

## FROM YOUR EDITOR

### Jennifer Aldred

As is customary with the Autumn issue of APR, this edition contains the proceedings of the Australasian Study of Parliament Group (ASPG) annual conference. In this case, the 2011 conference held in Melbourne in October titled ‘The executive versus the parliament: who wins?’. Conference sessions were broken into the following subject areas: ‘Parliament and the challenge of executive growth’; ‘Executive growth and parliament’s response: balancing the need for the executive’s right to govern against the necessity for parliamentary scrutiny’; ‘The effect of independents, minority/multi-party governments and non-government controlled upper houses on restraining the executive’; ‘Parliamentary committees and the scrutiny of the executive’; and, ‘Redressing the balance: recent developments’. As conference host, another session was devoted to Victorian perspectives, including the role of the state’s Auditor-General in executive oversight.

On the question of ‘who wins’, this collection of papers offers the range of perspectives as wide as the subject is deep. For some, executive power has been pushed to — and, in some cases, beyond — its limits. For others, the unique role of parliament, its MPs on behalf of the electorate and its committee system all offer a brake on executive dominance over public policy and law making. The collection is a useful contribution to the debate on where accountability should sit. The inherent tensions between the functioning of both the legislative and executive branches of government, however, will ensure the debate will continue for some time to come.

The final paper in the conference collection is by Graham Hassal who considers the oversight role of the executive within the context of Pacific Island parliaments. This is a very useful piece of work for those readers wishing to know more about the current situation within the region.

It should be mentioned that two papers from the conference do not appear here but will be published in the Spring 2012 issue. One draws on significant research to pose questions of whether traditional views on how parliaments function match the

reality. The other looks specifically at the effectiveness of committee scrutiny of the executive in Queensland from 1966 to 2001. Readers should keep their eye out for both pieces in the next issue.

Articles for this issue include two papers from the ANZACATT 2010 Parliamentary Law, Practice and Procedure Program. Prizewinner, Catherine Rodgers compares and analyses the rights scrutiny of bills in her own parliament — New Zealand — with that of the UK, the Victorian state parliament and Australian Senate. She concludes that, on balance, current arrangements in New Zealand are not adequate for ensuring that fundamental rights and freedoms are protected when making laws. Improved information flow and methods of engagement between the executive and the parliament are proposed as desirable changes to ensure New Zealand does not lag behind its peers. Carly Sheen also compares jurisdictions — NSW, Queensland and Western Australia — to compare and contrast those which have legislated for the creation of specialist anti-corruption agencies. Carly also considers the impact of these agencies, and the legislation governing their operation, on parliamentary privilege. Specific cases are examined.

Our third article is by Paul Rodan. In this piece, Paul considers — through the experience of the 2006 and 2010 Victorian elections — whether 2003 reforms introducing proportional representation to the Legislative Council electoral system realised their intent. That intent was to more closely match votes won with seats secured. He believes they have not and develops the little-used notion of the ‘third-party preferred vote’ as a potentially useful tool in assessing proportionality on contests such as the Victorian Legislative Council.

Robyn Smith’s ‘From the Tables’ provides its usual useful summary of administrative and procedural developments in the Australasian Parliaments. Thanks go to Robyn for the effort she puts into ensuring the accuracy and clarity of this information for all who use it.

David Clune completes the edition with a review of the book by Frank Sartor ‘The Fog on the Hill: How NSW Labor Lost its Way’. Frank Sartor was a key player in the former NSW Government after leaving his position as Sydney’s Lord Mayor. The book is an insider’s view of the disintegration of the NSW government which governed the state from 1995 to 2010 and David’s review summarises its value for the reader.

The journal’s relationships with publishers continue to grow, as will the flow of work reviewing new publications relevant to the APR’s readership. All reviews published in the APR appear also on the ASPG website at [www.aspg.org.au](http://www.aspg.org.au). Readers are reminded to check the website regularly for a range of useful information on research and writings into the operation of our parliaments.

