



Bougainville House of Representatives

AUSTRALASIAN STUDY OF PARLIAMENT GROUP CONFERENCE

1st October – 3rd October 2014

INFORMATION PAPER

ON THE

BOUGAINVILLE HOUSE OF REPRESENTATIVES STANDING ORDERS

{ Peter Topura }



“MAKING STANDING ORDERS WORK FOR THE PEOPLE”

ABSTRACT

The Autonomous Region of Bougainville is an autonomous region within Papua New Guinea, formerly the North Solomons Province. The Bougainville House of Representatives convened its first meeting on 15th June 2005, and the Autonomous Bougainville Government was inaugurated on 15th June 2005.

Bougainville is a post-conflict society, and the House of Representatives is intended to be a 'unity' parliament. The first House adopted the Standing Orders of the North Solomons Provincial Assembly to regulate its sittings. New Standing Orders were adopted in 2008, modeled strongly on the New Zealand Standing Orders and developed with the assistance of a New Zealand House of Representatives staff member. Minor amendments to those Standing Orders were made for the second House, essentially to establish parliamentary Committees. Despite these amendments, it was clear that the Standing Orders were not meeting the needs and expectations of the Members, and an extensive revision was required.

This paper explains the development and review of the Autonomous Region of Bougainville House of Representatives' Standing Orders, making the Standing Orders 'work for the people' by helping Members better represent their constituencies in the House and improve the accountability of government to the people.

The paper will detail the problems that Members were encountering with the existing Standing Orders and describe the process by which the Standing Orders were revised to address those problems. The paper will also describe the way in which Members of the House of Representatives were informed about the revised rules through a procedural workshop and a mock parliament meeting.

The Standing Orders must evolve as Bougainville grows, and as the expectations of the people grow. The Autonomous Region of Bougainville is taking on more and more responsibility for the delivery of services to the community, and the House of Representatives will play a key role in assisting the Government by holding it and the public sector to account. The paper will therefore outline what future steps will be taken by the House of Representatives to further improve the Standing Orders.

‘MAKING STANDING ORDERS WORK FOR THE PEOPLE’

INTRODUCTION

This paper has been prepared for participants attending the Australasian Study of Parliament Group 2014 Conference. The paper briefly outlines the development of the Bougainville House of Representatives Standing Orders since 2008.

The Bougainville Constitution was adopted on the 12th November 2004. The first Autonomous Bougainville Government was inaugurated on the 15th June 2005. The Bougainville Constitution provided for the establishment of the executive arm, courts and legislative arms namely; the Bougainville Executive Government, Bougainville Courts and the Bougainville House of Representatives.

The executive powers of the Autonomous Region of Bougainville are vested with the Bougainville Executive Council. There are fourteen members in the council. The council is headed by the President of the Autonomous Region of Bougainville who is popularly elected by the people of Bougainville.

The judiciary powers are vested with the National Courts. Currently the courts system in Bougainville is subject to the authority of the Chief Justice of Papua New Guinea who is the head of the judiciary system of the sovereign state of Papua New Guinea. Under the Bougainville Peace Agreement (with Papua New Guinea), Bougainville will have the PNG judiciary system until such a time when Bougainville has the capacity to manage its own judiciary system.

The legislative powers of the Autonomous Region of Bougainville are vested with the Bougainville House of Representatives. There are forty-one Members of the House. The Speaker is the head of the House of Representatives, elected by the Members. The Standing Orders set out the rules by which the House of Representatives exercises its legislative powers. The first Standing Orders of the Bougainville House of Representatives were adopted in 2008.

Bougainville became a member of the Commonwealth Parliamentary Association in 2006. Today, Bougainville House of Representatives is twinned with New South Wales Parliament and the National Parliament of Solomon Islands under the auspices of the Commonwealth Parliamentary Association. Bougainville also benefits from programmes hosted by the New Zealand House of Representatives, the Australian Parliament, the National Parliament of Papua New Guinea, and the Centre for Democratic Institutions.

Bougainville House of Representatives, being a post-conflict parliament, is a ‘unity parliament’. There is no opposition or an alternate government in the House. The party system is not of prominence as government preaches about collective and unity government.

PURPOSE

The purpose of this paper is to provide a brief overview to the participants on the Bougainville House of Representatives Standing Orders so they can understand the –

- a) development of the Standing Orders since 2005,
- b) implementation of the Standing Orders since 2008 – 2014,
- c) review process of the BHOR Standing Orders.

