



PRESIDENT OF THE SENATE

Submission 15

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12 DEC 2002

Senator Marise Payne  
Chair  
Human Rights Sub-Committee of the  
Joint Standing Committee on Foreign Affairs,  
Defence and Trade  
Parliament House  
CANBERRA ACT 2600

Dear Senator Payne

Thank you for your letter of 16 October 2002, in which the committee invites me to make a submission in relation to its inquiry into human rights and good governance education in the Asia Pacific region.

I hope the attached observations may be of some assistance to the committee.

Yours sincerely

A handwritten signature in black ink, appearing to read "Paul Calvert".

(Paul Calvert)

**Submission by the Department of the Senate to the Joint Standing Committee on Foreign Affairs Defence and Trade, Human Rights subcommittee, inquiry into human rights and good governance education in the Asia Pacific Region**

**Background**

The Department of the Senate has expertise in the provision of advice, secretariat services and support to Senators, the Senate and its committees. This expertise has been developed over many years and covers all aspects of the operation of the legislative arm of the Commonwealth, including interactions with the executive and judicial branches.

This expertise and experience enables the Department of the Senate to provide some information relevant to the Committee's terms of reference dealing with good governance education and the promotion of institutions and resources in which free and fair political development can occur.

In the submission of the Department, attention and long term commitment to a good understanding of the principles, history, evolution and current workings of parliamentary democracy, together with education and training in the development of effective procedural secretariat methods and support, are essential foundations for establishing well-functioning democratic legislatures. Effectively functioning democratic legislatures are the cornerstone of good governance.

In this regard, a clear distinction must be made between a legislature which functions with the efficiency of a rubber stamp and one which effectively operates as a representative legislature.

The Senate Department is frequently consulted by other legislatures for advice and assistance on matters relating to support for legislatures and their members, and for assistance in training and education in these areas. As a consequence, both advice and training are provided on a regular basis to legislatures throughout the world. Examples of the range of countries whose legislatures have been assisted in this way, as listed in Appendix 1.

The Department of the Senate has two types of programs dealing with education, promotion and assistance on matters relating to the work of a legislature.

**Specific programs**

The first of these is in response to unsolicited visits from members of parliament and officers of other legislatures and government officials, and requests for written advice.

The Department is often requested at short notice to provide briefings on all aspects of the operation of the Australian legislature to a very wide range of visitors who are either guests of the Presiding Officers, of members and senators, of ministers, or of departments and agencies. In response to such requests the department provides a

range of support, from a fully tailored program to a briefing with relevant officers, depending on the availability of time in the visitors' program and the visitors' requests and requirements. Examples of these types of programs are set out at Appendix 2.

### **Planned programs**

The second type of program is a result of planned programs to either bring visitors to Australia for training or send officers from the Department of the Senate to other legislatures to conduct training there.

The Department of the Senate, together with the Department of the House of Representatives, through their Parliamentary Relations Office, plans a wide variety of training programs for visitors. The Office has an annual program, the Inter-Parliamentary Study Program, which brings officers from legislatures throughout the world to Canberra for a comprehensive training program conducted over a period of a fortnight. In addition to this, through the CPA trust fund and through institutions like AusAid and the ANU's Centre for Democratic Studies, the Department receives officers from legislatures in Asia and the Pacific and places them in training programs. Examples of such programs are at Appendix 3.

The institutions mentioned also make frequent requests for officers to travel to legislatures in South East Asia and the Pacific to conduct training programs there, and examples of this include training programs for Fiji, Vanuatu, Papua New Guinea, and Timor. Programs of this nature are conducted in accordance with programs of the type set out in Appendix 4.

Some evaluations have been conducted of these programs, and an example is at Appendix 5.

### **Future directions**

The Department of the Senate is ready to contribute to good governance education in the Asia Pacific region by extending its expertise in this area to those who value and request it.

Good governance is not achieved overnight. Experience has shown that long-term commitment and investment is required. Setting the matter of costs and resources aside to examine the potential in this area, possible avenues for the future could include:

- provision of parliamentary educational assistance for schools of the region;
- assisting parliaments of the region to establish their own parliamentary education resources for delivering services to the schools of their countries;
- provision of parliamentary education at tertiary institutions, including by way of giving fellowships and training to academics from the region to come to the

Australian Parliament, and by Australian parliamentary officers making direct contributions to curricula at institutions in the region;

- provision of conceptual, procedural and administrative training assistance to legislatures of the region, by continuing to offer training placements for officers from the region at the Australian Parliament and by sending Australian parliamentary officers to the region to conduct training programs there;
- by the preparation and circulation, in response to requests, of training manuals and materials;
- by increased use of the Australian Parliament's website as a tool and source of training materials to which parliamentary officers of the region can be directed;
- by increasing awareness in the region that officers of the Australian Parliament are able to provide a highly responsive procedural and administrative advisory service by postal and electronic means;
- by continuing to use well functioning existing mechanisms such as the CPA Trust Fund and the Presiding Officers' and Clerks' conferences of the region, as a means of delivering parliamentary procedural and administrative (good governance) training.

In practical terms, however, the provision of more and better training programs by the Australian Parliament is restrained by three factors:

- costs;
- staffing resources; and
- the normal duties of the parliamentary officers concerned.

Sitting weeks are often the best times for visitors to undertake a training program with the Senate, but this is also the time when staff are busiest. Thus one of the significant constraints on the Department's ability to offer more training programs or longer programs is staffing resources.

While it is useful for members of Parliament and officers from Asian and Pacific Parliaments to come to Australia to look at the way things are done here, there are situations in which it may be more educationally effective, and more economical, for officers of the Australian Parliament to visit and conduct training programs in parliaments of the region.

As officers of the Australian Parliament increase their experience and familiarities with the physical, technological, cultural and political environments in which other parliaments work, they will be in a better position to tailor training programs to meet their needs.

At the conclusion of visits by parliamentary delegations to the region, and visits by parliamentary officers conducting training, needs assessments and evaluations of

training requirements in the region are completed. It may be that a greater degree of coordination and consolidation of this work could be done, leading to the establishment of priorities and the provision of longer-term investment and commitment of resources to the region.

In addition, it may be possible to provide for a regular specific-purpose planned (for example once every three years) survey of the educational and training needs of the parliaments of the region, to be conducted by an experienced officer from the Australian Parliament.

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