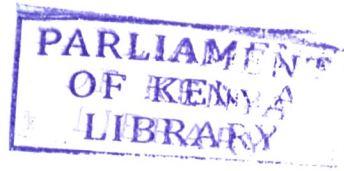


2012



REPORT OF THE ATTACHMENT OF OFFICERS OF THE
KENYA NATIONAL ASSEMBLY TO THE PARLIAMENT
OF VICTORIA, MELBOURNE, AUSTRALIA
21-30 MAY, 2012



Clerk's Chambers
National Assembly,
Parliament Buildings
NAIROBI

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Introduction

The National Assembly Staff delegation to the Parliament of Victoria at Melbourne, Australia was appointed within the Parliamentary Service Commissions' strategic objective of enhancing staff capacity for improvement of service delivery.

The delegation was detailed to study the processes and institutional structures, procedures and practices existing in the Parliament of Victoria with a view to adopting those that would be suitable for our Parliament within the context of the current constitutional dispensation, which, among other changes, has re-introduced a bi-cameral system.

The delegation consisted of: -

- | | | |
|----------------------------|---------------------------|----------------------------|
| (1) Stephen Njenga Ruge | - First Clerk Assistant | (Leader of the Delegation) |
| (2) Peter Kipsang Chemweno | - Second Clerk Assistant | |
| (3) Sherifsam Mwendwa | - Legal Officer | |
| (4) Martin Mbewa | - Research Officer | |
| (5) Lucy Kimathi | - Office Services Manager | |

The delegation extends its appreciation to the Clerk of the National Assembly for nominating and availing them the opportunity to undertake the training program, which was an eye-opener in many respects. The delegation further assures the Clerk that the information and skills attained during the period of attachment will be put to immediate use to improve services in respective areas of operation.

Background of the Parliament of Victoria

Before 1851, the area of Australia now known as Victoria was part of the British colony of New South Wales and was administered by the Government of New South Wales in Sydney. However, in August 1850, the Parliament of the United Kingdom passed the Australian Constitutions Act which made provision for the separation of Victoria from New South Wales. Subsequent legislation passed by the Government of New South Wales created Victoria as a separate colony of the United Kingdom in 1851. Consequently, the Legislative Council met for the first time in November 1851 at St. Patrick's Hall, Melbourne. The first Legislative Council served for five years and was responsible for at least three significant contributions to the parliamentary system of Victoria, namely:-

- ✓ Drafted the Constitution of Victoria which provided a framework for the system of Government;
- ✓ Introduced the secret ballot; and
- ✓ Ordered the construction of the Victoria parliament House in Melbourne.

The Constitution of Victoria was approved by the Legislative Council in March 1854 and sent to the United Kingdom for approval by Parliament and was granted Royal Assent on 16th July, 1855 and subsequently proclaimed in Victoria on 23rd November, 1855. The Constitution established the Westminster-style system of government that has operated in Victoria since.

Elections were first held for the first Parliament in 1856 and the first meeting was held in November, 1856 with the official opening by the Governor taking place on 25th November, of the same year.

Parliament has sat at parliament House, Melbourne since that time, with the exception of the period 1901-1927 when the House was used by the Federal parliament and the parliament of Victoria sat at the Royal Exhibition Building.

Structure and Operation

Parliament of Victoria has power to make laws for the State on any matter subject to the limitations placed on it by the Constitution of Australia which specifies which matters fall under the jurisdiction of the Commonwealth.

The Parliament is a bicameral legislature with representatives elected to either the Legislative Council (the Upper House) or the Legislative Assembly (the Lower House). The Assembly has 88 Members and the Council has 40 Members. The Governor of Victoria represents the Crown and is the third arm of Parliament. The Council members represent eight large multi-member electorates known as regions each of which returns five members. Members of the Assembly represent small single member electorates known as districts with each region containing eleven electoral districts. It is not permitted to be a member of both Houses nor a candidate for election to both Houses.

Both Houses are elected for fixed terms of four years and general elections are held in the last Saturday in November every fourth year with Parliament expiring on the Tuesday twenty five days before the election. However, Parliament may be dissolved earlier by the Governor and a general election held on two exceptional circumstances, namely-

- ✓ The Legislative Assembly passes a motion of no confidence in the Government or its Ministers, or
- ✓ The Legislative Council and Legislative Assembly are deadlocked and cannot agree to pass a Bill.

The last General election was held on 27 November, 2010 and the next is due on 29 November, 2014.

Leadership in Parliament and Relationship with the Government

The Governor of Victoria is the representative of the Monarch, Queen Elizabeth II, as the Head of State, in Victoria. Among the Governor's principal duties are the opening of parliament and the signing of Acts which are passed by the Victorian parliament. The leader of the political party or coalition with the most seats in the Legislative Assembly is invited by the Governor to form a Government. The leader of that party is appointed premier and the senior members are appointed Ministers with various portfolio responsibilities while the leader of the largest party in opposition becomes the Leader of the Opposition. Since 2010, the Coalition has been in Government led by the Premier and the Leader of the Liberal party in Victoria, Ted Baillieu. The other party in the Coalition, the National Party of Australia, is led by Deputy Premier, Peter Ryan.

