

# TheParliamentarian



Journal of the Parliaments of the Commonwealth

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## An Inclusive Commonwealth and Youth Engagement

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in advancing the  
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PROGRAM INQUIRIES: Dr. Frederick (Rick) Staphenurst: [frederick.staphenurst@mcgill.ca](mailto:frederick.staphenurst@mcgill.ca)

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Commonwealth Parliamentary Association (CPA)  
Email: [hq.sec@cpahq.org](mailto:hq.sec@cpahq.org) | Tel: +44 (0)20 7799 1460 | [www.cpahq.org](http://www.cpahq.org)  
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## STATEMENT OF PURPOSE

The Commonwealth Parliamentary Association (CPA) exists to connect, develop, promote and support Parliamentarians and their staff to identify benchmarks of good governance, and implement the enduring values of the Commonwealth.

# Calendar of Forthcoming Events

Confirmed as of 25 November 2016

## 2016

### December

- 11 to 17 December      62<sup>nd</sup> Commonwealth Parliamentary Conference (2016 CPC)  
Including:
- CPA Executive Committee - 12 and 13 December 2016
  - CPA General Assembly - 16 December 2016
  - 35<sup>th</sup> Small Branches Conference – including the Election of the Chairperson of the Small Branches - 13 December 2016
  - 4<sup>th</sup> Triennial Commonwealth Women Parliamentarians Conference – including the Election of the Chairperson of the Commonwealth Women Parliamentarians - CWP Steering Committee - 13 December 2016; main CWP Conference - 14 and 15 December 2016
  - Society of Clerks-at-the-Table (SOCATT) Meetings - 14 and 15 December 2016
- Updates to the 2016 CPC can be found at [www.cpahq.org/cpahq/annualconference2016](http://www.cpahq.org/cpahq/annualconference2016)

## 2017

### March

- 13 March      Commonwealth Day 2017 – 2017 theme: *A Peace-building Commonwealth*

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 Secretariat. Branch Secretaries are requested to send notice of the main CPA events and conferences to [hq.sec@cpahq.org](mailto:hq.sec@cpahq.org) in advance of the publication deadline to ensure the Calendar is accurate.

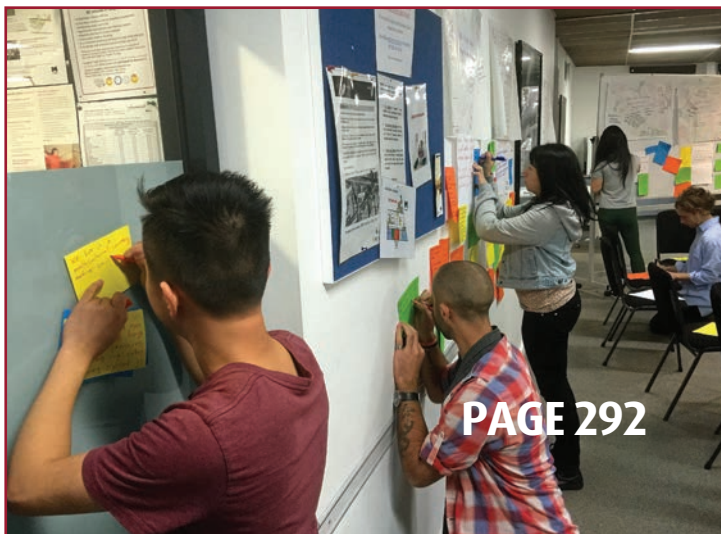
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Secretariat, Suite 700,  
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Tel: +44 (0)20 7799 1460  
Fax: +44 (0)20 7222 6073  
Email: [hq.sec@cpahq.org](mailto:hq.sec@cpahq.org)  
[www.cpahq.org](http://www.cpahq.org)

**Mr Akbar Khan**  
Secretary-General

**Mr Jeffrey Hyland**  
Editor, *The Parliamentarian*  
[editor@cpahq.org](mailto:editor@cpahq.org)

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# AN INCLUSIVE COMMONWEALTH AND YOUTH ENGAGEMENT

## The Editor's Note

With approximately 60% of the Commonwealth's 2 billion population currently under the age of 30, the engagement of young people is a key factor in fostering an inclusive Commonwealth.

For Parliaments to remain relevant they must adapt to be more accessible and transparent to all citizens and especially actively engaging young people through greater outreach and the use of digital technology.

The Commonwealth Parliamentary Association (CPA) is taking a positive step in this important work through its outreach and programmes work. Democracy needs energetic and involved young people taking action and engaging with Parliament and politics.

This issue of *The Parliamentarian* examines the 2016 Commonwealth theme of 'An Inclusive Commonwealth' and in particular, youth engagement in our Commonwealth Parliaments.

The engagement of young people is explored by the **Chairperson of the CPA Executive Committee, Hon. Dr Shirin Sharmin Chaudhury MP** (Bangladesh) who shares the experience of hosting her second CPA Roadshow at the Parliament of Bangladesh. The **Secretary-General of the CPA, Mr Akbar Khan** also shares his views on youth engagement in the context of the CPA Roadshows, the new initiative from the CPA that connects Parliamentarians with young people in schools, colleges and universities and promotes parliamentary democracy and Commonwealth political values.

**"With approximately 60% of the Commonwealth's 2 billion population currently under the age of 30, the engagement of young people is a key factor in fostering an inclusive Commonwealth."**



**Jeffrey Hyland, Editor**  
***The Parliamentarian*,**  
**Commonwealth**  
**Parliamentary Association**

**Rt Hon. Rebecca Kadaga MP** (Uganda) in her 'View' for *The Parliamentarian* as Chairperson of the Commonwealth Women Parliamentarians, writes about the engagement of youth for future political leadership and cites examples from Uganda and around the Commonwealth.

To start the examination of youth engagement in Commonwealth Parliaments, we have two perspectives from the CPA Australia Region. **Hon. Barry House, MLC** (Western Australia) looks at the innovative projects that the Parliament of Western Australia have introduced to engage young people in Parliament and **Hon. Bruce Atkinson, MLC** (Victoria, Australia) outlines a youth engagement project from his Parliament titled 'Democracy for Millennials'.

**Mrs. Kothapalli Geetha MP** (Lok Sabha, India Union) gives us a view from India, the most populous nation in the Commonwealth, on youth inclusivity in the Commonwealth.

In addition to the main theme of youth engagement in the Commonwealth, this issue of *The Parliamentarian* also looks at a wide range of current parliamentary and global questions.

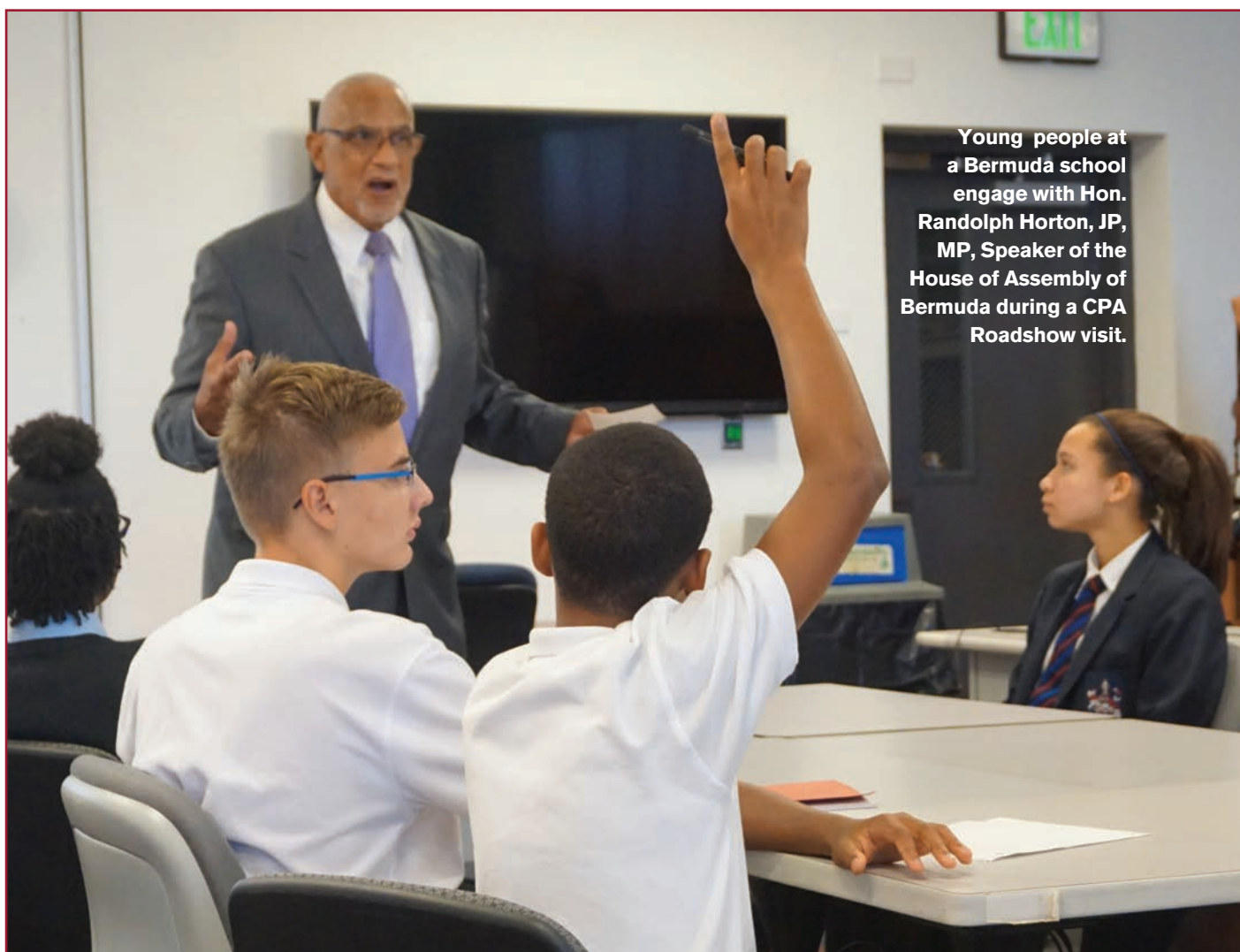
**Hon. Angela Thoko Didiza, MP** (South Africa), Chairperson of the Commonwealth Women Parliamentarians (CWP) Africa Region shares her address to the KwaZulu-Natal Legislature Women's Caucus and Commonwealth Women Parliamentarians (CWP) Group in Durban, South Africa on the topic of the role of the Women's Caucus in advancing the implementation of the UN Sustainable Development Goals.

**Senator Hon. Paula Gopee-Scoon** (Trinidad and Tobago) is the Minister of Trade and Industry for Trinidad and Tobago and continues our theme from the last issue of *The Parliamentarian* with an article on Trinidad and Tobago's role in Commonwealth Trade.

**Hon. Tulip Siddiq MP** (United Kingdom) writes about the political representation and political activism in the Bangladeshi diaspora.

**Meraj Hamayun Khan MPA** (Khyber Pakhtunkhwa, Pakistan) shares her experiences of establishing the Women's Parliamentary Caucus in the Khyber Pakhtunkhwa Provincial Assembly in Pakistan.





Young people at a Bermuda school engage with Hon. Randolph Horton, JP, MP, Speaker of the House of Assembly of Bermuda during a CPA Roadshow visit.

**Senator Floyd Morris** (Jamaica) shares his considerable knowledge of establishing a model political communication strategy for people with disabilities, using his own experiences as a Parliamentarian and his extensive research in this area.

**Mr Tom Duncan** (Australian Capital Territory) is the Clerk of the Legislative Assembly of the Australian Capital Territory and is the current Regional Secretary for the CPA Australia Region. He shares a paper initially presented to the 47<sup>th</sup> Presiding Officers' and Clerks' Conference in Tonga in July 2016, on '*Parliament and the Numbers*' which examines the challenges for parliamentary democracies in their composition.

**Pradeep Kumar Dubey** (Uttar Pradesh, India) is Principal Secretary at the Uttar Pradesh Legislative Assembly in India and shares his article on Climate Change and how Parliamentarians can play a role.

**Marianne Conaty** (Northern Territory, Australia) is the Deputy Clerk of the Legislative Assembly of the Northern Territory of Australia and provides an interesting report on a visit by a delegation from the Northern Territory of Australia to the Niue Parliament outlining the outcomes of a Commonwealth Parliamentary Association (CPA) Secretariat Technical Assistance Programme for the Parliament of Niue.

The *Parliamentary Report* and *Third Reading* section in this issue includes parliamentary and legislative news from Canada Federal,

India, New Zealand, the United Kingdom, and Australia Federal.

The CPA Headquarters Secretariat is gearing up for the **62<sup>nd</sup> Commonwealth Parliamentary Conference (2016 CPC)** in London, United Kingdom from 11 to 17 December 2016. This conference will also have a number of additional conferences and meetings including: CPA Executive Committee; CPA General Assembly; 35<sup>th</sup> Small Branches Conference including the Election of the Chairperson of the Small Branches; 4<sup>th</sup> Triennial Commonwealth Women Parliamentarians Conference including the Election of the Chairperson of the Commonwealth Women Parliamentarians; and the Society of Clerks-at-the-Table (SOCATT) Meetings. Updates on the 2016 CPC can be found at: [www.cpahq.org/cpahq/annualconference2016](http://www.cpahq.org/cpahq/annualconference2016). Full reports of the 62<sup>nd</sup> Commonwealth Parliamentary Conference (2016 CPC) will appear in *The Parliamentarian* in 2017.

We look forward to hearing your feedback and comments on this issue of *The Parliamentarian*, on the issues of concern to Parliamentarians across the Commonwealth and to receive your future contributions in 2017.

**Jeffrey Hyland**  
Editor, *The Parliamentarian*  
[editor@cpahq.org](mailto:editor@cpahq.org)



# YOUTH ENGAGEMENT IN THE COMMONWEALTH

View from the Chairperson of the CPA Executive Committee

## CPA Roadshows: CPA Chairperson stresses the need to instil the youth of society with democratic values so that democracy can flourish at CPA Roadshow in Bangladesh

The Chairperson of the CPA Executive Committee, Hon. Dr Shirin Sharmin Chaudhury, MP, Speaker of the Parliament of Bangladesh has stressed the need to instil the youth of society with democratic values so that democracy can flourish and people can benefit from a democratic system of government. The Chairperson was speaking as the chief guest at the CPA Roadshow on Parliamentary Democracy held at the North Plaza of the Bangladesh Parliament.

The Chairperson said that among the more than 2 billion population of the Commonwealth, 60% are young people under the age of 30 and if the potential of these young people can be fully utilised the world can become a better place for future generations.

The Chairperson said that the countries of the Commonwealth have lots of things in common and share similar values among themselves. She also briefed the young people attending the CPA Roadshow on the workings of the Bangladesh Parliament and the Democratic System of Government.

The Chairperson of the CPA Executive Committee, Hon. Dr Shirin Sharmin Chaudhury, MP also spoke about the Commonwealth Parliamentary Association (CPA) and the activities carried out by the parliamentary organisation throughout the Commonwealth.







More than 120 students, both boys and girls, from four renowned colleges of Dhaka - Holy Cross College, Sahid Bir Uttam Anwar Girls College, Adamjee Cantonment School and College and Notre Dame College - participated in the CPA Roadshow event.

The young people at the CPA Roadshow were also addressed by Dr Dipu Moni, MP, former Foreign Minister of Bangladesh and now the Hon. Chair of the Parliamentary Standing Committee on the Ministry of Foreign Affairs and Bangladesh Member of Parliament,

Mr. Pankaj Nath, MP. Members of the CPA Bangladesh Branch - Mr. Md. Mahbub Ali, MP; Ms Sagufta Yasmin, MP; Ms Mahbub Ara Begum Gini, MP; and Adv. Umme Kulsum Smrity, MP also attended the CPA Roadshow.



A lively interactive session followed the discussion meeting where the students raised questions on different issues which were answered by the Speaker of the Bangladesh Parliament and other Members of Parliament. The students were then taken for a tour of the Parliament of Bangladesh to conclude their visit.

This is the second CPA Roadshow hosted by the CPA Bangladesh Branch. The CPA Roadshows were launched by the CPA Chairperson, Hon. Dr Shirin Sharmin Chaudhury, MP in Bangladesh in March 2016 and since then CPA Roadshows have been held with schools, colleges and universities across the CPA Regions in the Commonwealth.



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 meet local Members of Parliament and Parliamentary staff and to find out about the work of the CPA.

The CPA Roadshows aim to engage with young people and education establishments to promote parliamentary democracy and participation in political life.



# ENGAGEMENT OF YOUTH FOR FUTURE POLITICAL LEADERSHIP

## View from the Commonwealth Women Parliamentarians (CWP) Chairperson

Dear readers of *The Parliamentarian*,

I am really excited by yet another opportunity to share with you. I was sure that my contribution in the last issue would be my last one but yet again I have been given the honour to contribute another article. I am humbled by the Editorial team and of course, our readers for this opportunity. This time around, I have chosen to discuss the critical issue of the engagement of youth for future political leadership. I have purposely picked this topic among the various other options presented to me because I believe that the youth are the bedrock of building strong democracies.

The youth are traditionally active politically in universities worldwide but very often disillusioned with political leadership and political institutions and excluded from policy development. As a result, political activism of youth is not organised according to formal groupings.

Opportunities for youth to engage in governance and participate in political and decision-making processes depend largely on the political, socio-economic and cultural contexts where social norms in many parts of the world result in multiple forms of discrimination against young women. Both formal and informal engagement can be understood as political participation, and both are beneficial for a vivid and resilient democracy and should be supported.

There is strong evidence that the participation of young people in formal, institutional political processes is relatively low when compared to older citizens across the globe. This challenges the representativeness of the political system and leads to the disenfranchisement of young people.

Young people between the ages of 15 and 25 constitute a fifth of the world's population. While they are often involved in informal, politically relevant processes, such as activism or civic engagement, they are not formally represented in national political institutions such as parliaments and many of them do not participate in elections. This can impact on the quality of democratic governance. I am happy to note that the international community has recognized the importance of youth participating in political systems, including through several international conventions and UN resolutions.

In line with these commitments, I think it is important that we should view youth as a positive force for transformative social change, and we must therefore aim to help enhance youth political participation.



**Rt Hon. Rebecca Kadaga, MP  
Chairperson of the  
Commonwealth Women  
Parliamentarians (CWP) and  
Speaker of the Parliament of  
Uganda**

### **Benefits of engaging youth in political leadership**

Meaningful democracy requires the meaningful participation of youth. Young people have much to offer societies – from innovation to creativity to new thinking. Their participation in democracy promotes active citizenship, strengthens social responsibility and can enhance democratic processes and institutions. And today's young citizens are tomorrow's leaders and decision-makers.

By allowing the youth to voice their opinion, we could be opening and moving the political world forward. This is not only good for society, but necessary for society. If the young did not engage with politics, even if it is through pressure groups, there would be many issues with our political establishments in trying to keep policy fair and sustainable for future generations. For example,

equal rights for women required many young women to engage with the issue at hand. Why? Because they had strong feelings for the issues at hand; and that is something that countries should work to increase – interest and opinion on political matters.

### **Way forward**

Going forward, we need to ensure that the support for the political participation of young people should extend across the electoral cycle. Capacity development for young candidates, for example, has proven to be more effective as a continuous effort than as a one-off event three months before an election. Young people who participate actively in their community from early on are more likely to become engaged citizens and voters.

Another core principle is that youth political participation needs to be meaningful and effective, going beyond token gestures. Capacity development is an integral measure, and while building individual capacities is key, the capacities of organisations and the degree to which an environment enables individuals and institutions to participate in political processes can also be factored in.

### **Enabling Legal Framework**

An enabling youth-friendly legal framework is crucial in enabling youth political participation. In one-third of countries, laws stipulate an eligibility age to run for parliament at 25 years or higher, creating a gap between the legal age of majority and/or voting age, on the one





hand, and the age at which an individual can serve in elected office.

Since national governments and parliaments can review the legal framework, they can consider:

1. Aligning the minimum voting age and the minimum age of eligibility to run for office;
2. Introducing youth and women's quotas in electoral laws; and
3. Identifying and addressing context-specific legal barriers to youth participation, such as to facilitate the registration of youth-led organisations.

Civil society organisations (CSOs) and political parties could:

1. Review and discuss the legal framework for youth participation;
2. Consider proposals for a youth-friendly legal framework; and
3. Campaign for changes.

In my country Uganda, there is an affable legal framework for the engagement of youth in leadership. *Article 59(1)* provides that every Ugandan of 18 years of age or above has the right to vote. *Article 78(1) (c)* provides also for youth representation in the Parliament. The youth in Uganda have enjoyed representation to the Parliament ever since the enactment of the constitution. The case for youth political inclusion has been stipulated in: The African Youth Charter (2006); the 1995 Constitution of Uganda; the Uganda National Youth Council Act (1993); National Development Plan Uganda Vision 2040; and the 2011 – 16 Youth manifesto.

#### **Key facts about Youth and Leadership:**

- In the area of political participation, in a third of countries, eligibility for national parliament starts at 25 years old or older.
- 1.65% of Parliamentarians around the world are in their 20s and 11.87 % are in their 30s.
- The average age of Parliamentarians globally is 53 years old (50 years old for women Parliamentarians)
- Young people between the ages of 15 and 25 constitute a fifth of the world's population.

Source: [un.org/esa](http://un.org/esa)



#### **Pre-Electoral Period**

The pre-electoral period is crucial for encouraging and supporting youth to participate in elections. The civic engagement of youth and youth-friendly political parties are important building blocks, given that education for active citizenship is most effective if students not only read about it in textbooks, but also try it out themselves. Youth-led CSOs and their networks can be important means of participation for many young people across the globe. Depending on the contextual factors, they can have a positive impact on their communities and create spaces for participation.

#### **Engagement with Political Parties**

In many countries, the relationship between youth and political parties is strained. To break a cycle of skepticism and mistrust, youth can develop the skills and motivation to successfully interact with political parties. At the same time, political parties could be encouraged to create space for them by removing barriers to youth involvement. In some contexts, youth wings of political parties have played a central role, by providing a powerbase for young members, retaining and grooming them, and reaching out to young voters.

#### **During the Electoral Period**

Across the globe, youth tend to participate in elections less than older citizens. Bringing more youth to the ballot boxes requires specific measures and an overall environment empowering youth to participate in civic life. As part of an electoral cycle strategy, it is important to engage youth in the immediate electoral process to participate actively in the democratic life of their countries.

Dear readers, there is so much to write about what we can do collectively to put the youth on the proper path for future political leadership but most importantly the message is that we should let them begin now! I wish you happy reading.



# AN INCLUSIVE COMMONWEALTH AND YOUTH ENGAGEMENT

## View from the 7<sup>th</sup> Secretary-General of the Commonwealth Parliamentary Association

The Commonwealth theme for 2016 of *'An Inclusive Commonwealth'* has celebrated the diversity of the Commonwealth, which is made up of more than two billion people and 30% of the world's population. This year has seen many different events that rejoice in the fact that every person is different and everyone has something unique to offer.

The Commonwealth Charter asserts that everyone is equal and deserves to be treated fairly, whether they are rich or poor, without regard to their race, age, gender, belief or other identity.

*"Affirming that the special strength of the Commonwealth lies in the combination of our diversity and our shared inheritance in language, culture and the rule of law; and bound together by shared history and tradition; by respect for all states and peoples; by shared values and principles and by concern for the vulnerable."* (Commonwealth Charter 2013).

Former Commonwealth Secretary-General Kamalesh Sharma said: *"An Inclusive Commonwealth refers to the values of tolerance, respect and understanding, as well as equity and fairness, set out in the Commonwealth Charter, and the richness of the Commonwealth as a family of nations in which each member state is valued equally and has an equal voice. In changing times, the need for the Commonwealth to act as an inclusive network for mutual support, development and growth of opportunity and rights for all is as great as ever."*

With approximately 60% of the Commonwealth's 2 billion population currently under the age of 30, the engagement of young



**Mr Akbar Khan**  
Secretary-General of  
the Commonwealth  
Parliamentary Association

people is a key factor in fostering an inclusive Commonwealth.

Parliaments must adapt to be more accessible and transparent to all citizens including actively engaging young people through greater outreach and the use of digital technology. The Commonwealth Parliamentary Association (CPA) is taking forward this invaluable work because democracy demands active and involved citizens of all ages taking action to make societies a better place.

With this in mind, the CPA Secretariat launched the CPA Roadshows in 2016 as a key initiative to strengthen its outreach to the Commonwealth's young people. The goal of the CPA Roadshow is to increase awareness of the important work done by the CPA in promoting parliamentary democracy across the Commonwealth and to

connect Parliamentarians with young people in schools, colleges and universities to inspire young leaders today and the next generation of young leaders of tomorrow, and to promote parliamentary democracy and Commonwealth political values.

This is a hugely important endeavour. As the CPA completes its 105<sup>th</sup> year, it is proud to have initiated and led on this project. The CPA Roadshows were successfully launched by the Hon. Chairperson of

**Below: The CPA Secretary-General, Mr Akbar Khan speaks to young people about the Commonwealth and the CPA as part of the CPA Roadshows visit to Bermuda.**

***"Affirming that the special strength of the Commonwealth lies in the combination of our diversity and our shared inheritance in language, culture and the rule of law; and bound together by shared history and tradition; by respect for all states and peoples; by shared values and principles and by concern for the vulnerable." - Commonwealth Charter 2013.***







### CPA Roadshows: A Young View from Bermuda

**Eric Englebrecht, aged 14 years old, took part in a CPA Roadshow event for young people in Bermuda and has also participated in the Bermuda Youth Parliament. He gave this account of his experience:**

I just moved to Bermuda a bit more than a month ago and had the great honor to take part in the youth's parliament in Bermuda. I think it's a great opportunity for young children to take part in activities like this, because they can learn a lot how the democratic system works and how it is being a politician and what a politician really does. In the first session we talked about the Commonwealth. The Commonwealth is as an international political organization, but it's more like a family.

In the Commonwealth, there are nations all over the world, different races, different religions, different cultures. This is great when it comes to problem solving as every nation has a really different past so they think in a different way and have a different approach, but they hold the values of the Commonwealth which are international peace, gender equality and human rights, so every nation can be a part of the solution and help the country in need to solve their problem in the best way possible.

The Commonwealth helps to develop healthcare and education and what is really important in our society to form a better world. It is also important to outline that one of the major goals of the Commonwealth is a well-functioning democracy where the smallest county, religion and race can get the same amount of attention as the bigger ones. I do hope as young and encouraged students, we can be also beneficial to the organisation.



Above: 14 year old, Eric Englebrecht (pictured front centre) and other participants in the Bermuda Youth Parliament are pictured meeting the CPA Secretary-General, Mr Akbar Khan and Hon. Randolph Horton, JP, MP, Speaker of the House of Assembly of Bermuda, during a CPA Roadshow visit to Bermuda.

the CPA Executive Committee, Hon. Dr Shirin Sharmin Chaudhury MP, Speaker of the Parliament of Bangladesh in Bangladesh on 2 March 2016 to great enthusiasm from the 150 student participants from five different schools and colleges in Dhaka.

