

Professional Development *Program in Parliamentary Management* *10th Anniversary (2012-2021)*



Compendium of Best Participant Papers



*Compiled and edited by
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McGill

School of
Continuing Studies

École
d'éducation permanente



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Introduction

McGill University's Professional Development Program for Parliamentary Staff was launched in 2012 as a joint project between McGill University's Institute for the Study of International Development (ISID) and the World Bank, where the World Bank developed and instructed the online courses and ISID hosted a one-week residential seminar in Montreal.

In the mid-2010s, the Program moved to the School of Continuing Studies (SCS), with McGill taking responsibility for all course delivery. Shortly thereafter, SCS received academic approval to offer officially graded and university transcribed courses and award a Continuing Education Professional Development Certificate to participants completing the Program. McGill has collaborated with Kenya's Centre for Parliamentary Studies & Training, which hosted the residency course in Naivasha, with Nigeria's Institute for Legislative and Democratic Studies, which has hosted residency courses in Abuja, and with the UNDP, which has facilitated the offering of the Program in the Pacific region.

Over the past decade, some 250 parliamentary staff, parliamentary strengthening consultants and international organization officials have participated in the Program. We are often asked, "How does this training contribute to parliamentary development?" To answer this question, we have undertaken two activities: the first was a "Retrospective review" – we asked the more than 250 staff who had participated in the Program (and the 75 MPs who completed a sister program in parliamentary governance) how they had applied the knowledge and skills they had learned. One hundred former participants responded – the results can be found on our website.

The second was to comb through our archives and review the papers submitted by parliamentary staff as part of the requirements to complete the Program. The assignments were always action-oriented, focused on what reforms and changes in their parliaments' operations they would either institute themselves or recommend to the parliamentary leadership. In total, over 1,000 papers have been submitted to date. This report honours the 34 participants who wrote the best papers in selected courses over the years.

In addition to the World Bank, the UNDP, and the Kenyan CPST, and the Nigerian NILD, Program partners include the African Centre for Parliamentary Affairs, the Commonwealth Parliamentary Association, the Parliamentary Centre of Canada, and the State University of New York – Centre for International Development. We would like to thank our partners for their support and encouragement.

We are very proud of our graduates, and especially those who wrote these award-winning papers. Our heartfelt congratulations!

Rick Staphenhurst

Assistant Professor (Professional) and Director, Parliamentary Research and Training



NB: These papers represent the views of our participants, not their parliaments. Given the sensitive nature of some of the analyses and recommendations made, some awardees have asked that we not publish their papers. We are, of course, respecting their wishes.

Faculty

Inna Popova-Roche

*Director, Professional and Corporate Education
McGill School of Continuing Studies*



Dr. Rick Stapenhurst

Assistant Professor and Director, Parliamentary Research and Training

Dr. Frederick Stapenhurst is an Assistant Professor at McGill University. He is a former board member at Parliamentary Centre, member of Transparency International, and North American co-chair of the Research Committee of Legislative Specialists. Prior to joining McGill University, he worked at the World Bank concentrating on anticorruption and parliamentary development and writing extensively on these issues. Dr. Rick Stapenhurst holds a doctorate in Business and Commerce from Australian National University, where he researched presidential and parliamentary systems of government. His most recent publications include *Anti-Corruption Evidence: The Role of Parliaments in Curbing Corruption* (Springer, 2020), a book he co-edited with Rasheed Draman, Brooke Larson and Anthony Staddon; *Legislative Decline in the 21st Century*, co-edited with Irina Khmelko and Michael Mezey (Routledge, 200) and *Developing an index of EX_POST Parliamentary Oversight of Parliamentary Finance* which he co-authored with Kerry Jacobs and Cedric Eboutou.

Paul C. Bélisle

Paul Bélisle is a consultant and instructor specializing in the field of parliamentary corporate governance and on matters of rules, procedures and practices relevant to the effective functioning of the houses of parliaments and their committees. He has spent 45 years working with parliaments: 39 as an official in the Senate of Canada, and 16 as a Clerk (Secretary General) of the Senate and Clerk of the Parliaments in Canada - leading a team of over 400 employees. For the past ten years, he has worked as a consultant with several organizations, including WBI, UNDP, Commonwealth (CPA), and la Francophonie (ASGPF).

Paul Bélisle's extensive leadership experience as Clerk (Secretary General) has served him well in undertaking capacity-building projects with legislatures around the world and engaging legislators and their staff from many different political environments. He has led international seminars and working groups on the provision of resources and services to Parliaments, promoting sound principles and practices to enhance democracy in many countries, including Bangladesh, Bénin, Cambodia, Fiji, Ivory Coast, Jamaica, Myanmar, Nigeria and Togo.

Of his many achievements, Paul Bélisle considers his involvement in the development implementation and his ongoing teaching and mentoring of his many students in the McGill's Professional Development Certificate in Parliamentary Management Program, a highlight of his consulting and teaching careers.

He holds degrees in Civil Law, Political Science and Public Administration from the University of Ottawa.

Warren Cahill

Warren Cahill is a consultant and instructor with over 30 years of practical experience, application and research in Parliamentary Law, Practice and Operations. Warren has extensive experience as a senior officer of the New South Wales Parliament, where he was Clerk of Committees, Usher of the Black Rod and a Clerk-at-the-Table. His areas of expertise include democratic governance, parliamentary development, executive oversight, effective government functioning and the machinery of government.

Since 2005, Warren Cahill has been working extensively in the field of parliamentary strengthening and democratic governance. He has been Chief Technical Advisor to UNDP Parliamentary Strengthening Projects in the Solomon Islands (2005-2009), Bangladesh (2009-2011), and Myanmar (2014-2018). Between 2011 and 2014, Warren provided technical support and advice to a number of parliamentary projects in the Asia/Pacific region and Africa.

Kevin Deveaux

As a former parliamentarian, legal drafter and UN senior focal point, Kevin Deveaux has spent his professional career engaged with parliaments and their impact on the lives of citizens. A Barrister & Solicitor from Eastern Passage, Nova Scotia, Canada, Kevin Deveaux practiced law in Toronto and Halifax as a Crown Attorney, and later as a drafter of legislation. Kevin Deveaux was elected to the Nova Scotia House of Assembly in 1998 for the constituency of Cole Harbour-Eastern Passage and was re-elected in 1999, 2003, and 2006. During his time as an MP, he was the Deputy Speaker for the House from 1999-2003 and the Official Opposition House Leader from 2003-2007.

Kevin Deveaux also worked internationally with the US-based National Democratic Institute (NDI) as a part-time parliamentary consultant working in Kosovo, Iraq, Egypt, Cambodia and Palestine. In 2007, Kevin Deveaux resigned his seat in the House of Assembly to work full-time as a Senior Parliamentary Technical Adviser with the United Nations Development Program (UNDP) in Hanoi, Vietnam. The following year he was appointed to the post of Parliamentary Development Policy Adviser in New York with UNDP's Democratic Governance Group; he was in charge of the Global Program for Parliamentary Support (GPPS) and provided support to more than 70 UNDP Country Offices in which there were parliamentary support programs. He was directly engaged in the development and implementation of major parliamentary programs in Pakistan, Cambodia, Tunisia, Libya, Bangladesh, Lebanon, Myanmar, and Iraq.

Dr. Rasheed Draman

Rasheed Draman is Executive Director of the African Center for Parliamentary Affairs (ACEPA). He has been actively engaged in Institutional, Parliamentary, Public Financial Management, Evaluation and Governance issues for the past 15 years. He has carried out pioneering work with more than 30 Parliaments and governments in Africa (including the Pan-African and ECOWAS Parliaments) and other Parliaments around

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the world. He has conceptualized, developed and led the implementation of numerous multi-million-dollar governance/parliamentary support projects; has conducted needs assessments of a number of Parliaments in Africa. Dr. Draman helped a number of African Parliaments in their Strategic Planning; designed and delivered training to MPs and staff in the budget process, social accountability, financial oversight, oversight of the extractives sector and poverty reduction. He has some publications to his credit on these subjects.

Rasheed Draman holds a Ph.D. in Political Science from Carleton University. He has taught courses on Development and Conflict at that University and has been a Guest Lecturer at Harvard University. He has served as the Director of Africa Programs at the Parliamentary Centre between 2006 and 2013. He has also served as a Consultant for the Africa Branch and the Multilateral Programs Branch of CIDA in Canada.

Guy Lindstrom

Guy Lindstrom has had a long career in international relations, spanning work for the International Department of the Parliament of Finland, the Nordic Council (a regional organization for the five Scandinavian countries Denmark, Finland, Iceland, Norway, and Sweden), as well as the Ministry of Foreign Affairs.

His main responsibilities have included Arctic policy, security and defense issues, and Asia-Europe relations. He took part in the work to set up the Arctic Council in the 1990s and served as the first Secretary General of the Conference of Parliamentarians of the Arctic Region. In the Nordic Council, he was Secretary General of the Finnish delegation, and before that, Committee Counsel for the International Affairs Committee and the Committee on Culture, Research, and Education. In the Finnish parliament, he has also held other staff positions, including with the research service.

Over the years, Guy Lindstrom has been engaged in promoting international regional cooperation as well as in strengthening democracy and parliamentary work in different parts of the world. Prior to his retirement in 2015, he organized for 15 years, in cooperation with the World Bank, an annual Helsinki seminar on parliamentary strengthening.

Dr. John K. Johnson

Dr. Johnson is a specialist in comparative parliaments and international development, having supported democracy-strengthening efforts in more than 30 nations, primarily in Latin America, Asia, and Africa. He has been a USAID chief of party on parliamentary projects in Kenya and Indonesia; US Diplomat in Mexico; Director in the Asia, and the Europe and Eurasia regions for Chemonics International; Director of Governance Programs with the National Democratic Institute, Committee Director in the New York State Senate, Senior Associate with the State University of New York Center for International Development, and a teacher in Kenya. He has consulted and/or published for the World Bank, UNDP, USAID, SADC Parliamentary Forum, the Organization of America States (OAS), the InterAmerican Development Bank (IADB), and the Westminster Foundation for Democracy (WFD). Currently, he consults worldwide and trains parliamentarians from multiple countries

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through McGill University's School of Continuing Studies in Montreal, Canada. He has a MA in African Studies, an MA in political science, and a Ph.D. in political science (University at Albany, SUNY).

Anthony Staddon

Anthony Staddon is a consultant and an instructor with over 20 years of practical, research, and teaching experience in the field of political science, with an emphasis on parliamentary studies. Familiar with the challenges of parliamentary practice (including small country contexts); good knowledge of British and European Union politics in addition to parliamentary and political development issues worldwide. He has a proven track record of delivering technical assistance and developmental support to legislatures in developed, developing, and vulnerable environments and a speaker at numerous conferences on parliament. Anthony Staddon successfully delivered numerous consulting projects for a number of international organizations including the World Bank, the European Union, the National Democratic Institute, as well as the Office of the High Commissioner for Human Rights and the Organization for Security and Cooperation in Europe.

Educated at Southampton and Newcastle Universities, Anthony Staddon has worked with a number of legislatures, particularly from across the Commonwealth. He joined the Commonwealth Parliamentary Association (CPA) in December 1999 as an Assistant Director. Between June 2002 and December 2006, Anthony Staddon headed the Secretary-General's office, working closely with the then Secretary-General of the CPA, Hon. Denis Marshall, a former Minister in New Zealand. He is currently a consultant at the CPA, where he manages the CPA Benchmark programme as part of the Commonwealth Partnership of Democracy (CP4D). He also shares his extensive knowledge and experience through teaching at McGill University in Parliamentary Management and Governance programs.

Bonnie Feigenbaum

Senior Consultant, TNKR Media

University Lecturer

Dr. Eliane Ubalijoro

Professor of Practice, McGill Institute for the Study of International Development



Awardees

Julia Agostino

Australia Capital Territory
Public Financial Management (2019)

Joan Awinja Anduro

Kenya
Corporate Management of Parliament 1 (2018)

Nicole Arsenault

Novia Scotia (Canada)
Public Financial Management (2018)

Yngvild Herje Arnesen

Norway
Committees (2014)

Rebecca Bonner

New Zealand
Current Trends in Parliamentary Administration (2017)

Brighton Buchere

Kenya
Corporate Management of Parliament 1 (2016)
Research & IT (2016)

Cherie Clifford

Falkland Islands
Current Trends in Parliamentary Administration
(2020)

Joann Corkish

Isle of Man
Corporate Management of Parliament 2 (2018)

David Cousins

Victoria (Australia)
Public Financial Management (2020)
Research & IT (2020)

Jonathon Elliot

New South Wales (Australia)
Committees (2019)

Jeanette Emberson

Fiji
Committees (2017)

Hermina Gilgours

Guyana
Current Trends in Parliamentary Administration
(2020)

Tom Healey

United Kingdom
Committees (2020)
Research & IT (2020)

Karl Holden

Queensland (Australia)
Research & IT (2020)

Mads Hove

Denmark
Research & IT (2017)

Attaulla Khan

Khyber (Pakistan)

Mateo Lagimiri

Fiji
Research & IT (2019)

Marson Lilopeza

Solomon Islands
Research & IT (2016)

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Debi LaMantia

Ontario (Canada)

Corporate Management of Parliament 1 (2019)

Corporate Management of Parliament 2 (2019)

Momodu Lamin-Rogers

Sierra Leone

Corporate Management of Parliament 2 (2020)

Carly Maxwell

New South Wales (Australia)

Current Trends in Parliamentary Administration
(2020)

Public Financial Management (2020)

Research & IT (2020)

Annceta Gacheri Mbiuku

Kenya

Committees (2016)

Takawira Musavengana

Tanzania (UNDP)

Public Financial Management (2019)

Matt Newington

Victoria (Australia)

Public Financial Management (2020)

Isaac Otabor

Nigeria

Committees (2015)

Chetan Pandya

India

Corporate Management of Parliament 2 (2018)

Kevin Pelan

Northern Ireland (UK)

Corporate Management of Parliament 1 (2017)

Research & IT (2020)

Siow Peng

Singapore

Corporate Management of Parliament 2

Public Financial Management (2017)

Nicole Petersen

Western Cape (South Africa)

Corporate Management of Parliament 2 (2020)

Michael Potter

Northern Ireland (United Kingdom)

Research & IT (2020)

Alyson Queen

Canada

Research & IT (2020)

Sarah Redden

Australia

Current Trends in Parliamentary Administration
(2020)

William Wong

Ontario (Canada)

Current Trends in Parliamentary Administration
(2020)

Research & IT (2020)

Siew Joo Yip

Singapore

Research & IT (2020)



Current Trends In Parliamentary Administration 2017 - 2020

The legislative body Parliament has come to represent has been a culmination of centuries of multifarious political, social and cultural forces. Despite the fact that parliament and democracy are not synonymous, the intrinsically democratic nature of the former is undeniable; the root word is derived from the French word parler – “to speak”¹. This linguistic origin paints a picture of the underpinning role of parliament – to discuss, confer and debate on public affairs. Given that the Executive derives its democratic legitimacy from Legislature’s support and scrutiny, Parliament serves both an emblematic and practical function in upholding democracy.

Current Trends in *Parliamentary Administration* explores modern issues in parliamentary administrations through a theoretical and practical lens. It provides an overview of some of the key aspects of parliamentary governance, including parliamentary principles and particular skills required of parliamentary staff. An emphasis is placed on how democratic principles of accountability, transparency and demographic governance are seen to manifest in the core parliamentary responsibilities of oversight, legislation and representation.

Key topics include the representative role of committees, benchmarking parliamentary performance, executive-legislative relations, parliamentary research, corporate management of parliaments, and diversity and inclusion. In addition, good practices recognized across international parliamentary administrations are contrasted with prevailing issues, such as inadequate separation of powers and corruption.

The overarching goal of this course is to encourage discussion of essential democratic and parliamentary principles, enabling participants to reflect on their own Parliament and exchange best practices with one another. Therefore, the final assignment of this course was designed to allow participants to apply course teachings along with professional experience to:

Design at least three recommendations for improving your Parliament (e.g., relating to oversight, representation, legislation, corporate governance, etc.). These recommendations should consider both international good practices and current challenges facing parliamentary administrations. Moreover, all justifications should hinge on the core functions of Parliament and how various applications uphold this responsibility.



¹ <https://www.merriam-webster.com/dictionary/parliament#synonyms>

Recommendations for Improving the Efficiency and Effectiveness of the Falkland Islands Legislative Assembly

The Legislative Assembly of the Falkland Islands

The Falkland Islands Legislative Assembly consists of eight Members for two constituencies – Stanley and Camp (Camp – “Countryside” being anywhere outside of the 4-mile boundary of Stanley). The representation for each constituency is five Members for Stanley (1249 electors) and three Members for Camp (270 electors – as of 1 May 2019). All Members are independent; there are no party or Ministerial systems. On election, each Member takes on a Portfolio responsibility which is departmentally grouped. The Assembly is serviced by three parliamentary staff, the Clerk, one Personal Assistant, and the Administrative Assistant.

The Parliamentary staff are employed by the Falkland Islands Government and fall under the directorship of the Chief Executive; however, the role of the Clerk is provided for under clause 40 of the Falkland Islands Constitution.

Three recommendations for improving the efficiency and effectiveness of your parliament:

Recommendation 1: Committee Reform

Our current committee system is departmental based. Some of these Committees are statutory, and their terms of reference and functions are laid down in law; others are advisory to Executive Council, and some are subsidiary to the main Committee, their terms of reference set by Executive Council. There are currently 30 committees/subsidiary committees on which Members and officers sit to determine day-to-day management, applications (planning, lands, housing), policy (new or amendments), changes to legislation, budgetary requests, etc.

In recent years, there has been a level of delegation of powers from Executive Council to Officers, and in the 2016 Executive Council Standing Orders, there has also been delegation under Appendix A to His Excellency the Governor in respect of issues that are “too unimportant” for Executive Council.

My recommendation would be to review the committee system to ensure that:

- the 30 committees are still required;
- whether any could be amalgamated;
- whether there could be further delegation of powers;
- if required, whether the number and regularity of meetings is necessary;
- if the terms of reference are still fit for purpose, some of the statutory committees have not been reviewed in 20 years.



In doing the above, I would seek to research other systems in small territories and consult with committees and officers. From the various threads on the course discussion forum, our Assembly is very different from most Parliaments in that we operate as a “County Council” but have the responsibility of running a country.

Capacity is a major issue in taking on new projects, and for an office staff of three, this would involve seeking resource advice and expertise from outside sources and a clear timeframe for completion of approximately 12 months.

Recommendation 2: Legislation Scrutiny

Legislation Scrutiny is a very real concern for me; it is also one of capacity. My concern is that there are pieces of legislation in daily use which have not been reviewed since implementation and in some cases, these can be over 50 years old. For example, one piece of legislation in mind is the “Road Traffic Ordinance 1949” which allows vehicles on the Islands and West Falklands to be exempted from road tax. In 1949, there were no road networks that enabled these vehicles to travel on East Falklands. Although a minor issue, there are adequate networks now, so in view of fairness and equity, these laws should be reviewed accordingly.

As I said above, this is one of capacity; although we have one or two Members who are willing to create a Select Committee to undertake post scrutiny on legislation, with the current legislation drafting priorities, there is no legal capacity to support. Is this one that could be outsourced? At a recent conference, a fellow delegate from the Caribbean indicated that they now include a clause in their legislation stating that the legislation should be reviewed within five years – perhaps this should be included in all legislation so that there is a legal requirement.

Recommendation 3: Representation

We will shortly be holding a referendum on a single constituency (26 March 2020); due to the numbers able to stand from Camp, my view is that it should go to a single constituency. However, should the vote go to “No,” I still believe we need to be looking at how we can better represent the people of the Falkland Islands and whether eight Members is sufficient. Should it be increased to ten or twelve to enable them to efficiently and effectively represent the Falkland Islands nationally and internationally? This decision, however, will need the input of the public and a change to the Constitution as part of the current Constitutional Review.

Concluding Question

How to overcome capacity issues?





Recommendations for Improving the Efficiency and Effectiveness of the Parliament of Guyana

The Parliament of Guyana

The Parliament of Guyana is established by Article 51 of the Constitution of Guyana. In accordance with article 65 of the Constitution, the Parliament of Guyana is empowered to make laws for the peace, order, and good government of Guyana. It consisted of the President and National Assembly. The 11th Parliament was dissolved on 30th December 2019. General and Regional Elections will be held on 2nd March 2020. The Parliament of Guyana is unicameral.

The life of the Parliament of Guyana is five years. In accordance with article 70 (3) of the Constitution, Parliament shall, unless sooner dissolved, continue for five years from the date when the National Assembly first meets after any dissolution and shall then stand dissolved. However, the President may, at any time, dissolve Parliament by Proclamation.

The Constitution of Guyana establishes the National Assembly of the Parliament of Guyana. The National Assembly consists of 65 elected Members. It may also have non-elected Members. Of the 65 elected Members – 40 are named from the National Top Up portions of the List of Candidates, and 25 are elected from Geographical Constituencies.

The non-elected Members are those Ministers and Parliamentary Secretaries appointed from among persons who are not elected Members of the Assembly. Up to four Ministers and two Parliamentary Secretaries can be appointed from non-elected persons. The Speaker, if elected from among persons who are not elected Members of the Assembly, also becomes a Member of the Assembly.

Only the 65 elected Members can vote in the Assembly.

The Parliament Office

The Parliament Office provides administrative and clerical support for the efficient functioning of the National Assembly and its Committees.

The Parliament Office also provides administrative support for the caucus of the political parties represented in the National Assembly as well as to individual Members of Parliament in carrying out their official parliamentary related business.

The stakeholders of Parliament are mainly Members of Parliament, members of the public, employees, international organizations, including other parliaments, libraries, universities, and parliamentary professional bodies.

To concisely express its fundamental philosophy, the Parliament Office has adopted the following Mission Statement. The Parliament Office strives to:

Provide administrative and clerical support for the efficient conduct of the business of the National Assembly, Parliamentary Committees and Sub-Committees. Also, to provide local secretarial services in respect of matters pertaining to those international organizations with which the Parliament of Guyana holds membership.

This paper will focus on recommendations to improve the efficiency and effectiveness of Parliament by increasing the institutional capacity of the Parliament Office to provide greater oversight of the Executive Branch.

The concept of parliamentary democracy presupposes the independence of the Secretariat of Parliament from the Executive. If Parliament is to be supreme in its sphere, it must be serviced by a Secretariat that is separate and completely independent of the Executive. The Parliament Office may be described as partly independent since there is financial independence, and the Clerk and Deputy Clerk of the National Assembly are appointed by the President on the advice of the Speaker; therefore, they are not public officers. However, the Parliament Office should be fully autonomous. Autonomy will strengthen corporate governance since full autonomy will result in more objective, professional, non-partisan, experienced and trained staff members. The latest technological advances and widening scope and complexities of government business require some attention to be paid to the need for better equipped and suitably trained professional staff to man the Parliament Office. Parliamentary autonomy will ensure the former is achieved. Also, autonomy will curb loss and wastage of manpower resources since a number of public servants who are employed at the Parliament Office are exposed to training and experiential course on parliamentary procedures. Some of these staff are later transferred out of the Parliament Office or posted to other departments. All the resources spent on training them can be deemed lost because whatever knowledge they obtained on specialized parliamentary programs, training, workshops, or exchanges may not be of much value to another government department.

The establishment of a Parliamentary Budget Office will significantly improve the efficiency and effectiveness of the Parliament of Guyana since there will be a great improvement in parliamentary oversight. The Parliament of Guyana is modeled from the Westminster System of Government. The executive arm of government comes from the ruling party and has a primary role in the budget process. The budget process has three main phases; formulation of budget; reading and adoption of the budget; and execution and oversight. The Parliamentary Budget Office will assist the Parliament of Guyana in its financial role, especially since January 2020; Guyana has become an oil-producing nation with increased resources that requires robust financial oversight by the Parliament of Guyana. The Parliamentary Budget Office will assist Members of Parliament with their budgetary roles since presently the Parliament Office lacks the capacity to conduct budget analysis. The Parliamentary Budget Office will be centered on validating the Executive's budget proposal by undertaking independent objective analysis of economic forecast, medium-term analysis, tax analysis, policy briefs and analysis,

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and options for spending cuts. Moreover, the Budget Office will support training and capacity building by organizing seminars and workshops for parliamentarians on the budget process and serving committees and individual legislators when requests are made.

A sure way to improve the efficiency and effectiveness of the Parliament of Guyana is to strengthen its representative role. This role can be strengthened by including diverse and minority groups such as women, youth, indigenous people, etc., in the decision-making process of the Parliament of Guyana. This representative role can also be strengthened by improving Committee structures. The Committee's role in gathering statistics and data should be increased by strengthening their capacity to do. In an era where there are competing sources of information, this cannot be overemphasized. The institutional capacity of Committees can also be strengthened by increasing training for Committee staff and Committee members.

In concluding, Guyana is a nation made up of several different ethnic groups, individuals and organizations that share differing views. The Parliament of Guyana should be strengthened to achieve United Nations Sustainable Development Goal 16 and improve its capacity to ensure responsive, inclusive, participatory and representative decision-making (Target 16.7) at all levels including the Parliament of Guyana itself.



Improving the Efficiency and Effectiveness of the NSW Parliament

I have identified the following three areas to improve the efficiency and effectiveness of the New South Wales Parliament:

Develop a model for greater financial independence

Invest in the modernisation of business processes and new communication technologies

Design and implement an engagement strategy to target minorities and hard-to-reach groups.

1. Financial Independence to prevent control by the Executive and preserve accountability and the separation of powers.

Issue:

Lack of financial independence has a significant impact on the effectiveness and efficiency of the NSW Parliament. The need for parliamentary financial independence is a well-recognised prerequisite of good parliamentary governance – see Latimer House Principles² and Commonwealth Parliamentary Association (CPA) and World Bank Report³.

The Executive's control of the funding and financial procedures of the Parliament affects the separation of powers and allows the Executive to exercise a significant level of control over the Parliament. The lack of overall funding and control over where funding is allocated impacts the ability and capacity to effectively scrutinise the Government, communicate with citizens, and operate efficiently.

Background:

While the NSW Parliament has a separate appropriations bill from the rest of the Government, it is subject to the same processes as government departments in seeking funds. The parliamentary departments submit business cases to the Treasury, outlining capital and recurrent funding requirements. The Speaker and the President meet with the Treasurer and Expenditure Review Committee (ERC)⁴ prior to the budget being handed down to argue their case for funding.



² Commonwealth Parliamentary Association, Commonwealth (Latimer House) Principles on the Three Branches of Government, 2009, p.10.

³ Commonwealth Parliamentary Association, World Bank Institute, Administration and Financing of Parliament, Study Group Report, 2005, p. 2.

⁴ The Expenditure Review Committee is a subset of Cabinet, comprised of senior Ministers, which reviews recommendations from Treasury officials and makes the final decision about how funds are allocated.

Parliament is significantly disadvantaged in the current budget process as business cases and requests for funding are assessed on the basis of whether they align with the Government's key strategic priorities. Requests for funding are required to conform with the Government's outcome budgeting framework, which has been designed to ensure that all requests align with what the Government wants to achieve. Given the Parliament's separate and different democratic role, it is not possible or appropriate for the Parliament to make funding bids based on the Government's agenda.

Since 2004, the Parliament, along with the rest of the public sector, has been subject to 'efficiency dividends' (i.e., budget cuts). The cuts have been between one and four percent per year and have escalated in the past few years. The cumulative effect of these budget cuts has been significant – the budget is now 20 percent lower than it would have been if not for the cuts. The Parliament is now at a point where there are no further possible saving measures, and the ability to properly scrutinise the Government, communicate with citizens, and operate efficiently is at risk.

Recommendation 1: Develop an appropriate model for improved financial independence of the Parliament.

This model should be separate from the Government's budget process and include the following features:

- Transparency and public reporting mechanisms.
- Appropriate corporate governance arrangements, including audit and risk measures
- Links to the Parliament's own strategic priorities and plan.
- Member involvement, such as a parliamentary committee (as happens in Australia at a federal level) or a board (as in Canada and the United Kingdom).
- Recognition of the Parliament's separate role in our representative democracy.

2. Modernisation and new technologies to improve accessibility, promote efficiency, and manage risk.

Issue:

Inadequate Information and Communications Technology (ICT) infrastructure and business systems significantly impact the NSW Parliament's efficiency and effectiveness. The parliamentary administration is the custodian of parliamentary records, including records of decisions and debates that can have a considerable and lasting impact on our citizens. We have a duty to ensure that these records are easily accessible, accurate and consistent.

A key principle of good corporate governance is the ability to recognise and manage risk. Business systems should not rely on outdated and unsupported technology. They should also be easy to use by multiple staff members and not rely on the knowledge and expertise of one or two key people.



Background:

There has been a significant under-investment in ICT resources over the past decade. The Parliament's business systems for producing and publishing the House papers (Hansard, Votes, Business Paper, Questions and Answers, Tabled Papers database) are steadily being transitioned from an unsupported and end-of-life platform to a new Parliamentary Information Management system. Progress has been slow due to a lack of sufficient funding (see recommendation above).

There is considerable scope to transition beyond a simple migration of our existing business systems to transform the way we work and provide more personalised information to members and citizens. The volume of information in the Parliamentary Information Management system and on our webpage is substantial. It can be difficult for our members and citizens to quickly and easily find the information they need.

Following a strategy session facilitated by external experts, I produced a 'Digital Transformation Plan and Strategy' outlining the opportunities in this area, including a customised parliamentary portal for Members, Ministers, and the public. A business case and request for funding have been submitted to Treasury.

This portal would create end-to-end digital processes for all the key parliamentary systems. It would allow Members and Ministers to customise their homepage, submit documents, track items of business and receive notifications of key events. Members of the public would be able to manage their parliamentary interactions (e.g., committees and petitions) or follow and receive alerts about items of business of interest to them.

Recommendation 2: Develop a parliamentary portal to provide more personalised, accurate, and timely services and information.

The portal should incorporate the following key principles:

- Improve the accessibility of the information that we publish, leading to increased public understanding and engagement with Parliament.
- Allow staff to work more efficiently and reduce the time spent on routine and repetitive tasks, to allow more time for value-added activities.
- Ensure accurate records are kept and maintained.
- Create a simple and easy-to-use system and ensure that there is adequate staff training and change management strategies.
- Prioritise cybersecurity, particularly for sensitive and confidential committee documents.
- Consult with users, including staff, Members, Ministerial offices and citizens, to ensure their needs and expectations are met.

4. An engagement strategy for committees to ensure all views are heard and promote diversity and inclusion.**Issue:**

It is important for parliaments to be fully representative of the people they serve. Participation in the policy development and law-making process encourages confidence in our representative democracy and can help guard against cynicism.

In particular, Committees are a means by which people can directly engage with parliamentarians and the parliamentary process. To be effective, it is vital for committees to hear from and understand a diverse range of views. This can be difficult, particularly in relation to some of the harder-to-reach groups such as ethnic minorities, indigenous groups, people with disabilities, and people in regional and rural areas. Special strategies or different types of communication may be needed to target these groups.

Background:

Our committees are generally very good at capturing the views of representative organisations, academics and experts (i.e., the 'usual suspects'). The Committee staff maintains a comprehensive database of stakeholders across a broad range of legal and policy areas. All inquiries are advertised on the parliamentary webpage, social media, and sometimes the print media (depending on the nature of the inquiry). When planning an inquiry, staff make every effort to invite participation from a broad range of stakeholders.

However, there is no overarching strategy to assist staff in targeting hard-to-reach groups. Engagement with minority groups has centred around inquiries that directly impact their interests or rights, for example, consultation with indigenous groups about laws impacting indigenous land rights. It has been largely ad hoc and unplanned.

Recommendation 3: Committee staff develop and implement a communications strategy to engage with minorities and hard-to-reach groups.

In putting together the strategy, the Committee staff should:

- Explore alternative means of advertising committee inquiries.
- Explore ways to encourage participation outside of the traditional means of consultation.
- Provide a toolkit and practical guide for committee managers.
- Involve minority and other groups in the formulation of the strategy to ensure that it meets their needs and expectations.

Summary and Conclusion

The efficiency and effectiveness of the parliamentary administration and our ability to support our Members to perform their democratic functions are significantly impacted by access to funding. There are many worthy projects that could have a positive impact but are not possible in the current budgetary environment. A model for greater financial independence is essential to ensure we have the capacity and resources to support our members in holding the Government to account and representing their constituents.



Improving the Efficiency and Effectiveness of the Australian Senate

A country's democratic framework can be strengthened and supported by its parliamentary institutions. The Australian bicameral parliamentary system offers particular benefits, with strong oversight and accountability functions contained within the procedural mechanisms of the Australian Senate.

This paper will consider several specific recommendations for improving the functioning of the Australian Senate. These recommendations, focused on the operations of Senate committees and improved transparency from the Government, aim to reinforce and promote good governance and effective oversight mechanisms, which are fundamental to the effective functioning of a democracy.

Production of Documents from the Executive

Some sectors of Australian civil society and the media are currently expressing grave concerns over issues of accountability in the current government and the ability of the Parliament to exert horizontal accountability on the Executive. Recent concerns over the allocation of grant funding by the Executive have resulted in a lack of confidence between the Parliament and the Government, and exasperation on the part of many non-government senators who are consistently being denied in their requests for the production of documents from the Executive.⁵

As discussed during the course, accountability and transparency are one of the seven essential elements for democracy.⁶ Nevertheless, over recent years there has been a marked resistance to the production of documents to the Australian Senate, following orders of the Senate to do so. Table 1 below shows the decrease in compliance that has occurred since 1993.



⁵ By way of example of the current issues before the parliament, see: 'Audit officials reveal nearly half of sports grants were 'ineligible'', SBS News, 14 February 2020, <https://www.sbs.com.au/news/audit-officials-reveal-nearly-half-of-sports-rorts-grants-were-ineligible>

⁶ The UN General Assembly adopted a resolution in 2004, outlining the seven essential elements of democracy; see Michael Meyer-Resende, International Consensus: Essential Elements of Democracy, October 2011, p. 5, http://www.concernedhistorians.org/content_files/file/TO/333.pdf

Table 1: Orders for the Production of Documents⁷

Parliament	Orders	No. of orders complied with	% of orders complied with
1993 – 1996	53	49	92.5
1996 – 1998	48	43	89.6
1998 – 2001	56	41	73.2
2002 – 2004	89	43	48.3
2004 – 2007	21	15	71.4
2008 – 2010	63	30	47.6
2010 – 2013	53	19	35.8
2013 – 2016	117	23	19.7

The effective implementation of horizontal accountability in the Senate has been hampered by the ongoing executive control of the legislature and the Executive’s willingness to claim public interest immunity on somewhat spurious grounds. Such actions prevent the release of documents that may damage the Government but are clearly of interest to the public. Such actions also prevent effective vertical accountability through the media.

In recent weeks, the Senate had passed several motions requiring ministers to table a number of documents relating to the expenditure of grant funds. However, despite the numerous senate orders, no documents were tabled. Instead, under the Senate’s procedural orders of continuing effect, the relevant ministers made claims of public interest immunity against the release of the documents, claiming the documents to be cabinet-in-confidence as they formed part of cabinet deliberations. The Senate has long held the view that simply because a document went to cabinet, this does not necessarily mean it was part of ‘cabinet deliberations’.⁸

Further, the Senate has always maintained that there is no category of documents that cannot be produced under its inquiry powers. It is for the Senate and not the Government to determine whether a public interest immunity claim should be upheld. In this instance, following the Government’s refusal to release a particular report, the opposition and all the crossbench signed a motion which, if successful, would have stopped the Leader of the Government in the Senate from representing the Prime Minister in question time and committees, alongside what was described as an ‘unprecedented requirement’ that the Leader of the Government be prevented from taking his seat at the Table in the Senate.⁹

Even though the motion failed, it was an important statement made by the Chamber regarding its powers of oversight and executive accountability and about the enforceability of its powers. It is recommended that in the interests of good governance, such motions should be considered for use in the future.

⁷ Odgers’ Australian Senate Practice, 14th ed., 2016, p. 581. An update to Odgers’ after publication noted that although the table shows a decreasing compliance rate with orders, the response rate does not reflect the outcomes from subsequent action to pursue the information.

⁸ Odgers’ Australian Senate Practice, 14th ed., 2016, pp. 665-666.

⁹ The motion, and the debate that ensued, can be found at: https://www.aph.gov.au/Parliamentary_Business/Hansard/Hansard_Display?bid=chamber/hansards/6d3cecc-e-e382-4533-95dc-ace9493aca24/&sid=0073

As motions of this nature are very serious, the successful passing of such a motion on only a few occasions may help to persuade the Government of the day to be more forthcoming in the provision of documents, if only to save face politically rather than in the interests of transparency.

Legislation Committee Chairs

The structure of the Senate's legislation committees could be improved by having non-government chairs and a non-government majority in order to better hold the Executive to account and increase horizontal accountability. These committees are currently chaired by the Government and hold a government majority, in accordance with Standing Order 25.¹⁰

This government chair and majority occur despite legislation committees having direct oversight of expenditure, annual reports, bills and legislative instruments, and the performance of agencies and departments allocated to the committee. Oversight functionality would be improved if non-government senators held a stronger position on the committee and were able to conduct inquiries on government activity where needed (particularly around the expenditure of taxpayer money, and in addition to the examination conducted by the Joint Standing Committee on Public Accounts and Audit).

The committee structure of legislation committees is of particular importance when it comes to the consideration of estimates. The Australian Senate undertakes three rounds of estimates annually, dedicating weeks to the detailed examination of the appropriation bills. The scope of questioning to the Executive and public service officers during estimates is very broad. Under Senate Resolution 49, the Senate has resolved that:

...there are no areas in connection with the expenditure of public funds where any person has a discretion to withhold details or explanations from the Parliament or its committees unless the Parliament has expressly provided otherwise.

Despite this resolution, as the legislation committees hold a government majority, and as government ministers appear before the committees during estimates, it is often the case that political imperatives take over, with government ministers and members working jointly to prevent the disclosure of possibly sensitive or damaging information.

The fact that ministers appear during the estimates process highlights the fact that this process is a vital accountability mechanism, and a non-government chair and majority would allow for more procedural (and political) pressure to be placed on the Executive to be transparent.

Committee Engagement with the Constituency

More direct citizen participation in the committee process is vital and would utilise the principles of social accountability, as it is the only place for community involvement in the work of the Parliament.

¹⁰ Standing Order 25(5)(a) provides that each legislation committee shall consist of 6 senators, 3 nominated by the Leader of the Government in the Senate, 2 nominated by the Leader of the Opposition in the Senate and one nominated by minority groups and independent senators.

The committee system in the Australian Parliament operates very well through clear rules and powers to inquire into a broad range of matters, call for witnesses and documents, and travel, with the ability to self-refer inquiries. The Australian Senate has taken several positive steps to increase community engagement with the committee process, such as notification of new inquiries through social media and the installation of permanent video conferencing facilities in the Parliament's committee hearing rooms.

However, the rules of parliamentary procedure were established prior to the demand for greater public input in its processes. Therefore, there is certainly scope for better engagement of the constituency with the committee process and moving away from the 'usual suspects' approach to calling witnesses. Increasing diversity would also help address the issue of 'witness fatigue', first raised by the Clerk of the Senate in 2016 in light of an ever-increasing committee workload, which was putting considerable strain on those dedicated organisations that made important contributions to numerous inquiries.¹¹

Improved engagement with constituencies will require better outreach, particularly into regional and rural areas, given a geographically diverse country like Australia. Recommendations for improved outreach include better utilisation of social media via instructional videos, direct advertising in local and regional publications about inquiries, and engagement with regional and remote community leaders who could work with a committee to ensure a diversity of opinions are sought from under-represented and marginalised members of the community.

Throughout the course, it was noted that the Queensland Parliament had engaged an Indigenous Liaison Officer,¹² a role which could be implemented in Senate committees to a greater effect. An officer in this role would also assist with implementing one of the Senate's procedural orders of continuing effect, which states that:

*...where a committee has heard evidence in an Indigenous Australian language, the transcription by Hansard staff of the evidence as submitted, and its translation into English, should be assisted by the person who gave evidence or a person from their community.*¹³

However, while increasing diversity in democratic processes is vital, it presents logistical issues, including cost and resourcing considerations, the feasibility of travelling to remote areas, and the availability of parliamentarians to travel in an increasingly hectic schedule.

It is important that any steps taken to improve the efficiency and effectiveness of a parliament do not impede the proper functioning of the government and the parliament, but still enable good governance while holding the executive to account.

¹¹ Dr Joshua Forkert, Parliamentary Committees: Improving public engagement, Australasian Study of Parliament Group Conference, Hobart, 2017, pp. 8-9, <https://www.aspg.org.au/wp-content/uploads/2018/01/Parliamentary-Committees-Improving-public-engagement-Dr-Joshua-Forkert.pdf>

¹² See Queensland Parliament, First Indigenous Liaison Officer appointed to an Australian Parliament, <https://www.parliament.qld.gov.au/get-involved/events-and-activities/2008/2008-01-FirstIndigenousLiaisonOfficer>

¹³ Australian Senate Procedural Order of Continuing Effect, 9d.

With regard to the Australian Senate, its autonomy from the Executive and lack of a government majority are both key in supporting the Chamber's effective oversight and accountability functions. Despite the processes and procedures available to the Australian Senate to conduct oversight of the Executive, the impact of executive capture over the Parliament cannot be underestimated.

The powers possessed by the Senate could be enhanced with more non-government oversight of expenditure and through the enforcement of the Senate's orders for the production of documents. The release of documents will also assist the media and civil society in holding officeholders to account.

Community engagement with the committee inquiry process will allow for a greater diversity of views, resulting in stronger outcomes from Senate inquiries. Greater participation will also help citizens to understand parliamentary processes better and have a sense of ownership about the recommendations made by a committee.





Recommendations for Improving the Efficiency and Effectiveness of the Legislative Assembly of Ontario

Introduction

This memorandum sets out three recommendations inspired by lessons from McGill's School of Continuing Studies course "Current Trends in Parliamentary Administration". The recommendations aim to improve the public standing of the Legislative Assembly of Ontario ("Assembly") and import best administrative practices to the Assembly's administrative arm - the Office of the Assembly ("OLA"). The recommendations are as follows:

Increase public participation in committees and investigate the addition of members of the public to the membership of the Assembly's scrutiny committees.

Adopt policies and programs to recruit and promote racial minorities with a view of creating an OLA leadership that is more consistent with the demographics of Ontario.

Conduct a technical assessment using the CPA benchmarks during the next General Election period in 2022.

As I explain below, my recommendations take into account the independent, impartial, and non-partisan nature of the OLA and the political, resource allocation, and contextual limitations that the Assembly and the OLA must address.

Recommendation #1: Increase public participation in the Assembly's committees by permitting electronic participation and investigate including members of the public in the membership of the Standing Committees of Public Accounts and Estimates.

One of the Assembly's most important constitutional roles is to hold the Executive - another branch of the government - to account.¹⁴ The Assembly is dependent on a number of contextual factors, including social legitimacy, for the effective discharge of this role.¹⁵ The Assembly is at risk of losing social legitimacy because it does not currently serve as a fulcrum of public debate in Ontario. Most of the public does not have any direct contact with the functions of the Assembly, and the public's most usual interaction with the Assembly is seeing snippets of Question Period (the most adversarial portion of the Assembly's sessional day) on their nightly news.¹⁶ The relative invisibility of the Assembly's committee function (where most of the Assembly's work is done) is detrimental to the Assembly's social legitimacy. If the public perception of the Assembly is limited to

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¹⁴ Marc Bosc & Andre Gagnon, *House of Commons Procedure and Practice*, 3rd ed., (House of Commons, Ottawa: 2017), pg. 4.

¹⁵ Frederick Stapenhurst, *Current Trends in Parliamentary Administration (YCBS 244) - Accountability and Oversight*, PowerPoint Presentation, (Faculty of Continuing Studies, McGill University, 2020), slide 22.

¹⁶ Emma Stanley-Cochrane, *The New Standing Orders at the Ontario Legislature*, (Paper delivered at the 2009 Annual Meeting of the Canadian Political Science Association, 27 May 2009) [Unpublished].

a place where politicians are consistently arguing with few opportunities for public participation, trust in the Assembly will erode.¹⁷

One way to encourage public participation is to invest in technologies that would permit the public to electronically testify in front of committees and widen the scope of witnesses that can realistically testify before the Assembly's committees. Currently, all witnesses testifying before a committee have to travel to Toronto (the provincial capital). This presents a significant barrier for individuals, especially disadvantaged individuals who reside outside of Toronto, to participate in committee proceedings. Furthermore, as committees meet during normal business hours, public participation is further restricted to those individuals who can make time to attend the Assembly (or who are employed for the purposes of lobbying the Assembly). As a consequence, most witnesses are retired, unemployed, non-traditionally employed individuals - or lobbyists. This group of witnesses is not reflective of the residents of Ontario and may not provide information relevant to the public mood.

Electronic participation is a glaring lacuna in the Assembly's arsenal for facilitating public participation. Videoconferencing technology is widely available in Ontario. Even in locations where a reliable internet connection may not exist (i.e., remote Indigenous reserves), telephone access is available. Investment in communication technology in the Assembly's committee rooms would not be overly burdensome and can bring great benefits to the Assembly's standing when the public sees more diverse individuals testifying at the Assembly's committees. Additionally, the Assembly's work will benefit and improve when the Assembly has the benefit of the views and insight of these individuals in its work.¹⁸

As Parliamentary Counsel, I can provide drafts of Standing Orders amendments to permit electronic participation and provide legal advice on how to extend the protection of parliamentary privilege to witnesses participating in committee proceedings electronically. Furthermore, I can provide continuous assessment and recommendations on how to most effectively dissimulate the fact that the Assembly now provides for electronic participation in our committees.

A more ambitious recommendation to increase public participation is to include members of the public in the membership of the Assembly's two main accountability committees - the Standing Committee on Public Accounts Committee ("PAC") and the Standing Committee on Estimates. This recommendation is inspired by the Danish PAC Model - where the PAC is comprised of individuals (who are not necessarily Members of Parliament) appointed by the Parliament for four-year terms. The Danish process, which falls between diagonal and social accountability, permits for the incorporation of a new voice when the Assembly is holding the Executive to account.



¹⁷ Karl T. Kurtz, Public Participation and Confidence in the Legislature (December 1997) online: <https://www.ncsl.org/legislators-staff/legislators/trust-for-representative-democracy/public-participation-and-confidence-in-the-leg541.aspx#important>.

¹⁸ Kevin Deveaux, Current Trends in Parliamentary Administration (YCBS 244) - Parliamentary Committees: International Good Practice, (Faculty of Continuing Studies, McGill University, 2020).

The addition of public members to the membership of a standing committee will represent a significant and ambitious evolution to the Assembly's practice. Consequently, I am not recommending that the full adoption of the Danish model, but that the Assembly considers appointing one or two non-voting members to the Standing Committees on Public Accounts and Estimates. This will provide the public members with the opportunity to question Ministers and civil servants on government finances and programs but reserve the right to vote to elected representatives. The introduction of public member(s) to these committees will also demonstrate to the public that the Assembly is innovating and being more effective at holding the Executive to account and incorporating voices that may not usually be privy to its deliberations and considerations.

Recommendation #2: Adopt a policy and programs to recruit and promote ethnocultural minorities with a view of creating an OLA leadership that is more reflective of Ontario's population.

In the past decade, the Office of the Assembly has made tremendous progress in the recruitment and promotion of women within the OLA. Currently, three of five Executive Directors and 12 of 21 directors are women. This is representative of Ontario's demographics.¹⁹ However, there are no racial minorities at the Executive Director level and only one of the 31 directors is a racial minority. In contrast to the general population, where approximately 30% of the population identifies as racial minorities, only 3% of the OLA's leadership identifies as such.²⁰

Institutions such as the Assembly should adhere to the principles of equity, diversity, and inclusion ("EDI").²¹ A leadership team that is more representative of the general population could challenge the implicit biases that can hinder innovation and decrease the risk of sub-optimal decisions being made because of a lack of minority voices.²² A homogeneous leadership runs the risk of failing to consider minority concerns in the provision of services to the elected representatives and their diverse constituents.²³ The lack of representation in the leadership may foster a sense of exclusion and rejection from racial minority staff. Finally, a policy to promote and increase racial minorities within the leadership is also one of the goals of the Sustainable Development Goals and part of the Commonwealth Parliamentary Association's Benchmarks for Democratic Legislatures.



¹⁹ Statistics Canada. 2017. Ontario [Province] and Canada [Country] (table). Census Profile. 2016 Census. Statistics Canada Catalogue no. 98-316-X2016001. Ottawa. Released November 29, 2017. <https://www12.statcan.gc.ca/census-recensement/2016/dp-pd/prof/index.cfm?Lang=E> (accessed February 27, 2020).

²⁰ Ibid.

²¹ Dr. Carola Weil, Current Trends in Parliamentary Administration (YCBS 244) – Diversity and Inclusion, (Faculty of Continuing Studies, McGill University, 2020) [Weil].

²² Ibid.

²³ Ibid.

In developing a program that promotes and recruits racial minorities, the OLA can draw upon the lessons from other jurisdictions that have implemented programs that onboarded traditionally excluded groups to Parliament. For example, the Ghanaian Parliament modelled a gender-sensitive Parliament that “responds to the needs and interest (of all) in its structures, operations, methods and work”.²⁴ The OLA can adopt this statement as a guiding principle in developing strategies to promote EDI. The OLA should consider adopting various strategies to increase diversity, including quotas, affirmative action, inclusive dialogue, and leadership accountability. It should be noted that quotas, while effective, may not have the long-term effect that would be necessary to crystalize diversity in the Assembly.²⁵ However, if it is coupled with other strategies, a sustainable EDI culture can be developed.

As a racial minority and lawyer, I can support the development and implementation of an EDI policy and program by providing an uncommon perspective on how the policy can affect a mid-level professional. As a lawyer who has worked in predominantly homogeneous workplaces for my entire professional career, I have experience with how EDI policies can be leveraged to create better outcomes for the organization. I can also draft policies and procedures that will be needed to implement the EDI policies. On a personal level, I will continue to mentor diverse employees and seek mentorship within the OLA.

Recommendation #3: Prepare to conduct a technical assessment using the CPA benchmarks during the next General Election period.

