

Australasian Parliamentary Review

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STUDY OF PARLIAMENT GROUP

Editor: Dr Sarah Moulds, Associate Professor in Law, University of South Australia



Use of digital media in South Asian parliaments

Role of Parliament in Crisis

Reinventing the public square in the digital age



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The APR is the official journal of ASPG, which was formed in 1978 for the purpose of encouraging and stimulating research, writing and teaching about parliamentary institutions in Australia, New Zealand and the South Pacific (see back page for Notes to Contributors to the journal and details of ASPG membership, which includes a subscription to APR). To know more about the ASPG, including its Executive membership and its Chapters, go to www.aspg.org.au

AUSTRALASIAN PARLIAMENTARY REVIEW

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* Indicates that the article has been double-blind reviewed.

From the Editor

It is with great pleasure that I introduce Volume 41, Number 1 of the *Australasian Parliamentary Review*. This edition brings together a diverse collection of scholarship that reflects the journal's enduring commitment to understanding parliamentary institutions as they operate in practice—across Australia and the wider Australasian and Indo-Pacific region.

A defining feature of this issue is its strong engagement with practitioner-informed perspectives, both from within Australian parliaments and from contributors working in, or closely observing, parliamentary systems beyond Australia. At a time when legislatures across the region are grappling with democratic stress, rapid technological change and shifting community expectations, these voices provide critical, grounded insights into how parliaments respond to contemporary challenges.

The issue opens with a Case Note by Sue Hunt, analysing the New South Wales Court of Appeal decision in *Ward v Hoenig*. Against the backdrop of rare contemporary consideration of parliamentary expulsion powers, Hunt examines the scope, purpose and justiciability of the NSW Legislative Assembly's authority to expel a member. Her careful legal analysis highlights the ongoing relevance of parliamentary self-regulation, evolving standards of member conduct, and the continuing importance of exclusive cognisance in delineating the relationship between courts and parliaments.

The Articles section begins with a peer-reviewed comparative study by Md. Iqramul Haque and Nurul Huda Sakib, examining the use of digital media in South Asian parliaments. Drawing on web-based analysis across multiple jurisdictions, the authors offer an important regional perspective on parliamentary digitalisation, transparency and communication with citizens—an area of growing significance for parliaments throughout the Indo-Pacific.

A further regional contribution comes from Malindu Bathiya Wickramasingha Weerakkody, who examines the role of Sri Lanka's 9th Parliament (2020–2024) during an unprecedented convergence of political, economic and international crises. Using Hansard analysis and a neoclassical realist framework, the article provides a sobering account of parliamentary marginalisation in a context of executive dominance, with broader implications for crisis governance and legislative resilience in hybrid democracies.

Several articles then return the focus to Australian parliamentary practice, particularly at the intersection of democracy and technology. William Coad explores the transformation of public deliberative spaces from the agora to algorithmic platforms, while Robin Howlett examines online publication and the accessibility of parliamentary information, drawing on the experience of the New South Wales Legislative Council. Charlotte Lever addresses citizen engagement in parliamentary budget oversight, arguing for the integration of more participatory and deliberative approaches in Australian parliaments, informed by comparative international experience. The issue concludes with book reviews by David Clune and Bruce Kingston, revisiting the political legacies of Paul Hasluck and Malcolm Fraser.

I extend my sincere thanks to all contributors and reviewers for their thoughtful scholarship and, in particular, for the depth of insight that practitioner experience—both Australian and regional—brings to this volume.

I extend my sincere thanks to all contributors and reviewers for their thoughtful scholarship and commitment.

A handwritten signature in blue ink, appearing to read 'S Moulds', is positioned to the left of the typed name.

Dr Sarah Moulds, Associate Professor in Law, Adelaide University

May 2026

Case Note

Review of parliamentary expulsion powers: The significance of *Ward v Hoenig*

Sue Hunt

Manager, House and Procedure, Legislative Assembly, Parliament of New South Wales

INTRODUCTION

In March 2022, the Hon. Gareth Ward (then NSW Minister for Families, Communities and Disability Services) was charged on five counts of historic sexual offences. In a remarkable series of events, he was suspended from the Legislative Assembly and re-elected, before a further suspension motion was contemplated but not moved. Mr Ward continued in office even after being tried, convicted, and taken into custody. He then brought legal proceedings challenging an anticipated expulsion motion against him, and lost, before finally resigning.

In an Australasian landscape where some parliaments have abolished their expulsion power, the Ward matter is remarkable, as it depicts circumstances in which the very existence of the power proved instrumental to a legislature's ability to manage its affairs. This article reviews those set of events and discusses their significance in the context of the NSW expulsion power.

The proceedings in *Ward v Hoenig*¹ presented the NSW Court of Appeal with a relatively rare occasion to consider the scope of the NSW Legislative Assembly's power to expel a member. After explaining the Court of Appeal judgment, this article makes observations about the implications of the case for the justiciability of an expulsion, and for the doctrine of exclusive cognisance in delineating the roles of the courts and the Parliament. Finally, the article makes further observations about the standards of conduct underlying the Assembly's intended exercise of its expulsion power, and the relationship between those standards and community and electoral expectations.

¹ *Ward v Hoenig* [2025] NSWCA 180.

NSW POWER OF EXPULSION

The NSW Parliament is unlike the other Australian State Parliament in that its expulsion power has no direct statutory foundation. As a former colonial legislature, the bicameral NSW Parliament originally derived its authority from Imperial statute. At common law each House has only the inherent powers and privileges that are *reasonably necessary* for its existence and the proper exercise of its functions.²

The 1969 NSW Court of Appeal decision in *Armstrong v Budd*³ confirmed that these inherent powers based on reasonable necessity include the power to expel a member on the grounds of 'conduct unworthy of a member',⁴ which 'renders them unfit to perform their responsibilities and functions' or 'bring the House into disrepute'.⁵ However, the power is not to be used to punish the member, or for political advantage.⁶ It is a self-preservation measure to protect the dignity of the House and to maintain public confidence in the Parliament.⁷

Additionally, pursuant to the constitutional powers conferred on each House to regulate its 'orderly conduct' through the adoption of Standing Orders,⁸ the Legislative Assembly has given expression to its inherent power of expulsion in Standing Order 254 which provides:

254. A member adjudged by the House guilty of conduct unworthy of a member of Parliament may be expelled by vote of the House, and the member's seat declared vacant.

² *Kielly v Carson* (1842) 4 Moo PC 63 at 88; 13 ER 225 at 234; *Barton v Taylor* (1886) 11 App Cas 197; *Willis v Perry* (1912) 13 CLR 592; *Egan v Willis* (1998) 195 CLR 424 at 447.

³ *Armstrong v Budd* (1969) 71 SR (NSW) 386.

⁴ *Armstrong v Budd* at 403 per Wallace P.

⁵ *Armstrong v Budd* at 396 per Herron CJ.

⁶ *Armstrong v Budd* at 403 per Herron CJ.

⁷ *Doyle v Falconer* (1866) LR 1 PC 328 at 340; *Armstrong v Budd* at 403 per Wallace P.

⁸ *Constitution Act 1902* (NSW) s 15(1)(a).

BACKGROUND

Criminal conduct and trial

Gareth Ward was elected as the Liberal Party Member for the NSW electorate of Kiama in 2011 and appointed as Minister for Families, Communities and Disability Services in 2019.

In April 2021 the NSW Police began investigating allegations against Mr Ward of two separate historic sexual offences. The first incident was alleged to have occurred after an evening business networking event, and the second, after an evening function at the NSW Parliament. While denying the allegations, Mr Ward resigned from the Liberal Party, relinquished his Ministerial portfolio and moved to the crossbench.

On 22 March 2022, Mr Ward was charged on five counts of historic sexual offences and granted bail. The most serious charge of sexual intercourse without consent carried a prison sentence of between 7 and 14 years in all but exceptional cases.⁹

Mr Ward having pleaded not guilty to all charges, he was committed to trial, and on 25 July 2025 convicted on all charges. Soon after, he was taken into custody, pending sentencing. He immediately commenced the appeal process,¹⁰ which provided 12 months to file a Notice of Appeal.¹¹

Moves to suspend Mr Ward

During this period, various measures were taken to exclude Mr Ward from the Legislative Assembly. Following the charges in 2022, the then Premier, the Hon. Dominic Perrottet, announced that following Mr Ward's resignation, he would seek to have Mr Ward suspended from Parliament. The Assembly passed a resolution on 24 March 2022 suspending Mr Ward pursuant to Standing Order 255 'until the verdict of the jury has been returned on the five criminal charges laid against him on 22 March 2022 or until it is further ordered'.¹²

⁹ *Crimes Act 1900* (NSW) s 61I, in its application to offences committed after 1 January 2008 and before 1 June 2022; NSW Bench Book, [20-660].

¹⁰ *Criminal Appeal Act 1912* (NSW) s 10.

¹¹ Supreme Court (Criminal Appeal) Rules 2021 (NSW) rr 3.1, 3.5.

¹² P. Toole, New South Wales, *Parliamentary Debates*, Legislative Assembly, 24 March 2022, p. 8900. Standing Order 255 provides:

If the House decides not to proceed on a matter which has been initiated in the House concerning the alleged misconduct of a member on the grounds that the member may be prejudiced in a criminal trial

The Assembly also asked its Standing Committee on Parliamentary Privileges and Ethics (Committee) to inquire into the question of withholding the remuneration and other entitlements of a member who has been suspended.¹³ The Committee's report, tabled in May 2022, recommended against enacting legislation to that effect, and suggested the existing standing orders enabled the House to deal with conduct that could disrupt or impede the orderly business of the House.¹⁴

The resolution adopted in March 2022 purported to suspend Mr Ward until the conclusion of his criminal trial. Its operation was curtailed, however, by the principle that the power of a House to regulate its own membership does not extend beyond the current Parliament. New South Wales having fixed terms of government, the 57th Parliament was prorogued on 27 February 2023 and the Assembly dissolved on 3 March 2023. Notwithstanding his suspension, Mr Ward ran as the independent candidate for Kiama at the general State election held on 25 March 2023, and was re-elected.

When the new Parliament commenced in May 2023, the Assembly asked the Committee to investigate options where a member has been suspended from the House and re-elected. The Committee's report acknowledged that suspension was a matter for the House to decide. It noted however, that Standing Order 255 applies in limited circumstances, and advised caution in any further exercise of Standing Order 255 against a member facing criminal trial.¹⁵ Accordingly, the Assembly took no further action and Mr Ward remained in office.

Proposed expulsion

Three days after Mr Ward's conviction, on 28 July 2025, the Premier, the Hon. Chris Minns, urged Mr Ward to resign, announcing he would otherwise move to have Mr Ward expelled. On 30 July the Leader of the House, the Hon. Ron Hoenig, wrote to Mr Ward's solicitors advising that the House would consider an expulsion motion the following week. As Mr Ward was in

then pending on charges founded on the misconduct, the House may suspend the member from its service until the verdict of the jury has been returned or until it is further ordered.

¹³ A. Henskens, New South Wales, *Parliamentary Debates*, Legislative Assembly, 31 March 2022, p. 8908.

¹⁴ NSW Legislative Assembly Standing Committee on Parliamentary Privilege and Ethics, *Options available to the house regarding the withholding of remuneration and other entitlements of a member suspended from the service of the House*, Report 2/57 – May 2022, p. 18.

¹⁵ NSW Legislative Assembly Standing Committee of Parliamentary Privilege and Ethics, *Matters relating to the position of a member suspended from the service of the House and subsequently re-elected*, Report 1/58 – June 2023.

custody, he was invited to submit by 9am on 5 August any statement or written material that he wished the House to consider.

Mr Ward's solicitors replied on 4 August, copying in the Speaker and the Clerk. The letter asserted that any action against Mr Ward before sentencing and appeal would be premature and unnecessary. Furthermore, unless the House confirmed by 2pm that no action would be taken, proceedings would be commenced without further notice.

Mr Hoenig responded that afternoon that he would proceed the following day.

Court challenge

At 2.15pm on 4 August, Mr Ward's solicitors filed a summons in the Supreme Court against Mr Hoenig, the Speaker and the Clerk of the Legislative Assembly as First, Second and Third Defendants respectively. The summons sought:

- a declaration that any resolution to expel Mr Ward would be *ultra vires* and void;
- a declaration that pursuant to s 13A of the *Constitution Act 1902*, the Assembly had no power to expel Mr Ward in circumstances where his sentencing and appeal were pending;
- a declaration that Mr Ward was entitled to natural justice with respect to any proposed resolution; and
- a writ of prohibition and injunction preventing the expulsion and any consequent action.¹⁶

Mr Ward's solicitors also filed an interlocutory injunction seeking to restrain the Defendants from moving an expulsion motion against Mr Ward. On filing the application, they referred to it as 'an urgent *ex parte* injunction'.

The interlocutory hearing was listed that afternoon before Sweeney J, and stood down to 4.30pm. When there was no appearance for the Defendants, Her Honour asked counsel for Mr Ward whether proper notice of the hearing had been given. The answer was unclear, referring mainly to the Mr Ward's letter of 4 August. Her Honour proceeded *ex parte* and granted the injunction. She considered the balance of convenience favoured restraining the Legislative Assembly, to preserve the status quo for three days until the substantive hearing.¹⁷

¹⁶ *Ward v Hoenig* at [4].

¹⁷ *Ward v Hoenig* at [16]-[25].

In the matter of *Ward v Hoenig*, the Court of Appeal, constituted by Chief Justice Bell and Justices Mitchelmore and Kirk, heard the proceedings together on 7 August and found for the Defendants in both matters. The Court of Appeal dismissed the summons and vacated the interlocutory orders.

EXPULSION MOTION AND RESIGNATION

That same evening of 7 August, the Legislative Assembly resolved to consider a motion to expel Mr Ward at 10.30am the following morning.¹⁸ However, at the appointed hour, the Speaker advised the House that at 9.08am he had received Mr Ward's resignation, effective immediately. The seat of Kiama was declared vacant pending a by-election. The expulsion motion was withdrawn.¹⁹ The ensuing remarks in the Chamber suggested that, had the motion proceeded as planned, it would have been passed.²⁰

SIGNIFICANCE OF THE CIRCUMSTANCES IN WARD

As noted above, not all Australasian parliaments have retained their expulsion power; the power has been abolished by the Commonwealth, Northern Territory and ACT parliaments.²¹ The position taken in these jurisdictions is that, in order to avoid potential abuse of the power for political gain, the membership of a House should properly be left to the electorate.

While in NSW a common law expulsion power vests in each House and remains a matter for the House to exercise, historically the power has rarely been used. More commonly, either the member's misconduct has led to their resignation, or an expulsion motion has been put but not passed.²²

¹⁸ R. Hoenig, New South Wales, *Parliamentary Debates*, Legislative Assembly, 7 August 2025, p. 75.

¹⁹ *Parliamentary Debates*, Legislative Assembly, 8 August 2025, p. 3.

²⁰ *Parliamentary Debates*, Legislative Assembly, 8 August 2025, pp. 3-4.

²¹ The Parliament of Australia abolished the power to expel a member from the Australian and ACT Parliaments in 1987 (*Parliamentary Privileges Act 1987* (Cth) s 8); the Northern Territory did so in 1992 (*Legislative Assembly (Powers and Privileges) Act 1992* (NT)).

²² In NSW, since Standing Order 254 was adopted in 1894, members have been expelled from the Assembly on three occasions. Since 2000, two members charged with a criminal offence (excluding Mr Ward) have resigned; in two other cases, the member was expelled from their party but served out their term. For a discussion of unsuccessful expulsion motions in NSW, see G. Griffith, *Expulsion of Members of the NSW Parliament*, 2003, Parliamentary Library Research Service, Briefing Paper No 17/2003. The Queensland, Tasmanian, South Australian

The *Ward* matter is remarkable in coming exceptionally close to a rare instance of a successful expulsion motion.

Moreover, it marks an instance where the existence of the power confirmed its utility. The matter involved a member who, confident of electoral support, was refusing to resign, despite conviction and imprisonment. Inaction on the Assembly's part raised the prospect of a member purporting to represent his electorate, and take part in parliamentary proceedings, from prison. Suspending the member until the next election would have left his seat unrepresented for that 18-month period, with implications for representative democracy in NSW. At that point, on principle and in practical terms, the Assembly's remaining option was to seek to expel Mr Ward and declare the seat of Kiama vacant. Although the Assembly's expulsion power was not ultimately exercised, its mere existence proved instrumental to the ability of the House to manage its affairs.

COURT OF APPEAL JUDGMENT

In a joint judgment, the Court of Appeal discussed the two sources of the expulsion power available to the NSW Legislative Assembly: the inherent power and the power expressed in standing orders. It rejected the contention that the exercise of either power would be *ultra vires*.

The Court dismissed the argument that s 13A of the *Constitution Act 1902* operated to prevent the proposed expulsion. It also discussed the extent to which the Assembly's expulsion power and its exercise are justiciable. The question whether the House must provide procedural fairness when considering an expulsion motion was raised but not determined. Finally, the judgment provided reasons for vacating the interlocutory injunction.

Inherent power of expulsion

The Court of Appeal confirmed that the two Houses of the NSW Parliament have inherited through the Westminster tradition an inherent power of expulsion, which is a manifestation of the broader powers and privileges of both Houses. Citing the High Court decision in *Egan v Willis*,²³ the Court confirmed that each House has the 'powers, privileges and immunities as are

and Western Australian Parliaments have never expelled Members. The Victorian Legislative Assembly has expelled Members on at least five occasions. The House of Representatives has exercised its expulsion power once on 1920.

²³ *Egan v Willis* (1998) 195 CLR 424; [1998] HCA 71.

reasonably necessary for the proper exercise of its functions'.²⁴ The Court noted that the relevant function of the Legislative Assembly, in relation to the power of expulsion, is the function of regulating its own membership.²⁵

The Court of Appeal went on to cite its earlier formulations of the NSW Legislative Council's inherent power of expulsion in *Armstrong v Budd*,²⁶ which by implication also apply to the Assembly. In that case, Herron J confirmed the common law power is implied by necessity for the exercise of the functions of the House,²⁷ in order to protect the high standing of the Parliament and discharge those functions with the confidence of the community. The power may be exercised on the grounds of disorderly conduct in the chamber or conduct occurring outside the chamber, which renders the member unfit for service or the Council unable to function with dignity, involving 'want of honesty and probity'.²⁸ These grounds were expressed by Wallace P in *Armstrong v Budd* as 'conduct unworthy of a member'.²⁹

The Court also cited *Armstrong v Budd* to affirm that the power must be exercised for a proper purpose. Unlike the British House of Commons, the NSW Houses of Parliament, being governed by the common law, are not vested with judicial power, which confers the power to punish for contempts. It follows that in NSW the power of expulsion cannot be used to punish a member.³⁰ Nor may it be used to gain political or other advantage.³¹

In applying these principles to the facts, the Court of Appeal examined Mr Hoenig's letter of 30 July, which read:

I am sure you would appreciate that in view of the verdict of the jury convicting you of serious criminal offences that the House needs to consider whether your continued membership of the House requires it to act to

²⁴ *Ward v Hoenig* at [32], citing *Egan v Willis* at [48].

²⁵ *Ward v Hoenig* at [34], citing *Holmes v Angwin* (1906) 4 CLR 297 at 305; [1906] HCA 64.

²⁶ *Armstrong v Budd* (1969) 71 SR (NSW) 386 at 396 per Herron CJ, cited in *Ward v Hoenig* at [35]. That case concerned the Legislative Council's expulsion in 1969 of A. E. Armstrong, for conduct involving procuring false evidence and possible bribery of a judge. Mr Armstrong had sought a Supreme Court declaration that the expulsion was null and void, but this was denied and the expulsion upheld.

²⁷ *Armstrong v Budd* at 391.

²⁸ *Armstrong v Budd* at 397; see also per Sugarman J at 408.

²⁹ *Armstrong v Budd* at 403.

³⁰ *Armstrong v Budd* at 396.

³¹ *Armstrong v Budd* at 403.

*protect the high standing of the Parliament so it may discharge with the confidence of the community the great responsibility that it bears.*³²

Counsel for Mr Ward argued that the letter failed to identify or provide particulars of any 'unworthy conduct' and that there was no evidence of 'wrongful behaviour, corrupt conduct and other disorderly conduct which requires the intervention of the chamber to protect itself'. The Court disagreed. It found that although the letter did not use the phrase 'unworthy conduct', it established that the proposed motion was grounded in concerns about the Assembly's self-preservation based on Mr Ward's 'serious criminal offences'.³³

The Court also found that the Assembly intended to act against Mr Ward for a proper purpose, in that its intended purpose was protective / self-defensive rather than punitive. Once again the Court relied on the letter of 30 July which spoke of the House acting 'for its own self-preservation and the orderly exercise of its functions', doing so 'to protect the high standing of the Parliament so it may discharge with the confidence of the community the great responsibility that it bears'.³⁴

Counsel for Mr Ward argued (in the context of arguments as to procedural fairness) that expulsion in circumstances where Mr Ward was in custody awaiting sentencing, with an appeal pending, would be premature and punitive in nature.³⁵ Furthermore, he said, an expulsion would amount to punishment of criminal guilt, which was a judicial matter, and contrary to the principle in the *Kable* line of cases. These arguments were rejected. In the Court's view, Mr Ward's expulsion would have no real impact on the sentencing or appeal process.³⁶ Nor did the Court find any evidence that the motion was proposed for any improper motive.³⁷

For these reasons, the Court of Appeal was satisfied that the Assembly's proposed action would fall within the scope and purpose of its inherent power of expulsion.

Power of expulsion under the Standing Orders

The judgment also referred to the Assembly's expulsion power under Standing Order 254, which provides:

³² *Ward v Hoenig* at [12].

³³ *Ward v Hoenig* at [62].

³⁴ *Ward v Hoenig* at [58].

³⁵ *Ward v Hoenig* at [71].

³⁶ *Ward v Hoenig* at [79]-[81]. See *Kable v Director of Public Prosecutions (NSW)* (1996) 189 CLR 51; [1996] HCA 24.

³⁷ *Ward v Hoenig* at [65]-[66].

254. A member adjudged by the House guilty of conduct unworthy of a member of Parliament may be expelled by vote of the House, and the member's seat declared vacant.

The Court noted that each House is authorised under s 15(1)(a) of the *Constitution Act 1902* to regulate 'the orderly conduct of the House' through the adoption of standing orders. It confirmed that 'there is no apparent reason why the Assembly may not regulate its powers within the applicable limits, and arguably it has done so by making Standing Order 254'.³⁸

The words 'conduct unworthy of a member' in Standing Order 254 echo the formulation of the inherent power provided by President Wallace in *Armstrong v Budd*.³⁹ To that extent, the standing order references the common law. The Court of Appeal noted that while the arguments put forward in *Ward* focused mainly on the inherent power of expulsion (based on reasonable necessity), the validity of Standing Order 254 was not in issue; indeed, counsel for Mr Ward had relied upon it.⁴⁰

Expulsion and s13A of the Constitution Act

The Court of Appeal also confirmed that the NSW Parliament's expulsion powers - whether expressed in the common law or through the standing orders - are unimpeded by constitutional provisions concerning the disqualification of members from office.