The President of the Legislative Council is the presiding officer of the Council. He or she is an elected member of parliament and is chosen by the members of the Council to chair their meetings and represent the Council as a whole at official functions. The corresponding person in the Legislative Assembly is the Speaker of the Assembly. Both the President and Speaker have important powers in controlling debate in their respective Chambers, including the ability to punish members who breach the rules or disobey their orders.

Salary and Allowances

Prior to 1870, only Ministers and other office holders were given a salary which in effect meant that members had to be wealthy enough to support themselves before seeking election to parliament. In 1870, parliament provided for the reimbursing of members in relation to expenses incurred in attending parliament and although it passed as a temporary measure (amounting to AUD 300 per annum), it eventually became permanent. Members of the House are now paid a base salary of AUD 130,907 per annum (as at 1st August, 2010), while other office holders like the President, Speaker, Ministers and party leaders receive additional top-up. The President and Speaker are paid a salary of AUD 215,997 per annum. No allowance is paid for attendance in the House or Committees.

Organizational structure of Parliament

The work of Parliament is supported by three departments, namely:-

The Department of Legislative Assembly which is headed by the Clerk and its main task is to provide administrative and research support for the lower House;

The Department of Legislative Council is also headed by the Clerk and it provides equivalent support to the upper House; and

The Department of Parliamentary Services which is headed by the Secretary with the mandate of providing specialist services to all Members of Parliament, Electorate Officers, the two House Departments, Parliamentary Officers, and Members of the public. (See **Appendix I for Parliament Organization**)

Department of Legislative Assembly

The Clerk is appointed by the Governor on the Speaker's recommendation and must take an oath of office which includes a commitment to carry out the role to the best of knowledge and ability without fear, favour or affection. As in other parliamentary jurisdictions especially Westminster style parliaments, the Clerk plays a vital role in the Chamber advising the Chair and other members as necessary. Apart from giving advice, the Clerk has other specific responsibilities, namely;

- ✓ Certifying that the Assembly passed a Bill in line with correct procedure;
- ✓ Tabling petitions and documents;
- ✓ Ringing the bell for divisions and to obtain a quorum;
- ✓ Asking for the votes during a division and recording the outcome;
- ✓ Chairing the election of the Speaker; and
- ✓ Recording the actions and decisions of the Legislative Assembly.

The Clerk manages the Department under the Speaker's general oversight and is the Speaker's chief policy and corporate management advisor.

The Clerk also works with the heads of the Departments of Legislative Council and Parliamentary services on parliament's strategic operations and policies.

Other senior managers in the Department are the Deputy Clerk, Assistant Clerk-Committees, and the Assistant Clerk- Procedure and Serjeant-at-Arms.

The Deputy Clerk assists the Clerk in his responsibilities and deputizes for him when required. Outside the Chamber, the Deputy Clerk is responsible for the day to day management of the Department and responsibilities encompass a range of operational matters including Departmental finance, administration and staffing.

During sittings of the Assembly, the Deputy Clerk and Assistant Clerk-Committees sit at the Table with the Clerk and also give advice on parliamentary procedure. The Assistant Clerk-Committees has direct responsibility to the Speaker for the operations of joint committees administered by the Assembly.

Apart from responsibilities as Serjeant-at-Arms, the Assistant Clerk-Procedure oversees the Department's tours and community engagement programs.

Department of Legislative Council

The main objective of the Department is to provide quality, apolitical, professional, innovative and integrated support services and information to the President, Members of the Legislative Council and other clients, in the interests of Victorians.

The main business is to provide procedural advice to Members of the Council; process legislation; prepare documentation required for sittings of the Council and Parliamentary Committees; prepare records of proceedings of the Council; provide procedural and policy advice to parliamentary committees; provide administrative and research assistance, and produce draft reports for parliamentary committees; provide information relating to the proceedings of the Council; provide operational support to Members of the Council; promote public awareness of the role, functions and processes of the Council and the Parliament; co-ordinate parliamentary events, functions and special visits and to provide a secure, safe and healthy workplace. Within the context of parliament's strategic directions and the values defined therein, namely effective corporate governance, excellent service delivery and sustainability, the Department focuses on the following six (6) goals:-

- ✓ Procedure and advice;
- ✓ Education and Community Relations;
- ✓ Administration and Planning;
- ✓ Management of People;
- ✓ Information management; and
- ✓ Management of Resources.

The four senior officers of the Department are the Clerk, the Deputy Clerk, Assistant Clerk-House and Usher of the black Rod; and Assistant Clerk-Committees.

As departmental head of the Council, the Clerk is responsible for the staffing, financing and administration of the Department and answers to the President of the Council.

The Deputy Clerk assists the Clerk in his responsibilities and deputizes for him when required. Outside the Chamber, the Deputy Clerk is responsible for the day to day management of the Department and responsibilities encompass a range of operational matters including Departmental finance, administration and staffing.