During the current Parliament, the governing structures of the Assembly have been substantively amended, and for the first time, a strategic plan has been implemented. The Assembly governance is based on two main documents - the Legislative Assembly Act and the Standing Orders of the Legislative Assembly. The Standing Orders were overhauled in December 2019 and came into effect in February 2020. Currently, there is a Bill before the Assembly - the Legislative Assembly Act, 2019 - that will significantly amend the powers and duties of the Assembly and the OLA. It is most likely that the Bill will be passed during the Spring 2020 legislative session. Finally, in 2019, the OLA adopted its first strategic plan that covers the 2018 - 2022 fiscal years. In my view, there is a fortuitous opportunity for the Assembly to conduct a review of the efficacy of the changes made during the 2022 General Election.

It has been noted that parliaments and legislatures are not always good at assessing their own performance.²⁶ While plans and changes are necessary to keep the OLA's practices modern and practical, the value of these plans is questionable if it is merely a “publish and forget exercise”.²⁷ During the 2022 election, the statutory and Standing Order changes will have been in place for around two years. It is, therefore, a good time for the OLA to assess if the changes have produced the desired effect on the Assembly.

²⁴ Nyokabi Kamau, Gender and Parliaments – Focus on SDG 5, PowerPoint Presentation, (Faculty of Continuing Studies, McGill University, 2020).

²⁵ Weil, *supra*.

²⁶ Anthony Staddon, Current Trends in Parliamentary Administration (YCBS 244) – Benchmarking Parliamentary Performance, PowerPoint Presentation, (Faculty of Continuing Studies, McGill University, 2020), at slide 10. [Staddon]

²⁷ *Ibid.*, at slide 14.

As the Assembly has not conducted an assessment on the basis of the CPA benchmarks, it will also be an opportune time to conduct a technical assessment in the of view of inspiring discussion within a newly elected Assembly on how to best discharge its constitutional duties and roles.

The use of the 2018 CPA Recommended Benchmarks as the basis of the assessment is ideal because they represent good parliamentary practice and, as Ontario is a Member of the CPA, it is a set of standards that the Assembly has agreed to and (partially) owns. While not all aspects of the Benchmarks are applicable to a unicameral legislature,²⁸ it still represents the best document to inspire a meaningful discussion of the Assembly's functioning. The experience in jurisdictions that have engaged in an assessment using the CPA benchmarks found that the discussion by Members and other stakeholders is most effective when staff first conduct a technical assessment.²⁹ As OLA staff do not have adequate time to conduct a technical assessment while the Assembly is in session, a dissolution period (during the election campaign) is the optimal time for the assessment to be conducted.

As a procedural and legal professional with substantial experience in the Assembly, I believe that I am in a unique position to contribute to the CPA benchmark assessment. A few of the CPA benchmarks that require assessment of the statutory and legal regimes (i.e., freedom of information, principles of natural justice)³⁰ are areas that fall well within my area of expertise. I can also provide leadership by guiding a team to assess various portions of the CPA benchmark and worksheet.

Conclusion

The recommendations draw from three principles of effective democratic legislature identified in the course. The first is to improve social legitimacy by permitting electronic participation in the Assembly's committees and including a member of the public in the Assembly's two main scrutiny committees. The second looks to strengthen the OLA's service to the Assembly by diversifying its employees and leadership. Finally, the OLA can leverage recent changes to its governing documents to continue discussing how to improve itself and the Assembly. In my view, these three recommendations represent clear and achievable goals that will have a significantly beneficial impact on the institution we serve and the people of Ontario. I look forward to discussing these recommendations with you at your convenience.



²⁸ Commonwealth Parliamentary Association, Recommended Benchmarks for Democratic Legislatures, (Commonwealth Parliamentary Association, London: 2018), ss. 1.3.2, 7.3.1. [Benchmarks]

²⁹ Staddon, supra.

³⁰ Benchmarks, ss. 11.2.1, 1.8.



Making changes in the New Zealand Parliament: Ideas for the Office of the Clerk of the House of Representatives.

Context

As you are aware, I have recently attended a residency at McGill University in Montreal for the Professional Development Certificate in Parliamentary Management. Students have been asked to report back to our Parliaments on what we think could be done differently.

During the course, we discussed the crisis of democracy, which I found interesting but struggled to relate to in a New Zealand context. We also discussed corruption on a number of occasions. New Zealand comes in at first-equal alongside Denmark on the Corruption Perception Index. These discussions made me consider how extremely privileged we are in New Zealand to work and live in a long-standing and strong democracy. This also made my task of suggesting changes difficult.

CPA Benchmarking Guidelines

We received a lecture on the benchmarking of Parliament. The benchmarking of Parliaments can be very useful, as it can show where a legislature sits at any given moment. It should also be done relatively regularly to show any improvements that have been made.

Specifically, we looked at the Commonwealth Parliamentary Association's (CPA) Recommended Benchmarks for Democratic Legislatures³¹. These guidelines were created in 2009 by a Parliamentary Study Group on behalf of the CPA and the World Bank Group. They considered a number of themes, including:

- Representative aspects of parliament
- Assurance of the independence, effectiveness, and accountability of parliament
- Parliamentary procedures
- Public accountability
- Parliamentary service
- Parliament and the media³²

The final result is 87 benchmarks that show what could be considered as 'best practice' for democratic parliaments. This benchmarking tool can show potential areas that Parliaments can work on to strengthen their democracies.

³¹ Commonwealth Parliamentary Association. Recommended Benchmarks for Democratic Legislatures. Accessed 19 May 2017. http://www.cpahq.org/cpahq/Main/Document_Library/Benchmarks_for_Democratic_Legislatures/Recommended_Benchmarks_for_Democratic_Legislatures.aspx

³² World Bank Group. Benchmarking and Self-Assessment for Parliaments. Edited by Mitchell O'Brien, Rick Stapenhurst, and Lisa von Trapp. Published in 2016 by the International Bank for Reconstruction and Development.

A fellow student attending the residency was involved in the CPA benchmarking of the Isle of Mann Parliament in 2009. Though some things did not apply to their Parliament, they did find one or two areas that they could work on. The results were then given to Members for them to consider.

I recommend that we use the CPA's benchmarking tool to see if there are any potential areas our Parliament needs to work on. There could be any number of things that we could be doing better, and benchmarking is a good step towards working on these. I consider that it would be a worthwhile endeavour, as there may be some benchmarks we do not quite meet or perhaps could be doing better. It could also be very useful information for members of the 52nd Parliament.

This work could be undertaken after the Parliament dissolves for the General Elections in August 2017. This is generally a quieter time in the Office, so staff members should be available to work on it. As my secondment over the interregnum is only part-time, I would be happy to help with this.

A closer working relationship with the Parliamentary Library

During our residency, we visited the Canadian Parliament in Ottawa. Here, we spoke with Parliamentary Librarian Sonia L'Heureux. I was interested to hear that the report writers for the Canadian Parliament are employed by the Library and are usually chosen for their specific backgrounds as researchers or experts in a certain subject area. These writers attend all committee meetings alongside the Clerk and provide research and advice to committees. They then write the final report that the committee sends back to the House. We also received a lecture on parliamentary research from Guy Lindstrom, which presented and expanded on the idea that factual, concise research in parliaments is extremely important.

This made me consider our relationship with the Parliamentary Library. Like the Canadian Parliament, the Library is run separately from the Office of the Clerk. Another thing our libraries have in common is that they hire analysts and subject specialists in a range of disciplines, such as economics, health, and statistics. However, the Canadian Clerks have a much closer working relationship with the Library. This is because we hire our own report writers, and the Library's main role is producing information for research requests from members of Parliament.

I admit that I have had very little to do with the Library, other than putting in information requests for the Māori Affairs Select Committee. On one occasion, Select Committee Services had a morning tea with the Senior Analysts of each specialist subject area in the Library. This amount of contact between Office of the Clerk staff and Library staff seems to be relatively common. Staff from the Library rarely attend Select Committee meetings and are not able to attend close proceedings without leave from the Committee.

Clerks of Committees are often chosen for their procedural knowledge over subject matter knowledge, and report writers are hired for their strong writing skills. Some consideration is taken into our previous career histories, but this is often in the background of other key competencies. I think we could learn a lot from the work that the Library does for Members, particularly in our work with select committees.

I propose that Select Committee staff are given the opportunity to second to the library team related to their committee's subject area. This could occur one day a week over a few months or for a two-three-week period when a committee is going through a quieter period. This secondment would give committee staff relevant subject matter knowledge for their select committee. It will also provide staff with research skills and a different set of writing skills.

I also propose that Library staff second into relevant Select Committee secretariats. Library staff often research bills, petitions, and inquiries before select committees, and it could be worthwhile for these staff members to see the committee side of the parliamentary process.

If we work together more closely, we may also be able to identify changes that could be made to improve how members use the information given to them by the Library. Library staff may see how their information is being used in committees and may be able to amend it accordingly. Conversely, Select Committee staff will have a better knowledge of what is being discussed in meetings. This could only help to strengthen the work of Select Committees.

Succession Planning

On the final day of the residency, we received a lecture on succession planning from Ann Brosseau, who previously worked with the Canadian Parliament on the innovation of its Human Resources (HR) risk assessment tools. Ann defined risk as the “process for identifying and developing internal people with the potential to fill key business leadership positions in an organization.”³³

We were given a copy of Ann's HR risk assessment tool. This tool measures the impact and probability of someone leaving an organisation and then calculates the risk of that departure. The probability measures the chances an individual will leave, and the impact measures what the consequences would be if an individual left the organisation. The impact is of higher consequence, i.e., just because someone has a high chance of leaving, their job may be easily replaceable, so it has less impact on the organisation.

One of the key issues during her time in the Canadian Parliament was the high number of staff members reaching retirement age. Some of these people held a vast amount of knowledge about their roles, which was not being passed down to others. This made me consider the roles that we have in our parliament. We do not have a large number of staff near retirement age, but we do have several staff with years of procedural knowledge. I have heard one or two people colloquially called “white rhinos,” the people with precious information we would need to save at all costs during an emergency. Although it is great to have staff with vast amounts of procedural knowledge, it is also dangerous to only have it in one place.



³³ McGill University. Special Topic: Succession Planning. Lecture given by Ann Brosseau on 19 May 2017.

I have been working as the head of Select Committee Services workstream on knowledge sharing. This looks at how our business unit can share information, so it still has all of its knowledge if someone leaves. This stream has, among other things, worked hard to update all of the procedural guidelines for Select Committee Services. I recommend that this group be expanded to the whole of Office and look at succession planning. If it is not looked at by staff members of the Office, perhaps it may be more appropriate as a project for HR.

I would be happy to share this tool with HR if given permission Ann. I believe it would be extremely useful in assessing the risk if certain staff members leave.

Summary

In summary, I would like to make the following recommendations to the Office of the Clerk's Senior Leadership Team:

- That the Office implements some form of benchmarking tool during the interregnum to assess its standing as a democratic legislature.
- That managers in Select Committee Services work with those in the Library to organise secondments for those staff who are interested in learning about the other business unit's work.
- That risk assessment is done throughout the Office to aid in succession planning.



Corporate Management of Parliament 1

2016 - 2019

Parliaments are increasingly challenged to manage their own affairs, free from restrictions imposed upon them by the executive. Distinct from the private corporate world and the government public sector, parliaments are entities created by the human resolve for self-determination, shaped by culture and history, and driven uniquely by the will of the People. As “Houses of the People,” Parliaments elicit very stringent calls for robust management structures and systems. Civil society sets the bar for “good corporate governance” in Parliament with heightened expectations of probity, accountability and transparency. Good corporate governance helps to ensure that the “public interest” is well served, thus protecting the integrity of Parliament.

Corporate Management in Parliament 1 presents the general concepts of good corporate governance and their applicability to Parliament. Emphasis is placed on how good corporate governance plays a crucial role in supporting democracy by helping parliamentarians fulfill their constitutional obligations to represent, legislate and exercise oversight on the Executive. Moreover, the course outlines the key role of stakeholders and the relevance of sustaining strong interrelationships.

Featured topics include the management of human and financial resources in a parliamentary setting, management techniques derived from international best practices to tackle a broad range of strategic decisions, and tools for media outreach (e.g., the preparation of media releases).

The overarching goal of this course is to enhance participants' theoretical and practical knowledge of the meaning of good corporate governance in a parliamentary setting. The aim is to create a workplace that engenders professional, ethical, democratic and people values and a productive, effective and sustainable workforce. In addressing their own Parliament, the final assignment challenged participants to integrate this theme with their unique experience to respond to the following prompt:

You have just been appointed Clerk (or Secretary General) of your institution. After years of neglect, please explain how you would go about creating a workplace that engenders professional, ethical, democratic and people values and developing a workforce that is productive, effective and sustainable.





Democracy, professionalism, impartiality, accountability, and transparency are examples of core values that should be important to a Parliament. The services and support provided to Members of Provincial Parliament, citizens and other stakeholders by the parliamentary service must be strong if the organization is to thrive and be sustainable. In order to create a workplace that engenders professional, ethical, democratic, and people values while developing a workforce that is productive, effective and sustainable, a new Clerk must focus on six objectives:

1. Ensure Good Corporate Governance is in Place

Good corporate governance is crucial to successfully manage the operations and activities of any institution. In a parliamentary setting, the basis of good corporate governance must securely sit on the notion of non-partisanship and autonomy. If the structure leading our institution is weak, then programs and services to the Legislative Assembly of Ontario, Members of Provincial Parliament, their constituents and other stakeholders may be adversely affected.

As Clerk, one of my priorities would be to create a well-defined vision, mission and values statement, which will define the direction of our organization and provide a framework for everyone to follow. This will align the parliamentary service around a common purpose and will build a foundation for which everyone can strive. It is important that I create a work environment that matters to all employees and provides inspiration, focus, motivation, and a supportive corporate culture. A good governance structure provides vital support that enables experienced staff to deliver programs and offers timely and valuable services so that parliamentarians can fulfil their ever-changing roles and citizens can actively participate in decision-making processes through parliament.

2. Leadership is Key

Leadership plays an important part in the success of the Clerk. In the absence of good leadership, no organization can work efficiently. There is no question that I must be an effective and strong leader to create and sustain the vision, inspire the team, prioritize goals, make decisions in the best interest of the parliament and provide direction to motivate everyone to achieve our objectives together. I believe an ethically good leader looks for the common good and treats everyone equally with no special treatment. In addition, I must work towards creating a strong foundation to gain the trust and confidence of the current leadership, including the Speaker and the Corporate Body, Senior Management team, Directors, and future leaders, so that we all share the same vision and values.

3. Evaluate the Performance of the Organization

One of the first priorities in understanding our strengths and weaknesses will be to conduct an internal review of all areas. The results of this study will:

- Assist in understanding the direction on which we should be concentrated.
- Enable us to make improvements and enhancements to achieve our goals.
- Identify the opportunities and challenges we face.
- Improve efficiency, productivity and sustainability in the workforce.



Evaluations will include:

a. Anonymous employee surveys

Actively engaging staff by giving them an opportunity to have their say will measure how satisfied and content they are. Issues and challenges may be raised, which will allow solutions and changes to take place. Results from the survey can also provide insight into where employee morale stands or even provide feedback on how to improve the organization. When people trust the leadership team and know that they will listen and take action on their feedback, it provides for a more positive working environment.

b. Review of organizational infrastructure

Ensuring that processes, practices, and procedures are in place is vital to supporting our vision, mission, and values; each one sets the foundation for every department's capacities to contribute to a positive workplace. Though all branches are important to this end, the focus will be centred on some key areas:

i. Technology Services/Precinct Properties

Productive employees must be provided with the right tools, equipment, and space to do their jobs in the most efficient manner. A modern infrastructure should be in place to help workers reach their full productive potential.

ii. Human Resources (HR)

Our organization's success depends on an effective and competent workforce in order to serve and support our parliamentarians and citizens. Human Resources focuses on employees in the work environment and ensures that they are satisfied, engaged, and are given the resources they need to perform at the highest level. To promote a productive and sustainable workforce, it is imperative that the HR team provides staff with support, direction, and resources to allow them to accomplish the responsibilities of their job and to reach set goals. In order to promote professional and personal growth as well as create an environment in which people treat each other with respect, HR must:

- Assess staff performance and manage performance expectations.
- Recruit and monitor appropriate program staffing.
- Coordinate staff training and development and ensure that work supports the parliament.
- Oversee salary and benefit administration; recommend appropriate changes in benefits and wages; take an open and transparent approach with policies and compensation.

- Develop relevant ethics policies and procedures such as code of conduct, conflict of interest, and political activity.
- Develop programs and services for health and wellness and equity, equality, diversity, and inclusion.

iii. Financial Services

A review of the areas that may have the most significant impact on the workforce, such as infrastructure, should be given priority. Available funds must be made available and allocated to sustain and address needs and deficiencies.

iv. Security Services

A productive and effective workforce must feel that their workplace is safe and secure at all times.

4. Workplace Productivity and Sustainability

Another priority will be promoting and investing in staff training and development to ensure that the parliamentary service has the skills necessary to meet the current and future needs of Members of Provincial Parliament. This would include on-the-job learning, mentoring and coaching, and in-house or off-site training programs. Expected benefits to the organization will be significant and include:

- Improved employee performance
- Retention, longevity, and institutional knowledge
- Employee satisfaction and motivation; increased productivity
- A well thought out succession plan that promotes a culture of sustainability and ensures that employees are moving up in the organization and positioning themselves as future leaders
- The ability to attract and retain talented individuals
- Improved sense of value among staff

5. A Supportive and Positive Corporate Culture

Culture builds a strong brand, helps retain employees and is the glue that holds the organization together. It is based on core values, beliefs, and appropriate corporate behaviour. The culture that the leadership team creates will be highly valued because everyone will feel like what they contribute matters to the organization's success. A Clerk that supports a positive corporate culture will see improved employee engagement because people will feel connected and better understand their vital role they play at work in their support of parliamentarians.

6. Communicate, Communicate, Communicate

Finally, as the Clerk, I will create a committee focusing on change management to help alleviate employee concerns as improvements in the workforce are implemented. The most important goal for this group will be to ensure that everyone is on board with the new approaches and provide employees with a clear view of the path ahead.

I will also communicate with staff frequently and promote an open and inclusive work setting that empowers employees to operate with freedom, giving them a voice in decision-making and helping them to be accountable and responsible for their own futures in an environment that supports innovation, continuous improvement, knowledge-sharing and personal growth and development.³⁴ I will personally connect with employees and listen to what they have to say, let people know that they are appreciated and valued and be positive, encouraging and supportive.

Conclusion

As Head of the Parliamentary Service, the Clerk must have a well-defined and communicated vision and direction that outlines the core values of the organization. As long as employees accept the institutional vision, mission, and values, they will put in their best efforts to achieve the parliament's goals and objectives. As a result, the leadership will see an increase in staff retention, motivation and productivity. The end benefit in all of this is a parliament that is well supported by trained and capable staff who are empowered to provide exemplary services to Members of Provincial Parliament well into the future.



³⁴ Robert Barrett, *The New Leadership Paradigm*, (Luke Publishing Service, 2010), page 320.



Introduction

The paper shall first discuss what constitutes a professional and ethical workplace and thereafter seek to demonstrate the actions that a newly appointed clerk will take to create a workplace that engenders professional, ethical, democratic and people values and developing a workforce that is productive, effective and sustainable. The paper will finally show the expected benefits of instituting the initiatives mentioned above.

Professionalism is the conduct, aims or qualities that characterize or mark a profession or professional person; it implies a quality of workmanship or service. Every organization including the Parliament knows that a professional reputation is the difference between success and failure, and they seek to keep their most professional staff. Professionalism is all about success and influence; having a reputation for excellence and being thought of as someone who exhibits professionalism under any circumstances can open doors for you either in the workplace or in your personal ambition.

Characteristics of a Professional and Ethical Workplace

1. Excellence; achieving greatness in whatever endeavour one undertakes. It is the quality that makes an employee and his work stand out. Excellence is a quality of service which is unusually good and surpasses ordinary standards. It should be a habit for it to create a good impression of the parliament and its employees.
2. Trustworthiness; in today's society, trust is an issue and any employee who exhibits trustworthiness is on a fast track to professionalism. Trustworthiness is about fulfilling an assigned task and, as an extension - not letting down expectations; it is being dependable and reliable when called upon to deliver a service. In order to earn this trust, worth and integrity must be proven over time. An employee must be accountable. To be accountable is to stand tall and be counted on for the actions undertaken; this is the blameworthiness and responsibility for one's actions and their consequences - good or bad.
3. Courtesy and respect; courteousness is being friendly, polite and well-mannered with a gracious consideration towards others. It makes social interactions in the workplace run smoothly, avoids conflicts and earns respect. Respect is a positive feeling of esteem or deference for a person or organization; it is built over time and can be lost with one stupid or inconsiderate action. Continued courteous interactions are required to maintain or increase the original respect gained.
4. Honesty, openness and transparency; honesty is a facet of moral character that connotes positive and virtuous attributes such as truthfulness, straightforwardness of conduct, loyalty, fairness, sincerity, openness in communication. This is a virtue highly prized by employers and colleagues, for it builds trust and increases one's value to all.

5. Competency and continuous improvement; competence is the ability of an individual to do a job properly; it is a combination of knowledge, skills and behaviour used to improve performance. Competency grows through experience and to the extent one is willing to learn and adapt. Continuous self-development is a prerequisite in offering professional service at all times.
6. Being ethical; ethical behaviour is acting within certain moral codes in accordance with the generally accepted code of conduct or rules. It is always safe for an employee to “play by the rules.” This is always the best policy, and in instances the rule book is inadequate, acting with a clear moral conscience is the right way to go. This may cause friction in some organizations, but ethical organizations will always stand by the moral decisions and actions of their employees.
7. Being honourable and act with integrity; honourable action is behaving in a way that portrays “nobility of soul, magnanimity, and a scorn of meanness” which is derived from virtuous conduct and personal integrity. This is a concept of “wholeness or completeness” of character in line with certain values, believes, and principles with consistency in action and outcome.
8. Respect of confidentiality; confidentiality is respecting the set of rules or promise that restricts an employee from further and unauthorized dissemination of information. Over the course of an employee’s career, information will be passed on to him/her in confidence, either from the organization or colleagues. It is important to be true to such confidences. The employee gains the trust and respect of those confiding in him/her, increasing their influence within the organization.
9. Setting good examples; applying the foregoing rules helps one improve his/her professionalism within the organization, but it is not complete until he/she imparts knowledge on those around and below him. One must show and lead by a good example. Being a professional is about living an exemplary life within and outside the organization.

The Parliamentary setting is complex in the sense that the workplace dynamics involve elected members who are the political class, staffers who are professional technical officers employed on a permanent and pensionable basis, as well as those who are partisan and employed on contract terms. The newly appointed clerk must therefore recognize these dynamics and the unique concerns of the employees when creating the desired professional and ethical workplace and a productive, effective and sustainable workforce. The work environment at Parliament is characterized by political and non-political dynamics. For this reason, a newly recruited clerk has to endeavour to create a positive work environment that will make employees feel good and motivated about coming to work. The environment must be professional, ethical, democratic and grounded on people values (McGill - World Bank, 2016). According to McCarthy (2016), a professional work environment is that which is full of highly competent, respectful, mature, and accountable employees working towards a common goal. Employees succeed in professional working environments where they feel respected and treated fairly at all times. Given the political nature of parliaments, this is not an easy task to accomplish.

To enhance workplace productivity, organizations need to focus on diversity and look for ways to become inclusive because diversity has the potential of yielding greater productivity and competitive advantage (Wangare et al., 2013). Managing and appreciating diversity is a key component of effective people management, which can improve workplace productivity. A conducive working environment is positively correlated to productivity (Lars et al., 2014).

Creating a Positive Work Environment

To realize the create a positive work environment characterized by professional, ethical, democratic and people values and developing a workforce that is productive, effective and sustainable in a legislative setting, as the newly recruited clerk, I will undertake the following among others:

i. Develop a strategic plan for the Parliament

In consultation with the heads of directorates, I would require that a strategic plan of the organization is developed. This plan would factor in the organization's mandate, the strategic objectives and strategies required to realize the objectives within the specified time frames, as well as the necessary resources needed to deliver the outcomes envisaged in the plan. The plan will also be able to demonstrate the responsibility of each stakeholder. The plan is a guide that will enable all the staff to understand where the organization is and where it desires to be at a specified time in future.

ii. Review the organizational structure of the Parliament

I would also carry out a review of the organization's structure to ensure that the existing structure will be able to deliver the mandate of the Parliament as well as the strategic plan in an effective and efficient manner.

iii. Develop a Strategic Human Resource plan for the Parliament

Human resource planning will be a very important component to be considered. Ensuring that Parliament has the right staff with the requisite skills, competencies and experience at the right place, in the right numbers, at the right time will be critical. For this reason, as the newly appointed clerk, I would consult with the head of Human Resource Management to ensure that at any given time, the organization has the requisite staff required with the right attitude to deliver the mandate of the Parliament. The Human Resource plan that will be formulated should be aligned with the strategic plan.

iv. Develop an organizational culture hinged on professionalism and high standards of ethics and integrity

This will involve working in consultation with all staff to develop an ethical regime with relevant policies and manuals to guide staff and Members' conduct and behavior. The policies must be aligned to the constitution and other relevant legislation in the country relating to professionalism and ethics. In addition, I would consult with all the heads of directorates and departments to ensure that they display and live by the core values of the organization at all times.

v. *Establish a transparent and open Communication*

A transparent and open form of communication will help employees feel as though they are part of the organization. This will enhance the creation of democratic values such as ownership, openness, fairness and a sense of organizational loyalty and belonging. This will enable the staff to discuss the organization's philosophy, mission, and values from time to time during retreats and meetings and share their views and perspectives on how to achieve company goals.

vi. *Create a Work-Life Balance*

Given the demanding nature of parliamentary work (Dickins, 2016), it is imperative for the clerk to create an environment that ensures work-life balance. When employees fulfill their various needs and goals in life, such as time for family, friends, spiritual pursuits, and self-growth, they can feel more confident about themselves and perform their best at work. This can be achieved by ensuring that the staff have access to gym facilities so that they can exercise in their free time, ensuring that they can access annual leaves and other forms of leave when due, etc.

vii. *Need-based training and development*

Staff development is another critical area that I would guarantee is in place. Given the dynamic nature of parliamentary work and the emerging technological changes and public expectations, capacity building for members and staff is crucial. Demand-driven training and development arising from training needs assessment will ensure that employees are trained and developed in a sustainable manner and enhance organizational productivity. A positive work environment must have routine training to improve efficiency and instill positive attitudes among employees (Republic of Kenya, 2014).

viii. *Reward and sanctions*

A positive work environment that leads to productivity must also have a clear rewards and sanction system for hard work and poor performance. This is necessary to encourage certain behaviors, values and work ethics in officers. As the new clerk, I would require a policy on Performance Management that takes cognizance of rewarding high levels of performance and provides for sanctions for the underperforming staff. This policy can serve as a tool of enhancing democratic and people values at the workplace (Republic of Kenya, 2015).

ix. *Strong Team Spirit*

Parliamentary work requires effective teams. I would work towards ensuring that small teams are created and work together for the greater good of the institution. Instilling a strong team spirit is not easy because it involves the acceptance and tolerance of differences in perspectives and working styles between teammates. There is a need for them to see that they are working towards a common goal. This will require regular team-building initiatives to create synergies including meetings involving all staff, end-of-year parties, and sporting events where staff members from all departments are involved among others.

x. Strategy for managing diversity

An effective and productive workplace must also have a strategy for managing diversity (Wangare et al., 2013). Diversity management is a process intended to create and maintain a positive work environment where the similarities and differences of individuals are valued (Olukunle and Solarin, 2015). Given the political nature of Parliament and the rich diversity that the institution must represent, this is imperative. The strategy must address recruitment, training, reward and communication issues.

xi. Leading by example

As the newly appointed clerk, I would strive to be a good role model and lead by example. I would need to keep commitments, admit mistakes, be patient and set a positive example in order to earn the right to expect the same from the members of parliament and staff.

xii. Ensuring that the head of human resources sits at the most senior management table

In any work environment, the contribution of the staff cannot be overemphasized. For this reason, it is critical that the head of the human resource function in charge of people policy formulation as well as ensuring implementation must be included at the senior-most management table to ensure that the people issues are well articulated and managed for sustainability and optimal productivity. Among the policies that the head of human resources will have to formulate to ensure that the organization attracts, maintains and retains the best staff include: Recruitment and Selection, Training and Development, Benefits and Compensation, Medical policies, Performance Management policies (including rewards and sanction), and Employee/Work environment policies to mention a few.

Conclusion

In order to ensure that the parliamentary workplace engenders professional ethical, democratic and people values and develops a productive, effective and sustainable workforce, as the new clerk, I would require cooperation and the assistance of all the stakeholders in the parliamentary setup. For the outlined efforts to bear fruit, I would need all staff members to understand my vision and get their buy-in so that we can focus on achieving the envisaged workplace.



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Background

Following my recent appointment, I have taken some time to consider a reform programme that I believe is necessary for continual improvement in organisational performance to support Members in carrying out their constitutional responsibilities. This will be carried out through a process of organisational development: *'a planned and systematic approach to enabling sustained organisation performance through the involvement of its people'*.³⁵

Aims and Objectives

This initial programme of work aims to devise appropriate structures and systems to build an organisation that is capable of:

- generating and responding to change;
- building resilience within the workforce;
- building public confidence and institutional credibility; and
- effective internal management and implementation of a transparent governance regime.

Diagnosis

The first step is to properly diagnose the issues. Table 1 shows the organisational components we intend to review – though not all at the same time. The diagnosis aims to:

- distinguish between institutional and organisational issues;
- develop a framework to establish a big picture perspective of the key issues; and
- facilitate discussion and engagement with and between our staff and management to develop appropriate policies and procedures.



³⁵ Organisational Development, 19 July 2017, <https://www.cipd.co.uk/knowledge/strategy/organisational-development/factsheet>

Table 1: Organisational Components³⁶

Component	Organisational Issues	Relevant Institutions
Inputs and Resources	Review of our financial position Budgetary Independence Does our expenditure support our objectives?	Executive priorities and budget allocation External economic environment Accountability for public funds (Comptroller and Auditor-General / Assembly Audit Committee) The General Public
Strategy	Requirement for development of new Corporate Strategy	The Commission – oversight role
Culture	Define what our culture is. Do we have a parliamentary culture? Leadership ability Management style Bureaucracy	
People and Human Resources	Staff Morale Pay, Reward and Grading Appropriate skills Health/Wellbeing / Work life balance Learning and Development	Commission priorities and policies Equality Commission – employment legislation The General Public Public expenditure
Systems and Processes	Financial processes Delegation of authority Communication strategy Procurement processes Accountability	Accountability for public funds (Comptroller and Auditor-General) Assembly Audit Committee
Structure	Is our organisational structure fit for purpose? Silo working	
Outputs and Performance	Benchmarking Parliamentary impact Performance indicators / performance management regime	

I have identified some issues in table 1, which I believe we need to take forward as a matter of urgency. These are outlined as follows.

Corporate Strategy

A process of internal consultation will take place on a new high-level corporate strategy which will include the development of our **corporate vision and values**. Our corporate values will be *shared* values that will guide individual and corporate behaviour. We will explore, *‘What type of organisation is the Assembly? What type of organisation should we be? What is preventing us from achieving that?’*

³⁶ Based on Chapter 2 Organisations in the Wider Institutional Framework, in Promoting Institutional and Organisational Development, Department for International Development, March 2003

Together, I want to establish and reinforce an esprit de corps where everyone knows the importance of their role and the importance of the Assembly to hold the Executive to account on behalf of the public. All staff will be invited to attend workshops to develop this strategy, led by two senior members of staff from Parliamentary Services and the Clerk’s Office.

This is the beginning of a team-based business planning process which will be a strategic approach involving every level within the Assembly. This is represented in Figure 1. As a key priority, a draft corporate strategy will be developed with input from staff and presented to the Commission within 6 months.

Organisational Design – Organisational Culture and People Processes

We will shape the organization to align with the Assembly’s strategy and goals, with a strong emphasis on change in the organisation’s culture and behaviours. To that end, I have asked the Head of HR to review, in particular, the following policies in consultation with staff:

- Health and Wellbeing;
- Work-life balance;
- Learning and Development;
- Dignity at Work;
- Performance Management/Appraisal System; and
- Standards of Conduct for Staff

Morale, at least anecdotally, is a significant issue. In dealing with people-centred policies, I would hope for some ‘quick wins’ and, at a minimum, show staff that their concerns are being addressed. To that end, the proposal on the establishment of an internal communications working group is important.

Figure 1: The Planning Hierarchy



Internal Communications Working Group (ICWG)

I intend to establish an **Internal Communications Working Group (ICWG)** whose over-arching remit will be to provide advice and guidance on internal communications in the Assembly Secretariat to ensure that such communications are appropriate, effective, and relevant to the needs of the Secretariat. This will form part of our **stakeholder engagement** programme to engender staff buy-in to our programme of reform. Its **key initial task** will be to take forward a staff survey with the aims to:

- give staff the opportunity to express their views on their role within the Secretariat and the support available to them; and
- assess the attitudes of staff in relation to a range of work issues.

Our Research Services team will draw up the survey and analyse the results. Participants will be anonymized, and the results and report of the ICWG will be published on the internal website. I have set a period of **4 months** for a report to be produced. Further engagement with staff will take place to develop solutions to issues identified, and an implementation group will take these solutions forward.

Pay, Grading, and Reward

I recognise the need to appropriately reward staff given the time elapsed since the last pay and grading review. I have therefore asked the Director of Corporate Services to draft terms of reference for a new review. With the Commission's agreement, I intend to appoint external consultants to take this project forward to ensure the recommendations are independent and delivered in a timely fashion. Even so, this is likely to take between **6 and 12 months** to complete. This will ultimately require discussion with the Executive regarding our budget allocation, should we require additional funds to implement recommendations stemming from this programme.

Financial Management

We will review our financial management systems to ensure they are properly linked to the objectives of our business plans, i.e., a clear alignment of resources to programs/activities and associated objectives. Our aim is to generate public confidence, improved services, and responsible financial management.

Conclusion

This is not a piecemeal approach to organisational development. It is a planned, inclusive, and strategic approach to establish the NI Assembly as a respected and trusted institution capable of holding the Executive to account. This is a programme of change that will take time, possibly the remainder of the mandate (3 years), to complete. To ensure progress, a comprehensive monitoring and review process will be built into the programme and a Commission update accordingly.

Request: I ask the Commission to endorse my recommendation to initiate this program of organisational development.



Introduction

The focus of this paper will be two-fold, first to discuss how a newly recruited clerk of parliament can go about creating a **workplace** that engenders professional, ethical, democratic, and people values, and second, to discuss how to develop a **workforce** that is productive, effective, and sustainable. To address these issues, the paper will endeavor to locate the discussions in the general workplace and productivity discourse in general, but contextualizing it to a parliamentary setting, which is unique and less understood by a majority of the public (Dickin, 2016). The setting is equally complex in the sense that the workplace dynamics involve elected members who are the political class and staffers who are professional technical officers employed on permanent and pensionable basis as well as those who are partisan and employed on contract terms.

The paper begins by offering some definitions of a healthy workplace and workforce productivity. Then, it delves into how this can be achieved in a parliamentary setting.

According to World Health Organization (2014), a healthy workplace is one in which workers and managers collaborate to use a continual improvement process to protect and promote the health, safety, and well-being of workers and the sustainability of the workplace by considering: health and safety concerns in the physical work environment; the psychosocial work environment including organization of work and workplace culture; personal health resources in the workplace; and ways of participating in the community to improve the health of workers, their families and other members of the community. This definition is critical to a parliamentary setting, as evidenced by the quest to deal with issues such as workplace bullying, diversity, sexual harassment, and family-friendly parliaments (Australia, 2014, Kenya, 2015). This means that the workplace environment is the totality of **everything that forms part of employees' involvement with the work itself**, such as relationships with co-workers and supervisors, organizational culture, and room for personal development.

In a parliamentary context, the workplace environment is very complex, characterized by political and non-political dynamics. This means a newly recruited clerk must strive to create a positive work environment that will make employees feel good about coming to work and motivated to sustain them throughout the day. The environment must be professional, ethical, democratic, and grounded on people values (McGill-World Bank, 2016). Further, McCarthy (2016) avers that a professional work environment is that which is full of highly competent, respectful, mature, and accountable employees working towards a common goal. Employees thrive in professional working environments where they feel respected and are treated fairly at all times. Given the political nature of parliaments, this is not an easy task to accomplish as a clerk. The fundamental question a new clerk needs to answer then is *'How can I build a professional work environment?'* To answer this question, the paper will first explain the concepts of professionalism and work ethics.

Professionalism can be defined as the strict adherence to courtesy, respect, appreciation, honesty, and responsibility when dealing with individuals or other companies in the business environment. This trait often includes a high level of excellence, going above and beyond basic requirements. On the other hand, work ethic is usually concerned with the personal values demonstrated by business owners or entrepreneurs and instilled in the company's employees. A good work ethic may include completing tasks in a timely manner with the highest quality possible and taking pride in completed tasks. These two elements of professionalism and work ethics must be central to the clerk's vision of building a productive workforce for his or her legislature.

In other words, professionalism and work ethics in a parliamentary context must be manifested by individual members and staff and built around an internal moral system or code of ethics (McGill-World Bank, 2016). Common traits of these elements include transparency, honesty, and integrity. In addition to these two elements, Wangare et al. (2013) argue that organizations need to focus on diversity and look for ways to become totally inclusive since diversity has the potential of yielding greater productivity and competitive advantages. Managing and appreciating diversity is a key component of effective people management, which can improve workplace productivity. A conducive working environment is positively correlated to productivity (Lars et al., 2014). For instance, some organizations provide a good working environment that encourages staff to remain loyal and committed.

Creating a Positive Work Environment in a Legislative Setting

To realize the creation of a positive work environment characterized by professional, ethical, democratic, and people values and developing a workforce that is productive, effective, and sustainable in a legislative setting, the newly recruited clerk will have to undertake the following:

i. Establish Transparent and Open Communication

A transparent and open form of communication will enable employees to feel a part of the organization. This will enhance the creation of democratic values such as ownership, openness, fairness, and a sense of organizational loyalty and belonging. This will enable the staff **to discuss the organization's philosophy, mission and values, from time to time during retreats and meetings** and share their views and perspectives on how to achieve company goals.

ii. Work-Life Balance

Given the demanding nature of parliamentary work (Dickins, 2016), it is imperative for the clerk to create an environment that ensures work-life balance. When employees **fulfill their various needs and goals in life**, such as those of family, friends, spiritual pursuits, and self-growth, they can feel more confident about themselves and perform their best at work.



iii. Training and Development-Focused

Staff development is another critical area that the new clerk must ensure is in place. Given the dynamic nature of parliamentary work and the emerging technological changes and public expectations, capacity building for members and staff is crucial. A training and development-focused organization has a clear roadmap for training their employees to sustain and enhance the productivity of the organization as a whole. A positive work environment must have routine trainings to improve efficiency and instill positive attitudes among employees (Republic of Kenya, 2014).

iv. Recognition for Hard Work

A positive work environment that leads to productivity must also have clear rewards and a sanction system for hard work and poor performance respectively. This is necessary to encourage certain behaviors, values, and work ethics in officers. This is critical for the new clerk as it can serve as a tool of enhancing democratic and people values at the workplace (Republic of Kenya, 2015).

v. Strong Team Spirit

Parliamentary work requires effective teams. The clerk needs to ensure that small teams are created, and they work together for the greater good of the institution. Instilling a strong team spirit is not easy because it involves the acceptance and tolerance of differences in perspectives and working styles between teammates. There is a need for them to see that they are working towards a common goal.

vi. Strategy for Managing Diversity

An effective and productive workplace must also have a strategy for managing diversity (Wangare et al., 2013). Diversity management is a process intended to create and maintain a positive work environment where the similarities and differences of individuals are valued (Olukunle and Solarin, 2015). Given the political nature of parliament and the rich diversity existing in parliament, this is imperative. The strategy must address recruitment, training, rewards, and communication issues.

vii. Be a Role Model

The newly recruited clerk needs to be a role model and lead by example. He or she must keep commitments, admit mistakes, never lose his/her temper, and always have a positive attitude and set a positive example, and earn the right to expect the same from his/her team.

Conclusion

In conclusion, a positive work environment that brings about professional, ethical, democratic, and people values, and develops a workforce that is productive, effective, and sustainable in a parliamentary setting requires focused and deliberate conscious efforts by the clerk and the rest of the other staff and the corporate body to work towards its realization.

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Corporate Management of Parliament 2

2018 - 2020

Parliamentarians as agents operating in the interest of citizens are expected to maintain an understanding of those interests when deliberating on policy and budget issues and in engaging them in the process. In assisting parliamentarians to meet public expectations, staff need to possess the practical skills to develop strategic strategies not only at the corporate level but also in its dealings with the public through effective communication. Without a clear understanding of how parliament works, support staff will fail to appreciate their “raison d’être” within the sphere of the legislature, and democracy will not be well served.

Corporate Management of Parliament 2 explores how strategic planning (either at the corporate or at the outreach levels) benefits Parliament, its Members and employees, and the public at large. Focus is placed on the principles of parliamentary democracy and its applicability to Parliament’s core functions as practiced in the Chamber and Committees. These principles and their applications are the rationalizations for effective corporate governance capable of assisting Members to meet their parliamentary duties. By engaging in good corporate governance, parliamentarians can better serve the public interest and reinforce credible democratic institutions.

Featured topics include management systems related to strategic planning and execution, parliamentary communication strategies, organization of the Legislature and performance management systems.

The overarching goal of this course is to enhance participants’ theoretical and practical knowledge of parliamentary corporate governance. The final assignment is designed to allow participants to apply and adapt performance assessment results optimize corporate governance in their own Parliament:

Execute a self-assessment exercise of your Parliament based on the CPA Recommended Benchmarks for Democratic Legislatures, launched in 2006 and updated in June 2018. These benchmarks provide a framework for a uniform and systematic approach to conducting capacity assessment. They provide a structured approach for identifying recognized good practices from other jurisdictions and, where feasible, applying them to one’s own parliamentary operations, strategies, processes and procedures. Participants selected on of the two groups of benchmarks (i.e., legislature or corporate entity) and identified the most vulnerable areas in one’s own Parliament and recommendations for improvement.





The five most vulnerable or challenging areas, in my opinion, are:

1. 1.9 Infrastructure

1.9.1 *The Legislature shall have adequate physical infrastructure to enable Members and staff to fulfil their responsibilities.*

Currently, our Legislature is housed in a building shared with some of the Executive. Furthermore, because we are a Legislature, the building we occupy is classified as a National Key Point, in terms of legislation in South Africa. We are currently not fully compliant with the legislation, as it requires a border with a perimeter around the key point and has specific security requirements which we are barely able to meet.

The building is managed by the Provincial Department of Public Works and we are merely a tenant in the building with very little authority to effect the changes to comply with the National Key Point Act fully.

My recommendation for improvement would be that the Legislature be housed in its own building. There are some other state-owned buildings that may be an option, but it will take some political will to drive this. In the current fiscal environment, it will be a challenge.

2. 5.2.1 *The Legislature shall have adequate resources to recruit staff sufficient to fulfil its responsibilities. The rates of pay shall be broadly comparable to those in the public service.*

We do currently have adequate resources to recruit according to establishment. Our remuneration is in line with the public sector (executive branch – i.e., government departments); in fact, we are compensated better than the public sector. However, in comparison to the Legislative Sector (we have eight other provincial legislatures and national parliament), we are compensated at a lower level. This creates disgruntlement within the staff, and organised labour is constantly using this as a bargaining argument. We are in danger of suffering from wage creep; in fact, within South Africa, there has been a call to curb the public sector wage bill. The Legislative Sector has been trying to establish collective bargaining within the sector, and this has been progressing, but it will be challenging as there would need to be some standardisation across the sector in terms of salaries and benefits.

My recommendation is that we partake fully in the collective bargaining within the sector, currently we are the only legislature not taking part, as it is still optional as the legislation to compel this is still a Bill.

3. 5.4.1 *The head of the parliamentary service shall have a form of protected status defined in legislation or in the Constitution to prevent undue political pressure.*

This does prove challenging for the head of the parliamentary service; while there are very high-level provisions in the Financial Management of Parliament and Provincial Legislatures Act, the practicality of this is not always easy for the incumbent. Requests for additional budget, perks and benefits outside of the established norm occur often and are often acceded to.

My recommendation is that regulations are drafted to accompany the Financial Management of Parliament and Provincial Legislatures Act, which would deal with some of the practical issues that arise in this situation. If the legislation is more detailed, it may give the head more of a foot to stand on.

4. 6.2.5 *Only the Legislature shall be empowered to determine and approve the budget of the Legislature.*

This is not the case in South Africa at a national or provincial level, while the advent of the Financial Management of Parliament and Provincial Legislatures Act sought to address this, it has failed. The act came into operation in 2015, five years ago, and has yet to be fully implemented. The budget for the legislatures is subject to the process of the national treasury, with some exceptions. So, to a large degree, the Executive still determines the budget of the legislatures.

Again, this improvement requires political will and agreement to a change in the national budget process. This is envisaged by the sector but will take a while to come to fruition.

5. 7.2.6 *The Legislature shall have access to sufficient financial scrutiny resources and/or independent budget and financial expertise to ensure that financial oversight is conducted effectively.*

The National Parliament has established a Parliamentary Budget Office that does address this benchmark. However, at the provincial level, the committee merely looks at the the budget with limited resources like staff and research at their disposal. This is not to say that they are performing inadequate oversight, but there is also legislation that provides for this in terms of the passing of money bills. This is something that the sector needs to pursue; specifically at our legislature, we do not have sufficient resources to establish an independent budget office to serve one committee.

In my opinion, we should follow the lead of the national parliament and establish a parliamentary budget office at the provincial level as well. It could be a phased-in approach as there are budget constraints now, but the financial impact of legislation is definitely not addressed sufficiently before legislation is passed. Overall, with the other corporate benchmarks, we do not seem to be faring too poorly. That being said, the five benchmarks discussed above do leave us vulnerable and exposed to some risk, not only in terms of compliance but also fulfilling our constitutional mandate.



CPA Recommended Benchmark for Democratic Legislatures

There is no better way to describe parliament in modern democracies other than seeing it as a legislative, political and corporate entity. The CPA Recommended Benchmarks for Democratic Legislatures, therefore, firmly place this understanding by way of peer review and modeling with the best in the democratic class.

The undermentioned cross-cutting benchmarks (corporate and legislative) can be cited as the most vulnerable areas in my parliament that need urgent improvement:

- Professional Development
- Agenda – setting of the Business of the House
- Infrastructure
- Petitions
- Recruitment and Promotion of Staff

1. Professional Development

The Parliament of Sierra Leone has one of the highest turnover rates in the region. In the past general elections, which ushered in the current parliament, we shockingly saw **82%** legislative turnover. This high level of attrition warrants the Parliament to put measures in place to ensure that the orientation and induction program for new Members or first termers is conducted to assist them in understanding the parliamentary environment.

Recommendation:

Owing to the high level of attrition, it is recommended that professional development for new MPs should not be a one-off engagement but rather a continuous process that is adequately budgeted for and implemented with specific timelines throughout the Parliament's life span. Equally, the corporate body and the management body should expedite the process of establishing the Centre for Parliamentary Studies for the professional development of both Members and staff.

2. Agenda

Like most emerging parliaments, agenda-setting has always been tricky for the corporate entity, especially in a polarized parliament where there is no ultimate or absolute majority. The current Parliament of Sierra Leone finds itself squarely in the equation famed by unending dynamic tension. Section 94(1) of the Constitution of Sierra Leone gives Parliament the power to regulate itself. This form of regulation procedural powers gives the right to MPs to vote to amend the agenda of the House in line with SO 16&25.

Recommendation:

In as much as MPs have the right to amend the proposed agenda, it is strongly recommended that the Business Committee be made functional as provided for in SO 70 and the Chairman of the Business Committee be made to make a business statement and arrange the business of the House for the information and input of members.

3. Infrastructure

The lack of basic physical infrastructure for Members and staff such as office space, library, and ICT infrastructure can be telling of the effectiveness and efficiency of Parliament. At the moment, the Parliament of Sierra Leone lacks basic physical infrastructure, and this has considerably impacted the performance of Parliament.

Recommendation:

The Parliament should constructively engage the Executive, particularly the ministries of finance and public works, to construct additional buildings to house the infrastructural outfits or elements in Parliament. The Ministry of Finance should be made to commit a budget line to ensure that additional buildings are constructed to enable Parliament to function effectively and efficiently. Efforts should also be exalted to engage our development partners through the Ministries of Foreign Affairs and Development to lobby in the spirit of development cooperation to enhance the legislature in our democracy with adequate facilities to function well. Finally, members should build cross-party consensus on a common problem and act as a collective on the lack of facilities for members and staff to function effectively and efficiently.

4. Petitions

The curious paradox about petitions in the Parliament of Sierra Leone is that it is institutionalized but non-existent in practice or not consistently applied or used. Standing Order 73(3) created the Public Petitions Committee chaired by the Speaker and five members to be nominated by the committee on selection. The Committee on Public Petitions is indicative of the fact that Sierra Leone's Parliament has rules, laws or practices in a place where complaints are channeled. There are procedures to allow for meaningful public petitions, though sometimes matters are referred to statutory specialist institutions like the office of ombudsman or, in the case of the police, the "Independent Police Board."

Recommendation:

Parliament should make a deliberate effort to make it participatory, responsive and accessible by educating the public on the existence of the Public Petitions Committee. The Chairman of the Committee, who is the Chief Officer of Parliament, should ensure that a procedural matrix is designed to explain how the Public Petitions Committee operates.

5. Recruitment and Promotion of Staff

Human Resource planning is one of the fundamentals in the corporate management of parliaments in democracies. This is because a parliament is as good as its support services. The Parliament of Sierra Leone has rules and procedures in place for the recruitment and promotion of non-partisan professional staff as encapsulated in Section 5 of the Parliamentary Service Act of 2007 and the 2016 Conditions of Service for the staff of Parliament.

Notwithstanding the control and power of the corporate body to hire and fire as provided by law, the executive branch of government (the Ministry of Finance) determines the terms of employment in the public sector. Invariably, the independence of parliament is questionable because it lacks financial autonomy to determine the recruitment and promotion of its staff.

Recommendation:

Parliament should establish effective financial management governance that is legislated or voted for to make it financially autonomous, like in the case of South Africa with the Financial Management of Parliament Act.

Similarly, parliament or the corporate body should ensure that the recruitment and promotion of staff are merit-based and should be managed to overcome limitations to career progression and mobility familiar to parliamentary service.