The Chairperson of the CPA Executive Committee, Hon. Dr Shirin Sharmin Chaudhury MP said: *"I am delighted to launch the CPA Roadshows on behalf of the CPA. Young people are the future of the Commonwealth and the CPA is working to give young people a platform to raise a range of issues that impact their lives. The CPA has a unique network of Parliamentarians from over 180 Commonwealth Parliaments and the CPA Roadshows will engage young people in democracy."*

To date, there have been 29 CPA Roadshows which have been held in the following CPA Branches: Bangladesh, Montserrat, Guyana, Pakistan, Jersey, Mauritius, Queensland, Guernsey, United Kingdom, New Zealand, Tonga, Northern Ireland, Bermuda and Zambia - six of the CPA's nine regions with more CPA Roadshows planned in other regions in 2017.

The CPA Roadshows have reached nearly 8,000 young people who have heard about the Commonwealth's 3Ds – *Diversity, Development and Democracy* – the work of the CPA and importantly, engaged with their local Parliamentarians who have attended many CPA Roadshows.

My take-away from speaking to Commonwealth youth of various ages, during the CPA Roadshows and other CPA youth programmes, is that far from being disinterested and disengaged in politics as is often portrayed, young people are increasingly active on political issues relevant to their lives.

This evolving picture speaks to the need for Parliamentarians and Parliaments to depart from a 'status quo' approach to politics and to

work harder to capture the energy, imagination and views of young people about political issues of importance to them; and, to channel their political interests within the political process.

Young people need to hear from politicians that they share their interests and concerns about key issues, for example, employment, climate change, equality, education, and, affordable housing that affect them and future generations; and by doing so for politicians to demonstrate they are concerned with young people's views.

In this way, we will move forward to achieve the goals of an inclusive Commonwealth for future generations and create a more dynamic and vibrant democracy for all.

I hope that you read with interest the examples of youth engagement programmes from Commonwealth Parliaments in this issue of *The Parliamentarian*.

### 62<sup>nd</sup> Commonwealth Parliamentary Conference

I look forward to meeting with CPA Members and delegates at the 62<sup>nd</sup> Commonwealth Parliamentary Conference, which will be hosted by the CPA Headquarters Secretariat in London, United Kingdom from 11 to 17 December 2016.

**Mr Akbar Khan**

**7<sup>th</sup> Secretary-General**

**Commonwealth Parliamentary Association (CPA)**

# The Commonwealth Parliamentary Association (CPA) Photo Gallery



Left: A joint study group of partners in parliamentary strengthening was convened by the CPA Secretariat to review the Commonwealth Parliamentary Association's Benchmarks for Democratic Legislatures in light of the aspirations set out in Goal 16 of the Sustainable Development Goals (SDGs). The study group included the Westminster Foundation for Democracy (WFD); National Democratic Institute (NDI); United Nations Development Programme (UNDP); World Bank Group (WBG); Organisation for Economic Cooperation and Development (OECD).

Right: CPA Secretary-General Mr Akbar Khan met with Dr Denzil Douglas, Leader of the Opposition in St Kitts and Nevis who held discussions about the work of the CPA at the CPA Secretariat Headquarters in London, UK.



Left and below left: Newly elected Parliamentarians to the 12<sup>th</sup> National Assembly of Zambia have attended the CPA Post-Election Seminar, which has taken place in Lusaka, Zambia from 12 to 14 November 2016, hosted by the CPA Zambia Branch. Members of Parliament were elected at the most recent Zambian elections held on 11 August 2016. The CPA Post-Election Seminar was opened by Rt Hon. Justice Dr Patrick Matibini, SC, MCI Arb, MP, Speaker of the National Assembly of Zambia and the Secretary-General of the CPA, Mr Akbar Khan. While visiting Zambia to attend the CPA Post-Election Seminar, the Secretary-General also delivered a CPA Roadshow at NIPA College in Lusaka. The CPA Roadshow presented to a large group of nearly 500 students.



Below left: Parliamentarians from across the Caribbean, Americas and Atlantic (CAA) Region, who are engaged in scrutinising financial budgets and legislation through Public Accounts Committees, have participated in the 2016 meeting of the Caribbean Network of Public Accounts Committees (CarNPAC), hosted by the Parliament of Jamaica from 24 to 25 October 2016 and convened by the Commonwealth Parliamentary Association (CPA) and World Bank Group. The meeting was opened by Hon. Parnell Charles, CD, MP, JP, Speaker of the Parliament of Jamaica.





Right: Newly elected deputies from the States of Guernsey and CPA Guernsey Branch meet the Secretary-General of the Commonwealth Parliamentary Association, Mr Akbar Khan and CPA Secretariat staff at the CPA Secretariat during a visit to London, United Kingdom.

Centre right: The Secretary-General of the Commonwealth Parliamentary Association (CPA), Mr Akbar Khan attended the 135th Inter-Parliamentary Union (IPU) Assembly together with Speakers and Members of Parliament from across the Commonwealth and beyond. The CPA Secretary-General met with his counterpart Mr Martin Chungong, IPU Secretary-General for a bilateral discussion around areas of common concern and interest to both organisations, such as CPA work around the Benchmarks for Democratic Legislatures in line with SDG16 and the IPU's work around the Sustainable Development Goals.

for the Regional Trade Workshop convened by the Commonwealth Parliamentary Association (CPA) and the World Trade Organisation (WTO) from 22 to 24 November 2016 in Port of Spain, Trinidad and Tobago. The Workshop was opened by Hon. Bridgid Annisette-George MP, Speaker of the House of Representatives of Trinidad and Tobago; Hon. Shirley Osborne MLA, Speaker of the Montserrat Legislative Assembly and Vice Chairperson of the Commonwealth Parliamentary Association (CPA); and Mr Bernard Kuiten, Head of External Relations of the World Trade Organisation (WTO). The keynote address was given by Senator Hon. Paula Gopee-Scoon, Trade Minister of Trinidad and Tobago.



Below: Parliamentarians from across the Caribbean, Americas and Atlantic Region have come together



Right: Members of the Khyber Pakhtunkhwa Assembly under the leadership of Sultan Muhammad Khan MPA, Chairman, Standing Committee on Law, Parliamentary Affairs & Human Rights visited the Commonwealth Parliamentary Association (CPA) Secretariat on 5 October where they met with Ms Meenakshi Dhar, Director of Programmes and Mr Joe Omorodion, Director of Finance & Administration during their visit to London, United Kingdom and heard about the work of the CPA.

Opposite page below right: The Commonwealth Parliamentary Association Secretary-General, Mr Akbar Khan presented the work of the CPA in Commonwealth Parliaments at the Induction Programme for Commonwealth Diplomats at the Commonwealth Secretariat.





# The Commonwealth Parliamentary Association (CPA) Photo Gallery



Left and above: The Commonwealth Parliamentary Association (CPA) Secretariat has launched its CPA Regional Hot Topics Forums to provide an opportunity for the CPA Membership and the wider community to engage with experts on a particular topic which is of specific regional relevance. The first CPA Regional Hot Topics Forum was held in the CPA Asia Region on the subject of 'Democracies in Transition and the challenges they face.' The CPA Asia Regional Hot Topic Forum was held from 24 to 25 November 2016 hosted by the Senate of the Parliament of Pakistan and the

CPA Pakistan Branch, and it was opened by Hon. Mian Raza Rabbani, Chairman of the Senate of Pakistan.



Left While in Pakistan, the CPA Secretary-General Mr Akbar Khan met the Deputy Speaker Dr. Meher Taj Roghani, Provincial Assembly of Khyber Pakhtunkhwa in Pakistan & CPA Focal Person Mr Khan to discuss the CPA Technical Assistance Programme.

Below left: Mr Asad Qaiser, Speaker of the Provincial Assembly of Khyber Pakhtunkhwa, Pakistan met with Mr Akbar Khan, CPA Secretary-General at the CPA Secretariat.



Below: Parliamentarians from across the Pacific Region, who are engaged in scrutinising financial budgets and legislation through Public Accounts Committees, have participated in the 2016 meeting of the Pacific Network of Public Accounts Committees (PaNPAC), hosted by the Parliament of Solomon Islands from 7-9 November 2016. The delegate countries attending the meeting include: Cook Islands, Nauru, Tuvalu, Tonga, Fiji, Samoa, and the Solomon Islands. The meeting was opened by Mr Clezy Rore, Clerk to the National Parliament of Solomon Islands, on behalf of the Commonwealth Parliamentary Association (CPA).







Above right and above: The 8<sup>th</sup> Commonwealth Youth Parliament has taken place in British Columbia, Canada, hosted by the Legislative Assembly of British Columbia. In a colourful opening ceremony in the Legislative Chamber at the Parliament Buildings in Victoria, over 60 young participants representing CPA Branches in eight of the nine CPA Regions – Africa; Asia; Australia; British Islands and Mediterranean; Caribbean, Americas and Atlantic; Canada; India; Pacific – came together for the start of a week long programme of events. The 8<sup>th</sup> Commonwealth Youth Parliament (CYP8) was opened by Mr. Akbar Khan, Secretary-General of the Commonwealth Parliamentary Association and saw addresses by the Speaker of the Legislative Assembly of British Columbia and the Clerk of the Legislative Assembly of British Columbia.



Above right, below right and below: The CPA Secretary-General Mr Akbar Khan has visited the Bermuda Branch of the CPA and highlighted youth participation in the Overseas Territories. The Secretary-General accompanied on his visit to Bermuda by Hon. K. H. Randolph Horton, JP, MP, Speaker of the House of Assembly of Bermuda. The CPA Secretary-General visited five schools and colleges in Bermuda as part of the CPA Roadshows tour of the Commonwealth schools and universities. The CPA Secretary-General also visited the Bermuda Youth Parliament to meet participants and hear about their projects.





# ENGAGING OUR YOUTH



**Hon. Barry House, MLC** has served as President of the Legislative Council of Western Australia since 2009. Previously, he served on a number of parliamentary committees and has held numerous roles both in Government and Opposition. Elected at a by-election in 1987, he is now the longest serving current Parliamentarian. He holds a B.Econ and prior to entering Parliament was a teacher. Hon. Barry House is a long-time supporter of the CPA and served as an Australian Regional Representative (2011-14) and has contributed to numerous CPA events, conferences, seminars and publications.

## Introduction

According to the theory of Responsible Government, parliaments are required to be ethical in decision-making and responsive to public opinion, while ensuring equality of opportunity by precluding discrimination and meeting appropriate service standards. As such, the Parliament and its practices should not only be structured to ensure that the liberties and scrutiny of democratic government are well embedded, but also provide opportunities for public participation and engagement.

In Western Australia, there is a further implied constitutional requirement for the Parliament to engage with its community, stemming from its obligation to make laws for '*peace, order and good government*'.<sup>1</sup> As a significant sub-group of the community, youth specific engagement forms a vitally important aspect of our Parliament's public outreach.

In 2011, a case study into *Parliaments and Public Engagement* by The Hansard Society employed a definition of community engagement in its broadest sense, which can be easily applied to the engagement of young people specifically:

*"It is the range of activities whose primary function is to raise awareness of the Parliament amongst the public and to facilitate a two-way flow*

*of information, ideas and views, between them, requiring both listening and interaction on the part of both the institution and the citizen."*<sup>2</sup>

Recognising young people as a significant and unique sub-group of the community is essential in order to develop effective public programmes which not only contribute to the development of a politically aware youth culture, but increase the connection between the Parliament and its people. Such engagement has formed a particular focus for the Parliament of Western Australia, with a range of activities and opportunities developed to encourage young people to participate in, and gain a greater understanding of, the political and parliamentary process.

## Community Engagement Strategy

A clear strategy for youth engagement is essential in order to promote parliamentary participation to young people in a cohesive and effective manner. The Parliament of Western Australia provides an excellent case study in this regard, as over the past four years the Parliament has significantly changed the way it engages with the community and with young people specifically.

As a bicameral parliament in the Westminster tradition, there was an inherent risk of our community engagement work

being fragmented or duplicated, with activities delivered by different parts of the organisation without sufficient coordination or whole-of-Parliament strategic objectives in mind. However, this risk has been minimised through the development of a clear vision for community engagement, which includes well-defined pathways and the capacity and resources necessary to execute that vision.

Having recognised the need to better facilitate the relationship between the Parliament and the public, including young people specifically, this vision included the transfer of the Parliamentary Education Office from the Legislative Assembly to Parliamentary Services, under a whole of Parliament management committee. The Parliament also established a project position of Manager Community and Civic Engagement, tasked with undertaking consultation to inform the development of a Community Engagement Strategy, communication plan and other related documentation to increase public accessibility to information about the Parliament and people's democratic rights, duties and opportunities for participation. Furthermore, the Parliamentary Education Office was also restructured in order to ensure a greater focus on improving Parliament's branding and communication, including the terminology and language used.





Parliament House in Perth,  
Western Australia.

This considered and coordinated approach to community engagement, particularly in the context of the challenges posed by the Parliamentary environment, includes the following goals:

- clearly establish whole-of-Parliament strategic objectives and goals across different Parliamentary departments, reduce fragmentation and achieve a coordinated approach to attaining those objectives and goals
- ensure consistency and quality of communications
- partner with, and harness the energy of, the media (media marketing campaign, including mechanisms for communication)
- achieve comprehension amongst the public of what Parliament does in the context of what can sometimes be construed as historic and archaic

procedures and processes

- modernise our processes to ensure they are more accessible to the community, particularly young people
- physically open up Parliament House to all ages while balancing the demands of security and preservation of a historical building and materials
- engage with the broader public, organisations, young people and disenfranchised and other hard to reach groups.

Although all these goals can be attributed to youth engagement generally, the final three in particular reference the engagement of young people, or recognise the different approaches which may be required to meet the needs of 'all ages'. In response to these goals, the Parliament of Western Australia had developed and maintained a number of programmes and initiatives that

have proven highly effective at engaging young people, and which target the full spectrum of age, social and cultural groups encompassed by the term 'youth'.

### University partnerships

#### *Parliamentary Research Programme*

Parliament facilitates an annual 12-week research programme for high performing university students, majoring in any university discipline. The programme is a cooperative venture between the Parliament of Western Australia and the State's universities. Members of Parliament nominate up to two topics for consideration for selection by participating students. Students assume the role of researcher under the guidance of a Member of Parliament.

The programme aims to achieve the following:

- provide an information resource for Members of Parliament in the

development of policy and legislation (reports that are passed by the University are held in the Parliamentary Library and in the respective university library)

- allow students gain exposure to the roles and functions of Parliament, a Parliamentarian, government and key community and policy issues
- develop students' research skills, particularly critical thinking and analysis.

A new educational session, hosted at Parliament House, has been introduced as part of the programme. It involves a panel of members who each provide a speech about their roles and responsibilities as a Member of Parliament, followed by a question and answer session.

Over 300 reports have been produced since the programme commenced in 1992, from a very diverse range of topics



including the analysis of voting systems, use of renewable energy in the state, child obesity in state schools and the benefits of home ownership.

### *Murdoch Parliamentary Studies Unit*

Parliament has established a partnership with Murdoch University for the delivery of a Parliamentary Studies Unit. The unit involves a series of seminars delivered by Parliament on the Australian Parliamentary model; history and evolution of Australian Parliaments; Parliamentary practice; the Committee system; the future of Parliament in a post-democracy and testing theory and knowledge: an insight tour of Parliament.

### *University presentations*

The Presiding Officers, Heads of Department and Parliamentary Fellows deliver guest lectures to university students at the different universities about the work of the House, followed by a Question and Answer session.

### *Multi-media project*

Discussions are commencing with a tertiary institution regarding a project for the development of animated videos for young people on parliamentary concepts. If successful, the project would be a joint initiative that would aim to achieve the following:

- Provision of a technical learning environment for multimedia students
- Students would learn how Parliament works
- Parliament will benefit from student assistance in scoping how concepts are conveyed to young people. In other words, young people informing young people about Parliament.

### **School-age programmes and resources**

#### *Youth Parliament*

Parliamentary Education coordinates the delivery of a Youth Parliament once per Parliamentary session. This includes 97 students from year 10 across the state in a three-day programme involving educational workshops on parliamentary history and practice and culminating in a youth Parliament held in the Chambers. The Governor of Western Australia, the President of the Legislative Council and the Speaker of the Legislative Assembly are all involved in various aspects of the student Parliament.

#### *Curriculum development*

With changes to the Western Australian Humanities and Social Sciences curriculum, which has seen the introduction of civics and citizenship concepts, new teachers' notes and student workbooks are being developed by the Parliamentary Education Office.

Workbooks for years 5 and 6, and years 7 and 8, have been finalised. Curriculum links, links to vignettes and Fact Sheets on the roles, functions and procedures of Parliament are included. The workbooks have been used as a foundation for regional outreach programmes and as the basis for professional development sessions delivered by Parliamentary Education to teachers.

Additional workbooks are progressively being developed and will encompass an English as a Second Language resource, year 10 (middle school) and 'Politics and Law' students (pre-university students). All workbooks will be available online with the Indigenous workbooks also available with USB support given connectivity issues in remote communities.

In association with these

workbooks, a video on how to set up a classroom for a role play has also been developed. Young children from a local school were participants in the video's production. A template on developing role play has also been prepared.

#### *Indigenous Workbook*

An indigenous student workbook for years 5 and 6 is in the final stages of development and is accompanied by teachers' notes. The development of an indigenous workbook follows a formal evaluation of a remote outreach programme delivered in the Kimberley Region in 2015 (and in other regions across the State since 2009). The evaluation showed that:

- there was a level of disconnect between Parliamentary concepts and the life experience of students in very remote aboriginal communities
- unfamiliar teachers (Parliamentary Educations staff) were teaching largely unfamiliar concepts to students
- health and literacy issues amongst Indigenous students impeded learning
- there was a lack of integration of concepts over time – the notion that a one-off incursion was not sufficiently effective in ensuring the sustainability of learning of concepts.

It was established that not only did teaching materials need to be more culturally centred, and draw upon local examples (particularly around law making), but that it was more likely to be effective if content was integrated within the curriculum and taught by teachers who knew the individual learning needs and capabilities of students. It was also determined that an educational workbook needed to be developed for

aboriginal students from limited schooling or English as a Second Language/Dialect backgrounds. This workbook should be readily accessible to remote and regional schools, and can be used as a basis for teacher professional development.

The indigenous workbook is aligned to the WA curriculum requirements in 'Civics and Citizenship', has been developed in consultation with an Aboriginal educators' reference group, and been trialled in remote communities as units have been developed. The publication supports school teachers and support staff in catering for the stages of Standard Australian English (SAE) Language Acquisition of Aboriginal students and in building a learning context through connections with people and place in a culturally responsive way.

The student workbook is narrated by past and present Aboriginal Members of Parliament, as well as Aboriginal leadership students, and includes embedded web links to information prepared by the Parliamentary Library on Members, electorates, and voting systems. A series of video productions are included in the educational package, including an Aboriginal Member of Parliament addressing students about her work in the Parliament and the community.

#### *Regional Outreach Programme*

Parliamentary Education delivers a Regional Outreach programme bi-annually, to a different region in the State. It is an intensive programme for year 5 and 6 students across participating schools. In 2016 a decision was made to conduct the programme jointly with the Constitutional Centre of Western Australia and Electoral Education Centre of Western Australia, with the concept being a civics day for





Coat of Arms of Western Australia

schools.

Parliament also presents a teacher professional development session so that learning can be integrated by teachers within the classroom and familiarity with parliamentary civics resources is achieved. In 2017 it is intended that the programme be expanded to incorporate high school students, including holding a regional student Parliament.

#### *Web conferencing*

In line with the development of strategies for engaging regional and remote students (although not limited to that audience), Parliament has formed a partnership with the Education Department's e-learning centre. The Department has agreed to host both static and interactive learning sessions for students across the State (for State and non-government schools). In the future, Parliamentary Education will develop static learning programmes drawing on vignettes, animation and chamber footage. Schools will access web conferencing facilities and click on the particular programme to fit within the lesson schedule. A live session will also be delivered

where students can interact directly with a Parliamentary Educator about Parliament.

A communication mechanism (ask a question option) will be developed to support the static learning tools so school students can have any question considered and answered by the Parliamentary Education Office. Ideally this could occur in real time (during operating hours).

#### **All Ages**

##### *Hosted programmes for young people*

Parliamentary Education, cooperatively with the Chamber Departments, is more focused on providing higher level support to youth directed programmes, delivered by external organisations, but hosted by Parliament. Each programme is formally coordinated internally by an officer from Parliamentary Education. This ensures that the most effective learning environment is provided for students and that any programme offered interfaces with Parliamentary Education. This can be through facilitating member participation, teaching organisations about parliamentary protocols, or through formal talks or

educational tours of the Parliament. The YMCA Youth Parliament is a central focus annually but Parliament is seeing increasing numbers of 'youth-directed' organisations use the facility.

##### *Vignettes*

Video vignettes on the roles, functions, processes and procedures of Parliament have been developed as an educational tool for the community. Vignettes specifically for young people are being developed. One is currently being finalised on Question Time. A further vignette has been produced for Indigenous Students on the introduction of the *Noongar Recognition Bill 2015*. All vignettes are developed in-house using the Parliamentary Broadcasting team and Parliamentary Education, Chamber staff or students.

##### *Open Days*

Parliament hosts open days where the community is encouraged to explore the historic parliamentary building and grounds. There is a focus on making these open days a lot more dynamic for young people.

For example, in 2014 Parliament hosted a re-enactment parade of ground troops and the 10<sup>th</sup> Light Horse regiment as part of commemorating '*Perth at the outbreak of war*', a CBD-wide event coordinated by Heritage Perth. In 2015, a dynamic performance was held in the Legislative Assembly Chamber depicting Western Australia's first female parliamentarian Edith Cowan and her political life as part of a Heritage Perth theme - '*People who shaped Perth*'.

#### **Conclusion**

It has long been recognised that young people participate less than older citizens in most formal political processes, such as registering to vote and elections. This situation challenges the representativeness of the political system and can lead to the disengagement of young people from political and parliamentary systems. Parliament as an institution has an important role to play in combating this disengagement through the investment of time and resources into public engagement strategies that have a particular focus on youth.

In the experience of the Western Australian Parliament, such youth outreach is being achieved through the provision of a broad range of youth engagement activities which target different age and cultural groups. Our Parliament has found that programmes with the most success are those developed to be as youth driven as possible, where young people are empowered to engage and participate in the parliamentary process.

#### **References**

- <sup>1</sup> Section 2, *Constitution Act 1889*, Western Australia.
- <sup>2</sup> Hansard Society, *Parliaments and Public Engagement: Innovation and Good Practice from Around the World*, 2011, p8.



# DEMOCRACY FOR MILLENNIALS



## Hon. Bruce Atkinson, MLC

is President of the Legislative Council of the Parliament of Victoria in Australia, elected as the 20<sup>th</sup> President in 2010. First elected to Parliament in 1992 for Koonung Province, he held that seat at the 1996, 1999 and 2002 elections. Following boundary changes, he was re-elected for the Eastern Metropolitan Region in 2006, 2010 and 2014. He was Deputy President from 2006 to 2010. Prior to entering Parliament, he was a journalist, publisher and business consultant and held many local government positions including Mayor. He is married and has three adult children.

In our 160<sup>th</sup> anniversary year, as well as celebrating our past, the Victorian Parliament has also invested in our future. Like many legislatures around the world, we recognised the disconnect that exists between youth and parliament and decided we needed to do something about it.

Our approach was a fairly simple one: ask young people how they would like to engage with us. We partnered with a body called the *Foundation for Young Australians*, which had a good track record of bringing organisations together with young people to co-design new ways to undertake youth engagement. They had previously worked with businesses and local government groups, emphasising entrepreneurship and tapping into the enthusiasm of the young people who worked with them.

Their motto '*Rethink the world, unleash the future*' threw down a challenge to us that we were willing to accept.

Through their experimental unit called YLab, the foundation's approach was to get a group of young people to lead a series of exploratory workshops.

The objectives of those five workshops, held across our State, were to help us understand what young people were thinking about parliament, and to co-design new ways for young people to interact with parliament into the future.

Co-design was the fundamental principle on which our '*Democracy for Millennials*' project was based. Getting young people to be involved in finding the solutions and using their creative talents to develop the engagement mechanisms that would be most relevant to them.

The workshops were geared to be small group sessions, enabling all who participated to have ample opportunity to be heard. A total of 68 young Victorians took part, joined by one or two MPs and two senior parliamentary staff at each workshop.

The focus was on talking in small groups but thinking up big ideas. The ultimate aim was to come up with a few key suggestions for parliament to use in mapping out a more engaging youth strategy.

The sixth and final workshop was held at Parliament House with 28 young people involved, representing the diversity of youth who had participated in the exploratory workshops. At this final session, participants worked through the major ideas and came up with five '*prototypes*' for parliament to consider in its future approach to youth engagement.

There were two clear messages from young people identified in the final report that we received at the end of the workshops. The first message was: "*It's not my world.*"

Young people fear they won't be taken seriously by parliament or MPs. Based on previous experiences, they felt

that parliament's interaction with them was tokenistic and not genuine. They found the political system intimidating, with processes such as question time seen as outdated and hostile. Young people often lacked the confidence to engage in parliamentary processes.

In addition, they said it was hard to see how the political system related to their lives. For many of them, parliamentary processes lacked a real connection to community. They also had difficulty understanding how the political system delivered real change.

The second message was: "*It's too hard, so I can't be bothered.*"

Young people felt they were not sufficiently equipped with the foundational knowledge needed to understand how to navigate through the political system. Many stated it was a gap in their high school education. This added to their feeling that they didn't have the knowledge and skills to be taken seriously.

They found the language used to discuss parliamentary matters either overly complex or just plain boring. With limited time as they balanced study, work and family commitments, they were not inspired to engage in



Youth participants take part in workshops for the Democracy for Millennials project.





A diverse group of youth participated in the Democracy for Millennials workshops.

processes that were too complex and time-consuming.

For young people in regional areas, there was an additional concern that the parliamentary system did not feel inclusive as it had a capital city focus to it. Communication channels that parliament traditionally used did not take into account the way in which young people liked to communicate.

Listening to the young people at the workshops and reading the final report, it is evident that our parliament can and must do better if we are to be relevant to a generation that thrives on connectivity.

Our processes must enable young people to put forward their views to their elected representatives in ways that involve genuine listening and discussion. Young people have views on a variety of issues and it's important that they have the chance to express those views, because ultimately the decisions we as Parliamentarians make today will be impacting on them tomorrow.

We need to create more opportunities for young people, particularly in regional areas, to gain a meaningful experience of parliament. If they can't or won't come to us, then we must reach out to them.

We also need to engage more through digital channels, and we should get young people to help us create the content that is meant for young people. By being more creative in where and how we reach out to youth, we can bridge the divide that currently exists.

Importantly, we also must work on building the confidence of young people in their interactions with parliament. This should be done by enhancing their knowledge of how the system works, and also by helping them better understand the outcomes that parliament delivers.

The five prototypes presented to us in the final report from the workshops focus on a number of key steps that can be taken to meet the expectations of youth. We are committed to implementing the proposals that have been made, through a series of pilot projects that will begin from 2017.

Our parliament will move to a new online communication approach that will see us working with young people to develop content for youth. Using the skills of young people in this way will help us to remain up to date with the latest trends in communication and design, which is critical if we are to be a

forward-looking institution.

A youth network will be developed that can bring together young people of diverse backgrounds in a youth-led approach to engagement with parliament. Training and mentoring opportunities provided through this initiative will help in developing a youth leadership group for our parliament.

Youth project placements at parliament will be arranged to assist us with the development of multimedia material about parliament for young people and staging events that link youth to parliament. We have already started this process by engaging a group of young people to organise a music event on our parliament's front steps as part of an annual music week held in our State's capital, Melbourne.

