
From Your Editor

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Welcome to the Autumn 2014 Australasian Parliamentary Review, the first to be a collaboration with my co-Editor, Professor Colleen Lewis. Articles in this issue reflect the changing nature of our Westminster style government in the 21st century and consider the adaptive capacity of those who operate within and alongside our parliaments.

As is well known, when the result of the 2010 federal election in Australia was confirmed, it produced the first hung parliament for 40 years. In his article, David Elder, reminds us that the role of the Speaker is a significant one in Westminster parliaments but – in a minority parliament – more so. David examines specifically the experience of the Speakership during the 43rd minority parliament (September 2010 to August 2013) in the Australian House of Representatives. His perspective during this period is particularly insightful as he was Deputy Clerk of the House. In January 2014 he became Clerk.

In his article ‘Opposition in parliamentary democracies: a framework for comparison’, Professor Bruce Stone leads us to an understanding of the nature and importance of institutional opposition, with particular reference to parliamentary democracies. Considered within – and building on – the work of political theorist, Robert Dahl, a framework for comparative analysis is developed comprising six factors: concentration, competition, goals, institutionalisation, size, and alternation. Bruce argues that these identify differences between oppositions which have major systemic consequences. The Australian case is of particular interest. While Australia has inherited Westminster understandings and practices regarding parliamentary opposition, these are a less perfect fit with the Australian political system than is often assumed. The framework described is applied briefly to Australia or selected Australian jurisdictions to make this point and to illustrate particular features of Australian opposition, as well as differences within Australia.

Continuing our theme from the last issue of APR, matters of oversight are addressed in three articles. In his work, Professor John McMillan, Australian Information Commissioner, argues in a compelling and elegant way that, if Australia were to develop a new constitution at this point of time, principles such as privacy protection, freedom of information and integrity in government would be included. Further, that the doctrine of the separation of powers no longer provides an accurate picture of how scrutiny and accountability of government actions occurs. The article also looks at how technology has changed the way citizens relate to their governments bringing the need for not just different practices of government but for different theories of government. For an elaboration of this last point, readers might also like <http://www.oaic.gov.au/news-and-events/speeches/the-impact-of-technology-on-the-administrative-justice-system>.

Journalist and writer Brian Toohy favours a greater level of accountability at the Commonwealth level to reduce the risk of corruption and misconduct. Given that Commonwealth decision-making involves, amongst other public policy determinations, major procurement, contractual and investment choices, he argues the need for independent oversight, is as great – if not greater – than that at the state level.

The parliament's role in addressing corruption and maladministration is examined by Monash University academics Ken Coghill, Ross Donohue and Colleen Lewis. The proposition is put that parliamentary oversight is fundamental to the Westminster tradition. That scrutiny by our parliamentarians – through their various roles and functions – brings accountability to the legal, political and administrative actions of government. Yet analysis of research finds that MPs' personal and working knowledge of their oversight responsibilities may not match the expectations of our model of parliamentary democracy, particularly in our changed and changing society. Recommendations are made on how, through enhanced induction programs and professional development, MP's can undertake their oversight role in a more considered and effective way.

The New South Wales parliament is the backdrop for two articles. Gareth Griffith considers the part played by the inaugural (or maiden or first) speech in the life of an MP and in the conduct of the parliament, noting that – while marked by convention – they reflect the political and social culture of the time. The other by John Young examines responsible government in a bicameral parliament and asks if upper houses should have ministers. At issue is the principle of ministerial responsibility and to which chamber does a minister account for the conduct of the executive. This within the knowledge that, for the most part, no distinction is generally made in the mind of the public as to which chamber the minister belongs.

Readers are reminded that responsible government and representative democracy are the themes of the 2014 conference of the Australasian Study of Parliament Group to be held in Sydney in October. For more information see <http://www.aspg.org.au/events>

The legislative initiatives of two Australian state parliaments – South Australia and Tasmania – to legalise voluntary euthanasia are the subject of the article by Alison Plumb. The two parliaments are shown to account for the large part of activity since the overturning by the federal parliament of the Northern Territory Rights of the Terminally Ill Act in 1997. The status of bills is reviewed and the activities of relevant interest groups and professional organisations are examined to identify the likelihood of reform in the near future. The article also sheds light onto the influence of the medical profession in Australian politics in relation to a contemporary 'morality politics' issue.

Dr June Verrier and Dr David Clune provide their usual excellent snapshots of recently published books and I welcome, as a first time contributor to the APR, Dr Tony Brown of the University of Technology, Sydney who has reviewed the Marion Maddox book 'Taking God To School'.

Acknowledgement also and always to Dr Robyn Smith of the NT Assembly for the round-up of events in our parliaments From the Tables for the latter part of 2013. A valuable record of events and research resource.

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