions in the Legislative Council and Legislative Assembly. Before joining Parliament in 1996, Ms Want worked in the public health sector and primary health care.

Queensland Legislative Assembly

Michael Ries was appointed Deputy Clerk in June following the resignation of Siwan Davies who took up a position in the Wales National Assembly. Michael previously held the role of Director, Constitutional and Administrative Law Services, in the Department of the Premier and Cabinet (since 2002) and was sworn is as a Clerk of Executive Council in 2003. Michael also acted in a number of senior management roles in the department. Prior to joining the Department of the Premier and Cabinet in 1998, he performed a number of roles for Queensland's Criminal Justice Commission.

Victoria Legislative Council

In July 2008, the Council's two Assistant Clerks swapped roles. From July 2008, the following officers occupied the two positions: Stephen Redenbach,

Assistant Clerk—Committees, and Andrew Young, Assistant Clerk—House and Usher of the Black Rod.

Botswana National Assembly

Enerst Sipho Mpofu, Clerk of the National Assembly, retired on 31 December 2008.

Canada House of Commons

Beverley Isles, formerly Principal Clerk, was appointed Clerk Assistant of House Proceedings.

Jeffrey LeBlanc was appointed Principal Clerk, House Proceedings from his previous position of Deputy Principal Clerk, Table Research Branch.

Yukon Legislative Assembly

On 31 March 2007 **Floyd William McCormick**, PhD, was appointed Clerk of the Yukon Legislative Assembly. Prior to his elevation to this post, Dr McCormick had served as Deputy Clerk of the Assembly since 2001.

On 4 September 2007 **Linda Kolody** was appointed Deputy Clerk of the Yukon Legislative Assembly. Prior to this appointment, Ms Kolody had served in various capacities at the Ontario Legislative Assembly (most recently in the Journals and Procedural Research Branch) since 1991.

Jamaican Parliament

Heather Cooke, Clerk to the Houses, was awarded the status of Justice of the Peace for the Parish of Kingston in December 2008.

New Zealand House of Representatives

Debra Angus was appointed Deputy Clerk of the House of Representatives on 12 May 2008, replacing Mary Harris after her appointment as Clerk of the House in December 2007. Prior to this appointment, Debbie was Clerk-Assistant (Legal Services).

David Wilson was appointed as Clerk-Assistant (Select Committees) on 18 February 2008, and **Tim Workman** took up the position of Clerk-Assistant (Legal Services) on 28 July 2008.

Milton Hollard retired on 16 June 2008. Milton held the position of Clerk-Assistant (Research) from 2002, in which capacity he contributed to *The Table* and other parliamentary publications. Milton started in the Office of the Clerk on his appointment as Clerk-Assistant (House) in 1987.

Northern Ireland Assembly

Martin Wilson, Principal Clerk of Bills, retired in October 2008.

Swaziland Senate

In 2008 **Mshiyeni Dlamini**, the then Clerk-at-the-Table in the Senate, was promoted to the position of a Regional Secretary. **Amos Maziya** replaced him on an acting basis.

THE ELECTION OF A SPEAKER IN THE UNITED KINGDOM HOUSE OF COMMONS

CHRIS STANTON
Clerk of Divisions, House of Commons

On Tuesday 19 May 2009 Michael Martin announced that he would relinquish the office of Speaker on Sunday 21 June. The election of a new Speaker would therefore take place on the next sitting day, Monday 22 June. For the first time, the election would take place using a system of exhaustive secret balloting agreed by the House in 2001.

Genesis of the ballot system

Michael Martin had been elected in October 2000 using the traditional method: the proposal of a candidate on a motion and then a series of decisions on other names proposed as amendments to that motion. On that occasion, there had been 12 candidates in all. Mr Martin had been the original name proposed, and the other 11 candidates were proposed, seconded and defeated on division before the original question was put that Mr Martin take the Chair as Speaker, which was agreed to on division. The whole process had taken some seven hours.

There had been unhappiness at the time about the system used. The sitting had opened with half an hour of points of order and an attempt was made by Mr Tony Benn to move a motion to amend Standing Orders to allow the House to proceed to an election based on a ballot, with a run-off between the top two candidates. The Father of the House in the Chair, Sir Edward Heath, declined to accept the Motion.

Following the election the Procedure Committee inquired into the system used and reported in February 2001.[1] It thought that the system was suited to an age when the "usual channels" would present the House with a single candidate, or a choice of two or three. But it had become clear that the House was not prepared to entrust the choice to the party machines. With many candidates likely in any future contest, the Committee concluded that the system

[1] Second Report from the Procedure Committee, Session 2000–01, HC 40, *Election of a Speaker*: http://www.publications.parliament.uk/pa/cm200001/cmselect/cmproced/40/4002.htm

was fundamentally flawed, since the order in which candidates were called by the member presiding would help determine the outcome. Particularly if there were no clear initial front runner (as there had been in 2000) some candidates might never have their names put to the House at all, and the House could end up with a Speaker who had less support than a candidate whose name had not been put to it.

Procedure Committee recommendations

The Committee recommended that the system be replaced by a ballot-based system, to be administered by the Clerk of the House under the authority of the member with the longest continuous service in the House (who would preside over the election in the chamber). It wanted candidates to be able demonstrate the support of 12 members, at least three of which should be from another party, before being able to stand. It recommended a secret ballot, but suggested that this be subject to a specific decision by the House. Before the ballot, each member should have an opportunity to address the House—but there would be no speeches by proposers or seconders.

The method of balloting the Committee recommended was as follows. Each candidate would appear on the ballot paper and members would vote for one candidate each. If any member had more than 50 per cent of the votes in a ballot, the member presiding would put the question that they take the Chair as Speaker. Otherwise, another ballot would be held, with the following being removed from the paper:

- the candidate who came last;
- any candidate with less than 5 per cent of the vote; and
- any candidate who withdrew.

Successive ballots would be held until only one candidate remained or a candidate had obtained more than 50 per cent of the vote. At that point, the member presiding would put the question that that candidate take the Chair as Speaker.

The Committee also recommended that after a general election where the previous Speaker had been returned to the House and wished to continue in office, a single unamendable motion should be put to the House that that person take the Chair as Speaker. Only if that was defeated would a ballot be held, on the following day.

The Committee did not give much weight to the argument—mainly from the media—that the previous system had taken too long, regarding it as an

important decision to which the House was entitled to devote a whole sitting day.

In March 2001, in the final days of the 1997 Parliament, the House agreed to the proposals of the Procedure Committee, and changes to the Standing Orders to give them effect.[2] It also voted—by 84 votes to 82—that the ballot should be secret.

The provisions of the Committee's recommendations regarding the re-election of the former Speaker after a general election (now Standing Order No. 1A) were used in 2001 and 2005 to re-elect Mr Martin. The provisions about the election of a Speaker by a secret ballot (Standing Order No. 1B) had therefore not been used, although preparations had been made in 2001 for such an eventuality.

Preparations

The fact that a general election was due no later than June 2010 meant that the Clerk of Divisions—based in the Public Bill Office—had begun to review and refresh the plans for holding a ballot for the election of a Speaker early in 2009.

The decision by the Speaker to continue in office for a few weeks after announcing his departure allowed for these plans to be finalised and for members to be informed in good time about how the system would work. The necessary cooperation of clerks, serjeants and the Official Report was assisted by their recent incorporation into a single Department of Chamber and Committee Services. Given the reputational importance to the House of the event, careful media and public information preparations were made, and a rehearsal was held (without members) that led to a number of minor changes to the practical arrangements for the ballot. The advance notice also gave the candidates a chance to mount campaigns, and unofficial but televised "hustings" events were held for them to air the case for their candidacies.

Although Standing Order No. 1B has a reasonable level of detail about how the nominations and ballots are to be held, it also allows for some flexibility in the arrangements and timing. For example it says that each round of voting shall be open for 30 minutes, and that candidates shall have 10 minutes to indicate that they wish to withdraw from the next ballot; but it allows for the presiding member to vary these timings if necessary. And although it says that the ballots shall take place in the lobbies, it does not say precisely how they are to be used, and also allows the presiding member to direct that the voting shall be elsewhere.

[2] See Standing Orders Nos. 1, 1A and 1B: http://www.publications.parliament.uk/pa/cm/cmstords.htm

Sub-paragraph (2) says that "preparatory arrangements for a ballot shall be made under the supervision of the Clerk of the House". Where the Standing Order did not give complete detail about how the ballot should be held, such gaps were, following consultation with the presiding member, filled by extrapolation from existing procedures—for example no proxy votes were allowed, on the basis that voting in the House is always a personal act, but an equivalent of the normal practice of "nodding through" incapacitated members was provided for by Table Clerks visiting members in the precincts. In the event, one member was "nodded through" in this way. The Standing Order also said that the order of candidates addressing the House would be determined by lot. Rather than being held in the chamber at the start of the sitting, it was decided to hold the draw on the morning of the ballot so that candidates and others would know the order in advance.

The ballot in practice

On Monday 22 June 2009 the Lower Table Office received nominations from 10 candidates between the stipulated times of 9.30 am and 10.30 am. These were then taken to the Public Bill Office for analysis and checking. All nominations were found to comply with the rules on numbers of nominators (at least 12 and no more than 15) and party makeup (at least three had to be elected as members of a party other than that of the candidate, or of no party). The list of candidates was issued to members (via annunciators, papers in the Vote Office and the intranet) and the public (via the internet) at 11.00 am. In accordance with the Procedure Committee's report in 2001, the list of members nominating each of the candidates was not officially published, although several of the candidates did so themselves.

At 11.30 am the presiding member, the Rt Hon. Alan Williams, drew lots in private for the order in which candidates would address the House. This information was given to the candidates and then published at 12 noon. Mr Williams had previously written to candidates to say that in the past addresses to the House by candidates had been between 5 and 10 minutes, and that such a time would be appropriate on this occasion. However there was no formal limit on the time for the speeches by candidates.

The House met at 2.30 pm—without prayers because there was no Speaker. There was no other business scheduled that day. After the addresses by the candidates, which were in fact all between 5 and 10 minutes each and heard without intervention, the House voted in the first ballot at 3.39 pm.

Members with surnames starting with the letters A to K voted in the Aye

Lobby, entering the doors behind the Speaker's Chair; members with surnames starting with the letters L to Z voted in the No Lobby, entering the doors off the Members' Lobby. Members had their names recorded at three temporary division desks placed at the first corner of each lobby before being issued with a stamped ballot paper from a desk a little further down the lobby. The ballot paper gave the names of candidates in alphabetical order, as stipulated in the Standing Order. Members completed the ballot paper—using one of a number of booths erected in the lobby if they wished to have privacy—and then deposited it in one of the two ballot boxes at the exit from each lobby. Uniformed Table Clerks, Serjeants and Doorkeepers were in each of the lobbies to oversee the ballot and assist members.

At the end of 30 minutes the entrance doors to the lobby were locked and when all members had cast their votes the ballot boxes were resealed and taken to the Public Bill Office to be counted. The result was returned within the hour, and the counting quickened in the subsequent ballots. One member chose to observe the count in person on the first occasion. A uniformed Table Clerk oversaw each count, and was responsible for advising the counting team (under the authority of the presiding member) on any doubtful ballot papers.

The results

In the first ballot no member received more than 50 per cent of the votes. The results were announced at 5.07 pm as follows:

Margaret Beckett	74
Sir Alan Beith	55
John Bercow	179
Sir Patrick Cormack	13
Mr Parmjit Dhanda	26
Sir Alan Haselhurst	66
Sir Michael Lord	9
Mr Richard Shepherd	15
Miss Ann Widdecombe	44
Sir George Young	112
Spoilt	*1*
TOTAL	594

So three members—in addition to the member who came last—received less than 5 per cent of the votes cast, and were therefore eliminated. No

member indicated to the presiding member a wish to withdraw in the ten minutes following the announcement of the result, so six names remained for the next round, which opened—after the fresh ballot paper had been printed, a process which took about seven minutes—at 5.36 pm.

The results of the second round were announced at 6.55 pm as follows:

Margaret Beckett	70
Sir Alan Beith	46
John Bercow	221
Sir Alan Haselhurst	57
Miss Ann Widdecombe	30
Sir George Young	174
Spoilt	*1*
TOTAL	599

Mr Bercow and Sir George Young had therefore consolidated their positions as clear front runners, and the other candidates all polled fewer votes than they had in the previous round. In addition to the elimination of the candidate who came last, these other three indicated to the presiding member at the Table of the House that they wished to withdraw from the contest during the 10 minutes stipulated by the Standing Order. The next—and almost certainly final—ballot would be between the top two candidates, John Bercow and Sir George Young. It opened at 7.18 pm.

At 8.30 pm Mr Williams announced to a crowded chamber the result of the third ballot:

John Bercow	322
Sir George Young	271
TOTAL	593

In accordance with the Standing Order the question that Mr Bercow take the Chair as Speaker was put immediately and agreed to without a division, at which point he was "dragged" to the Chair by two supporters. After congratulatory speeches and a short suspension, the Royal approbation was received in the House of Lords at about 10 pm.

The new system had taken six hours to produce a result—in the end, quicker by about an hour than in 2000. The system worked in the way that the Procedure Committee in 2001 had foreseen: both the 5 per cent threshold and the opportunity for withdrawal had come into operation on different occasions to reduce the list of candidates in subsequent rounds.

The Procedure Committee announced on 16 July that it will examine how

the process worked, so we will need to wait to hear whether they propose any changes before the next general election.

ANNOTATED STANDING ORDERS OF THE AUSTRALIAN SENATE

Dr Rosemary Laing
Deputy Clerk of the Australian Senate

This year the Department of the Senate published the *Annotated Standing Orders of the Australian Senate* as an adjunct to *Odgers' Australian Senate Practice*, now in its twelfth edition, and also as a companion piece to the *Biographical Dictionary of the Australian Senate*, volume 3 of which, covering the period 1962 to 1983, approaches publication. *Odgers' Australian Senate Practice* is a comprehensive, scholarly and up to date manual of practice and procedure including an analysis of the major functions and powers of the Senate, its constitutional position and developments in parliamentary privilege. Completely revised in its seventh edition, the earlier versions of the work contain detailed historical information on numerous topics. Added to these is the *Procedural Information Bulletin*, a commentary on significant procedural developments published after each sitting fortnight.

With such an array of procedural material, both historical and contemporary, why then was it considered useful to produce yet another hefty reference book covering much the same territory?

While the territory may be similar, the material covered is quite distinctive and any overlap is avoided by use of cross–references to *Odgers*. A useful analogy is that the principal manual of practice and procedure is a view from the bridge, of institutional direction and design, of broader context, and of distinct functions being carried out in different parts of the superstructure. The annotated standing orders, on the other hand, take us below decks to expose the mechanisms and structures that allow the ship to proceed through shoal and channel alike. To torture the analogy just a little further, the biographical dictionary, with its cast of senators and clerks, allows us insights into the ship's crew at different times which may, in turn, cast light on particular developments.

The early story of the Senate's standing orders has been well told in one of the Commonwealth Parliament's Bicentenary Publications in 1988, by Professor Gordon Reid and Martyn Forrest, *Australia's Commonwealth Parliament 1901–1988: Ten Perspectives*, in a chapter called "Rules and

Orders". With full freedom under the Constitution to determine their own "rules and orders" of procedure, the Commonwealth Houses nonetheless drew heavily on the rules and orders of the colonial legislatures with their Westminster orientation. 75 per cent of senators in the first Parliament (1901–03) had previously been members of the colonial assemblies and the tiny clerical staff of the new Commonwealth Parliament was also drawn exclusively from this background. E.G. Blackmore, the Senate's first Clerk, had been Clerk of the Parliaments and Clerk of the Legislative Council in South Australia, as well as Clerk to the Constitutional Convention held in Adelaide, Sydney and Melbourne in 1897–98. Appointed to his new post on 1 April 1901, he had already begun lobbying the Prime Minister, Edmund Barton, about a draft code of procedure for each House, and was directed by Barton to draw up such drafts while the first Clerk of the House of Representatives was directed to organise the opening ceremonies for the new parliament in Melbourne in May 1901. The draft code of standing orders tabled in the Senate on 10 May 1901 was described as having been drafted by Blackmore for provisional use "and settled after revision by the Prime Minister". Although this strikes us today as an intolerable encroachment by the executive on the rights of the Senate, it needs to be seen in the light of colonial practices which gave the Governor-in-Council a veto over rules proposed by the colonial assemblies. As well as being first Prime Minister, Barton was also an experienced presiding officer, having been Speaker of the New South Wales Legislative Assembly in the 1880s. A second draft of the standing orders was tabled in the Senate on 23 May 1901, this time with revisions by Senator Richard O'Connor, Vice-President of the Executive Council, also a former NSW MP (and before that a parliamentary officer in the Legislative Council) and, like Barton, destined to be one of the first three justices of the High Court of Australia from 1903.

In early June 1901, instead of adopting the revised draft of Blackmore's code, the Senate voted to set up a Standing Orders Committee whose task would be to determine by the following day which state legislature's standing orders should be adopted on a temporary basis pending the development of permanent rules and orders. The standing orders of the South Australian House of Assembly were chosen on the basis of their familiarity to the President, Senator Sir Richard Baker (formerly President of the South Australian Legislative Council), and the greatest number of senators. These had been the standing orders used by the Constitutional Convention in 1897–98. In the meantime, the Standing Orders Committee set to work to scrutinise and adapt Blackmore's draft. Although the committee reported in October

1901, it was not until June 1903 that the Senate tackled the issue of permanent standing orders and began deliberations on the draft that would conclude in August 1903. By this time, the Senate had experience of the new mechanism in the Constitution for dealing with financial legislation, and in landmark debates on two Supply Bills in 1901, the Customs Tariff Bill in 1902 and the Sugar Bounty Bill in 1903, had worked through procedures for making and pressing (insisting on) requests for amendments to the House of Representatives on bills which the Senate was constitutionally constrained from amending. There were distinct signs of procedural independence emerging, based on the need to devise rules to cover new circumstances and new types of institutional relationships.

The 1903 debates on the standing orders were colourful, vibrant and sometimes fiercely combative. All states and political parties were represented by participants in the debate, including the new Australian Labor Party which had been born of industrial struggles in the early 1890s and had already briefly formed (minority) government in Queensland. While the standing orders were not generally a partisan battleground, the broad range of backgrounds brought to the debate by participants ensured a lively and often very thorough dissection of the rationale for particular rules. Given the reliance on South Australian models and the then pre-eminence of South Australia as the breeding ground of such political innovations as the secret ballot and female franchise, it is not surprising that occasional rancour broke out amongst participants from the other states, sick of hearing about how things were done in South Australia and referring to "this fetish" of the South Australian rules. By the end of the debate, a robust set of rules had been agreed—some of them new—and, shortly afterwards, a mechanism for dealing with situations not provided for in the rules. Rather than having recourse to the standing orders and practices of the United Kingdom House of Commons in such cases, a course expressly rejected in 1903, the Senate resolved to strike out on its own to establish practices and procedures to suit its own constitutional position and circumstances. This would be achieved through rulings of the President on cases not specifically provided for, but these rulings would be subject to appeal to the whole Senate. Any ruling not dissented from would have the force of an order of the Senate. In making rulings, Presidents have always leaned towards the interpretation which preserves or strengthens the powers of the Senate and the rights of senators.

Since their adoption, the standing orders have undergone regular amendment, culminating in a complete revision and modernisation in 1989. The rate of amendment subsequently has been constant as the Senate adapts its rules

to emerging requirements to enhance its ability to scrutinise legislation effectively, to hold the government of the day to account and otherwise to fulfil its constitutional functions. The purpose of the *Annotated Standing Orders* is therefore to record this history in respect of each individual standing order so that when future changes are contemplated, such decisions may be informed by knowledge of the origin, evolution and rationale of individual rules.

The 1903 debates are not yet available online and appear unlikely to be for the foreseeable future. Electronic versions of the *Journals of the Senate* start from 1973 and of the *Senate Debates* from 1983. The wealth of material before those dates may be accessed only by consulting the hard copies which are not generally available outside the major libraries. Reports of the Standing Orders Committee (Procedure Committee from 1987) are another valuable source of information of equally limited availability. The writings of Clerks, both published and unpublished, have also been of inestimable value in compiling the study. Blackmore himself was a prolific writer on procedure and was in regular correspondence with his colleagues in Westminster about how things might be done in the new Senate. It would not be unfair to say that Blackmore failed to appreciate just how radically different from Westminster norms the new institution of the Senate was designed to be. Fortunately, Blackmore's Westminster bias was considerably offset by several of the first senators, notably the first President, Sir Richard Baker, who had been active participants in the Constitutional Convention and instrumental in designing the powers of this directly-elected upper house based on the federal principle of equal representation of the newly-fledged Australian states. The Senate's second Clerk, Charles Boydell, in a small booklet on the financial powers of the Senate, was the first of a distinguished line of Clerks, including George Monahan, John Edwards, Jim Odgers and Harry Evans, to write in this field.

The *Annotated Standing Orders* provides access to sources such as these through extensive footnotes and a range of appendices. In the course of the project, unique items also came to light. Amongst a collection of Blackmore's papers, correspondence from eminent constitutional authorities was discovered, responding to queries despatched by Blackmore during the debates on standing orders in 1903. The queries were about the term of office of the President of the Senate, elected under section 17 of the Constitution, and the validity of the special majorities contemplated for decisions on certain procedural matters such as the closure, given the terms of section 23 of the Constitution providing that "questions arising in the Senate shall be determined by a majority of votes". Responses from A.V. Dicey, James Bryce, Sir

William Anson and Sir Courtenay Ilbert (then Clerk of the House of Commons) were received after the debate had concluded, too late to have influenced the outcome. They also appear to have been unknown to later Clerks when the issues were revisited. The responses are now published for the first time as an appendix to the *Annotated Standing Orders*.

A second "treasure" discovered in the course of the project was an earlier attempt to compile an annotated standing orders, dating from 1937 to approximately 1944. Compiled on the back of official mourning stationery for the death of Edward VII in 1910 and bound into a thick volume much later, probably in the 1960s, it was the work of John Edwards, Clerk of the Senate from 1942 to 1955. Although unfinished, the 1938 MS as it is termed provides an invaluable insight into Senate practice in the 1920s and 1930s at a time when the Senate was inquiring into the feasibility of establishing standing committees in a number of areas and when it did establish the Regulations and Ordinances Committee, an early pioneer in the systematic scrutiny of delegated legislation. Incidentally, Edwards was that committee's first secretary and advised it, when appointing its first legal adviser in the 1940s, not to accept a government offer of free assistance from the Attorney-General's Department but to engage independent counsel instead. Edwards' work is frequently cited throughout the *Annotated Standing Orders* and is also the subject of detailed analysis in an appendix, as well as featuring in several of the work's full colour illustrations.

As well as drawing together sources and analysis for future reference, the *Annotated Standing Orders* has also involved many departmental staff in researching and writing individual entries and in checking sources, thereby enhancing their procedural knowledge and exposing them to hitherto unfamiliar material in the overall pursuit of the accumulation of institutional knowledge.

While it is difficult to identify particular entries as representative, the following are offered as a sample of the contents of the work. Entries on each of the standing orders are preceded by a comprehensive introduction which gives an overview of procedural developments in the Senate from 1901 to the present day. While much of the content is or will be available online, those wishing to obtain a copy of the book will find details on the Senate's website, http://www.aph.gov.au/Senate, under "Publications".

EXTRACT FROM THE *ANNOTATED STANDING ORDERS OF THE AUSTRALIAN SENATE*

From Chapter 20 on Bills

113 Expedited proceedings on bills

(1) A senator may present a bill or 2 or more bills after the Senate has agreed to a motion upon notice, setting out the title of the bill or bills, that the bill or bills be introduced.

(2) After the presentation of a bill or bills, or after the receipt of a message or messages from the House of Representatives forwarding a bill or bills for concurrence, a motion may be moved without notice containing any of the following provisions:

(a) that the bill or bills may proceed without formalities (this shall have the effect of suspending any requirements for stages of the passage of the bill or bills to take place on different days, for notice of motions for such stages, and for the printing and certification of the bill or bills during passage);

(b) in respect of 2 or more bills, that the bills may be taken together (this shall have the effect of allowing the questions for the several stages of the passage of the bills (or any of them) to be put in one motion at each stage, the consideration of the bills (or any of them) together in committee of the whole, and the reading of the short titles only on every order for the reading of the bills, the words in parentheses being applicable where there are more than 2 bills);

(c) that the bill, or, where the provision referred to in subparagraph (2)(b) is agreed to, the bills, be now read a first time.

(3) Where a motion is moved containing 2 or more of the provisions set out in paragraph (2), at the request of any senator the motion shall be divided and the provisions put as separate motions.

Amendment history

Adopted: *21 November 1989, J.2219, as part of the revised standing orders (to take effect on the first sitting day of 1990) (formerly a sessional order agreed to 13 May 1987, J.1849–50; re-adopted 15 September 1987, J.36–43)*

Commentary

Other standing orders provide for the consideration of bills over several days. If these were strictly followed, a bill received from the House of Representatives would require a minimum of three days for passage, while a

bill introduced in the Senate would require an additional day for notice of a motion to be given for leave to bring in the bill. This is because the three readings of the bill are required to take place on separate days. If the bill is amended, an extra day is required between completion of committee of the whole proceedings and adoption of the report.

For many decades, until the mid-1970s, it was customary for proceedings on bills to be accelerated by motions to suspend those standing orders requiring these built-in delays.[1] One of the primary functions of the Senate was therefore performed not in accordance with the normal rules but by deliberately putting them aside.

In August 1971, the Standing Orders Committee reported on the "invariable practice of moving in connection with the passage of Bills — 'That so much of the Standing Orders be suspended as would prevent the Bill being passed through all its stages without delay'".[2] The committee was of the view that consideration should be given to changes to facilitate the passage of legislation, while recognising the purpose of the standing orders in preventing surprise and haste. The committee reported again in November 1974 that the practice of regularly suspending standing orders in connection with the passage of bills was undesirable and that the procedure for expediting the passage of bills should be regulated by standing orders.[3] A new standing order was recommended:

> **231A**. With respect to Bills received from the House of Representatives, a Motion, that the Bill may be taken through all or its remaining stages without delay, may be moved by a Minister of the Crown at any time without Notice. Such a resolution shall suspend any requirements for the three readings of a Bill to take place on separate sitting days and Standing Orders 210 and 215 shall not apply.

For Senate bills, the committee recommended continuation of the current practice of suspending standing orders, or of seeking leave. No rationale was advanced for not treating all bills in the same way.

The new standing order was adopted on 20 August 1975, having previously been tried as a sessional order.[4] Contingent notices for the suspension of standing orders in respect of Senate bills were given to provide for expedited

[1] For a more detailed account of the old procedures used to eliminate delays in the passage of bills, see *Australian Senate Practice*, 6th ed., pp 524–27.

[2] Standing Orders Committee, *Fourth Report of Fifty-Second Session*, PP No. 111/1971, p 6.

[3] Standing Orders Committee, *Second Report for Fifty-Sixth Session*, PP No. 276/1974, pp 3–4.

[4] 19/8/1975, J.851–54, SD, p.25; 20/8/1975, J.860.

proceedings on those bills.[5] With different procedures applying depending on the origin of a bill, there were also difficulties in dealing with several bills simultaneously, based on an earlier ruling of President Baker that a motion for the suspension of standing orders cannot cover two bills.[6]

Against this background, a new sessional order was proposed in 1987 that was designed to provide expedition and flexibility but with built-in safeguards. Features of the procedure include the following:

- a senator may present a bill, or two or more bills together, after a motion on notice that the bill or bills be introduced;
- when a bill or bills have been presented, or a message has been reported indicating that a bill or bills have been received from the House for concurrence, a motion may be moved without notice containing any of the following elements:
  - that the bill or bills may proceed without formalities,
  - that the bills may be taken together,
  - that the bill or bills be now read a first time;
- the first two elements may be debated and, at the request of any senator, the chair is required to put the provisions separately.

Agreement to the first element means that the requirement for different stages of a bill to be dealt with on separate days is suspended. Agreement to the second element means that multiple bills may be dealt with by means of a single motion at each stage, and that they may be considered together in committee of the whole. When bills are taken together, only the short title is read by the Clerk.

There is no doubt that the expedited proceedings provide a simple, rational and flexible means of considering bills. In one of the first uses of the proceedings after its adoption as a sessional order in May 1987, Senator Gareth Evans (ALP, Vic) drew the Senate's attention to "our new expedited procedures which are designed to get rid of mumbo-jumbo. I commend the process we have just gone through to the Senate and hope that it is continued in the next session and subsequent sessions".[7]

[5] See *Australian Senate Practice*, 6th ed., p 524.

[6] See *Australian Senate Practice*, 6th ed., p 525.

[7] Sessional order adopted 13/5/1987, J.1849–50; for Senator Evans' comments, see 26/5/1987, SD, p 2907. The proposals to rationalise and expedite proceedings on bills had been examined by the Standing Orders Committee but were not the subject of recommendations. The committee noted in its *Fifth Report for the Sixty-Second Session*, March 1987, PP No. 169/1987, pp 4–5, that the Manager of Government Business (Senator Evans) intended to put specific proposals before the Senate for consideration.

The sessional order was renewed in the following Parliament,[8] and was incorporated into the revised standing orders as SO 113, superseding old SO 231A which was deleted.

See *Odgers' Australian Senate Practice*, 12th edition, pp 230–32 for further details on the application of the expedited proceedings.

All bills invariably use the expedited proceedings but the standing orders continue to provide for the traditional method as well, should circumstances ever warrant the imposition of delays in particular cases.

114 Second reading

(1) On the order of the day being read for the second reading of a bill, the question shall be proposed – That this bill be now read a second time.
(2) An amendment may be moved to that question by leaving out "now" and inserting "this day 6 months", which, if carried, shall finally dispose of the bill.
(3) Other amendments may be moved to the question for the second reading provided that they are relevant to the bill.

Amendment history

Adopted: *19 August 1903 as SOs 186, 187 and 188 (corresponding to paragraphs (1) to (3)), but renumbered as SOs 185, 186 and 187 for the first printed edition*

Amended:

- *9 September 1909, J.121 (to take effect 1 October 1909) (providing for referral of bills to select committees by way of second reading amendment)*
- *11 March 1932, J.46 (and see J.29 of 4 March 1932) (reversing the 1909 amendment)*

1989 revision: *Old SOs 193 to 195 combined into one, structured as three paragraphs and renumbered as SO 114; a reference to the previous question removed from paragraph (2) (covered elsewhere); paragraph (3) reframed as permissive rather than prohibitive*

Commentary

These provisions reflect standard practices in the colonial legislatures and were agreed to after minimal debate.[9] Before the 1989 revision, paragraph (2) ended with the qualification, "or the Previous Question may be moved".

In 1909, the Senate amended that provision to enable a bill to be referred to a select committee by means of a second reading amendment. Standing orders

[8] 15/9/1987, J.36–43.

[9] See Standing Orders Committee, *Third Report*, PP No. L.7/1901; tabled 9/10/1901, J.179, p 20, marginal notes to SOs 186–88; 11/6/1903, SD, p 755.

already contained provision for a bill to be referred to a select committee by motion after the second reading. By providing specifically for an amendment to the second reading motion, it was thought that the Senate would now gain the option of referring a bill before its second reading. As a consequence of this, the existing provision to refer a bill to a select committee by motion after the second reading (in what was then SO 188) was deleted.[10]

It needs to be appreciated that, at the time, these procedures were entirely theoretical. No government bill had been referred by the Senate to a select committee but the mechanism for doing so now appeared in bad company alongside the mechanism for finally defeating a bill at the second reading.[11]

The select committee appointed in 1929 to examine the advisability of standing committees in various areas also looked at the contribution that standing committees could make to the legislative process. Although it suggested that standing committees should wait until the Senate had had experience of select committee examination of bills, the committee did recommend that the Standing Orders Committee examine how the standing orders could be amended to facilitate the reference of bills to committees of either type.[12]

The Senate was soon to have its first experience of a government bill being referred to a select committee. On 10 July 1930, when debate on the motion for the second reading of the Central Reserve Bank Bill 1930 resumed, Senator Glasgow (Nat, Qld) successfully moved that the bill be referred to a select committee comprising eight senators and given full inquiry powers for the purpose.[13] After an interim report in which the committee urged the government to seek the views of Sir Otto Niemeyer and Professor Gregory while they were in Australia, and the government declined to do so, the committee received extensions of time to report so that it could obtain the views of these experts directly.[14] A final report was presented on 3 December 1930 and a

[10] 9/9/1909, J.120–21, SD, pp 3214–15.

[11] The term "bad company" is used by Odgers. See *Australian Senate Practice*, 6th ed., p 451. Note that the Parliamentary Evidence Bill 1904, a private senator's bill, had been referred to the Standing Orders Committee (see SO 176). The purpose of the referral was to explore whether the matter covered in the bill would be better dealt with by standing orders. Therefore, it is not really comparable with the fate of a government bill.

[12] *Report*, PP S.1/1929–31, pp xii–xiii.

[13] 10/7/1930, J.129–30. However, the three ALP senators appointed to the committee took no part in its proceedings and were discharged from the committee on the motion of the Leader of the Government in the Senate, Senator Daly (ALP, SA); 11/7/1930, J.133. They were replaced by two other opposition senators on 16/7/1930, J.135.

[14] *Report from the Select Committee appointed to consider and report upon the Central Reserve Bank Bill*, PP No. S.4/1929–30, p ix.

motion moved to set the day for resumption of debate on the second reading of the bill.[15] Not surprisingly, given that it was composed entirely of opposition senators, the committee's report was unsupportive of the bill and when debate resumed the following year, the bill was defeated by an amendment to leave out the word "now" and substitute "this day 6 months".[16] The views of ministers in regarding the referral of a bill as a hostile move were thus reinforced, albeit in the context of the unusual circumstances fostered by the global financial crisis of the 1930s: the Great Depression.[17]

In light of these events, the Standing Orders Committee in its First report of the Twenty-fifth Session, tabled on 24 July 1931 and adopted on 11 March 1932, recommended various amendments, including the relocation of procedures for the referral of bills to select committees into a separate standing order. This necessitated a reversal of the amendment agreed to in 1909. See *Australian Senate Practice*, 3rd edition (1967), pp 212–13, for a detailed analysis of the 1932 changes.

An amendment to the motion for the second reading which leaves out the word "now" and substitutes "this day 6 months" is regarded as finally defeating the bill. It is also known as the "dilatory amendment".[18] Edwards gives an explanation for this provision as follows:

> … most sessions of Parliament when the Standing Order was first used terminated in less than six months, so that by postponing a Bill for six months it was carried beyond the end of the session and lapsed with the prorogation. During recent years short sessions have been the exception rather than the rule, but the provision in the Standing Order to the effect that the carrying of the amendment "shall finally dispose of the Bill" places the matter beyond doubt.

Amendments of this kind are now rare and sometimes misunderstood to have a literal meaning (see SO 122).

[15] 3/12/1930, J.207.

[16] Amendment moved 15/4/1931, J.259; agreed to 23/4/1931, J.267.

[17] According to the first Report of the Select Committee on the advisability or otherwise of establishing standing committees of the Senate (PP No. S.1/1931), ministers regarded referral of a bill as a hostile move (see p xii).

[18] For an account of the evolution of the "dilatory amendment" in the United Kingdom, see Christopher Johnson, "Dilatory Amendments in the House of Lords", *The Table*, Vol. 76, 2008, pp 55–66. The procedure had evolved to its current form in both Houses of the UK Parliament by the 1830s whence it was adopted by the colonial assemblies and subsequently by both Houses of the Australian Parliament. The Lords has recently changed its procedure to provide for a more directly expressed method of finally defeating a bill.

ELECTION OF A NEW PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA

M K MANSURA
Secretary to the National Assembly of South Africa
FRANCOIS BASSON
Procedural Officer of the National Assembly of South Africa

Introduction

On 18 September 2008, the President of South Africa, Mr T M Mbeki, submitted his resignation to the National Assembly, seven months prior to the expiry of his term of office.

The President in the letter informed the National Assembly that the leadership of his political organisation, the African National Congress (ANC), had decided to recall him as President of the country, leading to his resignation.

To place the President's resignation in context, it is necessary to highlight that his political organisation, the ANC, had elected Mr J Zuma in December 2007 as the organisation's new president, thereby replacing Mr Mbeki who had sought a third term as party president. The latter intention, as well as other matters outlined below, led to considerable opposition to Mr Mbeki within the ruling party and he was thus replaced as president by Mr Zuma. That meant that two different persons occupied the positions of president of the ruling party and president of the country, leading to uncertainty and a measure of instability.

Of further note is that Mr Mbeki had in 2005 replaced Mr Zuma as Deputy President of South Africa after the latter was impugned to have had a corrupt relationship with his financial advisor who was convicted of fraud. Mr Zuma had, as a result of this conviction, also been charged with fraud, money laundering, racketeering and corruption in December 2007. It was at times suggested that Mr Mbeki had directly influenced the decision by the authorities to prosecute him in order to keep him from becoming President of the country.

Constitutional background

In terms of the South African Constitution, the President is elected by the National Assembly from amongst its members. If a vacancy occurs in the office of the President, the National Assembly must elect a new President within 30 days of the vacancy arising.

The election to fill a vacancy must be held at a time and on a date determined by the Chief Justice, or another judge designated by the Chief Justice.

As required, the Chief Justice was notified of the vacancy in the office of the President and he called a meeting of the National Assembly for 25 September 2008 for the purpose of electing a President for the country.

The Chief Justice determines the rules under which the elections take place, and accordingly, he presented detailed rules to the National Assembly with a request that they be distributed to members before the relevant sitting.

The rules dealt with:

- procedures for the meeting;
- duties of the presiding officer and those assisting the presiding officer;
- nomination of candidates;
- procedures for voting; and
- announcing the results of the election.

Election of new President

On 25 September 2008 the National Assembly convened with the Chief Justice taking the Chair. He announced that the purpose of the sitting was to elect a President for the country. Returning officers and assistant returning officers for such elections are appointed by the Chief Justice. The Secretary to Parliament is normally the Returning Officer and other officials of Parliament serve as assistants.

After the Chief Justice had called for nominations, two members, Mr K P Motlanthe of the ruling ANC and Mr W J Seremane of the Official Opposition, were duly nominated. Mr Seremane's nomination was largely symbolic as the ruling ANC held 73 per cent of the seats in the National Assembly.

More than one member having been nominated, the Chief Justice announced that a secret ballot would take place and suspended proceedings for preparation of the ballot papers. For the purposes of such an eventuality, arrangements were made in advance to have voting booths, ballot boxes and a list of members entitled to vote available.

Ballot papers were prepared as directed by the returning officer. The surnames of the two candidates were printed on the ballot paper in alphabetical order. Ballot papers were issued to members individually, upon their names being called, who then proceeded to voting booths in the chamber of the National Assembly, marked their papers and deposited them in ballot boxes. The ballot boxes were shown to be empty before voting, and then sealed on instruction from the Chief Justice after voting had finished. It should be noted that voting took place in the chamber in an open session. The public and the press were allowed to view the voting from the public gallery, while the secrecy of the ballot was nevertheless maintained.

The Chief Justice suspended proceedings to allow the votes to be counted. The returning officers removed the ballot boxes to a separate room where counting took place.

Upon the resumption of business, the Chief Justice announced the results of the ballot with Mr Motlanthe duly elected President of South Africa with 269 votes against 50 votes for Mr Seremane.

It should be noted that, in terms of the rules applicable to the election of the President issued by the Chief Justice, the Returning Officer was instructed to retain the nomination papers, the used ballot papers and their counterfoils in a sealed packet for a period of at least one year. The sealed packet may not be opened except by order of a court.

Election of Speaker and Deputy Speaker

The Speaker, with leave, announced that she had resigned as Speaker of the National Assembly with immediate effect. Her resignation was necessitated by her anticipated appointment as Deputy President of the country.

The Chief Justice took the Chair to preside over the election of the Speaker and called for nominations. Two members, Ms G L Mahlangu-Nkabinde of the majority party and Mrs C-S Botha of the Official Opposition, were duly nominated.

Their having been two nominations, the Chief Justice announced that a secret ballot would take place. He suspended proceedings, and after preparation of the ballot papers, the House proceeded to a secret ballot to elect the Speaker.

