

LESSON 5 – HOW PARLIAMENTS WORK

Part 1: People in Parliament

Many people have specific duties in Parliament — the President, the Speaker, the Prime Minister, Ministers and other members with special roles, the Clerk of the House, the Sergeant-at-Arms, and the historical office of ‘Usher of the Black Rod’. Their titles and functions are set out here.

President/Sovereign

The President or sovereign (literally, an over-ruler) is an essential part of Parliament and has a formal role. This role includes assenting to bills passed in the House of Representatives so that they become ‘Acts of Parliament’.

After a general election, the President opens Parliament by delivering the President’s speech. This speech sets out the Government’s intentions for the coming term of Parliament. The President also brings a parliamentary term to an end. This is known as the dissolution of parliament.

The President has no part in the daily activities of the House of Representatives but receives reports on the performance of various portfolios of Ministers. (Note: A semi-presidential system, differs from a parliamentary republic in that the people elect the president who is more than a ceremonial figurehead. It differs from the presidential system because the cabinet, although named by the president, is responsible to the legislature, which can force the cabinet to resign through a motion of no confidence.). See Bkgrndr 1-1.

Speaker of the House

The Speaker presides over the House of Representatives. It is the Speaker’s role to act as a neutral referee, to apply the rules of the House (**Standing Orders**), and to oversee procedures and day-to-day operation of the House. S/he ‘calls’ MPs during question time to deliver their questions – and then the various ministers to answer them.

The Speaker:

- represents the House to the President
- chairs the meetings of the House
- ‘calls’ Ministers during question time
- makes rulings on points of procedure
- chairs select committees
- usually acts as landlord for Parliament’s buildings
- represents the House to other Parliaments and organisations.

Deputy and Assistant Speakers

The House appoints a Deputy Speaker from amongst its members. The Deputy Speaker may perform the Speaker’s role when the Speaker is absent.

Up to two Assistant Speakers are also appointed from amongst the members of the House. An Assistant Speaker can preside over the House when the Speaker is not in the Chamber.

The Deputy Speaker, or an Assistant Speaker, chairs committees of the whole House. Committees of the whole House or Select Committees mostly consider bills in detail, part by part.

Prime Minister

The Prime Minister is the practising leader of the Government. This is largely an executive role, separate from Parliament itself.

The Prime Minister's role in the House is to:

- account for Government activity by replying to questions directed to the Prime Minister during question time
- deliver the annual Prime Minister's statement
- lead the Government's contribution to major debates.
- report to the President on the performance of Cabinet portfolios and passage of bills.

Ministers

The President appoints **Ministers of the Crown** on the advice of the Prime Minister. Ministers of the Crown are members of the Executive Government and may also be part of **Cabinet**. Only members of the House of Representatives can become Ministers.

Ministers are each responsible for particular areas of public administration and / or policy, called ministerial portfolios. Ministers are politically accountable to the House for these responsibilities.

A Minister's role in the House is to:

- introduce bills to the House that relate to their portfolios and lead debate on those bills through all its later stages in the House
- account for Government activity in their portfolios by replying to questions during question time.

Leader of the House

The Leader of the House is the Minister appointed by the Prime Minister to manage Government business in the House.

The Leader of the House:

- moves motions for the Government that relate to House and committee procedure
- determines the order of Government business in the House
- has primary responsibility for the Government's law-making programme.

Leader of the Opposition

The Leader of the Opposition is the member who leads the largest political party that is not part of the Government.

The Leader of the Opposition's role in the House is to:

- be the leader of the 'government-in-waiting'
- lead opposition responses in major debates.

The Leader of the Opposition usually sits directly opposite the Prime Minister in the debating chamber.

Whips

'Whips' are members of Parliament who are organisers and administrators of the MPs in each of the political parties in the House. Whips:

- prepare lists of members from their party to speak in debates
- make sure that members of their party are in the House when needed
- negotiate with other whips on House business
- cast votes on behalf of their parties during a party vote.

All parliamentary political parties have people carrying out the role of whips. (As a term from mostly outdated animal control and a different age in England, there is provision for other appropriate local words to be used.) In one agricultural, English-speaking country the Green party prefer the word 'musterer ...'.

Clerk of the House

The Clerk of the House is the principal permanent officer of the House of Representatives. The Clerk is appointed by the Governor-General as an expert in parliamentary law and procedure.

The Clerk:

- advises the Speaker and members on the rules, practices, and customs of the House
- records the proceedings and decisions of the House – or appoints others to do so
- certifies bills ready for Royal or Presidential assent
- issues the Order Paper (order of business) for each sitting day
- administers the oath or affirmation of allegiance for members of Parliament after a general election
- is chief executive of the Office of the Clerk of the House of Representatives, which provides a secretariat for the House and its committees.

Sergeant-at-Arms

The Sergeant-at-Arms is a permanent officer of the House. The Sergeant-at-Arms is responsible to the Speaker for the maintaining proper standards of behaviour in the galleries and areas around the debating chamber.

At the start of each sitting day the Sergeant-at-Arms, carrying the Mace, precedes the Speaker into the Chamber and announces the Speaker's arrival.

While the House is sitting, the Sergeant-at-Arms sits by the door of the Chamber.

Usher of the Black Rod

This office derives from the time when Parliament had both an upper and a lower house. The Usher of the Black Rod then played a role in the upper house similar to that of the Sergeant-at-Arms in the lower house.

