

**Report on the Study Visit by Officers of Rajya Sabha
Secretariat to the Australian Parliament
11-20 February 2014**

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CHAPTER I

Introduction

A study visit by four officers of the Rajya Sabha Secretariat to the Australian Parliament took place from 11th February to 20th February, 2014. The group consisted of the following officers, namely: -

1. Shri S.K. Verma, JS&FA, Leader of the team
2. Shri Shashi Bhushan, Joint Director, LAFEA Service
3. Shri Ratan Kumar Sahoo, Joint Director, LARRDIS
4. Shri B.M. S. Rana, Deputy Director, LAFEA Service

Before the group visited Canberra, Australia there was a briefing by the Secretary-General who specifically mentioned about the areas to be focussed by each of the participants. The focus area was assigned as per one's specialisation of official work. Therefore, the group decided to look into specific areas of interest as being performed by each member of the group.

Shri Verma, JS&FA being from the Finance field was given the area relating to budgetary aspects of Australian Parliament *vis-a-vis* Indian Parliament which could be of special importance and be made into practice in Indian Parliament.

Similarly, Shri Shashi Bhusan, Joint Director, LAREA who is currently looking after General Administration and a Committee was assigned to look into the functioning of Australian Parliament to bring out different aspects of practical functioning in comparison to India Parliament. He was also directed to look into the Administrative and Human Resource aspects.

Shri B.M.S. Rana, Deputy Director currently looking after Bill Office and Legislative Section was given the responsibility for looking into the areas of privileges, Question Hour, Legislative process adopted by Australian Parliament so as to find out best practices prevalent in the Parliament.

Shri Ratan Kumar Sahoo, Joint Director LARRDIS was another member of the study group from the Research Section. As such he was assigned to look into the Research, Publication, Parliamentary Education and Training aspects in the Australian Parliament.

As the study group included persons from different background, the Australian Senate was requested to structure the programme in a customised way so as to benefit the participants to the maximum. Apart from visit to the National Parliament, Canberra, as a part of the study visit the programme also included a visit to Australian Capital Territory (ACT) Legislative Assembly located in Canberra, to get a first hand information on the working of territorial Governments. To get a wider understanding of the working of the State Governments, a visit to New South Wales (NSW) Parliament, Sydney, was also included. The idea of such a study programme was to cover and to get an holistic view about the working of Federal Govt (*i.e.* Witnessing the working of both Senate and House of

Representatives in Canberra), State Government (*i.e.* the working of New South Wales, Sydney's Legislative Assembly and Legislative Council) and witnessing the working of the territorial government at the ACT Legislative Assembly of Canberra. So this visit gave an opportunity to get the idea of the functioning of the National State and Territorial Governments of Australia.

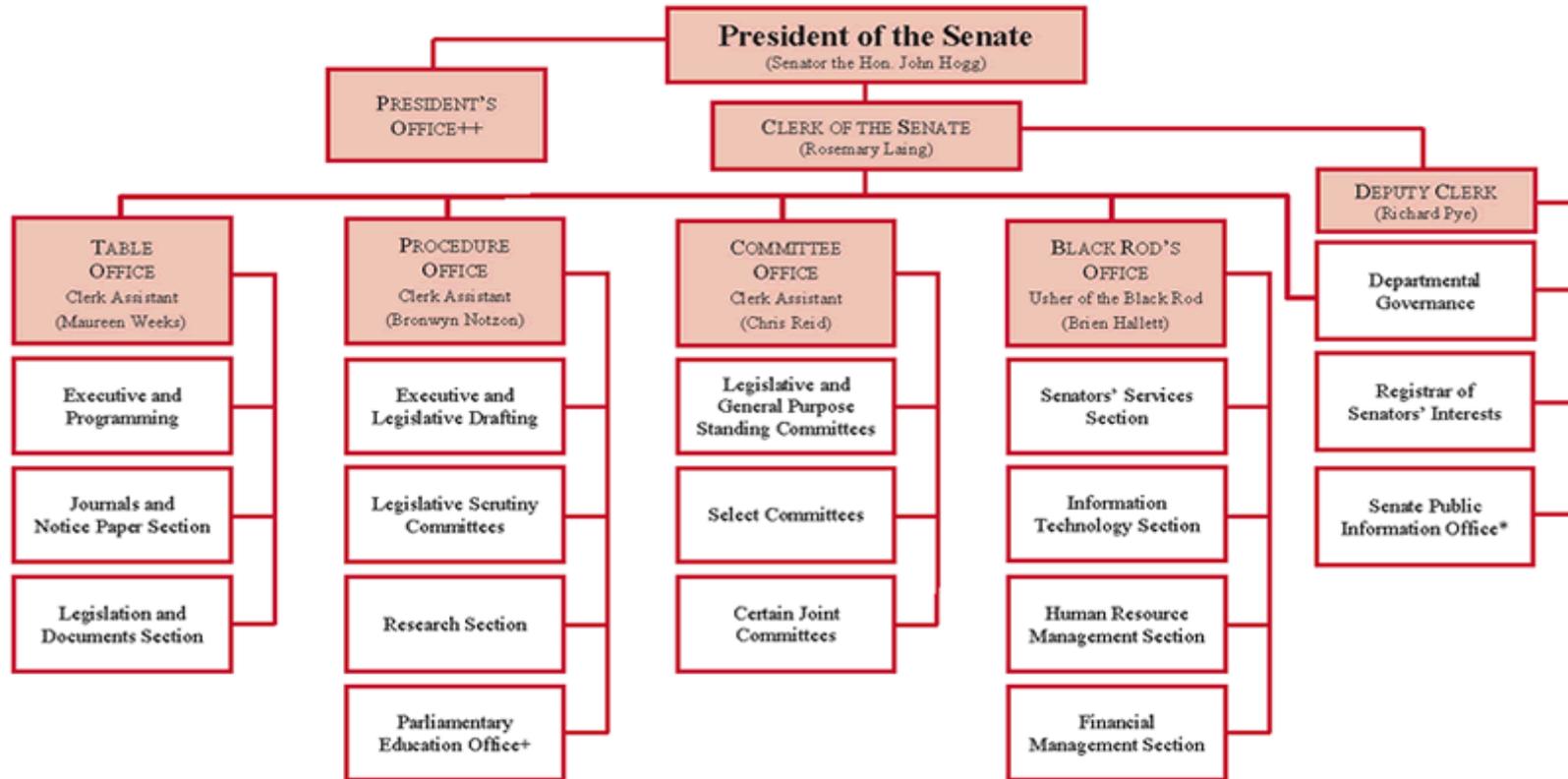
Being given the specific mandate, the study group decided to be more particular about the areas that were to be looked into. Therefore, the report of the study group is specific and particular about the issues covered in its report. The delegation noted several distinguishing features about the functioning of the departments of Australian Parliament which have been printed in **bold** in this report.

The members of the delegation place on record their deep appreciation of the sincere efforts and hard work put in by the officers of the Host Research Section in Australian Senate in drawing a detailed and very purposeful programme. A copy of the schedule programme of the delegation covering day-to-day programme on various subjects/topics is enclosed as Annexure.

After coming back from the study visit the delegation had an interaction on 26th Feb., 2014 with the Secretary General, Rajya Sabha to inform him about the experiences shared and gained during the visit.

Before we begin to cover specific topics in our report, it would be pertinent to give an organizational chart of the Senate for a broader understanding about the working of different units of the Senate and Australian Parliament.

Organisational Structure of the Senate of Australian Parliament



CHAPTER-II

STRUCTURE OF PARLIAMENTARY ADMINISTRATION

Australian Parliament is administered mainly by four departments, namely, Department of the Senate, Department of the House of Representatives, Department of Parliamentary Services, and Parliamentary Budget Office.

Department of Senate provides support, advice and assistance in running the business/ proceedings of the Senate, Senate Committees and some Joint Committees. That is with the help of presiding officers, they run the proceedings in the Chamber. They also advise and assist individual Senators in playing their role in the Senate.

Similarly, Department of the House of Representative (DHR) provides support, advice and assistant to the House, House Committees, some Joint Committees; and individual Members.

Unlike, Department of Senate and House of Representatives, who serve their Chamber and Members, Department of Parliamentary Services (DPS) provides support services to both Houses of Australian Parliament by providing library services; reporting (Hansard) services; IT services; broadcasting/ TV facilities; building/estate services; and security.

The main purpose of the Parliamentary Budget Office is to inform the Parliament by providing independent and non-partisan analysis of the budget cycle, fiscal policy and the financial implications of proposals. It prepares policy costing on request by Senators or Members or (at election time) by authorised members of parliamentary parties or independent members. It also prepares responses to budget requests by Senators or Members.

There is another department outside the Australian Parliament that supports the Members of Parliament, that is, Department of Finance and Deregulation. This Department is part of government of Australia, which provides a range of support services for current and former Parliamentarians and their staff including, advice on entitlements, personnel services, travel allowance and transport services, electorate office accommodation and services, management of Ministerial accommodation; entitlement processing and report for all parliamentarians and their staff.

History of Separate Parliamentary Department

There were many attempts to amalgamate parliamentary departments since 1911. Various models were proposed wherein four departments, three departments, two departments and even one department were suggested. Rationale for suggesting number of departments has always been financial, although some arguments were also given about better services to Senators and Members.

First parliamentary staff was appointed by the Prime Minister. Presiding Officers were in full control of Parliamentary staff till 1922 due to non-classification structure and no

clear rules. Public Service Act 1922 brought parliamentary staff within the Public Service with considerable independence.

There was continuous increase in size of Parliamentary staff because of introduction of Committees, Technology, new building, security and Parliamentary Library Legislative Research Service. However, total staffing number is stable or falling since 1996 due to scarcity of budget.

Parliamentary Service Act 1999 was introduced recognizing the need for separate framework for Parliamentary Service, just parallel to Public Service Act 1999, which sets out values unique to parliamentary service – eg impartiality.

Parliamentary Service Act provides for the appointment of Clerk in Senate, as well as, House with 10 year term which is not renewable. He is appointed by the Speaker or the President who must consult Members/ Senators. The Clerk must have 'extensive knowledge of, and experience in, relevant Parliamentary law, procedure and practice'. He is independent of the political process and he cannot be given a direction by the Presiding Officer in relation to advice. He serves all Senators and Members equally.

Parliamentary Service Act provides for the appointment of heads of other Departments e.g. Secretary of Department of Parliamentary Services with 5 year term which is renewable for 5 years. Speaker and President make the appointment but they must receive a report about the vacancy from the Parliamentary Service Commissioner.

On the recommendations of Parliamentary Librarian and Security Management Board amendments were made to the Parliament Service Act in 2004 for creation of a position of Parliamentary Librarian, so that high quality information services is provided to Senators and Members. The term of Parliamentary Librarian is 5 years. The Security Management Board advises Presiding Officers on security policy and management of security measures.

Parliamentary Service Act provides for Service Commissioner. The Service Commissioner advises the Presiding Officers on management policies and practices. If requested, it can give reports on other matters, which is a part-time role. The occupant is also the Australian Public Service Commissioner which helps the Parliamentary service to remain in touch with wider public service developments.

In each department, under the Act, the Clerk/Secretary is the employing authority. The Presiding Officers are not involved in employment decisions. The pay scales are set by agreement within each department through enterprise bargaining. The determinations of agreements are made by setting out details in a legally binding form.

Unique Features

- **Clerks of both Houses have a fix term of 10 years and it is not renewable.**
- **Secretaries of different departments of Parliament also have fix term of 5 years which can be renewed for another 5 years.**

- **All other employees are appointed by Clerks or Secretaries and their salary is decided by mutual agreements as per rules.**
- **There are different categories of staff and there is fresh appointment at each level/ categories of staff. There is no automatic promotion from lower level. Recruitments for all the posts are open for everyone within the limits prescribed by qualifications for each posts.**
- **There is no retirement age.**
- **Working hours are flexible for some.**
- **Within a limit staff can get financial increments and financial upgradation.**
- **Salary and other facilities and services of Parliamentarians are decided by a Remuneration Commission which is an independent authority.**
- **Each member is provided furnished office in Parliament House with four supporting staff of their choice but no residential accommodations is provided.**
- **Furniture and furnishings are not changed in offices on arrival of a new member as it has been fixed for next 50 years.**
- **Maintenance of Parliament and common facilities like security, library etc. are provided in Parliament by a separate department, independent of departments of Houses.**
- **Except salary all other allowances and facilities to Parliamentarians are provided by Department of Parliamentary Services/ Department of Finance / State Governments.**
- **Not many people were seen moving around in corridors of Parliament or sitting ideal at common places and gossiping. Almost everyone was found engaged/ busy in his work at their designated place indicating a strong work-culture without over staffing in any Section/Division of the Parliament Departments.**

CHAPTER-III

SENATE COMMITTEES

Like Indian Parliament, the Senate finds it useful to delegate responsibility for certain tasks to committees. The Senate's role as a house of review and as a watchdog of the executive branch of government has led to the development of a comprehensive range of standing committees which may investigate matters of public policy and scrutinize proposed legislation and the details of government expenditure and administration. Most senators are actively involved in the work of three or four of these committees.

Senate committees have several purposes. They examine important or controversial issues of the day. They advise the Senate in its task of making and amending laws and they monitor the way in which the government administers those laws. As the executive branch of government (the ministry and the public service) is ultimately accountable to the Parliament, Senate committees keep a watchful eye on government decision-making. They also provide an opportunity for organisations and individuals to make representations to Parliament and to have their views placed on the public record.

