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Calendar of Forthcoming Events

Confirmed as of 10 August 2018

2018

September

4 to 7 September 54th General Meeting of the Society of Clerks-at-the-Table (SoCATT), Toronto, Canada

15 September International Day of Democracy (IDD)

October

w/c 1 October CPA Fundamentals Programme (Online), University of Witwatersrand, South Africa

w/c 15 October CPA Fundamentals Programme Small Branches (Residential), McGill University, Canada

November

5 to 9 November CPA International Executive Committee meeting, London, United Kingdom

w/c 5 November CPA Fundamentals Programme Small Branches (Online), McGill University, Canada

w/c 19 November CPA Fundamentals Programme (Residential), University of Witwatersrand, South Africa

2019

March

11 March Commonwealth Day 2019, CPA Headquarters Secretariat and all CPA Branches

The publication of a Calendar of Commonwealth Parliamentary Association (CPA) events is a service intended to foster the exchange of events and activities between Regions and Branches and the encouragement of new ideas and participation. Further information may be obtained from the Branches concerned or the CPA Headquarters Secretariat. Branch Secretaries are requested to send notice of the main CPA events and conferences to hq.sec@cpahq.org in advance of the publication deadline to ensure the Calendar is accurate.

Further information can also be found at www.cpahq.org or by emailing hq.sec@cpahq.org.
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• Updating of the CPA’s Benchmarks for Democratic Legislatures
  • First CPA India Regional zone meeting in Uttar Pradesh
  • Post-CHOGM workshop focuses on women’s economic empowerment
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The Parliamentarian, Commonwealth Parliamentary Association

John Ajaka, MLCPresident of the Legislative Council of the Parliament of New South Wales highlights the significance of the introduction of the Aboriginal Languages Bill and the sensitive role that the Parliament played.

Hon. Bruce Atkinson, MLCPresident of the Legislative Council looks at the role of the Crossbench and the balance of power in the Parliament of Victoria, Australia.

Hon. Joy Burch, MLASpeaker of the Legislative Assembly for the Australian Capital Territory looks at the representation of women in the Legislative Assembly and states ‘you can’t be what you can’t see’.

Moving away from the PCOC in Wellington, this issue of The Parliamentarian features an article by Hon. Syed Naveed Qamar, MP(National Assembly of Pakistan) about new legislation introduced in Pakistan to protect Transgender rights inspired by the work of the Parliamentarians for Global Action (PFGA).

Mr Zafarullah Khan, Executive Director of the Pakistan Institute for Parliamentary Services (PIPS) writes about the historic moment in parliamentary communications in Pakistan with the launch of the PTV Parliament channel in Islamabad.

This issue features a report of the parliamentary staff developing their skills to meet the impact of the Fourth Industrial Revolution at the 3rd SoCATT Africa Region Development Seminar in Namibia, with the report provided by Immanuel Kooper, Speaker of the Legislative Assembly for the Northern Cape, South Africa.

Alex Christophoulou, Deputy Chief Executive of International Children’s Charities, Lumos, highlights the role that Legislators can play in tackling global orphanage trafficking.

V. K. Babu Prakash, Secretary of the Kerala Legislative Assembly (Kerala, India) writes about the legislative procedures on laws, rules and delegated legislation in the Parliament of India and in the State of Kerala.

A number of significant anniversaries in the history of women’s suffrage and the passing of significant equality legislation have been marked across the Commonwealth this year.

Above: The Commonwealth Charter brings together the values and aspirations which unite the Commonwealth - democracy, human rights and the rule of law - in a single, accessible document. The Charter was signed by Her Majesty Queen Elizabeth II, Head of the Commonwealth and Patron of the Commonwealth Parliamentary Association on Commonwealth Day 2013.

As the Canadian Federal Parliament marks the centenary of women voting in the federal elections in Canada, Hon. Yasmin Ratansi, MP, Chairperson of the CPA Canada Federal Branch provides a historical perspective of women’s right to vote in Canada and examines the level of women’s representation in Canadian Parliaments and Provincial Assemblies today.

The Parliament of the United Kingdom is also celebrating the centenary year for women’s vote in 2018 and The Parliamentarian reports on the recent presentation of a historic picture of the first woman elected to the UK House of Commons in 1918 from the Parliament of Ireland.

This issue of The Parliamentarian also features reports of the Commonwealth Women Parliamentarians (CPWP) regional activities in the Caribbean, Americas and Atlantic; Canada; and Africa Regions. The Parliamentary Report and Third Reading section in this issue includes parliamentary and legislative news from Canada Federal, British Columbia, Québec, India, New Zealand, Sri Lanka, Australia Federal and the United Kingdom.

We look forward to hearing your feedback and comments on this issue of The Parliamentarian on the issues affecting Parliamentarians across the Commonwealth and to receiving your future contributions to this publication.

Jeffrey Hyland, Editor, The Parliamentarian
editor@cpahq.org
View from the CPA Chairperson

The following speech was given by Hon. Emilia Monjowa Lifaka, MP, Chairperson of the Executive Committee and Deputy Speaker of the National Assembly of Cameroon at the 44th Parliamentary Assembly of Cameroon at the 44th Parliamentary Assembly of La Francophonie - L’Assemblée Parlementaire de la Francophonie (APF) in Québec, Canada on 10 July 2018.

I feel truly honoured to have been invited in my capacity as the Chairperson of the Executive Committee of the Commonwealth Parliamentary Association (CPA) to attend this 44th Session of the APF General Assembly and address delegates. On behalf of the entire CPA that I am representing here, I wish to take this opportunity to thank Honourable Jacques Chagnon, the President of APF, for inviting me to this meeting held in this beautiful Province of Québec. Your kind invitation to the CPA is an eloquent testimony to the excellent relations existing between our respective countries.

The common denominator among the vast majority of us here gathered represents, the voice of the voiceless, the hope of the hopeless, the hope of the hopeful, the voice of the weak and of the strong. We have the sovereign mandate of the people. With the constant evolution of the world and increasing aspirations for a better life and better living conditions, the populations therefore look up to us as bearers of their hopes and aspirations. We are therefore faced with these challenges which are in line with our traditional role of legislating, adopting budgets that meet the Development Goals, and their role in ensuring accountability for the effective implementation of the commitments. As Members of Parliament we are uniquely positioned to act as an interface between the people and state institutions, and to promote and adopt people-centered policies and legislation to ensure that no one is left behind.

My presence in this meeting will undoubtedly enable the CPA to observe how the APF conducts its business as well as draw from its rich experience in parliamentary affairs. We are delighted to note that the APF and the CPA pursue similar goals which include the promotion of democracy, human rights and the rule of law as well as the capacity building of Parliamentarians in order to enable them to be more efficient in their role. I perceive the APF and the CPA as excellent avenues for information and experience sharing as well as a platform for the learning of best practices.

Indeed, as one scholar once said: “those elected to public office are expected to possess indefinable qualities to accomplish an indescribable job.” Such are the challenges that we all have and should strive to meet. We need to ensure that governments formulate and implement good and sustainable policies that will better the lot of the people we represent. In order to achieve this, we will need to translate our resolutions into effective actions and push our respective governments to do more so that the female Members in Parliament will improve as this will make the world a better place.

The French philosopher and writer Frantz Fanon once said, “Each generation must, out of relative obscurity, discover its mission and fulfill it.” Ours, my fellow colleagues, is to pave the way for the next generation and urge that we fulfill it. The CPA is therefore looking up to this conference with a lot of hopes for major recommendations and resolutions. On this note, I wish the APF total success in its deliberations. Long live the excellent relations between the APF and the CPA.

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Women in Malaysia have made significant progress in almost all areas since Malaysia’s independence in 1957. Their achievements have no doubt been facilitated by inclusive policies and plans of action developed by the government of Malaysia. With a population of approximately 32.05 million, of which 15.49 million are female, the government has been sensitive and responsive to the voices of women.

Promoting equal representation requires a consistent approach to integrating equality and non-discrimination as normative standards across all governmental agendas through legal, policy and programmatic measures where people are placed at the heart of policy development, and no one is left behind. Article 8(1) of the Federal Constitution of Malaysia upholds the equally principle that every person shall be equal under the law and have equal protection of the law.

In 2001, Article 8(2) of the Federal Constitution has been amended to prohibit gender discrimination. Malaysia has always recognised the dignity of all human beings and consistently supports all initiatives to empower women and girls. The national Policy on Women (1989) accords women equal status and rights as enshrined in the Constitution.

In ensuring the active participation of women in economic, social and political development, the government has been duty-bound to be much more cognizant of its obligations to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); the Cairo Programme for Action 1994; the Beijing Platform for Action (BPFA); the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography; the Vienna Plan of Action on Human Rights; the Sustainable Development Goals (SDGs); and the Plan of Action on the Advancement of Women. These commitments signify an acceptance of women’s empowerment in the national and international policy agenda as advocated by the Commonwealth Women Parliamentarians (CWP).

Nevertheless, women’s representation in the Parliament of Malaysia is still amongst the lowest of the ASEAN countries. Since the 13th General Elections in 2013, the proportion of female Cabinet Ministers and Deputy Ministers at the Federal level have increased to 12.3% from 11.4% in the previous Cabinet in 2008. This is mainly due to a reduction in Deputy Minister positions from 38 to 25. The recent 14th General Election marks a growth shift and the start of a multi-racial and modern democracy. It witnessed voter turnout of 83.32%, just slightly lower than the 84.49% turnout in the 13th General Election. A total of 12,229,514 voters out of 14,940,624 registered voters cast their vote on 9th May 2018. Out of the entire electorate, women voters represented 50.49%. In line with the principles of a democratically elected government, Malaysians collectively exercised their rights to vote. This was really astonishing and exemplary. As Malcolm X once said, ‘[t]he ballot is like a bullet. You don’t throw your bullet until you see a target, and if that target is not within your reach, keep your bullet in your pocket.’

In the days following the election, the nation exhibited a strong sense of maturity in adhering to the democratic process, evident by the peaceful transition of power. This historic moment which had impressed the whole world, is a signpost of political maturity amongst Malaysian.

The recent 14th General Election was not only dubbed as the ‘mother of all elections’ but also can be reckoned as a stepping stone for women to shine and reach the highest political leadership position in the future.

For the first time since Malaysia gained its independence, this election saw women’s political empowerment at the higher leadership level when Dr Wan Azizah binti Wan Ismail was appointed as the first female Deputy Prime Minister. It also witnessed the appointment of five female Cabinet Ministers and four female Deputy Ministers to complete the line-up of the current Malaysian Cabinet. This appointment model is part of the commitment towards achieving the Commonwealth’s 30% gender policy quota and also accords women equality status and rights as enshrined in Article 8(2) of the Federal Constitution.

The characteristics of Malaysian parliamentary democracy were set out in the speech of the Yang di-Pertuan Agong at the establishment of Parliament in 1959. His Majesty Tuanku Abdul Rahman ibni Almarhum Tuanku Muhammad stated that the first characteristic is that laws must be made by a legislature of persons elected by citizens at regular intervals by means of secret ballots. The second is that the executive authority must answer to the elected legislature. The third is that there must exist in the State what is commonly known as the ‘rule of law’. These principles applied in 1959, still apply today and must continue to be applied for the continued prosperity of this country.

In the efforts to uphold democracy in Malaysia, the Federal Constitution must continue to be upheld as the supreme law of the land. Democracy must be protected as a pathway to ensure that the voices of the people are heard and taken account by lawmakers. As former Federal Judge Raja Azlan Shah remarked in Loh Kossi Chonv v The Government of Malaysia, ‘the people have their remedy at the ballot box.’

The transition of power shows that democratic change has finally come to Malaysia. It is a reminder to all politicians not to take the people for granted. It would be wise for all politicians to acknowledge the people as the master, and it is the role of the politician to serve the people. Malaysia’s 14th General Elections will be remembered by all as a peaceful revolution, which transformed the South East Asian nation’s history.

It is hoped that the outcome of the recent election will see more women taking part in politics, top managerial positions, economic decision-making and so on. Good education and a just society for young girls and women to be empowered are some of the parameters towards better economic, social, environment and political development, hence the promotion of continued democracy and equality.

References:
View from the CPA Small Branches Chairperson

Like other organisations which have their own values, priorities and ambitions, the Commonwealth and the Commonwealth Parliamentary Association equally keep their societal heart. Those activities which encapsulate the sheer core of these organisations, amongst others, are democracy, diversity and development – which are also known as the Three Ds. This article will take us through a journey of these interlinked concepts which make up the Commonwealth and the CPA as we know them today. The concepts are not of importance or preferential manner, but how one naturally leads on to the other.

Being a political and cultural organisation of great complexity, the Commonwealth does not work guided by a philosophy based on certain key values and principles. On the one hand, the Commonwealth promotes democracy as a fair method of politics; diversity when people are being very diverse in nature works conjointly; and some of which are still undergoing development on political and administrative levels. The values that underpin the fundamental political values of the Commonwealth, as defined in the Harare Commonwealth Declaration of 1991, namely adherence to human rights and democratic principles are what makes the Commonwealth a vibrant and ever-present organisation.

Democracy

The Commonwealth’s strong commitment to deepening the democratic systems in each member state is reflected in the Commonwealth Charter, as applied to all the CPA’s Parliaments. These include some of the biggest and some of the smallest in the world. The work to update the CPA Benchmarks needed to reflect this diversity and to incorporate a range of commitments that the international community had made in the past years. The connection is both more subtle and more lasting. As an association, the Commonwealth embraces democracy and firmly rejects discrimination based on race, culture, size or level of development. Where members hold different perspectives on issues, there is agreement some of the biggest challenges of this age. Dialogue, and efforts are made to pursue peaceful reconciliation of disputes.

Critics have suggested that the Commonwealth’s support for democracy has been inconsistent; particularly since there have been military governments and one-party states in several Commonwealth countries in Africa, Asia and the South Pacific, during the 1980s. Yet even the Harare Declaration of 1991, there has been a dramatic increase in the Commonwealth Secretariat’s operational support for democracy, including assistance for elections and acting as observers during the period in free and fair elections, training for election officers and policy-makers; assistance with constitutional and legislative document drafting; providing parliamentary experts to help ensure the possible breakdown of democracy; and training for lawyers and judges on international human rights law. There has also been an increase in the number of democratic states, and a reduction in military governments among Commonwealth members. For a brief period in 1993, all Commonwealth countries were classified as democracies whilst embracing its diversity.

Diversity

As the nations of the British Empire emerged from colonialism, they developed a unique model of how the peoples of the world could live together after conflict and exploitation. The Commonwealth has slowly put together a supporting framework of social and humanitarian principles that have enabled it for different nations to live co-operatively. Allaking people live in the Commonwealth, making up nearly one-third of the world’s population. They represent many different religions, races, languages and cultures. This is the reality of the modern Commonwealth, you might ask: “What brings us together?” What values do we share as countries as individuals?

Our values are our beliefs about what the right ways to behave. When we decide to act in the world, we may use these values to prepare us for the future and influence others. In the Harare Declaration of 1991, there has been a dramatic increase in the Commonwealth’s support for democracy, including assistance for elections and acting as observers during the period in free and fair elections, training for election officers and policy-makers; assistance with constitutional and legislative document drafting; providing parliamentary experts to help ensure the possible breakdown of democracy; and training for lawyers and judges on international human rights law. There has also been an increase in the number of democratic states, and a reduction in military governments among Commonwealth members. For a brief period in 1993, all Commonwealth countries were classified as democracies whilst embracing its diversity.

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The role of the CPA in contributing to the rules-based international order

World with no rules which will result in disruption and chaos in the context of trade, for example, the WTO dispute settlement process has been challenged by the United States. President Trump has refused to appoint any new United States members to the WTO appellate body which adjudicates disputes and so the options when faced with protectionist actions is to retaliate or concede leading to an unpredictable global trading environment.

What are the greatest current threats to democracy?

Executive overreach can also serve to undermine the independence of the Judiciary; a principle crucial to safeguarding basic human rights and a rule of law for citizens. Former Judge of the Supreme Court of India, Justice J Chelameswar, commenting on the Government of India’s recent encroachment into judicial affairs by stalling key judicial appointments, opines that every government wants to have some control over the judiciary and indeed the “jockeying between the judiciary and the government in any state sounds the death knell to democracy.”

This fusion of powers must be resisted if we are to protect fundamental human rights and achieve a rules-based international order.

Unrepresentative Democracy: As well as accountable institutions, SDG 16 calls for inclusive institutions. Inclusive institutions and inclusive societies are vital to a healthy and stable democracy. Democracies that exclude women’s groups and young people run the risk of instability and political upheaval. The number of women Parliamentarians worldwide has increased by only 0.1 percentage point since 2016, from 23.8% to 23.4%. This has to be addressed going forward if we are to achieve true democracy and inclusive institutions.

Moreover, in the Commonwealth, 60% of its 2.3 billion citizens are under 30. It is crucial that we are engaging with our young people and bringing them into democratic processes sooner to create a sense of partnership and frustrate with political processes among the younger generation, which has a corrosive effect on democracy.

The threat of digital democracy

One of the greatest threats of our time facing democracy is unregulated and unregistered spending on disinformation campaigns by undemocratic overseas backers aimed at influencing voters ultimately the outcome at the polls. It left unchanged it threatens our democracies.

Where does the CPA fit within this discussion supporting a rules-based international order?

A 106-year-old voluntary Association of over 180 Commonwealth Parliaments and Legislatures, including national, state, provincial and territorial legislatures, the CPA works towards upholding the values and principles of parliamentary democracy and the Commonwealth.

The CPA delivers a number of programmes with our Parliamentarians and Legislators that are designed to strengthen good governance, embed the rule of law, set democratic benchmarks and enhance participatory democracy which supports liberal democracies that fosters a rules-based international order.

A functioning Parliament is critical to embedding at the national level respect and support for the rules-based international order. Parliaments no longer operate in a domestic context but are increasingly grappling with issues at the international level - be they migration, climate change, the implementation of the SDGs, countering terrorism, the use of force and government respecting and abiding by their international obligations.

A function of Parliament is holding the Executive to account and acting as a check on any express of government. In the context of establishing a rules-based international order, Parliaments are crucial to scrutinising and advising the government on its foreign policy, be that through debates, giving approvals to arms export deals, asking parliamentary questions or Committee scrutiny.

Many Commonwealth Parliaments have long established Standing Committees on Foreign Affairs and International Development or on Human Rights which help to focus scrutiny on these areas. In the UK Parliament, the House of Lords International Relations Committee, for example, plays a key role in scrutinising the UK Government’s foreign policy. Only last month, the Committee released a report calling on the UK Government to use the United Nations General Assembly in September to champion multilateralism, to push for increased resources for the United Nations and to advocate internal reform to strengthen the organisation and the rules-based international order.

In addition to its role in advising and scrutinising the Executive on international matters, Parliaments, and especially Parliamentary Committees, are vital sources of evidence and data-gathering pertaining to international relations. For instance, the Committees on Arms Export Controls (CAEC) in the UK Parliament have been gathering evidence from organisations and individuals for attempts made to scrutinise UK arms exports, and the UK House of Commons Foreign Affairs Select Committee has recently launched an inquiry considering the legal basis for military intervention for humanitarian purposes (R2P) in both examples, any recommendations to be presented to the Executive will be based on the evidence gathered by the Committees.

Implementing the Sustainable Development Goals

Achieving progress towards the Sustainable Development Goals (SDGs) will be particularly crucial to building a rules-based international system, particularly achieving SDG 16: “Promoting peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective accountable and inclusive institutions at all levels.”

To achieve accountable and inclusive institutions at all levels, as called for by SDG 16, simply cannot be achieved without strong and innovative parliamentary governance.

Commonwealth Parliaments, in particular, have led the way in making progress towards the SDGs, particularly SDG 16. The Parliament of Fiji has also undertaken some outstanding and internationally recognised work in support of SDG 16 implementation as a legislative. In October 2017, the Fiji Parliament was one of the first legislatures in the world to carry out a self-assessment into its role in mainstreaming the SDGs into the national development agenda, and incorporating them into its legislative scrutiny, civic education and member capacity-building function. In Pakistan, an SDG Task-Force was established to promote debates, engage and increase awareness of MPs on SDGs and to support implementation.

Inter-parliamentary dialogue and support

The sharing of best practice in Executive scrutiny, evidence gathering and implementing the SDGs is also a vital contribution that Parliaments can make to strengthen democracy. Through the many parliamentary networks that exist Parliamentarians can foster global dialogue on what a rules-based international system should look like and how this can be legislated for in Parliament.

A good example of Parliamentary networks in action can be seen in Commonwealth Election Observation Missions, which draw upon the vast network of experienced Parliamentary and CPA networks when producing a Commonwealth Observer Group. Election Observation Missions are critical to ensuring elections meet global standards for the delivery of elections, rule of law in democratic processes, and Parliament is crucial to their delivery.

The CPA have a number of networks and programmes that help to facilitate effective parliamentary scrutiny in other areas of work including our Commonwealth Women Parliamentarians (CPWP) network and our Small Branches Network for smaller jurisdictions.

The CPA has a number of tools and key programmes that help to strengthen democracy including:

- CPA Recommended Benchmarks for Democratic Legislatures
- Parliamentary networks in action can be seen in
- CPA networks when producing a Commonwealth Observer Group.
- Election Observation Missions are critical to ensuring elections meet global standards for the delivery of elections, rule of law in democratic processes, and Parliament is crucial to their delivery.
- CPA have a number of tools and key programmes that help to strengthen democracy including:
  - CPA Recommended Benchmarks for Democratic Legislatures
The Commonwealth Parliamentary Association (CPA) Secretary-General, Mr Akbar Khan, recently spoke as a guest contributor to the CPA’s annual conference held in London. The conference was titled ‘Strengthening the rules-based international order’, with the theme of this year’s conference being ‘The UK in 2018: An inward and outward look?’. The conference was hosted by the UK’s Commonwealth Minister, Rt Hon. Lord Tariq Ahmad, the High Commissioner of Papua New Guinea to the UK, Her Excellency Winnie Kiap; Rt Hon. Lord Chidgey, President, Commonwealth Parliamentary Association; and Annette Prandzioch, Chief Operating Officer of the Royal Commonwealth Society.

Mr Akbar Khan, 7th Secretary-General
Commonwealth Parliamentary Association (CPA)

This article is based on a speech that the CPA Secretary-General gave on ‘Strengthening the International Rules-based Order’ to the FCDO Internationals Programmes 2018 hosted by Wilton Park in the United Kingdom in July 2018. The Secretary-General wishes to recognize the valuable contribution made by Mr Daniel Peacock at the CPA Headquarters Secretariat in undertaking the research for this speech/article.

The Commonwealth Parliamentary Association (CPA) Secretary-General, Mr Akbar Khan, spoke recently as a guest contributor to delegates attending the International Leaders Programme, hosted jointly by the United Kingdom’s Foreign and Commonwealth Office (FCO) and Wilton Park, an Executive Agency of the FCO. Taking place at Millbank Tower in central London, the theme of this year’s programme was ‘The UK in 2018: An inward and outward look?’

The FCO International Leaders Programme brings together aspiring young leaders from across the world to engage in intercultural dialogue, participatory roundtable discussions on public and foreign policy and facilitated group activities. The purpose of the Programme is to develop the leadership potential of delegates and gain a firmer understanding of the values that inform public life in the UK, and draws upon the knowledge and experience of expert practitioners to guide and enrich the high-level discussions.

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Above: The CPA Headquarters Secretariat hosted an International Expert Committee in London, UK for Members to discuss the future status of the Association attended by Hon. Russell Wortley, MLC (South Australia), Chairperson of the Expert Committee; Rt Hon. Justin B. Muliuri, MP, Speaker of the National Assembly (Kenya); Hon. Alexandra Mendes, MP, CPA Vice-Chairperson (Canada); Hon. Dr Roberta Blackman-Woods, MLA (ACT), CPA Secretary-General, Akbar Khan and CPA Headquarters Secretariat staff.

J. Furey, QC, Speaker of the Senate of Canada at the opening of the CPA Regional Conference, which took place in Ottawa, Canada from 22 to 27 July 2018. Regional Conference, which took place in Ottawa, Canada from 22 to 27 July 2018.

Left: The Chairperson of the CPA Executive Committee, Hon. Emilia Monjowa Lifaka, MP, Deputy Speaker of the National Assembly of Cameroon meets Hon. George Furey, QC, Speaker of the Senate of Canada at the opening of the CPA Regional Conference, which took place in Ottawa, Canada from 22 to 27 July 2018. Please turn to page 184 for a news report from the regional conference.

