# 2

# Themes and issues

## Introduction

2.1  As noted in Chapter 1, the committee identified a number of themes and issues before the commencement of the study program and the list expanded during the visits to various parliaments.

2.2  The committee studied six legislative assemblies (counting both the Commons and Lords) and covered a large number of topics during its discussions. Members also had opportunities to observe chamber and committee proceedings. The following observations do not attempt to cover the detail of the visits and the subjects are not explored exhaustively.  Emphasis has been given to the more significant issues studied – particularly those which the committee felt held lessons for our own practices and procedures.

2.3  The issues are addressed in terms of major themes/issues and other matters of interest.  While the distinction does imply that the committee felt it could learn particular lessons in some areas, it also reflects the amount of time available to study particular issues. There is no inference that the items addressed as "other matters" are not significant or valued. In many cases the distinction simply reflects the fact that unfortunately, the pressure of time meant that some issues were not explored as fully as the committee would have wished.

2.4      The committee's views and conclusions in relation to some of these
         themes/issues have to be regarded in the context of the different level
         of responsibilities and subject matter in the different parliaments.  The
         Scottish, Welsh and Isle of Man legislatures have more local
         responsibilities and their smaller numbers of Members is also a factor
         in their organisational arrangements. Nevertheless the committee felt
         that the Australian Parliament could learn a good deal from the
         smaller parliaments.

## Major issues

2.5      The committee has identified the following as major themes on which
         to report:

   - inside the chamber including:
      o encouraging an interactive debating chamber
      o formal votes
      o programming business
      o electing a Speaker
      o question time
      o opportunities for private Members;

   - petitions;

   - technology including:
      o information screens
      o electronic voting
      o computers in the chamber;

   - committees; and

   - parliamentary administration.

## Other matters

2.6      Other matters observed or studied include:

   - a family friendly parliament including;
      o sitting hours
      o childcare; and
   - communicating with the public.

# Inside the chamber

## Encouraging an interactive debating chamber

2.7    The committee was impressed by the extent to which other chambers encourage and experience a higher level of interaction during debate than that experienced in the House of Representatives.  The subject was discussed first with the House of Commons Modernisation Committee. Our members were astonished to learn that any Member wanting to participate in a debate in the Commons is expected to come to the opening of the debate. The call is in the hands of the Speaker in reality (as opposed to being in the hands of the Speaker but subject to the arrangements put in place by the Whips). For major speeches, Members are expected to write to the Speaker requesting the opportunity to speak.  The Speaker then consults his own list in allocating the call and is unlikely to call a member who has not been listening to the debate in the chamber. Further, Members are not expected to leave the chamber as soon as they finish speaking. Such behaviour would not be conducive to the member getting the call on a future occasion.

2.8    It was not clear whether the practice in the House of Commons was a deliberate attempt to encourage an active debating chamber. It appears to have survived from a time when Members did not have so many other calls on their time. At the same time, Members of the Commons could see the advantages of the practice. One senior member expressed the view that the combination of a pre-arranged Speaker's list and a rule against interventions in the Chamber might lead to a "sterile debate".

2.9    Interactive debate in the smaller parliaments is also to some extent a function of the practice of expecting Members to be present in the chamber if they want to participate in a debate. In the small parliaments (the Tynwald and the National Assembly of Wales) Members are generally present during all proceedings – a discipline encouraged by the relatively short number of sitting days and hours and the fact that committee meetings are generally scheduled for times when the plenary is not sitting.

2.10   In the Scottish Parliament there is a convention that Members should be in the chamber for the whole debate but more strictly, that they must be in the chamber at least for the preceding and following speaker. It is not unusual for Members to be in the chamber for three

hours for a debate.  The Scottish Parliament uses a list of speakers but they are not called in order.

2.11    The Scottish Parliament also allows interventions – another practice which encourages an interactive debating chamber. Like the practice in our own Main Committee, interventions may be accepted or rejected by the Member with the call.  The practice seems to be common, with one member estimating that about half the speeches in the chamber have an intervention. The House of Commons also allows interventions. When asked if interventions encourage unruly behaviour, it was pointed out that a Member who abused the right to intervene would have a lot of difficulty "catching the eye of the Speaker".

2.12    The committee found that the length of speeches also has an impact on the extent to which debate is lively and interactive. Most Members of other legislatures found it greatly surprising that in the House of Representatives, Members are permitted to speak on the second reading of bills for 20 minutes without interruption and that further, Members are permitted to read the speeches – generally to an all but empty chamber.  The average length of a speech on legislation in Scotland is about six minutes. In France speech times are allocated to a political group which then allocates the time amongst its members. Members may have to share 15 minutes.

2.13    Despite the higher level of interactivity in other chambers, the committee did not find total satisfaction with proceedings. Reportedly, in Wales, although a lot of Members are in the chamber most of the time and there is "quite a lot of interaction", the Presiding Officer would like to see more interaction.

2.14    In the context of encouraging an interactive debating chamber, the committee notes that it has recommended a mechanism supporting this in the House of Representatives. It proposed cutting the length of second reading speeches from 20 to 15 minutes and providing a period of questions and answers for five minutes before moving to the next speaker. It was proposed that Members could choose not to take questions. While this recommendation has not been supported as yet, the committee notes that the proposal had considerable support from Members on both sides of politics. The unfavourable comparison between the House of Representatives and other chambers in the context of an interactive debating chamber suggests that the committee's proposal could be reconsidered in the future.

Perhaps other initiatives to promote a more interactive chamber could also be considered.