These committees do not have powers of their own. They possess only the authority conferred on them by the Senate itself. But because of their relatively small size, their ability to hear members of the public directly and their flexibility of movement, the committees are able to examine a wide variety of subjects in closer detail than is possible on the floor of the Senate. Committee work takes up a large proportion of most senators' time.

Senate committees fall into two categories – Select and Standing.

A select committee is one appointed by the Senate to inquire into some specific matter and to report back to the Senate within a set time. The first select committee was formed in 1901, the first year of the Commonwealth of Australia. Since then select committees have submitted over 100 reports to the Senate on diverse subjects. Once a select committee has submitted its final report to the Senate its work is done and it ceases to exist.

A Standing Committee is a permanent committee of the Senate. It stands – or remains – for the life of the whole of any one Parliament, its members being appointed at the commencement of each Parliament. There are three groups of standing committees.

Domestic Committees

There are eight of these committees dealing with matters relating to the internal operations of the Senate, including publications appropriations and staffing, procedure, library services, the provision of facilities in Parliament House and senators' pecuniary and other interests. The Privileges Committee, which inquires into matters relating to the power and immunities of the Senate, including the protection of witnesses before Senate committees, is regarded as one of this group. The Selection of Bills Committee is also classified as a domestic committee. It considers bills introduced into the Senate or received

from the House of Representatives and recommends to the Senate which bills should be referred to a legislative and general purpose standing committee for detailed examination.

Legislative Scrutiny Committees

Much legislation enacted by the parliament delegates to the relevant minister the power to make rules, ordinances or regulations which may be needed to give effect to the legislation. The Regulations and Ordinances Committee, established in 1932 seeks to ensure that the government's power to make such delegated legislation is not in any way misused. While all delegated legislation is made under the authority of an Act of Parliament and has the full force of law, none of it is actually debated in Parliament unless a motion is brought forward for its disallowance. By examining all delegated legislation to check that it does not impinge on civil liberties, or exceed the terms of the Act under which it is made, the Regulations and Ordinances Committee operates as an important parliamentary check on executive power.

The Scrutiny of Bills Committee, formed in 1981, examines all bills before they are debated by the Senate to ensure that personal liberties and civil rights are not infringed. The committee then issues a report drawing the attention of the Senate of any defective provisions it may have found in a bill. The Committee's reports, issued each week when the Senate is sitting, frequently result in legislation being amended to remedy such defects.

Legislative and General Purpose Standing Committees

Central to the Senate's Committee system are the Legislative and General Purpose Standing Committees. These Committees were first established in 1970, along with a dedicated stream of Estimates Committees, to examine legislation, government administration and references of a general nature. Since 1994 the estimates function has been subsumed by these standing committees.

In their current form, the committees cover between them all areas of government responsibility including:

- Community Affairs
- Economic
- Education, Employment and Workplace Relations
- Environment, Communications and the Arts
- Finance and Public Administration
- Foreign affairs, Defense and Trade
- Legal and Constitutional Affairs
- Rural and Regional Affairs and Transport.

The Committees examine any bills or draft bills referred to them and also carry out the work of inquiring into and reporting on the twice-years estimates of proposed government expenditure. In addition, they have a specific mandate to monitor the performance of departments and agencies.

The division of Committees along subject lines, and the allocation to the committees of particular government portfolios, encourage and enable senators to develop special interests and expertise in specific areas.

The Committees also inquire into and report upon any other matters referred to them by the Senate, usually particular aspects of public policy.

The Inquiry Process

After the Senate has referred a matter to a Committee for consideration, the Committee advertises and seeks submissions from interested parties. Witnesses are then invited to give evidence before the Committee. Such evidence is generally given during public hearings but may also be given in private if the material is of a sensitive nature. (Committees when considering estimates must hold their hearings in public). Most Committees have the power to summon witnesses. Hearings are protected by parliamentary privilege, which means that senators and witnesses alike may speak freely without fear of legal action or adverse treatment.

Once information has been gathered and considered, the Committee draws up a report which presents its findings and recommendations. Committee members and senators who have participated in the inquiry but who disagree with the recommendations may attach dissenting reports, or additional conclusions and recommendations, to the report. The report is then tabled in the Senate and debated. Governments give consideration to reports and frequently act on Committee recommendations. Since 1978, successive governments have undertaken to inform the Senate of their response to Committee reports within a specified time – currently three months.

Senate Committee reports frequently lead to improvements in the law and to the operations of government, as well as contributing to public debate on important issues.

The Consideration of Estimates of Expenditure

In the Australian system of Government, ministers and public servants are accountable to the Parliament for the use of the public resources with which they have been entrusted. Twice each year, usually in May and November, the estimates of proposed annual expenditure of Government departments and authorities are referred by the Senate to the relevant legislation Committees for examination and report. At the estimates hearings senators may directly question ministers and public officials not only about the details of proposed expenditure but also about the objectives, operations and efficiency of the programs for which they are responsible. All evidence is taken in public.

The detailed scrutiny of estimates by Senate Committees is one of the Parliament's most effective avenues of accountability. During the past four decades this process has 'opened the books of Government' and contributed significantly to the improvement of management in the public sector.

Senate Committees take Parliament to the people. Members of the public may attend public hearings at Parliament House or at any one of the many towns and cities throughout Australia where Committees meet, and they may submit written submissions,

and if invited, give oral evidence, to particular Committees. In this way, members of the public have the opportunity to take their ideas, information and grievances directly to their senators.

Highlights of Committee System of Senate:

- **Committee meetings are open to public in general unless there is some sensitive issues/ materials in the meeting;**
- **Committees have power to summon witnesses/ records;**
- **Hearings are protected by parliamentary privileges;**
- **If members of Committee disagree with recommendations of the Committee they may attach dissenting reports, or additional conclusions or recommendations to the report;**
- **Parliament keep records of recommendations that government has accepted/ desired/ not responded by publishing it at regular intervals;**
- **Estimates of Expenditure, just like Demands for Grants of Indian System are discussed twice in a year in Senate Committees;**
- **Members can ask clarification from Ministers also while discussing/examining Estimates of Expenditure and these hearings are held in public;**
- **Any Senator has right to attend Estimates Hearing, participate in deliberations and to add to the Committee's report;**
- **The Senate may appoint senators as participating members. Participating members may take part in public hearings and private meetings. They have all the rights of members, including the right to receive copies of submissions and other documentation and to contribute to reports, but they are non-voting members. As such, they do not affect the composition of the Committee but they may count for the purpose of determining a quorum. Participating members are appointed to, and discharged from, Committees by resolution of the Senate as described above;**
- **It should be noted that any senator has the right to attend estimates hearings, participate in deliberations and add to the committee's report. It is not necessary for a senator to become a participating member of a committee for that purpose;**
- **Senate may appoint substitute member by resolution of the Senate to replace an existing member for a specific period or item, for the duration of a particular inquiry or for the consideration of particular matters. For example, one senator may replace another on a Committee considering a particular bill.**

Unlike participating members, substitute members have voting rights in respect of those matters for which they are substituting;

- **New Senators may be appointed to Committees in advance of their swearing-in and may serve on committees from the first day of their term of office. In practice, the appointment of new senators to committees from the beginning of a term starting on 1 July is often agreed to in advance by the Senate so that committees may continue to operate with full membership through the transition from one Senate to another.**

CHAPTER - IV **QUESTIONS**

One of the ways in which senators may seek to hold the executive Government accountable for its actions is by questioning ministers. Numerous opportunities exist for senators to ask questions of ministers, most notably:

- In the Senate chamber, during question time;
- Through written questions placed on the Senate Notice Paper;
- During Committee hearings, especially during the consideration of estimates; and
- During the Committee of the whole stage of the legislative process.

This Chapter deals with questions asked during question time and questions placed on notice.

Questions may be addressed to a minister relating to public affairs or matters of administration for which the minister is responsible, or in respect of which the minister represents another minister. Each minister in the House of Representatives is represented by a minister in the Senate. A list of ministers and the portfolios they represent is published in the Notice Paper. Questions may not be addressed to parliamentary secretaries.

Questions may also be addressed to the President in relation to matters for which he or she has responsibility. **Most questions, however, are put to ministers.**

The rules are interpreted by the chair so as not to restrict unduly the ability of senators to ask questions on a wide variety of subjects. For instance, although questions may not ask for a statement of government policy, it is in order for a question to seek an explanation of government policy or the clarification of a statement made by a minister. A question inviting a minister to comment on opposition policies is strictly out of order, although questions seeking the minister's knowledge of how other policy proposals would affect matters within that minister's responsibility have been ruled in order.

The prohibition on questions containing statements of fact, arguments, inferences, imputations etc. recognizes that the purposes of a question is to seek information and not to provide a senator the opportunity to make a statement. This reasoning also underlies a long-standing prohibition on the use of quotations in questions.

In practice, the chair has discretion to allow the inclusion in a question of so much material as is necessary to make the question clear.

Question Time

The operation of question time is governed more by agreement and established practice than by the standing orders. The current practice is for questions to be asked and answered each sitting day from 2 pm for a period of approximately an hour.

The opportunity to ask questions is provided for in their standing orders, but there is no procedural rule requiring that ministers answer questions. It has long been established that there is no obligation upon a minister to answer a question – indeed the answering of questions has sometimes been referred to as a “courtesy”. In practice, however, there is a political cost borne by a Government or a minister in not answering questions – and a political benefit in answering them deftly.

Question time is drawn to a close each day by the Leader of Government in the Senate asking “that further questions be placed on notice”. The various party leaders and independent senators have contingent notices which may be moved, seeking the Senate’s agreement to move that question time be extended on any day until 28 questions, including supplementary questions, have been asked and answered. These contingent notices are rarely used, however, the last occasion being 31st August, 1995.

Motions to extend question time have occasionally been proposed as punitive remedies when ministers have failed to comply with orders of the Senate. On 19 October, 1999, for example, question time was extended on several days in response to a refusal by a minister to produce a document in accordance with an order of the Senate.

Allocation of Questions

The standing orders provide that a senator seeks the call (for instance, to ask a question) by rising in his or her place to address the President. In practice, however, the allocation of questions is determined by agreement. Current practice adopts the principle of proportionality endorsed by the Procedure Committee in its second report of 1995; that is, the chair seeks to allocate questions between parties and independent senators as nearly as practicable in proportion to their numbers in the Senate.

Time limits for questions and answers

Time limits apply to the asking and answering of questions:

- The asking of a question or a supplementary question may not exceed one minute;
- The answering of a question may not exceed four minutes;
- The answering of a supplementary question may not exceed one minute.

The current time limits for question time are set out in a temporary order which provides that primary questions shall be limited to one minutes, and answers to such questions limited to two minutes. Each questioner is allowed two supplementary questions which are limited to thirty seconds each. Answers to these supplementary questions are limited to one minute each.

Supplementary questions

Following a minister’s reply, a senator may be called on to ask a supplementary question. Supplementary questions must relate to or arise from the answer to the original question. One a rarity, supplementary questions now account for more than 40 per cent of all questions asked.

Answers to questions

In answering a question a minister may not debate it. Rather, an answer must be confined to providing the information sought. In all cases the answer must be relevant to the question. The President may require that ministers' answers be relevant, but cannot tell ministers how they should respond to questions.

Taking questions on notice and providing further answers

Ministers may, in responding to questions during question time, elect to take a question (or part of a question) on notice. This indicates that the minister will seek further information and provide it to the Senate at a later time. It is established practice for ministers at the end of question time to make additional responses to questions without notice. These responses, unless brief, are typically incorporated in Hansard, with the leave of the Senate, rather than being given orally.

Motions to take note of answers

At the end of question time motions may be moved, without notice or leave, to take note of answers given during question time, including further answers provided by ministers. A senator speaking to such a motion may speak for 5 minutes, with the total time on any given day not exceeding 30 minutes. The call to speak during this time is normally allocated on a similar basis to the allocation of questions at question time.

Questions on notice

Questions asked in the Senate of question time are asked without notice, although a senator may informally advise a minister of the subject of a proposed question. Where a senator seeks a detailed answer to a question, particularly where statistical information is sought, that question is more appropriately submitted in written form and placed on notice.

A senator places a question on notice by signing the written question and delivering it to the Questions Officer in the Senate Table Office. A senator may submit questions on behalf of another. There is no limit on the number of questions a senator may submit questions on behalf of another. There is no limit on the number of questions a senator may submit.

Table Office staff examine questions for conformity with the standing orders before placing them on the Notice Paper. Any problems with questions are discussed with the senator's office. If they cannot be resolved they are referred to the President for determination. The process of editing questions for publication is greatly assisted if the signed copy is accompanied by an electronic version, sent by e-mail to the Senate Questions Officer.

Each question is allocated a number and published in the Notice Paper. The printed version of each Notice paper indicates the numbers of all questions that remain unanswered. The full text of all unanswered questions is published in the online version of the Notice Paper.

Ministers' offices and government departments are responsible for examining the printed Notice Paper to identify questions asked. Questions placed on notice when the

Senate is not sitting are forwarded to ministers' offices and published in the online version of the Notice Paper, allowing relevant action to commence. This assists ministers in providing timely responses to questions.

Answers that have been approved by the responsible minister are delivered to the Clerk. In practice, answers are lodged with the Table Office, which supplies the senator who asked a question with a copy of the reply and arranges for the question and reply to be printed in Hansard. Publication of the answer is authorised on its provision to the senator.