Section 13A(1)(e) of the *Constitution Act 1902* (NSW) provides that a member of either House who is convicted of an 'infamous crime', or for an offence punishable by imprisonment for life or for a term of 5 or more years' imprisonment, is disqualified as a member of that House and their seat becomes vacant.

In 2000, s 13A was amended, adding a new s 13A(2), which provides that the member is not disqualified if they lodge an appeal within the prescribed timeframe, or if their appeal is successful. The amendment also added s 13A(3):

(3) Nothing in s 13A affects any power of the House to expel a member. In other words, the rule operates subject to Parliament's inherent powers, and

³⁸ *Ward v Hoenig* at [53].

³⁹ *Armstrong v Budd* at 403.

⁴⁰ *Ward v Hoenig* at [53].

*powers conferred by the Standing Orders of each House, to expel or suspend a member.*⁴¹

Counsel for Mr Ward argued that, in circumstances where s 13A(2) applies due to the member's pending criminal appeal, the House is constrained from expelling the member until after the appeal, because otherwise the exception created by the provision would serve no logical purpose.⁴²

The Court rejected this argument on the basis that s 13A(3) precludes that very proposition. It referred to the Hon. Michael Egan AO's second reading speech relating to the amendments:

*In some cases, [...] the behaviour of the member may be such that it is unacceptable that the member continues to sit as a member while the appeal process is under way. In such cases, the House will retain its discretion to expel a member for unworthy conduct, by way of a vote of the House. Other options may include the suspension of the member, or the granting of leave to the member so that he or she does not sit during the appeal process. This ensures that the House retains the flexibility to deal with members in a way that is necessary to preserve public confidence in the integrity of the Parliament.*⁴³

In the Court's view, these words confirmed that the very purpose of s 13A(3) was to preserve the House's powers of expulsion and suspension, despite any pending appeal.

Procedural fairness and parliamentary process

The pleadings in *Ward v Hoenig* also sought a declaration that Mr Ward was 'entitled as a citizen of New South Wales and member of Parliament to natural justice with respect to the proposed resolution'.⁴⁴ It was contended that the power to expel was 'subject to a duty to

⁴¹ *Constitution Amendment Act 2000* (NSW) Sch 1, cl 2.

⁴² *Ward v Hoenig* at [41].

⁴³ *Ward v Hoenig* at [44]; M. Egan, New South Wales, *Parliamentary Debates*, Legislative Council, 7 June 2000, p. 6689. Minister Egan also confirmed that the 2000 amendments aimed to ensure fairness and certainty for the member, given that a conviction which is overturned on appeal is *void ab initio* (p. 6688); and that they were intended to strengthen confidence in the parliamentary process, particularly as a member's disqualification temporarily disenfranchises voters in their electorate (p. 6689).

⁴⁴ *Ward v Hoenig* at [4].

provide procedural fairness and the procedure proposed to be adopted [was] inconsistent with that duty', as Mr Ward had been denied the right to appear in person.⁴⁵

The Defendants countered that the question of the need for natural justice goes to the manner of the exercise of the power to expel, and is therefore a matter for the House, not the Court.

The Court approached the issue by first considering whether natural justice had in fact been afforded. It considered that Mr Hoenig's invitation to Mr Ward to submit written material pertaining to the proposed motion afforded adequate natural justice to Mr Ward by overcoming his absence from the Chamber.⁴⁶ The Court was also satisfied that this invitation provided sufficient particulars of the alleged misconduct by simply noting Mr Ward's criminal conviction.⁴⁷

The Court thus found no need to consider the legal question as to whether procedural fairness is required.⁴⁸

Interlocutory injunction

As noted above, the Court of Appeal vacated the injunction previously granted by Sweeney J, which had restrained the Defendants from moving an expulsion motion against Mr Ward.

The Court of Appeal noted the proceedings before Sweeney J had been procedurally irregular; orders had been made *ex parte*, despite uncertainties as to whether the Defendants had proper notice of the date and time of the hearing. The Court also Sweeney J's reasons:

The restraint is sought for a short period, until Friday. That is a factor I take into account in deciding whether or not I should restrain the defendants. If the defendants are not restrained, they may move tomorrow. It is not clear how quickly their proceedings would proceed, but in order to preserve the status quo of Mr Ward's position and prevent the Assembly from taking action to expel him before the question of the Assembly's power under s 13A of the Constitution is determined by the Court, in my view the balance of

⁴⁵ *Ward v Hoenig* at [5], [68].

⁴⁶ *Ward v Hoenig* at [74]-[76].

⁴⁷ *Ward v Hoenig* at [73].

⁴⁸ *Ward v Hoenig* at [71], citing *Commissioner for ACT Revenue v Alphaone* (1994) 49 FCR 576 at 591; [1994] FCA 1074.

*convenience favours me granting the relief sought by Mr Ward. So I will make orders to restrain the three defendants.*⁴⁹

In the Court's view, the procedural irregularities alone would have provided grounds for vacating the injunction. In any case, counsel for Mr Ward had failed to establish grounds for continuing the interim orders.⁵⁰

JUSTICIABILITY AND IMPLICATIONS FOR EXCLUSIVE COGNISANCE

Review of scope, purpose and exercise of the power

The effect of the decision in *Ward v Hoenig* was to confirm and clarify the existence and scope of the power of the Legislative Assembly to expel a member. The Court of Appeal confirmed the proper grounds, and the proper purpose, of the Assembly's exercise of the power.

Ward v Hoenig also offers indications as to the Court of Appeal's position on the justiciability of the expulsion of a member. This has implications for the principle of exclusive cognisance as between the Court and the Parliament.

The traditional Westminster view is that a court of law may review the *existence* and *scope* of parliamentary privileges, which as part of the common law are limited by 'reasonable necessity'. Thus, as noted above, in relation to the NSW Parliament's expulsion power, a court may examine whether the resolution to expel a member was adopted on proper grounds, which may be expressed as the grounds of 'conduct unworthy of a member'. The Court of Appeal in *Ward* confirmed its jurisdiction in that regard.

Prior to *Ward*, there was limited authority for the proposition that a court may also review the *purpose* for which the power was exercised; in other words, whether the House acted in self-protection, rather than for punitive or political reasons. In *Armstrong v Budd*, Wallace P alone examined the motive of the resolution of the House, and whether it was a sham, conducted for political or other advantage.⁵¹ However, any uncertainty about this jurisdictional question appears to have been resolved in *Ward*, given that the Court of Appeal had no hesitation in ruling on the issue of proper purpose.

⁴⁹ *Ward v Hoenig* at [16]-[25].

⁵⁰ See *Resort Hotels Management Pty Ltd v Resort Hotels of Australia Pty Ltd* (1991) 22 NSWLR 730 at 731 per McLelland J.

⁵¹ *Armstrong v Budd* at 403; Griffith, *Expulsion of members of the NSW Parliament*, p. 17-18.

Importantly, the *Ward* decision also distinguished between justiciability of the existence and scope of the power, and of its exercise. The Court of Appeal cited the finding of Wallace P (in relation to the Legislative Council) that '[t]he manner and the occasion of the exercise of the power are for the decision of the Council'.⁵² It also noted:

*[i]t is not for the courts to engage in merits review of the decision made.*⁵³

In other words, if a House has expelled a member on proper grounds and for a proper purpose, a court may not question that decision.

By way of observation, this approach to exclusive cognisance is consistent with the application of ordinary principles of judicial review of administrative power; the court may review the legality of an action, but not its merits.⁵⁴

So, too, is the approach taken in *Ward v Hoening* as to whether exclusive cognisance permits the Court to provide interim relief to prevent an expulsion. On one view, any form of judicial intervention that prevents Parliament from properly exercising the function of regulating its membership, particularly on an *ex parte* basis, offends exclusive cognisance. However, Sweeney J's decision to grant an injunction to preserve the status quo for three days, pending a hearing in the Court's appeal jurisdiction, is consistent with the availability of interim relief pending judicial review of an administrative decision.

While the Court of Appeal readily lifted the injunction, it did so partly in recognition of the procedural irregularities involved in the interim hearing, and partly because the need for injunctive relief had been overtaken by the substantive decision. The Court made no suggestion that Sweeney J lacked jurisdiction to provide this type of interim relief.

The Court of Appeal was less forthcoming on the justiciability of procedural aspects of the expulsion power. Mr Ward had pleaded that the proposed expulsion would be void for want of procedural fairness. Conceivably (and as argued by the Defendants), the question whether procedural fairness needs to be provided at all is a matter for the Assembly, being an aspect of the Assembly's exercise of its expulsion power, or more broadly, the management of its own affairs. The Court of Appeal ruled that, as procedural fairness had in fact been provided, there was no need to rule on whether it was required. This type of jurisdictional approach has been described as a *prudential approach*, with the Court confining itself to determining only what

⁵² *Armstrong v Budd* at 403.

⁵³ *Ward v Hoening* at [54].

⁵⁴ Compare *Attorney-General (NSW) v Quin* (1990) 170 CLR 1 at 35–37 per Brennan J.

the facts strictly require.⁵⁵ Whether adopting a prudential approach in itself amounts to observance of exclusive cognisance – rather than avoidance of the issue - is an open question.

STANDARDS OF MEMBER CONDUCT

Another point of interest is the Legislative Assembly's evolving practice in the exercise of its expulsion and suspension powers. The Court of Appeal in *Ward v Hoenig* confirmed that the exercise of the power is squarely a matter for Parliament to determine. However, the conduct considered by the Assembly to be 'unworthy of a member' indicates a shift in standards of member conduct. Traditionally, the type of misconduct regarded by the NSW Parliament as damaging to its own dignity or reputation has centred on dishonesty, corruption or misconduct within the chamber. In the *Ward* matter, the 'unworthy conduct' involved criminal misconduct in the form of sexual violence, not directly connected to parliamentary proceedings. This suggests that contemporary member standards encompass both public forms of malfeasance and private misconduct.

In fact, the notion that standards of 'unworthy conduct' should evolve is nothing new. *Armstrong v Budd* provides authority that what is 'reasonably necessary' for the preservation of the dignity of the House changes over time, and should reflect contemporary conditions and modern habits of thought.⁵⁶ It follows, given that the NSW expulsion power rests on a common law foundation, that standards of conduct underlying the exercise of the power should also reflect modern community expectations.⁵⁷

It also follows that the application of these standards should reflect *electoral* expectations. This is particularly so, given that the NSW model relies on standards for the regulation the membership of a House, in stark contrast to the Commonwealth, ACT and NT model, which relies directly on electoral representation.

There is an apparent disparity between the standard of conduct applied by Mr Ward's electorate in 2023, when he was re-elected despite the charges against him, and the standard applied by the Legislative Assembly in 2025. This could be due to several factors, including that in 2023 guilt had not been proven, or that community expectations may have evolved in the

⁵⁵ For further discussion of the prudential approach see, for example, G. Appelby and R. Goss, 'Parliamentary Privilege and the Courts in *Attorney-General (Tas) v Casimaty*: A Case of Grand Theories and Lost Opportunities' *APR* 40/1 14, 26; Murray Wesson, 'McCloy, Proportionality and the Question of Deference' on *AUSPUBLAW* (3 March 2016) <https://auspublaw.org/blog/2016/3/mccloy-proportionality-and-the-question-of-deference>.

⁵⁶ *Armstrong v Budd* at 402 per Wallace P.

⁵⁷ See further Griffith, pp. 12-13.

interim.⁵⁸ Nonetheless, the disparity underscores that neither a standards-based model, nor an electoral-based model, is infallible. It also behoves the House to exercise caution in applying a standards-based model, given the implications of an expulsion for electoral representation.

CONCLUSION

The Ward matter also highlights that an inherent power to regulate parliamentary membership which is common law based provides flexibility, allowing the power to be exercised in alignment with contemporary standards of member conduct. In the context of a common law based power which is based on necessity, the circumstances proved that very necessity.

The Court of Appeal in *Ward v Hoenig* largely confirmed the existing common law on the existence, scope and purpose of the NSW expulsion power. In so doing, the Court adopted a conventional approach to exclusive cognisance by limiting its jurisdiction along established principles. In some respects, it prudently declined to define those limits.

The Ward matter also highlights that where an inherent power to regulate parliamentary membership is common law based, this provides flexibility, allowing the power to be exercised in alignment with contemporary standards of member conduct. This may also, however, create a tension between parliamentary standards and community or electoral standards, of conduct, with implications for electoral representation. In such an environment, the preservation of the institution of parliament remains a contemporary and dynamic issue.

⁵⁸ As noted above, another factor underlying the proposed expulsion in 2025 was the lack of feasible alternatives.

Articles

Use of Digital Media in Parliaments: A Web-based Comparative Analysis of South Asia

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Abstract This research seeks to find out how parliaments in South Asia use digital media tools like parliament websites and social media and online communication networks. It also measures the degree of utilisation of such tools by the parliaments, to identify challenges and opportunities in the adoption of these technologies and correlate the findings with the democratic and participatory indices. The research, through a web-based comparative investigation of eight South Asian countries from December 7 to December 18, 2024, evaluates the existence and effectiveness of 15 digital tools, utilising a modified binary coding methodology based on Schwanholz and Busch (2016). The results show that there are big differences in how people use digital media. For example, Sri Lanka (24) and India (20) are at the top, while Afghanistan (0) and Bangladesh (11) are at the bottom because of problems with infrastructure and political challenges. The study also examines the relationship between digital media scores and V-Dem's Liberal Democracy Index (LDI) and Participatory Component Index (PCI), revealing significant negative correlations (LDI: $r = -0.73$, $p = 0.038$; PCI: $r = -0.75$, $p = 0.033$), suggesting that more robust democracies demonstrate higher levels of digital engagement and countries with robust digital media adaptation in parliamentary engagement are tend to have better democratic environment. The findings emphasise the importance of developing innovative ways to bridge the digital divide and promote inclusive government in South Asia.

INTRODUCTION

Parliaments in contemporary democracy not only legislate but also address concerns and opinion of the public, thereby ensuring transparency and accountability.¹ Using digital technologies, citizens can now directly and continuously engage with their representatives, which was not possible a decade ago. As noted by the World Bank Group, digital tools (Internet, social media, etc.) help in bridging the divide between governance institutions and citizens.² Furthermore, the use of these digital tools can strengthen citizen engagement and ensure legislative transparency. Therefore, digital platforms, such as, parliamentary monitoring websites, have emerged that enable real-time interaction between legislators and citizens.³ Internet has the potential to democratize the world; it will improve relations between citizens and their representatives.⁴ Social media, blogs and live stream services are examples of digital platforms which, according to Kunert, have revolutionized political engagement with people by allowing them to access up-to-date information and be part of the conversations from anywhere in the world.⁵ Despite the widespread use in various contexts, many parliaments (notably in Western Europe) are slow to adopt these technologies.⁶ However, subsequent studies show that digital media is now becoming a means to ensure visibility and transparency of legislative affairs, which indicates that politics is progressively integrating these

¹ R. S. Katz and B. Wessels (eds), *The European Parliament, the National Parliaments, and European Integration*. Oxford: Oxford University Press, 1999. Accessed at: <https://doi.org/10.1093/0198296606.001.0001>

² World Bank Group, *World Development Report 2016: Digital Dividends*. Washington, D.C.: World Bank Publications, 2016. Accessed at: <https://www.worldbank.org/en/publication/wdr2016>

³ R. Borge Bravo and M. Esteve Del Valle, 'Opinion leadership in parliamentary Twitter networks: A matter of layers of interaction?'. *Journal of Information Technology & Politics* 14(3) 2017, pp. 263-276. Accessed at: <https://doi.org/10.1080/19331681.2017.1337602> ;

D. Joshi and E. Rosenfield, 'MP transparency, communication links and social media: A comparative assessment of 184 parliamentary websites'. *The Journal of Legislative Studies* 19(4) 2013, pp. 526-545. Accessed at: <https://doi.org/10.1080/13572334.2013.811940>

⁴ S. Coleman and J. A. Taylor, 'Parliament in the age of the Internet'. *Parliamentary Affairs* 52(3) 1999. Accessed at: <https://doi.org/10.1093/pa/52.3.365>

⁵ J. Kunert, 'Informations- und Transparenzinhalte auf den persönlichen Webseiten der Mitglieder des Europäischen Parlaments'. *Zeitschrift für Vergleichende Politikwissenschaft* 10(Suppl 2) 2016, pp. 41-65. Accessed at: <https://doi.org/10.1007/s12286-016-0287-8>

⁶ P. Norton (ed), *Parliaments and Citizens in Western Europe*. Abingdon: Routledge, 2020. Accessed at: <https://doi.org/10.4324/9781003062547>

technologies.⁷ Although different countries and political systems continue to utilise these tools in diverse manners, they are now indispensable for enhancing transparency and accomplishing greater inclusiveness in the democratic process.⁸

In South Asia, the use of digital media has been highly uneven but its use is increasingly becoming more critical in shaping the parliament-citizen relationship. Countries like Sri Lanka and India are ahead of others in using digital platforms for enhancing parliamentary communication and countries like Afghanistan and Bangladesh are not able due to infrastructural challenges.⁹ Therefore, this study seeks to find out how parliaments in South Asia use digital media tools like parliament websites and social media and online communication networks. It will also measure the degree of utilisation of such tools by the parliaments to identify challenges and opportunities in the adoption of these technologies and correlate the findings with the democratic and participatory indices not only in South Asia but also in other regions. This study addressed the limitations and potential of digital tools for parliament. This paper might open up new avenues for research on parliament, including Australia and the Pacific areas. Further, findings will help the parliaments in the Pacific Island countries to overcome the barriers of such inclusion. Additionally, it could take some policy suggestions from countries like Australia and mimic them in South Asian countries.

THE EVOLVING ROLE OF PARLIAMENTS IN THE DIGITAL AGE

In democracies, the parliament represents the will of the people as it makes laws that are directly applicable to them.¹⁰ A parliament communicates with the citizens through its legislations. The World Bank Group points out that with the increasing incorporation of digital media in the state institutions, the way parliaments communicate with citizens seems to

⁷ C. Leston-Bandeira, 'Studying the relationship between Parliament and citizens'. *The Journal of Legislative Studies* 18(3-4) 2012, pp. 265-274. Accessed at: <https://doi.org/10.1080/13572334.2012.706044>

⁸ C. Leggewie and C. Bieber, 'Demokratie 2.0- Wie tragen neue Medien zur demokratischen Erneuerung bei?', in C. Offe (ed), *Demokratisierung der Demokratie- Diagnosen und Reform vorschläge*. Frankfurt/M.: Campus Verlag, 2003, pp. 124-151 Accessed at: <https://tinyurl.com/mt5scyuz>

⁹ M. U. Hossain, M. A. Hossain and M. S. Islam, 'An assessment of the information needs and information-seeking behavior of Members of Parliament (MPs) in Bangladesh'. *Information and Learning Science* 118(1/2) 2017, pp. 48-66. Accessed at: <https://doi.org/10.1108/ILS-10-2016-0075> ; Katz and Wessels, *The European Parliament*.

change as well.¹¹ There is a growing trend throughout parliaments to use digital technology in their legislative processes to strengthen their communication with the public.¹²

Coleman and Taylor carried out the first extensive effort to understand the function that parliaments play on the internet as it has the ability to advance democratic ideals due to its capacity to strengthen connections between average citizens and powerful political figures.¹³ Nevertheless, empirical case studies that were done some ten years later reveal that digital media has been crucial in supporting efforts and initiatives aimed at improving transparency and accessibility in legislative proceedings.¹⁴ The time period between these two studies has witnessed a substantial progress on the communication of politicians with citizens through the widespread adoption of digital media. No matter where they are or what time it is, people in this modern era of information society are expected to have up-to-date knowledge of relevant topics and events.

According to Kunert, politicians have made use of the websites they maintain in order to fulfill the demands set forth by their constituents.¹⁵ Politicians are able to supply voters with information about their personal as well as the professional activities they pursue, thanks to the availability of these web platforms. In addition, the use of these websites grants politicians a degree of control over their own narratives and reduces the extent of their dependency on the national mass media for the distribution of information. It is a standard practice in today's world for almost all elected politicians to have their own personal websites. Nevertheless, a discrepancy can be observed in the extent to which these platforms may be used and the variety of approaches to engage citizens. This discrepancy is obvious both within individual countries and when comparing different countries to one another globally.

Kunert has also found a positive trend that the EU Parliamentarians use the digital platforms (including blogs and X posts) more as compared to the members of the national parliaments.¹⁶ However, a survey conducted in 2010 revealed that a significant number of Bundestag members acknowledged the great value of online communication for their respective

¹¹ World Bank Group, *World Development Report 2016*

¹² Borge Bravo and Esteve Del Valle, 'Opinion leadership'; Joshi and Rosenfield, 'MP transparency'

¹³ Coleman and Taylor, 'Parliament in the age of the Internet'

¹⁴ Leston-Bandeira, 'Studying the relationship between Parliament and citizens'

¹⁵ Kunert, 'Informations-und Transparenzinhalte'

¹⁶ Kunert, 'Informations-und Transparenzinhalte'

professional activities.¹⁷ Interestingly, these very parliamentarians continued to rely on traditional channels of mass media rather than directly engaging with the general public in order to disseminate information during the 2000s.¹⁸ According to Hoecker¹⁹ and Neuberger,²⁰ members of parliament have demonstrated little propensity to interact in an authentic manner with their constituents and instead view internet communication largely as a way to better represent themselves. The emergence of interactive and social media has brought about some significant new components. The interactive media possesses an often-overlooked utility in facilitating contact between political leaders and citizens.²¹ As a result, it increases the likelihood that decision-making processes will align with the ideals of direct democracy. The development of new pathways for participating in political dialogue online has been made possible by recent advances in technology.