The paper will explain the reasons behind this extensive review of the Standing Orders and examine a number of specific changes made to show how they give Members more opportunities to represent their constituencies and meaningfully participate in the important work being done to build a strong, peaceful and prosperous Bougainville.

BOUGAINVILLE HOUSE OF REPRESENTATIVES STANDING ORDERS

Road to review – Making Standing Orders work for the People

Compliance with the Standing Orders was a big issue for the Clerk and the Speaker. In most instances, members did not comply with the rules simply because they had influence of the Standing Orders of the National Parliament of Papua New Guinea and the former North Solomon Provincial Assembly Standing Orders.

During the second House, more focus was placed on the Standing Orders, how the rules had impact on the House and the region. At first, the officers reviewed and improved all the following documents.

- *Improve the Notice Paper or Business Paper.*
- *Question and Answer Paper.*
- *Minutes of Votes and Proceedings.*
- *Update backlog 2005 – 2010.*
- *Bills*
- *Establishing and maintaining Procedure database and producing scripts (loqs).*

While working on the above documents and observing the practice of Members during sittings, officers identified that many Members were frustrated with the lack of opportunities to fulfill their roles, especially as representatives of their constituencies. It was clear that some parts of the Standing Orders needed to be reviewed so they could better address the frustrations that Members were experiencing, and other work was needed to make some existing poor practices conform with the Standing Orders. Therefore, the next step was to seriously and carefully study the Standing Orders of the House of Representatives with the aim of making them work better for the Members, and for the Bougainville people they represent.

DEVELOPMENT STAGES OF THE STANDING ORDERS

Interim Standing Orders – since 2005

Bougainville House of Representatives adopted the North Solomons Provincial Assembly Standing Orders and used as an interim Standing Orders since 2005. However, the provincial Assembly Standing Orders did not cover all the aspects of managing the proceedings of the House. It also lacked key features such as the work of the parliamentary committees and their oversight role to scrutinize the work of the executive government and keep it accountable to its people.

Mr. Robert Tapi - first Clerk of the Bougainville House of Representatives - drafted the first Standing Orders with the technical advice from Ms. Fay Patterson from the New Zealand House of Representatives. The Bougainville House of Representatives Standing Orders were adopted on the 12th March 2008.

First Standing Orders – since 2008

The rules in the Bougainville House of Representatives Standing Orders were mostly derived from the former North Solomons Provincial Assembly and New Zealand House of

Representatives Standing Orders. After the first Standing Orders were adopted, there was no review until the end of the first House.

First review of the Standing Orders - 2010

There were a small number of Standing Orders reviewed and amended at the establishment of the second House in 2010. These rules were reviewed:

- ***Amendment of the ‘Name and Establishment of the Parliamentary Committees’ on 16th July 2010.***

At the commencement of the new House, the House amended the names of each of the Parliamentary committees at that time. These committees were known as Sectoral and Advisory Committees. These committees reflected the portfolios covered by 14 ministries in the Bougainville Executive Council at a specific time.

- ***Inclusion of Maiden Speech (SO20) review of October & November in 2010.***

At first meeting of the House, most newly elected members came to attend the first meeting of the House with their prepared speeches outlining their constituency development agendas. They felt it was equally important to address the House, commending their election victories and their visions for their constituencies. However, the Standing Orders did not provide any opportunity to the Members to address the House after the election.

A new Standing Order known as ‘Maiden Speech’ was inserted. Members elected through by-elections had the opportunity to address the House. This new rule provides an avenue for Members to feel satisfied and responsible to their constituents after delivering their speeches.

Second review of the Standing Orders - 2012

The second review of the Standing Orders was a success story for the House of Representatives. The Bougainville House of Representatives identified, initiated and led the review of the Standing Orders. The following Standing Orders and the reasons for review are stated below:

- ***President Statement (SO210),***

At the first sitting of each year, the Standing Orders require the President to make a President’s Statement outlining legislative programs and policy intention of the Bougainville Executive Council.

There are two main areas the Standing Orders Committee considered:

- (1) The motion moved after the President has delivered the speech.