The 30-day Rule

A senator who places a question on notice and does not receive a reply within 30 days may, after question time on any day, seek from the relevant minister in the Senate an explanation of why an answer has not been provided.

If the minister provides an explanation, the senator may move without notice that the Senate take note of the explanation.

If the minister fails to provide a satisfactory explanation, the senator may move, without notice, a motion with regard to the minister's failure to provide either an answer or an explanation.

If the minister fails to provide a satisfactory explanation, the senator may move, without notice, a motion with regard to the minister's failure to provide either an answer or an explanation. The motion moved at this stage may be for any relevant purpose – for instance, a motion to order that the answer be tabled by a specific date, or a motion to censure the minister for the delay in answering.

It is common for a senator to advise a minister informally of his or her intention to seek an explanation under 30-day rule, to improve the chances of receiving an answer or a satisfactory explanation. This is especially the case where the minister represents a minister in the House of Representatives and may need to seek an explanation from the minister's office.

This process is not available once an answer to the question is provided.

An annotation appears in the Notice Paper each day indicating which questions have remained unanswered for more than 30 days. The 30-day period is counted from the day the question is placed on notice, not the date of publication in the Notice Paper.

The same process applies to questions placed on notice during estimates hearings which remain unanswered 30 days after the date set by the relevant Committee to answer the question. The operative date for each Committee for each round of estimates is recorded in the Notice Paper.

Highlights of their Question System:

- **Members can address question to the President of the Senate also in relation to matters for which he has responsibility;**

- **For asking oral questions in Chamber, no advance notice is required;**
- **There is no standing orders/ rules stating that minister has to answer questions;**
- **Written or Notice of Questions can also be asked by members when Senate is not sitting.**

CHAPTER - V

Privileges in Australian Parliament and Matters of Public Importance and Urgency

In countries whose constitutions are based on the Westminster system, members of parliament enjoy special rights and immunities. These special rights and immunities are conferred on parliamentarians with a view to enable them to act and discharge their functions effectively, without any interference or obstructions from any quarter and without fear or favour. Privileges and immunities are available not only to members but also to the Houses of Parliament, State Legislatures, Committees and members thereof.

Australia's Constitution, as regards privileges of the Senators and the Members of the House of Representatives, provides for similar provisions as the Indian Constitution. Section 49 of the Australia's Constitution defines privileges in the same manner as defined in Article 105 of the Constitution of India. Both the Constitutions do not enumerate privileges exhaustively. They specifically define only a few privileges, but for the rest, they leave leeway for parliaments to define them by law. Until so defined, the Constitutions provide for the assimilation of those powers, privileges and immunities as enjoyed by the House of Commons of the United Kingdom and its members and committees immediately prior to the commencement of both the Constitutions.

Respective standing orders of the Senate and the House of Representatives provide mechanism for raising privilege matters. Under the provisions of these standing orders, Senator or a member of the House of Representatives writes to the President of the Senate or the Speaker of the House, as the case may be, intending to raise the matter of privilege. In most cases, the Presiding Officers decide that the matter should be given precedence. The decision is notified to the Senate, the Senator concerned gives a notice of motion to refer matter to the Committee of Privileges. The notice appears at the top of the Notice Paper, same as List of Business in our case, on the relevant day, under the heading "matter of privilege." However, if it is decided that a matter of privilege should not be given precedence, it remains open to the Senator concerned to take any action that is in accordance with the orders of the Senate; for example, referring to the matter in debate or giving notice of a motion seeking specified action, including a reference to the Committee of Privileges.

A significant departure in historically developed patterns of privileges and immunities was codification of Privileges in Australia in the form of the Parliamentary Privileges Act, 1987. The Act declares the powers, privileges and immunities of each House of the Parliament of Australia and of the members and Committee of each House and for related purpose. Freedom of speech is considered the most important parliamentary privilege. Members enjoy it only in respect of their participation in proceedings in parliament. This immunity is not confined to Members of Parliament, **it also applies to others in respect of their participation in Parliament and the proceedings of its Committees.** Another feature of the Act is that members are exempt from arrest or detention in civil case, and cannot be compelled to attend court or tribunal on a sitting day. Each House of the Parliament of Australia has the ability to punish contempt, contempt

being any act or mission which obstructs or impedes a House in its performance of its functions or which obstructs or impedes any member or officer in the discharge of his duty.

Both the Houses of Parliamentary of Australia have their respective Committees of Privileges. Matters of privileges, usually relating to alleged interference with Senators or Committees are considered by these Committees. The Committee of Privileges of the House of Representatives consist of 11 members whereas the Committee of Privileges belonging to the Senate consists of 7 members- 4 Government and 3 opposition.

Thus, while the broad ideology behind the pattern of privileges and amenities provided to Members of Parliament of Commonwealth Nations has been by and large the same, countries like Australia, Canada and New Zealand have, by enacting specific legislations, taken a step forward in the direction of codification of privileges. Even the procedure to deal with matters of privileges appears to be the same. In our rules, a Member may with the permission of the Chairman, raise a question involving a breach of privilege either of a Member or of the House or a Committee thereof. It is for the House to decide whether a matter complained of is actually a breach of privilege or contempt of the House. The only departure from the procedure followed in Australian Parliament in respect of matters of privileges is that usually in Indian Parliament, the Chairman of the Council of States or the Speaker of the Lok Sabha under the powers conferred on them *suo motu* refer the matter to the Committee of Privileges and the House defers its judgement until the report of the Committee is presented. In Australian Parliament, Presiding Officers, the President of the Senate or the Speaker of the House of the Representatives, as the case may be, decide to give precedence to the matter to be raised in the House and the Senator concerned thereafter gives a notice of motion to refer the matter to the Committee of the Privileges for inquiry and report. While only a Senator may raise a matter of privilege, aggrieved person may ask Senators or Committees to raise matters on their behalf.

As per the established practice, whenever a matter of breach of privileges is raised by a Member of Parliament of India, the matter is examined in this Secretariat in the light of comments obtained from the accused and the views thereon received from the complainant Member and the case is then submitted citing statutory provisions, recommendations of the Committee of Privileges and the relevant precedent of consideration of the Chairman who either decides to withhold the consent to raise the matter or refer it to the Committee of the Privileges. **In Australian Parliament, since in most cases, matters are given precedence for being raised on the Floor of the House, this process is undertaken by the Committee on Privileges.**

Even though privileges of Parliament in India are not codified nor any specific legislation on the subject is in place, yet over the year, the scope of privileges has grown and the Committee on Privileges have continued to evolve new concepts based on the need of changing time and circumstances which almost equals our position with Australia.

Matters of Public Importance and Urgency

Matters of Public Importance and Urgency are the devices to give an opportunity to Senators to discuss a matter of public importance or debate a matter of urgency. Usually,

Senators get this opportunity after "discovery of formal business" on Monday, Tuesday and Wednesday and after "motions to take note of answers" on Thursday.

Standing Order 75 of the Senate of Australia provides detailed procedure to submit proposal and to raise matters of public importance and urgency. Unlike in Rajya Sabha, Parliament of India, there are not several devices to raise matters of urgency and public importance but the whole scheme has been covered under one umbrella. There is, however, some difference between a matter of public importance (MP) and urgency motion. A matter of public importance is proposed to the Senate only for discussion. Since there is no question before the House, no vote is taken at the end of the discussion. A matter of urgency, however, takes the form of a motion.

Proposals to raise MPI or urgency motion are delivered in writing to the President of the Senate after 8.30 a.m. but not later than 12.30 p.m. on a sitting day. If more than one proposal is submitted, the first proposal received is reported by the President. If more than one proposal is submitted simultaneously, the proposal to be reported is determined by lot, with the proposal that remains in the ballot box being the one that is reported by the President. Proposals may, however, be withdrawn by the proposer at the time the President reports them at any time beforehand.

At an appropriate time, the President reports to the House the receipt of a letter proposing an MPI or urgency motion. Five Senators are required to support an MPI or urgency motion - the proposer or mover and four other Senators. Support is indicated by the Senators by rising in their places. The time available for an MPI or urgency motion is normally sixty minutes but if no motion to take note of answers is moved after question hour, the time is extended to ninety minutes. An individual is allowed to speak for ten minutes. The time, however, varies either by an agreement beforehand or with the leave of the Senate. If speaking time is varied, the Clerks are instructed to set the timing clocks accordingly.

Generally, urgency motion is put to vote to ascertain the fact that the matter involves urgency. So, whenever any matter through urgency motion is raised on the floor of the House, it is the test of the attitude of the House to the matter raised. For example, if the motion is to declare that the level of unemployment is a matter of urgency, a vote on the motion determines how the House takes sense of the matter. If the House votes in support of the motion this may be regarded as a confession of failure of the Government or the ministry. If, however, the vote is against the motion this may be regarded as an expression of indifference to unemployment. If an urgency motion is agreed to, any Senator may move that the resolution be transmitted by message to the House of Representatives for its concurrence.

Matters of public importance are raised in Indian Parliament through difference devices like Special Mention, Calling Attention, Short Duration Discussion, Motion and Private Members' Resolutions. All these devices are governed by different rules of procedure to decide admissibility and the procedure. Another such device "matter raised with permission of the Chairman" though not governed by specific rules, has been much popular mechanism to raise issues of urgent public importance on the floor of the House.

Significant aspect of this comparison is that while various devices to raise matters of public importance in Indian Parliament are available, they indeed consume much of the time of Parliament as compared to the Senate of Australia.

CHAPTER - VI

Legislative Process in Australian Parliament

Introduction

Federal Parliament of Australia has power to legislate on the subjects which fall in the domain of the centre. A legislation is enacted by both the Houses i.e. the House of Representatives and the Senate in accordance with the procedure laid down in standing orders of the Houses of Parliament. Broadly, all the commonwealth nations follow the similar process in passing a law. All the Bills (legislative proposals in draft form) have to undergo various stages before entering the statute book. A legislative proposal takes shape when Government of the day after numerous consultations with cross sections of society, professionals, experts and academicians decide to formulate a Bill and brings it before the Parliament for enactment.

Process (First Reading)

Bills in Australian Parliament are dealt with Government business entered in the notice paper of a particular day. First and foremost stage is sending a notice by the Minister intending to introduce a Bill in either House of Parliament. Money Bills, Bill proposing taxation or appropriation of moneys are introduced in the House of Representatives only. The procedure followed in Australian Parliament is slightly different from what is followed in Indian Parliament. Clerk of the Senate reads the notice and short title of the Bill listed in the Notice Paper and thereafter, the Minister concerned rises in his seat and say "I present the Bill." He then hands over a signed copy of the Bill along with explanatory memorandum to the Clerk who reads the long title of the Bill. With this ends the first stage known as first reading of the Bill. The Bill until this stage is treated as confidential and copies are made available to members and public after conclusion of the first reading. Thereafter, the Minister moves that the Bill be read a second time and gives speech outlining basic principles, purpose and effect of the Bill. At the end of speech, debate is adjourned to enable members to read provisions of the Bill. This is the stage when a Bill is referred to the Parliamentary Committees for examining whether it infringes personal liberties or civil right.

Role of the Committees in Legislative Process

Every Bill has to pass through three important Committees based on fundamental principles as explained below.

(i) Scrutiny of Bills Committee

Scrutiny of Bills Committee is a standing Committee of the House which consists of 6 Senators, 3 being members of the Government, nominated by the Leader of the Government and 3 being Senators, nominated by the Leaders of the Opposition in the Senate or by any minority group or independent Senators. This Committee examines each Bill introduced in the House **to determine whether the Bill infringes personal liberties or civil rights**. The Committee begins its examination by considering the explanatory memorandum that is tabled with each Bill. The Committee, in the process of examination of a Bill highlights the provisions which in its view may offend the criteria. The Committee having completed its deliberation presents report to the Senate. Ultimately, however, it is for the Senate to decide

whether to go ahead with the Bill as it is or amend it on the basis of the recommendations of the Committee.

(ii) **Standing Committee on Regulations and Ordinances**

The Committee consisting of 6 Senators, 3 being members of the ruling party, nominated by the Leader of the Government and 3 being Senators, nominated by the Leader of the Opposition or by any minority groups or independent Senators, **considers all regulations, ordinances and other instruments made under the authority of Acts of the Parliament.** In fact, this Committee has the role similar to the Committee on Subordinate Legislation in Rajya Sabha, Council of States in Indian Parliament which examines, all notifications, statutory resolutions, orders and regulations made under the principal legislation. This Committee meets every week and presents its report to the Senate. It is notable that since its constitution in 1932, the Senate has not rejected a Committee recommendation disallowing a legislative instrument.

(iii) **Human Rights Committee**

The Parliamentary Joint Committee on Human Rights (The Committee's members are drawn from both the House of Representatives and the Senate) has responsibility **for examining and reporting to the Parliament on the compatibility of bills and legislative instruments with Australia's international human rights obligations.** It also has the ability to examine current Acts and to conduct broader inquiries into human rights matters referred to it by the Attorney-General.

The starting point for the committee's examination is the statement of compatibility that is usually tabled with each new Bill and legislative instrument. However, the Committee regularly looks beyond the stated intention of legislation to consider its likely practical effect, and to ensure that any limitation of human rights is justifiable and proportionate. Where the Committee has a concern, it writes to the relevant Minister seeking further information or specific action to address the matter.