Conclusion

Whether a benchmarking exercise is qualitative or quantitative, as in the case of the CPA self-assessment workbook, the overarching objective of the exercise in a legislative context is to compare the operations and functionalities of parliaments in democracies. As the birthplace of democratic good governance, parliaments cannot fail to challenge their systems and processes to improve. That is why the recommendations made on each of the benchmarks (professional development, agenda, infrastructure, petitions and recruitment and promotion of staff) should be implemented to restore confidence in the legislature as a pillar of the democracy.



Debi LaMantia
Legislative Assembly of Ontario
2019

The Legislative Assembly of Ontario uses the performance management system of strategic planning to measure the progress in our organization and has never relied on the *CPA Recommended Benchmarks for Democratic Legislatures* to determine its strengths and weaknesses. Given that our strategic plan has only been in effect for a little over a year, we are just starting to monitor and manage our performance based on the initiatives and key performance indicators set out in the document. At this early stage, it is difficult to measure whether it will be an effective means of assessment. The *CPA Recommended Benchmarks* provide another method of measuring our institution based on international standards, which can highlight some of the more vulnerable areas of our Parliament. I evaluated five benchmarks that are the most significant to my position – one falls within the corporate entity, and the remaining are located under the legislative entity. Each identifies the strengths and weaknesses within our organization and provides suggestions for improvement.

Legislative Assembly of Ontario
Corporate Entity Benchmark

Parliamentary Staff

5.1.5

The Legislature shall take measures to ensure that women are represented at all levels of administration.

Every appointment at the Legislative Assembly of Ontario is based on the merit principle. There are no conscious barriers to encouraging women to apply for particular positions.

Employers in Canada are also required to ensure that all people are treated equally, regardless of their race, gender, sexual orientation or any other grounds of discrimination listed in the *Canadian Human Rights Act*.

Improvements

1. Mandatory bias awareness training for all staff through in-house workshops and seminars to mitigate barriers. The goal will be to develop an understanding of what these prejudices are and why they are deceptive.
 2. Develop a diversity and inclusion strategy for the workplace.
 3. Identify barriers and develop policies and practices with respect to hiring, training, promotion and retention of employees that would promote equitable representation in the workplace.
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Values of the Legislature

10. Accessibility, Openness and Engagement

10.1.4

The Legislature shall have a non-partisan media relations facility

The Office of the Legislative Assembly does not have a non-partisan media relations facility. Typically, the Office of the Clerk will deal with enquiries or delegate them to other branches depending on the nature of the topic or concern.

Improvements

1. Establish a non-partisan media relations unit with an experienced leader in media communications.
2. Develop a comprehensive media relations strategy to help clarify goals and objectives and to clearly determine target audiences.
3. Identify a spokesperson within the organization to communicate with the public and press.



10.1.5

The Legislature shall promote the public's understanding of the work of the Legislature.

The Office of the Legislative Assembly has a Parliamentary Public Relations department responsible for a wide variety of external and internal programs and services. This office strives to reach as many people as possible and endeavors to engage the public, Members of Provincial Parliament, their staff, stakeholders, the press, and Assembly staff on the functions of Parliament to facilitate their full and effective participation. This includes school programs, general and special interest tours, model parliaments and the Legislative Page Program, all available in English and French. The office also produces publications, develops online resources promoting an understanding of our parliamentary system and the role of the Members of Provincial Parliament, and is responsible for social media networks.

The Broadcast and Recording Service operates the Ontario Legislative Television Satellite Network (ONTPARL), the audio recording of House and Committee proceedings for transcription by Hansard, and the “in-house” closed-circuit television system. All House proceedings are real-time captioned for the hearing impaired and available on the Assembly website.

Improvements

1. Develop a formalized communications approach for both internal and external audiences in order to build a better understanding of the organization.
 2. Enhance efforts to promote awareness and public understanding of the role of the Legislative Assembly of Ontario, and the services we provide. (see 10.1.6)
 3. Develop appropriate and informative content to be aired on ONTPARL when the Legislature is not sitting.
 4. Increase outreach programming to include community groups, adult learners, and organizations.
 5. Build a dedicated visitor information center.
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10.1.6

The Legislature shall identify demographic groups whose perspectives are not well represented in parliamentary decision-making and make efforts to increase their participation.

The Legislative Assembly does not make use of effective engagement techniques to invite participation from a variety of individuals and groups.

In particular, the efforts of Procedural Services are minimal when promoting public participation in committees through channels such as the Legislative Assembly broadcast station, ONTPARL, the LAO website, and via press releases.

Committees govern themselves, and each decides which groups and markets to target.

Communication is typically in both English and French.

Members of Provincial Parliament also encourage participation and engagement amongst various community groups through their own social media channels, email blasts, and in-person interactions.

Improvements

1. Establish dedicated social media sites for committee business.
 2. Target communication approaches through ethnic media sources and social media interaction. Ensure that print and other forms of communication are made available and accessible to as many community members as possible.
 3. Ensure that the organization's communication plan includes a section on civic engagement and community-building strategies.
 4. Consult with demographic groups to gather feedback on how Parliament can better engage with them.
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10.1.7

The Legislature shall have a regularly updated and accessible website to enhance and promote information sharing and interaction with citizens and the outside world.

Members of the public can find many House documents on the Legislative Assembly website. This includes bills, Hansard transcripts, journals, committee reports, calendar for parliamentary business, Orders and Notices, Votes and Proceedings and a list of committee meetings and hearings. Other highlights include a search feature, “visit, learn and discover” portal, virtual tour, and archived debates. The public has the ability to watch live (or recorded) proceedings of the Legislature. The website is mobile-friendly.

Improvements

1. Though every effort is being made to ensure that the website is in English and French, not all House/committee documents are available in French. An audit of the entire site will ensure that every component is offered in both official languages.
 2. Develop an ‘open data policy’ in order to give the public more access to information.
 3. Make the website easier to search for documents and other information. Most of the content is currently buried.
 4. Develop a plan to ensure that the site is dynamic and constantly evolving as technology changes.
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CPA Recommended Benchmarks for Democratic Legislatures: A Self Study of Lok Sabha (the House of People of India)

Introduction

Is the Indian Parliament more effective currently than in 2018? Did the 16th Lok Sabha perform its constitutional mandate better than the 15th Lok Sabha? Has the 'performance' of Parliament as an institution improved or declined over the last few decades? These important questions are hard to answer in an objective manner. At a macro level, it could be argued that the mandate of the national Parliament is to improve the well-being of all citizens. It may do this by enacting appropriate laws, making sure that the executive branch of the government is effective, and allocating finances in an optimal manner. The overall effectiveness of improving the quality of life for citizens may be measured through indicators such as the Human Development Indicators and changes in these metrics.

At a more detailed level, one can focus on the specific functions of Parliament as mandated by the Constitution. India, having a bicameral legislature, the set of metrics that help measure the effectiveness of Parliament in its various functions in this final paper has focused on the Lower House, the Lok Sabha. However, most of these metrics (or analogous ones) can also be used for the upper House, Rajya Sabha.

Performance Management Systems

There are various tools for measuring the performance and effectiveness of legislative bodies. The Commonwealth Parliamentary Association has recommended benchmarks for democratic legislatures.³⁷ They set standards for the institutional and procedural structures of legislatures. The World Bank Institute has published a study on legislative oversight and budgeting that includes metrics to assess the effectiveness of legislatures. The Inter-Parliamentary Union has evolved a toolkit to evaluate the functioning of parliaments.³⁸ They ask parliamentarians to grade a number of parameters on a scale of five.

The criteria to judge the effectiveness of legislatures can be either quantifiable or qualitative in nature. Qualitative criteria, by their very nature, are more challenging to measure in an objective manner. We can easily count the number of Bills passed, but it is difficult to judge the quality of the legislation. Even in the case of quantitative criteria, it is sometimes unclear whether a higher number is a positive or negative indicator.

³⁷ Recommended Benchmarks for Democratic Legislatures, Commonwealth Parliamentary Association, December 2006 & 2016.

³⁸ Evaluating Parliament – A self-assessment toolkit for parliaments", Inter-Parliamentary Union, 2008.

With these caveats, here is the list of some metrics that can be used to develop a framework for measuring the effectiveness of Parliament. The Indian Parliament has four main functions: Legislation, Oversight, Representation and Budgeting. The **CPA Recommended Benchmarks for Democratic Legislatures on the Organization of the Legislature (Rules and Practices)** presents a list of various parameters that could be used to measure the effectiveness of Parliament in performing these functions. The main challenge is to identify which of these parameters can be used to draw meaningful conclusions while measuring performance and whether additional metrics need to be used. The other big question is whether some of these measures can be aggregated into a single index of effectiveness.

A sample matrix below should be used as a summary of the benchmarks provided in an overview of performance and a basis for discussion during the course of Corporate Management of Parliament.³⁹

	CPA Recommended Benchmarks for Democratic Legislatures: Selected Extracts on the Organization of the Legislature (Rules and Practices) (as mentioned in the Course Outline)	Institutional Performance	Underlying Causes					Remarks (as per the Self Study of Provision of the Constitution and Rules of Lok Sabha etc.)
			Strong Adequate Weak	Constitution	Procedures	Capacity	Experience	
1	General							
1.3	<i>Incompatibility of Office</i>							
1.3.2	In a bicameral Legislature, a legislator may not be a Member of both houses.	Strong	√					This provision is included in the Constitution of India
1.3.3	In a bicameral Legislature, a legislator may not be a Member of both houses. A legislator may not simultaneously serve in the judicial branch or as a civil servant of the Executive branch.	Strong	√					This provision is included in the Constitution of India

³⁹ Legislative Oversight and Budgeting – A World Perspective, Stapenhurst, Pelizzo R, Olson D, von Trapp L, World Bank Institute, 2008

1.4	<i>Freedom of Speech Immunity</i>	Strong	√					This provision is included in the Constitution of India
1.4.1	The Legislature is protected by the freedom of speech immunity. The immunity shall protect persons from legal liability for words spoken and acts done while participating in or directly facilitating the Legislature's proceedings and shall restrict the judicial branch's use of such words and acts as evidence in judicial proceedings.	Strong	√					This provision is included in the Constitution of India and also upheld in several cases in the Federal Court of India.
1.4.2	The freedom of speech immunity shall operate to enable the Legislature to carry out its constitutional functions effectively, free from interference or impediment. This includes the Legislature having access to all the information it needs to carry out its functions.	Strong	√					This provision is included in the Constitution of India and also upheld in several cases in the Federal Court of India.
1.4.3	The Legislature shall have protection against potential misuse of the freedom of speech immunity. References to judicially suppressed or protected information, or to matters awaiting judicial decision, shall be made only in exceptional circumstances and with due regard to the separation of powers between the Legislature and the judiciary.	Strong	√	√				This provision is included in the Constitution of India and also upheld in several cases in the Federal Court of India.

1.4.4	The Legislature shall have mechanisms for persons to respond to adverse references made to them in the course of the Legislature's proceedings.	Adequate	√	√				This provision is included in the Constitution of India
1.4.5	The freedom of speech immunity shall continue to apply to former Legislators after they have left office, in respect of words spoken and acts done while holding office and participating in or directly facilitating the Legislature's proceedings.	Adequate	√	√				This provision is included in the Constitution of India
1.6	<i>Professional Development</i>							
1.6.1	The Legislature shall take measures to ensure that newly elected Members are assisted in understanding how the Legislature works and its rules of procedure.	Adequate			√			BPST and other initiatives
1.6.2	The Legislature shall take measures to assist legislators increase their knowledge and skills in the performance of their parliamentary duties.	Adequate			√			Seminars, Conferences on Various Topics
1.8	<i>Natural Justice</i>							



1.8.1	The Legislature shall incorporate principles of natural justice into its rules and procedures, and these shall be applied rigorously to all situations where serious allegations are made against named or identifiable persons during the course of proceedings, either in the Legislature or in its Committees.	Adequate	√	√				Such Provisions are made in Constitution of India and Rules of Procedure of the House
1.8.2	Members, or others, who are subject to serious charges of contempt of, and offences against, the Legislature are accorded natural justice during the whole process of consideration, and the charges are decided on the basis of all properly admissible evidence.	Strong	√	√				Such Provisions are made in the Rules of Procedure of the House
II.	Organisation of The Legislature							
2.1	Rules of Procedure							
2.1.1	The Legislature's rules of procedure reflect and support the actual practice and culture of the Legislature.	Strong	√	√		√		
2.1.2	Only the Legislature may adopt and amend its rules of procedure.	Strong	√	√				
2.1.3	The Legislature's rules, procedures and practice shall be reviewed regularly to enhance parliamentary effectiveness and relevance.	Strong	√	√		√		

2.1.4	Changes to the Legislature's rules of procedure shall be adopted with near unanimity.	Strong		√		√		
2.1.5	The Legislature's rules of procedure shall allow Members to raise genuine and succinct points of order for the Presiding Officer to consider and decide.	Strong		√	√	√		
2.1.6	The Legislature's rules, procedures and practice shall be accessible to Members and to the public.	Strong	√			√		Various ICT tools help to achieve this Benchmark
2.2	Presiding Officers							
2.2.1	The Legislature shall select or elect Presiding Officers pursuant to criteria and procedures clearly defined in the Constitution and/or rules of procedure	Strong	√	√				
2.2.2	The Presiding Officer maintains order so that the Legislature carries out its functions effectively and Members have full opportunities to participate and be heard in accordance with the Legislature's rules, procedures and practice.	Strong	√	√		√	√	
2.2.3	The Presiding Officer decides all questions of procedure, and in doing so is guided by previous decisions and practice.	Strong	√	√	√	√	√	It is a critical benchmark evaluating the presiding officer



2.2.4	Punishments (such as orders to leave the chamber) are imposed on Members during proceedings only to the extent necessary to uphold the Presiding Officer's proper authority and ability to chair proceedings.	Adequate		√		√		√	It is a critical benchmark evaluating the presiding officer
2.3	Convening Sessions								
2.3.1	The Legislature shall meet regularly, at intervals sufficient to fulfil its responsibilities.	Strong	√						This provision is included in the Constitution of India
2.3.2	The Legislature shall have procedures for calling itself into regular session.	Strong	√	√					
2.3.3	The Legislature shall have procedures for calling itself into extraordinary or special session.	Strong	√	√					
2.3.4	Provisions and qualifying requirements for the Executive branch to convene a special session of the Legislature shall be clearly specified.	Strong	√	√					
2.4	Agenda								
2.4.1	Legislators shall have the right to vote to amend the proposed agenda for debate in accordance with the rules of procedure.	Strong		√					



2.4.2	Legislators in the lower or only house shall have the right to initiate legislation and to offer amendments to proposed legislation.	Strong	√	√				In India, the Constitution provides for Money Bills to be introduced only in Lower House
2.4.3	A substantial proportion of the Legislature's time is set aside for it to consider business proposed by non-Government Members.	Adequate		√		√		
2.4.4	There shall be an annual parliamentary calendar to promote transparency.	Weak	√					The Constitution Provides for the summoning of the session by President as proposed by the Cabinet
2.5	Debate							
2.5.1	The Legislature shall establish and follow clear procedures for structuring debate and determining the order of precedence of motions tabled by Members.	Adequate		√		√		
2.5.2	The Legislature shall provide adequate opportunity for legislators to debate Bills prior to a vote.	Strong	√	√		√		
2.6	Voting							



2.6.1	Plenary debates and votes in the Legislature shall be public.	Adequate	√	√		√		Live Telecast on National Broadcaster and Webcasting of Lok Sabha is made
2.6.2	Members in a minority on a vote shall be able to demand a recorded vote.	Adequate	√	√		√		Electronic Voting Process is done in Lok Sabha
2.6.3	Only legislators may vote on issues before the Legislature.	Strong	√	√				
2.7	Petitions							
2.7.1	The Legislature shall have procedures to allow for the meaningful consideration of petitions.	Strong	√	√				
2.8	Records							
2.8.1	The Legislature shall maintain and publish readily accessible records of its proceedings, in a standard and consistent format.	Strong		√	√	√		All proceedings of Lok Sabha are digitized. A Search Portal for Members and the Public is linked to public website
III.	Functions of The Legislature							
6.	Legislative Function							
6.1	General							
6.1.1	The approval of the Legislature is required for the passage of all legislation, including budgets.	Strong	√	√				

6.1.2	The Legislature shall have the power to enact resolutions or other non-binding expressions of its will.	Strong	√	√		√		
6.1.3	The Legislature shall scrutinize secondary, delegated or subordinate legislation including its authority and scope.	Adequate	√	√				A Standing Committee on Subordinate Legislation is there in Lok Sabha
6.1.4	The Legislature shall provide adequate resources for legislators to draft legislation or amendments to any legislation.	Strong	√	√		√		
6.1.5	The Legislature shall encourage the process of equality impact assessment with respect to the development of legislation, policies and budgets.	Adequate	√	√				
6.2	Legislative Procedure							
6.2.1	In a bicameral Legislature, there shall be clearly defined roles for each chamber in the passage of legislation.	Strong	√	√		√		Respective provision is made in constitution of India
6.2.2	The Legislature shall have the right to override an Executive veto.	Strong	√	√	√	√	√	The Constitution of India provides for overriding powers to the Legislature over the Executive and Judiciary



6.2.3	The Executive shall transmit Bills and other documents for parliamentary action for timely distribution to Members	Strong	√	√				
6.2.4	The Legislature shall establish procedures for systematic monitoring of the effective implementation and consequences of legislation.	Adequate	√	√		√		
6.3	The Public and Legislation							
6.3.1.	Opportunities shall be given for public input into the legislative and Committee process, including the budget process	Strong	√	√				The Constitution of India provides for the Bills Process and Rules of Procedure of the House provides for the public inputs, if so desired by the Members of the House
6.3.2	Information shall be provided to the public in a timely manner regarding matters under consideration by the Legislature.	Strong	√					Use of ICT tools
7.	Oversight Function							
7.1	General							



7.1.1	The Legislature shall have legislation, a constitutional provision or practice that ensures the size of the Cabinet is in proportion to the size of the Legislature.	Strong	√					The Constitution of India provides for this act as a protection against the jumbo Cabinet
7.1.2	The Legislature shall have mechanisms to obtain information from the Executive branch sufficient to exercise its oversight function in a meaningful and timely manner. There shall be clear and effective procedures requiring the Executive to provide timely responses to oral and written questions and Parliamentary Committee reports and recommendations.	Adequate		√				
7.1.3	The oversight authority of the Legislature shall include effective oversight of the military, security and intelligence services	Adequate		√		√		
7.1.4	The oversight authority of the Legislature shall include effective oversight of state-owned enterprises.	Strong	√	√		√		A Standing Committee on Public Enterprise of Parliament is there to look at this.



7.1.5	The oversight authority of the national Legislature shall include effective oversight of compliance with international treaties and obligations, including international human right instruments and the Sustainable Development Goals (SDGs).	Adequate		√		√		
7.1.6	The Legislature shall establish a position of independent ombudsman, or similar office.	Strong		√		√		
7.1.7	The Legislature shall establish a Human Rights Commission, or similar office, with the mandate to protect against human rights violations.	Strong	√		√			The Commission has been established under the enactment of the Parliament
7.1.8	The Legislature shall receive annual reports and scrutinize the activities of all independent constitutional bodies, such as human rights commissions, anticorruption bodies and ombudsmen and, where feasible, follow-up on issues arising from their reports.	Strong	√	√		√		
7.1.9	The Legislature shall ensure that independent constitutional bodies receive adequate resources and the work of such institutions are not subject to political pressure from the Executive.	Adequate	√		√	√		



7.2	Financial and Budget Oversight							
7.2.1	Budget approval and scrutiny procedures shall be clearly specified in the rules of procedure, the Constitution or relevant legislation.	Strong	√	√		√		The Constitution of India has already provided for this
7.2.2	The Legislature shall have a reasonable period of time in which to adequately scrutinize and debate the proposed national budget.	Strong	√	√	√			In Lok Sabha, the budget scrutiny and discussion is done as per the Rules of Procedure and Provision of the Constitution
7.2.3	Oversight Committees shall provide meaningful opportunities for minority or opposition parties and independent MPs to engage in effective oversight of government expenditures.	Adequate	√	√				
7.2.4	In addition to the draft annual budget, the Legislature shall receive and assess medium-term and annual budget strategies and be informed of the main assumptions that underlie the annual budget's revenue and expenditure projections.	Weak		√		√		Despite having adequate provisions, this aspect of the Benchmark remains weak in the Lok Sabha



7.2.5	The Legislature shall receive regular in-year budget reports and an audited annual financial statement from the government within 12 months after the end of the fiscal year.	Adequate	√	√		√		
7.2.6	The Legislature shall have access to sufficient financial scrutiny resources and/or independent budget and financial expertise to ensure that financial oversight is conducted effectively.	Adequate	√	√		√		There is no provision for financial scrutiny by independent budget expert in Lok Sabha
7.2.7	There shall be an independent, non-partisan Supreme or National Audit Office whose reports are tabled in the Legislature in a timely manner.	Strong	√	√		√		Audited reports of the CAG are tabled in Lok Sabha regularly
7.2.8	The Supreme or National Audit Office shall be provided with adequate resources and legal authority to conduct audits in a timely manner.	Strong	√	√	√	√		Adequate Constitutional provision is there
7.2.9	All reports of the Supreme or National Audit Office shall stand referred to the Public Accounts Committee, or a designated Committee, for further report.	Strong	√	√		√		Adequate Constitutional provision is there
7.3	No Confidence and Impeachment							
7.3.1	In bicameral systems, only a popularly elected house shall have the power to bring down the government.	Strong	√	√		√	√	

7.3.2	The Legislature shall have mechanisms to impeach or censure the Executive branch, or express no-confidence in the government.	Strong	√	√		√	√	The Motion of No Confidence against the Government can be brought in Lok Sabha only
7.3.3	If the Legislature expresses no confidence in the government, the government is obliged to offer its resignation. If the head of state agrees that no other alternative government can be formed, a general election should be held in an appropriate time frame that is clearly specified in the Constitution or in any other related law.	Strong	√	√		√		In India, there are various instances when due to such motion in Parliament, the government of the day resigned and new government came to power, or general election is declared unlike other instances of India's neighboring countries like Pakistan, Sri Lanka or Bangladesh where Military rule commenced
8	Representational Function							
8.1.2	The Legislature shall provide all legislators with adequate and appropriate resources to enable them to fulfil their constituency responsibilities.	Adequate	√	√	√	√		



IV.	Values of The Legislature							
10.	Accessibility, Openness and Engagement							
10.1	Citizens and the Press							
10.1.1	The Legislature shall be accessible and open to citizens and the media, subject only to demonstrable public safety and work requirements.	Adequate	√		√			
10.1.2.	The Legislature shall be accessible and open to persons with disabilities.	Adequate	√	√	√			In India, the recommendation of the Disability Commission has been implemented in Lok Sabha
10.1.3	The Legislature should ensure that the media are given appropriate access to the proceedings of the Legislature without compromising the proper functioning of the Legislature and its rules of procedure.	Strong		√	√	√		
10.1.4	The Legislature shall have a non-partisan media relations facility.	Strong		√	√	√		
10.1.5	The Legislature shall promote the public's understanding of the work of the Legislature.	Adequate		√	√	√		



10.1.6	The Legislature shall identify demographic groups whose perspectives are not well represented in parliamentary decision-making and make efforts to increase their participation.	Adequate	√	√		√		
10.1.7	The Legislature shall have a regularly updated and accessible website to enhance and promote information sharing and interaction with citizens and the outside world.	Strong		√	√	√	√	

Some Findings of the Self-Assessment Study

After going through the Benchmark self-assessment study above, one can find that the Parliament of India is doing fairly well as the national legislature. In most of the vital areas of the Benchmarks, Lok Sabha's institutional performance remains strong, particularly in the incompatibility of office, freedom of speech immunity, natural justice, professional development, etc.

Vulnerable Areas in Benchmark

However, there are certain areas that can be identified as vulnerable areas in the Benchmark for improving the performance of the Lok Sabha:

Legislation

It is perhaps impossible to conceive an objective set of criteria to judge the quality of legislative debates. If a law is struck down on the grounds of constitutional invalidity, it is indicative of insufficient scrutiny on the part of Parliament. Similarly, if a law is amended within a short period of time after its enactment, it may show that it was not well-drafted in the first place.

In determining whether adequate financial provision has been made with respect to legislation, it is important to bear in mind that the financial provision made for achieving the bill's stated objects is often understated.



Many legislations delegate details of implementation to the Executive, subject to Parliament's approval. MPs perform this responsibility both on the floor of the House and through the Standing Committee on Subordinate Legislation. Whereas the number of sittings and reports of the Committee are measurable, the quality of its work is difficult to judge. This metric indicates the extent to which the work of Standing Committees has a substantive impact on lawmaking. Again, it is difficult to determine the quality of the Standing Committee recommendations.

Oversight

This metric purports to measure the effective use of the committee system and the depth to which committees examine issues in their oversight of the Executive. Since a considerable amount of time during parliamentary discussion is lost due to interruptions, this metric seeks to measure the actual time devoted to relevant questioning of executive activity. While determining the quality of the questions asked is crucial to a determination of parliamentary effectiveness, it is not clear as to how this may be done.

Budgeting

The government's budget proposals are examined by Standing Committees and then discussed on the floor of the House. Several proxies may be used to measure the effectiveness of scrutiny at both these levels. The time spent on discussion of CAG related issues and debate over financial improprieties indicates parliamentary vigilance over expenditure of public finances. The Public Accounts Committee of Parliament holds ministries accountable to the findings of the CAG. It also inquires into whether government funds were spent on the purposes for which they were allocated.

Representation

This metric enables a quantitative determination of the amount of time spent by both Lok Sabha and Rajya Sabha MPs in monitoring government activities that affect his or her constituency; the total number of issues raised by Lok Sabha MPs under Rule 377 related to matter of public importance that have a bearing on their constituencies, the total number of questions asked by Lok Sabha MPs during Question Hour that have a bearing on their constituencies.

Rules of Procedures and Standing Orders

The House itself reviews its own decisions and makes amendments to rules of procedure according to the changing environment. This change should not be much more flexible however not more rigid. The rules committee of the Lok Sabha chaired by Hon. Speaker looks after the flexibility needed for the House and changes the rules according to the needs. However, this change is generally adopted by the House with near unanimity. Amendment to the Lok Sabha Rules of Procedure is much needed in some vital areas of Budget Oversight and Financial Scrutiny by Independent Budget Experts.



Conclusion

As per the Standards for the Democratic Parliaments, Parliaments are increasingly assessing themselves against international norms and standards as they seek to become more independent, accountable, and responsive, and improve the way they carry out their representative, legislative and oversight functions. Major inter-parliamentary organizations and their partners are working to develop standards and assessment frameworks for democratic parliaments. Such standards can contribute to a parliament's own evaluative and reform efforts to strengthen its performance. Lok Sabha, the House of People in India, is also attempting to better its performance to serve its Members and people at large and develop the democracy as a whole.



Parliamentary Committees 2014 - 2020

Committees are extensions of Parliament and operate according to the authority delegated to them. The role of parliamentary committees is to investigate matters on behalf of the Parliament through inquiries and reports. Inquiries are conducted by obtaining information from individuals, organizations and government departments and authorities, and advice from experts on the matters under investigation. The conduct of inquiries is the primary reason for the existence of parliamentary committees. In reporting, committees examine evidence, draw reasoned conclusions and make recommendations to Parliament. In this way, committees contribute towards better-informed government administration and policymaking, and improved public accountability.

Parliamentary Committees seeks to provide parliamentary officials with knowledge of how an effective parliamentary committee can operate, including focus on the establishment, functions, powers, procedures, needs and related issues that govern committees. Specific emphasis will also be placed on the role of a committee in engaging citizens and ensuring the work of a parliament reflects the needs and interests of all citizens.

Featured topics include establishing a parliamentary committee (i.e., mandate and terms of reference), supporting committees (i.e., the role of committee secretariat), conducting committee business (i.e., the inquiry process) and oversight, lawmaking and public engagement. The course uses practical examples to promote the technical application of the skills necessary to work with committees.

The overarching goal of this course is to enable participants to apply course teachings to their particular parliamentary context. Thus, the final assignment requests participants to respond to the following prompt:

Please outline the process for conducting a parliamentary committee inquiry in your own Parliament and critically assess the strengths and weaknesses of this process. Start from the beginning of the inquiry process; identify what works and what could be done to enhance the process. Are there lessons from the practice and procedure of other parliaments that could be applied to your parliament?

Note: The term ‘parliament’ may be used to refer to a national parliament, any one house or both in a bicameral legislature, or to a sub-national legislative assembly.





Parliament Committees: Final Assignment

The Committee System of the UK House of Commons

The House of Commons has two principal types of committees:

- a. Select committees are scrutiny committees. They typically consist of 11 Members, their party composition reflecting that of the House. Their Chairs are elected by secret ballot of the whole House according to a pre-determined party breakdown which allocates specific Chairs to specific parties. They proceed by taking written and oral evidence and producing reports containing recommendations for the government. By long-standing convention, the government produces a written response to each committee report within two months. Select committees take evidence in public but deliberate in private.
There are 20 departmental select committees, each of which is appointed “to examine the expenditure, administration and policy” of one of the principal departments of government.⁴⁰ There are also several committees with a cross-departmental remit, including the Committee of Public Accounts and the Environmental Audit Committee, and select committees which are concerned with the internal workings of the House, both procedural (Procedure, Backbench Business and Selection) and administrative (Finance and Administration).
- b. General committees are debating committees appointed to consider legislation. They proceed by Motion, Question and debate, as in the House. They meet in committee rooms which have broadly the same layout as the Chamber. A new committee is appointed for each Bill (a Public Bill Committee (PBC)) or statutory instrument (a Delegated Legislation Committee (DL Committee)), and the committee ceases to exist when it has reported the Bill or Statutory Instrument back to the House.

In addition to select committees and general committees, there are a few committees established by the Act of Parliament, such as the Ecclesiastical Committee, which considers Church of England Measures (a consequence of the established status of the Church), and the Intelligence and Security Committee of Parliament.

The Committee Secretariat

Each select committee is supported by its own secretariat, who, as permanent employees of the House of Commons Service, are politically impartial. Every committee secretariat is led by the Committee Clerk, who will be a generalist with a good understanding of Parliamentary procedure and Privilege, but not necessarily any expertise in the subjects within the Committee’s remit. The Clerk is sometimes supported by a Second Clerk and usually by one or more Committee Specialists, who are usually (but not invariably) recruited for their specialist knowledge of matters within the committee’s remit. Each committee also has an administrative team of two people. In addition to their own secretariats, there are a number of teams that provide services across the Committee Office. The Scrutiny Unit provides a central pool of expertise in the law and finance, as well as various other miscellaneous functions, the Web and Publications Unit prepares documents for publication and provides support in maintaining committees’ social media presence, and the Select Committee Engagement Team, who provide support with public engagement.

⁴⁰ Standing Orders of the House of Commons, Public Business 2019 (House of Commons, 5 November 2019), Standing Order No. 152

Committee Secretariats sit within the Committee Office, which at around 300 people is the largest single management unit in Parliament. However, it is dwarfed by the National Audit Office (NAO), which employs around 800 people under the direction of the Comptroller and Auditor General. All the NAO's work is channeled through a single select committee, the Committee of Public Accounts (PAC). Other committees have no access to its work (other than through published material), yet the PAC has nowhere near enough capacity to consider every major report from the NAO. A modest reform that might improve the effectiveness of the select committee system as a whole would be to give other select committees increased access to the resources of the NAO to support their work.

Select committees may also appoint specialist advisers, external experts who can advise the committee and guide its work, for example, by suggesting whom to invite to give evidence, what questions to ask and what recommendations to include in the final report. They are not staff of the House and are therefore not always politically impartial.

The committee secretariat will generate proposals for new inquiries, in addition to those suggested by Members, producing "scoping notes" which set out proposed terms of references, witnesses and outreach activities. When the committee has chosen a subject for inquiry, the secretariat will issue calls for evidence (see below) and produce in advance of each oral evidence session a brief with background information and suggested questions for the committee to put to the witnesses. At the end of the inquiry, the secretariat will produce a draft report, which is formally proposed to the committee by the Chair, who has editorial control. If time permits (though it often does not), members of the secretariat will carry out pieces of work for other members of the committee, including the drafting of amendments to the Chair's draft report, or even in some cases, alternative draft Reports.

Select Committees and the Legislative Process

Before outlining the stages of a Parliamentary committee inquiry, it is worth noting that it is an unusual but not unique feature of the UK Parliament that scrutiny committees play almost no formal role in the legislative process. Although there may be some overlap in membership between the relevant select committee and the public bill committee, the select committee plays no formal part in proceedings on the Bill. Since 2010, PBCs have had the power to take evidence. The pressure of the legislative timetable means that the evidence-taking phase is usually limited to one day, with a small number of witnesses agreed in advance between the Government and Opposition parties.

That is not to say that select committees cannot influence the legislative process at all. The smoking ban in public places introduced in the UK in 2005 was largely due to sustained pressure by the Select Committee on Health, on a government that was divided over whether to introduce a complete ban or a ban only in premises serving food. A comprehensive inquiry by the Committee - including a pub crawl around Dublin, where a complete ban had been introduced the previous year - led to a recommendation for a complete ban. The Committee followed this up, unusually, by lobbying the hospitality industry to withdraw its objections

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to a complete ban. The Committee then tabled an amendment to the Government Bill, which was passed by a majority of over 300.⁴¹ However, this was an example of the committee using its political influence to achieve a legislative outcome rather than exercising any formal power.

Select committees have the greatest impact on legislation when given an opportunity to consider a Bill in draft before it is formally presented. They can then make recommendations which the Government can agree to incorporate into the Bill before presentation. The most recent example is the draft Domestic Abuse Bill of 2019, where the Government adopted many major recommendations of the Joint Committee that considered it, including extending its provisions to Northern Ireland and introducing specific new measures to deal with domestic abuse perpetrated by minors.⁴² When, following the snap 2019 general election, the Government appeared to be wavering over the Bill, it was pressure from members of the Joint Committee that led to it being re-introduced.

Initiating Inquiries

It is an important principle that select committees are free to choose their own subjects for inquiry and to set their own terms of reference for each inquiry. This gives them a high degree of independence from the government and the freedom to pursue subjects of inquiry that the government might rather they do now. At the start of a new Parliament, a Committee will normally consider a number of proposals for new inquiries from the secretariat and Members, identifying a few initial high-priority subjects, which develop into a rolling programme over the course of the first few months.

At its best, this freedom allows committees to engage with stakeholders over the choice of subject matter for inquiries at an early stage. In 2016-17 and again in 2018-2019, the Science & Technology Committee conducted a “My Science Inquiry” at the start of the Parliamentary Session inviting 200-word suggestions for subjects for inquiry, with an accompanying hashtag on Twitter. This led the Committee to launch three major inquiries into subjects suggested by their stakeholders: algorithms in decision-making, hydrogen fuel cells, and e-cigarettes.⁴³

However, at its worst, the freedom of select committees to set their own agendas can lead to a free-for-all in which every Member has their own laundry-list of favourite subjects, which the Committee has to work through in order to maintain its internal consensus. This can lead to a programme of inquiries that lacks coherence or any strategic direction, often driven by media interest in subjects, with many areas covered only superficially. It would be invidious to single out specific committees, but in the 2017-19 Session of Parliament, some departmental select committees conducted only eight or ten inquiries, whereas others conducted more than 30. The Liaison Committee (which consists of the Chairs of all Commons select committees) has recently recommended that committees take a more strategic and purposeful approach to their future programme of inquiries, to ensure more effective follow-up and better engagement with stakeholders.⁴⁴

⁴¹ Harrison, David. “The smoking ban” (2019), presented at the conference, 40 Years of Departmental Select Committees (London, June 2019)

⁴² HM Government. Further Government Response to the Report from the Joint Committee on the draft Domestic Abuse Bill, CP 214 (London, 2020)

⁴³ House of Commons Science and Technology Committee. Future programme: ‘My Science Inquiry’, Ninth Report of Session 2016-17, HC 859 (London, 2017)

⁴⁴ House of Commons Liaison Committee. The effectiveness and influence of the select committee system, Fourth Report of Session 2017-19, HC 1860 (London, 2019), p. 22.

Evidence and Outreach

Having identified a subject for inquiry, a committee usually issues a general call for written evidence, and the secretariat may approach selected individuals or organisations with specific requests. In principle, once the committee has read and considered the written evidence, it will invite witnesses to give oral evidence, though in practice, the pace at which most committees now work means that these processes generally take place in tandem. This formal evidence-taking process is good for capturing the “usual suspects,” but in recent years, committees have been looking for new ways to reach out to the wider public, especially those with lived experience of the issues they are investigating.

Social media has proven to be a valuable tool for this, but its reach only extends so far, and it is quite fragmented, with different platforms reaching different audiences and age demographics. The number of public engagement events organized by select committees rose from 18 in 2016–17 to 36 in 2017–18, and the total number of participants rose from 575 to 1,227.⁴⁵ These events range from large town hall meetings in towns and cities around the UK to small focus groups or online forums. Most of the physical events take place outside London. However, this work is still at an early stage, and the COVID-19 pandemic means that outreach and engagement events planned for 2020 have been cancelled.

One difficulty with engagement activities is that they take a long time to plan properly. Committee members may have lost interest by the time the event takes place, leading to poor attendance and damaging, rather than enhancing the reputation of the committee. Like all committee business, they are also subject to disruption by the business in the Chamber and events which have been months in the planning can be abandoned at short notice if Members suddenly find that they have to be in Westminster for votes. A potential legacy benefit of COVID-19 would be the adoption of the Commons’ new remote voting system, MemberHub, allowing Members to vote remotely while they are away on committee business.

Select Committee Powers

Select committees related to government departments, along with most other select committees, have the power to call for persons, papers and records (sometimes referred to as “PPR”).⁴⁶ However, this power is ill-defined and poorly tested. It clearly includes the power to take evidence, whether orally or in writing, which is freely given (as most evidence is), but it is questionable whether it still encompasses a formal power to summon witnesses.

Erskine May records that “a particular rule which, if disobeyed, may give rise to proceedings for contempt is the refusal or neglect of a witness or other person to attend either House or a committee when summoned to do so”.⁴⁷ While it is true that the House itself can treat a refusal to answer a summons from a select committee as a contempt, there is very little the House can do by way of a sanction. This was highlighted in a recent case involving Dominic Cummings, director of the Vote Leave campaign in the EU referendum, who refused

⁴⁵ Ibid., paragraph 133.

⁴⁶ Standing Order No. 152

⁴⁷ Natzler, Sir David & Hutton, Mark. Erskine May: Parliamentary Practice, 25th ed (London, 2019), paragraph 15.7.

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a summons to appear before the Digital, Culture Media & Sport Committee to give evidence on campaign funding. The long and drawn-out process for proceeding against a non-Member for contempt took place and culminated in the House passing a Resolution that concluded, "... Mr. Cummings committed a contempt both by his refusal to obey the Committee's order to attend it and by his subsequent refusal to obey the House's Order ... and therefore formally admonishes him for his conduct".⁴⁸ That was in effect an end to the matter, as the House had no powers to proceed further. Mr. Cummings was appointed as Senior Advisor to the Prime Minister less than four months later.

There is a generally held view that select committees' power to summon witnesses (and, by extension, to request specific documents) amounts to little more than "smoke and mirrors".⁴⁹ A committee can embarrass a prospective witness with a summons, but they cannot actually make them attend. In the UK's devolved legislatures, refusing to attend in response to a summons from a committee is a criminal offence punishable by a small fine. There would be two difficulties with adopting this approach in the UK Parliament: firstly, it would leave Parliament dependent on the courts to enforce its orders, breaching the principle of exclusive cognizance (that each House is the sole arbiter of the lawfulness of its own proceedings);⁵⁰ secondly, it could engage questions of human rights law under the European Convention on Human Rights, which could require the courts to adjudicate on the reasonableness and proportionality of the actions of a Parliamentary committee.⁵¹

The divergence between the ancient powers claimed by the House and those that can effectively exercise in the modern world is one which has troubled Parliament for decades and will no doubt persist for years to come.

Producing the Report

When a committee has finished taking evidence and completed any outreach or engagement activities, the secretariat, under the direction of the Chair, prepares the draft Report. Since the real power of select committees' rests on the moral and political authority that comes from a set of recommendations agreed upon by MPs of all parties, Chairs are generally very keen to avoid damaging divisions in their committees. Thus, Chairs will often hold a "Heads 10 of Report" discussion within the Committee beforehand, going through each of the areas that the report is likely to cover and seeking Members' views. While this is a highly effective process when the Committee can agree on concrete recommendations (as in the smoking ban example), it can sometimes result in recommendations which are obvious, vague or meaningless. It would be better if committees were to decide at the scoping stage of an inquiry whether there were concrete recommendations that they might be able to agree on at the end.



⁴⁸ Votes & Proceedings of the House of Commons, 2 April 2019.

⁴⁹ See, for example, Institute for Government. *Parliamentary Monitor 2018* (London, 2018), p. 73.

⁵⁰ Eskrine May, paragraph 11.15.

⁵¹ This argument is made by Richard Gordon QC and Amy Street in *Select Committees and Coercive Powers – Clarity or Confusion?* (The Constitution Society, 2012)

The Report must be agreed to at a formal meeting of the Committee, at which Members may table amendments and have them voted on, though, in practice, they often do not. It is then published, and the Government should, by convention, respond to its recommendation within two months. Unfortunately, it is there that the matter often ends because select committees are notoriously bad at following up on their recommendations. There are also occasions when taking evidence in public will in itself produce the outcome a committee wants by giving publicity to a subject or a witness, and the Report becomes something of an afterthought. Committees are not required to produce a report but often feel that they ought to.

Follow-Up

There are several ways in which committees can follow up recommendations. The Chair can present the Report in a short speech in the House, raising its profile. This takes place immediately after questions to Ministers when the Chamber is usually busy. Once the Government response has been received, the Committee may apply for a debate in Westminster Hall (the parallel Chamber) or, on three days each year, on the floor of the House. Whilst all of these procedures can help raise the profile of a select committee report, none of them are really effective in putting increased pressure on the Government to reconsider its position on the committee's recommendation. That really requires a committee to be willing to keep returning to a subject, again and again, gathering more evidence in support of its position and building a consensus within Parliament.

Conclusion

A quantitative analysis by the Constitution Unit at University College London estimated that only 40% of select committee recommendations were accepted by government. However, the authors noted that this probably underestimates the influence, as opposed to hard power, that select committees exercise and over-states the extent to which acceptance of a recommendation represents a true “win” for a committee.⁵² The Government will sometimes see which direction a committee is travelling in and act quickly to change policy before it has produced its report. Conversely, it may respond favourably to a recommendation that it never actually implements, or the recommendation may not be implemented for many years after it was made (to give one example, recommendations on the draft Marine Navigation Bill in 2008 were not implemented until 2013). Real political outcomes are complicated and ambiguous, and other than the most compelling examples, it is difficult to measure select committee impact effectively.



⁵² Russel, Meg and Benton, Meghan. *Selective Influence: the Policy Impact of House of Commons Select Committees*, Constitution Unit, UCL (London, 2011)

However, looking at select committee processes, there is a lot to admire in the UK system: committees have a high degree of independence from the Executive, they control their own agendas, they are well-resourced, and they have significant influence. However, there is still a great deal of room for improvement, particularly when it comes to strategic planning and engagement with the wider public beyond the “Westminster bubble”. The UK has for the last decade or more been going through something of a crisis of confidence in its established institutions: the financial crash destroyed confidence in the banking system, the phone-hacking scandal exposed immoral and illegal behavior by the press, the MPs’ expenses crisis revealed widespread financial wrongdoing within Parliament, and the EU referendum demonstrated that 52% of citizens had lost faith in Europe (if they ever had it in the first place). Select committees have a role to play in restoring some of that lost faith by being better at reaching out and listening to the public, by giving a voice to those who feel voiceless. That will be the major challenge for the committee system in the post-coronavirus world.



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Committee Inquiries in the NSW Legislative Assembly: A Critical Evaluation

Introduction

The NSW Parliament is a bicameral legislature. The Executive is formed from the majority party (or parties) in the 93 Member Legislative Assembly, often referred to as the “House of Government”. The 42 Member Council functions as a “House of Review” and has had no overall majority since 1988.

The Houses have their own committee systems, but there are also joint committees that are formed from Members from both Houses. These joint committees are established by statute and administered by the Legislative Assembly (or Assembly).

Assembly committees are typical of many of their Commonwealth counterparts in that they are appointed by the House to:

- perform detailed scrutiny of the Executive in specific areas such as public accounts;
- examine legislative or policy proposals in greater detail than the House can;
- oversee a number of independent statutory officers; and
- provide a forum for public engagement and validation of the democratic process.

There are standing committees that are appointed to investigate and report on specific subject areas (such as electoral matters) for the lifetime of a Parliament; there are select committees appointed for set periods to investigate specific matters (for example, the regulation of brothels); or there are statutory committees created under an act to conduct oversight of investigatory bodies (such as the Health Care Complaints Commission). As noted above, these are joint committees, including Members of the Legislative Council, but they are administered by the Assembly.

There is also a provision in the Standing Orders for the House to appoint estimates’ committees, legislation committees and House (or domestic) committees, though this is rarely done.

Continued on next page >



Establishing Terms of Reference for a Committee Inquiry

Almost all of the Assembly's committees have been given the power to initiate "or self-refer" their own inquiries. For standing and select committees, this power will be in the resolution-establishing the committee. For example, the Committee on Law and Safety may examine, inquire into and report on the following matters concerning its portfolio areas:

- (a) any matter referred to it by the House;
- (b) any relevant policy, bill or subordinate legislation;
- (c) any relevant financial matter; and
- (d) any relevant portfolio issue.⁵³

In the case of statutory committees, the power to self-refer will be in the section of the act that establishes the committee and its functions. For example, the Committee on the Independent Commission Against Corruption may "report to both Houses of Parliament, with such comments as it thinks fit, on any matter appertaining to the Commission or the Inspector".⁵⁴

Statutory and Standing Committees may also receive an inquiry reference from the House or a Minister. For example, in 2010, the Committee on the Independent Commission Against Corruption (ICAC) received a referral from the then Premier to examine proposed amendments to the ICAC Act.⁵⁵

It is, of course, open to a committee to refuse to accept a reference from a Minister or the House, or more likely, to amend the terms.

The only Standing or Statutory committee without the power to self-refer an inquiry is the Committee on Electoral Matters, which can only inquire into an issue if it has a reference from the House or a Minister.⁵⁶

The first step in the inquiry process will be for the committee to meet and discuss its work programme. At this first meeting, or soon after, draft inquiry terms of reference will be considered. These may have been referred to the committee or may have been drafted by the committee secretariat on the Chair's instructions.

When the terms of reference have been adopted (with or without amendment), the Chair will report the commencement of the inquiry to the House and call for submissions.



⁵³ Extract from Votes and Proceedings No 9, Thursday 28 May 2015

⁵⁴ Section 64, [Independent Commission Against Corruption Act 1988](#)

⁵⁵ Report of the Committee on the Independent Commission Against Corruption [Proposed amendments to the Independent Commission Against Corruption Act 1988](#)

⁵⁶ See the Committee's [terms of reference](#) at part 2.

Analysis

The three means by which Assembly committees receive their terms of reference appropriately reflect the three key drivers of parliamentary business: the House to which the committee reports; the Executive which is formed from a majority in the House; and the committee itself which has devolved responsibility from the House to acquire specialist knowledge of an issue.

In the case of the Committee on Electoral Matters (which cannot self-refer), it seems appropriate that a reference should only come from the House or a Minister. Electoral law defines how the membership of the Parliament comes to be there, and any inquiry into it should carry their imprimatur or that of the Minister with the responsibility for administering the legislation.

The adoption (or not) of terms of reference is always a decision by the committee itself and may be decided on a vote if necessary. Most committees in the Assembly manage to reach a consensus on inquiry terms of reference, which is appropriate given that committees are designed to enable cross-party cooperation.

- **Sources of Committee Inquiry Powers**

- ***Inherent***

The Assembly has an inherent power to conduct inquiries. This is part of its colonial inheritance from the UK House of Commons and its “grand inquest of the nation”.⁵⁷ This inherent power finds statutory expression in the Parliamentary Evidence Act 1901, which provides for Assembly committees to summon witnesses and compel them to give evidence.

As there is no specific statute defining its powers and privileges, the Assembly relies upon the common law principle of “reasonable necessity.” That is to say; it has the powers, rights and privileges necessary for the discharge of its functions. This principle was tested in the courts in the Egan v Willis decisions, which held that it was “reasonably necessary” for the Legislative Council to seek information in order to perform its scrutiny function.⁵⁸

- ***Statutory***

Assembly committees have statutory powers that include absolute privilege against an action for defamation in respect of committee publications and freedom of speech for witnesses appearing before committees.⁵⁹

The particular statute establishing a statutory committee may also confer specific powers; for example, the ICAC committee may “send for persons, papers and records”.⁶⁰

⁵⁷ See Patterson, J in *Stockdale v Hansard* (1839) 112 ER 1112 at 1185.

⁵⁸ See *Egan v Willis* (1996) 40 NSWLR 650; (1998) 195 CLR 424.

⁵⁹ See [Defamation Act 2005](#) and Article 9 of the [Bill of Rights](#) respectively.

⁶⁰ Section 69, [Independent Commission Against Corruption Act 1988](#)



- ***Procedural***

The Standing Orders of the House, which are given force and effect by the Constitution Act, give Assembly committees the power to receive evidence, conduct hearings and table reports. In the case of statutory committees, if the legislation is silent on any aspect of the committee's role and functions, the relevant standing order will apply.

Finally, the resolution establishing a committee and the terms of reference for its inquiry are themselves sources of power. Committees and their inquiries are bounded by these terms, and when they act outside of them, they risk being challenged by witnesses or the courts. For example, under s11 of the Parliamentary Evidence Act, it may be an offence for a witness to refuse to answer a "lawful question" from a committee; but if the question from the committee was outside its terms of reference (or *ultra vires*), then the courts might find in favour of the witness.

Analysis

In general, the Assembly is well placed in terms of its powers to conduct committee inquiries. However, the patchwork of common law, statutes, and standing orders has left at least one hole. Critically, this affects its most important committee in the Assembly, the Public Accounts Committee (PAC).