The committee identified that there was no consistency in the motion. The minutes showed that in some meetings, the motion could be printed as ‘That the House notes the President’s Statement’ while in other times, it read ‘That the House adopts the President’s Statement’. The committee felt that it was appropriate to differentiate the words ‘note’ and ‘adopt’ so Members can understand what actually they are agreeing to while making decision on the question. The review clarified the motion and further recommended a motion to be moved on the President’s Statement which the House voted in favour.

- (2) Late circulation of the copies of the President’s Statement to Members

Most Members expressed disappointment in the way they participated in the debate on the President's Statement. They complained that they received the copies of the statement during the meeting resulting in limited time or no time to study the statement to contribute meaningfully and constructively during the debate. They claimed that they have to be given ample time to study the statement which details government programmes to manage and deliver basic service to the people. The committee considered the views and recommended revised rules covering the areas raised by the Members of the House.

- ***Statements from the Members of the Bougainville Executive Council (Ministerial Statements) (SO212),***

Members of the Bougainville Executive Council make statements. These statements cover portfolio subjects and at many times, there are repetitious subject matters discussed on the floor of the House.

Firstly, ministerial statements seemed to take most of the time of a sitting day. The House could receive between five and ten statements each sitting. The House gave preference to Ministerial Statements and the Members complained that debates on statements were so lengthy. There was not much time left for other important businesses like private members' motions to be debated in the House.

Secondly, the Standing Orders Committee identified that the debate on ministerial statements was not in order as the Standing Order does not specify a question to be moved for such statements. The committee decided not to regard ministerial statements as business that is debatable. The committee minimized the number of minutes spent on making ministerial statements.

- ***Presentation of Papers (Government Papers & Private Members Papers) (SO227)***

The reasons behind the review of 'presentation of papers' were:

- a) To accommodate the Private Members' (not Members of the Bougainville Executive Council) interests. Members complained that the Standing Orders restrict them from tabling reports on their work as constituency members.
- b) The committee identified that there was confusion between the tabling of papers and making ministerial statements.
- c) To provide a clear procedure to table reports if there are any to present.

- ***Motions (SO55-65),***

There were two main outcomes intended to achieve through this revision.

- a) Some Members had a misconception about the effect of a resolution of the House, believing that resolutions are made only to give direction or an instruction to the Executive. The Standing Order review process was used to clarify that decisions made by the House on any motion do not necessarily compel the Executive.
- b) The review process also provided an opportunity to remind Members that motions can and should be used for a wide range of purposes, for instance, to request government action, to acknowledge, to make condolatory remarks etc..

- ***Grievance debate (SO238),***

The grievance debate is held every Thursday from 10:00 am to 12:00 noon. In the past, the House could debate on only one matter brought before the House by a Member. Members complained about the limited time given to their particular issues.

As elected representatives, they thought there was very limited opportunity to raise concerns regarding their constituencies.

The committee considered these views and studied how the grievance debate is practiced in other jurisdictions. The committee concluded that the practice should change and give more opportunities to private members. The committee decided that when the grievance debate is held, private members should raise concerns affecting their constituencies and other matters they wish to inform the House. Thereafter, at 11:30, members of the government should respond to the issues raised during the debate.

Since the revision, most members have expressed satisfaction with the new rules and the benefits they bring to their constituents. They manage to speak for their people and their grievances are heard by the government and they get an immediate response.

- ***Adjournment debate (SO25),***

An adjournment debate was not something the House of Representatives practiced in the House. The committee decided to put this rule in place to give more opportunity to private members and ministers. During the adjournment debate, members of the House have the opportunity to say final remarks, words of thanks and acknowledgements.

All members of the House have expressed satisfaction for the opportunity given to address the House. The adjournment debate becomes interesting at the end to the meeting of the week. The President was one who really commended the Standing Orders committee for initiating and providing opportunity to both Members in government and private Members of the House to speak for their people.

- ***Questions without notice.***

The Speaker used to entertain questions without notice even though it was not provided for in the Standing Orders. The practice developed from the first House and continued in the second House. The committee thought it was only appropriate to include the questions without notice in the review. The members of the committee felt to scrutinize the work of the government, questions without notice could be one of the mechanisms to achieve that purpose, even though responses from the government continue to be not satisfactory to the questioner.