The Committee aims to complete its work while legislation is still being actively considered by the Parliament, and its findings are published in regular reports when both Houses of Parliament are sitting.

Selection of Bills Committee

Selection of Bills Committee, comprising the whips of the major and any minor parties and four other Senators, meets every week when the Senate is in Session. The Committee considers all Bills introduced in the Senate or received from the House of Representatives, except the Bills which contain no provisions other than provisions appropriating revenue or moneys and presents its report for adoption of the Senate recommending in respect of each Bill, the Committee to which the Bill should be referred or the stage of consideration of the Bill at which it should be referred to the Standing Committee and the time for presenting the report. Adoption of the report by the Senate has the effect of referring the Bills as recommended. **Thus, this is a departure from the practice adopted in Indian Parliament. All Bills introduced in Rajya Sabha or Lok Sabha are**

referred to the Standing Committee by the Presiding Officers and no Committee like Selections of Bills Committee exists for the purpose of reference of Bills.

Selection of Bills Committee also decides which private (non-government) Members' Bills are to be debated in the Senate which is completely a different practice from the practice followed in the Upper House of Indian Parliament. To determine relative precedence of the introduced Bills of members of Rajya Sabha a ballot is held at the commencement of each Session and the priority obtained by members remains valid for the entire Session.

Thus, in the legislative process, the above Committee plays an important role. Bills may also be referred to Committee by motion after notice. Opportunities also arise during the consideration of legislation, by way of an amendment to the motion for one of the stages for consideration of legislation. Bills may also be referred to a Select Committee by moving a notice of amendment for reference of a Bill to the Committee. Likewise, in the same manner, a Bill may also be referred to a Joint Committee of the Houses. A Bill, before it is passed into law, undergoes the process of detailed examination by the Standing Committee allowing more time to debate the major issues and principles contained in a Bill.

Federation Chamber

The Federation Chamber is a Committee established to be an alternative to the main Chamber of the House for the consideration of a restricted range of business. All members of the House can take part in the proceedings in the Federation Chamber. After the speech of the Minister on the Bill is over, a Bill may also be referred to the Federation Chamber. It is adopted generally on Bills on which there is potential for agreement to be reached, following consultation between the Government and the Opposition. It meets while the House is sitting.

Consideration of the Bill (Second Reading)

As in Indian Parliament, second reading of a Bill commences to adopt the motion moved by the Minister concerned that the "Bill be read a second time". At this stage, Leader of the Opposition (a shadow Minister) outlines the objective of the Government Bill. Members then participate in the debate on the Bill. After adoption of the motion moved by the Minister, the Clerk of the House rises and reads the long title of the Bill.

Crucial stage of consideration of clauses of the Bill then begins. Each clause is put to vote of the House along with the amendments proposed thereto. Members are allowed to speak briefly at this stage. Chair may ascertain the sense of the House to by-pass the detailed debate on the Bill and if agreed to, the Bill may be carried.

The bill is then forwarded to the third reading. This, however, is restricted to certain Bills not needing detailed discussion. Money Bills and Appropriation Bills may be exempted from detailed discussion.

Passing of Bill (Third Reading)

Third reading is the last stage of enactment of a Bill. The Minister, after the adoption of all the clauses of a Bill along with amendments, if any, rises and tables a motion

that the "Bill be read a third time". Thereafter, the Clerk again reads the long title of the Bill and the Bill is finally passed by the House.

The procedure followed after a Bill has been passed by the Senate or the House, as the case may be, remain the same as in Indian Parliament. It is, however, noteworthy that message of a Bill from the House is delivered by the Sergeant-at-Arms (an Officer of Procedure in the House of Representatives) to the Senate. And similarly, a message from the Senate to the House is transmitted by the Usher of the Black Rod (counterpart of Sergeant of Arms). This is a practice in variance with the Indian Parliament where message of a Bill after its passage is not delivered by any designated authority like Sergeant-at-Arms or Usher of the Black Rod but by an official of the Section dealing with Bills. Another significant departure is that message of a Bill is signed by the Presiding Officers of the House before transmission whereas in Indian Parliament a message is signed by the Secretary-Generals of the Rajya Sabha and Lok Sabha as the case may be.

Private Members' Bill

Another striking feature of legislative process in Australian Parliament, particularly, Senate is that there is no limitation on Private Members' Bills to be introduced. Private Members' Bills are taken up on Thursday, and Selection Committee of Bills takes a decision which Bill is to be debated in the Senate. In this process, whips of political parties may influence the decision. Like in India, not many Private Members' Bills have passed into law.

Moving Amendments

Members wishing to move amendment to provisions of Bills(s) are assisted by the Clerk Assistant (Procedure). Even Bills for members are drafted by the Clerk of Parliamentary Council. Under the Constitution of Australia, there are some Bills the Senate may not amend and same amendments the Senate may not make. In such cases, the Senate requests the House of Representatives to make such amendments and withholds agreement to the third reading of the Bill until an agreed outcome is achieved.

Assent to the Bill

When both Houses of Australian Parliament have agreed to the Bill in identical terms, the Bill is processed for obtaining assent of the Governor-General. If, however, there is not agreement between the Houses, the Bill may be laid aside and the Governor-General may dissolve the Senate and the House of Representatives simultaneously. This is a notable departure from the procedure followed in Indian Parliament. If both the Houses of Parliament of India disagree to pass a Bill, the deadlock is resolved by convening a joint-sitting of the Houses by the President of India. So far, there have been three instances of joint-sittings of Houses. However, dissolution of Houses of Parliament following disagreement between the Houses to pass a Bill is quite unique mechanism to clear the deadlock over a piece of legislation in Australia.

CHAPTER VII

Parliamentary Budget Office

Background

Parliamentary Budget Office (PBO) in the Australian parliamentary system is a new element based on Congress Budget Office in the USA which has started functioning only from 23th July, 2012. The purpose of the PBO is to inform the Parliament by providing independent and non-partisan analysis of the budget cycle, fiscal policy and the financial implications of proposals.

Appointment of Parliamentary Budget Officer

The Parliamentary Budget Officer is appointed by the Presiding Officers, for a term of 4 years. The Presiding Officers must obtain the approval of the Joint Committee for Public Accounts and Audit (JCPAA) before appointing a person as the Parliamentary Budget Officer as per section 64X of the Parliamentary Service Act 1999. He holds office on a full-time basis and he is eligible for reappointment, but must not hold office for a total of more than 8 years. His appointment is not affected by any defect or irregularity in or in connection with the appointment.

Functions

The *Parliamentary Service Act 1999* gives the Parliamentary Budget Officer the following functions:

1. outside the caretaker period for a general election, to prepare policy costings on request by Senators and Members, with the requests and the PBO's responses to be kept confidential if so directed by the requestor;
2. during the caretaker period for a general election, to prepare costings of publicly announced policies on request by authorised members of parliamentary parties or independent members;
3. to prepare responses (other than policy costings) to requests relating to the budget from Senators and Members, with the requests and the PBO's responses to be kept confidential if so directed by the requestor;
4. to prepare submissions to inquiries of parliamentary committees, on request by such committees, with the requests and the PBO's responses to be made publicly available;
5. after a general election, to report on the election commitments of designated parliamentary parties; and
6. to conduct, on his or her own initiative, research on the budget and fiscal policy settings, with the results of this work to be made publicly available.

Preparation of Annual Work Plan

1. The Parliamentary Budget Officer is required to prepare a work plan for the PBO for each financial year. The work plan is to be prepared in consultation with the Joint Committee of Public Accounts and Audit (JCPAA) and is to be made publicly available. The PBO's work plan normally is required to be prepared before 1 October each year.

Working with Senators, Members and Parliamentary Committees

1. Since its commencement on 23 July 2012, the PBO has been readily accessible to all Senators and Members, and has maintained an open and ongoing dialogue with the Parliament.
2. To date, the PBO has provided Senators and Members with seven guidance documents, which are accessible on the PBO website. To assist parliamentarians with their engagement with the PBO, further guidance may be issued as required.
3. The JCPAA plays an important oversight role in relation to the PBO. The PBO engages with the JCPAA on a regular basis on the PBO's work plan and resourcing.
4. The PBO appears regularly before the Senate Finance and Public Administration Legislation Committee. The PBO responds to requests for assistance from other parliamentary committees on issues that fall within their mandate.
5. Given the priority placed on supporting Senators, Members and the work of the Parliament, the activities outlined in the work plan may change to ensure priority is given to meeting the demand from key stakeholders.

Policy Costings and Information Requests from Senators and Members

1. Having commenced receiving requests for work in early September 2012, the PBO has experienced a high level of demand from Senators and Members. Since its inception the PBO has received more than 1,000 requests for policy costings, and budget information and analyses. Apart from a small number of requests that lapsed or were withdrawn, the PBO has responded to all requests received to date.
2. The time taken to respond to requests from parliamentarians has improved progressively to an average of seven business days in the September quarter 2013. The improvement reflects the increase in PBO staff numbers, the streamlining of processes and procedures, the development of models and modelling capability, and better access to necessary data.

2013 General Election

1. From early 2013, the PBO began preparing for the increased workload associated with the 2013 election. Preparations included developing guidance for parliamentarians on costing processes during the caretaker period, and for agencies on processes that would apply during the caretaker and post-election report preparation periods.
2. The PBO also worked closely with the Department of the Treasury and the then Department of Finance and Deregulation to settle the arrangements for handling costing requests during the election period. This included establishing arrangements for accessing information in a more streamlined manner, and avoiding duplication in the preparation of costing responses.
3. The PBO also engaged professional services firms to provide additional contractor resources to support the PBO's analytical divisions during peak periods.
4. In total, the PBO received 85 costing requests during the caretaker period, which were completed in an average of two business days. With one exception, the costings were completed within the five business day guideline in the *Charter of Budget Honesty Policy Costing Guidelines*. One costing was delayed due to the time taken to receive additional information from the requesting parliamentary party.

Post-election Report of Election Commitments

1. Consistent with its legislation, the PBO prepared a post-election report of the election commitments of designated parliamentary parties. This report was published on the PBO's website on 18 October 2013, 30 days after the end of the caretaker period for the 2013 election.
2. For each designated parliamentary party, the post-election report included costings of all the election commitments of that party that the Parliamentary Budget Officer, in his best professional judgement, reasonably believed would have a material impact on the Commonwealth budget estimates for the current financial year and the following three financial years, along with the total combined impact of those commitments on the budget.

Self-initiated Work Program

1. As per its mandate, the PBO's self-initiated work program in 2013-14 continues to focus on the sustainability of the budget over the medium term. It also seeks to help improve budget transparency and promote a better understanding of the budget and fiscal policy settings.
2. In 2012-13 and for much of the first half of 2013-14 the PBO's priority has been to respond to requests from parliamentary parties and individual parliamentarians for policy costings and budget analyses in the months leading up to the 2013 election. Significant resources have also been allocated to the preparation of the post-election report of election commitments.
3. The PBO released its first self-initiated report on *Estimates of the structural budget balance of the Australian Government 2001-02 to 2016-17* on 22 May 2013. This report reviewed estimation methodologies from international literature and presented estimates of the structural budget balance within a band of uncertainty based on assumptions of the upper and lower bounds of the structural level of the terms of trade.
4. The PBO's report on *Australian Government spending, Part 1: Historical trends from 2002-03 to 2012-13* was published on 10 December 2013. The report examines real growth in government spending compared with growth in real GDP over the past decade. The report includes a consistent time series of spending data at the functional and sub function level. The PBO compiled the data time series by back-casting reported spending to adjust for changes in the classification of spending. This consistent time series of disaggregated spending data is not otherwise published. The compilation and publication of this data series on an ongoing basis would assist the work of fiscal policy makers in the future.
5. The PBO's self-initiated work program includes broad areas of work over the next few years.

Accountability and performance

1. Under Section 65 of the Parliamentary Service Act, following the end of each financial year the Parliamentary Budget Officer must provide an annual report to the President of the Senate and the Speaker of the House of Representatives on the activities of the PBO, for presentation to both houses of Parliament.
2. The PBO's annual report relates directly to the activities included in the PBO's annual work plan and other activities that the PBO has undertaken throughout the course of

the year. The content of the PBO's annual report continues to be subject to the confidentiality provisions of the Parliamentary Service Act.

3. The PBO will also be held to account through regular dialogue with the JCPAA and appearances before the Senate Finance and Public Administration Legislation Committee. At the 2013-14 Budget Estimates hearings in May 2013, the PBO commenced providing the Committee with costing statistics and staffing data, and intends to continue providing this reporting in advance of future Senate Estimates hearings.
4. In addition, Section 64T of the Parliamentary Service Act provides that after a general election the JCPAA may call for an independent review of the operations of the PBO to be undertaken. Such a review must be completed within nine months after the end of the caretaker period.
5. The Australian National Audit Office has commenced a performance audit of the operations of the PBO with an expected completion date of June 2014.
6. More recently, the National Commission of Audit has been charged with identifying options for strengthening Commonwealth budgeting arrangements, including by examining the role of the PBO.
7. The PBO's performance will be judged by the quality, timeliness, relevance and usefulness of its outputs as assessed by feedback from key parliamentary stakeholders. The independence and transparency of the PBO's processes is another important indicator of performance.