Through this sort of initiative, tapping into their interests, we are helping young people connect with parliament and feel comfortable working with us. With the projects we have planned, we hope that information about parliament can be shared in the spaces and at the places that young people frequent.

One of the innovative suggestions made to us was to use interactive signage in key

locations that young people visit so that they can connect with us in the places where they go about their daily business. We are aiming to use the intent of that idea to develop more engaging information sharing initiatives for young people.

The fifth area of focus will be on our parliamentary education programmes, to deliver learning experiences that engage young people and spark in them an enduring interest for participation in our democracy. Already we have appointed an education advisory panel, with a number of young educators and a student helping to guide the future development of those parliamentary learning programmes.

We are committed to co-designing our engagement strategy for youth with youth. The workshops were a first step in our new approach and the response we received from young people was extremely encouraging.

The next decade of our parliament's history will be very different to our first 160 years. We have decided to work with the generation that will give us our future leaders because they will be critical to the success that we hope to achieve as a legislature and a State in the years ahead.



# YOUTH INCLUSIVITY IN THE COMMONWEALTH: A VIEW FROM INDIA



**Mrs. Kothapalli Geetha MP** is a bureaucrat turned politician, who made her debut into politics and won a seat at the general election in 2014 to the Indian Parliament (Lok Sabha) to represent the Araku constituency of Andhra Pradesh, India. She undertook her post-graduate studies in the disciplines of Public Administration, Psychology and Sociology. She has an immense knowledge and experience of administration and an in depth understanding of the political system and she is committed to the social cause and service to humanity.

*"The world now has the largest generation of young people in history. I place great hope in their power to shape our future."*  
**- UN Secretary-General, Ban Ki-moon.**

Youth has always been regarded as the finest period of human life. The Commonwealth defines 'youth' as those persons between the ages of 15 and 30 years, without prejudice to other definitions by the Member States. The total youth population of the world is 1.8 billion, out of which 1.3 billion young people belong to Commonwealth nations.

Literacy rates among youth and adults are the tests of an educational system, and the overall trend is positive, owing to the expansion of educational opportunities. Globally, the youth literacy rate increased from 83% to 91% over two decades, while the number of illiterate youth declined from 170 million to 115 million.

The role of youth in nation building is unique. Nations just don't happen by historical accident; rather they are built by men and women with vision and resolve. Nation-building is always work-in-progress; a dynamic process in constant need of nurturing and re-invention. It means the development of human rights - political, civil, economic and social - and the rule of law. Nation-building never stops and

the true nation-builder never rests because all nations are constantly facing up to new challenges.

Nations are a product of the human will and imagination and the institutions that sustain their collective efforts. Therefore, we must find these resources in ourselves if we are to succeed in building our nation; otherwise, to paraphrase Shakespeare, *"default would be not in our styles but in ourselves."*

The term nation-building is often used simultaneously with state-building, democratisation, modernisation, political development, post-conflict reconstruction and peace building. But each concept is different, though their evolution is intertwined. The concept of nation-building came to be used especially among American Political Scientists a decade or so after World War II, to describe the greater integration of state and society, as citizenship brought loyalty to the modern nation state with it.

The task of nation-building is herculean and can be divided into phases. Everyone can contribute towards the same, but youth especially brings in new ideas and energy, enthusiasm and vitality which will lead to new discoveries and developments that contribute to the development of a nation. The youth of a nation shapes and moulds its present and paves the way for its future.

Nation-building is like building a house. You start with the foundation before you build the structure. The foundation comprises security, peace, and stability. Therefore, the youth of the Commonwealth nations, only, can decide the tomorrow of their nations.

The Commonwealth is made up of 52 independent countries, with an estimated population of 2.2 billion, of which more than 60% is aged less than 30 years. The Commonwealth is one of the world's oldest political associations of states. Its roots go back to the British Empire when some countries were ruled directly or indirectly by Britain. Some of these countries became self-governing while retaining Britain's monarch as Head of State. They formed the British Commonwealth of Nations, with the objectives of promoting democracy, human rights, and to promote mutual understanding and cooperation among member states. There are 1.32 billion young people in the Commonwealth of Nations today, representing a staggering amount of human potential, yet too many of them are trapped in poverty, with fewer opportunities to learn or to earn a decent living, and if these youth are allowed to realise their full potential, the nations could see a better and brighter tomorrow.

The younger generation shoulders a huge chunk of the responsibility of nation building;





not the politicians or the policy makers alone. It would be more accurate to say that the youth, working in tandem with the government, decide the fate of a nation and its coming generations. It is, therefore, important that the voices of the youth get the right platform. It is necessary that the youth gets to exercise their freedom of speech, their opinion and their ideas.

Today, a majority of Commonwealth nations are challenged to alleviate poverty and ignorance and to bridge the technological gap necessary for sustainable development and to fight terrorism and extremism. Where this responsibility is not taken seriously, the world sees weak states and failure in nation

building.

There are many challenges faced by the youth in the Commonwealth nations, which makes it difficult for them to contribute in the nation building process. The youth in the Commonwealth nations face problems such as poverty, hunger, unemployment, poor education system, lack of entrepreneurial infrastructure, improper law and order, etc. Youths are unemployed. Approximately 70 million young people are unemployed worldwide.

Youth are susceptible to disease. Young people aged between 15-30 have the highest infection rates from HIV/AIDS and other sexually transmitted diseases.

According to the United Nations, youth are under-educated. In the developing world, nearly one-third of youth are illiterate. In the least-developed countries, only 13% of girls and 22% of boys enrol in secondary education.

At this juncture, it is essential for me to make a mention of my constituency Araku, which is in the state of Andhra Pradesh, which is the only tribal constituency of the state and is affected largely by left wing extremism. Recently in an encounter around 30 people were killed, wherein 22 of them are youth between 20 to 30 years of age which is an astonishing factor.

We need to emphasise the fact that the existing

huge demographic dividend should be advantageous to the nations rather than being a disadvantage. The young energies, if not driven through positive approaches, pose a threat to the nations both externally and internally.

Youth are the most important assets for the economic, political and social life of their communities. Addressing key global threats - like the spread of HIV/AIDS, growing poverty and political stability in Commonwealth nations - depends on protecting the rights of youth and providing them with the support they need to contribute to the health and well-being of society.

There can be a large number of schemes, projects



## YOUTH INCLUSIVITY IN THE COMMONWEALTH: A VIEW FROM INDIA

and programmes wherein involvement of the youth would bring quicker and better results. Youth should be imparted with skills and spirited young men and women can play a pivotal role in the socio-economic reconstruction of the society.

The youth of Commonwealth nations needs to be multi-faceted with education remaining at the core of everything. Education empowers them with the ability to think, to tell the right from the wrong and good from the bad. Initiatives should be taken by the government to eradicate poverty and unemployment in youth. The youth also has to shoulder the responsibility along with the state to promote initiatives ranging from poverty alleviation to peace-building, promoting and enhancing development and fighting against all the evils that hamper nation building.

The classic example of nation building is Singapore, transforming itself from a developing country to a modern industrial economy in one generation. With a small limited domestic market, Singapore has had to become highly integrated into the global economy. Education was seen, from the beginning, as central to building both the economy and the nation. In five decades, after Independence, modern Singapore has grown from a sleepy, malaria-infested swamp into an economic powerhouse, unprecedented in the history of the world.

When the new government came into power, they were struck with many problems like unemployment, poverty and the lack of education. The government of Singapore gathered the people together, with its calls of national loyalty, and the need to achieve economic progress and racial harmony. It created an identity of the ideology of pragmatism



which was consistent with its survival as a small nation with limited resources, and the Singaporean identity was built by persuading Singaporeans to look towards the future together.

The attitude of Singaporeans played a major role in building Singapore which is exemplary to all of us. They were fighters and strivers and Singapore was able to harness a generation of such people in the common purpose of building and protecting the home that they wanted to live in. It was this never say die attitude that really allowed the government of the day to push tough policies and make the hard choices that a lot of governments and even their people try to avoid making.

The nation building efforts were the vision of the government, formulated on behalf of all the Singaporeans from all walks of life, reflecting a diversity of viewpoints and over decades transformed Singapore from a small town to a financial hub.

As an old saying goes: *"the youth are not only the leaders of tomorrow but also the partners of today."* The youth, as the energetic ambitious and highly capable people, have the responsibility, passion and power of being at the forefront

of developing the nation in a democratic and constructive way. Youth, as the powerful pressure groups and guardians of transparency, will enable themselves to query government policies and performance for corrective action to be taken for the development of their nation.

It is to be noted that the youth possess energy, skills, hope and dreams of nation-building, but sometimes they lack proper critical thinking. Therefore, the youth which could have been a pioneer of some world-changing act may become world-destroying terrorists. Thus, here lies the role of the nation and the government to empower the youth with education and power and guide them in the development of a better nation.

The role that youth play in nation building cannot be ignored. Youth could be a source of labour inputs as well as human capital in production, which would improve total factor productivity in a region of the world where capital formation is limited.

The youth of the Commonwealth nations could be critical for the development of a new class of entrepreneurs that these countries need to prosper.

To encourage youths to participate actively in nation-

building, their accessibility to education and training should be further enhanced while leadership and skills training, entrepreneurial development and healthy lifestyle programmes should be carried out more extensively.

Youth, in order to make his/her country develop, has to sacrifice not only their lives by protecting their country at the borders but also has to protect from internal threats and make the society a healthy place to live. It is possible only if the youth realise to stay healthy by sacrificing selfishness, laziness, evilness etc., and by thinking dedicatedly about the growth of a nation. The central purpose of advocating youth leadership is to support youth in taking the initiative to engage in civic and community activities in order to build on their strengths and self-esteem and to work together as a team in building leadership skills.

***"This world demands the qualities of youth: not a time of life but a state of mind, a temper of the will, a quality of imagination, a predominance of courage over timidity, of the appetite for adventure over the love of ease." - Robert Kennedy.***





# ROLE OF THE WOMEN'S CAUCUS IN ADVANCING THE IMPLEMENTATION OF THE UNITED NATIONS SUSTAINABLE DEVELOPMENT GOALS



**Hon. Angela Thoko Didiza, MP** served in the South African Government becoming Minister of Agriculture and Land Affairs (1999) and Minister of Public Works (2006) under President Thabo Mbeki. When he ceased being President in 2008, she was one of the ten Ministers that resigned. In 2014, she became a Member of the South African Parliament. Prior to this, she was the Secretary-General of the Women's National Coalition. Hon. Didiza is also Chairperson of the CPA Africa Region's Commonwealth Women Parliamentarians (CWP) and she has a wealth of expertise on raising the profile of women in political institutions.

*This article is based on a keynote address given by the Chairperson of CWP Africa Region, Hon. Angela Thoko Didiza MP (South Africa) on the topic 'The role of the Commonwealth Women Parliamentarians in playing effective oversight' to the KwaZulu-Natal Legislature Women's Caucus and Commonwealth Women Parliamentarians (CWP) Group in Durban, South Africa in September 2016. The workshop was a joint programme with UNDP on the operationalisation of the SDGs and the role of the CWP in playing effective oversight.*

Today we commemorate sixty years of the Women's March to Pretoria in which South African women from all walks of life were united in opposing the implementation of the repressive and discriminatory legislation by the then National Party regime known as the pass laws.

It is important to note that this march formed part of the programme of action of the Federation of South African Women (FEDSAW) which was formed on 17 April 1954. The significance of FEDSAW was in its composition in that it brought together women across the political, class and religious divide.

This commemoration of the historic march in the calendar of our country serves as a reminder that women before us fought for

the franchise of all our people and more particularly, women.

In the Women's Charter that they drafted and adopted, contained therein were the aspirations of the South Africa they wanted. A South Africa where there will be gender equality, a country where working conditions in particular of women will be improved, and economic opportunities would be accessible to all.

There are many women in this province across the political divide that continued to fight for women's emancipation and their representation in decision making structures of institutions that govern them. Stalwarts such as Me Dorothy Nyembe; Florence Mkhize, Mama Kubheka and others are a reminder of the women's struggles in this Province of KwaZulu-Natal.

During the period of negotiations to end apartheid, women once again formed a coalition across the political, economic and class divide which fought for equal representation in the new democratic South Africa.

Some of the gains that we can recall during that period was the inclusion of the Equality Clause in our interim Constitution and the final Constitution which was adopted in 1996. Some of the women like our current Speaker Baleka Mbete, Frene Ginwala, the late Hon. Faith Gasa and former Member of Parliament, Sheila

Camerer, to name but a few, were amongst those women who were critical in the making of a new South Africa.

At the heart of these continuous struggles by South African women was the will to ensure that women's representation in decision making structures was not to be compromised. Today therefore we stand on the shoulders of these many women and others who ensured that women can be people's representatives as legislators and Parliamentarians.

It is important to note however that while women struggled with their menfolk side by side in pursuit of freedom, questions continued to be asked as to the difference that women's participation and representation bring in parliaments and legislatures. In answering this question, I wish to reflect on the words of Dr Frene Ginwala in the foreword in a handbook by the *International Institute for Democracy and Electoral Assistance* (IDEA) titled '*Beyond the Numbers*' in which she reflects on the essence of democracy. Ginwala states that "*the seed of democracy lies in the principle that the legitimacy of the power to make decisions about people's lives, their society and their country should derive from a choice by those who will be affected.*"

Ginwala further notes that the franchise was won through struggles and that today those



## ROLE OF THE WOMEN'S CAUCUS IN ADVANCING THE IMPLEMENTATION OF THE UN SUSTAINABLE DEVELOPMENT GOALS



Left: The Chairperson of the Commonwealth Women Parliamentarians (CWP) Africa Region, Hon. Angela Thoko Didiza MP, South Africa (pictured centre) with Members of the KwaZulu-Natal Legislature Women's Caucus and Commonwealth Women Parliamentarians (CWP) group at the workshop held in Durban, South Africa on the impact of the Sustainable Development Goals (SDGs).

as the expertise they have which benefits all of society.

Dr Ginwala in dealing with the same question states: *"While the debate about the enfranchisement of women and the participation of women in decision making often focuses on issues of justice, equity and human rights, the representation of women and the inclusion of their perspective and experience into the decision-making process will inevitably lead to solutions that are more viable and satisfy a broader range of society. That is why women should be part of the process and why it matters: all of society benefits as we find better and more appropriate solutions for our problems."*

As women public representatives, it is important to note that while we represent the entire electorate, in addition we need to ensure that issues of women and the girl child are not forgotten in policy, legislation and in allocation of resources through budgets.

The Women's Caucuses as a collective in parliaments and legislatures have to continue to advocate for women's advancement and increased representation of women in decision making structures be it in the executive, public administration, judiciary and the corporate.

Today we are gathered here to deliberate on the implementation of the

who were excluded have won the right to both choose and be members of the institutions of governance.

In our own context as South Africa, we can attest that through our own struggles we have won the right to choose and be members of the institutions of governance. We equally remain vigilant that in executing our responsibility as public representatives, we are conscious that ours is also about ensuring that women's interests are not sacrificed.

Twenty-two years into our democracy, we can say with pride that the struggles by our forebears were not in vain. Women now occupy seats in the legislatures, parliaments, councils, Executives and the private sector decision-making structures. As women

appreciate the strides that have been made thus far on representation, it is concerning that the numbers of women in parliaments and legislatures are still low compared to the women population in our countries, regionally and globally.

It is for this reason that the Commonwealth Women Parliamentarians (CWP) continue to strive for increased women participation in parliaments and legislatures. In order to improve the situation, women through their multi-party caucuses in legislatures will need to look at legislation such as the Electoral Act and see to what extent the Act can be reformed to advance women's representation.

Secondly, it is about looking at political party constitutions and policies and ensuring that

these too are transformed and that clauses or principles of equality are ingrained in such policy documents of parties.

Thirdly, it is about advocacy and working with civil society to argue for the increased participation of women.

### **What does it matter to have more women in Parliament and Legislatures?**

It is important to note that the arguments for increased numbers of representation of women are not only informed by the franchise argument that women have a right like any other human being to choose and to be part of the institutions of governance. It is also about the perspective that women bring in decision making that are informed by their lived experiences as well





Sustainable Development Goals. As a country in South Africa, we have been part of the development of these goals. As members of the Commonwealth Women Parliamentarians we have also ensured that the goals will address the issues that are of concern to women. Goal five for instance talks to achieving gender equality and empowering all women and girls. In taking a cursory look at the SDGs, it is clear that there is a lot of convergence between these goals, our own National Development Plan (NDP) and the AU Agenda 2063.

## **The Role of the Women's Caucus in Ensuring the Implementation of the SDGs**

As Parliamentarians and legislatures, we are the representatives of our people. Our primary responsibility is to make laws, hold the Executive accountable and ensure

oversight on the implementation of policies, laws and programmes of government. The vexing question therefore is how we can exercise our responsibility as women legislators to ensure implementation of the SDGs.

1. First and foremost working with the Women's Caucus in Parliament we need to ensure that ratification of these goals is done as soon as it is possible.
2. We need to ensure that at a Provincial level, as Legislatures, we must familiarise ourselves with the SDGs.
3. It is important that we popularise the SDGs amongst our communities working in partnership with Civil Society Organisations.
4. We need to engage Statistics South Africa on the indicators that will be used for measurement.
5. It is important for committees

to request departments to give us their plans on how they will implement the SDGs and to monitor and evaluate this on a regular basis.

6. We need to ensure that the departmental plans are assessed annually against the budgets in order to ensure that the expenditure is consistent with the allocated budgets.
7. The Women's Caucus should ensure that they examine how women's needs are to be addressed as they examine the departmental plans and budgets.
8. We need to utilise oversight mechanisms such as questions to Ministers and Members of the Executive Councils to assess progress on implementation of the SDGs.
9. Oversight visits to communities can be utilised to ensure accountability and

to evaluate delivery against the goals.

It is necessary therefore that the Women's Caucus should develop its own programme of action that will determine the areas of focus as it relates to women and girls. Monitoring and Evaluation tools have to be developed in order to ensure that progress and impact on programmes can be measured.

I trust that this workshop will lay the foundations and basis in which the Women's Caucus can identify and develop their own programme of action on how as legislators they can ensure the implementation of the SDGs.

**Below: The UN Sustainable Development Goals have a key focus in the Africa Region.**





# TRINIDAD AND TOBAGO'S ROLE IN COMMONWEALTH TRADE



**Senator Hon. Paula Gopee-Scoon** was appointed a Senator and Minister of Trade and Industry in 2015. Previously she represented Point Fortin in Trinidad and Tobago, having been first elected in 2007, at which time she was Minister of Foreign Affairs. Her studies include the University of the West Indies (B.Sc Public Administration and Law), University of London (LLB Hons International Law) and Anglia Ruskin University (MBA). Her career also includes the financial sector in banks throughout Trinidad from 1982 to 1996. An avid art collector, she is a mother of three.

## Brief Country Review

The twin island of Trinidad and Tobago is small, but has also become a major financial centre in the Caribbean. With a population of just over 1.3 million, Trinidad and Tobago have the highest GNI per capita in Latin America and the Caribbean (LAC) (*US\$18,600 in 2015, Atlas method*). Our economy is largely based on oil and gas production with the petroleum and petrochemical industries accounting for about 37% of GDP and ores and mineral fuels over 70% of exports (2015 data).<sup>1</sup>

Between the fiscal years 2000 and 2007, the average economic growth was 8%, significantly above the average of 3.7% for the LAC and Caribbean region during the same period.

However GDP has slowed down since then and after a weak recovery in 2012- 2014, the economy contracted in 2015, due to sharp fall in the oil and gas prices. However, Trinidad and Tobago can count a low level of public indebtedness, adequate financial buffers, solid human capital and overall political stability, which is expected to facilitate economic growth.<sup>2</sup>

## Introduction

The Republic of Trinidad and Tobago was represented at the Commonwealth Heads of Government Meeting (CHOGM) in Valletta, Malta, over the

period 24-29 November 2015, by Hon. Dr Keith Christopher Rowley, Prime Minister of the Republic of Trinidad and Tobago, together with his wife, Mrs Clarke Rowley and Senator Hon. Dennis Moses, Minister of Foreign and CARICOM Affairs. Recognising the need to foster growth and development within the economic sector he delivered the feature address on the subject of '*Energy Security: Investing in the Future*' and another in which he showcased the business and investment potential of Trinidad and Tobago in the non-energy sectors. These segments were well received.<sup>3</sup>

In this regard, the Prime Minister joined with other Heads of the Government to launch three new facilities/initiatives designed to deliver practical assistance to support the developmental interest of *Small and Developing Members of the Commonwealth*.

This commissioned the *Commonwealth Trade Finance Facility* to underwrite the payment risk faced by small Commonwealth exporters who seek to enter and/or develop new overseas markets. The lack of access to reliable and affordable trade finance on the part of the Small and Medium Enterprises that operate in most Commonwealth Jurisdictions and to establish support for their ability to participate in global supply networks.<sup>4</sup>

## Trinidad and Tobago's current economic status

Through global tides, Trinidad and Tobago is no stranger to economic recessions. Within adversity ample opportunities have been presented for our people to steer through rough waters by utilising diversification. And as such, limited not to manpower skills, efficient entrepreneurship, and innovative marketing strategies. "*The Government of the Republic of Trinidad and Tobago (ORTT) recognises that trade is the life blood of the economy.*"<sup>5</sup>

This has been further elucidated by the Prime Minister of Trinidad and Tobago as stated hereunder:

*"When the price of oil is down, it is the opportunity for our potential as a people to rise to higher heights. It is precisely in times like these that there is room for an abundance of creativity and the birth of new and imaginative ideas. It is in times like these that efficiency and productivity must abound, so that when we return to prosperity, as we will; we will all be blessed with a wiser, more resilient, enriched and emboldened society"* – Hon. Dr Keith Christopher Rowley, Prime Minister of the Republic of Trinidad and Tobago.

Dr Rowley, in his address to the nation challenged the creativity of the citizenry of Trinidad and Tobago, in light of falling oil prices. Trinidad and





Tobago, like many other energy exporters, has been plagued by depressed energy prices, which has resulted in a 70% decrease in energy revenues.

Concluding its *Article IV* Consultation with Trinidad and Tobago on 20 May 2016, the Executive Board of the International Monetary Fund (IMF) noted that the recent sharp decline in energy prices continued to pose major challenges to Trinidad and Tobago's economy. The Directors welcomed the efforts taken by the new government and encouraged further policy actions, including additional fiscal consolidation and structural reforms, to preserve macroeconomic stability, diversify the economy and enhance medium-term growth prospects.

The Directors concurred that a strong medium-term fiscal plan was needed to re-establish a sustainable fiscal path and ensure debt sustainability. They commended the authorities for the important steps taken thus far and further recommended that a comprehensive fiscal framework to

guide their multi-year adjustment efforts be put in place.

Agreeing that priority should be given to broadening the revenue base with a comprehensive VAT reform, improving tax administration, phasing out fuel subsidies, while improving targeted social protection, the Directors welcomed the authorities' intention to pursue a comprehensive expenditure review.

In his statement, Otaviano Canuto, the Executive Director at the Board of the International Monetary Fund (IMF) for Brazil, Cabo Verde, Dominican Republic, Ecuador, Guyana, Haiti, Nicaragua, Panama, Suriname, Timor Leste and Trinidad and Tobago, acknowledged that despite the significant challenges posed by the need to adjust to lower energy prices, Trinidad and Tobago was far from a crisis situation. He noted that the country had enormous strengths, including low levels of public debt, substantial financial buffers, a well-educated work force and a stable political system.

He pointed to the fact that "upon assuming office

in September 2015, the new administration had less than one month to present a budget to Parliament. Recognising that energy prices could remain low over the long term and faced with considerable structural challenges to increase economic diversification, the budget accommodated the fiscal adjustment requirements but was also carefully balanced to avoid exacerbating the economic slowdown."

Canuto further stated that "under no illusions about the external environment, the authorities refined the budgetary framework during the Mid-Year Budget Review (MYBR) presented in April 2016 and further calibrated policy adjustments to meet their medium term economic objectives. The MYBR reflected expectations of lower oil and gas prices and entailed both adjustments in government spending and measures to broaden revenue sources."

As such, Trinidad and Tobago as a responsible nation, passed legislations to facilitate the ease

Above: King's Wharf in Port of Spain, Trinidad and Tobago.

of access of Trade (*The Public Procurement and Disposal of Public Property Act 2015*; *The Trinidad and Tobago Panama Scope Trade agreement Act 2015*; and *The Trade Mark Act, 2015*).

### What are the options?

Japanese writer, Haruki Murakami writes, "And once the storm is over you won't remember how you made it through, how you managed to survive. You won't even be sure whether the storm is really over. But one thing is certain. When you come out of the storm, you won't be the same person who walked in. That's what this storm is all about."

Trinidad and Tobago has been riding the winds of a brewing storm since mid-2014 when the economy was hit hard by the sharp decline in oil and gas prices. Growth contracted in 2014 and 2015, and lower domestic absorption is expected to continue in 2016.



## TRINIDAD AND TOBAGO'S ROLE IN COMMONWEALTH TRADE

But there is an upside, the country has earned a reputation as an excellent investment destination for international businesses and has one of the highest per capita incomes in Latin America and the Caribbean. Diversification is recognised as being absolutely critical to ensure long term economic growth and sustainability and also to create a socio-economic environment that is attractive to domestic and foreign investment.

The diversification strategy is centred on industries identified as viable revenue generating alternatives such as Agribusiness, Aviation, Creative Industries, International Financial Services, ICT-Software Development, Tourism and Maritime Industries.

Public-Private Partnerships (PPPs) also have the potential to play a major role in infrastructure development. Trinidad and Tobago is already utilising PPPs to deliver public infrastructure services in several areas, including health, education and ICT (Information and Communication Technologies).

Even as the country seeks to jump start entrepreneurial activity within the non-energy sectors, there is still the recognition that there are opportunities to leverage the considerable expertise the country has gained from over a century in the oil and gas business.

In this regard, in May 2016, Prime Minister Rowley travelled to Africa to re-engage the Republic of Ghana with a view to rekindle the lost flames of opportunity in their fledgling gas industry.

Following upon a memorandum of understanding signed earlier in the year, in Accra, a high level delegation from Ghana, with the blessings of that country's President, His Excellency John Dramani Mahama, recently visited Trinidad and Tobago to begin negotiations and calculations with professionals from the National

Gas Company of Trinidad and Tobago (NGC) in furtherance of the country's intention to invest and supply technical expertise.

It is the belief of the Government that gas, power supply and generation in Ghana could also have a serious knock-on effect in Trinidad and Tobago since the potential exists for Ghana's state-owned aluminium company VALCO to expand production, so that a supply of aluminium ingots could be made available to the electricity industry in Trinidad and Tobago, for the growth of high value downstream production in the country.

### The Impact of Global Trade

Data from the United Nations Conference on Trade and Development (UNCTAD) state that Trade has the potential to support a broad range of development goals, including poverty eradication, gender equality and environmental sustainability, by promoting economic growth, creating jobs, enabling an efficient use of resources and raising standards of living.

Global trade has and will continue to be the single most important external source of development financing, particularly for small and least developed countries. The Commonwealth Trade Review 2015 asserts that *"International trade can play a major role in the promotion of economic development and the alleviation of poverty. We recognise the need for all our peoples to benefit from the increased opportunities and welfare gains that the multilateral trading system generates."*

The Commonwealth has long been recognised as a champion of small states – both member and non-member states – in raising international awareness of the economic challenges and vulnerabilities of small states.