Identical voting and counting arrangements were made and followed, as was the case with the election of the President.

When proceedings resumed, the Chief Justice announced the results of the ballot and declared Ms Mahlangu-Nkabinde duly elected as Speaker of the National Assembly.

The Serjeant-at-Arms conducted the Speaker to the Chair whereafter she expressed the sense of honour conferred on her.

The Speaker previously held the office of Deputy Speaker and as a result a vacancy had occurred for a Deputy Speaker. The House therefore proceeded to elect a Deputy Speaker for the National Assembly.

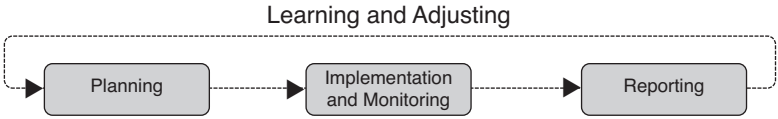
The Speaker called for nominations and Ms N C Madlala-Routledge of the majority party was duly nominated. There were no other nominations and the Speaker declared Ms Madlala-Routledge duly elected as Deputy Speaker of the National Assembly. The Deputy Speaker expressed the sense of honour conferred on her.

RESULTS-BASED MANAGEMENT IN THE PARLIAMENTARY ENVIRONMENT

PAUL C. BÉLISLE
*Clerk of the Senate and Clerk of the Parliaments**
JILL ANNE JOSEPH
Deputy Principal Clerk and Manager, Strategic Planning, Senate of Canada

Results-based management (RBM) has become widespread in Commonwealth countries in recent years. The value of engaging in this function is multiple, allowing institutions to streamline their activities, better allocate resources, improve services, and increase transparency and demonstrate results to their citizenry. The Senate Administration started to put RBM in place in 2004, and has made great strides in planning and performance management in years since. The challenges of RBM in a parliamentary milieu are many, but the rewards more than compensate. The commonalities between parliamentary environments and their objectives, however, are what should exact an increased sharing of planning experiences and methodologies.

The Senate Administration's strategic planning function has pursued RBM with performance monitoring for more than two years now. RBM is described by the Treasury Board of Canada's Secretariat as "a life-cycle approach to management that integrates strategy, people, resources, processes and measurements to improve decision-making, transparency, and accountability. The approach focuses on achieving outcomes, executing performance measurement, learning and changing, and reporting performance."[1]



Essential to this function then is agreement on the desired outcomes or results, followed by the employment of measurements on how successful an organization is in reaching them, i.e. performance measurement.

Canada's federal Parliament is in a privileged position insofar as the Senate

* Paul Bélisle retired as Clerk of the Senate and Clerk of the Parliaments on 15 September 2009.

[1] As defined by the Treasury Board Secretariat, graphic included, at http://www.tbs-sct.gc.ca/rma/rbm-gar_e.asp.

and the House of Commons are not subject to the rigours facing departments in their planning and performance reporting. This does not mean that parliamentary administrations do not follow suit. The Senate Administration has prepared an annual Strategic Plan since 2004 and produced its first Annual Performance Report in the fall of 2007. The first Performance Report contained 23 indicators on various areas of service and was a strong start for this new activity. The second Performance Report, issued in fall 2008, raised the bar, improving on some indicators and adding new ones, although other less useful ones should probably be culled in the next report. Like other organizations, the Senate Administration's experience is that the practice of performance measurement is a growth process.

In the interparliamentary community, we have heard fellow clerks say that managing strategically is impossible when working with parliamentarians. Busy managers often believe that, with operations demanding their full attention, there is no time for planning. Still others will argue that planning is something that capable managers do instinctively, without the need to discuss and document every step of the process. Planners would argue the opposite: volatile, busy, resource-challenged environments need performance-based planning most of all—to do the right things well the first time.

Planning, like anything, is an exercise that an institution must undertake with reasonable expectations regarding the benefits and outcomes. While performance measurement is likely to add value to the way institutions manage, it is not a panacea for all of the challenges they face.[2] Although designed to guide responsible decision-making, resistance to change, "small-p" political interests and even forceful personalities can hamper those decisions. RBM—truly an exercise in sustained incrementalism—should thus be developed to a level suitable to the size of the institution and to the value it adds, while affording sufficient resources to support the processes and activities that may ultimately result in precisely the added value sought.

The impetus for the exercise must come from the very top, namely the clerks or secretaries general in parliamentary administrations, with the backing of the governing body, which in the Senate is the Standing Committee on Internal Economy and Administration. The benefits are likely to be gradual and even questionable at first: would the same results not be achieved even without documenting projects in a business plan and reporting regularly on progress? Why should resource-strapped organizations dedicate their precious time to an exercise that may not bring perceivable results?

[2] Poister, Theodore H. (2003), *Measuring Performance in Public and Nonprofit Organizations* (p 19). Jossey-Bass, An Imprint of Wiley.

One encouraging statistic we have read states that in a survey of United States municipal managers using performance measurement, 37 per cent rated their performance frameworks as very effective for decision-making and strengthening management, while 57 per cent rated them as somewhat effective.[3] In other words, a full 94 per cent saw value in the exercise. Nonetheless, stories abound that risk management in the public service is not always robust; program evaluation, no matter how scathing the results, is often unable to kill bad programs or redirect resources to good ones; and successive rounds of strategic planning and performance reporting do not always improve the quality of service or management delivery. Performance measurement works best when an organization is clear about what it is measuring and why. But the public sector does not focus on the bottom line and there is often divergence about why it engages in certain activities. Without this clarity, it is difficult to engage in performance measurement successfully.

Central agencies are establishing standards and expectations for planning and performance reporting from which parliaments should not consider themselves exempt. This is particularly true given the lack of oversight of Parliament and the singular situation whereby the decision-makers are one and the same as the clients in need of service. Parliamentarians find themselves in a particularly sensitive position, given that they establish the resourcing levels for the very services from which they benefit, and demonstrating how these services improve the lives of citizens is often an indirect and imperfect task.

In the current environment of heightened accountability, many senior parliamentary administrators rightly feel compelled to live up to standards set for the public sector. Establishing a publicly accountable strategic management environment, however, requires patience and persistence. Some institutions—no doubt with good intentions—hire quick-fix consultants to design the glossy products of modern management that will show that they too are meeting the standard of "political correctness."[4] The difficulty with engaging in planning and reporting in this manner is that it can be artificial: the environment is likely not well understood and the targets set may be off. Such planning cannot produce good results nor sustain itself in the long- or perhaps even medium-term, because the expertise and inspiration have not been developed internally. Consultants can surely assist by writing a corporate plan with several outcomes and objectives for you, but they will not have the deeper understanding of your

[3] Poister, Theodore H. (2003), *Measuring Performance in Public and Nonprofit Organizations* (p 18). Jossey-Bass, An Imprint of Wiley.

[4] Schacter, M. (2006) *Trashing Results-Based Management or Throwing Out the Baby with the Bath Water.* Mark Schacter Consulting at www.schacterconsulting.com.

culture or business to facilitate the creation of a resilient planning cycle that meets the needs of your unique organization. A report on plans and priorities is an empty shell if is not linked to a detailed business plan with deliverables. Further, how do you report on the success of your core business delivery? What are your benchmarks and trends? Allowing outsiders to set the institution's objectives and reporting structure, without developing the internal capacity, will make it difficult to meet the objectives and to maintain these activities in future without continual assistance.

The best way to embark on strategic planning and performance reporting is to start small and to remain minimalist. The desired end product is not a mountain of carefully articulated ambiguity spilling from one page to the next.[5] Having the right tools and templates may facilitate execution, but the focus and buy-in must come from a dedicated communications and training program. Expertise must be developed internally, albeit with the assistance of outside experts, to ensure that whatever is put in place is legitimate and self-sustaining. Activities that are not assigned will not be maintained. Implementation of a planning function will not happen in a year, but over the course of three to five years an institution should be able to introduce a cycle that managers and employees understand; that facilitates the setting of priorities and the monitoring and reporting of performance; and that adds measurable value to management practices and program delivery with a minimal and comfortable level of effort.

Planning efforts should not exceed two to four per cent of a manager's working time, which over approximately 220 working days per year, translates to no more than four to eight days. At least two of those days (optionally divided up) should be dedicated to senior and middle management retreats, at which the setting of priorities, SWOT (strengths, weaknesses, opportunities and threats) scan, ranking of risks and other planning-related discussions should take place. A subsequent retreat within each business unit should also take at least half of the respective manager's day. The remainder of the four to eight days will be spent on occasional periods of time dedicated to the updating of business unit work plans, progress reports, documenting risks, tracking indicators and performance reporting. The time spent systematically engaging in these activities is likely to offset time that would otherwise be spent responding to *ad hoc* requests for information on management performance and backtracking on missed opportunities and failures. The increased transparency of documenting planning and management systematically according to a set cycle and always at the ready to report will demonstrate to the governing body that basic management functions are under control.

[5] Borrowed from the eloquence of James Lahey, Deputy Secretary to the Cabinet, Canada.

The foundation: mission, vision and values

Why do we exist? Where do we want to be? What do we need to change to get there? How do we change? What principles govern our daily actions? These basic questions set the solid foundation for everything else we do, how we set our plans and goals and measure success in reaching them. In surfing the internet and consulting other legislatures, we have seen that most parliamentary administrations acknowledge that they exist to support members in their role as legislators. Our visions likewise have a common theme: to achieve excellence in providing that support. The words vary, but the common premise remains the same and every employee, including the part-timer who empties the recycling at 4 am, should know the mission and vision, and that what he or she does contributes to our democratic institutions. The bigger picture energizes and brings pride to the smallest of tasks.[6]

An institution's values continually strengthen and renew the ethical environment, starting with the leadership. Values set the tone for daily actions and decisions and, while intrinsic, they should not be taken for granted. All employees should receive training to build conscious awareness of institutional values as they are continuously reinforced by management.

The planning cycle

To begin, the planning function must be assigned as a major responsibility to a specific senior manager. In many civil services, including Canada's and Britain's, there is currently pressure on institutions to employ "non-executive" directors. In the absence of this role, an institution may become dependent on outside consultants who will need time to understand your business, which may not be conducive to the permanence of the function. The non-executive directors are tasked with the functions described in this article and should generally be assigned at a senior level, to give the position credibility and because they should play a full role at the senior management table. The non-executive director or "planning facilitator" prepares the tools, templates and background material for each stage of the planning cycle and facilitates the execution of each stage.

The planning cycle has three main stages or functions over the course of a year: the setting of objectives; the measuring and monitoring of the work

[6] This evokes the story of the two men in a quarry. When asked what they are doing, the first, looking tired and downtrodden, answers that he is cutting stone, while the second, beaming with pride, answers, "Building a cathedral!"

performed; and the analysis of the performance results and subsequent performance reporting. This cycle, often referred to as performance-based planning or RBM, is perennial, as the areas that are identified for improvement at the end of each cycle inform how priorities are set in the next. Early in the process, priority setting may be more intuitive and primarily based on environmental scans, until performance monitoring and reporting become more robust.

Establishing a performance framework

While many management practices gain popularity only to be forgotten, performance measurement has endured for several decades and is at the core of RBM. In non-profit institutions, two factors tend to dominate the desire to measure and report on performance: (i) to increase accountability; and (ii) to inform decision-making and improve performance. These two motivations, however, are somewhat at odds. As much as an institution may be urged to honestly report poor performance, when it is not mandatory, there will be reluctance. Yet if we do not honestly measure and report on poor performance, we cannot identify the opportunities for improvement. To address this, an institution will want to ensure that it establishes valid and reliable performance measures, no matter how disappointing the findings, but ultimately may exercise some discretion in its reporting.

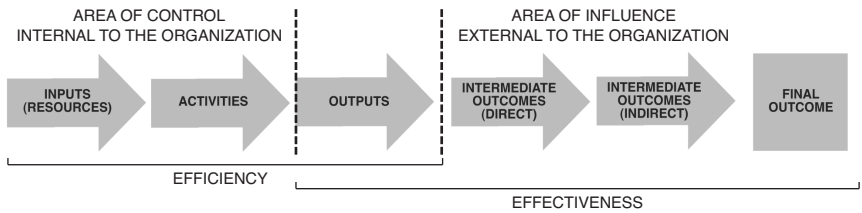
The design and implementation of a performance framework is the most challenging aspect of RBM. This function must be led by someone long familiar with the business of the organization who, at the same time, has been trained or is assisted on how to measure performance.

The foundations for performance frameworks in Canada's public service are called "Program Activity Architectures", which relate to institutional inventories of the programs (together with resource allocations) undertaken in their logical relationship to each other and to the strategic outcomes that they support. Performance-based planning relies on us to define our strategic outcomes: what are the ongoing goals for which we will always strive but never fully attain? Performance frameworks link all the activities of an organization to the outcomes that they support, and establish sound performance indicators for these activities that demonstrate the efficiency, effectiveness, economy and relevance of each. Measures are best when they are meaningful at face value without requiring a lot of interpretation. They become most useful when data collection is maintained consistently over time, so that an organization may analyze trends.

The development of an accurate logic model with strong outcome statements is the essential starting point for the performance framework. Fortunately, any parliamentary administration that is just embarking on performance measurement need not reinvent the wheel. There is a great deal of similarity between parliamentary administrations when they define their desired or strategic outcomes. Open sharing between legislatures should be intuitive as they establish and improve their planning regimes.

The logic behind outcome statements begins with the parties (the "who") defining our inputs or "how" we do something (financial, human and other resources to be used); the outputs or "what" we do and produce; and finally and most importantly the outcomes or the "why" we are doing this.

The Logic Model[7]



In its logic model, the Senate Administration determined that it has only one strategic outcome that it must support unfailingly:

> To provide the best possible environment for senators to effectively contribute to federal legislation and public policy issues in the best interests of all Canadians.

The program activities that support this outcome are support to the chamber and committees; support to individual senators and their offices; and administrative services. These activities are further broken down into sub-activities and sub-sub-activities with performance indicators for each.

It would seem that everything else that we do, with some degree of argument, is designed to foster an environment that promotes that single strategic outcome. Other outcomes have thus been identified within the performance framework as intermediate, playing a supporting role to this one strategic outcome. In order to support senators to make that effective contribution, the Senate Administration must:

[7] Graphic adapted by BMB Consulting from Treasury Board Secretariat at http://publiservice.tbs-sct.gc.ca/eval/tools_outils/RBM_GAR_cour/Enh/module_02/module_0214_e.asp.

- provide quality advice, products and processes that support legislative and policy issue decision-making;
- act as effective stewards of parliamentary traditions;
- provide advice, products and processes that support bilateral and multilateral relationships;
- promote an informed citizenry with respect to the Senate and its work;
- provide sound management with the best use of resources;
- provide a safe, secure and accessible environment; and
- maintain a representative, well-trained and productive workforce.[8]

Many legislatures could likely test these outcomes and find that, with some adaptation, they would serve them as well. Visiting websites, we noted that the Department of the Legislative Council of New South Wales has set corporate goals as part of its mission that closely relate to the Senate Administration's outcome statements:

- provide the procedural support, advice and research necessary for the effective functioning of both Houses;
- provide services which support Members of Parliament in their electoral and constituency duties;
- provide effective and professional administrative support and services to Members of Parliament and to other client groups and monitor reporting mechanisms;
- provide a safe and healthy working environment in which Members of Parliament and staff can reach their maximum productivity;
- promote public awareness of the purpose, function and work of the Parliament; and
- maintain and enhance functionality and heritage value of the Legislative Council chamber, Members' Room, Portico and Vestibule areas.[9]

The House of Commons Commission at Westminster also has a model that fits neatly with the Senate's. Their three primary objectives (strategic outcomes) are identified as: (i) to provide the advice and services that enable the House and its committees to conduct their business effectively; (ii) to provide the advice and services that enable individual members (and their staff) to perform their parliamentary duties effectively; and (iii) promoting public knowledge and understanding of the work and role of Parliament through the provision of information and services.

[8] See Appendix A for the *Senate Administration Results Framework*.

[9] Extract from the Mission Statement of the New South Wales Legislative Council, at http://www.parliament.nsw.gov.au/prod/web/common.nsf/key/LCCorporateMission

In turn, the House of Commons Commission then reports performance on the following six "supporting tasks":

- To provide a skilled and motivated workforce; giving recognition and reward for achievement and ensuring that all staff realise their full potential regardless of level or background; and promoting diversity.
- To promote a healthy, safe and secure physical environment in which the business of the House can be effectively conducted; this includes accommodation, office services, catering and security.
- To plan and manage all of the House's resources to a high standard, achieving value for money and matching current public service standards including in the areas of risk and change management and environmental protection.
- To maintain the heritage and integrity of the Palace of Westminster and other buildings, objects and documents for the benefit of future generations.
- To ensure that information is well-managed in pursuit of the primary objectives by exploiting technology effectively.
- To maintain a good working relationship with the House of Lords, particularly in the provision of shared services, share information and best practice with other parliaments and assemblies, and co-operate with other organisations that can assist the House service in its work.[10]

These examples demonstrate that, working in isolation from one another, three parliamentary assemblies reached largely the same conclusions about what must be accomplished and, therefore, what must be measured.

Once the logic model is defined, activities should be reviewed and mapped to link into the model. Many activities span more than one directorate at their various production stages, such as the publication of Hansard. What critical measures are currently maintained to ensure accurate and timely production? Who are the end users and are they receiving the publication in their preferred format? Have cost-effectiveness measures been incorporated to support the chosen production method? Are measures missing? How can multiple measures be rolled up into a single or composite indicator to illustrate performance? Best efforts should be made to go beyond reporting activity levels or outputs. Quantitative measures are certainly useful to demonstrate productivity or to justify resource increases, but they do not validate the effectiveness of what an organization does.

The main challenge in the parliamentary environment is to link performance

[10] *House of Commons Corporate Business Plan 2008*, United Kingdom, at http://www.publications.parliament.uk/pa/cm200708/cmselect/cmcomm/710/710.pdf

measures to final or strategic outcomes. In the Senate's context, management must endeavour to measure whether or not the Administration has enabled "the best possible environment for senators to effectively contribute to Canadian legislation and policy issues." However, the Senate Administration has not set for itself the task of measuring whether or not the senators' contribution to Canadian legislative and policy issues itself has been effective, as this falls outside of its area of responsibility. The supporting outcomes establish the elements that will create the best possible environment, and this is where performance measurements focus. Production-oriented activities with tangible deliverables can be straightforward, but the less tangible deliverables such as quality legislative drafting can be much more difficult to measure, and causal linkages to the outcomes can be elusive as well.[11] So the effectiveness of what an institution does is often best captured through client surveys. To be useful, surveys should be well-designed, concise, coordinated at the institutional level and issued yearly.

The Canadian federal government's Program Activity Architecture can be divided into four activity categories needed for the delivery of core or ongoing business: program delivery, management, support activities and corporate or internal services (e.g. finance, human resources, information technology, legal, audit, security).[12] The federal government's Treasury Board of Canada, Secretariat (TBS), has produced a variety of generic indicators to assist in assessing the latter three categories. Since 2004, TBS has used the Management Accountability Framework (MAF), which provides a set of self-assessment criteria under standardized indicators, to measure management performance and improvement. Some of these tools are proving useful to the Senate Administration, particularly the MAF (see below, under *Improving management capacity*).

Interestingly, engaging actively in performance measurement should bring some immediate benefits: the setting of standards and targets within performance indicators tends to establish a bar that employees and managers alike want to meet; in other words, engaging in performance measurement tends to improve performance immediately, provided that you are measuring the right things. The identification of missing measures also builds awareness about what else is needed to do the job right.

While the performance framework and the MAF keep us accountable on the core business delivery or ongoing agenda, performance on the strategic

[11] Poister, Theodore H. (2003), *Measuring Performance in Public and Nonprofit Organizations* (p 19). Jossey-Bass, An Imprint of Wiley.

[12] Harrison, J. (December 2004/January 2005), Connecting the Dots: Implementing an Integrated Management Environment (p 22), *Canadian Government Executive Magazine*.

plan or change agenda is monitored and reported through individual directorate business plans. Strategic initiatives are captured in the business plans since, as new activities or projects, they will not have identified useful performance measurements that have been kept over a period of time. Success on change initiatives is monitored through periodic progress reports incorporated right into the business plan template (an Excel spreadsheet works well) and may include a dashboard to show whether targeted milestones have been met fully, partially or not at all. The end-of-year progress report on each business plan should mirror the contents of the responsible manager's performance agreement or appraisal on strategic initiatives.

Improving management capacity

In assessing overall performance, processes at the highest levels of management should not be left unaccounted for. Many tools exist for measuring and monitoring management capacity and for subsequent capacity-building. In Canada's federal Public Service, the TBS has devised the MAF to assist with self-assessments of management capacity. The MAF is structured around 10 key elements[13] that collectively define "management" and establish the expectations for the good management of a department or agency.[14] Canada's TBS site provides self-assessment criteria categorized into 21 indicators that facilitate the task of identifying which management areas may require improvement.

The Senate Administration has been using an adapted version of this framework to improve its management practices. The results have been very positive, including the introduction of the Statement of Values and Ethics of the Senate Administration, the development of an annual performance report for the Administration, and the integration of risk management into its planning and projects. Annual self-assessments are conducive to measuring progress and continually refreshing the management improvement agenda.

Setting priorities: the strategic plan

Many managers actively monitor the trends in business and other institutions to benchmark internal services and processes and to inspire improved delivery. Often, the projects that they propose entail new capital and human resources.

[13] These elements are "Governance and Strategic Direction; Public Service Values; Learning, Innovation and Change Management; Policy and Programs; Risk Management; People; Stewardship; Citizen-focussed Service; Accountability; and Results and Performance."

[14] The MAF as explained by the Treasury Board Secretariat at http://www.tbs-sct.gc.ca/maf-crg/index_e.asp.

Their wish lists must be prioritized within the context of the goals of the broader organization and hard choices must often be made to set funding priorities. The development of a sound strategic plan, with integrated human resource, financial and IT planning, will respond to this need.

In Canada, the TBS requires a three-year plan from its public sector departments and agencies. The Senate likewise develops its strategic plan over a three-year cycle. The potential priorities for the strategic plan are drawn methodically from several sources: the annual MAF self-assessment of management capacity; the risk management profile and inventory; the annual performance report, wherever remedial actions have been recommended; and the environmental scan. Only a few of the weaknesses may identify true change or strategic initiatives; others will represent internal adjustments to the way core business is delivered and will be addressed in unit business plans.

The strategic plan itself is broken into major priorities or objectives (generally no more than four). These overarching themes set the direction for the duration of the three-year cycle and, under each, specific initiatives or deliverables are outlined. These time-bound, assigned deliverables should target the fiscal year to come, but may spill over or be completed in a shorter time. While a long view is taken in establishing and funding priorities, the strategic plan must be dynamic, with built-in opportunities for adjustment both in-year and prior to each fiscal year, to ensure that you continue to address the right priorities and initiatives to achieve your goals.

While the strategic plan is the inspiration behind the change activities identified in the unit business plans (and the rolled-up corporate plan), core business activities must also be included. While affordability is the first test, the second is achievability: an organization should limit its change initiatives to no more then what it can successfully achieve without compromising core business delivery.[15]

Reporting progress: accountability

The corporate plan containing the strategic initiatives and the core business deliverables represent the performance commitments for executives, and for the organization itself, at the end of each fiscal year. The end-of-year performance report should cover two sets of deliverables: those set out in the strategic plan; and the targets and standards identified in the performance measurement framework. The former, representing change initiatives, will not have perform-

[15] Harrison, J. (April/May 2005), Connecting the Dots: Implementing an Integrated Management Environment (p 24), *Canadian Government Executive Magazine*.

ance measures in place. Therefore, the supporting business plans should provide enough detail on the resources required, phased delivery dates and milestones, to allow accountability as the year progresses and ends. The latter deliverables are designed to measure core business performance over the year, in comparison with previous year trends and external benchmarks. Each deliverable should identify inputs (resources) and whether these were on target, or over- or under-projected.

The Senate has put several useful tools in place to set its plans, monitor progress and report. At the business unit level, Excel spreadsheets are used to detail change and ongoing activities with deliverables, progress columns and integrated planning columns. The spreadsheet for the change activities is slightly more detailed, in that it provides a column to note which initiative in the strategic plan each activity supports, as well as a dashboard next to the deliverables column to show whether progress has not begun, is lagging, or is on schedule (red-yellow-green). Page two of the spreadsheet provides for the financial information. The information in the final progress reports for the fiscal year must concord with the final contents of the directors' and managers' performance agreements for the year. Other tools that facilitate performance data collection include the risk inventory, performance monitoring templates and MAF self-assessment templates. All of these are used to build the strategic plan, monitor progress and, finally, report on performance, thus promoting accountability.

Conclusion

The establishment of a useful RBM regime requires commitment and perseverance from the highest levels of a legislature, although it should not be costly or complex. It does require training and time to set up and implement effectively. Parliamentarians are well used to holding government departments and agencies to account for the public funds entrusted to them. There is a moral obligation for their own support structures to do no less than follow suit in disclosing how parliamentary administrations use resources to deliver what parliamentarians, their principal clients, need.

The challenge of implementing RBM, when well-led with patience and purpose, is an exciting one on which to embark for management and employees alike, bringing new self-awareness, building solidarity, inculcating vision and direction, and resulting in measurable improvements. Parliamentary administrations that are benefiting from such modern management practices should share their positive experiences and facilitate progress in the community as a whole.

MISCELLANEOUS NOTES

AUSTRALIA

House of Representatives

Amalgamation of Committees of Privileges and Members' Interests

At the commencement of the 42nd Parliament in early 2008 the House amalgamated the two committees which were responsible for privileges and members' interests respectively to form the Committee of Privileges and Members' Interests. The Committee is now responsible for investigating and reporting on matters of privilege as well as oversighting arrangements for the registration of members' interests.

The Committee of Privileges and Members' Interests has issued a discussion paper on proposed procedures for the Committee to ensure that there is natural justice and procedural fairness for those who may be involved in the Committee's processes.

The discussion paper follows a review of procedures which the Committee had adopted informally since 2002. The review included seeking the views of two leading academics in the field of parliamentary privilege—Professor Geoffrey Lindell and Professor Gerard Carney.

Following the receipt of comments on the proposed procedures, the Committee proposes to report to the House and make a recommendation for the formal adoption of the procedures by resolution of the House.

A copy of the discussion paper can be found at: http://www.aph.gov.au/house/committee/pmi/reports/Final%20Review%20of%20Procedures%20Report.pdf

Failure to pass tariff validation bills

On 18 March 2009, the Senate rejected two bills aimed at validating increases in duty applying to certain excisable beverages. The beverages are known as "alcopops" because they are sweet-tasting and considered to be favoured by young people. Pursuant to customs and excise legislation, the increases in duty had initially been effected by means of tariff proposals, motions to vary the customs and excise tariffs, that had been moved in the House of Representatives on 13 May 2008. Collection of duty at the higher rate had commenced from 27 April 2008 and was able to continue until

13 May 2009, pending passage of validating legislation.[1]

It appears that there have only been two occasions recently when a tariff proposal has not been routinely validated by subsequent legislation. In 2001, two tariff bills, as passed, validated a certain increase in the excise tariff for a limited period only (1 July 2000 to 3 April 2001), following opposition in the Senate.[2] In 2003, the Senate deferred consideration of two tariff bills pending the production of documents required under Senate orders. The bills were not passed until the following year, after the documents had been tabled.[3] More distantly, the Customs Tariff Act 1908 did not adopt all the measures under the proposed Tariff—a comprehensive instrument—which had been moved in the House of Representatives on 8 August 1907.[4] Recovery of the additional duties paid but not enacted was prevented under the Customs Tariff Act 1908 and upheld by the High Court in *Sargood Brothers* v *Commonwealth*.[5]

What have been the implications of the Parliament's rejection of the alcopops validation legislation? First, notwithstanding the rejection, collection of duties and excise at the higher rate has continued. The ongoing collection has been subject to challenge in the Federal Court in *Suntory (Aust) Pty Ltd* v *Commissioner of Taxation*.[6] On 3 April 2009, Suntory disputed liability for excise duties and on 15 April 2009 a single judge of the Federal Court stayed proceedings until midnight 13 May 2009, the time of expiration of the period of tariff alteration. Jagot J's view was that the timing of "Suntory's application … impermissibly calls for the Court to attempt to second guess what might occur in Parliament before midnight on 13 May 2009."[7] Suntory has appealed to the full Federal Court, but a date for the hearing has not yet been set.

Second, the Government has announced that it would do three things.[8] [9] It would:

[1] The tariff proposals had been preceded by notices of intention to propose customs and excise tariff alterations published in the government Gazette of 26 April 2008. The notices stated that the alterations operated on and from 27 April 2008. This mechanism enables governments to alter tariff rates independently of sittings of the House of Representatives.

[2] Parliamentary Library, *Bills Digest*, 3 March 2009, nos 100–01, 2008–09, p 26.

[3] Odgers, J R *Australian Senate Practice*, 12th edition, Department of the Senate, Canberra, 2008, p 302.

[4] Castles, A C & Reid, G S "Taxation by parliamentary resolution – a case for an Australian Provisional Collection of Taxes Act" (1961) 35 *Australian Law Journal*, 74–80.

[5] [1910] HCA 45.

[6] [2009] FCA 38.

[7] [2009] FCA 38 at paragraph 22.

[8] The announcement was on 15 April 2009, the same day as the Federal Court order.

[9] Joint Press Conference, the Hon Wayne Swan, MP, Treasurer and the Hon Nicola Roxon, MP, Minister for Health, Parliament House, Canberra, 15 April 2009.

- introduce legislation to validate the additional revenue collected between 27 April 2008 and 13 May 2009. The House of Representatives was next due to sit on 12 May 2009,[10] and the legislation would need to be enacted by the next day;
- introduce a new tariff proposal with effect from 14 May 2009, to ensure that the increased duty continues; and
- introduce legislation confirming the measure in the same session of Parliament.

The nature of the confirming legislation has attracted media interest as a potential "trigger" under section 57 of the Constitution for dissolution of both Houses of the Parliament. In general terms, for the "trigger" to be effective it would require the new bills to be identical to those previously rejected and to be rejected again by the Senate.

Although the reintroduction of the tariff proposal has attracted little commentary, such a "rolling proposal"[11] would certainly represent "an inroad on the taxing powers of the Commonwealth Parliament".[12] Amendment of the customs and excise legislation to prevent or delay reintroduction of tariff proposals in such circumstances would be possible, but is unlikely to be favoured by governments.

Senate

Equally divided votes

A prominent feature of the Senate's sittings was the fate of government legislation being determined by equally divided votes in the Senate. Under the Australian Constitution, when votes on a question are equally divided in the Senate, the question is determined in the negative. The President has a deliberative but not a casting vote, the effect of this provision being to preserve the equality of all senators. Votes on particular bills drew attention to the situation of the government elected in 2007 having to secure the support of all of the minor party and independent senators in order to form a majority; the loss of only one of those senators, when the opposition parties vote against legislation, generally means that the legislation is lost, but the position is complicated in the circumstance of disagreements with the government over amendments.

A controversial bill to regulate donations to political parties was negatived

[10] The Government has contended that the additional revenue already collected could not be retained without legislation. The Opposition has stated that it would not oppose such a bill.

[11] Parliamentary Library, *Bills Digest*, op cit, p 27.

[12] Castles & Reid, 1961, p 80.

at the second reading by equally divided votes in spite of the government promising various amendments to overcome resistance. The support of one independent senator was not secured by the promised amendments.

Legislation to validate an increase in tax imposed on ready-mixed drinks ("alcopops"), the tax having been collected for almost a year before the validating legislation was presented (see below), suffered a similar fate but in more complicated circumstances. Amendments were passed providing for the validation of only the tax collected up to that time, and an amendment to the motion for the second reading called on the government to adopt measures to alleviate the problem of binge drinking. The government rejected the amendments in the House of Representatives, but provided undertakings about such measures to be adopted. Again, one independent senator was not satisfied. The motion that the amendments not be pressed by the Senate was the subject of equally divided votes. The effect of this was that the amendments were lost; the basis of this rule is that, as they required a majority to be passed in the first instance, the lack of a majority to insist upon them meant that they no longer had majority support. Then the bills were rejected at the third reading. This also resulted from equally divided votes in effect. At the first attempt the motion for the third reading was passed by one vote because an opposition senator was accidentally absent. In accordance with the long-established principle that decisions of the Senate should not be taken by misadventure, the vote was taken again by leave, and on this occasion the question was negatived by one vote, because a government senator was accidentally absent. As taking the vote again would not have affected the result because the votes would have been equally divided and therefore the question negatived, the second vote was allowed to stand. An amendment was added to the motion for the adoption of the report of the committee of the whole indicating that, if the government presented a bill to validate the tax so far collected, the majority of the Senate would look favourably on such a bill. When this resolution was sent to the House by message, the government ignored it. The option of a limited validating bill remained open to the government at the time of writing.

A major piece of legislation was the government's Fair Work Bill, a huge document designed to reshape the workplace relations system. It was passed by the Senate with many amendments, mostly government amendments designed to secure support for the bill, including amendments arising from the inquiry by the Education, Employment and Workplace Relations Committee. The government rejected in the House a small number of amendments, mainly relating to the classification of small businesses. In the Senate the motion not to insist on those amendments was negatived by equally divided votes, with the effect that the amendments were lost. The bill then

passed without the disputed amendments. The opponents of the bill had the option of rejecting the bill outright, but this option was not taken.

Retrospective tax legislation

Over many years governments have developed a habit of imposing taxes from the time when they are announced and validating their collection by subsequent legislation. Provisions in the customs and excise legislation authorise the collection of customs and excise tariffs from the time of announcement for 12 months before the legislation is passed, by barring legal action against the collection during that period. The difficulties that would arise if the Senate rejected the validating legislation had not until recently arisen in practice but had been in prospect on some occasions.

The problem arose again in relation to the government's proposed tax increases on ready-made mixed drinks ("alcopops"). Before the legislation had been presented, the Senate passed a motion on the initiative of the Greens expressing opposition to the tax increases in the absence of a more comprehensive plan to deal with alcohol abuse. The government waited until the time for validating the tax increases had almost expired before bringing the bills to the Senate, and then attempted to gain the support of the minor parties and independent senators by giving undertakings as to the expenditure of the funds raised. These undertakings were ultimately not successful, and the bills were rejected at the third reading. This means that the tax increases, amounting to many millions of dollars, have been collected without legislative authority. There was much speculation about what the government would do to try to get the Senate to validate at least the tax already collected, if not the future application of the tax. At the time of writing the matter remained unresolved.

Committees' scrutiny of legislation

Apart from the Fair Work Bill, Senate committees scored some notable successes in their scrutiny of legislation.

The Telecommunications (Interception and Access) Amendment Bill 2008, which expanded the power of intelligence and law enforcement agencies to gain access to telecommunications, was the subject of government amendments reflecting the report of the Legal and Constitutional Affairs Committee on the bill.

Similarly, the government's legislation to establish a national broadband network, the Telecommunications Legislation Amendment (National Broadband Network) Bill, was amended to reflect issues raised in the inquiry into the Bill by the Environment, Communications and the Arts Committee.

Two distantly related government bills, the Family Law Amendment (De Facto Financial Matters and Other Measures) Bill 2008, and the Same-Sex Relationships (Equal Treatment in Commonwealth Laws—Superannuation) Bill 2008, were each the subject of large numbers of government amendments, partly reflecting scrutiny of the bills by the Legal and Constitutional Affairs Committee.

Amendments made to bills as a result of comments by the Scrutiny of Bills Committee are often not explicitly attributed to the Committee's work, particularly when such amendments are moved by the government in the House of Representatives. Knowledge of the effectiveness of the Committee depends on the Committee drawing attention to such amendments itself. An exception occurred in relation to a package of offshore petroleum bills, when the government acknowledged that the amendments were based on the comments of the Committee.

Much time was spent on the legislation to remove discrimination against same-sex couples, and over 100 amendments were made to one of the bills, many arising from scrutiny by the Legal and Constitutional Affairs Committee. These amendments were eventually the subject of compromise with the government. Similarly, government amendments to the National Rental Affordability legislation arose from committee scrutiny.

Stimulus package: bicameralism recalled

As with other governments around the world, the Australian government attempted to avoid the consequences of the global financial crisis by engaging in special expenditures in an attempt to maintain demand in the economy and thereby avoid increases in unemployment. A considerable amount of parliamentary time was therefore dominated by the government's $42 billion economic stimulus package of legislation, whereby the government attempted to cope with the crisis.

The government wanted the legislation passed at once, but all non-government parties in the Senate combined to refer the package to the Finance and Public Administration and Community Affairs Committees for hearings, before the bills were received by the Senate. The committees held hearings at which the Secretary of the Treasury, other officials, economists and other witnesses were heard, and presented reports five days later. The bills were rushed through the House of Representatives to provide the maximum time for their consideration in the Senate. The opposition having decided to vote against the package as a whole, the government had to secure the support of the parties and independent senators to have the bills passed, and all of those senators

were critical of aspects of the package. Amendments were made to two of the bills in relation to tax bonuses to be paid to taxpayers, in an attempt to secure the necessary support. Other undertakings about the expenditure of the money were given, but one of the independent senators was not satisfied in relation to expenditure on the Murray Darling Basin and as a result the bills were negatived at the third reading.

New bills, incorporating the amendments made in the Senate, were rushed through the House of Representatives overnight while further negotiations were undertaken (the government could have sought to revive the original bills in the Senate and resume consideration of them at any stage). Further undertakings having secured the necessary support, the bills were finally passed.

In the course of debate, it was claimed by non-government senators that the government had not understood the process of taking legislation through the Senate. This is a complaint which has frequently been made over many years by senators about their House of Representatives colleagues. The episode of these bills, it was also said in debate, should provide a reminder of Senate processes.

Government votes against its own bill

The spectacle of the government voting against the third reading of its own bill was provided by a bill which was extensively amended, and the amendments were unacceptable to the government. The bill was passed by the votes of the non-government parties, with the government opposing its passage. The government then shelved the bill in the House of Representatives.

Deadline for receipt of bills

The standing orders of the Senate impose a deadline on the introduction of government bills and the receipt of government bills from the House of Representatives. If bills are not introduced within specified times in the course of a period of sittings, they are automatically adjourned to the next period of sittings. Particular bills may, however, be exempted from this deadline by a vote of the Senate. It is not often nowadays that the Senate refuses a government request to exempt bills from the deadline, but a significant occasion of this occurred in March 2009 when exemption was refused for the legislation whereby the government would join with the major banks to guarantee investment in construction projects. Although the government claimed that the legislation was urgent because of the possibility of the collapse of projects, some senators believed that the bill should be more carefully considered because of the huge sums of money involved in the proposed guarantees.

Continuing orders for documents

Two continuing orders for documents were passed by the Senate in June 2008, one relating to government appointments and the other to grants by departments and agencies. The orders are linked to the estimates hearings, and require the information to be presented at least seven days before each round of hearings. The government has complied with the orders.

Orders for production of documents to committees

The Select Committee on Fuel and Energy had been pursuing information on the Treasury modelling used for the government's Carbon Pollution Reduction Scheme. The information having been refused to the Committee, an order for the information was passed in the Senate. A statement by the government claimed commercial confidentiality as a reason for refusing the information, stating that "commercial harm" would be done by disclosure. This statement did not fulfil the requirements of an order of the Senate of 2003 relating to claims of commercial confidentiality; that order indicates that the nature of the commercial harm that is claimed should be specified. The government made a further statement, indicating that the information required was of commercial value to Treasury's consultants, and that disclosure of the information would undermine that commercial value. The Select Committee responded to this statement with a proposed order for documents of an unusual nature. The proposed order would have required the information to be produced to the Select Committee and its consultant on a confidential basis. There are several precedents in the Senate for this kind of order, but the proposed order would also have authorised the Committee to make the information available to other consultants appointed by party leaders or independent senators, also on a confidential basis, and would have allowed the Committee to refer to the information in the Committee's report. This proposal was rejected by the Senate so that, in effect, the government's claim of commercial confidentiality, as further expounded, was successful at that stage.