Some parliaments in Europe have established various ways increasing the public engagement on legislative matters, especially through online platforms like parliamentary websites.²² A parliament's official website can provide impartial information concerning politics that may enhance social integration and inclusion. Such platforms help the citizens in tackling the confusion arising from information overload. They carry structured information that is easy to access and understand. Moreover, they assist in improving the way a citizen approaches complex political topics. Real-time coverage like live streaming of debates makes the

¹⁷ J. Tenschler and L. Will, 'Abgeordnete online? Internetaktivitäten und-bewertungen der Mitglieder des Deutschen Bundestages'. *Zeitschrift für Parlamentsfragen* 41(3) 2010, pp. 504-518. Accessed at: <https://doi.org/10.5771/0340-1758-2010-3-504>

¹⁸ T. Zittel, 'Political representation in the networked society: the Americanisation of European systems of responsible party government?'. *The Journal of Legislative Studies* 9(3) 2003, pp. 32-53. Accessed at: <https://doi.org/10.1080/1357233042000246855>

¹⁹ B. Hoecker, 'Mehr Demokratie via Internet? Die Potenziale der digitalen Technik auf dem empirischen Prüfstand'. *Aus Politik und Zeitgeschichte* 52(39-40) 2002, pp. 37-45. Accessed at: <https://www.bpb.de/shop/zeitschriften/apuz/26705/mehr-demokratie-via-internet/>

²⁰ C. Neuberger, 'Wandel der aktuellen Öffentlichkeit im Internet'. *Gutachten im Auftrag des Büros für Technikfolgen-Abschätzung beim Deutschen Bundestag zum Projekt 'Analyse netzbasierter Kommunikation unter kulturellen Aspekten, 2004*

²¹ Leggewie and Bieber, 'Demokratie 2.0'

²² Hansard Society, 'Parliaments and public engagement: Innovation and good practice around the world', 2011 ; C. Leston-Bandeira and D. Bender, 'How deeply are parliaments engaging on social media?'. *Information Polity* 18(4) 2013, pp. 281-297. Accessed at: <https://doi.org/10.3233/IP-130316>

community more engaged and the websites allow accessibility for diverse community members.²³

Parliament serves as a neutral and cost-effective source of political information, fostering online discussions through social media, where citizens can interact with expert moderators and share ideas, as exemplified by platforms like the German Bundestag's 'Das Parlament'.²⁴ Despite this, there is a dearth of academic study that expressly investigates the connection between citizens and their government in the setting of information technology.²⁵ Moreover, it is crucial to point out that the number of studies that has already been conducted on this topic is scant, which reveals that there are some areas that have not been sufficiently investigated. In particular, the vast majority of the studies²⁶ that have been carried out up until this point have mostly concentrated on the viewpoint of democratic governance or public administration, often emphasizing e-government, transparency, and service delivery, but they have neglected to take into account the point of view of parliamentary systems. Moreover, much of the existing research in this field seems to concentrate only on the Anglo-Saxon as well as European countries, leaving other important regions of the world unexplored.²⁷

DIGITAL MEDIA IN BRIDGING THE DIGITAL DIVIDE

The way citizens engage with institutions, authorities, and politicians has changed substantially with the advancement of internet and digital media, reaching a standard that would have appeared unthinkable just 30 years ago.²⁸ In the past, the only means for the general public to

²³ Leston-Bandeira, 'Studying the relationship between Parliament and citizens'

²⁴ P. Theiner, J. Schwanholz and A. Busch, 'Parliaments 2.0? Digital media use by national parliaments in the EU', in J. Schwanholz, T. Graham and P. Stoll (eds), *Managing Democracy in the Digital Age: Internet Regulation, Social Media Use, and Online Civic Engagement*. Cham: Springer International Publishing, 2017, pp. 77-95. Accessed at: https://doi.org/10.1007/978-3-319-61708-4_5

²⁵ Norton, *Parliaments and citizens in Western Europe*

²⁶ Darrell M. West, *Digital Government: Technology and Public Sector Performance* (Princeton: Princeton University Press, 2005); A. Chadwick, *Internet Politics: States, Citizens, and New Communication Technologies*. Oxford: Oxford University Press, 2006; Helen Margetts, "The Internet and Public Policy," *Policy & Politics* 37, no. 1 (2009): 1–17.

²⁷ C. Leston-Bandeira, S. Ward, M. Francoli, T. Zittel, P. Norton and D. Roy, 'Parliaments in the digital Age'. *Oxford Internet Institute Forum Discussion Report* 13, 2008, p. 50. Accessed at: <https://www.oii.ox.ac.uk/wp-content/uploads/old-docs/FD13.pdf>

²⁸ Chadwick, *Internet Politics*.

communicate directly with their representatives was through written communication, in-person meetings during constituency elections, or through other official channels. Today, however, there are a variety of digital avenues available to do so, making communication more accessible.²⁹ Digital communication also makes it possible for anybody, anywhere, to produce and disseminate political content in a way that was previously only available to broadcasters and journalists.³⁰ Individuals or groups can now write and distribute information as ‘news’ without having to meet formal credentials, go through quality control procedures, or take ethical considerations into account.³¹

The publication and circulation of parliamentary information through digital media in developed nations have demonstrated that it improves citizen participation in governance and decreases the gap between the representative and the represented.³² Over the past 20 years, the use of digital tools to aid this process has grown, leading to the creation of incredibly popular parliamentary monitoring websites like ‘TheyWorkForYou’ in the UK and ‘GovTrack’ in the USA.³³ The official website of the British Parliament, established in 1996, was one of the earliest efforts to use the internet to increase public participation in governance.³⁴

With the emergence of the concept of ‘Web 2.0’, the static web has transformed into dynamic ones that enable users to create their own content as well as interact, which also contributed to the emergence of ‘Government 2.0’.³⁵ As people became accustomed to the participatory features of the internet, they expected similar transparency and interaction from their

²⁹ S. Coleman and J. G. Blumler, *The Internet and Democratic Citizenship: Theory, Practice and Policy*. Cambridge: Cambridge University Press, 2009

³⁰ N. Couldry, S. Livingstone and T. Markham, *Media Consumption and Public Engagement: Beyond the Presumption of Attention*. Basingstoke: Palgrave Macmillan, 2016. Accessed at: <https://doi.org/10.1057/9780230800823>

³¹ Z. Papacharissi, ‘The virtual sphere: The internet as a public sphere’. *New Media & Society* 4(1) 2002, pp. 9-27. Accessed at: <https://doi.org/10.1177/14614440222226244>

³² A. Macintosh, ‘Characterizing e-participation in policy-making’, in *Proceedings of the 37th Annual Hawaii International Conference on System Sciences*. IEEE, 2004. Accessed at: <https://doi.org/10.1109/HICSS.2004.1265300>

³³ A. Chadwick, *The Hybrid Media System: Politics and Power*. Oxford: Oxford University Press, 2017.

³⁴ P. Norris, ‘Democratic divide? The impact of the Internet on parliaments worldwide’. *American Political Science Association Panel 2*, 2000, pp. 195-240. Accessed at: <https://tinyurl.com/mry7vy48>

³⁵ T. O’Reilly, ‘What is Web 2.0: Design patterns and business models for the next generation of software’. *Communications & Strategies* (1) 2007, p. 17. Accessed at: SSRN: <https://ssrn.com/abstract=1008839>

governments, leading to the concept of 'Parliament 2.0'.³⁶ This concept includes digital records, platforms for citizen engagement, and technology for remote participation and virtual voting.³⁷

Digital platforms allow a wider reach to larger audiences. Political information can be accessed by individuals even in the farthest 'corners' of the globe, and by people with disabilities.³⁸ They help parliaments to receive feedback quickly as well as live Q&A sessions. Also, it makes parliament transparent and accountable as it allows citizens to revisit what their parliament has done in the past.³⁹ In addition, digital media is cheaper than other means of communication, and thus, resources can be allocated to other necessary services.⁴⁰ The younger generation is also using digital media to ensure that their opinions influence decision-making.⁴¹

Several scholarly works⁴² speculated that the digital realm engenders public discourse which is essential for the effective functioning of democracy. People can use online platforms to connect with people who they never met in person but share similar interests, even if they are located far away.⁴³ In that sense, these online connections are useful in supporting

³⁶ A. Chadwick, 'Web 2.0: New challenges for the study of e-democracy in an era of informational exuberance'. *ISJLP* 5, 2008, p. 9.

³⁷ J. Griffith and C. Leston-Bandeira, 'How are parliaments using new media to engage with citizens?'. *The Journal of Legislative Studies* 18(3-4) 2012, pp. 496-513. Accessed at: <https://doi.org/10.1080/13572334.2012.706058>

³⁸ Norris, P. (2000). Democratic divide? The impact of the Internet on parliaments worldwide. *American Political Science Association Panel*, 2, 195-240. Accessed at: <https://tinyurl.com/mry7vy48>

³⁹ Macintosh, 'Characterizing e-participation'

⁴⁰ S. Coleman, 'The lonely citizen: Indirect representation in an age of networks'. *Political Communication* 22(2) 2005, pp. 197-214. Accessed at: <https://doi.org/10.1080/10584600590933197>

⁴¹ D. G. Lilleker and K. Koc-Michalska, 'Online political communication strategies: MEPs, e-representation, and self-representation'. *Journal of Information Technology & Politics* 10(2) 2013, pp. 190-207. Accessed at: <https://doi.org/10.1080/19331681.2012.758071>

⁴² J. Blumler and S. Coleman, *Realising Democracy Online: A Civic Commons in Cyberspace*. London: Institute for Public Policy Research, 2001. Accessed at: <https://tinyurl.com/4j6c7y93> ; P. Levine, R. Hayduk and K. Mattson, 'Can the Internet rescue democracy? Toward an on-line commons', in R. Hayduk and K. Mattson (eds), *Democracy's Moment: Reforming the American Political System for the 21st Century*. Lanham: Rowman & Littlefield, 2002, pp. 195-212. Accessed at: <http://staging.community-wealth.org/sites/clone.community-wealth.org/files/downloads/paper-levine.pdf>

⁴³ H. Rheingold, *The Virtual Community, Revised Edition: Homesteading on the Electronic Frontier*. Cambridge, MA: MIT Press, 2000. Accessed at: <https://doi.org/10.7551/mitpress/7105.001.0001>

marginalised people. Moreover, constituents' communication via digital means with elected officials improves efficiency and trust in representative democracy.⁴⁴

Although much has been achieved concerning how parliaments in developed countries have embraced digital media, a clear research gap exists on South Asian parliaments. Most of the studies that have been conducted⁴⁵ have been concerned with democracies of the West, which have a supportive infrastructure and political systems that facilitate the integration of digital media. There is little research about embracing digital tools and practices by the parliaments in a region such as South Asia, with its specific institutional setup, different degrees of digital infrastructure and diverse patterns of civic engagement. While some studies have found social media engagement and citizen feedback tools to improve transparency and democratic participation,⁴⁶ we are yet to know their uses and effectiveness in South Asia. Furthermore, there are not many comparative studies that have looked at the digital media adoption of South Asian parliaments and what impact factors like internet penetration, social media use rates, political openness and democratic governance have on countries' digital engagement.

A comparative analysis of digital media strategies across South Asian countries, along with a deeper understanding of how these tools impact public trust and citizen involvement, would significantly contribute to closing this research gap. This study focuses on filling this gap by investigating the employment of digital media tools in the context of the South Asian parliaments and identifying distinct challenges as well as correlating the findings with the democratic and participatory indices.

METHODOLOGICAL FRAMEWORK AND APPROACH

This study is based on the examination of national parliament websites of 8 South Asian countries from December 7 to December 18, 2024. Only the presence and functionality of the digital media tools from Table 3 are the subject of the analysis. Aspects like user-friendliness—such as how simple it is to find the application, where it is positioned, or how well it blends in

⁴⁴ B. Bimber, 'The Internet and citizen communication with government: Does the medium matter?'. *Political Communication* 16(4) 1999. <https://doi.org/10.1080/105846099198569> ; S. Coleman, 'A tale of two houses: The House of Commons, the Big Brother house and the people at home'. *Parliamentary Affairs* 56(4) 2003, pp. 733-758. Accessed at: <https://doi.org/10.1093/pa/gsg113>

⁴⁵ Chadwick, *Internet Politics*; Coleman and Blumler, *The Internet and Democratic Citizenship*.

⁴⁶ Macintosh, 'Characterizing e-participation'

with the website's overall layout and style—are not evaluated. Hoffman⁴⁷ and other systematic studies in political communication serve as the main foundation for the techniques chosen.

Lindsay Hoffman's Three-Dimensional Model of Political Communication (TDMPC) offers a comprehensive guideline for studying how media, interpersonal communication, and individual behaviour intersect in the political context. The foundation of Hoffman's model is that the political communication is not linear but has many different and interrelated components such as media exposure, interpersonal discussion and political participation. In complex ways, each of these dimensions influences one another in a dynamic process in which individuals' media exposure and political conversation shape and are shaped by their political behaviours.⁴⁸ The model shows digital media plays a significant role in ensuring democratic participation. Using digital media tools citizens will feel more engaged in civic life, and lead them to think about social issues and political activities. The model also shows how communication and participation complete a feedback loop.⁴⁹ Hoffman's TDMPC model classified digital media into different types; one-dimensional, two-dimensional, and three-dimensional, based on different levels of interaction and engagement.

First, one-dimensional media refers to the traditional, linear flow of information from a central source to a passive audience. In this model, content flows in one direction, typically from the media producer (e.g., television stations, newspapers) to the consumer. For example, from website, online television, newspapers, television, digital notice boards, RSS feeds, newsletters, audio recordings, podcasts etc. Such media is often associated with a broadcast or less interactive static website that does not allow users to partake in the conversation.⁵⁰ One-dimensional media resembles the initial phase of the internet (Web 1.0) that was mainly read only, thus creating a situation of user read only engagement.⁵¹

Second, two-dimensional media is a more complex flow of content that creates interaction between the users and senders. This model of communication has a feedback loop. Which

⁴⁷ L. H. Hoffman, 'Participation or communication? An explication of political activity in the Internet age'. *Journal of Information Technology & Politics* 9(3) 2012, pp. 217-233. Accessed at: <https://doi.org/10.1080/19331681.2011.650929>

⁴⁸ Hoffman, 'Participation or communication?'

⁴⁹ D. C. Mutz, *Hearing the Other Side: Deliberative Versus Participatory Democracy*. Cambridge: Cambridge University Press, 2006. Accessed at: <https://doi.org/10.1017/CBO9780511617201>

⁵⁰ Chadwick, *Internet Politics*.

⁵¹ O'Reilly, 'What is Web 2.0'.

means the consumer not only can get information but also can respond to it through reply, comments, polls or social media interactions. For example, they can ask for information, comment on articles or engage in discussions on sites, thus replacing the one-way communication with interaction.⁵² This form aligns with the development of Web 2.0, that enables contents generated by the users and greater collaboration between media producers and consumers.⁵³ For example: email, social media sites, online discussion forums etc.

Third, three-dimensional media are more integrated and complex in terms of participation of the users. Such media do not only operate as a medium of conveying information, but as a venue of political and social engagement as well. It involves the interplay between media exposure, interpersonal discussion, and political participation.⁵⁴ These types of digital platforms allow a citizen to use the content or communicate through the content to mobilise and organise campaigns. It also enables the public to debate with public representatives about a policy. Social media platforms like Facebook, X or Instagram are the examples of three-dimensional media. Users can interact, comment, chat and share opinions on national issues and political processes in these platforms. A few examples also include Instagram, X, LinkedIn, Flickr, Google Plus etc.

⁵² Coleman and Taylor, 'Parliament in the age of the Internet'

⁵³ **O'Reilly, 'What is Web 2.0'**

⁵⁴ Hoffman, 'Participation or communication?'

Table 1. Dimensions of Digital Media Tools⁵⁵

<i>Dimensions</i>	<i>Interaction</i>	<i>Digital Media Tools</i>
One-dimensional	One way	Website, Web Apps, Online Television, Digital Notice Boards, RSS feeds, E-newsletters, Virtual Tour, Video Recordings, Audio Recordings, Podcasts etc.
Two-dimensional	Back-and-forth	Email, Social Media Platforms, Online Forums etc.
Three-dimensional	Networked	Social media platforms like Facebook, Instagram, X, LinkedIn, Flickr, Google+ etc.

To rank the parliaments based on the existence of parliament's website and the tools listed on 'Table 3' on that website, we adopted the code from Schwanholz and Busch.⁵⁶ In that study, they employed a binary coding approach to assess the presence or absence of online tools. A value of '0' was assigned if the tool was not provided, while a value of '1' was assigned if it was available. However, in this study, we expanded upon the methodology by not only assessing the presence of certain tools, but also evaluating their functional efficacy. A value of '0' was assigned to tools that were not found on the research. A value of '1' was assigned to the tools that were found without proper functioning (e.g. the button or link not redirecting to the desired webpage), or it requires special plugins in the browser, or wrong redirects. Tools that were provided in their whole functionality were assigned a value of '2'. A comprehensive search was conducted for a total of 15 unique digital media tools (see Appendix 1). When these tools are successfully integrated and operating efficiently, a parliament can achieve its highest potential value of '30'.

Once the Parliamentary Digital Media Score is calculated using the availability and functionality of 15 digital tools, this study moves on to address the connection between digital participation

⁵⁵ Prepared by authors.

⁵⁶ J. Schwanholz and A. Busch, '„Like' Parliament?'. *Zeitschrift für Vergleichende Politikwissenschaft* 10(Suppl 2) 2016, pp. 15-39.

and the quality of democracy in South Asia. To do that, the study uses the Pearson correlation coefficient to evaluate the correlation between the parliamentary digital media score and the quality of democracy as represented by the Liberal Democracy Index (LDI) and the Participatory Component Index (PCI). Both the indices used are from the V-Dem Institute's 2024 Democracy Report.⁵⁷ This correlation analysis will help us to explore the premise that the quality of democracy and civic engagement in a state would make its parliament able to connect to its citizens via digital media tools.

The Pearson correlation coefficient (r) is computed by looking at the position of the subject on both variables against their mean, and estimating how closely the scores move upwards and downwards relative to the mean.⁵⁸ It is calculated using the formula:

$$r = \frac{\sum_{i=1}^n (X_i - \bar{X})(Y_i - \bar{Y})}{\sqrt{\sum_{i=1}^n (X_i - \bar{X})^2} \sqrt{\sum_{i=1}^n (Y_i - \bar{Y})^2}}$$

Here, the variable X represents the Parliamentary Digital Media Score, and the variable Y represents the V-Dem indices (LDI and PCI). Also, X_i and Y_i represent individual observations for the two variables, \bar{X} and \bar{Y} are the sample means and n denotes the number of observations (in this case, $n=8$ countries). The coefficient r ranges from -1 to $+1$. A value of $r = 0$ means there is no linear relationship, the closer to -1 or $+1$ the value of r , the stronger the negative or positive linear relationship, respectively.⁵⁹ The sample mean (\bar{X} and \bar{Y}) is calculated by summing all individual observations (X_i or Y_i) and dividing by the number of observations (n).

The analysis computed two SEPARATE Pearson correlation coefficients:

1. Between Parliamentary Digital Media Score and Liberal Democracy Index (LDI)
2. Between Parliamentary Digital Media Score and Participatory Component Index (PCI)

⁵⁷ M. Coppedge, J. Gerring, C. H. Knutsen, S. I. Lindberg, J. Teorell, D. Altman, M. Bernhard, S. Fish, A. Glynn, A. Hicken, J. Krusell, A. Lührmann, K. L. Marquardt, K. McMann, V. Mechkova, P. Paxton, D. Pemstein, L. Saxer and S. Wilson, *V-Dem Dataset v12*. Varieties of Democracy (V-Dem) Project, 2024. Accessed at: <https://doi.org/10.23696/vdemds22>

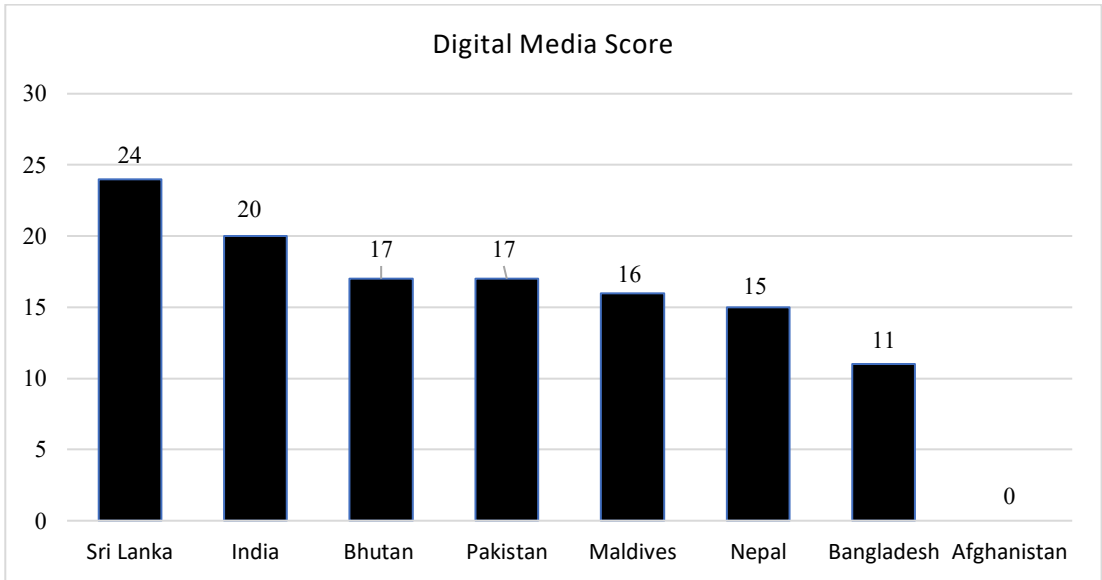
⁵⁸ D. Weisburd, C. Britt, D. B. Wilson and A. Wooditch, 'Measuring association for scaled data: Pearson's correlation coefficient', in D. Weisburd, C. Britt, D. B. Wilson and A. Wooditch (eds), *Basic Statistics in Criminology and Criminal Justice*. Cham: Springer International Publishing, 2021, pp. 479-530. Accessed at: https://doi.org/10.1007/978-3-030-47967-1_14

⁵⁹ P. Schober, C. Boer and L. A. Schwarte, 'Correlation Coefficients: Appropriate Use and Interpretation'. *Anesthesia & Analgesia* 126(5) 2018, pp. 1763-1768. Accessed at: <https://doi.org/10.1213/ANE.0000000000002864>

INTEGRATION OF DIGITAL MEDIA: COMPARATIVE EMPIRICAL ANALYSIS OF SOUTH ASIAN PARLIAMENTARY WEBSITES

Results of this study reveal a broad spectrum of digital media use across South Asian parliaments, from a total of 24 to a low of 11. Afghanistan received zero since their legislative website was not available at all during the research. Different scores show notable differences in the range and efficiency of the instruments deployed by different South Asian Parliaments. According to the data, there is a bimodality: some governments embrace the sophisticated digital tools while others still use antiquated or basic tools.

Figure 1. Digital media score by South Asian parliaments⁶⁰



With a remarkable score of 24, Sri Lanka is at the top of the best since it reflects its aggressive approach of using many digital Media tools for legislative participation. From Facebook to Twitter (X) and YouTube, Sri Lanka's parliament has a thorough digital presence on multiple sites communicating with the public. This lets the people watch parliament sessions, express their ideas, and participate in real-time interactive debates. Highly successful, the nation's

⁶⁰ Source: Compiled by the researcher from website queries in December 2024.

website and mobile app give quick access to significant multimedia content including RSS feeds, virtual tours, video records, and online TV access. To show even more its dedication to openness, Sri Lanka leads also in providing downloadable e-newsletters. Though Sri Lanka has been doing a great job in terms of its digital engagement, it has potential to improve especially in the production of video contents of parliamentary sessions, audio recordings, and e-petitions, which may further increase the participation of the people and make the legislative process an interactive affair.