## Formal votes

2.15    When the committee first identified issues to study during the program, the interest in formal votes was expected to relate to the impact of electronic voting on the time taken for formal votes and the number of formal votes. In the event, other voting practices were found to be equally fascinating. Perhaps the most interesting aspect was that of the parliaments visited, none (except for the Tynwald) followed the House of Representatives practice of holding votes whenever a particular stage of proceedings is reached (except for the recent practice of deferring formal votes on Monday and Tuesday evenings during the former dinner break). In the Tynwald, voting whenever required by the business before the chamber is not an inconvenience because Members do not have to attend the chamber especially to vote. They are expected to be present at all times and no bells are used to alert those not in the chamber of a vote. As the method of voting is by roll-call, they would quickly be missed if absent.

2.16    In all the other parliaments visited there was some timetabling of formal votes for the convenience of Members generally and to avoid interrupting other parliamentary business.

2.17    The most disciplined example is "decision time" in the Scottish Parliament which is scheduled for 5.00 pm each day.  The Presiding Officer reads out the first question at 5.00 pm and the question is also shown on the (electronic) voting console. The combination of electronic voting and scheduled voting times means that on average, voting takes 30 seconds for each vote and only a short time out of each day's work. This example was particularly interesting because the Scottish Parliament has a comparable number of Members (129) and a comparable system of party discipline. The operations of the Parliamentary Bureau in Scotland (see paragraph 2.23 below) support the system of programmed votes.

2.18    Voting in the Welsh National Assembly is also programmed. The state of the art computers at each member's desk encompass information about the question being decided as well as the electronic voting system itself. Screens in the chamber display results (as they do in Scotland and France).

2.19    The system of formal votes in the House of Commons combines long tradition with the large number of Members (up to 600) who might be involved in a vote.  Votes may be timetabled two weeks in advance, allowing Members to plan their work better. On the other hand, the complicated (to the outsider at least) system of votes includes "running votes" which may be called at any time.  Members were intrigued to hear about the priority system of voting – a one line vote (i.e. underlined on the voting list once) indicates that Members are not necessarily expected, a two line vote allows Members who are "paired" to absent themselves and a three line vote indicates compulsory attendance for the vote.

2.20    The committee has had some discussions on the possibility of extending the number of programmed or deferred votes in the House of Representatives. In particular, the committee has recently discussed the disruption caused to the Main Committee by divisions in the chamber. The committee notes that quarantining the full 30 minutes for Members' statements has alleviated disruption to private Members' opportunities to some extent. The possibility of deferring some formal votes during all or part of the Main Committee's proceedings could further minimise disruption. No conclusions have been reached on the issue.

## Programming chamber business

2.21    The committee was interested to compare the level of member involvement in programming chamber business with our own practices. Concerns that government business would not be processed efficiently were not unknown in other parliaments.  On the whole however, (and perhaps with an outsider's perspective) such concerns appeared to be given less priority than in our own chamber. This issue was raised with the Modernisation Committee of the House of Commons. The fact that the Chief Government Whip – a Cabinet level minister – is also a member of the committee, helped ensure that reforming the practice of the House did not jeopardise the processing of government business.

2.22    The committee notes that programming chamber business is a complex matter which may influence the relationship between the Executive and the Parliament to the detriment of the latter. The Modernisation Committee explored these issues in its second report [*Programming of Legislation and Timing of Votes*, July 2000 – particularly pp. xxv ff.]

2.23    The Scottish Parliament appears to have a highly evolved level of democracy in relation to programming business. A group of Members of the Scottish Parliament (MSPs) representing political parties or groups, forms the Parliamentary Bureau which decides the sitting pattern and the business to be discussed. The level of chamber-related detail proposed by the Bureau includes the overall business program, deadlines for stages of bills, ministerial statements and debates. The proposed agenda developed by the Bureau is then considered in the plenary before being adopted. The minutes of Bureau meetings are posted on the parliamentary website. The Bureau also meets with the Conveners' Group (committee Chairs) to allocate the travel budget to committees and has other administrative responsibilities in regard to committees which are detailed in Chapter 5 of the standing orders.

2.24    While the timetabling of chamber business is in the hands of the Bureau (and ultimately the Parliament itself) it should be noted that input by the Executive is significant, recognising that the government initiates the program. It appears to work with a degree of flexibility. As one MSP noted "it wouldn't really work if the government came in with a sledgehammer". The Scottish Parliamentary Bureau was also described by an MSP as "the Whips' trade union" which "stitches everything up". Nevertheless, it appears that non-government input into the chamber program is a reality.

2.25    In relation to chamber business, the Assembly for Wales has a Business Committee which ensures that all political interests have some input into proceedings. The committee consists of a member from each party, ensuring that all relevant interests are represented.

2.26    The French National Assembly also has a Bureau which arranges the business of the chamber. Its powers and responsibilities are set out in the Rules of Procedure – Chapter 4, rule 14 of which provides "The Bureau shall have power to arrange the deliberations of the Assembly and to organize and direct departments as provided in these Rules". The French Bureau also appears to have the governance responsibilities of the Scottish Corporate Body and the House of Commons Parliamentary Commission. It is noted here in the context of its influence on chamber business.

## Electing a Speaker

2.27    The committee recently proposed a change to the arrangements applying to the election of Speaker of the House of Representatives [amendment to standing order 11 to allow Members to speak about

nominees even if there is only one candidate]. At the time, the committee also discussed the arrangement by which the Clerk of the House conducts proceedings until the election of Speaker, noting that the practice could have disadvantages. In particular, it could cause problems if conduct in the chamber required a response from the person presiding. The committee decided to consider the matter further following an investigation of the practices of other parliaments during the study program.