A revised version of the motion requiring the production to the Select Committee of the documents was passed after the Committee produced letters from the universities which participated in the modelling, indicating that, contrary to the government's claim of commercial confidentiality, they had no objection to the production of the documents in response to the order. This satisfied a majority of the Senate that the documents should be produced. The government, however, again refused to provide the documents. A further letter from a university was tabled, reiterating that the university had

no objection to the production of the material. The government again refused to produce the information. At the time of writing, the Select Committee was contemplating its next move in the Senate to compel the government to produce the required documents. The Committee also gave notice of a motion designed to set out the processes whereby claims of public interest immunity should be made before Senate committees. This motion was listed for consideration in the budget sittings in May 2009.

Excuses, excuses

Public servants reluctant to answer questions in Senate committee hearings have long attempted to make use of two excuses which the Senate has never accepted as proper grounds for claims of public interest immunity. One is the assertion that advice to government should never be made public, and the other is that a previous decision by government not to publish material provides a reason for not giving it to a Senate committee.

The frequently-made claim that advice is never disclosed was undermined by equally frequent examples of government disclosing advice when it suited its purpose to do so. There was a lengthy discussion of this contradiction in the estimates hearings in 2008 with the Secretary of the Attorney-General's Department. The Secretary produced a letter from the Secretary of the Department of Prime Minister and Cabinet, setting out "instructions" on the matter, which in effect simply indicated that advice is disclosed when government chooses to do so. This at least had the virtue of establishing that there is no immutable principle involved. Departmental officers appear to be coming to a realisation that there is not an absolute ban on the provision of advice of any kind, and that any claims of public interest immunity should be made only by ministers.

For some time some departments, especially the Treasury, have been attempting to use as an excuse for not producing information to the Senate and its committees the statement that the information is "not published" or "not publicly available". It has frequently been pointed out that this is a nonsense excuse, as by definition inquiries by the Senate and its committees are in pursuit of unpublished information, and there would be little point in inquiries asking for information already published. An order for documents by the Senate in February 2009 included a provision repudiating this excuse. The order followed the refusal by government to disclose information about collections from the tax on "alcopops", which was levied the 2008 budget. The order required the production of the relevant figures. Some information was eventually produced.

Waste of public funds

Perhaps the prize for the most misconceived expenditure of public funds, revealed during Senate estimates hearings, should be awarded to the officer of the Civil Aviation Safety Authority who indicated that he had sought internal and external legal advice on the question of whether his previous evidence was misleading. The question of whether his evidence was misleading was not a question of law and could be determined only by the Senate. This revelation came in the context of extensive questioning of the officer about the criticisms of the authority in the findings of coroners about aircraft accidents. The relevant committee indicated an intention to pursue further inquiries into the authority under the committee's general reference concerning the performance of departments and agencies.

Select committees: participating members

In 2008 and early 2009 the Senate appointed six select committees to inquire into matters of great public interest, such as climate change and fuel and energy policy. These committees were appointed mainly because the non-government majority in the Senate wished to make specific membership provisions to ensure that the committees reflected the new composition of the Senate following the 2007 general election. The resolutions of appointment applied to the committees the provisions relating to the appointment of participating members which apply to the legislative and general purposes standing committees. These provisions allow for the Senate to appoint to the committees senators who have all the rights of full members of the committees except the right to vote. Senators with an interest in particular inquiries are thereby able to participate in those inquiries without being full members of the committees.

New South Wales Legislative Assembly

Recall of the House

Following a request from the Government the Speaker recalled the House on 28 August 2008 in accordance with Standing Order 47. The House had previously been adjourned until 23 September 2008. The Parliament was recalled to consider legislation to privatise the electricity industry.

The Premier had previously introduced legislation to privatise the electricity industry in June 2008. However, a new bill was introduced by the Treasurer in the Legislative Council when the Parliament was recalled. The Government's

decision to introduce the legislation into the Legislative Council first was, in part, due to the fact that a number of members supporting the Government had publicly declared they would not be supporting the bill and as such it was unclear whether the Government would have the numbers to pass the legislation in the Legislative Assembly. The new bill was stalled in the Legislative Council when debate was adjourned by the Government after it became clear that the Opposition and cross-bench would not be supporting the legislation. Accordingly, the legislation was never introduced into the Legislative Assembly.

The failure of the Government to pass its legislation culminated in the resignation of the Premier, the Hon. Morris Iemma MP and the Treasurer, the Hon. Michael Costa MLC. The Hon. Nathan Rees MP was subsequently elected by his Labor Party colleagues as the new Premier and was sworn in on Friday 5 September 2008.

When resigning the Treasurer held a media conference and revealed that the State's financial position was worse than had been previously acknowledged. This raised serious concerns about the proposed Government expenditure as set out in the 2008/09 Budget.

Changes in the administration of members' entitlements and transfer of functions from the Legislative Assembly to Department of Parliamentary Services

During the year the Presiding Officers agreed to an external review of the administration of members' entitlements. The recommendations made in the review were accepted by the Presiding Officers in November 2008.

Previously the administration of members' entitlements was undertaken by the respective House Department. Members had raised issues such as different interpretation of entitlements between the two Departments, delays in reimbursement and payment of accounts, cumbersome and bureaucratic forms and processes, onerous checking and compliance standards and lack of flexibility in use of the entitlements.

The review focused on accountability, risk assessments, duplication of services and recommended, amongst other things, that one centralised section be responsible for the administration of members' entitlements for all New South Wales members. This function has been transferred to the newly created Department of Parliamentary Services through the Office of the Financial Controller.

When the new system is implemented, members will make declarations that goods and services purchased are for their parliamentary duties and there is

less compliance checking at the time of processing. However, both the internal and external audit programs have been enhanced in order to identify areas of risk and compliance issues. An internal audit program has been introduced to audit the entitlement administration of 25 per cent of members each year.

Another recommendation was the transfer of human resources functions from the House Departments to a single joint function in the Department of Parliamentary Services.

Effective from 5 January 2009, two Members' Services staff and five human resource positions were transferred to the Department of Parliamentary Services. As there is no duplication in the management of the electorate offices property and facilities this function has remained with the Legislative Assembly.

Following on the from the creation of the Department of Parliamentary Services in 2008 and the transfer of the above functions, the Legislative Assembly has undertaken to review its structure and resources. The Legislative Assembly now has three offices, the Procedure and Chamber Services (including Chamber and Support Services staff), Committees and the Office of the Clerk.

"Family friendly" sitting hours

New standing orders for the Legislative Assembly were adopted on 21 November 2006 and came into force from the commencement of the 54th Parliament in May 2007. Subsequent to this, so-called "family friendly" sitting hours were adopted by the House by way of sessional orders. These sessional orders were drafted under the requirement that the period available for the conduct of government business not be diminished.

It was always expected that the closer the House got to the end of the sittings, the greater the likelihood would be that the family friendly hours would be suspended to facilitate the conduct of government business. This occurred on 3 June 2008, when the sessional orders were suspended to provide for a different regime on Tuesdays and Wednesdays for the remainder of the autumn sittings (six days in total). There was also some flexibility built into Thursdays if there was a need to conduct government business on what is, by and large, a private members' business day. Just to make absolutely sure that there would be adequate time, matters of public importance were cancelled altogether. A dinner break was also formally factored into the routine of business on Tuesdays and Wednesdays—the first time that the House has actually recognised this break in sittings.

Debate on committee reports

As described above, the adoption of family friendly sitting hours resulted in a reorganising of certain items in the routine of business. One of the consequences has been the revival of the debate to take note of reports from committees. This was a result of the take note debates being moved from the previous time of 1 pm on Thursdays to Fridays after the conclusion of government business and prior to taking private members' statements with a dedicated 30 minute slot between 1 and 1.30 pm in the new sessional orders.

Previously, on Thursdays the presiding officer would leave the Chair at 1 pm for lunch before the calling on the order of the day (for committee reports). When the House resumed at 2.15 pm business would pick up the routine leading into Question Time. The last occasion on which the House considered committee reports was Thursday 16 October 2003. Thus for almost the entire previous Parliament the opportunity was not provided to take note of the more than 100 reports that had accumulated from the various committees.

Friday 7 March 2008 was the first occasion that the new provisions become operative. There had already been a build up of a number of committee reports tabled in the first 10 months of the current Parliament. Needless to say with the lack of time and the pent up demand of mostly committee members meant that the new provision had the universal approval of backbench members.

The House considered committee reports on eight sitting Fridays during the autumn sittings. In total there were 24 debates on committee reports, covering 34 reports, with one report being debated on two separate days as debate on it was interrupted.

Features of the new standing orders in relation to debate on committee reports are:

- the provisions for debating reports from the same committee concurrently (there have been three occasions where multiple reports were considered together); and
- when the order of the day is called on and not proceeded with, the order is postponed until the next week. However, if the order of the day is called on a second time and there is no debate the question is put.

The Appropriation Bill and cognate bills

On 3 June 2008 the Treasurer delivered the 2008/09 Budget speech. For a number of years the Treasurer has been a member of the Legislative Council

and the House has passed a resolution permitting the Treasurer to deliver the Budget speech in the Legislative Assembly chamber. The principle behind the Treasurer delivering the speech in the Legislative Assembly derives from the Assembly's control of financial matters, specifically one of the provisions of section 5 of the Constitution Act 1902 that appropriation bills must originate in the Legislative Assembly.

The resolution passed by the House on 14 May 2008 provided for a change to the routine of business for 3 June 2008 to allow the introduction of the Appropriation and cognate bills at 12 noon followed by the admittance of the Treasurer to the House to deliver the budget speech. The resolution also provided that following the Treasurer's speech the Premier would move "That the bills be now agreed to in principle" and debate would be adjourned.

The Opposition moved an amendment to the resolution to permit the Leader of the Opposition to reply to the Treasurer's speech at the conclusion of the speech and to admit the Treasurer to the House for two hours on the day after the Budget speech was delivered for the purpose of answering questions on the budget. This amendment has been moved by the Opposition for the past few years and is always negatived.

The passage of the Budget over the past decade through the Legislative Assembly has been swift with little opportunity for debate on the Appropriation and cognate bills. In addition to the Treasurer, only the Leader of the Opposition and Leader of The Nationals spoke directly to the bills. The standing orders provide that the Appropriation and cognate bills must be considered in detail by the House. However, it has become customary for the House to suspend standing orders to allow the passage of the bills without consideration in detail and with the limited debate noted above. The House does, however, conduct a "take note" debate on the budget once the bills have passed, thus allowing members to speak to the Budget.

Reference by the Houses to the Joint Committee on the Independent Commission Against Corruption

In the Legislative Council, the Opposition had given notice of a motion to establish a select committee with proposed terms of reference to examine the effectiveness of the current laws, practices and procedures in protecting parliamentary employees who make allegations against parliamentarians. The terms of reference also proposed an examination of the information provided to police and other persons specifically named by one former electorate officer to a former member of the Legislative Assembly.

The President ruled the notice of motion out of order, mostly, on the basis

of comity between the Houses. In the ensuing by-play, during the last sitting week before the winter recess, both Houses resolved on a reference to the statutory based Joint Committee on the Independent Commission Against Corruption.

The terms of reference were modified for the Committee to inquire into and report on the effectiveness of current laws, practices and procedures in protecting whistleblower employees who make allegations against government officials and members of Parliament. As the committee is statutory-based its investigatory functions are limited by virtue of the operation of section 64 of the Independent Commission Against Corruption Act 1988.

No confidence motion in the Minister for Health

On 3 June 2008 the House debated a motion of no confidence in the Minister for Health moved by the Leader of the Opposition. The Minister was not present during the Leader of the Opposition's contribution to the debate and nearly missed the call to be the second speaker in the debate. The Deputy Leader of the Opposition had sought the call in the Minister's absence but had just commenced her speech when the Minister entered the chamber. The Speaker considered that as the relevant standing order provided for the Minister to have an unlimited time to speak to the motion, he gave the Minister the call in line with this procedure. The Speaker did, however, remind members that they should be in the Chamber if they expected to seek the call. The Minister did not take up the option to speak in reply at the end of the debate and the motion was defeated on party lines.

Use of Props

The actions of one particular member came to notice during the autumn sittings.

On three occasions the member, apparently of his own volition and without the knowledge of his party, orchestrated the use of props in the House.

The first occasion, on 4 June 2008, under the guise of placing papers on the Table for the information of members, the member carried in 6,000 local government survey returns to illustrate opposition to the Government's planned planning legislation. So high were the piles of paper on the Table that the Mace was virtually hidden from view. After the Leader of the House complained, by point of order, that the member's action was an abuse of process, the Chair ordered that the papers be removed from the Table.

At a later sitting, on 25 June, the member was castigated by the Chair for again bringing props into the chamber.

The member's third action was reported in the newspapers and also resulted in his removal from the House. On this occasion the member produced a large toy lizard from under his seat, apparently an iguana, and proceeded to wrestle with it.

Procedures related to bills before the House

Assent procedure for cognate bills

The Government introduced the Water (Commonwealth Powers) Bill and the Water Management Amendment Bill as cognate bills on 23 September 2008. Following concerns raised by the Opposition about the Water Management Amendment Bill the Government agreed to deal with the bills separately and they were proceeded with as separate bills in the Legislative Council even though they had passed the Assembly as cognate bills.

The separation of the bills in the Legislative Council presented a procedural difficulty for the Legislative Assembly in relation to the assent process. Standing Order 197 provides that:

> "Cognate bills shall not be presented to the Governor for assent until all bills have been passed or otherwise disposed of."

Accordingly, the House was required to suspend this standing order to enable one of the cognate bills to be assented to even though the second bill had not been returned from the Legislative Council. The following motion moved by the Leader of the House was passed to facilitate this action:

> "That Standing Order 197 be suspended to permit the *Water (Commonwealth Powers) Bill* to be presented for assent notwithstanding that its cognate, the *Water Management Amendment Bill*, has not passed nor been returned from the Legislative Council."

The Water (Commonwealth Powers) Bill was subsequently assented to on 25 September 2008 and the Water Management Amendment Bill was assented to on 28 October 2008.

Amendments outside leave of the bill

The final week of sittings in 2008 saw the usual rush of legislation through the Parliament. One consequence of this was that a number of amendments to a bill before the House were considered, and subsequently agreed to, that were strictly outside the leave of the bill.

On the last sitting day of 2008 the Leader of the Opposition moved a number of amendments to the Independent Commission Against Corruption

Amendment Bill which were amending sections of the principal Act that were not affected by the amendment bill.

It suited the Government to support these amendments in order to move a subsequent amendment to the section that the Leader of the Opposition was amending. Accordingly, with the concurrence of the House, the amendments were permitted even though they were strictly outside the leave of the bill.

The Speaker subsequently made a statement that while the House had considered and agreed to amendments that were outside the leave of the bill with the concurrence of the House, it was not to be taken as a precedent.

Consideration in detail—some comments on its application

As previously reported, in February 2007 the Governor approved new standing orders for the Legislative Assembly. These standing orders replaced the committee of the whole procedure with consideration in detail. Accordingly, since then the House has considered amendments to bills rather than a committee of the whole. This procedure has streamlined the amendment process and changed a number of procedures that may at times need further clarification.

Of particular note is the fact that now the House is considering amendments, debate can be adjourned as in the case of any debate before the House. During the last week of sitting the Opposition moved that debate be adjourned during consideration in detail and the question arose as to whether the question was that debate be adjourned on the specific question then before the House (in this case "That the amendment be agreed to") or whether the whole of the consideration in detail process was being adjourned.

Under the former committee of the whole procedure a motion could be moved at any time, without debate or amendment "That the Chairman leave the Chair, report progress and ask leave to sit again at a future time." If carried the effect of this motion was effectively to adjourn debate of committee of the whole to a later time. Accordingly, it follows that a motion to adjourn debate during consideration in detail has the effect of adjourning the consideration in detail stage to a later time as opposed to adjourning debate on the specific amendment then before the House.

Given that the motion for the adjournment of debate during consideration in detail was negatived, it also raised the question as to which standing order should take precedence. Standing Order 84 provides that "A Member whose motion for the adjournment of a debate is negatived cannot speak later in that debate." However, Standing Order 242 provides "In consideration of a matter or bill in detail members may speak more than once to the same question."

Given the standing orders provide that a member may speak only once to a question unless a bill or other matter is being considered in detail, it implies that a member whose motion to adjourn debate during consideration in detail is negatived should be permitted to speak again in the debate. In support of this it should be noted that it is the practice of the House that when an amendment is moved to a motion in the House, the mover of the motion and those who spoke prior to the moving of the amendment may speak again, but only to the amendment. Accordingly, it follows that all members should be afforded an opportunity to speak to any amendments before the House during the consideration in detail stage.

Regulatory roundabout

The 53rd and 54th Parliaments have seen a flurry of activity in proposals to amend the regulation requiring registration of members' interests in the Parliament of New South Wales.

In 2006 six-monthly reporting was initiated and a new requirement for additional information about members' secondary employment related to parliamentary advice or consulting was introduced.

During the 54th Parliament, the Government forwarded minor changes to the regulation to the Legislative Assembly Standing Committee on Parliamentary Privilege and Ethics for consideration. In its November 2007 report the Committee agreed to the proposed amendments, which clarified the disclosure requirements for proprietary limited companies, but also took the opportunity to recommend that the reporting forms for the annual Ordinary Returns, and six-monthly Supplementary Returns be changed into a two-part form, with the sections containing the examples able to be detached from a shorter second section, which would form the actual return to be published in the Register. Several members had requested this change on the ground that a shorter form would be easier to complete.

As the Constitution requires that a parliamentary committee be consulted about any proposed changed to the declaration of interests regulation, the redrafted form was referred back to the Committee for comment, along with a requested change to the new discretionary disclosure form, and a further amendment to the definition of "listed public company". The Committee reported its agreement to the proposed changes in March 2008.

In May 2008, yet one more proposed amendment was despatched from the Director-General of the Department of Premier and Cabinet to the Clerk, picking up the 2006 recommendation that members be able to omit the postal address or particulars of title of a member's principal place of residence or

second place of residence, provided that the suburb or area, or purpose of those residences be given in the return. The rationale for the amendment was that if the Register was to be widely accessible through the internet, for reasons of security and privacy, particulars that would reveal an exact street address should not be required. The Committee's report did not object to the proposal that was introduced in the amending regulation, which came into force on 22 August 2008.

New South Wales Legislative Council

Comity between the Houses

During formal business on 4 June 2008, a member of the opposition in the NSW Legislative Council, the Hon Trevor Khan, gave a notice of a motion for the appointment of a select committee to inquire into and report on the effectiveness of current laws, practices and procedures in protecting government employees who make allegations against government officials or parliamentarians, with particular reference to the treatment of an electorate officer previously employed by the Lower House.

In a subsequent ruling on the matter that same day, the President expressed concern that the notice of motion was in contravention of the principle of sole cognisance of the Houses, and the principle of comity and mutual respect between the Houses, in that the notice sought the appointment of a select committee of the Upper House specifically to investigate the treatment of the electorate officer of the Lower House. Accordingly, he ruled the notice out of order, and recommended that Mr Khan seek advice from the Clerk to amend the notice of motion so that it would conform to the principles and practices of the House. Mr Khan did so, and an amended notice of motion was placed on the Notice Paper for the following day.

On 5 June 2008, on the motion that standing orders be suspended to allow Mr Khan's amended notice of motion to be called on, a member of the Government, the Hon Amanda Fazio, again took a point of order that the revised notice of motion did not comply with the President's ruling of 4 June 2008 in relation the issue of comity between the Houses. While the amended notice specifically excluded the proposed select committee from inquiring into the relationship between the electorate officer and the Lower House, it nevertheless referred to information derived specifically from the electorate officer's employment relationship with a former member of the Lower House. Following debate on the point of order, the President reserved his ruling.

On 17 June 2008, the next sitting day, the President, at the request of Mr Khan, allowed further short verbal submissions on the point of order.

The following day the President gave his ruling, again upholding the point of order concerning comity between the two Houses and ruling Mr Khan's amended notice of motion out of order. A very strict interpretation of comity and mutual respect between the two Houses was applied.

Recall of the House to debate electricity privatisation

In August 2008, the state Labor Government, led by the Premier, the Hon Morris Iemma, staked considerable political capital in a highly controversial move to sell off the state's electricity industry. The move, while unpopular with the electorate, was strongly advocated by the Treasurer, the Hon Michael Costa, as the best solution to the state's difficult budgetary position. In the event, the matter was played out in the NSW Upper House.

On 23 August 2008, in response to a request by the Hon Michael Costa, the President of the NSW Legislative Council recalled the House in order to consider bills to enable the Government to restructure the state's electricity industry. The House duly met at 11 am on Thursday 28 August 2008. During formal business, the Treasurer, the Hon Michael Costa, gave notice of two new cognate bills for the restructuring of the electricity industry. Subsequently, the Leader of the House, the Hon Tony Kelly, made a Ministerial Statement concerning the reason for the recall of the House and indicating that the following procedures would be followed to allow for the passing of the cognate bills through the House during that calendar day:

- Following the Ministerial Statement, the House would immediately adjourn and meet again in approximately one hour. This would allow the electricity bills to be introduced on the "next sitting day" as required by the standing orders.
- Government business would take precedence over all other business on the Notice Paper until the conclusion of debate on the bills, whether that day or on a subsequent day.
- As the House would adjourn before 12 noon when Question Time was scheduled to commence, questions would be conducted during the second sitting that day.

The House subsequently agreed to a motion for Government Business to take precedence of all other business on the Notice Paper until the conclusion of proceedings on the bills (Thursday normally being set aside for Private Members' Business according to sessional order). Following a 30-minute

adjournment debate, the House adjourned at 11.48 am until 12.17 pm. Although unusual, there are two relatively recent examples in 1982 and 1997 of the House adjourning and commencing a new sitting at a later hour of the same calendar day.

When the House met again at 12.17 pm, the House resolved, on the motion of Mr Kelly, that Question Time would commence at 4 pm that day, notwithstanding the sessional order that question time commences 30 minutes after the meeting of the House.

Subsequently, the Treasurer, Mr Costa, introduced the Electricity Industry Restructuring Bill (No 2) 2008 and the Electricity Industry Restructuring (Response to Auditor-General Report) Bill 2008 and declared them to be urgent, allowing them to proceed through all stages during the sitting.

In his second reading speech, the Treasurer advised the House that the bills were being introduced in the Upper House because it was there that the matter would be decided—the numbers in the House being very close.

In his second reading speech in reply, the Leader of the Opposition in the Council, the Hon Michael Gallagher, advised the House that the Opposition would not support the bills. The effective result of this was that the bills would not pass the House, and the Government's electricity privatisation plans were scuttled.

At the conclusion of Mr Gallagher's speech, and in recognition that the bills would not pass the House, Mr Kelly moved that the debate be adjourned until a later hour. The motion was carried on division, as was the motion for the House to adjourn until Tuesday 23 September 2008 at 2.30 pm. The House adjourned at 1.46 pm, well before the time set down for Question Time. While there is no standing order or other statutory requirement for Question Time to be conducted each sitting day, it is only on very rare occasions that it has not been conducted.

When the House next sat on 23 September 2008, the Hon Nathan Rees had replaced Mr Iemma as Premier, and Mr Costa had resigned from the House. The order of the day for the resumption of the second reading of the bills was discharged, and the bills were withdrawn.

Committee inquiry into the NSW Ambulance Service

On 15 May 2008, General Purpose Standing Committee No 2 self-referred an inquiry into the management and operations of the NSW Ambulance Service. The inquiry dealt with a number of sensitive issues predominantly relating to bullying and harassment by colleagues and managers, which had in numerous cases led to depression, anxiety, self-harm and even suicide.

The Committee received a large volume of submissions: 261 (including 45 supplementary submissions). In most cases submission authors requested full or partial confidentiality to protect their identity, as they feared that participating in the inquiry could result in negative repercussions from ambulance service management. Only 43 of the submissions were made fully public, while 70 were fully confidential and 148 were partially confidential.

Due to the confidential nature of the inquiry, the committee secretariat introduced the following protocols for processing potentially sensitive submissions, managing *in camera* witnesses, and for the referral of inquiry participants that appeared to be at-risk of self harm:

- In relation to submissions to the inquiry, the protocol involved telephoning every submission author to explain and discuss options regarding the status of their submission (i.e. public, partially confidential or fully confidential), consultation with the Committee, and double-checking to ensure that all potentially identifying, adverse or sensitive information was omitted. Extensive staff time was required to complete this process for each submission.
- In relation to witnesses appearing *in camera*, arrangements were made so that witnesses could attend their hearing without seeing other witnesses. The layout of the Parliament building presented challenges in ensuring witnesses did not see each other on entering and leaving.

During the course of the inquiry, the committee also received several submissions in which the authors disclosed serious mental health issues, including suicidal thoughts, or reported actual suicide attempts. In response, the committee sought advice from the Centre for Mental Health to determine the best way to deal with inquiry participants who demonstrated significant personal distress as a result of their employment experiences with the NSW Ambulance Service.

The Centre for Mental Health arranged for the development of a "Support Plan", prepared by a senior clinical psychologist, to assist committee staff to communicate with inquiry participants who demonstrated a risk of self harm or suicide and to make appropriate referral to localised mental health services. The response plan was utilised in relation to 11 individuals over the course of the inquiry.

"Family friendly" sittings

From time to time, there have been announcements of proposals to introduce "family friendly" or "daylight" sitting hours in the New South Wales Parliament.

The most recent initiative to move towards "family friendly" sitting hours

came in late 2007 in response to pressure on the Parliament's budget following Government cuts to funding. On 6 December 2007, the Lower House adopted a sessional order which provided for "family friendly" sittings.

No such resolution was passed by the Council, with the result that the House was not restrained from sitting later. In the event, as in other sitting periods, as the volume of Government bills being presented for passage through the Council increased towards the end of the autumn 2008 sitting period, the House reverted to more traditional sitting hours, sitting well beyond midnight on several occasions.

Staffing of the Department

At the end of 2008, the Department of the Legislative Council was significantly restructured to coincide with of the transfer of certain responsibilities (the administration of members' entitlements and human resource management) to a new Department of Parliamentary Services from 1 January 2009. The restructure realigned the staffing arrangements of the Department to focus on the core business of proving procedural support and research services to the House and its committees. At the same time, the opportunity was taken to focus on new strategic priorities such as providing additional resources to procedural training for members and staff, and focusing on providing assistance to projects aimed at strengthening parliaments in a number of Asia-Pacific countries.

Queensland Legislative Assembly

Governor appointed

On 29 July 2008, Her Excellency Ms Penelope Wensley AO was sworn in as the 25th Governor of Queensland at a ceremony held at Parliament House. Ms Wensley succeeded Her Excellency Ms Quentin Bryce AC who was sworn in as Australia's 25th Governor-General on 5 September 2008.

Electoral redistribution

The 89 Queensland state electoral boundaries were reviewed under the Electoral Act 1992 (Qld) by the independent Queensland Redistribution Commission. Queensland electoral districts (known as electorates) must, as far as practicable, contain the same number of electors. The redistributed electoral boundaries, announced in August 2008, retained 89 electorates. There were extensive changes, with eight former electorates abolished and eight new

electorates created. The subsequent March 2009 state election saw a number of sitting members contesting the same electorates following the abolition of electorates previously held by sitting members.

Composition of the Legislative Assembly

The Liberal National Party of Queensland (LNP) was officially registered by the Electoral Commission of Queensland on 9 September 2008. All members of the National Party and the Liberal Party became members of the newly formed LNP. The LNP became the official Opposition (the National Party being the former official Opposition).

In October 2008, an Australian Labor Party (ALP) government member resigned from the ALP to join the Queensland Greens. This was the first time the Greens had been represented in the Legislative Assembly. The member contested the March 2009 state election as a Greens candidate but was not re-elected.

Far north Queensland sitting of parliament

From 28 to 30 October 2008, the Queensland Parliament moved from Brisbane to Cairns in far north Queensland for the third regional sitting of parliament. An area normally used for basketball games and concerts (the Cairns Convention Centre) was transformed for three days into a parliamentary chamber.

The first ever address to the Queensland Parliament by a head of state took place at the far north Queensland regional sitting. A motion was passed to suspend the standing and sessional orders to enable the Right Honourable Grand Chief Sir Michael Somare, Prime Minister of Papua New Guinea, to address the House on 28 October.

The regional parliamentary program reflected the usual parliamentary business. Five bills were introduced (including one private member's bill), two bills were passed, 50 ministerial statements and 14 private members' statements were made, and 51 questions without notice and 159 questions on notice were asked. As with previous regional parliaments, an evening session of question time was held and this proved to be the most popular session, attracting more than 750 people. Question time was interpreted using Auslan, Australian sign language, with the Speaker welcoming the deaf community in Auslan. The Premier and a member also signed in Auslan during proceedings.

A range of community engagement activities were undertaken in conjunction with the regional sittings. More than 5,200 people visited the parliament during the three days and engaged with the parliament and associated activities. For the first time, the parliament partnered with a charity—the Royal

Flying Doctor Service (RFDS) Queensland Division—which provides vital medical service throughout Queensland and which was celebrating its 80th year. In the lead-up to the sittings, a committee Research Director and Clerk Assistant, Stephen Finnimore (an avid cyclist), cycled 1,927 kilometres from Brisbane to Cairns raising awareness and donations for the RFDS.

Tabled papers database and website

The Queensland Parliament's tabled papers database, which is accessible via the parliament's internet website, was launched in February 2008. The database and website provide a single repository of electronic copies of all papers tabled in the Legislative Assembly. Papers tabled since 2003 have been added to the database. A further six years of tabled papers will be added during 2008–09 providing an electronic archival record dating back to 1997.

Parliamentary record

By practice of the Legislative Assembly, the final item of formal business for the last sitting day of the calendar year is a Parliamentary Amnesty Group motion. The 2008 motion was unusual because it was read into the parliamentary record in a foreign language. The motion related to human rights in North Kivu, in the Democratic Republic of the Congo. In order that people in the Congo, who might access the Assembly's proceedings on the internet, could understand it more readily, the member moving the motion sought, and was granted, leave to read the motion into the record in French.

Victoria Legislative Assembly

Treasurer's speech

With the resignation of Premier Bracks and Deputy Premier Thwaites in July 2007 and the resulting cabinet reshuffle, Victoria is in a situation where, for the first time in its history, the Treasurer is a member of the Upper House. As a result, new arrangements and procedures were put in place to facilitate the delivery of the Treasurer's first budget speech given in the Legislative Assembly on 6 May 2008, the House in which he is not a member.

Considerations surrounding the 2008 budget speech arrangements were numerous, varying from the procedural to the legal to the practical. Section 52 of the Constitution Act 1975 states that:

> " … any responsible Minister of the Crown who is a member of the Council or of the Assembly may at any time with the consent of the House of the

Parliament of which he is not a member sit in such House for the purpose only of explaining the provision of any Bill relating to or connected with any department administered by him, and may take part in any debate or discussion therein on such Bill … "

This provision has been used on two previous occasions; in both instances, the Premier in 1904, and a Minister in 1905, attended the Legislative Council to give an explanation of a bill. The 1904 occurrence led to a new joint standing order supporting the constitutional provision which is still current today.

With the Constitution Act 1975 providing a legislative basis from which to proceed, the House determined to provide for the Treasurer to attend the Assembly under section 52 of the Act by way of a formal motion, moved by the Manager of Government Business:

"That —

(1) So much of standing and sessional orders be suspended so as to allow on Tuesday 6 May 2008, following the introduction and motion for the second reading of the Annual Appropriation Bill:

(a) The Minister moving the second reading to retain their right to speak (for 15 minutes) on the question later in the debate;

(b) John Lenders MLC, Treasurer, under s 52 of the *Constitution Act 1975*, be permitted to attend the House for the purpose of giving a speech of unlimited duration in relation to the Victorian State Budget 2008–2009;

(2) A message be sent to the Legislative Council advising them that, under s 52 of the *Constitution Act 1975*, approval has been granted for John Lenders MLC, Treasurer, to attend the Legislative Assembly on Tuesday 6 May 2008 for the purpose of giving a speech in relation to the Victorian State Budget 2008–2009.

As well as providing for the suspension of standing and sessional orders to enable the Treasurer to be granted approval to attend the Assembly, and notification of the Council (by way of message) of the Assembly's resolution, the motion interestingly dealt with the issue of speaking rights.

Not being a member of the Assembly, the Treasurer does not have the authority to introduce or move the second reading of the appropriation bill—this would have to be done by an Assembly Minister. However, the Treasurer would effectively be giving the second reading speech for the bill leading to the question of whether this would void the speaking rights of the aforementioned Assembly Minister. In moving (1)(a) of the motion, any doubt regarding the

speaking rights of the Minister moving the second reading was alleviated ensuring they would still be able to make their contribution to debate on the bill.

The motion was passed (with a division) on 12 March 2008, a message was sent to the Council advising them accordingly and the Speaker personally wrote to the Treasurer to acquaint him with the resolution of the House and the proposed arrangements for Budget Day on 6 May 2008.

With provisions in place for the budget speech to be delivered by the Treasurer, the practical realities of exactly how this would come about were then considered—everything from seating arrangements (the Treasurer took the Deputy Premier's place at the Table and the armrests along the front bench were lowered to allow for the somewhat snug accommodation of the Deputy Premier) to the order of proceedings (in accordance with the House's resolution, the bill had to be introduced and first read before the Treasurer could be admitted into the chamber).

The routine of business on 6 May 2008 took place as follows:

- bells were rung for the commencement of proceedings;
- Speaker took the Chair and read the prayer;
- questions without notice and formal business were conducted (as per usual);
- Annual Estimates of Expenditure were formally tabled;
- introduction and first reading of the Appropriation (2008/2009) Bill 2008 by the Premier and the Bill was ordered to be read a second time immediately;
- Treasurer was escorted into the chamber by the Serjeant-at-Arms;
- Clerk called on the Order of the Day for the Appropriation Bill (House paused while budget documents were circulated);
- Premier tabled a statement of compatibility in accordance with the Charter of Human Rights and Responsibilities Act 2006 and moved that the Bill be read a second time;
- Treasurer delivered the second reading speech;
- opposition moved for debate on the Bill to be adjourned;
- Treasurer was escorted from the chamber by the Serjeant-at-Arms;
- proceedings of the House continued.

The preparations for and format of proceedings for the delivery of the budget speech in 2008 set a precedent in Victoria which will form the basis for all future occasions where the budget speech is to be delivered by a Treasurer sitting in the Upper House.

Statement of Government intentions

The Legislative Assembly adopted a new procedure in 2008, which involved the Premier making a statement of Government intentions setting out in broad terms the Government's legislative program for the year. The procedure was implemented by way of a new sessional order which was adopted by the House on 5 December 2007.

The first statement of Government intentions was made by the Premier on 5 February 2008. In doing so the Premier addressed the House for just under 30 minutes and circulated a printed documented titled *Annual Statement of Government Intentions*. In effect this document was the formal statement of Government intentions. At 54 pages in length, the document outlined over 60 pieces of legislation that the Government intended to address over the 2008 calendar year. The four key areas outlined were: investing in Victorians, building stronger and more liveable communities, promoting innovative and sustainable grow, and leading Victoria and the nation.

Following its presentation, regular opportunities were provided during 2008 for the statement to be debated. Despite the debate being polarised along party lines, there is no doubt that members have relished the opportunity to debate the statement. It has provided an avenue for members to place important electorate issues on the record and to challenge the Government to address some of those issues in its planning process. At face value the presentation of an annual statement of Government intentions should be beneficial for members of the House and the public as it provides advance notice of the Government's intentions. The procedure outlined in this article is currently a work in progress. It will need to be evaluated over the next couple of years before its true worth and effectiveness is known.

Regional sitting

On 15 October 2008, the Legislative Assembly held a regional sitting at the Monash University Gippsland campus. The sitting provided an opportunity for local communities to see Parliament in action, and represented only the third occasion on which the Legislative Assembly has sat outside Melbourne. The Legislative Council held its regional sitting in Lakes Entrance on 15 and 16 October 2008.

The day commenced with a welcome to country on behalf of the Gunaikurnai people. The welcome to country was followed by addresses from the Premier and Leader of the Opposition. Professor Richard Larkins, Vice-Chancellor of Monash University, and Mr Bruce Lougheed, Mayor of

Latrobe City Council, were admitted onto the floor of the House to respond to the addresses. The day then followed a set program of parliamentary business.

In addition to visitors in the public gallery throughout the day, approximately 450 school students attended the regional sitting where they witnessed proceedings from the gallery, and received a presentation from the Parliament's Education and Community Engagement Officer.

Planning and preparation for the 2008 regional sitting began in mid-2007 and was coordinated by the Assistant Clerk Procedure and Serjeant-at-Arms. Once the venue had been identified, parliamentary staff began working closely with officers from Monash University and the Latrobe City Council to manage wide-ranging aspects of the regional sitting including information technology services, audio recording of the proceedings, the physical layout of the Chamber, security and catering.

Members and staff were accommodated in a range of motels in the neighbouring towns of Traralgon and Morwell.

In addition to planning support, Monash University hosted a community luncheon on 15 October 2008, at which the six local councils of Gippsland were showcased to members and other guests.

The Latrobe City Council hosted a civic reception for members and the local community on the evening of 15 October 2008.

Victoria Legislative Council

Abortion Law Reform Bill

The Abortion Law Reform Bill 2008, which sought to remove abortion from the Crimes Act 1958, came before the House in September and October 2008. Parties stated that members would be allowed a conscience vote on the Bill.

A series of amendments to the Bill were moved in the Assembly, but none passed and the Bill was transmitted to the Council unamended. The proceedings attracted an unusually large amount of public attention, in the form of petitions and public protests at Parliament, and drew a large number of people to the public gallery.

When debate resumed on the second reading of the Bill in the Council, Mr Peter Kavanagh raised a point of order, proposing that the Bill was out of order as it had not been accompanied by a statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006. Mr Kavanagh

claimed that he had sought legal counsel, who concluded that despite section 48 of the Charter, which states that "Nothing in this charter affects any law applicable to abortion or child destruction … ", the Bill would have repercussions upon other rights such as freedom of thought, conscience and religion, and therefore required a statement of compatibility. On that basis, Mr Kavanagh argued that the Bill was out of order. Whilst agreeing that it was an interesting point of order, the President ruled that it was within his power only to adjudicate on matters contained within the standing orders, and that the question of the validity of the Bill was a matter for the House, whilst the validity of the Act may become a matter for the courts.

During the second reading debate, Mr Bernie Finn made a contribution totalling more than five hours over two sitting days, despite numerous points of order for repetition, relevance, and the copious reading of notes, one point of order coming from a member of his own party. Many other members made lengthy contributions, however none to rival five hours. This was the first time that lengthy speeches were made since the removal of time limits under sessional orders introduced in 2007 (see Council report in volume 76 (2008) of *The Table*).

Orders for production of documents

Further to the report in volume 76 of *The Table* about the operation of new sessional orders in relation to orders for the production of documents, the House continued to order the production of various Government documents throughout 2008. In some instances the orders were either fully or partially complied with, but a number of claims of executive privilege were made on individual documents relating to things such as tender processes and more particularly in relation to ministerial briefing notes. Most noteworthy is that on every occasion the Government has made a claim of executive privilege it has failed to comply with the sessional order's requirement that the documents be lodged in the first instance so that such a claim may ultimately be determined by an independent legal arbiter.

Assembly refusal to entertain Council bill due to financial implications

The Tobacco (Control of Tobacco Effects on Minors) Bill 2007 was introduced as a private member's bill in the Council and eventually passed by the Council in June 2008 and transmitted to the Assembly. The bill was returned by the Assembly the following day with a message stating that it refused to entertain the bill as it sought to enforce an appropriation from the Consolidated Fund. Such an appropriation would be unlawful, as this is the

exclusive power of the Legislative Assembly as prescribed by the Constitution Act 1975.

Although the Council acknowledges the Assembly's right to preserve its financial prerogative, in this instance it strongly disputes the Assembly's position which is simply based on the possibility that some of the fines imposed by the bill might have to be refunded if successfully challenged. We believe that the bill's introduction in the Council does not infringe the Constitution and subsequent legal advice confirms this position.