With a score of 20, India also leads the other countries in terms of using digital tools by parliaments. Still, Indian parliament has some lacking in its digital presence. For example, various forms of multimedia tools including video and audio contents, virtual tours, and e-petitions are not available even though the legislative site links to live TV, e-newsletter, notices, forms and RSS feeds. These little flaws point out areas that need work, particularly guaranteeing the operational efficiency of digital tools. India has a strong platform; nevertheless, using interactive tools would help to better serve its people.

Although both Bhutan and Pakistan have a score of 17, their digital footprint remains relatively low, despite their high efforts in utilising internet channels. The parliament of Bhutan offers basic tools such virtual tours, emails, and RSS feeds; but it displays inconsistencies in more sophisticated tools like video recordings, e-petitions and mobile App, therefore restricting its capacity to foster participatory public interaction. Pakistan excels in several spheres, including social media involvement as well. Still, its website and multimedia resources fall short of the strength of those of Sri Lanka and India. Mobile App, e-petitions and virtual tours are not accessible; the online TV capability is not fully used. Especially in terms of expanding the interactivity of their digital tools, these nations show significant promise for development.

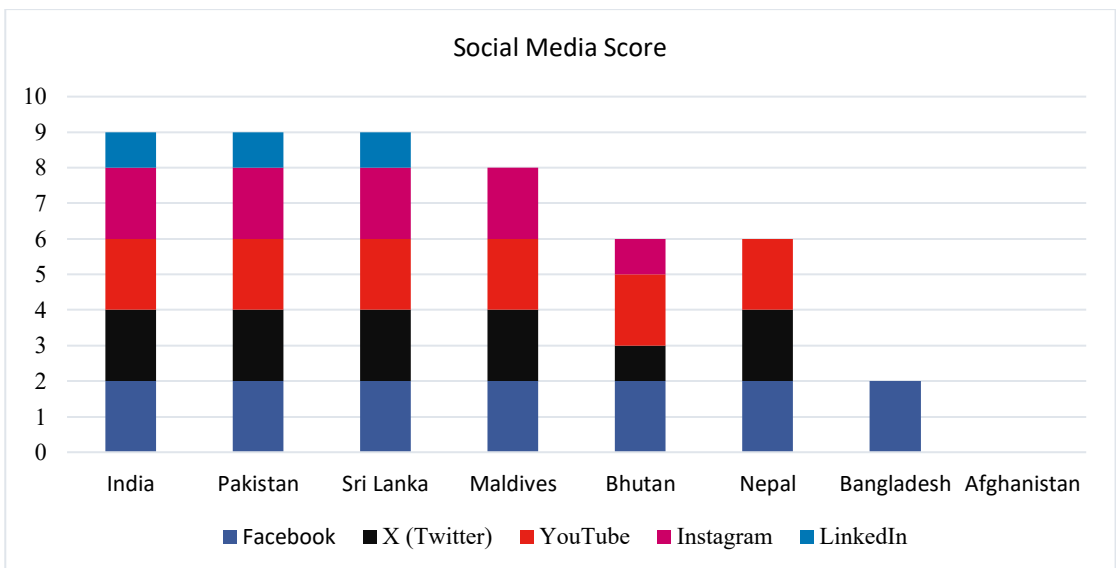
Nepal's and the Maldives' scores of 15 and 16 point to a modest degree of online participation. Both countries use the fundamental tools like email and forms for correspondence; but they neglect to use other interactive tools as RSS feeds, virtual tours, and e-petitions, which can improve public participation. Nepal has improved website, online TV, video contents and email communication; but, its capacity to provide a better and interactive online experience is limited since it lacks legislative mobile application. The Maldives follows similar tendencies; they have simple digital tools but lack sophisticated tools to enable engagement.

With a score of 11, Bangladesh reflects a low parliamentary usage of digital resources. Bangladesh offers basic resources including email and Forms; yet, the parliamentary website and social media profiles lack services such as RSS feeds, video and audio contents and virtual tours. The absence of interaction in these fields suggests a poorly designed digital communication strategy that might be much improved by optimizing these features to better engage the public.

Finally, a concerning score of zero by Afghanistan parliament denotes the whole lack of a legislative website. This could point to a significant lack of resources or political unrest stopping it from building a simple web communication system. Afghanistan's parliament has not yet acquired any notable online presence. The reason might be the low internet penetration and social media usage among the general people.

Moreover, the research explains that social media have much potential than one-way communication tools such as websites and newsletters in terms of being used to create three-dimensional communication where people can connect, participate, and offer feedback comments. Social media tools—especially Facebook and X—allows a dynamic interaction between the public and policymakers. Conversely, in the absence of social media tools, information flow tends to be more one-dimensional whereby citizens simply receive the information rather than contributing with feedback.

Figure 2. Social Media Score by South Asian Parliaments⁶¹



Interestingly, this study finds a significant gap between the presence of the Parliament on social media and the large number of social media users among the general public. While nations like

⁶¹ Source: Compiled by the researchers from website queries in December 2024.

India, Pakistan, Sri Lanka and Maldives use social media to improve their digital footprint, Bangladesh, Nepal, and Bhutan are either absent or inactive from most major platforms including X (Twitter), YouTube and Instagram. Given that many of these population currently use social media and that usage is rising, this is shocking. Lack of legislative participation in these spheres limits opportunities for democratic discussion and citizen engagement. Bangladesh is a clear example of this discrepancy; although the Bangladeshi people are quite active on social media, the legislative website does not utilise the social media networks other than Facebook to their full potential.

The Social Media Score is a significant component in the evaluation of digital media strategy within parliamentary systems. This number shows how well parliaments embrace interactive communication methods including Facebook, X (Twitter), Instagram, YouTube, and similar social media, thereby enabling two-way communication between representatives and voters and multilinear communication with other fellow citizens. A high Social Media Score shows a parliament's will to participate in democracy via modern and responsive channels of communication.

India, the biggest democracy in South Asia, is rather visible on the main social networking sites. Its national parliament makes the full use of most popular three-dimensional media sites such as Facebook, X (Twitter), YouTube, and Instagram to reach out to the public, interact in political debate, and provide information on legislative operations. Given its professional networking emphasis, LinkedIn stands out as the only platform showing low utilisation. Pakistan reflects India's social media use on many platforms. Like India, its legislative body makes great use of Facebook, X, YouTube, and Instagram. LinkedIn use is still very low, though, which suggests that parliamentary leaders mostly utilise the network for business needs rather than social interaction. Sri Lanka exhibits similar trends of interaction with well-known social media platforms such Facebook, X, YouTube, and Instagram.

The Maldives has a substantial presence on Facebook, X, YouTube, and Instagram; social media use in the nation is practically exactly like that of bigger South Asian countries. Its low LinkedIn involvement can be attributed most likely to the smaller professional network of the country's parliamentary system. Bhutan uses social media less than the other South Asian nations. Though Facebook and YouTube are quite popular, Bhutan's parliament makes little use of Instagram and X (formerly Twitter), and does not use LinkedIn at all. On social media networks including Facebook, X and YouTube - Nepal is rather well represented. Nonetheless, Instagram is the least used medium and LinkedIn is glaringly absent from the parliamentary internet presence of the nation.

Unlike others, Bangladesh hardly participates directly in social media networks as X (Twitter), YouTube, and Instagram. The most common platform is Facebook; but, the parliament of the country shows no presence on LinkedIn. Afghanistan has no legislative website; hence it does not show up on any social media networks. Its parliamentary correspondence with social media

platforms is almost non-existent. This could stem from many sociopolitical concerns the country is facing, including significant political unrest, limited technology, and restrictions on digital liberties.

The most often used tools for legislative involvement in the South Asian area are social media sites such as Facebook, X (previously Twitter), and YouTube. These websites offer a useful medium for the citizens to interact with their politicians, engage in discussions, and learn about legislative actions. Furthermore, widely available in many nations, websites and apps are the main source of government information, press releases, and parliamentary announcements. Most parliaments now efficiently include email correspondence to enable direct contact with government departments and authorities.

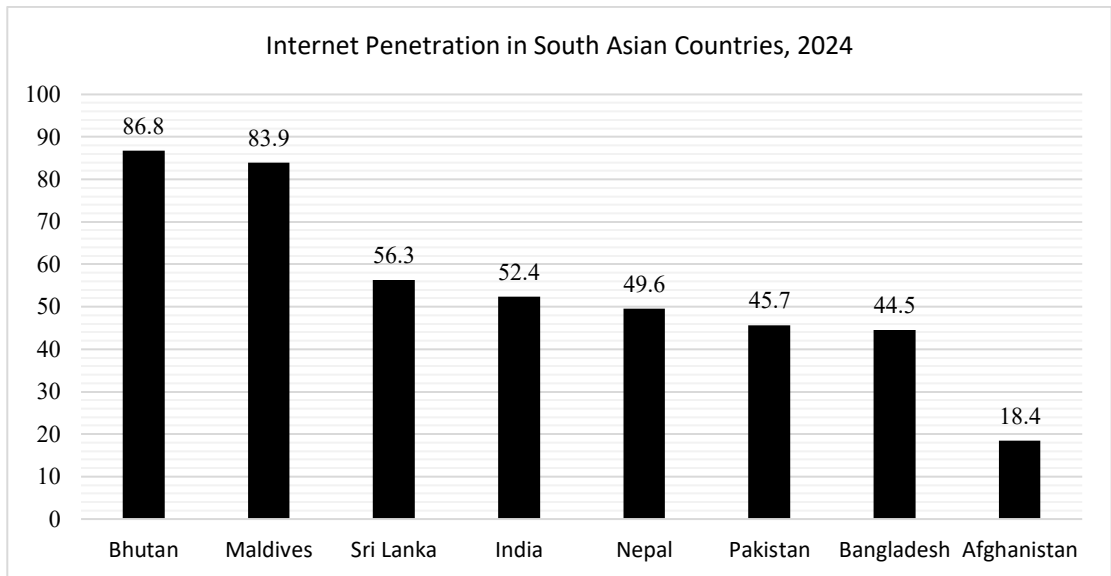
While many nations have put different digital tools into use, there are still significant chances for improvement in fields requiring more interaction and citizen participation. Video material is not equally available; some nations provide it while others either lack it completely or have non-operational links. Although they are accessible in some countries, e-newsletters and RSS feeds may be more widely used to increase openness and provide consistent information about parliamentary operations. Virtual tours are another exciting field that, with proper implementation, may provide residents a more immersive knowledge of legislative procedures.

Many digital tools are mostly lacking all around the region. All studied parliaments lack e-petitions, which might be a direct avenue for citizens to influence government. All nations lack audio recordings, which would improve accessibility for those who prefer or need aural knowledge. Furthermore, underused professional networking sites like LinkedIn limit possibilities for official connections between legislators and experts in governance, law, and policy. Even with significant increases in digital participation via official websites and social media, South Asian parliaments still show extreme shortcomings in interactive and participatory digital tools. While Bangladesh and Afghanistan have great potential for development, Sri Lanka, India and Pakistan show a notable digital presence. The presence of e-petitions, virtual tours and multimedia tools in the parliaments in this region will enhance transparency and ensure citizen participation in legislation.

This study also examines some of the factors that will compel South Asian parliaments to incorporate digital media tools. Countries with low internet penetration are likely to lag behind on using digital media tools. In many South Asian countries, particularly in rural areas, intermittent electricity and poor internet connectivity pose significant barriers to digital

governance efforts.⁶² Afghanistan and Bangladesh are the two lowest scoring parliaments, scoring 0 and 11 respectively, as their legislatures are not capable of adopting advanced digital platforms as they lack good internet infrastructure and possess the lowest internet penetration rate in the region. Better availability of the internet facilitates more citizens to access digital tools, thereby increasing participation and transparency of parliamentary websites.

Figure 3. Internet use by individuals in South Asian Countries, 2024⁶³



Another critical factor that significantly impacts the adaptation of digital tools in South Asian Parliaments is the prevailing level of digital literacy among the populace. Digital education is directly linked to the successful implementation of digital initiatives.⁶⁴ Digital literacy gaps in

⁶² D. Koryzis, A. Dalas, D. Spiliotopoulos and F. Fitsilis, 'Parltech: Transformation framework for the digital parliament'. *Big Data and Cognitive Computing* 5(1) 2021, p. 15. Accessed at: <https://doi.org/10.3390/bdcc5010015>

⁶³ Source: DataReportal. (n.d.). Reports on Southern Asia. Kepios. Retrieved January, 2025, from <https://datareportal.com/reports/?tag=Southern+Asia>. Note: % of individuals aged over 18; Internet use in first quarter of 2024.

⁶⁴ S. Livingstone, S. S. Lim, A. Nandi and B. Pham, 'Comparative global knowledge about the use of digital technologies for learning among young children', in O. Erstad, R. Flewitt, B. Kümmerling-Meibauer and I. S. Pires Pereira (eds), *The Routledge Handbook of Digital Literacies in Early Childhood*. Abingdon: Routledge, 2019, pp. 79-91. Accessed at: <https://doi.org/10.4324/9780203730638-6>

South Asia might limit both government officials and citizens from engaging effectively through the digital tools. The gap in digital literacy underscores larger socio-economic disparities, which may lead to significant differences in the readiness and capability of people to use new technologies.⁶⁵

Using digital solutions also requires regular feedback loop on how effective the tools are. The idea is to fine-tune them for improved application. As citizen needs and government operations change, digital tools must change with them. This highlights the need for adaptive learning mechanisms within the governance landscape.⁶⁶ South Asian parliaments lack the feedback mechanism of an assessment to ensure that digital platforms do not lose relevance and are helping in fulfilling the purpose for which they are used for.

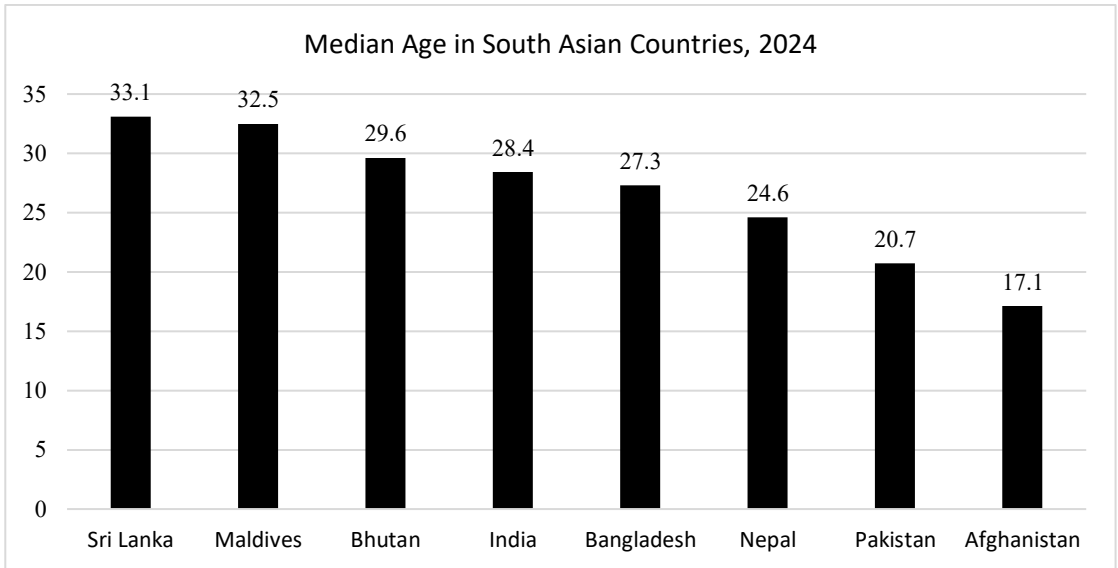
Additionally, median age of a country also has a direct impact on the consumption of digital media. Statistics reveal that about 90% of individuals aged 18 to 29 report utilising social media, significantly higher than the approximately 40% of adults aged 65 and over who engage in similar practices.⁶⁷ In countries with a lower median age, parliaments usually show more competence in digital media use. But in this case, Sri Lanka, India and Bhutan have stood first, second and third with comparatively higher median age. This might signify that younger population are less politically conscious than the middle-aged population.

⁶⁵ M. M. Hossain and W. Weng, *Digital Health Divide in South Asia: Ethical Concerns, Challenges, and Recommendations* (No. qxecj_v1). Center for Open Science, 2020. Accessed at: <https://doi.org/10.31235/osf.io/qxecj>

⁶⁶ L. Evans, J. Evans, A. Abdullah, Z. Ahmed and RESPIRE Group, 'Mapping Respiratory Health Digital Interventions in South and Southeast Asia: A Scoping Review'. *medRxiv*, 2024. Accessed at: <https://doi.org/10.1101/2024.12.12.24318897>

⁶⁷ J. L. Doty, J. Dworkin and J. H. Connell, 'Examining digital differences: Parents' online activities'. *Family Science Review* 17(2) 2012, pp. 18-39. Accessed at: <https://doi.org/10.26536/fsr.2012.17.02.02>

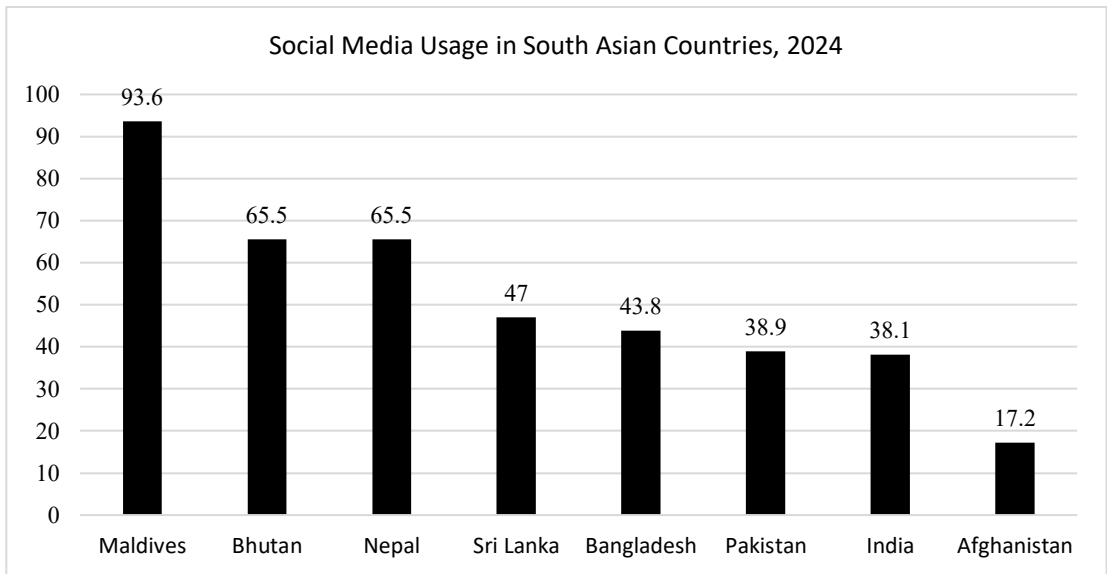
Figure 4. Median age in South Asian Countries, 2024⁶⁸



Another major determinant of digital media participation by parliaments can be the general frequency of social media use among the people, especially among the youth. In countries where people use social media extensively, parliaments are more likely to embrace and include several social media platforms to interact with the people. Afghanistan and Bangladesh highlight the discrepancy by showing lower social media and general digital media scores aligning with lower social media usage. On the other hand, Maldives and Nepal with the highest social media usage in the region could not beat Sri Lanka, India and Pakistan who have comparatively lower social media usage in terms of digital media usage by parliaments.

⁶⁸ Source: DataReportal. (n.d.). Reports on Southern Asia. Kepios. Retrieved January, 2025, from <https://datareportal.com/reports/?tag=Southern+Asia>. Media age in first quarter of 2024.

Figure 5. Social media use by individuals in South Asian Countries, 2024⁶⁹



Lastly, but most importantly, the political and organizational will to embrace digital transformation determines the digital presence of parliaments in South Asia. The responsiveness of governmental bodies to adopt digital means is often contingent upon leadership and managerial attitudes towards innovation.⁷⁰ Reluctance or scepticism among key decision-makers can significantly stall the process of digital presence of the parliaments. This explains why countries with higher social media usage and lower median age fail to top the digital media adaptation score. Research shows that democratic governance plays a positive role in enabling digital innovation in public institutions.⁷¹ The more democratic a country is in

⁶⁹ Source: DataReportal. (n.d.). Reports on Southern Asia. Kepios. Retrieved January, 2025, from <https://datareportal.com/reports/?tag=Southern+Asia>. Note: % of individuals of total population (aged over 18); Social media use in first quarter of 2024.

⁷⁰ . Qiu, S. Wang, Y. Hou and S. Xu, 'What drives infrastructure participants to adopt digital technology: a Nexus of internal and external factors'. *Sustainability* 15(23) 2023, p. 16229. Accessed at: <https://doi.org/10.3390/su152316229>

⁷¹ P. Norris, *Democratic Deficit: Critical Citizens Revisited*. Cambridge: Cambridge University Press, 2011. Accessed at: <https://tinyurl.com/y54ff5p2> ; L. Dahlberg, 'Re-constructing digital democracy: An outline of four 'positions''. *New Media & Society* 13(6) 2011, pp. 855-872. Accessed at: <https://doi.org/10.1177/1461444810389569>

its establishment, the more it is likely to show the political will to accept and adopt digital tools for parliamentary affairs. To substantiate that, we employed a Pearson Correlation Test between our findings of the Digital Media Score of 8 South Asian countries and two V-Dem indices, the Liberal Democracy Index (LDI) and the Participatory Component Index (PCI).

RELATIONSHIP BETWEEN PARLIAMENTARY DIGITAL MEDIA USE AND DEMOCRATIC INDICATORS IN SOUTH ASIA

The Digital Media Score of the south Asian parliaments were computed to investigate to which extent these parliaments use digital media tools to engage directly with the citizens. In these scores, the higher the score, the better the use of digital media tools. To correlate with this finding, we included two V-Dem indices (the Liberal Democracy Index (LDI) and the Participatory Component Index (PCI)) that ranks the countries based on their democratic condition. It is worth mentioning that the lower the ranks in the LDI and PCI, the better the democratic conditions and the level of political participation.

The Liberal Democracy Index (LDI) incorporates electoral as well as liberal dimensions of democracy into two sub-indices namely, the Electoral Democracy Index (EDI) and the Liberal Component Index (LCI). The EDI measures institutional factors that determine the fairness of elections like liberty of expression and association. The LCI analyses the degree to which the power of government is limited with an emphasis being made on areas such as protection of individual rights. There is also the Participatory Component Index (PCI) which measures the extent of citizen participation in election and non-election affairs. It covers four aspects: civil society organizations (CSO), direct democracy mechanisms and participation through local and regional governments. All these are captured by V-Dem indices forming the PCI.