Unlike other statutory committees, the legislation establishing the PAC is silent on whether the committee has the power to send for persons, papers and records. In the absence of a specific legislative provision, doubt has been cast on the Committee's inherent powers in this regard and those set out in the Standing Orders.⁶¹

In response, the Committee has sought legislative amendments to clarify its powers, but the matter remains unresolved. This is far from satisfactory because the PAC should at least be on the same footing as other statutory committees, particularly as the Assembly has primacy in financial matters.

By contrast, no such concerns appear to have been raised in relation to the UK House of Commons Public Accounts Committee, whose powers to "send for persons, papers and records" are also set out in Standing Orders.⁶²

Unlike the NSW PAC, though, the House of Commons committee is not established by statute. So perhaps it is this hybrid of committee powers in the NSW model (between a standing order and statute) that puts it at a disadvantage because its statutory powers, or lack thereof, are open to judicial review in a way that the UK Commons committee is not.

Alternatively, perhaps the House of Commons has such constitutional supremacy in the UK that a challenge to its powers of inquiry has not been contemplated in the same way it has in NSW.

Ultimately, the matter needs to be resolved either by legislative amendment, or a test case in the courts, because the watchdog of public finances cannot be put on a leash when it comes to using its investigatory powers.

⁶¹ [New South Wales Legislative Assembly Practice Procedure and Privilege](#) pp301-2

⁶² See [SO 148A\(5\)](#)

Conducting Committee inquiries

Most inquiries by Assembly committees will follow the tried and tested method of publicly advertising for submissions. These are usually received through the committee's webpage and processed by the committee secretariat, who will advise the committee on whether or not the submissions should be published. If they are published, then they are listed in order of receipt on the committee's web page, in whole or in part, depending on the "publication order" given by the committee.

Once it has considered the submissions, the committee will usually hold public hearings where witnesses may make short statements before answering questions from committee members. The committee secretariat will make the administrative arrangements for the hearing and make recommendations on calling witnesses, often drafting questions for Members.

During a public hearing, the Chair swears witnesses in, asks the first questions and presides over the proceedings. They may rule questions out of order, if necessary, though committee members are entitled to challenge this ruling, in which case it will be decided on a vote.

After a hearing, witnesses may review a draft transcript of their evidence and propose limited corrections (for example, where there has been a typographical error). They may also be asked to provide written responses to any further questions from the committee. Once complete, the committee will resolve to publish any hearing transcripts and related material on its webpage.

Occasionally, the public hearing model is varied, and a committee may hold a round table discussion with key stakeholders or hear from certain witnesses entirely in private sessions (in camera). The latter method was used to good effect in a recent inquiry into youth diversionary programs because there were concerns about the vulnerability of witnesses and the risks to their privacy.

Where appropriate, committees will travel, though this is not as common as it used to be due to intense media scrutiny of Member travel and progressive cuts to committee budgets through Treasury's "efficiency dividends".

Done effectively though, regional hearings and inspections are highly effective ways to gather evidence and raise the profile of committees, particularly in the rural and remote areas of NSW. The 2017 Assembly committee inquiry into the prevention of youth suicide benefitted enormously from its regional hearing.⁶³

Similarly, the Assembly's Community Services Committee was able to build up considerable expertise in relation to support for new parents by conducting a wide range of site visits to care providers.⁶⁴



⁶³ See the Committee on Children and Young People's inquiry [webpage](#) for details.

⁶⁴ See the Committee on Community Services' inquiry [webpage](#) for details.

Analysis

In terms of inquiry methodologies, the Assembly is typical of many other Australian and Commonwealth jurisdictions in that its committees have the power to set inquiry terms of reference and gather evidence under the protection of parliamentary privilege.

Assembly Committees have a glaring deficiency in their inability to automatically conduct inquiries into legislative proposals or fiscal policy.

First, legislation, while the Assembly's Standing Orders provide for bills to be referred to committees, in practice, this is extremely rare.⁶⁵ This means that there are no public hearings or calls for submissions; and no cross-party committee reports advising the House on the merits of the legislation. This leaves a serious oversight gap because committees can hold public consultations and perform the detailed scrutiny of bills in a way that the Chamber cannot.

The Assembly's Standing Orders should be amended to mandate the referral of a bill to the relevant committee, following its first reading. That "lead committee" would then be required to consult, consider and report upon the bill.⁶⁶

Second, fiscal policy; where the current practice of the Assembly is to suspend Standing Orders and vote on the Appropriation Bills after the Treasurer and Opposition Leader have given their second reading speeches, there is no further debate and no committee stages to hear the views of the community.

This approach is an abrogation of the Assembly's primary responsibility to properly scrutinise the Executive on what they propose to do with taxpayers' money.

The Assembly should have a proper second reading stage for the budget and establish Estimates Committees so that they can question Ministers and departmental officials on the details of the budget.⁶⁷ Adopting the Queensland model for budget scrutiny would be a pragmatic step that could garner cross-party support.⁶⁸

In addition to this, the Assembly's select committees have the power to examine departmental reports and conduct reviews "of government financial management, by considering the financial documents, expenditure, performance and effectiveness of any relevant government department, agency, statutory body or state-owned corporation".⁶⁹

However, there has arguably been an overemphasis in the Assembly on reviewing policy at the expense of conducting financial scrutiny and the examination of departmental annual reports. A greater focus on single department financial scrutiny and reviewing Treasury's half-yearly budget review for the sector would enhance downstream scrutiny and build capacity for performing the Queensland model of estimates scrutiny referred to above.

⁶⁵ The most recent example being the [Tamworth Tourist Information Centre Bill in 1992](#).

⁶⁶ For an example of how this might work in practice, see the New Zealand Parliament's [Select Committee](#) system.

⁶⁷ Standing Order 246, [Consolidated Standing and Sessional Orders—New South Wales Legislative Assembly](#)

⁶⁸ See Queensland Parliament [Estimates Hearings](#)

⁶⁹ See for example Clause 5 of the terms of reference for the [Legislative Assembly Committee on Investment, Industry and Regional Development](#)

In concluding this analysis, the Assembly needs to be more assertive in the areas in which it conducts inquiries if it is to retain public confidence and not be subject to criticisms that it is merely a clearinghouse for Government business, while the real scrutiny gets done in the Legislative Council.

The Role of Assembly Committee Staff in the Inquiry Process

Assembly committees are well served by secretariats which provide administrative assistance, research support, and procedural advice. In line with CPA best practice and Assembly policy, those staff members are non-partisan and provide an impartial, confidential service. In the case of certain statutory committees, the staff are actually bound by the secrecy provisions in the establishing act.⁷⁰

Committee staff are not subject specialists (except in the area of parliamentary procedure), but they do require a degree to be appointed to any of the non-clerical grades in the team. Those grades (Committee Officer, Research Officer and Committee Manager) draft terms of reference, analyse information and write briefing notes and questions for committee members. They also prepare the meeting minutes and any reports for the Chair to present to the committee.

In the case of the Legislative Review Committee, there is also the provision to obtain specialist legal advice from a panel of QC's; and all Assembly committees have a budget to commission consultancy work pursuant to a committee resolution to do so. Finally, it should be noted that the Parliamentary Library has a Research Service, which produces excellent briefing notes on matters of interest to Members.

The most noticeable change in the work of committee secretariats has been the move to using social media to engage stakeholders, and that has seen the Assembly utilise staff with particular skills in that area. For example, an officer with a strong background in audiovisual work recently produced a video for YouTube to advertise an inquiry into support for new parents.⁷¹

There is also an Assembly working group on social media which draws from a cross-section of business units to ensure platforms such as Twitter and Facebook are regularly updated with committee news.

This represents a significant departure from the process ten years ago, which would have entailed drafting a media release, advertising in the print media, or perhaps doing an interview on the radio or television.

Analysis

The roles of Assembly Committee staff are well understood, and instances of Members seeking to exert improper influence over them are very rare. It is a great strength of the system that most Committee Chairs will choose to adopt secretariat advice as their own and resist the temptation to sacrifice staff for reasons of political expediency. Likewise, Chairs and Members will generally refrain from treating staff to the same robust questioning and debate which they use on one another during committee proceedings.

⁷⁰ See for example S72 of the [Health Care Complaints Act 1993](#)

⁷¹ You can see the video via the following [link](#)

This demarcation works both ways, and Assembly staff are very careful to present information impartially and not assume the roles of advocate or decision-maker when that is clearly the job of the committee membership.

The greatest concern for the Assembly's committee staff would be cuts to the budget as a result of NSW Treasury recently imposing a 3% annual "efficiency dividend". In effect, this could mean making positions redundant or cutting committee work programs. For example, in the last financial year, the Assembly was able to administer 16 committees, undertake 24 inquiries and table 36 reports but it is difficult to see how that level of output could be maintained in the future.

Arguably in this regard, the Assembly probably only has itself to blame in that it passes the parliamentary appropriation bill that funds the legislature. In terms of efficiency dividends, it could also rebut any attempts on the part of the Executive to treat Parliament as subject to public sector efficiencies when the legislature is clearly not part of the public sector in accordance with the doctrine of separation of powers.

Perhaps this is all part of a wider problem in that the Assembly is a "budget approving" legislature as opposed to a "budget influencing" legislature that has the ability and will to analyse, debate and amend the Executives budget submissions.

Drafting and Adoption of an Inquiry Report

When the committee is satisfied with its evidence base, the Chair will usually ask the secretariat to summarise the key issues in a position paper. This will then be discussed by the committee and provide direction to the secretariat when they take the next step of preparing the "Chair's Draft Report."

The draft report should reflect the evidence received and, where appropriate, make reasoned recommendations to the government or other bodies. It is not Assembly practice to have minority reports, but the committee's report should reflect alternative views, and any dissent should be recorded in the minutes.

Once the draft report has been agreed with the Chair, it is confidentially circulated to the committee, who will meet to consider it. The committee can approach this in several ways; taking the report's recommendations first, going through it chapter by chapter, or even line by line. Members may move amendments to the report and call for divisions when agreement cannot be reached by consensus.

It is only when the report has been adopted by resolution of the committee that it can be presented to the House for tabling. There will then be a "Take Note Debate" in the House at some future date when all members can discuss the report and its findings.

If the committee has made recommendations to the government in its report, then the government must provide a written response to those recommendations within six months of the report being tabled. Failure to do so could result in the relevant Minister being called by the Speaker to explain themselves or possibly even being considered to be in contempt of the House.

Finally, it has become common practice for Assembly committees to publish short videos online to highlight their reports. This can be a very effective way of “closing the loop” by reporting back to the community on what conclusions the committee has come to.⁷²

Analysis

The processes for drafting and adopting committee reports work well in the Assembly and are done mostly by consent, although there have been examples of contentious reports that were adopted only after divisions at almost every stage.⁷³

The process for considering and adopting reports is set out in the Assembly’s Standing Orders, and there are formal opportunities for Members to propose amendments and call for divisions. The Assembly practice of not publishing a minority report is appropriate, as it is only the report of the majority that can ever be considered the “committee’s report.” Individual or minority views should be recognised in the report’s narrative or the minute, but never given parity in terms of being an alternative report as that is contrary to the purpose of committees.

The Assembly could improve on the committee reporting stage in the Chamber after a report has been tabled. At the moment, there are only 30 minutes allocated to debates on committee reports each sitting week (and 22 minutes for each report). Often those debates are poorly attended as it is late in the afternoon on the last sitting day of the week, and by that time, many members have returned to their constituencies.

For example, in August 2018, only the Chair of the Privilege and Ethics Committee spoke in the debate on a report into a review on the Members’ Code of Conduct.⁷⁴ Perhaps it would have been preferable to have had a much broader debate on this, given the considerable issues NSW has had around Members’ ethics in recent years.

The Assembly could consider adopting the practice in the Scottish Parliament, where the Parliamentary Bureau assigns committee’s priority over all other business for at least 12 half-sitting days each year. These “committee half-days” give greater prominence to committee reports as the debates are held during core business hours, and more time is allocated than the 22 minutes maximum that is provided to each committee report in the Assembly.⁷⁵

Conclusions

The processes for conducting committee inquiries in the Assembly are well-established in terms of their powers and procedures. Public consultation is valued, and committees are becoming more innovative in their use of engagement strategies.

⁷² An example being the recent [committee report on cosmetic surgery](#)

⁷³ See for example the minutes of the 2011 [Committee on the Parliamentary Budget Office](#)

⁷⁴ Legislative Assembly Hansard [August 9 2018](#)

⁷⁵ See the Scottish Parliament’s [committee’s webpage](#)

The areas in which the Assembly must make improvements are those of financial and legislative scrutiny. These are core functions for any legislature, and it is committees that can perform the detailed analysis and public consultation which inform the House and ultimately lead to better law-making and public financial management.



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The Work of Parliamentary Committees in Norway

Introduction

Norway is a constitutional democracy with a relatively long democratic tradition since the independence from Denmark and the passing of the constitution in 1814. Parliamentarism was introduced in practice in 1868 but only codified in the constitution in 2007. Today's parliament (the "Storting") is unicameral and has 169 representatives. Norway is a multi-party democracy. Currently, eight parties are represented in the parliament, and the government is usually a coalition, often representing a minority of the parliamentarians. This entails that the parliamentary culture is one which is characterized by compromise and negotiations.

1. Inquiries by the Storting's standing committees

The system of standing committees was established in the 1820s. Currently, the Storting has twelve standing committees, which are identified in the Rules of Procedure of the Storting.⁷⁶ All members of parliament must be a member of a committee.

1.1 The beginning of the committee's inquiry

The standing committees may, as a rule, only deal with matters that are distributed to them by the Storting. These are normally white papers or propositions (bills or the budget proposal) submitted by the government. The areas of responsibilities of the committees are identified in the Rules of Procedure, and the cases are distributed to the committees on the basis of that description. In some cases where the matter is cross-sectoral, two committees will consider the issue in turn, or an ad hoc committee consisting of the members of two committees may be established. Furthermore, where large, extraordinary appropriations are concerned, the Storting may decide that the committee recommendation on the matter shall be submitted to the Standing Committee on Finance and Economic Affairs to give this committee the opportunity to comment on the financial implications of the recommendation. Only the standing committee on Scrutiny and Constitutional Affairs has the right to initiate its own inquiries, as this is the Storting's main oversight committee. It may do so even if a minority (1/3) of its members requests it; a measure introduced to guarantee that governments with majority backing in parliament can be scrutinized. Recently, all committees were given the right to call for a matter to be debated in the Storting up to twice per session, but these matters may not end in a vote. The measure is intended only to help the committees raise parliamentary debates on important matters. Figure 1 shows the main steps in the committees' consideration of issues.

⁷⁶ The twelve standing committees are: Labour and Social Affairs; Energy and the Environment; Family and Cultural Affairs; Finance and Economic Affairs; Health and Care Services; Justice; Education, Research and Church Affairs; Local Government and Public Administration; Scrutiny and Constitutional Affairs; Business and Industry; Transport and Communications; Foreign Affairs and Defence.

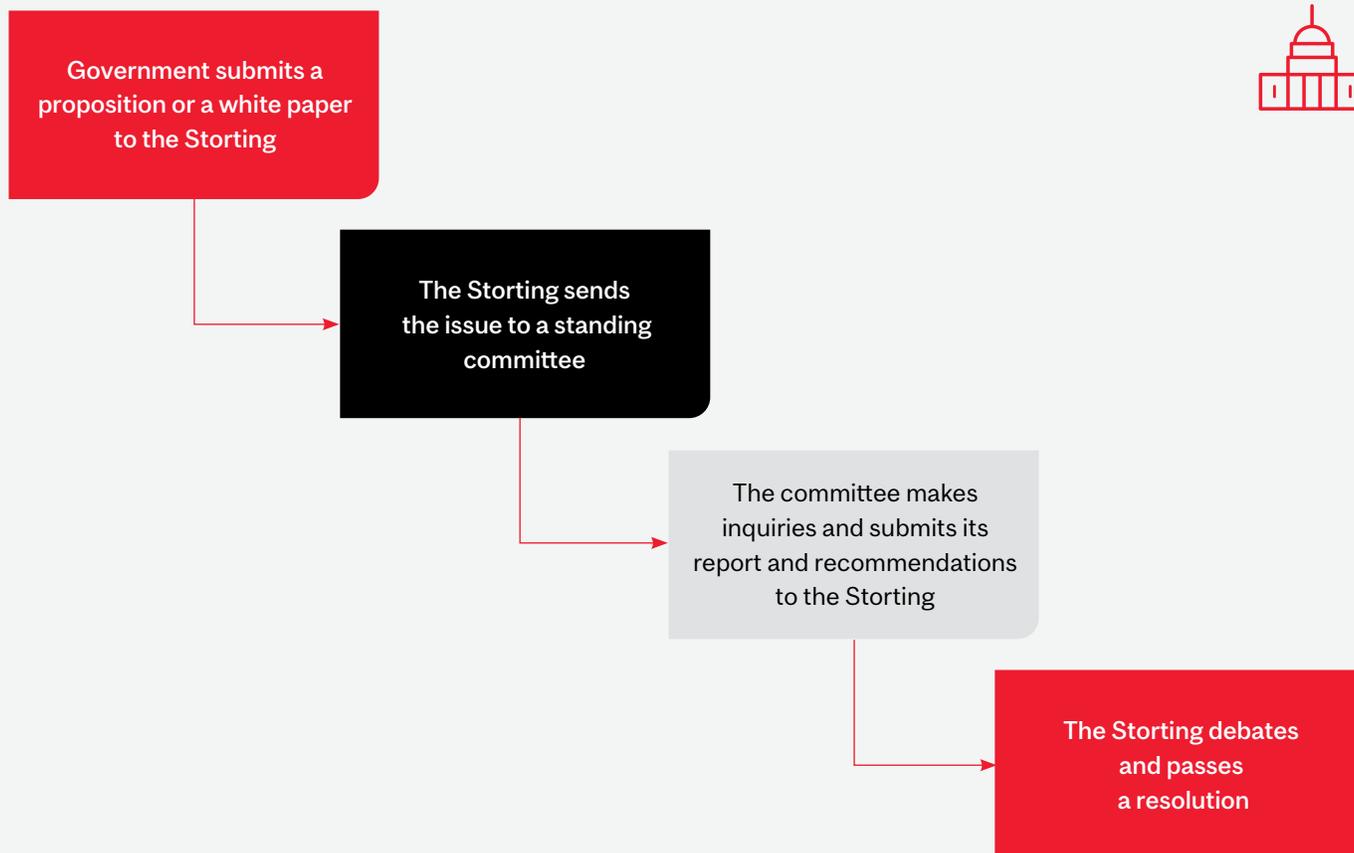


Figure 1. Source: www.stortinget.no

1.2 The powers of the standing committees

The committees may hold hearings to gather information about the matter which is under inquiry. Hearings may also be conducted for the purpose of control or scrutiny. The latter form is usually held by the Standing Committee on Scrutiny and Constitutional Affairs. The other committees normally hold information gathering hearings. One-third of the members of the committee may require that a hearing be held on a matter and who shall be invited to attend.⁷⁷ Persons invited are free to decide whether or not to attend and whether or not to answer the questions of the committee. Over the past ten years, the committees have held on average 90 hearings per year, with more than 900 organizations invited annually.⁷⁸ The number of annual hearings has remained relatively stable throughout that period. Sometimes the committee will send a letter to the responsible cabinet member and ask questions about the issue. A committee may also travel if it finds it necessary for its work, which is rather frequently done.

⁷⁷ www.stortinget.no
3 Rules of Procedure of the Storting.

⁷⁸

Figure 2: Number of hearings and research requests in the Storting. Source: www.stortinget.no

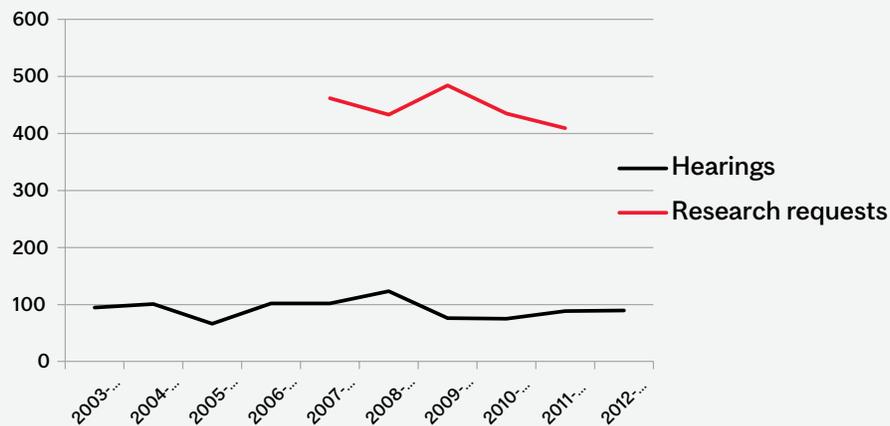
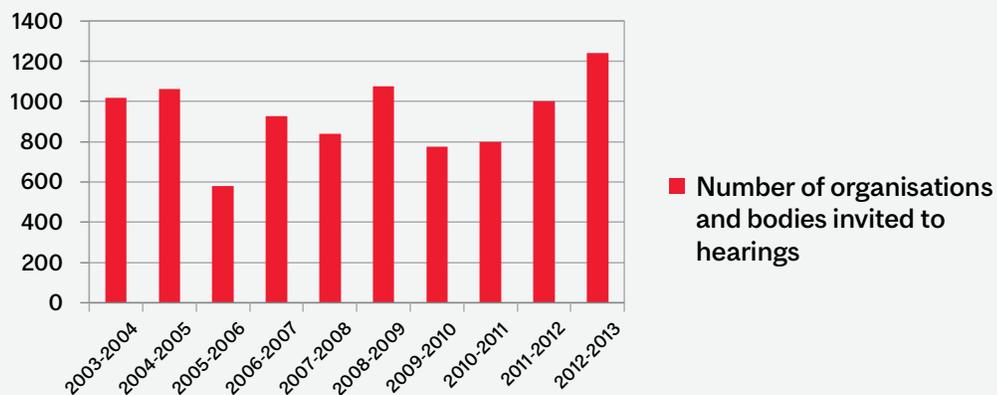


Figure 3: Number of organisations and bodies invited to hearings of the Storting. Source: www.stortinget.no



1.3 The steps in the committees' process of inquiry

The committees are required to submit a report with their recommendations to the Storting for each issue they consider. The report needs to follow a specific format, and consists of a summary of the issue, the comments of the committee members, and the committee's recommendation to the Storting. Committees will usually discuss an issue in several meetings. A spokesperson is appointed for each issue, and this responsibility is divided as equally as possible among the members, although the more experienced committee members will be responsible for the most important cases. It is the spokesperson that is responsible for preparing the first draft of the committee's comments and recommendation. The technical summary of the issue will be drafted by the committee's secretariat. Then the committee members start the work of revising the wording of the comments and recommendations. As part of the process, the committee will gather more information, for example, through hearings where relevant organizations are invited to express their views.

In the process of drafting the report, the committee members will confer with their respective parties so that the views that are eventually expressed by the committee members in the report will be a reflection of the different parties' stances. The committee members will aim to agree on the wording in the report that most of the members may support, and the recommendations of the majority of the committee members will become the committee's final recommendations. However, sections of the report may contain recommendations and comments that only a minority of the committee support. Committee members from different parties may also meet informally outside of the meetings to try to reach compromises. There is often contact with the government in the process. The committee may send letters to the government asking for further information or clarifications, and it may invite the cabinet minister to a hearing. The final version of the committee's report, including its recommendations and comments, will be approved in a committee meeting and tabled in the Storting for debate and vote. In the plenary debate, the spokesperson will present the summary of the issue and the committee's comments and recommendations. Other members of the committee will normally also participate in the debate. There is limited follow-up by the committee on the matter of the issue after it has been debated in the Storting.

1.4 Research and the role of the committee secretariats

Each committee has a small secretariat consisting of a limited number of staff permanently employed by the Storting. Its role is mainly administrative. It organizes the committee's work, including meetings and reporting to the Storting. The committee secretaries play an important role in ensuring that the committee works efficiently and meets the deadlines and procedural requirements of the Storting. The committee secretary will prepare the summary of the matter at hand, which will be the first part of the committee's report to the Storting. The staff is generally well qualified within the committee's subject matter area, and there is low turnover (Grydeland, 2013 [interview]). This entails that the individuals represent an important source of institutional memory. There is also a secretariat that provides support to all committees, including the organization of hearings and provision of information to the public and the media.

In addition to the committee secretariats, the Storting has a research department that provides support on request to all committees and individual members of parliament. It has 11 staff, so its capacity is limited. The department responds to around 450 research requests annually. It relies heavily on secondary information, primarily from academia, research institutions and the government administration (Grydeland, 2013 [interview]). It often looks to examples from other countries on how political objectives have been achieved and with what measures (www.stortinget.no). It has well-established contacts with research departments in other countries' parliaments. The work of the research department is confidential, and it does not disclose who submits requests nor the results of its work (with a few exceptions).

1.5 The committees and the public

The Storting's website (www.stortinget.no) is the main channel of interaction with the public. It contains comprehensive and up-to-date information about the committees' activities, including the biographies of the members and information about the time and place for planned meetings, hearings and travels. It is easy to track every matter a committee has considered through the process, see the current status of a case, read the committees' reports and recommendations to the Storting, and see the results of the vote.

The meetings of the committees are closed, and minutes are not available to the public. In 2001, it was decided that hearings, as a rule, shall be open to the public (Balto 2009: 22; Rules of Procedure of the Storting, section 21). Hearings are recorded on video and available on the website. Each committee has its mail and email addresses available on the site. Each member of parliament may also be contacted directly through email. Important hearings are broadcast on Norway's public service TV and radio station, NRK. There is a certain number of seats available for members of the public to observe the hearing in person. Hearings can, however, be closed if confidential matters are discussed.

2. Strengths and Weaknesses of the Work of the Standing Committees

The work in the committees plays an important role in the Norwegian parliament. Overall, the work in the committees is well organized, and the procedures are well known and followed. The most in-depth and substantive debates on political matters, in fact, take place in the committees. Members of parliament from different parties are distributed as equally as possible between the committees so that no party may dominate any given committee. This entails that the different parties' views may be well reflected and articulated in the committees' discussions and the final report and recommendations to the Storting. Despite these general strengths, there are several areas in which the committee work could be improved.

2.1 Limited follow-up after the debate in the Storting

In the description of the committee work, which is provided on the Storting's own website, the last step in the committee's handling of an issue is the debate and vote in the Storting over the committee's report and recommendations. In other words, there is limited follow-up by the committee on the actual implementation of the decision of the Storting. In the Norwegian system, the task of keeping track of and evaluating the government's follow-up is left mainly to the Office of the Auditor General (OAG), which is "the Storting's most important supervisory body" (www.stortinget.no). Although the OAG is considered a competent and well-resourced institution, its follow-up will have a certain delay, given the nature of its role as an ex-post auditor. The annual report on the implementation of the budget is normally tabled in the Storting 10 months after the end of the fiscal year, and performance audits, which assess the effectiveness, economy and efficiency of government measures, usually cover a period of several years. The Standing Committee on Scrutiny and Constitutional Affairs also plays an important role in keeping oversight of the government, but it focuses its attention mostly on consideration of the reports of the OAG, constitutional matters and serious allegations of mismanagement (www.stortinget.no). The continuous scrutiny of the government's implementation of the Storting's decisions is thereby left mainly to the opposition parties. There are several parliamentary instruments offered to the parliamentarians in this regard, including written and oral questions to the cabinet ministers and interpellations. But in the case where the government holds the majority in parliament, critical questions by members of the opposition may have little effect in practice. The committees themselves could have played a more active role in the follow-up process. Their role is further limited by the fact that all of OAG's reports, regardless of topic, are considered by the Committee on Scrutiny and Constitutional affairs and not by the subject matter standing committees.

2.2 Limited parliamentary research capacity

As mentioned above, the research department of the Storting is small, with around ten employees. This department shall serve all committees and members of parliament. It has competent staff who can efficiently deliver requested information to the parliamentarians due to its good access to information from research institutions and other countries' parliamentary research departments (Vardoy, 2013 [interview]; Grydeland, 2013 [interview]). However, its limited manpower entails a generally low capacity to meet the research needs of the parliamentarians. As a result, the parties in position to a large extent make use of the government administration to meet their need for information and research (Vardoy, 2013 [interview]; Grydeland, 2013 [interview]). There is thus a significant discrepancy between the resources available to the government as opposed to the resources available to the opposition parties – a factor which in practice may entail a weakening of the parliament as an arena for political discussion since one party has access to more and better information than the other. To compensate for this, the Storting has decided to provide the opposition parties with financial support for research (Vardoy, 2013 [interview]) rather than to strengthen the politically neutral research capacity of the Storting. The financial support enables parties to hire staff who work to support the parliamentarians, among other things, with research. Parties also have their own apparatus and, in some cases, closely linked research institutions on which they can draw for information; an example is the research institute Fafo which traditionally has close ties to the Labour Party. A stronger politically neutral research capacity in the Storting, for example, a Parliamentary Budget Office in Australia, could have contributed to reducing the information gap between the parties in position and opposition.

2.3 Too strong committees?

As described above, the most substantive debates on policy matters in parliament are led in the committees rather than in the plenary. There are both pros and cons to this. The benefits are that a thorough consideration of the issues is guaranteed, as the committees have more time to look into the matters and also have parliamentarians who, over time, build up significant knowledge about the subject matter and thus often are their parties' experts on the particular area. The challenge in this regard is that the relevance of the plenary debate is weakened. Since the party representation in the committees to a large degree reflects the party representation in the parliament as a whole, and the committee members have consulted thoroughly with their parties in the consideration process, the matter has been exhaustively discussed at the committee stage, and few new points are added in the plenary debate. Trond Nordby, professor of political science at the University of Oslo, has claimed that there is a tendency of specialization in the parliament, which weakens the plenary debate and the ability of the parliamentarians to maintain their overall, holistic responsibility for positive societal development (Ukeavisen Ledelse, 2013). He exemplifies this by looking at the relatively low attendance by parliamentarians in plenary debates – often, the members of parliament that show up are the members of the committee who have already discussed the matter extensively. A way to meet this challenge could be to encourage parliamentarians to rotate more between committees rather than serving on the same committee several tenures in a row. That way, the parliamentarians would get a more varied background so that those who are not members of the committee are well enough informed to raise valuable points in the plenary. The discussion could, to a greater degree, be lifted out of the closed rooms of the standing committee.

Related to this issue is the degree of influence lobby groups may have on political decisions. The committees interact quite a lot with different interest groups in their consideration of a matter. This is in line with a corporatist culture in Norway, where decisions are often reached as compromises between different groups, e.g., employers' organizations and trade unions. However, there is also a risk that lobby groups may influence decisions in a transparent way, and since the committees are the main entry point of such groups to the parliament, the risk of this increases if decisions are mainly made in the committees rather than in the plenary of the Storting.



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Hans Morten Vardoy, advisor to the parliamentary party group of the Progressive Party

Marit Grydeland, former secondee in the research department of the Storting



Public Financial Management 2018 - 2020

The national budget is one of the most powerful development tools at a country's disposal. Consequently, democratic governance is upheld by Parliament's role in controlling how public funds are collected and spent. Pre- and post- expenditure activities are central to parliamentary financial scrutiny; as constitutionally mandated institutions that authorize the budget and hold the government to account for the way it spends taxpayers' money, parliaments are also key to any effort aimed at opening up the budget process. Enhanced transparency, participation and accountability around the budget process are essential components of any sound public financial management system.

However, the financial role of Parliament is often reduced to one of simply approving the funds and then examining how the money has been spent. If Parliament is unable to exercise its oversight powers effectively, the country pays the price in waste, management and poor decisions. Furthermore, as a core non-executive state institution, parliaments are well placed to engage more directly with demand-side actors, such as Supreme Audit Institutions (SAIs), ombudspersons, anti-corruption agencies, the media, and other third-party monitoring mechanisms.

Public Financial Management introduces core concepts, objectives and issues in public financial management (PFM). It considers the context of the budget and all stages of the budget cycle – from strategy and preparation to audit. A particular focus of the course is examining the critical role of the legislature and how budgetary arrangements in Parliament can impact the objectives of PFM: aggregate fiscal discipline, allocative efficiency and operational efficiency.

The overarching goal of the course is to encourage participants to find the pertinence of the course content in their own lives and legislature to apply what is learned in a productive, enlightened way. The final project asks participants to respond to one of the following prompts:

1. *Assess the PFM situation in your country and the priority areas for Parliament (you may use the last PEFA report as a guide and/or base your summary on the PEFA framework). If you do not use the most recent PEFA assessment, you should attempt to assess the progress that has been made since the assessment.*

OR

2. *Critically assess the role and performance of your legislature in the budget process. Does it exercise effective financial scrutiny?*



Victorian Parliament Budget Process

Abstract

The following paper will explain the Victorian Parliament's role in creating and managing the budget. Agencies and departments that participate in the budget process will be discussed with recommendations for process improvements canvased.

Executive Summary

The Victorian Parliament has a passive role in the budget approval process: it is a budget-approving legislature with de facto no power to amend budgets. Like many established democracies, this is in part due to 'executive creep,' which is reinforced by a primarily two-party electoral system. This leaves little incentive for the executive to bargain and little incentive for the legislature to disagree.⁷⁹

This essay examines three key areas of the Parliament's responsibility in the budget process:

- The legislative process for the annual appropriation Bills.
- The current role of the Public Accounts and Estimates Committee and opportunities to expand the process to other committees.
- The role of the Auditor-General and Parliamentary Budget Office as independent officers of the Parliament.

The following pages will outline key areas of responsibility during the budget process, highlighting what works well and weaknesses or threats to the process. Areas for improvement are identified, and recommendations are made to address these.

In making our recommendations, we believe that changes such as those to the committee system are practical and achievable in the current political climate. Other recommendations would require a significant cultural change within members; however, this shift will only occur from smaller changes that promote an expectation of government accountability to Parliament.

Background

Victoria is a well-established democracy with the Parliament itself dating back to 1856. From its early days, it has always acknowledged the vote of the people, ensuring the changeover of government is a civilised respectful affair.

⁷⁹ (Posner & Park, 2007, p. 1)

As a state, Victoria has historically been a two-party system and aside from some notable exceptions⁸⁰, governments are formed either through outright majority or formal coalition agreement in the Legislative Assembly. Often, Governments had a majority of both Houses, giving an effective free reign to implement their legislative and economic agenda.

It has only been in the last 15 years that Victoria has seen a diversification of political parties past the traditional two-party system, particularly in the Legislative Council. This has led to some increased accountability of the executive in Chamber debates. Regardless of the composition of the parliament, safeguarding the delivery of services and the appropriate use of public funds relies on transparency, oversight, and accountability.

Economic and Political Environment

In modern times, Successive Victorian Governments have exercised prudent fiscal discipline since the market crash on 'Black Monday' in 1987. This crash led to an economic recession throughout Australia that took almost a decade to fully recover from. In Victoria, this culminated with the collapse of the Pyramid Building Society and a period of high unemployment and high interest rates. This led to a huge voter swing in 1992, with the conservative Liberal-National gaining 18 seats in the Legislative Assembly, ousting the incumbent Labour Government.⁸¹

As a result, successive state governments focused fiscal policy on stability, recording successive budget operating surpluses up until the end of 2019-20. However, this also led to a decline in infrastructure spending due to the perceived political risk of overspending. Recent governments have countered this trend due to voter backlash caused by degrading services in areas such as public transport, health, and road infrastructure.

Unforeseen Budget Challenges

Leading up to 2019-20, the government was into its second term with strong community support driven by a reputation for delivering on election promises. Victoria was enjoying high consumer confidence and record employment. Increased infrastructure spending and the jobs created resulted in a housing and population boom from interstate and overseas, particularly international students. This drove up prices in the property market, leading to increased stamp duty⁸² receipts into consolidated revenue.

At the beginning of 2020, massive bushfires in regional Victoria and New South Wales resulted in a declaration of a state of disaster. As a result of the bushfires, the economy was adversely affected with regional tourism shutdown, residents displaced, and thousands of hectares of agricultural land destroyed.

On the back of the bushfire disaster, the COVID-19 pandemic struck, presenting further challenges for the government in managing the budget. These unprecedented circumstances have seen the government take fiscal budget risks that would not be considered under normal economic circumstances.

⁸⁰ For example, a minority government was formed after the 1999 election for a single parliamentary term.

⁸¹ (Green, 1992, p. 7)

⁸² A duty on the transfer of land.

An emergency sitting was convened in April to pass an interim appropriation for \$25 Billion in extra funding to address a budget shortfall caused by these economic shocks and compulsory lockdown restrictions. In addition, the annual budget process has been deferred until October 2020 at the earliest.

During the emergency debates, there was a bipartisan approach adopted by non-government, and they supported the emergency measures. However, there were concerns raised about the lack of transparency, particularly from the source of the borrowings and the range of emergency powers delegated from the parliament to the executive through subordinate legislation.

The political and economic landscape has taken on a drastically different appearance since January 2020. Unforeseen challenges are placing the government under immense pressure, with any errors in the COVID-19 response coming under intense political and media scrutiny.

Overview of The Victorian Budget Process

The Victorian Parliament's key roles in scrutiny of the executive budget can be separated into three main categories:

- the legislative budget processes
- review by the joint-house Public Accounts and Estimates Committee
- external review of finance and performance by independent officers of the Parliament.

Legislative Process

Each year, a sitting day is scheduled on the first Tuesday of May to allow the Treasurer to introduce the annual appropriation (budget) Bill. The accompanying budget papers are also tabled in Parliament on the same day and are debated cognately with the Bill. This two-month advance aligns with good practice in other jurisdictions.⁸³

The Treasurer's second reading speech is considered the 'budget speech,' outlining the Government's priorities for the upcoming financial year. Following the second reading, the Shadow Treasurer from the opposition party is given an immediate reply⁸⁴ in what can be considered as the 'alternative government's' budget speech.

Committee Oversight

The Public Accounts and Estimates Committee is a joint-house parliamentary committee established under statute.⁸⁵ The Committee is considered the flagship committee of the Parliament, and its mandate focuses on scrutiny of public sector administration and the executive budget.⁸⁶

⁸³ (Lienert, 2010, p. 4)

⁸⁴ For all other Bills, debate is typically adjourned immediately.

⁸⁵ Parliamentary Committees Act 2003 (Vic), s 5(h).

⁸⁶ (Parliament of Victoria, 2020)



The Committee is also supported by and responsible for overseeing the Auditor-General and the Public Budget Office (PBO) in providing key oversight responsibilities.

The Committee's budget estimates process is one of its primary functions. This provides the opportunity for Members to scrutinise and review budgets of government departments and agencies through hearings and follow-up questionnaires. Ministers supported by department heads are brought before the Committee to answer questions on service delivery and spending accountability. These hearings are often very gruelling for the department head and the minister responsible. Conversely, they also provide government ministers with the opportunity to showcase the departments' achievements in delivering on government promises, including pre-scripted questions and responses.

In 2017, the Committee began to hold financial and performance outcomes hearings to supplement estimates hearings. This reporting has been important in further downstream budget scrutiny of the budget. Before outcomes hearings were introduced, reports from the Auditor-General were the only significant downstream scrutiny of budgets performed, and these lacked a whole-of-government focus of the Committee's hearings.

Auditor General

The Auditor-General's key role is to audit the Victorian public sector on behalf of the Parliament and ultimately all Victorian citizens. The Auditor-General conducts performance and financial audits on public entities which are tabled in Parliament.

The Auditor-General is accountable to the Parliament through the Public Accounts and Estimates Committee. The Auditor-General is well respected in political and public spheres and is viewed as one of the most important agencies in maintaining integrity in the Victorian system.⁸⁷

Parliamentary Budget Office

The concept of the Parliamentary Budget Office (PBO) was first introduced to the Victorian Parliament in 2013 on the back of a 2010 election promise when the government was in opposition. However, it was not until 2017 until the PBO was established⁸⁸ with the initial purpose to provide election estimates on election promises to all political parties and independent members. This was later expanded to be a perpetual function throughout the whole life of a parliamentary session, and the PBO was established as a permanent agency.⁸⁹

Department Treasury and Finance

The Department of Treasury and Finance oversees budget bids and controls the implementation of the budget. It also produces the budget papers which contain extensive operational frameworks for all departments and agencies to follow in delivering on agreed outcomes.⁹⁰

⁸⁷ (Office of the Auditor General, 2020)

⁸⁸ Parliamentary Budget Officer Act 2017.

⁸⁹ (Parliamentary Budget Officer, 2020)

⁹⁰ (Department of Treasury and Finance, 2020)



To secure funding each year, Ministers investigate spending requirements for their respective portfolios, and these submissions are considered by Cabinet's Expenditure Review Sub Committee. This process normally takes about six months.

The budget papers provided by the Department of Treasury and Finance cover areas such as:

- an overview of the budget, including the government's high-level goals
- a statement of finances, including the economic and financial situation
- service delivery with spending and performance targets for each department
- the state capital investment program
- the Government's strategic priorities.

The Government also prepares budget information papers to outline its initiatives in key policy areas, such as suburban, rural and regional development and gender equality.⁹¹

The budget papers are tabled in the Parliament in conjunction with the annual appropriation Bill and debate on the budget also encapsulates these documents.

Improving the Legislative Process

There are two considerable deficiencies in this process, which are evident when compared to good practice identified by the International Monetary Fund.⁹² These are:

- constitutional constraints on Legislative Council's ability to block supply Bills
- lack of parliamentary engagement in medium-term expenditure frameworks.

As noted above, the budget is submitted in the first week of May each year, which aligns with international good practice. In Victoria, this lead time is an accepted practice rather than a legal requirement.

The constitutional constraints were introduced in 2005 after the Victorian Constitution Commission recommended a suite of changes to the State's Constitution, most of which were implemented by the government through legislative change.⁹³ Of these, a key change introduced constitutional limitations to the Legislative Council's power to block annual appropriation Bills based on existing provisions in the New South Wales Constitution.⁹⁴



⁹¹ (Victorian Government, 2019)

⁹² (Lienert, 2010)

⁹³ It is worth noting these changes required an absolute (3/5ths) majority of Members in each Chamber and were opposed by the Opposition parties. At the time, the Government had an absolute majority in both Chambers and was able to pass the Constitutional reforms.

⁹⁴ Constitution Act 1902 (NSW), s 5A.

Under the current Victorian provisions, annual budget Bills that have passed the Legislative Assembly will receive Royal Assent if within one month of its passage:

- the Council rejects or fails to pass it
- the Council returns the Bill with suggested amendments to which the Assembly does not agree.⁹⁵

These provisions only apply to annual appropriation Bills; any other ordinary or interim appropriation Bills still require passage through both Houses.⁹⁶

The limitations were introduced specifically to remove the Council's ability to block supply due to concerns raised during the Constitution Commission's consultation.⁹⁷ Historically, the Council blocked supply several times in the 19th century⁹⁸ and twice in the 20th century (in 1947 and 1952).⁹⁹ Since the changes were implemented, the Council has not moved to reject or amend an annual budget Bill, even in the previous Parliamentary session when the government had a clear minority in the Chamber.

Notably, however, the Council did fail to pass the annual budget Bill in 2018,¹⁰⁰ which was only debated on two days within the required 30-day period. This was in part due to a significant backlog of legislation on the Council's agenda at the time caused by opposition filibuster tactics and was seen partially as retribution by the Government.

The effect of the constitutional limitations means the Legislative Council has no real power to influence the government's annual budget and is technically not required to review annual budgets at all. When considered in conjunction with the Government's control of the Legislative Assembly, the effect is that the Parliament's role in the budget legislation is little more than a rubber stamp exercise.

While the Government of the day has a mandate to pass budget legislation to complete its policy objectives, this needs to be balanced with appropriate oversight and scrutiny. The constitutional limitations severely diminish the parliament's role in the executive budget approval process, including the Legislative Council's mandate as a House of review. The fact the Legislative Council has not chosen to reject an appropriation Bill (even as a symbolic gesture) in over 50 years illustrates that opposition parties are not inherently 'mischievous' when it comes to debates on annual budgets. Notably, despite a turbulent sitting to pass emergency COVID-19 legislation, the Legislative Council did not attempt to amend or block interim emergency appropriation Bills despite having the ability to do so.



⁹⁵ Constitution Act 1975 (Vic), s 65.

⁹⁶ Constitution Act 1975 (Vic), s. 62

⁹⁷ (Constitution Commission, 2002, pp. 59–60)

⁹⁸ According to (Taylor, 2006, p. 352),

⁹⁹ (Victorian Electoral Commission, n.d.)

¹⁰⁰ Appropriation Bill 2018-2019 Act 2018 (Vic).

Medium-Term Focus

In the decade of the early 2000s, successive governments were criticized for failing to commit to a fiscal framework for government spending outside of the four-year electoral cycle, particularly for infrastructure spending. Whilst some improvement has been made by governments in the past decade, the Parliament itself still lacks any meaningful input on the state's medium-term expenditure framework.

Although three-year medium-term estimates are included in the Government's budget papers, these forecasts are mostly buried within existing documents, and debates rarely focus on the medium-term. In addition, there are no expenditure ceilings for the medium-term.

In addition, the medium-term frameworks are useful for parliaments to monitor spending outside of appropriation Bills.¹⁰¹ This would allow a greater mix of performance measures during the downstream budget scrutiny process in parliament, the committee process and independent audits by the Auditor-General.

Recommendations

Removing the constitutional limitations on annual budget Bills will give more legitimacy to the budget legislative process as it ensures it has the support of the Parliament, rather than just the Government. In removing these provisions, consideration could also be given to implementing processes for monthly 'reversion' budgets¹⁰² based on the previous year to avoid potential issues if the Legislative Council is unable to pass the budget Bill before the beginning of the fiscal year.

Requiring the government to table a specific medium-term budget framework during the middle of a fiscal year to the Parliament for debate would also be an important step in enhancing budget transparency while promoting fiscal discipline over the mid-term (including over the election cycle).

In keeping in line with the Victorian Parliament's role as de facto no power to amend, the purpose of the debate should be to discuss the budget forecasts in the context of the government's broader policy objectives and the current macroeconomic environment. Parliamentary endorsement (for example, through agreement to a motion) would also help legitimise the framework.¹⁰³ Introducing the debates is also the first step to legitimising the Parliament's role over a medium-term framework and could pave the way for imposition of hard or soft expenditure ceilings in the future.

Improving the Committee Process and Public Engagement

Composition of the Public Accounts and Estimates Committee

A significant deficiency in the Committee's oversight process is found in the composition of the Public Accounts and Estimates Committee itself.

¹⁰¹ (Lienert, 2010, p. 11)

¹⁰² As identified in (Lienert, 2010)

¹⁰³ (Lienert, 2010)

Until recently, joint committees have been chaired by members of the government. This began in 1992 with the introduction of joint-house statutory committees, in which the government intended to implement a career progression path leading to a cabinet secretary or ministerial role.¹⁰⁴ Chairs of these Committees also draw an additional salary on top of their base rate as a member of Parliament.¹⁰⁵

While this worked to entrench and legitimise the committee system as a consistent scrutiny mechanism between parliamentary sessions, it also resulted in an expectation that joint committees were to be chaired by the Government.¹⁰⁶ This is compounded by the fact that the Public Accounts and Estimates Committee is considered the flagship committee of the parliament, and the Chairs are routinely promoted to cabinet roles during the session.

In addition, the Government has never been in the minority membership since the modern functions of the committee were implemented in 1992. As of May 2020, the Committee has a split of five government and five non-government members; however, this is a moot point as the Chair has a casting vote when a division is tied and members rarely (if ever) break party lines. Although the composition of the Committee broadly reflects that of the Parliament, it also diminishes the ability of the committee to effectively scrutinise the budget and hold the Government to account.

There are two possible solutions to this issue:

- establishing an opposition chair of the Committee or
- removing the chair's casting vote powers from that Committee while ensuring there is an even split between government and non-government members.

Each solution has its own advantages and disadvantages, which include:

- having a non-government Chair aligns with best practice for committees of public accounts and would allow for less executive interference over the independent officers that the committee oversees
- non-government chaired committees tend to be more politically motivated than those with government chairs, resulting in more partisan reports
- removal of the chair position would interfere with the government's 'progression plan' for its backbench members
- removing the casting vote is inconsistent with the powers of other statutory and standing committees and may result in increased deadlocks on the committee
- removal of the Chair's casting vote would also require an even split of political parties on the committee, which may be difficult depending on the composition of parties in the Parliament.

Complementary Estimates Process by Legislative Council Committees

The Legislative Council Standing Committee system was introduced through changes to Standing Orders in 2012. Although relatively new compared to the modern joint-house statutory committee system, the Committees have been successful in parliamentary sessions where the Government does not have majority in the Council. They are also an important tool for the crossbench parties in Parliament to inquire into policy areas in which the parties have a specific interest.

¹⁰⁴ Legislative Assembly Hansard, vol. 409, 29 October 1992, p. 247.

¹⁰⁵ Parliamentary Salaries, Allowances and Superannuation Act 1968, (Vic).

¹⁰⁶ Non-government chairs were first introduced to certain joint committees in 2018.

There are three committees with a mandate in the policy areas of Economy and Infrastructure, Environment and Planning, and Legal and Social Issues. Notably, the committees are already empowered to hold hearings on 'estimates of expenditure' but are yet to do so.¹⁰⁷

Holding a complementary estimates process through the Legislative Council standing committees would allow for greater scrutiny of budgets. This type of process exists in the Australian Senate.

Some key benefits and issues of a Legislative Council Committee estimates process include as follows:

- It would allow the Legislative Council to more effectively scrutinise the budget in both downstream and upstream times, particularly given the constitutional limitations discussed earlier.
- The Committees are allocated government departments for oversight at the beginning of each parliamentary session, so estimates hearings would already align with the functions of each committee.
- It would likely result in additional conflict between the parliament and the executive. As the Government retains control of the Public Accounts and Estimates Committee, it can regulate what information is called to that committee. In contrast, the Legislative Council committees often find it difficult to request documents from government departments, and further action is required in the Chamber.¹⁰⁸
- It may result in duplication of work for government departments and result in 'hearings fatigue'.

In addition, dividing estimates hearings over four different committees allows for diversification of political parties as each has a different minor party representative. It would also introduce an element of 'specialisation' amongst the committees as each has a mandate into specific policy areas and could allow for the Public Accounts and Estimates Committee to focus its efforts on public administration and finance to reduce its often-strained workload.

Further, the Committee process is already used as a means for the public to have input into legislation and government policy matters. However, there is a distinct lack of public input into public finances through the committee system. The Public Accounts and Estimates Committee does not receive evidence from members of the public in either budget estimates or outcomes hearings.