CHAPTER - VIII

Salary, Resettlement Allowance, Office Accommodation and other allowances to Senators and Members of the House of Representatives

Australian Parliament has four Departments viz. the Department of House of Representatives, Department of Senate, Department of Parliamentary Services and the Parliamentary Budget Office. Department of Parliamentary Services provides common services to both the House of Representatives and the Senate. Salary to the Members and Senators is disbursed by the Department of Senate and the Department of House of Representatives. All other allowances are paid by the Finance Department of the Government of Australia such as office accommodation, furniture, conveniences such as health centre, crèche, canteen, library, horticulture, repair & maintenance of building and equipments etc.

It is noteworthy that the Members and Senators have to submit bills in the prescribed proforma along with purchase / user vouchers for every expenditure incurred from any allowance paid to them. No self-certificate for the utilization of the allowance is permissible. The bills are counter-checked by the office with the help of tax members of the supplier firms before the bills are passed against any expenditure.

It is also worth noting that there is no provision of any medical reimbursement or residential accommodation for the Members or Senators.

Below is a summary of entitlements extended to Senators and Members under the parliamentary entitlements framework (Wherever the word "Member/s" is used, it means Member/s of the House of Representatives).

1. Salary

All Senators and Members	Parliamentary base salary of \$195,130 per year.
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2. Electorate Allowance

All Senators	\$32,000 per year
Members representing electorates less than 2,000km ² in area	\$32,000 per year
Members representing electorates between 2,000km ² and 4,999km ² in area	\$38,000 per year
Members representing electorates greater than or equal to 5,000km ² in area	\$46,000 per year

3. Resettlement Allowance (Equivalent to Indian Pension)

Resettlement allowance is available only to those Senators and Members who retire involuntarily from the Parliament and:

- a. if first elected before 9 October 2004, whose retiring allowance under the *Parliamentary Contributory Superannuation Act 1948* is not payable immediately on retirement because of the deferral provisions of that Act; or
- b. if first elected on or after 9 October 2004, declares in writing to the Clerk of the relevant House of Parliament that it is his or her intention to seek employment on leave Parliament, entitlement to Resettlement Allowance is as follows:-

A Senator representing a state who has served:

- i. up to and including three years in the Parliament – resettlement allowance equivalent to three months of the parliamentary base salary at the rate current on the date the Parliament is prorogued prior to the election; or
- ii. more than three years in the Parliament – resettlement allowance equivalent to six months of the parliamentary base salary at the rate current on the date the Parliament is prorogued prior to the election.

A Senator representing a territory or a Member who has served:

- i up to and including one full term in the Parliament - resettlement allowance equivalent to three months of the parliamentary base salary at the rate current on the date the Parliament is prorogued prior to the election ; or
- ii more than one full term in the Parliament - resettlement allowance equivalent to six months of the parliamentary base salary at the rate current on the date the Parliament is prorogued prior to the election.

4. Accommodation and Office Facilities

Senators and Members are provided an office and facilities at Parliament House as mentioned below:

Electorate Office, Equipment and Facilities

All Senators and Members	Office accommodation located within the Senator’s state/territory or Member’s electorate, plus equipment and facilities (including for any personal staff based in the electorate office), as approved by the Special Minister of State, including an office requisites and stationery budget of \$38,819 for 2013-2014 (indexed annually).
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Members representing an electorate in excess of 25,000km ² in area	A second electorate office within the Member's electorate, as approved by the Special Minister of State, including equipment and facilities necessary to operate the office. There is no additional entitlement to office requisites and stationery or publications for a Member provided with a second electorate office.
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Note: All Senators and Members are also provided office accommodation (suite) within the precincts of Australian Parliament which also has provision for sitting arrangement for his/her personal staff.

5. Publications

All Senators /Members representing an electorate with a demographic rating, as determined by the Australian Electoral Commission, of <i>Provincial or Rural</i>	Publications, including electronic publications, to the value of \$5,072 for 2013-2014 (indexed annually).
Members representing an electorate with a demographic rating, as determined by the Australian Electoral Commission, of <i>Inner Metropolitan or Outer Metropolitan</i>	Publications, including electronic publications, to the value of \$3,791 for 2013-2014 (indexed annually).

6. Printing and Communications

<p>Note: In addition to the following entitlement, all Senators and Members are entitled to the cost of transferring bulk papers between his or her electorate and Parliament House offices.</p>	
All Senators	Cost of commercial services for printing, the production of e-material (including design, artwork, photography and translation) and the production and maintenance of audio posters for parliamentary or electorate purposes, distribution of printed, e-material and audio posters, and the establishment and maintenance of websites, to the value of \$40,000 per year.
All Members	Cost of commercial services for printing, the production of e-material (including design, artwork, photography and translation) and the production

	<p>and maintenance of audio posters for parliamentary or electorate purposes, distribution of printed, e-material and audio posters, and the establishment and maintenance of websites, to the value of the standard rate of postage (\$0.60) multiplied by the number of enrolled voters in the Minister's electorate plus \$75,000 per year.</p> <p>For example, the entitlement for a Member with 95,500 enrolled voters in his or her electorate would be:</p> $\$0.60 \times 95,500 + \$75,000 = \$132,300 \text{ per year}$
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7. Residential Telephones

All Senators and Members	<p>Two telephone lines in a Senator or Member's private residence, or one telephone line in each of a Senator or Member's two private residences, including all call costs, line rental, transfer costs and the installation, maintenance and rental of an answering service or equipment of a type specified by the Special Minister of State. Where a Senator or Member elects to dedicate one of these two telephone lines as a data line, the line will be installed and maintained, including the provision of an ADSL or ISDN (enhanced) service at the highest speed available at the Senator or Member's residence(s).</p>
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8. Travel for official Business

Unlimited Travel on Scheduled Commercial Transport

Maximum cost of travel is the business class airfare, for the most reasonable and usual route between the departure and destination points, or economy class airfare where no business class fare is published (other than where a Senator or Member cannot travel by air on medical grounds, in which case the Special Minister of State may approve payment of the full fare on an alternative mode, or modes, of transport).

Official business for this entitlement is limited to properly constituted meetings of a Government advisory committee or task force, or functions representing a Minister or Presiding Officer.

All Senators and Members	Travel within Australia (excluding the external territories) on parliamentary, electorate or official business.
Northern Territory Senators and the	Travel to Cocos (Keeling) Islands and

Member for Lingiari	Christmas Island on electorate business.
Member for Canberra and ACT Senators	Travel to Norfolk Island on electorate business.
Member of a parliamentary committee	Travel to Cocos (Keeling) Islands, Christmas Island and Norfolk Island on committee business.

Note:

Special Charter

When travelling on parliamentary, electorate or official business in special cases, such as where no scheduled commercial services exist or a Senator or Member would be unduly delayed by the use of scheduled services, the Special Minister of State may approve the use of charter transport by a Senator or Member.

9. Travelling Allowance

All Senators and Members	<p>An allowance set by the Remuneration Tribunal to cover the cost of accommodation, meals, and incidentals for each overnight stay in a place other than the Senator or Member's home base when that stay is primarily due to:</p> <ol style="list-style-type: none"> a. sittings of Parliament, or direct travel to or from such sittings; b. meetings or formal business of a parliamentary committee of which the Senator or Member is a member, or direct travel to or from such meetings; c. functions representing a Minister or Presiding Officer, or direct travel to and from such functions; d. meetings in Canberra of a Senator or Member's parliamentary political party, its executive or its committees, or direct travel to or from such meetings; e. meetings outside Canberra of a Senator or Member's parliamentary political party executive, or direct travel to or from such meetings; f. meetings outside Canberra of a Senator or Member's parliamentary political party, its executive, its committees, its national conference, or its state conference, and meetings outside the Senator or Member's electorate on electorate business (limited to a maximum of 10 nights per year in total), or direct travel to or from such meetings; g. official government, parliamentary or vice-regal functions; h. meetings of a non-statutory body of which a Senator
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	<p>or Member has been nominated to attend by resolution of either House of the Parliament as a representative, or alternate representative, of the Parliament;</p> <ul style="list-style-type: none"> i. meetings of a Government advisory committee or task force of which the Senator or Member is a member; j. visits to an external territory (other than Antarctica) on parliamentary business; or k. visits to an external territory, where prior to the visit the Special Minister of State is provided with a statement in writing setting out fully the period of the visit, the proposed itinerary, and that the purpose of the journey is for committee business.
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10. Unlimited Car Transport Charges

<p>All Senators and Members</p>	<p>When travelling on parliamentary business, meetings of a parliamentary political party, or of its executive, or its committees, and the national conference of the Senator or Member's political party, transport:</p> <ul style="list-style-type: none"> a. between home, electorate office, or place of business and the nearest airport or railway station (or the nearest airport or railway station which provides reasonable transport services for the travel); b. in Canberra and locations within a 30km radius of Parliament House; c. in other capital cities and regional centres, except within the city/centre in which a Senator or Member resides or has an electorate office, and between capital cities and regional centres; and d. on visits in the course of parliamentary committee business. <p>A Senator or Member may use car transport in Canberra for personal emergencies (such as medical and dental treatment), funerals and other compassionate circumstances, and personal services such as religious services and banking where these services are not available in Parliament House.</p> <p>When a break is required on a journey to or from Canberra on parliamentary business, transport between airport or railway station and place of accommodation.</p> <p>Transport when travelling on official business. Official business for this entitlement is limited to properly constituted meetings of a Government advisory committee or task force, or functions representing a Minister or Presiding Officer.</p>
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11. Private Vehicle Allowance

All Senators and Members	<p>The lesser of a business class airfare, or private vehicle allowance at Australian Public Service rates, for travel in a privately-owned vehicle on parliamentary business between home and Canberra, or part of the way between home and Canberra.</p> <p>Where there is no convenient scheduled air service to connect with a flight to Canberra from the airport or railway station nearest to the Senator or Member's home base, private vehicle allowance at Australian Public Service rates for travel in a privately-owned vehicle between home and the nearest airport practicable to connect with a flight to Canberra.</p>
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12. Life Gold Pass

<p>Note:</p> <p>A Life Gold Pass is provided to a Senator or Member who entered Parliament before 6 March 2012 on retirement from the Parliament, subject to the retiring Senator or Member meeting the following qualifying periods before they first leave the Parliament on or after 6 March 2012:</p> <ol style="list-style-type: none"> a. Prime Minister – one year b. Minister, Presiding Officer or Leader of the Opposition – six years c. Parliamentary Secretary, Senator or Member – 20 years or the life of seven Parliaments. 	
Former Prime Minister who has retired from Parliament	40 return trips per year within Australia, excluding the external territories, for non-commercial purposes, on scheduled commercial services.
Former Senator or Member who has not held office as Prime Minister	10 return trips per year within Australia, excluding the external territories, for non-commercial purposes, on scheduled commercial services.

13. Post-retirement Travel

All Senators and Members who retired from the Parliament on or after 15 March 2012 who did not qualify for a Life Gold Pass on retirement	Post-retirement travel between the former Senators or Member's home base and either Canberra or a location or locations where the former Senator or Member had a publicly-funded electorate office on a maximum of five return trips within the first six months after his or her retirement from the Parliament.
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	<p>The cost of a return trip is limited to the cost of the business class airfare for the most reasonable and usual route between the departure and destination points, or the economy class airfare where no business class fare is published (other than where a former Senator or Member cannot travel by air on medical grounds, in which case the Special Minister of State may approve payment of the full fare on an alternative mode, or modes, of transport).</p>
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14. Severance Travel

<p>All Senators and Members who retired from the Parliament before 15 March 2012 who did not qualify for a Life Gold Pass on retirement</p>	<p>Severance travel within Australia, excluding the external territories, on scheduled commercial services, for non-commercial purposes as follows:</p> <ol style="list-style-type: none"> a. service in three Parliaments – 25 return trips per year in the first two years after retirement; b. service in four Parliaments – 25 return trips per year in the first three years after retirement; c. service in five Parliaments – 25 return trips per year in the first four years after retirement; d. service in six Parliaments – 25 return trips per year in the first five years after retirement <p>There is no entitlement for a severance traveler to be accompanied by his or her spouse or de facto partner.</p>
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15. Family Travel Entitlements

Canberra and Intra-state Family Travel

- Entitlement not available to Australian Capital Territory Senators and Members
- Travel must be to accompany or join the Senator or Member
- Travel may be at any class

Budget for travel is limited to the combined value of nine business class return trips per year from their principal place of residence to Canberra for a spouse or nominee and three business class return trips per year from their principal place of residence to Canberra for each dependent child.

Inter-state Family Travel

- Entitlement available to all (including ACT) Senators and Members, and is in addition to any Canberra and intra-state family travel entitlement.
- Travel must be to accompany or join the Senator or Member.

Spouse or nominee, dependent child or designated person

Three business class return interstate trips each year to accompany or join the Senator or Member.

Travel to an Official Government, Parliamentary or Vice-regal Function

- Entitlement is in addition to Canberra, intra-state and interstate family travel entitlement(s).

Spouse or nominee

Travel by any mode of scheduled commercial service or, with the approval of the Minister for Defence, special purpose aircraft, to attend an official government, parliamentary or vice-regal function as an invitee.

Representational Travel

Spouse or nominee

Subject to the limits of the family travel budget, where a Senator or Member has an entitlement to travel and is prevented from attending any of the following functions due to illness, parliamentary or family reasons, travel to represent the Senator or Member at:

- a funeral;
- a function where the spouse or nominee accepts an award or honour on behalf of the Senator or Member;
- a function within the electorate to which the Senator or Member has been invited; or
- any other function as approved by the Special Minister of State.