Above: The Chairperson of the Commonwealth Women Parliamentarians (CWP), Hon. Dato’ Noraini Ahmad, MP (Malaysia) visited the Commonwealth Parliamentary Association Headquarters, Secretariat to be briefed on the ongoing activities of the CPA and CWP and also to meet with the CPA Secretary-General, Mr Akbar Khan and CPA Headquarters Secretariat staff in London, United Kingdom following the recent elections in Malaysia.

Right: The CPA Namibia Branch and the Chairperson of the National Council of Namibia, Hon. Margaret Mensah-Williams hosted the 3rd Society of Clerks-at-the-Table (SoCATT) Africa Region Development Seminar for parliamentary staff from the CPA Africa Region in Windhoek. Please turn to page 216 for a seminar report.

Left: A debate on media censorship in the Commonwealth titled ‘Liberty, Freedom and Enfranchisement: Press Censorship and the Commonwealth’ was held at the Sam Wanamaker Playhouse at Shakespeare’s Globe Theatre in London in association with The Royal Commonwealth Society and the London Press Club. The Commonwealth Parliamentary Association’s Director of Operations, Jarvis Matiya spoke on the panel about freedom of speech in the Commonwealth alongside journalists, Yasmin Alibhai-Brown and William Horsley, and actor/campaigner Pia Zammit while the discussion was chaired by Anne McElvoy.

Left: The Chairperson of the Commonwealth Parliamentary Association (CPA), Hon. Emilia Monjowa Lifaka, MP, Deputy Speaker of the National Assembly of Cameroon, visited the Commonwealth Parliamentary Association Headquarters Secretariat at Richmond House at the Parliament of the United Kingdom in London to meet with the CPA Secretary-General, Mr Akbar Khan and CPA staff to receive briefings on current and future CPA projects and events.

Right: The Chairperson of the Commonwealth Parliamentary Association (CPA), Hon. Emilia Monjowa Lifaka, MP, Deputy Speaker of the National Assembly of Cameroon, visited the Commonwealth Parliamentary Association Headquarters Secretariat at Richmond House at the Parliament of the United Kingdom in London to meet with the CPA Secretary-General, Mr Akbar Khan and CPA staff to receive briefings on current and future CPA projects and events.

Left: The outgoing Regional Secretary for the CPA Australia Region, Mr Tom Duncan, Clerk of the Legislative Assembly for the Australian Capital Territory hands over the CPA Australia Region flag to the new Regional Secretary for the CPA Australia Region, Mr Jerome Brown, Director, International Parliamentary Relations Office, Parliament of Australia following a meeting of the CPA Australia Region Management Committee in the margins of the Presiding Officers and Clerks Conference for the CPA Pacific and Australia Regions in Wellington, New Zealand in July 2018.

Left: The CPA Secretary-General Mr Akbar Khan met with Mr Tahir Hussain, Secretary of the National Assembly of Pakistan to discuss the CPA’s work across the Commonwealth and in the CPA Asia Region and parliamentary strengthening opportunities for the National Assembly of Pakistan.

Right: The outgoing Regional Secretary for the CPA Australia Region, Mr Tom Duncan, Clerk of the Legislative Assembly for the Australian Capital Territory hands over the CPA Australia Region flag to the new Regional Secretary for the CPA Australia Region, Mr Jerome Brown, Director, International Parliamentary Relations Office, Parliament of Australia following a meeting of the CPA Australia Region Management Committee in the margins of the Presiding Officers and Clerks Conference for the CPA Pacific and Australia Regions in Wellington, New Zealand in July 2018.

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Left: The Secretary General of the Inter-Parliamentary Union (IPU), Martin Chungong visited the Secretariat of the Commonwealth Parliamentary Association Headquarters Secretariat in London to meet with the CPA’s Director of Operations, Jarvis Matiya and Ms Meenakshi Dhar, Head of the Secretary-General’s Office to discuss the CPA’s work in the Commonwealth and in the CPA Regional and Parliamentary Relations Office, Parliament of Australia for state parliaments in the Australia Region and the work of the Commonwealth Women Parliamentarians in gender equality.

Right: The Chairperson of the Commonwealth Parliamentary Association Secretary-General, Mr Akbar Khan said he was delighted to meet again with Hon. Dennitah Ghati, MP from the National Assembly of Kenya at the CPA Headquarters Secretariat to discuss important work on the new Commonwealth Parliamentarians with Disabilities (CPwD) network as the Hon. Member was representing the CPA at the first ever Global Disability Summit in London, United Kingdom. A report about the Global Disability Summit will appear in the next issue of The Parliamentarian.
Commonwealth Parliamentary Association embeds good governance at Post-Election Seminar in Nevis, one of the smallest legislatures in the Commonwealth

The Commonwealth Parliamentary Association (CPA) has helped to strengthen parliamentary practice and procedure with the delivery of a CPA Post-Election Seminar for the recently elected Nevis Island Assembly from 15 to 16 May 2018. The CPA Post-Election Seminar, held in Charlestown, Nevis, was held to enable current and recently elected Parliamentarians to gain a broader understanding of the principles of parliamentary democracy and to strengthen their skillets.

The eight Member Nevis Island Assembly is one of the smallest legislatures in the CPA’s membership of over 180 Commonwealth Parliaments and Legislatures. It is located on a small island with a population of 13,000 people that is an autonomous region within the Federation of Saint Christopher and Nevis. Last year, on 18 December 2017, Nevis Island held transparent, free and fair elections with a 59% voter turnout which demonstrated the island’s commitment to public trust in the institution and build the capacity of its Parliamentarians to participate in the strengthening of democratic governance.

The CPA Post-Election Seminar gave Members of the Nevis Island Assembly an excellent opportunity to learn about parliamentary practice and procedure and to gain a better understanding of the parliamentary system and democratic processes in other Commonwealth jurisdictions. The seminar was opened by Hon. Farrel Smithen, President of the Nevis Island Assembly. Her Excellency Mrs Marjory Morton, Acting Deputy Governor-General of St Kitts and Nevis; Hon. Mark Brantley, MP, Premier of Nevis Island and Minister of Foreign Affairs for St Kitts and Nevis; and the CPA Secretary-General, Mr Akbar Khan.

Hon. Mark Brantley, the Premier of Nevis said: “The Commonwealth is diverse and democracy among its member states takes different shapes and forms. It is therefore critical that we become inclusive and embrace different cultures, traditions and values as we endeavour to strengthen our democratic governance globally. As we become more inclusive, we must however continue to commit ourselves to the values and tenets that define us — free and fair elections, rule of law, separation of powers, respect, understanding, tolerance, freedom of expression, gender equality, good governance and human rights.”

At the opening of the seminar, the CPA Secretary-General said: “The CPA is pleased to partner with the Nevis Island Assembly to support the strengthening of democratic governance in one of the smallest legislatures in our Commonwealth western hemisphere. The CPA Post-Election Seminar has demonstrated the CPA’s commitment to our Small Branches and to the mutuality of learning among CPA Members. We must always seek opportunities to strengthen Parliament, nurture public trust in the institution and build the capacity of its Parliamentarians through programmes like the CPA Post-Election Seminars.”

The newly elected and current Members of the Nevis Island Assembly were joined at the CPA Post-Election Seminar by Members of the St Kitts and Nevis National Assembly and they heard from experts from across the Commonwealth at the CPA Post-Election Seminar including: Senator Wade Mark (Trinidad and Tobago); Hon. Gail Teixeira, MP, Opposition Chief Whip (Guyana); Mr Nigel Jones, Deputy Clerk of Parliament of Barbados; as well as local Members and officials from St Kitts and Nevis.

During the visit to Nevis Island, the CPA Secretary-General delivered a CPA Roadshow for young people for 25 students from two local schools, Charlestown Secondary School and Gingerland Secondary School. The Secretary-General was accompanied to the CPA Roadshow by local Members including Hon. Farel Smithen, President of the Nevis Island Assembly; Hon. Alexis Jeffers, Deputy Premier of Nevis; and Senator Wade Mark from Trinidad and Tobago who spoke to students about their role as Parliamentarians. The students also heard from Nevis Islander, Michelle Slack who attended the 9th Commonwealth Youth Parliament in Jersey earlier this year.

The CPA Roadshows provide an opportunity for young people to learn about the political values of the Commonwealth such as diversity, development and parliamentary democracy; to discuss issues of concern about the society in which they live; and to find out about the work of the CPA.

The CPA Secretary-General also held bilateral meetings with Hon. Anthony Michael Perkins, Speaker of the National Assembly of St Kitts and Nevis and Executive Committee Member for the CPA Caribbean, Americas and Atlantic Region; Mrs Marjorie Morton, Acting Deputy Governor-General; Hon. Hazel Brandt-Williams, Junior Minister for Health; and Hon. Alexis Jeffers, Deputy Premier of Nevis to discuss CPA activities in the region.

CPA Secretary-General calls for Parliamentarians to work in the best interests of their citizens during bilateral visit to Guyana

The Secretary-General of the Commonwealth Parliamentary Association (CPA), Mr Akbar Khan has completed a bilateral visit to Guyana where he undertook a programme of events with the National Assembly of Guyana and CPA Guyana Branch from 9 to 11 May 2018.

The CPA Secretary-General was received by His Excellency Brigadier Ret’d David A. Granger, President of the Co-operative Republic of Guyana at State House to discuss the CPA’s work in the region.

The CPA Secretary-General was the guest of the Prime Minister and First Vice-President of Guyana, Hon. Moses V. Nagamootoo at the 3rd National Guyana Social Cohesion Day Observance ‘celebrating lasting relationships in a diverse society’ at the National Cultural Centre in Georgetown. The Guyana Prime Minister made a speech at the event in which he said: “Our Observance today is under the theme ‘Celebrating lasting relationships in a diverse society’. We respected this diversity with prayers representing our religious diversity. We are all here together as Guyanese nationals, with a unique and distinct personality and identity even as we recognize our cultural mix, our religious preferences, our traditions and customs.”

The CPA Secretary-General said: “I am delighted to attend the Social Cohesion Day celebrating Guyana’s diverse society and am inspired by the wise remarks of Prime Minister Nagamootoo that only when we appreciate difference can we deepen our respect for each other. Congratulations to Guyana on leading the way.”

The CPA Secretary-General also met with Hon. Dr Barton Scotland, MP, Speaker of the National Assembly of Guyana and Executive Committee Member for the CPA Caribbean, Americas and Atlantic Region, and the Clerk of the National Assembly, Mr Mark Browne, to discuss the CPA’s work in the region.

The CPA Secretary-General was received by the Guyana Prime Minister, His Excellency Ret’d David A. Granger, President of the Co-operative Republic of Guyana, at State House as well as meeting with Members of the Government, the Opposition and leading organisations in Guyana including the UNDP and the University of Guyana.

CPA Secretary-General speaks to young people about the importance of Commonwealth political values during first official visit to Jamaica

The CPA Secretary-General, Mr Akbar Khan has spoken of the importance of the Commonwealth’s political values and the engagement of young people during his first official visit to Jamaica.

The CPA Secretary-General was speaking to young people at the inaugural CPA Roadshow for young people in Jamaica alongside local Members of Parliament, Minister of State in the Ministry of Culture, Gender, Entertainment and Sport, Hon. Alando Terrelonge urged more young Jamaicans to participate in CPA activities in the region.

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The CPA Secretary-General, Mr Akbar Khan has also held a number of bilateral meetings with key figures in Jamaica at Gordon House including; Hon. Karl Samuda, MP, House Leader to discuss the work of the CPA and Hon. Mr Justin Bryan-Symes, the Chief Justice of Jamaica to discuss the Commonwealth Latimer House Principles.
The Cayman Islands Branch of the Commonwealth Parliamentary Association (CPA) has successfully hosted the 43rd CPA Regional Conference of the Caribbean, Americas and Atlantic (CAA) Region. The CPA Regional Conference took place between 15 and 23 June 2018 in Georgetown, Grand Cayman, and saw over 60 delegates from across the CAA Region – and the wider Commonwealth – attend and participate in the week-long conference.

The theme of the annual CPA CAA Regional Conference was ‘Building Small Developing States’ and the regional conference focused on the pressing issues facing the region such as de-globalization, climate change and population growth. The regional conference was attended by Speakers, Members of Parliament and guest delegates from across the region. Hon. Dr W. McKeeva Bush, Speaker of the Legislative Assembly of the Cayman Islands hosted the regional conference and he was joined at the opening ceremony by His Excellency the Acting Governor, Mr Franz Manderson; the Premier of the Cayman Islands, Hon. Alden McLaughlin, MLA; and the Leader of the Opposition, Hon. Ezzard Miller, MLA.

During their opening speeches, the Caribbean leaders underscored the challenges being faced by small developing states in the region and urged delegates to use the topics selected for discussion to take workable solutions and best practice back to their jurisdictions. A total of 18 Caribbean nations and territories, including Antigua and Barbuda, Bermuda, the British Virgin Islands, St Kitts and Nevis, Dominica, Guyana, Jamaica, Montserrat, Trinidad and Tobago, St Lucia, and Turks and Caicos were represented at the regional conference. In addition, the regional conference also included guest speakers and observers from Canada, Cuba, the United Kingdom and the Isle of Man.

In a presentation that typified the strength of the CPA’s networks of mutual learning, Hon. Juan Watterson, SHK, Speaker of the Bahamas Parliament, and Hon. Chester Humphrey, President of the Senate also attended the ceremony.

43rd Regional Conference of the CPA Caribbean, Americas and Atlantic Region in the Cayman Islands discusses the building of small developing states

The 43rd CPA Regional Conference of the Caribbean, Americas and Atlantic Region saw several other important events take place alongside the main conference including the Annual General Meeting for the Regional Executive Committee, the 11th Regional Conference of the Commonwealth Women Parliamentarians (CWP) – see page 229 - and the 14th Caribbean Regional Youth Parliament Debate.

The 14th Caribbean Regional Youth Parliament, hosted by the CPA Cayman Islands Branch for the first time, saw young people aged 18-29 years (uttered above) from across the region come together to debate and experience parliamentary democracy in action. The Speaker of the Cayman Islands Legislative Assembly, Hon. Dr W. McKeeva Bush undertook the role of Presiding Officer of the Regional Youth Parliament and nineteen participants from nine Caribbean jurisdictions took part. The Youth Parliament aims to foster an appreciation and understanding of the rules and procedures of Parliament among the youth of the region and this year’s Caribbean Youth Parliament debated the motion: ‘Affirmation of the United Kingdom’s Decision to Exit the European Union’.

New Parliament Building opens in Grenada

A new Parliament building has been opened in St George’s, Grenada, at a ceremony attended by Commonwealth Parliamentsarians, Speakers of Parliaments, Prime Ministers, regional leaders, representatives of funding governments and the general public. Grenada’s new Parliament building was officially opened on Thursday 21 June 2018 and it follows the destruction of York House – the old Parliament building – by Hurricane Irma in September 2017.

The new Parliament of Grenada was officially opened with the unveiling of plaques by the Governor-General of Grenada, Her Excellency Dame Cecile La Grenade and the Prime Minister of Grenada, Rt Hon. Dr Keith Mitchell, MP. This was followed by a blessing of the building and a joint sitting of both Houses of Parliament which included the Proclamation by the Acting Clerk of Parliament and brief remarks by the Governor-General, Hon. Michael Pierre, Speaker of the House of Representatives and Senator Hon. Chrescher Humphrey, President of the Senate also attended the ceremony.

The new Parliament building in Grenada will house the twenty-eight Members of both Houses of Parliament (the Senate and the House of Representatives) plus nearly 200 ‘stranger’ seats for members of the public to view proceedings as well as offices for staff, the Prime Minister and the Presiding Officers. The parliamentary chamber is said to be designed in the shape of a nutmeg pod. The building is the most recent and modern public building in Grenada and it has been admired by many locals and visitors alike. The development is part of a regeneration project for the area of the island which will include tourist attractions.

The new building cost US$12.2 million and took twenty-five months to complete with the creation of over 200 jobs for individuals during the peak construction. The building has also been designed using the latest climate control technology and with environmental concerns in mind. Representatives from the financial donor countries of the United Arab Emirates (UAE) and Mexico attended the ceremony.

UAE Consul-General, Majid Al Suwaidi said: “The new Parliament building is a symbol of the Grenadian people’s civic pride and political heritage and the UAE (United Arab Emirates) is honoured to have contributed to its construction.”

He added that the building is a symbol of the close working relationship between both countries. “Mexico is committed to accompany Grenada in its many development efforts as we have proven through many bilateral cooperation projects.”

Grenada Prime Minister, Rt Hon. Dr Keith Mitchell thanked the governments who contributed towards the project and said that without their direct help, the building would not have been a reality. “They were true friends in words, and resolute in deed. They honoured their commitment to assist Grenada, and they did so against the backdrop of their own needs. They did so when others, with dated ties, did not, or were unable to, for different reasons. That demonstration of friendship is one we will cherish forever.”

The Prime Minister went on to thank regional and international friendly governments whose moral support of Grenada over the years must be recognised. “They know the importance of State buildings in our part of the hemisphere. They know this means for the consolidation of our democracy and our independence, and they have never failed to lend their voices in advocating for the rebuilding of this important symbolic institution.”

Regional leaders who attended the opening ceremony included the Prime Minister of Trinidad and Tobago, Hon. Dr Keith Rowley; the Prime Minister of St Vincent and the Grenadines, Hon. Dr Ralph Gonsalves; the Prime Minister of Saint Lucia, Hon. Allen Chastanet and the Secretary-General of the Caribbean Community (CARICOM), Ambassador Irwin La Roque.
Parliamentary strengthening partners work to update the CPA’s Benchmarks for Democratic Legislatures to assist Parliaments in meeting contemporary challenges

More than a decade on from the launch of the CPA Recommended Benchmarks for Democratic Legislatures by the Commonwealth Parliamentary Association (CPA) and its partners, a new body of work is being undertaken to revise and update the Parliamentary Benchmarks to reflect the changed landscape in which democracies now operate. The updated CPA benchmarks will also include measurements for the support of the implementation of the Sustainable Development Goals (SDGs) and the recommendations contained in the Commonwealth Charter.

SDG 16 centres on the peaceful and inclusive societies for sustainable development and the role of effective, accountable and inclusive institutions at all levels. Effective parliaments are one of the principal institutions of any functioning democracy and they are central to the attainment of SDG 16, the development agenda and all of the seventeen Sustainable Development Goals.

The launch of the CPA Recommended Benchmarks for Democratic Legislatures in 2006 was a pioneering step to strengthen Parliaments through the promotion of a set of democratic standards for Parliaments across the Commonwealth. Since the inception of the Benchmarks, Commonwealth Parliaments throughout the CPA membership of over 180 legislatures have undertaken self-assessments using the Benchmarks or have incorporated the Benchmarks into their own parliamentary standards. The focus on measuring impact and the need to demonstrate the effectiveness of legislatures is critical at a time of increased scrutiny of Parliaments and of Parliamentarians and the CPA Recommended Benchmarks for Democratic Legislatures provide a key tool in assisting parliaments to demonstrate their performance. The newly revised CPA Recommended Benchmarks for Democratic Legislatures will be shared with all CPA Branches and Members and published on the CPA website www.cpahq.org.

The Chief Executive of Westminster Foundation for Democracy (WFD), Anthony Smith, CMG said: ‘Feedback from legislators is clear: the updated CPA Benchmarks constitute an invaluable international reference which can help develop more effective and inclusive democracies. Under the Commonwealth Partnership for Democracy, WFD and its partners are ready to support Commonwealth Parliaments which wish to carry out reviews based on the CPA Benchmarks and SDG 16 indicators.’

The updating of the CPA Recommended Benchmarks for Democratic Legislatures is part of a wider project, the Commonwealth Partnership for Democracy (CP4D), which is being led by Westminster Foundation for Democracy (WFD) working with partners including the Commonwealth Parliamentary Association (CPA). The Commonwealth Partnership for Democracy was launched during the recent 2018 Commonwealth Heads of Government Meeting (CHOGM) in London, UK. Over the next two years, the programme will work with Parliaments in 18 Commonwealth Member States across Sub-Saharan Africa and South-Eastern Asia.

The CPA India Regional Chairperson and Speaker of the Lok Sabha speaks about women’s empowerment at first CPA India Regional zone meeting in Uttarakhand

The CPA India Region comprises the national Parliament of India (Rājya Sabha and Lok Sabha) and thirty-one state and provincial legislatures across India as well as being one of the most populated regions of the Commonwealth. At the 6th biennial CPA India Regional Conference held in Patna, Bihar in February 2018, the CPA India Regional Chairperson and Speaker of the Lok Sabha, India Parliament, Hon. Sumitra Mahajan, MP announced that four new regional zones would be created in the India Region to conduct zonal regional seminars and conferences for legislators to interact with each regularly across the country in between the regional conferences.

The first of the CPA India regional zone meetings took place in Uttarakhand on 28 May 2018 when the members of the zone-1 regional group met in Dehradun. Representatives of CPA India zone 1 Branches included Bihar, Uttar Pradesh, Jharkhand, Delhi, Odisha, West Bengal, Chhattisgarh and Uttarakhand.

The first CPA India zone 1 group meeting was presided over by the CPA India Regional Chairperson and the Speaker of the Lok Sabha, India Parliament, Hon. Sumitra Mahajan, MP who spoke about women’s empowerment in India and asked women to come forward for election to help with the progress of the nation. She also highlighted the rule that state legislatures can play in agriculture and industry and that the CPA India zonal meetings would provide an opportunity to ascertain how the States could connect better with each other and to discuss developmental issues.

Members also discussed the cleaning of rivers, water supplies and the impacts of climate change at the meeting. The Speaker of the Uttarakhand Legislative Assembly, Hon. Premchand Agarwal said that the meeting of the CPA India zone 1 group would give an impetus to its activities and would help in providing momentum to the efforts of state legislatures in their development goals.

Business workshop focuses on Women’s Economic Empowerment post-CHOGM

The Secretary-General of the Commonwealth Parliamentary Association (CPA), Mr Akbar Khan has spoken at a workshop at the Commonwealth Secretariat on ‘Women’s Economic Empowerment post-CHOGM: State of play and what next during the UK’s term as Chair-in-Office?’ on 24 July 2018.

The workshop, organised in partnership with the Commonwealth Businesswomen’s Network (CBW), brought together Commonwealth High Commissioners, businesswomen from the public and private sectors, representatives of Commonwealth Accredited Organisations and the Commonwealth Secretariat’s Gender Unit. The World Bank Gender Unit’s Tazeen Hasan highlighted a new report titled ‘World Bank Women, Business and the Law Report 2018’ which provides tangible evidence on the barriers facing women’s economic empowerment.

The CPA Secretary-General said: “I congratulate the World Bank Gender Unit on highlighting the barriers to women’s economic empowerment particularly in the Commonwealth. There is important work ahead for male and female Parliamentarians to achieving gender equality.”

The CPA Secretary-General spoke at the workshop alongside Arif Zaman, Executive Director, Commonwealth Businesswomen’s Network (CBW); Amelia Kinaha Siamomu, Adviser and Head of Gender, Commonwealth Secretariat; Hon. Anisa Dhanji, International Association of Women Judges and UK Association of Women Judges; Thana Sivasambua, Adviser of Diaspora and Enterprise, Government of Sri Lanka and Chief Operating Officer, CBW; and Amy Agnew, Europe Director, Global Citizon.

To view the report please visit the following link: http://wbg.worldbank.org/.
Focus on gender equality in Parliaments and parliamentary strengthening at 56th Commonwealth Parliamentary Association Canada Regional Conference in Ottawa

Commonwealth Parliamentarians from across the Canada Region have renewed their focus on gender equality in Parliaments and a commitment to parliamentary strengthening at the 56th Commonwealth Parliamentary Association (CPA) Canada Regional Conference, which has taken place in Ottawa, Canada from 22 to 27 July 2018. 2018 marks the centenary anniversary of women’s right to vote in the Canadian Federal elections.

Following an Indigenous Welcome to the CPA Canada Regional Conference, the conference was opened by Hon. George J. Furey, QC, Speaker of the Senate of Canada who said: “Canada has remained active as a founding member of the Commonwealth Parliamentary Association. It was great to speak at the 56th Canadian Regional Conference of the CPA and to kick off our important discussions. I enjoyed spending time with Parliamentarians at this annual meeting which brings together delegates from provincial, territorial and federal legislatures across Canada to discuss issues of common interest.”

The CPA Canada Regional Conference host, Hon. Yasmin Ratansi, MP, Chair of the Canadian Federal Branch of the CPA said: “It was with great pleasure that the Canadian Federal Branch of the CPA hosted the Association’s 56th Canadian Regional Conference in Ottawa. We were pleased to welcome CPA Chairperson, Hon. Emilia Monjowa Lifaka to join us. This year’s sessions were particularly topical. The guest speakers engaged Parliamentarians in thoughtful and meaningful discussions. The topics ranged from foreign interference in democratic process, women’s role as agents of change as well as the important role of the inter-parliamentary associations in helping build better economic, cultural and diplomatic ties. We are privileged that the CPA provides a forum for debate to thrive in a respectful and non-partisan environment.”