Highlighting the STEPS taken in the Second Review Process

NSW Secondment

An officer from the Bougainville House of Representatives was seconded to the New South Wales Parliament for approximately two months. The officer was able to do the following –

- *Compare and contrast practices of two jurisdictions (NSW & BHOR),*
- *Learning skills and technique through hands-on experience,*
- *Research into issues relating to the review of the Standing Orders*
- *Consultation and collaboration with peers in the NSW Parliament.*

Developing a Procedure Improvement Action Plan.

Prior to the secondment, the officer had a plan in order to produce results at the completion of the secondment. The plan had the following features –

- *Project Plan*
- *Strategies and mechanisms to support the Plan*
- *Establishing dialogue and network.*

Producing a Special Report

It was planned that the House must be informed through a special report being tabled in the House. The Clerk and the Speaker were well briefed on the proposed rules to be reviewed. The Clerk, Procedure Officer and the Speaker worked together to advise the Standing Orders Committee. A special report was tabled in December 2011. The main activities executed to produce the special report were –

- *Meeting with Clerk & Speaker*
- *Briefing the members of the Standing Orders Committee*
- *Convening Standing Orders Committee meetings*
- *House mandating the Standing Orders Committee.*

Reviewing Standing Orders

These were some of the methods designed to achieve the desired outcomes of the review.

- *Continuous briefing with Chairperson*
- *Case study (Research)*
- *Seeking External Advice*
- *Preparing briefing papers to the Committee*
- *Notice of meetings*
- *Prepare report*
- *Parliament takes note of report*
- *Motion moved to adopt the recommendation and adjourned.*

Resolutions passed by the House

The Standing Orders Committee reported to the House its findings in a report tabled in March 2012. The report contained several recommendations that the House adopted at the meeting. The motion to adopt the recommendation was debated in separate meetings of the House simply because members wanted to be inducted on the revised rules.

Members' Workshop

The Procedure Office designed a Members' Workshop to educate Members so they can understand and support the changes effected from the review. The target groups for the workshop were all Members of the House. The workshop consisted of two parts – a workshop and a mock session. The workshop was conducted during the day and the mock parliament meeting was convened at night in the chamber of the House.

Application of the Revised Rules

On the 5th June 2012, the House noted the report and adopted all the recommendations of the committee. On the next sitting day, the House began to use the revised rules during the meeting. The copies of the revised rules were immediately distributed to all the Members.

Monitoring & Evaluation

In general, the revised Standing Orders have had a noticeable impact on the House. Members have enjoyed the application of the revised rules, for instance the maiden speech delivered by the Members once elected into parliament. These are some of the mechanisms that are being used to further improve the procedures:

- a) *Monitoring the application of the rules during each meeting.*
- b) *Evaluating the performance of the Members and how they use the revised rules,*
- c) *Using scripts to guide the Speaker, Leader of Government Business and Members in-charge of the businesses before the House.*

The best approach to ‘*make Standing Orders work for the people*’ is to monitor and evaluate the practices after every meeting of the House. The Standing Orders Committee has to meet a week after the House has adjourned. The Standing Orders Committee can be sure how the practice is developing over time. From time to time, the Speaker as the Chairperson of the Standing Orders Committee can remind the House of the changes and consistency of the practices of the House. This exercise will enable the committee to keep track on the changes happening with the Standing Orders.

Procedural Workshop

It was also realized that inducting the Members alone could not achieve the results the committee wanted. Therefore, one of the strategies that had contributed to the development of the procedures of the House is the conduct of workshops or debriefings. The procedural knowledge is imparted to the followings:

- a) *Chief Executive Officers & First Secretaries’ Workshop*
- b) *Constituency Executive Officer’s Workshop*
- c) *Ministers and Ministerial Staff briefing*
- d) *New Members (by-election) refresher briefings*

CONCLUSION

The establishment of the Procedure Office in the Bougainville House of Representative is a milestone for the Autonomous Region of Bougainville. Bougainville has benefitted from the partnership arrangement and other international engagements.

Today Members of the House enjoy the parliament meetings. Speaker, President, Vice President, Deputy Speaker, Ministers and Members do appreciate the level of advice provided to them. They say that staff have become competent in handling their role and responsibilities.

The level of collaboration between the Office of the Speaker and the Office of the Clerk has improved and taken a different dimension. Most Members have shown confidence in the Office of the Clerk and the Procedure Office. Both offices have demonstrated competency in providing high level advice to the Members of the House. Members enjoy learning new ideas each day during the meetings of the House and feel they are more effectively meeting their responsibilities as representatives of their constituency.