Table 2. Parliamentary Digital Media Score and Related Indicators for South Asian Countries⁷²

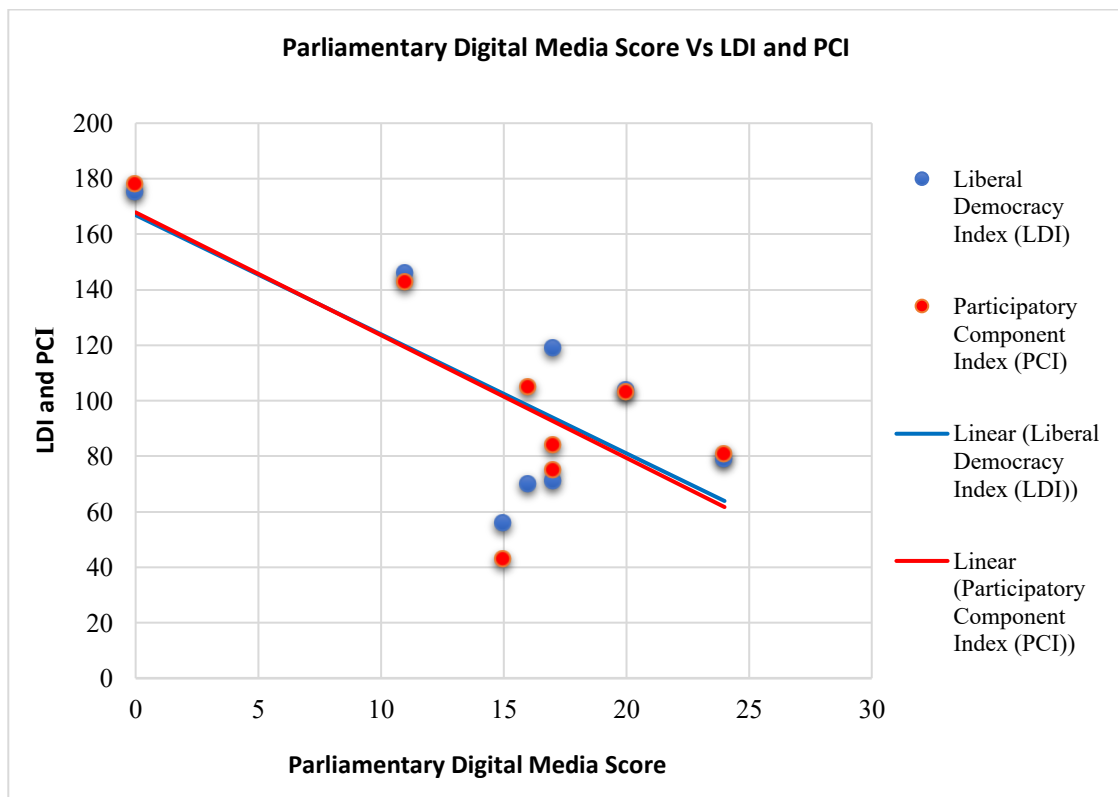
<i>Country</i>	Parliamentary Digital Media Score	LDI	PCI
<i>Afghanistan</i>	0	175	178
<i>Bangladesh</i>	11	146	143
<i>Bhutan</i>	17	71	75
<i>India</i>	20	104	103
<i>Maldives</i>	16	70	105
<i>Nepal</i>	15	56	43
<i>Pakistan</i>	17	119	84
<i>Sri Lanka</i>	24	79	81

The results of Pearson correlation coefficients computed to assess the linear relationship between parliamentary digital media scores and each V-Dem index show a strong negative correlation for both indices:

- Correlation with LDI: $r = -0.73$, $p\text{-value} = 0.038$
- Correlation with PCI: $r = -0.75$, $p\text{-value} = 0.033$

⁷² Source: Findings of the research and V-Dem Institute. 2024. *Democracy Report 2024: Democracy Winning and Losing at the Ballot*. University of Gothenburg: V-Dem Institute.

Figure 6. Correlation Between Parliamentary Digital Media Score and Liberal Democracy Index (LDI) and Participatory Component Index (PCI)⁷³



The p-values were obtained from significance testing to evaluate the null hypothesis $H_0 : r = 0$ (no correlation). The p-value is less than the standard level of 0.05 in both cases, which indicates that the two correlations have a statistical significance to them and are unlikely to have occurred randomly

The results show a strong negative linear correlation between Parliamentary Digital Media Scores and the Liberal Democracy Index (LDI) and Participatory Component Index (PCI). Since the lower values on both indexes refer to the increased level of democratic quality and the degree of political participation, this means that countries with stronger liberal democratic institutions and greater citizen engagement tend to employ digital media tools more in their

⁷³ Source: Author's analysis using data from table 2.

parliamentary affairs, which will eventually lead to enhanced digital engagement within their parliaments and countries with robust digital media adaptation in parliamentary engagement are tend to have better democratic environment. The results are consistent with democratic theory which postulates that strong democracies facilitate transparency, accessibility, and citizen engagement.⁷⁴ Digital media can help legislatures convey messages to citizens, allow access information and participation in governance. Thus, democracies with better V-Dem indices are in a better position to utilise digital platforms more effectively.

For instance, Sri Lanka and India, which have relatively lower V-Dem score which shows better democratic conditions, have higher scores for parliamentary digital media (24 and 20 respectively). On the other hand, Afghanistan and Bangladesh have poorer engagement with digital media as their V-Dem scores are higher due to weaker democracies (0 and 11 respectively).

This correlation emphasises how digital innovation in parliamentary functions and democratic health are interdependent. It implies that attempts to enhance democracy and political participation may simultaneously bolster the digital capabilities and transparency of national parliaments. However, these correlations indicate association only and do not imply causation. Other factors may influence both digital media adoption and democratic quality. Further research is needed to establish causal mechanisms between them. The small sample size (n=8) and cross-sectional nature of the data also limit the ability to infer causality or generalisability.

DISCUSSION AND CONCLUSION

Although the strong negative correlations support the association between democratic quality and parliamentary digital media adoption, certain outliers highlight additional mediating factors. Notably, despite ranking among the highest in regional internet and social media penetration, the Maldives and Nepal achieved only moderate Digital Media Scores (16 and 15, respectively) and fell below expectations compared to Sri Lanka, India, and Pakistan. This discrepancy suggests that parliamentary digital engagement depends not only on societal digital readiness and democratic quality but can also be the result of institutional inertia, lack of political will, and limited budgets, expertise, or strategic prioritization within parliamentary administrations.

⁷⁴ Norris, *Democratic Deficit*; Dahlberg, 'Re-constructing digital democracy'.

In light of Hoffman's Three-Dimensional Model of Political Communication in the South Asian parliamentary context, Sri Lanka, India, and Pakistan have incorporated a range of three- and two-dimensional tools like social media and email. The dominant presence of one-dimensional tools like websites, Apps, RSS feeds, and newsletters shows a common regional pattern for the dissemination of parliamentary information. However, two- and one-dimensional tools like e-petitions and audio recordings remain regionally absent. These scenarios show that South Asian parliaments have not yet fully moved toward the interactive and mobilising potential that three-dimensional communication offers, which makes it harder for citizens to get more involved in governance.

Notwithstanding the progress many parliaments have made in embracing digital media, the study reveals certain issues that demand attention. The parliaments in South Asia still fall behind the global standards in terms of using such tools in an effort to build a stronger connection with citizens. The variety of tools implemented in different parliaments of the region shows that there is no one-model-fits-all approach; instead, each parliament should come up with its own strategy based on its own situation. The finding of the research shows that democratic and participatory governance has a positive and remarkable impact on the adaptation of digital technologies and vice-versa. So, in order to improve the adaptation of digital media tools in parliaments, South Asian countries must focus on the improvement of their democratic and participatory governance. Along with the efforts to deal with issues such as digital literacy, digital divide, and insufficient resources, parliaments should also focus on aspects such as feedback loop, regular maintenance, and prioritise user-friendliness of their digital tools.

The inclusion of digital media tools in parliamentary communication with citizens enables a dynamic shift in citizen participation in parliamentary affairs. This change in direct communication between the parliament and citizens creates a more open and accountable legislative system. Social media has contributed to this change by democratizing the political discourse through the direct and multilateral communication among parliaments, politicians, and the citizens. Thus, social media has established a three-dimensional communication that was impossible to achieve previously. The emergence of 'Parliament 2.0' has fuelled the demand for a more interactive and open parliamentary system using the internet and digital tools. India and Sri Lanka are leading the region in this regard by closing the distance between parliaments and citizens using digital media tools.

Despite the true promise towards the adaptation of digital media tools in South Asian parliaments, there exists variation in tools and approaches based on a variety of factors. Sri Lanka, India and Pakistan are comparatively more promising in this regard than other countries within the region. On the flip side, Bangladesh and Afghanistan need some tailored strategies and planning to establish a stronger digital presence in parliamentary affairs offered by the digital tools and technologies. As South Asian parliaments enhance their digital infrastructures,

opportunities for increased citizen engagement and improved democratic governance will emerge, hence fostering more inclusive and transparent governance across the region.

APPENDIX 1: CODEBOOK⁷⁵

Tool	Code	Score
Website and Application	Both are available	2
	Only website or application available	1
	Unavailable	0
Online TV	Available and linked with the website	2
	Available	1
	Unavailable	0
RSS feed	Available	2
	Unavailable	0
E-newsletter/ News/ Press Release	Available as downloadable document (pdf)	2
	Available	1
	Unavailable	0
Video	Parliament Session	2
	General Information	1
	Unavailable	0
Audio recordings	Available	2
	Link available, but not working	1
	Unavailable	0
Virtual tour	Available	2

⁷⁵ Source: Adopted and modified by the researcher from Theiner, P., Schwanholz, J., & Busch, A. (2018). Parliaments 2.0? Digital media use by national parliaments in the EU. *Managing Democracy in the Digital Age: Internet Regulation, Social Media Use, and Online Civic*

	Link available, but not working	1
	Unavailable	0
Email	Department specific Email	2
	Only administrator Email	1
	Parliamentarian's Email	1
	Unavailable	0
E-petition	Available	2
	Unavailable	0
Forms	Available for specific purpose	2
	Available for general purpose	1
	Unavailable	0
Facebook	Active Facebook account	2
	Inactive Facebook account	1
	Unavailable	0
X (Twitter)	Active X account	2
	Inactive X account	1
	Unavailable	0
YouTube	Available	2
	Link not working	1
	Unavailable	0
Instagram	Available	2
	Link not working	1
	Unavailable	0
LinkedIn	Available	2
	Link not working	1
	Unavailable	0

Table 3: Results of coding by country (data collected on December 2024, prepared by the researchers)

Country	Website and Mobile App	Online TV	RSS Feed	E-news/ Press Release	Video	Audio	Virtual Tour	Email	E-petition	Forms	Facebook	X (Twitter)	YouTube	Instagram	LinkedIn	Total Score
Afghanistan	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Bangladesh	2	2	0	1	0	0	0	2	0	2	2	0	0	0	0	11
Bhutan	1	1	2	2	1	0	2	1	0	1	2	1	2	1	0	17
India	2	2	2	2	0	0	0	2	0	1	2	2	2	2	1	20
Maldives	1	2	0	2	1	0	0	1	0	1	2	2	2	2	0	16
Nepal	1	2	0	0	2	0	0	2	0	2	2	2	2	0	0	15
Pakistan	1	1	0	2	2	0	0	1	0	1	2	2	2	2	1	17
Sri Lanka	2	2	2	2	1	0	2	2	0	2	2	2	2	2	1	24

Parliamentary Diplomacy and the Role of Parliament in Crisis: Analysing Sri Lanka's 9th Parliament Amidst Political and Economic Crises (2020- 2024)

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Abstract: This study examines the role of Sri Lanka's 9th Parliament (2020-2024) amid concurrent political, economic, and internal crises, including the sovereign debt default and mass protests. Drawing on Hansard reports, constitutional provisions, and neoclassical realism, the research investigates Parliament's performance in three key areas: constitutional oversight, parliamentary diplomacy, and institutional resilience. Findings reveal that, despite formal powers under Articles 75 and 148 of the Constitution, Parliament functioned largely as a reactive body, marginalised by executive dominance and procedural opacity. While opposition figures frequently raised critical issues, particularly on IMF negotiations, debt restructuring, and public accountability, these interventions were largely rhetorical, with minimal influence on policy outcomes. The study concludes that internal structural weaknesses and external pressures constrained Parliament's capacity to act as a democratic safeguard, thereby undermining both domestic legitimacy and international credibility. It contributes to broader debates on crisis governance, parliamentary sovereignty, and foreign policy-making in hybrid democracies.

INTRODUCTION

Parliamentary systems in post colonial democracies have long been crucial tools for democratic representation, institutional checks and balances, and public accountability. In Sri Lanka, the evolution of parliamentary governance traces back to the British colonial era, beginning with the Colebrooke-Cameron Reforms of 1833, which introduced a rudimentary legislative council. The Westminster model was introduced by the Soulbury Commission in 1944. The Parliament consisted of the Queen (represented by the Governor - General) and two Houses, namely the

Senate and the House of Representatives,¹ and the 1972 and 1978 constitutions successively localised and restructured the framework, ultimately resulting in a unique hybrid model of executive presidentialism nested within a parliamentary democracy.²

While Sri Lanka has experienced various institutional transformations, Parliament has remained a cornerstone of its democratic legitimacy. However, the legislature's performance has often fluctuated with broader political developments. Sometimes operating as a robust check on the executive, and at other times reduced to a passive, procedural body. The period between 2020 and 2024 under the 9th Parliament represents a critical episode in this fluctuating trajectory, marked by the most severe combination of political, economic, and international crises in the country's post independence history.

The 9th Parliament was convened following the August 2020 general election, which gave a clear parliamentary majority to the Rajapaksa family-led Sri Lanka Podujana Peramuna (SLPP). The SLPP secured 145 out of 225 seats in Parliament, achieving a two-thirds majority³. Thereafter, Sri Lanka faced a huge economic crisis, and this crisis was the result of the influence of multiple factors. Among the causes were fiscal profligacy, compounded by the COVID-19 pandemic, which set off a predictable chain of outcomes higher budget deficits, higher public debt, increased foreign debt, credit downgrades, a rise in the cost of external borrowing, loss of access to international markets for foreign loans, depletion of foreign currency (FX) reserves, a balance of payments (BoP) crisis, currency depreciation, rising inflation, and eventual external debt default⁴. This triggered widespread civil unrest in 2022 and international interventions. The culmination of these pressures was a democratic rupture in mid 2022, when mass protests called the *Aragalaya* compelled the resignation of both President Gotabaya Rajapaksa and Prime Minister Mahinda Rajapaksa⁵.

¹ Parliament of Sri Lanka. 'Evolution of the Parliamentary System'. Accessed at: <https://www.parliament.lk/en/handbook-of-parliament/evolution-of-the-parliamentary-system>.

² V. K. Nanayakkara, 'From Dominion to Republican Status: Dilemmas of Constitution Making in Sri Lanka'. *Public Administration and Development* 26(5) 2006, pp. 425–437, p. 425.

³ Parliament of Sri Lanka. 'General Election 2020'. Accessed at: <https://www.parliament.lk/election-2020/>

⁴ L. P. Samarakoon, 'What Broke the Pearl of the Indian Ocean? The Causes of the Sri Lankan Economic Crisis and Its Policy Implications'. *Journal of Financial Stability* 70 2024, p. 1.

⁵ A. Perera, 'Sri Lanka: Chased Out by Protesters, a Political Dynasty Plots Its Comeback'. *BBC*, 16 September 2024. Accessed at: <https://www.bbc.com/news/articles/cr5n51ym19jo>.

These overlapping crises created a unique test case for parliamentary performance. Theoretically, in moments of democratic stress, legislatures are expected to act as stabilising institutions that scrutinize executive behaviour, legislate with prudence, and represent public sentiment. Moreover, in the age of globalised governance, parliaments are increasingly actors in diplomacy, participating in inter parliamentary networks, human rights dialogues, and economic negotiations. However, the Sri Lankan Parliament's response during this period raised critical questions about its institutional capacity, autonomy, and relevance.

This study is situated at the intersection of legislative politics, and international relations, seeking to interrogate the role played by the 9th Parliament during this exceptional period. Hence, the primary objective of this research is to gain an understanding of the role of the Sri Lankan Parliament during the period from 2020 to 2024, amidst the political, economic, and international crises the country faced. Accordingly, this study focuses on how the parliament at the time responded to these crises, particularly during periods of heightened external and internal pressure, and whether it safeguarded or challenged constitutional oversight and democratic norms. This article argues that the Sri Lankan Parliament, despite being constitutionally empowered to act as a democratic safeguard, played a diminished and often reactive role in crisis governance. It failed to assert its fiscal oversight functions, participated only peripherally in shaping foreign policy, and suffered from a legitimacy crisis due to perceived alignment with an increasingly centralised executive authority. This article contends that such institutional weakness not only undermined domestic democratic norms but also eroded Sri Lanka's credibility internationally.

Three research questions have been formulated to guide the thesis statement. These are as follows:

1. How did Sri Lanka's 9th Parliament respond to the political, economic, and international crises between 2020 and 2024, particularly with regard to its constitutional oversight responsibilities?
2. What role did the Parliament play in the country's overall parliamentary diplomacy efforts?
3. To what extent did internal institutional limitations and external pressures affect the Parliament's capacity to influence crisis management and foreign policy decisions during this period?

Traditionally, the executive branch dominates foreign policy decision making; however, in shaping, legitimizing, and responding to international crises, the Sri Lankan Parliament plays a crucial role. Thus, in the face of the 2022 economic and political crises, Parliament was weakened by both internal and external pressures and encountered numerous challenges in performing an active role. Although the Parliament holds fiscal oversight powers, the failure to exercise these powers effectively intensified the aforementioned crises. It was expected that, during the peak of these crises, Parliament would serve as a democratic anchor, scrutinizing

executive decisions, managing public accountability, and facilitating international engagement with the IMF. However, in practice, excessive centralisation of executive power, ad hoc policy responses, and a lack of transparency in foreign negotiations restricted the Parliament's role.

LITERATURE REVIEW

Contextualising Institutional Transformations

The 20th Amendment to the Constitution was passed into law on 22 October, with 156 of the 225 parliamentarians voting in favour of the amendment⁶. Scholars note that systemic reform in 2020 restored presidential supremacy at the expense of legislative balance (Twentieth Amendment). This consolidation aligns with what the Centre for Independent Studies terms a 'return to hyper-presidentialism,' dismantling gains from the 19th Amendment, especially in executive-legislative accountability⁷. However, Sri Lankan Parliament's power of oversight and scrutiny is exercised in three main areas: (1) scrutiny over government policies, (2) oversight of public finance, and (3) scrutiny over legislations⁸.

Most importantly, the Sri Lankan Parliament has been granted financial control powers under Article 148 of the Sri Lankan Constitution. Accordingly, it states:

*Parliament shall have full control over public finance. No tax, rate or any other levy shall be imposed by any local authority or any other public authority, except by or under the authority of a law passed by Parliament or of any existing law.*⁹

⁶ 'Sri Lanka: Newly Adopted 20th Amendment to the Constitution Is Blow to the Rule of Law'. *International Commission of Jurists*, 27 October 2020. Accessed at: <https://www.icj.org/sri-lanka-newly-adopted-20th-amendment-to-the-constitution-is-blow-to-the-rule-of-law/>.

⁷ A. Nadaradjane, 'Sri Lanka: Democracy in Crisis'. *The Centre for Independent Studies*, 28 November 2022. Accessed at: <https://www.cis.org.au/publication/sri-lanka-democracy-in-crisis/>.

⁸ N. Tennakoon and T. K. Jayathilake, 'Policy and Legislation Evaluation and Scrutiny by Parliament of Sri Lanka'. *Journal of Southeast Asian Human Rights* 5(2) 2021, pp. 154-175. P. 156.

⁹ *The Constitution of the Democratic Socialist Republic of Sri Lanka* (as amended up to the 21st Amendment), art 148, p. 149.

Thus, while such financial control powers are vested in Parliament, a trio of committees operates to oversee and manage these functions. These committees are:

- The Committee on Public Accounts (COPA), established in 1921. As per the Standing Orders of Parliament, COPA is mandated with the examination of the accounts of public corporations.
- The Committee on Public Enterprises (COPE), introduced in 1979, following the significant increase in COPA's workload after Sri Lanka's independence.
- The Committee on Public Finance (COPF), established in 2015. It is entrusted with reviewing the appropriations contained in the Appropriations Act for the current year, the transfer of appropriations, unexpected balances, and the implementation of the Appropriations Act for the current year.¹⁰

Accordingly, these committees provide Members of Parliament the opportunity to scrutinize government policies and activities.

The Role of Parliament in Crisis Governance

Parliaments are expected to act as bulwarks of democracy, particularly during moments of crisis when executive overreach and public unrest threaten institutional stability. In theory, legislatures function as representation, legislation, deliberation, scrutiny, budget setting, making and breaking governments, and Redress of grievances¹¹. But parliaments are under greater pressure to demonstrate strong oversight during times of national upheaval, because they are bound to uphold the sovereignty of their country. However, in many states the executive decided to accelerate the legislative process by constraining parliamentary control. Governments, exposed to international pressure, frequently prioritised the interests of financial markets over those of their own voters¹². In this context, international pressure denotes external financial constraints arising from global capital markets and creditors, rather than domestic political or electoral considerations. Moreover, aside from these varied (and, to be sure, constantly evolving) experiences, it has also been clear that threats to derail or undermine democratic progress or even to revert to authoritarianism are ever-present,

¹⁰ Tennakoon and Jayathilake, 'Policy and Legislation Evaluation and Scrutiny by Parliament of Sri Lanka', p. 157.

¹¹ K. Coghill, P. Holland, A. Kinyondo, C. Lewis and K. Steinack, 'The Functions of Parliament: Reality Challenges Tradition'. *Australasian Parliamentary Review* 27(2) Spring 2012, pp. 55–70, p. 56.

¹² A. Maatsch and I. Cooper, 'Governance without Democracy?: Analysing the Role of Parliaments in European Economic Governance after the Crisis: Introduction to the Special Issue'. *Parliamentary Affairs* 70(4) 2017, pp. 645–654, p. 646.

particularly as new democratic norms are slow to take hold and replace entrenched institutional practices, power structures, and political culture¹³.

In the Sri Lankan context, the political framework of Sri Lanka has progressively concentrated authority within the executive branch, thereby eroding the essential checks and balances that are fundamental to a robust governance system.¹⁴ The shift towards co-governance allowed the executive to implement major decisions without seeking prior approval from Parliament. This was evident in 2019, when several key policies, later identified as contributing factors to the economic crisis, were introduced unilaterally by the newly appointed Gotabaya Rajapaksa administration. Notably, these included the drastic reduction of the Value Added Tax (VAT) from 15% to 8% in November 2019 and the complete ban on the import of chemical fertilisers in 2021. Combined with external shocks such as the COVID-19 pandemic and the 2022 Russia-Ukraine conflict, these policies pushed Sri Lanka into a severe economic crisis¹⁵. The situation tested the Parliament's capacity to serve as a check on executive power. Although Sri Lankan Parliament formally exercises the key functions of representation, legislation, control of public finance, and oversight¹⁶, the 9th Parliament was widely criticized for its limited engagement and its failure to respond proactively to the crisis as it unfolded.