The Chairperson of the CPA Executive Committee, Hon. Emilia Monjowa Lifaka, MP, Deputy Speaker of the National Assembly of Cameroon, addressed delegates at the opening of the CPA Canada Regional Conference and said that Parliamentarians must be part of the sustainable development agenda as they can play a vital role in its implementation and updated members on the work of the CPA Headquarters Secretariat. To read the CPA Chairperson’s speech at the CPA Canada Regional Conference please visit www.cpahq.org/cpahq/chairspeeches.

The CPA Canada Regional Conference was attended by 61 Commonwealth Parliamentarians from the federal, provincial and territorial legislatures of the region as well as sixteen Parliamentary Clerks and many special guests who attended workshop sessions on a wide range of topics including: Parliament and the #MeToo movement; Foreign Interference in the Democratic Process; Balancing Work and Family Time during the Parliamentary Schedule; Underrepresentation of women in Parliament; Inter-Parliamentary Relations; Balancing Public and Private Life in the Age of Social Media.

The regional conference also heard from a number of organisations including the Assemblée Parlementaire de la Francophonie (APF); the Samara Centre for Democracy, Concordia University; the Canadian Security Intelligence Service (CSIS); Equal Voice; the Canadian Global Affairs Institute; and the Canada Institute. Hon. Bruce Stanton, Deputy Speaker of the House of Commons, addressed delegates at the closing of the regional conference.

Ahead of the CPA Canada Regional Conference, the Commonwealth Women Parliamentarians (CWP) Canada Region held a regional meeting and workshop sessions introduced by the CWP Canada Regional Chair, Hon. Laura Ross, MLA (Saskatchewan). During the CWP Canada Regional meetings, the CPA Chairperson, Hon. Emilia Monjowa Lifaka, MP, together with Hon. Laura Ross, MLA launched the new CWP Canada Regional website at www.cpahq.org/cwpah. See page 229 for a report of the CWP Canada conference.

Images of 56th CPA Canada Regional Conference at: www.cpahq.org/cpahq/Twitter.

Commonwealth Parliamentarians from the CPA Pacific and Australia Regions at 49th Presiding Officers and Clerks Conference in Wellington, New Zealand

Over 60 Commonwealth Parliamentarians from the Pacific and Australia Regions of the Commonwealth Parliamentary Association (CPA) have attended the 49th Presiding Officers and Clerks Conference (POCC) at the Parliament of New Zealand in Wellington from 8 to 11 July 2018.

Key topics on the agenda for the delegates included how Parliaments can develop and change; the role of the Speaker; and security and stability. The delegates at the POCC also discussed family-friendly Parliaments and communicating Parliament to the people.

Professor Hon. Margaret Wilson, DCNZM, a former Speaker of the New Zealand House of Representatives, gave the opening address in which she touched on important issues such as how Parliaments adapt to societal change; a renewed demand for ethics, transparency, and openness; and providing the public with an insight into decision-making.

Guest speakers at the conference included former New Zealand Prime Minister and UNDP Administrator, Rt Hon. Helen Clark and Dr Gill Greer, Chief Executive of the National Council of Women NZ. Conference papers revolved around many different themes with presentations delivered a wide range of speakers including Hon. Kate Doust, President of the Western Australian Legislative Assembly; Hon. Joy Burch, MLA, Speaker of the Legislative Assembly for the Australian Capital Territory; Hon. Poto Williams, MP, Assistant Speaker of the New Zealand Parliament; Hon. Bruce Atkinson, MLC, President of the Victorian Legislative Council; Hon. Aijon Naaqo, Speaker of the Solomon Islands; David Kusilifu, Deputy Clerk of the Solomon Islands; Hon. Kezia Purick, MLA, Speaker of the Northern Territory Legislative Assembly; and Hon. Simon Pentanu, Speaker of the Bougainville House of Representatives.

The annual conference is for Presiding Officers (Speakers) and Clerks from Parliaments from the CPA Pacific and Australia Regions and is hosted by a different Parliament or Legislature each year with the New Zealand Parliament taking up the honour in 2018. The conference also saw the continuation of the successful twinning programmes for Parliaments in the two Regions with meetings taking place between twinning partners.

Rt Hon. Trevor Mallard, Speaker of the New Zealand House of Representatives said: “Legislatures around the two Regions differ dramatically in terms of size – but we all face similar challenges in how to ensure Parliaments are family friendly, accountable, open, and diverse in the 21st century. Parliaments cannot run without an efficient team of Clerks and Presiding Officers. This conference provides a valuable opportunity for representatives from around the Pacific to share ideas, impart knowledge, and grow global connections for stronger Parliaments.”

David Wilson, Clerk of the House of Representatives of New Zealand, added: “The New Zealand Parliament takes great pride in hosting the 2018 conference. We’re confident that delegates will leave the conference with an enhanced understanding of how to support the function of democracy in their legislatures.”

There was a diverse range of Parliaments and Legislatures represented at the conference, with Presiding Officers and Clerks from Australia (both the Federal Parliament and State Legislatures), New Zealand, the Autonomous Region of Bougainville, the Cook Islands, Kiribati, Micronesia, Niue, Nauru, Papua New Guinea, Samoa, the Solomon Islands, Tonga, Tuvalu and Vanuatu.

A number of papers presented at the 49th Presiding Officers and Clerks Conference (POCC) in New Zealand are published in this issue of The Parliamentarian.
What it is we require…? We expect dignity and authority, tempered by urbanity and kindness, firmness to control and persuasiveness in counsel, prudence or discretion and just, formal, temperance and firmness in character. A nature so uniformly combined with an inflexible courtesy, so as to give by his own bearing an example and a model to those whom he pervades, an impartial mind, a tolerant temper, and a reconciling disposition… These are high and exacting demands – Sir William Harcourt, Chancellor of the Exchequer, 1895

Introduction and overview

This article sets out my perspective on the role of Chair in the Australian House of Representatives. It takes a practical approach, describing the arrangements we have in the House of Representatives to support the role of Chair and our subsidiary debating Chamber, the Federation Chamber; outlining professional development opportunities provided to Chairs; and some practical approaches that I have found useful for developing the knowledge and the many and varied skills of an effective Chair.

I certainly don’t presume to have all the answers. In fact, I still have some questions of my own about the role. I’m sure that colleagues will have their own perspectives, no doubt informed by their own experiences and the culture and practice of the Parliament in which they operate. And of course, those of us who serve in the Chair will inevitably bring our own personality to the role.

Qualities of the Chair: the ideal and the real

The high bar set by Sir William Harcourt regarding the qualities expected of a UK House of Commons Speaker in the late 19th century remains relevant to those occupying the Chair in any Westminster-style Parliament today. The Australian Speakership, which has its roots in Westminster, has evolved in a unique way to be something quite different from its British counterpart. In the UK Parliament, the Speaker is seen to be completely independent in his or her administration of the Chamber and the House. In Australia, the approach has been more to demonstrate impartiality in the Chair.

Matters of personality and character

A level of respect for the authority of a Chair is expected from all Members, but to a large degree, a Chair earns the respect of Members as Speaker in my absence and relies in the Chair as Deputy Speaker whenever requested to do so. Currently there are a further fourteen Members on the Speaker’s panel who may also take the Chair as Deputy Speaker. Members of the Speaker’s panel, appointed by warrant, include government and opposition backbench Members. When in the Chair, panel members exercise similar powers to the Speaker and functions to the Speaker.”

In practice, the office of the Deputy Speaker organises a roster for Members to chair the House or for the office. The current composition of the Speaker’s panel includes Members with varied chairing and parliamentary experience. As was the practice with previous Speakers, I take the Chair in the Chamber at particular times each sitting day. These are at the opening of proceedings, during Question Time, and during the adjournment debate at the end of a sitting. I also often attend for significant debates or, for example, when the Prime Minister is making a statement to the House. In the current Australian Federal Parliament, due to the close number of Members on the floor of the House, I take the Chair for every division so that members of the Speaker’s Panel are not denied the opportunity to exercise a deliberative vote. Since I was elected Speaker, I have exercised the casting vote three times and have had cause to be grateful for the principles that have developed over time (beginning in Westminster), for the exercise of the vote.

At other times, the Chair is occupied by the Deputy or Second Deputy Speaker, or of one of the members of the Speaker’s panel. So, while it is the Speaker who presides over Question Time each day, there are significant periods at other times during a sitting when somebody other than the Speaker occupies the Speaker’s Chair. In the Chair, panel members interpret and enforce the Standing Orders as if they themselves were Speaker, by responding to Members’ points of order and giving rulings on procedure when necessary. This may include, for example, deciding whether remarks made in a speech about another Member are offensive, or whether a Member’s speech is relevant to the motion or legislation being debated.

If serious disorder arises when a member of the Speaker’s panel is in the Chair, the Speaker or Deputy Speaker will often resume the chair. If this is necessary, it should be done so as not to be perceived as portraying a lack of confidence in colleagues, and at the same time not requiring an inexperienced Chair to endure unnecessary difficulties that may hamper the further development of their professional skills. Ultimately, the primary consideration is the proper conduct of business. The Deputy Speaker is the Chair of the Federation Chamber of the House of Representatives. The Federation Chamber, or ‘second chamber’, is a subsidiary

Hon. Tony Smith, MP has served as the Speaker of the Australian House of Representatives since August 2015. First elected as the Federal Member for Casey in Victoria in 2001, he has previously served as Parliamentary Secretary to Prime Minister John Howard and in a range of Shadow Ministerial and Committee positions. Most recently, he was the Chair of the Joint Standing Committee on Electoral Matters.
Each sitting day the House Table Office provides the Chair and his or her officers with a variety of resources to help them in the performance of their duties. These resources include a daily agenda, reminders of important dates, and guidance on how to handle various situations that may arise. The House Table Office is also responsible for the smooth operation of the Chamber, including managing the flow of speakers, ensuring that the rules of the House are followed, and maintaining order during proceedings. The Chair is assisted in these tasks by the Clerk and Deputy Clerk, who are responsible for managing the Chamber's business and providing the Chair with the necessary support to enforce the rules of the House.

The Speaker, as the leader of the House, is responsible for maintaining order in the Chamber and ensuring that the proceedings are conducted in a fair and impartial manner. The Speaker is also responsible for chairing the House when the Chair is absent or incapacitated. The Speaker's role is crucial in maintaining the integrity of the House and ensuring that the business of the House is conducted in a proper and respectful manner. The Speaker is expected to be impartial and maintain a high standard of decorum in the Chamber.

The Speaker and the Chair have a close working relationship, and both are essential for the effective functioning of the House. The Chair relies on the Speaker for guidance and support, while the Speaker relies on the Chair to assist in maintaining order and ensuring that the House operates in accordance with its rules. The Speaker and the Chair work together to ensure that the House functions smoothly and effectively.

References:
MORE THAN JUST POINTS OF ORDER: THE ROLE OF A SPEAKER IN A SMALL LEGISLATURE

Tom Duncan is the Clerk of the Legislative Assembly for the Australian Capital Territory. He was also until recently the CPA Australia Regional Secretary.

Introduction

While many see the role of the Speaker as a rarified and cranky prefect whose responsibility is largely confined to the coercion and punishment of wayward Members during rowdy proceedings, there are, of course, many other aspects of the role.

This article discusses the role of the Speaker in a small legislature, using the example of the Legislative Assembly for the Australian Capital Territory, and how the role has evolved over that time. While many of the matters that reflect on here will be familiar to those from other Parliaments, there are some that are novel, and others that are unique.

Speakers in the Australian Capital Territory (ACT) Legislative Assembly

The role of the Speaker in the Legislative Assembly is similar to the role of Speakers in most Commonwealth Parliaments. As set out in the Speaker’s Guidebook, in the Chamber, the Speaker oversees the Assembly’s proceedings, interprets the rules on the application of the standing orders, and is responsible for maintaining order. The Speaker is in many ways a custodian of the institution of Parliament and plays an important role in defending, strengthening and promoting its legislative, representational and accountability related functions.

Of the Seven Speakers elected in the ACT Legislative Assembly since its inception in 1989, three of them have not been government Members of the Legislative Assembly (MLA). In the First Assembly, an MLA from the No Self-Government party was elected as Speaker. In the Seventh Assembly, an ACT Greens MLA was elected Speaker and, in the Eighth Assembly, an opposition MLA was elected Speaker.

Speaker presides over Question Time

One of the more prominent tasks performed by the Speaker in Australian Parliaments is presiding over Question Time each sitting day. Under the Assembly’s Standing Orders, Question Time cannot conclude until every non-executive Member rising has asked at least one question. Such an exhaustive approach is, of course, only possible in a small Parliament but even with only 17 non-executive Members eligible, that amounts to 51 questions (including supplementary questions) that are asked in any given Question Time period, 38 of which are asked by the Opposition.

As is the case in most other Parliaments, the Leader of the Opposition also has the first question during Question Time. The Minister responding has two minutes to answer and the Member who asked the original question is then entitled to ask a supplementary question, which the Minister also has two minutes to answer. Then another Member can ask a further supplementary, which the Minister has two minutes to answer. This continues until all non-executive MLAs have risen at least one question.

Speaker faces no confidence motions

In the short history of the Assembly there have been only two motions of no confidence moved against the Speaker. Although there is no provision in the Standing Orders for a dissent motion to be moved to a ruling of the Speaker, there is a practice that, on most occasions, leave will be granted for a Member who wishes to challenge a ruling to move a motion of dissent. There have been only two successful dissent motions moved since 1989 - one overturning a decision of the Speaker that the ward was unparliamentary, and another overturning a decision not to allow access to the media to film or record proceedings of the Assembly.

Speaker can ‘name and shame’

Unlike many other Australian Legislatures, the Speaker does not have the power to suspend Members for short periods (often called ‘the sin bin’), this power being reserved for the Assembly itself.

The Speaker does have the power to ‘name’ a Member, and it is the normal practice that, after being named, the Assembly resolves to suspend the named Member for three sitting hours, or if it is the second naming that calendar year, for a sitting day.

As can be seen in Table 2, this power has been used sparingly over the last 29 years, with a total of 35 Members being named and suspended.

Interestingly, over the life of the whole Legislative Assembly, the Assembly that recorded the highest number of Members named by the Speaker was the only Assembly in which a government majority prevailed (the Sixth Assembly). And the Member who was named the most (five times) went on to become a successful Speaker, serving for two terms.

Speaker’s Art Advisory Committee selects art for the Assembly

In the Third Assembly, Speaker Roberts McRae established an Art Advisory Committee, the role of which was to advise the Speaker in relation to the acquisition, display and maintenance of artworks in the Assembly building. The Committee is chaired by the Speaker and comprises representatives from government, opposition and crossbench MLAs, as well as three ACT arts community representatives and staff of the Office of the Legislative Assembly (the Office).

The Committee administers a $50k budget which it uses to acquire artworks from local artists for display within the building. The Committee is supported by a curatorial advisor who is tasked with providing expert advice to the Speaker and the Committee on the acquisition, storage, maintenance and display of artworks.

During the 2016-17 financial year, the Committee acquired eight artworks. New acquisitions are usually displayed in a prominent public space within the Assembly building for a period of time before being relocated to other parts of the building such as internal walkways and Members’ offices.

Speaker controls access to the precincts

Like most Parliaments, the Assembly passed legislation in 2001 (the Legislative Assembly Precincts Act 2001) that established the precincts of the Assembly and conferred on the Speaker a number of powers in relation to them. The two precincts are the Assembly building and separate office accommodation for staff of the Office of the Legislative Assembly. Amongst other matters, the Speaker may:

• issue licences for the use of the Assembly precincts (s 7A);
• delegate his or her powers to remove a person to certain senior officers of the Office of the Legislative Assembly.
of the Legislative Assembly (s. 85) and
• some divine in fees in relation to
the Act (s. 11A). It is a long-standing parliamentary convention that when police officers wish to enter parliamentary precincts for the purposes of interviewing a Member of Parliament or effecting a search warrant, they notify the Presiding Officer. Since November 2006, there has been a Memorandum of Understanding (MOU) in place between the Speaker and Police officers for the Australian Capital Territory setting out more detailed arrangements concerning access to the precincts by police officers in the performance of their official duties. This memorandum was recently updated.

Speaker chairs Standing Committee on Administration and Procedure The Speaker chairs the Standing Committee on Administration and Procedure which is responsible for determining the order of private Members, Assembly and Executive Members business, as well as advising the Speaker on the operation of the Assembly Library, Member’s entitlements (including facilities and services) and the maintenance of its facilities and services) and the Member’s entitlements (including facilities and services), and Procedure which is responsible for the administration of the legislature. The Speaker has substantial powers in relation to the Officers of the Assembly: • appointing the Auditor-General, members of the Electoral Commission and the Electoral Commissioner; • appointing an acting Auditor-General, acting Electoral Commissioner, • suspending and retiring the Auditor-General, the Executive and the Electoral Commissioner; • ending the appointment of the Auditor-General, the Clerk and a member of the Electoral Commission (subject to detailed actions of the Assembly); and • engaging both a strategic reviewer and an independent auditor of the Auditor-General. As part of the role in relation to estates, the Speaker receives from each of them a declaration of their private interests.

In exercising these functions, the Speaker may receive advice from the Ethics and Integrity Adviser, the Commissioner for Standards and Procedure who is responsible for the operation of Committees, and Ministers’ offices, resources interaction between Committees and to the Speaker to keep abreast of the activities of Committees and to assist them in the important work they undertake.

Speaker appoints Officers of the Assembly The Officers of the Assembly-Legislation Amendment Act 2017 has the effect of establishing the Auditor-General, the Ombudsman (currently this role is performed by the Commissioner Ombudsman but there is a scope for the ACT to appoint its own Ombudsman) and the three Electoral Commission members as independent Officers of the Legislative Assembly. This advice is usually co-ordinated through the Office of the Clerk. In addition, the government has flagged an intention to introduce legislation to establish an Integrity commission and there are indications that any Commissioner’s role would also be an Officer of the Assembly. The Speaker has substantial powers in relation to the Officers of the Legislative Assembly including: • appointing the Auditor-General, members of the Electoral Commission and the Electoral Commissioner; • suspending and retiring the Auditor-General, General, the Executive and the Electoral Commissioner; • ending the appointment of the Auditor-General, the Clerk and a member of the Electoral Commission (subject to detailed actions of the Assembly); and • engaging both a strategic reviewer and an independent auditor of the Auditor-General. As part of the role in relation to offices, the Speaker receives from each of them a declaration of their private interests.

more than just points of order: the role of a speaker in a small legislature

Table 3: Bills presented by the Speaker to the Assembly

<table>
<thead>
<tr>
<th>Assembly</th>
<th>Bill Name</th>
<th>Act No</th>
<th>Introduced by</th>
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<tbody>
<tr>
<td>Assembly (Broadcasting) Amendment 2002</td>
<td>A2002-52</td>
<td>Speaker Barry Wayne</td>
<td></td>
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<tr>
<td>Assembly Precincts Amendment 2002</td>
<td>A2002-63</td>
<td>Speaker Barry Wayne</td>
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<tr>
<td>Public Service Management Amendment 2005 (no 2)</td>
<td>A2005-42</td>
<td>Speaker Barry Wayne</td>
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<tr>
<td>Assembly Legislation Amendment Act 2005</td>
<td>A2005-62</td>
<td>Speaker Barry Wayne</td>
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</tr>
<tr>
<td>Assembly (Members’ Staff) Amendment 2008</td>
<td>A2008-98</td>
<td>Speaker Barry Wayne</td>
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</tr>
<tr>
<td>Assembly Legislation (Office of the Legislative Assembly) 2012</td>
<td>A2012-26</td>
<td>Speaker Shane Rattenbury</td>
<td></td>
</tr>
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The Speaker’s Role in Dealing with Disorderly Behaviour

The Calm After the Storm: Are Storm Clouds Brewing Again? The Speaker’s Role in Dealing with Disorderly Behaviour

As the Northern Territory reaches its mid-term mark, two years after the 2016 election and two years before the 2020 General Election, it’s timely to pause and assess how orderly the 13th Assembly is and consider comparisons with the 12th and previous Assemblies to consider which was the most tumultuous in the short and colourful history of the Northern Territory legislature. The 13th Assembly ran from 2012 to 2016 and had would kindly be referred to as somewhat more disorderly. At that time, the Cabinet (unofficially) actively wanted the role of Chief Minister for themselves with three Ministers serving or attempting to serve in the top job. I won’t go into detail here about the bizarre midnight coup of 3 February 2015, just enter that into your favourite search engine for more details.

A revolving door of Cabinet reshuffles (18 in four years) and the sheer number of Deputy Chief Ministers reflected the lack of consistent leadership in Government. This had a significant impact upon the Legislative Assembly.

A Government with initially 16 Ministers in August 2012 was reduced to a perfunctory minority of 11 by the time of the 2016 election. With a new Assembly came renewal. We have not even had a Cabinet reshuffle since the first Ministry was announced after the 2016 election.

The Country Liberals who were soundly defeated in 2016 with only two Members being returned to a shrunken Opposition bench and 18 Labor Government Members now occupying the Treasury benches in the 25 Member Parliament. This article examines the statistics of the disruption and misbehaviour in a number of Legislative Assemblies of the Northern Territory but particularly the 12th Assembly (2012-2016) in comparison to the first two years of the 13th Assembly and gives some consideration to whether the storm before the calm was an anomaly or whether further storms are brewing.

The Personality of a Parliamentarian

Before I delve specifically into the Northern Territory Assembly, I was amused to recently come across a selection of general character analysis of the constitution of a Member of Parliament from a former Member of the UK House of Commons: “Nobody without a gambling streak, a taste for uncertainty and a belief in the impossible; lacks self-confidence; more than versus other than emotional security. Then it’s band in what it is, for long stretches a spectacularly boring job. Being an MP leads your vanity and staves your self-respect.”

These rather sensational words contained in the introduction to his book Great Parliamentary Scandals: Four Centuries of Calumny, Smear and Insinuation, were published in 1995 by Matthew Parris, a journalist and author of the Archipelago of Innuendo and Four Centuries of Calumny, Smear and Insinuation. While perhaps not always applicable, it does strike me that these words may have some relevance to what occurs from time to time in our various jurisdictions. And I note Mr Parris said it was about men – perhaps it is particularly relevant for men entering Parliament.

In the Northern Territory, the 13th Assembly commenced with a very new atmosphere and, until I started putting this article together, there had not even been a single warning to any Member let alone an ejection from the Chamber.

Liar!

All that changed in May 2018 when the first injection occurred after a Member disregarded my ruling they must withdraw offensive words. Intriguingly, that Member has continued to seek clarification about the ruling in two email communications to me since then.

On 3 May 2018, a Member used the word ‘liar’, which I ruled out of order. It was directed at the Chief Minister by way of an interjection as follows: “Government Member. A point of order, Madam Speaker! Standing Order 11.0: relevance. You did the people of Alice Springs — a blatant lie. Madam Speaker: Withdraw. Member: I do not withdraw because he has lied.”

Further asked that my ruling on this matter will prevail unless the Assembly itself determines otherwise. I also consulted the Clerk who examined the House of Representatives of Hansard from 25 May 1988 and found no instances of Standing Order 11.0 referred to another Member of the House as a ‘liar’. I advised the Member that it is the practice of the Northern Territory Legislative Assembly and the Australian Federal House of Representatives that Members may only direct a charge against another Member or reflect upon the character or conduct of another Member by way of a substantive motion which requires a vote of the Assembly. I have specifically directed the Member to page 515 of his Australian Parliament’s Standing Orders: “Letters of instruction at Article 5.0: Procedural Information and Answering Questions such as: which Members have been disciplined and which Parliament has been the most disorderly?”

A tiny opposition of only two Members has not been the noisiest, and some of the five independents have taken on a distinctly Opposition type role and are relishing the opportunity. How did we get here?

The Assembly in Retrospect

The inspiration for the report I requested was “That’s it, you’re out” which outlined the basis of the House’s authority to deal with disorderly behaviour, and the procedures available to the Speaker to act on such behaviour.

That report analysed the 1,876 instances of disorderly behaviour recorded in their Hansard with a view to identifying patterns over time, the extent and degree of disorderly behaviour, and answering questions such as: which Members have been disciplined and which Parliament has been the most disorderly?

A similar report was developed at my request to provide Members of the Legislative Assembly with procedural information and background on what has been ruled disorderly and the consequences over the life of our Assembly.

While the House of Representatives report had more than 100 years of records to draw on, the Legislative Assembly has just over 40 years of fewer Members participating in the
business of Parliament and, as a consequence, fewer instances of disorderly behaviour.