Spouse or de facto partner of a sitting Life Gold Pass holder

Spouse or de facto partner of a sitting Senator or Member who holds or has held office as Prime Minister and has qualified for a Life Gold Pass	40 return trips to Canberra per year on scheduled commercial services, for non-commercial purposes, for the spouse or de facto partner to accompany or join the Prime Minister or former Prime Minister.
Spouse or de facto partner of a sitting Senator or Member who has not held office as Prime Minister and has qualified for a Life Gold Pass	10 return trips per year to Canberra on scheduled commercial services, for non-commercial purposes, for the spouse or de facto partner to accompany or join the Senator or Member.

Spouse or de facto partner of a Life Gold Pass holder

Spouse or de facto partner of a former Prime Minister	40 return trips per year within Australia, excluding the external territories, for non-commercial purposes, on scheduled commercial services, for the spouse or de facto partner to accompany or join the former Prime Minister. Up to 10 of these return trips per year may be used for travel independent of the former Prime Minister.
Spouse or de facto partner of a former Senator or Member who has not held office as Prime Minister	10 return trips per year within Australia, excluding the external territories, for non-commercial purposes, on scheduled commercial services, for the spouse or de facto partner to accompany or join the former Senator or Member.

CHAPTER - IX

HUMAN RESOURCES MANAGEMENT

The employees of the Secretariats of the Federal Parliament as well as the New South Wales Parliament are employed on full-time, part-time and casual basis, as per the agreement entered into by the employee and the employer. Full time workers are permanent employees with a guarantee of on-going employment. They are entitled for at least the minimum wages, sick leave as well as four weeks of paid annual leave. Part-time employees too are permanent employees with a guarantee of on-going employment. They too receive at least the minimum wages, have cumulative sick leave entitlements and also four weeks of paid annual leave. The regular hours of work of part-time employees are less than 150 hours over a 4 week period. Casual workers are not permanent employees and, therefore, have no guarantee of on-going employment. No advance notice of termination of service is required, in their case.

Recruitment & Selection Process

The following selection principles apply:

- (i). For ongoing re-assignment of duties, actions must be undertaken without patronage, favouritism or discrimination. However, a merit selection process is not required, as other factors such as the desire to achieve staff rotation or the personal development of employees are also legitimate objectives. In the small number of vacancies that are not advertised, there are generally at least three managers involved in the selection process – the gaining director/secretary, the gaining manager and the losing manager. These people weigh up the relative fairness of advertising the job as open to other eligible staff and the development opportunities for the individual to be selected.
- (ii). For promotions or ongoing engagements, action should be in accordance with the merit principle and based on an assessment of relative efficiency or suitability, respectively. In practice, the merit principle requires, so far as is practicable, that all those who are eligible should have a reasonable opportunity to apply, and selection should occur via fair and open competition.

Performance Communication Scheme

Under the Parliamentary Service Act 1999, a list of values that Parliamentary departments and their employees must uphold is set out. The Performance Communication Scheme is the departments' framework for promoting regular two-way communication and feedback, and arranging individual performance and development.

The Scheme ensures a clear understanding of individual performance expectations and goals and how individual employees contribute to the achievement of the department's corporate plan and a fair and objective basis for recognizing and rewarding effective performance.

There are three formal stages in the Scheme's annual cycle, *i.e.* in May, October and April. At the start of the cycle in May, the Supervisor and staff member develop a Performance Agreement. In the mid-cycle, *i.e.* in October, the staff member completes

the Review of Professional Development, Supervisor completes the Performance Assessment, staff member completes feedback to Supervisor and then Supervisor and staff member review the Performance Agreement. Then in the End-Cycle, *i.e.* in April, the staff member completes Review of Professional Development, Supervisor completes Performance Assessment and staff member completes feedback to Supervisor.

At the end of each assessment, the Supervisor must record the overall assessment rating on the human resource information system. This enables managers to monitor timely completion of assessments and assists with timely processing of salary increases and any salary advancements.

Every individual employee is assigned a defined role to perform, which he/she is expected to perform to the best of his/her ability and satisfaction. All employees desirous of joining the services of the Australian Parliament have to enter into an Agreement known as Department Employee Collective Agreement. The purpose of the Department is to support the Houses and Parliament as a whole by providing advice and services of the highest possible standard. In terms of the Agreement, the Department and its staff agree to work together in pursuit of business excellence.

The Agreement is made between the Clerk of the House and staff of the Department. It covers the terms and conditions of employment of staff of the Department who are employed under the Parliamentary Services Act, 1999 but does not apply to Senior Executive Staff and staff whose salary is paid by another agency.

In case of dispute, it is the responsibility of the parties to the Agreement to take reasonable and genuine steps to settle the dispute by discussion, and if need be by negotiation. The staff may discuss the matter with the immediate supervisor/next higher level of management in case of disagreements over matters covered by the Agreement. In case the matter still remains unresolved, the persons concerned may arrange further discussions involving more senior levels of management as appropriate. If the matter still remains unresolved, then it may be referred to a mediator, who can make recommendations to the Clerk and if still further the matter remains unresolved, then it may be referred to the Australian Industrial Relations Commission.

Unsatisfactory Work Performance

Under the Scheme, the staff agrees to have their work performance assessed in accordance with the Department's Work Performance Management Guidelines. This helps in improving the Department's performance through the development of a stronger performance culture. At the individual staff member's level, it helps the staff to plan and develop career goals and learning needs, scope to receive rewards where work performance contributes to organizational improvements, the ability for individuals to develop a clear picture of their role and purpose within the Department.

Where performance consistently falls below expected standard, the manager will provide the staff member with a written advice to improve performance, within a twelve week period. During this twelve week period, the staff member's work is assessed by a person appointed by the Clerk from outside the immediate work area. At the end of the

period, the person appointed will forward to the SES Manager an assessment of whether the staff member has met the expected standard of performance. If the staff member has met the expected standard, no further action would be taken. If performance fails to meet the expected standard, then the SES Manager would write to the staff member, asking him to show cause as to why his services should not be terminated. Then the SES Manager will decide whether to terminate the employment or take some other action, such as transfer or reduction in classification.

Selection and Advancement of Staff

The Clerk seeks to balance the departmental operational requirements *vis-à-vis* the career aspirations and development needs of the staff. The SES Manager will determine whether staff is to be recruited on an ongoing basis or for a particular period. Besides, the Department provides opportunities for all staff to develop and enhance their skill and knowledge to meet the current and future skill requirements of the Department and the Parliamentary Services. Training is provided to all staff to set work and development objectives.

Flexible Employment Options

To enable staff to balance their work and life commitments, they are provided with the greatest possible flexibility in their attendance pattern. The Department thus encourages part-time, job-sharing, part-year employment, home-based working arrangements etc.

Salary Structure

Salary is paid according to the value of work performed by assessing it against the work level standards for each classification level. There are two broad bands within the classification level. The broad bands allow access to additional remuneration in case of higher performance at individual levels.

There are eight level classification structures *i.e.* Executive Levels 1-2 and Parliamentary Service Levels 1-6. Salary progression from one broadband to another or to either of the Executive levels will be by a merit selection process only and salary progression within the bands and within classification levels will be decided on the basis of “meet requirements” of their work performance. Casual basis staff will receive 20% loading on the standard rate of pay in lieu of recreation, personal, miscellaneous leave and public holidays.

All staff except Executive Band 1 level staff will receive pay increase of \$500 plus 4% of their base rates of pay from when the agreement comes into operation. To be eligible for pay rise, substantial achievement as determined by the Clerk is necessary.

Besides salary, staff is entitled to a number of allowances like Executive Allowance @ \$197.57 per night or as an alternative to Executive Additional Leave to Executive Band 1-2 employees. The Executive Additional Leave is granted on an hour for hour basis up to a maximum of 150 hours per year. This may accrue for four years, after which staff will be deemed to be on leave. Meal allowance is granted to staff working outside normal business hours.

Travelling Allowance

While travelling on official duty, the entitled class is economy, while official travel on business overseas, will be in business class. Besides equipment expenses are payable for undertaking short term missions overseas, to assist with cost of travel equipment and other items purchased as a result of the mission. A staff member travelling for official purposes is provided with a Corporate Credit Card to meet charges on accommodation, meal and incidental expenses.

Working Hours

The normal working hours are 7.30 AM to 7.30 PM from Monday to Friday. Overtime is payable for work performed beyond normal working hours. Executive level 1-2 staff is not eligible for overtime payments. However, they are eligible for time off in lieu of additional hours of work put by them. This apart, all staff except Executive level 1-2 are covered by flexitime, which allows for flexible working hours arrangements.

Leave

Staff has access to recreation leave, purchased leave, personal leave, and miscellaneous leave. The annual recreation leave credit will be twenty working days for each full year and its counts as service for all purposes. Staff may elect to purchase at least one week's additional leave per year up to a maximum of ten weeks, with the approval of the Clerk. Purchased leave will also count as service for all purposes. Personal leave is granted by the Clerk to staff who are ill, or to enable them to take care of family members who are ill, for bereavement purposes and other emergent situations. Staff cannot be paid personal leave while on paid maternity leave. Besides, Clerk may approve miscellaneous leave with or without pay for reasons not covered by other leave types such as war service sick leave, study commitments, etc.

Voluntary Retrenchment

Where there is excess staff, the Clerk invites staff to volunteer for termination by giving one month to make an election. Such staff who elect for voluntary retrenchment are entitled to be paid a severance benefit.

Brochure of New Staff Members

The Department of the Senate of the Australian Parliament have brought out a Booklet entitled "An introduction to the Senate and Parliament House for New Staff Members." The Booklet showcases the role and functions of the Parliamentary Departments. It gives an insight into the building of the Parliament House, how to access it, the parking facilities available, the general services and facilities available to the staff such as the Aussies' General Store, Staff Dining Room, Queen's Terrace Café, ATM facilities, the Post Office, Nurses Centre, the Parliament Shop etc. In fact, it is a store house of information for new staff members.

CHAPTER-X

Role of Research Section and Parliamentary Education Office

Research Section of Australian Senate has the following four functions assigned to it:-

1. Training of Senators & Staff
2. Conducting Seminars & Lectures for Public as well as for Staff
3. Conducting Exhibitions; and
4. Bringing out Biographical Dictionary

Apart from the above mentioned functions, an interesting fact about the Research Section was observed that it also advised on the privilege issues of Members, Clerk of the House and Deputy Clerks of the House, which is dealt separately in a chapter discussing the privileges of the members. Finding certain similarities between the Parliament Research Staff of Indian Parliament and its Australian counter-part, the delegation decided to highlight the departures of the Australian Parliament. Therefore, the narratives and analysis have been mainly focused on the different practices observed in the Australian Parliament.

Biographical Dictionary: It is interesting to know that the Research Section brings out the Biographical Dictionary in a consolidated form starting from the year 1901 onwards. It is brought out in four volumes and the last volume is under process. This consolidated biographical dictionary is different from the Who's Who of Members (both Lok Sabha and Rajya Sabha) which is brought out by our respective Secretariats. Our Members' Who's Who focuses mainly on the bio-data of Members of both the Houses of Parliament. However, in Australia Who's Who is brought out by a private organization which is not exclusive for the Members of Senate or House of Representatives. Rather it is a comprehensive Who's Who of Australia.

In the consolidated Biographical Dictionary, which is brought out by the Research organization, it was informed that its basic focus was on the activities of the elected representative as a Member of Senate or House of Representatives. Details about his career before or after retiring as a Member/Senator is only covered in one paragraph each at the beginning and at the end of given information. The word limit is restricted to 1500-2000 words for each Senator. This approach, in a great way reduces the number of printed pages. In case of Rajya Sabha, with the direction of Hon'ble Chairman Rajya Sabha, the number of pages for individual member's bio-data is restricted to three printed pages only. If the focus is restricted only to the positions held during the tenure of a Member as an MP, Rajya Sabha, it will further reduce the number of printed pages.

Kiosk on 'Meet Your Member'

Another interesting aspect was observed in Australian Senate as well as House of Representatives that related to a programme known as 'Meet Your Senator'. Like the bio-data that is brought out in the Who's who of the members in other Parliaments, an electronic version through a touch screen was made available in the lobby of the Senate in

Canberra. It is in the form of a Kiosk Terminal with an interactive introduction about Australian Senators. It covered the following information / menu relating to a member:-

- 1. Biography**
- 2. Qualification**
- 3. Questions and Answers in the Senate**
- 4. Video where the Member introduces him/herself and explains his interest and areas of work.**
- 5. A photo album of the Member which included the photos supplied by the Member**

Apart from the above five areas of information in the Menu, the House of Representatives' 'Meet Your Member' Programme also covered the electorate/constituency information.

This is quite valuable information for a visitor. The visitor gets quick information about a Member and his work. If, apart from the printed version of the Who's Who of Rajya Sabha, an electronic version through touch screen giving certain basic information about the Members is introduced, it will definitely be useful for the visitors to our Parliament House Complex.

Parliament Library

There is a common library which plays an important role in providing high quality, non-partisan and confidential information to the Members of Australian Parliament. It also provides analysis on specific parliamentary issues and advice to the Members of both Houses of Australian Parliament i.e. Senate and The House of the Representatives. The library service is essential for the members in supporting their parliamentary and representational duties. Apart from the traditional duties, such as providing books, journals, newspapers and magazines to the members of parliament, the library also provides a comprehensive range of value added services such as online media monitoring, specialist data-bases and statistical and mapping services. In addition, the library provides parliamentarians customized and confidential research briefs apart from general distribution of publications on current legislation and a wide range of other issues of interest to the parliament. The library also provides oral briefings and quick advice over the phone. The online service of the library is accessible 24x7 relating to information and research for the members through their desktop or on their mobile device.