The role is often kept to provide Presidents with a messenger to communicate with the House on ceremonial occasions.

For example: when the President summons members of the House for the State opening of Parliament, the Usher of the Black Rod raps three times on the door of the debating chamber. Only then does the Speaker permit entry so that Black Rod can inform members that the President *requests* their attendance.

This symbolises the achievement, first made historically in England in the 17th century, of preventing the Sovereign (King Charles I) from entering the House using his superior armed force to intimidate parliament. This practice or convention symbolises the independence of the House of Representatives to rule, not for a king or the benefit of a privileged few, but for all groups and individuals in society.

Part 2: How laws are made

New laws begin as documents called bills. Bills are drafts or first versions of proposed new laws. Parliament considers several different types of bill in formal stages. If they pass through all those stages they become new laws, called Acts of Parliament. If not, they cannot be resubmitted until the next term of parliament.

How laws are made

How a bill becomes law

There are several stages that a bill passes before becoming an Act of Parliament. These stages ensure that a bill is debated thoroughly in public and scrutinised. This careful examination during these stages also provides an opportunity for a bill to be changed.

- Introduction
- First reading
- Select committee
- Second reading
- Committee of the whole House
- Third reading

How laws are made

- Presidential assent.

The term 'reading' dates from the time when bills were read aloud in the House of Commons in Great Britain. Today, only the title is usually read aloud in the Lower House.

Introduction

A bill is publicly available after its introduction. Introduction is an administrative process that is later announced in the House. A bill has no formal existence until it is introduced.

First reading

A first reading debate provides the first chance to debate a bill in the House. It can occur no sooner than the third sitting day after a bill's introduction. This delay allows members time to look at a bill and decide if they agree with it. It also allows the Attorney-General (the state's chief lawyer) time to ensure a bill is consistent with a Bill of Rights Act, usually enacted beforehand for this purpose.

At the end of the debate the House decides if a bill should progress and votes on whether it should be 'read a first time'. If a bill is defeated in the vote, that is the end of the bill. If the 'first reading' is agreed, the bill is usually referred to a select committee to be considered in more detail.

Select committee

Once a bill is referred to a select committee, the committee usually has six months to examine the bill and prepare a report for the House.

Select committees normally invite public submissions on a bill. Then they hold public hearings to listen to some of those who made submissions. After hearing submissions, they work through the issues raised, and decide what changes, if any, should be made to the bill.

The select committee's report contains:

- a reprint of the bill with recommended changes (known as **amendments**)
- a commentary in which the committee explains its recommended changes and the issues it has considered.

Second reading

A bill can be read a second time no sooner than the third sitting day after the select committee reports to the House. Members can then debate the main principles of a bill, and any changes recommended by the select committee in its report.

Changes not supported by every committee member are subject to a single vote at the end of the second reading debate.

Changes that are supported by every committee member are automatically included in the bill if the second reading is agreed.

If the vote is lost, that is the end of the bill. If the second reading is agreed, the bill is ready for debate by a committee of the whole House.

Committee of the whole House

How laws are made

Any member of the House can participate when a committee of the whole House debates a bill. The members sit in the Chamber, but the Speaker does not take the chair. The debate is less formal than other debates but is no less important.

Members have many chances to make short speeches and debate the provisions of a bill. These debates are a chance to examine the bill in detail. Ministers and members can propose changes. These changes may be published before the debate in a **supplementary order paper (SOP)**.

There is no time limit on these debates. Large or controversial bills may be before a committee of the whole House for several days.

Once the final form of a bill is agreed, it is reprinted to show any changes that have been made. The bill is then ready for third reading.

Third reading

This is usually a summing-up debate on a bill in its final form.

The vote at the end of the debate is the final vote in the House to either pass the bill or reject it. Bills are rarely rejected at this stage. If the bill is passed there is one final step before it becomes law — Presidential assent or final signing off.

Presidential assent

A bill is not a law until it is signed by the Sovereign or President This is called the Presidential assent.

Types of bill

The House considers several types of bill.

- Government bills
- Members' bills
- Local bills
- Private bills

Government bills

The Government has a legislative or law-making programme so that it can act on its policies. As part of this programme, Government bills or laws are prepared for Ministers to introduce to the House.

The Government decides the order in which the House will consider Government bills.

Members' bills

Members who are not Government Ministers can put forward bills that are not part of the Government's programme. These are called Members' bills.

The House allocates its sitting time to Members' bills every second Wednesday when the House is sitting. Because there are always more Members' bills proposed than time to consider them, a ballot system is used to choose the bills that are introduced. The ballot may contain around 40 drafted bills, but only four may be available for first reading at any one time.

How laws are made

Few Members' bills become laws though they may affect the Government's law-making priorities if they attract sufficient support. For example, the Government may decide to introduce its own more extensive bill with similar policy aims to a Member's bill.

Local bills

Local authorities may put forward a local bill to deal with specific issues in their area. For example, a local bill may ask Parliament to lift a land-use restriction or permit a land-use for a particular place that would normally be outside the law.

The local member of Parliament is likely to be the member in charge of a local bill.

Private bills

Private bills are rare. They ask for a change to the law for the benefit of a particular person or group. They may relate to personal or business activities. A private bill's promoter asks a member of Parliament to take charge of the bill as it passes through the House.