I think most Parliamentarians and Legislatures in the Australia Region probably have the one hour ‘sin bin’.或Presiding Officer to cool things down which is an inherent power contained in Standing Orders not to be exercised or discretion as it is not a ruling per se.

The concept of the sin bin one hour exclusion was introduced into the House of Representatives in 1994 after the Standing Orders Committee reported that the process of naming a Member, a vote on a motion – something requiring a division – then suspending a Member was time-consuming and did disrupt the flow of business in the House.

In the Northern Territory, it was introduced three years later in November 1997 as Standing Order 2404 (Standing Order 49 as of April 2016). Taking into consideration the small size of the Northern Territory Legislative Assembly, Standing Order 49 and its predecessor 2404 specifies that, during their enforced hour out of the Assembly, the Member may be readmitted to vote in any division, and to be counted in a quorum.

If a Member fails to leave the Assembly immediately after he or she has been ‘sin binned’, the Speaker may of course name the Member with the result being a two-hour period of suspension in the first instance.

Under the revised Standing Orders adopted in 2016, the period of suspension imposed after the Member had been ‘sin binned’ the Speaker may of course name the Member with the result being a two-hour period of suspension in the first instance.

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The earlier assemblies were able to impose more severe penalties when the result of dis-orderly behaviour was more serious and the Speaker imposed a disciplinary action, a pattern emerges of more penalties applied in more recent assemblies.

The dramatic increase from the 8th Assembly corresponds with the Member’s second offence in the 11th Assembly when she was ‘named’ in the Chair, as it was the Member’s second offence in a calendar year, a suspension of 24 hours was mandated by any vote of the Assembly.

The outcome of the introduction of the one hour exclusion penalty has coincided with the introduction of an interesting statistic. While under my Speakership the Presiding Officer is the top ranking exclusion, the number of accumulated hours imposed is down at the bottom of the rankings.

1. The 12th Assembly recorded 44 instances of disciplinary actions taken with the next closest being 28 actions in the 11th Assembly.
2. Members were disciplined on 28.5% of meeting days in the 12th Assembly compared to previously, a pattern of disciplinary actions taken.

The enactment of a vote after a naming, over recent years compared to previously, continuing to interject and reflecting on the Chair.

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The 13th Assembly

Initiated distinctly by cordial relations and a cooperative approach, things have more recently become a little more heated in the Legislative Assembly. The opening up of almost all of Wednesday to Opposition and Private Members’ business is a hallmark of the 13th Assembly’s reforms. On Wednesday no ‘Dorothy Dix’ questions are raised and free time is followed by up to four hours of Private Members’ business each sitting week.

These concessions allow an Assembly time to consider other matters before the Government more often have been well received; but will it ever be enough?

While arguably it leads the Opposition and Crossbench to the exhaust of topics in an hour of question time and case it be a little repetitious, and its called Question Time and not Answer Time as sometimes answers may be a little elusive. Remember we have only six Members and a total of six available Members on the Opposition and Crossbench including the two in Opposition. In 2017, the Opposition decided to boycott the Estimates process altogether leading to a six day festival of ‘Dorothy Dixes’ from the Government Estimates Committee Members scrutinising the Ministers.

The boycott was because the Estimates Committee determined that the Federal Budget measures were taken analysing departmental annual reports in November and the other half of the time (20 hours) would be on the Annual Budget and forward estimates in June. The Opposition argued this cut the opportunity to scrutinise Ministers over the Estimates.

This was not well received by the popular press and the boycott was not repeated last month for their Estimates.

Other adventures in the 13th Assembly have included the first finding of a Contempt of the Assembly since 1991, but that is a story for another day.

Conclusion

Let’s wait and see if the 13th Assembly ramps up, but it appears rather unlikely it will reach the crescendo of the 12th Assembly’s 37 elections.

With a General Election required in August 2020 and approximately 60 Questions on the Order Paper, the calculation of how many days of the Assembly sits each year, including an election year, is plenty of opportunity for this Assembly to match or exceed those 37 elections of the 12th Assembly, however with 66 sitting days being an immediate expectation to date so far this Assembly, it appears that unless something amazing happens it will be unlikely we will see that dubious record.

This article is based on a paper presented by the author at the 49th Presiding Officers and Chairmen Conference (POCC) for the CPA Pacific and Australia Regions in Wellington, New Zealand from 8-13 July 2018.

References:

1. The 2017 report was an updated version of a 2013 report produced by the same author. In it the author presents a Dorothy Dix is a rehearsed or planted question asked of a government Minister by a backbencher of its own political party during Parliamentary Question Time.
THE INTRODUCTION OF THE ABORIGINAL LANGUAGES BILL IN THE PARLIAMENT OF NEW SOUTH WALES

Introduction of the Aboriginal Languages Bill 2018

The Aboriginal Languages Bill 2018

On 31 October 2017, the New South Wales (NSW) Minister for Aboriginal Affairs, Hon. Sarah Mitchell, MLC, introduced the Aboriginal Languages Bill into the Legislative Council. Debate on the Bill commenced that day and continued the following week. The Bill received unanimous support in both Houses and, following the making of five amendments, the Bill was agreed to and received assent on 24 October 2017.

The objects of the Bill were:
- to acknowledge the significance of Aboriginal Languages to the culture and identity of Aboriginal people
- to establish an Aboriginal Languages Trust, using proceeds solely by Aboriginal people to facilitate and support Aboriginal language activities to reawaken, nurture and grow Aboriginal Languages, and
- to require the development of a strategic plan for the growth and development of Aboriginal Languages.

Unusually, the Bill included a preamble, a particularly powerful preamble, which has both symbolic and practical meaning: “WHEREAS:
(a) The languages of the first peoples of the land comprising New South Wales are an integral part of the world’s oldest living culture and connect Aboriginal people to each other and to their land;
(b) As a result of past Government decisions, Aboriginal languages were almost lost, but they were spoken in secret and passed on through Aboriginal families and communities;
(c) Aboriginal people will be connected with their culture and heritage by the reawakening, growing and nurturing of Aboriginal languages;
(3) Aboriginal languages are part of the cultural heritage of New South Wales;
(d) It is acknowledged that Aboriginal people are the custodians of Aboriginal languages and have the right to control their growth and nurturing;
The Legislative Council of New South Wales therefore enact(s).”

The significance of the legislation

The contributions during the Second Reading debate in the Legislative Council give a sense of the significance of the Aboriginal Languages Bill.

The Minister for Aboriginal Affairs, Hon. Sarah Mitchell, MLC, said: “As the English flag was being raised not far from the Parliament in 1788, the Eora language would have been heard. Eora was just one of an estimated 35 first languages of the more than 100 dialects of those languages, spoken on the lands of what is now New South Wales. First people’s languages belong to the land, and to its custodians. Languages hold knowledge of country, the stories of its creation, its seasons, and first peoples’ connections with and obligations to it. Languages also speak of first people’s connections to each other. Languages are part of the song lines going across this State, connecting people, places and time, and connecting the current generations to the past, their ancestors and to the futures. Past governments, through their assimilation policies and practices, tried to eliminate first peoples’ languages. Speaking language was forbidden on Aboriginal reserves and missions, people were arrested for doing so to speak their language in public, and children were removed because their parents or grandparents were heard uttering their language. During conversations on the draft Bill, Uncle George Fernando from Gingir Mission could not forget how old people were imprisoned for speaking Gamilaraay, at Wiagga Wiagga, Dr Stan Grant Senior said: ‘Gomeroi cannot grow and continue to grow until given oxygen and nourishment, to be given support, they grow back into their full glory once more.’

Marking the significance of the introduction of the legislation

Some weeks before the introduction of the Bill, the Clerk and I were approached by the Minister and her officers. It was pointed out that the legislation had been fifteen years in the making and would be for a long journey that, in the last 18 months, had been the subject of state-wide consultation with Aboriginal language stakeholders. There was considerable interest in the legislation and its development and its final form would be watched by Aboriginal people throughout New South Wales, across Australia and also in other parts of the world, such as North America. We were asked whether we would be open to the incorporation into the proceedings in the House of a culturally appropriate ceremony to mark the introduction of the Bill that would be both symbolic and potentially transformative. The legislation would be introduced in the Legislative Council as the Minister for Aboriginal Affairs was a Member of the Legislative Council and the Premier had advised that she would be given this honour in view of her hard work to bring the legislation forward. Fortunately, only a couple of months before, during the 48th Presiding Officers and Clerks Conference (POCC) hosted by the Parliament of New South Wales in Sydney, we had heard a presentation by Hon. Chester Borrows, MP, then Deputy Speaker of the New Zealand House of Representatives. Hon. Chester Borrows had outlined a number of recent innovations in the New Zealand Parliament which had made Parliament more accessible to citizens and more relevant to their lives. One of those innovations was the relaxation of rules to facilitate the observance of some aspects of the Treaty of Waitangi Settlement Bills. He gave the example of permitting ‘waiata, the singing of songs or hymns from the public galleries, and the saying of a ‘kawahau’ or prayer by a Member at each sitting. Hon. Chester Borrows stated: ‘These additions are not only respectful to Maori; they increase the relevance of the House of Representatives to all New Zealanders lives and now we see it as normal process of doing business of Parliament.’”

Above: A smoking ceremony takes place in front of Parliament House in New South Wales with representatives of the traditional owners of the land on which Parliament meets. The Minister’s request I consulted the Clerk and the advice received was that provided the House clearly approved any innovative procedures (in motion), the House could temporarily suspend any of the rules that might otherwise stand in the way of incorporating any ceremony that could practically be incorporated into the procedures of the chamber. During a number of meetings with the Minister’s staff and departmental staff a range of ideas were discussed, including:
- a welcome to country
- a smoking ceremony
- Aboriginal elders and language group representatives being admitted to the floor of the Chamber
- a message stick being carried with the Bill and presented to the Minister
- Aboriginal languages being spoken in the Chamber
- music and dance.

The legislation would still need to go through all of the relevant stages namely: introduction by notice of motion; the moving of a motion for leave to introduce the Bill; the presentation, First Reading and printing of the Bill; the Second Reading; and consideration in Committee of the whole. Third Reading, forwarding to the other House for concurrence. Further, whatever innovative procedures were adopted needed to be carefully crafted so as to address any anxieties or misgivings from traditionalists who might be uncomfortable with departing from the long-standing traditions of the House.
On October 10, 2017, the Minister for Aboriginal Affairs gave a Notice of Motion for leave to introduce the Bill. She also gave a Notice of Motion seeking the support of the House for a series of procedures to be followed the next day. On Wednesday 11 October 2017, the Minister moved the latter motion and the House agreed to suspend standing orders. As a result, the introduction of the Aboriginal Languages Bill proceeded as follows:

- Immediately following the House agreeing to a motion for leave to introduce the Bill, the President left the Chair with the sitting interrupted.
- Members then proceeded to the forecourt in front of Parliament House, for a spoken welcome to Country from a representative of the Gadigal clan of the Eora nation, the traditional owners of the land on which the Parliament meets, and a smoking ceremony.
- Members then returned to the Chamber and awaited the arrival of the President, the Minister for Aboriginal Affairs and Aboriginal elders.
- Once the President and Ministers had taken seats on the benches (not the President did not yet return to the Presiding Chair as the House was not yet again in session), Aboriginal elders and others came onto the floor of the Chamber and positioned themselves around the end of the Table.
- The elders and other participants then conducted a message stick ceremony, in which they spoke or sung words about the significance of the legislation, with the message stick passed around the table and held by each participant in turn, as they addressed Members.
- The final message stick ceremony participant handed the message stick to the Minister for Aboriginal Affairs.

Innovative procedures

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- Upon the message stick ceremony participants then taking their seats in the President’s Gallery, the Usher of the Black Rod announced the President, who took the Chair and indicated that the House was again in session.
- Two Aboriginal elders, Uncle Gary Williams and Aunty Irene Harrington, were invited to take seats on the dais.
- The Minister then proceeded through the remaining usual formalities in introducing the Bill and commenced her Second Reading speech.
- Early in her Second Reading debate, the Minister invited Dr Ray Kelly, academic researcher at the Pura Global Indigenous and Diaspora Research Studies Centre at the University of Newcastle, to come to the lectern at the Table to translate her acknowledgement of the traditional owners into Dunggutu.
- Towards the end of her speech, the Minister again invited Dr Ray Kelly to the lectern at the Table to remark on what the Bill means to the first peoples of New South Wales.
- Following the Minister’s speech, the Leader of the Opposition and two crossbench Members commenced their Second Reading speeches, but the debate was then adjourned for five calendar days.

Members’ responses

The response of Members to the innovative procedures, particularly the message stick ceremony on the floor of the Chamber, was overwhelmingly positive. The views expressed on the record during the Second Reading debate were unanimously supportive of the approach taken: Hon. Mick Veitch, MLC, said: “The Aboriginal message stick ceremony that took place on the floor of this Chamber was significant and substantial not only for those of us who were in the Chamber at the time but for a range of people, whether they be first peoples, while Australians or multicultural Australians.”

Hon. Scott Macdonald, MLC, said: “I support the Aboriginal Languages Bill 2017 and express my appreciation to the Minister for its introduction and the way we were taken through the ceremonies last week. The ceremonies were quite remarkable and we will remember them for a long time.”

Hon. Shaqoquet Moselmane, MLC, said: “I thank everyone who took part in the smoking ceremony on 11 October 2017. They included Dr Ray Kelly, Uncle Ray Davidson, Roy Angrey, Rhonda Ashley, Jaycett Davis, Aunty Di McNab, Uncle Gary Williams, Aunty Irene Harrington, Murray Butcher, Ronin Singleton, and Aunty Maureen Suter. I take the opportunity to congratulate President, the Hon. John Ajaka for being open to new and modern procedures and for allowing members of the Aboriginal community onto the floor of the Chamber. That is a very worthy precedent. Suddenly there were no strangers in the House; those present were part and parcel of the place. It was a wonderful ceremony that brought Members and Indigenous people together in this place and rightfully on their land. I hope the Government will continue to uphold the symbolic and sincere intentions of that wonderful ceremony in its practical implementation of this important legislation.”

Hon. Sarah Mitchell, MLC, Minister for Aboriginal Affairs, speaking in reply said: “Last Wednesday saw the celebration of a special occasion for the Parliament and for Aboriginal peoples across New South Wales. I place on record my appreciation and thanks to the President and members of the House for agreeing to the performance of the ceremony. I acknowledge the assistance of the staff of the Parliament: the Clerk, David Blurt; the Usher of the Black Rod, Susan Wrench and the many others who helped create a meaningful day for us all.”

The message stick

Whilst noting the significance of the message stick ceremony, a number of Members also took the opportunity during the Second Reading debate to reflect on the potential for further future appropriate symbolism in the Chamber. A specific suggestion was made by one Member about the form that symbolism could take, centred on what would happen to the message stick that had been handed to the Minister for Aboriginal Affairs at the conclusion of the message stick ceremony and subsequently presented to the Presiding Officers:

Hon. Mick Veitch, MLC, said: “This Chamber must do a lot more over time to reflect the substantial contribution of the First Peoples of New South Wales to the development of this State… It is my view, and I had a quiet conversation with the Minister about this, that that message stick should be placed on the table of the House so that the important conversation that commenced with that wonderful moving ceremony will be conveyed and remembered not just by the people that are here now but those who will follow in our footsteps, for all time. It will be a very important message. People will refer to the message stick and this central piece of legislation around retaining, nurturing and regaining Aboriginal languages and culture and to acknowledge that a range of processes have to take place with the local Indigenous community as well as our own processes in order for that to happen. It is not an easy thing and I accept that. We cannot put just something on the table of the Chamber, but we should work towards making a gesture like that. It is more than just a symbolic gesture. We should be looking at other ways for this Chamber to reflect the contribution to this State of the First People of this State. We must do more than just place a message stick. As Australian men, display the Aboriginal flag or acknowledge the country at the start of each sitting week. There is plenty we can do. There should be physical attachments to the First Peoples of this State somewhere in this Chamber. I have raised this with the Minister and I know it is in good hands. I would like to explore further how we can make that happen.”

The Deputy President of the New South Wales Legislative Council, Hon. Trevor Khan, MLC, responded: “I will raise a couple of issues. One arises from what my friend, the Hon. Mick Veitch had to say about the absence of appropriate symbols in this place. I noticed that he directed his comments to the Minister. I am sure that it is appropriate that he direct his observations to the Minister, but, as you would know, Mr President, such items of significance are a matter for this House. It is within our power; it is not the Government’s power, because this is a Parliament. The Parliament is not part of the Executive, so we should have the discussion amongst ourselves and with appropriate people outside this place; we are in control of our own destiny. Just as we perform a recognition of country—hopefully—each Tuesday, we should consider the symbolism of this House and consider what is appropriate. I encourage the Minister to be involved; encourage the Leader of the Opposition and the Deputy Leader of the Opposition to be involved; encourage Hon. Mick Veitch and Hon. Shaqoquet Moselmane to be involved. Hon. Shaqoquet Moselmane has played a significant role in those matters. It is a matter for all of us.”

After the Third Reading of the Bill in the Legislative Council of New South Wales, the Bill was delivered to the Legislative Assembly of New South Wales together with the message stick. The message stick was returned with the Bill after it had passed the Assembly.

Given the contributions of Members about the message stick, consultation immediately commenced about options for its ongoing display and use. As the Bill had been introduced in the Council, it was felt appropriate that it primarily displayed in or near the Legislative Council Chamber.

In 2007, Cleve Lucas, Stapleton and Partners Pty Ltd, one of Sydney’s leading firms of heritage architects, prepared the first Conservation Management Plan (CMP) for Parliament House. The CMP describes the heritage significance of the Parliament and various parts of the building complex and sets out conservation policies to guide decision making about the precinct. As the proposal put forward during debate was for the message stick to be displayed in the Chamber, Cleve Lucas, Stapleton and Partners were engaged to prepare concept plans that would be appropriate and sympathetic to the heritage significance of the Chamber. The concept plan provided for the message stick to be located in a display case in an existing bookshelf in the President’s Gallery. Once concept plans were received and deemed suitable, further consultation took place with a range of Members.

In addition to Members, however, it was critically important that the Aboriginal community was also consulted. Through the office of the Minister for Aboriginal Affairs, arrangements were made to consult with two interested groups of elders: the Aboriginal Languages Establishment Advisory Group (ALEAG) and the New South Wales Coalition of Aboriginal Regional Alliances (NCARA). A number of meetings were held during which valuable feedback was received in relation to the concept plans and, specifically, in relation to the interpretative wording to be included in the message stick. The final wording agreed was as follows: “This original message stick, presented to the Parliament of New South Wales, is a physical symbol of the Languages that the Aboriginal Languages Act 2017 seeks to acknowledge, nurture and grow. It is a commemoration of the introduction of the Bill in the Legislative Council, 200 | The Parliamentarian | 2018: Issue Three | 201

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the first of its kind in the world, and the first occasion on which an Aboriginal Language was spoken in debate by a non-Member. It is a reminder of the two-way ongoing dialogue between the Aboriginal community and the New South Wales Parliament.1

The Aboriginal elders from the ALEAG and NCARA also provided valuable feedback on the circumstances in which the message stick would be removed from the display case for placing on the Table of the Chamber during significant proceedings. It was agreed that these would include the opening of Parliament, and other special occasions at the discretion of the President. (It is envisaged this might include, for example, during debate on legislation of specific relevance to the Aboriginal community in New South Wales.) The ALEAG agreed that (i) and the Aboriginal Languages Trust once established would provide a list of Aboriginal Language groups, from which an elder would be nominated on rotation to remove the message stick from the display case on those special occasions, briefly address Members from the bar of the House in language, and then hand the message stick to the Clerk of the Black Rod for placement on the Table.

On the final sitting day before the 2018 winter recess, the House agreed to a motion, moved by the Minister for Aboriginal Affairs, authorising the permanent display of the Aboriginal Languages Bill involved innovations to three long-standing rules of the House: • Standing Order 196(2) sets out that “no person other than a Member, a Clerk of the Table or an Officer attending on the House may enter any part of the Chamber reserved for Members, while the House is sitting.” The message stick ceremony took place during an interruption to proceedings, so that the House was technically not in session. However, once the President took the chair and proceedings resumed, two Aboriginal elders, who are stakeholders of the Bill, were invited by the President to sit on the dais during the debate, and Dr Ray Kelly, an Aboriginal academic researcher, who is not a Member of the House, was invited onto the floor of the House. Each of those events was specifically provided for in the procedural motion, moved by the Minister for Aboriginal Affairs and agreed to by the House.

• Dr Kelly, a non-Member, was invited to address the House from the lectern at the Table. Dr Kelly was invited to address the House, in part, in a language other than English. Dr Kelly’s full speech was recorded in Hansard, published on the parliamentary website, and noted in the official Minutes of Proceedings of the House. Procedurally, each of these three innovations was facilitated, on this special occasion, because they were agreed to by the House on a motion of which notice had been given the previous day. The motion commenced by stating that Standing Orders be suspended to allow the specified steps to take place. If a similar request was to be received from a Minister or other Member for innovations to be adopted to mark the significance of the introduction of another Bill or other special occasion, I would approach the request in the same way as this one – cautiously but with an eye to ensuring the relevance and accessibility of parliamentary proceedings. I would also ensure that any such innovative proceedings were the subject of detailed consideration and consultation with Members, and that they were authorised by the House through a motion of which notice has been given.

In conclusion, in addition to the message stick ceremony, there were three major innovative practices adopted for the debate on the Bill:

1. A stranger (non-Member) was permitted to enter the Chamber during the debate.
2. A stranger (non-Member) was permitted to speak in the debate.
3. A language other than English was spoken in the Chamber. From this experience, I would submit that it is clear to all involved, that Westminster traditions can be respected whilst Parliament can still be a platform, that is open to innovation and culturally appropriate practices and symbolism. Or as I have on a number of occasions stated: “It is a matter of evolving in a way that the traditions and practices of the Chamber.”

Innovative parliamentary practice and procedures

The historic proceedings that took place on 11 October 2017 on the introduction of the Aboriginal Languages Bill involved innovations to three long-standing rules of the House:

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The changing face of the Victorian Legislative Council from Parliament to Parliament since constitutional reforms took effect in 2006 has impacted on the work and culture of the Council in various ways, both anticipated and unforeseen.

While it is not the first balance of power situation in the Council since 2006, the 56th Parliament is the most diverse in terms of political representation and, when considered together with extensive changes to rules and practices in the House, the impact has been significant, and the ordinary flow of a sitting day has become a much more volatile prospect.

In this article, the Crossbench refers to all Members other than Labor and Coalition (Liberal and National parties) Members.

Composition of the House

Victoria is currently in the third Parliament since constitutional changes came into effect in 2006, which saw the introduction of proportional representation (PR) to the Legislative Council elections for the first time in the Council’s history.

The expectation this change brought about, of a greater proportion of minor party, micro party and independent candidates gaining entrance to the Upper House, has increasingly manifested as the actual membership of the House.

The composition of the Council has differed significantly across these three Parliaments, each with its own challenges. The constituent membership across each of the 55th, 56th and 57th Parliaments is shown in Table 1. Excepting the 57th Parliament, which delivered an unexpected government majority in the Upper House, the expectation of balance of power situations under PR has so far been realised. However, key differences between the composition of the 56th Parliament: the government party being the largest of four political blocs and requiring only two votes for a majority on any question; and the 58th Parliament: the opposition coalition (Liberal and National parties) forming the largest of seven political blocs, with the government needing seven votes for a majority on any question.

The significantly more diverse political make-up of the 55th Parliament, coupled with the need of the Government to obtain support from a significant number of non-government Members on any given question, has delivered a unique and previously not experienced series of circumstances.

One of the most significant impacts of the composition of the House played-out on the first day of Parliament was the introduction of the Aboriginal Languages Bill 2017 on the introduction of an innovative practice to the practice and procedures of the Chamber.

This article is based on a paper presented by the author at the 49th Presiding Officers and Clerk Conference (POCC) for the CPA Pacific and Australia Regions in Wellington, New Zealand from 8-13 July 2018.

References:
• Second Reading speech, 11 October 2017.
• Second Reading debate, 11 October 2017.
• Second Reading debate, 17 October 2017.
• Second Reading debate, 17 October 2017.
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**Originally elected to the Shooters and Fishers Party, party name subsequently changed to the Australian Conservatives.”

***Originally elected to the Democratic Labour Party, party name subsequently changed to the Greens.”

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of the 58th Parliament, when the Government was unable to secure the necessary votes to elect its preferred candidate as President of the Legislative Council. Rather, the incumbent President (an Opposition Member) was re-elected with, crucially, the support of the Greens and one other Crossbencher. This was a distinctive statement by an Upper House in particular, that was not beholden to the will of the Government, a sentiment that has now become its approach to most things over the life of the current Parliament.