2.28    The committee was told of the following persons who preside over proceedings for the election of Speaker/Presiding Officer:

- In the House of Commons, the Member with the longest service (not being a Minister) conducts the election of Speaker;

- The House of Lords was preparing for the election of its first ever Speaker (which has since taken place). Postal votes were allowed and the detailed results have been published. They were announced in the House by the Lord Chancellor;

- The Scottish Parliament has detailed arrangements which provide for all eventualities. The meeting may be chaired by the former Presiding Officer (if he or she is available). Or, the Clerk chairs the first meeting (but only to enable the person who will chair the meeting during the election to take the oath or make an affirmation.  If the former Presiding Officer is not available, the Clerk administers the oath or affirmation to the oldest qualified Member (not a party leader or candidate for Presiding Officer or First Minister) who then takes the chair until the election of a Presiding Officer;

-  In the Tynwald (Isle of Man), the Deputy Speaker from the previous Parliament takes the Chair for the election of Speaker and the election is conducted by secret ballot;

- In the National Assembly for Wales the Clerk takes the Chair for the election of Presiding Officer; and

- In the National Assembly of France, the oldest Member (biologically) takes the Chair and makes a speech on the occasion.

2.29    The committee has previously recommended that the current practice of the House of Representatives could be replaced by that used in the House of Commons (Father/Mother of the House not being a Minister). Disadvantages of the other models include:

⇨ In the Australian system the Deputy Speaker from the previous parliament is not necessarily a member of the new parliament and

⇨ The oldest member chronologically is not necessarily the most experienced member.

2.30    An advantage of the House of Commons approach is that as Ministers are precluded, the election of Speaker is more likely to take place in a non-party political atmosphere.

2.31    The committee may consider this matter further in the context of its ongoing inquiry into the maintenance of the standing and sessional orders.

## Conduct in the chamber particularly during question time

2.32    The committee was privileged to view the equivalent of question time in the House of Commons, the Scottish Parliament and the French National Assembly.  The committee noted that although proceedings were lively and somewhat noisy – they were not marked by the level of political disputation which is a feature of question time in the House of Representatives. Consequently, they did not attract the sort of intervention on behaviour issues by the Speaker which has been a feature of question time in our own chamber for decades. The committee was keen to discover if there were any clear reasons for the differences in practice.

2.33    Some factors were immediately obvious. In the House of Commons for example, points of order are not generally allowed during question time but are heard after questions.  The Speaker is the absolute authority on the application of the standing orders during question time (and at other times). There is no procedure for dissenting from the Speaker's ruling in the House of Commons. (Difficulties are addressed "through the usual channels"). These two factors alone, if incorporated into the practice or standing orders of the House of Representatives, would result in a very different question time from that frequently observed. Other differences to the standing orders and practices of other chambers may also be relevant. For example, the committee noted that the rules relating to answers in the House of Commons are more detailed than those of the House of Representatives.

2.34    Other factors were less easily identified. One, which is highly unlikely to be achievable by any change to the standing orders, is the different

psychological and emotional atmosphere in the chamber. The most marked example is the House of Lords. The committee's questions about the standards of conduct of behaviour and debate in the chamber were considered curious by some of those asked. Apparently Members of the House of Lords can be relied upon to behave in a "gentlemanly" manner – whether they be Lords or Ladies. The committee was told that in Wales also, order did not seem to be a problem. This was regarded as the natural behaviour expected of Members.

2.35    The exploitation of the standing orders to achieve political advantage also seemed to be less marked in other chambers – perhaps because of the different standing orders and practices involved. All the legislatures visited amalgamated oral questions with aspects of questions on notice. In some cases a question of which some notice had been given could be followed up by supplementary questions, providing a less scripted approach to answers. In Wales, two weeks notice of a question to the First Minister is required, with the Member who asks the initial question being entitled to ask a "supplementary" before other Members.

2.36    In the House of Commons, the rules regulating the form and content of questions are set out in Erskine May's *Parliamentary* Practice rather than in the standing orders. The rules are thus more comprehensive and more likely to constrain the use of question time as a platform for political disputation. For example, one of the rules is that questions must be drafted as concisely as possible.

2.37    The committee noted that in some other parliaments question time differed from day to day. The timetabling of Ministers – an experiment trialled in the House of Representatives in the 1990s and abandoned – is frequently used. The Scottish Parliament for example, distinguishes between First Minister's Question Time and "Question Time" (when MSPs can ask questions of Scottish Ministers other than the First Minister). During Question Time there is a period of time for general questions and another set aside for questions on specified themes such as the environment. The themes vary from week to week.

2.38    First Minister's Question Time in Scotland shares some characteristics with Question Time in the House of Commons. Six of the previously notified questions are selected by the Presiding Officer and these are followed by supplementary questions.

2.39    One factor which might have had a positive impact on the level of orderly conduct may have been time limits on questions and answers.

In Wales for example, the time limit for a supplementary question *and* the answer, is three minutes. It was pointed out to the committee that if a Member's question is too long, there would not be much opportunity for an answer. Concise and direct questions may have resulted in more concise and direct answers. The time limits would certainly not permit a leisurely canvassing of "alternative policies".

2.40    Similarly, in France there is a time limit of five minutes for both question and answer. The question time observed by the committee seemed lively and political but conduct stopped short of disorderly. The committee was told that there are different types of question periods – with those questioning ministers being more about programs and less political than the questioning of the Prime Minister (which the committee observed).