The process discussed above could allow for public input through the Legislative Council Committees. This could include receiving evidence from the public and key stakeholder groups during supplementary estimates on the performance of budget initiatives and the government's mid-term economic framework.

Recommendations

Installing a non-government Chair on the Public Accounts and Estimates Committee would align with international best practice and allow the committee to more effectively scrutinise the government. Another key benefit to this change will give the Auditor General more freedom to function as it effectively reports to the PAEC in its oversight capacity. Reducing the influence the executive can have over such an important agency ensures true independence and genuine accountability applied to the executive.

¹⁰⁷ Legislative Council Standing Order 23.02(4).

¹⁰⁸ For example, through a production of documents motion or motion condemning a Minister.

Conducting a complementary estimates process using the three Legislative Council Standing Committees would allow for greater accountability and transparency of the government to the parliament. This should be structured to allow public input into the budget process.

Further consideration could then be given to split the responsibilities between the Public Accounts and Estimates Committees (for public finance issues) and the Legislative Council Committees (performance and estimates issues).

Role of Independent Officers of Parliament

Auditor-General

The Auditor-General's Office routinely tables report on downstream performance audits into government departments and agencies. These entities are given the opportunity to respond to the recommendations of the audit before the report is tabled in parliament. However, the Auditor-General does not have the power to enforce these recommendations.

The Public Accounts and Estimates Committee occasionally has conducted inquiries into the Auditor-General's performance audit reports to follow up on the progress of the recommendations. Although this has occurred more frequently in recent years, these reviews occur only on a sporadic basis as decided by the Committee (or possibly through resolution of a House of Parliament).

Parliamentary Budget Office

The recent introduction of the PBO has been a positive step in providing transparency to the budget and costing process and combatting executive creep into the processes of parliament. This increased level of budgetary transparency is delivered by producing financial reports throughout the year, including election policy costing assessments.

A key element resulting from the expansion of the PBO's powers was the provision of independent advice and briefings covering fiscal, economic and financial matters throughout the whole parliamentary term rather than just before an election. These services are provided to all members, whereas before the PBO, only the executive had access to this level of expert advice and support. For non-government members, the combination of this advice and strategic use of media outlets provides the opportunity to apply pressure into the operations and function of the executive. This allows non-government parties, and by extension, the Parliament, to provide alternative budget and policy proposals with the legitimacy of independent forecasts.

The PBO's operation so far has aligned with the purposes specified by the International Monetary Fund:

... a useful adjunct for analysing budget policy alternatives, thereby enhancing parliament's capacity to evaluate the government's proposed budgets and to propose responsible alternatives.¹⁰⁹

¹⁰⁹ (Lienert, 2010, p. 16)

The Public Accounts and Estimates Committee has overarching influence and authority over the Auditor-General and PBO. Removal of the Government's position as Chair of the Committee would be an important step in supporting the independence of the offices and removing an extra level for political influence or interference.

Independent Officers of Parliament are often at the threat of politically motivated funding cuts by the executive. At present, funding is provided through an annual appropriation Bill, and the offices are subject to the same budget criteria as government departments. This runs the risk of political interference or conservative practices to 'not bite that hand that feeds them'.¹¹⁰

Recommendations

Introducing a more formalised and consistent follow-up process of Auditor-General performance audits through the Public Accounts and Estimates Committee would ensure that recommendations are adhered to, and progress by the agencies is monitored.

Removal of the Government's control of the Public Accounts and Estimates Committee as recommended above would support the independence of these offices.

Consideration of different funding models for the Auditor-General and Parliamentary Budget Office would remove influence from the executive and allow for further separation of powers. This could include a fixed operating budget adjusted to CPI with provision for further funding bids as part of the budget cycle for extraordinary costs or large projects.

Conclusion

The management of the budget rests with the executive and is one of the main rewards from winning an election. Managing budgets is vital for any government in gaining legitimacy amongst its citizens. Delivering on promises in a timely and cost-effective manner instils confidence not only with citizens but the private sector who wish to do business with the government. To achieve this, governments require an endless amount of effort dedicated to good public financial management that is transparent and accountable.

The recommendations in this essay would enhance government transparency and accountability in the budget process by strengthening horizontal accountability in the Parliament. In particular, the recommendations to change the committee environment in the budget process is manageable within the current political climate. Small, realistic changes such as these will promote a culture within the executive and the parliament of a willingness to continually improve transparency and accountability in the management of budgets and their processes.

¹¹⁰ This occurred to some extent in 1999 when the Premier outsourced work of the Auditor-General's Office due to scathing reports tabled at the time.

Having a system that offers true independence from the executive when conducting financial reviews is vital in delivering accurate findings that make the executive truly accountable. Simple changes to the Public Accounts and Estimates Committee's chairing arrangements to a non-government member is one recommendation that removes a hidden avenue of soft influence over the independent officers of Parliament. The benefit of this level of independence increases the validity of both positive and negative findings of the government's processes produced in reports.

Democracy is alive and well in Victoria; however, the balance of power and influence that comes from a functional and capable parliament is vital in holding government to account in the way funds are managed and policies delivered.



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Executive Summary

This paper critically assesses the role and performance of the New South Wales Parliament in the budget process. It analyses the Parliament's performance during three separate stages:

1. Pre-budget consultations
2. Passage of the Appropriation Bills
3. Post-budget scrutiny of government spending

It highlights issues associated with each of the three stages and makes recommendations for reform at each stage.

While there is a long history of government dominance over the budget process, meaningful parliamentary involvement and scrutiny are vital to ensure public trust in the process, and that money is allocated as efficiently and effectively as possible. It is particularly important in the current COVID-19 pandemic environment, which has resulted in falling revenue and increased spending.

The New South Wales government is embarking on a significant infrastructure spending program to stimulate the economy. There are also opportunities to reform the tax base, for example, to move away from largely inefficient taxes such as 'stamp duty' to a broad-based land tax. These projects and reforms have the opportunity to transform the economy for the benefit of current and future generations. In this context, especially, robust scrutiny and community engagement are essential.

Recommendation 1: That the New South Wales Legislative Assembly:

- Establish a Committee to conduct pre-budget consultations.
- That the government be required to respond to the Committee's findings and recommendations when it brings forward the budget.
- In addition to the usual consultation processes, that the Committee considers the establishment of Citizen's Juries and other diverse methods of engagement and communication to target minorities and hard-to-reach groups.

Recommendation 2: That the Legislative Assembly's Standing Orders and Procedure Committee consider ways to improve the scrutiny of the Appropriation Bills, including:

- The timing of the introduction and debate of the Appropriation Bills, in order to allow Members sufficient time to review the bills and make a meaningful contribution to the debate while also accommodating the Treasury budget process.
- Best practice models in other jurisdictions
- Whether the information and resources available to members to assist them in understanding and analysing the Appropriation Bills are sufficient, and any options for reform.

Recommendation 3: That Members have greater access to independent research and advice in relation to their financial scrutiny function, including:

- The recruitment of specialist Committee staff with financial analysis skills.
- Consideration of whether the Parliamentary Budget Office should have an expanded role.

STAGE 1 - Pre-Budget Consultations

Current situation

In New South Wales, the Parliament has very little involvement in pre-budget consultations. These consultations are largely seen as the role and responsibility of the executive government. Individual members can exercise informal influence by lobbying government Ministers and the Treasurer for expenditure in their electorates. The Opposition and non-government members use the proceedings of Parliament - such as Question Time, petitions, and debates - to raise issues or concern about government programs and expenditure. They can try to raise media attention and community awareness to pressure the government and indirectly influence the budget.

There are a number of possible reasons for the lack of parliamentary involvement in the pre-budget processes. Firstly, executive dominance of the budget preparation process may rest in an assumption that community support for the government's policies and spending programs are tested at elections. The government has secured a mandate from the people to tax and spend money in accordance with its election policies and promises. Secondly, there is a culture of 'winner takes all' among the two major parties. Government is formed by the party with the majority of members in the Legislative Assembly (lower house). In modern times, the 'two party system' has prevailed. With the exception of the hung parliament from 1991-1994, one of the two major parties has secured this majority. In an environment where the government is looking to prosecute its own policy and legislative agenda, and the opposition is positioning itself as the alternate government, there is little room for discussion, compromise, and consultation.

Issues

The COVID-19 crisis, as well as recent extreme bushfires and floods, have resulted in unprecedented pressure on the New South Wales State Budget. Revenues from businesses and individuals are declining, while demand for services and fiscal stimulus is growing at a rapid rate. To respond to the crisis, governments are incurring debt that will be paid back by their citizens for years (or decades) to come. In this environment, more than ever, the traditional approach to budget consultation in New South Wales is inadequate.

In times of crisis, governments may need to make decisions and take decisive action with little consultation. This was evident in New South Wales in the early days of the COVID-19 crisis. The government held special sittings to pass legislation to defer the budget, secure supply in the interim, and set up financial measures to support the economy and impacted businesses and citizens. Now that these emergency measures

are in place, there is an important opportunity for the Parliament to consult with citizens about the financial aspects of the government's response to COVID-19.

Recommendation for Reform

Establish a Committee to Conduct Pre-Budget Consultation

The Canadian jurisdiction of Ontario provides a useful model for pre-budget consultation. The Standing Committee on Finance and Economic Affairs conducts pre-budget consultation across a broad range of stakeholder groups and reports its findings back to parliament.¹¹¹ It holds hearings at various locations, including rural and regional areas, over a two-to-three-week period. If the political will is present, such a Committee could be quite effective in New South Wales, which is geographically, socially and ethnically diverse.

The membership of the Committee would be crucial, as the Committee's success would rely on goodwill and co-operation between Committee members from opposing parties. The political composition of the Committee would also be important, and the government may be more willing to establish and support the committee if it had a government majority and/or Chair.

Government Response to the Committee's Findings and Recommendations

In New South Wales, Standing Orders provide that the government is required to respond to Committee Report recommendations within six months. This timeline may be insufficient in relation to the budget process, as the government may not be required to respond until after the budget. The impact and effectiveness of the Committee's work would be greatly enhanced if the government was required to publish its response to the Committee's report at the same time it brings forward the Appropriation Bills.

Ensure All Voices are Heard

Members of parliament are well-placed to undertake pre-budget consultations – they have been elected to represent their communities and have an intimate connection to local people and places. Even so, any consultation process runs the risk of attracting comment and input only from the 'usual suspects,' such as well-funded community interest and lobby groups. While it is important to capture these views, the overlooked voices can include the 'everyday people' who might have had little opportunity (or inclination) to engage in the politics or policy development or even be aware of the process.

In order to ensure a diversity of views and build trust in the process, the Committee should consider establishing Citizen's Juries¹¹² and targeted communication strategies for minority and hard-to-reach groups and individuals. Such strategies could include the use of technology and videoconferencing to hear from

¹¹¹ Standing Committee on Finance and Economic Affairs, Ontario Legislative Assembly, Pre-Budget Consultations 2020 <https://www.ola.org/en/legislative-business/committees/finance-economic-affairs/parliament-42/reports/2020-mar-09-report-pre-budget-consultation-2020-standing-committee-finance-economic-affairs>.

¹¹² The Public Accounts Committee has previously partnered with New Democracy to set up and consult with citizen's juries in order to engage broad-based community views as part of its inquiry into the economics of energy generation. They created two 'citizen's juries' of 45 participants – one in metropolitan Sydney and the other in Tamworth, a regional centre – which met over a few months with a skilled facilitator to learn from experts and form consensus views. The Jury's views were incorporated into the Committee's final report, and the government response to the Committee's report clearly referenced jury's work and provided clear responses to related recommendations. For details of the methodology, see https://newdemocracy.com.au/wp-content/uploads/2013/03/docs_Public-Accounts-Committee_newDemocracy-Foundation_v2_Feb2012.pdf

people in regional and remote areas, creative use of social media and community news forums, discussions with indigenous groups to determine an effective consultation strategy, consideration of alternatives to the traditional Committee hearing model (such as town hall style meetings and roundtables), and the translation of information about the Committee into a variety of languages.

Recommendation 1: That the New South Wales Legislative Assembly:

- Establish a Committee to conduct pre-budget consultations.
- That the government be required to respond to the Committee's findings and recommendations when it brings forward the budget.
- As well as the usual consultation processes, that the Committee considers the establishment of Citizen's Juries and other diverse methods of engagement and communication to target minorities and hard-to-reach groups.

STAGE 2 - Budget Approval and Scrutiny

Current situation

Limited Parliamentary Debate

In the Legislative Assembly (where the Appropriation Bills must originate), there is currently very little debate over the annual Appropriation Bills. The practice has been for the Treasurer to introduce the bills and give his budget speech, after which debate is adjourned for two days. The Leader of the Opposition then gives a reply before the House votes, and the bills are sent to the Legislative Council for consideration. Other members only have an opportunity to debate the budget after it has been passed, during the 'Budget Estimates Take Note Debate.' This 'Take Note' debate is included on the Business Paper under 'Government Business.' This means that the government controls when this debate occurs. The practice has been for the government to allow the debate to run for the rest of the financial year, but only to bring on this debate as a 'filler' when there is no other government business or legislation. Consequently, not all members have the opportunity to contribute to the debate, and the timing of the debate (i.e., after the Bills have been passed) means that it is of limited effectiveness as a scrutiny measure.

There is currently also very little debate of the Appropriation Bills in the Legislative Council. In recent times, the Appropriation Bills have often passed all stages on the day they are received, with limited contributions from Legislative Council members.

Financial Primacy of the Legislative Assembly

The New South Wales Constitution Act 1902 includes a number of provisions in relation to Appropriation Bills, consistent with traditional Westminster practices:

- *Only the Assembly can initiate Appropriation Bills* - section 5 of the *Constitution Act 1902* provides that 'all Bills for appropriating any part of the public revenue, or for imposing any new rate, tax or impost, shall originate in the Legislative Assembly'.

- *The Assembly can pass Appropriation Bills without the agreement of the Legislative Council - Section 5A of the Constitution Act 1902* provides that any bill appropriating money for the ordinary annual services of government that has passed the Legislative Assembly can be sent to the Governor for assent if the Council rejects or fails to pass it or returns it with a message suggesting any amendment to which the Legislative Assembly does not agree¹¹³
- *Failure to pass Appropriation Bills in the Legislative Assembly is a sign that the government no longer has the confidence of the House* – section 24B (3) of the *Constitution Act 1902* provides that the Governor may dissolve the House for the holding of a general election if the Assembly rejects or fails to pass an Appropriation Bill.

Issues

While the Legislative Assembly is controlled by the government and has financial primacy over Appropriation Bills, there is no reason why there could not be more scrutiny, debate, and deliberation during the passage of the bills. The current processes of budget scrutiny do not conform to internationally recognised parliamentary standards – including the CPA Recommended Benchmarks for Democratic Legislatures, which provides: ‘The Legislature shall have a reasonable period of time in which to adequately scrutinise and debate the proposed national budget.’¹¹⁴

The state economy is facing a series of unprecedented challenges. The Treasurer has recently informed Parliament that the state’s economy is expected to contract by ten percent this financial year, and revenue is expected to drop by up to \$20.3 billion across five years to 2023-24. This is the result of not just the COVID-19 health pandemic but also bushfires and the long-term impact of drought. Meaningful scrutiny is more important than ever before - to promote confidence in the budget process and ensure increasingly scarce resources are allocated in the most efficient and effective way possible.

Recommendation for Reform

Committee Review of Scrutiny of the Appropriation Bills

The Legislative Assembly’s Standing Orders and Procedure Committee would be well-placed to consider practices and procedures to provide more effective scrutiny of the Appropriation Bills. It is responsible for inquiring into and reporting on any matter relating to the standing orders or the procedures of the House and its committees. It is comprised of senior Members of the Government, Opposition and Crossbench and is chaired by the Speaker.¹¹⁵ It has recently commenced a wide-ranging inquiry into modernisation and reform of the Assembly’s practices and procedures.¹¹⁶

The Committee has already made a number of recommendations for reform, which have been implemented by the House. It has proved effective at reaching consensus across the political divide and has been motivated by a desire to lift standards in the chamber. The cross-party membership of the Committee would assist it to look at reforms that balance the benefits of parliamentary scrutiny and with the equally important ability of

¹¹³ Section 5A of the Constitution Act 1902 came into force in 1933, prompted by concern about the practice in the Legislative Council of routinely delaying the annual Appropriation Bills.

¹¹⁴ CPA Recommended Benchmarks for Democratic Legislatures, at para 7.2.2.

¹¹⁵ See - <https://www.parliament.nsw.gov.au/committees/listofcommittees/Pages/committee-details.aspx?pk=189#tab-resolutionestablishingthecommittee>.

¹¹⁶ See - <https://www.parliament.nsw.gov.au/committees/inquiries/Pages/inquiry-details.aspx?pk=2545>

the government to implement its policies and projects through the budget in a timely way. In examining this issue, the Committee should look to best practice in other jurisdictions and whether Members have access to sufficient information and resources to make a meaningful contribution.

Recommendation 2: That the Legislative Assembly's Standing Orders and Procedure Committee consider ways to improve the scrutiny of the Appropriation Bills, including:

- The timing of the introduction and debate of the Appropriation Bills, in order to allow Members sufficient time to review the bills and make a meaningful contribution to the debate while also accommodating the Treasury budget process.
- Best practice models in other jurisdictions.
- Whether the information and resources available to members to assist them in understanding and analysing the Appropriation Bills are sufficient, and any options for reform.

STAGE 3 – Post-Budget Scrutiny

Current situation

Most of the New South Wales Parliament's post-budget scrutiny occurs through parliamentary committees. Each House plays a significant part in scrutinising budget implementation.

In the Assembly, the government has a (slim) majority and much more control over scrutiny. While the Committee is currently chaired by an independent (non-government) Member, the government has a majority of members on the Committee (i.e., it is 'controlled' by the government). However, the Committee has a strong relationship with the Auditor-General and has been effective in partnering to ensure that her recommendations are implemented by government. The Committee conducts regular 'follow-up' inquiries into the implementation of recommendations from the Auditor General's reports. It reviews every report the Auditor-General makes to Parliament and whether they have been implemented by government. If the Committee finds that the government's response is insufficient, it will hold a public hearing to question government officials and make recommendations for further action.

In the Legislative Council, the government needs the support of five crossbench members to pass motions and legislation and does not have control of the House or its Committees. The Council Committees hold annual budget estimates hearings and regularly inquire into controversial government spending and perceived mismanagement and use their extensive powers to question public officials and compel the production of documents. The Legislative Council has also recently established its own Public Accountability Committee, which is Chaired by a Greens (non-government) member and does not have a government majority. It has been very effective and has conducted a number of high-profile inquiries into government spending and programs.¹¹⁷

¹¹⁷ For example, the Committee recently held hearings into government spending as part of a community grants program and determined that the Premier's office had instructed the Office of Local Government to grant money to a local council in contravention of the rules around the fund - see <https://www.smh.com.au/national/nsw/nsw-government-offered-council-grant-funding-to-end-legal-action-20200706-p559gt.html>; previous reports have included findings that large government infrastructure projects have lacked transparency and had insufficient business cases or examined significant cost blow-outs and poor performance - see <https://www.theguardian.com/australia-news/2018/dec/17/westconnex-review-finds-project-lacked-transparency-and-business-cases-had-oversights>; and <https://www.theguardian.com/australia-news/2019/jan/25/sydney-light-rail-inquiry-seeks-review-of-public-private-tie-ups-in-big-projects>.

Issues

Now, more than ever, it is important that Members and Committees have sufficient resources and information to scrutinise government spending. Most of the detailed scrutiny associated with the COVID-19 health pandemic has been undertaken by the Committees. The Legislative Council Public Accountability Committee has held regular hearings with Treasury officials throughout the pandemic, and the Legislative Assembly Public Accounts Committee has had confidential briefings.

As outlined above, post-budget Committee scrutiny of government spending is generally very effective in New South Wales. However, there is still an 'information imbalance' between the Government and the Parliament. While parliamentarians are often very good at spotting errors or problems with government financial documents, they are generally not financial experts and do not have access to the same level of information and expertise that is available to the government.

The Parliamentary Budget Office (PBO) provides costings of election policies in the six months prior to NSW general elections – to hold both the government and the opposition accountable for the integrity of their spending promises. While it has proved effective in providing high-quality and independent advice and analysis during the election period, its effectiveness is impacted by its limited operation (i.e., it only operates prior to an election and then disbands soon afterwards).

Recommendation for reform

One area to improve levels of scrutiny could be through improved expert and specialist advice for members on financial matters. The staff supporting Committees have excellent generalist policy and analytical skills. However, there are no specialist financial analysts to support the Committees in their financial scrutiny work. The work of the PBO could also be reviewed to determine whether it should have an ongoing role similar to the Federal Australian Parliament PBO.¹¹⁸

Recommendation 3: That Members have greater access to independent research and advice in relation to their financial scrutiny function, including:

- The recruitment of specialist Committee staff with financial analysis skills.
- Consideration of whether the Parliamentary Budget Office should have an expanded role.



¹¹⁸ See - https://www.aph.gov.au/about_parliament/parliamentary_departments/parliamentary_budget_office.



A Critical Assessment of the Role and Performance of the Legislature in the Budget Process for Effective Financial Scrutiny

Executive Summary

Several features of Tanzania's budget system find their roots in the arrangements inherited from the United Kingdom. These include a legal system that emphasizes accountability; a cabinet of ministers with strong budget decision-making powers; a parliament with very limited budget powers; and a similar external audit organization. In both countries, budget execution is decentralized to individual ministries, with accounting officers responsible to a parliamentary accounts committee (Lienert, 2007: 2).

The above analysis, made more than a decade ago, remains largely true today, albeit with some significant positive changes that have happened over the years. Whereas in the past, there were lamentations over the absence of a dedicated budget committee and parliamentary budget office (PBO), insufficient time for the debate on the budget, limited public participation in the budget process, changes in the membership of parliamentary committees at the mid-point of the term of office of the parliament, and delayed submission of auditor general's reports to watchdog committees (Parliamentary Centre, 2010; Lienert, 2007), some of these concerns have been addressed, if not fully, partially. For instance, the legislature now has in place a stand-alone and cross-cutting budget committee, a fledgling in-house PBO, a 90-day budget debating period, and improved public participation. Also, the delivery of the Controller and Auditor General's reports has improved significantly from the early 2000s. Recently, however, there was an unnecessary debacle between the legislature and the Controller and Auditor General wherein the former found the latter guilty of contempt for describing the legislature's oversight performance as "weak".¹¹⁹ This resulted in the unfortunate decision by the legislature to withdraw cooperation with the person of the Controller and Auditor General but not, as the Speaker publicly announced, the Office of the Controller and Auditor General. How it was expected that the legislature would work with the office but not its head, under whose authority and signature, audits are undertaken, and reports submitted to the legislature, remains to be seen.

By law, the budget formulation is the exclusive prerogative of the president as the head of the executive. Article 137(1) of the constitution empowers the president to initiate money bill thus: "The president shall give directions to person concerned to prepare and submit to the National Assembly in each Government financial year estimates of the revenue and expenditure of the government of the United Republic for the next financial year" (URT, 2005). Therefore, while the powers and influence of the National Assembly have been increasing over the years, particularly following the enactment of the Budget Act (2015), parliament remains a junior partner to the executive branch in relation to the power of the purse. Specifically, as illustrated below, the legislature's influence demolishes significantly in the all-important implementation and audit phases of the budget cycle. The president and ministers (cabinet) still retain strong decision-making powers, and

¹¹⁹ Tanzania – The politics of being Auditor General, <https://presidential-power.com/?p=9503>

the law imposes restrictions on the limits of legislators' imagination in relation to bills that have financial implications. For instance, the constitution imposes limitations on the powers of the parliament in relation to alteration any of the budget proposals as presented or reallocation of funds. In terms of the categorization posited in the Public Financial Management course notes, Tanzania falls in the category where the "legislature is not (somewhat) authorized to be involved in the preparation of the budget"¹²⁰, albeit with increasing informal engagements and especially ruling party level consultations that, with time, could result in an expanded mandate for the legislature as a whole.

As the role of parliament in the budget process continues to deepen and expand and becomes more participatory and transparent, there are a few measures that could be taken to address this process. These include:

- Expanding the mandate, staffing and technical capacity of the PBO.
- Maintaining (not changing) the membership of the Budget Committee as well as those of the watchdog committees, Public Accounts and Local Authorities Accounts Committee for the life of the parliament. The parliamentary standing orders currently provide for the change of membership of all parliamentary committees at the halfway point in the life of parliament.
- Addressing information asymmetry, wherein many reports that are produced are not published, and those that get published do not contain sufficient information on such issues as the relationships between budget, policies and macroeconomic goals, thus depriving parliamentarians and the public opportunities for effective budget oversight.
- Improved timeliness of Auditor General's reports to Parliament and related government response and/or compliance with recommended remedial actions.
- Publication of government's budget proposals (including the budget books) on the website of the Ministry of Finance once they are submitted to parliament to inform the public of this key public policy instrument.
- Improved public literacy of the budget process through outreach and parliamentary hearings on the budget. At present, most capacity-building support on the budget process focus on the legislature, much less on the civil society and public sphere.

The Context

The effectiveness of any parliament in relation to the budget process is directly related to and is a function of the overall place of that parliament in the system of governance. The location of a parliament in the continuum of parliamentary typologies from the rubber stamp to the transformational (Johnson, J.K., 2005) determines the extent of its power of the purse. And Tanzania's National Assembly is no exception. Therefore, a short reflection on Tanzania's governance system is appropriate.

The United Republic of Tanzania has been a multi-party state since 1 July 1992, having previously been a single-party state since 1965 under the Interim Constitution of 1962. Until 1 July 1992, Tanzania's constitution specifically provided that "all political activities in Tanzania shall be conducted by or under the auspices of the (ruling) party"¹²¹. This included parliament which was effectively subordinated to 'the party.' Under the one-party state system, the parliament had "become a rubber stamp ... making few meaningful contributions to the system of government: debates had become 'lifeless and superficial' and legislation was passed rapidly and uncritically" (Kiekshus, 1974: 24).

¹²⁰ P. 6, Module 3, Unit 1, Budget Strategy and Preparation, Public Financial Management course notes.

¹²¹ Constitution of the United Republic of Tanzania, 2005

Since the adoption of multi-party politics and the entry into parliament of voices other than those of the governing party, the profile and performance of parliament vis-à-vis the executive has had to change, keeping with the political changes both in the East African region and across the African continent. This, though, did not happen overnight. Renowned Tanzanian economist, Ngowi (2005) highlights the most significant public finance management reforms that have been undertaken over the past decade or so as the introduction of cash budgeting, public expenditure reviews (PERs) and Medium-Term Expenditure Framework (MTEF) as well as adherence to the rule of law. On paper, the government now uses programme-based budgeting and is in the fourth phase of the donor-supported Public Finance Management Reforms Programme (PFMRP). It has also adopted the Public Investment Management – Operational Manual (PIM-OM) 2015.¹²² Ngowi (2005) also observes that these measures have brought fiscal discipline while the legislative regime, including the Constitution of Tanzania (2005), the Public Finance Act (2009), the Tanzania Revenue Authority Act (1995), and the Local Government Act (1982), as well as the finance and appropriations acts, have engendered rules-based approaches to public finance management along with relevant sanctions where such rules are not complied with.

From the perspective of parliamentary involvement in the budget process, in addition to the constitution and other legislative and regulatory provisions, the most recent addition, the Budget Act (2015) and its regulations, whose main objective is “to ensure effective budget management and accountability, whereby all Accounting Officers are obliged to adhere to the Act and its Regulations during the preparation and implementation of their plans and budgets”¹²³, is by far the most comprehensive thus far. It sets out in great detail the respective roles of all actors in the budget process, including but not limited to the National Assembly and its committees, the Parliamentary Budget Office, the Minister of Finance and Planning, the Commissioner for Budget, among others. It also outlines the budget preparation and approval process and the respective roles of each of the actors. For instance, among other things, the Act obliges the Minister of Finance to table before parliament each financial year estimates of revenue, expenditure and financing requirements for the country and lay before the National Assembly, “progress of budget execution on a quarterly basis”¹²⁴. Section 56 (3) of the Act specifically requires the reports to show the extent to which the objectives and targets of the budget guidelines were met. It further requires comparisons between actual revenue and what was expected, actual expenditure per vote, distinguishing between capital and current expenditure for the relevant period and actual borrowing for that period. Section 56 (4) requires that where objectives and targets have not been met, the Minister’s reports shall state the reasons along with measures undertaken to remedy the situation in the following quarter. The half-year and annual compliance reports are considered particularly important on the parliamentary calendar as they contain important information on budget performance as well as a review of the economic outlook and progress towards the budget outcomes and policy goals. These reports are for debate both in the budget committee and sectoral committees as well as by Parliament.

The role of the National Audit Office, both in law (Public Audit Act and the Constitution) and practice, is instructive and unambiguous.

¹²² Guidelines for The Preparation of Plans and Budget For 2017/18, Ministry of Finance and Planning, November 2016

¹²³ Guidelines for the Preparation of Plans and Budget For 2017/18, Ministry of Finance and Planning, November 2016

¹²⁴ Article 10(1)(d), Budget Act, 2015

The Budget Cycle: Process and Challenges

Tanzania's budget process follows the commonly established cycle of four inter-related stages, namely, budget formulation, budget authorization/approval, budget execution, and budget oversight/audit. Among other key actors in this cycle, the legislature intervenes in two stages, *a priori* control by approval of the executive's budget proposals and ex-post control in the budget oversight/auditing phase. Executive monopoly of the budget process, especially in relation to budget formulation, is not altogether unusual.

For purposes of this paper and space limitations, it is not worth reflecting on phases of the budget cycle that are outside the sphere of influence of the parliament, namely budget formulation. As indicated in the context above, suffice to say that there is in place the relevant budget-related constitutional and legal framework as well as institutional structures, which have evolved over the years and continue to be perfected based on lessons learned from international best practice.

Presentation, consideration and review of Tanzania's annual budget process take about three months – April to June, to facilitate the commencement of the financial year on 1 July. In the main, the budget process kicks off with the Minister of Finance and Planning securing cabinet approval of the budget plan and guidelines for the following year. Thereafter the plan and budget guidelines are presented to and adopted by the National Assembly “as a basis for preparation of budget estimates for the succeeding financial year”¹²⁵. The plan and budget guidelines must be presented to the National Assembly by February of each year.

Within the National Assembly, the processing hub for the plan and guidelines, and subsequently the budget itself, is the Budget Committee, which reviews and makes recommendations to the National Assembly. The newly established PBO – technically the secretariat of the Budget Committee – is beginning to play an active role in supporting that Committee. Notably, a need has been observed for the expansion of the mandate of the PBO to include review and analysis of any bill that has financial implications for the Budget Committee's attention.

Once the plan and budget guidelines are approved by the National Assembly, the law requires that the Minister publicizes the same. In the submission of cabinet-approved budget estimates to the National Assembly, the law clearly specifies the nature and content of budget documents that should be submitted. These include:

“a summary of budget policies including policies on revenue, expenditure, debt and deficit financing; an explanation of how the budget relates to the fiscal responsibility principles and to the financial objectives, and a memorandum by the Minister explaining how the resolutions adopted by the National Assembly on the Plan and Budget Guidelines have been taken into account”¹²⁶.

As with the plan and budget guidelines, the first entity within the National Assembly to have a go at the budget estimates is its Budget Committee, which is required to consider the estimates and make recommendations to the National Assembly. Significantly, the law requires that such recommendations consider not only the views

¹²⁵ Article 19(1)(d), Budget Act, 2015

¹²⁶ Article 24 (1)(a), Budget Act, 2015

of the Minister but, importantly, those of the public. In this case, the various publics include ordinary citizens, organized civic, business, and professional groups, as well as academics and researchers.

The National Assembly's Standing Orders make provision for public input through engagement with elected representatives as well as through any of the parliamentary committees, namely, Sectoral/Standing Committees (Agriculture, Livestock and Water Committee; Infrastructure Development Committee; Energy and Minerals Committee; Industries, Trade and Environment Committee; Constitution and Legal Affairs Committee; Administration and Local Government Committee; Social Development and Services Committee; Land, Natural Resources and Tourism Committee; Foreign Affairs, Security and Defence Committee, and Public Investments Committee); Crosscutting Committees (Budget Committee, HIV and AIDS Affairs Committee, and Subsidiary Legislation Committee), and Watchdog Committees (Public Accounts Committee, and Local Authorities Accounts Committee). The various publics are, therefore – on paper – able to influence the budget process through the committee system.

Subject to the Constitution, the Budget Act sets two specific conditions attendant to the National Assembly's amendment of budget estimates thus: "an increase in expenditure in a proposed appropriation is balanced by a reduction in expenditure in another proposed appropriation; and a proposed reduction in expenditure is used to reduce the deficit"¹²⁷. This ensures that the legislature steers clear of budget formulation as budget lines stay largely the same, albeit with adjusted figures within the overall budget estimates. Where the National Assembly is unable to have its way on the budget and consensus-building fails, the ultimate instrument at its disposal is the refusal to pass the budget. This, however, would be an extreme measure, amounting to a vote of no confidence in the government of the day. Should parliament refuse to pass the budget, the president could respond by dissolving parliament. This has far-reaching implications for individual MPs' political careers, their electoral mandates and the country's stability. For these and other reasons, the parliament is loath to exercise this power.

The Budget Act also sets a specific date by which the national budget must be approved: 30 June of each year, followed by approval of the Appropriation Bill, Finance Bill and other related enabling instruments. The Act clearly sets out the format and timeframes for the consolidation and publication of the approved budget. From the above, it is clear that "Tanzania's budget process is lengthy and highly participatory" (Ngowi, 2005).

With respect to its ex-post control mandate, the National Assembly uses its sectoral committees in their oversight work to follow through on the implementation of the budget via government programmes. Here, there is a challenge with respect to the paucity of information public servants are willing to give to parliamentarians to enable them to do their work. Further, the National Assembly is yet to fully involve and utilize the input of various publics in the work of committees. Whereas public engagement in the budget process has significantly improved in the last half a decade, improved public input in the budget oversight process would certainly go a long way in enhancing the credibility of the budget as an instrument of public policy, along with its performance.

¹²⁷ Article 25(2)

By far, the weakest link in the budget process is in relation to insufficient attention to and/or delays in implementation of the National Assembly's recommended remedial actions based on the Auditor General's reports. Over the past decade, there have been improvements in the timeliness of the Auditor General's reports. With better and continuously improving technical support to the Public Accounts Committee and the Local Authorities Accounts Committee, these committees have been producing highly instructive reports, which have invariably been adopted by the National Assembly. The law makes provision for the National Assembly to exercise punitive measures where there is "material failure to implement previous audit recommendations ... (by withholding) the withdrawal of specific line items on a vote" or in relation to "wilful and persistent failure of a department ... caused by a persistent misconduct of any public officer ... impose, withhold any of the emoluments and benefits of such officer"¹²⁸. For yet unknown reasons, these punitive measures are yet to be robustly implemented. The recent debacle between the legislature and the CAG does not make for improved oversight of public finance management.

The other weakness relates to the lack of absolute fidelity to the legal requirements for quarterly compliance reports from the Treasury to the National Assembly. The absence or lack of regularity of these reports limits the capacity of the legislature to effectively perform its role and push for corrective measures well before serious infractions in budget execution occur. Ex-post control is necessary and useful but insufficient to engender ownership and fiscal discipline.

According to the 2017 Open Budget Index, whereas the 2015 budget reforms have resulted in increased availability of budget information on the enacted Budget, the lack of production of a Mid-Year Review or a Year-End Report is viewed as limiting budget transparency. In 2017, Tanzania's score of 10 out of 100 was not only substantially lower than its 2015 score (which was 46 out of 100) but was also below the global average of 42. In East Africa, Tanzania was ranked 5th after Uganda (60 out of 100), Kenya (46), Madagascar (34), and Rwanda (22). Below Tanzania are Somalia (8), Comoros (8), Burundi (7) and South Sudan (5). The Index attributes Tanzania's score in part to a recent (2017) change in the definition of "publicly available". Publicly available now refers only to those documents that are published online on the relevant government body's official website as available to the public. Online availability is now considered a basic standard for the publication of government information. To that extent, budget transparency is yet to be fully achieved.

Conclusion

While concerns remain, mainly to do with constitutional and legal constraints to the National Assembly amending the budget or reallocating funds; both National Assembly and citizens' timely access to budget-related information; limited government compliance with remedial measures recommended by the Auditor General and subsequently endorsed by parliament's watchdog committees as well as insufficient in-house budget analysis skills, there is growing consensus that Tanzania's budget process is headed in the right direction and is becoming more participatory and inclusive.

¹²⁸ Article 33, Budget Act (2015)

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I. Executive Summary

I have chosen to evaluate the role and performance of the Nova Scotia (NS) Legislature in the budget process and review whether it effectively exercises financial scrutiny. Although all provincial departments are required to file and make available online what is called an Accountability Report¹²⁹, where departments measure their performance against best practice standards, I was unable to find a document which provides a narrative analyzing provincial government performance overall. There are, of course, budget documents periodically submitted that provide a numerical analysis - budget vs. actual - but nothing that offers a self-evaluation against established benchmarks.

In the absence of benchmarks adopted by the government, this assessment is therefore based upon the PEFA indicators¹³⁰. The methodology included reviewing: the PEFA documents; information available on the NS budgetary process; as well as my personal experiences and observations, both as a Table Officer - with a front-row seat to estimates and debate - as well as the manager of the Legislative Committees Office - with an inside perspective of how the Public Accounts Committee (PAC) and the Auditor General (AG) perform their respective roles in scrutinizing the budget.

Although normally, the table of indicators is attached as an Annex, I have opted to include it in the body of the report for ease of reference, as it will frame the analysis to follow.

Overall, the NS legislature's systems and processes related budget review and financial scrutiny meet the majority of the performance standards in the PEFA, and in fact, are performing well. However, where the legislature misses the mark for effective financial scrutiny, it falls considerably short of best practices. This exercise has exposed many alarming weaknesses and has provided an opportunity for reflection on recommendations.

II. Overview Country-Related Information

I am neither an economist nor an accountant; therefore, I am ill-equipped to comment on the true economic situation or fiscal trends of the NS budget. However, I can report that there is a majority liberal government in NS since 2013. The government is proud of the fact that it has tabled back-to-back balanced budgets¹³¹. However, the opposition parties do not view this as a success for the citizens of the province, given the perceived chronic underfunding for certain policies and social programs.

¹²⁹ For example, see Finance and Treasury Board's Accountability Report:

<https://novascotia.ca/government/accountability/2016-2017/2016-2017-Finance-Accountability-Report.pdf>

¹³⁰ PEFA: Framework for assessing public financial management, February 2016: https://pefa.org/sites/default/files/PEFA%20Framework_English.pdf

¹³¹ Last year's budget was balanced with a surplus forecasted at \$133.5 million and net position of \$23.2 million
<https://novascotia.ca/budget/documents/Budget%202018-19-Media-Technical-Briefing.pdf>

Having a comfortable majority in the House evidently affects the actual power exercised by the legislature when scrutinizing the budget. Although the majority risks facing public or media backlash for its fiscal decisions, it is clear that all budgetary decisions will generally remain unchanged by outside pressures.

III. Table of Performance Indicators

This table is a summary of the performance indicators pertaining to the role and performance of the NS legislature in the budget process and provides an insight into its effectiveness in financial scrutiny.

Indicators ¹³² relating to the role of the legislature		Score	Details
PI-5	Budget documentation	A	All 12 basic elements are met.
PI-17.3	Budget submission to the legislature	D	The annual budget proposal is submitted to the legislature during the first week of the spring sitting. There is no fixed sitting schedule in NS, however it usually commences in the first couple of weeks of April, whereas the fiscal year begins on April 1 st . The embargoed copies of the budget are given to the legislature on the same morning, they are tabled in the House. The 40 hours of estimates begins the following day. This does not give the parliamentarians much time to review and prepare for budget estimates.
PI-18.1	Scope of budget scrutiny	B	There is no requirement, and often no opportunity, for the legislature to review medium-term budgetary documents. There are no finance committees, therefore unless the House is sitting when medium-term documents are tabled, or unless they surface by some other means (media, PAC, or AG), the NS legislature pays no attention to in-year reports and supplementary budgets.

¹³² https://pefa.org/sites/default/files/PEFA%20Framework_English.pdf

PI-18.2	Legislative procedures for budget scrutiny	B+	The only opportunity for public consultation is when the budget bill, the <i>Financial Measures Act</i> , goes before the Law Amendments Committee. Presenters appear before the committee, however there is a very small window for public input: normally the bill goes before the committee in the morning and is reported back to the House the same day, or the following day. I am unclear what “negotiations procedures” are in this context. The Committee of the Whole on Supply (along with the sub-committee) will dedicate a combined 80 hours to review the budget proposals, and therefore if negotiations are meant that the opposition has an opportunity to ask for clarification which may lead to changes, then this procedure exists, however it rarely produces results of actual amendments to the original budget documents.
PI-18.3	Timing of budget approval	C	As mentioned in 17.3, the proposed budget is tabled in April, which is followed by 2 ½ weeks of rigorous review in Committee of the Whole on Supply (40 hours x 2), as well as the time required to pass the relevant bills through the stages in the House. Generally, the budget will be approved within one month of the start of the fiscal year.
PI-18.4	Rules for budget adjustment by the executive	A	Clear rules do exist in the <i>Finance Act</i> for in-year budget adjustments. The rules set limits and are adhered to.
PI-30.2	Submission of audit reports to the legislature	A	The AG submits all reports to the legislature within 24 hours of their release, whether tabled in the House or filed with the Chief Clerk if the House is not sitting.
PI-31.1	Timing of audit report scrutiny	A-	The PAC does examine the AG’s financial audit reports and questions the AG about his findings (usually the day after the report is released). However, as for the PAC reports, although tabled in the House, they are never debated in the full chamber of the legislature.

PI-31.2	Hearings on audit findings	C	<p>The manner in which PAC topics are currently chosen is as follows: for every round of agenda-setting, the majority government proposes 3 topics, the official opposition proposes 2 topics, and the third-party proposes 1 topic. This is repeated until sufficient witnesses are identified and agreed upon, until the next agenda-setting meeting. Occasionally, a party will choose to invite an audited entity as a result of an AG report, but this rarely happens; approximately 10-15% of witnesses that appear before the committee are specifically invited to speak to an AG report. Instead, the caucuses chose to bring in an entity unrelated to the audit reports but rather of interest to the party. That is not to say that once the witness is before the committee speaking to a specific topic (ex. the Health Department on the topic of long-term care), the members may ask a few questions on the AG findings pertaining to that department's finances, but rarely is a committee meeting dedicated entirely to the AG report.</p>
PI-31.3	Recommendations on audit by the legislature	D+	<p>Given the current composition of the PAC (government majority), all attempts to make recommendations to the executive are voted down. However, the committee has adopted the practice of sending a letter to the various departments targeted by the AG, stating that the committee "endorses" the AG's recommendations. The AG also prepares and tables follow-up reports (usually two years after its audit), which are reviewed at a PAC meeting. However, it is extremely rare that the legislature, via the PAC, will make its own independent recommendations.</p>
PI-31.4	Transparency of legislative scrutiny of audit reports	A	<p>All PAC meetings are open to the public. The media is present. The meetings are broadcast live on the website, as well as with cable providers. The audio and video recordings are archived on the website. Hansard transcripts are also available and archived on the website. Only <i>in-camera</i> proceedings are closed to the public, and no recordings are publicly available.</p>

IV. Assessment of Performance and Recommendations

Upon review of the scores, the NS legislature offers effective fiscal scrutiny in numerous categories, scoring A/B in 7 of the 11 indicators. It is nevertheless evident that NS has considerable room for improvement: it scored 4 C/Ds.

In an attempt to comply with the parameters of the word restriction, I have narrowed my analysis to the following three recommendations, which if adopted, would improve performance on multiple indicators.

a) *More robust PAC*

Creating a more robust PAC would likely improve the scores in the following indicators: hearings on audit findings (31.2) and recommendations on audit by the legislature (31.3).

Although the PAC's mandate is to review the AG reports¹³³, currently, the PAC is not primarily focused on calling entities recently audited by the AG. Both the government majority and opposition members alike prefer to call witnesses that either provide a good news story for the government or witnesses that the media have recently depicted as demonstrating shortcomings.

However, it has been my experience that when the chair (a member of the official opposition) and the vice-chair (a member of the governing party) are engaged, there are glimpses that there is a will to empower the committee and elevate it to levels observed in other jurisdictions. When the members attend national or international conferences, for example, they report to the sub-committee that other jurisdictions have managed to evolve in such a way that the PAC and the AG truly work more cohesively. As stated in the reading materials, the effectiveness of both institutions is intrinsically linked and dependent upon each other¹³⁴.

My recommendation for action would be for the PAC to perhaps start with baby steps, and incorporate as part of their operating procedures, that they will dedicate a fixed amount of their meetings in a calendar year to reviewing AG reports and calling the entities who were the subject of those reports, regardless of whether it advances a political party's agenda.

b) *Creation of a finance committee*

In the past, there has been discussion about creating additional standing committees, or at a minimum, expanding the mandates of the existing committees. For example, there are no committees with the authority to review: health, justice or education matters. If and when the legislature wishes to examine the effectiveness of its standing committees, there may be an opportunity to discuss the establishment of a finance committee.

Creating a permanent standing committee mandated with focusing year-round on financial scrutiny would allow an improved scope of budget scrutiny (18.1), especially if part of its mandate would be to review in-year reports. Currently, unless the House is sitting when interim supplementary reports are tabled, they will not be scrutinized.

¹³³ "The Public Accounts Committee is established for the purpose of reviewing the public accounts, the annual report or other report of the Auditor General and any other financial matters respecting the public funds of the Province", Rule 60 D, <https://nslegislature.ca/sites/default/files/legc/Rules.pdf>

¹³⁴ Module 4, Unit 1: Accounting, Reporting and Audit, p. 15.

It would also allow for a more meaningful public consultation process in terms of legislative procedures for budget scrutiny (18.2). Currently, the only public input occurs at the Law Amendments Committee. As a result, the allotted time for public consultation averages approximately 4-8 hours and rarely yields meaningful changes to the budget documents. A finance committee could undertake a more meaningful public consultation process, as it would not face the same time constraints associated with passing the budget bill.

It could also complement the work performed by the PAC. It could improve the hearings on audit findings (31.2), as well as the recommendations on audit (31.3).

c) Allow increased time for budget review

Allowing for additional time for the legislature to review the budget would improve performance pertaining to budget submission to the legislature (17.3) and timing of budget approval (18.3).

The rules and legislation are silent on when the budget is to be reviewed by the legislature. The only requirement upon the Minister of Finance is to “at least annually, examine, advise upon and compile the Estimates”, and these estimates must be voted on by the House of Assembly¹³⁵.

Therefore, it has been the long-standing practice that the annual budget proposal is submitted during the first week of the spring sitting of the legislature, after the commencement of the fiscal year. The legislature is given approximately three hours to review the embargoed budget before it is tabled in the House, and estimates begin the following day. This does not give the parliamentarians much time to review and effectively prepare for budget estimates.

The blue-sky recommendation would be for the executive to provide the budget proposal two months prior to the commencement of the fiscal year. A more realistic recommendation for action may be to provide embargoed copies of the budget a couple of weeks prior to estimates, whenever that may be scheduled to commence. Therefore, although the budget would likely still only pass after the new fiscal year, at least the members would be better prepared for debate and questions during estimates. This would allow for more informed, increased financial scrutiny.

V. Conclusions

This exercise has demonstrated that the NS legislature is attaining measured success in its exercise of financial scrutiny. Certain obstacles seem impossible to overcome in the short term, such as demanding that the executive change its procedures in relation to the timing of submitting its budget documents to the legislature. However, certain improvements are within the realm of possibility, such as ensuring that robust committees are in place - both the PAC and a newly created finance committee - which would allow for a guaranteed year-round overview of the province's finances.

¹³⁵ Finance Act, SNS, 2010, c. 2, s. 54

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Parliamentary Research & IT 2016 - 2020

The 21st century has delivered an ever-accelerating pace of technological progress; today, online resources and information technology (IT) are more accessible and affordable than ever before. The integration of IT no longer serves as a competitive advantage but rather a requisite tool for participation in nearly every industry around the globe. Accordingly, the nature of parliamentary research has been redefined by this structural change.

Parliamentary Research and IT provides a general introduction into two integral aspects of parliamentary information management. The former refers to the increasing employment of research in all legislative functions; good parliamentary research increases the efficacy of parliament's operations, particularly in regard to legislation and oversight of the executive. The latter refers to the widespread use of IT in managing the flow of research and other data; information management enhances the basis for outreach and representation of parliamentary constituencies.

Featured topics include the role of parliamentary staff in policy formulation and legislative development, as well as the critical steps for useful policy analysis. In highlighting the difference between parliamentary and academic research, participants examine good research practices, such as external and internal networking, the value of oral briefings, etc. Later lessons discuss how to utilize IT in managing information, developing objective and effective research, and the importance of encryption and security tools to protect sensitive parliamentary data.

The overarching objective of this course is to educate participants on how to adopt and adapt the practices discussed within their own parliamentary administrations. For this reason, the final assignment challenged participants to respond to one of the following options:

1. *If you were free to design a Legislative Research Department for your parliament, describe how it would be organized, the kinds of products it would produce the client base of the LRD, and how it would contribute to the work of the parliament. In addition, develop a short research plan on an issue that is likely to be on the agenda of an LRD. Relate your plan to your own legislature.*
2. *Imagine you are leading a team conducting an IT assessment of your parliament. Develop a realistic outline that describes how it would address your parliament's readiness to strengthen IT in governance and enhance parliamentary performance. Include:*
 - c. *The readiness of the parliament for ICT reform.*
 - d. *Concrete short-term and medium-term steps to enhance information.*
 - e. *The difficulties that can be anticipated in developing and implementing the findings of your assessment.*



Introduction

The Parliament of Victoria operates in an environment of continual improvement, and this is evident in the approaches taken in finding better ways to communicate and manage information. Informing and engaging with communities and ensuring Members are supported in fulfilling their roles are clear and ongoing priorities for the Victorian Department of Parliamentary Services (DPS). A significant structured approach that signalled a clear direction for IT in supporting all processes of the Parliament came into effect after the 2014 state election.