The composition of the House has also compounded issues thrown up as a result of significant reform to the Standing Orders, which took effect at the beginning of the 58th Parliament, and the introduction of extensive new sessional orders. The unprecedented number of representatives of political groups means the Legislative Council, and the President, has had to deal with an impetus to expand the ability of Members to follow-up on any point that in recent months, the good will between the Government and Opposition, in particular, has eroded substantially. As of early 2018 this Monday meeting is not attended by Government Members and is now only convened by non-government parties to organise non-government business for the sitting week.

Managing allocation of time in the House
Under Standing and Sessional Orders, each Member has presented speaking entitlements in order to participate in certain procedures of the House. New Standing Order 12.06, operationally introduced by the Government of the 58th Parliament, requires that the President should have regard to the proportionality of the representative crossbench. The first 10 questions to Standing Orders during a particular procedure on any given day is equated to the percentage of total speaking entitlements allocated for the calendar year, based on the procedure being contemporary, or in the case of an e-petitions system, which equates to a direct result of Crossbench Motion. A relatively neutral concept politically speaking, the introduction of nine non-government Ministers’ statements was implemented on the President in acquitting the government question followed by a Ministerial statement. The government-controlled Legislative Council of the 57th Parliament showed demonstrated insight in introducing proportional speaking rights as part of a larger Standing Orders review to cater for the expected political diversity of future Parliament.

How the proportion of political speaking rights translates into operation in the House is left to the discretion of the President, however the practical allocation of who gets a speaking entitlement for any given day on any given Monday meeting is the President’s on their own. As shown in Table 2, allocations differ depending on the procedure. One of the biggest challenges of determining the new requirement was managing sometimes very different expectations of individual Members and gaining agreement from all political groups for the proportional allocation.

Allocation of speaking time is percentage based, i.e. the percentage of party representation across the three major political groupings. Members on a given procedure is equated to the percentage of total speaking entitlements allocated for the calendar year, based on scheduled sitting dates. For example, Question Time equates to four questions for each of the four main political groupings in the House, allowing for four crossbench members each scheduled sitting day. Unscheduled sitting days are negated on a pro-rata basis.

While speaking allocations continue to be managed by the Clerk of the House, the practical allocation of speaking entitlements for different procedures is not a new concept, the traditional two-party dominance and lack of a proportional allocation rule in previous Parliaments, meant no particular effort had to be made to ensure a fair spread of speaking rights across the House and, for the most part, speaking lots were negated by negotiation between party whip representatives.

The provision of time in the House is the carving-up of speaking time, and is understandable and the President’s on their own. As shown in Table 2, allocations differ depending on the procedure. One of the biggest challenges of determining the new requirement was managing sometimes very different expectations of individual Members and gaining agreement from all political groups for the proportional allocation.

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general business has between 9.30am and 5.00pm. Council staff are not involved in the division of time, rather it is solely a negotiation between the non-government parties and Members. The Parliament has been surprisingly effective in its ability to secure time in the House (and representation on Committees) by virtue of an informal arrangement of the five non-Greens Crossbenchers to operate as a group for most procedural process-driven negotiations, despite quite divergent political views of those Members. This approach has enabled Members who would otherwise have little individual sway to use their collective power to ensure a fair spread of time to pursue their motions and Bills and has better equipped them to withstand occasional external pressure exerted by the Opposition (and sometimes the Greens) to defer Crossbench business. As a result, Wednesday sittings have settled on a routine where the Opposition gets time in the morning, and legislation (including the Greens) get 1.5-2 hours after the lunch suspension, before the House returns to Opposition business for the remaining time.

Amendments

The political composition of the Crossbench on amendments in the Legislative Council of Victoria has been twofold firstly, there has been a notable increase in the number and complexity of amendments proposed on Bills, which is to be expected given the political make-up of the House. Secondly, the frequency with which amendments have been accepted and ultimately passed by Parliament has increased dramatically.

While many Crossbench-proposed amendments have been successful, it is interesting to note in relation to the second point that the majority of successful non-government amendments have actually been proposed by the Opposition. In this respect, the impact of Crossbench Members in relation to amendments has been more telling in their willingness to support opposition amendments to government Bills. The overall higher proportion of opposition amendments proposed has required the House to take a degree of flexibility into its approach to amendments and to the Committee of the Whole. The more frequent incidences of competing amendments and use of more complex amendment procedures, such as suggested amendments, and amendments to amendments, has stretched the ability of Standing Orders to cater to the needs of the House in an efficient manner and, in some cases, exposed limitations in the current rules of procedure. The number of amendments proposed by a negotiation tool (by both the Crossbench and major parties) has resulted in significant impact on policy, both directly and indirectly. It has not been unusual for Crossbench Members to use the balance of power to great effect in order to trade their support for Bills or amendments in exchange for major party support for their own (sometimes unrelated) policy goals.

Private Members Bills

One of the stand-out characteristics of the 58th Parliament has been the large number of Private Members Bills brought into the House compared to previous Parliaments. This was not wholly unexpected given the size of the Crossbench and the fact that Private Members Bills are an ideal platform for Crossbench Members to make a substantial case for their particular policy interests. The main catalyst for the increased use of Private Members Bills, however, has been the change in process to require drafting requests for Bills to be lodged with the Clerk, rather than the Premier’s Office as was previously the case.

In May 2015, the Premier wrote to the President of the Legislative Council to advise that the Crossbench Members would no longer require permission from the Premier’s Office for assistance from the Office of Chief Parliamentary Counsel (OCPC) to draft Private Members Bills. Requests would instead be made through the Clerk of the Council. This change in process was a welcome recognition of the principle that a member should be able to bring a properly drafted Bill to the House independent of the Executive. The removal of what had until then been an administrative barrier to Members seeking drafting assistance had immediate impact with multiple requests being lodged within days of the process change. This, in turn, led to a departmental decision that the Clerk and Council officers consider requests in an active role in assisting Members to develop drafting instructions prior to submitting a drafting request to OCPC. Council staff and OCPC worked together to establish a process for the preparation and lodgement of drafting instructions, which included tailored staff training for Council officers who hitherto had very limited involvement in this aspect of the Bill process.

Statistics on Private Members Bills in the 58th Parliament show that three of the House’s most significant outcomes of the increased number of Private Members Bills in the Legislative Council is the way in which particular Crossbench Members have responded to the policy proposals brought forward by such Bills, some of which were ultimately adopted by the Government.

Committee inquiries

The balance of power situation in the Legislative Council has impacted the Committee system in a number of ways. The reality of the Government lacking the votes in the Council has led to the concession of government control of Joint Committees established and operated under the Parliamentary Committees Act 2003, with membership (drawn from both Houses) becoming, for the first time, reflective of the political composition of the Parliament. This is also reflected in the appointment of non-government Members to chair Committees except the Public Accounts and Estimates Committee.

The control of government also extended to the Dispute Resolution Committee (DRC) – appointed under the Constitution Act 1975 to deal with disputes deemed beyond the jurisdiction of Standing Committees. With a significant increased workload for Committee Members and staff compared to previous Parliaments. This is particularly exacerbated for Crossbench Members who lack the support structure and staff resources of the major parties to assist them.

Consequently, the capacity of Crossbench Members (especially the non-Greens Crossbenchers) to serve on Committees has been limited. The Legislative Council has developed substantially over a period of time of working procedural knowledge of the Committee inquiries. Crossbench Members have had significant influence on policy, in many cases, an important factor in the development of policy. The reasons for the success of Crossbench Members in pursuing their particular areas of policy interest. Many references have been the result of a compromise by one or both major parties that would otherwise not have been supported in a different form, such as a Bill. In addition, the self-referencing power conveyed by their sessional orders has increased the ability of Crossbench Members to pursuance in Committees that they would not necessarily have had the opportunity to bring through the House.

The political diversity, establishment of self-referencing powers and use of Committee references as negotiated outcomes between major parties and the Crossbench has presented significant challenges both in terms of the resourcing needs and staffing profile of Legislative Council Committees, with a significant increased workload for Committee Members and staff compared to previous Parliaments. This is particularly exacerbated for Crossbench Members who lack the support structure and staff resources of the major parties to assist them.

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<table>
<thead>
<tr>
<th>Issue</th>
<th>How progressed</th>
<th>Outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>End of life/assisted dying laws</td>
<td>Initially proposed as a Private Members Bill. Negotiation resulted in issuing being debated as a motion on the basis that the Government undertook to bring in a Bill later in the year. Proposed as a Private Members Bill, passed the Legislative Council and stalled in the Legislative Assembly, Second attempt to progress issue by way of amendments to a Government Bill.</td>
<td>Government legislation passed Parliament (with conscience vote granted to all Members).</td>
</tr>
</tbody>
</table>

| Safe access buffer zones | Initially instigated as a Committee inquiry, the recommendations led to a Private Members Bill. | Ultimately adopted as Government legislation. |
| Injecting room trial | Online advertising of firearms | Amended accepted in both Houses. |
| Smoking bans in outdoor dining areas | Long term push over several Parliaments from certain Crossbench Members, including attempts to progress Private Members Bills. | Usually accepted as amendments to a Government Bill |

**TABLE 4** Notable examples of Crossbench-driven issues that resulted in a change to, or adoption of, policy.

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Impact and influence on policy outcomes

The impact of Crossbench Members on policies has been significant relative to previous Parliaments. Crossbenchers have also taken advantage of the opportunity in assisting Committee inquiries, Private Members Bills and amendments to great effect. Notable examples of Crossbenchers-driven issues that resulted in a change to, or adoption of, policy are set out in Table 4. The outcomes of Crossbenchers influence on policy, while notable, must be taken in the context of the composition of the House: both major parties require Crossbench votes to achieve a majority on any given question. The reality that neither the Government nor the Opposition wield a majority of votes in the House presents the opportunity for Crossbenchers to leverage their vote in exchange for major party support as a means of furthering their own policy agenda.

This article is based on a paper presented by the author at the 49th Presiding Officers and Officers of the Parliament Conference (POCOC) for the CPA Pacific and Australia Regions in Wellington, New Zealand from 8-13 July 2018.

References:

1 Sections 8–10, Constitution (Parliamentary Committees) Act 2003 (Vic).

2 In Australian politics, a Dorothy Dixer is a rehearsed or planted question asked of a government Minister by a backbencher of the government’s own political party during Parliamentary Question Time.
WOMEN’S REPRESENTATION IN A SMALL LEGISLATURE

‘YOU CAN’T BE WHAT YOU CAN’T SEE’: WOMEN’S REPRESENTATION IN THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

Any way you look at it there are many, many women who are completely aware that a lack of leadership and making an impact at every level of government and I think we should see more women in leadership positions. As politics do make a difference and they can change people’s perceptions of politics – they also change the structural differentiation of old-style political systems and parliamentary conventions.

Introduction

Women have played an important and prominent role in the Legislative Assembly for the Australian Capital Territory (ACT) since its establishment in 1989. The ACT was the first state or territory to have a woman as its Head of Government. In the Second Assembly, the positions of Speaker, Chief Minister and Leader of the Opposition were all held by women. Perhaps most significantly, at the Territory election for the Ninth Assembly in 2016, 17 women were elected to Parliament or to take up the most senior positions in government. We have had one Prime Minister, one Governor-General, and numerous Governors, Premiers and Chief Ministers who have been women. That women are increasingly visible in political leadership is important. Each time a woman is elected or appointed to high office, the level of community acceptance for gender equality increases and the view that has held sway for much of human history – that politics and leadership is the domain of men – further recedes into the background.

I strongly believe that the prominence of women in political leadership is an important catalyst in motivating other women to become involved. Increased participation of women has a snowball effect because the visibility of women in these positions encourages other women to become politically active and seek out these positions. As one of my parliamentary colleagues, Tara Cheyne, MLA, recently told an Australasian Study Group seminar: “You can’t be what you can’t see.” In this vein, it is interesting to note one memorable (and historic) moment that occurred in 2011 when Queen Elizabeth II visited Canberra. At the Fairbairn Airbase, Her Majesty was met by three female leaders – the Governor-General, Her Excellency Dame Quentin Bryce, AC, the Australian Prime Minister, Hon. Julia Gillard, AC, and the ACT Chief Minister, Ms Katy Gallagher, MLA. The effect that such an image might have on girls and young women considering a political vocation cannot be underestimated.

While substantial strides have been made – both in the ACT and nationally – towards greater gender equity in politics, there is still much more work to do. In 2011, the Commonwealth, state and territory parliaments. The Parliamentary Library recently produced a guide on the composition of Australian parliaments by party and gender which showed that despite some outliers such as the ACT and Tasmania, Parliaments continue to be dominated by men – women hold only 33.9% (281) of the 829 seats across Australian Parliaments.

The Australian Labor Party (ALP), the party to which I belong, has made considerable strides in achieving greater gender diversity with 44.6% of all seats it holds in parliaments across Australia being held by women. In the Assembly, seven of the 12 ALP MLAs that were elected at the 2010 election are women. The ALP makes deliberate and concerted efforts to ensure the representative of women in Parliaments. It has achieved this through a number of strategies including in the ACT, a party requirement that women must make up at least 40% of preselected candidates for public office and men must make up 40% of preselected candidates. In an ACT Election with an electorate of 5 Members, this means that 2 candidates must be women and 2 candidates must be men with a spot left open for either gender. Interestingly, and perhaps a sign of the importance of these requirements in ensuring women’s representation, at the 2016 election this open spot went to a woman in only one of the five electorates.

The ACT Labor Party also holds regular workshops for women focusing on political skills. It is often said that men naturally pass on skills such as counting a proportional representation ballot, organising, and other professional skills to other men. These workshops have been a great success in giving women the skills to participate in the internal mechanics of politics.

History of women in the Assembly

If the visibility of women in the public and political life of a polity is an important factor in encouraging other women to become involved, then the Assembly has a mixed record. From its low of 12% of women in the fourth Assembly, the trend has been broadly one of progress toward gender equality.

Office holders

This story is slightly more encouraging when it comes to women holding senior office in the parliament and in government in the ACT.

Women holding the position of Chief Minister

On 11 May 1989, the first sitting day of the newly established Legislative Assembly of ACT – history was made when Rosemary Follett was elected the first ever female leader of a State or Territory. The states were not far behind. Carmen Lawrence was appointed Premier of Western Australia on 12 February 1990 and Joan Kimer was appointed Victorian Premier on 10 August 1990.

In its 29 year history, the ACT Assembly has had seven Chief Ministers, and three of them have been women; Kate Campbell was elected Chief Minister in the Third Assembly, and Fourth Assemblies and Katy Gallagher was elected Chief Minister in the Seventh and Eighth Assemblies. Therefore, four of the nine ACT Assemblies have elected a woman to be Chief Minister.

Women holding the position of Speaker

Since self-government, there have been seven Speakers, of those, three speakerships have been held by women - Roberta McRae in the Second and Third Assemblies, Vicki Durnie (the current QPA Treasurer) in the Eighth Assembly and myself in the current (Ninth) Assembly. Therefore, four of the nine Assemblies have been presided over by women. With the speakership playing such an important leadership role in the operations of the Assembly and the formation of the political culture as it plays out in proceedings, it is significant that the current Speaker has featured so prominently in the role.

Women in Cabinet positions

There has been much discussion at the Federal level in recent years about the number of female positions in Cabinet - the central decision-making body of government. The first ever member of the Federal Cabinet was Dame Enid Lyons who was appointed in 1949. Unfortunately, neither of the major parties have a great track record in achieving gender balance around the Federal Cabinet table.

Under the final Rudd Government, 30% of the Cabinet were women and under the current government just over 17% of the Cabinet are women.

Factors that may have impacted on the female representation in the Assembly

The Hare-Clark system of proportional representation gives voters a substantial choice at the ballot box not only between candidates representing particular political parties but also between candidates within political parties. This choice can promote a more accurate reflection of the community in the composition of the Assembly. A candidate in a single-member electorate cannot personally reflect the diversity of their electorate. Multi-Member electorates can better reflect that diversity. More women get elected where voters are able to have direct input into the choice of a candidate with their preferred political party. This is reflected in the Tasmanian and ACT experience, two Hare-Clarke voting systems which, of all the most recent elections, returned female majority Parliaments.

Gender is a relevant consideration when an elector chooses where to preference a candidate within their preferred party’s ticket if they choose to vote within a party ticket. There is evidence in the preference

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This article is based on a paper presented by the author to the 49th Presiding Officers and Clerks Conference (POCC) to the CPA Pacific and Australia Region in Wellington, New Zealand from 8-13 July 2018.

References:
Rosemary Follett, Rosemary Follett and Kate Cornell turned to sight unseen in politics: Canberra Times, 7 March 2015.
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It wasn’t until the passage of the Commonwealth Franchise Act 1902 that women were granted the same voting rights as men at the federal level.

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In 2013, PGA launched its Global Parliamentary Campaign against Discrimination based on Sexual Orientation and Gender Identity (SOGI Campaign). To mobilize Parliamentarians as human rights champions and encourage them to take action to guarantee that SOGI has equal value, lives with dignity and is able to achieve their highest potential free from all forms of violence and discrimination, including on the basis of sexual orientation, gender identity and expression and sex characteristics. My exposure to the work and objectives of the SOGI Campaign played a key role to inform and sensitize me on this topic. Inspired by PGA’s work and the efforts of countless people and civil society organisations in my country that are committed to the equality and inclusion of transgender people, I decided to introduce the Transgender Persons (Protection of Rights) Bill in the National Assembly of Pakistan and dedicated myself to garner support for it among the different political parties represented in the Lower Chamber to approve it.”
NEW LEGISLATION INTRODUCES TRANSGENDER RIGHTS IN PAKISTAN

As a PGA member, I feel proud to have forwarded the agenda of the organisation on human rights protections on the basis of the principles of equality and non-discrimination. The Transgender Persons (Protection of Rights) Act explicitly prohibits discrimination against transgender persons in the fields of education, employment, healthcare, provision of goods and services, transportation, residential property and government or private establishments. The law indicates that the Government of Pakistan shall take steps to provide free and compulsory education to transgender persons and that the Government must ensure their right to enter into any lawful profession or occupation.

Regarding the right to health, the law states that the Government shall review the medical curriculum and improve research for doctors and nursing staff to address the specific health issues of transgender persons, facilitate access by providing an enabling and safe environment for transgender persons in hospitals and ensure transgender persons access to all necessary medical and psychological gender corrective treatment.

The law also prohibits the harassment of transgender persons “both within and outside the home” and “the denial of, or discontinuation of, or unfair treatment in, the opportunity to stand for or hold public or private office.” As a Parliamentarian, I would like to highlight the importance of this last provision, which defends the right of transgender people to stand for office, without discrimination. I hope this encourages more transgender persons to run for office in Pakistan in the near future and the general population to elect them. It was heartened by a recent report indicating that at least 13 transgender people would be contesting the general elections in Pakistan on 25 July 2018 (two of them for the National Assembly and the rest for the provincial assemblies).

The law establishes that, in addition to the usual remedies available under the Constitution, the Penal Code, the Code of Criminal Procedure or the Code of Civil Procedure, aggrieved transgender persons shall have a right to move a complaint to the Federal Ombudsmen, the National Commission for Status of Women and the National Commission of Human Rights if any of the rights guaranteed in the law are denied to them. Crucially, the Transgender Persons (Protection of Rights) Act not only prohibits discrimination against the transgender community, but also obliges the Government of Pakistan “to take steps to secure full and effective participation of transgender persons and their inclusion in society” by:

- Establishing safe houses to ensure the rescue and protection of transgender persons;
- Providing transgender persons with medical facilities, psychological care, counseling and adult education;
- Establishing separate prisons for transgender persons;
- Instituting mechanisms for the periodic sensitization and awareness of public servants, in particular, but not limited to, law enforcement agencies and medical institutions, relating to the issues involving transgender persons and their protection;
- Formulating special vocational training programs to facilitate, promote and support the livelihood of transgender persons;
- Encouraging transgender persons to start small business by providing incentives, easy loan schemes and grants.

Many national and international human rights organizations and activists have celebrated the Transgender Persons (Protection of Rights) Act as a historic victory for transgender people and allies in Pakistan.

"This is a truly historic moment as Pakistan joins the ranks of a growing number of countries with non-discrimination laws that protect the transgender community," said Ty Cobb, director of the Human Rights Campaign's global program. "These are explicit, nationwide protections that we have yet to achieve here in the United States. Transgender people around the globe face high levels of discrimination, stigma and violence, and Pakistan has now taken a historic step in addressing this heartbreaking tragedy. We congratulate the transgender advocates and allies in Pakistan who achieved this major victory through hard work, dedication and unyielding commitment to fighting for a more fair and just world." Amnesty International’s Pakistan researcher Rabia Mehmood also praised the law: “This Bill makes Pakistan one of the few countries in the world to recognize the self- perceived gender identity of transgender individuals.”

"As a victory for the entire transgender community in Pakistan," said Jannat Ali, a transgender activist and artist in Pakistan, "I am proud to have played a part in researching, drafting and advocating for this crucial legislation. We must now work to ensure consistent implementation and enforcement of this legislation now that it is the law of the land."

The law signals a recognition on the part of the Government of Pakistan that transgender persons are our sisters, brothers, friends, and that they have to be treated no differently than anyone else, said Dr. Qasim Iqbal, Executive Director of NAZ, a leading organisation working for the health and human rights of sexual and gender minorities in Pakistan. "The law, which is a result of the hard work, stress, tears and blood of trans activists at NAZ and from across the country, makes Pakistan one of the most progressive countries in the world in terms of transgender rights." Mehlاب Jameel, an activist in Lahore, Pakistan, who helped write the Bill, agreed: "This kind of development is not only unprecedented in Pakistani history, but it’s one of the most progressive laws in the whole world," adding: "I believe that it will make a positive impact on the ground for transgender people and is overwhelming by how supportive the state has been to this law – we have so much hope." The growing potential and potential of the Transgender Persons (Protection of Rights) Act’s success beyond doubt. However, as Asha Butt, founder of the Ba Ghar Foundation, which runs a shelter for transgender people in Pakistan, has said, "the passage of the Bill into law is a battle that is still only half won. We now face the challenge of fighting for the law to be enforced in its true spirit."

Similarly, Amnesty International’s Pakistan researcher Rabia Mehmood has stated: "The country’s transgender community has very high hopes from this Bill. Its implementation is therefore crucial to ensure they can live their lives with dignity and respect." I agree and would like to encourage the Government of Pakistan to fully implement the law, including the proactive measures in favor of the inclusion of transgender people. Much remains to be done in my country to effectively end discrimination, stigma and violence against transgender people and other minorities. For example, in northwest Pakistan’s Khyber Pakhtunkhwa province, local sources have reported at least four killings of transgender women in 2018 and 2019 since 2015. These figures are unacceptable and I sincerely hope that the Transgender Persons (Protection of Rights) Act will serve as a catalyst for positive change in my country when it comes to include societal attitudes towards transgender people and appropriate government policies.

As Pakistani transgender activist Mehlab Jameel has pointed out, "after this Bill passes, what the government really needs to do is start a campaign to sensitize the masses, government officials, policemen, everyone. That’s the real challenge." While I feel very proud of what the Pakistani Parliament has been able to achieve, in collaboration with civil society, I also recognise the important work that lies ahead and, in particular, the importance of further sensitisation about the equality and inclusion of transgender individuals. As a longstanding Member of Pakistan’s Parliament, I am committed to contribute to sensitising the people of my country in this regard and as a longstanding member of PGA, I am committed to one of the main objectives of PGA’s SDGI Campaign: to raise awareness among Parliamentarians around the world about equality and non-discrimination on the basis of sexual orientation and gender identity, in accordance with regional and international human rights instruments.

For further information on the Transgender Persons Rights Bill visit the Parliamentarians for Global Action (PGA) website at www.p gallon.org.

References:
1 http://www.pgaction.org/campaigns/ transgender-bill.html
3 https://www.hrc.org/blog/pakistan-passes-law-180509095207950.html
5 https://www.hrc.org/blog/pakistan-passes-transgender-rights-law-a-battle-half-won-20180521181143.html
8 https://www.npr.org/sections/thetwo-
sides/2018/05/18/1170899580/pakistan-approves-transgender-rights-bill
9 https://www.reuters.com/article/pakistan-transgender-rights-law-
11 https://www.humanrightscampaign.org/resources/education-tools/training-materials/transgender-rights

Above: A candle light vigil during a transgender awareness event in Pakistan.
HISTORIC MOMENT IN PARLIAMENTARY COMMUNICATIONS IN PAKISTAN WITH LAUNCH OF PTV PARLIAMENT

On 30 May 2018, the Speaker of the National Assembly of Pakistan, Hon. Sardar Ayaz Sadiq, MNA along with Federal Minister of Information, Marriyum Aurangzeb; the Chairman of the Senate Standing Committee on Information, Senator Faisal Jawed; and the Secretary of Information, Ahmed Nawaz Sulhain inaugurated PTV Parliament in Pakistan by pressing the transmission button. The moment transformed the culture of parliamentary communication in Pakistan.

