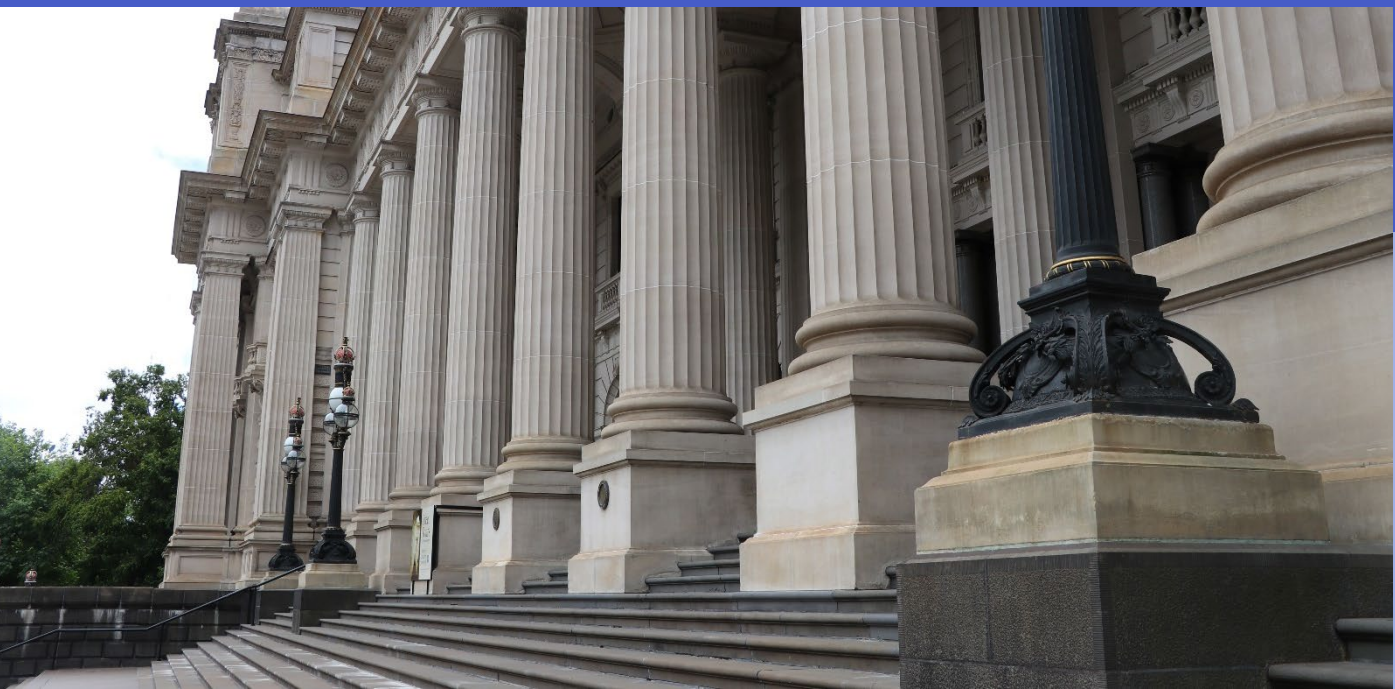


Parliament of Victoria



Professional development notes

In conversation:

Parliamentary processes

About this resource

These summary notes are from an ‘In Conversation’ panel that was held with two parliamentary procedure experts, one from the Legislative Assembly and the other from the Legislative Council. The role of parliamentary staff working in the procedure offices for each of the chambers is to provide apolitical advice on the processes and procedures of the respective chamber.