The library is divided into three functional units:-

1. The Office of the Parliamentary Librarian- It is a small unit comprising the Parliamentary Librarian, executive support officers, the Web Publishing Unit and the Director, Client Relations, who provide orientation and training services for senators, Members, their staff and other parliamentary staff.
2. Research Branch- This branch provides information, research and analytical services including individually commissioned research, general distribution of publications, statistical, mapping services, etc.

3. Information Access Branch- This branch develops, and manages access to the Library's print and electronic resources. It also manages the main Library reference desk and the Senators' and Members' Reading Room.

For the independence of the library, the Parliamentary Service Act provides the librarian and the Secretary of the Department of Parliamentary Services (DPS) to make an annual resource agreement detailing the funds available for the library for a particular year. Library's achievement during 2012-13 focused on creating the 21st Century Parliament Library and the research services through continuous evaluation and reshape the library products and services to remain accessible and effective for its clients.

The library also conducts a review of the needs of the clients once in every parliament to evaluate its measure of satisfaction through the services provided. This review creates an awareness to judge the effectiveness of its services and acts as a direction for the future to strengthen information and delivery mechanism.

Secrecy of the services provided by the library

An interesting feature of the parliament library is that the request received from the members for any customized reference or research services is kept secret. It is, as a matter of professional ethics not disclosed by the library people. However, if the client wishes to disclose the services rendered by the library he or she may do so.

Parliamentary Education Office

The delegation of Rajya Sabha got an interesting first hand information about the working of the Parliamentary Education Office in Australian Parliament. The Parliamentary Education Office has a highly developed institutionalised mechanism of providing experiential learning programmes and has developed a range of resources to support the delivery of civics and citizenship education in the classroom, to the students, in groups, in Australia.

It has study materials which include videos and images in the form of Parliament in action, Factsheets i.e. information on lots of Parliamentary topics, Kids view, games and interactive fun games in form of CDs. It has also got material for teachers and students' educational programmes relating to Parliament. A very educative and highly interactive programme is the Role-play Programme. It was informed that in a year on an average 96000 students are benefitted through the programmes of the Education Office, which is a substantial number given the population of Australia.

For giving information about the real working of democracy and letting the people know the importance of Parliament in a nation's life such programmes go a long way for positive image building of Parliament in the minds of the youths in a nation.

In India there is the youth Parliament programme being conducted by the Ministry of Parliamentary Affairs, in schools. School students role-play the functioning of the Parliament. However, it is not a permanent or continuous mechanism.

The study group was informed that students from more than 9000 schools of Australia contact the Parliamentary Education Office for witnessing such programme. Booking is done 6 to 12 months in advance by different schools. It was also informed that for regularity of the programme a market link is created i.e. the private tour programme organizers undertake National Educational Tourism Programme and a learning programme of Parliament in Action is formed a part of Educational Tourism Programme. The Parliament Education Office after receiving the requests from various schools inform the authorized private bus owners about the visit of the school students in advance so that they could contact the school concerned for future course of action. When private bus owners get regular group of students for their business they find it encouraging to bring more and more students for the programme. In this way the Education Office of Parliament has been getting wider acknowledgement from various student groups.

Moreover, information and resources are also made available in the website at [www.peo.gov.au/publications /index.html](http://www.peo.gov.au/publications/index.html). which has made the programme more popular. It is not necessary for all to visit Canberra to witness such an experience. Rather through the available resources every school teacher can help their students to role-play the functioning of the Parliament. It is wider circulation of resources, commitment and involvement of dedicated persons in this field which has made the programme a successful one.

CHAPTER-XI

Parliament of New South Wales

New South Wales is one of the six States in the Commonwealth of Australia. It was founded as early as 1788 as a British convict colony.

Parliament of New South Wales (Sydney) is the oldest legislative body in Australia. It was established in 1823 and had its first meeting in 1824. It was established to advise the Governor in making laws for the welfare of the colony of New South Wales.

Composition of the Parliament

The Parliament has two Houses – the Legislative Council and the Legislative Assembly. Its Members were first appointed by the Monarch and were later nominated by the Governor. In 1843, the Legislative Council became the first partly elected House in Australia. Now, it is a democracy where all the Members of Parliament are elected by the people of the State.

Legislative Assembly

The Legislative Assembly has 93 Members who are called the Members of the Legislative Assembly or MPs. The basic functions of Legislative Assembly include:

1. Representation of the Electorates.
2. Forming the Executive Government of New South Wales.
3. Passing laws; and
4. Approving Government's requests for money.

Legislative Council

It has 42 Members called the Members of the Legislative Council or MLCs. The basic functions of the Legislative Council include:

1. Representation of the People – Members are elected through a system where the percentage of votes won by each Party is reflected in the number of seats held i.e. if, a party wins 5% of the votes then it would get 5% of the total seats of the House.
2. Holding the Government responsible and accountable i.e. to act as a House of Review. This role of the Council is performed through various mechanisms such as asking questions, orders for production of State papers, through committee system and examining legislation.
3. Passing laws – The Council has almost equal power to the Legislative Assembly in the making of laws except in relation to certain Money Bills. The Council can pass, amend, reject or fail to pass any Bill submitted to it.

If a Bill is amended in either House, the other House must also agree to these amendments. The Bill has to be passed in the same form by both Houses. If the Legislative Assembly does not agree to the Amendments proposed by the Legislative Council, the

Constitution provides for a meeting of Members from the both Houses which is known as a 'Conference'. It is called to resolve the deadlock between the two Houses. However, even after the Conference, if there is no agreement between the Houses on the Bill, a referendum may be held so that the people of New South Wales can decide on the law.

Question Time

Question Time occurs in both Houses on every sitting day. It provides an opportunity to Members to ask the Premier and other Ministers questions relating to ministerial portfolios, such as, health, education or transport. Generally, the first question in the question time is asked by the Leader of the Opposition. Thereafter, other Members are allowed to put questions. The instrument of 'questions' available to Parliamentarians is an essential instrument in the hands of the legislature to hold the Government accountable.

There are two types of questions asked: Questions Without Notice and Questions On Notice.

Questions Without Notice - These are the questions asked in Question Time. Ministers do not receive notice of the questions to be asked (at least, not from the Opposition). The rules and time for Question Time vary between the two Houses.

As the Premier and most Ministers sit in the Legislative Assembly, it is in the Legislative Assembly where the interest is centred most and more particularly in Question Time. The rules of the House require a minimum of ten answers from Ministers with a minimum time of 45 minutes, although it often exceeds this. This is to prevent Ministers giving excessively long answers and using up the available time. Supplementary questions are strictly limited. Question Time begins between 2.15 and 2.30pm.

In the Legislative Council there are less Ministers so that the challenge to the Government in Question Time is less direct. The length of Question Time is at discretion of the Leader of the Government, but is usually an hour. There is no limit to the number of questions other than time and supplementary questions are often allowed. The President rotates question opportunities in the order of Opposition, Cross Bench, and Government.

Questions On Notice - These are questions asked to Ministers in writing and the answers are also given in writing. They are tabled in the Parliament but are not the subject of any Parliamentary debate in themselves. *There is no limit to the number of written questions.*

Committees-A Committee which consists of Members of Parliament may look into policy issues, proposed legislation or Government activity or into the functioning of independent bodies such as the 'Independent Commission against Corruption'. This provides a forum for the Members as well as the public to have their say on important issues, thus ensuring greater Government accountability.

An interesting feature of the committee system in the New South Wales Parliament is that the proceedings of the Committee meetings are a combination of both secrecy as well as openness. When a witness is invited or a public hearing takes place at that time the Committee is open to the public. However, sometimes when the meetings

of the Committee is decided to be confined to the Committee itself, at that time the proceedings of the Committee is kept secret.

Types of Committees

Standing Committees – These Committees are appointed for the term of the Parliament to investigate particular subject areas.

Select Committees – These Committees are appointed to investigate particular issues and the Committee is dissolved once the report of the Committee is tabled before the Parliament.

Statutory Committees - These are Committees appointed by Legislation to examine public legislation and policy such as the Public Accounts Committee and the Legislation Review Committee.

Research Service of New South Wales Parliament

The NSW Parliamentary Research Service prepares papers for Members of the NSW Parliament on legislative issues which are before Parliament for its consideration and Research Unit also prepares papers on major issues of topical interest. The papers produced cover a broad range of subject areas, including law, politics and government, the environment, economics and social issues.

The Research Service produces the following types of publications:

- **E-Briefs** provide succinct background on topical issues, presenting information from a range of easily accessible and contemporary sources.
- **Briefing Papers** are on topics of current relevance and provide more detailed commentary and analysis that is easy for the Members to follow.
- **Background Papers** deal with subjects of more long-standing interest and concern and include research publications on electoral matters.
- **Statistical Indicators** are detailed compilations of statistical information relevant to NSW, including census data.
- **The unit also issues Backgrounders and** provide hyperlinks to journal articles, government reports, media pieces and other literature on topical issues.

Some of the recent publications brought out by the Research Service include NSW Trade with South Korea: Outcomes for exporters from the KAFTA(March, 2014), Parliamentary Privilege: The Continuing Debates (February, 2014), The High Court's Decision in the electoral funding law case (February, 2014), etc.

It was also informed to the Study Group that topics chosen for research generally originated from the reference requests received from the Members over a period of time. Moreover, issues of current relevance which are covered in the newspapers and magazines also work as the base for research. Apart from it the Research Unit suo moto takes up relevant issues for research. All these sources act as the research base for the Unit.

Library of New South Wales

The NSW Parliamentary library has been in operation since 1840. The Study Group witnessed that the Library has extensive holdings of government publications, books, journals, newspapers, press releases, loose-leaf legal services, specialised information files as well as microfilms, maps, videos, on-line information services and databases. The whole collection houses over 100,000 books and subscribes to over 300 periodicals. It also receives over 300 newspapers.

Book collections include topics on politics and government, law, economics and social issues. In addition, the Library has an extensive reference collection and other specialised collections such as current electoral rolls and New South Wales electorate maps from the 1850's.

CHAPTER XII

AUSTRALIAN CAPITAL TERRITORY

The capital city was named Canberra on 12 March, 1913. The word 'Canberra' is derived from the Aboriginal word 'Kamberra' which means 'meeting place'. Federal Parliament moved from Melbourne to Canberra in 1927. Until self-government took effect on 11 May 1989, the Australian Capital Territory was administered by the Federal Government by the Minister for Territories.

The Establishment of Self-Government in the Act

In 1908 the Commonwealth Parliament chose the site for the capital of Australia and in 1911 the 'Territory for the Seat of Government' was established. It was called the Federal Capital Territory until 1938 when it officially became the Australian Capital Territory.

In the period prior to self-government, the Federal Minister for Territories made all decisions relating to the ACT. Advisory bodies were set up to inform the Minister about matter of concerns to the residents of the ACT. The first of these advisory bodies was the Federal Capital Advisory Committee, established in 1920 which was comprised of appointed officials. The first elected member on the advisory Committee took up responsibilities in 1928. In 1930 an ACT Advisory Council was established to advise the minister.

The first fully elected body the Legislative Assembly consisting of 18 Members – began operating in 1974, changing its name to the House of Assembly in 1979. However, the Federal Government was under no obligation to heed the advice given by any of the appointed or elected bodies.

An advisory referendum or plebiscite was held on 25 November, 1978 to ask ACT residents whether the ACT should be granted self-government.

The result of the plebiscite showed that 63.75% of the electors casting a valid vote at the plebiscite voted in favour of continuing with the present arrangements.

In the late 1980s against the decision of plebiscite the Federal Government decided that the Australian Capital Territory, with a population of 270,000, needed its own system of self-government. The Federal Parliament passed the Australian Capital Territory (Self-Government) Act 1988, along with other related legislation which established self-government in the ACT.

The first elections for the ACT Legislative Assembly were held on 4 March 1989 and the first meeting of the Legislative Assembly taking place on 11 May 1989.

THE WESTMINSTER SYSTEM OF GOVERNMENT IN THE ACT

Australia's political system is based on the Westminster system. Westminster is the name given to the system of parliamentary democracy used in countries such as Britain, Canada, Australia and New Zealand and is named after the area in central London where the

parliament of the United Kingdom is located. All state and territory parliaments in Australia follow the Westminster system.

Electing Members of the ACT Legislative Assembly

Members of the Assembly are elected by the proportional representation system. Canberra is divided into three electorates – Brindabella, Ginninderra, and Molonglo. Five members are elected in the Brindabella and Ginninderra electorates, while the Molonglo electorate elects seven members, making a 17 member Assembly. Members are elected for a fixed four-year term. Elections are held every four years on the third Saturday in October.

Robson Rotation and Ban on Canvassing

Another feature of the ACT electoral system is the Robson Rotation method of rotating the positions of candidates within each column on the ballot paper. This minimizes the impact of ‘Donkey votes’ whereby some voters merely number all the boxes in consecutive order down the ballot paper, advantaging candidates at the top of the ballot paper and disadvantaging those at the bottom.

Filling Casual Vacancies

Under the hare-Clark system, any vacancies arising from the resignation, retirement or death of a member during the term of an Assembly are filled (if possible) by recounting the ballot papers that were received by the vacating member in order to determine which candidate was the next most favoured by voters. Only those candidates who contested the original election and who indicate that they wish to contest the casual vacancy participate in this process.