Speaking on the occasion, the Speaker of the National Assembly of Pakistan said that the doors of Parliament had been opened to everybody over the last five years in order to create awareness amongst the people about the functions of the Parliament. He said that students from schools, colleges and universities were also invited to witness the proceedings of the Parliament. He said the idea behind the launch of the PTV Parliament channel was to create awareness amongst the people of the workings of the Parliament of Pakistan and to generate public opinion that will help improve the performance of the elected representatives.

Chambers and in more than 80 countries, either there are dedicated parliamentary channels or they allow live broadcast of parliamentary proceedings to show the public representatives in action and at work.

In Pakistan, the culture of covering the Parliament in the print media is as old as the institution itself. The country inherited the institution of the Parliamentary Press Gallery at the time of independence in 1947. For many years, the radio reports summarizing the proceedings on Radio Pakistan and parliamentary round-ups on Pakistan Television (PTV) have been a tradition of the Parliament of Pakistan. Television covered live major events like the inaugural sessions, elections of the Standing Committees. She said the content to be generated under the guidance of the Pakistan Institute for Parliamentary Services (PIPS) will also be broadcast on PTV Parliament. The preamble of the Constitution of Pakistan acknowledges citizens’ right to be governed democratically by stating “…the state shall exercise its powers and authority through the chosen representatives of the people.” The command of the Constitution calls for citizens’ informed participation in the nation’s democratic political processes and affairs through their vote and voice. For voters to do this effectively, they need to know what their elected representatives are doing in the representative democratic institutions. It is hoped that the PTV Parliament will serve this nation in building its purpose intelligently as access to accurate information is vital for the health of democracy.

In Pakistan, the role of the Parliament is least understood by a majority of the population because the sporadic, selective and episodic coverage and reportage accorded to it often fails to capture the role, work and performance of this important institution. Presently there is a paucity of detailed, in-depth and accurately contextualized coverage of the Parliament. More sound bites, tickers, talk shows, occasional news packages and Tweets invariably remain inadequate to present a comprehensive picture about the Parliament and its work.

Global trends and traditions of parliamentary broadcasting and communications are going through rapid transformation in the digital age. Historically, Parliaments opened up their proceedings for the print media and the institution of the Press Gallery became an integral part of parliamentary heritage. The print media has a limited outreach in many societies due to literacy barriers. In 1986, New Zealand started its first radio broadcast of parliamentary proceedings to expand public outreach. The dedicated television cameras were allowed in the parliamentary chambers in the 20th century. Today, many Parliaments in the world allow cameras in their...
Parliamentary staff develop their skills to meet the impact of the Fourth Industrial Revolution at the 3rd SoCATT Africa Region Development Seminar in Namibia

The Fourth Industrial Revolution is indeed a reality as it seems that artificial intelligence systems challenge the usual traditional norms of work performance by humans. Add to the overwhelming flow of information, the work of Parliaments becomes more complex, as we are at the brink of new technological revolution that will primarily alter the way things are being done. The Fourth Industrial Revolution is thus signifying a new world order.

The seminar was held from 2 to 3 July 2018 at the Safari Court Hotel and Conference Centre in the capital city of Windhoek, Namibia for Clerks-at-the-Table (SoCATT) and parliamentary staff from across the CPA Africa Region, who converged in an attempt to transform parliamentary operations and practices in Africa.

Amidst the exorbitant costs of data and limited access to technology by the masses of the African people, it is high time for the continent of Africa and its inhabitants to embrace technological advancements in this modern world of technology. Africa today, like any other continent in the world, is faced with what is referred to as the Fourth Industrial Revolution. The two-day gathering was attended by Parliamentary Secretaries and Clerks from countries across the African continent among them Nigeria, Sierra Leone, Zambia, Lesotho, Kenya, Ghana, Botswana and national and provincial Legislatures from South Africa. A multi-disciplinary team of presenters and panelists formed part of the gathering, sharing their knowledge and expertise for the continent to be able to compete within the status quo of the world order.

There is indeed a need for Parliaments particularly in Africa to:

• Revise old parliamentary codes and rules, and refashion them to talk to the needs and realities of changing Parliaments of the 21st century.

• Reconfigure and/or rethink parliamentary systems and processes and explore different avenues for contextualizing new parliamentary management paradigms that have a positive cumulative impact on the administration of parliamentary business.

• Improve parliamentary core business processes to ensure that they maximise efficiency.

• Improve and provide integrated and seamless support to Members of Parliament as they discharge their constitutional duties around oversight, accountability, making quality laws and increasing public participation in parliamentary processes.

• Refocuses parliamentary systems and processes to be member-centric.

• Ensure that the support and services offerings are tailor made for individual needs of Members of Parliament to ensure that they discharge their responsibilities unhindered.

• Make considerable efforts to ensure that Members of Parliament, as elected representatives of the people, are able to access, in real time and space, research products, content advisory services, legal and procedural advice. The Members and Administrators are indeed knowledge workers. On a daily basis, knowledge is being harvested that often hit like a meteor from outer space, there is a growing need to know where to turn for high quality information and analysis on critical policy issues.” In fact, this talks to the need to build their capacity, harness their know-how, expertise and subject-specific specialties.

• The purpose of the seminar, therefore, was to harness the delegates’ understanding and knowledge of the Fourth Industrial Revolution in order to determine strategies and develop context-specific capacity building programmes for African Parliaments in the knowledge-based economy. Whereas the observation is that, in this current world that is at a stage of profound change and major readjustment, they face the common problem of bringing expert knowledge to bear on parliamentary business and decision-making. As McGann (2009) rightfully observes ‘In a world saturated with information, connected by the web and challenged by complex issues that often hit like a meteor from outer space, there is a growing need to know where to turn for high quality information and analysis on critical policy issues.”

The seminar was officially opened by the Chairperson of the National Council of Namibia, Hon. Margaret Mensah-Williams. In her welcoming remarks, she noted that the 3rd SoCATT Professional Development Seminar would add value to the acceleration of the Africa Agenda 2063. She added that the importance of parliamentary reforms in the context of the knowledge-based economy is aimed at making our Parliaments more accountable, transparent and more responsive to the electorate’s needs.

She also stressed that critical components of building a highly knowledge-based economy, lies in skilled human resources and effective national systems of innovation. She challenged the delegates by asking whether our Parliaments and Legislatures are equipped with an ICT infrastructure that will enable both staff members and Members of Parliament to continuously upgrade new skills.

In his opening address to the participants, the Clerk of the National Council of Provinces, Namibia and Chairperson of SoCATT Africa Region, Advocate Eric Phindela urged Parliaments to change and not rationalise by refusing to adjust, and he reminded the audience of the role of technology in the advancement of the African Agenda. However, he also warned that technology must not enslave administrators in their quest to advance the operations of Parliaments and to improve the effectiveness and efficiencies of both the administration and the Members of Parliament. He said: “Two must be our mission to ensure that technology does not enslave us as we seek to fulf our mission to create modern institutions that truly advance the development of the people of Africa through the use of technology. We must vehemently resist the mentality that some of us were born before the current technological advances.” For there is nothing that inhibits us from issuing notices of meetings and public hearings, using the new technology, he further emphasized. Technology knows no bounds, hence needs fundamental change of the rules of Parliaments, the systems and processes to accommodate technological advances. The rules must make it possible for people to make submissions on matters before Parliaments without travelling long distances.

In his presentation titled ‘Building Parliamentary Capacity – How Parliaments can prepare for the future’, Dr Rasheed Draman, an Executive Director of the Africa Center for Parliamentary Affairs (ACPFA), specifically looked at lawmakers, oversight and representation as core functions for any Parliament. These functions have to be performed with dedication and to...
Draman shared how Parliaments should be structured to respond to the needs of the Fourth Industrial Revolution. In a changing world and parliamentarian work in lawmaking, oversight and representation. Hence, many factors that shape parliamentary performance across the latter three functions are values and beliefs, incentives, motivations, independence and lives for a country, openness to change and innovation as well as networks. Looking into the future, Dr Draman shared how Parliaments should be structured to respond to the knowledge economy. The focus should be on knowledge Committees. Parliaments should place a premium on evidence and innovation in informing their work and Parliaments must have Committees that simply think of the knowledge economy. Committees that simply think of the knowledge economy, governments and society and people. She highlighted the disruptive effect on the economy and the skills needed in preparation for the Fourth Industrial Revolution; identify strategies and proposals on how to manage and secure African Parliaments intellectual knowledge and to identify strategic partnerships for African Parliaments and their role in assisting Parliaments attain Agenda 2063 and Sustainable Development Goals, which also involves Institutions of Higher Learning, Parliamentary Institutes and Research Institutes.

Next Steps
As a way forward, the seminar resolved that the Parliament of Namibia as the host institution, would draft a report for submission to the SoCATT Africa Region Steering Committee. The technical team under the guidance of the SoCATT Africa Region Steering Committee would prepare proposals on the way forward based on the inputs derived from the report. The report and proposed recommendations would be taken to the Fourth General Meeting of the SoCATT Africa Region to be held in Botswana in August 2018. The report will also be shared with the CPA-Africa Regional Executive Committee, at their meeting before being held at the 49th CPA Africa Regional Conference in August 2018.

The Society of Clerks-at-the-Table (SoCATT) Africa Region is an organ of the Inter-Parliamentary Association Africa Region.

Using evidence-based support to Members of Parliament service with integrity, conducting meaningful and credible monitoring, evaluation and documentation, connected with systematic planning.

On the question of what role parliamentary institutes should be playing, Dr Draman noted that they should design programs that are targeted and with the goal of preparing Members of Parliament to perform their triple role within the context of a knowledge economy. Most importantly, they should prepare parliamentary staff with skills in IT, innovation and efficient work processes so that they can support Members of Parliament. Hence, it is crucial that every Parliament should be setting up Parliamentary Training Institutes, having the necessary committee from the leadership, dedicated/ committed leadership in formative years and dedicated, experienced and knowledgeable staff.

Dr Michael Akwuja, Director of the Labour Resource and Research Institute at his presentation, looked at what roles legislative practitioners and Parliaments could play in the context of the knowledge-based economy. He was of the opinion that they need to understand the socio- and economic-political contexts in which they work and operate in, and their actions should be informed by empirical research. Parliaments as institutions must be well serviced with modern data and proper archives for ease of reference. Parliaments must be well informed about topical issues on trade, innovation, technology, peace and security. They need to have intelligent information about affordability of changes and new economies. It is important to appreciate the various ‘scapes’ (ethnoscapes, technoscapes, financialscapes, mediascapes, ideoscapes) and that this has narrowed and shrunk the global borders. (Appadurai, 1996).

Ms Susanne Hattingh, Managing Director of Learning for Performance Improvement made a presentation on the Fourth Industrial Revolution, its various phases and its impact on governments, society and people. She highlighted the disruptive effect on the economy and the skills needed in preparation for the Fourth Industrial Revolution; identify strategies and proposals on how to manage and secure African Parliaments intellectual knowledge and to identify strategic partnerships for African Parliaments and their role in assisting Parliaments attain Agenda 2063 and Sustainable Development Goals, which also involves Institutions of Higher Learning, Parliamentary Institutes and Research Institutes.

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Under international and regional human rights treaties, every child has the right to a family. However, research demonstrates that millions of children are routinely and systematically separated from their families and placed in institutions across the world. Although ‘institutions’ do not all look or operate the same – some may be run by the state; others by private providers – they are characterised by the same ‘institutional culture’ that prevails, regardless of context. In institutions that are isolated from the community and do not have control over their lives, or decisions that affect them. Crucially, the requirements of the organisation take precedence over the children’s individual needs. Many institutions are commonly known as ‘orphansages’, but this definition also includes ‘reception centres’, ‘social’ foster/ schools for children with disabilities and other types of residential facility that display institutional characteristics. Over 80 years of evidence from around the world demonstrates that living in institutions can cause significant harm to children. They are deprived of loving parental care and can suffer lasting physical and psychological harm as a consequence. Babies in particular fail to develop because without one-to-one parental interaction, and research has demonstrated the severe impact of institutionalisation on early brain development.

Institutions can also severely limit the life chances of the children who grow up in them. Irrespective of the intentions with which an institution is established, how it is managed or its material conditions, it can never replace the live, support and stability that children need to form secure attachments. Of the estimated eight million children living in institutions around the world, around 80% have at least one living parent, and with the right support, most of them could live with their family. Many governments still believe that providing care and protection to children through institutions is the most cost-effective option. However, research has shown that on average, institutional care is eight times more expensive than supporting families. Yet despite these facts, institutions continue to proliferate in many parts of the world.

A solvable global issue of our time
Many countries across the world – high and low income – have transitioned away from systems of care that rely on institutions, towards supporting families and children in the community. ‘Deinstitutionalisation’ involves transforming services to ensure that children are able to live with their relatives, or in family-based or family-like services in the community. Reform is complex and requires a well-planned approach. Deinstitutionalisation does not mean closing institutions overnight, and typically involves the following elements:

• providing community services that prevent family separation
• ensuring that appropriate alternatives are available when it is not possible for children to remain with their families
• dismantling the institutional system
• redirecting resources invested in institutions towards community-based health, education and social services that keep families together.

Institutions and trafficking
Contemporary evidence from different contexts demonstrates that institutions are central participants in a web of modern slavery and trafficking of children. Orphanage tourism and philanthropic donations to institutions have created a marketplace which leads to the commodification and exploitation of children. The financial incentive available to orphanage directors to host international volunteers and solicit and receive international donations has become so significant that it is resulting in children being ‘recruited’ into institutions. In some countries, the demand for orphanage volunteering is so great that orphanages are set up solely to provide these experiences.

‘Child finds’ travel to local villages or communities – often those affected by war, natural disaster, poverty, or societal
**THE ROLE OF LEGISLATORS IN TACKLING GLOBAL ORPHANAGE TRAFFICKING**

As elected leaders, Parliamentarians have a unique role and responsibility to respond to these issues – both in leveraging their legislative influence, and in encouraging public action and awareness-raising of the issue. Parliamentarians also have a key role in transforming care systems around the world.

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Discrimination - and promises to education, food security, safety, and healthcare for their children.

The reality is that these promises are seldom kept. Once in an orphanage, children are often housed in poor conditions, exposed to a continuous cycle of unskilled, unvetted and unequipped volunteers, deprived of adequate healthcare and schooling, and at increased risk of harm, abuse and being trafficked.

The money that is being channelled into, often unregulated, institutions is vast. In Haiti alone, Lumos research was able to document at least US$100 million of traceable donations that went annually to orphanages in the country, the overwhelming majority of which are not registered with the government, with evidence showing harm and abuse to children.

This phenomenon is referred to as ‘orphanage trafficking’, which is the practice of actively recruiting children from vulnerable families into orphanages, for the purpose of exploitation.

In addition, the Australian Federal Government launched a ‘Smart Volunteering’ campaign where they explicitly discourage any short-term, unskilled volunteering in orphanages.

With mounting pressure, several travel agencies have since publicly withdrawn from offering volunteering experiences in orphanages.

Rwanda has made great strides in reforming its system of care for vulnerable children. Prior to 1994, there were thirty-seven residential facilities housing 4,800 children, but by 1995 – in the wake of the 1994 genocide – the number of facilities rose to 77, housing 127,074 children. Work on family tracing and reunification, alongside an expansion of foster care for children who could not be reunified, meant that by April 2000, the 37 remaining centres housed fewer than 5,000 children.

The passing of a landmark law on the Rights and Protection of the Child; the establishment of the National Commission for the Protection of the Rights of Children; the establishment of the National Commission for Children (NCC); and successful pilot deinstitutionalisation projects demonstrated that

#### Examples of reform

In 2017, the Australian Government’s parliamentary inquiry into establishing a Modern Slavery Act set a global precedent by recommending that ‘orphanage trafficking’ should be included in the definition of modern slavery. In its final report, the Committee listed eleven recommendations on measures to tackle the exploitation of children in orphanages overseas. In addition, the Australian Federal Government launched a ‘Smart Volunteering’ campaign where they explicitly discourage any short-term, unskilled volunteering in orphanages.

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#### The role of the Commonwealth

The Commonwealth can play a key role in recognising and tackling the exploitation of children in institutions.

Action is needed to ensure that countries who support residential institutions overseas redact their support to alternatives that strengthen families and communities, and that countries with care systems which rely heavily on institutions are supported to transition to providing systems of care that keep families together.

As elected leaders, Parliamentarians have a unique role and responsibility to respond to these issues – both in leveraging their legislative influence, and in encouraging public action and awareness-raising of the issue. Parliamentarians also have a key role in transforming care systems around the world.

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Lumos is an international children’s charity, founded by JK Rowling, to end the institutionalisation of children around the world by 2050. They work with international donors, governments and communities, helping them rebuild funds from orphanages to provide health, education and social services, so children can be raised in loving families. They also train professionals in social services, so children can be raised in loving families. They also train professionals in social services, so children can be raised in loving families.

#### References:

Law is the body of principles, recognised and applied by the State, and consists of the rules of justice. The important sources of law are legislation, judicial precedent, customary law and convention. The term ‘legislative’ is derived from the Latin word legislatio meaning bringing or proposing of a law. It is the process of making or enacting laws. In other words, legislation is the exercise of the power and function of making laws that have the force of authority by virtue of their promulgations by the sovereign State or other organisation.

Two types of legislation are supreme legislation and subordinate legislation. Supreme legislation precedes from supreme or sovereign power like the Parliament or a State Legislature incapable of being repealed, annulled or controlled by any authority. Subordinate legislation precedes from any authority other than the sovereign power and is dependent for its continued existence on some authority.

The main function of the legislature is making and enacting of laws. The Constitution of India lays out provisions for the enactment of the law by the Parliament at the Union level. Regarding the State Legislatures, the Legislative Assembly makes the law in a State. The law enacted by a Parliament or State Legislature can be challenged before the courts alleging ultra vires of the Constitution.

**Principles of Legislation**

Legislation must be in consonance with the principles of natural justice. There are various theories holding on legislation and its effects. The utility theory exhorited by Jeremy Bentham postulates that good legislation is the art of achieving maximum pleasure to the maximum number of people.

**Distribution of Legislative Powers between the Union and State Legislatures**

The Legislative powers passed by the State Legislatures naturally suffers from a limitation to which the national Parliament is not subject, namely, that the territory of the union is divided into the States, has the power to legislate for any part of the territory of India [Article 246(1)].

A State Legislature can make laws for the whole or any part of the State to which it belongs [Article 246(2)]. The National Parliament has the power of extra territorial legislation, which no State Legislature possesses. This means that the national Parliament can enact laws relating to persons and property within the territory of India but also on Indian subjects and their property situated anywhere in the world outside India.

**Classification of Bills**

1. **Government Bill:** When a Bill is presented in the House by a Minister, it is called the Government Bill.
2. **Private Members Bill:** When a Bill is presented in the House by a Member other than a Minister, it is called a Private Members Bill.
3. **Original Bills:** Bills containing new proposals or policies are termed Original Bills.
4. **Consolidating Bills:** Bills aimed at consolidating existing laws on a particular subject are known as Consolidating Bills.
5. **Espousing Laws:** Bills providing for the continuation of an existing Act are termed Espousing Laws.
6. **Ordinance Replacing Bills:** Bills seeking to replace ordinance are called Ordinance Replacing Bills.
7. **Constitution (Amendment) Bills:** Bills seeking to amend the Constitution of India are known as Constitution Amendment Bills.
8. **Money Bills:** Bills which exclusively contain provision for imposition, abolition, remission, alteration or regulation of taxes or for appropriation of money out of the consolidated fund, etc., are classified as Money Bills.
9. **Financial Bills:** Any of the matters which come within the definition of a Money Bill, but do not consist solely of those matters and which, if enacted and brought into operation, would involve expenditure from the consolidated fund of India.

**Important features of a Bill**

1. **Title:** Every Bill has a title succinctly describing the nature of the proposed measure that the Bill aims at achieving. The title, generally referred to as the long title is prefixed to the Bill and retained in the Act and is different from the short title.
2. **Preamble:** The Preamble is a clause at the beginning of a statute following the title and preceding the enacting clauses. The proper function of the preamble is to explain facts which are necessary for the purpose of understanding the Act. Earlier, the preamble was not considered part of the Bill. Now it is a part of the Bill, which is amenable for amendment.
3. **Enacting Formula:** This is a short paragraph preceding the clauses of a Bill.
4. **Short Title:** This is merely a label or index heading to the enactment.
5. **Extent Clause:** It is with respect to the area within which the Act is made applicable. Normally a law passed in the Parliament is applicable throughout the country except, whether it is otherwise expressly provided for in the Act itself.
6. **Commencement Clause:** It is an important provision which shows how the Acts is intended to take effect. However not all Acts need to have a commencement clause.
7. **Interpretation of Definition Clause:** This clause usually comes after the short title or situation clause. The definitions are arranged in alphabetical order.
8. **Duration Clause:** Certain laws are of limited duration which are enacted for a short stipulated period. Such enactment is not to be effective after the expiry of the period stipulated.
9. **Declaratory Clause:** This declares or states the need or requirement which the Act was framed to fulfill.
10. **Rule-making Clause:** This clause contains the delegating power to the Executive to make rules and regulations for administering the various provisions contained in the rule-making clause of a Bill.
11. **Repeal and Savings:** This is a provision both for repeal and savings which is placed at the end of the statute.
12. **Schedules:** Some Acts only have schedules. It contains an illustration of forms, appending plans etc.
13. **Statement of Objects and Reasons:** This is an explanatory statement regarding the purpose of the proposed legislation. It helps with understanding the necessity and scope of the Bill. However, the Constitutional Courts may not rely on the statement of objects and reasons to gather the intention of the legislation for the enactment.
14. **Notes on Clauses:** This is to explain the various provisions in a Bill and their significance.
15. **Memorandum Regarding Delegated Legislation:** The Memorandum draws proposals for the delegation of subordinate legislative power to the authorities concerned or is a Government Memorandum containing re-modifications in a Bill to replace an ordinance.
The proposal for legislation comes from the department to which the subject matter of the legislation relates. The Law Department will examine the correctness of the proposals of the State Legislature for the legislation along with various constitutional requirements, such as the need for obtaining the recommendation of the Governor if it is a Money Bill. The question regarding whether the proposed Bill would be consistent with any of the provisions of the Constitution of India or in relation to fundamental rights would also be examined. The Law Department gives its advice on the above matters as per rule 45 of the Rules of Business.

The administrative department would prepare a note for circulation to the Chief Minister, the Minister concerned of the Government Department and the Law Minister. When the Chief Minister agrees to the proposal and a policy decision is taken, the administrative department would draft a memorandum of instructions explaining the circumstances for the proposed legislation with a statement of the objects and reasons. The administrative department would also prepare a financial memorandum in relation to the Bill. Then, this is sent to the Law Department for the preparation of the draft Bill.

When the draft Bill has been approved by the Minister concerned, it would be circulated to the Chief Minister for forwarding it to the Cabinet of Ministers for approval. After approval by the Cabinet, the draft Bill would be forwarded to the Governor or to the President if the provision is for a special law. After obtaining their approval if needed, the Bill would be sent back to the administrative department for final approval. The finally approved draft Bill is then forwarded to the Secretariat of the Legislative Assembly by the Law Department for further action.

Enacting procedures

The enacting procedures followed at the Legislative Assembly Secretariat include:

1. The Secretariat will scrutinise whether the Bill contains a statement of objects and reasons.
2. Whether the recommendation and approval of the Governor is required.
3. Whether constitutional requirements had been complied with or not.
4. Whether the Bill involves expenditure from public funds. If so whether it is printed in italics or not.
5. Whether the Bill contains the financial memorandum and if so whether it is attached to the Bill.
6. When a memorandum containing modification to the Bill to replace an ordinance, if needed, has been appended to the Bill. Whether correction carried out in the proof with the seal of the Ministry of Law.

Publication of Bills before introduction

On a request made by the Member in charge of the Bill, the Bill may order publication of the Bill in the Gazette.

Introduction of Government Bills

A Minister who wishes to introduce a Bill has to give seven days’ notice in writing of his intention to move for leave to introduce the Bill. The Speaker can allow a shorter notice than 7 days. Copies of the Bill have to be made available to Members at least two days before the day on which it is proposed to be introduced.

Motion after the introduction of Bills

After introduction, a motion can be moved by the Member to refer the Bill to a Select Committee or to a Joint Committee.