The Parliament of Victoria implemented a Strategic Directions framework 2015 – 2018, which included the following directions for IT:

Members and parliamentary staff should be able to work 24/7 from diverse locations using mobile devices and multiple technologies. Parliament has an opportunity over the next four years to create a capability with integrates IT solutions to support improved business processes, information management, communications, reporting and decision making.

Continue improvements to Parliament's processes and information management to make it easier and more streamlined for everyone to do their work.

Provide innovative business solutions and integrated digital services to all stakeholders. (DPS, 2015)

The foundations and actions from this strategic plan enabled the delivery of the modern systems in use today addressing all the goals, aspirations and responsibilities of elected members, parliamentary staff and the wider community. In the following pages, some of the key solutions and events that assisted in the delivery of better information and communication systems to the Parliament will be discussed.

The readiness of the Parliament for ICT reform

The creation and goals of the 2015 -18 strategic plan were aided by the results of the 2014 State election. The average age of an elected member changed from approximately 52 to 46 (Researchers, 2020). This result heralded in a new age of tech-savvy Members that became enthusiastic drivers in the quest for new and modern IT systems. The parliamentarians of the 2014/18 parliament were the enablers of the strategic plan.

Information Technology departments, by nature, are the drivers of change. Sometimes through necessity, such as keeping pace with vendor-supported software, or introducing modern systems to drive increased efficiencies and effectiveness in meeting clearly defined business processes. The change process is much easier when it is driven by the needs of the business and not the wishes of the IT department. The Parliament of Victoria was ready to expand its IT capability and introduce ICT reform thanks to the election of these younger parliamentarians.

When an opportunity presents to introduce IT generational change to an organization, it is very important that the IT unit is up to the challenge. The IT department must be capable, have a functional hierarchical structure and skilled staff to perform the often-complex tasks in delivering on the goals of change.

Getting the IT house in order often requires a restructure, as some IT staff can be comfortable with a resistance to change environment that focuses on business-as-usual tasks and ultimately lack the appetite for the challenges and workload that accompany any ICT reform.

System change and reform are hard work; the staff delivering the change must believe in what they are doing, but more importantly, have the skills and appetite for the high-pressure environment that comes with introducing change. Any introduced system has to meet expectations and function as designed. Past experience can impact perceptions of the new systems and process, especially if staff have been involved in failed project deliverables that cost the earth and delivered substandard results.

Laying the foundations for a successful implementation rests with having appropriately skilled IT staff in the correct positions to deliver on promises that meet identified business needs and align with ICT strategic goals. The DPS IT department went through a massive restructure pre-2014 that addressed these issues. While the process was highly stressful, the successful implementation of the ICT reform yielded positive benefits that are still felt today.

Short-term and medium-term steps to enhance information

The Parliament of Victoria has its own clearly identified IT strategic direction measured annually via the DPS annual reports. In an effort to bring consistency to the whole of the Vic Government's IT approach, it is important to observe and consider the government's IT strategy.

The Information Technology Strategy 2016-20 charts the government's direction across four priorities:

- 1. Open information – how we manage and make transparent our information and data*
- 2. Efficient digital services*
- 3. Strong modern systems and technology*
- 4. Increased staff capability*

(Vic Gov, 2019 – 20)

These clearly defined goals can be easily aligned with the Parliament's IT strategic plan and give confidence to the direction undertaken. Having similar strategic goals across a parliament and government contributes to addressing a whole government approach in delivering more integrated compatible systems that assist with sharing information and improved communication.

Appendix 1 highlights the global work the government is undertaking in Application Programming interface capability allowing for Parliament, agencies and government departments to share information.

In actioning some of the short to medium-term steps of the 2015 – 2018 strategic plan, the following key areas will be discussed.

Project Management Methodology

Getting new systems to the business faster by reducing the time it takes to implement these systems is a short-term step that is relatively simple to deliver. Some projects get caught up in the project methodology rather than focusing on the project deliverable. Agile project management principles allow for delivering the minimum viable product (MVP) to the business providing a working software solution quickly that can be used immediately. The project process then responds to future needs identified in an environment of continual improvement. From a business implementation standpoint, it is better to have a good something rather than a perfect nothing. Getting software solutions to the business faster is an important change to the often long drawn-out installation processes that can be frustrating for members and staff.

Office 365 One Drive – MS Teams

An outcome from the DPS strategic plan noted the following:

OneDrive on Microsoft Office 365 is currently being trialled within the Information Technology unit with plans underway to roll it out across the Parliament network during 2018-19. (DPS Secretariat, 2018)

This work was delivered to the Parliament, allowing access to information anywhere anytime using various web browsers to meet the information management challenges of a modern parliament. MS Office 365 One Drive and MS Teams have addressed this strategic goal. Additional factors considered in delivering on this goal was to ensure appropriate computing and networking hardware with the capacity to operate this solution effectively were available or acquired where needed.

Sharing documents has been made so much easier with the introduction of One Drive within the Office 365 Suite. Cloud-based access amongst parliament staff makes sharing information easier and accessible all the time with improved access. Moving forward, an opportunity could evolve to allow information to be shared with citizens and civic organizations directly via One Drive. At this stage, the barrier to sharing with citizens outside of Parliament is security concerns. Once these concerns have been mitigated, the One Drive option will be another valuable way for Members and parliamentary staff to engage with citizens and other organizations.

Records Management

As the volume of information created and received increases, the management of this data becomes difficult and requires systems and processes that make data management more effective.

The Records Management system, Records Point, provides a solution that can keep, save, share, use and dispose of records in a systematic and logical way. The Microsoft 365 environment, SharePoint, Teams and

OneDrive will be utilized to assist with good records management by adding mobility capability with increased 24/7 access.

The benefits of a records management solution give Members and staff a central location for the storing of records data with a single system to search and find the required information. Having multiple locations to save records data leads to difficulty in searching and finding information, and in some cases losing data. Introducing a standardized approach in managing records data will be in line with the strategic direction of Parliament's ICT reform agenda by making it easier and more streamlined for everyone to do their work.

Security

Moving from an on-premise system to a blend that includes web-based access brings additional security threats to information integrity that must be mitigated. An on-premise system usually requires a username and a password to access all services. Due to their nature, cloud-based systems require more robust protections such as multi-factor authentication (MFA) to complement the username and password. A common MFA is one that links confirmation of a user to their mobile phone, providing a number code that needs to be entered to gain access to the cloud-based resources.

In addition, the complexity of passwords should be enhanced to a minimum of 10 – 15 characters with a blend of letters, numbers and symbols as a minimum. Expiry dates must also be applied, such as three months per password life. Password configurations are always under review and a guaranteed source of change for members and staff.

Additional security will be required at the server and network side of the organization to mitigate risks posed by external cyber threats. Response to this challenge is ongoing and the 2018 DPS annual report highlighted the following response:

Cybersecurity continues to be a significant challenge for Parliament and saw significant investment and effort during the year. Enhancements have included the implementation of upgraded web content filters and firewalls and network segmentation to provide isolation between networks further improved security. Further improvements to cybersecurity are already in progress or planning (DPS Secretariat, 2018).

A short-term step to assist with data security is the addition of a dedicated Cyber Security Coordinator tasked with managing potential threats. Information must be protected, and while additional levels of security can be annoying for Members and staff to navigate, it is a vital and necessary process in maintaining data integrity.

Staff Training

Having a robust modern, efficient system provides staff with the opportunity to share and access information effectively in a timely manner. To utilize these resources, it is imperative that staff have the skills and capability to use newly introduced systems. Time-efficient self-taught courses are available online, providing easy access to gain the basics on how to use new systems such as MS Office 365 and One Drive. The Parliament of Victoria has a dedicated training team within the HR department providing opportunities for staff to expand their

Continued on next page > **153**

knowledge with more in-depth specialist training. If these courses cannot be undertaken onsite or online, then an offsite training provider will be sought. Increased staff skills deliver immediate benefits to process efficiency and one that is easy to deliver.

Computing Hardware

Computing systems with the capacity to deliver and access information in a consistently fast and secure environment is vital for any modern parliament. Computing desktop hardware needs to be supported by a strong networking infrastructure that has robust security protocols. Server infrastructure also needs to be powerful with overcapacity in delivering a zero-downtime service standard. Hardware procurement and system research are tasks under constant review. While the initial setup of computing hardware systems could be deemed a long-term step, the constant evaluation of existing infrastructure is ongoing, and this aspect of hardware management would be a medium-term step, ensuring the best possible system is utilized in accessing and using information.

Difficulties in developing and implementing the findings of an assessment:

Change Management

The Parliament of Victoria, like many jurisdictions and organizations, can get nervous whenever a review of ICT is about to commence. Reform signals change requiring staff to learn new systems or processes. This type of change is a disruption to normal business practice and can be stressful, uncomfortable and frustrating for staff.

The key to reducing the negative impacts of change resistance and having enthusiastic embracement of new systems is to include the business owners, members and staff in all facets of the process. Start with researching what is required through to the final selection of the appropriate solution. Resistance to change will surely occur if a new system is thrust upon staff without them having the opportunity to participate in the selection process. Involvement in the process brings a sense of ownership of reached decisions, leading to a greater level of familiarity and acceptance of any new system.

Open communication, engagement with all customers of the system, and a constant need for feedback and reviews is an excellent starting point in managing change. Acknowledging and managing change offers the best chance to implementing a successful ICT reform.

Financial Constraints

Implementing an ICT strategy comes with a significant financial cost, and prudent budget submissions will be needed in addressing the immediate and future budget cycles. Funding must be secured, allowing for a realistic approach in implementing aspects of an ICT reform. The reform needs to be achievable, realistic and financially viable. Securing funds is vital in prioritizing strategic direction to meet the goals of the targets within the strategic plan.

Risk Mitigation

There are two glowing risks that accompany an ICT reform agenda. The first is financial risk which is ever-present in getting an IT system implemented that is fit for purpose. Missing this mark results in cost overruns. This situation then presents reputational risk to the IT department implementing the changes of the ICT reform. Confidence in the IT department delivering the solutions and the advice they provide to the organization is critical for the success of the program. Perceptions matter as there are distractors ever-present when change is involved, and the best way to manage this threat is to get a system delivered that works, meets requirements and is within budget.

Gathering Business Requirements

While an ICT reform agenda is very exciting for the IT department, this excitement needs to be shared by a significant proportion of the parliament business units and members. Not everyone will be on board with the concepts or wish to participate in the process. The important factor is that all members and staff are given the opportunity to participate and are always kept informed on the status of proceedings. Selected solutions that can be directly aligned to evidence garnished from business requirements provide a level of legitimacy to the solution selected. Requirements gathering needs to be taken seriously by the IT department and not just a PR exercise in appearing to engage with the business and then ignore inputs and run their own predetermined agenda. Meeting business-driven requirements with a fit-for-purpose solution ensures success for the ICT deliverables.

Competing Interests

A well-structured, appropriately skilled and experienced IT department needs to be in place before attempting ICT reform. Even with the best-laid plans, competing interests can always take critical resources from one project and allocate them to tasks deemed more urgent. The disruption caused by reallocating staff at short notice can have a detrimental effect on the ICT reform timeline. Managers need to keep the ICT reform front of mind and have appropriate strategies in place when the issue of scarce technical resources poses a threat to the reform agenda. Access to emergency causal staff to bolster the IT department is one strategy available in managing competing interests affecting resourcing.

Managing Expectations

At the end of the day, any ICT reform must bring benefit to the Parliament members and staff. In seeking funds, the goal of the ICT reform goals is laid bare. Members and staff have given their time to participate in requirements gathering and are looking forward to seeing the results of their efforts.

Key milestone targets need to be measured and the findings need to be continually published to key stakeholders, members and staff. What gets measured gets achieved and failure to keep track of target deliverables can result in losing staffs' confidence.

The difficulties and challenges of the ICT reform implementation need regular communication. Marketing the benefits of the reform outcome need to be tempered with language that does not overinflate the deliverables by keeping expectations down. Overextending expectations can lead to a situation where the delivered solution fails to meet the hype and members and staff feel let down. Promise low, deliver high; this will keep expectations in check and hopefully deliver an outcome that is embraced and well-received.

Conclusion

Having a strategic roadmap for ICT reform is a necessity that needs to be employed within a modern parliament on a regular basis. New technologies change rapidly, making it challenging to keep abreast of the latest systems capable of having a life span well into the future. The IT department needs to assist in the development and implementation of clear strategies covering 3 to 4 years.

An ICT reform can present a high risk of failure if the correct structures and processes are not in place to deliver the goals of the ICT strategy. In mitigating this risk, a competent, motivated, and skilled IT department is a vital structural change that needs to be in place before embarking on ICT reform.

Clear business goals need to be identified, such as anywhere anytime access to data and then the IT staff need to research and align a suitable technical response in meeting the goal.

Funding submissions need to be well researched and secured to ensure the implemented system or process is within budget. Keeping IT spending in check can assist in business-wide confidence in the selection and implementation of any solution.

How the response is implemented is another key area that ensures the targets are met. Project management methodology and procedures need to complement the technical response in getting a solution installed and live to the business in a timely manner. The project needs to be kept on track by ensuring competing interests do not take critical technical staff offline, which can impact timelines and the quality of the delivered solution.

Once the goals of an ICT reform are met, staff training needs to be targeted, which is easily accessible and in multiple formats such as online or face to face. Trained staff need to be able to access the new system immediately so newly learnt skills are not lost. Training must be timed to coincide with go live, allowing members and staff to familiarise themselves with the new system while honing their new skills.

The embracement of any new system or process is enhanced when staff expectations have been managed during the course of system implementation. To promise the greatest system ever and then deliver a not-so-great solution will stall the uptake of the solution and possibly result in it not being utilized at all. Keep expectations real and aim to deliver high, ensuring the Parliament Members and staff get solutions that make their working life more efficient and instill a high level of confidence in their IT department's actions and processes.

Timing is everything when it comes to implementing any form of change, especially IT reform due to the cost and business impact. Opportunities presented by unforeseen situation factors need to be seized to give any chance changes will be successfully embraced. The successful implementation of the 2015 - 2018 strategic plan can be attributed in part to the election of younger parliamentarians in 2014; this was an unforeseen situational factor that was thankfully seized.



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Appendix 1

Case study: Whole of Victorian Government Application Programming Interface Capability

The Victorian Government is creating an environment that supports information and data sharing in a secure and fast way, improving the accessibility and quality of data used to inform decisions, boost productivity and deliver services.

Application Programming Interfaces (APIs) are a critical component of delivering the digital technologies that Victorians use every day. The Victorian Government now provides leading API capabilities and infrastructure that lay the foundations for an ‘API first’ approach to data sharing across the Victorian Public Service.

A dedicated API team provides Victorian Government agencies with a suite of API related support services, from technical advice to full API development, hosting and support in a 24/7 managed environment. The API Gateway technology supports agencies to securely share, re-use and enhance data in real-time, and allows API publishers to make their APIs discoverable to consumers both within and external to the government.

A key component of the API capability is Victoria’s public facing developer portal – available at developer.vic.gov.au. This website allows developers from government, trusted partners and the public to access secure spaces to:

- View and try out an expanding catalogue of APIs
- Request access to specific APIs
- And integrate the APIs into applications

To support the ‘API first’ approach, Victoria has released API design standards in collaboration with government Chief Information Officers, technical experts and the Victorian developer community. The standards are a living resource that provide developers with recommendations on how to create high quality, consistent and highly reusable APIs.

By adopting an ‘API first’ approach, the Victorian Government has set a positive example of how APIs help to share data, unlock data held in legacy systems, increase reach, save time and money and empower citizens and external developers to create new and exciting government applications and enhanced government services (Vic Gov, 2019 – 20).



The Current Challenge

The House of Commons Commission has asked the Clerk of the House to develop proposals to restructure the House of Commons Service to ensure that “the primary focus of the House Service is to deliver core parliamentary functions and enable Members to participate effectively both in parliamentary proceedings and in their constituency work”.¹³⁶ Successive restructuring of the senior echelons of the House of Commons Service since the early 1990s have tended to increase the prominence of estates and facilities management functions (strategic and reactive maintenance, catering, office services, catering, security), which are areas where the House faces significant challenges, not least because many buildings on the Estate are deteriorating more quickly than they can be maintained under current constraints. However, this has tended to involve senior level recruitment of more people with no prior experience with Parliament or politics and come at the cost of reduced focus on some of the core functions of Parliament, including Parliamentary research and information. It is, therefore, an opportune moment to reflect on how the Parliamentary research function of the House of Commons could be restructured to provide greater focus on core Parliamentary work.¹³⁷

The Current Situation

Parliamentary research in the UK is quite fragmented and organized in a way that reflects the historical development of the research and information functions rather than any planned organizational design. There are several sources of information and research for MPs:

The Research and Information Team (R&I) in the House of Commons Library publishes briefing papers on legislation, other House business and topical issues, and answers individual queries from Members. It is divided into eight policy subject areas.

The Committee Office (CO) provides all research and information for select committees, including briefing material and draft reports. The House has 20 departmental select committees and around half a dozen cross-cutting committees, each of which has its own dedicated secretariat. While the work of each secretariat extends beyond research and information to include procedural and administrative services to the committee, research and information account for most of their work. With around 300 staff, the CO is the single largest management unit in the House of Commons.

Legal advice to select committees (but not to individual Members) is provided by the Legal Services Office.

¹³⁶ Communication from the Clerk of the House to all House of Commons staff, 2 July 2020 (not published)

¹³⁷ I have used the term “Parliamentary research function” rather than “Legislative Research Department” because (a) the disjunction between legislative and scrutiny in the UK Parliament means that most research is in support of oversight and scrutiny and (b) we have never had a single Research Department.

Drafting of private Members' bills and backbench amendments to Government bills is provided by the Public Bill Office (PBO), whose staff consists of procedural clerks. They do not carry out research as such, so a Member who wants support with formulating a bill must go to the Research and Information Team for policy advice and the PBO Clerks for drafting services.

In addition to this, the Parliamentary Office of Science and Technology (which is separate from the Library Research & Information Team) produces general briefing on scientific and other topics likely to be of interest to the House. Though it is semi-independent with its own governing Board, it remains somewhat distant from the day-to-day business of the House and its committees.

Proposal for reorganization

I propose that most of these diverse sources of research and information should be drawn together into a single service, with an organizational structure based on the House's committee system. A strength of the departmental committee system is that it is comprehensive; there is nothing that falls within the responsibility of the government which does not fall within the remit of at least one committee.

A further aspect of the current situation that aids integration of the Committee Office and Library is the comparability of grading and skills: Library Researchers and Committee Specialists who provide research and information services for committees have very similar skill sets and are in most cases employed at the same grade. Team leaders in the two parts of the organization have a similar degree of consistency in skills, although Committee Clerks have additional expertise in Parliamentary procedure. Although the IPU Guidelines note that "the competencies of a proceduralist generally differ from those of a researcher," most experienced Common Clerks have ample experience of both as they are rotated regularly between committee and Chamber-forcing roles.¹³⁸

I would therefore create a series of subject-based teams, consisting of one or more committee secretariats and the respective research team based in the Library. Most committees fall naturally into pairs or groups of three: Scottish, Welsh and Northern Ireland Affairs, for example, Justice (prisons and courts) and Home Affairs (police and crime); Foreign Affairs, Defence and International Trade.

The new teams would produce five main types of products, targeted at different client groups (see Table 1).



¹³⁸ Inter-Parliamentary Union and the International Federation of Library Associations and Institutions, Guidelines for parliamentary research services (2015)

Table 1: Proposed products and clients of the new LRD

Product	Client
Briefing and draft reports for select committees	Select committee chairs and members only
Standard background briefing, published online and updated periodically, on a range of policy issues	Members of Parliament
Targeted briefing about specific items of forthcoming Parliamentary business, such as specific bills, debates on non-legislative government policy proposals, the Budget and Estimates	External stakeholders Members of the public
Bespoke research and information provided at the request of individual MPs	All backbench Members of Parliament
Draft private members bills and backbench/ Opposition amendments to government Bills	Members of Parliament who were successful in the ballot for PMBs Opposition party spokespeople Members of Public Bill Committees

While the main structure would be subject-focused, it would be necessary for some specialist areas to be structured according to discipline because they do not employ enough staff to provide representation on every subject-specific team. These include legal advice, economic analysis, statistical analysis and support for the production of online material such as infographics, videos and animations.

The new system would have several advantages. It would create a single, authoritative source of the truth of all Members of the House. It would avoid the situation where a Member who receives information through a committee receives different information from a Member who requests it from the Library, often because, for example, statistical data has been presented in a different way or because the request for information is slightly differently phrased.

It would give all researchers in the Commons an overview of work being undertaken for both committees and individual Members, whereas these two areas of work are currently very siloed. A select committee specialist would have little idea of the kinds of queries the Library was receiving in their subject area.

It would provide a single point of contact for Members, who would no longer have to direct their requests to different people depending on whether or not they were connected to their committee work. It would also improve opportunities for career development and progression, expanding the pool of staff with experience of committee work. It would also reduce the extent of duplication of effort as all Member requests relating to a specific subject would be handled by the same team.

Finally, it would centre the work of the relevant select committee in the work of the research service. The House decided in 1979 to establish a system of departmental select committees to provide more systematic scrutiny of the government. However, attempts to connect the work of those committees to the work of the Chamber have had mixed success. Combining the research expertise at the disposal of committees with the expertise at the disposal of other backbenchers would help to raise the profile of select committee work within the wider House.

A Research Plan for Post-Brexit Legislation

A major issue facing the UK Parliament in the coming months will be the impact of Brexit. This is a highly unpredictable area as very little is yet known about the final shape of the UK's trade deal with the EU, even with our final departure less than three months away. Whatever the outcome, it is likely to require a significant volume of new legislation, some of it urgent, as well as common frameworks agreed between the national and devolved governments to ensure a degree of ongoing consistency across the UK in devolved areas such as animal welfare and food safety.

Planning legislative research in this area will therefore be a challenge and an immediate priority will be to analyse those areas where EU law applies to devolved administrations and where it is likely to cease to apply. As well as analysis of primary sources, mostly legislation and treaties, this will involve discussion with counterparts in the devolved parliaments and assemblies of the UK and expert contacts, particularly academics and journalists specializing in affected areas. Once the range of policy areas likely to be affected has been identified, research teams could approach the relevant government departments to see if they are willing to share information about what legislation is likely to be required and when (though the government is often not forthcoming about the exact timing of legislation).

Focusing on those areas, teams could then begin to put together standard briefing notes describing the status quo, any relevant history and ways in which legislation might need to change after Brexit, as well as areas where the government has expressed a clear intention to diverge from EU law. At this stage, the team would be producing outputs suitable for publication. Working with the select committee, they would then identify the areas in which the committee was most interested and where it was most likely to add value by producing unanimous recommendations. This work would also be informed by a broader understanding of the concerns of Members across the House, particularly those with constituencies likely to be affected by sector-specific changes (ports, farming or fisheries, for example), based on individual requests for research and information.

Having identified the priority areas for intervention by the committee, the team would go on to produce a more detailed analysis of specific options and potential recommendations for the Government. As legislation is introduced into the House, the committee's recommendations could be translated into amendments, providing the opportunity to debate them during the committee stages of the relevant Government Bills.





Introduction

As noted by the Inter-Parliamentary Union (IPU) and the International Federation of Library Associations and Institutions (IFLA), ‘well-resourced parliamentary research services are one of the building blocks of an effective parliament’.¹³⁹ Parliamentary research services are a source of authoritative, independent, up-to-date, neutral and non-partisan information and analysis and are invaluable to Members of Parliament in effectively performing their parliamentary duties of: developing, considering and voting on proposed legislation; holding the government to account and scrutinising its activities; and representing its constituents.

Parliamentary research services can help connect knowledge with power by providing Members of Parliament with access to the best and most authoritative information available on any topic to assist decision-making and help counter the Executive’s comparative advantage of being able to access information from their departments and experts.

This paper discusses the design of a Legislative Research Department (LRD) for the Queensland Parliament. In doing so, I have adopted the commonly agreed-upon steps in planning an LRD, as outlined in the IPU and IFLA, ‘Guidelines for parliamentary research services’, namely: define mandate; determine how the service will operate and make the most of partnerships.

Political and constitutional context and information needs of the Queensland Parliament

In designing an LRD for the Queensland Parliament and to assess its information needs, it is important to consider the context within which the Parliament functions, including the political environment, its constitutional mandate, societal expectations about the role of the Parliament and governance arrangements.

The Queensland Parliament is a small-to-medium-sized Parliament comprised of 93 members. It is a unicameral Parliament (the Upper House was abolished in 1922), and the political environment can be best described as one of Executive dominance of the Legislature and very strong party-political discipline. Based on Nelson Polsby’s typology of legislatures, the Queensland Parliament can be categorised as an ‘arena-type legislature’, similar to the UK House of Commons. In this model, information and analysis are used to oversee the Executive and as ammunition to persuade the Executive in the Chamber, and other public forms, to make marginal policy adaptations.

¹³⁹ Inter-Parliamentary Union and International Federation of Library Associations and Institutions, *Guidelines for parliamentary research services*, 2015, pg. 4.

Phase 1 – Define the mandate

Defining the mandate for the LRD involves setting the objective of the service, identifying the client base and determining what types of services will be offered.¹⁴⁰

Legislative Research Department’s Objective

Given the political and constitutional environment within which the Queensland Parliament functions, I consider that the objectives of the LRD should be to ‘provide impartial, clear and authoritative and up-to-date information to all Members of Parliament, Parliamentary Committees and other clients in a timely, relevant and accessible manner.’

The aim of this objective would be to ensure that all Members, but in particular Government Backbenchers, Opposition Members and Cross Bench Members, have access to authoritative and impartial information to discharge their functions, particularly to hold the Executive to account and to help counter the comparative advantage the Executive holds in relation to access to information and experts.

Client Base of the Legislative Research Department

Similar to the Queensland Parliamentary Library and Research Service’s current strategy for setting priorities, as outlined in its ‘Quality Guidelines for Research Requests’ document¹⁴¹, the proposed LRD would have two categories of clients:

- Category 1 – Members of Parliament, Committees, Ministerial and Opposition staff, parliamentary officers and the Governor, and
- Category 2 – other libraries and parliaments, former Members of Parliament, academics/scholars and members of the public.

In relation to the prioritisation of work, clients in category 1 would all be treated the same. All efforts would be made to meet the deadlines requested by clients in category 1, however, it may be necessary to negotiate a more realistic scope of assignment to be delivered in a more feasible timeframe with the client. Clients in category 2 would be allocated a timescale by research staff, usually a month, and informed of the likely delivery date. Research for clients in category 1 would take priority over all research for clients in category 2.

This prioritisation of request would be clearly articulated in a Charter of Service approved by the Speaker of the Legislative Assembly and Clerk of the Parliament. The Charter of Service would also outline the scope of the LRD service, including its clients, the services and products to be offered, the service’s operating principles and service standards and levels.

The Charter of Service would assist in ensuring consistency in which the LRD interacts with its clients and in managing client expectations.¹⁴²

¹⁴⁰ Inter-Parliamentary Union and International Federation of Library Associations and Institutions, Guidelines for parliamentary research services, 2015, pg. 4.

¹⁴¹ Queensland Parliamentary Library and Research Services, Quality Guidelines for Research Requests.

¹⁴² Inter-Parliamentary Union and International Federation of Library Associations and Institutions, Guidelines for parliamentary research services, pg. 25.

Services and Products to be Offered

I note that larger LRDs (e.g. those that serve the United States Congress and the United Kingdom and Canadian Parliaments) offer their clients a large array of services, including summarises/concise analyses of proposed legislation; information packages for parliamentary meetings; fact sheets; background studies; statistical profiles; Geographical Information Systems (GIS) and mapping products; and training, seminars and learning materials.¹⁴³ I note that the UK Houses of Parliament has even started to publish podcasts on topics such as housing, defence and Universal Credit.¹⁴⁴

However, given the limited resources available and the small-to-medium-sized status of the Queensland Parliament, the LRD will offer an 'on-demand' service and provide customised research papers for clients on request. With the permission of the client, these research papers could be published on the Parliamentary Intranet in an anonymized format to form a repository of research papers on key issues for the use of all parliamentary clients.

The LRD would also use the Parliamentary intranet, modern ICT software¹⁴⁵ and Web 2.0 tools to improve the accessibility of information to its clients, including on their own devices such as personal mobile phones and tablets.¹⁴⁶

Unlike in larger Parliaments, due to limited resources, the LRD would not be responsible for the training of Members of Parliament, for example, the induction of new Members.

Phase 2 – How will the service operate?

Based on the information needs of Members of Parliament and given the limited resources available and the possible synergies created by the availability of information in the Parliamentary Library, I have determined that the LRD should be established as an extension of the Parliamentary Library to create a Research and Information Directorate under the leadership of a single manager, the Director of Research and Information. The Director of Research and Information would be the single point of intake of all service requests from clients.

Given the relatively small size of the LRD, approximately 15 members of staff, the LRD would comprise of generalist researchers, with a number of specialists in the areas of law, economics, statistics, the environment and human rights legislation.

In order to ensure quality control, the products of the LRD would be subject to the following key steps: self-review, peer-review, editing, and proofreading. Each product will be signed off by the team leader of the research service.¹⁴⁷

¹⁴³ Inter-Parliamentary Union and International Federation of Library Associations and Institutions, Guidelines for parliamentary research services, pg. 4.

¹⁴⁴ United Kingdom, House of Commons, Research – House of Commons Library accessed on 2 October 2020 from <https://commonslibrary.parliament.uk/research/>

¹⁴⁵ Fitsilis, Fotios and Koutsogiannis, Alexandros, Strengthening the Capacity of Parliaments through Development of Parliamentary Research Services, 29 July 2017. Working paper, 13th Workshop of Parliamentary Scholars and Parliamentarians, 29-30 July 2017, Oxfordshire, United Kingdom

¹⁴⁶ Missingham, Roxanne, Parliamentary library and research services in the 21st century: A Delphi study, IFLA Journal, 37 (1), 2011, pg. 52.

¹⁴⁷ United Kingdom Houses of Parliament, *Parliamentary Research Handbook*, 2017, pg. 87.

Phase 3 – Making the most of partnerships

As noted by the IPU and IFLA, seeking partnerships with organisations that hold information likely to strengthen an LRD’s analytical work will benefit the LRD and enhance the service provided to parliamentary clients.¹⁴⁸

Accordingly, the LRD will take proactive steps to build professional networks with internal parliamentary service areas, such as the committee office and table office, as well as external bodies, such as other parliamentary libraries, both in Australia and internationally, departmental experts and program managers, academics, journalists, Civil Society Organisations and lobby organisations and representative groups such as IPU, the Commonwealth Parliamentary Association and IFLA. Through these networks, the LRD staff will be able to increase the effectiveness of its service and draw upon the knowledge of experts, academics and researchers to improve the timeliness and accuracy of the information provided to clients.

Conclusion

As outlined in this report, the proposed LRD would contribute to the work of Parliament in the following ways:

- Improving decision-making – the information provided by the LRD would contribute to Members of Parliament gaining a better understanding of proposed legislation and policy and assist them in developing more effective solutions and policy initiatives
- Support information exchange between parliamentarians and stakeholders – enabling a better understanding of issues beyond Parliament
- Enhance the Parliament’s ability to check and oversee the actions of the Executive – by helping to address the comparative advantage the Executive has in relation to accessing information and expertise from departments
- Improve the legitimacy of Parliament’s actions – the use of high-quality analysis can support the legitimacy of decision-making, and
- Help to manage change – researchers in the LRD can help new Parliamentarians get to grip with their work quickly, and researchers provide a collective memory and experience beyond the length of an individual Parliament.¹⁴⁹



¹⁴⁸ Inter-Parliamentary Union and International Federation of Library Associations and Institutions, *Guidelines for parliamentary research services*, pg. 35.

¹⁴⁹ United Kingdom Houses of Parliament, *Parliamentary Research Handbook*, 2017, pg. 15.

Part 2: Research Paper; End-of-Life Choices, Voluntary Assisted Dying and Palliative Care

Introduction

The related issues of end-of-life choices, voluntary assisted dying and palliative care are currently of significant interest to the parliamentarians, the media, general public and Civil Society Organisations. The issue has also been the focus of a recent report by a parliamentary committee in Queensland. Other Australian jurisdictions, such as Victoria and Western Australia, have recently passed voluntary assisted dying legislation.

Objective

To produce a short research paper for Members of Parliament on the issues of end-of-life choices, voluntary assisted dying and palliative care to inform any Parliamentary debates or consideration of draft legislation introduced into the House.

The research paper will outline:

- The key issues and recent developments in relation to the topic, including parliamentary committee reports and legal and health implications
- The current legislation in Queensland
- The Government's current policy position
- The views of current stakeholders and experts
- Approaches taken in other jurisdictions, both domestically and internationally
- Statistics and data on the topic
- Any conclusions that can be drawn

Methodology

The research will use qualitative techniques and use primary source, (e.g. legislation, Government policy statements, Government reports, parliamentary committee reports and submissions, policy papers produced by stakeholders and statistical data) and secondary sources, (e.g. journals and articles, media articles and internet sources).

Resources

The research will require one full-time research officer.

Timetable

The research paper will be produced within four weeks of the commencement of the project.

Outputs and Quality Control

The research will produce a short paper (approximately five papers) which concisely outlines the essential information on the issue. The research paper will be made available to all Members of Parliament on the Parliamentary Library and Research Service's Intranet.



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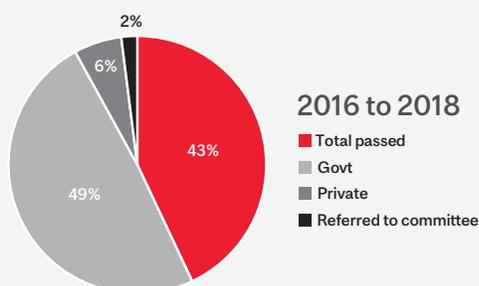




The Backdrop of Legislative Research Department (LRD) in KP assembly

Historically, the LRD in Khyber Pakhtunkhwa is a grey area where the research work is done but not systematically. This is because the KP Assembly is a struggling corporate body in terms of Rules amendment for different reasons, including a fear of the unknown about changing the Rules to bring them at par with the best practices due to reasons. It includes, inter alia, the lack of the cause and need for research. That is to say, the real reason for research has never been felt as deemed necessary for the apparent reason. Each bill is not referred to the corresponding standing committee. Partly, there are very rare private members' bills which otherwise would have needed research on the part of the assembly research section. It is worth mentioning that all the government bills are prepared and vetted by the executives and cabinet members. It reaches the Assembly as a ready product. And as the research tool is mostly needed to carry out research for committees, ad hoc or permanent, but bills are not referred to committees as shown in the diagram below; therefore, no one is needed for research to be conducted.

It is now wished by the current administration that Rules are amended, including the proposal to recommend each bill to the committee. After this amendment, it will automatically call for the conduction of research on the bill for which the concept of LRD will get the impetus to be developed.



Gap Analysis:

The actual situation as stated is in place where a very limited number of bills are referred to a select committee. Once the selected committee starts holding meetings, very archaic methods are used to vet the clauses of the bills. These methods include the use of Parliamentary Library, old references, institutional memory, etc., but everything is done very haphazardly. Such non-systematic research results in poor legislation, which causes numerous periodic amendments to the bill time and again. In fact, I was secretary to the select committee on the famous Right to Information Act 2013; for which I personally conducted detailed research from open source and even considered clauses of the said act with that of the Bill in the United Parliament, and that was one of the reasons that the RTI act of KP Assembly was rated at the top in the world by the World Bank and is still enjoying one of the best-rated bills. However, due to the lack of proper investigation, planning, and research policy, most of the select committee's work on bills is not target-oriented and result in a flawed law creating challenges in civil society, the court of law, and violation of basic/human rights.

It is this very feeling that the bookish definition of a proper LRD is now being taken up by the competent authorities for establishing a state-of-the-art Research department with sufficient staff to be hired as fresh, as well as select few from the experienced staff who have been doing research on their own. After commissioning the proper LRD, its team will carry out research not only for the committees, but it will equally conduct research for Mr. Speaker, Leader of the Opposition, the Secretary General or any matters on which research is required.

The Excel document attached will show how little the research work is needed or to be carried out for limited private members' bills, or some specific bills with reference to the marginalized stakeholders of society like gender related or disabilities, children protection, etc.

After thorough brain storming, it is hoped that very soon an LRD will be created in the KP Assembly to narrow down the gap between what is done and what is required to be done in the near future.





Information Technology (IT) Assessment of the New South Wales Parliament

Introduction and Summary

While the Parliament provides a basic level of ICT products and services, the technology supporting these systems was primarily developed many years ago, and there has not been any significant recent investment. The ability to innovate and introduce new capabilities and engagement methods has also been limited by a lack of funding and access to technology. In June of this year, the NSW Treasury approved a significant financial investment in the Parliament's IT products and infrastructure to address this 'technology debt' and introduce a number of new products or services to improve efficiency and capability.

Part 1 of this paper provides an outline of the issues associated with the Parliament's current IT environment and areas for improvement and reform. It outlines the risks associated with the current outdated technology and the impact on efficiency and workloads as a result of paper processes and redundant systems. It also details the potential for new capabilities, products and services to transform the way that Members and parliamentary staff transact parliamentary business, and the community engages with the work of the Parliament.

Part 2 outlines key factors for the success (or failure) of IT projects, based on my experience and involvement in IT projects over a number of years. Adequate budget, stakeholder 'buy-in' and good communication, project management expertise, and adequate change management are all important.

Part 3 details the Parliament's readiness to deliver on the significant financial investment that has been provided for over the next three years, drawing on my experience with previous IT projects (as outlined in Part 2). The Parliament is well placed in terms of funding, stakeholder support and governance. However, change management presents a significant challenge and more work needs to be done to improve contract management.

This paper concludes that there are many challenges associated with the forthcoming program of work and digital transformation program. However, substantial effort has been devoted to strategy, planning and communication, and the Parliament is well placed to deliver the projects.

Part 1 – Assessment of the Current IT Environment

Issues with the current IT environment

The New South Wales Parliament has most of the basic ICT products and services expected of a modern parliament. The webpage is extensive and includes information about the Parliament, how it operates and

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how citizens can visit and get involved. It also has detailed information about House proceedings, the passage of bills and Committee work and inquiries. Proceedings are broadcast on the webpage, as well as on televisions around the parliament, and the media has access to the footage to use for news reporting. Functions supporting the operations of the parliament - such as financial services, human resources and contract management - use a hybrid of IT-based and paper processes.

Many of the ICT applications the Parliament relies on are 'end-of-life', creating risks of service failure and risks concerning document integrity. Over the years, the Parliament regularly (and unsuccessfully) requested funding from Treasury to upgrade its IT systems. This meant that for many years, any technology upgrades have largely been funded from the 'minor capital works' budget, which is a small allocation from Treasury that the Parliament receives every year to cover essential maintenance and remedial work. As the Parliament's ICT infrastructure is separate from the government's own systems, this has also meant that the services and products offered by Parliament have fallen significantly behind those available in the rest of the public sector.

A 'Digital Transformation' Program has Recently Commenced

In June this year, the most recent 'Digital Parliament' Business Case was approved by Treasury. This significant and vital funding - in excess of \$25 million capital funding and \$7 million operational funding over three years - is aimed at the following three areas:

1. **Mitigating risk:** Mitigating against extreme risks through the establishment of a modern, resilient and sustainable ICT infrastructure.
2. **Improving efficiency:** Improving productivity by transforming from manual and paper-based to digital, automated processes.
3. **Improving capability:** Improving effectiveness through provision of the capability for enhanced and modern interactions with members, staff and the NSW community.¹⁵⁰

Areas for Improvement

Some of the most critical issues identified in the Business Case included the following:

Redundant or 'end-of-life' technology - Key parts of the Parliament's current ICT infrastructure will be 'out of support' after August 2021. Security patches and updates are no longer available, and spare parts are no longer being manufactured.

Website unable to cope with periods of high demand - The current largely on-premises technology infrastructure is outdated and unable to cope with periods of high levels of public and community engagement via Parliament's website.¹⁵¹

¹⁵⁰ NSW 'Digital Parliament' Business Case, p.5.

¹⁵¹ For example, in August 2019 over 13,000 organisations and individuals attempted to make submissions to a parliamentary committee inquiry through the Parliament's website. This resulted in the system crashing, causing considerable delays and frustration for submission makers and damaging the reputation of the parliament.

Risks to document integrity – Paper records from the Parliament’s nearly 200 years of operation are only partially digitised, creating risks around loss or damage of valuable and irreplaceable records. Other, more recent records, are stored on different formats, depending on the technology current at the time.¹⁵²

Inefficient process and systems – Parliamentary processes are often paper-intensive and manual, leading to excessive time and effort spent on basic tasks and frequent duplication of information in paper format.

Inadequate identity management – There is no single database that contains information about all individuals who have access to Parliamentary offices and systems, and requirements for access control are managed in each corporate system.

Limited ability to support mobile working – The current technology environment does not meet Member and workforce expectations for access to information from anywhere, at any time.

Inadequate protection against cybersecurity threats – The current systems do not adequately protect the Parliament against increasing cybersecurity threats and are not consistent with ‘best practice’ or the NSW Cyber Security policy standards.

Insufficient modern digital methods of community communication – The provision and accessibility of parliamentary information to the general public are challenging due to a reliance on paper records and a poorly configured website.

In order to address these and other issues, the Business Case outlined the following projects to be completed over the next three years:

1. **Cloud migration** – transfer of existing applications and storage to the cloud. This includes decommissioning aging servers and migrating existing storage and backup functionality to the cloud, as well as migration from Microsoft Office to Microsoft 365.
2. **Enterprise Resource Planning (ERP) strategy design and implementation** – replace the myriad of existing end-of-life ERP systems with modern products, including the replacement of the existing identity management processes.
3. **Asset replacement** – replace all personal computers and multi-function devices with the latest technology.
4. **Cyber-security framework implementation** – align the Parliament with NSW Cyber Security Policy.
5. **Retirement of the Lotus Notes platform** – migration of all legacy information onto the SharePoint platform.
6. **Completion of the Parliamentary Information Management System (PIMS)** – transform a large number of manual processes to digital and create a ‘Parliamentary Portal’ or ‘one-stop-shop’ for Members and Ministers to use when transacting parliamentary business.

¹⁵² For example, early film recordings of proceedings from the 1990s were stored on VHS video tapes, creating risks around storage integrity and accessibility.

7. *Major re-design of the webpage* – to make information more accessible and interactive.
8. *Digitisation of early House papers* – to make sure important historical records are protected and in a more accessible format.

Part 2 – Criteria for Successful IT Projects

Lessons Learnt and Critical Success Factors

I have been a member of the Parliament’s ICT steering committee for a number of years. I have also recently been appointed as a member of the ‘Digital Transformation Program Board’ which has been established as a governance mechanism to monitor the substantial program of work that was recently funded. My observations of the Parliament’s readiness for reform and critical success factors are drawn from this experience, as well as my general experience in my role as Clerk-Assistant, House, and Procedure.

I have identified the following factors which can influence the success of IT projects:

1. Sufficient funding.
2. Support from stakeholders.
3. Robust governance arrangements.
4. Project management skills and capabilities (including change management).
5. Contract management skills and capabilities (when employing external contractors).

The following two case studies outline my experience and observations of two separate NSW Parliament IT projects – including the critical lessons learnt and contributors to success. They also demonstrate how the Parliament’s ability to deliver IT projects has improved over time.

Case Study 1 – Failed Reform and Lessons Learnt

My observations of past IT projects are that there are significant risks associated with inadequate funding or funding that is only sufficient to ‘patch up’ the current system. Poor communication and stakeholder engagement can also have a significant negative impact.

For example, a previous NSW Parliament IT project to migrate two decades of parliamentary documents from an obsolete platform to SharePoint was underfunded and poorly managed. This impacted data integrity during the migration of documents, with some data missing from the migration and other data being corrupted. This led to significant remedial work being required at additional cost and staff time.

It also created cynicism amongst House department staff about the value of the project and a reluctance to invest time and resources in fixing the problems.

Substantial work was required to get the project back on track and keep staff motivated.

While I was not involved in the management of the project, my staff were very directly impacted by the results. Some key lessons I learnt included the following:

- It is important to have a well-developed and realistic concept of the scope and cost of the project early in the planning stage and to ensure that there is adequate funding available.
- Any IT project should include meaningful consultation with the 'users' of the system to ensure that it will meet their needs.
- Good project and contract management is essential, especially when relying on outside contractors and consultants.

The problems with the project also led to the establishment of a cross-departmental steering committee to improve governance and have input in decision-making.

Case study 2 – E-petitions ‘Success Story’ as a Model for Future Reform

Earlier this year, I was the 'project sponsor' for the design and implementation of electronic petitions. The project was delivered on time, on budget, and has been successfully implemented. Feedback from Members and users has been positive, with comments indicating that it is easy to navigate and is a valuable form of citizen engagement.

In my view, some of the key contributors to the success of the project included the following:

- The project was initiated by the Legislative Assembly Standing Orders and Procedures Committee, and it enjoyed a high level of support and ownership from Legislative Assembly Members.
- The project was led by House department staff in partnership with a Project Manager from the IT team. Input from the parliamentary 'subject matter experts' and end-users was an integral part of the project.
- Considerable time and effort were spent in the design and planning stage, and adequate funding was allocated from the parliamentary budget.
- Electronic petition systems in other jurisdictions were reviewed, and staff spoke consulted with colleagues from the Canadian Parliament and the Australian House of Representatives to gather information on potential pitfalls or problem areas.
- 'Agile' project management methodology was employed. The House department 'product owner' and the IT project manager worked with the external developers in a series of short 'sprints' and presented the progress to the users every three weeks. This allowed for continuous feedback and the early identification of any problems.
- There was a 'stakeholder communication and change management plan,' and the rollout of the project included extensive information and training sessions, as well as promotion on the Parliament's social media sites. All Members received a 'media pack' to use to promote e-petitions in their electorate, including a shell media release and social media tiles and images.



Part 3 - Assessment of the Parliament's Readiness for the Digital Transformation Program

Drawing on my own experience of IT projects at the NSW Parliament outlined in Part 2, I have made the following assessment of the Parliament's readiness for the substantial program of IT reform work that will occur over the next three years.

There are some areas - such as funding, support from across the Parliament and governance - where the Parliament is in a good position. Other areas - such as change management and contract management - will be more challenging.

1. There is sufficient funding to complete the program.

Due to many years of under-investment, the Parliament has a significant 'technology debt.' Significant funding is required to bring the Parliament up to 'best practice' public sector standards and provide more effective and efficient ways of working and communicating and engaging with the public. The Parliament has sufficient funding to complete the required reforms. This Business Case was reviewed by external expert consultants to put together detailed scoping information to ensure that adequate funding was requested to complete the work. Contingency costs were also included in the funding bid.

2. There is support for the program from the Presiding Officers, Members, and across the parliamentary administration.

Having the support of key stakeholders is vital to the success of any IT (or other) project. The successful Business Case was formulated in consultation with subject matter experts from across all three parliamentary departments. The document was reviewed and approved by a cross-departmental ICT steering group made up of senior representatives from both technical House Department areas. It was also developed in consultation with the Presiding Officers and Members.

3. There are robust governance arrangements in place to monitor the progress of the program and identify risks.

The NSW Treasury requires regular reporting on the progress of the projects, and there are numerous 'gateway reviews' and 'health checks' by external agencies to ensure that the projects are on track and achieving value-for-money.

I am a member of the internal 'Digital Transformation Project Board,' which meets every few weeks to review progress and make key decisions. The Terms of Reference for this board include:

- Providing overall strategic direction for the program.
- Monitoring the scope of the project and approving and requested changes to scope.
- Ensuring the program is delivered on time and within budget.
- Monitoring risks and ensuring appropriate controls are in place.
- Representing each parliamentary department and sharing information across the Parliament.

4. Change management is a significant challenge

The Digital Transformation Program will involve significant changes to the way the Parliament's members and staff have traditionally worked. Effective communications and change management will be key to ensuring the success of the program. It is one of the biggest challenges facing the program, and in recognition of this, a specialist consultant has recently been employed to manage this area. In some instances, the skill set of our IT staff does not match new products and service delivery model. To build capability and skills, some existing staff have been embedded in the new project teams and offered relevant training and development opportunities.

There will be an overarching change management strategy across all the initiatives, but there will also be individual communication and change management plans associated with each project. These plans will include an assessment of: 'change readiness', stakeholders, required communications, skills training and development, approaches to managing change resistance, and forums for stakeholders to provide feedback.

As a member of the Digital Transformation Board, I will be keeping a close watch on these communications and change management strategies and providing support and feedback to the project managers.

5. Contract management capability needs to improve

Through the 'Digital Transformation' program, the Parliament's IT functions and services will largely shift from being an on-premises physical environment to a cloud-based, digital application service. This will require the development of more sophisticated vendors and contract management capabilities.

The Parliament does not have experience in managing the type of projects required for the program. An important next step will be to draft and implement a formal contract management framework. This framework will be key to ensuring both the short-term design and implementation of the projects and the longer-term service and maintenance requirements. Given the lack of internal expertise, the project lead could consider an engagement and specialist contract management adviser to ensure fair contractual terms and value for money.

Conclusion

The New South Wales Parliament is about to embark on its biggest investment in IT infrastructure and services ever. The 'Digital Transformation' program will enable members and staff to work in a smarter, more innovative, and sustainable way. It will also enable the community to engage in the parliamentary process by improving the accessibility of information.

In recent years, the Parliament has made significant improvements in the way that it approaches IT projects. A great deal of effort was made to ensure the Business Case was as accurate as possible and provided adequate funding. Efforts have also been made to engage and consult with stakeholders from across the parliamentary administration and ensure there is support for the proposed changes and sufficient oversight.

The challenge of change management in the context of the significant volume of work and transformation program must not be under-estimated and will require careful monitoring. The scale and scope of the program mean that the Parliament's contract management capabilities will need to be strengthened.

There are many challenges ahead. However, the Parliament has put significant effort and planning into ensuring its success and is well placed to deliver on its 'Digital Transformation' program.





Designing a Legislative Research Department for the Northern Ireland Assembly

Introduction

According to the Inter-Parliamentary Union (IPU), the main reason for establishing a parliamentary research service is to provide non-partisan and balanced analysis that is adapted to the needs of parliamentarians (IPU, 2015). Parliaments are highly political, high-profile environments that require information and analysis that is (Bennett, 2017):

- Impartial;
- Clear and authoritative;
- Accessible;
- Timely;
- Relevant; and
- Confidential.

Ultimately, it is argued that the provision of such information to parliamentarians strengthens democracy (Missingham and Miskin, 2011).