### The Commonwealth Connection

In pursuing the opportunities presented by Ghana's nascent energy industry, Trinidad and Tobago also demonstrates its connectivity with the Commonwealth of Nations of which it has been a member since the country's Independence in 1962.

Economic survival and the sustainability of Trinidad and Tobago's current standard of living may also rest on the country's capacity to increase its exports earnings outside of the energy sector. While the country's main trading partner remains the United States of America which accounts for some 52% of total exports, significant trade relationships are maintained with its Caribbean Community (CARICOM) neighbours and other Commonwealth members.

The Commonwealth Trade Review 2015 notes that given their size, the contribution of the Caribbean and Pacific regions to overall Commonwealth exports is small, accounting for 1.14% of Commonwealth exports (\$39 billion) in 2013. Trinidad and Tobago accounts for more than 60% of Commonwealth Caribbean exports. The country is the leading trading nation in the Commonwealth Caribbean.

Outside of CARICOM but still within the Commonwealth, Trinidad and Tobago has also maintained consistent trade linkages with the United Kingdom, Canada, India, New Zealand, Vanuatu, Ghana, Malta and Australia.

Statistics from Trinidad and Tobago's Ministry of Trade and Industry, over the period 2010-2015, give evidence that Trinidad and Tobago's top Commonwealth export partners were Jamaica, the United Kingdom, Guyana, Barbados, Antigua and Barbuda and Canada with exports totally over \$TT65 billion dollars. Imports derived primarily from the United

Kingdom, Canada, India, Australia, The Bahamas, New Zealand and Barbados totalled over \$TT24 billion dollars, for the same period.

At the 2015 Commonwealth Heads of Government Meeting (CHOGM), the Commonwealth Small States Trade Financing Facility was launched with a view to expanding the volume and value of intra-Commonwealth trade, and in particular, the development of the export potential of the small states of the Commonwealth; an initiative stemming from the Colombo 2013 meeting.

The Facility aims to augment trade and investment finance for small states of the Commonwealth by offering incremental trade finance access to banks, and to further stimulate trade activity across the Commonwealth by:

- increasing and sustaining trade flows to the small states of the Commonwealth;
- addressing the risk of smaller banks and smaller countries being excluded from standard trade finance facilities due to increased regulatory costs and higher risk perceptions; and
- supporting a build-up and deepening of relationships among leading trade finance providers and smaller financial institutions in the Commonwealth.

The launch of the Trade Facility constitutes a major tangible outcome of the CHOGM, considering the practical support needed by Commonwealth and CARICOM small states in growing their export trade and thus, in increasing their participation in global supply networks.

Should Trinidad and Tobago access this facility, projections for positive knock-on effects remain hopeful. Indeed, the Commonwealth Trade Review 2015 asserts that when





both bilateral partners are Commonwealth members, they tend to trade 20% more, and generate 10% more foreign direct investment inflows than otherwise. This 'Commonwealth effect' implies bilateral trade costs between Commonwealth partners are on average 19% lower compared with those for other country pairs.

## The Long Arm of 'Brexit'

At the 37<sup>th</sup> Regional Meeting of the Conference of Heads of Government of the Caribbean Community (CARICOM) which concluded in July 2016, in Georgetown, Guyana, 'Brexit' was a key discussion topic for the Heads. The communiqué issued after the Meeting noted that:

- Heads of Government viewed Britain's exit ('Brexit') from the European Union (EU) as a watershed event in current world affairs whose geo-political and geo-economic repercussions would be far-reaching and long-lasting.
- They received a detailed brief on the political, diplomatic, trade, economic and financial implications of 'Brexit' for the Region as well as recommendations for addressing them.
- Heads of Government agreed that CARICOM should continue to monitor developments as the exit process unfolded and underlined the importance of a common and structured approach that married the technical, political and diplomatic.
- Heads of Government emphasised that the United Kingdom and the European Union remain strong and valued partners of the Community.

Sue Onslow, a senior lecturer at the Institute of Commonwealth Studies posits that "by voting to leave the European Union, Britain's future relationship

*with its fellow Commonwealth members has assumed both a greater significance and a greater degree of uncertainty. She further suggests that Caribbean States are pessimistic that the task of negotiating bilateral arrangements with these small island states via the World Trade Organisation will come very low on Britain's trade negotiation priorities, and their economies may suffer accordingly."*

Returning to the CARICOM perspective, current Chairman of CARICOM, Hon. Roosevelt Skerit, Prime Minister of Dominica, was very forceful and forthright in his opening address at the 37<sup>th</sup> Meeting of the Conference when he stated that at a time when the rest of the world is moving towards regional integration in order to carve out an economic space in the global marketplace and to balance the might of the emerging superpowers, Britain has chosen to "retreat to insular nationalism."

He said that the summit provided the leaders with "a wonderful opportunity to seriously consider the effect that Britain's exit from the European Union will have on CARICOM, and to demonstrate real leadership by showing the way forward. After all, we have had a long and deep relationship with the United Kingdom, and Britain remains one of our most important trading partners, the largest source market for our primary industry, and a vital source of assistance on legal and financial matters."

He asserted that as the new Chairman of the 15-member regional integration movement, he must make clear "my position on the exit of the UK from the EU; and to suggest what CARICOM needs to do urgently in response to this seismic eruption in the European Union, and the consequent inevitable shift in international relationships."

So CARICOM has its eyes on 'Brexit' and undoubtedly Trinidad

and Tobago, as the leading trading nation in the Caribbean, will play a major role in guiding the region's relationship with the United Kingdom post-Brexit.

## Looking Ahead

Whether from a political, economic or social standpoint, these are very trying times. In April 2016, the IMF re-adjusted its global growth projection to a modest 3.2%, a 0.2% point downward relative to the January 2016 World Economic Outlook Update (WEO). April's WEO projects recovery in 2017 and beyond, driven primarily by emerging market and developing economies, as conditions in stressed economies start gradually to normalise. But uncertainty has increased, and risks of weaker growth scenarios are becoming more tangible.

Nonetheless "hope springs eternal in the human breast" (Alexander Pope). Trinidad and Tobago will survive this storm. Trinidad and Tobago offers significant investment opportunities, as it has one of the lowest energy costs worldwide and is highly rated for cost competitiveness in the Commonwealth Caribbean.

Further reinforcing Trinidad and Tobago's potential for economic recovery was Mr Andrew Jefferys, Chief Executive Officer, Oxford Business Group, who spoke at the launch of the Annual Economic Review Report on Trinidad and Tobago 2016, by the Oxford Business Group in September. In highlighting the underlying strength of the local economy, Jefferys noted that "the global economy is still recovering from the lingering impacts of the financial crisis. In Trinidad and Tobago, the tools for recovery are ready and available, and we believe that the country is taking many of the steps that will create long term growth." He spoke favourably of the country's political stability, economic

landscape and educated and skilled human capital.

In a continued effort to promote and facilitate domestic and foreign investment and export-led trade, the Ministry of Trade and Industry will frontline several initiatives including the introduction of a Special Economic Zones (SEZs) regime in Trinidad and Tobago; the strengthening of the Single Electronic Window (SEW) for trade and business facilitation and the review and modernisation of legislative and institutional frameworks for the areas relating to trade and business.

Trinidad and Tobago re-affirms its commitment to intra-Commonwealth trade even as it continues to closely monitor Brexit and expands its trading links across Latin America. The relationships with the Commonwealth are strong and not easily broken. The member countries share similar legal systems, a common language, as well as comparable commercial and regulatory terminology.

Adhering to the tenets of the Commonwealth Charter, Trinidad and Tobago will continue to be guided by the Charter's values and principles including the strengthening of democracy and the rule of law; good governance; creating economic opportunity and advancement; and promoting inclusive development and respecting diversity.

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- <sup>2</sup> Ibid.
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- <sup>4</sup> Issue 19 *Inside Foreign Affairs* pp. 10 [www.foreign.gov.tt](http://www.foreign.gov.tt)
- <sup>5</sup> *Trade Policy and Strategy 2013-2017*. <http://www.tradeind.gov.tt>



# POLITICAL REPRESENTATION AND POLITICAL ACTIVISM IN THE BANGLADESHI DIASPORA



**Hon. Tulip Siddiq MP** is the UK Member of Parliament for the constituency of Hampstead and Kilburn in north London. Elected in May 2015, she has served on the Women and Equalities Select Committee. Before her election, she was a Camden Councillor and a Cabinet Member for Culture and Communities. Her professional experience included working at Amnesty International, Save the Children, the Greater London Authority and Brunswick Group LLP. She is a fellow of the Royal Society of Arts. Tulip was born in South London, and spent her early childhood in Bangladesh, India and Singapore.

The Bangladeshi diaspora, particularly the communities living across the Commonwealth, hold a special place in my heart. Whether it has been migration for economic reasons, or in the case of my mother, fleeing political persecution, different wings of my family have found support in countries such as the UK, India, Canada and Singapore.

I remain close to Bangladesh, returning to visit relatives and friends as often as I can. However, as one of our family members to become a political representative outside of Bangladesh, I am also able to keep track of events through the diaspora in Britain. This experience has motivated me to examine more widely how the diaspora has taken root in different countries and how a surprising number of members of communities overseas remain actively engaged in Bangladeshi politics.

In this note, I will outline the historic and current extent of Bangladeshi emigration. I will then turn to how these communities have integrated into their new societies, as it provides important context for the nature of political involvement to date. Then, I will discuss how political links with Bangladesh have been maintained, exploring the

possibilities for why these links might be so strong. Finally, I will make some observations surrounding domestic political behaviour and how the diaspora have engaged with their relatively new political settings. I hope this short note is able to inspire others to contribute more data and context to strengthen our collective understanding of this crucial facet of the Bangladeshi diaspora.

## Brief history of Bangladeshi immigration across the Commonwealth

The history of Bangladeshi immigration into the UK and other parts of the Commonwealth can often be difficult to trace, due to the levels of resource afforded to the census in each country. That said, it is clear that the respective populations have an extremely wide range in size. In the UK and Malaysia, Bangladeshi Diasporas exceed

Commonwealth Countries (partial list)	Approx. Bangladeshi Population	Approx. % of total population
United Kingdom	~530,000	~0.8%
Malaysia	~530,000	~1.8%
Canada	~100,000	~0.3%
Singapore	~90,000	~1.6%
Australia	~60,000	~0.3%
Trinidad and Tobago	~4,000	~0.3%
New Zealand	~2,000	~0.1%





half a million people, whereas in New Zealand and Trinidad and Tobago, estimated populations are less than 5,000.

In Britain, the Office of National Statistics (ONS) analysis of census data reveals that the largest increase in the Bangladeshi population occurred after the 1971 War and the 1975 military coup, with sharp increases throughout the 1980s. The 1991 Census recorded 104,000 Bangladeshi-born, compared to 48,000 in 1981 - a rise of 118%.

In the 2011 Census, 98,000 Bangladeshi-born people stated that they arrived in the UK before 1991; this was 94% of the number of Bangladeshi-born recorded in the 1991 Census (104,000). This suggests that Bangladeshi-born who arrived before 1991 remained in the UK and that many of them were young.

The Bangladeshi community's exodus to Britain echoes similar waves of immigration in the 20th century that have shaped the British populace. Notable examples include the Jewish community's arrival in the 1930s and the Afro-Caribbean's 'Windrush' generation of the 1950s. The Bangladeshi-

born wave of immigration is exceptional only in that it has been sustained across several decades.

In Canada, the High Commission in Ottawa states that there are around 100,000 Bangladeshis. The highest concentration of populations being in areas adjacent to East Toronto, such as Scarborough, Victoria Avenue and Danforth. The 2011 Canadian census reveals around 25,000 Bangladeshis live in these areas. A significant proportion of this population moved to Canada during the 1980s, but many moved in the 1960s, simply to benefit from the excellent higher education provision in the country.

In Malaysia, the relative geographic proximity with Bangladesh has ensured a diaspora presence for centuries, typified by landmarks such as the Bengali Mosque, built in Penang in 1803. This represents a different era to the economic migration that has shaped the contemporary relationship between the two countries.

Bangladeshi labourer's migration to Malaysia took place on a particularly large scale during the period 1990-1991,

when the massive flow towards Middle Eastern countries dropped due to the Persian Gulf War. This relationship is set to expand dramatically in the years ahead with bilateral agreements between the two Governments overseeing around 1.5 million workers arrive in Malaysia to fulfil employment contracts in the construction, service, manufacturing, and agriculture sectors.

## The immigrant journey and experience in new countries

Beyond the numbers, an interesting picture lies in the varied experiences entailed in attempts to integrate into new surroundings.

Broadly speaking, the Commonwealth's Bangladeshi diaspora is typically defined by having a greater proportion of working class individuals than their neighbouring communities. On average, they form larger sized families, which, compared to the general populace, are of much younger age.

In Malaysia, the socio-political 'experience' of Bangladeshi migrants is hard to delineate, particularly as there are vast differences between the economic and social settings of

migrant workers in the Peninsula, Sabah and Sarawak.

In Kuala Lumpur, commercial sites such as the 'Bangla Bazaar' provide a positive case study of inter-ethnic ties and relationship with Malay neighbours. At the Bazaar, Bangladeshi music, cinemas or dramas in the Bangladeshi-Malay joint-ventured shops are common, and typical of the ever-growing closeness between the ethnic groups that now form Malaysia's workforce.

In Britain, it is clear that the Bangladeshi diaspora's path of integration is following the path of immigrant communities that have arrived before them.

Typically speaking, the 'story' for foreign-born residents begins in inner city areas, with the passage of time bringing greater affluence, a subsequent migration to the leafier suburbs, and thus a vacancy for a new migrant community to occupy the space in the inner city. In Britain, this transition reveals itself in a number of landmarks and historical sites, which have in effect been passed from one immigrant community to another.

For example, the charity Barnardo's now occupies a site in Stepney Green that



was originally for poor white boys in the 19th century. Upon the arrival of Jewish European communities after the World Wars, it then became a synagogue. Now, it provides education and work readiness services to mostly British-Bengali kids, mirroring the changing ethnic mix of the area.

This pattern repeats itself around the country, even in areas with relatively small Bangladeshi populations. In Manchester, British-Bangladeshis make up only around 1% of the population, yet have increasingly congregated in inner-city areas.

At the end of the war, Jewish asylum seekers were concentrated in areas such as Rusholme and Cheetham Hill, but as with Stepney Green, they too have become increasingly dominated by British-Bangladeshi communities. Rusholme in particular is now famous for the 'Curry Mile', a mile-long road of practically nothing but curry houses.

Similar trends take place in Canada in areas such as Scarborough and Kensington, where the maintenance of outdoor markets and the huge variety of ethnic stores has

long attracted ethnic minority communities. The 2011 census shows South Asian communities as together forming one of the "most visible minority groups" in these areas, second only to the Chinese population.

### **The political identity of Bangladeshi-born communities abroad is often distinct**

The migration to Britain began earlier than other countries and the diaspora that settled here now have families that are second and third generation immigrants. The sense of identity that British Bangladeshis have differs from the immigrant community in certain other Commonwealth countries where immigrants tend to be first generation immigrants. Even then, the attachment to Britain is nuanced and presents itself differently to other groups, as evidenced by several studies.

According to a 2009 study by the University of Surrey and a 2013 survey by the Centre on Dynamics of Ethnicity (CoDE) at the University of Manchester, Bangladeshi-Britons were more likely to describe themselves as exclusively "British" than their

white Briton counterparts, with 72% of Bangladeshis reporting an exclusive "British" identity, in contrast 72% of white Britons who preferred to call themselves "English" rather than the more expansive "British" designation. The underlying assumption was that "Englishness" was associated with "whiteness" whereas "Britishness" denoted a more universal kind of identity that encompasses various cultural and racial backgrounds.

In Malaysia, the identity of the diaspora is shaped by the realities of working life as a migrant and a hybrid culture has developed in the wave of transnational business. Many migrants live in houses adjacent to their factory compounds, alongside Pakistanis, Indonesians and Nepalese workers as housemates. This has produced a distinct culture and makes the political identity underpinning democratic engagement hard to define neatly.

In Canada, the diaspora is younger than Britain's, but has a greater sense of permanency than Bangladeshis in Malaysia. Surveys of residents in Ontario reveal a community seeking

to establish itself beyond the service sector and into broader Canadian life. Specifically, the Bengali Information and Employment Services' survey (*Status of Bangladeshi New Immigrants in Ontario: Employment Perspectives*) found that 32% of respondents are undertaking courses to improve their qualifications with the hope of securing a job in professional services.

This is an indicator of the long-term prospects the Bangladeshi-Canadians believe they have in their (relatively) new home and may encourage an evolution in political engagement in the coming years.

### **Bangladeshi political activism in the Bangladeshi diaspora**

People in Bangladesh are highly political and voter turnout at elections has sometimes been as high as 80%. It is striking that this sense of political participation and activism has translated even into international divisions of Bangladeshi political parties across the Commonwealth.

There are international groups of the Awami League and Bangladesh Nationalist





Party in Britain, Canada, Australia, New Zealand, Malaysia and Singapore. These groups have an elected chairperson, a constitution and are extremely active in carrying out political activities abroad. For instance, the Awami League in Britain has over 100 people in the executive committee and is structured internally into various divisions, such as the Youth Wing, the Student Wing, the Women's Caucus and the Awami League Lawyers Association. Various senior roles are staffed via rules-based internal selections. It is estimated that the Awami League in Britain has nearly 30,000 members. Anecdotally, this is the largest Awami League section outside Bangladesh, with around 5-6,000 members in both Canada and Australia.

The UK division of the Awami League has been successful in bringing over sitting Bangladeshi MPs to speak at public events, such as Sayed Ashrafur Islam, Abul Kalam Azad and Ashrafunnessa Musharaf. The events are held in areas with a sizeable Bangladeshi community, such as Mile End, East London. As one example of effective overseas organisation, in 2007 the leaders of both the Awami League and the BNP were arrested and held in Bangladesh. In response, the UK divisions of both the Awami League and BNP lobbied British MPs via grass-roots methods and engaged at a professional level with the international media and the White House. Meanwhile, in Europe and in other countries, other local wings of the Bangladeshi parties were active, with the Brussels-based team playing a key role in lobbying for and informing a debate in the European Parliament. Collectively, these efforts made an important contribution to the focusing of diplomatic pressure, such that both political leaders were ultimately freed within

Bangladesh, thwarting the ambitions of the military-backed interim government to force their political opponents into exile abroad.

The political identity of Bangladeshi people has been a source of many discussions. Theories vary about why Bangladeshi people are so political in nature and one explanation focuses on the War of Independence which was only in 1971. Many people who fought in the War are still alive today and the children of the freedom fighters grew up listening to the experiences their parents had.

The power of collective memory may be strong because for years, there was no accountability or justice for the genocide that had occurred during those nine months. The stifling of justice created a lot of anger which in turn may have contributed to a strong political identity. Moreover, the desire and very real need to foster Bangladesh's young democracy, which has struggled with military influence and fears for electoral fairness, may also be part of the picture and may carry sufficiently powerful associations to cross borders.

### **Domestic democratic representation of the Bangladeshi diaspora**

In Britain, the growing number of Bangladeshi-British representatives indicates increased participation. There are three Members of the UK Parliament who are of Bangladeshi origin: Rushanara Ali, Rupa Huq and myself. There have also been Bangladeshi figures occupying important positions in local government in the UK, including the Mayors of different London boroughs; a former Greater London Authority member, Murad Qureshi; and over a hundred local councillors.

Though many of these

representatives are from the Labour Party, the diaspora's political allegiances in the UK are becoming less clear cut. Previously, this had been because of a choice of left-leaning parties, with the most populous Bengali borough of Tower Hamlets electing politicians from the Respect and Tower Hamlets First parties.

Before the 2015 election, a BBC Asian Network/ICM poll found that 24% of South Asian voters were undecided as to who to vote for, and that 39% may have changed their minds before Election Day. However, by and large, it remains the case that constituencies with large British-Bangladeshi populations, such as Bow and Bethnal Green/Poplar and Limehouse, have elected Labour politicians by considerable margins.

The number of British Bangladeshi elected officials, while not yet fully representative in a proportionate sense, is far larger than other countries in the Commonwealth. Canada, Malaysia and Australia, to name but a few, are yet to elect Members of Parliament of direct Bangladeshi descent.

This perhaps pays tribute to the role that Britain has played within the Commonwealth, but also indicates that significantly greater involvement in British politics may also be a result of advanced integration and the passage of generations, as well as deliberate efforts from Government and political parties to widen representation. In some other Commonwealth countries, I see similar trends and priorities, so I hope to see more members of the Bangladeshi diaspora elected to Commonwealth Parliaments.

### **Conclusion**

Wherever an established Bangladeshi diaspora exists, so too does the potential for greater impact in political life. However,

if the history of politics teaches us anything, it is that translating potential into participation and engagement requires accessibility, commitment and passion. Political freedoms are often hard won and must often be proudly defended.

In Britain, where the community now spans three generations, elected representatives are becoming proportionate to the population size. In Malaysia, there is a cultural closeness that predates the founding of Bangladesh, but the contemporary relationship appears to be defined by the demands of the respective countries' labour markets, rather than formal local political involvement. In more geographically remote Commonwealth countries, such as Australia and New Zealand, the kind of political impact seen in Britain seems far off from becoming a reality. Canada, with its highly concentrated Bangladeshi diaspora in Ontario, seems to be well placed to catch up with the levels of representation in Britain.

However, a mainstay feature of diaspora communities seems to be the impact of politics back in Bangladesh, with large-scale, often well-organised 'international divisions' of the Awami League and the BNP prevalent across the Commonwealth. It seems that, even where practical opportunities for local political participation are limited (or perhaps because of it), political links between Bangladeshi and its diaspora will remain strong for some time yet. No doubt these relationships will evolve as the generations interweave, but I hope that links between Bangladeshis at home and abroad, whether they be political, cultural or economic, stand the test of time.



# IN SEARCH OF IDENTITY

## The establishment of the Women's Parliamentary Caucus in the Khyber Pakhtunkhwa Provincial Assembly in Pakistan.



**Meraj Hamayun Khan MPA** is a Member of the Legislature and Chairperson of the Women's Parliamentary Caucus in the Khyber Pakhtunkhwa Assembly in Pakistan. Starting her political career in 1996 by joining the newly created Tehrik i Insaaf as the provincial president of its women's wing, she later joined the Qaumi Watan Party and was elected on reserved seats for women. Elected as the Chairperson of the Women's Parliamentary Caucus in May 2016, since then she has worked tirelessly to make it an effective forum. Known for her innovative social projects for women and children, she is the founder of the NGO, De Laas Gul.

The north-west region of Pakistan is a province known for its majestic mountains and picturesque valleys inhabited by a people famed for their hospitality, gallantry and physical beauty.

This is the Khyber Pakhtunkhwa province, bordering Afghanistan on the Western side, touching Kashmir to the North, Punjab on the eastern side and Balochistan and Sindh to the south.

The total area is 74,521 km<sup>2</sup> with two geographical regions, the northern mountainous areas and the trans-Indus plain and minor mountains to the south. The total population of 22,120,132 is predominantly of the valiant Pakhtuns but other groups, not less admirable, are also present all over the province.

It is this diversity in the population and the resulting cultural patterns combined with the changing seasons, different land formations, multiplicity of flora and fauna, and mouth-watering cuisine that make the Khyber Pakhtunkhwa province, one of the most attractive regions of the world. Add to this its strategic geographical location and you comprehend why there has been so much 'traffic' here for different reasons which continues till this day.

For the purpose of this article only the Pakhtun population and its norms, beliefs, traditions and culture will be the focus in relation to their impact on the advancement of women. Like all tribal and

patriarchal communities, the Pakhtuns also are very protective of their women. But this 'protection' has nothing to do with the safeguarding of the lives of women out of love and care. Women are actually considered precious belongings as they are regarded the symbols of Honour of the family. It is incumbent on a woman to be chaste and pure and fully protect herself and the family from critical and abusive comments.

Pakhtun women temperamentally are as strong and reactive as their men but years of subjugation and training in servility negatively affect their self-confidence and self-esteem. They spend their lives in the small mud houses, rearing children and performing tedious chores from morning till the whole family goes to sleep. Sensitivity to her long working hours, ill health and physical needs is sadly missing. Denied her rights to good health, an education, a right to inheritance and access to markets and public space, the Pakhtun woman is reduced to a ghost, invisible to the public but busy all the time like a robot without understanding her own importance, her individuality, her identity and her rights to live a life of her own choice.

The literacy rate for women in Khyber Pakhtunkhwa is 36% compared to a rate of 72% for men. There is a vast difference (3:1 approximately) between the participation in education of urban

and rural women. Furthermore, the women in the Pakhtun tribal belt are still at a dismal 12% literacy rate. The poor literacy rate is one of the factors that negatively affects women's participation in development activities of the province.

Early marriage is another restrictive factor as girls discontinue their education adding to the high percentage of school dropouts. Early marriage and frequent pregnancies complicate the multiple issues caused by strict adherence to norms and customs imposed by men. Recent years have seen governments investing more in female education resulting in a slight improvement in the literacy figures and social status of women. However while the social and economic sectors have seen an upsurge of women's participation, politically they are still shy and hesitant to join in because of pressure from their male members as well as their poor financial status. In Pakistan, as elsewhere in the world, politics and funds are synonymous. Without money, it is impossible to adopt politics as a career.

Historically too politics is also by tradition looked upon as a totally male sector as it is associated with the 'Hujra', the institution for male gatherings only. It is here that all planning and politicking take place. Another institution where women are barred and where men gather and exchange ideas is the mosque. Women have no





such community centres where they can gather for consultation, celebrations or local get-togethers. As their mobility is also controlled by men, they cannot conduct their activities from a predetermined house as there may be longstanding quarrels, even feuds, with the owners of that particular house.

The public sector institutions also do not encourage women to leading and important positions. The few educated women who get selected to government jobs remain on low key or insignificant positions till retirement. Women have neither any role in decision making nor is their role recognised, resulting in some condemnable practices which, till this day, prevail in most regions of the province. Women activists from the time of independence have been protesting against these evil practices and demanding their share in political decision. Their struggle finally resulted in the allocation of reserved seats for women for the first time under the 1956 Constitution in the unicameral Parliament comprising 300 Members and ten (10) reserved seats for women for a period of ten years.

The history of the Khyber

Pakhtunkhwa (formerly North West Frontier Province) Assembly dates back to undivided India in 1901 and it continued till 1956 when Assemblies were dissolved. After the restoration of the Provincial Assemblies in 1970, general elections were held for the Khyber Pakhtunkhwa Provincial Assembly on 17 December 1970. At that time, the number of Member's seats in the Assembly was 43, out of which 2 seats were reserved for women and only one for minorities.

The present Khyber Pakhtunkhwa Assembly is the unicameral legislative body of the Khyber Pakhtunkhwa province. It was established under Article 106 of the Constitution of the Pakistan and comprises one hundred and twenty four Members (124), out of which women are elected to twenty two (22) reserved seats and non-Muslims have three (3) reserved seats. The present Assembly has female members from seven political parties elected in 2013 election. Political parties give tickets to their female members and submit to the Election Commission the final list of women candidates. When the election is over and the

result announced, the Election Commission calculates the ratio of male Members to each seat for women. On the basis of this calculation, the last election brought ten women from Pakistan Tehrik i Insaf, three Members each from Pakistan Muslim League (N), and Jamiat i Ulema Islam, two women from Qaumi Watan Party and one each from Awami National Party and Pakistan People's Party.