Motion for considerations

The Member who is in-charge of the Bill can move for a motion for consideration of the principle of the Bill and its provisions. But at that stage, the details of the Bill are not discussed other than its principles.

Circulation for eliciting public opinion

The Member in-charge of the Bill, after introduction, may move that the Bill be circulated for eliciting public opinion, if the Bill requires public inputs.

Second Reading of the Bill

After the introduction of the Bill, if the Bill has been reported by the Select and Joint Committees, then the Bill is taken up by the House by clause by clause. The Speaker may call each clause separately and when amendments relating to the particular clause are disposed of, then he puts the question of passing the Bill clause by clause.

Third Reading of the Bill

This is the final stage of the passing of a Bill. When all the clauses and schedules of the Bill have been considered and voted upon by the House, the Member in-charge may move for the passing of the Bill. No amendments other than formal or consequential shall be adopted. Thereafter, the Bill can be passed on the basis of voting.

When the Bill has been passed by the Assembly, it should be signed by the Speaker and presented to the Governor. The Governor may either assent to the Bill, withhold their assent or return the Bill, if it is not a Money Bill with the message for reconsideration of the Bill or any of the provisions, when the Bill which was returned, has been reconsidered by the House and is again passed by the House with or without the modification suggested by the Governor; then it is again re-presented to the Governor. At the stage, the Governor shall either without their assent to the Bill in the Kerala Legislative Assembly, all the Bills are to be introduced in Malayalam version (the language of Kerala). Prior permission of the Speaker is necessary for introducing a Bill in the English version.

Private Members Bill

Any Member of the Legislative Assembly, other than the Minister, can move a Bill to be introduced at the Assembly. Such a Member shall draft the Bill and forward it to the Legislative Secretariat for scrutiny. Thereafter, the Bill should be introduced by the law maker, not a Government Bill is introduced.

Ordinance

The President or the Governor has the legislative power to promulgate an ordinance as provided in Article 213 of the Constitution of India. When the House is not in session and the President or Governor is satisfied that an emergency exists which is necessary for them to take immediate action, they can promulgate an ordinance on the advice of the President or Governor, which is then approved by the Cabinet. It would not be sent to the Assembly Secretariat like the ordinary Bill. After the Cabinet has approved the Bill, the Cabinet shall be signed by the Governor which shall be notified in the gazette. The ordinary legates at any six weeks from the date of the re-assembly of the national Parliament or Legislative Assembly.

Subordinate Legislation

Subordinate Legislation is an important area in administrative law. In the modern concepts of a welfare state, governmental activity has expanded in various ways of law and the Executive machinery has to issue rules and orders to catch up with the needs of the people. Delegated legislation in India is generally expressed as statutory rules and orders. The term rule is defined in the General Clauses Acts, 1897 as a rule having the force of law. Rules are made under the power conferred by any enactment and shall include a rule made under any enactment. After the Legislative passes the statutes that set out broad outlines and principles, and delegates authority to an executive branch official to issue delegated legislation. The purpose of delegated legislation is to provide the government with the flexibility and and requirements prescribed for subordinate legislation. Gazette publication and consultation are the two main procedural requirements prescribed for subordinate legislation.

Controlled by the Judiciary

A subordinate legislation can be challenged before the appropriate court of law. The court usually looks into the competency of the provision to see whether it is consistent with the parent Act. There are two tests adopted by the courts for deciding the validity of a subordinate legislation. The first is ultra vires, which means beyond legal powers or authority. If the subordinate legislation is beyond the authority, then it becomes ultra vires. If the parent Act itself is ultra vires, obviously the subordinate legislation also would become ultra vires, if there is procedural non-compliance, then also the court strikes down the subordinate legislation. Gazette publication and consultation are the two main procedural requirements prescribed for subordinate legislation.

Parliamentary or Legislative Control

The national Parliament and Legislative Assembly have constituted three Committees for legislative scrutiny of subordinate legislation. They are the Subject Committee, the Committee on the Substance of Ordinance, the Committee on Public Services Act, Subordinate Legislation has usually been controlled by the Parliamentary and administrative reforms as well. The draft shall be placed before the Cabinet of Ministers under paragraph 251. There shall also be a consultation with Kerala Public Service Commission in the matter of notification issued under a Public Services Act. Subordinate Legislation has usually been controlled by the Parliamentary and legislative Assembly.

Controlled by the Judiciary

A subordinate legislation can be challenged before the appropriate court of law. The court usually looks into the competency of the provision to see whether it is consistent with the parent Act. There are two tests adopted by the courts for deciding the validity of a subordinate legislation. The first is ultra vires, which means beyond legal powers or authority. If the subordinate legislation is beyond the authority, then it becomes ultra vires. If the parent Act itself is ultra vires, obviously the subordinate legislation also would become ultra vires, if there is procedural non-compliance, then also the court strikes down the subordinate legislation. Gazette publication and consultation are the two main procedural requirements prescribed for subordinate legislation.
2016 marked the 100th anniversary of women’s first right to vote in Canada. On 28 January 1916, Manitoba passed a Bill to Amend the Manitoba Elections Act and became the first Canadian province to allow women the right to vote. This Bill granted the right to vote to women 21 years of age and older who were British subjects (by birth or by naturalization) in the provincial elections. Alberta and Saskatchewan followed with granting women the right to vote in the same year and British Columbia the following year. At the end of the 19th century, women in Canada began to organize themselves to fight for their right to vote. The Women’s Suffrage Societies in Canada’s three first suffrage associations were created in 1883. Although women in Manitoba, Alberta and Saskatchewan were granted the right to vote in 1916, not all Canadian women enjoyed the same rights during this period. The first women to be elected in the British Empire were in New Brunswick on 22 August 1873. The Women’s Rights in the House of Commons chamber referred to as the first Canadian woman who sat in her Members of Legislative Assemblies (MLAs) in Canada were Louise Crummy McKinney and Roberta Catherine MacAlpine. In the 1917 general elections in Alberta, they held the distinction of being the first women to be elected in the British Empire. Women’s representation in provincial and territorial legislatures varies significantly (see Figure 3). As of 5 July 2018, women’s representation was above the Commonwealth benchmark of 30% in five Provincial and Territorial Legislatures: Alberta (34.12%), British Columbia (37.93%), Nova Scotia (33.33%), Ontario (39.52%) and Yukon (36.84%).
Figures 3 – Women’s Representation in Provincial and Territorial Legislative Assemblies

<table>
<thead>
<tr>
<th>Region</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>British Columbia</td>
<td>25%</td>
</tr>
<tr>
<td>Manitoba</td>
<td>25%</td>
</tr>
<tr>
<td>New Brunswick</td>
<td>23.5%</td>
</tr>
<tr>
<td>Newfoundland &amp; Labrador</td>
<td>25%</td>
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<tr>
<td>Nova Scotia</td>
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</tr>
<tr>
<td>Ontario</td>
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<td>Prince Edward Island</td>
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<tr>
<td>Quebec</td>
<td>28.82%</td>
</tr>
<tr>
<td>Saskatchewan</td>
<td>26.67%</td>
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<tr>
<td>Northwest Territories</td>
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<tr>
<td>Yukon</td>
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<tr>
<td>N.W.T.</td>
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<tr>
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<td>38.18%</td>
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<tr>
<td>Yukon</td>
<td>36.84%</td>
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</tbody>
</table>

Commonwealth Women Parliamentarians Canada Region launch new website ahead of Steering Committee meeting highlighting forthcoming 2018 priorities

During the 2018 Commonwealth Women Parliamentarians (CWP) Canada Regional meetings, the CPA Chairperson, Hon. Emilia Monjowa Lifaka, M.P., together with CWP-Canada Regional Chair, Hon. Laura Ross, MLA launched the new CWP Canada Regional website at www.cwp-canada.ca.

The CWP Canada Regional Steering Committee meeting took place on 19 July 2018 during the 56th CPA Canada Regional Conference in Ottawa, Canada from 22 to 27 July 2018.

The Commonwealth Women Parliamentarians (CWP) Canada Region held a regional meeting and workshop sessions introduced by the CWP-Canada Regional Chair, Hon. Laura Ross, MLA. The meeting provided Members with the opportunity to hear about activities over the previous year, and to think about priorities for the upcoming year.

Hon. Laura Ross, MLA (Saskatchewan), CWP Canada Regional Chair said: “I was honoured to launch the CWP Canada’s regional website alongside the CPA Chairperson. Our webpage is a useful information tool where we are able to share information of who CWP is and what our mission and vision are.”

The CWP Canada Chair gave her report emphasising the importance of the CWP Canada Regional Steering Committee continuing their efforts to promote CWP in Canada on a variety of platforms, including social media. The importance of continuing to build ties with other groups who promote the role of women in Legislative assemblies was also emphasised.

At the conclusion of the 56th CPA Canada Regional Conference and as Canada marked the centenary of women’s suffrage in Canada’s federal elections, four Commonwealth Women Parliamentarians (CWP) – the CPA Chairperson, Hon. Emilia Monjowa Lifaka, M.P. (Cameroon); CPA Vice-Chairperson, Hon. Alexandra Mendes, MP (Canada Federal); Hon. Yasmin Ratansi, MP, Chair of the CPA Canada Federal Branch; and CWP Canada Regional Chair, Hon. Laura Ross, MLA (Saskatchewan) – were photographed at the ‘Women Are Persons!’ Famous Five monument at Parliament Hill recognising the campaign for gender equality.

The 11th Commonwealth Women Parliamentarians Caribbean Regional Conference takes place in the Cayman Islands

The 11th Regional Conference of the Commonwealth Women Parliamentarians (CWP) of the Caribbean, Americas and Atlantic (CAA) Region took place ahead of the 43rd CPA CAA Regional Conference in George Town in the Cayman Islands in June 2018.

The 11th CWP Regional Conference was chaired by Hon. Shirley Osborne, MLA, Speaker of the Legislative Assembly of Montserrat and Chair of the Regional CWP, and saw updates on the activities of the CWP across the region.
The Parliamentarian in 1918 from the Parliament of Ireland in the centenary year for women’s vote.

A picture of the first woman elected to the UK House of Commons, Constance Markievicz, in 1918 has been gifted to the UK Parliament by the Irish Parliament (Houses of the Oireachtas). The Speaker of the House of Commons, Rt Hon. John Bercow, MP, accepted the picture on behalf of the UK House of Commons from Seán Ó Fearghaíl, the Ceann Comhairle (Speaker) of Dáil Éireann (the lower house of the Irish Parliament).

The picture, which is a photographic reproduction of a 1901 oil painting of Markievicz owned by the Dublin City Gallery The Hugh Lane, will feature in the UK Parliament’s landmark ‘Voice and Vote’ exhibition until 6 October 2018 when it will be transferred to Portcullis House within the UK Parliament for public display.

The gift of the Markievicz picture comes as the UK Parliament and the Houses of the Oireachtas are marking the centenary of the 1918 Representation of the People Act, which gave some women in the United Kingdom (then of Great Britain and Ireland) the right to vote. In the December 1918 general election, 8.4 million British and Irish women were eligible to vote for the first time and 17 women stood for election including Constance Markievicz (Srín Fhéin) and Christabel Pankhurst (Women’s Party). Constance Markievicz, standing for election to Dublin’s St Patrick’s division, was the only woman to be elected.

Markievicz had long been involved in political activism by the time she was elected, having earlier joined Sinn Féin and Inghinidhe na hÉireann, a nationalist women’s organisation. In 1908 she joined the suffragist opposition to Winston Churchill in the Manchester-North by-election. She supported the striking workers of the Irish Transport and General Workers Union during the 1913 Dublin Lockout, and joined the Irish Citizen Army. Markievicz was one of many women who took part in the 1916 Rising, fighting with the Citizen Army, for which she was imprisoned and sentenced to death.

Markievicz’s sentence was commuted on the grounds of her sex, and she was released in 1917. However, she was rearrested and imprisoned the following year for her participation in nationalist activities in Ireland. She was still imprisoned when she was elected to the UK House of Commons and celebrated the historic win from her cell, where she received a letter from 10 Downing Street inviting her to attend the State Opening of Parliament, addressed ‘Dear Sir…’: ‘However, she never took her seat in Westminster in line with Sinn Féin’s abstentionist policy. Markievicz became a dedicated Parliamentarian in the Irish Parliament (Dáil Éireann) which was established in 1919 and she was appointed as Secretary for Labour and a Member of the Executive – making her the first woman to hold a Ministerial position in Great Britain and Ireland and the first woman Minister in Western Europe.

Left: Copy of a portrait of Constance Countess Markievicz (1901) by Bolesław von Stankowski (1873-1953), Collection: Dublin City Gallery The Hugh Lane. Permission to reproduce granted by the Estate of Bolesław von Stankowski.
MPs discuss the impact of women’s economic empowerment at the Commonwealth Women Parliamentarians Africa Regional Workshop

The Commonwealth Women Parliamentarians (CWP) Africa Region have held a three-day workshop and women’s parliament dialogue for Commonwealth Parliamentarians at the Eastern Cape Provincial Legislature in South Africa from 18 to 20 June 2018.

The objectives of the CWP Africa Regional workshop were to expand accountability by Members on women’s representation; to mobilise the active participation of women in government programmes; to ensure the involvement of women in the Africa 2063 Agenda and sustainable development goals with a view to mainstream gender in the budgetary process. The dialogue also aimed to raise awareness and debate towards the emancipation of women and representation of women in leadership.

The Chairperson of the Commonwealth Women Parliamentarians (CWP) Africa Region and the Deputy Chairperson of Committees in the South Africa Parliament, Hon. Angela Thoko Didiza, MP, gave a keynote address under the theme of ‘Women at the centre of radical economic transformation’.

Delegates attending the CWP Africa Regional workshop included Speakers and Members of Parliament, Government Ministers, Members of Provincial Legislatures, councillors from local municipalities, civic society organisations, academic institutions, businesses and student organisations.

Commonwealth Women Parliamentarians East Africa Regional Gender Sensitization Workshop in Uganda focuses on mainstreaming gender in parliamentary business

The Commonwealth Women Parliamentarians (CWP) Africa Region have held a four-day gender sensitization workshop for Commonwealth Parliamentarians from the East Africa region at the Parliament of Uganda in Kampala from 21 to 26 July 2018.

The Chairperson of the Commonwealth Women Parliamentarians (CWP) Africa Region and the Deputy Chairperson of Committees in the South Africa Parliament, Hon. Angela Thoko Didiza, MP, gave a keynote address under the theme of ‘Mainstreaming Gender in Parliamentary Business’.

The CWP workshop was attended by Rt Hon. Rebecca Kadaga, MP, Speaker of the Parliament of Uganda and former Chairperson of Commonwealth Women Parliamentarians (CWP) International; Hon. Lindiwe Mazibuko, MP, (South Africa), Chairperson of the CPA Africa Region; and Hon. Mary Karor Okurut, Minister of Gender Labour and Social Development of Uganda.

Delegates attending the CWP Africa Regional workshop included Speakers and Members of Parliament and Government Ministers.

With thanks to our Parliamentary Report and Third Reading contributors: Stephen Boyd (Federal Parliament of Australia); Radhika Guernica (Parliament of India); Dr Jayadev Sahu (Parliament of India); Erin Virgint (Federal Parliament of Canada); Luke Harris (Parliament of New Zealand); Josie Schofield (British Columbia Legislative Assembly); Neil Iddawala (Parliament of Sri Lanka); Ayeesha Waller (Parliament of the United Kingdom); André Grenier (Québec Legislative Assembly).
On Saturday 28 July 2018, five by-elections were held as a result of three Australian Labor Party (ALP) MPs and an Independent MP being disqualified on dual citizenship grounds and one ALP MP resigning for personal reasons. Ms Susan Lamb, ALP (Longman), Ms Justine Keay, ALP (Braddon), Mr Josh Wilson, ALP (Freemantle) and Ms Rebekha Sharkie, Centre Alliance (Mayo) were found by the High Court to be in breach of section 44 of the Australian Constitution for having dual nationality. They were disqualified, renounced their citizenship of other countries and then contested the by-elections. Mr Matt Hammond ALP (Perth) resigned for family reasons.

By-elections are usually an opportunity for voters to protest against the government of the day without changing the overall result. Voting history demonstrates that normally a swing of about 3% against the government is normal, the first preference vote fell to 45%. In Longman received a two-point swing towards her of just over 3% against her 2016 result. In Australia, Independent Members having won a seat from the opposition, there is no reason to go on to retain them for very long time. Nevertheless, there are reports that the Liberals will urge Ms Dowler to contest the by-election, the government did not contest the by-elections in Perth and Freemantle and the ALP candidates Mr Patrick Gorman and Mr Josh Wilson were easily elected for the respective seats. When the Prime Minister was questioned about the by-elections, the government did not contest these seats he commented that “was a decision the West Australian (WA) party made and I’m not going to second-guess them. I mean, the reality is we have limited financial resources. We have much less financial resources available to us than Labor. So the WA party decided not to run in two seats which they believed had no prospect of winning, recognising there will be a general election in the first half of next year. So the people in Fremantle and Perth and in every electorate will have the opportunity to vote for a Liberal or a National or an LNP candidate then.”

The seat of Mayo in South Australia was held by Rebekha Sharkie, Centre Alliance. However, before Ms Sharkie won it from the Liberals at the 2016 election, Mayo was a blue ribbon Liberal seat formally held by Mr Alexander Downer, former Foreign Affairs Minister in the Howard Government and most recently the Australian High Commissioner to the UK. The Liberals believed they could increase their chances of winning the seat from Ms Sharkie by pre-selecting Georgina Downer, Mr Downer’s daughter, as the Liberal candidate for the seat. But this failed. Ms Sharkie achieved a swing towards her of just over 3% against her 2016 result. In Australia, Independent Members having won a seat from the opposition, there is no reason to go on to retain them for very long time. Nevertheless, there are reports that the Liberals will urge Ms Dowler to contest the by-election, the government did not contest the Federal election due within the next nine months. Mr Turnbull sought to play down the threat of the by-elections by saying that the margins were all within historical contests and that there was nothing to worry about. Mr Turnbull commented that “I see that Bill Shorten is pumping the air as though he’s won the World Cup. The reality is that the Labor Party has secured an average or conventional swing in a by-election to it in Longman and it has secured any swing at all in Broadan, at this stage it looks like it will be a live half seat. So there is not a lot to celebrate for the Liberal Party. There is certainly nothing to crow about.” Nevertheless, if the by-elections were held within historical contexts, why did the Prime Minister suggest during the campaign that these by-elections, among other things, are a test of leaders. One of the biggest areas of voter concern about the government is its commitment to the second tranche of company tax cuts for businesses with an annual turnover of $50 million. There are now reports that some government backbenchers are keen on ditching the company tax cuts. Mr Turnbull, at a post by-election press conference, was asked whether the government will take its company tax policy to the next Federal Election responded that “we are committed to ensuring Australia has a competitive company tax policy. That is our position and we’ve been very much looking forward to re-engaging in the debate the in the Senate when Parliament comes back in a couple of weeks.” One option being considered is to limit the next round of company tax cuts to $500 million a year which would have the effect of excluding the banks and major retailers. Nationals MP and Assistant Minister to the Prime Minister, Mr McCormack, summed it up when he said, “no one in my electorate is sitting around their kitchen tables talking about company tax cuts for major companies, they can’t pay their bills.”

Mr Shorten commented that “I know for the Labor MPs they worked very hard, and this election wasn’t exactly what they expected, but I was on the phone with a couple of personalities and Mr Turnbull versus me. It was about what was about Australians, it was about the direction of the country. It was about the fact, I believe, that voters from Queensland to Tasmania to South Australia. They actually went into the by-elections not caring about the result. They want to see pensions prioritised not multinationals taxation, cut. They want to see our schools properly funded. They don’t want to see corporations get large tax cuts. This is an election where Labor was out forward issues about the lives that people are living, about health care, making sure that we have the best possible services rather than just cutting health services across Australia.”

The massive pressure on Mr Shorten was that leadership going into the by-elections has faded away and instead the pressure is all on Mr Turnbull’s leadership. The government’s chances at the next Federal Election are now in doubt. In the lead-up to the by-elections there was media speculation that if Mr Turnbull won a seat from Labor he might call a snap election before Christmas. This is an election where Labor was out forward issues about the lives that people are living, about health care, making sure that we have the best possible services rather than just cutting health services across Australia. It is now more likely that the Federal Election will occur in the first half of 2019 with 18 May being the new date for a combined House and half Senate election.
The legislation establishes the Australian Signals Directorate (ASD) as an independent statutory authority within the Defence portfolio reporting directly to the Minister for Defence and amalgamates ASD's functions to include providing material, advice and other assistance to prescribed persons or bodies; preventing and disrupting crime; and other assistance to prescribed persons or bodies. The legislation commenting that the "Minister addressed all of these issues in her earlier contribution to the debate. I thank her for the explanation and assurances that no ASD employee will be disadvantaged by the transition to the statutory authority." Senator Rex Patrick (Centre Alliance) noted that "the Bill has been examined by the Senate Committee. It aimed to do three things: "The Institute for Government..." (named... "Labour Peer, Rt Hon. David Adonis..." This referred to the vote that... Parliamentarians 2018: Issue Three | The Parliamentary
and Canada passed enabling legislation, the federal government’s decision to legalize non-medical cannabis in British Columbia and authorizes government-run retail stores. It imposes restrictions on possession, public use and sale of cannabis in private stores and for agents involved in the purchase and sale of cannabis. The Legislative Assembly passed the Cannabis Control and Licensing Act, which establishes a provincial cannabis safety unit. Second Reading, Hon. Mike Farnworth, Minister of Public Safety and Solicitor General, explained that as the exclusive wholesale distributor, the province would have direct oversight of the cannabis supply chain. He also reported that the new regime is modeled on current liquor distribution practices, with the general manager of liquor distribution appointed as the administrator of the new Act. The Official Opposition criticized for Public Safety and Solicitor General, Mike Morris, MLA, acknowledged the complexities and challenges involved in introducing legislation to respond to the federal decision to legalize non-medical cannabis. However, he voiced a preference for harm reduction in addressing addiction and substance abuse, emphasizing that the legislation should not criminalize people. He also suggested an eventual move towards a vertical integration model similar to that existing in the craft beer market.

At Committee stage, the Official Opposition criticized amendments to: set a minimum distance for cannabis retail outlets from schools; implement a multi-year ‘cooling off period’ and provide funding for education and mental health services. These amendments were defeated on division. A minor amendment, introduced by the Minister, was approved to correct a typographical error.

Cannabis Distribution Act
The Legislative Assembly passed Bill 31, Cannabis Distribution Act, on 15 May 2018. The Bill establishes a public sector distribution regime for non-medical cannabis in British Columbia and authorizes government-run retail stores. It imposed restrictions on possession, public use and sale of cannabis in private stores and for agents involved in the purchase and sale of cannabis. The Legislative Assembly passed the Cannabis Distribution Act on 15 May 2018. The Bill established a public sector distribution regime for non-medical cannabis in British Columbia and authorizes government-run retail stores. It imposed restrictions on possession, public use and sale of cannabis in private stores and for agents involved in the purchase and sale of cannabis. The Bill was introduced by the Minister, was approved to correct a typographical error.

Health (regulation of cannabis)
On 12 June 2018, the National Assembly of Québec passed Bill 157, An Act to constitute the Société québécoise du cannabis (SQDC) as a subsidiary of Québec’s liquor control board, the Société des alcools du Québec (SAQ). It also added a new section to the Act respecting the Société des alcools du Québec to encourage cannabis consumption. The provision in question clearly explains the general philosophy behind the cannabis reform. Yves Fortier, the Minister of Transport, stated that his department is also to ensure the sale of cannabis in accordance with the Cannabis Regulation Act (2018, chapter 19, section 119) and from a health protection perspective, in order to integrate consumers info, and maintain them in the legal market without encouraging cannabis consumption. The SQDC is given the exclusive rights for the bulk procurement, the wholesale, storage and retail sale of cannabis. Cannabis retail purchases will be made either though the SQDC’s website or at one of the 20 retail outlets slated to open in public locations. The Act prohibits minors (i.e., youths under 18 years of age) from possessing or purchasing cannabis and prohibits adults from procuring cannabis for minors. The Act also determines the many encased spaces and outdoor areas where cannabis smoking will be prohibited. In addition, Québec municipalities are given the power to regulate cannabis use in public places. The Act further prohibits cannabis cultivation for personal purposes at home. This choice by Québec legislators is in direct conflict with the federal statute and, as such, is likely to lead to a legal debate. In terms of proceedings, Bill 157 turned out to be the most time-intensive Bill during the 2014 to 2018 period. It included 701 amendments for more than 157 hours over the course of 29 sittings. Finally, 138 amendments were made to the text of the Bill as introduced.