During sittings of the Council, the responsibilities of the Assistant Clerk-House and Usher of the black Rod include assisting with the preparation of the Notice paper and Minutes of the Proceedings, and recording the proceedings of the Committee of the Whole. The Usher also delivers 'Messages' which are formal communications sent to the Legislative Assembly regarding Bills and Resolutions of the Council. The officer also assists with the day to day administration of the department and, in particular, management of attendant staff.

The Assistant Clerk Committees serves at the table in a similar capacity as the Usher but when the House goes into Committee of the whole, the officer provides advice on practice and procedure to the Deputy President. The Assistant Clerk also supervises all of the Committees for which the Department is administratively responsible and any select or standing Committee established by the Council.

Throughout the Victorian parliament's history, dedication to parliamentary service has been a strong characteristic of those appointed to the office of Clerk. As a result, only fifteen people have served the Council in the position of Clerk since 1856 and frequently, appointment to the position of either House has been the culmination of a long career working within the parliament. Political impartiality is a strong feature of today's office of Clerk.

Department of Parliamentary Services

The over-riding aim of the Department of Parliamentary Services (DPS) is to provide quality, apolitical and professional service and support to Members of parliament and to the parliament as an institution.

To this end, the Department provides human resources management, payroll services, IT infrastructure, electorate offices, security, management of parliament's heritage building, contracts, information systems, Hansard services, library and research services, motor vehicles, catering, grounds and gardens, training, staffing and welfare support services, financial management and risk management services. DPS operates as a service provider to, and in close co-operation with the Departments of the Legislative Assembly and the Council through the operations of the Parliamentary Executive Group, the Parliamentary Senior Management Group and the Parliamentary Management Group.

The functional groupings with the department currently are:-

- ✓ Resource Management;
- ✓ Precinct and Property Management; and
- ✓ Information Services.

The Resource Management Group is responsible for organization development, accounting and administration and budgets and risks while Precinct and Property Management Group is tasked with security and electorate properties, buildings and grounds services and

catering. The Information Services Group is responsible for library, hansard, information technology as well as education and community engagement.

To provide these services, the DPS's appropriation for 2011/12 amounted to AUD 73,853,562.

Committees in the Parliament of Victoria

Committees are assigned tasks which are more productively addressed away from the Chamber, such as hearing witnesses, taking evidence, undertaking on-site inspections and composing detailed reports. In delegating work to committees, the Houses set out the terms of reference, giving each committee clear guidelines as to the scope of inquiry and deadlines for fulfilling tasks. Committees are seen as extensions of the House; therefore, the privileges attached to the Parliament apply. This means that Members and others, such as witnesses, who are involved in a committee inquiry, are protected from being sued or prosecuted. Any written submissions received during the course of an inquiry are also protected by parliamentary privilege.

Given the many demands on Parliament's time, the existence of committees allows for more thorough investigation of matters before the House. Committee work represents a significant part of Members' workloads. The work of these committees strengthens the parliamentary process as they undertake important functions which cannot be performed in the debating Chambers. Government accountability is also enhanced, as government and public service activities are subject to committee examination.

The Parliament of Victoria has an extensive system of committees consisting of:

- **Joint Investigatory Committees** -- appointed for the life of the Parliament and constituted from members of both Houses;
- **Legislative Council Standing Committees** -- appointed for the life of the Parliament to examine a specific area or areas of government administration and composed solely of Members from the Legislative Council;
- **Select Committees** -- temporary committees appointed to undertake particular investigations;
- **Domestic Committees** -- appointed at the commencement of each Session to deal with matters concerning the operations of the Parliament.

Joint Investigatory Committees

In the current 57th Parliament, there are 12 joint investigatory committees. These committees comprise Members of both the Legislative Assembly and the Council. Their roles, functions and terms of appointment are determined by the *Parliamentary Committees Act 2003*. Pursuant to this Act, the Joint Investigatory Committees are appointed at the commencement of each new Parliament. Through a resolution of either

House of Parliament or an Order of the Governor in Council, each committee is given terms of reference which set out what the committee is to investigate and deadlines for reporting these investigations.

A committee may also initiate its own investigations, although these are limited to inquiring into any annual report or other document relevant to its terms of reference.

These committees comprise Members from political parties represented in Parliament. Each Joint Investigatory Committee must consist of not less than five Members and no more than ten Members, with a minimum of one Member coming from each House. Administrative responsibility for the committees is divided between the two Houses. The Legislative Council currently oversees the following six Joint Investigatory Committees.

- o Economic Development and Infrastructure;
- o Education and Training;
- o Environment and Natural Resources;
- o Law Reform;
- o Outer Suburban/Interface Services and Development; and
- o Road Safety.

Economic Development and Infrastructure

This Committee inquires into matters relating to economic development, industrial affairs and infrastructure. The effect of structural changes in the Victorian economy, the economic impact of the Goods and Services Tax on small and medium sized businesses, and youth unemployment, are examples of the issues the Committee has investigated.

Education and Training

The purpose of the Committee is to inquire into, consider and report on matters related to education and/or training.

Environment and Natural Resources

This Committee scrutinizes specific issues concerning the environment, usage of natural resources and the land.

Law Reform

This Committee examines issues on legal, constitutional or parliamentary reform (although not matters related to the Houses' Standing Orders) and the administration of justice and law reform.