So far so good but the shockingly discriminatory attitude of the male Members who constantly raised the issue of the rights of 'elected' Members versus Members on 'reserved' seats made it necessary to unite and engage in a struggle for equality and gender empowerment within the Assembly.

Taking inspiration from the National Parliamentary Caucus set up in the previous government, it was decided very earlier on that a Provincial Women's Parliamentary Caucus should be set up. So an informal setup was created which worked on vision, mission and objectives for the Caucus with technical support from the United Nations Development Programme. The first formal election of the Caucus was held in May 2016 which brought in a six member cabinet comprising of the

Chairperson, Vice-Chair, General-Secretary, Joint Secretary, Finance Secretary and Media Secretary. The new cabinet set out to work on a war footing as the remaining period of the five years tenure was short and serious work needed to be done.

With exemplary support from Hon. Speaker of the Khyber Pakhtunkhwa Provincial Assembly, Mr. Asad Qaiser; Hon. Deputy Speaker, Dr. Mehr Taj Roghani and the management staff of the Assembly, the Provincial Women's Parliamentary Caucus has made tremendous progress within six months. There is now a fully-fledged Secretariat with staff and strong links have been established within the Assembly and outside with diverse groups and offices such as UNDP, UN Women, British Council, US Consulate, Pak Women, Democracy Reporting International and the Swiss Development Cooperation. A well planned and efficiently implemented capacity development programme has helped build up the confidence of the Members which has resulted in improved contribution to ongoing debates in the Assembly. There is also a noticeable change in the attitude of the male Members of the Assembly as they have come to the realisation that women are now a strong and united force against all forms of discrimination against women. Work has also begun on the research side for which the services of the Assembly library and its staff are being utilised.

As we continue to strive to achieve the seven objectives of our strategy, we are sure of leaving behind a legacy of successfully creating our identity and space at least inside the Assembly, due to the informed, united and collective struggle of the twenty two members of the Caucus for the rights of women.



# TOWARDS ESTABLISHING A MODEL POLITICAL COMMUNICATION STRATEGY FOR PEOPLE WITH DISABILITIES



**Senator Floyd Morris** is in his fourth term as a Jamaican Senator, serving as President of the Senate (2013-2016). He was the first blind person to become President of the Senate. He holds a Master of Philosophy in Government and BA in Mass Communication from the University of the West Indies. His research looks at the inclusion of persons with Disabilities in Jamaican life. He runs an international consultancy, presents a talk radio show and is a member of the National Advisory Board for Persons with Disabilities in Jamaica. He is married to Shelley-Ann, is a sports enthusiast and a deft domino player. His motto is "It is nice to be nice."

Communication is one of the most interesting subjects to affect mankind. It can make or break relationships. It can retard or advance the development of peoples and it can isolate individuals into poverty. In this article, the author will focus on the situation of persons with disabilities, using the Jamaican context as a point of departure.

In structuring this article, an examination will be made on some of the theoretical issues relating to communications and how they apply to persons with disabilities. The author will then examine what and who constitutes a person with a disability and examine the communication challenges confronting persons with disabilities. An example will also be outlined of how the Jamaican Parliament has implemented measures to communicate to one of the distinct groups within the community of persons with disabilities in Jamaica. The author will conclude by making some recommendations as to what strategies governments should use to effectively communicate with this vulnerable group in Jamaica and the broader English-Speaking Caribbean.

## **Theoretical Considerations**

In his 1948 article titled '*The Structure and Function of Communication in Society*', Harold Lasswell postulated the view that: "A convenient way to describe an act of

*communication is to answer the following questions: who says what; in which channel; to whom; with what effect"* (Lasswell, 1948, p.216).

In this argument, Lasswell breaks down the elements involved in communication and sees 'who' as the communicator who formulates the message; 'what' the content of the message being communicated is; the 'channel' as the medium through which the message is communicated; 'whom' is the individual recipient or audience and 'effect' is the outcome of the message. This theory as articulated by Lasswell has been widely utilised by communication scholars such as McQuail and Windhal, 1993.

The theory on communication as posited by Lasswell, even though basic in its formulation; is important to this article because for us to understand how to effectively communicate with vulnerable groups, we have to understand how the communication process works. In this context, we have to understand who is speaking and delivering the message; the content of the message being delivered; who are the persons the message is intended and what the effects are having on the intended audience.

It must be noted that critics of the model as adumbrated by Lasswell have indicated that the theory is incomplete because

it does not provide an avenue for feedback. Stewart Hall for example, posits that the model is too linear in its outlook and that the communication process is more circular. He therefore developed the encoder/decoder model of communication in which he opines that the communication process entails the process of: production; circulation; consumption and reproduction (Hall, 1972).

From the latter definition and approaches for communication as articulated by Hall, we have seen a more targeted and focused approach in order to get effective communication. In this context, communication practitioners, especially those in the realm of political communication; have been adopting a more systematic and scientific approach towards developing their communications plan as a means of making it more targeted and focused.

Scientific modellings, such as polling, have been used to solicit information from an intended audience on specific issues in order to craft a communication strategy. This is what Habermas regards as "strategic communicative action" (Habermas, 1985).

What we have not seen, especially in the Jamaican context, is a use of this modern approach to communication to develop specific communication strategies for vulnerable groups such as persons with disabilities.





## Who are Persons with Disabilities?

In any society, persons with disabilities constitute an extremely important group and even more so in the context of politics. Politics is a numbers game and every voter should count. To ignore any potential group is to place one's political fortunes at serious risk.

According to the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD): *"Persons with disabilities include those who have long-term physical, mental or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others"* (United Nations Convention on the Rights of Persons with Disabilities, 2007, p.4).

The Disabilities Act 2014 of Jamaica states:

*"Persons with disabilities include a person who has a long-term physical, mental, intellectual or sensory impairment which may hinder his full and effective participation in society on an equal basis with other persons"* (Disabilities Act 2014, p.5).

The population of persons

with disabilities is significant in the context of Jamaica. It is estimated that close to 400,000 persons with disabilities are living in the island. These disabilities cover: blindness; deafness; mental illness; physical disabilities; intellectual disabilities and learning disabilities.

Persons with disabilities living in Jamaica are confronted with various challenges. These challenges have come about due to stigmas and various sociological barriers confronting them (Gayle-Geddes, 2015).

The negative attitudes and stigmas that affect persons with disabilities comes largely because of portrayal in institutions of socialization such as the media (CAB, 2005, p.5-6).

Most individuals within society do not come into direct contact with persons with disabilities on a daily basis. Their views and attitudes are therefore shaped by the images portrayed in the media and through journalists who are presenting the stories within these institutions (Haller, 2000, p.274).

The problem is further compounded due to the lack of consistent, strategic public policy, designed to improve

the quality of life of these individuals. It has been argued globally that the closer political representatives are to persons with disabilities, the more likely there will be inclusive policies for members of this community (Shapiro, 1994). A significant 15% of the Jamaican population is therefore isolated from the democratic process as their needs are not being met by Jamaican society.

## Sign Language and the Jamaican Parliament

After 52 years of gaining political independence, it was not until 2014 for example, that citizens witnessed Sign Language being introduced in the Parliament. There was a major disconnect between the highest decision making institution of the country and members of the community of persons with disabilities.

Upon assuming the office of President of the Senate in 2013, the author of this paper triggered an initiative to commence Sign Language in the Senate. This was started as a pilot and after six months, it was also implemented in the House of Representatives. All the sittings of the House of Representatives and the Senate are now utilizing Sign Language so that members of the deaf community can fully understand what is taking place in the Parliament. Such an initiative is well appreciated by the members of the community of deaf persons as they believe that their communication needs are being attended to by the highest decision making institution of the country. They are now able to access information on important national issues such as the Budget that spells out the income and expenditure of the country.

## The Model

Recognising the peculiarities of the different types of

disabilities, Lasswells' theory of communication, Marshall McLuhan's theory of *'The media is the message'* and that of Stuart Hall, a model can thus be developed to communicate programmes and policies for the members of this vulnerable community.

The model is undergirded by the principles of participation, inclusion and non-discrimination (PIN). Persons with disabilities must be allowed to effectively participate in the public sphere and for their voices to be heard and acted upon. They must be included in the decision making process and allowed to demonstrate their true potential. Their rights must be respected and no form of discrimination must be displayed against them.

In developing this model, the first step is to identify the audience and to determine where they would find themselves in the ongoing political communication dialogue of *'freedom'* and *'order'*. Persons with disabilities are vulnerable individuals and because of their vulnerabilities, their interest would tend to gravitate towards policies and programmes that would advance their personal development. The perspective of *'order'* stresses the emphasis on economic management and that there has to be economic growth before any form of development can take place. The perspective also advocates for the market economy to be implemented in all its forms. This would not be in the interest of persons with disabilities and hence, the *'freedom'* perspective would be more appropriate. The *'freedom'* perspective places greater emphasis on the civil liberties and the need to place people at the centre of development. Recognising the varied challenges confronting persons with disabilities, their needs cannot be left up solely to market forces. Political leaders



## TOWARDS ESTABLISHING A MODEL POLITICAL COMMUNICATION STRATEGY FOR PEOPLE WITH DISABILITIES

must take this into consideration in developing programmes and policies that will attract these citizens to the political process.

The next step in the model is to formulate policies and programmes that would fit the needs of persons with disabilities. Persons with disabilities are likely to respond positively to political leaders if they are of the view that their interests are being served. The formulation of programmes and policies and legislations that would address the needs of education, employment, access to public infrastructure are likely to bring about significant political benefit for a leader and his/her political organisation. The formulation of these programmes, policies and legislations must be done in consultation with persons with disabilities as the need for inclusivity is paramount to this group.

In formulating programmes and policies for persons with disabilities, leaders must give them the opportunity to participate in fora where the decision making is taking place. They must be included in the political parties, Parliament, Cabinet, statutory boards, school boards and any other such institutions that will be required to make decisions that will impact them on a daily basis. This will give credence to the international slogan for persons with disabilities '*Nothing about us, without us.*'

Knowing how and where to reach these individuals is another critical step in this model. In this regards, persons with disabilities must be organised in units where they can be easily reached. It has been demonstrated in political studies that wherever there is an organised approach for citizens

in their communities; information flows more effectively.

Political leaders must also be aware of how to reach these individuals and how persons with disabilities access information. In a study conducted by this author on sexual and reproductive health of persons with disabilities in Jamaica in 2010, some clear indications were given as to the varied means by which persons with disabilities access information in Jamaica.

The following information was extracted from the study:

- 66.7% of the respondents owned a cellular phone compared to 33.3% who did not own a cellular phone.
- 49.3% of the respondents were able to send and receive text messages on their cellular phones, compared to 44.1 % who

could not send and receive text messages on their cellular phones.

- 31.3% of the respondents had access to the internet compared to 68.7% who did not have access to the internet.

- 35.8% of the respondents could send and receive emails while 64.2% could not send and receive emails.

- 67.9% of the respondents had a radio compared to 32.1% who did not have a radio.
- 80.9% of the respondents owned a television set compared to 19.1% who did

not own a television set. (Morris, 2010).

The production of the message is also of fundamental importance to this model of communicating with persons with disabilities. In this respect, those who are charged with preparing the messages of political leaders and their political organisations must take into consideration the peculiarities of persons with disabilities. Different types of disabilities warrant particular treatment in order for the message to have the desired effect on this population.

Take for example, due care must be given to the inclusion of Sign Language and Close Caption in the production of any message for political leaders and their political organisations: deaf persons are visual communicators and require the message that is intended for them to be produced in such accessible formats.

The featured table gives an indication of the types of disabilities and the format and medium in which messages should be produced for persons with disabilities.

In the implementation of this model, it is also important for an avenue to be established for vetting of the production of the message by selected members of the targeted group. Those who are charged with the production of the message must ensure that there is accuracy in the language being used and that there is no offensive language in the production. It is also important to send a signal of inclusion and participation among this vulnerable community.

The final step in the model is the identification of a specific reputable individual from within the different disability units to liaise and provide feedback to the leaders and their political organisations. This is important in order to ensure that the leader and his or her

**Table of medium and format for messages for Persons with Disabilities (PWDs)**

Type of Disability	Format	Medium of Choice
Blindness	Audio  Braille	Radio Television  Brailled magazines Websites with speech recognition features
Deafness/Hard of Hearing	Close Caption Sign Language	Television Print Social Media
Mental Retardation/ Intellectual Disabilities	Simple audio and TV	Radio Television Social Media
Learning Disabilities	Simple audio and TV Dependent on the nature of the learning disability, print can be used.	Radio Conditional Print Television Social Media
Physical Disabilities	Audio Visual Print	All forms of Media





political organisation can make the necessary adjustments dependent on the response of the broader community of persons with disabilities to the message.

In concluding, it is important to note that political communication is a relatively modern science. Years of research have contributed to it giving a more strategic and focus approach to communicating government's programmes and policies to citizens. There has been a significant improvement from the old time 'hit or miss' approach to communication. Through the utilisation of various theories, such as that of Lasswell, Hall, McLuhan, Habermas and Hahn, those who have been entrusted with the responsibility of designing messages for political leaders and their political organisations have been enabled to have more pointed and results based communications campaigns. Notwithstanding this, limited attention has been placed on the need for developing specific models to communicate with persons with disabilities. The World Health Organisation (WHO) indicates in its 2010 report that approximately one billion individuals across the globe are living with some form of disability (WHO 2010). This sizable portion of the world's population cannot be ignored and it is within this context this attempt to develop a model for communicating political decisions by leaders and their political

organisations is novel and relevant.

The model is anchored on the principle of participation, inclusion and non-discrimination (PIN). It is grounded in the theories of communication as articulated by Lasswell, Hall and McLuhan and constitutes a major step in communicating programmes and policies by political operatives to persons with disabilities.

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Above and above left: For Commonwealth Day 2016, under the theme of 'An Inclusive Commonwealth', the Parliament of Jamaica focused attention on the inclusivity of people with disabilities as a result of the estimated 10% of Jamaicans and over one billion people across the world living with disabilities. Young people with disabilities came together with Parliamentarians and Parliamentary staff to celebrate Commonwealth Day.

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# PARLIAMENT AND THE NUMBERS<sup>1</sup>



**Mr Tom Duncan**  
is the Clerk of the  
Legislative Assembly  
of the Australian  
Capital Territory and is  
the current Regional  
Secretary for the CPA  
Australia Region.

*"One man with courage  
makes a majority"<sup>2</sup>*

*"An inch is as good as an ell" (an  
"ell" was a former measure of  
length, used mainly to measure  
cloth; originally calculated from  
the length of a man's forearm,  
it was later standardized at 45  
inches in England and 37 inches  
in Scotland)<sup>3</sup>*

## Introduction

The number of members in the Legislative Assembly for the Australian Capital Territory (the ACT Legislative Assembly) increased after the elections held on Saturday 15 October 2016 from 17 Members to 25. This paper examines how long it has taken for the ACT Legislative Assembly to increase in size and compares it to other jurisdictions within the region. It also looks at some of the reasons for the increase in size and the ratio of non-executive and executive members.

## Numbers in favour or against self-government

The ACT Legislative Assembly was created by an Act of the Federal Parliament in 1988 – the *Australian Capital Territory (Self-Government) Act 1988*. That Act provided for a legislature comprising 17 Members. Up until the passage of that Act, a House of Assembly that had 18 part-time members performed an advisory function and reported to the Federal Minister for the Territories, so the proposed number was one less than the previous model. The then Federal Member for Fraser, John Langmore MP, remarked on this fact speaking to the *Australian Capital Territory (Self-Government) Bill 1988* on 3 November 1988: "The Assembly

will have 17 members, one less than the number in the previous House of Assembly. It has, therefore, been kept small. That reflects community preference for a small legislature."<sup>4</sup>

The 'community preference' Mr Langmore referred to was presumably the 1978 plebiscite of ACT residents. The plebiscite presented the following three propositions (results in brackets):

- That self-government be granted to the Australian Capital Territory by delegating functions to a locally elected legislative body in the stages set out in the statement, published in the Commonwealth of Australia Gazette on 24 October 1978, for the purposes of sub-section 43(1) of the Referendum (Self-government) Ordinance 1978. (30.01%).
- That a locally elected legislative body be established in the Australian Capital Territory with local government-type legislative and executive functions. (5.63%).
- That the present arrangements for governing the Australian Capital Territory should continue for the time being. (62.7%).<sup>5</sup>

It is interesting to note that a decade later *The Canberra Times* commissioned an opinion poll in November 1988 posing a series of questions, one of which was: "Given the choice, what type of self-government would you most prefer for the ACT?"

Respondents indicated:

- No self-government (i.e. no change) - 27%
- Limited self-government (like a local council) - 38.7%
- Full self-government (like a state) - 30.8%
- Undecided - 3.5%

In a reference to the Boston

Tea Party *The Canberra Times* editorialised: "No-one is throwing tea leaves into Lake Burley Griffin, but it appears the mood towards self-government is changing in favour...69% wanted some form of self-government and 27% wanted none at all. This is a big change from the 1978 referendum."<sup>6</sup>

## The numbers as determined by the Federal Parliament

During the debate on the self-government bills in the Senate, the Minister representing the Minister for the Territories, Senator Hon. Graham Richardson, made reference to the numbers in the Assembly that would be an appropriate size for the new legislature, stating: "If one looks at the public concern expressed in the course of debate over the last year or so, one sees that clearly one of the concerns most often expressed is the need to make sure that the new government is not too big, that it does not cost too much money. Government is an expensive business these days..."

**Table 1:** details Australian and selected Pacific Legislatures and shows the year they were established, the year when they first increased in size, what percentage increase there was and what the population was at the time the increase was made. As can be seen from the table, there is significant variation in the amount of time that Legislatures have taken to increase their size. This reflects the fact that each jurisdiction will make choices based on a range of factors – population, economic circumstances and political considerations are no doubt high amongst those factors. For the Australian Capital Territory, 27 years is somewhat longer than other States and Territories in Australia.

### Key:

LA = Legislative Assembly  
LC = Legislative Council  
HA = House of Assembly  
HR = House of Representatives  
SEN = Senate





**TABLE 1: INCREASE IN SIZE OF AUSTRALIAN AND PACIFIC LEGISLATURES FROM WHEN THEY WERE FIRST ESTABLISHED**

Jurisdiction	Year established	No of MPs when established	Year of increase in size	No. of MPs when increased	Percentage increase (%)	No. of years between establishment and increase	Population at time of increase	Ratio of Members to population
Northern Territory	1978	LA 19	1982	LA 25	31%	4	132,784	1 : 5,311
Kiribati	1977	36	1987	39	8.3%	10	63,883	1 : 1,638
Western Australia	1890	LA 30 / LC 15	1900	LA 50 / LC 30	66% / 100%	10	179,967	1 : 2,249
South Australia	1857	HA 36 / LC 24	1875	HA 46 / LC 24	33% / -	18	210,076	1 : 3,001
Solomon Islands	1974	38	1994 / 1997	47 / 50	23.7% / 31.7%	20 / 23	349,250 / 379,871	1 : 7,431 / 1 : 7,597
Victoria	1856	LA 60 / LC 30	1876 / 1881	LA 86 / LC 42	43% / 36%	20 / 24	805,424 / 873,965	1 : 6,827
Tuvalu	1978 <sup>10</sup>	12	1999	15	25%	21	9,374	1 : 625
New South Wales	1856	LA 54 / LC 32	1880	LA 108 / LC 32	100% / -	24	741,142	1 : 5,293
Australian Capital Territory	1989	LA 17	2016	LA 25	47%	27	405,477 <sup>11</sup>	1 : 16,219
Queensland	1861	LA 26 / LC 21	1888 / 1877	LA 72 / LC 30	177% / 42%	27 / 16	367,166 / 195,794	1 : 3,599
Tasmania	1856	HA 30 / LC 16	1885 / -	HA 36 / LC 16	16.6% / -	29 / -	128,860	1 : 691
Nauru	1968	18	2013	19	5.6%	45	10,310	1 : 543
Australia Federal	1901	HR 75 / SEN 36	1949	HR 123 / SEN 60	64% / 66%	48	8,045,570	1:65,410 / 1:13,409
Niue	1974	20	-	20	-	-	4,000	1 : 200 <sup>12</sup>



*I think what is contained in the Bill [17 Members] now in fact directly meets that community concern.”<sup>7</sup>*

The then Federal Liberal Opposition also supported 17 Members, and, in discussing whether the new legislature should have the power to change its own numbers, it suggested that the clause requiring both the Commonwealth and the ACT Legislative Assembly to agree on any increase was appropriate. The Shadow Minister in the Senate, Senator Hill, observed that: “We are anxious to restrain any rapid enlargement of this body.”<sup>8</sup>

On 4 March 1989, following the passage of the *Self-Government Act* (passed with support from all major parties), the first election of the ACT Legislative Assembly was held, and on 9 May, 17 Members took their places in the new Assembly. It should be noted that four of the elected Members – three from the No Self-Government Party and one from the Abolish Self Government Coalition – were elected on a platform to abolish the legislature.

### The numbers as determined by the ACT Legislative Assembly

Between 1974 and 2012 there were 11 inquiries which examined the size of the Legislative Assembly, with nine recommending that the Assembly be larger and two recommending that it remain at its present size.<sup>9</sup>

Some 25 years later on Thursday 5 June 2014, the Attorney-General introduced the *Australian Capital Territory (Legislative Assembly) Bill 2014*. The purpose of the Bill was to increase the size of the Legislative Assembly from 17 Members to 25 Members, with an accompanying Bill providing for five electorates of five Members each. On 5 August 2014, the Assembly passed the two Bills, with the increase taking effect from the October 2016 election. In accordance with the *Proportional Representation (Hare Clark) Entrenchment Act 1994* the Bills were passed by the required two-thirds majority of the Assembly.

### At what stage do you decide to adjust the size of the Legislature?

By the time of the increase to 25 Members in 2016, it will be 27 years since the Assembly was established. I thought it would be interesting to see if that was too early or too late in comparison to other legislatures who have also chosen to adjust their size.

### Is there an ideal number of Members?

The Expert Reference Group in Australia (comprising the Electoral Commissioner, the Chair of the Remuneration Tribunal, a Professor from the University of Canberra, an Executive Chairman of a local Construction Company and a Barrister who is Deputy Chief Executive Officer of Legal Aid ACT) convened in 2013 for the purpose of examining the size of the ACT Legislative Assembly and noted that: “Calculating the appropriate number needed for a legislature to adequately fulfil its functions is as much an art as a science.”<sup>10</sup>

A Parliament must have a sufficient numbers of Members to perform a range of tasks and functions and these are outlined in various parliamentary texts. In my view, at the very least, a Parliament must have enough members to:

- form a government
- provide first minister and deputy
- provide a leader of the opposition and a deputy
- provide a Speaker
- provide a Deputy and Assistant Speakers
- form sufficient committees to scrutinise the government
- form a ministry sufficient to govern the jurisdiction
- provide shadow ministers to scrutinize
- provide whips
- provide inter-parliamentary activities

In its report on the size of the Legislative Assembly, the Expert Reference Group highlighted that: “Compelling evidence was provided that demonstrated the small size of

the Assembly, and particularly the ministry, poses a significant risk to good government in the ACT.”<sup>11</sup>

Whilst population is often seen as the compelling reason why an increase in the size of a legislature is warranted, another factor that may need to be considered is the ratio of Ministers to non-executive Members. Over the past 20 to 30 years, there has been a steady increase in the number of Executive Members, especially with the creation of Parliamentary Secretary and Assistant Minister roles, but with no increase in the size of the legislature. When the Assembly increased its Executive from five Ministers to six in 2014 (with the possibility that they could appoint up to nine Ministers), I compiled a table outlining the relative ratios.

### Conclusion

In the field of mathematics there is a special ratio used to describe the proportions of everything from nature’s smallest building blocks, such as atoms, to the most advanced patterns in the universe. Derived from the Fibonacci sequence, this ratio is known, among other titles, as the golden ratio. It is 1.618 or its inverse is 0.618. It has been proven that almost everything that has dimensional properties adheres to the golden ratio. For example:

- *Honeybees* – if you divide the number of female bees by the number of male bees in any given hive, you will get 1.618.
- *Sunflowers* – whose seeds are arranged in a spiral, have a ratio of 1.618 between the diameters of each rotation; and
- dividing the length of your arm measured from shoulder to fingertips by the length from your forearm measured from elbow to fingertips usually results in a ratio in the region of 1.618.

*Is there a golden ratio for the ideal number of Members of Parliament relative to population? Or of Executive to non-Executive Members? Maybe not. But it is clear that in the ACT Legislative Assembly, there has*

**Table 2 sets out the ratio of Executive to Non-Executive (Backbench) Members in Australia and selected Commonwealth Legislatures.**

not been an increase in the size of the Legislature commensurate with the 50% increase in the size of the Executive over the past four Assemblies.

*Is it the right time for the ACT Legislative Assembly to increase its size? Is the quantum of the increase, taking into account the ratio of Ministers to members, appropriate? Only time will tell, but judging by the experience of other legislatures, it seems about right.*

### References

- <sup>1</sup> This paper was initially presented to the 47<sup>th</sup> Presiding Officers’ and Clerks’ Conference in Tonga in July 2016. The conference theme was ‘Navigating together the challenges for modern parliaments’.
- <sup>2</sup> Andrew Jackson, 1743-1826, 3<sup>rd</sup> President of the United States, quoted in J Hamilton, *Book of Quotations*, David Dale House, 2004, p 236.
- <sup>3</sup> Saying quoted in R Fergusson, *The Penguin Dictionary of Proverbs*, 2nd Edition, p 245.
- <sup>4</sup> *House of Representatives Debates*, Hansard, 3 November 1988, p 2428.
- <sup>5</sup> ACT Electoral Commission website.
- <sup>6</sup> *The Canberra Times*, Sunday 20 November 1988, Editorial.
- <sup>7</sup> Senate debates, Hansard, 24 November 1988, p 2737.
- <sup>8</sup> Senate debates, Hansard, 24 November 1988, *ibid*.
- <sup>9</sup> Expert Reference Group 2013, *Review into the size of the ACT Legislative Assembly*, ACT Government, 28 March 2013, p 1.
- <sup>10</sup> 1978 was the year of independence
- <sup>11</sup> 2017 projection
- <sup>12</sup> Ratio at time established (1974) was 1:200. Population by 2011 had fallen to 1611, making the ratio 1:81.
- <sup>13</sup> Expert Reference Group, *op cit*, p 2.
- <sup>14</sup> Expert Reference Group, *op cit*, p 1.
- <sup>15</sup> Investopia, Fibonacci and the Golden Ratio, Justin Kuepper





TABLE 2: RATIO OF NON-EXECUTIVE TO EXECUTIVE MEMBERS FOR AUSTRALIAN AND SELECTED COMMONWEALTH LEGISLATURES

Legislature	No. of Members	No of Ministers	Parliamentary Secretaries	Backbench Members	Percentage of Backbench Members (%)
Tuvalu	15	8	0	7	46.7%
Solomon Islands	50	24	0	26	52.0%
Tasmania - House of Assembly	25	8	2	15	60.0%
Tonga	26	10*	0	16*	62.0%
Australian Capital Territory	17	6	0	11	64.7%
Queensland	89	19	12	58	65.2%
Vanuatu	52	13	1	34	65.4%
Fiji	50	13	4	33	66.0%
Kiribati	46	15	0	31	67.0%
Nauru	19	6	0	13	68.0%
Northern Territory	25	8	0	17	68.0%
Papua New Guinea	111	33	0	78	70.0%
Western Australia - Assembly	59	12	5	42	71.2%
Samoa	49	13	0	36	73.4%
South Australia - Assembly	46	12	0	34	73.4%
Scotland	128	15	18	95	74.2%
Cook Islands	24	6	0	18	75.0%
Western Australia - Leg Council	36	5	3	28	77.8%
New Zealand	121	25	0	96	79.3%
Niue	20	4	0	16	80.0%
Australia - House of Rep	150	16	13	121	80.7%
Australia - Senate	76	6	7	63	82.9%
Victoria - Legislative Assembly	88	17	0	71	87.5%
Victoria - Legislative Council	40	5	0	35	87.5%
Canada - House of Commons	308	24	14	270	87.7%
UK - House of Commons	650	50	24	576	89.0%
South Australia - Legislative Council	22	2	0	20	90.0%
Tasmania - Legislative Council	15	1	0	14	93.9%



# CLIMATE CHANGE: HOW CAN PARLIAMENTARIANS EFFECT CHANGE IN THEIR JURISDICTIONS?

**What is this impact of climate change on the policies that governments are developing and how can Parliaments play a role in this? How do Parliaments balance combatting climate change with sustainable development through legislation and new initiatives?**



**Pradeep Kumar Dubey** is Principal Secretary at the Uttar Pradesh Legislative Assembly in India. Mr Dubey was educated at Allahabad University and Delhi University before joining the Judicial Service and working as a Judicial Magistrate and Munsif Magistrate/Civil Judge at Lucknow, Civil Courts, followed by positions as a Judicial Magistrate in Allahabad and Legal Advisor to the Governor of Uttar Pradesh. Mr Dubey has attended and organised many CPA and Presiding Officers and Secretaries Conferences in India as well as overseas.