Some legislatures do without a research service. For example, committees in the Flemish Parliament commission research from the local university and the Kosovo Assembly had specialist ‘field officers’ embedded in committees before the establishment of its own research service. However, an independent, specialised research service within a legislature can provide bespoke research tailored to the needs of the context within the ethos and values of the parliamentary secretariat.

Parliamentary Research in the Northern Ireland Assembly

The Northern Ireland Assembly was established by the Northern Ireland Act 1998. A Northern Ireland Parliament had existed since 1921 but was prorogued in 1972 due to the conflict and dissolved in 1973. The new power-sharing legislature was intended to be a departure from the old parliament but was located at the same place as the previous institution: Parliament Buildings, Stormont.

Rather than starting from scratch, the Assembly inherited the old parliamentary library, which had been created in 1921 and maintained in the building since dissolution (Gallagher, 2008). In addition, some of the previous knowledge and experience of parliamentary research was retained in library staff.

Parliamentary research in the Northern Ireland Assembly began life as the Research and Library Service. This was restructured and expanded in 2010 to the current Research and Information Service (RaISe). This comprises two interlinked branches:

1. The Assembly Library
2. The Assembly Research Service

The Library provides the storage and retrieval of documentation, provision of answers to information requests, lending of books, and other publications, access to daily newspapers and selected periodicals, access to a range of online databases and resources and indexing and administration for the Assembly Information Management System (AIMS) and the research publications sections of the Assembly website.

Members and their staff can make information requests or ask for specific publications or documents in the Library, for example, deposited papers, to which there may be a statutory requirement for access. However, the product that Members most often come into contact with is the Information Pack, which is a document circulated to Members before a private member's motion containing a broad summary of research, press coverage, policy documents, legislation, and other links on the subject of the debate.

While the Library stores and gives access to documentation and provides information, the Research Service provides analysis by a subject specialist. The Service offers a neutral, non-partisan, evidence-based product to support Members and the Assembly in general in its work. Workstreams include:

- Bill Papers: which examine aspects of Bills and comparatively explore issues, impacts and alternatives
- Research papers for parliamentary committees: for inquiries or to support scrutiny to inform and support committee Members to make sense of the evidence they are hearing
- Research for Members: which is confidential, whether to inform a Member in an area of policy interest, support their committee work or help in the development of a Private Member's Bill
- Research for the Secretariat: such as supporting committees in organisational changes to increase efficiency or informing developments in other areas of parliamentary life
- Proactive research: where there is a clear policy or legislative information need, but research has not been tasked through other avenues

The Education Service was formerly part of RaISe. This provides programmes for schools, colleges and universities to support educators and learners in engaging with the legislature and help raise awareness and understanding of the legislative process and context. The Service was removed from RaISe in an organisational review in 2016.



Designing a Parliamentary Research Service

The Inter-Parliamentary Union (2015) proposes three main phases for the development of a parliamentary research service:

1. Define the mandate
2. Determine how the research service operates
3. Make the most of relationships

These are discussed in turn.

Defining the Mandate

In the Northern Ireland Assembly¹⁵³

The Assembly's Research and Information Service (RaISe) aims to meet the information needs of the Assembly Members, their staff and the secretariat in an impartial, objective, timely and non-partisan manner. It employs subject specialists and library professionals to provide research and information support across the range of Assembly business areas.

The Business Plan for 2015-16 states (RaISe, 2015):

To provide an outstanding and progressive Research and Information Service in support of Committees and Members to ensure delivery of effective legislation and policy in the Assembly as a devolved Legislature.

The current business plan does not contain a mission statement, as it was written at a time when the Assembly was not sitting (January 2017 to January 2020), referring only to measures for 'maintaining readiness'.

What is currently lacking is a list of priorities and a customer contract or similar. The informal priorities could be formalised as follows:

1. Legislation
2. Committee work:
 - a. Inquiries
 - b. Other Committee business



¹⁵³ Find out about RaISe', NI Assembly website: <http://www.niassembly.gov.uk/assembly-business/research-and-information-service-raise/>.



3. Members:
 - a. Private Members' Bills
 - b. Constituency business

4. Secretariat

A written customer agreement could be introduced that contains:

- A statement that all products will be neutral, non-partisan and evidence based.
- The priority criteria, as stated above.
- What can be provided and what cannot (e.g., political speeches, subjects not related to Assembly business, etc.).
- Format and timescales.
- Confidentiality statement and publication arrangements.

Determining how the Research Service will operate

There are two main facets to how a research service operates:

1. Structure
2. Operating procedures

Currently, RaSe comprises the Research Service and the Assembly Library. The Research Service comprises four teams, each containing four to six subject specialists (Research Officers) and a team leader (Senior Research Officer). Some legislatures employ generalists (often split between policy specialists and economists), but the specialist route means that expertise can be more focused in teams, and the Research Service can maintain more independence, responding according to subject rather than function.

The teams are arranged as follows:

1. Business and finance: this includes the Financial Scrutiny Unit and an auditor seconded from the Audit Office
2. Equality, Justice and Government
3. Communities
4. Health, Education and Statistics: this includes a GIS specialist seconded from the Land and Property Services

Team arrangements are flat, i.e., each team member is of the same grade, under a team leader. This has resulted in the loss of expertise, as promotion within the Service is rare. A stepped team structure of Research Officers and Senior Research Officers under a team leader would offer a progression route without specialists feeling they have to leave the Service to progress (a common route is to Clerking).

The Assembly does not have a separate Budget Office, this role is fulfilled by the Financial Scrutiny Unit in the Research Service. While separation would enhance independence, the expertise and skills within the FSU provide essential support to other research projects beyond budgetary scrutiny.

Members and Secretariat can task research in a variety of ways:

1. Completion of an intranet-based form
2. Through an email, telephone call or personal visit to the Research Office
3. Via the library front desk
4. Direct contact with the appropriate researcher

In each case, tasks are coordinated with the four team leaders to ensure the task is in the right team, the resources are available, and the task is appropriate, as well as to identify any cross-team working. The lead researcher will then confirm the tasks with the customer, discuss what is necessary and agree on a format of product and timescale. The task, customer, deadline and any additional documentation are entered into a common database.

The multiple options for tasking could lead to possibilities for tasks to go astray, resulting in delays. A single tasking point would be more efficient.

Bill papers and research for committees are routinely published. Research for Members is confidential but is published if:

- The Member publishes
- The Member refers to the research in plenary or committee
- The topic is of sufficient wider interest for publication, in which case the Member's permission is sought

The products of the Research Service are:

- Bill Papers – timed for the Committee Stage of the Bill
- Research for committees – these are tasked to support inquiries, to inform the committee in advance of witness sessions or for other information needs, presented to the committee in public session
- Research for Members – for Private Members' Bills or other business needs
- Constituency Casework Briefs – which summarise key issues brought by constituents, provide basic information and signpost where further information can be found
- Constituency Profiles – which summarise statistics for each constituency
- Mandate papers – in which each researcher summarises the key issues that have arisen and are likely to arise in their specialism for incoming Members in a new mandate
- Blog articles – on the Research Matters research blog
- Briefs for students – in support of the work of the Education Service, particularly for students in a course of a researcher's specialism

- Briefs for the Knowledge Exchange Seminar Series – the relevant researcher is expected to write the opening presentation for each seminar for the Chair of the relevant committee and to facilitate the seminar and discussion

While the research blog raises awareness of the Service and key issues, questions might be asked as to the selection of topics (in terms of neutrality) and may breach the custom of the Secretariat providing a service and remaining in the background. This could be discarded.

Making the Most of Relationships

The Assembly Research Service maintains a range of relationships within and external to the legislature. Internally, key relationships are with committees, particularly for researchers whose specialism coincides with a statutory committee, such as education or health. Important relationships are also maintained with the Bill Office to be abreast of the legislative programme and in engaging on Private Members' Bills. The Education and Outreach services draw on research expertise, and where appropriate, there is research engagement for high-level visits and events.

Internal relationships are currently ad hoc. There was previously a regular Clerking-Research conference. This should be revived for better cross-departmental working.

Externally, each researcher would be expected to have a relationship with the main academics and civil society groups working in their area. In addition, the Knowledge Exchange Seminar Series is a collaboration between the main local universities and the Research Service to connect the latest research with the business of the Assembly, and there have been internships for students from the local universities and further afield.

The majority of contacts are local. There is scope to develop relationships internationally, such as through encouraging attendance at conferences abroad or organising international events locally.

There is an expectation that each researcher will know their equivalent in the research services of the House of Commons Library, the Scottish Parliament, the Welsh Parliament and the Houses of the Oireachtas. The Inter-Parliamentary Research and Information Network holds an annual conference, rotated around the five main legislatures, to engage on issues of common interest.

In some cases, there are connections with other research services, particularly where Assembly personnel have been involved in development projects with them (such as in Kosovo, Jordan, Morocco, Lebanon, etc.). International connections could be strengthened. For example, is there the scope for a research and information network in the Commonwealth Parliamentary Association? Would other parliaments be prepared to enter into exchange arrangements?

Research Plan

A typical research task for the Northern Ireland Assembly is a piece to support the deliberations of a committee. In this case, the Ad Hoc Committee on a Bill of Rights was established under the New Decade New Approach agreement to consider a bill of rights that consists of the rights of the European

Convention on Human Rights and additional rights that reflect the 'particular circumstances of Northern Ireland.' The Committee requested research on what the 'particular circumstances' are.

The research comprises the following phases:

1. Confirmation of the purpose and detail of the task, including watching the Committee meeting discussion in which it was agreed to task the research
2. Conversation with the Committee Clerk to agree on terms of reference, product and timescales, including delivery for the Committee information pack and arrangements for presentation to the Committee
3. Planning and consideration of additional resource requirements
4. Legislation review - are 'particular circumstances' defined in law'?
5. Case law search - has a judge ruled on a definition of 'particular circumstances'?
6. Document review - what have official documents said about the 'particular circumstances'?
7. Literature review - what have authors said about the 'particular circumstances'?
8. Engagement with academics/authors who have written about the issues
9. Analysis of data
10. Draft report, summarising different interpretations and arguments and providing alternatives
11. Peer review of text (for readability, structure and clarity)
12. Team leader review (for relevance, neutrality and evidence base)
13. Sent to customer, with a brief summary of content, for inclusion in the Committee information pack

The research is then presented in public session to the Committee and questions are taken from the Members. The paper is published to coincide with the presentation at Committee, before which there is a check by the publisher for any errors.

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Assessing the Legislative Assembly of Ontario's Information and Communications Technology: Working towards an e-Parliament

Introduction

The constitutional functions of the Legislative Assembly of Ontario (“Assembly”) of oversight, legislation and representation have never been more important in a society dominated by the administrative state.¹⁵⁴ Despite its important constitutional and democratic role, the Assembly is experiencing a crisis of confidence – in 2015, Statistics Canada found that only 38% of Canadians have confidence in the legislative branch.¹⁵⁵ It is telling that there was a celebration and not concern raised when fewer than 3 in 5 Ontarians voted during the 108 General Election.¹⁵⁶ This crisis of confidence in the legislative and democratic branch of government is not experienced in Ontario alone but is a global phenomenon.¹⁵⁷ Information and communications technology (“ICT”) – which has undergone rapid evolution in the past few decades¹⁵⁸ – offers an opportunity for the Assembly to regain the public’s trust. ICT can empower the Assembly to be more efficient, transparent, and accountable.¹⁵⁹

The COVID-19 pandemic (“pandemic”) has highlighted the necessity for the Assembly to invest more heavily in ICT. With the current Assembly being made up of younger members with more familiarity with ICT (including social media), it is now an opportune time to review the Assembly ICT and take steps to address future needs. This memorandum provides a high-level assessment of the Assembly ICT system, recommends a strategy for the development of an “e-Parliament” that facilitates the interactions between the Assembly and its stakeholder,¹⁶⁰ and concludes with the identification of certain challenges to the development of an e-Parliament system.

Assessment of the Assembly’s ICT system

The Assembly’s ICT system can be divided into two categories: internal ICT (which focuses on internal parliamentary work) and external ICT (which focuses on providing stakeholders with information and avenues of interaction with the Assembly). While both systems are distinct, they work in coordination for the discharge of the Assembly’s function; a committee’s remote hearings require both effective internal ICT (to organize the

¹⁵⁴ Parliamentary Research and IT Course Materials (“Course Materials”), Module 1, Unit 1, pg. 1. See also: Marc Bosc and Andre Gagnon, *House of Commons Procedure and Practice*, 3rd ed. (Ottawa: House of Commons, 2017) at chapter 1.

¹⁵⁵ Adam Cotter, *Spotlight on Canadians: Results from the General Social Survey – Public Confidence in Canadian Institutions*, Statistics Canada (online) <https://www150.statcan.gc.ca/n1/pub/89-652-x2015007-eng.htm>.

¹⁵⁶ Kerri Breen, “58% of those eligible voted in the Ontario election – a high not seen since 1999”, Global News (online, June 8, 2018) <https://globalnews.ca/news/4261937/ontario-election-turnout-58-per-cent/>.

¹⁵⁷ Course Materials, Module 1, Unit 1, pg. 2.

¹⁵⁸ Course Materials, Module 1, Unit 1, pg. 3.

¹⁵⁹ Inter-Parliamentary Union, *World e-Parliament Report 2018*, (Inter-Parliamentary Union: 2018), at pg. 7.

¹⁶⁰ For the purposes of this paper, stakeholders include: the government, civil society organizations (“CSO”), individuals, businesses and the Assembly’s staff.

hearing) and external ICT (to publicize and host the hearing). However, the different focus of the two parts makes it useful to access them separately.

Assessment of Internal ICT

Internal ICT is assessed via two criteria. First, does the system facilitate the effective and efficient operation of the Assembly's functions?¹⁶¹ Second, is the system secure and does it adequately address the privacy concerns?¹⁶² In order for an ICT system to efficiently and effectively facilitate the Assembly's operation, it must contain a Document Management System ("DMS")¹⁶³ that allows for comprehensive communication and organization, internal and public access, is efficient and secured, and allows for controlled sharing of documents to authorized individuals.¹⁶⁴ It is also important for a DMS to be flexible in order to address evolving standards and needs of the Assembly.¹⁶⁵

The Assembly's DMS fails on all counts. This failure can largely be attributed to the iDivision's (the Assembly department responsible for ICT) incremental approach to upgrading DMS one department at a time. The rapid evolution of ICT led to a situation where different departments operate on different platforms. At the Assembly's last audit, there were over 25 different DMS platforms, systems and programs that were deployed within the Assembly. While each DMS is calibrated to the needs of the department, the numerous platforms hinder cross-departmental collaboration. It also makes it difficult to ensure that documents are properly restricted and secured. In fairness, iDivision recognized the difficulties arising from its policy of incrementalism. It has now retained a consultancy firm (KPMG) to consult with Assembly staff and develop a unified DMS that will be flexible enough to address future challenges. This process should continue and has been incorporated into my recommendation on how to improve the Assembly's ICT.

Assessment of External ICT

The proper deployment of external ICT will not only proactively inform stakeholders of topics that the Assembly is or will be considering that are of interest to them but also allow these stakeholders to meaningfully interact with the Assembly and its members.¹⁶⁶ A modern parliamentary website should, at minimum, fulfill the following four functions in an engaging and user-friendly manner:¹⁶⁷

1. provide basic information and contact details;
2. track activities and distribute documents;
3. communicate with stakeholders; and
4. facilitate the Assembly's duties of transparency and accountability.



¹⁶¹ Course Materials, Module 1, Unit 2, pg. 11.

¹⁶² Ibid, pgs. 12 – 13.

¹⁶³ DMS has both an internal and external component (i.e. public access to legislative documents are facilitated by the DMS system). The memorandum focuses on internal use of DMS because its inward-facing deficiencies has a significant detrimental impact on the Assembly's functions.

¹⁶⁴ Course Materials, Module 3, Unit 2, pg. 3.

¹⁶⁵ Course Materials, Module 3, Unit 2, pg. 5.

¹⁶⁶ Course Materials, Module 4, Unit 1, pg. 9.

¹⁶⁷ Course Materials, Module 4, Unit 1, pg. 8.

The Assembly's website¹⁶⁸ was completely overhauled in 2019 to provide users with a friendlier interface. While the new version of the site is much improved – and basic information and contact details are quite accessible – the site fails on the other three criteria for an effective legislative website.

First, it is neither easy nor intuitive to track the Assembly's activities. For example, the Assembly does not possess the technical capability to stream more than one proceeding at a time. This problem was highlighted during the pandemic when two committees held simultaneous hearings on two contentious bills. The fact that one of the hearings was not livestreamed led to allegations that the Assembly was attempting to silence opposition to the bill.¹⁶⁹ Additionally, the fact that the Assembly does not publicize written submissions on its website lent further credence to this damaging allegation.¹⁷⁰

Second, the site does not communicate well with its stakeholders. It basically serves as an electronic business card for the Assembly and does not leverage the potential of Web 2.0 to create an interactive space for stakeholders. For example, there is no method of directly contacting a member on the site or for a member to provide their views. Every member has a dull, cookie-cutter page that provides the bare minimum of contact information (email, phone number and office address). The Assembly does not permit Members to provide their personal website or social media accounts – even though every Member has one.¹⁷¹ The limited functionality of the page means that Members have another site that they administer. The existence of two official webpages for Members has, from time to time, confused the public as to why there is two official looking results when they search for their Member online.

Third, the site does not facilitate the Assembly's transparency or accountability functions. The Assembly's social media accounts exclusively discuss the Assembly's history and the Legislative Buildings' architecture. It does not identify ways in which stakeholders can engage in the Assembly's core functions: the passage of legislation, the holding of the Government to account and to deliberate the main issues of the province.¹⁷² Additionally, sessional papers (documents that are tabled by the Government or parliamentary officers) cannot be accessed online. In order to access these documents, a stakeholder must email the Assembly to request a copy. If the document is over two years old, the Assembly charges a fee to access the document.

Recommendations

The scale of the Assembly's ICT shortcomings identified in the section above requires a multi-year plan. The assessment, coming from the perspective of an Assembly employee, is likely to miss certain aspects that are important to the Assembly's other stakeholders.¹⁷³ Consequently, instead of providing specific and actionable recommendations, this memorandum recommends an ICT strategy with a view of implementing an

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¹⁶⁸ The Assembly's website address is: www.ola.org.

¹⁶⁹ See eg: <https://twitter.com/CamilleLabchuk/status/1270354520426586112>.

¹⁷⁰ Written submissions are available only by request to the Committee Clerk who will transmit it via email.

¹⁷¹ See cf: European Parliament and the American Congress, both of these institutions' member pages provides for the member's social media account.

¹⁷² Course Materials, Module 4, Unit 1.

¹⁷³ Course Materials, Module 4, Unit 1, pg. 8.

e-Parliament system by the beginning of the 44th Parliament in 2026. The recommendations are divided into two parts:

- Steps to be taken before the end of the current 42nd Parliament in 2022; and
- Steps to be taken during the 43rd Parliament (2022 – 2026)

Steps to be taken during the remainder of the 42nd Parliament

It is likely that the COVID-19 pandemic will continue to impact the Assembly. We will have to ensure that current remote meetings of various committees can continue. It is recommended that the Assembly conducts regular feedback sessions with Members, witnesses, members of the public who observe proceedings, and staff to determine what aspects of the current system works and what may require improvement. Where possible, the Assembly should spend the winter and summer recesses on improving the remote participation system.

The Assembly should begin with the improvement of the internal ICT system. The plan is to ensure that the Assembly's internal DMS system is fully functioning before starting on substantive work on external ICT. This is because the current plethora of DMS platforms will significantly hinder any external ICT work. The Assembly should piggyback on the current KPMG work on the DMS and immediately begin consultations with Assembly staff to discuss their needs in an extended remote working environment. These discussions should also discuss their ICT needs when they were working in the office. This internal consultation should result in two (most likely overlapping) lists of requirements for an internal ICT system: one for continued work-from-home and the second for a potential return to work. The lists should be completed prior to November 2021 in order for the Assembly to allocate adequate funds in its estimates for the development and implementation of an internal ICT system during the election period in 2022.

Steps to be taken during the 43rd Parliament (2022 – 2026)

After internal consultations have been completed and the internal ICT work has commenced, the Assembly's Public Relations and iDivision departments should begin consultations with members and stakeholders on the external ICT system. The development of the internal ICT system and the external consultation should be completed by mid-2023 to permit the Assembly to allocate sufficient funds in its 2024 estimates to develop the external IT from 2024 to 2026. The balance of the time spent on the development of the external ICT system with a view of unveiling the new external ICT system (website, social media accounts) by the start of the 44th Parliament in June 2026.

Challenges

The most significant challenge to the development of an e-Parliament system is ensuring that there is adequate multi-year funding to develop the technological infrastructure. Consequently, it is important for the Speaker and the Board of Internal Economy¹⁷⁴ ("Board") to give its approval-in-principle before devoting significant Assembly staff time. The pandemic and its impact on Assembly operations have put the need for

¹⁷⁴ The Board is an all-party body that governs the Assembly.

strong ICT infrastructure in the minds of the Members. It is now an opportune time to begin this project with a commitment from the Board to fund this program to completion. Additionally, the need for strong ICT is likely to be an easy case to make in a new Parliament. Even if a return to pre-pandemic like normal by 2024 is possible,¹⁷⁵ the impact of the pandemic will still be fresh in the new members' minds, and the need for remote participation is likely to be persuasive.¹⁷⁶

Another challenge is the current uncertainty in what a post-COVID working environment will look like. Even if there is a total return to normal post-pandemic operations, it appears that there is a public-sector push to reduce the real estate required by the Assembly to house its staff. This creates an obstacle to precisely defining the Assembly's ICT needs. In my view, the solution to this challenge is to ensure that the internal and external ICT systems have adequate flexibility to adopt a broader range of work environments.

Conclusion

The Assembly's current ICT, both internal and external, can be strengthened to ensure a more effective discharge of the Assembly's core responsibilities. The COVID-19 pandemic has highlighted the need for a strong ICT system and its ability to ensure that the Assembly can continue to function with minimal hindrance in unique situations. While the pandemic has negatively affected all aspects of the province, it does represent an opportunity for the Assembly staff to make the case to the Speaker and the Board of the need to upgrade the Assembly's ICT system. While the Government and the broader society are focused on remote communications and work-from-home environments, the Assembly should take advantage of this time to ensure it can leverage the opportunities presented by Web 2.0 and open a new avenue for the Assembly to reach out to the public and increase engagement. This is a good step in countering the attacks democratic institutions, globally, have experienced in recent years.



¹⁷⁵ James Gallagher, "COVID: Vaccine will 'not return life to normal in spring'", *BBC News*, (Online: October 1, 2020) <https://www.bbc.com/news/health-54371559>

¹⁷⁶ Cecilia Bonefeld-Dahl, "Digital technologies can help us tackle Coronavirus, but we need to invest now", *The Parliament Magazine*, (Online: April 16, 2020) <https://www.theparliamentmagazine.eu/news/article/digital-technologies-can-help-us-tackle-coronavirus-but-we-need-to-invest-now>.

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Course Materials, Module 4, Unit 1.





The Parliamentary Secretariat is mandated through the Constitution¹⁷⁷ and Standing Orders to provide secretariat support to the Members of Parliament by enabling its legislative and accountable activities through parliamentary committees, which encompasses the scrutiny function and the exercise of Parliament's broad legislative services.

In doing so, it is important to note that in ensuring greater transparency and accountability, the scrutiny role of parliament must be provided for in the Constitution, which will enable the Secretariat to contribute to the quality of decisions taken by the Parliament and also respond to public aspirations for democratic rule.

Apart from the legislative processes in ensuring the Parliament's function, the support from the Corporate Services Support is also essential for the effective support rendered to the MPs as well as the legislative services staff. One of the key components of the corporate services support is the Information & Communication Technology ('ICT') and its main function within the Fiji Parliament is to ensure that the ICT infrastructure for Parliament is well established and well maintained to render more effective and efficient delivery of service.

The Parliament of Fiji is administered and supported by the Office of the Speaker and Office of the Secretary-General. The two constitutional offices play a critical role in providing procedural, legal, and policy support to the Speaker and Members of Parliament. On the other hand, this also involves undertaking awareness on the role of Parliament in actively participating in decision-making. Through the Office of Secretary General, the Secretariat provides opportunities to its Members through institutional capacity building in its efforts to achieve an effective and efficient service delivery to our MPs and the Secretariat.

The effectiveness and efficiency of the parliamentary machinery solely depend on the Parliament's mission guided by visionary leaders, which is to provide and sustain Members of Parliament with professional parliamentary support and services to enable efficiency and effectiveness of Parliament's constitutional function.

Given Fiji's political history after the 2014 General Elections, Communications and IT was a resource that was quite limited in terms of its capacity and infrastructure. This raised significant challenges, particularly when setting up a democratic institution after a lapse of eight years. Therefore, strengthening IT through mainstreaming governance initiatives and enhancing parliamentary performance was an area that was not seen as important as it is now.

For this current parliamentary term (2018 – 2022) compared to the previous term, many changes and positive reforms have taken place to address the much-needed expectations of meeting the MPs and staff needs. At the outset, it is promising to note that there are more positive outcomes following its reforms, mainly for the ICT Service; however, there were still areas that can be further improved. In view of this, the three main areas

¹⁷⁷ Section 79 of the Fijian Constitution and Standing Orders 15 and 18

that best describe how to address the Fiji Parliament's readiness towards strengthening IT governance and enhancing parliamentary governance is by maximizing the 3Ps – People, Parliamentary Products, and Policies.

The idea of practicing good governance can only be achieved through effective collaboration with key stakeholders and should be performance oriented. In order for this to be achieved, increasing the capacity of IT Staff to specifically manage and monitor the various telecommunication equipment of parliament needed to be strengthened. One of the advantages of the Fiji Parliament is that all ICT staff personnel are qualified and still have the institutional memory to carry out their role more independently and effectively. Staff have not only been trained to ensure telecommunications services are provided to the core clients of Parliament, but also have undergone basic parliamentary procedural trainings and protocol etiquette. In addition, as guided under the constitution, standing orders, and employment contracts, it is a requirement that all parliamentary staff have to, at all times, maintain impartiality, be neutral, and apolitical. This is to uphold the integrity of parliament and act in a manner that does not perceive as in favour or be prejudiced towards a Member of Parliament or a person affiliated to a political party.

Secondly, the Fiji Parliament is quite fortunate to have the various ICT products and services in its efforts to be a more resilient institution. Recently, the Fiji Parliament has upgraded its teleconferencing and video conferencing equipment, launched its revamped website that is quite user-friendly and provided more readily available information. Moreover, the Committee Sittings will soon be televised live on national television which is an added service provided apart from the live streaming of the parliament sittings, accessible on the official parliament website, common social media platforms such as Facebook, and a designated parliament channel. In the previous parliamentary term, these ICT resources were not available then as the Secretariat was just establishing its basic fundamental democratic systems and processes. In the view of openness, transparency, and integrity, the broadcasting of Committees is one of the major achievements for the Fiji Parliament.

This product was not available previously and in line with the parliamentary standing orders, all Standing Committees conducting all hearings are carried out in public except for strictly limited circumstances such as discussions related to national security or similar sensitive discussions. Committee reports are debated in the House and published on the official website, which has been made easily accessible to the public. According to the (IPU, 2016) Report on e-Parliament, it highlighted that:

“The 2012 World e-Parliament Report identified an increase in the breadth of ICT tools, services and platforms that were seen as impacting on parliaments, and this trend continues to be seen in the 2016 data. Over the past four years ICT has been seen to most significantly benefit the dissemination of information, both internally (to members and staff) and beyond (to the public). ICT was reported as beneficial to internal dissemination by 86 per cent of the responding parliaments, and to the public availability and accessibility of information and documents by 89 per cent”

Thirdly, clear departmental policies and guidelines, such as having written agreements, can also contribute towards strengthening good governance as well as enhancing parliamentary performance. In the various Pacific jurisdictions, similar challenges are faced in relation to lack of planning. Developing standard

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operating procedures for IT services and basic guidelines for ICT infrastructure will assist and ensure proper management and use of IT equipment. The (IPU, 2016) Report on e-Parliament also mentioned that:

“The challenges are not simply matters of adopting technology; many are strategic and need to be addressed at a systemic level. And yet, as this research shows, too few parliaments fully implement an end-to-end strategic planning process, and even when they do, too few value their senior ICT staff in terms of the overall leadership and direction of parliament. Given the critical importance of good ICT practices to the success and effectiveness of parliament, this seems to be a significant gap”

It is important to note that compared to other Pacific jurisdictions, the Fiji Parliament is fortunate enough to have the available resources to furnish it. Members have portable laptops with the latest software already installed, official cell phones, pocket Wi-Fi and an iPad. This is in line with what the allocated budget provided for within the fiscal year and clearly planned out in the four-year strategic plan. Such resources are adequate enough for Members to maximise and fulfill their constitutional mandates, and it is with the Secretariat's intention that by 2030, the Fiji Parliament will be a paperless parliament or an e-Parliament. Therefore, it can be implicated that given the above physical ICT infrastructure provided, its readiness in terms of safeguarding and protecting the Parliament, ICT can be achieved through establishing clear policies and guidelines.

Secondly, another way to strengthen the Parliament's ICT structure is by developing its very own independent procurement guideline. The Fiji Parliament faces constant challenges with the Executive due to the absence of a stand-alone parliament ICT server. This is coupled with the pending ICT projects whereby the decision rests with the Procurement Steering Committee of the Executive. In addition, all backup data and information are saved at the ICT Server of the Executive; hence confidential/privileged information is exposed to external threats. It should also be noted that the 'Latimore House Principles' need to be subconsciously observed at all times; however, this sometimes does not work in the Parliament's favour. Working in a politically charged environment is challenging, but nevertheless, the Fiji Parliament recognises the importance of ICT, which this is reflected in the seniority of related decision-making levels. The (IPU, 2016) Report on e-Parliament mentioned that:

“Yet, according to the data, there also appears to be a mismatch: ICT directors or their equivalents are represented in the senior management teams of only half of the responding parliaments – even though they are responsible for developing ICT strategic plans in 85 per cent of those parliaments. This survey also shows that one quarter of parliaments still have no vision statement; only 56 per cent have both a vision statement and a strategic plan, and only 47 per cent involve their ICT leadership in setting the strategic direction for investments in digital technology. Such strategic barriers to improvement will remain a problem until parliaments put in place an effective vision and strategic planning process. A key step in this process would be to involve senior ICT leadership in the strategic processes for parliament as a whole”

An approach the Secretariat adopted was installing sophisticated anti-virus software on MP's laptops for virus protection. This was also used as a cyber-security mechanism. A limit on web browsing was inaugurated to

limit the number of certain web pages perused. This method was also used to control the level of data usage used. This is well within the parliamentary mobile phones and gadgets policy guideline of the parliament.

Another mechanism to enhance parliamentary performance is through the installation of backup generators and a backup server to safeguard data, information, and IT Assets in the event that there is a power outage. The (IPU, 2016) Report on e-Parliament further mentions that:

“Parliament often takes the benefits of new digital technologies for granted, but their use in fact depends on a reliable supply of electricity. Most of the responding parliaments (90%) say they have that, but 10 per cent do not (compared with 12 per cent in 2012 and 14 per cent in 2010) - or (83%) of the parliaments reporting unreliable power supplies are in Africa, the rest are in Asia and the Middle East”

The Fiji Parliament has installed a backup generator and a UPS system (uninterruptible power supply), which has provided sufficient power and backing of data to Parliament which serves as a substitute in the event of power failure. The results have been positive, and this has not affected service delivery in anyway, except for the issue of government server connectivity.

Most importantly, primitive information should be readily available to the public and media. Recently, the Fiji Parliament launched its newly revamped website. It was said that the previous website was not so user-friendly, and information was not easily accessible. There are areas that still need improvement, such as enhancing the representation of the MPs through IT. While ICTs are useful for parliament-citizen engagement, it is equally important that parliaments equip MPs with the necessary tools to ensure that this engagement is effective and impactful. MPs also need access to the Internet, software, and equipment to allow for online communication and maintain closer interaction with their constituents. Currently, basic information about where an MP is from or their contact information is not available on the website; a medium-term goal of the department is to ensure such information is provided. It is also important that before any amendment is made to the official website, it should be the responsibility of the Media and IT Team to consult with various user groups such as MPs, staff, constituents, NGOs, schools, and public media in order to better enhance its visibility and enchantment.

Based on the analysis of measuring the readiness of parliament’s ICT, the following are basic and concrete short-term steps that will contribute positively towards enhancing parliament information. The first is through providing constant updates via social media platforms. This can be in the form of marking an important event held, keeping the public informed of the Committee’s engagement activities, etc., or investing in boosting social media adverts, particularly for the work of committees when conducting public inquiries. This will allow for greater information dissemination and also enable the general public to be involved in the various constituencies.

Secondly, creating a committee’s own designated social media page can also assist in the dissemination of information. The Fiji Parliament is considering benchmarking with the NZ Parliament, namely the Finance & Expenditure Select Committee and the Public Accounts Committee of the UK Parliament. Given that

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most MPs are public figures and have their own designated social media pages, public engagement and media interface would not be a problem.

The Parliament Secretariat is also working towards improving information through adopting infographics. This is a specialised skill that can further enhance and assist the works of parliament, particularly the committees. Key information such as parliament news can be easily available and accessible if an available graphic designer can provide statistical analysis and graphs relating to the national budget, pending bills, petitions, and even meetings of parliament and committees. Luckily, the Fiji Parliament has a filled position with the Civic and Media Team who specialises in graphic design for the Parliament.

As previously alluded to regarding the positive reforms and changes undertaken in the Fiji Parliament, realistically, there are still challenges that exist or issues that can be anticipated from our core clients when developing and implementing the findings of the ICT assessment. To begin, the Members' resistance to change is a present challenge. In the Fiji Parliament, all Members are equipped with the latest gadgets and telecommunication devices to assist them in achieving their legislative role. However, MPs are still reluctant to divert from e-copies as they prefer printed documents to be provided to them. However, this is a transition phase, and the Secretariat is continuously advocating to decrease the level of paper usage. As the capacity of parliament is increasing, the government ICT approval is another challenge, particularly when acquiring better, faster and more tailor-made IT for parliament. In this case, parliament autonomy is compromised when trying to maintain the 'Separation of Powers.' Interestingly, other Commission bodies in Fiji have their own ICT infrastructure and Financial Management Information System, separate from the Government Information Management system. However, it is positive to note that the Fiji Parliament is currently in negotiation stages regarding the independent ICT infrastructure situation.

Moreover, with all the latest gadgets and ICT equipment provided, other major projects require funding, such as creating the Committees database, and the stand-alone Financial Management Information System for Fiji Parliament which also requires enormous financial support. However, the hindrance is dealing with the Executive ICT Procurement Committee, where obtaining approval takes a long period of time. Such scenarios can affect the budgeting cycle of the Parliament, especially when funds have been unutilised due to external reasons such as the above.

In conclusion, despite the lapse of eight years of no parliamentary democracy in Fiji, the Fiji Parliament has proven to be a beacon for other Pacific parliaments when addressing the needs of members through the provision of ICT resources and enhancing parliamentary information. The re-establishment of various systems and institutions that are in place can enormously contribute effectively to the fundamentals of practicing good governance.



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The 2030 Agenda and Parliamentary Research

The 2030 Agenda for Sustainable Development was adopted by World leaders in 2015¹⁷⁸. It is a call to action to end poverty and protect the planet that sets out 17 Sustainable Development Goals. While the SDGs are not legally binding, countries have committed themselves to exercise ownership of the SDGs and establish national frameworks for their implementation and monitoring. The 2030 Agenda acknowledges the “essential role of national parliaments through their enactment of legislation and adoption of budgets, and their role in ensuring accountability for the effective implementation of our commitments.”¹⁷⁹. Countries are encouraged to conduct regular and inclusive reviews of their progress towards achieving the SDGs, a process that Parliament can contribute to. The 2030 Agenda emphasizes the importance of research, data and statistics for the implementation and monitoring of the SDG¹⁸⁰.

A well-resourced parliamentary research service is an important building block that can help parliament to effectively perform its core functions of representation, legislation and oversight¹⁸¹. Research services can be considered ‘research brokering’ which facilitates that research, data and statistics can be provided to parliamentarians in a timely, accessible, and policy-oriented manner¹⁸². It can therefore also be instrumental in supporting parliaments to perform their envisaged role in Agenda 2030 to achieve the SDGs.

This paper explores how parliamentary research can be organized and conducted to support parliament in promoting the monitoring and implementation of the 2030 Agenda and the Sustainable Development Goals. It will do so, by first introducing aspects and principles of the 2030 Agenda and their particular relevance for parliamentary research. Second, the paper will consider how parliamentary research services can take into account the 2030 Agenda in its a) mandate and organization, b) work, including gathering and management of information and c) partnerships.

1. How can the 2030 Agenda inform Parliamentary Research?

This section explores how the 2030 Agenda and the SDGs can inform parliamentary research services, with a focus on SDG 16, institutions and decision-making, the 2030 Agenda’s focus on research data and statistics and the 2030 Agenda review and follow-up principles.

¹⁷⁸ United Nations General Assembly (2017), Transforming our world: the 2030 Agenda for Sustainable Development.

¹⁷⁹ United Nations General Assembly (2017), Transforming our world: the 2030 Agenda for Sustainable Development.

¹⁸⁰ United Nations General Assembly (2017), Transforming our world: the 2030 Agenda for Sustainable Development.

¹⁸¹ IPU and IFLA (2015), Guidelines for Parliamentary Research Services.

¹⁸² McGill (2017), Module 2, Unit 1.

1.1 SDG 16, institutions and decision-making

SDG 16 to promote peaceful and inclusive societies for sustainable development, provide access to justice for all, and build effective, accountable and inclusive institutions at all levels is of particular relevance to parliaments and parliamentary research services. Two of the related targets are to develop effective, accountable, and transparent institutions at all levels (target 16.6) and to ensure responsive, inclusive, participatory and representative decision-making at all levels (target 16.7)¹⁸³. The 2030 Agenda is a vision in which democracy, good governance and the rule of law are essential for sustainable development¹⁸⁴; therefore, SDG 16 can be considered a lynchpin for achieving the other SDGs and the whole 2030 Agenda. Through their work, parliamentary research services can make important contributions to promoting that parliaments as institutions and their decision-making processes reflect SDG 16. It can also contribute to promoting that through their oversight function, parliaments can advance SDG 16 in other government institutions and decision-making processes.

1.2 The 2030 Agenda focus on research, data and statistics

The 2030 Agenda outlines that research, data and statistics are considered crucial for achieving most, if not all, of the SDGs. Stepping up research is explicitly emphasized in targets relating the SDGs to end hunger (SDG 2), promote good health and well-being (SDG 3), ensure affordable and clean energy (SDG7), build industry, innovation and infrastructure (SDG 9) and conserve life below water (SDG 14). In order to strengthen the means of implementation and revitalize the global partnership for sustainability, challenges related to the (lack of) availability of high-quality data and the inequalities between countries in these regards must be recognized. Correspondingly, SDG 17 seeks to enhance capacity-building support to developing countries, including for least developed countries and small island developing States, to significantly increase the availability of high quality, timely, and reliable data disaggregated by income, gender, age, race, ethnicity, migratory status, disability, geographic location, and other characteristics relevant in national contexts (target 17.18). It is not the role of a parliamentary research service to break new ground in specific research areas or to spearhead the advancement of data capacity in a country. However, it is the role of parliamentary research services to facilitate that such new research and data on SDGs, already agreed to by all UN Member States, informs parliament in an accessible, impartial and policy-oriented manner. Parliamentary research services may consider how to build capacities and partnerships to play such a brokering role.



¹⁸³ United Nations General Assembly (2017), Transforming our world: the 2030 Agenda for Sustainable Development.

¹⁸⁴ United Nations General Assembly (2017), Transforming our world: the 2030 Agenda for Sustainable Development.

The 2030 Agenda Follow Up and Review Principles

The 2030 Agenda set out principles to guide the follow-up and review processes¹⁸⁵. These principles can be adapted to also inform Parliamentary Research Services about how they can support parliaments to play their envisaged role in achieving the SDGs. Follow-up and review processes follow the following principles:

- Nationally owned, focuses on national official data sources and building on existing platforms.
- Respects the interconnected and interrelated nature and three dimensions of Sustainable Development (the economic, the social and the environmental) and includes both SDGs and the means of implementation.
- Has a longer-term orientation, identifies achievements, challenges, gaps and critical factors to inform policymaking.
- Is open, inclusive, participatory and transparent, and engages all relevant stakeholders.
- Is people-centred, gender-sensitive, respectful of human rights and has particular focus on the most vulnerable people and those left the furthest behind.
- Is based on evidence and data which is high-quality, accessible, timely, reliable and disaggregated by income, sex, age, race, ethnicity, migration status, disability, geographic location, and other characteristics relevant in national contexts.
- Build its capacities and draws on support from United Nations and other multilateral institutions.

Whether a parliamentary research service has established work principles or not, it might be relevant to consider the principles adapted from the 2030 Agenda to see how they might be reflected in its work in its national context. By doing so, a parliamentary research service can help inform parliament and parliamentarians based on principles aligned with the 2030 Agenda and the SDGs.

The national review and follow-up are integrated into regional and global voluntary progress peer review processes, notably at the global level at the High-Level Political Forum at the United Nations Economic and Social Council (ECOSOC). Knowing these processes and building relevant partnerships at the regional and global level can provide access to experiences and expertise that can inform parliamentary research with examples and good practices from other jurisdictions and help plan research products taking into account regional and international SDG-related processes.

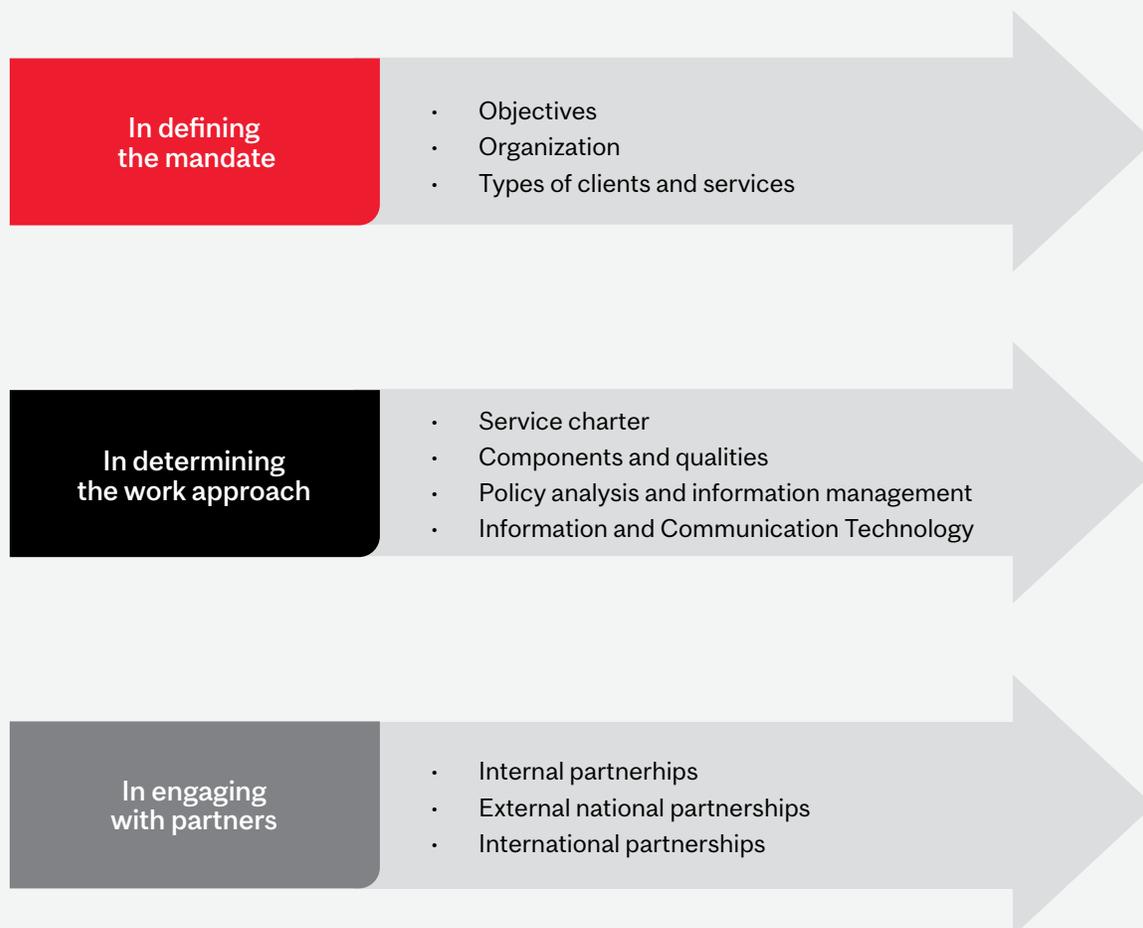
The 2030 Agenda can inform through SDG 16 and its targets on institutions and decision-making, its emphasis on research, data and statistics throughout the agenda and its goals and its principles of review and follow-up.



¹⁸⁵ United Nations General Assembly (2017), Transforming our world: the 2030 Agenda for Sustainable Development. United National Development Programme (2017), Guidance Note: Data for Implementation and Monitoring of the 2030 Agenda for Sustainable Development.

How can parliamentary research take into account the 2030 Agenda?

This section explores how parliamentary research services can take into account the 2030 Agenda and the SDGs, with a focus on how it can do so in defining its mandate, determining the work approach and engaging with partners.



Source: Adapted on the basis of IPU and IFLA (2015), Guidelines for Parliamentary Research Services.

The Mandate and Organization of Parliamentary Research Services

Most parliaments have some way of providing research services, but research capacities vary considerably among parliaments¹⁸⁶. Whether a parliament has more or fewer resources within its research services or does not have any research services at all, considering how the mandate for the research service should be defined to take account for the 2030 Agenda provides an important starting point.

The overall purpose of a parliamentary research service is generally to inform parliamentary affairs and public debate about issues before the parliament in an impartial, non-partisan, and balanced manner. It might be considered that key principles of the 2030 Agenda be included, such as the three dimensions of sustainable

¹⁸⁶ UNDP and IPU (2017), The Global Parliamentary Report 2017: Parliamentary Oversight – Parliament’s Power to Hold Government to Account.
IPU and IFLA (2015), Guidelines for Parliamentary Research Services.

development or inclusion and leaving no one behind. Flowing from the overall purpose, more specific objectives can be formulated. At this level, it can be considered either to mainstream 2030 Agenda principles into the objectives or to have a specific objective about providing targeted information on the 2030 Agenda and to include consideration of key principles of the 2030 Agenda and relevant SDGs in the research services provided.

Organizing for Research Services

To ensure that a parliamentary research service is able to function and deliver with high quality in an impartial, non-partisan and balanced manner, it should be, at least nominally, under the control of the Secretary General or Chief Clerk of the Chamber¹⁸⁷. A senior parliamentary officer, such as the director of research, should be accountable for its day-to-day operations¹⁸⁸.

It is possible to distinguish between three different models of organizing a parliamentary research service by:

- Discipline such as law, economics, political science, natural sciences and general research.
- Subject, such as agriculture and natural resources, transportation and housing and defence and foreign policy.
- A mixed model, where the subjects such as the above mentioned, are combined with a retention of separate status of some lawyers and some economist.¹⁸⁹

Whatever way a parliament's research service is organized, it might consider how the 2030 Agenda and the SDGs can be taken into account in its organization structure. At least three approaches to taking the 2030 Agenda into account can be considered:

- A stand-alone approach, where the 2030 Agenda is a separate entity of the research service.
- A mainstreaming approach that integrates Agenda 2030 and the SDGs into all the different entities of a research service.
- A mixed approach that establishes a separate entity as well as mainstreams into all different entities.

The different approaches have different strengths and weaknesses that might also change over time, and they will also depend on the specific organizational model of the parliamentary research service and its available resources. A stand-alone approach can provide focus and attention to the 2030 Agenda and disrupt 'business as usual'. The mainstreaming approach seems better aligned with the holistic, interconnected, and interrelated approach of the 2030 Agenda. If applied in a research service organized by subject, it enables connecting subjects with specific SDGs. A mixed model approach seems to allow for combining the strengths of the two approaches, but it will likely be the mostly costly. In beginning to take into account SDGs, a stand-alone or a mixed approach that enables a separate entity to ensure a specific focus seems particularly relevant. However, it might also be that the 2030 Agenda-related issues and coordination demands might increase over time, making such an entity more and more relevant over time.

¹⁸⁷ McGill (2017), Module 2, Unit 2.

¹⁸⁸ IPU and IFLA (2015), Guidelines for Parliamentary Research Services.

¹⁸⁹ McGill (2017), Module 2, Unit 2.



Parliamentary Research Clients and Products

A parliamentary research service is guided by the clients it serves. These typically include:

- Multi-party bodies, such as committees, commissions and associations and their staff
- Individual parliamentarians and their staff
- Legislative leadership
- The general public ¹⁹⁰

Other additional potential clients include cabinet agencies, press and TV and Scholars¹⁹¹.

A parliamentary research service will typically provide a number of written and oral products. Written products include fact sheets, short memoranda, legislative tracking reports, descriptive and analytical reports, and full policy analysis. Oral products include oral briefings, seminars for members, including induction seminars, training for staff, and roundtable discussions¹⁹².

Parliamentary research services can consider how specific research products can inform all of or specific clients about the 2030 Agenda and the SDGs, and how it might standardize integration of SDG into its research products. It might also consider how it can provide research products in line with key principles of the 2030 Agenda, such as producing written or oral products targeting those of the public who are the furthest behind.

The Work of Parliamentary Research Services

A service charter can be an important way for a parliamentary research service to clarify the scope of the services it provides and to assist in managing expectations¹⁹³. At it lays the parameters of the operations or work of a parliamentary research service, it might be relevant to consider how it takes into account the 2030 Agenda.



¹⁹⁰ IPU and IFLA (2015), Guidelines for Parliamentary Research Services. McGill (2017), Module 3, Unit 1.

¹⁹¹ McGill (2017), Module 3, Unit 1.

¹⁹² IPU and IFLA (2015), Guidelines for Parliamentary Research Services. McGill (2017), Module 3, Unit 1.

¹⁹³ IPU and IFLA (2015), Guidelines for Parliamentary Research Services.