Parliamentary Diplomacy and International Engagement

Parliamentary diplomacy could be defined as individual or collective action by parliamentarians aimed at 'catalysing, facilitating and strengthening the existing constitutional functions of parliaments through dialogues between peers on countless open policy questions across

¹³ D. A. H. Shah, 'Dismantling Democratic Change in Asia: Modalities and Weapons of Choice'. *International Journal of Constitutional Law* 22(4) 2024, pp. 997–1030, p. 997.

¹⁴ S. Thapa, 'Sri Lanka's Political Crisis: Realist Insights on Governance, Economy, and Lessons for Small States'. *SUPRA Centre for Research and Publications* 1(1) 2024, pp. 1–8, p. 2.

A M Sayers and A C Banfield, 'The Evolution of Federalism and Executive Power in Canada and Australia'. *Federal Dynamics: Continuity, Change, and the Varieties of Federalism* 2013, pp. 185–191, p. 191.

N Bolleyer and O Salát, 'Parliaments in Times of Crisis: COVID-19, Populism and Executive Dominance'. *West European Politics* 44(5–6) 2021, pp. 1103–1128, p. 1105.

¹⁵ W. Fred, G. Divya, M. Roshni, K. Rajni and G. C. Attayanake, *Sri Lanka's Evolving Crisis: Implications on Rule of Law and Constitutional Democracy* (Institute of South Asian Studies, 2023), p. 7.

¹⁶ Tennakoon and Jayathilake, 'Policy and Legislation Evaluation and Scrutiny by Parliament of Sri Lanka', p. 155.

continents and levels of governance¹⁷. Unlike traditional diplomacy (formal, institutionalised, and state-centric conduct of international relations by authorized government representatives), which is hierarchical and state-centric, parliamentary diplomacy is dialogical, deliberative, and grounded in peer to peer engagement. Also, parliamentary diplomacy is a continuation of engagement on national issues and is inspired by domestic constitutional values.¹⁸

However, parliamentary diplomacy is analytically distinct from traditional diplomacy in terms of its actors, authority, and mode of engagement. While traditional diplomacy is conducted by the executive branch through the President, Cabinet, and Ministry of Foreign Affairs, parliamentary diplomacy refers to the international engagement undertaken by legislatures and individual parliamentarians. It is typically informal, dialogical, and norm driven rather than legally binding, operating through inter parliamentary networks, committee exchanges, international parliamentary forums, and oversight related engagement with external actors.

Scholars argue that parliamentary diplomacy enhances the means of promoting democracy, accountability, and the legitimacy of intergovernmental institutions.¹⁹ This function is especially vital in crisis situations, where domestic legitimacy is strained and executive behaviour may provoke international concern. For example, parliamentary diplomacy has played an active role in acting as moral tribunes and provides mechanisms for appraising the legitimacy of regional and global governance.²⁰ In this sense, parliamentary diplomacy functions as an extension of representative democracy, allowing legislatures to compensate for declining domestic trust by demonstrating accountability and pluralism beyond the executive.

Despite these opportunities, in many Global South contexts, including Sri Lanka, parliamentary diplomacy remains underdeveloped. Structural limitations, party system, democratic weaknesses, and political centralisation often prevent legislatures from developing consistent

¹⁷ S. Stavridis and D. Jančić, 'Introduction: The Rise of Parliamentary Diplomacy in International Politics', in *Brill / Nijhoff EBooks*, 2017, pp. 1–15, p. 6.

¹⁸ Stavridis and Jančić, 'Introduction: The Rise of Parliamentary Diplomacy in International Politics', p. 2.

¹⁹ L. Gil-Besada, 'A Literature-Based Framework for Analysing Parliamentary Diplomacy in Conflict Settings: European Responses to the Russia-Ukraine War'. *The Journal of Legislative Studies* (forthcoming 2025), pp. 1–45, p. 2.

²⁰ Stavridis and Jančić, 'Introduction: The Rise of Parliamentary Diplomacy in International Politics', p. 8.

and strategic diplomatic engagement.²¹ Hence, article 33(1)(f) of the *Constitution of Sri Lanka* states:

The President shall have the power to... appoint and receive ambassadors, plenipotentiaries and other diplomatic agents, and to conduct and regulate international affairs, and to enter into and ratify treaties and agreements with states and international organizations.

This clause confirms that the President holds exclusive constitutional authority over the conduct of foreign relations, including treaty making and international negotiations. Although Parliament may legislate or debate foreign affairs, there is no constitutional requirement for treaties to be approved by Parliament, except in cases where the treaty requires changes to domestic law. This means: Parliament's role is limited to ratification via domestic legislation. Most foreign agreements, including loan negotiations and multilateral arrangements, do not require prior parliamentary approval unless they directly contradict or amend existing law. Therefore, the 9th Parliament rarely initiated or led diplomatic engagements, even as Sri Lanka faced severe international scrutiny and economic dependence on global actors.

This reflects the disconnect between the potential and practice of parliamentary diplomacy in Sri Lanka and speaks directly to the study's second research question: How did the Sri Lankan Parliament engage in, or fail to engage in, diplomatic efforts during a period of intense international pressure?

Neoclassical Realism and Domestic Institutions in Foreign Policy

To analyse the behaviour of Sri Lanka's Parliament in foreign affairs and crisis response, this study adopts the theoretical framework of neoclassical realism. First developed by Gideon Rose, a theoretical framework that bridges systemic international structures and domestic-level dynamics. Unlike classical or structural realism, neoclassical realism contends that foreign policy is not a direct response to the international system but is mediated through unit-level factors such as state-society relations, the nature of their domestic political regimes, strategic

²¹ X. Nuttin, 'Challenges for Parliamentary Diplomacy in South and South-East Asia and Europe: A Practitioner's Perspective', in S. Stavridis and D. Jančić (eds), *Parliamentary Diplomacy in European and Global Governance*. Leiden: Brill | Nijhoff, 2017, pp. 230–247, pp. 238–239.

culture, and leader perceptions.²² This framework is particularly useful in understanding cases like Sri Lanka, where institutional dynamics such as constitutional amendments and elite entrenchment significantly mediate foreign policy behaviour.

Unlike neorealism, which treats the state as a rational, unitary actor, neoclassical realism incorporates internal variables that shape a state's ability and willingness to respond to international stimuli. As Foulon explains, neoclassical realism 'bridges the spatial (domestic-international), cognitive (matter-ideas), and temporal (present-future) divides' in international relations theory.²³ This 'triple bridging' makes it uniquely suited to explore how institutions like Sri Lanka's Parliament process and respond to international crises, such as IMF negotiations. According to Ripsman, domestic actors, including parliaments, can act as either 'facilitators or inhibitors of systemic responses,' depending on their autonomy and cohesion.²⁴

In practice, this means that while international economic pressures, such as those from the IMF may objectively exist, a state's response is shaped by internal factors like elite preferences, legislative capacity, and political legitimacy. As noted by Foulon

*a perceptual layer at the level of state policymakers affects the operationalization of structural constraints.*²⁵

This is evident in the Sri Lankan case, where the executive branch's dominance, particularly after the 20th Amendment, limited Parliament's capacity to influence or initiate diplomatic responses. The legislature's inability to assert oversight in economic or foreign policy spheres underscores what neoclassical realists describe as a 'bounded' or 'constrained' state response due to domestic political fragmentation.²⁶

Moreover, the theory's emphasis on elite perceptions²⁷ aligns with the Sri Lankan context, where crisis management was heavily shaped by presidential framing and elite narratives of sovereignty and anti-Western resistance. Even as the international system imposed fiscal and

²² N. M. Ripsman, 'Neoclassical Realism', *Oxford Research Encyclopedia of International Studies* (2011). Accessed at: <https://doi.org/10.1093/acrefore/9780190846626.013.36>, p. 1.

²³ M. Foulon, 'Neoclassical Realism: Challengers and Bridging Identities'. *International Studies Review* 17(4) 2015, pp. 635–661, p. 635. Accessed at: <https://www.jstor.org/stable/24758570>.

²⁴ Ripsman, 'Neoclassical Realism', p. 5-6.

²⁵ Foulon, 'Neoclassical Realism: Challengers and Bridging Identities', p. 636.

²⁶ Ripsman, 'Neoclassical Realism', p. 4-5.

²⁷ Ripsman, 'Neoclassical Realism', p. 5-10.

human rights expectations, domestic leadership framed external involvement as intrusive, reinforcing executive control over foreign affairs. This reflects the neoclassical realist argument that

*unit-level factors such as executive dominance, elite cohesion, and state-society relations determine how systemic constraints are interpreted and acted upon.*²⁸

Therefore, the Parliament's reactive and constrained behaviour cannot be fully understood without accounting for these domestic institutional and perceptual filters.

Neoclassical realism emphasises that foreign policy outcomes are not simply deviations from systemic expectations, but rather intentional navigations between international demands and domestic constraints. Taliaferro, Lobell, and Ripsman argue that

*foreign policy is the product of both systemic incentives and the capacity of the state to extract and direct societal resource.*²⁹

In contexts where legislative bodies lack institutional strength, as was often the case in Sri Lanka's 16th Parliament, executive overreach and political inertia can lead to suboptimal or even detrimental foreign policy outcomes. Therefore, neoclassical realism provides a valuable explanatory framework for understanding how and why Parliament failed to play a significant role in foreign policy decision-making during periods of overlapping crises.

Importance of the Research

This research is of particular significance as it seeks to examine the performance of some of the most severe economic, political, and international challenges in its history between 2020 and 2024, during the 9th Parliamentary term. The way in which the Sri Lankan Parliament operated during this period and how it utilised parliamentary democracy is explored. Furthermore, this study offers a new conceptual perspective within the framework of neoclassical realism in parliamentary studies. It investigates how domestic and external influences affected parliamentary operations and their parliamentary statecraft. This research

²⁸ J. W. Taliaferro, S. E. Lobell and N. M. Ripsman, 'Introduction: Neoclassical Realism, the State, and Foreign Policy', Cambridge: Cambridge University Press, 2009, pp. 1-41, pp. 4-5.

²⁹ Taliaferro, Lobell and Ripsman, 'Introduction: Neoclassical Realism, the State, and Foreign Policy', p. 30.

also creates an opportunity to gain new knowledge about the influence of these factors on Sri Lanka's parliamentary practices and procedures

Identified Gaps

The reviewed literature provides a rich conceptual foundation to understand parliamentary behaviour under crisis conditions.

Despite this, existing research lacks empirical depth on Sri Lanka, particularly regarding its Parliament's behaviour during the 2020-2024 crisis period. Most studies focus on executive foreign policy, mass protest movements, or constitutional reforms, leaving the legislature's diplomatic and oversight roles underexplored. This study contributes by filling that gap, analysing how a formally empowered legislature can become politically marginalised, how it fails or succeeds in representing democratic norms internationally, and how its internal weaknesses exacerbate crisis mismanagement.

METHODOLOGY

This study adopts a qualitative approach to examine the performance of Sri Lanka's 9th Parliament during the political, economic, and international crises between 2020 and 2024. Hansard reports from the Parliament of Sri Lanka (2020-2024) serve as the principal dataset. These verbatim transcripts of parliamentary sessions provide a reliable record of debates, interventions, and oversight activities during the crisis years. Accordingly, for the purpose of content analysis, statements made within Parliament by one prominent government representative and one prominent opposition member were selected for each of the years 2020, 2022, 2023, and 2024. From the opposition, speeches by Leader of the Opposition Sajith Premadasa, Ven. Athuraliye Rathana Thero, and Attorney at Law Lakshman Kiriella were selected to represent the critical viewpoints raised against the government during the crisis period. On the government side, the analysis includes statements made by then Minister of Finance Ajith Nivard Cabraal (2020) and Prime Minister and President Ranil Wickremesinghe, whose remarks from 2022 and 2024 reflect the government's evolving position on economic recovery and parliamentary oversight. These contributions were selected based on their relevance to fiscal oversight, foreign policy decisions, and the constitutional role of Parliament, thereby forming the core dataset for qualitative content analysis in this study.

Secondary sources include scholarly articles, policy briefs, and credible media reports, which are used to triangulate findings and provide context. These sources support a holistic interpretation of parliamentary discourse and performance during the crisis period.

The selection of documents is guided by relevance to the study's themes: fiscal oversight, foreign relations, and democratic accountability. Specific keywords such as 'IMF', 'sovereignty', 'executive power', 'crisis management', and 'parliamentary diplomacy' are used to extract relevant records from Hansard.

Data Analysis Methods

CONTENT ANALYSIS

This study uses qualitative content analysis to systematically examine Hansard transcripts and parliamentary speeches. Content analysis helps identify recurrent themes, rhetorical patterns, and implicit assumptions embedded in legislative discourse. Codes are developed both deductively based on the research questions and inductively as patterns emerge from the data.

SWOT ANALYSIS

To evaluate the strategic capacity of the 9th Parliament, a SWOT analysis (Strengths, Weaknesses, Opportunities, Threats) is employed.³⁰ SWOT is particularly effective in institutional research as it maps internal capabilities and external constraints in a structured format. For this study, SWOT categories are constructed from content analysis findings and enriched with secondary commentary and legal constitutional texts.

Validity and Limitations

The study ensures validity through triangulation, cross-verifying data across Hansard, secondary sources, and scholarly commentary. This mitigates potential biases inherent in official government documents. Furthermore, the transparency and public accessibility of parliamentary data enhance the reliability of the primary sources.

Nevertheless, the study is constrained by the lack of access to internal parliamentary caucuses and closed door committee deliberations, which may limit understanding of informal decision making processes. Additionally, limited real time data on inter parliamentary diplomatic engagements restricts empirical depth in that area, a limitation noted in other developing country parliamentary studies as well.

In summary, this methodology combines qualitative content analysis with strategic institutional assessment through SWOT analysis to evaluate the role of Sri Lanka's 9th Parliament during a period of acute national crisis. By grounding the analysis in primary sources such as Hansard reports and official speeches, and triangulating these with scholarly and media-based secondary data, the study ensures both depth and reliability. This methodological framework allows for a holistic understanding of how internal institutional limitations and external systemic pressures interacted to shape Parliament's diminished role in oversight,

³⁰ R. W. Puyt, F. B. Lie and C. P. M. Wilderom, 'The Origins of SWOT Analysis', *Long Range Planning* 56(3) 2023, pp 1-24, p. 1.

diplomacy, and governance. The insights gained will not only inform assessments of Sri Lanka's democratic resilience but also contribute to broader discussions on parliamentary functionality in crisis-affected hybrid regimes.

DISCUSSION

This chapter analyses the Sri Lankan 9th Parliament's role and responses during the period 2020-2024, a time marked by simultaneous political, economic, and international crises. Drawing on Hansard reports and debates from 2020, 2022, 2023, and 2024, the analysis focuses on Parliament's constitutional oversight responsibilities and evaluates how effectively it fulfilled its democratic mandate amidst growing executive centralisation and technocratic governance.

Diminishing Parliamentary Role in Economic Oversight (2020)

The parliamentary exchanges in 2020, particularly between Finance Minister Ajith Nivard Cabraal and Opposition Leader Sajith Premadasa, illustrate a shift away from participatory oversight toward executive-driven economic governance. Cabraal's speech emphasised a forward looking domestic financing model, dismissing Fitch Ratings' debt sustainability warnings as unfounded and politically biased:

*We are looking forward and they are looking backward*³¹.

Premadasa, however, highlighted the government's failure to present a credible fiscal consolidation strategy or a transparent debt management plan. He stressed that the government had not disclosed its economic program, despite international downgrades: 'The government has not yet been able to clearly disclose its economic program'³². Nonetheless, these criticisms remained rhetorical as Parliament lacked procedural leverage to shape or veto executive decisions, revealing a significant gap in constitutional oversight.

³¹ Ajith Nivard Cabraal, Sri Lanka, *Parliamentary Debates*, Parliament of Sri Lanka, 2 December 2020, pp. 1545-1554, P. 1547.

³² Sajith Premadasa, Sri Lanka, *Parliamentary Debates*, Parliament of Sri Lanka, 2 December 2020, pp. 1543-1545, P. 1544.

Table 3. Content Analysis of Government and Opposition Leader’s Parliamentary Speech on Economic (2020)³³

Theme	Government framing	Opposition framing	Analytical Observation
Fiscal Strategy	Shift to domestic borrowing; optimistic on low interest rates	No credible debt strategy; revenue plans unclear	Government offers a surface level justification; opposition points to lack of substance
Response to Credit Ratings	Fitch & Moody’s dismissed as backward-looking	Downgrades reflect economic mismanagement	Govt delegitimizes international critique; Opposition uses it to expose policy weaknesses
Use of Economic Projections	Highlights future FDI, Port City, Hambantota projects	Criticizes speculative, vague economic promises	Govt relies on narrative of future growth without detailed planning or accountability
Role of Parliament	Platform to defend policy and discredit critics	Venue for demanding transparency and credibility	Shows parliamentary marginalization despite the opposition’s attempt to restore its role
International Comparisons	Defensive nationalism implied	Compared to countries like Congo and Suriname	Opposition raises reputational stakes; government avoids international benchmarking
Transparency & Deliberation	No detailed disclosures; dismisses dissent	Highlights lack of openness in budget planning	Reveals a gap between executive narrative and parliamentary accountability mechanisms

³³ Source: Author’s own compilation.

Institutional Asymmetry and Performative Consensus (2022)

During the height of Sri Lanka's economic collapse in 2022,³⁴ the proceedings of 22 June demonstrate how Parliament was further reduced to a reactive institution. Opposition MP Athuraliye Rathana Thero critiqued the government's claim of forming an all-party administration, stating:

*It is clear that this is a government with a group of Sri Lanka Podujana Peramuna MPs and Ranil Wickremesinghe as the Prime Minister.*³⁵

He warned that the lack of inclusivity undermined both domestic legitimacy and international credibility. Prime Minister Ranil Wickremesinghe, in contrast, emphasised the necessity of IMF negotiations as the only viable path forward:

*There is no other path before us. We have to go that path.*³⁶

This technocratic framing relegated Parliament to a symbolic role, lacking in mechanisms for policy co-creation. While Wickremesinghe invited all parties to participate in recovery efforts, no structural reforms were introduced to empower parliamentary input.

Rathana Thero's demand for concrete actions to address food insecurity and fuel shortages remained unanswered, demonstrating the disconnect between public accountability and elite economic decision-making.

Table 4. Contrasting Opposition and Government Narratives in 2022: A Content Analysis of Rathana Thero and PM Wickremesinghe³⁷

Theme	Government framing	Opposition framing	Analytical Observation
Legitimacy of Governance	Deflects critique, calls for unity	Critiques false claim of 'all-party' government	Parliament's consensual legitimacy eroded;

³⁴ W. Fred, G. Divya, M. Roshni, K. Rajni and G. C. Attayanake, *Sri Lanka's Evolving Crisis: Implications on Rule of Law and Constitutional Democracy* (Institute of South Asian Studies, 2023), p. 10.

³⁵ Athuraliye Rathana Thero, Sri Lanka, *Parliamentary Debates*, Parliament of Sri Lanka, 22 June 2022, pp. 1016-1019, P. 1017.

³⁶ Ranil Wickremesinghe, Sri Lanka, *Parliamentary Debates*, Parliament of Sri Lanka, 22 June 2022, pp. 1025-1032, P. 1026.

³⁷ Source: Author's own compilation.

			governing coalition lacks true inclusiveness
Parliamentary Inclusion	Policy decisions taken outside Parliament invite others post-facto	Asks direct questions on social issues, urges an all-party structure	Parliament is excluded from policy design, involved only for post-legitimation
Opposition Role	Frames opposition boycott as irresponsible	Defends presence despite boycott by major parties	The executive uses rhetoric of cooperation, but offers no structural role to the opposition
Policy Transparency	Gives a macroeconomic lecture focused on the IMF and the dollar crisis	Raising 7 specific socio-economic questions	A disconnect between local concerns and macroeconomic focus
Institutional Reform	Promotes the 21st Amendment and committee reform	Demands immediate committee formation	Reform framed as conditional and tactical, not truly structural or empowering

Technocratic Drift and Legal-Institutional Erosion (2023)

By 2023, parliamentary discourse was dominated by issues surrounding the IMF program and legislative manoeuvring. Sajith Premadasa demanded transparency regarding commitments to the IMF and criticized the growing tax burden: ‘What promises were made to the IMF? Will they be revealed to the country one by one?’³⁸. He also exposed legal ambiguities in the Prevention of Corruption Act that hindered the appointment of anti-corruption commissioners.

State Minister Shehan Semasinghe responded with a managerial report detailing completed benchmarks and pending goals: ‘47 out of 51 agreed activities were completed by August 2023’³⁹. However, he also accused opposition parties of attempting to derail reforms by appealing to the courts. This narrative reframed judicial oversight and dissent as obstructionist.

³⁸ Sajith Premadasa, Sri Lanka, *Parliamentary Debates*, Parliament of Sri Lanka, 3 October 2023, pp. 50-54, P. 51.

³⁹ Shehan Semasinghe, Sri Lanka, *Parliamentary Debates*, Parliament of Sri Lanka, 4 October 2023, pp. 271-277, P. 272.

Opposition MP Lakshman Kiriella countered by asserting the constitutional right to judicial review and accused the government of shielding IMF related reforms from scrutiny through parliamentary privilege: ‘This is how you have been acting in a roundabout way’⁴⁰.

Table 5. Contrasting Opposition and Government Narratives in 2023: A Content Analysis of Sajith Premadasa, Lakshman Kiriella and State Minister Shehan Semasinghe⁴¹

Theme	Government Framing	Opposition Framing	Analytical Observation
IMF Transparency	Shows technical progress and court-related delays	Demands full disclosure of commitments	Government limits details; opposition seeks accountability
Parliamentary Oversight	Reforms passed via Parliament	Claims that Parliament used to bypass the court	Parliament was used more for approval than debate
Taxation and Public Burden	Justifies tax hikes as IMF requirements	Criticizes the impact on professionals and the public	Burden placed on citizens; benefits to elites questioned
Judiciary & Constitution	Blames the opposition for legal delays	Defends court action as a right	Tension between law and political tactics
Anti-Corruption Reform	Acknowledges the IMF's concern over corruption	Argues reforms are symbolic without structural correction	Legal flaws weaken reform credibility
IMF Engagement Timing	Emphasizes the delay was due to the crisis	Blames the late action for bankruptcy	Both support the IMF now, but differ on timing
Opposition Role	Calls court actions political	Defends role in oversight	Opposition asserts checks; government frames obstruction

Leveraging Debt to Strengthen Executive Control (2024)

By mid 2024, President Wickremesinghe claimed significant progress in economic stabilisation and debt restructuring. He outlined a four-point action plan and detailed international agreements reached with bilateral creditors:

⁴⁰ Lakshman Kiriella, Sri Lanka, *Parliamentary Debates*, Parliament of Sri Lanka, 4 October 2023, pp. 278-279, P. 278.