Climate change is one of the greatest threats to global prosperity and development. Due to human emissions of greenhouse gases, the international community is on a warming trajectory that will leave the world irrevocably changed. Such a pathway risks unmanageable sea-level rise and a vastly different climate, including devastating heat waves, persistent droughts and unprecedented floods. The foundations of human societies, including food and health security, infrastructure and ecosystem integrity, would be in jeopardy; the most immediate impact would be on the poor and vulnerable.

Parliaments can engage in the climate change agenda at national, regional and global levels. Engagement in climate change reform is integral to parliament's objectives to fight corruption and promote good governance. Climate change is a cross-cutting issue, affecting not only the environment, but society, food supply, socioeconomics, natural resources, and disaster risk reduction and responses.

With development efforts linked to climate change and climate change a significant barrier to sustainable development, Parliament can address climate change through

existing mechanisms of scrutiny and legislative processes.

However, it is important to note that climate change is a unique issue since reform requires public acceptance and behaviour change to succeed. Ultimately the power to mitigate and adapt to climate change lies with the public, but parliament plays an essential role in representing short and long-term interests, leading the public in change, promoting green policies and holding the Executive to account.

Parliament's job is to manage and maximize the capacity of government to utilize financial resources, ensure the provision of public goods, control externalities, and put security measures in place. Climate change affects all of these roles including Parliament's leadership role. Its costs will increase government costs, particularly in the short-term. It is estimated that hundreds of billions of dollars are required annually for global adaptation and mitigation efforts.

In June 2009, UN General Assembly unanimously passed a resolution acknowledging that climate change is an issue for international security. This action is the inaugural effort that will allow all UN organisations, in particular the UN Security Council, to address and react to

security risks linked to climate change. It is one of the first resolutions that unequivocally ties climate change and its security implications. Ultimately, Parliament must ensure long-term change that will last beyond changing governments; as discussed in previous units, climate change is a reality now and will continue to be in the future, requiring Parliament's consistent attention.

The legislative process allows Parliament to have a significant influence on climate-related policies, particularly climate-smart development policies, by inscribing targets and objectives into law. Passing Bills can affect mitigation by reducing the instituting legislation that reduces greenhouse gas emission and increasing and maintaining carbon sinks.

Adaptation policies can encompass risk analysis and communication, disaster risk reduction, climate migration and coordination with relevant Millennium Development Goals.

Policy design is an important part of climate change-related legislation. Policy makers should also strive to include co-benefits in climate change-related policies in order for the public to see that not only the climate, but the society will benefit. Green fiscal policies can incorporate laws that require some level





of carbon and energy taxes or revenue from the auctioning of emissions permits to go towards social protection programmes. Legislators can also ensure that short-term climate change-related policies yield other benefits to the public, such as job creation or improved health (air or water quality) so the public can see a return on their investment.

Climate change policies can include the promotion or development of energy-efficient projects, the transfer of energy from fossil fuel-based or renewable sources, and investment in the public sector or subsidies provided to the public sector in order to promote climate-friendly research and technology (low emission cars,

solar powered electricity or wind technology, for example). Parliaments can also strengthen public or private insurance schemes to improve disaster preparedness in the case of extreme weather events.

To be credible, effective and legally enforceable, these international agreements must be transposed into national legislation, supported by appropriate budget allocation and robust oversight of government performance. This puts Parliaments at the heart of the response to climate change.

Parliaments are not only well placed to scrutinize how governments are responding to national and international climate change issues, but can also hold their executives

to account over their actions, or lack thereof. Furthermore, Parliamentarians bridge the gap between constituents, governments and decisions made at the global level.

National legislation and international agreements are mutually reinforcing. Ahead of the 2015 Paris climate change negotiations, national legislation helped to create the conditions for a more ambitious international agreement by demonstrating what was possible. In the future, national laws will be required to maximize effective implementation of the commitments and contributions made by governments in Paris.

Well-informed climate legislation can bring significant national and local co-benefits,

including strengthened energy security, improved health, reduced disaster risk, increased access to sustainable energy, investment in clean and domestic energy sources, the creation of high-quality jobs and better air quality.

Building the knowledge-base and capacity of MPs and Parliamentary staff to engage in the climate change agenda is the first step towards appropriate responses. As the interest in Parliament's role in climate change grows, additional case studies and guidelines will be developed, subsequently making such engagement easier and more prevalent.



# TECHNICAL ASSISTANCE PROGRAMME PROMOTES KNOWLEDGE SHARING AND PROFESSIONAL DEVELOPMENT ACROSS PACIFIC AND AUSTRALIA REGIONS

## Report on a visit by a delegation from the Northern Territory of Australia to Niue Parliament



**Marianne Conaty** is the Deputy Clerk of the Legislative Assembly of the Northern Territory of Australia, since 2013. Prior to joining the Legislative Assembly, Marianne held senior roles in the Northern Territory and Queensland Governments. She is a Solicitor and practised government law before taking on policy and program management roles. She holds degrees in Arts, Law and Public Administration.

The Northern Territory of Australia, a subnational jurisdiction, is twinned with Niue, a self-governing country in free association with New Zealand.

The Northern Territory's *Electoral Act* provides that its Legislative Assembly consists of 25 Members. The Niue Constitution allows for a 20 Member Legislative Assembly consisting of a representative for each of the 14 villages and 6 common roll seats.

Both jurisdictions are unicameral. While sharing a similar number of Members, the jurisdictions are geographically very different. Niue is a coral island of 260 square kilometres located about 480 kilometres east of Tonga and 560 kilometres southeast of Samoa in the Pacific Ocean. The Northern Territory is over 1,349,129 square kilometres, and the third largest jurisdiction in Australia, but the least populous.

In recent years there has been a series of delegations between the two jurisdictions, taking opportunities where they present to provide professional development and promote knowledge sharing. Both jurisdictions use existing funding sources to develop meaningful outcomes to the mutual satisfaction of the twinning partners.

The Northern Territory

twinning team, consisting of then Deputy Speaker Matt Conlan MLA; Marianne Conaty, Deputy Clerk; and Melissa Johnson, Editor of Debates, travelled to Niue from 16 to 19 August 2016 to deliver and train staff in the use of a sound recording system purchased by the Parliament of Niue under a Commonwealth Parliamentary Association (CPA) Technical Assistance Programme Grant.

The visit followed training delivered to Members of the Niue Parliament by the United Nations Development Programme earlier during 2016.

The delegation arrived in Niue in the afternoon of Tuesday 16 August 2016 and informally met with the Clerk of the Assembly, Mrs Moka Tano-Puleosi, for induction and confirmation of final arrangements for the programme.

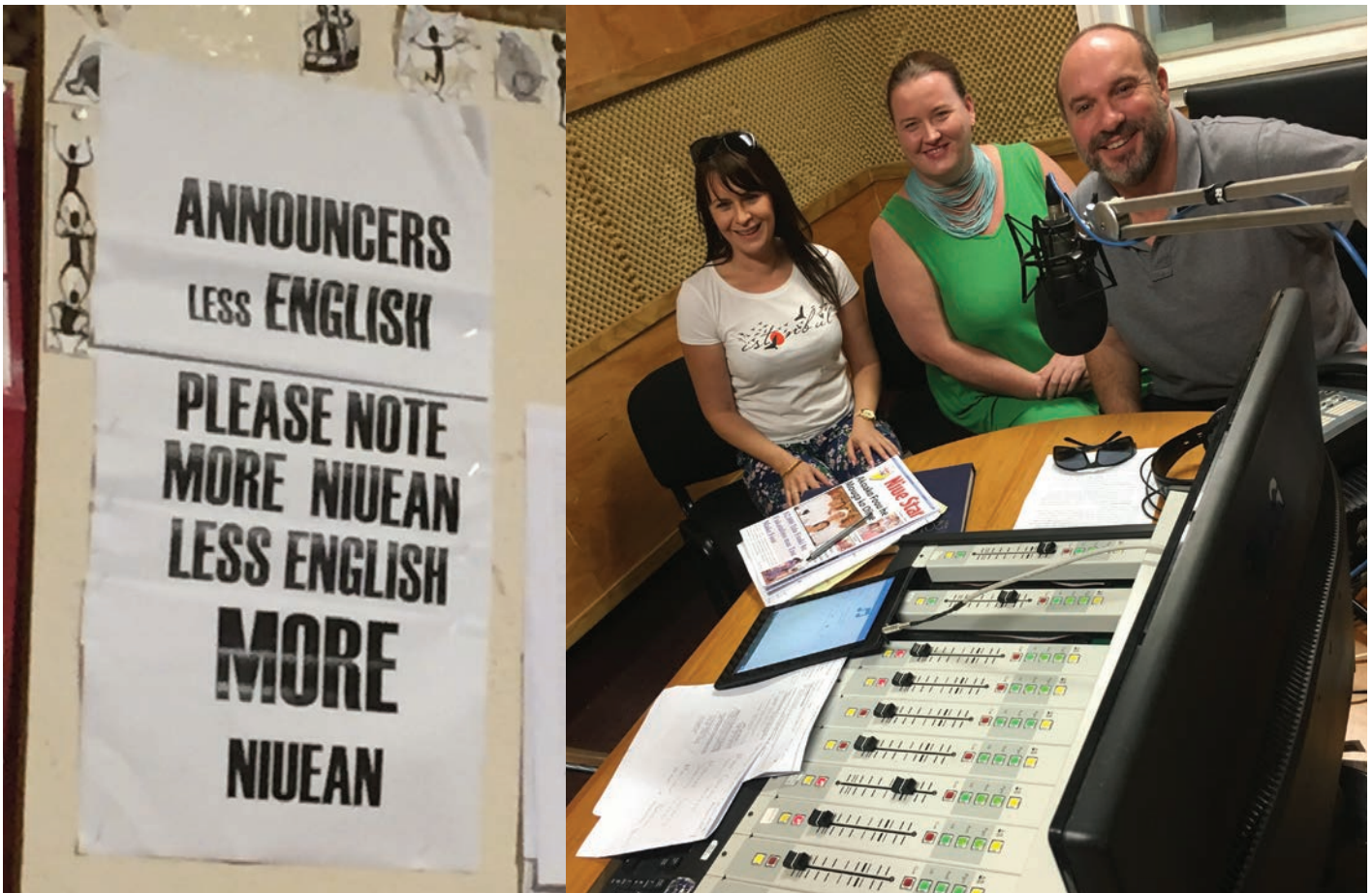
Wednesday's meetings included a briefing and tour of facilities, conducted by the Clerk of the Assembly, and the Director of the Cabinet and Parliamentary Services, Mrs Christine Ioane. The Deputy Speaker and Deputy Clerk conducted courtesy calls on the Speaker of the Assembly, Hon. Togiavalu Pihigia; the Premier, Hon. Toke Talahi; and Cabinet Ministers, Hon. Billy Talagi and Hon. Pokatoa Sipeli.

The Editor of Debates oversaw the setting up of a Liberty sound recording system in the Chamber, providing a general overview of the system to technical and administrative staff. She demonstrated how to set up the hardware, how to use the software and record audio. Media representatives attended to take footage of the equipment being set up and tested.

The equipment is designed to expedite the production of Hansard, which was previously recorded by the local radio station and then provided to the Assembly for transcription by Hansard staff. There was often a lengthy turnaround time in this recording being provided to Hansard staff. The new recording system allows staff to begin transcription immediately, providing a more timely Hansard service for Members.

The Hansard recording equipment provided to the Niue Legislative Assembly is a portable system run from a laptop, allowing for the equipment to be easily and securely packed away when not in use, which is particularly important in the tropical Niuean climate. The entire system packs into a durable and waterproof case with custom made foam fittings for each hardware item.





Sound is captured through six AKG GN15 microphones connected to a Muto 8pre audio mixer, which is in turn connected to the laptop. Operators are able to monitor the progress of recordings through the recorder software and adjust sound levels through the mixer where required.

The recording system provided is a four-channel High Criteria Liberty Court Recording System, which is currently used in a number of Australian Parliaments, including the Northern Territory. The recorder has a bookmarks function, allowing operators to keep a log of proceedings. Operators can also use headphones to hear audio as it is recorded, allowing the operator to make adjustments to microphones and sound levels where necessary. The recorder also supports archiving to removable media or direct network replication.

The recording system

includes the Liberty Court Player, which is used by Hansard staff to play the audio to transcribe proceedings. The system is simple to use and contains a number of features, such as the ability to lock files of in camera proceedings. Operators are also able to isolate any of the four channels to assist with transcription where a number of people are speaking at once.

The Editor of Debates prepared a manual with step by step instructions in how to use the equipment.

The twinning team appeared on a popular afternoon drive time radio programme on Wednesday afternoon, providing more information about the Hansard equipment and the background to the twinning relationship. A number of Members and Legislative Assembly staff commented to the twinning team that they

had heard the radio broadcast, indicating that this was a worthwhile exercise.

The Northern Territory and Niue Assemblies co-hosted an official dinner at R'Linnas Restaurant on the Wednesday night for all Members and senior officials. This was an opportunity for informal networking and discussions about issues of mutual concern in our small jurisdictions. In the lead-up to the delegation, the twinning team researched Niue and were intrigued by the phrase, *Fakaholo fakasekiseki he po neke mapela e tau uga!* This means 'Be careful of ugas (coconut crabs) when driving at night!' The team took heed and ate them at R'Linnas instead, along with other tasty local delicacies.

Although not sitting during the visit, a majority of the Members of the Assembly attended an informal meeting between Members of the Niue

**Above: The team from Northern Territory Assembly being interviewed at the local radio station in Niue with a sign on display at the radio station.**

Legislative Assembly and the Northern Territory twinning delegation on Thursday 18 August. Mr Speaker Pihigia chaired the meeting and Mr Deputy Speaker Conlan formally handed the commissioned equipment over to the Niue Legislative Assembly. This meeting also provided an opportunity to consolidate the previous day's training in the use of the recording equipment as well as allowing Members to see the system in action, as it was used to record the session.

The Department of the Legislative Assembly also provided a range of resources to the Niue Parliamentary staff in hard copy and electronic formats, including:



## TECHNICAL ASSISTANCE PROGRAMME PROMOTES KNOWLEDGE SHARING



- Committee manuals and information on the Budget Estimates process and how it operates in the Northern Territory
- PowerPoint presentations from each session of the Department of the Legislative Assembly's Know Your Assembly seminar series, which give in-depth instruction in procedural and legislative processes
- a comprehensive suite of outreach education resources developed especially for the Niue Parliament, which are targeted at upper primary to middle school audiences
- a tailored teaching PowerPoint developed with current and relevant content provided by Niue to explain

systems of government, civics and citizenship

- copies of resources developed by the Northern Territory's Parliamentary Education Service for reference and adaptation.

The Niue Speaker invited the delegation and Members who had travelled to the Northern Territory previously to attend a dinner at the Scenic Matavai Resort in Alofi on Thursday night for more informal networking and a dazzling display of fire dancing.

The Northern Territory's delegation wishes to express *fakaue lahi* (thank you) to our new friends in Niue for their generous hospitality. We encourage anyone who has

a chance to support twinning to do so. It was an exceptional opportunity for professional development and skill sharing, and learning how much we have in common.

The Niue twinning relationship was featured at the Northern Territory's Parliament House Open Day on 17 September 2016, with almost 1,000 visitors attending. The display featured information about the twinning relationship as well as some facts about the Niue government and parliament, and Niuean culture. It also included Niuean handicrafts, which proved to be popular with visitors. Department of the Legislative Assembly staff were on hand to provide visitors with information about twinning arrangements and about the island of Niue itself. Written feedback from one member of the public expressed some displeasure that the boutique vanilla produced by Niue (on display) was not available for purchase in Darwin.

Niue celebrated its 42<sup>nd</sup> Constitution Day (anniversary of self-government) on 19 October 2016. Madam Speaker Kezia Purick of the Legislative Assembly of the Northern Territory noted the occasion in real time during a meeting of the Assembly, taking the time difference of twenty hours and

Above: Deputy Speaker of Northern Territory, Matthew Conlan formally handing over the recording equipment to Niue Parliament.

Above left: The Niue display at the Northern Territory Parliament House Open Day.

Bottom left: Niue pins given to Members of Northern Territory Legislative Assembly on Niue's Constitution Day.

thirty minutes into account. Members of the Northern Territory Legislative Assembly were provided with small pins bearing the flag of Niue to commemorate the occasion.

This report from the Legislative of the Northern Territory, Australia outlines the outcomes of a Commonwealth Parliamentary Association (CPA) Secretariat Technical Assistance Programme for the Parliament of Niue. Please contact the CPA Secretariat [hq.sec@cpahq.org](mailto:hq.sec@cpahq.org) if you are a Parliament or Legislature interested in further details of the CPA Technical Assistance Programmes.





# Parliamentary Report

NEWS AND LEGISLATION FROM COMMONWEALTH PARLIAMENTS



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With thanks to our  
Parliamentary Report  
and Third Reading  
contributors: Stephen  
Boyd (Federal Parliament  
of Australia); Ravindra  
Garimella (Parliament of  
India); Dr Jayadev Sahu  
(Parliament of India);  
Michael Dewing (Federal  
Parliament of Canada);  
Luke Harris (Parliament  
of New Zealand); Talitha  
Rowland (Parliament of the  
United Kingdom).

# CANADIAN PARLIAMENTARY LEGISLATION

## Parliamentary Legislation Updates

After dramatic last minute negotiations, on 30 October 2016, **Prime Minister, Rt Hon. Justin Trudeau, MP** and European leaders signed the Comprehensive Economic and Trade Agreement (CETA). Once ratified, it will reduce barriers to trade between Canada and the European Union. The following day, the Minister of International Trade, **Hon. Chrystia Freeland, MP**, introduced Bill C-30, The Canada-European Union Comprehensive Economic and Trade Agreement Implementation Act.

On 21 October 2016, the Minister of Justice and Attorney General of Canada, **Hon. Jody Wilson-Raybould, MP**, introduced Bill C-28, An Act to amend the Criminal Code (victim surcharge). This Bill would restore the ability of judges to use their discretion when imposing victim surcharges, which are monetary penalties that are imposed at the time of sentencing. Under this Bill, judges would be able to waive the surcharge if an offender is unable to pay.

On 6 October 2016, the Minister of Finance, **Hon. Bill Morneau, MP**, introduced Bill C-26, An Act to amend the Canada Pension Plan, the Canada Pension Plan Investment Board Act and the Income Tax Act. In order to address concerns that many Canadians are not saving enough for retirement, it will enhance the maximum Canada Pension Plan benefits by about 50%, while increasing the contributions

Canadians make to the Plan. The changes will be phased in over seven years.

On 4 October 2016, Bill C-22, the National Security and Intelligence Committee of Parliamentarians Act passed Second Reading in the House of Commons and was referred to the Standing Committee on Public Safety and National Security. The Bill would create the National Security and Intelligence Committee of Parliamentarians, which would include members of the Senate and the House of Commons and which would review national security and intelligence activities. To do so, the Committee would have access to classified information.

## Economic Update

On 1 November 2016, Finance Minister Morneau presented the Fall Economic Statement in the House of Commons. As well as announcing significant infrastructure spending over the next few years and a strategy to help companies find the talent they need, he announced several measures to make government more transparent.

First, the Parliamentary Budget Officer, who is now part of the Library of Parliament, will become an independent Officer of Parliament. Second, meetings of the Board of Internal Economy – the governing body of the House of Commons – will become open by default. Third, the government will work with Parliamentarians to improve the way it reports spending. Among other things, it will

make a clearer link between the budget and the Estimates, which are prepared using different accounting methods.

## Changes in the House of Commons

In September, Alberta Conservative **Hon. Jason Kenney, MP** resigned his seat in the House of Commons in order to run for the leadership of the Alberta Progressive Conservative Party. First elected in 1997, Mr. Kenney served as Minister of Citizenship, Immigration and Multiculturalism, Minister of Employment and Social Development, and Minister of National Defence and Minister for Multiculturalism.

On 24 October 2016, a by-election was held in the southern Alberta riding previously held by Conservative **Jim Hillyer**, who died in March. The Conservative candidate, **Glen Motz**, held on to the seat – long a Conservative stronghold – winning 70% of the vote (up slightly from 69% at the 2015 General Election). The Liberal candidate took 26% of the vote (up from 18%), while the New Democratic Party candidate got only 1% (down from 10%). Turnout was roughly 44%.

## The Senate

In September, Conservative Senator **Hon. Janis Johnson** of Manitoba retired. Appointed in 1990, she was the longest-serving member of the Conservative caucus in the Senate.

In early October, the Special Senate Committee on Senate Modernization tabled

a report in which it made a number of recommendations for making the Senate more open, inclusive and effective. To address the needs of the increasing number of non-affiliated senators, the report recommended amending the Senate rules to include a definition of 'caucus', which would be any group of nine or more senators. The report also recommended that all caucuses be provided with research funding and that membership on committees reflect the caucuses' standing in the Senate. In addition, the report recommended that Senate debates be televised.

On 27 October 2016, Prime Minister Trudeau announced the appointment of nine new non-affiliated Senators. These were the first to be appointed using a new process under which Canadians can submit applications to the Independent Advisory Board for Senate Appointments. It reviewed over 2,700 applications before making non-binding recommendations to the Prime Minister. The new Senators are:

- **Yuen Pau Woo**, former president of the Asia Pacific Foundation of Canada;
- **Patricia Bovey**, an art historian;
- **Harvey Max Chochinov**, a psychiatrist and expert in palliative care;
- **Marilou McPhedran**, a lawyer and human rights activist;
- **René Cormier**, an arts and culture professional and Francophone leader;



- **Nancy Hartling**, an advocate on issues affecting women;
- **Wanda Thomas Bernard**, a social worker and educator;
- **Daniel Christmas**, a senior advisor for Membertou, a Mi'kmaw First Nation urban community on Cape Breton Island;
- **Diane Griffin**, a conservationist.

On 31 October 2016, the Prime Minister announced a further six appointments, this time from Ontario. They are:

- **Gwen Boniface**, a former senior police officer, lawyer and educator;
- **Tony Dean**, a public policy expert;
- **Sarabjit S. Marwah**, a former bank executive;
- **Lucie Moncion**, an executive in the co-operative sector;
- **Kim Pate**, a human rights expert in the area of criminal justice;
- **Howard Wetston**, a senior public servant, lawyer and jurist.

Finally, on 2 November 2016, the Prime Minister

filled the last vacancies by announcing the following six appointments from Quebec:

- **Renée Dupuis**, a lawyer specializing in human rights and Indigenous law;
- **Éric Forest**, the Mayor of Rimouski;
- **Rosa Galvez**, an expert in the area of environmental pollution;
- **Marc Gold**, an expert in constitutional law;
- **Marie-Françoise Mégie**, a family physician and university professor;
- **Raymonde Saint-Germain**, a senior public servant and ombudsperson for Quebec.

These appointments brought the standings in the Senate to 44 non-affiliated, 40 Conservatives and 21 Liberals.

### Climate change

On 5 October 2016, the House of Commons agreed by a vote of 207 to 81 to “support the government’s decision to ratify the Paris Agreement under the United Nations Framework Convention on Climate Change.”

### Motion on First Nations children

On 1 November 2016, the House of Commons unanimously agreed to a motion on First Nations child welfare tabled by New Democratic Party member **Charlie Angus, MP**. Among other things, the motion called on the government to invest an additional \$155 million for the delivery of child welfare for First Nations children.

### Supreme Court appointments

As reported in the previous issue of *The Parliamentarian*, the Government is using a new process for appointing Supreme Court of Canada justices. The process, which is open to qualified lawyers and judges from across Canada, raised questions about whether Atlantic Canada would retain its traditional seat on the Court. On 27 September 2016, the House of Commons unanimously passed an opposition motion calling on the Government “to respect the custom of regional

representation when making appointments to the Supreme Court of Canada.”

On 17 October 2016, Prime Minister Trudeau put an end to the speculation when he announced the nomination of **Mr. Justice Malcolm Rowe** from the Atlantic province of Newfoundland and Labrador. Mr. Rowe became the first Supreme Court justice from that province since it joined Confederation in 1949.

On 25 October 2016, Justice Rowe took part in a question and answer session with Members of the Senate Committee on Legal and Constitutional Affairs and the House of Commons Standing Committee on Justice and Human Rights, along with representatives of the Bloc Québécois and the Green Party. He responded to questions about his ability to speak French, the role of the Court in making law, the rights of Indigenous people and the need to be mindful of Canada’s diversity.







### International Tax Agreements Act 2016

The legislation amends the *International Tax Agreements Act 1953* to give the force of law to the new tax treaty signed by Australia and Germany on 12 November 2015. The tax treaty is known as the Agreement between Australia and the Federal Republic of Germany for the Elimination of Double Taxation with respect to Taxes on Income and on Capital and the Prevention of Fiscal Evasion and Avoidance, and its protocol.

The Minister for Revenue and Financial Services, **Hon. Kelly O'Dwyer MP** commented that *"as our economy transitions to broad based growth it is important that we continue to attract foreign investment. But we need the right policy environment for trade and investment in order to take advantage of these opportunities. That is why the government has modernised its existing bilateral tax treaty with Germany to reflect changes arising from international developments."*

The Minister noted that *"Australians are increasingly concerned about the actions of multinational companies and high-wealth individuals who avoid paying the right amount of tax. This new agreement replaces the old agreement which was signed in 1972, bringing bilateral tax arrangements into the 21<sup>st</sup> century."*

The new agreement will strengthen the integrity of Australia's tax system and help detect and prevent tax evasion by authorising the revenue authorities of Australia and Germany to exchange taxpayer information on all taxes imposed in either country. The new agreement will also improve tax certainty for business by introducing new rules to prevent potential double taxation.