If it is not possible to fill a vacancy using this method (for example, if no candidates from the election wish to contest the vacancy), the legislative Assembly chooses a person to fill the vacancy. If the vacating member was elected as a member of a registered political party, the new member chosen must be a member of the same party.

If there is no member of the relevant party available to be chosen, or if the vacating member was elected as an independent, the person chosen to fill the vacancy cannot be a person who has been a member of a registered political party within the 12 months preceding the filling of the vacancy.

Role of Members of the ACT Legislative Assembly

The work of Members of the ACT Legislative Assembly (MLA) is diverse. All members have electorate and parliamentary responsibilities; those who belong to political parties also have party responsibilities. Some members, such as the Speaker and ministers, have additional responsibilities. The type of work members do is influenced by many factors.

Parliamentary Responsibilities

Members are expected to contribute to debates, make speeches and ask or answer questions in the chamber. They may introduce bills, guiding them through the legislative process and debating the details and implications of such legislation with other members, the press and the public.

Electoral Responsibilities

Members of the Assembly do not have separate electorate offices. Their offices, located at the Assembly building, are used for both parliamentary and electorate related business. Members meet with citizens (constituents) on matters of local or personal concern, answer correspondence and telephone and email enquiries. They are also usually involved in a variety of activities within their electorates.

Party Responsibilities

Each MLA is a member of his or her party's local branch, unless the MLA elected is an independent. This requires participation in party meeting and proceedings and being attuned to the concerns and interests of the members that belong to the particular party.

Speaker

The Speaker is elected by ballot by members on the first sitting after a new Assembly has been elected. The Speaker is the presiding Officer of the legislative Assembly. The Speaker's role in the chamber is to run the proceedings. The Speaker maintains order through the interpretation and application of the standing orders. A Deputy Speaker is elected by members and performs the duties of the Speaker during the Speaker's absence. The Speaker may also vacate the chair and participate in chamber proceedings.

Chief Minister

The Chief Minister is also elected by ballot on the first sitting day of a new Assembly. The Chief Minister, who is the leader of the Government, appoints ministers, and together they make up the executive.

Executive

The Australian Capital Territory (Self-Government) Act 1988 states that 'until provision is made the number of Ministers is not to exceed 5'. The members of the executive usually come from the same political party. However, in 1998 and for the first time, an independent member was appointed to the executive. This occurred again in 2012 when a member of the ACT Greens was appointed to the Ministry.

Government Backbenchers

Members who belong to the governing party, but are not members of the executive, are referred to as backbenchers.

Opposition

The formation of an official opposition is a feature of parliamentary democracies based on the Westminster model. The largest non-government party forms the opposition. The opposition's role is to question what the government does, to scrutinise government policies and administration in order to highlight any weaknesses or deficiencies. As a potential future government, the opposition will often argue in favour of its own alternative policies as well. The opposition has spokespersons on most areas of government activity. They are sometime referred to as shadow ministers. In the chamber shadow ministers will often ask questions of the ministers that they 'shadow' and debate issues relating to their areas of portfolio responsibility.

Committees

Committees of the legislative Assembly play an important role in the conduct of Assembly business. Through committees, members are able to review complex matters in a level of detail not possible in the Assembly. In any given year, the committees of the legislative Assembly will meet around 250 times.

The committees of the Assembly are made up of non-executive members of the Assembly and provide these members with the opportunity to:

- Participate in examining policy options and make recommendations to government about policy directions;
- Provide input to the legislative process;
- Scrutinise the activities of Government, particularly through the budget estimates and annual reports inquiry processes; and
- Provide an opportunity for the community to be directly involved in the processes of government.

Many committees have statutory responsibilities related to the ACT Auditor-General, Territory Plan variation processes and ministerial appointments.

Committee Members

Committees usually have three to five members. The membership of committees generally reflects the composition of the Assembly and includes representation of all groups and parties in the Assembly – the government, backbench, the opposition and the cross-bench.

Committee Chair

Each Committee elects a presiding member called the chair. The chair has a leadership role in the work of a Committee and speaks on behalf of the Committee in the Assembly and in public. The chair of the Committee is also responsible for upholding the relevant Assembly standing orders during Committee proceedings. A deputy chair is also elected and is able to perform the role of chair in his or her absence.

Committee Secretary

The Committee is assisted by an officer of the Assembly called a Committee Secretary, a non-partisan official who provides independent, administration, research and procedural advice to the Committee.

The Secretary is the first point of contact for information about committees from other members of the Assembly and the public. The Committee secretary assists the chair and the committee in the drafting of reports and the administration of committee meetings and public hearings.

Committee Rules

Just as proceedings in the Assembly chamber are governed by standing orders, so too are committee proceedings. Standing orders set out the rules which determine the authority and powers of committees and the agreed procedures which govern committee business.

Committee proceedings are recognized as proceedings of parliament and are given the same protection as proceedings in the Assembly itself. Evidence to an Assembly Committee attracts the protection of parliamentary privilege. With this privilege comes certain responsibilities and witnesses appearing before an Assembly Committee are required to be honest and to tell the truth.

Types of the Committee

Standing committees are formed at the beginning of an Assembly's term. They exist until the next election and generally retain the same members during that term. Each committee is given the responsibility for examining and inquiring into particular matters that are associated with the governance of the Territory. Matters relating to the operation and administration of the Assembly are considered by the Standing Committee on Administration and Procedure.

Select committees are formed to examine a specific issue or set of issues which cannot be adequately considered by an existing standing committee. Once a select committee has completed its inquiry and provided a report, it ceases to operate. For example, select committees on estimates are re-established each year to consider the ACT budget and appropriations but are dissolved at the conclusion of the inquiry.

Presentation of Papers

Documents may be presented by either ministers or the Speaker. These could be reports, discussion papers or regulations. The Assembly may take note of the paper. Alternatively it can be referred to a Committee for investigation, allowing non-government members to have a closer look at a particular issue.

Ministerial Statements

Ministers can make statements to the Assembly if other members give them "leave" to do so. This is an opportunity for the government to inform the Assembly and the community of its policies on a wide range of matters.

Matters of Public Importance

Any member may propose that a matter of public importance (MPI) be submitted to the Assembly for discussion. It is usually an issue which is considered to be of particular importance to the ACT community. The MPI to be discussed is selected earlier in a sitting day by the Speaker who places all submitted MPIs into a hat and randomly chooses the MPI that will be called on.

At the end of the discussion no decision has to be made. The discussion is a time for members to explain their views on the issue. Often an MPI is submitted because a member

is critical of some aspect of the government's activities. It is one way that members not in government can raise issues and make the government accountable for its actions.

Question Time – Questions Without Notice

Question time is an important part of any Westminster parliament and is often the focus of sitting days for members, the media and the community. Question time allows members to scrutinise ministerial performance ensuring that the government is accountable to the parliament for its policies and actions. During question time ministers can be asked questions from both non-government members and government backbenchers without any prior notice being given.

Question Time in the ACT Legislative Assembly

In the ACT Legislative Assembly question time commences at 2.30 pm each sitting day. The leader of the opposition generally asks the first question to a minister of his or her choice and following the minister's answer a further supplementary question is permitted. Two further supplementary questions can then be put from other non-executive members providing that they are relevant to the original question. Question time continues until all non-executive members wishing to ask a question (and supplementary question) have had an opportunity to do so.

Members must ask their questions concisely and ministers have four minutes to answer the initial question and two minutes to answer any supplementary questions that arise.

Questions from government backbenchers are usually prepared in advance to allow ministers to highlight portfolio achievements and are often referred to as 'Dorothy Dixers'. The term 'Dorothy Dixer' is derived from an American author, Dorothy Dix, whose question and answer column was purported to solve readers' problems.

Question on Notice

Questions on Notice are lodged in writing and are placed on the Notice paper (the official agenda of the Assembly). Written questions are used by members to obtain detailed information from ministers about government activities and administration. They are an important means by which the Assembly can keep a check on what the government is doing. Ministers have 30 days in which to answer a question on notice, failing which, the member who asked the question may raise the delay with the minister in the chamber immediately after question time. Answers to questions on notice are published at the end of each weekly Hansard.

The Legislative Process

The laws in force in the ACT consist of the written law and various unwritten laws known as the principles and rules of common law and equity.

The written law of the Territory consists primarily of laws, known as acts, made by the Legislative Assembly. It also includes regulations, rules of court and other legislative instruments made under specific powers given by acts. Written laws made under an act are commonly called 'subordinate' or 'delegated' legislation.

Self – Government

Under the self-government legislation, the Legislative Assembly has the power to make laws. The executive has the responsibility of governing the ACT and executing and maintaining enactments and subordinate laws.

Most bills (proposed laws) deal with the business of the executive and are introduced by a minister. Bills presented by non-executive members are known as private members' bills.

Disallowance of ACT Laws

Until quite recently, the Governor-General had the power under Self Government (Australian Capital Territory) Act 1988 to disallow an enactment made by the Assembly within six months of it being made. This has happened only once in the history of ACT self-government. On 13 June 2006, the Governor-General acting on the advice of the Attorney-General, disallowed the Civil Union Act 2006 which had previously been enacted by the Legislative Assembly as a law of the ACT.

However on 1 November 2011, the Federal Parliament passed amendments to self-government legislation which abolished the veto power and the power of the Governor-General to amend ACT laws. To overturn an ACT law now requires a majority in both houses of Federal Parliament. These changes came into effect on 4 December 2011.

Legislation Register

Uniquely, bills of the ACT are not given royal assent (as Commonwealth legislation is by the Governor-General or state legislation is by a state governor). The Clerk of the Assembly certifies a copy as a true copy of the bill as passed, and the Speaker asks Parliamentary Counsel to notify the act on the ACT Legislation Register. Once an act is notified it becomes law. Not all sections of the act necessarily commence on the date of notification on the ACT Legislation Register. Ministers may commence uncommenced sections by making a 'Commencement Notice' which is notified on the register to commence all or some of the uncommenced provisions on a specified date.

The Budget Process

The executive (the Chief Minister and other ministers) is responsible for developing and managing the budget for the Australian Capital Territory.

The ACT budget is usually deliberated and an appropriation bill tabled each year by the Treasurer reflecting the government's priorities and the state of the ACT's finances. The budget provides the Assembly and the community with details of the government's expected revenue and expenditure (the money it expects to receive from rates and grants and the areas where it will spend money such as service delivery and building infrastructure).

The executive is held accountable for its budgetary decisions through scrutiny that is brought to bear in the Legislative Assembly and through a Select Committee on Estimates and the Standing Committee on Public Accounts.

Estimates Committee

The estimates committee usually consists of five members, comprising one from the Government, two from the opposition and two from the cross bench (although this can vary). The budget estimates process gives ministers and members of the Assembly the opportunity to ask questions to ministers and senior public servants about the operations of directorates, agencies and publicly owned corporations.

This allows scrutiny not only of ministers but also directorates, statutory bodies, agencies and territory-owned corporations and the individuals who provide leadership and management in these organisations. The executive is obliged to explain before the Committee how it has spent public money and administered programs and services for which they are responsible.

The role of the estimates committee is to evaluate expenditure proposals and revenue measures. The Committee looks to promote value-for-money, ensuring that planned expenditure and revenue decisions set out in the budget documents are well-targeted and efficient.

The majority of the General Government Sector (GGS) revenue comes from grants from the Commonwealth Government and own source taxation revenue.

Petitions

A petition is a formal written document containing a list of signatures from ACT residents to members of the Legislative Assembly seeking the redress of a grievance. Any citizen or group of citizens of the ACT can submit a petition asking for an action to be taken by the Assembly. It can also ask the Assembly to consider action concerning a personal grievance (for example, an administrative error). A petition must address an issue that is related to the jurisdiction of the ACT Assembly and not that of another state or territory parliament or the Federal Parliament.

Presentation

Petitions must be lodged by a member of the Assembly with the Clerk by 5.00 pm on the day before they are to be presented to the Assembly. The clerk will check and certify that the petition complies with all the rules. A petition is usually presented to the Assembly immediately after the Speaker opens the morning session. The Clerk states which member lodged the petition, the number of signatures and the request that is being made. The petition will not be debated by the Assembly when it is presented. The terms of the petition, without the signatures, are printed in Hansard.

E-Petitions

In 2013 the Legislative Assembly launched e-petitions to allow for the presentation of petitions in an electronic form. Prior to this it was only possible to present petitions in a paper form. The key difference between the paper based and electronic forms is in how the process starts. Traditionally, paper petitions are circulated and signatures are gathered before seeking a member to sponsor the petition in the Assembly. E-petitions first require sponsorship by a member; who will then lodge the proposed terms of the petition with the Clerk of the Legislative Assembly. Once the petition has been assessed to ensure it meets

the requirements set out in the standing orders it will be posted on the Assembly's website with a specified closing date. When the petition has closed a hard copy version will be produced and the Clerk will announce it in the Assembly.

Taking Action

Once the petition has been presented to the Assembly, the Clerk will refer a copy to the relevant minister, for information and/or action. The minister must respond by lodging a reply with the Clerk which is announced at a later sitting of the Assembly (within three months). The petition is then kept with all other papers presented to the Assembly that day. Petitions inform the Government and all members of the Assembly about public opinion and highlight particular concerns that members of the ACT community might have.