⁴¹ Source: Author's own compilation.

*We will have a grace period until 2028 to repay the principal loan... the interest rate has been significantly reduced.*⁴²

However, while these speeches projected a narrative of success, they offered limited space for parliamentary scrutiny.

Opposition Leader Sajith Premadasa challenged the official narrative by referencing faster debt restructuring processes in countries like Argentina and Ecuador:

*We were hoping that the President would present these statistics to Parliament today... but suddenly they withdrew it yesterday.*⁴³

He also highlighted discrepancies between IMF recommendations and actual agreements:

*Even though the IMF said that debt repayments should be implemented from 2033, it was actually signed to implement it from 2028.*⁴⁴

Premadasa further criticized the lack of transparency regarding IMF Technical Assistance Reports and omitted Chinese loan data, pointing out 'To date, not a single report has been tabled'.⁴⁵ Thus, despite frequent appearances by the executive in Parliament, oversight was once again limited to rhetorical confrontation without institutional tools for verification or intervention.

⁴² Ranil Wickramasinghe, Sri Lanka, *Parliamentary Debates*, Parliament of Sri Lanka, 2 July 2024, pp. 1539-1549, P. 1542.

⁴³ Sajith Premadasa, Sri Lanka, *Parliamentary Debates*, Parliament of Sri Lanka, 2 July 2024, pp. 1550-1553, P. 1550.

⁴⁴ Sajith Premadasa, *Parliamentary Debates*, 2024, P. 1551.

⁴⁵ Sajith Premadasa, *Parliamentary Debates*, 2024 P. 1553.

Table 6. Contrasting Opposition and Government Narratives in 2024: A Content Analysis of President Wickremesinghe and Opposition Leader Premadasa⁴⁶

Theme	Government Framing	Opposition Framing	Analytical Observation
Debt Restructuring Progress	Highlights milestones, grace periods, and reduced interest	The process was slow compared to peers	Government presents optimism; opposition questions comparative performance
Creditor Agreements	Emphasizes deals with India, Japan, France, and China EXIM	Points to gaps, omits China Dev. Bank & full Chinese debt	Government frames partial success; opposition calls it incomplete
Transparency & Data Disclosure	Cites steps taken and promises to submit documents	Accuses the government of withholding reports and figures	The government offers selective data; the opposition demands full disclosure
Start of Repayment Timeline	Emphasize repayments begin in 2028 with reduced burden	Claims IMF suggested 2033; blames the govt for the earlier date	Conflicting interpretations of the IMF guidance expose negotiation weakness
Parliamentary Inclusion	Notes, speeches, and updates were given in the House	Criticizes the sudden cancellation of the debt debate	Parliament informed post-fact; lacks real-time involvement
Comparative Framing	Frames Sri Lanka as progressing well in a difficult context	Uses Argentina, Ecuador, and Ghana as faster restructuring cases	Opposition uses international benchmarks to challenge local claims

A review of the Hansard debates across the four years reveals consistent patterns in Parliament's response:

⁴⁶ Source: Author's own compilation.

Table 7. Shifting Dynamics of Executive-Legislative Relations During Sri Lanka's Economic Crisis (2020-2024) ⁴⁷

Year	Executive Strategy	Parliamentary Role	Oversight Mechanisms	Dominant Narrative
2020	Fiscal nationalism, dismissal of critics	Rhetorical opposition	Absent	Defensive economic sovereignty
2022	Technocratic inevitability (IMF path)	Performative, fragmented	Circumvented	National unity vs. parliamentary boycott
2023	Procedural managerialism	Legal critique, rhetorical dissent	Legally contested, obstructed	Reforms vs. obstruction
2024	International debt diplomacy and optics	Symbolic presence, dissenting, absence of parliament diplomacy	Post-hoc disclosure only	Executive success vs. lack of transparency

The content analysis clearly shows that the 9th Parliament did not effectively assert its constitutional oversight responsibilities during the 2020-2024 crisis period. While opposition members consistently raised concerns, the executive marginalised these interventions through technocratic framing, legal manoeuvring, and narrative control. Parliament's role was reduced to symbolic endorsement rather than substantive co-governance. This erosion of parliamentary sovereignty undermined democratic norms and accountability, leaving Sri Lanka vulnerable to elite driven crisis governance.

Parliamentary Diplomacy and Its Constraints

Content analysis of parliamentary debates from 2020 to 2024 reveals that Sri Lanka's legislature played a marginal and reactive role in parliamentary diplomacy, with the executive dominating foreign policy engagements, including negotiations with the IMF and bilateral creditors. Parliamentary diplomacy, traditionally understood as legislative involvement in

⁴⁷ Source: Author's own compilation.

shaping foreign relations, international negotiations, and projecting national interests abroad, was largely symbolic during this period.

While the President and Finance Ministry frequently invoked foreign engagements such as agreements with India, China, Japan, and the IMF,⁴⁸ these were often presented as post-facto briefings rather than outcomes of deliberative parliamentary consensus. For instance, in 2024, President Wickremesinghe announced the signing of debt restructuring agreements, claiming:

*Officials authorized by the Cabinet signed these agreements... I addressed the nation... I would like to briefly reveal the current situation before this House.*⁴⁹

This illustrates a pattern where Parliament was informed rather than involved, with no prior debate, consent, or scrutiny of international financial commitments.

Opposition members, particularly Sajith Premadasa, repeatedly demanded transparency and inclusion, querying: 'Will (the IMF promises) be revealed to the country one by one?'⁵⁰ and questioning why 'not a single (IMF Technical Assistance) report has been tabled'.⁵¹ These interventions highlight a performative form of parliamentary diplomacy, where the legislature voiced concern about international agreements but lacked institutional authority or access to shape their content or direction.

Further, debates also revealed that calls for national consensus in international engagement were ignored or reframed as political obstruction. In 2022, Rathana Thero stressed that 'we first need a national consensus before going to the IMF and the World Bank'.⁵² Yet, Wickremesinghe's response emphasised executive inevitability: 'There is no other path before us. We must go that path.'⁵³ This technocratic framing effectively excluded the legislature from meaningful diplomatic participation, reducing its role to retroactive approval and rhetorical commentary.

⁴⁸ Peter Breuer, Sandesh Dhungana and Mike Li, *Sri Lanka's Sovereign Debt Restructuring: Lessons from Complex Processes*. Washington, DC: International Monetary Fund, 2025, pp. 1–42, pp. 23–25.

⁴⁹ Ranil Wickramasinghe, *Parliamentary Debates*, 2024 P. 1539.

⁵⁰ Sajith Premadasa, *Parliamentary Debates*, 2023, P. 51.

⁵¹ Sajith Premadasa, *Parliamentary Debates*, 2024 P. 1553.

⁵² Athuraliye Rathana Thero, *Parliamentary Debates*, 2022, P. 1017.

⁵³ Ranil Wickremesinghe, *Parliamentary Debates*, 2022, P. 1026.

Thus, the Parliament's diplomatic function during the crisis was limited to:

- Raising concerns over executive led international engagements.
- Demanding access to international agreements and technical reports.
- Criticising the exclusion of opposition voices in statecraft and representation.
- Offering alternative narratives in public debates, particularly around IMF conditionalities and geopolitical alignments.

However, these functions did not translate into institutionalised parliamentary diplomacy; there were no cross-party foreign affairs committees empowered to engage external actors, no parliamentary delegations leading international outreach, and no formal mechanisms ensuring legislative review of international agreements.

Altogether, content analysis indicates that parliamentary diplomacy in Sri Lanka from 2020-2024 was constrained by executive dominance, procedural opacity, and institutional asymmetry. Parliament remained a discursive space rather than a diplomatic actor, undermining its potential to serve as a pluralistic channel for foreign engagement and international cooperation. Its reactive posture diminished the democratic legitimacy of Sri Lanka's foreign policy at a time when international credibility and public accountability were crucial.

SWOT Analysis on Institutional and External Constraints

During the crisis years between 2020 and 2024, the Sri Lankan Parliament's capacity to influence crisis management and foreign policy decisions was fundamentally constrained by both internal institutional limitations and external pressures. These constraints are traceable both in the constitutional design and in the patterns of executive-parliamentary interaction observed in Hansard reports.

On paper, Sri Lanka's Constitution offers a robust role for Parliament in matters of public finance and legislation. Article 148 states that 'Parliament shall have full control over public finance', suggesting significant oversight capacity over fiscal policy and foreign borrowing. Furthermore, Article 75 empowers Parliament to make laws for the whole country. However, this legal authority is undermined in practice by the overwhelming powers vested in the executive. Article 33(2)(h) and Chapter VII give the President substantial authority in matters of foreign policy and economic stabilisation, leaving Parliament in a secondary, consultative role at best.

The Hansard data confirms this institutional imbalance. Parliamentary debates from 2022 and 2024 repeatedly show that critical decisions, such as IMF agreements and debt restructuring plans were presented to Parliament after executive negotiations had concluded. President

Wickremesinghe's 2024 announcement of a finalised agreement with bilateral creditors is one example: 'Officials authorized by the Cabinet signed these agreements'.⁵⁴ The legislature was asked to acknowledge, rather than interrogate or shape, such milestones.

Opposition figures, especially Sajith Premadasa and Lakshman Kiriella, consistently demanded greater transparency, pointing out discrepancies in timelines, reporting, and constitutional procedure. For example, in 2023, Premadasa noted the government's failure to table IMF Technical Assistance Reports in Parliament despite repeated commitments.⁵⁵ Kiriella, meanwhile, criticized the government for using legislative privilege to insulate IMF reforms from judicial review, calling it a procedural manipulation.⁵⁶ Such complaints highlight the marginal role of Parliament, echoing what Almeida calls a 'profound democratic backlash' stemming from a pattern of governance dominated by executive decrees, sidelining legislative engagement.⁵⁷

This institutional weakening aligns with what scholars identify as the expansion of the 'imperial executive' a model where presidents act unilaterally, often bypassing legislative hurdles by exploiting urgency narratives.⁵⁸ The use of executive instruments such as decrees and provisional measures allows leaders to bypass coalitional politics and committee delays, centralising power around the executive.⁵⁹ This concentration of authority, particularly in times of crisis erodes checks and balances, with Parliament and the judiciary assuming deferential and reactive roles rather than functioning as active constraints.⁶⁰

Thus, despite the constitutional framework that theoretically empowers Parliament, both institutional weaknesses and international dynamics during crisis governance limited its role to post-facto discussion and rhetorical opposition. The following SWOT analysis captures these dynamics more systematically:

⁵⁴ Ranil Wickramasinghe, *Parliamentary Debates*, 2024 P. 1539.

⁵⁵ Sajith Premadasa, *Parliamentary Debates*, 2023, P. 51.

⁵⁶ Lakshman Kiriella, *Parliamentary Debates*, 2023, P. 278.

⁵⁷ C. A. Porfiro, 'The Executive Dominance and the Marginalization of Parliaments', in M. Sandberg and T. Hall (eds), *Executive Dominance in Times of Crisis*. Abingdon: Routledge, 2025, pp. 15–30, pp. 15–16.

⁵⁸ C. A. Porfiro, 'The Executive Dominance and the Marginalization of Parliaments', 2025, pp. 16-17.

⁵⁹ C. A. Porfiro, 'The Executive Dominance and the Marginalization of Parliaments', 2025, pp. 16-17.

⁶⁰ C. A. Porfiro, 'The Executive Dominance and the Marginalization of Parliaments', 2025, pp. 17-19.

Table 8. SWOT Analysis: Parliament’s Crisis Role and Foreign Policy Influence (2020-2024)⁶¹

Strengths	Evidence and Legal Backing
Constitutional mandate over public finance	Article 148 of the Constitution; COPE and Committee on Public Finance.
Legislative authority over lawmaking	Article 75 of the Constitution allows Parliament to legislate on any subject.
Capacity to raise public questions and demand reports	Hansard debates show consistent questioning by opposition MPs on IMF terms and debt restructuring (2023-2024).

Weaknesses	Structural Limitations
Executive dominance in crisis and foreign policy	Presidential powers under Articles 33 and 42 limit Parliament's influence.
Procedural marginalization	Key agreements announced in Parliament post-facto (2022, 2024), not beforehand.
Weak enforcement of Directive Principles	Articles 27-29 are non-justiciable, limiting normative oversight.
Legal ambiguities and committee inertia	E.g., the flawed Prevention of Corruption Act discussed in 2023 blocked appointments to oversight bodies.

⁶¹ Source: Author’s own compilation.

Opportunities	External and Comparative Avenues
Leverage IMF emphasis on transparency and accountability	Premadasa's demand for IMF report tabling aligns with global governance norms.
Use global examples of faster, more inclusive debt restructuring	Comparisons made in 2024 to Argentina and Ecuador by Premadasa.
Increased public expectation for accountability post-2022 protests	<i>Aragalaya</i> protests reflected demand for participatory governance.

Threats	External and Systemic Constraints
Technocratic framing of economic policy	Statements like 'There is no other path' shut down debate (2022 Hansard).
IMF and creditors dealing primarily with the executive	Parliament lacked a formal role in negotiating or ratifying deals.
Politicization of parliamentary processes	Opposition court actions dismissed as obstructionist.
Delayed or denied access to critical documents	Technical Assistance Reports never tabled, as of June 2024.

Sri Lanka's experience reflects these dynamics. Despite constitutional provisions that guarantee parliamentary oversight, both structural fragmentation and the external pressures of international financial institutions have diminished its capacity. According to Almeida (2025), the legislature in many democracies often suffers from collective action problems, patronage dependencies, and electoral incentives that discourage institutional self-defense. Parliamentarians are less likely to protect the legislature as an institution when doing so might jeopardize personal political gains or executive favours⁶². This dynamic was evident in Sri

⁶² C. A. Porfiro, 'The Executive Dominance and the Marginalization of Parliaments', 2025, pp. 20-21.

Lanka's Parliament during the crisis period, where legislative responses were largely rhetorical and fragmented, while substantive foreign policy and fiscal negotiations were consolidated within the executive apparatus.

CONCLUSION

This study examined the role of Sri Lanka's 9th Parliament amidst the political, economic, and international crises that unfolded between 2020 and 2024. Drawing on Hansard proceedings, constitutional provisions, and scholarly analysis, the research demonstrated that while Parliament retained formal powers of fiscal oversight and legislation, it was structurally and politically marginalised in practice. The executive's increasing consolidation of authority, often justified under the rhetoric of economic emergency and technocratic necessity, effectively sidelined the legislature from shaping crisis governance.

In addressing the first research question, the analysis showed that Parliament responded to the crisis in a reactive and fragmented manner, with its constitutional oversight role largely reduced to symbolic questioning rather than institutional influence. Despite Article 148 of the Constitution granting Parliament full control over public finance, key decisions, such as debt restructuring and IMF negotiations, were finalised by the executive before being disclosed to legislators.

With regard to parliamentary diplomacy, the second research question revealed that the 9th Parliament played a peripheral and performative role. Engagements with the IMF and bilateral creditors were led entirely by the executive, with Parliament functioning primarily as an audience for post agreement announcements. There was no evidence of pre-negotiation mandates, committee engagement, or structured bipartisan diplomacy.

The third research question underscored how internal weaknesses, such as committee inertia and legal ambiguities, and external pressures, particularly from international creditors, further constrained Parliament's ability to influence foreign policy or crisis decisions. The SWOT analysis highlighted that while certain opportunities existed for parliamentary leverage, these were not institutionally realised.

Overall, this study concludes that the Sri Lankan Parliament during this critical period was politically subordinated and procedurally diminished, raising urgent questions about democratic resilience, institutional checks, and the need for systemic reform in times of national crisis.

From Agora to Algorithm: Reinventing the Public Square in the Digital Age

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Abstract: This article examines whether algorithmic mediation of public discourse represents an evolution or rupture in the history of democratic spaces. Through historical analysis spanning the Athenian Agora to Westminster Parliament, it identifies three core democratic functions of transparency, access, and collective reasoning that persisted across successive adaptations in public squares. While each transformation altered institutional form, these spaces maintained visible, accessible mechanisms for deliberation amongst citizenries. Algorithmic systems, by contrast, fundamentally break this continuity. Unlike earlier mediations that preserved democratic principles while changing their expression, platform algorithms actively undermine these democratic functions. Furthermore, these systems are opaque, fragment collective reasoning through filter bubbles, and prioritise engagement over deliberative quality and facts. Examining recent parliamentary inquiries in Australia and the UK, the article argues that Westminster systems face distinctive challenges in reasserting democratic sovereignty. It concludes by proposing algorithmic sovereignty, democratic digital innovation with systems structuring public discourse, and cross-collaboration as essential for preserving the agora's enduring principles in the digital age.

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INTRODUCTION

From the Athenian Agora to Westminster's debating chamber, democratic life has always depended on shared public spaces. These arenas of deliberation were never neutral: they promised openness and equality, yet were continually shaped by exclusion, hierarchy, and power. Each adaptation, the early democratic practice in Athens, the oratory and spectacle of the Forum, the deliberation and sacralisation on the Church parvis, the commercial sociability and discourse of the coffeehouse, and the institutionalisation of Westminster, preserved the political value of public spaces and whilst refracting these principles through the structures and imperatives of its particular historical moment.

Contemporary democratic discourse, however, increasingly unfolds within digital platforms governed not by civic norms but by algorithmic systems. This transformation represents the most significant challenge to democratic governance since the rise of mass media. Where citizens once assembled in face-to-face forums for deliberative exchange, political discourse now operates through opaque mechanisms of algorithmic mediation. The shift is fundamentally political in character, raising urgent questions concerning the viability of democratic deliberation under conditions of algorithmic control.

This paper interrogates whether the digital transformation of public discourse constitutes an evolution within, or a rupture from, the historical trajectory of democratic spaces. The analysis advanced here contends that algorithmic mediation represents a fundamental discontinuity with democratic tradition. In contrast to earlier adaptations, which transformed institutional form whilst preserving core democratic functions, algorithmic systems actively erode the conditions enabling democratic discourse through mechanisms of opacity, fragmentation, and behavioural manipulation. The House of Lords' Select Committee on Artificial Intelligence noted concerns with algorithms in the form of filter bubbles, describing how

...social media is increasingly feeding us information which aligns with our preconceived notions of the world, and closing us off from information which contradicts that world view...²

² House of Lords Select Committee on Artificial Intelligence, *AI in the UK: Ready, Willing and Able?* London: UK Parliament, 2018, p. 38. Accessed at: <https://publications.parliament.uk/pa/ld201719/ldselect/ldai/100/100.pdf>.

Similar concerns underpin the UK's *Online Safety Act 2023*, which establishes mechanisms for democratic accountability over algorithmic systems by granting OFCOM powers to 'observe the carrying out of empirical tests' and inspect how algorithms process data.³

Parliamentary institutions face a particular paradox: to engage citizens who increasingly inhabit algorithmic spaces, legislatures must also adapt digital innovations to protect their democratic processes. The issue is concerning as these online platforms filter, amplify, and distort the very communications they aim to facilitate. Understanding whether algorithms represent continuity or rupture is therefore essential for determining appropriate parliamentary responses.

This paper traces the history of democratic spaces, examines how algorithmic mediation breaks with this tradition, and explores how Westminster systems might preserve democratic sovereignty in the digital age.

THE AGORA: FUNCTIONS AND PRINCIPLES

The Foundational Democratic Space

The Athenian agora emerged in the 6th century BC not as a single architectural achievement but as an evolving democratic institution that fundamentally transformed the relationship between citizens and governance in ancient Greece.⁴ Ober identifies this as the original epistemic democracy, a system for aggregating distributed knowledge through public deliberation⁵ and functioned as 'a place where formal and informal, public and private blended all together'.⁶ This fusion established three essential democratic functions that would persist (albeit with varying degrees of universality) through subsequent historical adaptations: accessibility, transparency of decision-making, and collective reasoning.

³ UK Parliament, *Online Safety Act 2023*. London: The Stationery Office, 2023. Accessed at: <https://www.legislation.gov.uk/ukpga/2023/50/enacted>.

⁴ The earliest physical structures of the Athenian agora - notably the Altar of the Twelve Gods, situated at its northern apex - date to approximately 520 BCE, with a recognisably democratic social order beginning to coalesce around 500 BCE; Martin Zerlang, *The Agora* (Routledge, 2013), p. 46 (citing Gottesman, *Politics and the Street in Democratic Athens*, 2014, p. 30), doi:10.4324/9781003335825-8.

⁵ Josiah Ober, *Democracy and Knowledge: Innovation and Learning in Classical Athens*, pp.101-118. Princeton, NJ: Princeton University Press, 2008.

⁶ Paul Millett, 'Encounters in the Agora', in Paul Cartledge, Paul Millett and Sitta von Reden (eds), *Kosmos: Essays in Order, Conflict, and Community in Classical Athens*. Cambridge, UK: Cambridge University Press, 1998, p215. Alternatively, to signal layered attribution, see Kittler, *Historical Metamorphosis*, p.3, citing Millett, 'Encounters in the Agora', p.215.

First, the agora served as the primary mechanism for access to information and participation, addressing what would later be theorised as barriers to democratic inclusion. Athens was a city dominated by information where it was ‘impossible for a person moving within such a milieu to avoid finding things out’.⁷ Political debates would occur in this centralised location, whilst being accessible to the citizenry. Unlike what Noble identifies as ‘redlining’ in algorithmic systems,⁸ the agora’s accessibility operated through visible, correctable mechanisms. The practice of rotational leadership by lot (*kleros*) ensured that ordinary citizens could hold office alongside richer elites in Athenian society, preventing what Zuboff calls ‘asymmetries of knowledge’⁹ from concentrating power. Furthermore, the introduction of remuneration (*misthos*) for assembly attendance and jury service enabled economically disadvantaged citizens to participate despite foregone wages from their respective trades.¹⁰ Xenophon’s commentary illuminates why these particular reforms defined Athenian democracy: ‘And where the officials are chosen among those who fulfil the requirements of the laws, the constitution is an aristocracy; where rateable property is the qualification for office, you have a plutocracy; where all are eligible, a democracy’¹¹

Second, the way the agora was built made everything visible and transparent. Pasquale later contrasted this openness to the hidden nature of today’s algorithmic ‘black boxes’¹². This visibility was not merely procedural but epistemological. Citizens assembled to examine proposed legislation displayed on whitened boards before the memorial to the Eponymous Heroes.¹³ They could physically observe the Bouleuterion’s proceedings, watch laws being inscribed on stone, and witness the actual counting of votes. Archaeological evidence confirmed multiple structures supporting civic discourse in the view of thousands: the Bouleuterion where the council met, the Tholos housing executive committees, and the Royal

⁷ Sian Lewis, *News and Society in the Greek Polis*. Chapel Hill, NC: University of North Carolina Press, 1996, p. 22.