Bill ordered to be withdrawn by President due to financial implications

On 5 December 2007, Mr Peter Hall from The Nationals introduced a private member's bill, the Victorian Water Substitution Target Bill 2007. After Mr Hall gave his second reading speech on 16 April 2008, the President stated that he had concerns about the capacity of the Bill to be introduced in the Legislative Council because of the appropriation requirements of section 62 of the Constitution Act 1975. He indicated he would examine the Bill further and report back to the House.

Section 62 of the Constitution Act 1975 states that a "Bill for appropriating any part of the Consolidated Fund or for imposing any duty, rate, tax, rent, return or impost must originate in the Assembly". The Bill introduced by Mr Hall aimed to set up a Water Substitution Target Scheme administered by the Essential Services Commission, which would establish targets for using alternative water sources in substitution for potable water supplies in non-potable uses.

The following sitting week the President ruled that the Bill infringed the provisions of the Constitution Act 1975 and therefore could not proceed any further in the Legislative Council. The reasons stated by the President included that the bill would have imposed significant new functions on the Essential Services Commission, would have appropriated money from the Consolidated Fund for projects to augment Melbourne's water supply, and provided for the imposition of fees which could then be refunded from the Consolidated Fund.

Regional sitting of the Council

The Legislative Council met for two days in the coastal town of Lakes Entrance on 15 and 16 October 2008. Lakes Entrance is in the Gippsland region, approximately 300 kilometres south-east from Melbourne and Parliament House. The Lakes Entrance sitting was the fourth time the Council has conducted a regional sitting during the past decade. Procedural aspects

of interest included a Proclamation of the Governor varying and altering the place for holding the First Session of the Fifty-Sixth Parliament, so that the Council could meet in Lakes Entrance and the House granting leave for the Mayor of East Gippsland Shire to be escorted into the chamber by the Usher of the Black Rod in order to address the House.

BOTSWANA PARLIAMENT

Electoral (Amendment) Bill

The Electoral (Amendment) Bill 2008 was tabled and passed. The objective of the Bill was to ensure confidence in the integrity of the electoral system and its process.

Motion to amend the Constitution

At the same time a motion was noticed which sought to amend the Constitution of Botswana and others laws. The motion read as follows "That this Honourable House requests the Government of Botswana to consider amending the Constitution of Botswana and other relevant laws to permit the operation of electoral systems other than first-past-the-post, which alternative electoral systems would secure the enhanced representation in Parliament of historically disadvantaged groups such as women, youth and the disabled." The motion was noticed but was not debated in the House due to time constraints.

CANADA

House of Commons

Effects of minority Government

Between January and September 2008, Canada's minority Conservative Government weathered numerous tests of confidence. Typical of these were the proceedings in respect of a Government motion to extend Canada's mission in Afghanistan. The Official Opposition made public a proposed amendment to the motion, which spelled out conditions for supporting the mission's extension. On 21 February 2008 notice was given of a second Government motion on Afghanistan, similar in content to the first but incorporating some of the demands of the Official Opposition. The vote on the latter motion was held on 13 March 2008 and it was adopted with the support of the Official Opposition.

A number of the Standing Committees of the House ceased to function effectively. Typical of these was the Standing Committee on Procedure and House Affairs, in which debate on a motion to investigate election expense claims by members of the governing Conservative party led to a lengthy filibuster. On 6 March 2008 a motion of non-confidence in the Chair was adopted. Another Conservative member was elected to replace the Chair, notwithstanding the former's refusal to allow his name to stand. The new Chair resigned and the committee ceased to function for an extended period.

Similar scenarios unfolded in other Standing Committees as opposition majorities repeatedly overturned procedurally valid decisions of committee Chairs, leading, among other things, to allegations that they were wilfully exceeding the mandates set out for them in the standing orders. In a ruling delivered on 14 March 2008 the Speaker appealed to House Leaders and Party Whips to "address themselves to the crisis in the committee system that is teetering dangerously close to the precipice". On 15 May 2008 he ruled that a report of the Standing Committee on Access to Information, Privacy and Ethics be deemed withdrawn and that no subsequent proceedings be taken in relation thereto on the grounds that the Committee had failed to confine itself to matters within its mandate and that its report was therefore inadmissible.

Tabling of treaties

Since January 2008 the Government has followed through on promises to table international treaties in the House of Commons before introducing ratifying legislation. This has long been a contentious point as the Canadian Parliament plays no necessary role in the making of treaties. According to the new procedure, the Government will table treaties along with an explanatory memorandum and then wait 21 sitting days during which time the matter can be debated before taking any action to bring the agreement into force. The Government committed to consider any concerns that might be raised by opposition parties but also reiterated that the executive, under the constitutional treaty-making power exercised by the Federal Crown under the Royal Prerogative, retains the ultimate responsibility for Canada's foreign relations.

New post of Parliamentary Budget Officer

On 14 March 2008 the Government House Leader announced the appointment (pursuant to provisions of the Parliament of Canada Act as amended by the Federal Accountability Act) of Canada's first Parliamentary Budget Officer, an officer of the Library of Parliament. The office was created to strengthen the capacity of Parliament to hold the Government to account by

increasing transparency in its fiscal planning framework and improving scrutiny of the estimates. It is reminiscent of the Congressional Budget Office in the United States and has few equivalents among parliaments in the Westminster tradition.

Heated discussion concerning the mandate, status and accountability of the Parliamentary Budget Officer continues.

Decisions of Speaker Parent

On 13 May 2008 the Speaker tabled the Selected Decisions of former Speaker Gilbert Parent. The collection contains 85 decisions, covering the period during which Speaker Parent presided over the House, from the First Session of the 35th Parliament until the end of the 36th Parliament (1994–2001). The publication, prepared by the Table Research Branch of the House of Commons, is the seventh in a series of collections of Speakers' rulings.

Address by President of Ukraine

On 26 May 2008 the President of Ukraine, Viktor Yushchenko, addressed a joint session of Parliament.

Apology to victims of abuse

The House of Commons was the scene of an historic apology on 11 June 2008. Prime Minister Stephen Harper made a statement of apology on behalf of the Government of Canada to former students of Indian residential schools who had suffered abuse. All three Opposition Party Leaders then spoke in support of the apology, as victims and their family members watched from the floor and galleries of the House of Commons. For the first time in Canadian history, representatives of First Nations were given the opportunity to respond directly from the floor of the House.

Federal election and meeting of new Parliament

During the summer adjournment, rumours of a fall 2008 election multiplied and on 7 September 2008 the Prime Minister asked the Governor General to dissolve Parliament.

A federal election was held on 14 October 2008. The result was another minority Conservative Government with 143 seats—an increase of 16—out of a total of 308.

In a departure from the usual practice of the House, the pro forma bill introduced by the Prime Minister at the commencement of the 40th Parliament in November 2008 was tabled. The bill, entitled An Act Respecting the

Administration of Oaths of Office, is usually given first reading without actually existing in written form.

The first session of the 40th Parliament lasted a mere 13 days before being prorogued on 4 December 2008 by the Governor General at the request of the Prime Minister in the face of near certain defeat on a planned confidence vote.

Senate

The *Conflict of Interest Code for Senators* was the subject of a major review in 2008 by the Standing Committee on Conflict of Interest for Senators. Several important revisions were made to the Code, which include: (i) senators who have made a declaration of a private interest in a matter are prohibited from attending committee hearings on that matter and from participating in chamber debate or other deliberations or from voting on it; (ii) senators are now able to retract a previously made declaration of private interest; (iii) the independent role of the Senate Ethics Officer with respect to interpreting and applying the Code as it relates to an individual senator's particular circumstances is now expressly affirmed.

Manitoba Legislative Assembly

An all party committee was established as a result of a bill before the legislature, Bill 22, The Elections Reform Act. The Committee was struck to elicit the views of Manitobans towards possible reform or changes to the Canadian Senate, with the goal of providing recommendations for change to the federal Government. The Special Committee on Senate Reform met on 4 December 2008 to consider arrangements for consultations with Manitobans on Senate reform. The Committee established a subcommittee to travel and consult Manitobans in January and February 2009 and received written submissions until 1 March. The goal of the Committee is to provide a final report to the Manitoba Legislative Assembly by June 2009.

Ontario Legislative Assembly

In April, the House was recalled from an adjournment for a special Sunday meeting in order to deal with a labour relations matter involving Toronto's public transit system.

The Speaker ruled out of order an Opposition Day notice of motion that offended the *sub judice* convention.

In the wake of a report by an all-party panel, the House adopted a new prayers protocol. It requires the Speaker, at the outset of the legislative day, to recite the Lord's Prayer, followed by another prayer, verse, passage or moment of silence that reflects the general demographic composition of the chamber and province. (The protocol replaces the Speaker's longstanding recitation of a supplication addressed to "Oh God, our heavenly Father", followed by the Lord's Prayer.)

Legislative proceedings, which have been televised since 1986, are now webcast from a link on the Assembly's internet home page at www.ontla.on.ca. (Chamber proceedings are webcast both live and on a repeat basis, while committee proceedings are webcast on a delayed basis.)

Hansard reporters now use laptop computers on the floor of the chamber. (NB: The Speaker allows members to use silent BlackBerries—but not laptop or notebook computers—on the floor of the chamber.)

A member who was expelled from the caucus of the Official Opposition for expressing criticism of his party leader now sits as an independent member.

The Leader of the Opposition is not the party leader because (a) the latter did not win a seat in the 2007 general election, and (b) since then, there have been no by-elections in which the party leader could stand for election. A by-election to be held in March 2009 will determine whether the party leader will become a member.

Québec National Assembly

Election of new President

Following the resignation of its President, on 14 July 2008, the Assembly had to elect a new President upon the resumption of proceedings, on 21 October. The members gave their consent to set aside the standing orders and to hold an election by secret ballot. Two candidacies were handed in, one from the Government Group and the other from the Second Opposition Group. Within the context of a minority government, it is the candidate hailing from the Second Opposition Group who was elected.

General election

A few days later, on 5 November 2008, the Assembly was dissolved and a general election was called. This election was held on 8 December 2008 and a majority government formed by the Québec Liberal Party was elected, with 66 seats out of 125. As for the opposition, the seats were distributed as follows:

51 members belonging to the Official Opposition and 8 independent members elected under the banner of two different political parties.

INDIA

Rajya Sabha

The following changes and amendments to existing laws relating to the electoral system, the salaries and allowances of Officers of Parliament and the Vice-President's pension were passed by Parliament during 2008. The Vice-President is *ex officio* Chairman of Rajya Sabha. Regarding procedure, the initiatives taken by the Chairman of Rajya Sabha in regulating the Question Hour and the Zero Hour Submissions have been incorporated.

The Delimitation (Amendment) Bill, 2008

Parliament enacted the Delimitation Act, 2002, whereby a Delimitation Commission was set up to readjust the existing territorial constituencies for the House of the People (Lok Sabha) and to the state legislative assemblies on the basis of the 2001 census. The Delimitation (Amendment) Bill, 2008, passed in March 2008, sought to provide for the deferment of the delimitation exercise in certain parts of the country if a situation had arisen whereby the unity and integrity of India was threatened or there was a serious threat to the peace and public order. This was done at the first instance by issuing an Ordinance when the Houses were not in session. The Delimitation (Amendment) Bill, 2008, therefore, also sought to replace the Delimitation (Amendment) Ordinance, 2008 promulgated by the President on 14 January 2008. The Bill was assented to by the President on 28 March 2008 and became Act No. 9 of 2008.

Consequent upon the Delimitation (Amendment) Act, 2008, the President deferred the delimitation exercise in four states in the north-east and Jharkhand. Except for those states, the delimitation orders issued by the Delimitation Commission under the Delimitation Act was to be effective with immediate effect in all the states/union territories.

The Representation of the People (Amendment) Bill, 2008

To give effect to the Delimitation (Amendment) Act, 2008, corresponding changes in the Representation of the People Act, 1950 were made to reflect the changes notified by the Delimitation Commission. The Representation of the People (Amendment) Bill, 2008 was passed by both Houses of Parliament

in March 2008. The Bill, *inter alia*, inserted a new section 8A in the Representation of the People Act to enable the Election Commission to conduct a delimitation exercise in the north-eastern states (where the delimitation exercise had been deferred due to the exigencies of the prevailing conditions) as soon as the conditions in these states became conducive to the conduct of delimitation work. It also sought to enable the Election Commission to consolidate the delimitation orders issued by the Delimitation Commission into a single order by superseding the existing Delimitation of Parliamentary and Assembly Constituencies Order, 1976. The Bill was assented to by the President on 28 March 2008 and became Act No. 10 of 2008.

The Salaries and Allowances of Officers of Parliament (Amendment) Bill, 2008

The Bill was passed by the Lok Sabha in October 2008 and the Rajya Sabha in December 2008. It sought to amend the Salaries and Allowances of Officers of Parliament Act, 1953, to enhance the salary of the Chairman of the Council of States (Rajya Sabha) in order to ensure parity with the emoluments likely to be payable to the President of India and those payable to the Governor of a state. The Act was amended by increasing the salary of Chairman of the Rajya Sabha from Rs.40,000 per month to Rs.125,000 per month effective retrospectively from 1 January 2006. The Bill was assented to by the President on 30 December 2008 and became Act No. 30 of 2008.

The Vice-President's Pension (Amendment) Bill, 2008

The Bill was passed by the Lok Sabha in October 2008 and by the Rajya Sabha in December 2008. The Bill sought to amend the Vice-President's Pension Act, 1997 by increasing the pension of the Vice-President from Rs.20,000 per month to Rs.62,500 per month effective retrospectively from 1 January 2006. The Bill was assented to by the President on 30 December 2008 and became Act No. 29 of 2008.

Regulating Question Hour: number of supplementary questions

In order to accommodate more questions during Question Hour, the Chairman of the Rajya Sabha ruled in March 2008 that a member in whose name a starred question was admitted will be allowed two supplementary questions. If there was another member clubbed with that question, he or she will be allowed only one supplementary. Thereafter, only two more supplementaries by others would be permitted on that question. Further, the

Chairman stated that members should be brief in putting supplementaries and ministers give precise replies to save question time, which is limited to one hour.

Zero Hour Submissions: procedure for raising matters with permission of the Chairman

Members raise matters of urgent public interest in the House immediately after the Question Hour. This time has been colloquially termed as "Zero Hour". As such, there is no procedure prescribed in the Rules of Procedure and Conduct of Business in the Council of States (Rajya Sabha) regulating the Zero Hour submissions. However, in order to utilise productively the scarce parliamentary time and also to afford an opportunity for members to reflect urgent public concerns, the need had been felt from time to time to regulate Zero Hour. These submissions have come to be known as "Matters Raised with Permission of the Chair". As per the existing procedure, a member who wishes to raise a matter of urgent public importance during this time on a particular day, should give a notice to the Chairman by 10 am on that day and should give in the notice a synopsis of the matter that he or she wishes to raise, justifying therein its urgency and importance. The Chairman, on examination and consideration of all such notices, may admit them to be raised as "Matters Raised with Permission". These matters are raised after the Questions Hour and the laying of papers on the Table and before any other item in the List of Business is taken up. For notices admitted by the Chairman, the concerned member would be given three minutes to raise the matter in brief. The time taken by the member in making the submission is shown on the electronic display board as a countdown, and when the allotted three minutes is over, the microphone of that member is cut off. Not more than one submission as a "matter raised with permission" is permitted on one subject. No member is allowed to make more than one such submission in a week and not more than ten matters would be permitted to be raised with permission on a particular day.

NEW ZEALAND HOUSE OF REPRESENTATIVES

Register of Pecuniary Interests

Every year, members are required to provide returns of their pecuniary interests as at 31 January. The returns must be provided to the Registrar of Pecuniary Interests (Dame Margaret Bazley) by the end of February. The

returns are then summarised, and the summary is published as a parliamentary paper. The summary of annual returns for 2008 was presented to the House by the Speaker on 10 April 2008. For the first time since the register was established in 2005, members subsequently sought to provide additional information about their pecuniary interests as at 31 January. Since the standing orders provide for the summary to include only information as provided to the Registrar before the end of February, this additional information was made available on the Parliament website as a summary of additional returns.

Government response to report of Regulations Review Committee

The Government presented its response to report of the Regulations Review Committee on its *Inquiry into the ongoing requirement for individual regulations and their impact* (7 March). The Regulations Review Committee had presented the report on its inquiry on 12 December 2007. The purpose of the inquiry was to review the currency of existing regulations to determine those regulations that are still required and those that may be revoked, and to look at mechanisms to provide ongoing and systematic review of the currency of regulations and revocation of redundant regulations. The committee's report included lists of spent regulations and revocation orders, and recommended that those regulations and orders be revoked. The committee also recommended, among other things, that a publicly accessible list of departmental responsibility be produced and maintained for all regulations, and that statutory provision be made for a sunset regime applicable to all statutory regulations. The Government, in its response, agreed to the recommendations relating to revoking spent regulations and revocation orders, and noted that it had directed that further work be undertaken on other recommendations, including the recommendation for the introduction of a sunsetting system. In particular, the Government stated that it had directed government departments, in collaboration with the Law Commission, to provide further advice to the Cabinet on the inclusion in a statute of a sunsetting system, applicable to all statutory regulations.

Status of candidates after polling day—Parliamentary Service Amendment Bill

The Parliamentary Service Amendment Bill was read a first time on 20 May 2008 and referred to the Standing Orders Committee. The bill related to administrative and support services for certain candidates for election, and the payment of funding entitlements for parliamentary purposes, during the

period between polling day and the recognition of candidates as members.

It had been the practice at previous elections to approve expenditure from Vote Parliamentary Service appropriations (during the period between polling day and the declaration date) for candidates who were members of Parliament seeking re-election, and other candidates who appeared to be elected on the basis of election night results. Such expenditure included travel to and from Wellington (and related accommodation expenses), and the continuation of payments for such matters as out-of-Parliament office leases and telecommunications agreements. The Parliamentary Service had received advice, however, that there was no authority for the service to approve any expenditure in respect of members' entitlements during the period between polling day and the date on which electoral candidates are declared members of Parliament, in respect of general elections or by-elections. This meant that candidates of any party who appeared to have been elected on the basis of election night results, and who were not ministers, could not have any of their expenses (including travel and accommodation) met from Vote Parliamentary Service appropriations. While such spending in respect of previous elections was now recognised to have been unauthorised, it had incidentally been validated through the passage of a controversial Appropriation bill for the validation of certain unappropriated parliamentary expenditure.

The bill as introduced required the General Manager of the Parliamentary Service to form an opinion, based on the election night results, as to which candidates should be provided with funding and support services from the Parliamentary Service during the period between polling day and the day on which candidates are declared elected. The Standing Orders Committee recommended that the bill be amended so that services and funding would be provided to candidates whom preliminary election results, made available by the Chief Electoral Officer on polling day or the day after, indicated to have been elected. The committee considered that it was not desirable or appropriate for the General Manager of the Parliamentary Service to be required to form opinions about election results—that is a role for electoral officials. Under the bill as amended, the Parliamentary Service provides services and funding for leading candidates regardless of the margin involved (as well as for all candidates seeking re-election). The bill was passed by the House on 7 August 2008, in time for the general election in November.

2008 general election result and formation of new Government

The general election was held on 8 November 2008. The National Party emerged as the clear winner, with 45 per cent of the vote entitling it to 58 seats

out of 122. The Labour Party obtained 34 per cent of the vote, which gave it 43 seats. The next largest party is now the Green Party, which has nine seats after gaining 7 per cent of the vote. The New Zealand First Party (led by Rt Hon Winston Peters), which previously had been the third-largest party, failed to return to Parliament as its vote (4 per cent) did not cross the required 5 per cent threshold and the party did not win any electorate seats. ACT New Zealand, with 3.7 per cent, won fewer votes than New Zealand First but party leader Rodney Hide won his electorate seat and thus brought four other members with him to the House. The Māori Party won five electorate seats but only 2.4 per cent of the vote, creating an "overhang" of two extra seats. Two other parties (Progressive and United Future) now each have only one member in the House.

While the Labour Party returned with only seven seats fewer than it won on election night in 2005 (and two more seats than it had when originally becoming the main Government party in 1999), its potential support parties had insufficient votes for it to find a parliamentary majority. Prime Minister Rt Hon Helen Clark conceded defeat on election night, in the process stepping down as Leader of the Labour Party, a position she had held since 1993.

The new Government was formed quickly. Hon John Key was appointed Prime Minister on 19 November 2008, after reaching agreements with the Māori Party, ACT New Zealand and United Future. The Government is a minority, single-party Government (National Party) with pledged support on confidence matters from those other parties, each of which has had members appointed as ministers outside the Cabinet. These ministers are able to express dissent from government policy on matters that do not fall within their ministerial portfolios—an innovation of the previous Government. The National Party has subsequently (on 8 April 2009) also signed a memorandum of understanding with the Green Party to establish a "good faith working relationship", particularly in respect of certain "identified policy areas".

Mihi at opening of Parliament

On the day of the State Opening (9 December), while the House waited for the summons to attend on the Governor-General for the Speech from the Throne, a new procedure occurred where a senior Māori member of the House gave a mihi (greeting). Hon Parekura Horomia (Labour Party) welcomed Māori members and the Speaker and other members of the House, and acknowledged the local iwi (tribes).

Successful petition for referendum

Under the Citizens Initiated Referenda Act 1993 ("CIR Act"), a person may seek support for the holding of a referendum by submitting a proposed question to the Clerk of the House for approval. Once the question is determined, the promoter then has one year in which to collect the signatures of at least 10 per cent of registered electors on a petition seeking the referendum. The Clerk of the House then determines whether sufficient signatures have been obtained; if not, two more months are permitted for the collection of signatures. If sufficient signatures have been obtained, the Clerk certifies the petition as correct and gives it to the Speaker for presentation to the House, thus triggering the requirement for a referendum to be held within a year.

On 26 August 2008, a petition was presented to the House under the CIR Act after being certified as correct by the Clerk. The petition, promoted by Ms Sheryl Savill, sought a referendum on the question, "Should a smack as part of good parental correction be a criminal offence in New Zealand?" The petition had originally been handed to the Clerk on 29 February 2008, but was determined not to have reached the required 285,027 valid signatures. However, on being resubmitted two months later, around 310,000 signatures were valid. The Governor-General subsequently (on 15 September) issued an Order in Council for the referendum to be decided by a postal vote closing on 21 August 2009. This will be the first referendum held under the CIR Act since 1999, and the first to be held by postal vote.

Revocation of regulation by the House

The Regulations (Disallowance) Act 1989 allows the House to disallow or revoke regulations, but until recently this power had never been used. However, on 23 September 2008, Hon David Cunliffe, Minister of Health, moved a notice of motion to revoke and substitute a *Gazette* notice issued by the Nursing Council relating to the "Scope of Practice" of certain nurses. The council reportedly had not taken steps to amend the Scope of Practice as set out in the notice, despite a request to do so from the minister with the support of members of the Regulations Review Committee. The House agreed to the motion without debate.

Parliamentary Library—150th anniversary

On 10 September 2008, the Speaker informed the House that 20 September 2008 would be the 150th anniversary of the appointment of the Parliamentary Library's first librarian, Captain FE Campbell. Members joined the Speaker

in congratulating the Library on this significant anniversary and acknowledged its historic and current role in supporting representative and parliamentary democracy. The occasion was marked by the publication of a book, *Parliament's Library—150 years*, by Dr John Martin (see below).

SEYCHELLES NATIONAL ASSEMBLY

Progress and achievements under the United Nations Development Programme

Revision of the standing orders

One of the biggest components of the United Nations Development Programme was the complete revision of the standing orders of the National Assembly, to bring it more up to date with the Seychelles Constitution and with parliamentary practices in other Commonwealth countries.

The exercise resulted in the following revisions being made:

- New interpretations and definitions included in the "Interpretations" section of the standing orders, the most noted being a definition for the "Leader of Government Business".
- Provision has been made for the following procedures:
  - in cases not provided for in the standing orders (Speaker to decide or give a ruling);
  - in the event of the office of the Speaker or Deputy Speaker becoming vacant;
  - removal of the Speaker and the Deputy Speaker;
  - Vote of Censure against the Vice-President and ministers;
  - setting up of committees to deal with issues other than bills;
  - authority of Presiding Officers during proceedings;
  - Leave of Absence.

Code of Conduct for Members

The Code of Conduct was approved by a resolution of the Assembly and has been incorporated in the standing orders. It was drafted with the Public Officer's Ethics Act in mind, incorporating its core values: the seven "Nolan Principles" of "selflessness, integrity, objectivity, accountability, openness, honesty and leadership".

Whilst it is a "Code of Conduct", it is more of an aspirational than a prescriptive code, to be used as a guide by members.

Dress Code for Members of the National Assembly

In accordance with revised Standing Order 46(10) and in the interest of maintaining the decorum and dignity of the House, the Speaker's office also issued a "Dress Code for Members of the National Assembly" which was unanimously approved by the Assembly. This dress code will also apply to ministers and their officials, as well as members of the public.

Code of Conduct for Staff

It is also expected that the Secretariat of the National Assembly (as an integral part of the institution and the administrative body) adheres to the high standards of the Assembly. It is with this in mind that a Code of Conduct for Staff has also been introduced.

One of the main aspects of the Code of Conduct for Staff is the concept of impartiality—which is one of the values that the Assembly wishes to foster and encourage in its staff. By its nature, the Assembly is a partisan body and the staff have therefore to work with political figures, whilst always keeping in mind that they have to deliver equal services to all members.

Rules of Procedure for Committees

Another objective of the programme was the strengthening of the committee system in Seychelles, which is an important means by which the Assembly does its oversight work.

The Rules of Procedure for Committees incorporates all the procedures and guidelines that committees of the National Assembly will need for their proper functioning. The document makes provision for such things as the election of committee chairpersons as well as incorporating the Terms of References of Committees.

Of particular importance in the Rules of Procedure for Committees is the procedure for taking evidence in committee. Article 104(3) of the Constitution of Seychelles gives committees of the Assembly the power to call in witnesses when inquiring into issues of importance. The section of the Rules of Procedure for Committees provides clear guidelines on how committees are to take evidence from witnesses or documents.

Committee on Government Assurances

The Committee on Government Assurances is a committee which will follow up on any assurances given by the Government in the Assembly. Working under the guidelines of the Rules of Procedure for Committees, this commit-

tee's main goal is not just to follow up on assurances but to also provide information to the Assembly as to why certain assurances have not been carried out.

UNITED KINGDOM

House of Commons

Training and recruiting clerks[13]

The routes of entry for clerks into the United Kingdom House of Commons Service have become more varied over the past decade, although the principal route of entry remains the graduate "fast stream". Training for new clerks has developed to reflect the broadening of routes of entry and the importance of ensuring that all clerks receive training specific to the profession.

The most common method of entry for new clerks remains through the fast stream competition. This is open to university graduates or those about to graduate who are UK nationals, Commonwealth citizens or European Union nationals. Candidates must pass a verbal and numerical reasoning test before completing a half-day invigilated test. Those who pass are then asked to a one-day Fast Stream Assessment Centre (FSAC) which assesses interpersonal skills, intellectual capacity and delivery skills. To this point, the recruitment process for clerks runs parallel to that for the Home Civil Service fast stream, and many candidates pursue both options. However, candidates for a clerkship who pass the FSAC with the required mark are also asked to attend a Final Selection Board in May or June, after which two or three each year are usually recruited as clerks.

While most clerks have joined the Commons Service directly as clerks, there are now more opportunities for other staff within the House of Commons Service—most commonly, those in administrative grades and in specialist positions in the Committee Office—to become clerks following internal competitions. Also, at any one time, several clerks' posts will be held by secondees from the civil service, some of whom have switched to permanent positions as clerks.

Upon appointment, new clerks are expected to undertake a full-time role immediately, generally as second clerk on a select committee. The training provided to new clerks broadly takes four forms. First, new clerks learn "on the

[13] Unfortunately in the 2008 edition of *The Table* there was no contribution from the House of Commons or the House of Lords on the annual comparative study on the training and recruitment of clerks: hence this note and the note which follows.

job", particularly but not exclusively relating to select committee practice and procedure. Second, almost all clerks at an early stage of their careers undertake night duty in the Journal Office to provide an introduction to key aspects of House procedure, petitions, parliamentary papers and privilege.

The third element is a training programme for new and newer clerks largely comprised of presentations and seminars relating to the types of business of the House and its committees and the work of each office. This programme involves events during most sitting weeks. Finally, new clerks can expect to pay a visit to the European Parliament in Brussels organised by the National Parliament Office to learn more about European institutions and European policy development.

The exact amount of time taken up by these forms of training has varied from year to year, in part affected by other time commitments of new clerks, both in their main jobs and in taking forward other areas of development, including management and leadership skills. There has nevertheless been an upward trend in training provision for new clerks over the last decade, and procedural training for newer clerks has recently become more formalised. There has also been more formal management recognition of the time commitment involved for new clerks in training and professional development. Further efforts are underway to provide a clearer structure and curriculum for training for clerks in the early years of their career.

There is no structured training programme for clerks beyond their early years of service. The practice of "circulation", whereby clerks are expected to move periodically between the Committee Office and procedural offices during their career, is intended to ensure that clerks acquire broader and deeper procedural knowledge as their careers progress. Training is predominantly related to specific posts, and to the broader competences and skills required of managers and of prospective senior managers.

Clerks regularly give talks or hold seminars for colleagues to increase professional knowledge and discuss issues and challenges. From autumn 2009, a new procedural training programme will be launched. Although this programme is partly targeted at an audience of staff beyond clerks, the advanced level of the programme is likely to provide a clearer structure for strengthening the continuing procedural development of clerks.

For almost a decade there has been an annual Clerks Professional Training Day, now known as the Clerks Professional Seminar. This is attended by all clerks in the Commons and provides an opportunity to discuss recent developments and debate issues of concern to clerks as a profession.

As part of the move towards a unified House Service, the Clerk's

Department has been superseded by a larger Department of Chamber and Committee Services, incorporating the Official Report and the ceremonial and security functions of the Serjeant at Arms. There is an expectation that many clerks will spend a part of their careers in other parts of the House Service or on secondment to the Civil Service. From 2011, it is expected that direct external recruitment of clerks will be replaced by a House-wide fast stream. Many of those entrants will be expected to serve as clerks. However, these developments will require a growing emphasis on training and other efforts to support the sharing and development of procedural and clerkly knowledge as the glue which holds together the profession of clerk in the House of Commons.

House of Lords

Training and recruiting clerks

Since the 1970s the main recruitment method for House of Lords clerks has been through the UK civil service "fast stream" (http://www.civilservice.gov.uk/jobs/FastStream/GraduateFastStream/HoP.aspx). This is a graduate entry scheme designed to identify high-calibre applicants with the capacity to progress to senior levels in the civil service. Under this scheme applicants undergo an on-line test, a written test, and then a one-day assessment centre. Successful applicants with a preference for either House of Parliament are then referred to a final selection board, run jointly by the two Houses. Those who pass the final selection board are then assigned by agreement between the Houses.

The fast stream grade is a training grade and while fast stream recruits will be assigned to specific posts, often challenging, they are also encouraged to undertake training. This is wide-ranging, from on the job training under the supervision of other colleagues, to a structured two-year in-house procedural seminar series, to participation in external training courses, in particular those developed specifically for the civil service fast stream. The range of formal training activity has expanded considerably over the last 10 years. Hitherto there was much greater reliance on clerks learning on the job.

Clerks usually pass from the fast stream grade in three or four years. At that stage formal structured training specifically for clerks generally ceases, and instead clerks are integrated into the general training provision available to all members of staff, some of which is mandatory depending on job role.

Fast stream clerks have for some time been supplemented by temporary

committee clerks, typically people with former experience as a senior civil servant. These post-holders are recruited separately and directly by the House of Lords. They have access to most training activity, and all training programmes, for fast streamers mentioned above, but they are not appointed to training posts and are expected to have more developed knowledge and experience than fast streamers.

The House of Lords has also participated in 2006 and 2008 in the UK civil service "in-house fast stream" scheme administered through the civil service. This scheme is designed to encourage career development of existing staff who wish to enter the fast stream. The scheme is run separately from the external fast stream but includes the main features of the civil service selection process. Two clerks have been recruited by this route.

Procedure for investigating complaints

The House of Lords has had a Code of Conduct since 2001, when the current Code was agreed following a report by the Committee on Standards in Public Life.[14] Before 2001, Members were required by Resolution of the House to register and declare relevant interests, though there was no general Code of Conduct.[15]

Paragraph 19 of the 2001 Code of Conduct provided an outline of the procedure for dealing with complaints:

> "19. Allegations of non-compliance with this Code are dealt with as follows:
> (a) Any allegation should normally be raised first with the Member complained against. However, there may be circumstances when it is more appropriate to raise the matter with a party Leader or Chief Whip, or the Convenor of the Cross Bench Peers.
> (b) If the complainant chooses to pursue the matter, he or she should refer the allegation in private directly to the Sub-Committee on Lords' Interests, through its chairman.
> (c) The Sub-Committee will then examine the allegation and may decide to investigate it further or to dismiss it.
> (d) In the investigation and adjudication of complaints against them, Members of the House have the right to safeguards as rigorous as those applied in the courts and professional disciplinary bodies.
> (e) If after investigation the Sub-Committee finds the allegation proved, the

[14] Committee on Standards in Public Life, 7th Report, *Standards of Conduct in the House of Lords* (Cm 4903).

[15] Resolution of the House of 7 November 1995 (HL Journal, vol. 228, p 696).

Member complained against has a right of appeal to the Committee for Privileges.
(f) The conclusions of the Sub-Committee and of the Committee for Privileges are reported to the House."

It will be clear that paragraph 19 was drafted in very broad terms. No detail was given of, for instance, the mechanism for referring complaints to the Sub-Committee, the criteria for deciding whether or not to launch a full investigation, or the way in which an appeal would be lodged or heard. Indeed, certain points of principle (for instance, the question of entitlement to lodge complaints) were not covered.

This lack of detail did not, for many years, cause difficulty: there were, in practice, almost no complaints against members of the House, and none at all of any substance. However, in 2008 the position changed: not only were the first complaints against members upheld,[16] but the number, seriousness and complexity of complaints against members began to rise.[17] Moreover, it was clear that these complaints were being made by non-members, who were less likely to pay heed to the informality recommended in paragraph 19(a) of the Code. In these changed circumstances, the procedure outlined in the Code was found wanting.

The Committee for Privileges considered these matters in July 2008. The Committee agreed to establish a working group, chaired by the Chairman of Committees, and including the Leader of the House, the Leaders of the two main opposition parties (Conservative and Liberal Democrat), and the Convenor of the independent Crossbench peers. The task of the working group would be, not to revise the Code, but to propose a more detailed procedure for considering complaints that would nevertheless be consistent with the general principles set out in paragraph 19.

The working group reported back to the Committee for Privileges in November, and its conclusions, along with a summary of the new procedure, were then reported by the Committee to the House.[18]

The new procedure is modelled closely on that which has been operated in

[16] See Committee for Privileges, 1st Report, Session 2007–08, *Declaration of Relevant Interests in Debate* (HL Paper 52). All reports of the Committee for Privileges can be read online at http://www.parliament.uk/parliamentary_committees/lords_privileges_comm.cfm.

[17] See Committee for Privileges, 2nd Report, Session 2007–08, *Declaration of Relevant Interests when Communicating with Ministers* (HL Paper 113) and 3rd Report, *Declaration of Relevant Interests in Debate* (HL Paper 189).

[18] Committee for Privileges, 4th Report, 2007–08, *The Code of Conduct: procedure for considering complaints against Members* (HL Paper 205).

the House of Commons, but adapted to reflect the continuing role of the Sub-Committee on Lords' Interests (in contrast to the Commons, where investigations are conducted by the independent Parliamentary Commissioner for Standards). In particular, the procedure includes:

- Formal acknowledgement that complaints could be accepted from any source, not just from members of the House.
- Clarification of the criteria by which complaints are assessed by the Sub-Committee chairman prior to formal investigation, allowing, on the one hand, for frivolous complaints and those falling outside the scope of the Code of Conduct to be screened out at an early stage, and, on the other hand, for a formal decision to initiate a full investigation, based on a recommendation by the Sub-Committee chairman that there is a *prima facie* case to answer.
- Guidelines on the amount of information to be communicated to complainants and to members complained against in the course of any investigation.
- An emphasis that the Sub-Committee's proceedings are to be kept informal, and that members complained against, while they may be accompanied to meetings by a friend or adviser, must answer questions for themselves, and may not be represented by counsel.
- A mechanism allowing members, in cases of minor or inadvertent breaches of the Code which are readily acknowledged, to cut short an investigation by taking "remedial action". This might involve correcting an entry in the Register of Lords' Interests, accompanied by an apology to the House.
- Formalisation of the process whereby members are given an opportunity to appeal against the findings of the Sub-Committee on Lords' Interests to the Committee for Privileges.

The House agreed the new procedures on 18 December 2008. As part of the process of introducing the procedures, a wholly new Sub-Committee was appointed on 19 January 2009. Within a week, on 25 January, allegations against four members of the House, which appeared in the *Sunday Times* newspaper, put both the new Sub-Committee and the procedures themselves to an unprecedented test. The investigation that followed, and its aftermath, will be covered in next year's *Table*.

Dilatory amendment on third reading

In December 2007 the 27 member states of the European Union signed the Lisbon Treaty, the latest of a line of treaties setting out the powers and governance of the EU and its institutions. Although the Lisbon Treaty was scheduled to come into effect from 1 January 2009, as with all EU constitutional treaties, it cannot take effect until formally ratified by all the signatories. In the United Kingdom ratification was dependent on the passage of implementing legislation, the European Union (Amendment) Bill, which was introduced in the House of Commons within days of the Treaty being signed, on 17 December 2007.

The Bill reached the House of Lords on 12 March 2008. Its progress was slow, with seven days in Committee of the Whole House in April and May, and another three days on Report in June. Despite the Government's minority position in the House of Lords, and numerous divisions, the bill survived without amendment.

The final day of the Report stage took place on 11 June. The following day the Government of the Irish Republic, as required by the Irish Constitution, put the Treaty to a referendum—the only EU member state to put it to a popular vote. The proposal to enact the Treaty was defeated in the Irish referendum by 53.4 to 46.6 per cent. With unanimous approval postponed indefinitely, pressure to delay United Kingdom ratification was intense. Attention turned to the Lords third reading, scheduled for 18 June.

In the Lords, as elsewhere, the motion "that the bill be read a third time" is normally agreed to formally; amendments on third reading are then considered, followed by the motion "that the bill do now pass". The question confronting the opposition was how to delay proceedings in such a way as to allow the dust of the Irish referendum to settle, so that amendments could be tabled to the bill reflecting any further decisions taken by the European institutions and the member states of the Union. If such amendments were passed, they would then be returned to the Commons, giving both Houses a chance to consider them.

Opposing the motion that the bill do now pass was not an option, as it would have meant killing the bill without an opportunity for further scrutiny or amendment. So the only way forward appeared to be to table a dilatory amendment to the motion for third reading.

However, a dilatory amendment appeared to be precluded by the *Companion to the Standing Orders*, which states:

> "7.137 The third reading of a bill is confined to the formal motion '*That this bill be now read a third time*'. No debate takes place. Though formerly the motion for the third reading could be debated or opposed, and reasoned or delaying amendments moved to it, any such opposition now takes place on the subsequent motion '*That this bill do now pass*'."

The *Companion* is the authoritative guide to House of Lords procedure. It is based on a mixture of convention and specific decisions of the House on the basis of Procedure Committee recommendations. In this case, the prohibition is unreferenced, but research revealed that it derived from a recommendation made by the Procedure Committee in 1995, that "the motion that a bill be now read a third time should always be taken formally, whether or not it is followed by amendments, and that any speeches should be made on the motion that the bill do now pass."