Contents

About this resource	2
Contents	2
Parliament’s independence	3
Procedure offices	3
Member requests	3
Rules of the chamber	4
The role of the chambers	4
The Legislative Council	4
The Legislative Assembly	5
Both chambers	5
How the chambers work	6
Presiding Officers	6
MPs working together	6
Changes to the Standing Orders	6
Additional resources	7
Standing Orders	7
Inside Parliament	7
Parliament of Victoria: A focus on Committees	7

Parliament's independence

- When parliament was formed in the United Kingdom 800 years ago, it fought for the right to do what it wanted and to be separate from the Crown (the King or Queen).
- Ever since, parliament has the exclusive right to control its own affairs free from external interference, with the acknowledgement that to do its work, the parliament needs to control its own proceedings. Each house has that right as well, which means they also have the right to act independently.
 - For example, the Legislative Council passed a resolution to set up a select committee about the proposed Commonwealth Games in Victoria. The Legislative Council members resolved to invite the Premier to give evidence to the committee. The process, outlined in the Standing Orders, requires that:
 - The committee report to the Legislative Council that they have decided they would like to invite the Premier to give evidence.
 - The Legislative Council votes to send a message to the Legislative Assembly requesting the Legislative Assembly to grant the Premier leave to attend the committee hearing.
 - The Legislative Assembly votes on whether they grant the Premier leave.

Procedure offices

- The procedure offices have quite a varied role in parliament. They are known as the Papers Office in the Legislative Assembly and the Table Office in the Legislative Council.
- Both offices support the independence of parliament and the functions of the sitting of the house and all their members. The offices answer questions, prepare reports and anything else that the members might need, such as a preparing a readout or offering procedural advice.

Member requests

- Everyone who works parliament falls under a special category of public service that is independent and apolitical.
- The procedure offices also need to keep everything confidential, especially member requests. The office may work with someone from the government who are worried about a particular process, and they

are wanting to know more about how to navigate that. The procedure office may then get a request from an opposition member seeking advice about a similar process, and the best way to approach that process from an opposition party's perspective. It's important that both members get the information they need, and they know that other members or parties won't be told what each other are working on.

Rules of the chamber

- The senior staff for each chamber department are experts in the rules of parliament, and they are always in the chamber on a sitting day to advise the relevant Presiding Officer.
 - In the Legislative Assembly, the Presiding Officer is known as the Speaker of the Legislative Assembly. The senior parliament staff are known as the Clerk of the Legislative Assembly, the Deputy Clerk, the Assistant Clerk, and the Sergeant at Arms.
 - In the Legislative Council, the Presiding Officer is known as the President of the Legislative Council. The senior parliament staff are known as the Clerk of the Legislative Council, the Deputy Clerk, the Assistant Clerk, and the Usher of the Black Rod.
- Some of the chamber rules are written in the Victorian Constitution. however, each chamber also has its own book of rules, known as Standing Orders. There are loopholes and millions of precedents that the procedure office needs to be aware of.
- A lot of what the procedure office does is based on what happened previously, or if there's no previous examples, they'll consider what has been done in the federal parliament or in other states. That's why the Papers and Table Office end up advising the members, they are the experts in the rules and the examples that help navigate the rules.

The role of the chambers

The Legislative Council

- The Legislative Council is known as the 'house of review' and is referred to as such in the Constitution. Its key function is to hold the government to account as it doesn't necessarily have government majority in the chamber.
- Due to the proportional voting system that is used in the Legislative Council, there is often a range of smaller parties and independents represented in the Legislative Council.

- The current parliament (the 60th Parliament) is comprised of 40 members representing 10 different parties. As a result, the government needs members of other parties to vote yes to pass any of their legislation. The government will negotiate with other parties, and this may be where amendments can occur; the government has had to agree to amend the bill to get additional votes so it passes.
- The procedures team and the members in the Legislative Council do this through a range of processes, such as question time, the scrutiny of bills (where members spend many hours debating a bill), Committee of the Whole stage, and through making amendments to a bill and sending it back to the Legislative Assembly.

The Legislative Assembly

- The Legislative Assembly is the chamber of government. Once the 88 members are elected, the majority then form the government, and from there the ministers and the premier are chosen. The government use their numbers to initiate new legislation in the Legislative Assembly.
- The members in the Assembly represent the people and keep the government to account via questions and debating legislation.