Qualities and advantages of parliamentary research

Parliamentary research has particular **qualities** and **advantages**:

Qualities	Impartial, non-partisan and balanced
	Timely
	Accurate and authoritative
	Parliamentary relevant and informed by knowledge of parliamentary procedures
	Accessible to busy non-specialist parliamentarians
	Strong service orientation and confidentiality
	Permanent and resident expertise
	Good judgement
Advantages	Impartiality, non-partisanship and balance
	Timeliness
	Proximity to and understanding of legislature
	Institutional memory
	Confidentiality

Source: Adapted from McGill (2017), Module 2, Unit 1.

These qualities make parliamentary research specifically well placed to connect research, data and statistics with power in the parliament, in order to inform parliamentary affairs and decision-making by evidence¹⁹⁴. In playing this research brokering role, parliamentary research can integrate the 2030 Agenda and the SDGs in its work and analysis.



¹⁹⁴ McGill (2017), Module 2, Unit 1.

Policy analysis: Three steps

Policy analysis is a highly relevant discipline to parliamentary research as well as to the SDGs due to its approach to improving decision-making through an interdisciplinary, evidence-based, and non-ideological approach to solving specific public problems. A three-step approach to policy analysis provides a systematic framework for conducting parliamentary research policy analysis¹⁹⁵:

1. Define the issue: Defining policy issues might seem simple, but it is far more complex and important for sound parliamentary research and policy analysis than one might expect. A definition should ensure the focus of data gathering and research efforts, identify underlying problems and possible causes and help researcher and client to have a better shared understanding of the problem.
2. Develop alternative solutions: Developing alternative solutions presents different options for action (and inaction) to deal with the problem defined in step one. A set of alternative options should include a manageable number option still covering the spectrum of opinions in parliament, which should be selected and presented in an impartial, non-partisan and balanced manner.
3. Assess impacts: Assessing the impact of the alternative options informs the client about the consequences and risks associated with different alternative solutions. Typically, this will include assessing costs, the likelihood of solving the problem, legal aspects, who will be affected, implementation, incentives structures, risks and worst-case scenarios.¹⁹⁶

The 2030 Agenda and the SDGs are relevant and can inform parliamentary research and policy analysis at all three steps. The definition of the problem can be informed by one or more SDGs and targets. The 2030 Agenda or experiences with its implementation from other jurisdictions inform the development of alternative solutions and the assessment of likely impact. Additionally, impact assessment can be informed by 2030 Agenda principles by including, for example, consideration of economic, social, and environmental aspects, human rights, gender and those people and groups furthest behind.

Gathering and Managing Information for Parliamentary Research

Gathering and managing information is essential for quality parliamentary research. It requires good skills in locating and assembling information, working effectively with legislative clients, dealing safely with controversial issues, balancing multiple tasks, writing for parliaments, preparing and delivering oral briefings, and building partnerships and networks¹⁹⁷.

In gathering and managing information, parliamentary research services can benefit from drawing on the wealth of reliable information relating to the 2030 Agenda and the SDGs that will be produced within its own

¹⁹⁵ McGill (2017), Module 2, Unit 1.

¹⁹⁶ McGill (2017), Module 2, Unit 1.

¹⁹⁷ McGill (2017), Module 2, Unit 1.

jurisdiction, other jurisdictions, and at the international level as a part of the enhanced research, data, and statistical efforts related to the agenda¹⁹⁸.

Information and Communication Technologies and Parliamentary Research

The revolution in information and communication technologies (ICT) over the past few decades has brought with it radical changes in parliamentary affairs and processes, including in parliamentary research that is arguably as much digital as it is physical. The use of ICT in parliamentary research can offer new opportunities for parliaments to access new sources and be more effective and inclusive in conducting their research, as well as to be more transparent and accessible to its clients, not least the general public¹⁹⁹.

However, it is also important to bear in mind that ICT also comes with challenges. There are large capacity discrepancies between parliaments²⁰⁰, and connectivity and access can be very uneven in some contexts leading to a ‘digital divide’ undermining the intended outcome and democratic principles such as equality. In addition, ICT is, by some, misused to spread discriminatory and racist messages as well as fake news. Other risks that should be considered include those related to privacy issues.

The 2030 Agenda acknowledges that “the spread of information and communications technology and global interconnectedness has great potential to accelerate human progress, to bridge the digital divide and to develop knowledge societies, as does scientific and technological innovation across areas as diverse as medicine and energy”²⁰¹. Enhancing ICT is also targeted as a part of the SDGs on gender (SDG 5), industry, innovation, and infrastructure (SDG 9), and global partnership (SDG 17).

Parliamentary research services can consider many ways to use ICT in relation to the 2030 Agenda. It can explore the use of open data to allow the public and partners to use data generated by the parliamentary research services. It can also specifically consider how it can reach and take into account the furthest behind through its use of ICT. Parliamentary research services can also benefit from linking with 2030 Agenda ICT-based platforms such as the United Nations Sustainable Development Platform²⁰² and Data4SDGs platform.²⁰³

The Partnerships and Networks of Parliamentary Research Services

Partnerships and networks are important to parliamentary research services, just as they are to achieve the SDGs. They can help parliamentary research services access expertise relevant to the 2030 Agenda implementation and monitoring that might not be available in-house. They can also help alert parliamentary research services to issues or processes that might become relevant for parliamentary research and thus help parliamentary research services to ‘ahead of the curve’ and better plan and prepare for the issues they might need to prepare research on.

¹⁹⁸ United National Development Programme (2017),

Guidance Note: Data for Implementation and Monitoring of the 2030 Agenda for Sustainable Development.

¹⁹⁹ IPU (2016), World e-Parliament Report 2016.

²⁰⁰ IPU (2016), World e-Parliament Report 2016.

²⁰¹ United Nations General Assembly (2017), Transforming our world: the 2030 Agenda for Sustainable Development.

²⁰² <https://sustainabledevelopment.un.org/>.

²⁰³ <http://www.data4sdgs.org/who-we-are/>.



In accordance with the country ownership approach of the Agenda 2030, the government will be leading the implementation of the SDGs at the national level, while local governments will play a central role in localizing the SDGs. Establishing solid working relations with both levels will therefore be important for parliamentary research services to access information and be alerted by them. Internally in the parliament, it is important for the research service to partner with other parts of the administration and perform good outreach to all Members of Parliament, so they are well aware of opportunities for research support on the 2030 Agenda. Partnering both with parliamentary budget offices, where they exist, and supreme audit institutions will also be important for parliamentary research services to provide information financing of the 2030 Agenda and the specific SDGs throughout the budget cycle. The national bureau of statistics are key actors in the 2030 Agenda for national monitoring and a follow-up framework that should be established in each country; they will thus be crucial partners of parliamentary research services. Partnerships with national human rights institutions and civil society organizations will be important for parliamentary research services to reflect the human rights-based approach of the 2030 Agenda and the commitment made to leave no one behind. To address the needs and challenges of those furthest behind, partnering with organizations of underrepresented, marginalized and/or vulnerable groups can help the parliamentary research service amplify the voices in its research.

Finally, the implementation of SDGs and monitoring of the progress towards this are country-led and nationally owned. But it is also a part of a global partnership, where the implementation of the SDG should be supported by exchange with and support by other countries and international organizations just as the monitoring of progress is integrated with an international review and follow up framework with voluntary national reviews at the annual High-Level Political Forum in New York. Building partnerships with parliamentary organizations, other parliaments, regional organizations, and the United Nations can be important for the parliamentary research service to exchange experience, gain support and access information from international partners.



Source: Adapted on the basis of IPU and IFLA (2015), *Guidelines for Parliamentary Research Services*.



Conclusion

This paper has explored how the 2030 Agenda and the SDGs can inform parliamentary research with particular focus on SDG 16, institutions and decision-making, the 2030 Agenda emphasis on research, data, and statistics and the 2030 Agenda review and follow-up principles. Furthermore, it has explored how parliamentary research can take into account the 2030 Agenda and the SDGs in defining its mandate, determining its work and engaging in partnerships. It illustrates the relevance of the 2030 Agenda and parliamentary research to each other and illustrates ways in which the 2030 Agenda and the SDGs can inform and be taken into account in parliamentary research. As the implementation of the 2030 Agenda and the SDGs is still at its beginning, it will be important to generate further knowledge and good practice to guide parliamentary research in taking into account and assisting parliaments in playing their envisaged role in promoting and monitoring the implementation of the SDGs.





Proposed Structure and Function of the Legislative Research Service for The Northern Ireland Assembly

Background

As a devolved legislature, the Northern Ireland Assembly is responsible for scrutinising the work of ministers and government departments. Section 29(1)(a) of the Northern Ireland Act (1998)²⁰⁴ requires that Standing Orders 'make provision for establishing committees of Members of the Assembly (statutory committees) to advise and assist each Northern Ireland minister in the formulation of policy with respect to matters within his/her responsibilities as a minister'.

To assist committees and Members of the Legislative Assembly (MLAs) in carrying out this function, the Northern Ireland Assembly (NIA) will establish an Assembly Legislative Research Service (ALRS).

Role/Aim of the NI Assembly Legislative Research Service (ALRS)

The primary role of the ALRS will be to provide confidential, non-partisan, evidence-based research to support the work of statutory and standing committees of the NI Assembly and Members of the Legislative Assembly in order to scrutinise and help develop policy and legislation.

Organisation of NI Assembly Legislative Research Service (ALRS)

There are nine Northern Ireland Executive departments²⁰⁵. Each of these departments has significant resources to develop policy and legislation through a process of research and consultation. Statutory committees of the NIA 'shadow' the Executive departments. The organisation of ALRS will therefore reflect the Service's key priority of supporting the scrutiny work of these committees.

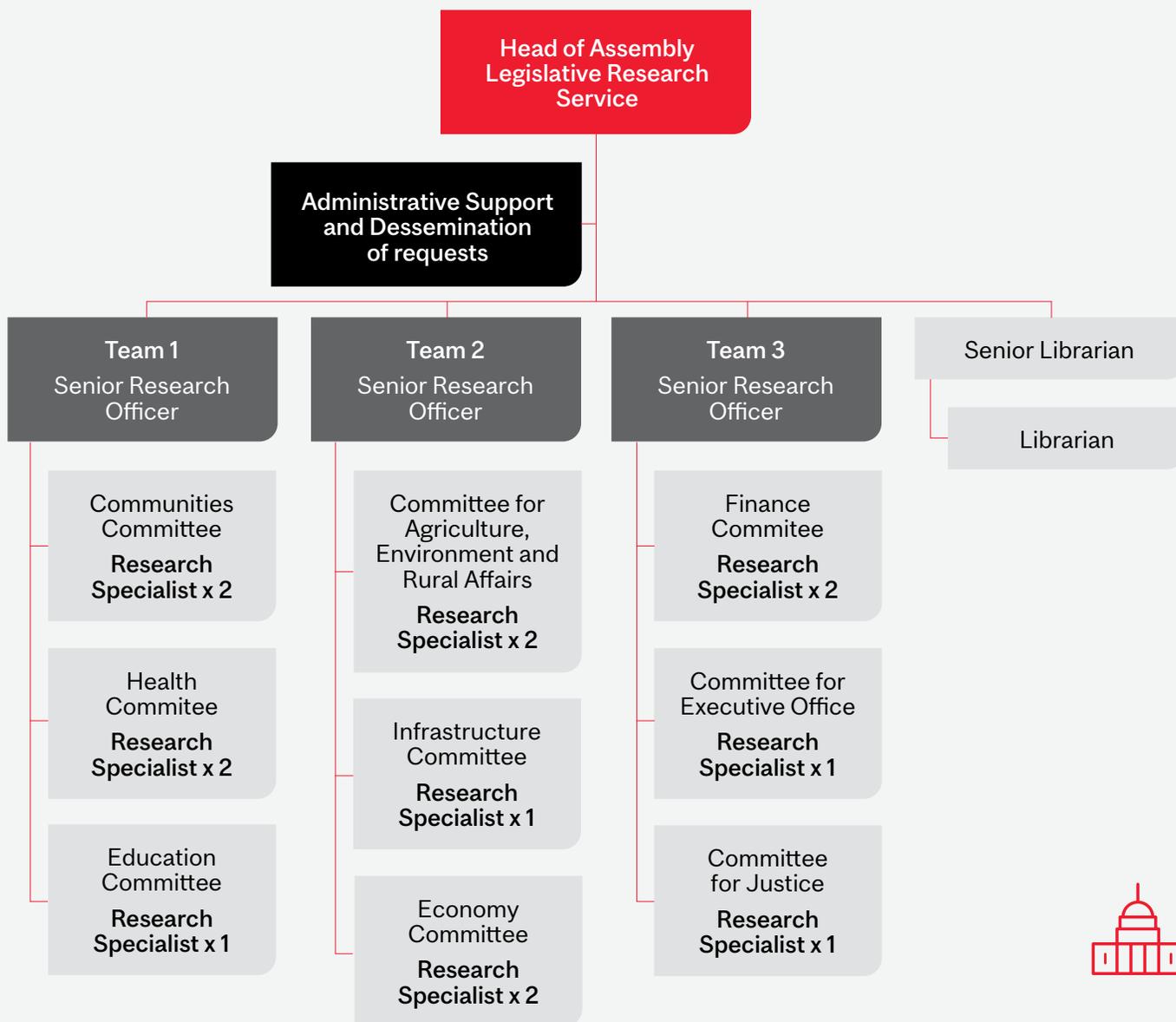
The ALRS will be under the direction of a Head of Research who will provide strategic direction for the Service. A small group of administrative staff will support the work of the Service and provide a single contact point for research requests. The central core of the Service will be comprised of three research teams, each headed by a Senior Research Officer. Research requests will be disseminated to the responsible Senior Research Officer, who will then allocate the request to the most appropriate research officer.

²⁰⁴ <http://www.legislation.gov.uk/ukpga/1998/47/section/29>

²⁰⁵ <https://www.northernireland.gov.uk/topics/your-executive/government-departments>

Subject specialists will be allocated to support each committee with the number of personnel determined by the remit of the committee. For example, the Communities Committee will be allocated two research specialists given its recent establishment from the integration of two departments. In addition, the Library Service will be integrated into ALRS. This will be headed by a senior librarian and will have one responsibility for one member of staff.

Figure 1: Organisation of the Assembly Legislative Research Service



ALRS Products

The type of research product will depend on the need of the legislature. This may range from information from authoritative sources to meet stated deadlines and supplied by library services to comprehensive policy analysis, including options and impacts, provided by research subject specialists. There will be a clear differentiation between the products provided by the Library and those of research.

Library Products

Professional librarians can meet requests for books, journal articles, fact-checking, statistical or background information or legislation tracking. The Library will also provide a loan service – with books and official publications available for borrowing. The Library has substantial collections, including reference and statistics collections, access to a range of databases, journals and newspapers, and arrangements for inter-library loan services.

The Library will produce ‘Information Packs’ for scheduled Plenary debates. These will include stories from newspapers, published papers by ALRS, answers to Assembly questions on the subject matter, etc.

In short, the Library can provide MLAs with information that does not require significant subject specialist input. However, the Library will also work closely with research specialists to provide information that will enable them to produce products that are of a descriptive or analytical nature.

Research Products

Research specialists will provide both written and oral products as requested by the client. Indeed, it is likely to be the case that an oral presentation will supplement a written presentation.

Types of oral products

- Oral briefings for individual MLAs and/or their staff either face-to-face or via telephone on commissioned research.
- The research team will develop and deliver a seminar series to MLAs, their staff, Assembly colleagues and other relevant stakeholders based on the priorities of the committee work programme, including its legislative programme. This will also include an ‘emerging issues’ section for each topic. Researchers will also develop links to local universities to involve academics in the delivery of this seminar series. Such events will be moderated by the research service.
- Contribute to the work of the Assembly ‘Outreach’ programme by making presentations to stakeholder groups on the work of the Assembly and the role of research to support decision-making.
- Presentation to the committee during its strategic planning process to help define its priorities for the mandate.
- Deliver oral briefings at committee meetings on commissioned research.
- Participate in the New Member Induction programme to advise members on how ALRS can support them in their work as elected representatives.

Types of written products

- Short descriptive reports highlighting key issues to be addressed but not including recommendations.
- Comparative analysis of policy/legislation in other jurisdictions with possible options/recommendations.
- Bill reports – focussed on pre-legislative scrutiny of the bill, i.e., prior to introduction. Will highlight key/contentious areas for closer consideration, analysis of similar legislation in other jurisdictions.
- Suggested lines of questions for committee members when taking evidence.
- Fact sheets.
- Post-legislative scrutiny papers.
- Application of GIS to visually map statistical data, e.g., areas of deprivation with postcode.
- Blog on topical issues, e.g., Brexit.
- For the first time, the Executive has adopted an ‘outcomes-based approach’ to its Programme for Government’ based largely on the work of Mark Friedman²⁰⁶. It will be necessary for ALRS to monitor the progress towards achieving these goals.

²⁰⁶ Mark Friedman, ‘Trying Hard Is Not Good Enough’ (BookSurge Publishing, 2009)

Provision of research papers to committees is on the understanding that once considered by the committee, the paper will be published on the committee/ALRS website unless otherwise determined by the committee.

Client Base

As noted above, the primary client base will be the statutory committees of the Assembly. However, we also recognise that we have a duty to support individual MLAs (and their staff) in their role as elected representatives. It will also be necessary to assist the Corporate body with research as required, e.g., carrying out and analysing staff surveys.

In order to provide direction for research staff, there will be an explicit policy as to the priorities of the research service.

It should be noted that although research papers will be published on the ALRS website and therefore accessible by the public, researchers will not be available to discuss papers with members of the public.

Contributions to the Work of the Assembly

The Assembly exercises an oversight function of the Executive on behalf of citizens. While there is no agreed definition on what this actually means,²⁰⁷ ALRS broadly recognises this as meaning that policy and legislation developed by the Executive is scrutinised by the Assembly. In short, it is our role (ALRS) to support members in holding the Executive to account.

Within the Assembly, as with other legislatures, the internal oversight tools/mechanisms include the committee system (committee evidence sessions, inquiries, etc.) and the Chamber (debates/questions). To that end, ALRS will, through its authoritative products provided by subject specialists, contribute to discussion about policy and legislation in order that necessary changes are made to policy and legislation.

In terms of what can be achieved through our contributions, it is worth noting that while the NI Assembly has been designed extensively on the Westminster model, there are significant differences. The primary difference is that the actual model of NI government is based on consociational theory, which aims to deliver a workable democratic environment in deeply divided societies²⁰⁸. This has implications for our contributions to the Assembly as the Executive – comprised of up to five different parties – must agree on what policy/legislation is to be introduced. These proposals are ultimately scrutinised by committees that are also comprised of those same political parties and some of the smaller parties.



²⁰⁷ Olson, D (2004) "Legislatures and Administration in Oversight and Budgets: Constraints, Means and Executives." In R. Stapenhurst, R. Pelizzo, D. Olson and L. von Trapp (eds.), *Legislative Oversight and Budgeting: A World Perspective*, 323-31. Washington, DC: World Bank.

²⁰⁸ A. Lijphart, "The Wave of Power-Sharing Democracy," in A. Reynolds, ed., *The Architecture of Democracy: Constitutional Design, Conflict Management, and Democracy* (Oxford: Oxford University Press, 2002).

The upshot is that the majority on the committee may not want to ‘rock the boat’ on policy and/or legislature, which their respective parties have agreed at the Executive level. The impact of our contributions may therefore be at the margins and, while we must provide information and evidence-based analysis to committees, we must also manage our own expectations as to the impact of those contributions to policy and legislation.

Research Plan on Brexit

In June 2016, the UK voted 52% to 48% to leave the European Union²⁰⁹, yet in Northern Ireland, the electorate voted 56% to 44% to remain. Furthermore, the two main parties adopted different positions during the referendum on whether Northern Ireland should remain in the EU. This potentially raises a number of serious issues for the government in Northern Ireland and is further complicated given the border with the Republic of Ireland. Brexit is thus likely to impact a number of executive departments. It is therefore necessary to consider the role of ALRS in supporting members’ engagement on Brexit following the restoration of the Assembly.

In the first instance, members will require access to a range of reliable information sources. Therefore, despite the current absence of members, ALRS will develop a ‘Brexit Hub’ which will draw together a range of information sources to support the Assembly’s scrutiny of the withdrawal process. This will include not just a reading list but also links to existing research papers, blogs²¹⁰, podcasts²¹¹, upcoming Brexit-related events²¹², research by local universities²¹³, links to ongoing committee inquiries in other jurisdictions²¹⁴, etc.²¹⁵ This hub will be updated on an ongoing basis. It is expected that with the assistance of IT, this hub will be ready before the end of October 2017.

Over the course of the ongoing Brexit negotiation period (end March 2019) and potentially through the remainder of the current Assembly mandate (May 2021), the ALRS will provide ongoing research to Assembly committees (once re-convened). It is likely that some committees will require more research support than others. For example, Team 2 (Figure 1) contains the Agriculture, Environment and Rural Affairs²¹⁶ Committee and the Economy Committee, whose remits are strongly influenced by European directives and legislation. To that end, Researchers will liaise with committee clerks to integrate Brexit-related strands of work into the wider committee work programmes. Once Brexit priorities have been identified, a subject specialist will agree to a timetable for the delivery of papers taking into consideration ongoing scrutiny of ‘domestic’ policy, strategy, and legislation. Progress in the Brexit discussions will likely require a review of priorities and a reconsideration of committee requirements.

²⁰⁹ http://www.bbc.co.uk/news/politics/eu_referendum/results

²¹⁰ <https://secondreading.uk/category/brexit/>

²¹¹ Example: <http://qpol.qub.ac.uk/brexit-irish-question-podcast-prof/>

²¹² <http://www.niassembly.gov.uk/assembly-business/research-and-information-service-raise/brexit-and-ni/brexit-related-events/>

²¹³ <https://www.ulster.ac.uk/brexit>

²¹⁴ <http://www.parliament.uk/business/committees/committees-a-z/commons-select/exiting-the-european-union-committee/>

²¹⁵ <http://www.parliament.uk/business/committees/committees-a-z/lords-select/eu-select-committee/>

²¹⁶ <https://www.daera-ni.gov.uk/news/update-brexit>



ALRS will also develop a seminar series for all members of the Assembly and their staff which will consider Brexit issues. These will be incorporated into the seminar series described above and include academics as well as NI/UK/European officials where appropriate. This series will be programmed from when the Assembly is re-convened.

Consideration will be given to the establishment of a research forum comprising researchers from devolved UK administrations, the House of the Oireachtas, and Houses of Commons/Lords in order to share information on ongoing Brexit-related work in those jurisdictions.





Introduction

This paper sets out to discuss an effective and efficient Legislative Research Department (LRD) for the Kenyan Parliament, how it will be organized, the different range of products and services that it will provide, the client base, and its contribution to the core functions of parliament: legislation, representation, budget-making, and oversight. In addressing these issues, the paper will endeavor to locate the discussions in the general parliamentary research discourse as well as draw comparisons from other jurisdictions. Finally, the paper will give a short research plan on the issue of Sustainable Development Goals (SDGs) as an item on the LRD agenda. The paper will begin by offering an overview of Kenya's parliamentary context.

Overview of the Context

In order to understand the role of the Legislative Research Department (LRD), it is imperative to provide a brief overview of Kenya's parliamentary context. According to the Government of Kenya (GoK) (2010), Chapter eight (8) of the Constitution establishes the Legislature. Article 93 of the Constitution states that *"There is established a Parliament of Kenya," (Parliament) "which shall consist of the National Assembly and the Senate."* The two Houses of Parliament shall perform their respective functions in accordance with the Constitution as stated in Article 93 (2) of the Constitution. This clearly indicates that Kenya has a bicameral parliament comprising of two houses. This context has implications for the research services which cut across the two houses. In addition, the two houses relate to the Parliamentary Service Commission, which facilitates them to discharge their mandate. This creates a unique context in which the proposed LRD must operate.

The Constitution of Kenya (GoK, 2010) makes it clear that the role of parliament as provided for in Article 94; the legislative authority of the Republic is derived from the people and, at the national level, is vested in and exercised by Parliament, which manifests the diversity of the nation, represents the will of the people, and exercises their sovereignty. Parliament may consider and pass amendments to the Constitution and alter county boundaries as provided for in the Constitution. Moreover, Parliament shall protect this Constitution and promote the democratic governance of the Republic. From these roles, it is clear that Parliament will undertake representation, legislation, oversight, and budget-making functions. It is against these major roles that the envisaged research services are to support Members in both Houses. This is further emphasised by the Parliamentary Service Commission (PSC) Strategic Plan 2008-2018, which underscores the role of research services to Parliament. This is stated under objective three, which reads: *Strengthening Parliamentary Research Services.*

The PSC strategic Plan (GoK, 2012) observes that the need for research services is premised on the new demands and high expectations of Parliament following the adoption of the Constitution 2010. These demands include the need for Parliament to enact legislation necessary to implement the Constitution and the creation of two chambers (the National Assembly and the Senate) which has significantly increased the numbers of Members. Mathooko (2014) further notes that besides the increase in Members, the number of constitutional offices of Parliament has increased to cater for the political divide and two chambers, thus creating more demand for research services. This increase requires additional staff capacity, facilities, rules, procedures and processes to support them. Equally, the electorate has become more informed, hence increasing the demands of Parliament.

The new public financial management architecture introduced by the Constitution of Kenya 2010 requires more involvement of the Members of Parliament in the mobilization, allocation, and utilization of public resources. It is against this background that the revised PSC strategic plan 2012 underscores the need for quality legislative research services. It calls for the establishment of a professional non-partisan research centre that undertakes research work in an integrated approach by tapping competencies from key departments such as Legal Counsel, Clerk's Chambers, Budget Office, and Library and Research Department, among others. This is in line with the Inter-Parliamentary Union (IPU) and the International Federation of Library Associations and Institutions (IFLA) (2015) guidelines for parliamentary research services, which observe that:

“the ultimate reason for establishing a parliamentary research service is to provide non-partisan and balanced analysis that is adapted to the needs of parliamentarians”

It is against this background that this paper now turns to the next phase: the mandate and function of the proposed LRD.

Mandate, Functions and Products of the Proposed LRD

According to IPU and IFLA (2015), the capacity for parliamentary research in parliaments around the world varies greatly. The services tend to oscillate between two extremes; well-established LRDs that provide comprehensive services and enjoy greater mandate and scope, and those struggling to establish themselves and enjoy a narrow mandate and scope. Kenya will fall in the latter category, especially after the adoption of the 2010 constitution (Mathoko, 2014).

In the Kenyan context, the range and scope of research services offered are designed to assist in linking the research and policy analysis more closely to the legislative agenda of Parliament. These roles and functions are summarized as follows:

- i. To generate and disseminate research information to enhance Parliament's core functions - lawmaking, oversight and representation.

- ii. To provide researched analytical information and facts to the Legislature that contributes to the enhanced constitutional principle of separation of power.
- iii. To provide research services and support to Parliamentarians, House Committees, and Parliamentary Officeholders that facilitate the effective performance of their constitutional responsibilities.
- iv. To support the provision of information needs of Members and Parliament through a range of research services and products.
- v. To carry out comparative research on parliamentary practice and procedure, evolution, growth and contemporary aspects of Parliament.
- vi. To assemble sector data and information to build a credible data bank for timely response to Parliament's information needs.
- vii. To undertake legislative research and public policy analysis to generate evidence and policy briefs for informed decision-making.
- viii. To forge and maintain mutually beneficial networks and linkages with research and policy analysis institutions at national, regional, and international levels; and
- ix. To initiate anticipatory research and contribute to publications on contemporary and topical issues relevant to the work of the Legislature.

The Kenyan functions of LRD approximate those of IPU and IFLA (2015), which mandate the LRDs to assist Members in their parliamentary work by providing them with independent, objective, and authoritative analysis of, and research on, policy issues relating to their work. This is aimed at increasing Members and parliamentary committees' capacity to scrutinize and oversee the executive. Similarly, in the Government of Ghana (GoG) (2015), the functions of the LRD are as follows:

1. Attend to information requests on any subject from individual Members of Parliament, the Speaker, Committees, Leadership, the administration, and the general public.
2. Prepare background papers on subject matters that may appear on Agenda or Parliamentary Conferences required for Speeches and Seminars as well as on legislation due to be introduced in the House.
3. Preparation of policy briefs relevant to the work of Parliament.
4. Undertake Bills digests on Bills laid before the House.

From the foregoing, it is clear that LRDs are crucial to parliamentary mandates since they play a vital role in providing a wide range of information required to prosecute the legislative agenda.

GOK (2012) contends that in order to strengthen the parliamentary research services, the LRD needs to adopt an integrated approach tapping competencies from other departments such as Legal counsel, Clerks chambers, the Budget Office, and the Library. This approach is expected to enhance the quality of legislation, oversight, and representative roles of Parliament. Further, Mathoko (2014) argues that the LRD needs to forge and maintain a strong network with research institutions at national, regional, and international levels. Moreover, the LRDs need to formalize and strengthen the roles of researchers in value in addition to parliamentarians' engagement in parliamentary discourse. This will enhance the quality of legislation and robustness of Parliament.

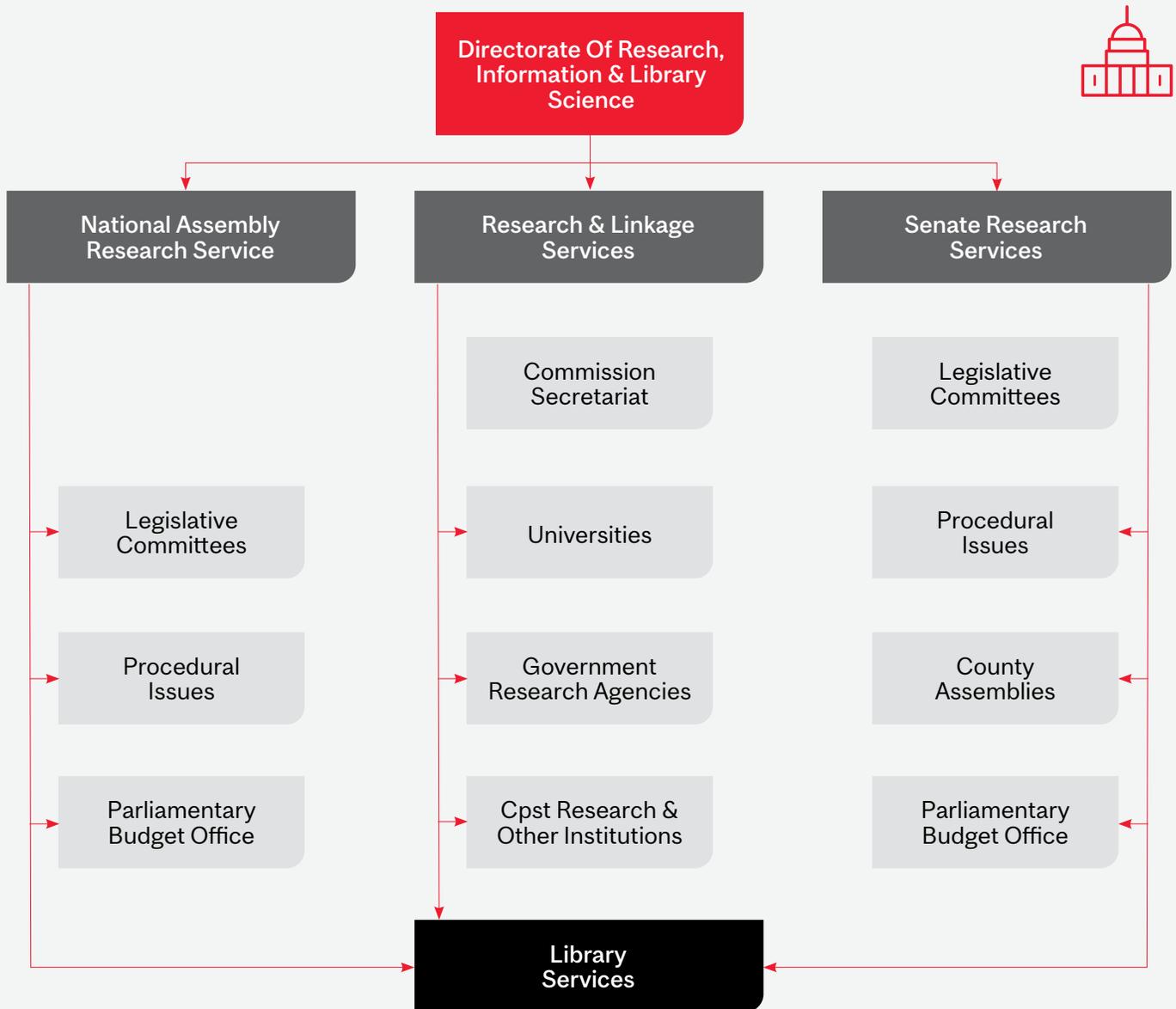
Based on the above functions, the proposed LRD in Kenya's Parliament will provide objective support services through research information to the Legislative, Financial Oversight of the executive, Representational and deliberative functions of parliament. The requests range from short reference assignments to long papers involving in-depth research.

IPU and IFLA (2015) posit that LRDs provide analysis covering the spectrum of perspectives through products and services that do not attempt to lobby, are non-partisan and are offered to governing and opposition parties alike. The analytical work will focus on synthesizing facts and presenting information in a balanced manner both in political terms and in the approaches adopted to conduct analysis. In line with this position, the LRD may use the following products: Reports, Policy briefs, Papers (white, blue) notes, factsheets, briefings, in-depth analyses and/or longer studies. The products can be utilized by Committees or individual members (IPU and IFLA, 2015).

McGill-World Bank (2016) also further categorizes the products into written and oral products. The written products include factsheets, short descriptive reports, legislative tracking reports and bill comparisons, current legislative issue reports, short memoranda addressing a specific narrow issue in-depth for a particular client, analytical reports and full policy analyses including options and impacts. On the other hand, oral products include oral briefings, seminars, training for staff, induction seminars for new members, and round table discussions. All these products will provide additional value to the members as they transact parliamentary business, thus enhancing the quality of democratic governance.

Organization and structure of the proposed LRD for Kenya's Parliament

In view of the environmental setting that the LRD needs to operate within the context of the Kenyan Parliament, there is a need to adopt the LRD to serve the diverse needs of the Bicameral Legislature and the Commission Secretariat. It is against this background that this paper proposes the following structure, which is house-specific as well as integrates the Secretariat and the CPST Research units. It also provides for clear linkages with other government agencies, universities, and other research think tanks. The structure further adopts a mixed model that combines functions, subject or thematic relevance and unique client needs as a way of enhancing the quality of the LRD services and interlinkages (McGill-World Bank, 2016).



Source: Author 2016

From the organizational structure above, it is proposed that the LRD will serve both houses and the commission secretariat. The directorate will be headed by a director, and the three services will be headed by deputy directors who will report to the Director. The units are organized and structured by both function and subject matter expertise. The proposed structure is designed to serve a broad client base that will include the following:

Members of Parliament in the two houses: The National Assembly, which has two hundred and ninety (290) elected members. Forty-seven (47) women representatives, twelve (12) nominated members and the Speaker. The Senate, which has forty-seven members elected from each county, sixteen women members nominated, four nominated members and the Speaker. These will be provided services in their capacities as committee members or as individual members of either House. The senate service will also have a unit that deals with County governments since the Senate is the custodian of devolution (GoK, 2010).

The ten members of the Parliamentary Service Commission shall also be provided with research services either as members of various Commission Committees or as individuals. Finally, the LRD will also serve the staff of Parliament, specifically to the Board of Senior Management and other committees upon request. To effectively discharge these functions, the proposed LRD department will have units and desks dealing with various thematic areas that mirror the functions of the client. It shall be under one Director who shall oversee the units serving the specific houses and departments. It shall also forge strong networks with universities and other research think tanks to increase the uptake of research findings by policymakers. This Proposed LRD will be domiciled in the joint parliamentary services as it is a shared function.

Conclusion

In conclusion, a robust LRD is imperative for an effective parliament, hence the need to invest heavily in the establishment of LRDs and information communication technologies.

Short Plan on the Agenda of LRD

This section provides a short research plan on the issue of Sustainable Development Goals (SDGs), which is likely to be on the agenda of an LRD. It relates the plan to my own Legislature. In planning for this issue, the LRD will utilize the following outline:

S/ NO	Activity	Sources of Data	End Product	Timeline
1	Defining the Issue: What are the sustainable development goals? Their guiding principles	Agenda 2030 documents	Information on SDGs Relation to their work as members	
2	What was the process of developing the SDGs?	UN documents Addis Plan of action	Brief Historical perspective	
3	Costing and financing SDGs:	World Bank, IMF, and national treasury reports	Financing options for members	



4	What is the role of MPs in implementing the SDGs in Kenya	Accountability to provide oversight of public financial management	Oversight strategies and options Formation of a select committee to oversee the SDGs	
5	Alternative solutions	Home grown and external solutions	Issue Briefs	
6	Impact assessment	Overall impact from monitoring and evaluation reports	Final policy Brief on the SDGs	

From the above plan or outline, the SDGs have a direct linkage to my Parliament since they need to be integrated into the National Development Agenda of Vision 2030 and cascaded down to the devolved units for effective implementation. They rank high on the legislative agenda of the LRD since the members will require an understanding of the SDGs in order to champion them and oversee their effective implementation.



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Designing a Legislative Research Department at the National Parliament of Solomon Islands

Introduction

The importance of Research Services in any legislature cannot be overemphasized. Its benefits have enhanced legislative work and its publicity.

This project will look into how to establish a Research Service at the National Parliament of Solomon Islands (NPSI). Discussions will focus on its needs, establishment, products, and clients it will support. A short research plan will be presented at the end on an issue that is likely to be on the Business of the House.

Although there is already an established Research Unit at the National Parliament of Solomon Islands, this paper will discuss its current setting and areas that can be improved.

Background

The Research Unit in the Library at the National Parliament of Solomon Islands is a newly established, just over four months old. There are currently only two staff looking after the Unit with a supervisor yet to be recruited. The two current resource persons are general with basic degrees.

In 2014, the initial stage of work began with support from UNDP Parliamentary Strengthening Program (PSP). Staff were recruited with a volunteer from the Parliament of Tasmania heading and guiding the Unit. The only staff recruited under the UNDP PSP assisted in building the Unit; however, the Unit was left without any staff to look after it when the term for the volunteer ended and the contract for the staff also ended when UNDP PSP ended its term in March 2015. This left the Unit at a halt until early 2016 when recruitment was made for two staff members and a supervisor.

Designing Stage

As mentioned earlier, the design will be based on the current setting.

Purpose and Need

Some of the reasons for the need to establish and equip the research services at the NPSI are explained below.

There have been increasing demands from committee members as their awareness of the roles of the committee increases. As a result, the demand for knowing details of issues also increases.

Furthermore, the current demand for Committee Secretariat workload, apart from their existing programs of work, also increases with the increase in the number of Committees from five (5) to ten (10) in 2010. Despite the committee number doubling, committee staff remains the same at eight, including the Director and Senior Admin Officer. Utilizing the research services would be one way to relieve the workloads relating to research work.

With the usual practice of submitting bills, including the appropriation bill late by the executive at the very last minute, urgent work is required using the pool of resources available to assist committee members and MPs with their debates in the House. As discussed during the course, producing research documents in a timely manner is important, and research services would be of better assistance (Module 2 Unit 1, 2016).

NPSI currently does not have a parliamentary calendar since it is just a department under the Prime Minister's Office. As a result, the executive decides when parliament sits. This creates difficulties for parliament to plan its work and meet the demands of businesses proposed by the executive to consider in the House. Having research services would further assist the current work with a lack of calendar.

Another important factor that requires the services of a research unit is the observed trend in demands of MPs to prepare briefings to assist with their debates on bills before the House. This requires specialized skills to support this demand with limited time.

Organization and Structure

The pursuit to establish the research services at the National Parliament of Solomon Islands is derived from the discussions on improving parliament's oversight capacity and Objective 3.3 in the NPSI Strategic Plan 2012-2016 (National Parliament Strategic Plan, Anon). Currently, the Research Unit is an established unit under the Library and Research Services Department at NPSI, headed by the Head Librarian. The Head looks after the Library Services under the Senior Librarian and the Research Services under the Director Research.

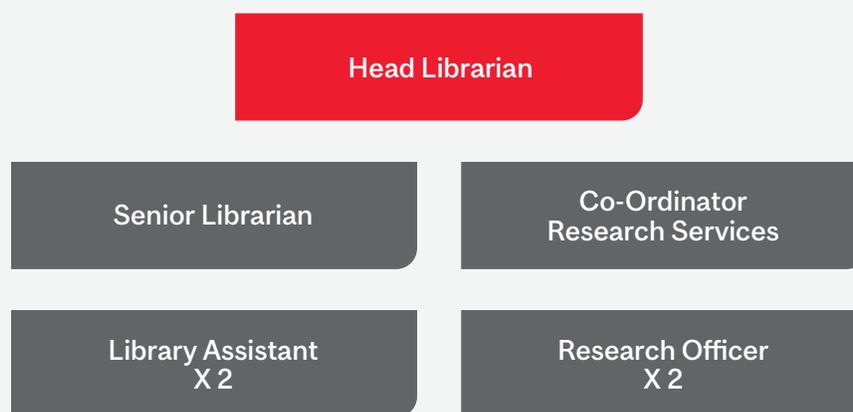


Figure 1: Current Library and Research Services Structure

The likely challenge with the current arrangement is that its support services are under the Library. Furthermore, now the Research Unit is headed (on recruitment) by the Director while the Senior Librarian is still looking after the Library services. Both are under the supervision of the Deputy Clerk as there is no Head Librarian. The Senior Librarian also has a lower salary level compared to the Director Research. This could cause some friction in the near future.

Another issue with the current arrangement in our context is that most of the demands for research service are from committees. Committee activities are quite regular now with the increasing awareness of committee members on their role of providing oversight. Also, the services that will be provided by the Research Unit are all services that were provided by the Committee Secretariat. This could create clashes of work.

Based on the current demand from committee members and MPs, there need to be further considerations on the field of discipline of human resources supporting the research unit. The two key areas with high interest are the field of economy on the Appropriation Bills and legal services on bills. Should NPSI plan to meet these demands, current staff could be trained for the services in demand or recruitment be based on these two areas. All of these will have budget implications; however, the latter would need further negotiations with the Ministry of Public Service, Public Service Commission, and the Ministry of Finance and Treasury.

Proposed Restructuring

In terms of its structure, the current arrangements may work well for now, where it is part of a unit under the Library and Research Services Department. This is good for the long run when other roles of research service are high in demand. However, with the current low demand, the officers will have less work to do.

The above arrangements could also raise issues later, as discussed above. An alternate structure that will suit the current line of work and demands is to merge the Research Services with the Committee Secretariat. This would make it easier to transition from the current tasks and roles that have been performed by the Committee Secretariat.

As such the following arrangement is proposed:



Figure 2: Proposed Revised Structure

As part of the current plan to restructure the Secretariat Department, amalgamating the Research Unit with the Secretariat Department will meet the current service demand. Recruitment could come into the proposed Committees and Research Department as Research Assistants (RAs). These officers will conduct most research and work that committees and MPs require. The Secretaries will look after the 10 Standing Committees and support their work plans. Chief Research Officers (CRO) will perform the difficult tasks from the clients and also perform other roles through legislative research services. Both the Secretaries and Chief Research Officers will be looked after by the Director. This will also go along with the current salary levels in the organization. Furthermore, promotion from the RAs will either be to the Secretaries or CROs.

In Federal Parliament, there have been several restructurings to get it where it is now (Heriot, Anon). The research services are still under the Library. Therefore, the unit can be reviewed and allow restructuring to meet demand and services required for its clients.

Consultations

With the proposed plan and restructuring of the Unit, the following stakeholders should be consulted:

- Staff – Library and Research Department head and Research Unit supervisor should be consulted on the proposed revised structure. A common agreement in understanding the purpose of the new arrangements is needed.
- Human Resources Manager, Clerk and Financial Controller – These three, key people in the NPSI administration should be consulted in terms of the need for restructure, adjustment of the establishment title, and levels in the Public Service and how it is going to affect the organization's budget.
- Speaker – The Speaker should also be consulted as Head of the Institution for endorsement.
- Parliamentary House Committee (PHC) – The PHC should also be consulted as one of its functions is to look after matters relating to the administration of the Parliament.²¹⁷ Many admin discussions and plans could not go beyond the executive in the past due to the lack of involvement of this committee.
- Prime Minister's Office – Though this is an executive arm, the current practice in the House is that the Prime Minister is the Minister responsible for Parliament when defending the budget head in the Appropriation Bills. Thus, consulting the Prime Minister would add weight to the needs especially when it will go the final authority (PSC) for consideration and approval.
- Public Service Commission (PSC) – The PSC is responsible for human resources recruitment and establishment. Getting them on board would support the proposed development in the research services of NSPI.

Products Produced

Since its new inception, one report was produced by the former staff under UNDP PSP recruitment. With the new establishment, two briefing papers were produced.

There needs to be awareness on the work of the research unit so that MPs can utilize the services provided. Further, there needs to be capacity building for the staff as they are very new to the work and due to loss of staff through the UNDP PSP recruitment, further secondment to other parliament is needed.



²¹⁷ SO70, The Standing Orders of the National Parliament of Solomon Islands

There needs to be clearer job descriptions on the output for the Research Officers at the Research Unit. According to the announcement by the Speaker (Minutes, 2015) during one of his opening statements, at the second meeting in 2015 when the service was still working under the former UNDP staff, he highlighted that the Library and Research Services Department provides services such as research for individual members, committee research assistance, compilation/analysis of statistics, advice on issues, and monitoring current issues. Other than these, there needs to be a clear outline of products with demand and client priorities.

Proposed Products

Below are proposed products (not in order of priority) which are important for the research unit to produce in support of its services to its important clients at NPSI.

Briefing Papers

These could be papers prepared using a very simple format to meet the wide range of its clients. Not all the MPs voted into parliament undergo training in higher education. Therefore, the briefs should be simple to convey the issues in question.

These briefs are produced based on requests from individual MPs. With the current trend in the House during debates, most that participated are from the Opposition and Independent groups. Government backbenchers rarely debate on most issues unless requested. One possible reason for their lack of participation is the politics in SI, where most of the discussions happen at the Caucus or Cabinet level. Furthermore, due to the fluidity of SI politics, it is better for the research service to be in place so that any change in the MPs on the three benches (Government, Opposition and Independent) in the House would still support individual MPs.

Briefs produced could also support the work of committees. Due to limited committee staff, briefs would further support discussions and information search during committee inquiries. As discussed earlier, the timing of bills going before parliament is not convenient for committees to carry out their oversight and scrutiny roles properly. The provision for bill notices before the House is just three (3) days before its first reading,²¹⁸ which leaves less time for the committee responsible to examine and provide scrutiny on the bill. Unlike many parliaments, rigorous scrutiny of the bills usually happens during committee hearings since most bills do not go through proper consultations by the executive during the development of bills. This also applies to Appropriation Bills which require adequate time for the Public Accounts Committee (PAC) to examine before debates and passing of the budget.

Research Papers

Examples of research papers that a research unit could produce are papers on request by MPs on issues of interest. These could be on topics in the agenda of parliament sittings or on constituency-related issues. Other reports could be analytical reports or full policy analyses. These two will require resource personnel to provide such services based on the currently available services at hand.

²¹⁸ SO44 (1A), The Standing Orders of the National Parliament of Solomon Islands

Other research papers based on department or staff requests could be produced to enhance their work supporting parliament.

The library department would also need research papers available at its disposals to meet growing demands for information. Thus, short descriptive papers can be produced on common national issues or current issues in the media that parliament anticipates examining. Useful information such as fact sheets would also meet the demands of those that need basic information on certain topics of interest to targeted clients such as students or visitors.

Clients

The common clients needing the services or will be needing research services on a regular basis at NPSI are the MPs themselves, committee chairs, committee members and staff, Leaders (Speaker and Clerk) and other staff of parliament.

It is common practice that when committee chairs or members of parliament that are not part of the executive are invited to overseas conferences, seminars, or workshops, they will request briefing papers on the topics for the meetings. This is also true for Speakers or clerks. Staff sometimes would like to know current issues which do not necessarily need research papers but just oral briefings.

Contribution to Work of Parliament

As previously discussed, research services contribute a lot to enhancing the role of parliament in solving specific problems. An array of contributions provided to members of parliament include assisting MPs with their debates and issues relating to constituencies since there is a lack of party support at the moment.

The service will also support committee work on urgent matters that may arise from committee work plans or urgent attention to the last-minute tabling of bills.

Further support can also be provided to Speakers and Clerks or MPs on topics of discussion in conferences, which also contributes to providing publicity of parliament itself.

Also, through services provided, the research unit will enhance the knowledge of staff through information provided, thus also contributing to parliament capacity building.



Research Plan on an Issue Likely to be on the Agenda in the LRD

The issue at hand, which is likely to be on the agenda of the Library Research Department (LRD), is the recent decision by the Court of Appeal in favor of Tax-Free on MPs' Salary. Below is a brief plan on how the issue is being researched following the three-step policy analysis, as in the course material. These steps are (1) defining the issue, (2) develop alternative solutions, and (3) assess the impacts.

(1) Brief about the issue:

- The issue for the legislature is the decision by the PEC to regulate tax-free for MPs salary
- Salary earners apart from MPs contribute to paying salaries for MPs which is unfair

(2) Possible alternative solutions

a. Problems/causes of problems

- ii. There is increased pressure on MPs from constituents aggregating at the MPs' residences, creating pressure on the budget. Pressures include food to feed them and demands for assistance.
- iii. Current salary is not enough to support constituencies. Therefore, tax-free would add support to MPs.

b. Possible alternative solutions

- i. Awareness by MPs and Parliament staff on the role of MPs as legislators to prevent aggregation at the MPs' homes.
- ii. Removal of all CDFs and Grants from MPs' control and channel them through government ministries. This will prevent the perception that MPs control all funds.
- iii. Increase MPs' salaries so that when taxed, the take-home is still the current tax-free value.
- iv. Lower tax for all income earners so that the take-home is relatively comparable to MPs when tax-free.

(3) Assess the impacts

- a. People will understand the roles of MPs leading to fewer visits and demand from them.
- b. Removal of CDF will not go well with MPs. This might stir up avenues to create legislation for their advantages. It might also threaten their chances of retaining their seats in the next election
- c. Removal of CDF from MPs will lighten their load as government ministries will deliver services to communities
- d. Increase in MPs' salaries will also affect the struggling economy.
- e. Lower taxes will probably satisfy citizens but will affect the economy.



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