Communications: the future of newspapers
From 1967 to the present, La Presse, one of Québec’s major daily newspapers, belonged to the Power Corporation of Canada holding company. On 8 May 2018, Power Corporation announced that it wished to transfer its newspapers to a non-profit organization. It also announced that it would give the new organization $50M and meet past obligations under the newspaper’s employee pension plans. This choice by Québec legislators is in direct conflict with the federal statute and, as such, is likely to lead to a legal debate.

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Legislation Update
On 21 June 2018, Bill C-45, the cannabis Act, the federal government’s legislation to legalize and regulate recreational marijuana, received Royal Assent. After the Bill was passed, the Prime Minister, Rt Hon. Justin Trudeau, MP, announced that the legislation will take full effect on 17 October 2018. This will give the provinces and territories, which are responsible for determining the rules around the distribution and sale of cannabis, time to prepare. In May 2018, the Senate proposed 46 amendments to Bill C-45, but passed the Bill even though the House of Commons rejected 13 of them.

As a companion to C-45, Parliament also passed C-46, An Act to amend the Criminal Code, which amends the impaired driving provisions to give police new powers to conduct roadside intoxication tests and makes it illegal to drive within two hours of being over the legal limit.

Before adjourning for the summer, several other Government Bills also received Royal Assent, including:

- Bill C-24, An Act to amend the Salaries Act, which allows for the appointment of up to eight new Ministers with full Minister salaries.
- Bill C-50, An Act to amend the Canada Elections Act (political financing), which creates new rules regarding fundraising for political parties. Specifically, C-50 requires fundraising events to be advertised publicly in advance if they cost $200 or more per ticket and feature the Prime Minister, Cabinet Ministers, party leaders or party leadership candidates. It also requires these events be reported on in some detail to Elections Canada.
- Bill C-66, An Act to establish a regulatory body for the cannabis industry and to make related amendments to the Canada Elections Act, to the Copyright Act, to the Criminal Code and to the Excise Tax Act.

Committee Hearings and Reports
Along the Canadian House of Commons adjourned for the summer recess on 20 June 2018, the House of Commons Standing Committee on Citizenship and Immigration agreed to meet in July to study the impact of irregular crossing of Canada’s southern border by asylum seekers. In addition, a number of reports were tabled by House Committees, including:

- Review of the Code of Conduct for Members of the House of Commons: Sexual Harassment (Standing Committee on Procedure and House Affairs);
- Use of Ion Mobility Spectrometers by Correctional Service Canada (Standing Committee on Public Safety and National Security);
- Report on Highly Sweetened Pre-Mixed Alcoholic Beverages (Standing Committee on Health);
- From the Ashes: Reimagining Fire Safety and Emergency Management in Indigenous Communities (Standing Committee on Indigenous and Northern Affairs);
- Women’s Economic Security: Securing the Future of Canada’s Economy (Standing Committee on the Status of Women); and
- Healing Oceans, Vibrant Coastal Communities: Strengthening The Oceans Act’s Marine Protected Areas Establishment Process (Standing Committee on Fisheries and Oceans).

Changes in the Senate
In June 2018, Prime Minister, Rt Hon. Justin Trudeau, MP announced the appointment of five Senators based on the advice of the Independent Advisory Board on Senate Appointments. The new independent Senators are:

- Hon. Donna Dasko, a social worker, business leader, and one of Canada’s best-known pollsters, to fill a vacancy in Ontario.
- Hon. Erica Dabovich, an arbitrator, accredited mediator, and former senior judge of the Quebec Court of Appeal, to fill a vacancy in Quebec.
- Hon. Mohamed-Iqbal Ravalla, a community leader, family physician, and senior medical officer at the Notre Dame Bay Memorial Health Centre in Newfoundland and Labrador, to fill a vacancy in Newfoundland and Labrador.
- Hon. Colin Deacon, a technology entrepreneur and business leader, as an independent Senator to fill a vacancy in Nova Scotia.
- Hon. Julie Miville-Dechêne, formerly a journalist, a senior public servant, and longtime advocate for gender equality and women’s rights, to fill a vacancy in Quebec.

As of 26 July 2018, the standings in the Senate were: Independent Senators Group 46, Conservative Party 32, Liberal Party 11 and non-affiliated 8; there were also 8 vacancies.

Changes in the House of Commons
On 18 June 2018, Richard Martel, MP, of the Conservative Party won the Quebec riding of Chicoutimi-Le Fjord in a by-election. The by-election was triggered by the resignation of Denis Lemieux of the Liberal Party in December 2017. On 18 July 2018, Prime Minister Trudeau announced changes to the Ministry and welcomed several new members to Cabinet:

- Hon. Dominic Leblanc, MP, former Minister of Fisheries, Oceans and the Canadian Coast Guard, was appointed Minister of Intergovernmental Affairs and Northern Affairs and Internal Trade.
- Hon. James Gordon Carr, MP, former Minister of Natural Resources, was appointed Minister of Interennial Diversification.
- Hon. Melanie Joly, MP, former Minister of Canadian Heritage, was appointed Minister of Tourism, Official Languages and La Francophonie.
- Hon. Amarjeet Sohi, MP, former Minister of Infrastructure and Communities, was appointed Minister of Natural Resources.
- Hon. Carla Qualtrough, MP, former Minister of Public Services and Procurement, was appointed Minister of Public Services and Procurement, and Accessibity.
- Hon. François-Philippe Champagne, MP, former Minister of International Trade, was appointed Minister of International Trade, and welcoming several new members to Cabinet:
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The historical grievances of Ngāi Tai ki Tāmaki and their descendants not only from their lands but also from the redress items provide a starting point for the implementation of elements of the deed of settlement, signed in 1997. The redress we will receive and acknowledge the loss suffered by Ngāi Tai ki Tāmaki and provide a new future for the iwi... Sixteen cultural sites will be vested in Ngāi Tai ki Tāmaki, which will provide the iwi with a more visible presence in their land and a more active role in how that land is cared for.

Brokering (Weapons and Related Items) Controls Bill

The Brokering (Weapons and Related Items) Controls Bill, a Government Bill aimed at bringing New Zealand legislation into line with the Treaty of Waitangi breaches meant that the loss of communal ancestral lands; the iwi’s traditional tribal structures; families were left landless and, with insufficient means to support themselves, they left their ancestral home of Umuāpua in search of work. This dispersal isolated many whenua (family) from their land and their descendants not only from their lands but from their iwi identity, their tribal authority, their language, and their cultural traditions.

Hon. Andrew Little, MP (Labour) Minister for Treaty of Waitangi Negotiations, shed more light on the marginalisation of the iwi, explaining: “This Bill represents the culmination of the Crown’s efforts to fulfill its obligation to redress the wrongs of its past actions with respect to the iwi of Ngāi Tai ki Tāmaki...” The Crown repeatedly failed the people of Ngāi Tai ki Tāmaki and breached its obligations under the Treaty of Waitangi. This Bill cannot change the past, nor will it be enough to fully compensate the loss incurred by Ngāi Tai ki Tāmaki. However, the redress we will receive and acknowledge the loss suffered by Ngāi Tai ki Tāmaki and provide a new future for the iwi... Sixteen cultural sites will be vested in Ngāi Tai ki Tāmaki, which will provide the iwi with a more visible presence in their land and a more active role in how that land is cared for.

The settlement itself is only a small proportion of what Ngāi Tai ki Tāmaki really lost—it’s in the dollars—but it is a quantum leap. So the quantum we provide, but the opportunities available to Ngāi Tai ki Tāmaki are indeed very, very large. The redress items provide a starting point for the implementation of elements of the deed of settlement, signed in 1997. The redress we will receive and acknowledge the loss suffered by Ngāi Tai ki Tāmaki and provide a new future for the iwi... Sixteen cultural sites will be vested in Ngāi Tai ki Tāmaki, which will provide the iwi with a more visible presence in their land and a more active role in how that land is cared for.

Brokering (Weapons and Related Items) Controls Bill

The Brokering (Weapons and Related Items) Controls Bill, a Government Bill aimed at bringing New Zealand legislation into line with the Treaty of Waitangi breaches meant that the loss of communal ancestral lands; the iwi’s traditional tribal structures; families were left landless and, with insufficient means to support themselves, they left their ancestral home of Umuāpua in search of work. This dispersal isolated many whenua (family) from their land and their descendants not only from their lands but from their iwi identity, their tribal authority, their language, and their cultural traditions.

Hon. Andrew Little, MP (Labour) Minister for Treaty of Waitangi Negotiations, shed more light on the marginalisation of the iwi, explaining: “This Bill represents the culmination of the Crown’s efforts to fulfill its obligation to redress the wrongs of its past actions with respect to the iwi of Ngāi Tai ki Tāmaki...” The Crown repeatedly failed the people of Ngāi Tai ki Tāmaki and breached its obligations under the Treaty of Waitangi. This Bill cannot change the past, nor will it be enough to fully compensate the loss incurred by Ngāi Tai ki Tāmaki. However, the redress we will receive and acknowledge the loss suffered by Ngāi Tai ki Tāmaki and provide a new future for the iwi... Sixteen cultural sites will be vested in Ngāi Tai ki Tāmaki, which will provide the iwi with a more visible presence in their land and a more active role in how that land is cared for.
SRI LANKA INTRODUCES A NEW SET OF STANDING ORDERS

The new Standing Orders numbering 143 were adopted by the Parliament of Sri Lanka recently on 15 April 2018.

Standing Orders in Parliament have been enacted since the first Parliament was set up in 1948 and have been amended from time to time since its first introduction and were adopted in 1993. This is almost the first time that the Standing Orders were changed in a significant manner following a report from the Committee of Standing Orders presented to the House by the Speaker, Hon. Karu Jayasuriya on 27 Nov 2017 (Parliamentary Series No 314).

The Committee consisted of eight members and was also chaired by the Speaker of Parliament. It was also attended by four senior Members appointed to look into and report into special matters consisting of Hon. Rauff Hakeem, Hon. Wijeyadasa Rajapaksha, Hon. R. Sampathrajanas, and Hon. Chamal Rajapakse. Twelve sittings of this Committee were held from December 2015 to October 2017. They deliberated very diligently and cautiously before submitting their recommendations.

A keyword about the history of the Standing Orders may be useful, Following the struggle of a new Lanka State Audit Commission in 1833, the Executive Council and the Legislative Council were set up. The first Parliament was also attended by the Governor, Sir Robert Horton in 1833. These institutions were located in the building opposite the Parliamentarian and were set up.

The first Standing Orders were approved by the then Clerk of the House of Commons, Sir Edward Fellowes who assisted in the formulation of the Standing Orders in 1847. The Standing Orders of Parliament are the agreed rules under which procedure, debate the conduct of Members in the House are regulated. The main purpose of the Standing Orders is to lay down the procedure for the functioning of Parliament, in an orderly and meaningful manner. It is easily the most important source of our Parliamentary procedure and is often referred to as the bible of our Parliamentary procedure. It provides and sets out ample opportunity for debate and discussion and lays down the guidance under which procedure and debate are to be taken for matters under consideration.

The Standing Orders have the status of rules under the Constitution of Democratic Socialist Republic of Sri Lanka. Article 74 of the 1978 Constitution gives the power to Parliament to make by resolution provide for Standing Orders. Throughout the twelve sittings Members of the Standing Orders Committee over a period of two and half years, an intensive and comprehensive in-depth study was made of all the available material before the Committee. To begin with all the Members of Parliament were asked to submit their proposals which included those coming from the Prime Minister, the Leader of the House, the Leader of the Opposition, the Deputy Speaker, Deputy Chairman of the Committees and all the leaders of the political parties represented in the House. In addition, the suggestions of the Sri Lanka Parliament asked for and received the views of the Secretariats of many Commonwealth Parliaments including the UK, India, Australia and Canada. All these reports were made available to all the Members of the Standing Orders Committee.

The proceedings of a Parliament recommenced on 26 February 1993, upon a Motion by the Leader of the House then to approve of Amendments to Standing Orders was made available to all the Members of the Committee. Special attention was focused on few matters which was considered very topical and important. Among others these included the setting up of Parliamentary Oversight Committees, the approval of Liaison and Statutory Committees, the consultation with the Supreme Court with special reference to the removal of judges and the implementation of the constitutional change. At the end of their deliberations the Committee unanimously agreed to make changes in the following Standing Orders: 1. Official oath and affirmation by the Speaker and Members 2. Election of a President 3. Maps of Parliament 4. Proceedings of the House to be made available for broadcast and Telecast 5. Motions or Questions at Adjournment time 6. Private Member Motions 7. Ministerial Statements 8. Personal explanations 9. Questions to Ministers when they are absent and when Members are absent asking the question 10. Questions to the Prime Minister 11. Voting 12. Bills regarding list 3 of the 4th Schedule of the Constitution 13. Orders in Parliament 14. Removal of members for unruly behavior 15. Sectoral Oversight Committees 16. Legislative Standing Committee 17. Committee on Ethics 18. Committee on Public Accounts 19. Committee on Public Finance 20. Committee on Constitutional Affairs 21. Backbencher Committee 22. Resignation or removal of Chairs of Committees All these changes have been included into the new Standing Orders adopted in April 2018. It is fervently hoped that with these new changes and Members following and rigorously abiding by these provisions, Parliament will re-establish itself into a more vibrant and effective institution and earn the respect it so much deserves at a time when falling standards is much spoken of.

Parliamentarian Report
and make rules under this Act.

The Speaker shall table the estimates in Parliament. The Audit Service Commission is established under this Act. The members of the Sri Lanka State Audit Service to carry out any audit in any part of Sri Lanka.

The Speaker shall appoint an independent auditor to carry out any audit of the accounts, statements, accounts and other information relating to the Auditor Office. The independent auditor should submit a report to the Commission, and the Commission should submit it to Parliament together with any observations/views.

Offences and Penalties

Failure to assist the Auditor General is an offence. Other offences include: refusing to furnish information and documents, refusing to nominate a person convenient on the subject, appear before the Auditor General, making any false statements to the Auditor General, assisting or obstructing the functions and duties of the Auditor General or any person authorized by them.

If a person is convicted, a Magistrate can impose a fine not exceeding Rs. 100,000 or a prison sentence not exceeding six months. In the case of a body corporate or local authority, the sum collected as surcharge shall not be disqualified from holding such office. However, the convicted person can appeal to a competent court.

The difficulty in attempting to influence the Commission or any officer of the Sri Lanka State Audit Service is also an offence. It is a conviction of a fine not exceeding Rs. 100,000 could be imposed on the offender or imprisonment for a term not exceeding three years or to both such fine and imprisonment could be imposed.

Audit Service Commission

It has powers to appoint Committees to assist the Commission. It can introduce schemes to enhance the quality of performance of the staff of the National Audit Office. National Audit Office is responsible for providing the performance of the staff of the National Audit Office. National Audit Office.

The National Audit Office shall be the body Corporate and shall have a board of directors consisting of the chairman and such other persons as the government may decide from time to time.

The National Audit Office shall submit its annual report to the Speaker of the Parliament. The report shall be tabled in Parliament without delay.

National Audit Office

The National Audit Office shall have the power to make rules and regulations to carry out its functions. The National Audit Office shall also have the power to make the Standing Orders calling for any comments or amendments. The Speaker or the Committee shall forward their comments or amendments within 30 days from the date of the working programme. The Speaker or the Committee shall forward to the Auditor General. Accordingly, the Auditor General may amend the working programme. The Auditor General shall present a completed annual working programme to the Speaker before the beginning of each financial year. Then they table the working programme in Parliament.

Imposition of Surcharge

Unless otherwise specified provided for, in any other written law, the Audit Service Commission shall reject the amount of any deficiency or loss in any transaction of an auditor entity. The Audit Service Commission may impose a surcharge for any fraud, negligence, misappropriation or corruption. The Chief Accounting Officer of the auditor entity shall charge the surcharge against any person who is responsible for any deficiency or loss. A Surcharge Appeal Committee will be appointed by the Constitutional Council. The committee shall consist of not less than five members, with experience in the fields of auditing, law and public finance management.

That Committee determines the appeal procedure and rules.

The Chief Accounting Officer must credit all such sums of money collected as surcharge and interests accrued to the Consolidated Fund. Where the surcharge is related to a transaction made irrespective of a Provincial fund or a local authority, the sum collected as surcharge should be credited to the Provincial Fund or the Fund of the relevant local authority.

When a sum has not been paid within a specified time period, in order to recover such sum, the Audit Service Commission must lay the matter before Magistrate. The Magistrate may summon the relevant persons, if the person fails to show cause, a fine should be imposed. Any person aggrieved by the decision of the Magistrate can appeal to the High Court.

On 20 July 2018, the Lok Sabha discussed a no-confidence motion for about 12 hours for notices which had been submitted by a number of Opposition parties. This was the first no-trust motion against the government headed by Shri Narendra Modi after it came to power in May 2014 and less than a year before the next general elections. The motion was rejected by 295 to 126 votes. Members of the Shri Sena, BJ and TRS were not present in the House when the voting took place. Several AIADMK members supported the government and voted against the motion.

Shri Jayadev Galla (TDP), starting the debate on behalf of his party member, Shri Krishnesh Sinivas, cited four reasons for moving the no-confidence motion, namely, lack of fairness in bifurcation of the State of Andhra Pradesh in 2014; lack of trust as the central government has used misleading, delaying, confusing, and coercion tactics to portray the people of Andhra Pradesh; lack of priority because Andhra Pradesh is getting the least priority and lack of the desired approach because funds given to Andhra Pradesh are far less than what is being given to projects across India. He charged the NDA government with making empty promises to Andhra Pradesh and denying it the special category status after bifurcating Andhra Pradesh into two States. Shri Rakesh Singh (BJP) said there is no concrete reason for moving this motion and people are unable to understand whether the motion has been moved by the Opposition to protect their shrinking popular base in the States or to try unsuccessfully to block the victory march under the leadership of the Prime Minister. The only truth behind the Opposition parties coming together is that they have become nervous with the popularity of the Prime Minister and intent to grab the power by just forming a temporary coalition.

The Congress Party President, Shri Rahul Gandhi alleged that the government has failed to provide sufficient employment to the youths and the promised 1.5 million numero in everyone’s bank account. He accused the NDA government of making only lofty promises and alleged that the Prime Minister talks only with 15-20 big businessmen while the voice of small traders, the poor does not reach him. Shri Gandhi questioned the government for not revealing the details related to purchase of Rafale fighter aircrafts from France.

In view of the debate, the Prime Minister Mr. Narendra Modi assured the people of Andhra Pradesh that the government is following the assurance of providing all assistance and support for the development of the State.

Shri Harish Rawat (NCP) alleged that the government has not fulfilled even a single promise made in its election manifesto and failed to provide employment to the youths while farmers are suffering due to high cost of inputs like water, fertilizer, seeds etc.

Shri Mohammad Sajid (CPI-M) said farmers and agricultural labourers today are the most distressed, minority communities, dalits, minority communities and also to pass the Women’s Reservation Bill.

The Government which was talking about cashless economy has been raised any issues other than delivery of promises and failed to address the problem of unemployment, farmers’, problems of safety, women and atrocities against the tribals, dalits, minorities and weaker sections of the society.

The Minister of Consumer Affairs, Food and Public Distribution, Shri Ramvilas Paswan (LJP) said the NDA Government has done a lot for promoting the interests of minorities and the TDP has not raised any issues other than that of Andhra Pradesh. Shri Mallikarjun Kharge (INC) said the Congress Party has supported the no-confidence motion in the interests of the people of Andhra Pradesh.

The TDP is trying to divide the society.
suppress freedom of speech and create inequality. He said people want to know when will the government bring back black money stashed abroad and provide employment to 20 million people in a year, just give justice to farmers and stop atrocities against the dalits and women.

Kambhampati Haribabu (BJP) said if the Congress Party is against the dalits and women.

Shri Ram Mohan Naidu Kinjarapu (TDP) said his party has brought the motion so that it could hear from the Prime Minister about what has done for the State.

Dr. G. Bhagwant Mann (AAP) believed the BJP government is a big threat to federal structure which has failed to do anything about unemployment or digital India. Shri Virendra Singh (BJP) narrated the various schemes launched by the central government but stated that he wanted to know the policy of the government on Kashmir.

Dr. Farooq Abdullah (JKM) said the government is unable to find a solution to Kashmir problem and make efforts to win over the hearts of the people of Kashmir. Shri Dharam Vira Gandhi (AAP) said all the natural resources and wealth generation is with the States but control of politics is with the centre which needs to be redined.

Shri C. N. Jayadevan (CPM) said country’s economy is in shambles, the banking system is on the verge of bankruptcy and ‘farmers crisis has escalated in last four years of NDA rule.

Shri Anurag Singh Thakur (BJP) asked the leader in the opposition to apologize for making childish statements on power on the slogans of the government which came to power on the promises, false promises happened in this House and a no-confidence motion is in a way indicative of great strength of our democracy. The government has the numbers and the strength of the people of India. This is not the floor test of the government but of the Congress and its so-called partner in government.

Shri Prem Das Rai (BJP) thanked the government for bringing progress to the people of Sikkim. Shri Bhairon Prasad Mishra (BJP) said the different schemes launched by the government have helped in the development of Sikkim.

Shri R. Radhakrishn (AINUR Congress) opposing the motion said his party will support any Bill that is brought to provide financial assistance to Andhra Pradesh.

Revealing to the debate, the Prime Minister, Shri Narendra Modi said the no confidence motion is in a way indicative of great strength of our democracy. The government has the numbers and the will and interests of the people. She requested that the union government fulfil all the assurances given to the State.

Shri Mukesh Raipur (BJP) said a lot of development works have been undertaken during the last four years while Shri Raju Shetty (Swabhimani Paksha) expressed his lack of confidence in the government.

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Shri Prakash Javadekar (BJP) said the government has done several things for the benefit of the people especially women, vulnerable sections, youth and farmers and his government is serving the nation on the basis of Sarva Shiksha Abhiyan, Jan Dhan Yojana, Jan Aushadhi, Swachh Bharat Mission, UJALA, JAM, Jan Dhan Yojana, Digital India, Saubhagya, etc.

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The establishment of a world class Petroleum think tank was talked about and it was mulled over as to how out. The development of both the states was during his reply inter alia stated that when the |  The Parliamentarian  |  2018: Issue Three  |

The Senate of the Institute shall be |  \text{PARLIAMENTARY}

The Bill was brought forward before the House to give the status of institution of national importance to the said institute. The measure was welcomed by Members during discussion on the Bill in both Houses of Parliament. The views that emerged were:

- The objective of the Bill is to meet the quantitative and qualitative gap in the supply of skilled manpower for the petroleum sector and to promote required research.
- The middle class is expanding fast in the country and their consumption power is also increasing.
- The experts are of the opinion that India has a huge potential in terms of shale gas.
- The Minister has been requested to allocate funds that are required as per the construction of the buildings of the Institute so that the Institute comes up with necessary infrastructure at the earliest.
- There is a need to harness the potential of both conventional and as well as renewable sources of energy. It was about the time that dependence on fossil fuels had to be challenged. People need to be encouraged to increase their dependence on renewable energy.

The Bill was welcomed by all sections of the country.

The larger point which is there in the country needs to be taken note of - which is the potential demographic dividend because of the youthful population of the country. But it is very clear that if the education sector in India particularly higher education is not revitalized, this demographic dividend potentially would transform into a demographic disaster.

It was a remarkable moment when a Government Minister in the system of governance, actually surrenders power. It was suggested that Government in its next step should come up with a more ambitious Management Education Bill so that other management institutions can benefit from these reforms and create a National Management University.

While the idea of academic autonomy with adequate safeguards and accountability was commendable, there are still some issues related to this concept of autonomy, which need to be addressed.

The Bill would also protect the academic standards of Indian Institutes of Management and Research.

The Parliamentarian while replying to the debate inter alia observed that Members have put forth their very good points views on the future of twenty Indian Institutes of Management and Research for all supporting the Bill. He also observed that Members of all the parties had spoken in favour of the autonomy of these Institutes. This clearly noted that India had demonstrated that it also sends a clear message to the countrymen in this regard. The world could see that India had taken an initiative for promoting autonomy to these Institutes in a great way. The Minister reiterated the need to trust best brains and best institutes in the country. These institutes had proved time and again that their existence on fossil fuels and the Compitoler and Auditor-General of India. The Bill also provides that the twenty existing IMIs independent statutory status with uniform governance structure and policy framework as also to declare them as institutions of National importance and to enable them to grant degrees to their students in the academic courses conducted by these Institutes.

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Patrons

PATRON: Her Majesty Queen Elizabeth II
Head of the Commonwealth

VICE-PATRON: Vacant

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SOUTH-EAST ASIA

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Hon. Dr Fehmida Mirza, MP

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