2.41    The committee considered whether codes of conduct might have an impact on Members' behaviour in the chamber, but this seems unlikely. In Scotland there is a code of conduct which is administered by a standards commissioner, but it seems focussed on behaviour generally rather than in the chamber.  In Wales there is a Standards Committee but it focuses on the use of resources. There is no code of ethics in France.

2.42    The committee notes that the House of Representatives attracts considerable media and public criticism because of the conduct of Members in the chamber – particularly during question time. The committee has reported on improving question time in the past but has not addressed the matter during the past decade.  The comparison with other chambers suggests that further consideration could be given to the format of question time in our own chamber. In this context, the committee notes that recommendations relating to question time have been made by both the House of Commons Modernisation Committee and Procedure Committee. The suggestions have met with some success.

2.43    In addition to discussing conduct in the chamber, the committee also sought information on codes of conduct for Members generally. This is addressed in the section on parliamentary administration (commencing at paragraph 2.103).

## Opportunities for private Members

2.44    The committee was pleased to learn that in comparison with other parliaments, the House of Representatives performs very well in the

context of providing opportunities for Members. Our Members appear to have more opportunities to speak on matters affecting their personal interests in matters of public administration and the interests of their electorates than in comparable parliaments. Of course, the other national parliaments visited have far more Members than the House of Representatives – a natural dampener on opportunities for each to speak as a private Member. Indeed, it was suggested that the French National Assembly practice of allowing the oldest Member (in years) to speak at the election of Speaker might provide the only opportunity that Member has had to speak in the chamber.

2.45     The committee considers it has had a positive role in encouraging opportunities for House Members and will continue to consider the issue when possible. It notes that the House of Commons acknowledges the model of the Main Committee in its development of Westminster Hall – an innovation which has certainly improved opportunities for private Members in that House.

## Petitions

2.46     During the current parliament the committee has considered the introduction of e-petitions. Initially, the committee was not persuaded that allowing members of the public to lodge petitions electronically would necessarily improve the overall processing of petitions. Indeed, it was thought possible that the appearance of applying modern technology to the ancient petitioning process could bring it into disrepute if other aspects of responding to petitions were not also improved. The introduction of e-petitioning might lead the public to think that the process of petitioning was being invigorated, but failing to take action on how parliament and the Government deal with petitions would lead to false expectations.

2.47     The visit to the Scottish Parliament changed the committee's opinion of e-petitioning and the role of petitioning. The example of the Scottish Parliament demonstrated a way to revolutionise the whole process of petitioning the parliament. The committee was privileged to meet with Michael McMahon MSP – the convener of the Public Petitions Committee, and other members of the committee as well as Dr Jim Johnson – clerk of the committee.

2.48    The committee is considering addressing the topic of petitioning parliament as a separate inquiry so the following is a brief overview of the process in Scotland.

## The Scottish Public Petitions Committee

2.49    There are nine members of the Public Petitions Committee – selected with regard to the balance of the political grouping in the Parliament. The function of the committee is to consider whether each public petition is admissible (according to the rules in Chapter 15 of the Standing Orders). Once it is ascertained that a petition complies with the rules (particularly if it is within the competence of the Scottish Parliament), the committee then considers what action should be taken on the petition.

2.50    The committee meets about once a fortnight and at each meeting usually considers a total of 14 petitions – an initial consideration of six new petitions and further consideration of eight current petitions. Petitioners may be asked to appear before the committee at a public hearing. MSPs who are not members of the committee may attend a meeting to support a petition in which they have an interest and may address the committee (with the Convener's consent). There is a transcript of the meeting which is available on the website.

## E-petitions

2.51    Electronic petitions were introduced in 1999. Technical support is provided by British Telecom's Teledemocracy Centre. The idea came from Napier University, staff of which developed the system and asked the Scottish Parliament to test it. The current system was formally launched in February 2004 and one third of petitions are now electronic. Napier University piloted the software which is now used widely including in the German Bundestag. It is not considered a commercial enterprise.

2.52    The electronic system is now integrated into the normal petitioning process. The object was not to replace paper petitions. The principal petitioner is required to submit a paper petition – it is the signatures which can be collected electronically.

2.53    The committee discussed the problem of verification of electronic petitions. This is left to Napier University who supply technical support. The University has drawn the committee's attention to a similar e-mail address being used several times but this turned out to

be a number of petitioners who worked together. The conditions of use have been amended to remove names if they cannot be verified.

## Admissibility

2.54    While petitioners may be assured that their petitions will be considered carefully, they must first comply with strict admissibility rules. The subject or problem must be within the power of the Scottish Parliament to address. They must not be inflammatory.

## Processing petitions

2.55    Committee staff work with petitioners to ensure admissibility. Staff prepare a background brief on all petitions considered at the regular committee meetings. Once petitions are accepted, they are lodged on the parliamentary website whether or not they are e-petitions. They stay on the parliamentary website for four to six weeks. Although many petitions are promoted by MSPs, they do not need the support of an MSP and require only one signature. The single or principal signatory is the person the committee (and the Minister if relevant) deals with.

2.56    Once the committee chooses to focus on a particular petition, responses to the petition are invited in much the same way as investigatory committees invite evidence. The committee writes to various individuals, communities and organisations asking for views and then considers the responses. The committee writes to the relevant Minister asking him or her to respond to the issues raised within six weeks (though there is some flexibility if required). The committee has the power to issue a summons to a Minister to give evidence but this power is not used. Ministers respond positively to invitations to discuss matters raised in the petition.

