REPORT ON WORKSHOP WITH STANDING ORDERS REVIEW COMMITTEE

NATIONAL PARLIAMENT of VANUATU

23 – 26 February 2010 Parliament House, Port Vila

The Task: Following the very successful CDI workshop convened in May 2009 to examine the existing standing orders of the Parliament of Vanuatu, the Parliament’s Standing Orders Review Committee met on a number of occasions to work through the changes they wish to recommend to the Parliament based on the information gained from the workshop. Subsequently CDI was asked to fund a visit by me for the purpose of giving technical advice and assistance to the Committee. I am a former Speaker of the Legislative Assembly of New South Wales and an acknowledged expert on standing orders.

Background: A considerable body of information has been gathered, some of it dating back to 2002, some quite recent, including the papers prepared by procedural experts for the 2009 workshop. Of considerable value was the work done by an independent consultant, Giovanna Soldateschi, who had researched all past Speaker’s rulings and decisions of the Supreme Court of Vanuatu up until 2004.

In preparation for my meeting with the Committee I read all these documents to build a data base of information that would be useful to the Committee. My aims and objectives were to

1. Maintain the basic integrity of the current Standing Orders.
2. Take full account of the work to date of the Standing Orders Review Committee.
3. Fill gaps where existing practice has evolved but does not seem to be fully captured in the Standing Orders, e.g. rulings of Speakers or decisions of the Court.
4. Suggest procedural rules that are in common practice and which the Committee might find useful
5. Increase some of the integrity provisions and so increase the stature of Parliament and its members
6. Recognise the need to strengthen the legal stature of the Parliament and to draw out those matters which may ultimately be included in a Parliament of Vanuatu Act.

During this preparatory period I kept in regular contact with the Clerk, Lino Bulikila dit Sac Sac, the Chairman, Hon. Bob Loughman and another member of the Committee the
Hon. Ralph Regenvanu who has taken considerable interest in the review and who brought several important issues to my attention.

The Team and the process: Due to changes that followed a recent change in the composition of the Government coalition the Committee was not at full strength but a quorum was formed each day. Those attending the meetings, which extended over four consecutive days, were, the Chairman, Hon. Bob Loughman, Hon. Ralph Regenvanu, Hon. David Arciasuv and Hon. Bruce Asal together with the Clerk, Lino Bulikila dit Sac Sac, and the Deputy Clerk, Leon Téter, who acts as secretary to the Committee. We were also fortunate to have the presence of the Speaker, Hon. George Wells, who is not formally a member of the committee, for a number of sessions. The Speaker shared the enthusiasm of the committee to see improvement in the standing orders. Meetings were ably chaired by Hon. Bob Loughman. They commenced at 8.30 a.m. and concluded at 5.00 p.m. in accordance with normal parliamentary sitting hours.

The workshop: At the first meeting of the Committee the Chairman set down the procedure which, after a preliminary discussion of some recent developments, would be followed. This involved line by line consideration of the standing orders led by myself; and discussion of the problems perceived by the Committee that needed to be addressed. Resolutions were taken at the conclusion of discussion on each standing order.

Taking the aims and objectives above into account the deliberations of the committee addressed four major factors,

1. If the existing standing orders were basically satisfactory could they be improved;
2. Were there practices that had developed and become accepted over the years, which were not covered by the standing orders, and for which it would be a benefit to the parliament if they were set down;
3. Were there problems that confronted the Parliament that appropriate standing orders could address;
4. Were there procedures that were commonly adopted in other parliaments that would be of benefit to the overall functioning of the Parliament.

The Committee worked very well and constructively, dealing with their problems and aspirations with commendable frankness. The Clerk provided very valuable information and guidance ably supported by the Deputy Clerk.

All issues were discussed in depth with translations from English to Bislama, and Bislama to English, frequently used to ensure a complete understanding of the often complex nature of the discussions and the explanation of procedures new to the members. In dealing with these new procedures the Clerk provided valuable support revealing his depth of understanding of procedures used in other Parliaments. In many cases he was
keen to see the committee adopt these procedures believing they would considerably assist the functioning of the Parliament.

