Pacific Parliamentary Leadership Dialogue
8 – 13 February 2012
Canberra

Introduction

The Pacific Parliamentary Leadership Dialogue (the Dialogue) was held in Canberra from Wednesday, 8 February to Monday, 13 February 2012. The intensive 4-day Dialogue was structured around a weekend to ensure participants had free time.

The Dialogue was designed for a select group of influential and emerging parliamentarians from across the Pacific to reflect on what it means to be a parliamentarian today and to consider what they as individuals can do to re-vitalize the performance of their parliaments and for their respective parliaments to achieve their full potential.

The Dialogue comprised discussions and briefings designed to challenge participants to distinguish between their roles as politician and as parliamentarian; to reflect on the tensions that exist between being a community advocate, member of a governing party or an opposition party, policy maker, legislator and accountability agent; and to consider the critically important contribution that parliament can make to good governance.

During the Dialogue participants discussed:

- balancing relationships between the parliamentary, executive and judicial branches of government;
- exercising parliamentary power, especially law making, policy review and administrative accountability and financial scrutiny powers; and
- ethics and integrity in parliamentary leadership.

These discussions were informed by meetings with Australian parliamentarians and parliamentary officials and by observing proceedings of the Australian Parliament and its committees. The program will also involve meetings with members and staff from the Australian Capital Territory Legislative Assembly.

The Dialogue provided an opportunity for parliamentarians from across the Pacific to consider what they can do to foster new ways of thinking about parliamentary leadership, so that Pacific parliaments can assume their place as effective institutions of government.

Facilitators

Dialogue sessions were led by two eminent parliamentarians:

- The Hon Dr Kay Patterson; and
- The Hon Duncan Kerr
Dr Patterson is a former Australian Senator and Minister for Health and Hon Duncan Kerr is a former Australian Member of the House of Representatives and Minister for Justice. They were assisted in this role by the Convenor of the Dialogue, Mr Trevor Rowe, a former parliamentary officer with expertise in the operation of parliamentary committees.

Participants

Twelve participants from five countries were selected for the Dialogue. As is so often the case, there were parliamentary commitments that prevented some parliamentarians from participating in the Dialogue. The countries represented were:

- Papua New Guinea (2)
- Bougainville (1)
- Kiribati (2)
- Samoa (4)
- Vanuatu (4)

The participants included former Ministers, a Deputy Speaker and a Speaker.

Structure

The Dialogue was held at three venues in Canberra:

- Parliament House (8, 9 and 13 February);
- The Centre for Democratic Institutions at the Australian National University (10 February); and
- The Legislative Assembly for the Australian Capital Territory (10 February).

Session 1 – Pre-Dialogue Briefing

Session 1 provided participants with an overview of the Dialogue and addressed housekeeping matters. Grant Harrison, CDI's Deputy Director, welcomed participants. He reminded participants that discussions would remain private, adhering to a version of the Chatham House Rule (that participants are free to use any information received, but that comments or opinions expressed by individual participants should not be revealed).

Session 2 – Office Welcome

The Dialogue commenced with an official welcome by the Hon Richard Marles MP, Parliamentary Secretary for Pacific Island Affairs. Mr Marles spoke of how important the Pacific Region remains to Australia. It was reflected in the fact that Australia continues to have a Parliamentary Secretary for Pacific Island Affairs and he noted that one of the Dialogue’s Facilitators, the Hon Duncan Kerr, was his esteemed predecessor. Mr Marles reiterated that Australia closely identified with Pacific Island nations and that the rest of the world saw Australia as part of the Pacific Region.
Session 3 – aims of the Dialogue

The Director of the Centre for Democratic Institutions (CDI), Dr Stephen Sherlock, talked about the Dialogue’s aims:

1. To reflect on the role of a Member of Parliament (MP). This involved coming to terms with the difference between being a politician and a parliamentarian;
2. To foster new thinking about parliaments; and
3. To consider what actions can be taken to help parliaments achieve their full potential.