Outer Suburban/Interface Services and Development

This Committee is required to inquire into, consider and report on matters associated with the provision of services to, the development of, and the expansion of the new urban regions. In particular, the Committee's purpose is to examine and address emerging issues related to the expansion of metropolitan Melbourne into areas that have traditionally been regarded as regional Victoria.

Road Safety

This Committee investigates matters related to road safety, such as vehicle roadworthiness and road infrastructure.

Joint Investigatory Committees administered by the Legislative Assembly

- Drugs and Crime Prevention;
- Family and Community Development;
- Public Accounts and Estimates;
- Rural and Regional;
- Scrutiny of Acts and Regulations; and
- Electoral Matters.

Legislative Council Standing Committees

Council Standing Committees are appointed for the life of the Parliament and comprise solely of Council Members. Unlike select committees which have narrow terms of reference and cease to exist once they have completed an inquiry, standing committees have broader terms of reference and can undertake numerous inquiries on various topics, often at the same time.

In the 57th Parliament, the Council has established three pairs of Standing Committees covering the subject areas of: -

- Economy and Infrastructure;
- Environment and Planning; and
- Legal and Social Issues.

Each Standing Committee comprises a References Committee and a Legislation Committee. Their composition and functions are set out in the Standing Orders of the Legislative Council, and are loosely based on the Australian Senate Committee system. The References Committees undertake inquiries into matters referred to them by the Legislative Council. They can seek submissions, hold public hearings, and ultimately table a report in the House. The Legislation Committees can examine Bills referred to them by the House, or

can self-reference their own investigations into annual reports, estimates of expenditure or other documents tabled in the House, provided these are relevant to their functions.

Select Committees

Select Committees are appointed from time to time, by resolution of the Legislative Council, to conduct detailed investigations into very specific issues. Thus, their terms of reference are usually narrower than those of a Joint Investigatory Committee and a select committee normally ceases to exist once its final report is tabled in Parliament.

The operation of select committees is governed by the Standing Orders of the Houses. The usual composition of a Select Committee is five to ten Members. Three Select Committees were appointed during the 54th Parliament, none were appointed in the 55th Parliament, and three were appointed in the 56th Parliament. No Select Committees have been appointed in the 57th Parliament.

Domestic Committees

Members of both Houses also serve on certain committees which are concerned with the maintenance and operation of Parliament. These are commonly known as 'Domestic Committees' and are generally re-appointed each Parliamentary Session. The Domestic Committees are:

- **House Committee** - a joint committee established by the *Parliamentary Committees Act 2003*, comprising the President, the Speaker, five Members from the Legislative Council and six Members from the Legislative Assembly which oversees the management of the refreshment rooms, gardens and building maintenance. The Speaker normally chairs this committee;
- **Privileges Committee** - the Legislative Council and the Legislative Assembly each have a Privileges Committee which inquires into and reports upon complaints of breach of parliamentary privilege referred to it by their respective Houses; and
- **Procedure Committee** - the Procedure Committee reviews proposals for changes to the Standing Orders of the Legislative Council. In the Legislative Assembly, it is called the Standing Orders Committee.

How Committees are formed

Each political party selects its own Members for appointment to each committee. These Members are then formally appointed by the Houses. Independent Members are also appointed to committees from time to time. Committees therefore bring together Members of different political persuasions to work collectively in examining important matters in an impartial, apolitical manner.

Business in the Legislative Council

In the Legislative Council, although the House's hours of meeting can vary, particularly in terms of finishing times, the usual sitting times are as follows:

- Tuesday 2.00 p.m. – 10.00 p.m;
- Wednesday 9.30 a.m. – 10.00 p.m;
- Thursday 9.30 a.m. – 10.00 p.m, although the House often adjourns earlier than this.
- Friday 9.30 a.m. – 4.00 p.m. However, Friday sittings are infrequent.

The time at which the Council actually rises is dependent on the Adjournment debate's length. In most cases, the adjournment debate does not exceed 45 minutes. Friday sittings are rare and the principal purpose of a Friday sitting is to complete Government Business. On Friday, the time allowed for Members to raise matters in the adjournment debate is limited to 30 minutes.

If Legislative Council Standing Committees are meeting on a Wednesday evening, the Adjournment debate will commence immediately after Statements on Reports and Papers, at approximately 6.30 p.m.

How a Sitting Day commences

The ringing of the bells marks the commencement of all sitting days. The Clerk, at the appointed time of meeting, will ring the bells to call Members to the Chamber. Once a quorum is formed (15 or more Council Members), and a Minister is present, the Usher of the Black Rod formally leads the President into the Chamber. As they enter the Chamber, the bells cease ringing and the Usher announces: "Members of the Council — the President". On taking the Chair, the President bows to each side of the Chamber and to the Clerks. The Members and Clerks then bow to the President. Following this, the President reads the Lord's Prayer.

Routine of Business

Each day in a sitting week is structured slightly differently, both in terms of the House's hours of operation and routine of business.