Throughout our deliberations I was encouraged and excited that the committee wanted to pursue the ways and means of creating a better performing parliament in the interests of their people and that they were prepared to tackle and take some tough decisions.

Some of the key areas that were discussed, and which will be recommended to parliament when the committee reports are,

1. Some powerful measures to improve the performance of committees;
2. A restructuring of the daily agenda to provide a better role for questions without notice;
3. Introducing to the agenda the provision for certain items of business to take automatic precedence if they occurred;
4. Provision to debate and approve subordinate legislation;
5. The right of a member to make a personal explanation on a matter which reflects upon the character or integrity of that member;
6. The creation of a specific opportunity for the Opposition to raise matters on its own initiative;
7. Allegations of inappropriate conduct against a member or a member of the judiciary to be debated only on by substantive motion on that specific matter;
8. The introduction of petitions from the public;
9. A new standing order which puts in the one place all maximum speaking times for speeches;
10. Recognition of Hansard and formal authority to broadcast the proceedings of parliament;
11. The provision for making sessional orders.

Many other amendments of a minor nature, but no less important in strengthening the function of the standing orders, were considered and will also be recommended in the committee’s report.

The timetable from here:

1. My final task at this stage is to complete the final draft, edit and proof read to ensure that all changes are in accord with the committee’s decisions and to make any further suggestions of a minor nature that could further improve the document. Many of these arise from the final editing process to provide clarity and consistency of terminology;
2. The Deputy Clerk, in his role as secretary to the committee, will complete his draft report on the meetings for presentation to the next committee meeting;
3. The committee will meet prior to the next sitting of Parliament to finalise the draft standing orders and its report and recommendations;
4. Table the report as soon as possible after the next sitting commences;
5. Conduct a workshop with members to explain the changes to the standing orders
6. Conduct a series of community meetings in key centres to consult with the community on the changes;
7. Present the draft standing orders to Parliament during the second session of the year for adoption with a proposed commencement date of 1 January 2011.

And after that: It is important that once the new standing orders have been adopted that there is a settling in period. There is no doubt that, in time, there may well be the need for further refinement and development but I think the changes that have been decided by the committee mark a major improvement and the committee is to be commended for its sterling work in achieving this outcome.

The other and most important matter for consideration is the drafting of a Parliament of Vanuatu Act. There are a number of aspects in the function of parliament that need legislative backing. Many parliaments have found this useful, for example the Queensland Parliament adopted its Act in 2001. Some matters in such an Act would include,

1. A definition of the precincts of parliament
2. The powers, rights and immunities of the Parliament;
3. The meaning of proceedings;
4. Powers to require attendance before the Parliament or one of its committees and the production of documents and other evidentiary evidence;
5. The power to issue summons to attend Parliament or a committee
6. Powers to punish for contempt of Parliament
7. Contempt of Parliament;
8. Regulation making powers.

It is my hope that the committee will continue its excellent work and that CDI will continue to support this most worthwhile endeavour.

It is my belief that when this process is complete the Parliament of Vanuatu will have the best and most culturally sensitive standing orders and rules of parliament in the Pacific Region. The process of review is a long one. Most Parliaments take several years to complete it. Maintaining momentum both in energy and resources is a particular challenge. Vanuatu has so far met this challenge diligently and in a timely fashion. It is hoped that the process may be completed within the life of this Parliament, that is, within a four year time frame.

My thanks: I once again wish to thank CDI for the privilege of participating in this most worthwhile project. I would like to thank the Chairman of the committee Hon. Bob Loughman for his positive approach to the Workshop and his excellent chairing of proceedings, the members of the committee, the Clerk, Lino Bulekilu dit Sac Sac, for his outstanding support, his advice and guidance, the Deputy Clerk Leon Téter for his
insightful comments and secretarial duties, and Mrs. Stephanie Mailesi, the Clerk’s secretary, for her invaluable behind the scenes assistance. To other members of staff of the Parliament who contributed in so many ways I express my sincere appreciation of their efforts.

Kevin Rozzoli
16th March 2010