However, the evil that the Procedure Committee was seeking to remedy in 1995 was not the tabling of amendments to the third reading motion itself. There are occasions on which no notice is given of amendments after third reading—for instance, no notice is required of the "privilege amendment" that is made to protect Commons financial privilege. This led to instances of confusion over when, in the course of the final stages of a bill's passage, was the appropriate moment for members to make general concluding remarks, reflecting on the bill, thanking officials and the minister in charge, and so on. In the words of the Procedure Committee:

> "At present, debate may take place on the motion that a bill be now read a third time, but when amendments are tabled it is usual to take the motion formally and to debate instead the motion that the bill do now pass. This practice has led to confusion."[19]

What the Procedure Committee did not take into account in 1995 was the possibility that a member would genuinely wish to debate or oppose the motion for third reading, rather than just using it as a vehicle for general reflections and thanks. The Committee's recommendation was drafted ambiguously, and when the next edition of the *Companion* was prepared (which did not happen until 2000, by which time the background to the recommendation had probably been forgotten) the text, in interpreting this recommendation as meaning that it was no longer permissible to oppose or amend the motion for third reading, compounded the mistake.

The events in 2008 quickly exposed these shortcomings in the *Companion*.

[19] Procedure Committee, 4th Report, 1994–95 (HL Paper 91).

The opposition quite reasonably pointed out that what they wished to achieve was to delay the passage of the bill to allow for the possibility of further amendment, in light of events in Ireland. Delaying the motion that the bill do now pass would be pointless.

The Clerk of the Parliaments therefore decided to allow a dilatory amendment to be tabled, notwithstanding the explicit prohibition in the *Companion*. In deference to the *Companion*, the amendment did acknowledge its divergence from the "normal practice of the House"; but in substance it met the opposition's demands:

European Union (Amendment) Bill Third Reading [The Lord President (Baroness Ashton of Upholland)]

Lord Howell of Guildford to move, as an amendment to the motion that this bill be now read a third time, to leave out from "that" to the end and insert ", not withstanding the normal practice of the House, this bill be read a third time no earlier than Monday 20 October 2008 to allow—

(a) Parliament to consider the most appropriate response to the changed circumstances and uncertainties caused by the rejection of the Lisbon Treaty in the Irish referendum; and

(b) any amendments to the bill made necessary by those changed circumstances to be considered in detail by the House, if necessary on recommitment."

After debate, Lord Howell (the opposition spokesman on foreign affairs) divided the House, and his dilatory amendment was defeated by 277 votes to 184. The Bill was duly read a third time and, after one more amendment, passed.

The United Kingdom subsequently ratified the Lisbon Treaty. However, in the absence of unanimous ratification by all the EU member states, the Treaty could not come into force, as originally intended, on 1 January 2009. Instead, at the time of writing (July 2009), the EU awaits a second Irish referendum, on 2 October 2009.

ZAMBIA NATIONAL ASSEMBLY

Construction of new committee complex

The significant event in the Zambian Parliament in 2008 was the construction of a new committee complex within the parliamentary grounds, adjacent to the old Committee Block. The project is being undertaken in line with the Parliamentary Reforms objectives, which seek to promote public participation

in parliamentary business. Once completed, the new committee complex will comprise five new committee rooms with capacity to accommodate 50 members of the public in the galleries; a large common office for chairpersons of committees; and 32 offices for parliamentary staff, particularly from the Committee and the Information, Communication and Technology Departments. The new building is expected to enhance further the oversight role of the legislature.

The National Assembly Project is being financed under the auspices of the Public Expenditure Management and Financial Accountability Programme and is expected to cost about 12.6 billion Zambian Kwacha, which is approximately US$2,500,000.

The construction of the committee complex is another milestone in the successes of the Parliamentary Reforms and Modernisation Programme which began in 2003. Among other achievements under the programme is the opening of constituency offices in all the 150 constituencies in Zambia, which has created a very valuable platform for interaction between legislators and the people they represent.

Passing of Petroleum (Exploration and Production) Act

In 2008, a total of 20 Acts were passed by the House. Among those, Act No.10 of 2008, the Petroleum (Exploration and Production) Act, stands out as having the greatest potential to change the course of development for the country. This follows the discovery of the presence of oil in the country which will lead to mining activity that is also likely to improve the revenue base of the country. Among other provisions, the Act provides guidelines on the exploration, development and production of petroleum in Zambia; provides for title to and control of petroleum in Zambia; establishes a Petroleum Environmental Protection Fund; and establishes the Petroleum Trust Fund.

COMPARATIVE STUDY: TOPICALITY

This year's comparative study asked, "Does your chamber allow for a) questions to ministers on topical issues and b) debates on topical issues? If so, how are they selected, how much notice is given, and how does the notice compare to that for questions or debates on other (non-topical) matters? What proportion of your chamber's time is spent on topical questions, and what proportion on topical debates?"

AUSTRALIA

House of Representatives

Background

The House of Representatives has several provisions allowing for questions and debates on topical issues. During Question Time, members are able to ask topical questions of the Prime Minister and other ministers. Other items of business such as discussion of the Matter of Public Importance, ministerial statements, private members' business, grievance debate, adjournment debate and members' statements provide opportunities for debate on topical issues. These are discussed in more detail below.

Question Time

Question Time is scheduled for 2 pm every sitting day, and is a period during which questions to ministers may be asked and answered. No notice is required to ask a question during Question Time, and the call to ask questions alternates between non-Government and Government members.

While a Question Time of at least one hour's duration normally takes place on each sitting day, technically it is entirely within the discretion of the Prime Minister or the senior minister present as to whether Question Time will take place and, if so, for how long. In order to bring Question Time to a conclusion the Prime Minister or the senior minister present may, at any time, rise and ask that further questions be placed on notice. This usually occurs after 20 questions have been asked. The Speaker is then obliged to call on the next item of business.

The proportion of House time spent on Question Time in 2008 was 10.8 per cent.

Matter of Public Importance discussion

The Matter of Public Importance (MPI) is one of the principal avenues available to private members to initiate immediate debate on a matter which is of current concern. Although members on both sides of the House are entitled to propose a matter for discussion, it now appears to be taken for granted that the opportunity is, on the whole, a vehicle for the Opposition. In practice the great majority of matters discussed are proposed by members of the Opposition executive and are usually critical of government policy or administration.

The order of business provides for discussion of an MPI on every sitting day, except Mondays. The MPI takes place following the presentation of documents and ministerial statements, shortly after Question Time.

A proposed MPI for a particular day must be given in a written statement to the Speaker by 12 noon. If the Speaker determines the proposed matter to be in order, he or she will read the statement to the House. If the matter is supported by eight members, discussion ensues. The member who proposes a matter for discussion must, under the standing orders, open the discussion in the House. Usually three members from each side will speak and a maximum of one hour is provided for the discussion. If more than one proposed matter is received for the same day, the Speaker will select the matter to be discussed.

The proportion of House time spent on Matter of Public Importance discussions in 2008 was 6.6 per cent.

Ministerial statements

By leave of the House ministers may make statements concerning government policy or other matters for which they have ministerial responsibility. The routine of business provides a specific time for ministerial statements following presentation of documents after Question Time. However ministers may make such statements at any time by leave.

It is usual for a copy of a proposed ministerial statement to be supplied to the Leader of the Opposition or the appropriate Shadow Minister some time before the statement is made, although this is not a requirement under the standing orders. At the conclusion of the minister's speech, he or she may present a copy of the statement and move a motion "That the House take note of the document". The shadow minister or opposition spokesperson may then speak to that motion, with, commonly, standing orders being suspended to permit a speaking time equal to that taken by the minister. If a motion to take note is not moved it is usual for leave to be given for the opposition spokesperson to speak on the same subject and equal time.

The proportion of House time spent on ministerial statements in 2008 was 3.6 per cent.

Private members' business

On sitting Mondays, following the presentation and debate of committee reports, debate takes place on private members' business, which includes motions sponsored by private members. The procedures for private members' motions are the same as for motions moved by a minister except that motions are required to be seconded.

A private member wishing to move a motion must give notice. Notices are listed on the Notice Paper, and the whips recommend motions to be debated and the times allotted for debate on each motion. Private members' notices not recommended by the whips for debate within eight sitting Mondays are removed from the Notice Paper. The whips also decide which private members' motions should be dealt with in the Main Committee rather than the House. The whips' recommendations are published in the Notice Paper of the sitting Thursday before the Monday concerned. By arrangement, motions considered as private members' business are not voted on, the debate is adjourned and made an order of the day for a subsequent private members' Monday.

The proportion of House time spent on private members' motions in 2008 was 2.1 per cent.

Grievance debate

At the conclusion of private members' business on Mondays in the Main Committee, the first order of the day is the grievance debate. One hour is allotted for the grievance debate, and the order of the day stands referred to the Main Committee. After the Chair proposes the question that grievances be noted, any member may seek the call to address the Main Committee. In practice ministers rarely participate in order to give more private members the opportunity to speak. A member's speech is limited to 10 minutes and it is traditional practise for the first speaker to be called from the opposition. The grievance debate is an opportunity for members to raise matters in which they have a particular interest or to ventilate complaints of constituents. Notice is not required to speak during the grievance debate.

The proportion of House time spent on grievance debates in 2008 was 3.4 per cent.

Adjournment debate

A half-hour adjournment debate is provided for at the end of each sitting day in the chamber, and at the end of sitting Thursdays in the Main Committee. In the Main Committee the debate may be extended or occur on a day other than Thursday by agreement between the whips. The adjournment debate is specifically exempted from the normal rules of relevance applying to other debates and thus it provides members with an opportunity to speak on any matter they wish to raise. Speeches are limited to five minutes, and notice is not required.

Although technically ministers are not excluded from participation in the adjournment debate, in practise the period is regarded as an opportunity for private members. The call is generally given to backbenchers over front benchers from the same side of the House.

The proportion of House time spent on adjournment debates in 2008 was 4.3 per cent.

Members' statements

Members have several opportunities to make short statements in the Main Committee in sitting weeks. On Monday evenings a period of 15 minutes is provided for any member other than a minister or a parliamentary secretary to make a statement of up to 90 seconds in duration. Members may make statements on any topic of concern to them. They may also use the occasion to present a petition.

A period is also reserved for "constituency statements" by members in the Main Committee on Wednesdays and Thursdays (and also Tuesdays when the Main Committee meets). Any member may speak for up to three minutes, and 30 minutes is allotted on those days for the statements. Members may also use these occasions to present a petition.

Members are not required to give notice to make either type of statement.

The proportion of House time spent on members' statements in 2008 was 4.3 per cent.

Senate

The Australian Senate provides the following opportunities for senators to raise topical matters of their choice.

Matters of public importance or urgency

On each sitting day any five senators are able to raise any matter for debate, with a speaking time limit of ten minutes and a total time limit of one hour.

They may raise it as a matter of public importance for discussion, or may move a motion declaring that a particular subject is a matter of urgency, and that motion is put to a vote at the end of the debate.

Matters of public importance

Each Wednesday a minimum of five senators may speak for up to 15 minutes each on any matters they wish to raise.

Question time

Questions without notice may be asked of ministers each day for one hour. Each questioner may ask two supplementary questions. Questions are limited to one minute, primary answers to four minutes and supplementary answers to one minute.

Committee reports

The reports of Senate committees may be debated for 30 minutes on Wednesdays and Thursdays and for up to one hour later on Thursdays, with a speaking time limit of five minutes on each occasion.

Government documents

On Tuesdays and Wednesdays government documents (such as annual reports of departments and agencies) may be debated with a total time limit of 30 minutes. On Thursdays up to one hour may be spent speaking to such documents. A speaking time limit of five minutes applies on all occasions. Senators may raise any matters relevant to any documents during these debates.

General business

Motions moved by senators other than ministers may be debated for up to 90 minutes on Thursdays. In practice, the matters for debate are chosen by the non-government parties. The normal speaking time limit of 20 minutes per senator applies.

Adjournment

On the question for the adjournment of the Senate each day senators may speak for ten minutes on any subject, with a total time limit of 40 minutes, except on Tuesdays when there is no total time limit.

None of the above matters require notice, except matters of public importance or urgency, which must by notified by 12.30 pm on the day.

The Senate spends about 20 per cent of its time on these debates and approximately 8 per cent of its time on questions without notice.

Australian Capital Territory Legislative Assembly

Does your chamber allow for questions to ministers on topical issues?

At 2 pm each sitting day, debate is interrupted for questions without notice. All non-executive members who wish to ask a question may do so. They can also ask a supplementary question. Questions may be put that relate to the public affairs and administrative matters with which a minister is officially connected or responsible. The time taken varies from 1 to 1½ hours per sitting day

Questions with notice may also be lodged with a response expected within 30 days.

Does your chamber allow for debates on topical issues?

A period of an hour is allocated on each sitting Tuesday and Thursday for the discussion of matters of public importance (MPIs). Notice of intention to discuss an MPI must be lodged with the Speaker by 8.30 am on a sitting day. If more that one matter is lodged, the Speaker determines the outcome by drawing lots. The MPI is a discussion of a topic and not a debate. There is no question before the House and no vote is taken.

All members may lodge normal notices and in some circumstances have them debated the next day. This is particularly relevant for private member's business.

On average, the Assembly sits for 24.9 hours per sitting week, with 2 hours in discussion of matters of public importance and up to 4.5 hours in question time.

New South Wales Legislative Assembly

The Legislative Assembly of New South Wales allows for questions to ministers on topical issues through the vehicle of Question Time.

Question Time occurs shortly after 2.15 pm every sitting Tuesday, Wednesday and Thursday (it does not take place on sitting Fridays, which are shortened days) and allows members to ask questions of ministers that relate to public affairs, matters under the minister's administration and proceedings pending in the House for which the minister has carriage.

The duration of Question Time is limited to 45 minutes or the answering of ten questions, whichever takes longer. The Leader of the Opposition is entitled

to ask the first question and then questions are asked alternatively between the Government and the Opposition. Independent members are also allocated a number of questions each week proportionate to their numbers.

In total, the proportion of the chamber's time per sitting week that is spent on topical questions (i.e. Question Time) is 3 hours and 45 minutes out of 30 hours, which equates to approximately 12 per cent.

The Legislative Assembly of New South Wales allows for debates on topical issues in the forms of motions accorded priority, matters of public importance and general business motions.

Motions accorded priority

Consideration of motions accorded priority (formerly called urgent motions) occurs at approximately 3.30 pm every sitting Tuesday, Wednesday and Thursday immediately after Question Time and, in total, there are 26 minutes allocated for debate.

Motions accorded priority tend to focus on topical matters and permit up to two members per sitting day to make five minute statements as to why their notice of motion should be accorded priority over other business of the House. After these statements have been made the Speaker puts the question "that the motion of the Member for … be accorded priority" in the order that the notices have been received and then the House votes on which motion is to be accorded priority. Following the vote, if passed, debate on the motion accorded priority commences.

Notices of motions to be accorded priority are given prior to Question Time on the day that they are to be debated. This is different to the procedure for other motions whereby a member may not move a motion unless notice of the member's intention to move the motion appears in the Business Paper (except as otherwise provided by leave, standing or sessional orders or resolutions of the House). This means that in most cases notice must be given at least one day before the motion is moved.

The following time limits, as provided for by sessional order, apply to debate:

Mover—7 minutes
Member next speaking—7 minutes
Other members (limited to three)—3 minutes
Reply—3 minutes
Total—26 minutes.

Matters of public importance

A matter of public importance (MPI) is a vehicle for discussion of a matter, without the House having to make a final judgement by way of resolution. Consequently the matter for debate is usually framed as a very brief, general statement.

Matters of public importance are discussed every sitting Tuesday and Wednesday at 7 pm; they are the last item of business prior to the adjournment; and, in total, there are 20 minutes allocated for the discussion of matters of public importance.

Under Standing Order 110 the Speaker determines, at least 30 minutes prior to Question Time, whether an issue a member wishes to raise through this avenue is a matter of sufficient public importance to take up the time of the House. The criteria the Speaker uses is whether the MPI procedure is the most appropriate vehicle to raise the issue, the timeliness of the issue, and, in choosing between matters, the make-up of the House. If more than one matter is submitted, the Speaker is required to make a determination as to which matter is of the greatest public importance. Under the standing order, the Speaker's decision in these matters cannot be challenged.

Written notice of the matters submitted and the matter selected for discussion is given to the Premier, the Leader of the Government, the Leader of the Opposition, the responsible Minister in the House, independent members and members submitting matters. In addition, notices to all members are placed on notice boards at least 30 minutes prior to question time.

Again, this process differs from that which applies to other motions, as notice of matters of public importance do not have to appear in the business paper prior to being considered. Rather, as noted above, the Speaker will determine whether an issue submitted by a member is a matter of public importance on the same day that it is to be discussed.

The following time limits apply to discussion of matters of public importance:

Mover—7 minutes
Member next speaking—7 minutes
One other member—3 minutes
Reply—3 minutes
Total—20 minutes.

General business motions

General business motions are motions that are sponsored by private members (members other than ministers) and deal with topical issues, often in relation

to matters within a member's electorate. General business motions are dealt with at 11.45 am on Thursdays of each sitting week with a total of 1 hour and 45 minutes allocated for the consideration of these motions.

A member initiates the procedure by giving notice of a general business motion that appears in the Business Paper the next day. As provided for by sessional order, general business notices of motion are given on sitting Tuesdays, Wednesdays and Thursdays at 1 pm, 10 am and 10 am respectively.

The first ten general business notices of motions are dealt with in the order that they appear on the Business Paper. However, there is also provision for any two private members to move to re-order a general business notice of motion listed on the business paper or given that day. Members seeking to re-order their item of business may make a statement of up to five minutes in support of the re-ordering of the notice of motion. Only one item of business can, however, be re-ordered, so if the first motion is agreed to, the second motion is not put.

In accordance with sessional order, members can also advise the Clerk in writing prior to 1 pm on the day preceding the general business day in which their general business motion is due to be called on that they wish to postpone the item of business standing in their name. A party whip can also advise the Clerk of which items of general business standing in the name of members of their party are to be postponed. The postponement provision can be strategically used to push notices higher up the Business Paper.

Members are still able to withdraw or postpone any notice of motion or an order of the day when it is called on. No motion is required for a member to postpone business standing in their name when it is called on and the leave of the House is not required. However, if a member wishes to withdraw an order of the day when it is called on the member is required to move a motion. The motion is considered without debate.

The following time limits apply to general business motions:

In each debate:
Mover—10 minutes
Member next speaking—10 minutes
Four members—5 minutes each
Reply—5 minutes.

However, with members giving more notices than the time available for consideration, a consequence has been that hundreds of general notices appear in the Business Paper. This has resulted in a relatively new standing

order which provides that general business not commenced or completed within 12 months from the date of notice shall lapse.

In total, the proportion of the chamber's time per sitting week that is spent on topical debates (i.e. motions accorded priority, matters of public importance and general business motions) is 5 hours and 45 minutes out of 30 hours, which equates to approximately 19 per cent.

New South Wales Legislative Council

The New South Wales Legislative Council does not set aside time for "topical questions" during Question Time in the sense that the House of Commons does, nor for "topical debate". However, the following observations can be made.

Does your chamber allow for questions to ministers on topical issues?

There is provision for every minister to be questioned, often on topical issues, during Question Time. Question Time is usually conducted each sitting day for one hour.

There are currently six ministers in the Legislative Council who answer questions in relation to their own portfolios as well as on behalf of ministers in the other House who they represent.

Members may also lodge written questions on notice in relation to topical issues on days on which the House is sitting.

Does your chamber allow for debates on topical issues? If so, how are they selected, how much notice is given, and how does the notice given compare to that for questions or debates on other (non-topical) matters?

As indicated, there is no specific "topical debate" in the NSW Legislative Council. However, there are a number of opportunities for members to debate topical issues:

- An urgency motion may be moved under Standing Order 201. The subject to be discussed must be stated in writing to the President before the commencement of the sitting. At the appropriate time in proceedings, the President informs the House that a motion under Standing Order 201 has been received, at which point the House decides, without amendment or debate, the question of the urgency of the matter being discussed. If urgency is agreed to, the member moves "That this House do now adjourn" and the matter is debated. There are time limits on the speeches

of members, but no overall debate time limit. At the conclusion of the debate the motion lapses. Most urgency motions are from opposition or cross-bench members but there have been rare occasions when the government has itself used the procedure.

- Matters of public importance may be debated under Standing Order 200. Under this provision, a member may give a notice of motion at a previous sitting that a particular matter of public importance be called on for debate, but without the House having to resolve the matter in any particular way. Consideration of the motion is to take precedence over all other business set down on the Notice Paper for that day, except formal business. When the matter is called on, the House first decides on the question that the matter proceed forthwith, without amendment or debate, except a statement by the mover and by a minister not exceeding 10 minutes each. If agreed, subsequent discussion of the matter may not exceed one hour and 30 minutes. Time limits also apply to individual speakers. As there is no question before the House, at the conclusion of the debate the matter lapses.
- Ministers may make a ministerial statement under Standing Order 48. Ministerial statements have traditionally been used to make an announcement in relation to government policy, however they may inevitably involve a discussion of topical issues to which government policy is responding. They may be made at any time when there is no other business before the House. The Leader of the Opposition, or a member nominated by the Leader of the Opposition, may also speak to a ministerial statement for a period of time not exceeding the time taken by the minister in making the statement.
- Members may give a notice of motion relating to a particular topical issue, to be brought on a future sitting day. However, a motion which requires notice may also be moved at once by leave of the House by unanimous consent, although any objection prevents this from occurring. Items on the Notice Paper that are not due for consideration that day but which are nevertheless topical may also be brought on by suspension of standing orders.
- Members and ministers may debate topical issues in the adjournment debate (SO 31). On the motion for the adjournment, the question will be put no later than 30 minutes after the motion has been moved or, when a minister wishes to speak or is speaking, at the conclusion of the minister's remarks. Any member may speak for five minutes on any matter, provided that they do not refer to matters which are not otherwise in order.

> The debate provides members with an opportunity to bring matters before the House and to the attention of the Government. However, it is also an opportunity to engage in more widespread discourse on matters of public importance or of personal interest to the member concerned.

What proportion of your chamber's time is spent on topical questions, and what proportion on topical debates?

As indicated, the House devotes three hours each normal sitting week to Question Time, which could reasonably be described as time devoted to topical questions.

The proportion of time devoted by the House to topical debates is very difficult to quantify, as many bills and motions could be described as topical, leaving aside any urgency motions, or debates on matters of public importance or suspensions of standing orders that may be brought on. But in general terms, a very high proportion of the normal sitting hours each week are devoted to topical debates.

Northern Territory Legislative Assembly

Questions to ministers on topical issues

Questions may be directed to a minister for which they have ministerial portfolio responsibility.

Debates on topical issues

Debates on topical issues would be a matter of a motion addressing such issues to be proposed by Government or the Opposition or an independent member. These type of motions would need to be brought generally by way of a notice of a motion placed on the Notice Paper of the Assembly.

In the case of the recent topical issue of the events and tragedy of bushfires in the state of Victoria in Australia the Government brought on the motion of condolence without notice being given. However, there was some liaison with the Opposition members and independent members to facilitate this debate on the first sitting day in February 2009.

Debates on issues outside of the ministerial responsibilities and polity of the Northern Territory are very limited, except in issues of the above nature.

Queensland Legislative Assembly

The Queensland Legislative Assembly's Standing Rules and Orders allow for questions to ministers and debates on topical issues. Questions to ministers may be asked orally without notice in accordance with Standing Order 113 or placed on the Notice Paper in accordance with Standing Order 114 for written reply. Questions on topical issues would fall within the scope of standing orders provided they do not offend any other standing order. For example, questions regarding *sub judice* matters are not permissible (Standing Order 233). Standing orders also prohibit questions that may identify children who are subject to the Child Protection Act 1999 or the Juvenile Justice Act 1992, and from raising issues that have been referred to the Members' Ethics and Parliamentary Privileges Committee. Questions regarding a topical matter pending criminal proceedings or before the Committee may therefore be ruled out of order despite public debate on the matter outside the House.

One hour is allocated each sitting day for questions without notice and questions are taken alternately from government and opposition members. Questions from independent members fall within the opposition's allotment. No notice is given for questions without notice. Written answers to questions asked on notice are required within 30 days of asking the question.

For the purposes of the comparative study, "topicality" has been limited to debate on private members' motions. Private members' motions are debated for one hour each sitting week. (The government may also move motions on topical issues.) The subject of a motion is at the discretion of member moving the motion, subject to compliance with standing orders. Notice of a private member's motion is given on the morning of the day on which it is to be debated. (Generally, a motion may not be debated on the same day on which notice of it is given unless the standing orders provide otherwise.) General business notices of motion are entered on the Notice Paper in the order in which they were given to the Clerk of the Parliament. Standing orders provide that all general business notices of motion appearing on the Notice Paper shall be deleted from the Notice Paper after the expiration of 30 calendar days from the day on which notice is given, unless a statute or the standing orders provide a time within which the motion must be considered by the House.

In 2008, the proportion of time spent on topical questions in the Legislative Assembly was 10.4 per cent (42.5 hours) and 3.7 per cent (15.25 hours) on topical debates. A statistical summary of the business conducted by the Assembly is published at: http://www.parliament.qld.gov.au/view/legislativeAssembly/workOfHouse.asp

South Australia House of Assembly

The House of Assembly allows for questions on topical issues and debates on topical issues. Questions of this nature form the basis of the generous allocation of 1 hour per sitting day for Question Time, and debates on topical issues can be initiated through the lodging of parliamentary motions.

Victoria Legislative Assembly

Questions on topical issues

Under standing orders, questions relating to "public affairs" may be asked of ministers. Questions may be asked in two ways. A member may ask an oral question without notice during Question Time, or a member may ask a written question "on notice", which is submitted to the Clerk and published.

Questions without notice are a very public way for members to ask questions of ministers on topical issues. These questions are asked in the House during a time set aside each sitting day for the asking and answering of oral questions for which no notice is given. Questions must be directed to the responsible minister, and where a question is of a general nature, or relates to a number of portfolios, it should be addressed to the Premier.

During Question Time the Speaker calls upon members to ask questions. The ratio of the question call is influenced by a number of factors including the total number of members of a particular party, whether two parties are in a coalition, and the number of independent members. The Chair has discretion regarding the call, although practice is that the Leader of the Opposition will have the call at the start of Question Time. The call is then alternated between each side of the House.

Question Time is held each sitting day at 2 pm, and lasts for 30 minutes, or until 10 questions have been answered, whichever is the longer.

A member may also ask a question on notice, which is particularly suited for those questions requiring statistical or detailed answers. Questions on notice are submitted to the Clerk, and are edited by the Clerk and parliamentary staff to conform to the requirements of the House. Subject to the approval of the Speaker, questions on notice are then published in the following sitting day's Question Paper. The responsibility for the authenticity of the content of the question lies with the member asking it.

Answers to questions on notice are not required to be provided within a set timeframe, and indeed, are not required to be answered at all. Ministers have discretion as to how the question is answered, subject to the satisfaction of

standing orders which state that "In answering any question a Member shall not debate the matter to which the same refers".

Answers to questions on notice are provided to the Clerk, and then forwarded to the asking member. The question and answer are printed in Hansard.

In 2008, 1,193 questions on notice were raised, and 480 questions without notice were asked during Question Time. No distinction is drawn between questions on the matter of topicality.

Debates on topical issues

Since 1999, under the Legislative Assembly standing and sessional orders, there has been no time specifically set aside to debate general business. As government business takes precedence over general business, it is now extremely unlikely for general business to be debated.

There is an opportunity, under Standing Order 39, for members to discuss a matter of urgent public importance. Matters of public importance (MPI) are discussed on two out of three Wednesdays. There is no question before the Chair, and therefore there is no vote at the end of the discussion.

Any member may propose an MPI, and the topic of discussion alternates between matters proposed by non-government and government members. The Speaker has ultimate discretion in deciding the MPI for discussion.

The leader of each party and the independent members are notified of the Speaker's decision by 5.30 pm on the day prior to the day on which the MPI is due. The total discussion lasts for two hours, with lead speakers allowed to speak for 15 minutes, and all other members for ten minutes.

A total of 11 MPIs were discussed during 2008, covering a range of topics including:

- supporting regional communities,
- supporting Victoria's police,
- local government,
- street violence, and
- climate change.

Topical issues may also be raised during the grievance debate, on the question "That grievances be noted". During this debate, members may speak on a wide range of issues, including grievances of specific concern to individual constituents or other issues of significance. The grievance debate is unlimited in scope.

The grievance debate takes place on the first Wednesday of each sitting

period and every subsequent third sitting Wednesday. The total time for the debate is two hours, or until eight members have spoken, whichever is the shorter. Any member may speak for a maximum time of 15 minutes.

In 2008 six grievance debates were held, during which the following issues, amongst others, were raised:

- media reporting of women's sports,
- loss of power supply,
- the manufacturing sector in Victoria,
- early childhood development and schools reform, and
- government performance in rural and regional Victoria.

Victoria Legislative Council

Questions to ministers

The Council's standing and sessional orders make provision for the asking of questions on notice and questions without notice. Chapter 8 of the Council's standing orders is the primary source of these procedures and chapter 5 prescribes when questions take precedence over other business and time limits.

Standing orders provide that questions without notice take precedence at the following times: after Messages on Tuesday (the House commences sitting at 2 pm on Tuesday, so questions commence shortly thereafter); and will interrupt business to take precedence at 2 pm on Wednesday, Thursday and Friday. Sessional orders in place since January 2008 have amended the above to require questions to take precedence at 12 noon on Wednesday, Thursday and Friday. Standing orders provide a limit of one minute for the asking of the question without notice and four minutes for the minister's answer. The asking of a supplementary question is limited to one minute and one minute's response from the minister. Sessional orders (please see above) have removed all time limits. There is no overall time limit for questions without notice each day, but the long-standing practice is that the President usually permits the asking of ten questions, the whole procedure running for an average of approximately one hour. The President allocates questions according to the proportion of seats held by the various parties. This currently requires a four day cycle of allocated questions, which all parties know in advance. Party whips usually submit a list of members to ask questions to the President on each day. No notice is required to be given to ministers of a question without notice. As the Government party has 19 of the 40 members in the Council, Government party members (other than the four ministers) ask almost half of

all questions over a four day cycle. Such questions almost entirely fit the description of a "Dorothy Dixer", in which ministers have prepared "good news" answers or answers that come close to being short ministerial statements or announcements.

Standing orders provide that questions on notice may be submitted to the Table Office. Such questions are then placed on the Notice Paper for the next day's sitting. Standing orders further provide that ministers have 30 (calendar) days in which to furnish an answer. Questions on notice typically require more detailed answers than the more general questions asked during questions without notice. They are often multi-faceted questions which may take up to a page and it would not be possible for a minister to provide such answer in an oral form in the chamber. The written answers to such questions are tabled in the House and republished in Hansard.

Debates on topical issues

Standing orders provide that general business take precedence for three hours on a Wednesday. Sessional orders (please see above) operate to give precedence to general business all day Wednesday, with the usual exception of formal business and questions without notice. General business is defined as "business initiated by Members who are not Members of the Government party or parties". At least one day's notice of a motion is required. Notices of motion are read out by members during formal business and then published on the Notice Paper for the next day's sitting and subsequent days if the notice is not moved or is moved but not resolved.

Typically the Leader of the Opposition in the Council moves, by leave, a procedural motion on a Tuesday setting the order of precedence for general business on the Wednesday. As such the Government has at least 24 hours' notice of what is to be debated. Such general business may include motions on topical issues as well as private members' bills. As with questions without notice, recent sessional orders have removed all time limits on general business debates. Since the introduction of the sessional orders, general business has often continued until the dinner break or after, leaving little if any time for Government business (most particularly bills) to be dealt with on a Wednesday. A typical sitting week is the Tuesday, Wednesday and Thursday with Friday used only very occasionally. As such, close to a third of the sitting week may be used for "topical debates" where the bill or motion has been moved by the non-Government parties.

BOTSWANA NATIONAL ASSEMBLY

Members can ask questions on any subject provided it does not violate the standing orders. Three days' notice is required for questions and question time is for 30 minutes every day of the sitting.

Members can bring a motion on any topic to the chamber. Three days' notice is required for motions. Private members' motions are debated on Fridays only, where Parliament sits from 9 am to 1 pm.

Members can also, on any day other than the first day of a session, request to move the adjournment of the Assembly for the purpose of discussing a definite matter of urgent public importance.

CANADA

House of Commons

In the House of Commons questions on topical issues may be directed to ministers during the daily Question Period and during Adjournment Proceedings. Members also have the right to request that emergency debates be held on urgent matters and the rules of the House provide the Government with the ability to schedule take-note debates on topical matters.

Oral Questions

The Standing Orders of the House of Commons make provision for a daily 45-minute period during which "questions on matters of urgency may … be addressed orally to Ministers of the Crown" (Standing Order 37(1)). No notice is required for oral questions and ministers are not advised in advance of their content.

Oral Questions (commonly called "Question Period") begins with the recognition by the Speaker of the Leader of the Opposition, or the lead questioner for the Official Opposition. The "lead question" is usually followed by two "supplementary questions" from the same questioner.

Supplementary questions seek clarification of answers to oral questions or attempt to obtain information further to that provided. They are meant to flow from or to be based on the response of the minister or parliamentary secretary to the initial question. The Speaker will not, however, insist that a supplementary question be germane to the main question.

After a second question from the Official Opposition with a single supplementary, each of the other officially-recognized Opposition parties is permitted a lead question followed by a single supplementary. The remainder of

Question Period consists for the most part of questions from members of the Opposition parties in rotation, although members of the governing party and independent members are occasionally recognized as well.

Participation in Question Period is controlled to a large extent by the various caucuses and their whips, and can be the subject of negotiations among the parties. The recognition pattern varies according to the representation of the various parties in the House. The parties may also negotiate a maximum time limit (currently 35 seconds) for each question and answer. While the Speaker is provided by the whips with a list of the names of designated questioners and the suggested order of recognition, the ultimate authority to recognize members rests with the Speaker.

Members must be in their own seats to pose questions and may be recognized more than once during the same Question Period. Neither ministers nor parliamentary secretaries may ask questions. Replies are generally expected to be as brief as possible, to deal with the subject matter raised and to be phrased in language that does not provoke disorder in the House.

Although oral questions are customarily addressed to specific ministers, it is understood that they are directed to the ministry as a whole, with the result that the Government designates which minister will respond to any particular question. Only one minister may respond to each question, and it need not be the minister to whom the question is addressed.

No member may insist upon an answer, nor may he or she insist that a specific minister respond to his or her question. The Speaker has no authority to compel a particular minister to respond to a question. A minister's refusal to answer a question may neither be questioned nor treated as the subject of a point of order or of a question of privilege.

Questions concerning matters of financial or administrative policy affecting the House may be directed to the members of the Board of Internal Economy designated as spokespersons by the Board. Questions concerning schedules and agendas may be directed to the chair of any committee of the House.

The Speaker ensures that oral questions and replies adhere to the dictates of order, decorum and parliamentary language, that Question Period is conducted in a civil manner, that questions and answers do not lead to debate, and that both questioners and respondents are able to make their comments heard.

The Speaker may not ask and does not respond to oral questions.

Convention, tradition and usage govern the form and content of oral questions. While the standing orders are silent in this regard, a set of principles and guidelines has evolved over time on the basis of practice, precedents and past Speakers' rulings.

The Speaker may rule out of order any oral question that he or she believes to be in contravention of House guidelines. He or she may suggest that a question be rephrased or may simply recognize another member.

Generally, points of order or questions of privilege are not entertained during Question Period, but are deferred until its conclusion. If a situation arises during Question Period that the Speaker believes to be sufficiently serious to merit immediate intervention (e.g. unparliamentary language), he or she will address the matter at that time.

Adjournment Proceedings

Any member dissatisfied with the response given to his or her oral question during Question Period may give notice of his or her intention to raise the subject matter of the question during the Adjournment Proceedings. Written notice must be submitted to one of the clerks at the table no later than one hour following the conclusion of Oral Questions on the day on which the question was raised.

The Speaker has the discretionary power to determine the specific questions to be raised on any given day during Adjournment Proceedings, as well as the order of their consideration (the standing orders also provide for the consideration of other types of questions during the Adjournment Proceedings). Debate on any one item can last no longer than ten minutes. After 30 minutes, or upon completion of debate, whichever comes first, the motion to adjourn is deemed to have been adopted and the House is adjourned until the next sitting day.

Adjournment Proceedings may be delayed or suspended for a number of reasons, including the extension of a sitting for an emergency debate or a ministerial statement.

Points of order and questions of privilege may not be raised during the Adjournment Proceedings and there is no requirement for quorum. The Speaker will not allow motions moved by unanimous consent during this period.

Aside from unparliamentary language, matters arising from the conduct of the Adjournment Proceedings are deferred until the next sitting day.

Emergency debates

Standing Order 52 provides members with a means of initiating special debates on urgent matters. Any member (other than ministers and their parliamentary secretaries) may request that the House discuss a matter requiring urgent consideration in the context of a debate on a motion to adjourn the House.

Written notice of the subject of a proposed emergency debate must be received by the Speaker at least one hour before the member rises to make the request at the conclusion of the daily routine of business (Routine Proceedings). The member makes a brief statement, reading the text of the application filed with the Speaker. No discussion or debate is allowed.

After considering whether the subject in question might be brought before the House within a reasonable time by other means, the Speaker rules on whether the matter in respect of which an emergency debate is requested warrants the urgent attention of the House. He or she weighs the importance and specificity of the issue, whether it falls within the jurisdiction of the Government, whether it attempts to revive discussion on a matter previously debated and whether it is the subject of a substantive motion for which notice has already been given. The Speaker is not required to give reasons when granting or refusing a request for an emergency debate.

If the request is granted, the debate is held at the earliest opportunity (usually the day on which the request is granted or, at the discretion of the Speaker, on the following day). Only one motion for an emergency debate may be moved in a sitting and such requests are rarely granted by the Speaker.

Take-note debates

A Minister of the Crown, following consultation with the House Leaders of the other parties, may propose a motion at any time to hold a take-note debate (Standing Order 53.1). The Minister's motion must be proposed at least 48 hours before the debate is to begin and sets out the subject-matter and the date on which the debate will be held. Such debates last no more than four hours and are rarely scheduled.

On the day of a take-note debate, the adjournment proceedings are suspended and the House proceeds to resolve itself into a Committee of the Whole over which the Speaker may preside. No member may speak for longer than 10 minutes, and each speech is followed by a 10-minute question and comment period. The only motion that may be moved is "That the Committee do now rise". Upon its adoption, the House immediately adjourns to the next sitting day.

Take-note debates may be used as an opportunity for members to express their views on topical questions without the requirement that a decision be taken by the House. Members may thus participate in the development of government policy, by making their views known before the Government adopts a position.

Senate

Questions to ministers

At each sitting of the Senate there is a 30 minute question period which serves as an accountability exercise. Questions can be directed to the Leader of the Government in the Senate (who is a minister) with respect to public affairs in general, or to another minister in the Senate with respect to his or her ministerial responsibility only. Questions can also be directed to committee chairs with respect to activities of that committee. No notice is required to ask a question during question period and there is no pre-selection process to determine which Senator can ask a question. Only brief remarks may accompany questions and answers and they should not give rise to debate. Supplementary questions on the same subject are permitted. When an answer cannot be readily provided to an oral question, the question can be taken as notice. Once the answer to such questions is prepared, it is tabled in the Senate. Questions directed to the government that seek statistical or more detailed information, or to which a written answer is desired, may be sent in writing to the Clerk of the Senate for inclusion in the *Order Paper and Notice Paper* until answered.

Debates on topical issues

In the Senate there are a number of ways to allow for a debate on a topical issue. The most common methods include substantive motions and inquiries. Substantive motions require one day's notice. The subject of substantive motions usually relates to federal matters which are within the jurisdiction of Parliament. Inquiries, which require two days' notice, are a means to prompt a debate on an issue that will not involve a decision or vote by the Senate. Almost any topic that merits the attention of the Senate can be debated as an inquiry. Any senator can give notice of a motion or of an inquiry and there is no pre-selection process to determine which can be debated. The amount of time spent on substantive motions and inquiries varies greatly from item to item and from session to session.

A third method that can be used to launch a topical debate is called an emergency debate. An emergency debate permits the Senate to set aside its regular order of business for the purpose of discussing a matter of urgent public importance. It allows the matter to proceed to debate quickly by bypassing the usual notice period and procedures required to place an item on the Senate's agenda. In order for an emergency debate to take place, a senator must seek

permission to propose a motion that the Senate adjourn for the purpose of raising a matter of urgent public importance. The Speaker must then decide whether to accept the matter for emergency debate. This decision is subject to appeal to the Senate. As with an inquiry, no decision is made nor vote taken by the Senate at its conclusion. The last emergency debate in the Senate occurred on 3 November 1999.