Issues discussed included:

- The challenges of being a new member of parliament. Many citizens get elected to parliament and then face a big challenge coming to terms with how parliaments work and the work of committees;
- what can be achieved by parliamentary committees – the scrutiny of executive government by committees, the development of policy and the involvement of the general community in debates about issues of national interest;
- the role of political parties. Parliaments in nations with strong parties operate differently to those where there are many smaller parties.
- the key role of the media / press in ensuring accountability. Parliamentary committees can use the media to inform communities about their work.

Session 4 – Facilitator and participant introductions

Session 4 provided a foundation for the Dialogue. It was an opportunity for facilitators and participants to learn about each other, including their parliaments, electorates, length of time as MPs and their expectations of the Dialogue. After breaking into pairs for private discussion of 10-15 minutes, participant pairs then introduced each other to the other participants. Awareness of the diversity amongst participants provided a basis for more focussed discussion throughout the Dialogue.

Session 5 – Perceptions of Parliament
Session 6 – Systems of Government in the Pacific

In Sessions 5 and 6 Dr Jon Fraenkel, a Senior Fellow, State, Society and Governance in Melanesia Program at the Australian National University provided Dialogue participants with an overview of systems of government in the Pacific Region. He noted that there is vast diversity in the systems of government and arrangements in the Pacific Islands. He spoke specifically about:

- the relationship with metropolitan powers;
- electoral systems;
- presidential and parliamentary systems;
• political parties and integrity legislation;
• women’s representation; and
• power-sharing accords / political settlements.

Session 7 – Welcome reception
The CDEI hosted a welcome reception in the Sir Frederick Holder Room, Member and Guests Dining Room, Parliament House, Canberra. The Reception provided an opportunity for Dialogue participants to meet with Members, Senators, senior parliamentary officers, diplomatic representatives, officers from the Department of Foreign Affairs and Trade and the AusAID. The Guest of Honour was the then Minister for Foreign Affairs, the Hon Kevin Rudd MP. In addressing the Reception, Mr Rudd spoke about the need to be aware of friendships and to work to preserve them. He also observed that parliamentary democracies were, like a garden, to be nurtured and encouraged to strengthen and grow.

Session 8 – Role and responsibilities of MPs – a backbencher’s perspective
Mr Harry Jenkins MP, Member for Scullin, and former Speaker of the House of Representatives, spoke to Dialogue participants about the challenges of being backbencher. He reviewed the role of a politician as a party member and as a local representative and the role of parliamentarian as a legislator, policy maker and accountability agent.

Session 9 – Role and responsibilities of the Speaker of the House
The Speaker of the House of Representatives, the Hon Peter Slipper MP reflected on what he had learned from previous Speakers and talked about his own experience as being Speaker and some of the changes to the role that he proposed introducing. The Session was of particular interest to those Dialogue participants who currently had the roles of Speaker and Deputy Speaker.

Session 10 – Role and responsibilities of the President of the Senate
The President of the Senate, Senator the Hon John Hogg, spoke to Dialogue participants about challenges in being both a Senator, representing the interests of a State or Territory, and the Presiding Officer. He also made observations about the relationship between the Executive Government and the Parliament and in particular, the Senate.

Session 11 – Lunch meeting with members of the Australia – Pacific Parliamentary Group and the Australia – Papua New Guinea Parliamentary Group
Members of the Australia – Pacific Parliamentary Group and the Australia – Papua New Guinea Parliamentary Group met with Dialogue participants over a working lunch. The meeting provided an opportunity to talk with Members and Senators who have a particular interest in the Pacific Region. The Chair of the Australia – Pacific Parliamentary Group welcomed participants to the Australian Parliament and offered her best wishes for successful discussions and learning.

Session 12 – Observation of Question Time in the House of Representatives
Session 13 – Observation of Question Time in the Senate
At 2:00 pm on Thursday, 9 February Dialogue participants proceeded to the Speaker’s Gallery in the House of Representatives to observe Question Time in the House. The Speaker, speaking from the Chair, drew the Dialogue participants to the attention of the House. At approximately 2:30 pm the Dialogue participants proceeded to the President’s Gallery in the Senate to observe Question Time in
the Senate. The President of the Senate, Senator the Hon John Hogg, spoke from the Chair to welcome the Dialogue participants.

Session 14 – Opportunities for MPs to be legislators, policy makers and accountability agents – the work of parliamentary committees.