- Formal Business includes notices of motion, presentation of petitions and tabling of Committee reports and other papers.
- Legislation Committee can meet at 8.00 p.m. on Tuesday, Wednesday or Thursday.
- Adjournment is usually at 10.00 p.m. However, a motion to continue the sitting may be moved.

Messages

The Prayer is commonly followed by the reading of Messages by the President. All communications between the Legislative Council and the Legislative Assembly are by Message, as are communications between Parliament and the Crown (represented by the Governor).

The first Messages read by the President are those received from the Governor. These are usually notifications that certain Acts have received Royal Assent. Messages received from the Legislative Assembly will then be read. These Messages may relate to a number of matters, including:

- the transmission of Bills seeking the Council's agreement;
- resolutions concerning amendments to Assembly Bills by the Council, and Assembly amendments to Council Bills;
- the appointment of Joint Committees, and Members to those Committees; and
- general resolutions seeking the Council's agreement, such as joint sittings or the appointment of auditors to undertake work in the Auditor General's Office.

Transmission and receipt of messages

- Messages from one House to the other will be signed by the relevant Presiding Officer and be transmitted by an officer of the Legislative Council or of the Legislative Assembly, as the case may be.
- Messages will be received at the Bar of the House, and if the House receiving the message is not sitting, by the Clerk of that House and be reported to the House by the relevant Presiding Officer as soon as convenient.

Formal Business

Formal Business commences on a Tuesday after Question Time and follows the reading of Messages on a Wednesday, Thursday and Friday.

The President will first ask if there are any petitions for presentation. Petitions provide a direct means by which any citizen or group can express a concern to the Parliament. Petitions need to be lodged for presentation in the House by a Member. However, the Member who presents the petition does not necessarily have to agree with its content. The President will also ask if there are any notices of intention to make a statement on a report or paper tabled in the Council.

The President then asks if there are any Bills for introduction, by leave. Leave (the House's permission) is required to enable Bills being initiated in the Council to be introduced without notice. A Member would then present the Bill and move that it be read a first time.

Alternatively, notice can be given regarding the introduction of a Bill which will then be given its first reading on a subsequent day.

Papers are then tabled in the following order:

1. papers tabled by Ministers by command of the Governor, such as reports of Royal Commissions;
2. papers tabled by Ministers by leave, commonly known as "returns to orders". These papers include those that are not required by an Act of Parliament to automatically be tabled and therefore require the House to authorize their tabling;
3. reports of Parliamentary committees tabled by the committee chair or another member of the committee. The Member tabling the report may then move a motion without notice that the Council take note of the report, enabling Members to speak about the report;
4. reports tabled by the Clerk pursuant to statute. These include annual reports of government departments and other public bodies, amendments to planning schemes and statutory rules (sometimes referred to as 'regulations').

Members' Statements

Following Formal Business on Tuesday, Wednesday and Thursday, up to 15 Members a day may make a statement for a maximum of 90 seconds on any matter of concern or interest. Members are limited to making one statement each sitting week, unless a fellow Member assigns his or her entitlement to another, who may then speak again, provided that he or she has not already made a Members' Statement on that same day. Each party is limited to a maximum of 50% of potential statements each sitting week.

Statements on Reports and Papers

On Wednesdays at 5.30 p.m., up to 60 minutes is set aside for Members to make statements on a report or paper which has been tabled in the House. Members must give at least one day's notice of their intention to make a statement. The reports or papers proposed for discussion each Wednesday are listed on the *Notice Paper*. Members are limited to a maximum of five minutes when making such statements.

Question Time

Questions without notice commence at 2.00 p.m. on Tuesday and at midday on Wednesday, Thursday and Friday. It is the current practice of the House for ten questions to be asked each Question Time (five from the government side and five from non-government Members). Current Sessional Orders have done away with time limits for the asking and answering of questions, including supplementary questions. On average, Question Time lasts between 45 minutes and one hour.

At the conclusion of Question Time, a Minister, usually the Leader of the Government, advises the House of answers to Questions on Notice and presents them to the House. Under the Standing Orders, Ministers are required to provide a written answer within 30 calendar days of the question being submitted.

Government Business

Government Business concerns Bills or motions which have been initiated by members of the Government party and often takes up more than half of the Council's time during most sitting weeks.

- Bills go through first, second and third reading stages in order to pass through the House. Once a Bill has been brought into the Council, it is read for a first time, or introduced, and a day is fixed for its second reading, although leave may be given for the second reading to occur that day. The second reading stage includes the responsible Minister's speech detailing the general principles underlying the proposed legislation. If the Bill originated in the Legislative Assembly, the Minister's speech is almost always incorporated into Hansard without being read again in the Council. Then there is opportunity for debate on the merits of the Bill. The majority of Government Business is normally spent on these second reading debates. Current Sessional Orders have done away with all of the time limits which previously applied to those contributing to the second reading debate.

If the House wishes to examine the Bill's clauses in detail, the Bill may be referred to:

- A Committee of the whole for further detailed consideration. During this stage, the President leaves the Chair allowing the Deputy President to preside over proceedings. Members are able to propose amendments to the Bill which must be approved by the majority of the Committee to be passed; and/or
- The Legislation Committee to consider the Bill in detail and report to the Council any recommendations for amendments. The Committee consists of seven members, which are appointed by the Council in proportion to party, minority group or independent membership in the Council; or
- A select committee or other parliamentary committee for general or specific inquiry.