Alberta Legislative Assembly

In Alberta, members may ask questions of ministers during the 50 minutes set aside each sessional day for Oral Question Period. There is no requirement for notice of any question. The member recognized is entitled to a main question, preceded by a short preamble, followed by two supplementary questions, without preamble. The Chair recognizes a 35-second time limit for both questions and answers in order to allow more members to participate in Question Period.

The Official Opposition is entitled to the first three sets of questions and the third party New Democrats are entitled to the fourth question. A member from the Government caucus is entitled to the fifth question. The rotation then shifts back and forth between members of the Official Opposition, the third party New Democrats and private members on the Government side.

To facilitate the operations of the Assembly, the Speaker's office receives a list from each caucus indicating members wishing to ask questions that day. They do not receive the actual question.

The standing orders of the Legislative Assembly of Alberta also contain two provisions whereby a member may move a motion to adjourn the ordinary business of the Assembly for consideration of a matter of urgent public importance.

Under Standing Order 30, notice of a motion to adjourn the ordinary business of the Assembly must be given in writing to the Speaker two hours prior to the commencement of the sitting day. Normally the member rises when the Clerk calls Notices of Motions to give notice of the motion. The motion is considered following Question Period and before Orders of the Day are called. The member must provide a copy of the motion to all members and not more than one such motion may be proceeded with on the same day. The following restrictions apply to the motion:

- the matter must relate to a genuine emergency,
- only one matter may be discussed on the same motion,

- the motion must not revive discussion on a matter previously discussed in the same session under Standing Order 30,
- the motion must not be based on a question of privilege, and
- the discussion must not raise a question that can only be debated on a distinct motion on notice.

The Speaker may allow debate before ruling on whether the matter meets the test of urgency and whether other opportunities exist for its consideration.

If the Speaker rules in favour of the motion to adjourn the ordinary business of the Assembly, the Speaker puts the following question to the Assembly: "Shall the debate on the urgent matter proceed?" If at least 15 members rise in favour, the debate proceeds and the Speaker calls upon the member who asked for leave; if fewer than 15 but not fewer than five members rise in their place, the question as to whether the ordinary business of the Assembly shall be adjourned is put immediately without debate and, if necessary, determined by division.

If the debate proceeds, members may speak for only 10 minutes and the debate concludes when all interested members have spoken or when the normal adjournment hour is reached that afternoon. No decision of the Assembly results from the debate.

Under Standing Order 42, oral notice must be given during Daily Routine business when Notices of Motions is called by the Clerk. A written copy must be presented to the Speaker and the Table at that time along with sufficient copies for distribution to all members.

The mover of the motion may make a brief statement to the Assembly outlining the urgent and pressing necessity. No other member may speak. After the mover's comments on urgency, the Speaker asks the Assembly if there is unanimous consent to debate the motion. If one member denies consent, consideration of the motion does not proceed. If the Assembly grants unanimous consent to proceed with the motion, each member who wishes to speak shall be limited to 20 minutes and the debate shall conclude when all members who wish to take part in the debate have spoken or at the normal hour of adjournment that afternoon at which time the Speaker calls the vote.

The distinction between Standing Orders 30 and 42 is that under Standing Order 30 the urgency is such that the matter must be brought before the Assembly for debate but the Assembly does not make a decision on the motion. Under Standing Order 42 the matter is of such importance or is of such a non-controversial nature that no member opposes debate and the

matter requires an immediate decision of the Assembly at the conclusion of debate.

The last Standing Order 30 application that was found to be in order by the Speaker was on 7 November 2007. Of the three Standing Order 30 applications in 2008, none were ruled to be in order by the Speaker.

There were no Standing Order 42 applications in 2008. There were two in 2007 but neither was granted unanimous consent to proceed.

British Columbia Legislative Assembly

In the British Columbia Legislative Assembly, which had 79 members in 2008, there is no formal provision in the Standing Orders for "topical questions" or "topical debates". Private members (backbenchers), though, have several opportunities to ask questions related to government ministries during the daily Oral Question Period and annual Estimates debate. Although members do not give advance notice of question topics to be posed during Oral Question Period, they may choose to give some informal notice to a minister with respect to subjects for discussion during ministry Estimates debate.

In British Columbia, private members can also engage in debate on topical issues of the day. As part of the routine business of the BC House, every Monday at 10 am four private members may make a statement, notice of which has been tabled no later than 6 pm the preceding Wednesday. The order in which such statements are to be called is determined by lot by the Speaker, before appearing on the Orders of the Day. The maximum time allocated on Monday for each statement and discussion thereon is one hour, and the statement shall not be subject to amendment, adjournment or vote. Standing Order 25A also stipulates that statements and discussion shall be confined to one matter; shall not revive discussion on a matter which has been discussed in the same session; shall not anticipate a matter in respect to which a Notice of Motion has been previously given and not withdrawn; and shall not raise a question of privilege.

In addition, Standing Order 25B permits six Private Members' Statements of two-minutes' duration each day immediately prior to the 30-minute Oral Question Period. A member desiring to make a statement advises his or her whip 24 hours prior to the relevant day the statement is to be made. Party whips confer to settle the names of the six members who will be recognized for "Statements" for the following sitting day and advise the Speaker by noon of the day in question as to who has been selected, together with the topic of the

statement. Statements under Standing Order 25B are subject to the ordinary parliamentary rules of decorum and debate.

Manitoba Legislative Assembly

Manitoba does not have a category of questions or debates known as topical questions. Members can raise questions based on current issues during Oral Questions provided the questions fall within the parameters of orderliness and parliamentary language. In addition, members can use the devices of written questions, addresses for papers and orders for return to obtain additional information on current issues.

Questions on current issues can also be addressed during the consideration of departmental estimates in the Committee of Supply provided they are relevant to the department and subject under consideration.

Although there is no category on topical issues for debates, members could certainly use items such as private members' resolutions, opposition day motions and requests for debates of Matters of Urgent Public Importance to raise current issues.

Ontario Legislative Assembly

The Assembly's one-hour Oral Question Period is not thematic or topical in nature, i.e., the standing orders do not reserve certain Question Periods for questions about a particular topic or a particular ministry. For any given Question Period, opposition members and government backbenchers determine what topics and which ministers will be questioned. Of course, it is open to all opposition members to decide, for strategic reasons, to devote all of their questions in any given Question Period to a particular topic or to a particular minister (or both), but that only happens occasionally. The standing orders do not provide for a "Premier's Questions" time, i.e., a dedicated time or day to place questions exclusively to the Premier; instead, the Premier attends most Question Periods, and it is rare day that he escapes without being called upon to answer at least one question. Questions placed during Question Period do not require notice. The procedure for written (i.e. tabled) questions is separate and distinct from the procedure for questions placed in Question Period.

Topical debates can and often do occur because the Assembly's standing orders either explicitly or implicitly allow them, as follows:

- The House spends most of its time debating bills—government, private members', private and committee—many of which are specific or topical in nature. For the most part, the government can call the Order on any bill appearing on the *Orders and Notices Paper* during Orders of the Day on any day it wishes. There is no pre-determined limit on the length of the debate, although the timing and length of many such debates are the subject of House Leaders' meetings. (The most notable exception is second reading debate on private members' public bills, discussed immediately below.)
- Private Members' Public Business is a two and a half hour time slot (on Thursday afternoons) during which three items of private members' business—either a private member's motion or a motion for second reading of a private member's public bill—are debated (50 minutes per item) and then voted upon. (A draw held before or at the beginning of each session determines the day on which a private member is entitled to have his or her item debated.) The item must appear on the *Orders and Notices Paper* two weeks before the date of the scheduled debate on it.
- The moving of a substantive government motion can engender a broad debate; motions for an Address in Reply to the Speech from the Throne, Budget motions, and Interim Supply motions would fall into this category. Other substantive government motions are framed in such a way as to engender a more focused or topical debate (e.g. in October 2008 the House had an eight-day debate on a government motion dealing with the state of the economy). If the standing orders do not specify a time limit for debate on a substantive government motion (note that there is a time-limited debate on the three motions mentioned above), the debate is open-ended. Substantive government motions require a day's notice.
- Every year there are up to ten Opposition Days, special topical debates on opposition-sponsored motions. These opportunities are distributed among the two recognised opposition parties in proportion to their membership in the House. An opposition member seeking an Opposition Day debate on a certain topic drafts the motion, indicates the day on which it will be debated (and the minister to whom it is addressed), and then tables this information on the Wednesday of the week preceding the week in which the motion will be debated. The motion is not amendable, the debate time is apportioned equally among the recognised parties, and the question is put at the end of the debate, which usually lasts between two and two and a half hours.

- There are special debates (up to five per session) on opposition-sponsored want of confidence motions, and these opportunities are distributed among the two recognised opposition parties. Such motions require a day's notice, and are debated at a time agreed to by the House Leaders.
- Adjournment debates, also known as "late shows", are ten-minute debates held at the end of certain sessional days; they are triggered by a member tabling a notice by 12 noon (i.e. shortly after the end of Question Period) to the effect that he or she is dissatisfied with a minister's response to his or her oral question at that day's Question Period. During the adjournment debate, the member who placed the oral question has five minutes to speak to the subject-matter of the oral question, and the minister (or his or her parliamentary assistant) has five minutes to reply.

Prince Edward Island Legislative Assembly

The Legislative Assembly of Prince Edward Island allows for both questions to ministers on topical issues and debates on topical issues.

The rules of the Legislative Assembly of Prince Edward Island provide for written questions to be placed on the order paper or oral questions asked seeking information from Ministers of the Crown relating to public affairs. Oral questions may be put without notice to Ministers of the Crown and must refer only to a matter which may reasonably be assumed to be within the present knowledge of the minister. Each sitting day the oral question period is limited to 40 minutes, not inclusive of any time required for ministerial responses to oral questions taken as notice. On average, 37–39 questions are put during each oral question period.

The relevant rules state:

> "Upon the order of business "Questions by Members" being called, oral questions of an urgent nature relating to public affairs may be put without notice of Ministers of the Crown.
>
> An oral question shall be concisely and clearly put and shall refer only to a matter which may reasonably be assumed to be within the present knowledge of the Minister.
>
> The Minister to whom an oral question is directed may forthwith answer the question, or state that he takes the question as notice and answer it orally on a subsequent day under the same order of business, or state that in his opinion the question should be put in writing.
>
> When a Minister answers an oral question, at the discretion of the

Speaker, not more than two supplementary questions directly related to the same subject matter may be asked.

Where, in the opinion of the Speaker, a question put to a Minister is of such a nature as to require a lengthy reply, he may, upon the request of the Minister, direct the question to be put in writing, or to stand as notice and be transferred to the Order Paper."

Any member may put forward a notice of motion for the House to debate a topical issue. The motion must be in writing and specify the day on which the member proposes to move the same. One clear day's notice must be given, meaning the copy of the notice has been on the desk of each member for one full sitting day before the motion may be considered by the House.

Motions to be moved by private members of the governing party or by members of the opposition may be called for debate on Tuesday evenings and Thursday afternoons. There is opportunity each sitting day for government motions to be called for debate. The subject matter for these debates is typically wide-ranging, and examples from the current session include such topics as public education, alternative energies, workplace safety, protection of watersheds, gender-based analysis and the protection of children.

Québec National Assembly

Oral Questions and Answers

At each sitting of the Assembly a period is set aside for members to ask oral questions of ministers. Oral Questions and Answers lasts 45 minutes. Questions do not require notice and must relate to matters of urgent or topical public importance for which a minister or the Government is officially responsible.

All other questions are placed on the Order Paper and Notices. Replies to written questions are tabled at the time set aside for this purpose during the Routine Proceedings.

Debates upon adjournment

Any member who is of the opinion that a matter he has raised during Oral Question Period has not been sufficiently discussed may request a debate upon adjournment. He must then give notice to the President, not later than 30 minutes after the conclusion of Oral Question Period, of the matter he wishes to debate. Once this time limit has expired, the President announces any matter or matters that are to be debated upon adjournment.

When more than one member has requested a debate upon adjournment the President decides the order in which such matters are to be raised. In so doing, he must have regard to the sequence in which the notices thereof were received, the urgency of the matters raised, rotation among the parliamentary groups, and the presence of independent members. Not more than three debates may be held upon adjournment on any sitting day.

Debates upon adjournment are held on Tuesdays and Thursdays, at the time appointed for the rising of the Assembly. There may be no debates upon adjournment during any period in which the Assembly has extended hours of meeting.

Urgent debates

Any member may ask leave to debate a definite and important matter involving the responsibility of the Assembly that requires urgent consideration and cannot be, or could not have been, otherwise discussed. The member hands in to the President a written notice of his request not later than one hour before the Routine Proceedings are to be taken. The President decides, without debate, whether or not the matter is proper to be discussed.

If leave is granted, the debate is held during the Orders of the Day that follow the Routine Proceedings. The debate expires not later than 6 pm, without question put. When the Assembly has extended hours of meeting, the debate expires three hours after the time appointed for the Assembly to meet.

Business Standing in the Name of Members in Opposition

It is also possible to hold a debate, on a topical or other issue, during Business Standing in the Name of Members in Opposition. A member wishing to move a motion under Business Standing in the Name of Members in Opposition must, not later than three hours before the Routine Proceedings are to be entered upon on the sitting day prior to that on which such business is to be taken, hand in a notice thereof for publication in the Order Paper and Notices.

It is during this sitting that the President informs the Assembly of the matter that is to be debated. If more than one matter is placed on the Order Paper and Notices, the President may decide the order in which such matters are to be raised. In so doing, he must have regard to the sequence in which the notices thereof were placed on the Order Paper and Notices or received for publication therein, to rotation among the parliamentary groups, and to the presence of independent members.

These debates are held on Wednesdays from 10 am until not later than 12 noon. There is no Business Standing in the Name of Members in Opposition when the Assembly has extended hours of meeting.

Interpellation

Lastly, every member sitting in opposition may interpellate a minister on a matter of general interest for which he is officially responsible, whether it concern topical or non-topical issues. Notice of an interpellation is published in the Order Paper and Notices not later than on the last sitting day of the week preceding the interpellation. If notice is given of several interpellations, the President decides which of them is to be proceeded with, provided that in so doing he has regard to the sequence in which the notices thereof were given, their allocation among the parliamentary groups, and the presence of independent members.

The President announces to the Assembly the subject matter of the interpellation so chosen on the last sitting day of the week, at the time set aside during the Routine Proceedings for Information on the Proceedings of the Assembly. The interpellation is held the following week at a meeting of the appropriate standing committee, on Friday morning from 10 am to 12 noon. No interpellation may be held during any period in which the Assembly has extended hours of meeting or while the Assembly stands adjourned for more than five days.

Yukon Legislative Assembly

Does your chamber allow for questions to ministers on topical issues?

The Yukan Legislative Assembly allows for questions to ministers on topical issues. During the daily rubric "Oral Question Period", opposition members place questions, without notice, to ministers or to the Premier.

Given that daily meetings of the House are normally 4½ hours in duration, and Question Period is approximately 30 minutes in length, roughly 11 per cent of the chamber's time is spent on topical questions.

Does your chamber allow for debates on topical issues?

The Yukan Legislative Assembly has mechanisms that allow for debates on topical issues.

(1) *Private Members' Business*

While a private member may, for the purposes of Private Members' Business, bring forward a motion that has resided on the Notices paper for months, a member need only provide one clear day's notice before designating a motion for consideration. In theory (often in practice) this means that a private

member who will be bringing forward a motion for debate during Private Members' Business in a given week will, on a Monday, provide oral notice of a motion. The next day, the motion appears on the Orders and Notices paper, and the item is designated (in the House by the member's House Leader) as the motion to be called the following day during Private Members' Business. On Wednesday, the private member's motion is called for debate (Wednesdays are normally reserved for the consideration of Private Members' Business).

(2) *Matter of Urgent Public Importance*

On occasion, under procedures outlined under Standing Order 16 of the 11 May 2006 Standing Orders, a member will seek to set aside the ordinary business of the House in order to debate a matter that is in the member's opinion of urgent public importance. Standing Order 16 reads as follows—

"**Matter of Urgent Public Importance**

16(1) Leave to make a motion for the adjournment of the ordinary business of the Assembly to debate a matter of urgent public importance must be requested after the Daily Routine and before Orders of the Day.

(2) A member wishing to move "That the ordinary business of the Assembly be adjourned," shall give to the Speaker and House Leaders, at least two hours prior to the opening of a sitting day, a written statement of the matter proposed to be discussed and any relevant background material. If the urgent matter has not come to the attention of the member at least two hours prior to the sitting day, the member shall give the written statement to the Speaker and the House Leaders as soon as possible before the opening of the sitting day.

(3) If two or more written statements have been received pursuant to this Standing Order, the Speaker shall decide the order in which they shall be presented to the Assembly.

(4) The member requesting leave and one member from each of the other parties in the Assembly may speak to the request for not more than five minutes each.

(5) The Speaker shall then rule whether the request for leave is in order and of urgent public importance and, if the Speaker rules that the request for leave is in order and of urgent public importance, the Speaker shall ask the Assembly whether the member has the leave of the Assembly.

(6) If three or more members rise in their places, the Speaker shall call upon the member who requested leave.

(7) If fewer than three members rise in their places, the question whether

the member has leave to move the adjournment of the ordinary business of the Assembly shall be put immediately, without debate or amendment.
(8) If the Assembly determines to set aside the ordinary business of the Assembly to discuss the matter of urgent public importance, each member who wishes to speak in the discussion shall be limited to fifteen minutes, and the debate will conclude
(a) when all members who wish to take part have spoken; or
(b) at the normal hour of adjournment whichever is first.
(9) If all members who wish to take part in the debate have spoken and the Assembly has not reached the normal hour of adjournment, the Assembly shall then proceed, without question put, to the Orders of the Day.
(10) A debate on a matter of urgent public importance does not entail any decision by the Assembly.
(11) The right to move the adjournment of the ordinary business of the Assembly under this Standing Order is subject to the following restrictions:
(a) only one such motion shall be allowed on any sitting day;
(b) the motion shall not revive discussion on a matter that has been discussed in the same Session;
(c) the motion shall not anticipate a matter that has been previously appointed for consideration by the Assembly;
(d) the motion shall not be on a question of privilege; and
(e) the debate shall not raise a question that may be debated only on a distinct motion under notice."

(3) *Motion of Urgent and Pressing Necessity*

On occasion, a member will seek to use the procedure outlined under Standing Order 28, which provides for a motion to be moved and debated without notice, by unanimous consent. Standing Order 28 reads as follows—

"**Motion of Urgent and Pressing Necessity**
28(1) A motion may, in case of urgent and pressing necessity previously explained by the mover, be made by unanimous consent of the Assembly without notice having been given.
(2) Unanimous consent for a motion under this Standing Order shall be requested during the Daily Routine in the period following the Ministerial Statement and prior to the beginning of Oral Question Period."

INDIA

Rajya Sabha

There is scope for questions to ministers on topical issues, but the Rules of Procedure and Conduct of Business in the Council of States (Rajya Sabha) do not make a distinction between questions or debates on topical and non-topical issues as such. In practice, there is a preponderance of questions on topical issues.

Rule 58 of the Rules of Procedure and Conduct of Business in the Council of States provides that a question relating to a matter of urgent public importance may be asked with shorter notice than 15 clear days (prescribed for Starred and Unstarred Questions) if the Chairman is of the opinion that the question is of an urgent character. Such a device is called a Short Notice Question.

Similarly, matters of urgent public importance of recent occurrence are raised by members for debates on the floor of the House through procedural devices such as a Short Duration Discussion, Calling Attention, Motion and Resolution. Topical issues may also be discussed on the Motion of Thanks to the President's Address, working of ministries/departments and while discussing subject matters of bills. Such matters are also raised by the ministers in the House as *suo moto* statements.

In view of the non-existence of any categorisation of questions or debates as "topical" and "non-topical", information relating to proportion of notices and time spent is not compiled.

JAMAICAN PARLIAMENT

The Speaker of the House or President of the Senate allow for questions to ministers on topical and non-topical issues; and debates on topical issues.

Once there are topical issues to be dealt with the minister under whose portfolio these issues fall would make a statement at the next meeting of the House or Senate at the time allotted for "Statements by Ministers" in the Order of Business. After which, the minister would then facilitate questions for further clarification and information on the matter addressed.

Non-topical issues, however, would be introduced in the House or Senate for debate at a convenient time. Ordinarily, non-topical questions require 21 days' notice to be placed on the order paper to be answered, while matters of national importance would require a period of seven days' notice.

Question time normally ends at 3.15 pm but can be extended by the Speaker or President.

Depending on the topical issues to be dealt with, a debate can continue for a few minutes or for hours. They can also be completed over a period of sittings.

STATES OF JERSEY

Questions on topical issues

Members of the States of Jersey are able to ask topical questions to ministers in three different ways.

(1) Members can submit up to two oral questions with notice with only two clear working days' notice for each sitting; this relatively short deadline allows members to ask about topical issues. These questions are limited to 70 words each. After the deadline for the submission of questions has passed a ballot is held under the supervision of the Greffier of the States (Clerk) and the questions are listed on the Order Paper in that order. Up to 90 minutes are set aside at each meeting for the asking and answering of such questions (together with related supplementary questions) and any questions that are not reached are taken to be withdrawn. On average some 15 to 20 such questions are asked during the 90 minute period.

(2) At each scheduled meeting 30 minutes are set aside for two 15 minute periods of questions to ministers without notice. Two of the 10 ministers answer on a rotational basis with the Chief Minister answering at every other meeting. During these two periods members can ask anything they wish without notice to the minister and this allows topical issues to be raised although members are, of course, restricted in only being able to ask questions relevant to the portfolio of the two ministers who are scheduled to answer on that day.

(3) Standing orders in Jersey allow members to submit an urgent oral question at any time up 30 minutes before a meeting of the Assembly. The Bailiff (Presiding Officer) is able to grant leave for the question to be asked if he or she considers that the question is of an urgent character and relates to a matter of public importance. In general the Bailiff will only allow such questions to be asked if he believes that the matter is urgent and has arisen following the deadline for the submission of oral questions with notice as set out above. In practice few urgent questions are allowed and there are usually no more than two or three per year.

Debates on topical issues

All members of the States of Jersey have very great freedom to lodge propositions for debate when compared with their counterparts in many other jurisdictions. These propositions must be submitted with at least two weeks' notice. There is no limit on the number of such propositions than can be brought forward by each member and the wording of such propositions usually "requests" the relevant minister to take the action as set out in the proposition. The Assembly must agree to debate such propositions but will normally agree to do so even if members will not always agree to a debate with the minimum two weeks' notice. Debates can therefore be on relatively topical matters subject to the two week notice period. There is a provision in the standing orders to enable the Assembly to reduce the minimum two week lodging period to allow an earlier debate but the standing orders require the Assembly to be satisfied that the matter is "of such urgency and importance that it would be prejudicial to Jersey to delay its debate". The provision is rarely invoked and attempts to use it are not always successful. The two week notice period compares to a six week notice period for the majority of draft legislation and other propositions brought forward by ministers. Debates in Jersey are not time limited and there is therefore no fixed period set aside for debates initiated by private members—the Assembly will agree to sit for additional days if necessary if the business cannot be completed within the normal schedule of meetings set out in advance.

NEW ZEALAND HOUSE OF REPRESENTATIVES

The New Zealand House of Representatives has no standing provision for questions or debates on topical issues. Aside from the weekly general debate (1 hour), virtually all debate is conducted in the context of legislative or financial procedures, or particular notices of motion of procedural or legal effect. Debates or questions on urgent matters of public importance may be permitted by the Speaker in limited circumstances.

A pre-arranged debate on a topic could be agreed on an ad-hoc basis by the House or the Business Committee (the committee comprising representatives of all parties, which considers the arrangement of the business of the House), but such debates are rare. The most recent such debate was held on 18 March 2003, when the House held a debate on Iraq without the proposition of a question. On other occasions, the House has held special debates on motions relating to a free-trade agreement (November 2000), defence policy

(May 2001), and the offer of SAS troops for the international response to terrorist attacks (October 2001).

NORTHERN IRELAND ASSEMBLY

For standard debates, motions appear on a draft order paper published to the whips on Wednesday two weeks before the sitting. The Northern Ireland Assembly does not allow for topical questions or topical debates.

The private notice question procedure is the closest to a topical question procedure that the Assembly has. It has a minimum of 4 hours' notice compared to the current procedure of 10 working days for oral questions, and must be urgent and relate to matters of public importance. Acceptance also relies on the availability of a minister to reply.

The Assembly introduced a new procedure in 2008 called "Matters of the Day". This allows for a matter to be raised, at the discretion of the Speaker, normally as the first item of business after prayers. The matter has to be of public importance and have occurred since the last sitting (so has some element of topicality). The procedure allows for either the party leaders (or their designated spokesperson) or for the constituency members to make a short statement on the matter. No interventions are allowed and there is no vote.

SOUTH AFRICAN PARLIAMENT

Questions on topical issues

Our Parliament does not distinguish between topical and non-topical questions. All questions are submitted to the Questions Office and are published in the manner in which they are received. Parties are given an opportunity to select and prioritise important/topical questions that will be dealt with at the beginning of the question session before the time allotted for questions expires.

Editors in the Questions Office check whether each question complies with the Parliamentary rules and conventions.

Debates on topical issues

Debates on topical issues are allowed by the Speaker subject to House rules and subsequent to a request by a member. Our rules refer to such matters as "matters of public importance" or of "urgent public importance".

Other (non-topical) issues are placed on the order paper by members and debated by agreement at the meeting of the Programme Committee. This committee determines the programme on an ongoing basis. The committee meets weekly to decide on matters that will come before the House in the following week.

SWAZILAND PARLIAMENT

Questions to ministers and debate on topical issues are allowed in both Houses. Members of Parliament submit such questions to the Table offices and these questions are put in the notice paper, giving a minimum notice of a week. Topical issues take precedence over non-topical issues and they are given a fair share of each chambers' time.

UNITED KINGDOM

House of Commons

From the start of the 2007–08 Session new procedures have been in place to provide time for members to ask topical questions for oral answer in the last 10 to 15 minutes of oral question times of 40 minutes or more. Questions are selected by ballot. The pro forma topical question is "if s/he will make a statement on her/his departmental responsibilities". The minister answers this question once at the start of the topical questions slot and then members successful in the topical questions ballot, and others, are called by the Speaker to ask questions.

At the same time, procedures were introduced to allow for topical debates. The subjects for these debates are announced a few days in advance and are selected by the Leader of the House from topics suggested to her. A list of suggestions made is published occasionally. The debates last for one and a half hours and take place on the motion "that this House has considered the matter of […]". There were 20 topical debates in 2008, compared to 22 general debates.

House of Lords

Questions on topical issues

There are four oral questions to the Government on each Monday, Tuesday, Wednesday and Thursday that the House sits, lasting a total of 30 minutes

each day. The fourth question on Tuesdays, Wednesdays and Thursdays is reserved for a topical question. For this a ballot is drawn by the Clerk Assistant two working days previously (i.e. for Tuesday's question the ballot is drawn on the preceding Friday). Other (non-topical) oral questions can be tabled up to one calendar month in advance, and commonly are on the order paper for three to four weeks before being asked. Around 7 per cent of the House's time is spent on questions; topical questions occupy approximately 1 or 2 per cent of the House's time.

Private notice questions may be asked of the Government on the day on which they are requested. The request is made in the first instance to the Lord Speaker who, after consultation, decides whether the matter is of sufficient urgency and importance to justify a private notice question. As the House is self-regulating, the final decision on whether to accept or reject the question rests with the House. A request for a private notice question should be submitted in writing to the Lord Speaker by 12 noon on days that the House sits after 1 pm, or by 10 am on days when the House sits before 1 pm. Proceedings on private notice questions take no more than 10 minutes. Private notice questions are not asked regularly; in recent years there have been around five or six per session.

Debates on topical issues

There is no specific procedure in the House of Lords for debating topical issues. Perhaps the closest procedure the House of Lords has for airing topical matters are ministerial statements. These are oral statements made by a minister, commonly to announce new government policy, the outcome of an international meeting or in response to events. When the responsible secretary of state is in the House of Commons, his statement is repeated in the Lords by a minister if the usual channels (that is, the whips and the party leaders) so desire. Statements are made by leave of the House without notice, though it is normal for the House to be informed by the Chief Whip of the time a statement will be made. Approximately 5 per cent of the House's time is spent on statements.

WELSH ASSEMBLY

The only mechanisms to discuss topical issues are "Urgent Questions" or "Urgent Debates". Urgent Questions are subject to specific criteria set out in Standing Order 7.56 (e.g. the Presiding Officer must be satisfied that the question is of urgent public importance). For an Urgent Debate, a member

may propose that the Assembly considers an urgent matter (again subject to the criteria of urgency), and a debate will be held subject to the agreement of the Assembly (see Standing Orders 7.58–7.60).

ZAMBIAN NATIONAL ASSEMBLY

Types of questions

There are three types of questions in the Zambian Parliament.

(1) Questions for oral or written answer (these are regular questions to Government ministers and not necessarily topical). Questions on issues of policy require seven days' notice whilst the rest of the questions require 14 days' notice. Where questions require long or very detailed answers and statistics, these questions are tabled for written answer.

(2) Questions of an Urgent Nature or Short Notice Questions. These are questions to ministers on topical issues raised under Standing Order 30(1), which states that:

> "Questions which have not appeared on the Order Paper, but which are, in the Speaker's opinion, of an urgent character and relate either to matters of public importance or to the arrangement of business may, with leave of the Speaker, be asked without notice on any day."

Notice of 24 hours or less is required to process this type of question.

(3) His Honour the Vice-President's Question Time (30 minutes on Fridays). This is available every Friday and comes as the first item on the order paper before Questions for Oral and Written Answer. Here, members are free to raise questions without notice on any matter of public concern and the Vice-President is obliged to give Government policy on the matter. Such questions should not require answers of a statistical nature.

Questions on topical issues are also asked under ministerial statements.

Debates on topical issues

Debates on topical issues may be raised through Private Members' Motions, Subjects for Debate on the Motion of Adjournment on Wednesdays and Ministerial Statements that are brought to the House by Government ministers either on their own volition or upon a directive from the Chair.

Question Time in the Zambian Parliament has no time limit. However, topical debates on Government Motions or Private Members' Motions are limited to 20 minutes or 15 minutes for Committee of Ways and Means or

Committee of Supply. With regard to Committee of Ways and Means or Committee of Supply, Standing Order 95 states:

> "In Committee of Ways and Means, no Member shall address the Committee more than twice on each Question proposed from the Chair, nor speak for longer than fifteen minutes on each occasion except the Minister who has moved the Motion, who shall not be restricted whether in regard to the length of time he/she may address the Committee or the number of times he/she may speak."

PRIVILEGE

AUSTRALIA

House of Representatives

Inquiry into exchange between members

In 2008 the House referred to the Committee of Privileges and Members' Interests an exchange between two members in the Main Committee of the House of Representatives and the subsequent withdrawal and apology by one of the members involved.

In reporting to the House on the matter, the Committee noted that there were exchanges between the two members which were outside the formal proceedings of the House. It found that the exchanges did not give rise to any issues of privilege; however, the Committee made some comment about the conduct of the members involved.

The Committee noted that the actions of the members involved in this case raised issues that were more to do with appropriate standards of conduct by members than to do with parliamentary privilege. It noted that there is currently no code of conduct for members of the Australian parliament, but considered that there are strong reasons for a code to be put in place, not least of which are community expectations about appropriate standards of behaviour by members. The Committee indicated it proposed to review the question of a code of conduct for members and report back to the House.

The Committee's report can be found at:
http://www.aph.gov.au/house/committee/pmi/reports/Final%20Review%20of%20Procedures%20Report.pdf

Senate

Misleading evidence

The Privileges Committee presented in May 2008 its report on whether the Commissioner of the Australian Federal Police and the Secretary of the Attorney-General's Department gave false or misleading evidence at an estimates hearing in relation to the Government's knowledge of the "rendition" of Mr Mamdouh Habib to Egypt.

Mr Habib, a dual Australian/Egyptian citizen, was apparently taken to

Egypt by American authorities under the notorious "rendition" program and allegedly mistreated. Under repeated questioning about the matter in Senate committee hearings, the officers concerned appeared to give contradictory answers about whether and when they knew that Mr Habib had been taken to Egypt.

The committee found that there was no contempt, in that the officers concerned did not intend to mislead with their evidence, but criticised their tardiness in answering questions on notice and the quality of their evidence, particularly the narrowness of the answers and the giving of answers which reflected only the information possessed by the officers' particular agencies rather than the full knowledge of the Government.

In a subsequent estimates hearing there was an extensive response by the Commissioner of the Australian Federal Police, in which he attempted to defend his record of answering questions. He also attributed delays in answering questions on notice to the practice of clearing answers through ministerial offices.

The Privileges Committee subsequently tabled a response by the Commissioner to what he took as criticisms of him in the report, under the Senate's right of reply procedures.

Effective repetition

The Privileges Committee presented a report in June 2008 on the problem of "effective repetition", which arises from erroneous (on the parliamentary view) court judgments in other jurisdictions to the effect that reference may be made to parliamentary statements to establish the meaning of extra-parliamentary statements for the purpose of defamation actions. At the federal level in Australia, such an interpretation should be ruled out by the wording of the Parliamentary Privileges Act 1987, which makes it abundantly clear that parliamentary proceedings cannot be used to support a case in this way. The judgments in other jurisdictions, however, indicate that there is no limit to the creativity of judges, and it is possible that those judgments might influence a federal case if one arises.

The committee's report suggests that this potential problem may be overcome by an amendment of the statute and suggests the shape of such an amendment, but does not recommend the amendment pending further consideration of the matter across other jurisdictions (state parliamentary committees have previously raised the question and called for action to resolve the issue).

Right of reply: replies by groups

The Privileges Committee presented a report in September 2008 recommending the publication of responses by members of the religious sect the Exclusive Brethren to remarks made about their group in the Senate under the Senate's right of reply procedures. The committee has accepted that members of groups may legitimately respond to remarks made about their group even though those members were not identified by name. The Senate duly published the responses. The Brethren, a controversial group frequently the subject of criticism by parliamentarians, have repeatedly made use of this procedure. In its most recent report, the committee indicated that there may be limits to its acceptance of repeated responses by groups.

Australian Capital Territory Legislative Assembly

Only one potential matter of privilege was raised with the Speaker who determined that the matter did warrant precedence. A motion to establish a select committee on privileges was agreed to and the Committee inquired into whether a chair of a committee acted without the authority of the committee when he requested a minister to provide certain documents. The issue was how the minister became aware that the request was unauthorised. The Select Committee on Privileges reported the committee chair had acted without the authority of the committee; however it was determined that he did not do so knowingly and that no breach of privilege or contempt had occurred. The Select Committee also recommended that the Committee Office review its policies, procedures and practices and that secretaries and committee chairs undertake regular training in these matters.

New South Wales Legislative Assembly

Whilst there were no significant cases of breaches of privilege or contempt established in the Legislative Assembly of New South Wales in 2008, three privilege issues that were raised during the year are worthy of note.

Closed-circuit television footage

A point of privilege was raised in the House on 1 April 2008, when the issue was raised as to whether the Speaker had approved CCTV footage being viewed by staff from the office of the Treasurer for the purpose of trying to identify a person or persons that may have leaked information being imparted

at a supposed "confidential briefing" in the Parliamentary Theatrette to the press. The Speaker made a statement on 3 April 2008 that he had received a report, which confirmed that a breach of security occurred when security staff allowed the viewing of CCTV footage without appropriate authorisation.

The Speaker noted that the policy currently in place requires the specific authorisation of the Presiding Officers before footage can be viewed by or released to a third party and that the policy was not followed on this occasion due to poor communication between officers. The Speaker advised the House that disciplinary action had been taken with the staff member involved being counselled and cautioned in writing.

The Speaker also reminded members and outside agencies to take care to ensure privacy by closing the doors of meeting rooms and not leaving documents in public areas. He also asked the press gallery to respect the privacy of members and others using meeting rooms within Parliament House.

Answers to written questions

On 18 June 2008 two members rose on matters of privilege in relation to answers they had received to written questions. One member raised concerns about the minister's response which referred them to an answer the minister had given to a member of the Legislative Council on another day. The second member raised concerns that the minister had not provided an answer to her question as the minister had considered that the subject matter of the question was a sensitive issue and should not be made public.

The Speaker noted that he had no power to direct a minister how to answer a question and that there were no special rules for answers to written questions, as distinct from answers provided in the House. The Speaker acknowledged that members may be of the view that it is disrespectful for a minister to answer a question by referring the member to a response provided to a member of the other House but noted that it was not a breach of the standing orders or a matter of privilege. The Speaker also noted that it was not a breach of the standing orders or a matter of privilege if a member is not satisfied with the answer to a question. The Speaker did, however, remind ministers that they should respect the right of members to ask questions both in the House and in writing and endeavour to provide adequate answers.

Taking of an unauthorised photograph in the chamber

On 12 November 2008 a member raised, as a matter of privilege, the taking of an unauthorised photograph in the chamber by a person seated behind the Chair. The Speaker stated he would have the matter investigated and report

back to the House.

Later in the day the Speaker made a statement in relation to the matter informing the House that it was a staff member from the Premier's office who took the photograph. The Speaker stated that the staff member had approached him about the incident and apologised to him unreservedly and that the photograph had since been destroyed in his presence. The Speaker then reminded members and all persons who enter the chamber that the taking of photographs of the House in session was not permitted without his expressed approval.

Queensland Legislative Assembly

Reflections on the Speaker

In February 2008, an independent member of the Legislative Assembly made several statements over a number of days, both in the media and the House, regarding the Speaker. The Speaker delegated consideration of possible issues of privilege involved in the matter to the Deputy Speaker. After reviewing the available material, the Deputy Speaker referred the matter to the Members' Ethics and Parliamentary Privileges Committee (MEPPC).

The member admitted to deliberately making all of the statements attributed to him and raised seven points in his defence. These included that his statements were in the public interest, that he had used introductory words to provide context and that his statements were true. The MEPPC concluded that the factors raised by the member were not a defence regarding alleged reflections on the Speaker.

In Report No. 90 tabled on 5 June 2008, the MEPPC concluded that the member was guilty of contempt for statements he made outside the House reflecting on the actions and character of the Speaker. The committee recommended that the member unreservedly apologise to the House and the Speaker and that the House suspend the member from the services and the precincts of the House for 21 days. The House adopted the committee's recommendations. The member apologised unreservedly and the House suspended the member for 21 days.

Registration of interests

This matter, referred to the MEPPC by the Registrar of Members' Interests in accordance with standing orders, concerned an allegation that the Premier failed to register a benefit received in the Register of Members' Interests. The

alleged benefit was a house-sitting arrangement at the Sydney residence of family friends in January 2008. In this instance, the family friends were office holders of two prominent Australian companies.

The MEPPC considered whether or not a perception of a possible conflict of interests could arise between the broad duties of the Premier and the interests of the sponsors of the house-sitting arrangement. The committee assumed from its collective knowledge that the two companies either had at the time, or were likely to have, dealings with the State.

The committee examined two separate tests and their elements as derived from the standing orders. These were: whether or not the alleged benefit was required to be registered on the Register of Members' Interests, and if it was, whether or not the non-registration was a contempt. In response to the first test the MEPPC concluded that it could be argued that the Premier was required to register the accommodation in the Register of Members' Interests within one month of the house-sitting arrangement, in accordance with schedule 2 of the standing orders. The committee noted that registration had subsequently occurred on 20 July 2008. In relation to the second test the MEPPC concluded that the Premier had no knowledge at the time of the house-sitting arrangement that it was an interest that could be required to be registered and found the Premier not guilty of the contempt of knowingly failing to register a benefit in the Register of Members' Interests within the required time.

In Report No. 93 tabled on 25 November 2008, the committee recommended that the House take no action in relation to the matter.

Answers to questions on notice

The MEPPC dealt with three instances of alleged deliberate misleading of the House in answers to questions on notice.