In Session 14 two members of the Joint Committee of Public Accounts and Audit help us examine and discuss the different roles committees fulfil and how they can bring about meaningful change in the community. The two members of the Public Accounts Committee were:

- Ms Yvette D’Ath MP, Deputy Chair; and
- Ms Dick Adams, Committee member.

Issues discussed included the relationship between the Parliament and the Auditor-General and the roles played by committees in the Australia Parliament in scrutinising the Executive and holding it to account. Also discussed was the parliamentary committee process involved in developing proposal and recommendations to establish the Parliamentary Budget Office.

Session 15 – Role and responsibilities of MPs – Clerk’s perspective

The Clerk of the House of Representatives, Mr Bernard Wright, explained the role of the Clerk. He said the House is not a place or institution but people. He noted that MPs have changed. MPs were younger and there is more diversity. He explained how that at the start of a new Parliament there is a need to educate new MPs. Many new MPs have no experience of a parliament and need assistance to fully understand the Parliament and how it works. There was agreed during the Session that if a Parliament is to reach its full potential, it must have a very good Clerk.

Session 16 – Reflections and comparisons

Session 16 was the first of several reflection and comparison session held throughout the Dialogue. It provided an opportunity to address the following questions:

- How do our parliaments compare?
- What do we do well?
- Do we have any new ideas to improve our parliaments? What are they?
- Are there obstacles to making changes in our parliaments? What are they?

Session 17 – Reality check: Integrity and corruption risks in politics

The Hon Duncan Kerr led Session 16 talking about the nature and extent of corruption in a variety of political systems. Participants talked about their respective cultural settings and the expectations of gifts and money as part of the normal way of life. There was agreement that change had to take account of cultural sensitivities.

Session 18 – Leadership codes of conduct

Mr Howard Whitton, a specialist in public sector ethics, led discussion on:

- principles of good political leadership;
- designing codes of conduct; and
- administering and enforcing codes of conduct.
A key aspect of discussion was about how to identify and address conflicts of interest. Being able to manage conflict of interest was an effective means of minimising corruption. In general, there is a need to engender trust rather than focus on stamping out corruption.

Session 19 – Enhancing ethics and integrity in Parliament

Mr Howard Whitton led discussion in how to enhance ethics and integrity in Parliament, asking ‘What are some possible strategies?’ Issues discussed included:

- external watchdogs, official and civil society;
- codes of conduct;
- parliamentary culture & networks; and
- Registers of Members’ interests.

Session 20 – working lunch hosted by the Speaker of the Legislative Assembly for the Australian Capital Territory.

Lunch at the Legislative Assembly for the Australian Capital Territory was hosted by Speaker of the Assembly, Mr Shane Rattenbury MLA, who is the first Green Party member in the world to become a Speaker.

Mr Rattenbury explained that the Legislative Assembly is the newest and smallest legislature in Australia, having been created in 1989. It has 17 members elected from three electorates (Brindabella, Ginninderra and Molonglo) and is responsible for both State and Local functions across the Australian Capital Territory (the ACT).

This is the Seventh Assembly. It was elected for a 4-year term on 18 October 2008. As a result of that election:

- the Australian Labor Party holds 7 seats;
- the Canberra Liberals hold 6 seats; and
- The ACT Greens hold 4 seats.

Session 21 – Role and responsibilities of MLAs – Backbenchers’ perspectives

In Session 21 two Assembly committee chairs, Ms Caroline Le Couteur (Chair, Public Accounts Committee) and Ms Mary Porter AM MLA (Chair, Standing Committee on Planning, Public Works and Territory and Municipal Services) talked to Dialogue participants about the role of a politician as a party member and as a local representative and the role of parliamentarian as a legislator, policy maker and accountability agent. In contrast to committee in the House of Representatives and the Senate, committees in the Legislative Assembly are small, each comprising three members. Most Assembly committees are chaired by MLAs from non-government parties.