The third reading stage is usually a formality and rarely includes further debate.

General Business

General Business is conducted on a Wednesday when it takes precedence over all other business and follows Members' Statements. General Business involves debate on motions or Bills initiated by Members of the House who are not members of the government party. Current Standing Orders do not include any time limits for General Business.

Government Business may only occur on Wednesdays if and when General Business has been concluded.

Adjournment Debate

The Adjournment debate (i.e. debate on the motion "That the House do now adjourn") provides a forum for Members to raise matters of concern related to Victorian Government administration. Unless a Minister has already moved either a motion to extend the sitting of the Council or to adjourn early, the President interrupts business at 10.00 p.m. on Tuesdays, Wednesdays and Thursdays to allow the Adjournment debate to commence.

A maximum of 20 Members can raise matters on the Adjournment debate on Tuesdays, Wednesdays and Thursdays, and only 30 minutes can be spent on the Adjournment debate on a Friday. Each Member's time to raise an issue is restricted to three minutes, and Members are allowed to raise only one matter during the Adjournment debate each sitting week, although they may give up their right to speak so that another Member may speak in their place. No time limits apply to a Minister's response, although Standing Orders do require that they be 'as brief as possible'. In practice, responses are usually relatively short anyway, either promptly addressing the issue or advising that the matter will be referred to the relevant Minister. Once all matters have been dealt with, the House is adjourned, which is signaled by three short rings of the Division bells.

Notice Papers (agenda)

The notice paper is the agenda of the Legislative Assembly and sets out the anticipated order in which the Assembly's business will be transacted. A new notice paper is published for each sitting day.

Whilst the notice paper sets out the anticipated order of business, the actual items dealt with are decided by the House, and items can be postponed and dealt with later that day or on a future day. As the notice paper lists all outstanding business on the Assembly's agenda, not all the items on the notice paper are dealt with each sitting day, and often only the first few items are debated.

The notice paper is divided into four sections:

- government business — notices of motion
- government business — orders of the day
- general business — notices of motions
- general business — orders of the day.

Government business included everything proposed by a minister and under government business, orders of the day is where you will find the list of bills to be considered by

Assembly. Under Standing Order 34, government business takes precedence over general business.

Initial quorum

The Speaker may only take the Chair and start a meeting of the House at the appointed time if a quorum of members is present. If there is still no quorum half an hour after that time, the Speaker must take the Chair and adjourn the House at once to the next sitting day.

Lack of quorum in the House

- (1) If a member draws attention to the lack of a quorum when the House is sitting, the Chair must count the members present and, if there is no quorum, the procedure is as follows:
 - (a) the bells are rung with the doors unlocked;
 - (b) no member may leave the Chamber;
 - (c) if, after the bells have been rung, the Speaker is of the opinion that a quorum will not be formed, he or she must adjourn the House until the next sitting day without putting the question.
- (2) If the lack of a quorum becomes clear on the report of a division of the House, the Speaker must adjourn the House until the next sitting day without putting the question.

Financial Procedures

Introduction of finance bills

After an Appropriation Bill or a Supply Bill has been introduced to the House, it may be ordered to be read a second time immediately after being read a first time.

Appropriation proposals to be recommended

- (1) A proposal to appropriate public money cannot proceed without a message from the Governor to the House in the same session recommending the appropriation.
- (2) A bill which requires a message from the Governor, except for an Appropriation or Supply Bill, may be introduced and proceeded with before the message is announced.

Limitation on amendments increasing appropriation

No amendment can be moved which would increase the amount of money to be appropriated from that proposed in the bill, unless a further message is received from the Governor.

Proposing a tax

Only a minister may:

- (1) Propose the imposition of a tax, rate, duty or impost, or an increase or alteration of its incidence.
- (2) Move an amendment to increase or extend the incidence of a charge in a proposal made under paragraph (1) – provided that any member may move such an amendment if the charge does not exceed the charge already authorized by any Act.

Arrangement of Business in the Assembly

Summary: A sitting day in the Legislative Assembly involves debates on a wide range of issues. Different rules apply to each type of debate, including time limits for speeches. The Assembly also deals with administrative matters such as tabling of documents and petitions.

Meeting times

The Legislative Assembly normally meets on a Tuesday, Wednesday and Thursday of a sitting week. On a Tuesday, the Assembly starts at 2.00 pm, and on other days, at 9.30 am.

The Assembly breaks for lunch between 1.00 and 2.00 pm and for dinner between 6.30 and 8.00 pm.

The business of the Legislative Assembly for each sitting day is shown in the notice paper (agenda). Items of business (orders of the day) are listed in the order in which they will be considered, but this order often changes during the day.

Start of the day

Every sitting day, bells ring throughout Parliament House to call members to the Chamber for the start of the sitting. Lights near the bells distinguish between bells for the Legislative Assembly (green) and the Legislative Council (red).