The first allegation related to the Treasurer's answer to a question on notice from a member. The question concerned a Health Services Fund. The Treasurer answered the question by stating that "There is no Queensland Health Services Fund." The member alleged that the Treasurer's statement was misleading because the Queensland Gaming Commission's 2006–07 annual report referred to a Health Services Fund. In correspondence to the MEPPC, the Treasurer clarified the answer to the question on notice, stating that while the proceeds of the Health Services Levy were recorded against a separate health services fund account (within Treasury Administered Accounts) for record keeping and accountability purposes, there was not a dedicated "Health Services Fund" established against which expenditures are incurred.

In Report No. 89 tabled on 29 May 2008, the MEPPC found no *prima facie* case of a breach of privilege or contempt in relation to the alleged deliberate misleading of the House by the Treasurer. The committee believed, however, that in retrospect the Treasurer could have provided more detail in his answer to the question on notice. The committee recommended that the House take no action in relation to the matter. The committee also recommended that, for completeness, the Treasurer provide the House with the information that was provided to the committee in answer to the member's question on notice. The Treasurer tabled a statement to members in relation to Report No. 89 on 29 May 2008.

The second alleged deliberate misleading arose from an answer by a non-government member to a government member's question on notice. The question (in accordance with Standing Order 111) related to a private member's bill of which the non-government member had charge. The MEPPC found that the member's statement in the answer was factually incorrect and therefore potentially misleading. However, there was no evidence that the member, in making the statement, intended to mislead the House. In Report No. 92 tabled on 12 September 2008, the MEPPC concluded that there was no *prima facie* case of deliberately misleading the House in relation to the answer to the question on notice and recommended that the House take no action in relation to the matter.

The third alleged deliberate misleading related to a minister's statements about correspondence from the minister's senior policy officer regarding proposed changes to Visitor Information Centres within the Cooloola Coast/Great Sandy region of Queensland. In a submission to the MEPPC, the minister explained the subject of the correspondence. In light of this information the committee determined that the minister's answer to the question on notice was correct. In Report No. 94 tabled on 12 December 2008, the committee found no *prima facie* case of a breach of privilege or contempt in relation to the alleged deliberate misleading of the House by the minister and recommended that the House take no action in relation to the matter.

Evidence to Estimates Committee hearing

The alleged deliberate misleading in this matter related to an answer provided by a minister to a question asked by a member of a 2008 Estimates Committee at its public hearing. The question related to arts funding for a dance company. In his answer the minister referred to "annual rolling funding". Further investigations found this to be an inaccurate statement that misled the Estimates Committee.

The MEPPC noted that the minister concerned did not take any of a number of available opportunities to correct the record. The minister's submission to the MEPPC acknowledged that the statement was not correct and apologised for the mistaken description of the funding. The MEPPC, on the material before it, had no evidence that the minister knew that the answer was incorrect at the time it was given to the estimates committee. In Report No. 95 tabled on 12 December 2008, the MEPPC found that there was no breach of privilege or contempt in this matter.

However, the committee did request that the minister correct the parliamentary record and apologise to the House at the next opportunity, as set out in the minister's letter to the committee. The minister corrected the record on 11 February 2009.

MEPPC reports are published on the internet at www.parliament.qld.gov.au/committees.

CANADA

Senate

First case

On 28 May 2008 Senator Gérald Comeau complained about a meeting of the National Security and Defence Committee which took place on 26 May. In particular, Senator Comeau was concerned about the committee's review, amendment and adoption of a draft report that was available to senators in only one of Canada's two official languages. He further argued that committee members would have been unable to take part in deliberations on both the English and French versions of the draft report. The Speaker agreed and ruled on 29 May that the senator had established a *prima facie* case of privilege. Subsequently, the Senate adopted a motion referring the matter to the Standing Committee on Rules, Procedures and the Rights of Parliament for investigation and report. Parliament was dissolved before the Rules Committee was able to submit a report to the Senate.

Second case

A similar question of privilege was raised on 26 June 2008 by Senator Comeau. In this instance, he complained about a meeting of the same committee held on 18 June. During the course of the meeting, it was alleged that a unilingual English document was distributed for consideration. When an objection was raised about the distribution of unilingual documents, the doc-

ument was recalled, but the committee nonetheless proceeded to discuss its content. The Speaker again agreed that there was a *prima facie* case of privilege and a motion to refer the matter to the Rules, Procedures and the Rights of Parliament Committee was adopted. As with the previous case of privilege, the Rules Committee did not submit a report before dissolution.

Alberta Legislative Assembly

On 4 June 2008 Brian Mason (ND, Edmonton-Highlands-Norwood) raised a purported question of privilege concerning the ability of members to perform effectively their duties during late-night sittings of the Assembly. (Prior to raising the purported question of privilege, Mr Mason had moved adjournment of the Assembly to the following afternoon. This motion was defeated.)

The Deputy Speaker ruled there was no *prima facie* case of privilege as the Assembly had just voted against the adjournment motion and that late-night sittings of the Assembly had occurred many times in the past without a point of privilege being raised.

On 23 October 2008 Brian Mason (ND, Edmonton-Highlands-Norwood) raised a purported question of privilege regarding a confidentiality agreement referred to by Hon. Ron Stevens, Deputy Premier, in response to a question asked by Mr Mason (ND, Edmonton Highlands Norwood) during Oral Question Period on 23 October. Mr Mason alleged that the Deputy Premier had misled the Assembly when he claimed that the New Democrat caucus was provided with an oath of confidentiality to sign had they wished to view confidential documents regarding children in care.

On 27 October 2008 the Speaker heard additional comments from Mr Mason (ND, Edmonton-Highlands-Norwood) concerning the purported question of privilege.

The Speaker also heard from Hon. Ron Stevens, Deputy Premier, who apologised to the Assembly.

The Speaker indicated the matter was concluded. He then stated that for a matter to be ruled as a *prima facie* case of privilege two criteria were necessary: the statement must have been misleading; and it must have been established that the member intended to mislead the Assembly.

British Columbia Legislative Assembly

On 25 February 2008 an opposition member raised a point of privilege in which he contended that the House should find that the Premier had misled

the House and that he be directed by the House to apologise. His complaint arose out of comments made by the Premier in response to questions posed by the Leader of the Official Opposition during a Committee of Supply debate on estimates of the Office of the Premier in May 2007. In particular, the member's argument focused on statements made by the Premier regarding the involvement of government officials with respect to the release of government documents related to the ongoing Basi-Virk court case.

In his submission on this matter, the Government House Leader contended that at no time did the Premier ever mislead the House with respect to the review and release of relevant documents covered by cabinet confidence. He provided the Speaker with the Premier's comments from the *Hansard* transcript of 28 May 2007, describing how the review of such documents sought by the court had been delegated to the Deputy Attorney General—an apparently accurate summary of the process at that time.

On 28 February 2008 the Speaker found that the Premier did not mislead the House in the course of debate in Committee of Supply. He also ruled that the opposition member had not raised the point of privilege at the earliest opportunity, since his argument was largely based on information that had been in the public domain for almost four years.

Manitoba Legislative Assembly

On 30 April 2008 the Minister of Aboriginal and Northern Affairs raised a matter of privilege regarding comments spoken by an opposition member from her seat, as well as comments spoken by the Leader of the Official Opposition in media interviews, comments that the minister found to be offensive and insulting. The minister moved that a formal apology be made in the House by both members. Speaker George Hickes noted in his subsequent ruling that the opposition member in question had offered an apology in the House on the same day, and so that aspect of the matter was considered closed. Ruling no *prima facie* case of privilege on the second point, the Speaker noted that statements made outside the House by a member may not be used as the basis for a question of privilege.

Prior to routine proceedings on 1 May 2008, the Official Opposition House Leader raised a matter of privilege regarding the distribution of a bill in the House, contending that the bill was not distributed to members in a timely manner and that the media were not provided with copies in the chamber as per usual practices. Speaker George Hickes ruled that although members may disagree over the timing of when the bill was distributed and may find the

timing to be discourteous, a breach of privilege did not occur as the sponsoring member or minister has the ability to decide whether distribution will be immediate or at a later time or date. The Speaker also reminded members that in raising points of order or matters of privilege in the House, it is not appropriate to bring the non-partisan staff of the House into disputes between the various parties in the House.

During oral questions on 7 May 2008 a member of the Official Opposition raised a matter of privilege regarding a letter sent to all MLAs by the Minister of Finance indicating that paper copies of volume 4 of the Public Accounts would no longer be available. The member asserted this action would have an impact on the ability of MLAs to do their jobs. On 28 May the Speaker ruled that, given subsequent assurances from the Minister of Finance that paper copies would be made available, this was more properly a matter of order and not privilege. He therefore did not find a *prima facie* case of privilege but encouraged the government and government departments to be mindful of the requirements for paper copies when reports are tabled in this legislature.

During oral questions on 29 May 2008 a member of the Official Opposition raised a matter of privilege regarding a situation where a closed sign was displayed on the front door of the Legislative Building while committee meetings receiving submissions from the public were still in progress. Ruling no *prima facie* case of privilege, Speaker George Hickes noted that Speakers have consistently ruled that, except in the most extreme situations, they will only hear questions of privilege arising from committee proceedings upon presentation of a report from the committee. The Speaker also indicated though that the issue of access to the Legislative Building for committee meetings was a concern to all members of the House and that he, as Speaker, would write a letter to the Minister of Infrastructure and Government Services and to the government staff person charged with responsibility for security in the Legislative Building to bring the issue to their attention.

Prior to routine proceedings on 1 December, a member of the Official Opposition raised a matter of privilege regarding information provided to the House by the Minister of Labour and Immigration that the member indicated was purposefully misleading. Ruling no *prima facie* case of privilege, Speaker George Hickes stated that allegations that a member has misled the House are matters of order not privilege. The Speaker also responded to a reference made by the opposition House Leader to a ruling he had made earlier in the year when he stated that he would not necessarily be bound by precedent. Speaker Hickes noted that the "interpretation of the May 12 ruling as applicable to the current issue is not correct, because the ruling on May 12 dealt

with the specific issue of comments being made outside of the Chamber and with the ability of members to raise concerns about comments that are hurtful, intolerant or racist, and not with the issue of whether a member had deliberately misled the House. The Manitoba precedents and rulings are very clear on the issue of deliberately misleading the House, as are the procedural authorities Joseph Maingot, Beauchesne, and Marleau and Montpetit."

NEW ZEALAND HOUSE OF REPRESENTATIVES

Privileges Committee report on pecuniary interests

For the first time, an issue of privilege arose concerning the register of pecuniary interests of members of Parliament, and this generated very high public interest in the period shortly before Parliament was dissolved for the general election. The requirement for members to make returns of pecuniary interests is implemented under the standing orders and has been in place since 2005. The Privileges Committee was asked to consider whether Rt Hon Winston Peters knowingly provided false or misleading information in a return of pecuniary interests. The standing orders establish that the House may treat as a contempt a member knowingly failing to make a return of pecuniary interests by the due date, or providing false or misleading information in a return. The primary issue was whether Mr Peters should have declared a payment of $100,000 made directly to his lawyer, Brian Henry, by businessman Owen Glenn. The committee heard evidence about arrangements whereby Mr Henry provided legal services to Mr Peters, particularly in respect of election matters, and Mr Henry received contributions without Mr Peters being aware of the identity of donors.

The Privileges Committee, by majority, recommended that Mr Peters be censured by the House for knowingly providing false or misleading information on a return of pecuniary interests, and that he be ordered to file, within seven days of the House ordering, amended returns covering any gifts, debts or payments in kind that he had not previously registered. However, the committee also identified areas of uncertainty in the rules relating to pecuniary interests, and recommended that the Standing Orders Committee review these rules. Finally, the committee recommended that the Clerk of the House enhance the support available to the Registrar of Pecuniary Interests in order to provide an authoritative source of advice for members making returns of pecuniary interests. The House debated the committee's report on 23 September 2008, and adopted these recommendations.

The report of the Privileges Committee, *Question of privilege relating to compliance with a member's obligations under the Standing Orders dealing with pecuniary interests* (I.17D), is available on the Parliament website (www.parliament.nz). It included some important observations that will provide guidance for the future making and administration of returns of pecuniary interests. These include the following (see p 20 of the report):

- Members must make an honest attempt to return all of the pecuniary interests they hold. They are obliged to turn their minds to the interests they have. The onus is on them to determine and declare relevant pecuniary interests.
- All distinct interests must be declared, regardless of whether they are channelled through a trust or third party. The fact that a third party is involved makes no difference to the member's obligation to declare pecuniary interests. The approach should be, "if in doubt, declare it". Arrangements that allow members to avoid the knowledge of pecuniary interests are no longer sustainable.

NORTHERN IRELAND ASSEMBLY

There was one occasion on which a matter of privilege was raised, on 4 November 2008, as detailed below.

Extract from Official Report of Tuesday 4 November 2008

"**Mr Speaker**: During yesterday's sitting, I indicated on several occasions that I had some concerns about remarks that were made during the debate about the disappeared. Having reflected on what Mr McCausland said and having taken counsel on the matter, I believe that direct and unsubstantiated allegations of criminal behaviour were made about another Member. Those allegations were very clearly denied and refuted in the House by the Member concerned, Mr Adams. I regard the remarks to have been unparliamentary, and I call on Mr McCausland to withdraw them.

Mr McCausland: My comments about the Member for West Belfast were based on extracts from Ed Moloney's book, 'A Secret History of the IRA', which is available in bookshops and in the Assembly Library. Therefore, I will not withdraw my remarks. Given that Mr Adams continually calls for truth recovery, it is important that we get to the truth about those matters.

Mr Speaker: The Member should take his seat. Given that the Member has not withdrawn his remarks, I order him, under Standing Order 65, to with-

draw immediately from the Chamber and its precincts for the remainder of today's sitting.

The Member withdrew from the Chamber."

ZAMBIA NATIONAL ASSEMBLY

One case of significant breach of privilege was recorded in 2008. The breach occurred on 11 January during His Excellency the President's address to the House, and was broadcast live on national radio and television. The Chief Whip complained to the Speaker that a named member from the opposition conducted himself in a manner which was both embarrassing and unbefitting of an honourable member by shouting invectives at the head of state despite having been advised earlier through a circular which reminded all members of the need to observe parliamentary etiquette and decorum at all times.

The matter was subsequently referred to the Committee on Privileges, Absences and Support Services for determination. The Committee's investigations established that on that day running commentaries were made by some Members of Parliament from both sides of the House and it would, therefore, be difficult to single out one member and mete out punishment to that member.

The Committee, therefore, recommended that what happened on that day be used to give guidance to the House on how members should conduct themselves in the House, especially when the head of state is in attendance and that experiences from other parliaments in the Commonwealth be used to draw lessons therefrom.

Mr Speaker accordingly guided the House on how to conduct themselves and used examples of what had happened in other Commonwealth parliaments, such as India, and the appropriate sanctions that had been meted out to members who failed to observe parliamentary etiquette and decorum. The matter was accordingly closed.

STANDING ORDERS

AUSTRALIA

House of Representatives

On the first day of sitting of Parliament in February 2008, following a general election, significant changes were made to House standing orders. These included changes to meeting and adjournment times and routine of business (Standing Orders 29–34); speaking times for various items of business (SO 1); procedures for private members' business, including the introduction of a Friday sitting devoted to private members' business (SO 39–44); amalgamation of the committees dealing with members' interest and privilege, to form a new Committee of Privileges and Members' Interests (SO 51–52, 216); extension of deferred division and quorum arrangements to Friday sittings (SO 55, 133); revised arrangements for petitions including the establishment of a Petitions Committee (SO 204–213, 220); and establishment of general purpose and other committees (SO 215–222). The Opposition unsuccessfully moved amendments to the revised standing orders to allow for a Question Time on Fridays and for the usual arrangements for quorums and divisions to apply.

The first scheduled Friday sitting under revised standing orders was held on 22 February 2008. The sittings were marred by a series of motions to suspend standing orders, dissent from the Speaker's ruling, and to suspend two members (who had been "named" by the Speaker) from the service of the House. Under the new arrangements all divisions had to be deferred and proceedings were suspended on two occasions during the day, but not before the Serjeant-at-Arms was directed to remove a member from the chamber who had been suspended for one hour by the Speaker and had refused to leave.

On 12 March the Leader of the House, pursuant to notice, moved further amendments to the standing orders, removing provision for Friday sittings, and adjusting House sitting times. Private members' business was returned to sitting Mondays, but with all but one hour of the time allotted previously now to be allocated in the Main Committee. A revised sitting pattern for 2008 was subsequently adopted by the House.

In June 2008 standing orders were amended to rename members' 3 minute statements as "3 minute constituency statements" and to permit ministers and parliamentary secretaries to participate (SO 1, 192, 193).

A sessional order was adopted also in June (and its application extended in December 2008 for the remainder of the Parliament) allowing the presentation of petitions to be done by the Chair of the Petitions Committee (rather than the Speaker and Clerk) (SOs 34, 207, 209).

Senate

Question time

At the urging of its Deputy President, who was formerly the President, the Senate, on the recommendation of the Procedure Committee, decided to adopt new rules for question time as an experiment and an attempt to increase the accountability value of that occasion.

Under the old rules questions without notice were put to ministers, and each questioner could ask one supplementary question. Questions were restricted to one minute, primary answers to four minutes and supplementary answers to one minute. The new temporary rules provide that questioners may have two supplementary questions, and the time for the primary answers is reduced to two minutes. There is also an explicit requirement for answers to be "directly relevant", in an attempt to prevent ministers answering the questions they preferred to be asked rather than those they were actually asked. The committee has undertaken to review the operation of the new rules in the course of 2009.

Also on the recommendation of the Procedure Committee, the Senate abolished provisions in the standing orders whereby questions could be put to chairs of committees about the business of their committees and to other senators about business of which they had charge on the notice paper. These provisions were seldom used. A practice whereby questions may be put to the President about matters for which the President has responsibility was written into the standing orders.

Committees: temporary substitute members

The Senate incorporated into its standing orders a provision whereby members of committees who are unable to attend particular committee meetings may nominate temporary substitute members of those committees. The temporary substitutes must be participating members of the relevant committees. (Participating members are senators appointed to committees by the Senate who have all the rights of committee members except the right to vote.) If a member of a committee is temporarily incapacitated, the leader of his or her party may nominate the temporary substitute member.

Australian Capital Territory Legislative Assembly

The first thorough review of the Standing Orders since self-government in 1989 was completed in March 2008. The final report of the Standing Committee on Administration and Procedure was tabled in the Assembly on 6 December 2007. The report, which contained 177 amendments, was adopted on 6 March 2008. Since then there have been a number of minor amendments.

New South Wales Legislative Assembly

On 10 April 2008 the Legislative Assembly adopted a number of sessional orders amending the sessional orders that were adopted by the House in December 2007. These sessional orders made minor adjustments to the routine of business including providing for a later adjournment time, changing the time for Government and private members' business to assist in the timely consideration of Government business, and reducing the speaking times for the debate on motions accorded priority and the discussion on matters of public importance to provide more time for the House to consider legislation.

A review of the standing orders is to commence early in 2009. The review will be a comprehensive evaluation of some of the new standing orders and will enable the adoption of a number of the sessional orders as standing orders, as well as providing an opportunity to fine-tune some of the consequential procedural issues.

For example, one procedural issue that has arisen is in relation to bills forwarded from the other House for concurrence. The current standing orders provide for debate to be adjourned to a later time immediately following the mover's agreement in principle speech on a Legislative Council bill that has been forwarded to the Legislative Assembly for concurrence.

On numerous occasions during 2007 and 2008 the agreement in principle debate on a Council bill was proceeded with directly after the mover's speech. To accord with the standing orders, debate was adjourned and the order of the day was read for the next item of business upon which the agreement in principle debate was dealt with.

To allow a Legislative Council bill to be debated after the agreement in principle speech without needing the debate to be adjourned the standing order should be amended to permit the debate to be either adjourned or proceeded with forthwith.

The review will also provide an opportunity to consider a number of new procedures such as requiring ministers to respond to petitions received; introducing time limits for answers during Question Time; and stopping the clock

for quorum calls and points of order so as not to reduce a member's speaking time.

Northern Territory Legislative Assembly

Significant changes were made to the Standing Orders as a result of the adoption of the Assembly of recommendations contained in the First Report of the Standing Orders Committee of the 11th Assembly.

In summary—

- three extra days were added to the parliamentary year for 2009;
- an automatic adjournment of the Assembly was agreed to at 9 pm;
- on Mondays, Tuesdays and Thursdays the maximum time of the debate on the adjournment of the Assembly was limited to one hour;
- on Wednesdays the adjournment debate would have no maximum time limit set;
- Standing Order 77 was amended to reduce the speech time limit of members for the adjournment debate from 15 minutes to five minutes each.

The new Standing Orders for the automatic adjournment and limitation of no new business after 9 pm are as follows—

"41A—Adjournment of the Assembly[1]

Automatic Adjournment of the Assembly—Mondays, Tuesdays and Thursdays

(a) At 9.00 pm on Mondays, Tuesdays and Thursdays the Speaker shall propose the question—that the Assembly do now adjourn. This question shall be open to debate—maximum time for the whole debate should be one hour—and no amendment may be moved. If the Assembly is in committee at that time the Chairman shall leave the Chair and report to the Assembly and on such report being made the Speaker shall forthwith propose—that the Assembly do now adjourn and that question shall be open to debate. If this question is before the Assembly at the time set for the adjournment, 10.00 pm, the Speaker shall interrupt the debate and immediately adjourn the House until the time of its next meeting;

[1] Inserted, First Report of Standing Orders Committee, 11th Assembly, 26 November 2008 (Minutes page 111).

Adjournment—Wednesdays

(b) At 9.00 p.m. on Wednesdays the Speaker shall propose the question—that the Assembly do now adjourn. This question shall be open to debate and no amendment may be moved. If the Assembly is in Committee at that time the Chairman shall leave the chair and report to the Assembly and on such report being made the Speaker shall forthwith propose that the Assembly do now adjourn and that question shall be open to debate.

(c) The following qualifications apply:

Division is completed

(i) If there is a division at the time set for the adjournment to be proposed in Standing Order 41A (a) and (b), that division, and any consequent division, shall be completed.

Minister may require question to be put

(ii) If a Minister requires the question to be put immediately it is proposed under paragraph (a), the Speaker must put the question immediately and without debate.

Minister may extend debate

(iii) Where the Speaker interrupts the adjournment debate under paragraph (a) a Minister may ask for the debate to be extended by 10 minutes to enable a Minister or Ministers to speak in reply to matters raised during the debate. After 10 minutes, or if debate concludes earlier, the Speaker shall immediately adjourn the Assembly until the time set for the next meeting.

Question Negatived

(iv) If the question is negatived the House shall resume proceedings from the point of interruption.

Unfinished business

(v) If the business being debated is not disposed of when the adjournment of the Assembly is proposed, the business shall be listed on the Notice Paper for the next sitting.

41B—LIMIT ON BUSINESS AFTER 9.00 P.M.[2]

No new business may be taken after 9.00 p.m., unless by Order of the Assembly before 9.00 p.m.

[2] Inserted, First Report of Standing Orders Committee, 11th Assembly, 26 November 2008 (Minutes page 111).

Queensland Legislative Assembly

The Queensland Parliament's *Record of Proceedings* is now the official record of the Legislative Assembly. Following changes to the standing orders adopted by the Assembly on 12 February 2008, the *Record of Proceedings* has replaced two previous official records of the House (the *Votes and Proceedings* and the *Hansard* transcript of debates). The *Record of Proceedings* contains the transcript of debates as well as procedural matters such as questions moved and debated, questions put and their result and all documents tabled.

Amendments to standing orders on 12 February 2008 also formally recognised the parliament's tabled papers database and website. Standing Order 26 requires ministers to direct those entities for which they are responsible to assist the Clerk of the Parliament to maintain the database and website by providing the Clerk with suitable electronic copies of tabled documents.

Victoria Legislative Council

Standing Orders Committee review of committee system

The Standing Orders Committee received a reference from the House (its first since the commencement of the 56th Parliament in December 2006) on 10 September 2008. The terms of reference require the Committee to inquire into the establishment of a new standing committee structure for the Legislative Council, taking into account:

(1) the number, composition, structure and functions of those committees; and
(2) the staffing and resources required for the effective operation of those committees.

The inquiry is linked to the outcome of the 2006 general election, in which the proportional representation voting system was used for the first time in electing the upper house. This produced a Legislative Council in which the Government failed to win a majority of seats (19 of 40 members) and in which several minor parties, along with the Opposition which has 15 seats, hold the balance of power. This new dynamic has led to a greater inclination on the part of the Council to establish its own select and standing committees than has tended to be the case in previous parliaments. It seems likely that this trend will continue in the future and, therefore, it was considered timely to consider the need for a more structured, better resourced Council committee system in

the context of a parliamentary committee system in which there are 12 Joint Investigatory Committees.

By the end of 2008, the Standing Orders Committee had sought submissions from each of the parties represented on the Committee regarding their preferred standing committee model. The Committee had also conducted preliminary research related to other comparable jurisdictions in Australia and was considering visiting some of those jurisdictions in the new year.

CANADA

House of Commons

On November 27, 2008, Standing Orders 104(2), 108(3)(*b*) and 108(3)(*d*) were amended. The effect of these amendments was to reduce the membership of four of the standing committees of the House from 12 to 11, and to modify the mandates of two of the committees (the Standing Committee on Citizenship and Immigration and the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities).

Alberta Legislative Assembly

The standing orders of the Legislative Assembly of Alberta have undergone significant changes and review since 2007 when Premier Stelmach took office. These changes were by far the most significant reforms in recent memory. Key changes that were brought forward in 2007 included an expanded committee system, additional hours of consideration for estimates, and a significant reduction in the number of evening sittings. Following the general election held on 3 March 2008 the Assembly extended the operation of most of the 2007 temporary standing orders until the conclusion of the 2008 Fall Sitting and referred the matter to the Standing Committee on Privileges and Elections, Standing Orders and Printing. During the 2008 Fall Sitting, the Committee presented its report which included the following key recommendations:

- The adoption of a sessional calendar with a Spring Sitting to commence the second Tuesday in February and concluding no later than the first Thursday in June, and a Fall Sitting to commence the last Monday in October and conclude the first Thursday in December.
- A significant reduction of evening sittings.

- Revised sitting hours whereby the Assembly now sits Monday through Wednesday from 1.30 pm to 6.00 pm and Thursday from 1.30 to 4.30 pm (the Assembly previously sat Monday through Thursday from 1.30 pm to 5.30 pm and Monday, Tuesday and Wednesday evenings from 7.30 pm until adjournment). There is a provision in the standing orders to allow the Assembly to meet in the evenings upon passage of a Government motion to consider Government business.
- The continuation of five Policy Field Committees (Standing Committees) in the subject areas of Community Services, the Economy, Health, Public Safety and Services, and Resources and Environment.
- Modification to the supply process whereby department estimates would be referred to Policy Field Committees and the time for consideration would increase from 60 to 72 hours. The Policy Field Committees will meet in the evenings for consideration of the main estimates during the 2008 Spring Sitting (from 6.30 pm to 9.30 pm).

Prior to the conclusion of the Fall Sitting, the Assembly adopted a resolution outlining permanent changes to the standing orders which reflected the Committee's recommendations. The amendments took effect on 4 December 2008.

Ontario Legislative Assembly

Two sets of standing order changes were made in 2008. In May, the following provisional standing order changes came into effect:

- House meetings (still from Monday to Thursday) commence at 9 am and end at 5.45 pm, with a one-hour break at noon on Monday and Thursday, and a three-hour midday break on Tuesday and Wednesday for caucus and Cabinet meetings respectively. (The House used to meet between 1.30 pm and 6.00 pm from Monday to Thursday, between 10 am and 12 noon on Thursday, and on as many evenings on Monday, Tuesday and Wednesday as the government desired.) The change has the effect of shifting meetings from an afternoon/evening basis to a morning/afternoon basis, and of making for more regularly scheduled daily meeting time than used to be the case. The government still has the option of moving a motion for the House to meet during evenings, but only in the last eight sessional days of the spring and fall meeting periods respectively.
- The start of Oral Question Period shifts from mid-afternoon to 10.45 am.
- Private Members' Public Business (i.e., the time for debate on private

members' motions and for second reading debate on private members' public bills) shifts from Thursday morning to Thursday afternoon; its length increases by half an hour (i.e., from two hours to two and a half hours); and the number of items of business debated during this time increases by one (i.e., from two to three).
- There is a designated time for the Speaker to introduce members' guests to the House; it is out of order for a member to introduce guests.

In October, after a standing committee had reported on its review of these provisional changes, the House fine-tuned some of them, added some new features, and then made the entire package its new permanent standing orders, as follows:

- As of 2009, the start of the spring and fall meeting periods will be moved up to mid-February and mid-September respectively. However, there will now be five (up from two) week-long "constituency breaks" per year, during which the House will not meet. In addition, the House will not meet on any day on which a federal election falls. This new parliamentary calendar is not expected to affect the number of House sitting days (anywhere from 90 to 100) in a typical non-election year.
- On Monday, the House now starts its meeting at 10.30 am (as opposed to the 9 am start in the provisional changes); on Tuesday, Wednesday and Thursday, it will continue to start its meeting at 9 am. (However, the government now has the option of cancelling—and of not calling business or further business at—early morning meetings.) There is no change to the midday breaks on any of these days, but the House now rises daily at 6 pm, instead of 5.45 pm. Evening meetings, as provided for in the provisional standing orders, are still possible.
- Oral Question Period now commences at 10.35 am. (It is still one hour long, and it still occurs every day the House meets, i.e., from Monday to Thursday.)
- The Routine Proceeding "Petitions" shifts from the morning to the afternoon, and the Routine Proceeding "Deferred Votes" shifts from the afternoon to the morning.
- Individual members—no longer the Speaker—now introduce their own guests, and they have two opportunities each day to do so.
- The new-look Private Members' Public Business remains, although a new feature was added: up to one member from each party may now cosponsor a private member's public bill.

Prince Edward Island Legislative Assembly

Review of Legislative Assembly's rules

A major review of the Assembly's rules is in progress and the following changes are being considered by the Standing Committee on Privileges, Rules and Private Bills:

(i) committee guidelines have been incorporated into the main body of the rules;
(ii) capitalisation, grammar, punctuation, and language have been simplified;
(iii) certain rules have been re-drafted to agree with the practices of the House;
(iv) a comprehensive table of contents has been added;
(v) annotations have been written for all rules;
(vi) forms of proceeding have been expanded; and
(vii) a glossary of parliamentary terms has been included.

New parliamentary calendar

In 2008, upon recommendation of the Standing Committee on Privileges, Rules and Private Bills, the Legislative Assembly of Prince Edward Island adopted a parliamentary calendar. Specifically, the spring sitting of the Legislative Assembly will open during the first week of April each year; the fall sitting of the Legislative Assembly will open on the first sitting day following Remembrance Day (11 November) each year; and 60 days' notice for the opening of each sitting is to be provided by the Speaker of the Legislative Assembly or Executive Council.

Maximum number of members on standing committees

To take effect with the opening of the Third Session of the 63rd General Assembly, the maximum number of members on a standing committee is reduced from ten to eight.

Québec National Assembly

During the 38th Legislature, a provisional edition of the standing orders was in effect since temporary amendments had been adopted. The 38th Legislature having ended on 5 November 2008, these amendments are no longer in effect.

JAMAICAN PARLIAMENT

The Standing Orders Committee of the House of Representatives embarked on a review of the Standing Orders in 2008. A report was tabled but was not debated and has been carried forward for debate in 2009. Amendments if approved by the House will result in the Standing Orders being amended to reflect the same.

NEW ZEALAND HOUSE OF REPRESENTATIVES

Towards the end of the 48th Parliament, the Standing Orders Committee conducted its regular review of the procedures of the House and presented its report on 27 August 2008. The committee commented that the outcome of the review "could not be described as a major overhaul so much as a fine-tuning of procedures that generally appear to operate well".

The full report of the Standing Orders Committee is available on the parliament website (www.parliament.nz). Some of the more significant changes recommended included:

- provision for sittings to be suspended or adjourned in emergency situations;
- limited powers for the Speaker to delay scheduled sittings in the case of an emergency (up to one week) or an epidemic (up to one month, or longer if the leaders of all parties agree);
- revision of rules for moving and debating amendments to motions (in particular, removing provisions for an amendment to a motion to be separately debatable, with the debate on the main question resuming after the amendment has been dealt with, so that now motions and amendments will always be taken together for the purposes of debate);
- instituting a procedure for select committees to review reports on non-departmental appropriations in addition to conducting financial reviews of departments;
- rearrangement of the procedure for the presentation of, and debate on, the Prime Minister's statement at the start of the parliamentary year, so that the debate will arise on a confidence motion moved by the Prime Minister, rather than on a motion of no-confidence moved by the Leader of the Opposition;
- alteration of the procedure for the publication of papers presented by the Speaker and by ministers, so that parliamentary papers are published under the authority of the House as soon as they are presented without the need for an order to publish to be moved in the House;

- provision in Standing Orders for documents to be tabled by leave, including a requirement for them to be tabled if leave has been given (while a practice has long existed for documents to be tabled by leave, documents frequently were not tabled after leave had been given—members may have been seeking leave as a way to make a debating point without any real intention to table a document);
- incorporation in the Standing Orders of previously adopted rules and conditions for television coverage of the House;
- staged implementation of simultaneous interpretation from Māori to English.

Some members of Parliament had responded to public criticism of the behaviour of members by suggesting the adoption of a code of conduct, particularly in relation to conduct in debate. The Standing Orders Committee noted that when the views of the wider membership of the House were sought, there was insufficient support for the development of a voluntary code.

The House adopted the amendments to the standing orders recommended in the report, with effect from the day after the dissolution or expiration of the 48th Parliament (4 October 2008).

NORTHERN IRELAND ASSEMBLY

Standing orders were amended to—

- change the timetable for the tabling of amendments to allow the Speaker more time to consider which amendments will be selected;
- provide express standing orders for non-statutory committees;
- provide all non-statutory committees with the power to call for persons and papers;
- introduce a new procedure called "Matters of the Day" to allows MLAs to address a current matter of public importance that has arisen since the last sitting and which is not being dealt with by way of another procedure such as a Ministerial Statement;
- formalise the responsibilities of the Audit Committee and clarify issues around membership and voting in the Business Committee.

A major review is underway of the procedures governing Assembly Questions and is expected to be implemented before the summer recess in 2009. A major review took place in 2008 which is expected to lead to the introduction of standing orders for private bills before the summer recess in 2009. A review of

Ministerial Statements was also undertaken which will lead to (i) permitting ministers to make written as well as oral statements, (ii) allowing MLAs to have access to a copy of an oral statement 30 minutes before delivery by the minister to the Assembly, and (iii) increasing the notification period of intent by the minister to make an oral statement from 2½ hours to one day, with the exception of urgent or emergency statements.

SEYCHELLES NATIONAL ASSEMBLY

The year 2008 was of great significance and the most eventful year in the history of the National Assembly of the Republic of Seychelles. Significant actions were taken to transform the institution, which has existed for the past 15 years, into a body of supreme political importance. In this endeavor, it was crucial to have a complete revision of the National Assembly Standing Orders.

On 26 July 1994, in line with Article 101 of the Constitution, the National Assembly by resolution adopted the National Assembly Standing Orders. 14 years after the original standing orders came into existence, an amendment to them was found necessary so as to meet the requirements of the Assembly's increased work, especially in the new political set-up, and to provide for the years to come.

While nine new standing orders have been proposed and two new parts have been added, most of the original orders have been maintained in the revised edition, other than a few which have been modified or amplified.

Some of the new standing orders are as follows—

- Standing Order 2 makes provision for the Speaker of the National Assembly to decide on procedures that are not included in the standing orders, to address certain issues by taking into account provisions from our Constitution as well as parliamentary norms practised by other parliaments in the Commonwealth.
- Standing Order 5 covers the vacancy of the offices of Speaker or Deputy Speaker.
- Standing Order 8 provides for the power of the Speaker and the Deputy Speaker when they are presiding over the session of the Assembly.
- The modification of Standing Order 9 provides for leave of absence. It requires that all members obtain leave of absence if they are unable to attend a session of the National Assembly.
- The procedure for the removal of the Speaker and the Deputy Speaker is stated under the new Standing Order 13. Standing Order 14 states the

procedure for a vote of censure against the Vice President and the Ministers. It is important to mention that Standing Order 13 requires that 50 per cent of members sign a petition to support notice for the removal of the Speaker. In the case of the procedure to remove the Deputy Speaker only one-third of members of the National Assembly must sign the petition. This was decided upon in the same light as Standing Order 14, pursuant to Article 53(3) of the Constitution, which requires the same percentages of members to remove the President and the Vice President and Ministers respectively.

- Standing Order 45, under the rules of debate, makes reference to the proper manner and timing for a member to intervene and to debate.
- Standing Order 46 provides for the conduct of members during a National Assembly sitting. It is only an amplification of the existing Standing Order.
- The Select Committee is presented under Standing Order 85 on the general provision and procedures to form a Committee to attend to a specific function for a specific period of time as stated under Article 104 of the Constitution.

As mentioned earlier, two new parts have been introduced: Part V, under which motion for adjournment of debates is presented, and Part XVIII, which covers select committees on bills. There are other provisions that have been set as propositions. For example, under Standing Order 65, the proposition is that for the second reading of a bill, a minimum of 14, rather than seven, days after its publication in the official gazette is required.

Another change in the new standing orders has to do with the two committees set out in the Constitution: the Standing Orders Committee and the Public Accounts Committee. The functions of these committees as defined by the standing orders are exactly as per their terms of reference.

Under Standing Order 86 the Deputy Speaker must be a member of the Standing Orders Committee and he or she should be the Chairperson to that Committee. However, nothing was mentioned in that regard for the Finance and Public Accounts Committee. It has been proposed therefore that some members are designated to serve on that Committee as well.

On 17 March 2009, the National Assembly approved the new standing orders, to replace the 1994 edition. The project was part of the United Nations Development Programme capacity-building programme for the National Assembly, aimed at making the Assembly more efficient and bringing it one step further in its development.

SOUTH AFRICAN PARLIAMENT

Language requirements for bills

The Joint Rules of Parliament contain rules that regulate the parliamentary language practice in regard to bills. The South African Parliament has 11 official languages. Concern was expressed generally by members that bills needed to be in at least two languages rather than in only one.

In 2008 it was agreed to amend the Joint Rules to provide that the official text of the bill must be translated into at least one of the other official languages and that the translation must be received by Parliament at least three days before the formal consideration of the bill by the House in which it was introduced.

SWAZILAND PARLIAMENT

The standing orders have not been amended significantly. However, a Committee on Standing Orders was established with the view of amending same to cater for recent developments in parliamentary practice and procedure.

UNITED KINGDOM HOUSE OF COMMONS

During 2008 there were 13 separate changes to standing orders. Of these, many were "administrative" matters, such as minor modifications of the language of standing orders or changes in the names or remits of the select committees responsible for scrutinising Government departments as a result of machinery of Government changes. Standing Order No. 143 (European Scrutiny Committee) was amended twice: first, on 7 February, a temporary amendment was agreed to allow the European Scrutiny Committee to sit in public; then on 12 November the status quo was restored.

The most significant change in standing orders was to set up a new structure for the scrutiny of policy in the English regions. On 12 November the House agreed to establish a Regional Select Committee consisting of not more than nine members and a Regional Grand Committee consisting of members representing relevant constituencies and up to five other members for each of the regions of England, with the exception of London.

WELSH ASSEMBLY

The Assembly's standing orders were amended in 2008 to modify the start time for Plenary meetings (Standing Orders 7.8–7.9).

ZAMBIA NATIONAL ASSEMBLY

The standing orders were last reviewed extensively in 2003 and 2004 and took effect on 30 March 2005 following the seal of approval by the House on the recommendation of the Standing Orders Committee under the chairmanship of the Speaker. The review exercise involved consulting various stakeholders within and outside parliament, among them Members of Parliament, senior staff, civil society organisations and local and international consultants who are experts in parliamentary matters in the Commonwealth.

No amendments were made to the standing orders in 2008. However, it is envisaged that in the near future a comprehensive review will be carried out to determine which standing orders need to be amended to enhance the effective and efficient performance of business in the House.