Small size and a minority government provide a basis to try different ways of doing things. For example, the Assembly is doing something quite new in that it has one parliamentary committee that has both a Minister (the Treasurer) and non-Government members:

- Members: Brendan Smyth MLA (Liberal Party, Chair);
- Mr Andrew Barr MLA, Treasurer (Deputy Chair); and
- Mr Shane Rattenbury, Speaker (Committee member).
Session 22 – Role and responsibilities of the Speaker of the Legislative Assembly for the Australian Capital Territory

The Speaker of the Legislative Assembly, Mr Shane Rattenbury MLA, talked about his dual role as an MLA and as the Presiding Officer. He also made observations about the relationship between the Executive (Government) and the Assembly.

Mr Rattenbury explained that the Speaker is elected by ballot by members on the first sitting after a new Assembly has been elected. As the Presiding Officer of the Assembly, the Speaker must act with both authority and impartiality. The Speaker’s role in the chamber is to run the proceedings. The Speaker maintains order through the interpretation and application of the standing orders. A Deputy Speaker is elected by members and performs the duties of the Speaker during the Speaker’s absence.

Unlike the Speaker in the House of Representatives, the Speaker may vacate the chair and participate in the chamber proceedings and Mr Rattenbury does this sometimes joining backbench committee members scrutinise Government departments.

Session 23 – Role and responsibilities of MLAs – Clerk’s perspective

In Session 15 the Clerk of the House of Representatives, Mr Bernard Wright, talked about the role and responsibilities of MPs from a Clerk’s perspective. In Session 23, Mr Tom Duncan talked about the roles and responsibilities of MLAs from a Clerk’s perspective. For a Parliament to reach its full potential it must have a very good Clerk and Tom faces many challenges in supporting the operation of a small parliament.

Session 24 – Reflections and comparisons

The Dialogue Convenor, Mr Trevor Rowe, led Session 24 in which participants reflected on what had been heard and talked about thus far in the Dialogue. Participants broke into two groups for discussion and then reported back to all Participants. Points raised are summarised below.

How do our parliaments compare?

- Pacific Island parliaments have different levels of resources (finance).
- Pacific Island countries have different populations and geography.
- In some parliaments there is not enough time to consider bills properly. The process is too quick.
- In some countries there is a need to make changes in relation to the participation and involvement of women.
- Participants felt the structures of their respective parliaments to be good. They concluded the Australian Parliament has a good structure and it is well articulated to the Australian community.

What do we do well?

- Dialogue participants concluded that democracy is alive and well in each of the countries represented at the Dialogue. In some parliaments there are strong debates.
The three arms of government are good.

Samoa has a good committee system.

In Bougainville – there is good communication between Members and their Electorates. There is support through grants.

**Do we have any new ideas to improve our parliaments? What are they?**

- Dialogue participants thought there needed to be more budget control.
- Libraries in Dialogue countries are satisfactory but could be much better.
- There is a need for improved resources: good clerks and good researchers are needed in each parliament to ensure good committee systems.
- To avoid corruption, there is a need for parliamentarians to be paid well.
- Dialogue participants felt the time is right to modernise parliaments with a new generation of leader. There was consensus that Pacific Island parliaments are ready to go forward – after 20 years of democracy, now is the time to move forward.

**Are there obstacles to making changes in our parliaments? What are they?**

- It is hard to get private members bills introduced in Pacific Island parliaments and then considered by the parliaments.
- Some aspects of culture in Pacific Island countries are an obstacle to change.
- In some parliaments, eg Samoa, there is dominance by a ruling party. Elsewhere there is a weak party system. Members do not serve for long enough so the knowledge they gain through being MPs does not benefit other MPs.
- Limited resources are a barrier to change. Time and geography are also obstacles to change.

**Session 25 – Reviewing legislation, policy, public administration and financial performance through parliamentary committees**

In Session 25 there was an examination of the operation of parliamentary committees led by three experienced committee secretaries in the House of Representatives:

- Ms Joanne Towner, Clerk Assistant (Committees)
- Mr James Catchpole, Committee Secretary
- Ms Julia Morris, Committee Secretary

These officers support House of Representatives committees and also ‘Joint Committees’, that is, committees that have members jointly from the House of Representatives and the Senate. The character and dynamics of Joint Committees can be quite different to House of Representatives (Standing or Select) committees. The presenters explained that in the current House of Representatives, the Government has the smallest of majorities and this has meant changes in the way committees operate.