2.57    There is not usually a backlog of petitions and there is usually only a delay of a month or so before a petition is brought before  the committee (though the process itself takes longer).

2.58    Not all petitions are confrontational. The example was given of a petition to promote the importance to Scotland of Robbie Burns.  The Minister worked with the committee and principal petitioner to maximise the celebration of the poet's contribution to Scottish traditions.

2.59    The petitioning process is popular with the public and media. Petitions are sometimes received in the garden lobby in a media event. It is up to the petitioner rather than the committee to publicise a petition. Nevertheless, the committee does receive a lot of inquiries from the press.

## Effectiveness of petitions system

2.60    The committee was told of many examples of successful petitioning including the following two. Three years ago a member of the public failed in an attempt to initiate a public inquiry into institutional child abuse. The subject was addressed by means of a petition. The Petitions Committee wrote to the Minister asking about delays in addressing the problem and eventually asked for a debate in the plenary. The First Minister rose in the chamber and apologised to those abused in institutions and then promoted a full inquiry.

2.61    A second example of successful petitioning addressed the practice of spreading human waste on farmland. The result of the petition was (eventually) a change in legislation which prevented the practice.

2.62    The Petitions Committee commissioned a formal evaluation of petitioning which was conducted by Glasgow University and published in September 2005.

## Conclusion

2.63    The committee was impressed by the total package of processing petitions in Scotland and hopes to consider the issue further during the current parliament. At the same time, the committee notes that the resources (including time) needed to process petitions in Australia is likely to be considerably greater than in Scotland with its much smaller population. If Australians began to consider petitioning as an effective means of addressing problems the volume of work could be very large indeed.

# Technology

## Introduction

2.64   Not surprisingly, the committee found that new parliaments and new parliamentary buildings made the best use of technology both in the chamber (including electronic voting) as well as in the use of plasma/LCD screens for providing information to Members, staff and the public (not necessarily in that order). However, the committee also noted that the oldest parliamentary building visited – the Palace of Bourbon in Paris – used electronic voting (with results screens). It was also noteworthy that the Parliament at Westminster uses screens in committee rooms in Portcullis House to display business in both chambers.

2.65   The Scottish Parliament and the Welsh National Assembly – the two newest buildings – were particularly impressive. In the Scottish Parliament Members are provided with a card which includes a "chip". It opens all doors in the building and by inserting it in the slot of the consoles at each desk in the chamber and in committee rooms, MSPs can sit at any desk.

2.66   The provision of information throughout the parliamentary buildings visited appears to be based on the assumption that Members and staff are highly mobile and do not spend time just in the chamber or in their private rooms. It was easier to get information about proceedings in the chamber and in committees in all the parliaments visited than it is in our own parliament. In Wales and Scotland this access to information by use of technology extended to Members of the public visiting the parliament.

2.67   While not related to technology, it is important to note here that the House of Commons had easy to understand and relevant hard copies of documents aimed at helping visitors understand proceedings in the chamber and in committees. All the parliaments visited (with the possible exception of the Tynwald) seemed to have excellent resources available to inform visitors. The education centre at the National Assembly of Wales (housed in the historic Pierhead building adjacent to the new Assembly building) is particularly impressive.

2.68   Leaving aside the use of information screens, most of the parliaments visited appeared to meet the need for information via documentation better than our own parliament. This is not a comment on the quality

of our guide service which the committee considers is very good indeed. However, the documentation provided by our parliament and the number of screens showing proceedings does seem less than in comparable parliaments.

2.69    In this context the committee notes with concern that the Australian Parliament still has no strategic information and communication technology (ICT) plan. The need for such an approach was raised by the Parliamentary Service Commissioner in his 2002 review of parliamentary administration. The review recommended that the Senior Management Coordination Group assume greater responsibility for coordinating information and communication technology. The main outcome of the review was the amalgamation of three of the parliamentary support departments into a single Department of Parliamentary Services. This was achieved by resolution of both Houses in August 2003, but the resolution did not incorporate the recommendation about a coordinated ICT approach.

2.70    Because of the significance of technology to the functioning of the parliament and its communication with the public, the Procedure Committee is interested in exploring this issue further.

## Information screens

2.71    The new Welsh Assembly building on Tiger Bay in Cardiff provides an outstanding example of the use of information screens to inform Members and visitors of proceedings in the chamber and in the committees. The Assembly moved into its new building just a month before the committee visited and its use of technology is certainly, in part, a consequence of its modernity. However, the resources invested in information screens also indicate a strong commitment to educating visitors and informing Members about the business of the Assembly. As soon as visitors enter the building they see four large plasma screens – two on either side of the information desk – providing information (presumably in both English and Welsh). Other screens are placed throughout the Assembly building.

2.72    The Scottish Parliament is also an excellent example of the use of information screens to inform the public and Members about proceedings. As noted above, the committee rooms in Portcullis House are also provided with information screens to inform Members about business. The committee was left with the conviction that more resources ought to be directed by our own parliament towards this form of public information.

2.73    The committee in a previous parliament recommended that information screens be placed in the chamber to provide information to Members and the public about the business before the House. The current committee has not committed itself to large screens in the chamber – noting that this could be considered further in the context of electronic voting – but is committed to extending the number of screens/television sets in the building for the use of the public. The one interactive information screen in the public area on the House of Representatives side is inadequate. The televisions in the marble foyer and outside the gallery of the chamber are also inadequate in comparison with the efforts of other parliaments.