Ms O'Dwyer concluded that *"this new agreement will further enforce the already strong economic ties between Australia and Germany and will encourage trade and investment that will support Australian businesses and our economy."*

During debate in the Senate, the Shadow Minister for Small Business and Financial Services, **Senator Katy Gallagher** noted that the Labor Opposition supports the legislation. Senator Gallagher commented that *"the new provisions in the treaty broadly follow the OECD's Model Tax Convention on Income and on Capital and, in doing so, broadly reflect current Australian and international tax policy settings. Importantly, in evidence to the Joint Standing Committee on Treaties, officials from Treasury stated that there was nothing within the agreement that prevents*



## THIRD READING: AUSTRALIA

*either Australia or Germany from enacting domestic laws related to tax evasion or avoidance. Labor welcomes that the agreement also establishes a framework to address international tax evasion by allowing the exchange of relevant information and enabling mutual assistance in the collection of outstanding tax debts."*

Senator Gallagher noted that "Germany is an important trade and investment partner for Australia. Indeed, it is one of our top 10 trading partners, with just shy of \$17 billion in two-way trade in 2014, according to figures from the Department of Foreign Affairs and Trade. Germany is also a very important destination for Australian investment. It may surprise some in the chamber to learn that Germany is actually the fifth-largest destination for Australian investment abroad, with outbound Australian investment in Germany valued at \$65 billion in 2014. A range of our largest Australian companies have a significant footprint in Germany."

### National Cancer Screening Register Act 2016

The legislation creates a new legislative framework for the establishment and ongoing management of cancer-screening registers. In addition, the legislation provides for the establishment of the register and authorises the collection and use of information for the purposes of the register and specified other purposes, such as providing healthcare to an individual.

The Minister for Health and Aged Care, **Hon. Susan Ley MP** noted that "Australia continues to have one of the highest rates of bowel cancer in the world and this government is committed to improving health outcomes in this area through early detection. Bowel cancer is the second most common cause of cancer deaths in Australia with approximately 4,000 Australians dying each year—that is around 80 deaths each week. The risk of bowel cancer increases from the age of 50, yet if detected and managed early, nine out of 10 cases can be successfully treated. Currently, fewer than 40% of bowel cancers are detected early."

Ms Ley noted that "the Australian government is serious about increasing the number of Australians that participate in cancer screening as part of the fight against cancer. Cervical cancer claims the lives of 250 women annually and yet it is one of the most preventable cancers. Currently 80% of women diagnosed with cervical cancer have not been screened or have not had regular screening."

The Minister commented that "with the recent investments in cancer prevention and detection, it is important that the organised approach to population-based screening is underpinned by a consistent and contemporary national register to monitor and support timely activity. There are significant efficiencies that can be gained by establishing the National Cancer Screening Register that will not only support both the renewal of the National Cervical Screening Program and the expansion of the National Bowel Cancer Screening Program, but potentially other cancer-screening programs in the future."

In relation to privacy, the Minister noted that the legislation "protects the personal information of individuals by prohibiting the collection, use or disclosure of personal information in the register outside of the circumstances set out in the Bill."

The Minister noted that "the register will support the cancer-screening pathways by facilitating invitations, sending out test kits and recall of participants where they agree. It will enable improved software integration with general practice, specialists and pathology laboratories. It will improve quality and accessibility of data, as well as the timeliness of data capture and data matching. The register's prime focus is on maintaining a complete and consolidated source of screening information for participating individuals."

Labor **Senator Helen Polley** noted that the Labor Opposition strongly supports the national cancer screening register. Senator Polley noted that "the creation of this register will enable improvements to several cancer screening programs. The National Cervical Screening Program will move from a two-yearly pap test to a five-yearly cervical screening test - the recommendation of the independent Medical Services Advisory Committee. Incorporating this change in the national cancer screening register is expected to stop an additional 140 incidences of cervical cancer a year. In addition, this legislation will see the National Bowel Cancer Screening Program accelerate its transition to biennial screening, with Australians aged 50 to 70 to be screened every two years by 2020 instead of 2034. Clinical trials have shown that biennial screening can prevent 300 to 500 deaths a year. Labor strongly welcomes these improvements, which will arise from the creation of a national register."

Senator Polley, however, was critical of the government's 'shambolic' management of the privacy protections in the original Bill. Senator

Polley commented that "when Labor and the crossbench referred the government's Bill to an inquiry, the Member for Farrer [the Minister] accused Labor of a 'hysterical tirade'. But in an embarrassing rebuke of the government their own Privacy and Information Commissioner made six recommendations to the Senate inquiry to fix the legislation. Some of the loopholes identified by the Commissioner were alarming. For example, the government's bill, as drafted, may allow the register operator to collect all the Medicare information of people who are on the register. Under the government's plan this would allow Telstra to see all health services that a person has received, including sensitive areas like mental health and sexual health."

Senator Polley further noted that "the government's own explanatory memorandum says, Telstra will know if a person has cervical or bowel cancer, a person has a precursor to cancer or genetic markers that may lead to cancer, a woman has had a hysterectomy or a part hysterectomy, a person is transgender—for example, biologically a woman and has a cervix. Certainly, this is not information that most Australians would be comfortable disclosing to a telecommunications provider. Labor accepts that this information is necessary for the operation of the register, but we do not accept that Telstra, with a questionable record of privacy breaches, should have Australia's most private and sensitive health information. We know that many Australians would question the rationale behind giving a for-profit company access to this health data."

Senator Polley commented that "Labor proposed nine amendments to improve the government's legislation. Labor has now dragged the government, kicking and screaming, into accepting many of those amendments. We understand the government will move a series of amendments that meet many of our demands. Remember, this is the same government that said the Senate inquiry was a hysterical tirade and that is now having to amend its own legislation. And yet the government still cannot get it right. Its legislation is still full of holes. In addition to the Labor amendments that the government is accepting, we will move amendments that it refused to accept. Labor's amendments will ensure that Australians' personal information is collected and used appropriately and that appropriate penalties are in place to protect all Australians."

# RESIGNATIONS AND ELECTION CHALLENGES IN AUSTRALIA FEDERAL PARLIAMENT

## Family First Senator Bob Day resigns

On 1 November 2016, Family First Senator Bob Day resigned from the Senate. This followed revelations on 17 October that his housing business, operating in five states, was in liquidation. Senator Day responded that it would be untenable for him to remain in the Senate and that he would need to resign to focus on his business interests. However, he did not officially resign at this point. There was speculation that he may have investors willing to take over his Home Australia building group, but not for long. On 1 November 2016, he advised that *"while a number of offers for various parts of the Home Australia business have been received, the major investor who has been examining the Group's portfolio of assets over the past fortnight, has decided not to proceed."*

Mr Day advised that *"accordingly I have today tendered my resignation to the President of the Senate effective immediately."* He concluded that *"I will now devote my time and energy to assisting those who have been affected by the company's closure."*

This resignation, however, has become even more complicated, with the revelation that Mr Day may have been invalidly elected in the first place. Section 44(v) of the Australian Constitution states *"that any person who has any direct or indirect*

*pecuniary interest in any agreement with the Public Service of the Commonwealth otherwise than as a Member and in common with the other members of an incorporated company consisting of more than twenty-five persons shall be incapable of being chosen or of sitting as a Senator or a Member of the House of Representatives."*

The government revealed that it has been renting office space on behalf of Senator Day whose company owned the premises. Senator Day advised that he sold the property to Fullarton Investments in 2013 when it became clear he could not own the property under the rules. However, it was reported that Mr Day's company loaned Fullarton Investments money to purchase the property so Mr Day's company is liable for the mortgage on the property. This is what could constitute the indirect pecuniary interest and which places doubts over Mr Day's election to the Senate.

The Special Minister of State, Senator Hon. Scott Ryan, commented that *"on August 4<sup>th</sup>, then-Senator Day approached me about the lease for his office. Upon making inquiries and seeking advice on the background of it and seeking internal advice, it became clear there was a potential breach of section 44 of the Constitution. On October 7<sup>th</sup>, I terminated the lease for Bob Day's electorate office – and I hasten to add, he doesn't have an interest in the property – and we determined to seek*

*expert, independent, external counsel, in this case from Mr Jackson, widely regarded as one of the most eminent constitutional lawyers in the country."*

Senator Ryan and the Attorney-General, Senator Hon. George Brandis QC advised in joint statement that *"when the Senate reconvenes on Monday 7 November 2016, the Government intends to initiate a Senate referral of the matter to the High Court pursuant to s376 of the Commonwealth Electoral Act."*

While Senator Day has resigned, the matter remains complex and needs to be adjudicated on by the High Court to determine how the vacancy will be filled. Mr Day was on a group Senate ticket with one other Family First Senator so with a normal casual vacancy that candidate could fill the vacancy. However, election analyst, Mr Anthony Green raised the question as to whether this is a casual vacancy or a disqualification. If a person is disqualified to be a Member then they are also disqualified to be a candidate as well. The key point here is that if Mr Day was disqualified then the group ticket might not exist and the other Family First member would not automatically fill the vacancy. Mr Green concluded that *"it comes down to whether the High Court would accept the ticket still exists or would it say the ticket doesn't exist and therefore the preferences can't*

*flow to the second Family First candidate."*

Mr Day's resignation has implications for the government because more often than not Mr Day would vote with the government. With the High Court reviewing the case, a replacement for Mr Day could take longer than normal which could delay government attempts to pass legislation through the Senate.

## One Nation Senator Rod Culleton's election challenged

A day after Senator Bob Day announced his resignation, the government indicated that it would challenge the election of One Nation Senator Rod Culleton. On 7 November 2016, the Attorney-General, Senator Hon. George Brandis QC advised the Senate that *"the government proposes to move referrals to the Court of Disputed Returns in relation to both the qualifications of Senator Culleton and the vacancy created by the resignation of Mr Day."*

Leader of the Opposition in the Senate, Senator Hon. Penny Wong indicated the Opposition's broad agreement with the approach taken by the government.

Senator Culleton's problems began when he stole the key to a tow truck in 2014. In October he pleaded guilty to a charge of larceny but no conviction was recorded. However, before the election a conviction was recorded against him when he failed to appear in court.



Senator Brandis has sought legal advice as to whether Senator Culleton might have been ineligible to contest the election because under section 44(ii) of the constitution, a person cannot serve if they have been convicted of an offence that carries a punishment of one year or longer. Election analyst Antony Green commented that *“if the court found Senator Culleton was ineligible to run for the Senate, then he would be*

*struck off the ballot paper and there would be a recount.”*

Senator Culleton indicated that he will not vote on contentious legislation until the High Court has adjudicated on the matter.

#### **Government refers inquiry into the four major banks**

On 4 August 2016, the Prime Minister, Hon. Malcolm Turnbull MP and the Treasurer, Hon. Scott Morrison MP jointly announced that the four major Australian

banks, ANZ, NAB, Westpac and the Commonwealth Bank of Australia will be subject to inquiry by the House Economics Standing Committee. This referral was in response to increasing criticism and anger at the poor performance of the banks and their treatment of customers. There have been numerous scandals involving the wealth management and insurance arms of the banks which have left many customers losing their life savings and life insurance holders being denied justice.

The Treasurer noted that the major banks will be called to appear at least annually before the committee. Mr Morrison noted that *“the appearance by the banks will ensure they have the important opportunity to transparently account for their decision making.”*

The House Economics Committee scrutinised each bank for three hours between 4 and 6 October. The CEOs of each bank appeared before the committee and were each examined over the performance and failing of their respective banks.

The relevance of the inquiry, however, has been challenged by the Labor Opposition that claims the only effective way of holding the banks to account is through a Royal Commission.

On 1 September 2016, the Leader of the Opposition in the Senate, Senator Hon. Penny Wong moved that the government establish a Royal Commission to inquire into misconduct in the banking and financial services industry, including their agents and managed investment schemes. This motion was agreed to but when the resolution was transmitted to the House of Representatives the motion failed on party lines.

On 1 September 2016, during question time in the House of Representatives, the Deputy Leader of the Opposition, Hon. Tanya Plibersek MP asked the Prime Minister whether he would stop his opposition to a Royal Commission. The Prime Minister responded that *“does the Honourable Member really imagine that a royal commission is something the banks would be afraid of? Does she really imagine that the banks, with all of their resources, with all of their lawyers, will not be equal to a royal commission? Does she really imagine that Michelle, from Newcastle, and Dwayne and Jenny will be able to afford the legal representation to defend themselves, to make their claims in a royal commission? A royal commission will be a forum for the legal profession. It will go on for years, it will cost hundreds of millions of dollars and it will not tell us anything new.”*

The Prime Minister concluded that *“what we are offering is practical solutions. It is extraordinary that here the Labor Party is so cynical, so populist, that it wants to exploit the real problems of Michelle and Dwayne and Jenny and say to them that the solution is a royal commission. It will cost hundreds of millions of dollars—not paid to Dwayne and Jenny, not paid to Michelle, but paid to the legal profession—and it will go on for years and years. And then what will it tell them? It will tell Michelle that she got bad advice from a mortgage broker. It will tell Dwayne and Jenny that they got bad advice from a financial adviser. And it will not compensate them one cent. What a cynical racket the Labor Party is running, exploiting the misery of others!”*



# SELECT COMMITTEE POWERS AND SANCTIONS



Investigative select committees have become increasingly prominent and powerful in recent years. The past year has been no exception but it has not just been committee recommendations which have been in the news but also the question of their procedures, powers and sanctions.

## Recent Cases

Select Committees in both Houses have the power to summon witnesses to attend. Failure to comply is therefore a contempt of Parliament. In the vast majority of cases, there are no difficulties. However two high profile witnesses have this year questioned the powers of committees in this area, leading to debate about how these powers might be enforced in the face of persistent recalcitrance.

When the Business, Innovation and Skills Committee first called the founder and majority owner of sportswear company, Sports Direct, Mike Ashley, to give evidence in March 2016, following reports of poor employment practices, he refused and then attempted to impose conditions on his attendance. In response, the committee issued a formal summons. The Chair, **Hon. Ian Wright MP**, said *"Business leaders regularly give evidence to Select Committees in Westminster without imposing conditions. This is part and parcel of living and operating a business in a parliamentary democracy...the committee expects Mr Ashley to attend."*

Mr Ashley eventually had a last minute change of heart

and appeared before the committee, meaning that the committee's powers were not formally tested, but not before the lack of clarity had been the subject of prominent press comment.

In a similarly high profile case, Sir Philip Green, entrepreneur and former owner of the UK department store chain BHS, initially declared that he was *"not prepared to participate"* in a joint inquiry by the Pensions Committee and the Business, Innovation and Skills Committee. Sir Philip refused to appear unless the Chair of the Pensions Committee resigned, declaring that the *"biased"* inquiry had *"not even the pretence of fairness and objectivity and...has as its primary objective the destruction of my reputation."* However, a few weeks later, with the threat of being found in contempt lingering, Sir Philip too backed down.

## Effectiveness of Sanctions

In the Mike Ashley and Sir Philip Green cases above there was ultimately no need to test how effective any sanctions would have been. However that issue became an unavoidable nettle to grasp in October 2016 when the Committee for Privileges found that two witnesses had knowingly misled the Culture, Media and Sport Committee and found them in contempt.

Motions to this effect were moved by the Leader of the House of Commons, **Hon. David Lidington MP**, on 27 October 2016. Introducing the debate, Mr Lidington said *"the findings matter because Select*



*Committees play an important role in parliamentary and national political life. Ultimately it is voters who lose out ... scrutiny happens effectively only because of the powers and privileges afforded to Members of Parliament."*

The penalties available to the House in cases of contempt include summoning a person to the 'bar of the House' (the boundary of the Chamber beyond which guests and visitors may not pass when the House is at work) to be reprimanded; imprisonment; and the power to fine.

However, none of these powers has been exercised for well over a century. The Joint Committee on Parliamentary Privilege noted in 2013 that *"it is unfortunate that*

*Parliament's restraint has led to doubt about the continuing existence of its powers... the question is not whether the Houses' penal powers exist; it is whether they can be enforced."*

There were differing views on the effectiveness of the motions. Some Members argued that they were insufficient, especially as the individuals concerned had made it clear they did not respect the Committee's processes and conclusions. Indeed **Hon. Chris Bryant MP**, former shadow Leader of the House of Commons, considered that *"merely admonishing them through a motion, rather than requiring them to appear before the House, will, to all intents and purposes, undermine respect*

*for Parliament, not enhance it."* Others considered that even this would not go far enough and that Parliament should examine the case for enshrining its penal powers in statute.

On the other side of the argument, some Members warned of the potential difficulties that this could lead to with respect to Parliamentary privilege. They also cautioned against relying on the *"theatrical"* practice of calling those in contempt to the bar of the House, and not to underestimate the reputational implications of a finding of contempt.

What could be agreed on by all parties was that these thorny issues required further consideration. The Leader of the House moved that *"the*

*matter of the exercise and enforcement of the powers of the House in relation to select committees and contempts"* should be referred back to the Privileges Committee.

Perhaps the former Chair of the Culture, Media and Sport Select Committee, **Hon. John Wittingdale MP**, summed up the debate best when he finished by expressing his *"sympathy"* for the Chairman of the Privileges Committee, who, *"having already spent years on this matter, is now being compelled to go back to it and consider even more difficult questions. I look forward to hearing his conclusions."* So will many others.



### Smoke-free Environments (Tobacco Standardised Packaging) Amendment Bill

The *Smoke-free Environments (Tobacco Standardised Packaging) Amendment Bill* was read for a third time on 8 September 2016, passing a party vote by 108 to 13.

The Associate Minister of Health, **Hon. Peseta Sam Lotu-liga MP** (National) explained the purpose of the Bill: *"Often the choice of pack design and colours distracts attention away from the important health messages that are contained on packages, which reduces their impact. Standardised packaging ensures nothing on the pack undermines the impact of the mandatory graphic picture warnings. ... The Bill allows manufacturers to print information and brand names on the packs, but only in a tightly controlled way."* Mr Lotu-liga noted that the Bill was part of a suite of measures aimed at reducing smoking rates: *"There are increases in taxation that I brought to this House earlier this year, and we also have a consultation paper out on e-cigarettes, which is being consulted on currently, but we know that much more is needed."*

Introduced as the *Smoke-free Environments (Tobacco Plain Packaging) Amendment Bill*, the Bill's title was changed following a select committee recommendation. The Health Committee Chairperson, **Mr Simon O'Connor MP** (National), said: *"What makes it standard though is basically the text and the format, to try to ultimately take away any attraction that can be associated with the difference between brands."*

**Hon. Annette King MP** (Deputy Leader, Labour) said: *"It might be standardised, but it is not plain. It is graphic, and the photographs that will be on tobacco and cigarette packets show what can happen to people who smoke."* **Mr Iain Lees-Galloway MP** (Labour) said: *"The other*

*thing that the evidence shows us ... is that people who see a plain packet remember the message in the graphic warning a lot more clearly than they do when it is jumbled in with the branding of the cigarette brand itself."*

**Mr David Seymour MP** (Leader, ACT) spoke in the second reading to outline his opposition to the Bill, arguing that *"What is in dispute is whether or not smoking cessation is the only value that New Zealand holds. I think that there are a number of other values that are important to New Zealand, including property rights and the right of a business to employ its brand."*

**Mrs Barbara Stewart MP** (New Zealand First) explained that New Zealand First opposed the Bill because *"we remain unconvinced that plain or standardised packaging is effective in reducing the level of tobacco consumption. ... Additionally, we are concerned about the potential increase in illicit tobacco ..."*

The additional tobacco control measures were welcomed by many MPs, with **Ms Marama Fox MP** (Co-Leader, Māori Party) saying: *"The incentive for our rising generation is an incentive of hope and the brightness of a future where young people today do not have to choose to give up, because they never started."*

**Ms Denise Roche MP** (Green Party) commented: *"It is an ongoing task for the government to continue to put measures in place that protect our citizens from smoking, because the tobacco industry needs more customers. Our job is to protect our citizens from dying, and that means we need to reduce the number of customers that the tobacco industry hooks."*

Mr Lotu-liga commended the Bill to the House, saying: *"In passing the Bill, this House will be on the right side of history and in good company with other countries that are going down the same path."*





## THIRD READING: NEW ZEALAND

### Evidence Amendment Bill

The *Evidence Amendment Bill*, a government Bill, passed its third reading unanimously on 20 September 2016. The Bill, introduced on 27 May 2015, focused on better protecting vulnerable witnesses in court processes by making the experience less traumatic both for victims of sexual violence and for child witnesses. The Bill also made a number of amendments recommended by the Law Commission following its 2013 review of the Evidence Act 2006.

The Bill included three core changes: to improve the court process for child witnesses, through the introduction of video recorded evidence; to enhance the court process for complainants in sexual offence cases; and to introduce important safeguards for video recorded evidence.

The Attorney-General, **Hon. Christopher Finlayson MP** (National), speaking on behalf of the Minister of Justice, noted that in 2014-15, around 450 child witnesses gave evidence in criminal court cases, with a large proportion being complainants in sex abuse cases. He commented that *"Encouraging these alternatives will help to shield child witnesses from the more intimidating aspects of the evidence-gathering process, like facing the defendant in the public gallery."*

The Bill also places restrictions on defence counsel access to video record evidence. **Mr David Clendon MP** (Green) said: *"I think it is critically important for the integrity of the system that when people are giving recorded video evidence they are reassured that it will be used for only the very specific purpose for which it is made and it is not at any point vulnerable to being misused or abused ..."*

**Ms Jacinda Ardern MP** (Labour) commented: *"we know of course that the ability to bring up sexual history in the court process obviously acts as a form of deterrent—there is no doubt. The question then becomes how we can deal with that in a way that allows full access to all the aspects of natural justice before a court, while also balancing the very important needs of the victim. I think that, on balance, we have got it about right."*

**Ms Jan Logie MP** (Green Party) advanced a Supplementary Order Paper to give victims of sexual and domestic violence the same presumptive right as child witnesses to alternative methods of giving evidence. The amendment, though well supported, failed to pass by five votes.

**Mr Denis O'Rourke MP** (New Zealand First) told the Committee of the whole House: *"It is the same rationale for young people who find giving evidence very difficult. For these people in those circumstances, it is just as difficult for them, so why not extend that to people in those situations?"*

**Mr David Parker MP** (Labour) commented that the state of the Evidence Act was, in general, very good: *"the fact that here we go, 7 years later, putting it through a review, and that we have got this few amendments, actually shows, I think, what a good job Parliament did in 2006 when it passed the Evidence Act."*

**Ms Jacqui Dean MP** (National) said: *"we never can legislate our way out of the pain and suffering felt by victims, but what this Parliament is doing, rightly, is ensuring that vulnerable victims and witnesses are better supported through their participation in the justice process."*

### Shop Trading Hours Amendment Bill

The *Shop Trading Hours Amendment Bill* passed its third reading on 25 August 2016. The government Bill amends the Shop Trading Hours Act 1990, allowing territorial authorities to make policies permitting shop trading on Easter Sunday. It also creates provisions requiring employers to give employees the right to refuse work on Easter Sunday without their having to provide a reason.

At the Bill's third reading, the Minister in charge of the Bill, **Hon. Michael Woodhouse MP** (National), spoke of the Bill's aim to create a balance between the interests of the public, the interests of shop employers, and those of their employees: *"If a shop employee is compelled to work or disadvantaged for refusing to work, the employee can take a personal grievance against the employer in accordance with the Employment Relations Act 2000. This Bill is a pragmatic and balanced approach, providing choice to local communities on whether or not to allow shop trading on Easter Sunday, while giving appropriate protections to all shop employees who, for whatever reason, choose not to work on Easter Sunday."*

Some Opposition members questioned the ability of workers to turn down work on Easter Sunday. **Ms Carmel Sepuloni MP** (Labour) said: *"Think of the person who might be on a 90-day trial period. How can they go to their boss and say: 'I'm sorry, I know you want me to work on Easter Sunday, but ... I am not going to do that?' Will they make it past the 90 days if they say that to their boss? No, they will not. This Bill does not protect vulnerable workers. This makes workers more vulnerable."*

Several Opposition members spoke of their concern about the cost that local authorities would incur when considering and creating Easter Sunday trading policies.

**Ms Denise Roche MP** (Green Party) told the House that the Bill *"...pushes extra costs on to those communities. They have to undertake a special consultative process costing \$80,000 to \$100,000 before they can make a decision about it, and we heard from councils during the select committee process that actually do not want to be spending that money. They asked that this government make a decision that was consistent across the country."*

Members on both sides of the House noted that despite the Bill's being subject to a personal vote, Members in almost all parties were voting as a bloc. During the Committee of the whole House stage, **Ms Clare Curran MP** (Labour) said: *"Every time ... that there is a personal vote, a conscience vote, it is really incumbent on ... every Member of Parliament to really examine their consciences, because, otherwise, why do we have conscience votes? On the other side of the Chamber, the individual consciences of MPs are not being engaged in this Bill."*

During the third reading, **Mr Simon O'Connor MP** (National) responded, saying: *"All Labour Party Members, as a group, voted against this Bill in the second reading. All of New Zealand First voted against this in the second reading. All the Greens voted against this in the second reading. I find that a very strange irony ... that somehow we are being attacked ... yet all the other parties seem to be voting as a bloc."*

The Bill passed its third reading, 62 votes in favour to 59 opposed.



### **Bills moved for workers benefit**

In the 2016 July-August Monsoon Session, two important Bills were passed, one by the Lok Sabha and the other by the Rajya Sabha (Council of States). The Lok Sabha passed the *Factories (Amendment) Bill, 2016* on 10 August 2016 while the Rajya Sabha passed the *Maternity Benefit (Amendment) Bill, 2016* on 11 August 2016.

*The Factories (Amendment) Bill, 2016* sought to amend the *Factories Act, 1948* in order to enhance the limit of overtime hours from the present limit of 50 hours per quarter to 100 hours per quarter, which could be further increased to maximum of 125 hours per quarter in public interest. The Bill empowered the central government, in addition to the state governments, to make exempting rules and orders in respect of the total number of hours of work on overtime in a quarter to ensure uniformity in its application by various state governments and union territories.

Earlier, the motion to introduce the Bill moved by **Shri Bandaru Dattatreya**, the Minister of State of the Ministry of Labour and Employment was opposed by some Members. **Shri N.K. Premachandran** (RSP) said the Bill was being introduced while the recommendations of the Standing Committee on Labour and Employment on the *Factories (Amendment) Bill, 2014* were under examination. **Shri Sankar Prasad Datta** (CPI-M) said since the Bill was identical to and dependent upon the *Factories (Amendment) Bill, 2014* pending before the Lok Sabha it could not be taken up. **Shri Dattatreya** said that the government was coming out with a comprehensive amendment and the current

Bill was limited to only two sections which dealt with enhancing the working hours.

In her observation, the **Speaker, Lok Sabha, Smt. Sumitra Mahajan** said since only two provisions in the present Bill were similar to those contained in the *Factories (Amendment) Bill, 2014*, this did not make the present Bill dependent upon the earlier Bill. As the *Factories (Amendment) Bill, 2016* could be brought into force without the coming into force of the 2014 Bill, the Speaker rejected the contention of the Member and the Minister was allowed to introduce the Bill.