Both chambers

- Each sitting day members are able to make 90 second members statements. Member statements occur in both houses, and there are 20 statements made each sitting day in the Assembly. In their statements, members also congratulate people on milestones, mourn the passing of a constituent, or talk about their local footy club winning. Occasionally, members have read statements that local school students have written for them, and this could be a way to show how local members are representing the community.
- Each day there are constituency questions asked in both houses, where members can ask questions related specifically to their electorate. It might be a general issue about their electorate, a local sporting club, or it might be about someone whose house is about to be knocked down and questions as to why the government isn't helping them.
- At the end of a sitting day, both houses have an adjournment debate, which is where members raise matters for the action of the minister. Members can raise these on behalf of their constituents.

How the chambers work

Presiding Officers

- The Presiding Officer or Chair (Speaker in the Assembly or President in the Council) is essentially the umpire in the house. There are Deputy Speakers and Deputy Presidents, and a handful of members that are Acting Speakers or Presidents, so for long sitting days they get breaks.
- The Presiding Officers will be in the house for the important parts of the day, when all the members are there, such as the start of the day for housekeeping and then for question time. If the Presiding Officers are on break and things get a bit unruly, they get called back in to enforce the rules.

MPs working together

- Some of what you see on the news – politicians in question time yelling at each other across the chambers, getting kicked out and seeming they all hate each other – is theatre staged for news reports, and some of it is genuine.
- The members spend many hours sitting in the chamber with each other – the government, the opposition and the cross bench, and there are lots of times where they all work quite nicely together and say things like ‘I’ll just text you that’.

Changes to the Standing Orders

- The Victorian Parliament is about 170 years old and is based on the Westminster system, which is over 800 years old. However, the party system, where members tend to vote with their party/along party lines, is only about 70 years old. The systems and processes aren't really set up for the party system. Originally, there were 88 members in the Legislative Assembly who represented 88 views. If a member wanted to propose a bill or for some spending, they had to convince enough other members to vote yes for it to pass. Now, much of that negotiation happens behind closed doors in the cabinet room or the party room.
- In the Legislative Council there are old rulings about how the Chair should allocate the call (who to speak next) based on representation across the three parties, which at the time would have been the Nationals, the Liberal Party, and the Australian Labor Party. Now, there are 10 parties, and the chair still must allocate the call with the

limited time, which is becoming an impossible rule to apply. As a result, the Chair makes additional rulings that supplement those rules.

- Each house has a procedure or standing orders committee, which provides an opportunity to highlight to the members that something is an issue and raise whether they want to do something about it. At the end of a parliament (the end of a 4-year term), the rules are reviewed in a committee meeting. As members are not sure if they're going to be in government or opposition in the following parliament, they're often reluctant to make changes in case the rule provides a perceived advantage for either the government or opposition. This helps ensure the rules are as fair as they can, because both sides are aware that at some point they're going to be sitting on the other side - no one is throwing the opposition under the bus.

Additional resources

Standing Orders

This resource explores the rules of procedure used in both houses, otherwise known as standing orders. These rules are used to manage the work of the chamber, including committees. The standing orders in this resource are a summary of the rules that are potentially most relevant to the classroom, and can be adapted and used for classroom discussion where there is a range of points of view.

<https://www.parliament.vic.gov.au/teach-and-learn/education-blog/embedding-civics-and-citizenship-in-the-classroom>

Inside Parliament

This resource serves as a guide to the history, structures, procedures, and practices that shape parliament. It includes a focus on the committee system and the structures and functions of the two Houses.

<https://www.parliament.vic.gov.au/teach-and-learn/Resources/inside-parliament>

Parliament of Victoria: A focus on Committees

This resource post provides both a video excerpt and professional development notes from a session in 2021 with two Parliamentary Committee Managers. The video explores what the role of a Committee Manager is and the work of the secretariat in supporting the committee process.

<https://www.parliament.vic.gov.au/teach-and-learn/Resources/a-focus-on-committees>