**Session 26 – Pacific Parliaments Network (PPN)**

In Session 26 Dialogue participants learnt about the Pacific Parliaments Network (PPN). The PPN is an initiative designed to support parliaments in the Pacific access parliamentary information.
and research services from a regional platform. It is a collaboration of the Parliament of New Zealand, the Parliament of Australia and the United Nations Development Programme (UNDP).

**Twin Parliaments Zone**

Twinning arrangements have been established between Australian and Pacific Branches to foster parliamentary cooperation between Australian State and Territory Parliaments and Pacific Parliaments through:

- the exchange of information;
- assistance with training; and
- exchange visits between parliaments.

The current twinning list is:

- Australian Capital Territory with Kiribati
- New South Wales with Bougainville (Papua New Guinea) and Solomon Islands
- Northern Territory with Niue
- Queensland with Papua New Guinea and Vanuatu
- South Australia with Tonga
- Victoria with Nauru and Tuvalu (and Fiji Islands whenever it comes out of abeyance)
- Tasmania with Samoa
- Western Australia with Cook Islands

Hon Duncan Kerr talked about PACLII and explained who Pacific Island parliaments could make use of this valuable tool.

**Session 27 – Opportunities for Parliamentarians to be legislators, accountability agents and policy makers – Senators’ perspectives**

In Session 27 Senator Stephen Parry (Liberal, Tasmania) and Senator Claire Moore (ALP, Queensland) have a wealth of experience as members of various Senate committees and shared their knowledge and experience with Dialogue participants.

They explained that 1970 saw the creation of what has come to be regarded as the modern Senate committee system, with the establishment of a series of standing (or permanent) Senate Committee that mirrored the portfolio activities of government. The 1970 reforms significantly enhanced the expertise and power of the Senate. The reforms were significant in that they gave to committees of the Senate the role of examining the budget (what is referred to as the estimates process or estimates hearings), which previously had been confined to the Senate as a committee of the whole.

The role of Senate committees was enhanced by three subsequent developments:

1. In 1982 the Scrutiny of Bills Committee was established, which, in examining all bills, played a role that complemented that of the examination of all delegated legislation by the Regulations and Ordinances committee.
2. In 1989 the Senate adopted procedures for the systematic referral of bills to committees, increasing the level of legislative scrutiny taking place within parliament.

3. In 1993, Senate committees adopted a more extensive procedure for consideration of the budget, creating a second opportunity each year for Senators to follow up issues identified during the initial budget estimates hearings. These second hearings are referred to as the Supplementary Budget Estimates. The Senate committee system was restructured in 1994, 2006 and again in 2009, however the range of functions has remained essentially the same.

**Session 28 – Opportunities for Parliamentarians to be legislators, accountability agents and policy makers – perspective of the Clerk of the Senate**

The Clerk of the Senate, Dr Rosemary Laing, talked about the role of the Clerk as the principal adviser to all Senators on matters relating to the business and procedures of the Senate and its committees. When the Senate meets, the Clerk is seated at the Table in the centre of the Senate, in front and to the right of the President of the Senate. While on duty in the Senate, the Clerk provides procedural advice primarily to the Senator in the chair. This is usually the President of the Senate or Deputy President or Chair of Committees or a Senator acting in those positions. The Clerk also provides procedural advice to all Senators, including Government Ministers and Parliamentary Secretaries.

**Session 29 – Observe Senate Estimates Committee – public hearing**

This session was an opportunity for participants to observe Senators at work scrutinising estimates of proposed government expenditure. Participants broke into two groups and observed the following Senate Legislation Committees as they considered proposed additional estimates for 2012: Legal and Constitutional Affairs; Finance and Public Administration; and Environment and Communications.

**Session 30 – Reflections and comparisons**

Session 30 was an opportunity for the participants to review the entire Dialogue. There was consensus about the conclusions reported in Session 24. Participants were appreciative of the unique opportunity provided by the Dialogue and expressed enthusiasm for implementing many of the ideas discussed during the Dialogue. They saw an ongoing need to repeat the Dialogue and to run similar programs in-country.

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Trevor Rowe  
Convenor, 2012 Pacific Parliamentary Leadership Dialogue