## Electronic voting

2.74    The Scottish Parliament and the National Assemblies of France and Wales currently use electronic voting for all formal votes. The House of Commons Modernisation Committee has considered introducing electronic voting but has not decided positively on the topic. The Tynwald is planning to introduce electronic voting (and expects to save two minutes per vote as a result).

2.75    This committee has considered the topic several times but has not yet decided to recommend the introduction of electronic voting. Neither has it recommended against electronic voting – preferring to take a monitoring approach. [See *Review of the conduct of divisions,* August 2003, pp. 6–8]. This contrasts with the experience of the Scottish Parliament. When the new parliament was being developed, the Consultative Steering Group recommended electronic voting. There was no debate – apparently it seemed almost automatic that the formal votes would employ modern technology. There has been no adverse feedback from Members. The Scottish Parliament, like the Welsh Assembly, is now on its second electronic voting system.

2.76    None of the parliaments which use electronic voting have considered any form of remote electronic voting. Those who were asked dismissed the idea as lacking accountability and transparency.

2.77    The time-saving benefits of electronic voting were certainly obvious in the parliaments visited. Some of the potential problems of electronic voting were discussed with relevant staff. The committee was reassured that possible pitfalls such as recording the wrong vote and not being certain of the question before the chamber which may have been issues in the early days of electronic voting, are not real issues. The potential problem of Members arriving to vote without

their individual cards has been addressed by providing chamber staff with spare cards which can be programmed to identify the Member.

2.78 In the Scottish Parliament, the LED display on the voting console displays what the Member voted for. If the wrong button is pressed, the vote can be changed within 50 seconds by simply pressing the correct button. The Scottish Parliament has had one failure of the system – caused by a power surge.

2.79 While the whole purpose of electronic voting is to save time and ensure accuracy, the first quality can also be a disadvantage. Staff of the Scottish Parliament consider it possible that more amendments are pressed because of the ease of formal votes.

2.80 The staff of the Scottish Parliament provided some technical details of their system. Proprietary brands can be purchased off the shelf, though individual legislatures would have the opportunity to "tweak" the software to provide the required functions and presentation. The Scottish Parliament selected a provider by tender – which was won by Phillips. The system cost £45,000 initially and there is an annual retainer for maintenance.

## Computers in the chamber

2.81 The Welsh National Assembly is an outstanding example of the use which can be made of fully installed computer systems in the chamber. The committee was impressed by the demonstration of the usefulness of the system. It is as close to a "paperless" chamber as possible. The Assembly had moved into its new building on Tiger Bay in Cardiff only a month before the visit and the chamber computer system in use was the second iteration. The chamber used from 1999 to 2006 also featured in-built computers at each desk, but it had been decided to install new computers in the new building rather than use the previous system.

2.82 As the Assembly was not sitting at the time of the visit, committee members were able to have a "test run" of the system. The menu system was simple and intuitive. All chamber documents were easily accessible. The system is used to communicate with the Presiding Officer and other Members in the chamber. Members wanting the call have to message the Presiding Officer and he or she allocates the call (and activates the microphones) through the system. Electronic voting is managed through the same computer system and the results transferred to the large results screens in the chamber.

2.83    The committee considers that the Main Committee is ideal for testing
        procedures before they are introduced into the chamber (e.g.
        interventions). The Main Committee could also be used to test the
        suitability of in-built computers in the chamber – preferably before
        the details of a possible new chamber are finalised.

# Committees

## Staffing and resources

2.84    The committee was keen to compare the resourcing of investigatory
        committees in overseas parliaments with the support provided to our
        committees. The level of resourcing appeared to be comparable,
        though the House of Representatives is by no means a leader in the
        field. An important distinction is the level of involvement by
        Members. However, this may be more apparent than real. The House
        of Commons Commission, for example, has responsibility for staffing
        and resourcing all functions of the House, but staffing decisions are
        delegated to the clerk and clerk assistants.

2.85    Similarly, the Corporate Body of the Scottish Parliament has the
        formal authority to approve the staffing of committees but at the
        management level this task is performed by the Clerk Assistant
        (committees) – a comparable situation to the House of
        Representatives.

2.86    The House Committee of the Welsh Assembly provides a "strategic
        approach" to staff management. While detailed staffing matters are
        delegated to the Clerk, it is recognised that Members have an interest.
        The Clerk told the committee that while staff matters had been
        delegated to him, he would defer to the House Committee if they had
        a particular concern. The fact that the committee "holds the purse
        strings" is also an indicator of its influence. The Welsh Assembly is
        moving towards a Parliamentary Commission, comparable to that at
        Westminster, from May 2007.

## Status of committees and their work

2.87    The newer parliaments have had the opportunity to observe the
        committee process and include methods of supporting the work of
        committees from the beginning.

2.88    The standing orders of the Scottish Parliament for example, provide for 12 days per year of debate on committee work. Committees are led by "conveners", and the Conveners group decides which reports get debated in the plenary. In Scotland, reports are presented to Scotland rather than to the Parliament. Once the report is published, an interval of 8 weeks is allowed for a government response before the report, if selected, is debated in the chamber. The Leader of the House in the Scottish Parliament is the Minister for Parliament and has no other portfolio. Informal discussions between the Minister for Parliament and the committee Conveners ensure that the work of committees is suitably recognised in the chamber.

2.89    In the Welsh National Assembly, six days per year are reserved for considering committee reports. The Presiding Officer presides over the debate and the panel of committee chairs decides which reports get debated.