Question time

Officially known as questions without notice, question time begins immediately after the Prayer on a Tuesday and at 2.00 pm on a Wednesday and Thursday. The Speaker asks,

'Are there any questions?' and members stand to attract the Speaker's attention. The first member to stand, traditionally an opposition member, gets to ask the first question.

Question time lasts for 30 minutes or until 10 questions have been answered, whichever is longer.

Time for administrative matters

Formal business is a time for the Legislative Assembly to deal with administrative issues. It follows question time on a Tuesday and takes place at the start of other days. It includes:

- notices of motion
- introduction of bills
- tabling of petitions
- tabling of committee reports
- tabling of other documents to comply with the law
- messages from the Council
- messages from the Governor
- motions by leave.

Statements by members

After formal business, members may make statements on any topic of concern. Members have just 90 seconds to give their statement, and the total time allocated for all members is 30 minutes.

Matters of public importance

Each sitting Wednesday (except when there is a grievance debate) members discuss a matter of public importance immediately after they have finished making statements. Government and opposition members take turns deciding what matter to discuss.

Once decided, a member gives the matter to the Speaker for approval. The discussion lasts two hours. The first government and non-government speakers may speak for 15 minutes maximum. Other members have a maximum of 10 minutes. As the matter of public importance is a discussion, not debate on a motion, members do not vote on it.

Grievance debate

Every third sitting Wednesday, members debate the question 'That grievances be noted'. Members use the debate to raise concerns about individual constituents or other significant issues. Each member may speak for 15 minutes. The grievance debate lasts for two hours, or until eight members have spoken, whichever is shorter.

Statements about parliamentary committee reports

Each sitting Wednesday, members may make statements about any parliamentary committee report (except some reports of the Scrutiny of Acts and Regulations Committee) tabled during the current parliament. Members may speak for up to five minutes. The total time allocated is 30 minutes, or until six members have spoken, whichever is shorter.

Debate on government bills and motions

Government business consists of legislation and motions introduced by Ministers. This takes up the largest portion of the Legislative Assembly's time and includes, for example, debate on bills.

The length of time devoted to debate on each item depends on its urgency, the amount of time available and how many members speak. Often, these matters are negotiated between the parties.

When the debate on an item is finished, members vote. This may be without a count (known as 'on the voices') or, if a member disputes the result, by a division. If a member calls a division, the Clerk rings the bells to summon members to the Chamber.

Traditionally, members moved to opposite sides of the Chamber to vote for or against a question. However, divisions are normally by party vote under current procedures. The independent members each vote, and then the whip of each party casts votes on behalf of all their party members present. The Clerk tallies the votes, and the Chair announces the result. The members voting for and against are recorded in the Votes and Proceedings (minutes).

Adjournment debate

At 10.00 pm on a Tuesday and Wednesday, and 4.00 pm on a Thursday, unless a Minister moves a motion to continue the sitting, the Chair interrupts debate. The Legislative Assembly then starts the adjournment debate. The bells ring twice to indicate the start of the debate.

The adjournment debate gives members a chance to raise specific issues with the relevant ministers. Members have three minutes each to raise issues. The total time allocated is 30 minutes, or until 10 members have spoken, whichever is shorter. Ministers then have a chance to respond to any of those issues within 30 minutes.

At the end of the adjournment debate, the Serjeant-at-Arms escorts the Speaker out of the Chamber and the bells ring four times to signal the Assembly is adjourning.

Procedural Review Meetings

Following each sitting week the proceedings are reviewed by Chamber Officers, staff from the Table Office and Council Committee Office who support the Chamber, and staff from the Joint Committees Office who attend on a rotation basis. They are designed as a means of better equipping staff with the knowledge that underpins the operations of the Chamber. The process followed in the review meetings is that one staff member leads each day's discussion by identifying matters of interest which have occurred during the sitting. The Clerks assist by providing commentary and the staff are invited to give their views on procedure which have occurred in the House. The procedural review meetings are regarded as an important learning tool especially to prospective Chamber staff.

Sitting Day Business Meetings

To best service the House most effectively, particularly in a Chamber which can be unpredictable, it is essential that all staff involved in servicing the Chamber work closely as a team. In what has been the practice for some years now and in an idea first borrowed from the senate, all staff involved in servicing the Chamber meet as a group prior to each day's sitting to preview the likely events in the Chamber that day, and to discuss possible alternative courses of action in some procedural matters. The sitting day business meetings have proved to be an important tool in ensuring that the Council is serviced effectively because it ensures that all of those involved in the Chamber are fully aware of the business or possible business and its ramifications to be before the House each day.

Hansard:

The delegation had an opportunity to meet with the representatives of the Department of Parliamentary Services (DPS) where Hansard is domiciled led by Secretary Peter Lochert and his executive team.

In the Victorian Parliament, Hansard's primary role is to accurately and promptly report the proceedings of the Parliament, the parliamentary committees and other forums in accordance with Victorian Hansard's editorial policy. Hansard produces and publishes Daily Hansard and Weekly Hansard, including answers to questions on notice and also publishes Sessional volumes of Hansard in both paper and electronic formats as enduring records and references. It also produces Sessional indexes for distribution and inclusion in the Sessional volumes.