Moving the motion for consideration of the Bill, the Minister informed that the main object that the *Factories Act of 1948* was to ensure adequate safety measures and to promote the health and welfare of the workers employed in factories as well as working hours and the regulation of their working conditions. The 2014 *Factories (Amendment) Bill* introduced in Lok Sabha also included two sections for the enhancement of working hours. The Parliamentary Standing Committee on Labour and Employment had submitted its report on the Bill and a comprehensive amendment bill on *Factories Act, 1948* was under consideration. The enhancement of overtime would give a boost to the manufacturing sector and ensure uniformity in its application.

The Congress Party Leader in Lok Sabha, **Shri Mallikarjun Kharge** said it was inappropriate to amend only two sections of the main Act in the name of labour reforms while a comprehensive bill on this subject was pending. He wanted to know the



# BILLS MOVED FOR WORKERS BENEFIT IN INDIA PARLIAMENT

reasons for the urgency as employment was not going to increase just by increasing the working hours of the existing workers. Since labour was a concurrent subject, states should have been consulted in this regard, he said.

**Shri Ramesh Bidhuri** (BJP) believed the increase in overtime sealing would help the labourers as under the prevailing section an employee was not entitled to more than 50 hours overtime in a three month time period even if the employee worked for extra hours. **Shri T.G. Venkatesh Babu** (AIADMK) said the Factories Act, 1948 permitted state governments to make rules but the present Bill restricted their power to matters only where the central government did not have such powers. **Shri Kalyan Banerjee** (AITC) termed the Bill as anti-labour and against the federal structure of the Constitution. The increase in overtime hours would adversely affect the health of workers and aggravate the unemployment problem.

**Shri Rabindra Kumar Jena** (BJD) said the central government was working overtime to infringe upon the autonomy of states. **Shri Shrirang Appa Barne** (Shiv Sena) trusted the Bill would help workers as in many factories they were not paid for the extra work done by them. **Shri Muthamsetti Srinivasa Rao** (TDP) said manufacturing was crucial for both jobs and investment and the Bill would promote the 'Make in India' campaign to boost domestic manufacturing. **Shri Sankar Prasad Datta**

(CPI-M) alleged that the Bill would benefit the corporate sector and the big business houses not the workers. **Shri Varaprasad Rao Velagapalli** (YSR Congress) congratulated the Minister for trying to implement many labour laws.

**Shri Kamakhya Prasad Tasa** (BJP) asserted that the Bill was not anti-labour as it did not make overtime mandatory for any labourer. Opposing the overtime provisions, **Shri Rajesh Ranjan** (RJD) said industries manufacturing fertilizers, pesticides, agriculture equipment, etc. should be set up at village, block and district level under the co-operative sector to provide employment to local people. **Shri Dharam Vira Gandhi** (AAP) suggested paying reasonable wages to the workers forced to work long hours instead of increasing the overtime hours. **Shri Kaushalendra Kumar** (JD-U) wanted the Bill to be sent to the Parliamentary Standing Committee for detailed scrutiny. **Shri B. Vinod Kumar** (TRS) desired to know how an increase in the overtime hours would increase employment opportunities.

**Shri Dushyant Chautala** (INLD) said the Bill would increase employment hours of only those who were employed in the organized sector, ignoring a large number of people working in unorganized sector. **Shri E.T. Mohammad Basheer** (IUML) described the Bill as progressive one and said the Factory Act required substantial changes in the light of increase in outsourcing and privatization and the

growth of unorganized sector. **Shri Harishchandra Dwivedi** (BJP) believed the Bill would provide a fillip to industries. **Shri N.K. Premachandran** (RSP) wished to know the reasons for urgency in amending only two sections of the original Act when a comprehensive bill was pending before the House. He feared that the amendment would confer arbitrary authority on the central government to frame rules, eroding the federal character of the Constitution.

**Adv. Joice George** (Independent) said enhancing the overtime hours would impede employment opportunities and affect the health of the poor workers. Pointing out that several industries paid overtime on basic salary and dearness allowance thereon, **Shri Vinayak Bhaurao Raut** (Shiv Sena) demanded fixing the overtime rate on gross salary. **Shri Gaurav Gogoi** (INC) said the central government should not dictate the state governments to compel labourers to work overtime. **Smt. Aparupa Poddar** (AITC) said the Bill was anti labour and only industry friendly.

**Shri Bandaru Dattatreya** informed that it was not mandatory for the workers to do overtime and it was only an incentive to get more wages. It would facilitate an increase in employment generation in the manufacturing sector and all issues like safety, working conditions and welfare measures would be dealt with in the comprehensive amendment bill. He assured that the central government

would frame the required rules in consultation with the state governments.

*The Maternity Benefit (Amendment) Bill, 2016* cleared by the Rajya Sabha inter-alia included increasing maternity benefit to women covered under the Maternity Benefit Act, 1961 from 12 weeks to 26 weeks up to two surviving children in order to allow the mother take care of the child during his/her most formative stage. The Bill also sought to provide maternity benefit of 12 weeks to the commissioning mother (in the case of a surrogate child) and the adopting mother (in the case of adoption) from the date that the child is handed over. It would encourage employers to facilitate 'work from home' for a mother with the mutual consent of the employee and the employer. It was mandatory in respect of any establishment having fifty or more employees to have the facility of a crèche either individually or as a shared common facility within such distance as might be prescribed by rules and also to allow four visits to the crèche by the women daily, including the interval for rest allowed to them. Every establishment must intimate in writing and electronically to every woman at the time of her initial appointment about the benefits available under the Act.

Participating in the debate, **Smt. Rajani Patil** (INC) demanded that the requirement of fifty workers for establishing a crèche be reduced to 10 and to provide 26 weeks maternity leave to



adopting and commissioning mothers. **Shri Narayan Lal Panchariya** (BJP) welcomed the provision for crèches and allowing mothers to visit their children four times in a day. The provision of informing women workers about maternity benefits before their employment would benefit women workers as most of them were uneducated. **Smt. Vijila Sathyananth** (AIADMK) informed the House about various women and mother-friendly schemes launched by the Tamil Nadu government including the provision of financial help to pregnant women at various stages of their pregnancy. **Ms. Dola Sen** (AITC) said longer maternity leave was likely to produce health benefits and extending the paternity leave would contribute to men and women sharing responsibilities of child care. While **Smt. Kahkashan**

**Perween** (JD-U) welcomed the steps made to enhance maternity leave, **Shri Tapan Kumar Sen** (CPI-M) asked the government to ensure that under no circumstances, the working women were deprived of maternity benefits. **Smt. Sarojini Hembram** (BJD) wanted maternity benefits to be extended to women working in all sectors and provide crèches at work places even with ten or twenty working women.

The Minister of Women and Child Development, **Smt. Maneka Gandhi** (BJP) said the Bill was most eagerly looked forward to by women of the country and this would go a long way towards making sure that the next generation of children would be healthier than before. **Shri Ashok Siddharth** (BSP) said the best part of the Bill was that while giving appointment letters to women employees, they would

be made aware of their rights that could be availed during pregnancy. **Shri D. Raja** (CPI) requested the government enact a central legislation for agricultural workers and reflect on the welfare of the women employed in the unorganised sector.

**Smt. Wansuk Syiem** (INC) wanted the benefits to be extended to establishments employing less than ten persons and to cover all contract workers, construction workers and call centre workers. **Smt. Vandana Chavan** (NCP) suggested that the requirement of a minimum of 50 employees for establishing a crèche should be reduced to 30. **Ms. Anu Aga** (Nominated) wanted to know whether the maternity leave period could be shared between a mother and a father as that would sensitize men a little more. **Smt. Jaya Bachchan** (SP) said the Uttar

Pradesh state government had already made it mandatory for government organisations to give women six month's leave after delivery.

**Shri Dattatreya**, in his reply said no employer could remove any employee on the ground of pregnancy. The Bill would help in increasing the working women's workforce. The Women and Child Development Minister, **Smt. Maneka Gandhi** said the Bill would help the bonding between the mother and child, and a surrogate mother did not need that leave as after giving up her child on delivery, she would not have a child to bond with.

The Bill was passed in the Rajya Sabha and once it becomes law, it would benefit 1.8 million women who are part of the 28 million organised workforce in the country.



## THIRD READING: INDIA

### The Compensatory Afforestation Fund Bill, 2016

Owing to the fact the diversion of forest land for non-forestry purposes was causing loss to the valuable forests, the *Forest (Conservation) Act, 1980* was enacted to maintain a rational balance between the objectives of conservation and development. The *Forest (Conservation) Act, 1980* made provision for conservation of forest and to provide for the basic framework for regulating indiscriminate diversion or use of forest for the developmental needs of a State. It intended to harmonize development with that of conservation of forests and forest eco system. The compensatory afforestation envisaged additional plantation activities by utilising the money deposited by the user agency for the purpose.

Thereafter, the Supreme Court of India in its order in *TN. Godavarman Thirumulpad v. Union of India* [Writ Petition (C) No. 202 of 1995], dated 30 October 2002, observed that a Compensatory Afforestation Fund might be created in which all the monies received from the user agencies shall be deposited. The Court directed that the Fund shall be utilised for plantations, protection of forests, wildlife protection and other related activities. Consequently, in compliance with the direction of the Supreme Court, all monies collected under the scheme had been placed under an ad hoc Compensatory Afforestation Fund Management and Planning Authority (CAMPA) and deposited in the nationalised banks.

Subsequently, the Supreme Court in its Judgment dated 26 September 2005 in the aforesaid case observed that the fund generated for protecting ecology and providing regeneration should not be treated as a fund under article 266, article 283 or article 284 of the Constitution of India [Article 266 deals with Consolidated Fund of India, article 283 regarding custody etc. of Consolidated Funds, Contingency Funds and moneys credited to the public accounts and article 284 regarding custody of suitors deposits and other moneys received by public servants and courts]. Funds are therefore; kept outside the Consolidated Fund of India or Public Account of India. In the absence of proper institutional mechanism with adequate statutory backup amount of unspent fund had increased to more than rupees thirty eight thousand crores.

The Comptroller and Auditor General of India in his report on Compensatory afforestation in India (21 of 2013) observed that given the substantial amounts of funds being collected under the compensatory afforestation, the expenditure therefrom, the overall objectives of conservation, protection, regeneration and management of forests, conservation, protection and management of wild life and its habitats and compensatory afforestation; the clear public purpose involved in the work relating to CAMPA, there was a need to review the existing paradigm of CAMPA. The Comptroller and Auditor General recommended that this should be done in a way that enhances transparency, brings CAMPA within the broader focus of both Parliament and State Legislatures and in greater public view so as to ensure the largest possible stakeholders' participation. Towards this end, it would be appropriate if the amounts lying in ad hoc CAMPA are transferred into the Public Account. The Comptroller and Auditor General had also observed that the receipts accruing into the ad hoc CAMPA are essentially payments being made for the acquisition of public assets, namely, forest land for non-forest purposes by user

agencies. The receipts, so arising, in essence are non-tax revenue, as are forest receipts.

Accordingly, to ensure safety, security and expeditious utilisation in a transparent manner of funds accumulated with the ad hoc CAMPA and the funds to be collected by the State Governments and Union territory Administrations it was proposed to enact a legislation, namely, the Compensatory Afforestation Fund Bill, 2015 to provide for the establishment of a Statutory Fund and a Management Authority at the National level and at each State and Union territory.

The Government accordingly brought forward the Compensatory Afforestation Fund Bill, 2016 to provide the required legal backing for setting up of required institutional mechanism both at the Government of India and in each State and Union territory for expeditiously, and utilisation, in a transparent manner, of amounts realised in lieu of forest land diverted for non-forest purpose.

### Salient features of the Bill

- Provision has been made for establishment of a non-lapsable, interest bearing National Compensatory Afforestation Fund under public account of India. Further that the National Fund shall be under control of the Central Government, to be managed by the National Authority. Provision has also been made (i) for transfer of funds placed under the ad hoc Compensatory Afforestation Fund Management and Planning Authority (CAMPA) to the National Fund. (ii) for transfer on yearly basis to the National Compensatory Afforestation Fund by each State ten percent of amounts realised from the user agencies in respect of the forest land diverted in their favour, which have been credited directly into the State Compensatory Afforestation Fund under public account of such State.
- Establishment of non-lapsable, interest bearing State Compensatory Afforestation Fund under public account of each State which would be under the control of the concerned State Government, to be managed by the State Authority of such State.
- The manner of disbursement and utilisation of monies available in the National Fund has also been provided for.
- In Chapter III of the Bill detailed provisions have been laid down in regard to constitution of National Authority and State Authorities.

There are also provisions in regard to Executive Committees and monitoring group of National Authority. Further, provisions have also been made in regard to Steering Committee and Executive Committee of State Authority. In Chapter IV powers and functions of National Authority and State Authorities have been delineated. The Governing Body of the National Authority has been vested with the following powers to:-

- formulate broad policy framework for functioning of the National Authority and State Authorities as may be notified by the Central Government;
- approve the annual report and audited accounts of the National Authority;
- review reports on decision taken by executive committee and monitoring group of the National Authority including investment decisions;

- approve the proposals for creation of posts in the National Authority, subject to prior permission of the Central Government;
- provide a mechanism to State Authorities to resolve issues of inter-State or Centre-State character; and
- formulate such procedures for delegation of financial and administrative powers to the National Authority and State Authorities as may be notified by the Central Government.

Further, the Executive Committee of National Authority have been vested with following powers to:-

- approve within three months from the date of receipt, annual plan of operations of State Authorities, with such amendments as it deems fit and proper;
- formulate proposals for schemes specified in sub-clause (iii) of clause (b) of section 5;
- execute schemes specified in sub-clause (iii) of clause (b) of section 5;
- deploy staff on contract or on deputation basis to the posts in the National Authority;
- formulate proposals for creation of posts in the National Authority at the level of Assistant Inspector General of Forests and other officers;
- invest surplus amounts available in the National Fund;
- execute other day-to-day work in respect of receipt of amounts in the National Fund;
- maintain books of account and such other records;
- facilitate scientific, technological and other assistance that may be required by State Authorities;
- present its decisions to the governing body of the National Authority for information;
- maintain and update a public information system on the National Authority and present all information on its transaction in the public domain;
- undertake any other work as may be assigned by the governing body of the National Authority or the Central Government, from time to time.

Insofar as a monitoring group, it has been provided that the group shall evolve an independent system for concurrent monitoring and evaluation of the works implemented in the States and Union territories utilizing the funds released by the National Authority and State Authorities to ensure effective and proper utilization of funds by utilizing the services of the regional offices of the Central Government in the Ministry of Environment, Forest and Climate Change.

Powers and functions on similar lines *mutadis mutandis* have been provided for State Authority, Steering Committee of State Authority and Executive Committee of State Authority. Chapter V contains provisions in regard to Finance, Accounts, Audit and Annual Reports. The key provisions in this regard are :-

- Preparation of budget for the next financial year of the National Authority;
- National Authority may invest in funds, including any reserve fund, in the securities of the Central Government and in scheduled banks in such manner as may be provided for in the rules made by the Central Government;
- Provisions have also been with regard to accounts and audit of

National Authority, Annual Report of National Authority, requirement that annual report and audit reports of National Authority be laid before Parliament, etc.

Central Government has been conferred the powers to make rules for carrying out the purposes of the legislation. Provision for transfer and vesting of all the assets and liabilities of the ad hoc Authority in the National Authority.

### Debate

During discussion on the Bill in both Houses of Parliament, Members from all sections of the House were of unanimous view that there is sense of urgency in passage of the Bill. The Bill seeks to give effect to recommendations and directions of the Supreme Court of India and the primary consideration is environmental protection, hence the urgency. The Bill was passed by Lok Sabha on 3 May 2016 and by Rajya Sabha on 28 July 2016. The Bill as passed by both Houses of Parliament was assented to by the President of India on 3 August 2016.

### The Lokpal and Lokayuktas (Amendment) Bill, 2016

*The Lokpal and Lokayuktas Act, 2013*, was enacted and brought into force with effect from 16 January 2014. A Bill, namely, the Lokpal and Lokayuktas and other related law (Amendment) Bill, 2014 was introduced in Lok Sabha, inter alia, to streamline and harmonise the provisions relating to furnishing of information on assets and liabilities by public servants under section 44 of the said Act with the applicable Acts, rules and regulations. The said Bill was referred to the Departmentally Related Parliamentary Standing Committee which submitted its report on 7 December 2015. The Standing Committee had given some recommendations.

However, keeping in view the concerns expressed by different categories of public servants and in line with one of the recommendations of the Standing Committee, a need had been felt to amend section 44, with a consequential amendment, so as to provide that on and from the commencement of the said Act, every public servant shall make declaration of his assets and liabilities in such form and manner as may be prescribed.

It is under these circumstances that the Government had brought forward the Amending Bill, namely, the Lokpal and Lokayuktas (Amendment) Bill, 2016 to provide for substitution of section 44 with effect from the date of the commencement of the said Act.

### Debate

During the discussion on the Amending Bill in Parliament, the Minister-in-charge of the Bill while piloting the Bill *inter alia* stated that this a declaration of assets by several persons connected with non-governmental organisations which receive funding from foreign sources or get direct or indirect funding from the State. The proposed amendment to substitute with new section 44 precisely deals with the declaration of assets and the provision of making the assets public. This is not the only amendment but the urgency of bringing an amendment pertaining to section 44 arose from the fact that this has put a binding to stick to the deadline of July 31 for filling assets and also making them public and not only the assets of the public servants



## THIRD READING: INDIA

but also assets of the NGOs. So in order to overcome that technicality this amendment had been brought forward.

Members felt that the Act requires certain further amendments to make this Act effective in real terms. The Minister assured the Members that the Government is committed to work against corruption and to implement the Lokpal Bill and was also ready to make it even more stringent if recommendations to the effect are made.

The Bill was passed by Lok Sabha on 27 July 2016 and by Rajya Sabha on 28 July 2016. The Bill as passed by both Houses of Parliament was assented to by the President of India on 29 July 2016. *The Lokpal and Lokayukta Act, 2014* accordingly stood amended.

### **The National Institutes of Technology, Science Education and Research Bill, 2016**

*The National Institutes of Technology, Science Education and Research Act, 2007* provides for declaration of certain institutions of technology to be institutions of national importance and to provide for instructions and research in branches of engineering, technology, management, education, sciences and arts and for the advancement of learning and dissemination of knowledge in such branches and for certain other matters connected with such institutions.

Consequent upon the bifurcation of the State of Andhra Pradesh, and as provided in section 93 of the *Andhra Pradesh Reorganisation Act, 2014* and the Thirteenth Schedule to the said Act, a National Institute of Technology had been registered as a Society under the Andhra Pradesh Society Registration Act, 2001 on 8 September 2015 and the same had already started functioning as per the approval of the Central Government.

### **Debate**

The Bill was welcomed by all sections of the Houses of Parliament. Some of the crucial suggestions made by Members while according support to the measures are:-

- Quality of education needs to be given emphasis and can't be compromised at the cost of quantity.
  - Higher education institutions need to open their doors to India's young people who are yearning for education.
  - India's education policy and future direction of the younger generation also needs a deeper look.
  - The streams of Humanities and Arts also need to be given fillip and supported by India's universities and colleges. India's youth have a global role to play.
  - Condition of NITs in North Eastern Region needs to be improved.
- There is also need for setting up dedicated Tribal Universities.

The Minister-in-charge of the Bill assured the Members that the avowed policy of the Government was to provide good education, i.e., education accessibility, quality, affordability and accountability. Technology, science education and research, all three are very important. Research has to be promoted and innovation is a product of research. The Government's emphasis is in that direction. Further, the Minister also shared with the Members the Government's initiative called the Technical Education Quality Improvement. The Government were also contemplating of a Higher Education Funding Initiative.

The Bill was passed by Lok Sabha on 21 July 2016 and by Rajya Sabha on 1 August 2016. The Bill as passed by both Houses of Parliament was assented to by the President of India on 9 August 2016.



## Executive Committee, Officers, CPA Secretariat and Commonwealth Women Parliamentarians (CWP) Steering Committee

### Patrons

**PATRON:**

**Her Majesty Queen Elizabeth II**  
Head of the Commonwealth

**VICE-PATRON:**

*Vacant*

### CPA Executive Committee

Executive Committee Members' dates of membership are indicated below each name.

### Officers

**PRESIDENT:**

*Vacant*

**VICE-PRESIDENT:**

*Vacant*

**CHAIRPERSON OF THE  
EXECUTIVE COMMITTEE**

(2014-2017):

**Hon. Dr Shirin Sharmin  
Chaudhury, MP**  
Speaker of Parliament, Bangladesh

**VICE-CHAIRPERSON**

(2015-2016):

**Hon. Shirley M. Osborne, MLA**  
Speaker of the Legislative  
Assembly, Montserrat  
*Also Regional Representative  
for Caribbean, Americas and the  
Atlantic Region (2013-2016)*

**TREASURER**

*Acting Treasurer (2016):*

**Hon. Vicki Dunne, MLA**  
Deputy Speaker, Australian  
Capital Territory

**CHAIRPERSON OF THE  
COMMONWEALTH WOMEN  
PARLIAMENTARIANS (CWP)**

(2013-2016):

**Rt Hon. Rebecca Kadaga, MP**  
Speaker of Parliament, Uganda

### Regional Representatives

**AFRICA**

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Chairperson of the National  
Council of Provinces, South Africa  
(2013-2016)

**Hon. Machana Ronald  
Shamukuni, MP**  
Botswana  
(2013-2016)

**Hon. Mutimura Zeno, MP**  
Rwanda  
(2014-2017)

**Rt Hon. Themba Msibi, MP**  
Speaker of Parliament, Swaziland  
(2014-2017)

**Hon. Emilia Monjowa Lifaka, MP**  
Deputy Speaker of Parliament,  
Cameroon  
(2015-2018)

**Hon. Umar Buba Jibril, MP**  
Deputy House Leader, Nigeria  
(2015-2018)

**ASIA**

**Hon. Karu Jayasuriya, MP**  
Speaker of Parliament, Sri Lanka  
(2013-2016)

**Hon. Mian Tariq Mehmood, MPA**  
Provincial Assembly, Punjab,  
Pakistan  
(2014-2017)

**Hon. Imran Ahmad, MP**  
Bangladesh  
(2015-2018)

**AUSTRALIA**

**Hon. Kezia Purick, MLA**  
Speaker of the Legislative  
Assembly, Northern Territory  
(2014-2017)

**Hon. Russell Paul Wortley, MLC**  
President of the Legislative  
Council, South Australia  
(2015-2018)

**Hon. Don Harwin, MLC**  
President of the Legislative  
Council, New South Wales  
*Acting Regional Representative*  
(2016)

**BRITISH ISLANDS AND  
MEDITERRANEAN**

**Hon. Carmelo Abela, MP**  
Minister for Home Affairs &  
National Security, Malta  
(2013-2016)

**Hon. Derek Thomas, MLC**  
St Helena  
(2014-2017)

**Rt Hon. Sir Alan Haselhurst, MP**  
United Kingdom  
(2015-2018)

**CANADA**

**Hon. Tom Osborne, MHA**  
Speaker of the House of Assembly,  
Newfoundland and Labrador  
(2013-2016)

**Hon. Alexandra Mendes, MP**  
Canada  
(2015-2018)

**Hon. Jackson Lafferty, MLA**  
Speaker of Legislative  
Assembly, Northwest Territories  
*Acting Regional Representative*  
(2016)



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## CARIBBEAN, AMERICAS AND ATLANTIC

### Hon. Shirley M. Osborne, MLA

Speaker of the Legislative  
Assembly, Montserrat  
(2013-2016)

*Also Vice-Chairperson  
(2015-2016)*

### Hon. Michael Peyrefitte, MP

Speaker of Parliament, Belize  
(2014-2017)

### Hon. Franklin O. Brand, MP

Speaker of the National Assembly,  
St Christopher and Nevis  
(2015-2018)

## INDIA

### Hon. Dr Charnjit Singh Atwal, MLA

Speaker of the Legislative  
Assembly, Punjab  
(2013-2016)

### Dr Sitasharan Sharma, MLA

Speaker of the Legislative  
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(2014-2017)

### Shri Feroze Varun Gandhi, MP

Lok Sabha, India  
*Acting Regional Representative*  
(2016)

## PACIFIC

### Hon. Paul Foster-Bell, MP

New Zealand  
(2013-2016)

### Hon. Niki Rattle

Speaker of Parliament, Cook  
Islands  
(2014-2017)

### Hon. Nafioita Talaimanu Ketu, MP

Deputy Speaker of the Legislative  
Assembly, Samoa  
(2015-2018)

## SOUTH-EAST ASIA

*Vacant*  
(2013-2016)

### Dr Lim Biow Chuan, MP

Singapore  
(2014-2017)

### Hon. Dato' Noraini Ahmad, MP

Malaysia  
(2015-2018)

## CPA Regional Secretaries

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#### Dr Thomas Kashilila

Parliament of Tanzania

### ASIA

#### Md. Ashraful Moqbul

Parliament of Bangladesh

### AUSTRALIA

#### Mr Tom Duncan

Australia Capital Territory  
Legislative Assembly

### BRITISH ISLANDS & MEDITERRANEAN

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Parliament of the United Kingdom

### CANADA

#### Mr Blair Armitage

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#### Shri Anoop Mishra

Parliament of India

### PACIFIC

#### Mr Steve Cutting

Parliament of New Zealand

### SOUTH-EAST ASIA

#### Mrs Roosme Hamzah

Parliament of Malaysia

## CPA Secretariat

### Mr Akbar Khan

7<sup>th</sup> Secretary-General

Commonwealth Parliamentary  
Association, CPA Secretariat,  
Suite 700, Westminster House,  
7 Millbank, London SW1P 3JA,  
United Kingdom

Tel: (+44-20) 7799-1460  
Fax: (+44-20) 7222-6073  
Email: [hqsec@cpahq.org](mailto:hqsec@cpahq.org)  
[www.cpahq.org](http://www.cpahq.org)

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found at: [www.cpahq.org](http://www.cpahq.org)

## Commonwealth Women Parliamentarians (CWP) Steering Committee

### PRESIDENT:

*Vacant*

### CHAIRPERSON

#### Rt Hon. Rebecca Kadaga, MP

Speaker of Parliament, Uganda  
(2013-2016)

### AFRICA

#### Hon. Angela Thoko Didiza, MP

South Africa (2015-2016 to  
complete the remainder of Hon.  
Lucia Witbooi MP's term from  
2013-2016)

### ASIA

*Vacant*

### AUSTRALIA

#### Hon. Michelle O'Byrne, MP

Tasmania (2016 to complete  
the remainder of Hon. Catherine  
Cusack, MLC's term from 2013-  
2016)

### BRITISH ISLANDS AND MEDITERRANEAN

#### Joyce Watson AM

Wales (2015-2018)

### CANADA

#### Hon. Linda Reid, MLA

Speaker of the Legislative  
Assembly, British Columbia,  
Canada (2014-2017)

*Also Vice-Chairperson of the  
CWP (2015-2016)*

### CARIBBEAN, AMERICAS AND ATLANTIC

#### Hon. Shirley M. Osborne, MLA

Speaker of the Legislative  
Assembly, Montserrat  
(2015-2018)

### INDIA

#### Hon. Meenakshi Lekhi, MP

India (2014-2017)

### PACIFIC

#### Hon. Munokoa Poto

Williams, MP

New Zealand (2014-2017)

### SOUTH-EAST ASIA

#### Ms Lily Neo, MP

Singapore (2013-2016)

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