## Committees and scrutiny of legislation

2.90    All parliaments visited appear to give a more active role to committees in the scrutiny of legislation (and pre-legislation) than our own. The two national parliaments – Westminster and France – take this committee role very seriously.

2.91    The committee had discussions with senior staff of committees in London and Edinburgh. The opportunity to observe a hearing on a bill by one of the standing committees of the House of Commons was very much appreciated. While the committee did not have much time at the hearing what we did observe seemed to be a well-informed cross-examination of the responsible Minister. In the House of Commons all bills are considered by a standing committee except for major constitutional bills (which are considered by the Committee of the Whole). Some very minor bills are also considered in the Committee of the Whole instead of being subjected to closer scrutiny in a standing committee.

2.92    In the Scottish Parliament, bills are introduced and then referred by the Bureau to a "lead committee". Only that committee is required to report on the bill though other committees may make their own inquiries. Ministers appear before committees inquiring into bills.

## Work of Procedure/Modernisation committees

2.93    The committee met with the Procedure and Modernisation
        Committees of the House of Commons and with the Procedures
        Committee of the Scottish Parliament. The similarities with the work
        of our committee were more striking than the differences. The main
        distinction is the status of members of the House of Commons
        Modernisation Committee – which includes the Leader of the House
        and the Chief Whips. (The Chief Government Whip has the status of a
        cabinet level Minister).

2.94    The membership of the Modernisation Committee is comparable to
        the former Standing Orders Committee of the House of
        Representatives. That committee was replaced by the Procedure
        Committee in 1985, partly because it was perceived as being too
        politically "top-heavy" to achieve meaningful change. This inertia
        does not seem to have attached to the Modernisation Committee
        which has achieved considerable reform with strong support from the
        Government.

# Parliamentary administration

## Members' involvement in administration

2.95    The involvement of Members in administrative arrangements of the
        Scottish and Westminster parliaments appears to be considerable
        compared with our own experience. The only comparable body in the
        Australian Parliament is the Joint House Committee but it does not
        facilitate Member involvement in the administration of the Parliament
        in a way comparable to that observed during the study program.  The
        House of Representatives Selection Committee also performs some of
        the functions of programming bodies (though only in relation to
        committee, delegation and private Members' business).

## Types of parliamentary administration

2.96    Compared with our own Parliament there appear to be two
        significant areas of Member involvement – first in programming of
        parliamentary business and second, at the level of resourcing (both
        financial and staffing). The former is addressed in paragraphs 2.21 to
        2.26 above.

2.97    There may be separate bodies dealing with the two areas of administration – as in the Scottish Parliament's Parliamentary Bureau (programming chamber business) and its Corporate Body (finance and administration). In other cases (e.g. the House of Commons) programming issues are dealt with "through the usual channels" – comparable with the House of Representatives arrangements. However, the Parliament Commission permits Members a more direct involvement in administration generally than is available to Australian Members.

2.98    The House of Commons Commission was created by the House of Commons (Administration) Act 1978, but has been reviewed and reformed several times. It is chaired by the Speaker. Other members include the Leader of the House, a Member nominated by the leader of the opposition and three back-bench Members appointed by the House. In practice, these members come from the government, the official opposition and one of the smaller parties. Thus the Commission must operate by consensus. The Commission is responsible for finance and administration and has wide powers. In practice, the Commission has delegated many of its functions in respect of staff and this protects the political neutrality of staff members. However, it retains responsibility for overall staffing arrangements.

2.99    In Scotland the Corporate Body is the Board of Management of the Parliament – having responsibility for the budget and the allocation of resources.

2.100   The French National Assembly has a Bureau, chaired by the President of the Assembly, which sets the rules governing the organisation and operation of departments of the Assembly including staff regulations and relations between the administration of the Assembly and staff associations. [*Rules of Procedure of the National Assembly,* Chapter IV, Rule 17].  The Bureau consists of six other Members elected by the Assembly at the commencement of a new session.  They are supported by three Queaestors and 12 secretaries who are also elected by the Assembly. A committee of Members appointed to ensure proportional representation of the political groups, oversees the operations of the Bureau and issues a public report each year.

2.101   The Bureau appears to have considerable control over the day to day operations of the Assembly. All staff are appointed "in a manner provided by the Bureau" [*Rules of Procedure,* Chapter IV, Rule 18].

## Conclusion

2.102    The committee was keen to learn whether Member involvement in administration was a matter of real power and/or influence, or more apparent than real. While there are clear differences across parliaments, there appears to be real influence by Members in all parliaments visited compared with the situation in our own parliament. Nevertheless there seemed to be various accommodations which ensured that governments were able to get legislation processed efficiently.

# Codes of conduct

2.103    Discussions about a possible code of conduct for Members of the Australian Parliament have been held from time to time over the past two decades but no code has yet been implemented. The committee was therefore interested to learn how this issue had been addressed by the parliaments visited.

2.104    Most parliaments visited had some form of a code of conduct and responsibility for implementing the code generally rested with administrative bodies on which Members were represented. In most cases the code of conduct incorporated or existed alongside the rules relating to disclosing Members' interests. Both Houses of the Australian Parliament have such registers but they are not associated with wider guidelines on conduct.

2.105    At Westminster, both the House of Commons and House of Lords have codes of conduct for Members. The Common's code of conduct (which is separate from the code for Ministers) was introduced in 1996 and updated in 2005. The code has an accompanying "guide to rules relating to the conduct of Members". The rules outline seven general principles of conduct underpinning public life, including integrity, accountability and honesty. The Commons has a Parliamentary Commissioner for Standards who publishes an annual report.