As a section in the DPS, Hansard is also responsible for providing sound amplification for the two parliamentary chambers, the broadcast of parliamentary proceedings via the internet, live audio webcasting, and the live video webcasting making the department a key contributor to the public participation in the parliamentary business. The live audio

webcasting commenced in August 2008, and the live video webcasting commenced on 4th May 2010.

Alongside the reporting of Parliament, Hansard has the responsibility to record the audio of parliamentary proceedings and committees so that a faithful transcript can be provided for. Hansard conducts the broadcasting of parliament proceedings, both audio and video to the public via the internet; to internal clients and electoral offices via parliament's network, and to the News media via outside broadcast facilities. Hansard also caters to requests for footage upon direction of the presiding officers.

The Hansard department operates under the Department of Parliamentary Services.

The delegation noted the concept of webcasting which is a cheaper way of conducting a live broadcast. The delegation was shown how the technology empowers the editors to stagger and the contents that are released to the general public.

Regional sittings

Background- On 16 August 2001, the Victorian Parliament began a practice which has now become a permanent feature in their calendar where both Houses sat outside of Melbourne (a regional sitting). The event now takes place once in every four year life of the Victorian parliament and is made as rotational as possible though it is also guided by the availability of infrastructural facilities that can host the function. The 2001 regional sitting was the Victorian Parliament's first sitting outside of Melbourne in what was then its 145 year history, and also the first meeting of any Australasian legislature outside of a capital city.

A regional sitting is a meeting of the Parliament of Victoria outside of Melbourne. The Legislative Council and the Legislative Assembly meet separately, each in a different regional centre. The purpose of regional sittings is to give people the opportunity to see their elected representatives at work and to learn about the processes of Parliament. In order to provide visitors with an accurate indication of what normally occurs when Parliament sits, the proceedings at regional sittings are designed to reflect, as much as possible, a typical sitting day.

Given that the Victorian Parliament has been bicameral since the establishment of responsible government in 1856, both Houses conduct a regional sitting on the same day at different venues. In the process, the differences between the roles and procedures of the two houses (the Council and Assembly) are shown.

The significance of regional sittings - These regional sittings have afforded people, who would normally find it difficult to attend parliamentary sittings in Melbourne, the opportunity to see their elected representatives at work. In order to provide visitors with an accurate indication of what normally occurs when Parliament sits, the proceedings at

regional sittings are designed to reflect, as much as possible, a typical sitting day. The Council's regional sittings have also given Members the opportunity to meet with a significant number of business and community leaders from the local areas.

Arising from the foregoing notes and observations, the delegation makes the following recommendations:

Recommendations

1. The Departmental Committee's secretariats to be restructured to comprise an administrative officer/Executive officer, a research officer, Legal Counsel and the Committee Clerk. The Administrative Officer/ Executive Officer would deputize the Committee Clerk and perform the administrative role of the Committee;
2. An Intranet accessible to staff only be developed, where most information especially policy documents and other important information can be easily accessed by staff only and as a long term solution, all Parliament business to be computerized;
3. The Centre for Parliamentary Studies and Training should undertake a vigorous compilation of information (members' guide) to guide on various services/policies and the prerequisite for accessing them;
4. The Parliamentary Public Relations Department should enhance Parliamentary sensitization programmes, education and community engagement services through:
 - a. Explore possibility of regional sittings;
 - b. Developing partnerships with learning institutions/schools;
 - c. Opening of parliament to the public and arrange for open days; and
 - d. Radio and TV Programmes.
5. To enhance and boost staff morale, the Commission should undertake the following in relation to Staff welfare:
 - a. Develop a policy on payment of overtime for those eligible and working long hours;
 - b. Develop a policy on additional leave days (two weeks) for those staff not eligible for overtime but working late in Chamber or other duties;
 - c. Develop a policy on alternative accommodation or transport arrangements for officers who work late hours to avoid stress and fatigue due to long working hours; and
 - d. Develop a policy on shift management – to reduce fatigue and increase productivity.

To this end, The Commission should develop a computerized filing time schedule for purposes of payment of overtime and extra duty allowance.

6. Distinct Colour scheme for the two Houses (to distinguish House staff and facilities), including uniforms; although joint services, especially catering may combine both colours since they serve both Houses;
7. Need to have a Directorate overseeing the buildings, security (both internal & external) and ground services;
8. The Commission should upgrade the live broadcasting to Webcasting of parliamentary proceedings; reviewing printed information by the press through daily press clippings on what is relevant to parliament;
9. The Commission should develop and maintain a fire detection system in all buildings;
10. The Commission should establish a Safety and Health Committee ~~comprising~~ to carry out the implementation of the Occupational Safety and Health Act No. 15 of 2007 to ensure the safety, health and welfare of workers and all persons lawfully present at various Parliament workplaces;
11. Rules on media practice which will allow members to tweet and facebook while in the Chamber should be developed;
12. As part of its Social Corporate Responsibility, Parliament should develop a Parliamentary Outreach Programme to facilitate Youth Parliament on a regular basis, where the youth debate mock Bills, among other activities;

APPENDIX I

PARLIAMENT ORGANIZATION