SITTING TIMES

Lines in Roman show figures for 2008; lines in Italic show a previous year. An asterisk indicates that sittings have been interrupted by an election in the course of the year.

	Jan	Feb	Mar	Apr	May	June	July	Aug	Sep	Oct	Nov	Dec	TOTAL
Ant & Barb HR	*1*	*0*	*2*	*1*	*1*	*1*	*1*	*1*	*1*	*1*	*3*	*3*	*16*
Ant & Barb Sen	*0*	*1*	*2*	*1*	*1*	*1*	*1*	*0*	*1*	*2*	*2*	*2*	*14*
Aus H Reps	0	8	7	0	7	12	0	3	12	8	8	4	69
Aus Sen	0	3	7	0	3	8	0	3	12	4	8	4	52
Aus ACT	0	3	3	6	3	6	0	9	0	0	1	3	34
Aus N Terr	0	6	0	2	4	7	0	0	6	6	3	0	34
Aus NSW LA	0	3	3	6	6	9	0	2	3	6	6	3	47
Aus NSW LC	0	3	3	5	6	9	0	1	3	6	7	3	46
Aus Queens LA	0	6	3	8	4	4	0	3	3	6	6	3	43
Aus S Aus HA	0	6	3	8	4	6	4	0	5	6	6	0	48
Aus S Aus LC	*0*	*8*	*7*	*1*	*9*	*6*	*5*	*0*	*7*	*8*	*8*	*4*	*63*
Aus Tasm HA	*0*	*0*	*6*	*3*	*6*	*6*	*0*	*3*	*3*	*5*	*8*	*1*	*41*
Aus Tasm LC	*0*	*0*	*0*	*0*	*2*	*7*	*4*	*0*	*4*	*5*	*9*	*0*	*31*
Aus Vict LA	0	6	3	6	6	6	3	3	3	7	3	3	49
Aus Vict LC	0	6	3	6	6	6	3	3	4	9	3	3	52
Aus W Aus LA	0	0	6	6	11	9	0	9	9	7	8	1	66
Aus W Aus LC	*0*	*0*	*6*	*6*	*11*	*9*	*0*	*6*	*9*	*7*	*8*	*3*	*65*
Bangladesh	*1*	*15*	*6*	*0*	*4*	*15*	*7*	*0*	*9*	*0*	*5*	*0*	*62*
Belize House	*2*	*1*	*1*	*0*	*0*	*1*	*0*	*1*	*1*	*0*	*1*	*2*	*10*
Belize Senate	*1*	*2*	*2*	*0*	*0*	*1*	*0*	*1*	*0*	*1*	*1*	*2*	*11*
Berm House	*0*	*4*	*7*	*1*	*2*	*5*	*4*	*2*	*0*	*1*	*4*	*2*	*32*
Berm Sen	*0*	*1*	*7*	*0*	*1*	*2*	*4*	*4*	*0*	*1*	*2*	*2*	*24*
Botswana	0	20	19	9	0	0	4	16	0	0	20	10	98
Canada HC*	4	16	11	17	17	15	0	0	0	0	9	4	93
Canada Sen*	3	9	6	11	10	9	0	0	0	0	6	2	56
Canada Alb	0	0	0	11	16	3	0	0	0	11	12	3	56
Canada BC	0	11	9	14	17	0	0	0	0	0	5	0	56
Canada Man	0	0	1	15	16	8	5	1	14	6	7	4	77
Canada N Bruns	*8*	*15*	*0*	*0*	*0*	*0*	*0*	*0*	*0*	*0*	*5*	*12*	*40*
Canada Newf	*0*	*0*	*8*	*12*	*16*	*6*	*0*	*0*	*0*	*0*	*7*	*9*	*58*
Canada NWT	*0*	*0*	*7*	*11*	*4*	*0*	*5*	*0*	*4*	*0*	*0*	*0*	*31*
Canada Ontario	0	0	8	19	13	11	0	0	6	16	12	8	93
Canada PEI	0	0	0	15	13	0	0	0	0	0	11	2	41
Canada Québec*	0	0	6	14	14	12	0	0	0	6	1	0	53
Canada Sask	*0*	*0*	*11*	*20*	*16*	*0*	*0*	*0*	*0*	*0*	*16*	*2*	*65*
Canada Yukon	0	0	5	18	9	0	0	0	0	5	14	9	60
Cayman Island	*0*	*0*	*13*	*0*	*0*	*7*	*0*	*0*	*10*	*0*	*15*	*0*	*45*
Cook Islands													
Cyprus	*5*	*1*	*4*	*3*	*4*	*5*	*2*	*1*	*0*	*5*	*4*	*3*	*37*
Dominica	*0*	*0*	*0*	*3*	*1*	*3*	*4*	*0*	*1*	*0*	*3*	*2*	*17*
Falklands	*1*	*0*	*1*	*0*	*5*	*0*	*1*	*0*	*1*	*1*	*1*	*0*	*11*
Ghana	*13*	*16*	*13*	*0*	*13*	*18*	*16*	*4*	*0*	*18*	*18*	*11*	*140*
Gibraltar	*5*	*3*	*1*	*1*	*3*	*2*	*4*	*1*	*0*	*2*	*1*	*3*	*26*
Grenada Reps	*4*	*4*	*1*	*0*	*2*	*1*	*1*	*1*	*2*	*0*	*1*	*1*	*18*
Grenada Sen	*1*	*1*	*0*	*1*	*1*	*2*	*1*	*0*	*0*	*1*	*1*	*1*	*10*
Guernsey	*2*	*1*	*1*	*2*	*2*	*1*	*4*	*2*	*2*	*2*	*2*	*4*	*25*
India LS	*0*	*10*	*9*	*12*	*6*	*0*	*9*	*12*	*0*	*0*	*0*	*16*	*74*
India RS	0	5	12	11	2	0	0	0	0	6	0	10	46
India Gujarat	*0*	*10*	*17*	*0*	*0*	*0*	*0*	*0*	*3*	*0*	*0*	*0*	*30*
India Haryana	0	0	16	0	0	0	0	0	3	0	0	0	19

India Him Pr	2	0	11	12	0	0	0	0	5	0	0	5	35
India Kerala	*0*	*1*	*12*	*0*	*2*	*0*	*12*	*0*	*19*	*0*	*7*	*0*	*53*
India Maharash													
India Nagaland	*0*	*0*	*4*	*0*	*0*	*5*	*0*	*0*	*0*	*0*	*0*	*1*	*10*
India Orissa	*0*	*0*	*12*	*0*	*0*	*0*	*12*	*3*	*0*	*0*	*0*	*7*	*34*
India Punjab	*0*	*0*	*13*	*0*	*0*	*0*	*0*	*0*	*2*	*0*	*0*	*0*	*15*
India Rajasthan	0	9	15	0	0	0	4	0	0	0	0	0	28
India Sikkim													
India Tamil Nadu	*5*	*0*	*7*	*16*	*6*	*0*	*0*	*0*	*0*	*0*	*5*	*0*	*39*
India Uttar P	*0*	*10*	*0*	*0*	*0*	*0*	*7*	*5*	*0*	*0*	*6*	*0*	*28*
IoM Keys	*1*	*3*	*4*	*1*	*3*	*2*	*0*	*0*	*0*	*1*	*5*	*1*	*21*
IoM LC	*1*	*3*	*4*	*1*	*1*	*2*	*0*	*0*	*0*	*1*	*5*	*1*	*19*
IoM Tynwald	*1*	*3*	*1*	*2*	*1*	*1*	*3*	*0*	*0*	*2*	*1*	*1*	*16*
Jamaica HR	3	3	3	7	6	8	7	1	5	3	6	3	55
Jamaica Senate	0	4	3	1	3	4	4	0	2	0	4	4	29
Jersey	4	3	3	3	2	6	10	0	11	2	0	7	51
Kenya	*0*	*0*	*6*	*12*	*5*	*12*	*13*	*7*	*0*	*13*	*13*	*5*	*86*
Lesotho	*0*	*0*	*16*	*0*	*1*	*18*	*3*	*1*	*16*	*17*	*9*	*0*	*81*
Malawi													
Malaysia Reps	*0*	*0*	*12*	*6*	*0*	*8*	*0*	*0*	*14*	*19*	*5*	*0*	*64*
Malaysia Sab	*0*	*0*	*0*	*4*	*0*	*0*	*0*	*1*	*0*	*0*	*0*	*6*	*11*
Malaysia Sara	*0*	*0*	*0*	*7*	*0*	*0*	*0*	*0*	*0*	*0*	*1*	*6*	*14*
Malaysia Sen	*0*	*0*	*0*	*11*	*0*	*0*	*6*	*0*	*0*	*0*	*12*	*0*	*29*
Malaysia Melaka	*0*	*0*	*5*	*0*	*0*	*0*	*0*	*2*	*0*	*0*	*3*	*0*	*10*
Montserrat													
Namibia													
NZ H Reps*	0	6	9	9	9	6	9	6	4	0	0	3	61
Nigeria Borno	*20*	*19*	*24*	*10*	*10*	*20*	*25*	*18*	*28*	*20*	*6*	*2*	*202*
Northern Ireland Assembly	6	8	3	9	6	9	1	0	6	6	8	5	67
Pak MWFP	*0*	*5*	*0*	*0*	*0*	*25*	*3*	*0*	*10*	*0*	*0*	*0*	*43*
Pak Pun	*15*	*0*	*0*	*11*	*0*	*12*	*0*	*11*	*10*	*0*	*0*	*0*	*59*
St Lucia	*0*	*1*	*1*	*3*	*1*	*0*	*1*	*1*	*1*	*0*	*1*	*1*	*11*
St V & G	*1*	*0*	*0*	*1*	*1*	*1*	*0*	*2*	*0*	*0*	*0*	*4*	*10*
Samoa	*10*	*0*	*0*	*4*	*1*	*12*	*0*	*0*	*0*	*1*	*0*	*2*	*30*
Scotland	*8*	*6*	*8*	*5*	*9*	*6*	*0*	*0*	*8*	*6*	*8*	*6*	*70*
Seychelles NA	0	5	4	2	2	4	5	0	4	4	4	4	38
Singapore	*6*	*2*	*9*	*4*	*1*	*0*	*4*	*1*	*1*	*2*	*1*	*0*	*31*
S Africa NA	2	11	8	0	28	24	0	3	5	3	4	0	88
S Africa NCOP	*0*	*3*	*9*	*3*	*6*	*10*	*0*	*2*	*7*	*2*	*7*	*0*	*49*
S Africa NW PL	*0*	*3*	*3*	*5*	*1*	*2*	*0*	*4*	*5*	*0*	*2*	*4*	*29*
Sri Lanka	*1*	*8*	*1*	*5*	*3*	*6*	*8*	*8*	*8*	*8*	*4*	*2*	*62*
Swaziland	8	8	8	8	8	8	8	8	8	8	8	8	96
T&T HR	*4*	*2*	*4*	*2*	*4*	*3*	*4*	*0*	*4*	*7*	*2*	*2*	*38*
T&T Sen	*2*	*4*	*3*	*5*	*4*	*4*	*4*	*0*	*3*	*4*	*4*	*3*	*40*
Turks & Caic LC	*2*	*0*	*0*	*0*	*4*	*1*	*0*	*2*	*2*	*1*	*0*	*1*	*13*
Uganda													
UK Commons	17	15	18	11	14	20	13	0	0	17	15	10	150
UK Lords	17	13	17	11	13	18	15	0	0	17	16	11	148
Wales	6	6	4	8	6	8	6	0	3	7	8	4	66
W Samoa	*0*	*0*	*4*	*0*	*1*	*13*	*14*	*0*	*0*	*1*	*15*	*2*	*50*
Zambia*	12	17	11	0	0	0	0	10	4	0	12	0	66

UNPARLIAMENTARY EXPRESSIONS

AUSTRALIA

House of Representatives

Smart-arse remarks	12 February
This is just sanctimonious, pompous, hypocritical	12 March
Probably took money directly from the TWU	19 March
I thank the Member … for his encouragement in the direction of moral improvement	13 May
If the Member … does not think it is a good idea to support children with type 1 diabetes	14 May
Those opposite oppose the appointment of the Member	15 May
The Member for the Planet of the Apes	29 May
What did the previous Minister … have to say about older Australians? He said he did not particularly like them	3 June
The Member … may have learned something from his former profession	5 June
The Minister has her lackeys up here asking questions to fill up time	5 June
You've nobbled the Speaker!	16 June
That is ridiculous!	16 June
You've been on the bottle all day!	23 June
We would not engage in the type of conduct that we saw from the Member … during the election campaign in relation to certain groups within this country. Any civilised country would not do that	26 June
If he chooses not to have the integrity	2 September
He is a bit up himself	3 September
They will be lining up to suck up	3 September
If I were to guess what the Member … was reading, it would just stop with the words "The complete idiot's guide"	3 September
You're a bloody bureaucrat!	3 September
Can you get a brain donation?	4 September
What would you know about children?	10 November
He is a weak leader and he is a front for spivs and sharks	12 November
Let him suspend standing orders and we will get into the shonks	12 November
He bought his preselection; he wriggled out of responsibility for HIH. He has all the ethics of Arthur Daley	12 November
Sit on your arses	3 December

Australian Capital Territory Legislative Assembly

Speaks with a forked tongue	13 February
Bag the shit out of	6 March

Partisan perspectives	6 March
Peddle around … looking of support	6 March
Shut the monkeys opposite up	1 April
Ms verbal diarrhoea	2 April
Fabricate things	10 April
Raised its conflict of interest	8 May
Duplicitous	27 June
Falsehoods	27 June
Discredit the inquiry	1 July
Get your hands out of your pocket … You have got both hands working furiously in your pocket at the moment	6 August
One recalcitrant minister	6 August
Stupid questions from a really stupid person	26 August
Blind	27 August
Jack-in-the-box	10 December
Honour and truthfulness seem to be a foreign concept	10 December
Muppet gallery	10 December
Load of nonsense	11 December
New South Wales Legislative Assembly	
What we have come to expect from the Opposition is that it will always attack the New South Wales Police Force. The Opposition has never been willing to congratulate police on the good work they do.	28 February
I am afraid he was completely confused when instead of bashing out a few quick press releases commending the Government, he tried to bash a few branch members.	1 April
You look like a spiv, you talk like a spiv, you act like a spiv and you are a spiv.	9 April
It is a peaking plant, bonehead!	7 May
I apologise for responding to the peanut gallery.	15 May
The priority now is for those investigations to be allowed to be carried out without the interference of individuals such as the pathetic rabble opposite.	3 June
If you want to drink upstairs quietly, do it yourself	3 June
The member … is dwarf No. 1—Dopey	19 June
It is yet another sleight of hand by this Government and by the corrupt members opposite.	25 June
You are a nice bloke but when they send you in to defend the offal that is left in the Parliament we really have a problem	25 September
Do that impersonation of an idiot that you do! Look, he is brilliant!	28 October
I might have another point of order upheld by a partisan Assistant-Speaker	26 November
N**ew South Wales Legislative Council**	
[The member] having been in the staff bar	3 April
Bowed to blackmail	3 December

Northern Territory Legislative Assembly

Go and have a beer, mate, that is where you belong. That is all you are good for. Go and have another beer. Go and get drunk … [And his reply when the member answered] You go and have another beer. Go and get drunk again, Matt …	13 February
The member for Nhulunbuy has just disappeared	29 April
I doubt very much whether you have read this, Len. Maybe you should. Maybe your reading is coming on	1 May
The Leader of the Opposition seems to have cloth ears	8 May
It is a different question, you moron!	10 June
We should breath test you mob. [And in the withdrawal] I withdraw, and apologise if that offended him, but some people do have glasses of wine with their tea.	11 September
"… it should be the economic direction of the Third Reich government of the Northern Territory". Upon reading it, I thought that is true. It was delivered by the Fuhrer this morning … There are reasons that it was referred to me as the Third Reich and the Chief Minister as the Fuhrer because this document, this speech, is well practiced in … It shows a person well practiced and steeped in the dark art of message manipulation. This is just a fantastic piece of propaganda that Nazi Germany would have been proud of ...	16 September
The mines minister who, unfortunately, is not in the parliament at the moment	17 September
Have you been drinking, Jodeen? Have you been drinking?	22 October
For Christ's sakes	23 October
Well, she chews gum all the time.	29 October
If gag girl would allow people to debate things	29 October
I have no idea what the Chief Minister has been smoking or eating or drinking	29 October
Any call from the 'hang-em and flog-em' brigade over here	25 November
But no, she has scurried off.	26 November
You are more interested in a piss-up than running the Northern Territory.	27 November

Queensland Legislative Assembly

He is as crooked as a dog's hind leg	26 February
He has done a bloody good job. He has had the guts to stand up and do it	27 February
I think that is bloody abysmal	27 February
Was the member too frightened to pull out of the deal for fear that … might spill the beans on what the member … really knew about this?	28 February
So here we have the government bringing in retrospective legislation to cover its butt.	28 February
This government does not give a stuff.	13 March
You should see a psychiatrist	17 April
Sit down, Rumpole!	1 May

I move—That the debate on this disgraceful bill be adjourned.	28 October
The way he has amended this bill is an absolute sham and highlights the reason we are completely against the terms of the bill. It is an absolute bloody disgrace.	13 November
South Australia House of Assembly	
Half our former colleagues would be in gaol	8 April
No donation, no deal	9 April
Victoria Legislative Assembly	
Ugly, ugly people	5 February
This is just crap on top of crap on top of crap	8 October
Victoria Legislative Council	
When I read *Hansard* … suddenly it seemed like the baggage disappeared. I do not know how that happened between when his comments were originally stated and what landed in the final version of *Hansard*.	5 February
You cannot bugger the bay. No economic argument justifies buggering the bay.	27 February
The non-government parties are behaving like a one-trick pony on crack.	25 June
Squawking in the background	15 October
CANADA	
House of Commons	
Put a noose around his neck	29 February
Pouting professor	8 April
Does not have any principles	14 April
A bunch of howling monkeys	12 May
Where the hell is the Minister	19 June
Political pyromaniac	3 December
British Columbia Legislative Assembly	
Doublespeak	1 May
This gang over here	8 May
The minister should stop obstructing this House	23 May
They're scheming as to how they fill their pockets	27 May
Manitoba Legislative Assembly	
He should talk to the Minister of Transportation, Chainsaw Lemieux	Not given
The sticky fingers of the Minister of Finance	Not given
The high priest of procedural shenanigans	Not given
The near-Neanderthals across the way	Not given
The pit bull from Kildonan	Not given
Fleece their pocket books	Not given
Prince Edward Island Legislative Assembly	
I don't think she has the guts	2 May

Québec National Assembly

Loser (un ministre […] qui agit comme un) [loser (a minister who acts like a)]	15 April
Coup de pied au cul (mériter un) [a kick in the ass (deserve a)]	16 April
Démagogie [gesture politics]	17 April
Grossier personage [vulgar individual]	17 April
Sornettes de l'opposition (écouter les) [nonsense spoken by the opposition (listen to the)]	14 May
Berner la population [Pull the wool over the population's eyes]	21 May
Sale job (faire faire la sale job par ses conseillers) [Dirty work (have the dirty work done by his advisors)]	3 June
Petit minister [insignificant minister]	6 June
Fainéants [slackers]	12 June
Rase-mottes (faire du) [to hedgehop]	12 June
Lâcheté [yellow streak]	12 June

Yukon Legislative Assembly

Railroaded	25 March
Diatribe	31 March
Witch hunt	1 April
Regurgitation of nonsense	2 April
Back-door land deals	7 April
Bullying	9 April
Burned out light bulb	9 April
Chirping away	10 April
Slap in the face	10 April
Chippy	22 April
Shell game	6 May
Opposition's raison d'être is to complain and criticize	13 May
Stone-age	13 May
Perhaps the minister should … see how 50,000 volts might actually affect the human body	14 May
His ego is much bigger than previously thought	27 October
Messenger of doom and gloom	27 October
Serving your friends	29 October
Ravings	30 October
Economy in the toilet … and flushed it	4 November
Not follow the Standing Orders, or even the law	12 November
Charade	13 November
Pyramid scheme	18 November
Silly ragging of the puck	20 November
One would have to have a mind to have an open mind	25 November
Youthful ministers	26 November
Fanning the flames of hatred	3 December

INDIA

Rajya Sabha

Sycophancy	4 March
Dhokha [Cheating]	4 March
Goondagardi [Goondaism]	10 March
Fascist/fascism	10 March
Shame	10 March
Home Ministry is accused	10 March
Chaapluson [Sycophants]	10 March
Hulla Gulla [Hullabaloo]	11 March
You are partisan	11 March
Betrayed	19 March
Bloody House	17 April
Bhaad [Hell with that]	21 April
Both his wives	23 April
Criminal	28 April
Co-accused	30 April
Unko apni badshakl, apni badsurat jo haalat hai, unko dekh kar sharm nahin aati [They don't feel ashamed of the pitiable situation in which they are]	30 April
Paagal [Lunatic]	21 October
Dhokhadhari [Cheating]	22 October
Fraud	22 October
Unlike the aged, disabled and opportunistic leaders	22 October

Himachal Pradesh Vidhan Sabha

Vidhan Sabha proceedings can be wrapped up.	12 January
We asked somebody why Virbhadra is not coming to the House. Then one friend said to us that Virbhadra is unable to walk due to Mehandi, then another friend said that it is not this way. He has thorns in his feet which you people have pierced, that's why he is unable to walk.	10 March

Rajasthan Legislative Assembly

A shop of toadies, group of flatterers, yes-men	20 February
Murderers	26 February
Sullied reputation	26 February
Chair is under the pressure of the government and is partial	29 February
That Panchayati Raj minister is ill furnished in his attic storey	5 March
Living fast	5 March
Some one or the other known to the ones in the opposition are involved in this business	10 March
Trying to cover up the sins	11 March
Corruption is like cow dung	11 March
The Chief Minister, Vasundhara Raje, glorified as a goddess misused her post. She has misused the money of the people of Rajasthan.	11 March

Hypocrisy of widowhood, shame	11 March
Blood sucker congressmen	12 March
Chair has been highjacked	12 March
Its wrong, the rules have been set aside	13 March
The chair is being threatened	13 March
Brokers, the congress leaders had their share in the bribe	15 March
Registered flatterers	15 March
What better can be expected of thieves? Can a goat tied in a butcher's or a dacoit's house hope for life?	15 March
Conspirators	15 March
Farmers blood suckers	15 March
Congressmen should die of shame	15 March
Money taken from you	18 March
Indian land selling party	19 March
Hostile for the nation, talking wet	19 March
Hooliganism	19 March
Have a broken feather in the wing	19 March
Fifth column	19 March
Patronage to the criminals	19 March
Haunting place of congressmen	19 March
They drink like fish	19 March
Covering up their evil deeds	19 March
Blabber	20 March
Fiddle faddle	20 March
Street play	20 March
You are favouring the ruling party	20 March
Mr Speaker, by keeping quiet and being indifferent you yourself are patronising such things and there can't be a more unfortunate situation than this.	23 March

STATES OF JERSEY

Does the Chief Minister think it acceptable for senior civil servants to lie to their Ministers in this manner? After Panorama last night … you bloody idiot.	1 April

NEW ZEALAND HOUSE OF REPRESENTATIVES

Pilfer	11 March
Because they are cheats	19 March
'Rope-a-dope' Trevor	9 April
Pay the bills	10 April
Crocodile tears	20 May
Had his head in the wine box	23 May
Bloody ridiculous	24 June

Burger King	30 July
Chicken	30 July
Old Jelly Back	30 July
Speaks from the unions' play card	31 July
Tell the truth for a change	31 July
The old windbag going on these drunken trips	31 July
Perjurer	5 August
Stealing $80,000 of public money	6 August
How much are they paying you?	26 August
Excrescence	27 August
Member would not know a thing about integrity	27 August
Lacks the courage of his predecessor	28 August
Political coward	3 September
Waving cheque books	9 September
Backhander for $100,000	10 September
Porky	10 September
Member is expected to be honourable	11 September
Whinging and snivelling	23 September
Member for the Exclusive Brethren	9 December
'Simple' Simon	9 December
He has not been taking his tablets	16 December

ZAMBIA NATIONAL ASSEMBLY

How on earth can anybody imagine that more than 500 people are all outcasts and incompetent or may I quote the former President Kaunda, "idiots"? I am only quoting, Sir.	15 January
What I remember is that the Head of State said that those who are in the way of development must march to hell.	31 January
This is chicanery	31 January
I will expect a debate that is well balanced and not the one that has a tone of a person who is about to go rabid.	6 February
This Budget is very hollow	6 February
Even that flag you carry is useless	8 February
If you are not there for the poor people, then you are horrible and not honourable.	8 February
Have you noticed that results are bad at the moment because teachers are not teaching, but cheating?	13 February
Zambia became a play ground of thieves and crooks.	13 February
This Government is becoming legendary in promising heaven but delivering hell.	5 March
A number of juveniles and grown ups were caught up in stealing in order to finance themselves. Others became professional thieves in order to plunder this country.	12 August

I would also like to thank my colleague, Hon. Sakwiba Sikota, for supporting this appointment while at the same time, wanting to improve dowry on my wife	14 August
There should be no time to cheat or fight the people of Zambia as we go to the elections.	12 September
The Post is a stinking paper! It is useless!	13 November
That revolution which brought this MMD was fake.	28 November
Even if you jump like a yo-yo, from one party to the other, they will look at your track record as a person.	28 November

BOOKS AND VIDEOS ON PARLIAMENT IN 2008

AUSTRALIA

Guide to Procedures, 3rd edition, Department of the House of Representatives, Canberra, ISBN 9780642790460.

Revised edition of the concise introduction to the procedures of the House of Representatives, intended for participants in and observers of proceedings in the chamber of the House and the Main Committee. This edition is updated and incorporates revised standing orders which came into effect in March 2008.

Mail order sales and an electronic version of this publication are accessible from the House of Representatives website at http://www.aph.gov.au/house/pubs.

Parliamentary Handbook of the Commonwealth of Australia, 31st edition, Parliamentary Library, Department of Parliamentary Services, ISSN 0813541X.

A comprehensive reference on many aspects of the Commonwealth Parliament and the Australian political system, updated for the 42nd Parliament. Includes a short biography of all members of both Houses.

Restraining Elective Dictatorship: The Upper House Solution?, ed. by Nicholas Aroney, Scott Prasser and J R Nethercote, University of Western Australia Press, $A29.95. ISBN 978192140109 (pbk).

Contains chapters from 21 leading international scholars and politicians on the history, recent performance, and future of upper houses in several countries and jurisdictions including Australia, Canada, United States and the United Kingdom.

Government and Democracy in Australia, 2nd edition, by Ian Cook, Mary Walsh and Jeffrey Harwood, Oxford University Press 2008, $A60, ISBN 13: 7980195561715; ISBN10: 0195561716.

Covers most of the important aspects of government and democracy in Australia, by presenting a number of views and then asking readers to debate and discuss Australian politics. The tension between politics (understood as government) and democracy is an underlying theme. A variety of factors that affect politics in Australia are examined, such as globalisation, the media and the internet, security and terrorism, as well as the basic aspects of Australian politics that must be addressed in a first year text. This

new edition also covers the 2007 federal election, and looks to the future under a new Labor government.

Papers on Parliament No. 49: Constitutional Politics and other lectures in the Senate Occasional Lecture Series, 2008, Department of the Senate, Australia, free, ISSN 1031976X. Electronic version available via the Internet at the publisher's home page: http://www.aph.gov.au/senate/pubs/pops/index.htm.

Contains transcripts of seven lectures on parliamentary issues, including *Constitutional politics, the Bill of Rights debate, Structures of advice and support to Australian Prime Ministers* and one paper by the Clerk of the Senate on *Legislative Power and Executive Privilege in the Courts*.

Odgers' Australian Senate Practice, 12th edition, ed. by Harry Evans, Clerk of the Senate, Department of the Senate, Australia, $A55, ISBN 9780642719584. Electronic version available via the internet at the publisher's home page: http://www.aph.gov.au/Senate/pubs/odgers/index.htm.

A detailed reference book on all aspects of the Senate's powers, procedures and practices. Matters covered range from broad constitutional principles to the fine details of the rules of debate and procedure. The work has for its base the Constitution, the standing orders, rulings of successive Presidents, practice and precedent.

2007 New South Wales Election: Final Analysis [Background Paper 1/08], by Antony Green, New South Wales Parliamentary Library, Sydney, ISBN 9780731318315.

An analysis of the results from the New South Wales elections of March 2007, with detailed tables of the results for both Houses, including the distribution of preferences.

A History of the Attendant Staff of the New South Wales Legislative Council 1829–2008, by Ian Pringle and Maurice Rebecchi, Legislative Council of New South Wales, Sydney, ISBN 9780731318421.

The second edition of the history of the attendants in the New South Wales Upper House, updating the text of the original 1988 edition. The book includes photos of staff, the chamber and contains detailed historical tables.

New South Wales By-Elections 1965–2008: Update to Background Paper No 3/05, by Antony Green, New South Wales Parliamentary Library, Sydney, ISSN 13254456.

An update to the Parliamentary Library's 2005 Background Paper with discussion on major trends in New South Wales by-elections.

New South Wales Legislative Council Practice, by Lynn Lovelock and John Evans, Federation Press, Annandale, New South Wales, ISBN 9781862876514.

An account of the precedents, practice and procedures of the New South Wales Upper House. The book includes an account of the New South Wales system of government, the history of the Legislative Council, and the electoral system. Other chapters include a detailed discussion of parliamentary privilege, the role of members and office holders, the legislative process and the conduct of proceedings. In addition to the detailed historical discussion of procedural issues, the book also examines the history of the parliamentary buildings and the Legislative Council Chamber.

The Queen's Other Realms: The Crown and its Legacy in Australia, Canada and New Zealand, by P J Boyce, Federation Press, Annandale, New South Wales, ISBN 9781862877009.

An examination of the monarchical system, the book looks at the Crown and the vice-regal office in three countries of the "old" Commonwealth. The text covers the period from the mid-20th century, looking at the powers and functions of the monarch and the vice-regal responsibilities, including the reserve powers.

The Chameleon Crown—The Queen and Her Australian Governors, by Anne Twomey, Federation Press, $A49.95, ISBN 9781862876293.

BOTSWANA

Budget Transparency and Participation, ed. by Marritt Claassens and Albert van Zyl, ISBN 9781920118013.

CANADA

Two Cheers for Minority Government: The Evolution of Canadian Parliamentary Democracy, by Peter H Russell, Emond Montgomery Publications Ltd, CAN$19.95, ISBN 9781552392713.

Court Government and the Collapse of Accountability in Canada and the United Kingdom, by Donald J Savoie, University of Toronto Press, CAN$35, ISBN 9780802095794.

What Do You Do if You Don't Die?: The Steven Fletcher Story, by Linda McIntosh, Heartland Associates, CAN$29.95, ISBN 9781896150505.

Hell or High Water: My Life in and out of Politics, by Paul Martin, Douglas Gibson Books, CAN$37.99, ISBN 9780771056925.

A Fair Country: Telling Truths about Canada, by John Ralston Saul, Viking Canada (AHC), CAN$34, ISBN 9780670068043.

Parliamentary Practice in British Columbia, 4th edition, by E George MacMinn

QC, Clerk of the Legislative Assembly, BC Queen's Printer, CAN$65, ISBN 077263095X.

The 4th edition of *Parliamentary Practice in British Columbia* was published in December 2008. It updates the annotated discussion of the standing orders of the British Columbia Legislative Assembly, first published in 1981 and revised in 1987 and 1997. The book is designed to provide practical assistance to members and clerks.

The format for the 4th edition is consistent with its predecessors. Each standing order of the House (from 1 to 120) is listed in bold print, followed by an exhaustive commentary. In the new text, numerous Speakers' decisions have been included. The jurisprudence on points of order, matters of privilege as well as the interpretation of several standing orders have significantly increased, with relevant citations from British and Canadian parliamentary authorities. The book's index has also been updated and enhanced.

The 4th edition retains the ancillary materials listed in earlier editions at the end. In addition to ten practice recommendations relating to several standing orders, there are seven appendices listing the various amendments to standing orders since 1930, statutes affecting the Legislative Assembly and its members, matters that were ruled breaches of privilege, closure-of-debate citations from New Zealand, and a progress-of-bills summary.

Parliamentary Practice in British Columbia is written by E George MacMinn, whose distinguished career as Table Officer spans 51 years. There were also significant contributions to this edition by other the clerks and some precinct directors. The 4th edition remains the primary parliamentary authority on procedural questions arising in the British Columbia Legislative Assembly. Like its predecessors, it will also continue to be used as a valuable reference book in other provincial legislative assemblies across Canada.

Québec: quatre siècles d'une capitale, by Christian Blais et al, Québec: Publications du Québec: Assemblée nationale du Québec, CAN$69.95, ISBN 9782551198047.

This volume covers the political history of Québec City over the past 400 years.

INDIA

Rajya Sabha and its Secretariat: A Performance Profile 2007, Rajya Sabha Secretariat, New Delhi, Rs.25/-.

Welcome Mr. Chairman, Sir (Felicitations offered to Shri Mohammad Hamid

Ansari on becoming the twelfth Chairman of Rajya Sabha), Rajya Sabha Secretariat, New Delhi.

Reservation of Seats for Women in Legislative Bodies: Perspectives, Rajya Sabha Secretariat, New Delhi.

Demystifying Question Hour: Budget Session, 2008, Rajya Sabha Secretariat, New Delhi.

NEW ZEALAND

Parliament's Library—150 years, by John Martin, Steele Roberts Publishing Ltd, Welllington, NZ$59.99, ISBN 9781877448430.

Dr John Martin is the Parliamentary Historian, a position with the Parliamentary Service.

SOUTH AFRICA

The African Union and its institutions, ed. by John Akokpari, Angela Ndinga Muwumba and Tim Murithi, Cape Town: Jacana Media Ltd, R140.00, ISBN 9781920196035.

Inter-Parliamentary Workshop: the role of Parliamentarians in enhancing security in East and Central Africa: 25 to 27 July 2007, Imperial Resort Hotel, Entebbe, Uganda, Pretoria: Institute for Security Studies, free electronic copy on internet.

Parliamentary Oversight of the Security Sector: Parliamentary Workshop in Rwanda: 19 and 20 September 2007, Novotel Hotel, Kigali Rwanda, Pretoria: Institute for Security Studies.

UNITED KINGDOM

Dod's Parliamentary Companion 2008, Dod's Parliamentary Communications, £235, ISBN 9780905702728.

The Guide to the House of Lords, by G Brace and I Carlton, Carlton Publishing & Printing Ltd, £255, ISBN 9781905332175.

The Athenian Option: Radical Reform of the House of Lords, by A Barnett and P Carty, Imprint Academic, £8.95, ISBN 9781845401399.

A Political History of the House of Lords, 1811–1846: From the Regency to Corn Law Repeal, by R Davis, Stanford University Press, £53.95, ISBN 9780804757638.

The House of Lords in the Age of George III (1760–1811), by M McCahill, Wiley-Blackwell, £27.99, ISBN 9781405192255.

The House of Lords in the Parliaments of Edward VI and Mary I: An Institutional Study, by M Graves, Cambridge University Press, £22.99, ISBN 9780521086097.

Stormont: the house on the hill, by Jack Gallager, Booklink, £25, ISBN 9781906886004.

Assembly to Senedd: the convention and the move towards legislative powers, by J Osmond, Institute of Welsh Affairs, £10, ISBN 9781904773306.

Assembly to Senedd addresses the key challenges facing politicians drawing up terms of reference for the All Wales Convention, and the implications of a move towards further devolution of powers.

Constitutional futures revisited: Britain's constitution to 2020, ed. by R Hazell, Palgrave MacMillan, £60, ISBN 9780230220744.

Revisiting and extending questions raised by *Constitutional Futures* published in 1999, this is an authoritative and accessible guide to the future of the United Kingdom constitution at a time of unprecedented change. In this book leading political scientists, lawyers and public servants forecast the impact of these changes on the UK's key institutions and the constitution as a whole. It includes a unique mix of political science and legal theories combined with a futures methodology, as well as a chapter on *Scotland and Wales: the evolution of devolution.*

Devolution, Asymmetry and Europe: Multi-Level Governance in the United Kingdom, by R Palmer, Peter Lang Publishing Group, £24.70, ISBN 9789052013909.

The process of devolution in the United Kingdom established new institutions at the sub-state level with a range of legislative and executive competencies. Yet many of these devolved powers also have a European Union dimension, whilst EU policy remains a formally reserved power of the UK central government. This book explores how this multi-level relationship has been managed in practice, examining the participation of the devolved Scottish and Welsh institutions in the domestic process of formulating the UK's EU policy positions during their first four-year term.

Ending sovereignty's denial, by J Osmond, Institute of Welsh Affairs, £5, ISBN 9781904773368.

John Osmond argues that Wales' previous political dominance by first the Liberal Party in the late 19th and early 20th Centuries, followed by Labour in the rest of the 20th Century blocked efforts to achieve cross-party agreement on constitutional change. The new political pluralism in Wales, with no

party enjoying overwhelming dominance, is providing the conditions for ensuring the country successfully moves towards creating a law-making parliament.

Politics in 21st century Wales, by R Morgan, N Bourne, K Williams and A Price, Institute of Welsh Affairs, £10, ISBN 9781904773399.

In this collection of essays, leading figures from each of the main political parties discuss the future of their parties against the backdrop of the coalition government forged in the May 2007 election. They address the future prospects for coalition government in Wales, greater powers for the National Assembly, the changing political culture of Wales, and how the parties can promote the engagement of the electorate in politics.

Representing women in Parliament, by M Sawer, M Tremblay and L Trimble, Taylor & Francis Ltd, £22, ISBN 9780415479523.

Representing women in Parliament tests the latest theories about women's political representation within Westminster-style assemblies. It explores the relationship between the numbers of women elected and the substantive representation of women, and reviews the recent experiences of four "new" Westminster parliaments (Northern Ireland, Scotland, Wales and Nunavut), evaluating the political opportunities for women provided by the creation of new institutions.

The evolution of devolution: reflections on the operation of our legislative system, by H Jeffries, H Edwards and D Hill, The Bevan Foundation, £1.50 (hard copy) but also free to download at http://www.bevanfoundation.org/resources/Platfform+4+DH+HE+LJ.pdf, ISBN 9781904767343.

The Government of Wales Act 2006 heralded a fundamental shift in the process of devolution, enabling the National Assembly for Wales to assume greater control of its own affairs via Legislative Competence Orders and Assembly Measures. One year on, this is a timely look at the new system which evaluates the relationship between Wales and Westminster, looking at if and how it could be improved.

Unpacking the progressive consensus, Institute of Welsh Affairs, £10, ISBN 97819047733715.

This volume explores exactly what a "progressive consensus" governing the political, economic and social life of Wales could mean.

CONSOLIDATED INDEX TO VOLUMES 73 (2005) – 77 (2009)

This index is in three parts: a geographical index; an index of subjects; and finally lists, of members of the Society specially noted, of privilege cases, of the topics of the annual questionnaire and of books reviewed.
The following regular features are not indexed: books (unless substantially reviewed), sitting days and unparliamentary expressions. Miscellaneous notes and amendments to standing orders are not indexed in detail.

ABBREVIATIONS

ACT	Australian Capital Territory	NSW	New South Wales
Austr.	Australia	N. Terr.	Northern Territory
BC	British Columbia	NZ	New Zealand
Can.	Canada	Reps	House of Representatives
HA	House of Assembly	RS	Rajya Sabha
HC	House of Commons	SA	South Africa
HL	House of Lords	Sask.	Saskatchewan
LA	Legislative Assembly	Sen.	Senate
LC	Legislative Council	T & C	Turks and Caicos
LS	Lok Sabha	T & T	Trinidad and Tobago
NA	National Assembly	Vict.	Victoria
NI	Northern Ireland	WA	Western Australia.

GEOGRAPHICAL INDEX

For replies to the annual Questionnaire, privilege cases and reviews see the separate lists.

SUBJECT INDEX

Sources and authors of articles are given in brackets.

LISTS

Members of the Society

Abbreviations: R retirement, O obituary.

Privilege Cases

** Marks cases when the House in question took substantive action*

Questionnaires

Reviews