2.106    The code of conduct for the House of Commons has the status of a resolution of the House.

2.107    The Scottish Parliament also has both a Ministerial Code and a code of conduct for MSPs. Like the House of Commons, the code was agreed

by resolution of the Parliament. The first (2000) code was updated in 2003.

2.108 The committee was told that the Scottish Parliament also has an independent Scottish Parliamentary Commissioner who deals with complaints against Members based on the code of conduct. There is a Standards Committee with five members covering the four main parties. The role of the committee is to investigate conduct complaints which have been made to the Standards Commissioner. Generally, the Standards Commissioner identifies a breach of the code which is then considered by the committee.

2.109 In relation to general disciplinary provisions, the Presiding Officer can only ban a Member for a day. If a more severe penalty is called for, it is considered by the Parliamentary Bureau and then, if necessary, the matter is considered by an emergency meeting of the Standards Committee. The protections offered to Members accused of breaches of the code of conduct are appropriate because of the strict penalties which may apply. In a recent case, five MSPs who were suspended from the campus for a month for disruptive behaviour. MSPs are not paid for the duration of the exclusion. The committee notes that since 1998 a Member suspended from the service of the House of Commons also has his or her salary withheld for the period of the suspension.

2.110 The National Assembly for Wales has a code of conduct for Members which appears to have similar administrative arrangements to that of Scotland. The register of Members' interests is associated with the code. A Committee on Standards of Conduct considers complaints referred to it by the Presiding Officer. There is also an independent National Assembly Commissioner for Standards who provides "… advice and assistance on any matters of principle relating to the conduct of Assembly Members". The Commissioner is able to undertake investigations of complaints against Members for breaches of the code or of resolutions of the Assembly.

2.111 While not wishing to enter into the debate of whether the House of Representatives should have its own code of conduct, the committee can certainly see the advantages of involving Members in upholding standards both in the chamber and in public life generally.

# Other issues

## A family friendly parliament

### Sitting hours

2.112    The two newer parliaments (in Wales and Scotland) certainly had the most modern arrangements for sitting days and hours. In both parliaments the sitting hours are virtually ordinary business hours – in Wales 9.00 am to 5.30 pm. The Assembly sits for 32 weeks per year.

2.113    The committee is very much aware that the pressure of time on national parliaments with a full range of responsibilities requires a more stringent approach to the number of sitting hours than in smaller parliaments with more limited subject matters to address. The House of Commons now has more reasonable sitting hours than previously but acceptance of the changes did not seem to be overwhelming. Moreover, the committee did not consider the current sitting hours entirely "family friendly". The hours are:

- 14.30 - 22.30 on Mondays and Tuesdays
- 11.30 - 19.30 on Wednesdays
- 10.30 - 18.30 on Thursdays
- 09.30 - 15.00 on sitting Fridays.

Westminster Hall debates take place at the following times:

- 09.30 - 11.30 & 14.00 - 16.30 on Tuesdays and Wednesdays
- 14.30 - 17.30 on Thursdays.

### Childcare

2.114    The Scottish Parliament has a crèche for the use of visitors to the building. It is not intended for regular use by Members and staff though it may be used for that purpose in an emergency. Access to the crèche is free for up to three hours – thus allowing visitors to observe proceedings, give evidence to committees or simply to explore the building. The crèche has places for up to ten children from babies to five year olds. Places may be booked or people can simply turn up with young children and see if a place is available. The committee got the impression the service is not well patronised.

2.115    On inquiry, the committee was told that while there is no childcare provided at Westminster, staff may access vouchers to help with the

costs of work-related childcare. There does not appear to be any help given to Members needing work-related childcare.

## Communicating with the public

2.116    Both the Scottish Parliament and the National Assembly for Wales were excellent examples of sound administration and good resourcing coming together to support public education about and community involvement in proceedings. The House of Commons has also made a concerted effort in recent times towards improving community involvement in the work of the House.

2.117    The Tynwald retains the more traditional approach of posting a notice on the front door indicating the business and hours of sitting. In the context this is probably an effective means of informing the public about the business of the legislature. It was certainly bolstered by a very active radio station which appeared strongly focussed on the work of the Tynwald.

2.118    The Welsh Assembly provided centralised administration for all its public engagement efforts, encompassing visitors, marketing/public relations, education (schools and public), media and parliamentary relations. The Education Centre is housed in the 19th century Pierhead Building across a pedestrian mall from the new parliament building. On the outside, the building contrasts with the modernity of the main building, but the interior of the building has been refurbished to meet contemporary needs. There are 54 staff who perform the equivalent Australian functions of the Parliamentary Education Office, the Parliamentary Relations Office the House of Representatives Liaison and Projects Office, the guide service and other smaller offices. Again, the use of technology is impressive. The committee was also impressed by the outreach education program. As well as bringing students to Cardiff, there are educational advisers who visit schools throughout Wales to deliver parliamentary education.

2.119    The committee also notes the use of information screens throughout the parliament building which play a significant role in enriching public visits to the building (in addition to informing Members about proceedings in the chamber and in committees).

2.120    While the Scottish Parliament has also invested heavily in public education, the procedures relating to petitions are also very effective means by which the public can communicate with the Parliament.

## Conclusion

2.121    The committee benefited greatly from exposure to the practices and
         procedures of other parliaments. The experience was highly enjoyable
         as well as informative. A number of suggestions for detailed inquiries
         have arisen from the study program. The committee is currently
         considering a priority list and timetable for these issues.