

## Notes on parliaments visited

### Parliaments studied

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

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

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

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

## The Houses at Westminster

### History

- 3.5 The history of the Parliament at Westminster is also part of our own parliamentary history (via the colonial legislatures). For Australians who think of history in terms of decades and the occasional century, the time scale of the Parliament at Westminster is awe-inspiring.
- 3.6 The House of Lords traces its origins to the 11<sup>th</sup> century when councils attended by the then version of the great and the good (the powerful and wealthy and the Church) advised the Saxon Kings. By the 13<sup>th</sup> century the King's advisers were more representative geographically and by the 14<sup>th</sup> century two distinct houses emerged. The house comprising shire and borough representatives became known as the Commons while the other, consisting of religious leaders (Lords Spiritual) and powerful magnates (Lords Temporal) became the Upper House or House of Lords. The United Kingdom Parliament remains bicameral.
- 3.7 These ancient origins are significant in the context of the now rapid pace of change, particularly in the case of the House of Lords. The recent history of the Upper House is nothing short of revolutionary especially considering that the Life Peerages Act which allowed the creation of unlimited numbers of peerages for life, is less than 50 years old. Of the more than 700 Members of the House of Lords at the end of 2005, 579 held life peerages and only 92 hereditary peers remained members. The Law Lords and Bishops made up the remaining numbers. The 1999 House of Lords Act removed the right of most hereditary peers to sit and vote in the

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

### Significant issues

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

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

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

## The Scottish Parliament

### History

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

### Significant issues

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

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

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

3.23 These principles have since been adopted by the parliament. It appeared to the committee that they had been successfully incorporated into the practices, the proceedings and the building itself. The committee was intrigued by the way the Scottish Parliament took the basic building blocks of the Westminster system but adapted them to suit the philosophy of the new regime in ways that make some of them unrecognisable.

3.24 Parliaments are by nature bound by precedent. They are also the home of competing political and policy interests which may be in an uneasy balance. These two factors make it difficult to achieve significant reforms. Long term members of procedure committees (and not just in Australia) understand these pressures very well. It was therefore refreshing to talk to MSPs and staff who appeared to be resisting these parliamentary shackles. There seemed to be a freshness and openness in the attitudes of both MSPs and staff which give the new parliament an air of being free to explore ways of reflecting the aspirations of the community.

3.25 The building itself creates an immediate impression of innovation. It seems a place where ideas can be expressed and put into practice. The building (which was the subject of media and public outcries about cost overruns – not unfamiliar to Australians who remember the building of our own “new” parliament building) was designed by Enric Miralles. His Barcelona company won a 1998 international design competition. The Spanish firm EMBT created the new building in partnership with a Scottish architectural firm. The new parliament moved from its temporary accommodation into a building which is rooted in the landscape. Concrete “branches”, covered with grass, emerge from the leaf-shaped building. The landscape theme is picked up by large external wooden “stalks”. The modern building incorporates a heritage building – Queensberry House, part of which dates from 1667. Ironically, it was the home of the second Duke of Queensberry, one of the signatories of the Treaty of Union which saw the end of the Scottish Parliament in 1707.

3.26 Many of the discussions held with MSPs and staff provided food for thought for the committee and it is difficult to prioritise them. It is

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

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

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

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



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

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

## The Tynwald

### History

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

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

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

### Significant issues

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

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

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

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

## Welsh Assembly

### History

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

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

### Significant issues

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

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

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

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

- 3.66 Chapter 2 refers to some of the technology available to Assembly Members, staff and visitors to the Senned building on Cardiff Bay. The information will not be repeated here except in summary. Key aspects were:
- Computers integrated into every desk in the chamber which are simple to operate and control the voting system, access to information (including chamber documents), and communication with the Presiding Officer and other Members in the chamber; and
  - Information screens throughout the building – particularly clustered near the main information/visitors’ reception area – which allow Members, staff and visitors to find out what is happening (and what is coming up) in the building.

## French National Assembly

### History

- 3.67 The history of the French Parliament (by its various names) is closely linked with the violent history of the French population’s struggle against what was seen as tyranny of one form or another. Most Australians know of the French Revolution of 1789 which (eventually) resulted in the end of the traditional hereditary monarchy (but not attempts to found another). From that period – the establishment of the first National Assembly – French sovereignty was held to belong to the nation rather than the person of the monarch. This revolutionary concept was expressed in the constitutions of 1791 and 1795.
- 3.68 Skipping a couple of centuries and much more messy history, France is now enjoying the Fifth Republic. The current legislative arrangements consist of a Senate and a National Assembly. The latter was visited by the committee on a sitting day. The amount learned by observing the chamber was somewhat constrained by the “language difficulty” – i.e. we had either non-existent or limited French. This deficiency was expertly addressed by M. Frédéric Slama but unfortunately he could not talk to the whole group during sittings.

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

### Significant issues

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



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

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

- For a full vote of all 577 deputies, each sits in his/her own seat and presses “yes”, “no” or “abstain”;
  - The result is displayed on the President’s screen first and he announces the result. Only then can it be displayed on the chamber screens.
- 3.78 The committee attempted to pursue its interest in the administration of the Assembly (but cannot guarantee that some of the detail was not lost in translation). The short story is that the Government decides the agenda of the Assembly and not the Assembly itself. Within these constraints, the process seems fairly open. It seems that on Tuesday mornings, the Speaker (President of the Assembly) meets with committee chairs and chairs of political groups in a gathering known as the President’s Conference. The agenda for the plenary is determined including the detail of how much time should be accorded to each bill. Speaking time is divided amongst the political groups and they then allocate the time within each group. It may be as much as 15 minutes per person but it depends on how many people wish to speak. On a recent immigration bill, each deputy could speak for 5 minutes.
- 3.79 The sitting pattern of the Assembly covers eight months (from October to June) less the Christmas/New Year holiday and a Spring break. The Assembly sits from Tuesday to Thursday with a daily pattern as follows: 9.30 am – 12.30 pm; lunch break; 3.00 pm to about 7.30 pm; dinner break; 9.30 pm to about 1.00 am. In addition the Assembly can have extraordinary sittings in the summer break.
- 3.80 The committee was keen to learn about the role of the Speaker/President. During question time in the chamber his authority seemed fairly absolute. Later however, the committee was told that questions and answers should be brief – about two and a half minutes each. Despite this, the President is unlikely to interrupt the Prime Minister (though questioners are not treated so gently). Interestingly, procedural change is usually initiated by the President of the Assembly. Procedural change must be achieved by legislation but the bill only has to be approved by the relevant House. By tradition, procedural changes need the support of all members (not just the majority). This seemed somewhat of an innovation to committee members from both sides.

## Conclusion

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

Margaret May MP

Committee Chair