⁸ Safiya Umoja Noble, *Algorithms of Oppression: How Search Engines Reinforce Racism*. New York, NY: NYU Press, 2018. P.33

⁹ Shoshana Zuboff, *The Age of Surveillance Capitalism: The Fight for a Human Future at the New Frontier of Power*. New York, NY: PublicAffairs, 2019.

¹⁰ Ober, *Mass and Elite in Democratic Athens*, pp. 54-56, 95-97.

¹¹ Xenophon, *Memorabilia*. *Oeconomicus*. Symposium. *Apology* (E. C. Marchant, Trans.). Cambridge, MA: Harvard University Press, 1923, p. 345.

¹² See Frank Pasquale, *The Black Box Society: The Secret Algorithms That Control Money and Information*. Cambridge, MA: Harvard University Press, 2015, on algorithmic opacity and the democratic risks of proprietary decision-making systems.

¹³ Demosthenes, *Private Orations* (A. T. Murray, Trans.). Cambridge, MA: Harvard University Press, 1939, 24.23

Stoa where legal proceedings occurred were all centrally situated.¹⁴ These institutional spaces facilitated what Habermas later theorised as the formation of public opinion through ‘free discussion (*lexis*) among peer citizens’,¹⁵ enabling citizens to understand not just outcomes but the reasoning process itself.

Third, the agora operated as a marketplace wherein commercial and political interests inevitably intersected for collective deliberation. As Zerlang notes,

*In the colonnades of the stoa around the agora, people exchanged goods and rumours. Trading and talking met in the word for conversation: agoreuein.*¹⁶

This facilitated what Habermas would retrospectively describe as approaching an ‘ideal speech situation’, though as Ober notes, this operated through competitive display of ideas rather than pure consensus-seeking. Unlike algorithmic systems that Tufekci demonstrates amplify extreme positions for engagement, Athenian rhetoric required speakers to appeal to the collective judgment of physically present citizens who would directly experience the consequences of decisions.¹⁷

Contemporary scholarship demonstrates, however, that the Athenian Agora was never purely unmediated. Democratic practice relied upon forms of representation, with citizens acting synecdochically or being represented through orators.¹⁸ This suggests that mediation and collective reasoning were intrinsic to democratic practice from its inception. These representational forms, moreover, operated within broader networks of informal political communication. Sociological analysis challenges the conventional view of Athenian direct democracy, demonstrating instead that ‘the individual voter was tugged by multiple influences

¹⁴ Kittler, *Historical Metamorphosis*, p. 34.

¹⁵ Jürgen Habermas, *The Structural Transformation of the Public Sphere: An Inquiry into a Category of Bourgeois Society*. Cambridge, UK: Polity Press, 1989, p. 3.

¹⁶ Martin Zerlang, *Writing the City Square: On the History and the Histories of City Squares*. Abingdon, UK: Routledge, 2023, p. 47.

¹⁷ Tufekci, Z. ‘Twitter and tear gas: The power and fragility of networked protest.’, 2017, New Haven, CT: Yale University Press. Retrieved from <https://research.ebsco.com/linkprocessor/plink?id=0ff43879-ea5f-3f9b-9a35-6d29b053d3bf>

¹⁸ Daniela Cammack, ‘Representation in Ancient Greek Democracy’, *History of Political Thought* XLII(4), Winter 2021, pp. 9-12. Available at SSRN: <https://ssrn.com/abstract=4141685>

– family, religion, class, associations, and individual interests, and that these allegiances were made manifest to him by interpersonal communication'.¹⁹

Athenian democracy remained embedded within networks of persuasion and influence. These representational and social dynamics complicate the myth of unmediated democracy whilst sharpening the contrast with contemporary digital public spheres. Whereas ancient mediation operated through visible, participatory, and accountable mechanisms in the observable physical space of the agora – algorithmic mediation functions through opaque, automated systems driven solely by commercial imperatives.

The Tension Between Ideals and Reality of Democratic Space

Aristotle articulated an idealised vision of citizenship in *Politics*, defining it by the capacity to participate in deliberative and judicial functions of the polis. Yet this normative framework existed in persistent tension with Athenian political reality.²⁰ The Agora's dual nature as both marketplace and political forum exemplified this contradiction. While serving as a setting for civic administration, justice, and athletic displays,²¹ the Agora simultaneously functioned as a commercial space where traders sold goods, labourers sought employment, gamblers wagered, and prostitutes solicited clients.²² These commercial and social activities intersected continuously with political deliberation within the same physical space.

Aristotle's response to this problem was telling: He proposed separating the 'free agora' (*agora eleuthera*) for political discourse from the 'necessary agora' (*anagkaia agora*) for commerce.²³ Athens, however, never implemented this separation, suggesting that the entanglement of economic and political life proved more fundamental than philosophers

¹⁹ Warren Breed and Sally M. Seeman, 'Indirect Democracy and Social Process in Periclean Athens'. *Social Science Quarterly* 52(3) 1971, p. 645.

²⁰ Aristotle's definition of citizenship is set out in *Politics*, 3.1275b. For the tension between this normative ideal and Athenian political reality, see Cammack, 'Representation in Ancient Greek Democracy' pp. 33-41.

²¹ John M. Camp, *The Athenian Agora: Excavations in the Heart of Classical Athens*. London, UK: Thames and Hudson, 1992, pp. 38-42; Homer A. Thompson and R. E. Wycherley, *The Agora of Athens: The History, Shape and Uses of an Ancient City Center*. Princeton, NJ: American School of Classical Studies at Athens, 1972, pp. 1-12.

²² Paul Millett, 'Encounters in the Agora', in Paul Cartledge, Paul Millett and Sitta von Reden (eds), *Kosmos: Essays in Order, Conflict, and Community in Classical Athens*. Cambridge, UK: Cambridge University Press, 1998, p. 215.

²³ Kittler, *Historical Metamorphosis*, p. 41.

acknowledged. The city instead developed alternative mechanisms to manage the tension between private interest and democratic participation.

These institutional innovations sought to ensure governance remained transparent and accessible despite the marketplace's influence. The system of *kleros* for many offices, combined with strict term limits and collective decision-making in councils, prevented governance from becoming the exclusive domain of a political elite. Rather than concentrating expertise within a permanent administrative class, mandatory civic service distributed political knowledge across the citizenry, as individuals cycled through various offices throughout their lifetimes.²⁴ This rotation ensured that ordinary citizens gained firsthand experience in deliberation and administration, thereby creating distributed civic competence across the body politic.

ADAPTIVE CONTINUITY: PUBLIC SQUARES ACROSS TWO MILLENIA

The Roman Forum: Oratory, Justice, And Spectacle

The Roman Forum, emerging in the 7th century BC from a marshy valley between the Palatine and Capitoline hills, represented the most direct although imperfect successor to the Athenian Agora as a civic and political centre in ancient Rome. By the Republican period, it had become the symbolic and practical heart of Roman public life: an open plaza surrounded by the Curia (Senate House), the Rostra (speaker's platform), temples, and basilicas that hosted legal and commercial proceedings.²⁵

Citizens gathered here to vote, hear orators, and witness triumphal processions, making the Forum a space where politics, religion, and commerce were inseparably entwined and viewable to the mass of its citizens. Oratory performance modelled an ethics and deliberation for the citizenship, masses and elite alike. The Roman assemblies (*comitia*) met for deliberation through public meetings for speech before voting (*contiones*), with citizens organising themselves into voting blocks.²⁶ Consequence of the collective reasoning of the citizens could also be expressed through the role of the Tribune of the Plebs. This position held a level of

²⁴ Kittler, *Historical Metamorphosis*, pp. 417-420.

²⁵ Tom Holland, *Rubicon: The Last Years of the Roman Republic*. London, UK: Abacus, 2003, pp. 76-80, 209.

²⁶ Ursula Hall, 'Voting Procedure in Roman Assemblies'. *Historia: Zeitschrift für Alte Geschichte* 13(3) 1964, pp. 267-306.

magistracy and power where they could access the Senate floor and veto legislation on behalf of the citizens.²⁷

As in Athens, the Forum embodied a stronger tension between the ideal of civic deliberation and the realities of power and spectacle. Cicero's orations against Catiline,²⁸ delivered from the Rostra itself, exemplifies the Forum's visible role as a stage for rational persuasion and public accountability.

What distinguished the Forum from the Agora was its monumentalisation and institutional layering. The construction of basilicas created permanent venues for legal cases, while temples like that of Saturn housed the state treasury, binding religion, finance, and governance into the same space.²⁹ The Forum was not merely a gathering place but an architectural embodiment of Rome's civic order, where the boundaries between sacred and secular, political and economic, were deliberately blurred.

The Roman Forum therefore represents an interesting step in the evolution of public spaces: preserving the Agora's functions of deliberation, access, and visibility, but refracting them through structures of a republic increasingly dominated by elites. Its legacy was to institutionalise the public sphere within monumental architecture and formalised procedures, a legacy that, after the collapse of Rome, would be inherited and reshaped by the medieval Church.

Medieval Europe: Church And State – Pews and Parvis Squares

After the collapse of Roman civic institutions, the locus of public life in Europe shifted into new spaces. In the medieval city, it was the Church. The medieval parvis represents infrastructure becoming inseparable from power as the Church did not merely host public discourse but fundamentally structured it. Through its buildings, rituals, and squares, the agora-principle of communal deliberation was continued. Cathedrals and parish churches were not only centres of worship but also arenas of communication and governance. Sermons could double as

²⁷ Sara Elise Phang (ed.), *Conflict in Ancient Greece and Rome: The Definitive Political, Social, and Military Encyclopedia*, Vols. 1-3. Santa Barbara, CA: Bloomsbury Publishing USA, 2016, pp. 2147-2150.

²⁸ Marcus Tullius Cicero, *The Orations of Cicero Against Catiline* (C. D. Yonge, Trans.). London, UK: George Bell & Sons, 1903, p. 305. The Orations are four speeches given in 63 BC by Marcus Tullius Cicero, exposing the Catilinarian conspiracy, a plot to overthrow the Roman republic involving Lucius Sergius Catilina.

²⁹ Amy Russell, 'The Politics of Public Space in Republican Rome', in *The Politics of Public Space in Republican Rome*. Cambridge: Cambridge University Press, 2016, pp. 42–47. <https://doi.org/10.1017/CBO9781139629041.005>

political commentary, royal edicts were proclaimed from church steps, and parish assemblies deliberated on matters of taxation, charity, and local regulation. By contrast, in London, with its more fragmented parochial system, construction was managed at the parish level by churchwardens and wealthy families, creating a more decentralised but equally political form of governance.³⁰

The church square (the parvis) often functioned as the medieval equivalent of the Agora or Forum: a space where townspeople gathered for access to markets, festivals, and announcements, but also for protests and revolts.³¹ The blending of sacred and secular authority meant that public deliberation and visibility of decision-making was mediated through religious ritual and hierarchy, foreshadowing later struggles over the separation of church and state.

Where algorithmic platforms extract data from users, the Church extracted tithes and obedience through transparent theological frameworks. Yet unlike platform algorithms that operate through opaque moderation, ecclesiastical mediation remained physically visible and doctrinally explicit. Parishioners understood the logic of divine authority even if they could not challenge it, unlike algorithmic authority that remains inscrutable even to its creators.

Thus, the medieval Church provided continuity of democratic spaces: It preserved the idea of an accessible centralised, visible forum where community life was negotiated and deliberated on, even as it refracted that ideal through the lens of theology and hierarchy. In this sense, the Church acted as both a guardian and a gatekeeper of civic deliberation, preparing the ground for the more secularised public spheres of the Renaissance and, eventually, the London coffeehouse.

London Coffeehouses: Caffeine and Consensus

The London coffeehouse of the late seventeenth and early eighteenth centuries represented a further adaptation of the agora-principle, this time within the emerging commercial and parliamentary culture of England. Between 1680 and 1730, coffeehouses multiplied into hundreds across the city, functioning as visible 'little communities' that fostered rational-critical debate.³² Contemporary observers described them as the place of rendezvous to all

³⁰ Gabriel Byng, 'The Architecture of Politics and the Politics of Architecture: A Comparative Approach to Parish Church Building and Civic Government in Late-Medieval Europe'. *Comparative Studies in Society and History* 66(2) 2024, pp. 392-416.

³¹ 'Introduction: The Material Culture of Public Space in Early Modern Europe'. *Urban History* 52(1) 2025, pp. 6-12.

³² Brian Cowan, *The Social Life of Coffee: The Emergence of the British Coffeehouse*, p.106. New Haven, CT: Yale University Press, 2005;

that live near it, explicitly likening them to neighbourhoods of civic exchange (notably science and politics).

The coffeehouse network anticipated what would later be called 'platform ready' information systems as spaces designed for rapid information circulation. Unlike the medieval parvis, which anchored civic life in a single, central square adjoining the church, the coffeehouse dispersed the forum's functions into a network of small, enclosed interiors. The coffeehouse was modest, voluntary, yet commercial. Entry cost a penny, and deliberation on contemporary social issues unfolded in dozens of scattered rooms across the city. These spaces performed the same civic work of accessing information, ensuring debate, and forming collective reasoning, although broken up into hundreds of mini-indoor 'public squares.'

Yet coffeehouses inverted the logic of what would be later termed 'filter bubbles.' Rather than algorithmically sorting people into homogeneous groups, they brought diverse strangers together through what Habermas celebrated as 'promiscuous sociability.' As with the Athenian Agora, the normative ideal collided with the social reality of its time regarding equal access. As Cowan summarises, for Habermas the coffeehouse

'...was a place in which rational debates on diverse matters, ranging from literary worth to high politics, could be carried out in a sober and rational way among equals. It was a place where right reason, and not social rank, was supposed to determine who won and who lost in debate.'³³

The tension between idealised rational discourse and the realities of commerce, partisanship, and financial speculation echoed the contradictions of earlier civic spaces, public interest versus private interest.

The penny admission created what Napoli would recognise as a 'commercial media system,' but one that generated revenue from fostering deliberation rather than algorithms that contain modulating affects for engagement.³⁴ What distinguished the coffeehouse, however, was its integration of print culture with face-to-face discussion. Some establishments featured pulpits from which news was read aloud, creating a synergy between the public square in the mediated form of print and that in the physical form of the new urban structure. This fusion of

³³ Brian Cowan, 'The Rise of the Coffeehouse Reconsidered'. *The Historical Journal* 47(1) March 2004, p. 24.

³⁴ Philip M. Napoli, 'Measuring Media Impact: An Overview of the Field'. Norman Lear Center, USC Annenberg School for Communication and Journalism, 2014, pp. 16-18. Accessed at: <https://learcenter.org/pdf/measuringmedia.pdf>.

mediated and direct communication foreshadowed the later institutionalisation of debate within Westminster itself, and anticipates the dilemmas of today's digital platforms, where mediated and immediate forms of discourse are once again inseparably entwined. The integration of print media prefigured networked information systems, but maintained what algorithms destroy: exposure to opposing views that actually reduced rather than increased polarisation.

Westminster Evolution: Institutional Mechanisms

If the coffeehouse represented the informal sociability of the public sphere, Westminster Parliament embodied its formal institutionalisation, carrying the agora-principle into the structures of representative government. Westminster's formalisation of democratic procedure offers a historical precedent for resisting what might be called 'algoratic rule'. Rather than relying on physical proximity in a central square, Westminster democracy operates through elected representatives, committee systems, and parliamentary rules that sought to preserve the core functions of information circulation, deliberation, and accountability.

The transition from direct to representative democracy addressed the scale problem limiting ancient democracy to small city-states, yet this introduced new challenges in sustaining citizen-representative connections. By codifying debate rules, establishing Hansard, and creating committee structures, Parliament created governance mechanisms that preserved democratic functions despite increasing scale and complexity. Westminster's innovation lay in translating informal agora practices into codified procedures: deliberation protected by parliamentary privilege, debate made visible through Hansard³⁵, and law-making structured by formal stages of bills. These mechanisms sought to guarantee transparency and accountability despite the physical distance between citizens and their representatives, even as they risked insulating parliamentary debate from wider public scrutiny.

The evolution from coffeehouse to Parliament parallels a move from contested to cooperative responsibility. Yet Westminster achieved this through transparent institutional evolution rather than the 'black box' governance found in contemporary platform regulation.³⁶ As with earlier civic spaces, however, the ideal collided with reality. Westminster's procedures safeguarded deliberation through privilege and ritual, but they also insulated it from citizens

³⁵ Stephen Farrell and Jennifer Vice, *The History of Hansard*. London: House of Lords Library, 2014. Accessed at: <https://www.parliament.uk/globalassets/documents/lords-library/History-of-Hansard.pdf>. The Wilkes affair of 1771 forced Parliament to tolerate press coverage, and Hansard subsequently emerged in the early nineteenth century as the recognised record of parliamentary debates.

³⁶ Pasquale, *The Black Box Society*.

for centuries: Debates were closed to public reporting until the late eighteenth century, and representation itself was restricted by property qualifications and opinion on 'rotten boroughs.' Reform movements from the seventeenth century through the Chartists pressed Parliament to expand the franchise and open debates.³⁷

The Westminster model thus carried the agora-principle into institutional form, but translated it into the structures of representative government, stabilising debate within enduring procedures while concentrating authority in elected elites. Its legacy was not only to entrench democratic deliberation at home but also to export its model across the globe, where it became the template for representative institutions from Canada to India. Yet it also exposed the perennial problem of distance between citizens and their representatives, a problem inverted in the digital age, where the immediacy of mass participation once again unsettles the balance between openness and order.

Same Game, New Platforms

Across radical transformations of form, certain democratic principles have persisted. Each historical transformation preserved what Ober identifies as democracy's 'epistemic functions'³⁸ while adapting institutional forms. First, transparency remains essential whether through the public display of laws in Athens, the sermonising of the medieval church square, open discussion in coffeehouses, or the parliamentary reporting of Westminster. Second, access to these spaces and access to accurate information has always been a prerequisite for meaningful participation, though the mechanisms have shifted from physical presence to print media to then broadcast communications. Third, the requirement for collective reasoning endures, whether through direct deliberation in the agora, consensus amongst parishioners, structured debate in coffeehouses, or formal parliamentary procedures that adapt the functions and principles of transparency, access, and collective reasoning through open deliberation.

The pattern reveals continuous evolution: Athens's direct democracy became Rome's republican representation; medieval sacred authority transformed into coffeehouse secular reasoning; informal coffeehouse debate crystallised into Westminster procedure. Throughout,

³⁷ Malcolm Chase, *Chartism: A New History*. Manchester, UK: Manchester University Press, 2007; Philip Salmon, 'English Reform Legislation', in D. R. Fisher (ed.), *The History of Parliament: The House of Commons, 1820-1832*. Cambridge, UK: Cambridge University Press, 2009. Accessed at: <https://www.historyofparliamentonline.org/volume/1820-1832/survey/ix-english-reform-legislation>.

³⁸ Ober, *Democracy and Knowledge*, p. 17

transparency, access, and collective reasoning persisted as organising principles. Each historical adaptation has attempted to continue the functions of the agora while tolerating the commercial and private interests that interfere with it. Athens sought to separate commerce from politics, albeit unsuccessfully. The medieval church limited participation through hierarchy and would endure riot. London coffeehouses embraced commercial society as the basis of sociability and civic participation. The institution of Westminster sought to regulate the relationship between public and private interest through procedural frameworks. This persistent challenge suggests that economic interests and political life are more deeply intertwined than classical democratic theory acknowledged. However, the digital age introduces a force that actively undermines the functions of the agora: the algorithm.

THE ALGORITHMIC RUPTURE: BREAKING THE DEMOCRATIC CHAIN

Nature of the Rupture: Ctrl-Alt-Democracy

The transition from physical and print-based public spheres to algorithmically mediated digital spaces represent not merely another technological evolution but a fundamental rupture in democratic continuity. Algorithmic mediation breaks this pattern. As Zuboff argues, surveillance capitalism does not evolve from laissez-faire market capitalism but ruptures it through 'unprecedented' extraction of human behaviour for predictive products.³⁹ Similarly, algorithmic mediation does not adapt democratic functions but inverts them: Transparency becomes opacity, access becomes segregation, reasoning becomes amplification.⁴⁰ Unlike previous adaptations that preserved core democratic functions while transforming their institutional expression, algorithmic systems introduce mechanisms that actively undermine the principles identified in the historical analysis above.

This is not merely another 'mediation' but what Bucher calls an 'algorithmic imaginary',⁴¹ a fundamentally different logic that replaces democratic deliberation with behavioural prediction and modification. Evidence presented to the Joint Select Committee on Social Media

³⁹ Shoshana Zuboff, *The Age of Surveillance Capitalism: The Fight for a Human Future at the New Frontier of Power*. New York, NY: PublicAffairs, 2019, pp. 15-16.

⁴⁰ On algorithmic opacity, see Frank Pasquale, *The Black Box Society: The Secret Algorithms That Control Money and Information*. Cambridge, MA: Harvard University Press, 2015; on algorithmic segregation and restricted access, see Safiya Umoja Noble, *Algorithms of Oppression: How Search Engines Reinforce Racism*. New York, NY: NYU Press, 2018; on amplification of misinformation over reasoned argument, see Soroush Vosoughi, Deb Roy and Sinan Aral, 'The Spread of True and False News Online'. *Science* 359(6380) 2018, pp. 1146-1151.

⁴¹ Taina Bucher, *If...Then: Algorithmic Power and Politics*. Oxford, UK: Oxford University Press, 2018, pp. 113-115.

and Australian Society demonstrates this structural divergence. Graham discussed that platforms 'prioritise and recommend content that elicits strong reactions and gets user attention rather than content that is high quality or factually sound,' with research confirming that 'content expressing fear, outrage and division just gets more clicks, shares and comments'.⁴²

This engagement-maximisation imperative inverts the democratic functions preserved across successive adaptations of the agora. Where physical public spaces maintained forums for opposing viewpoints and deliberation grounded in reasoned argument, algorithmic systems actively suppress such discourse in favour of emotional activation. The structural logic is clear: Platforms profit from sustained attention, not from deliberative quality or factual accuracy. Emotionally charged, divisive content consistently receives greater algorithmic amplification than nuanced or factual discourse, directly contradicting the democratic requirements for rational-critical debate and epistemic receptiveness that characterised earlier public spheres.

Opacity Versus Transparency

The first fundamental break occurs in the principle of transparency. Every earlier adaptation of the agora preserved some form of visible decision-making, from public assemblies in Athens to the published debates of Westminster. Algorithmically mediated systems, by contrast, operate in ways that are largely hidden from public scrutiny. As Pasquale demonstrates, scholars and regulators have identified the opacity of algorithmic operations as a central concern.⁴³ Meaningful oversight requires access to technical and operational data that platforms generally withhold. This lack of transparency is not only a matter of technical complexity but also reflects established practices of corporate secrecy, often justified in terms of intellectual property and competitive advantage. Unlike earlier forms of mediated communication, where information eventually entered the public domain, algorithmic processes frequently remain inaccessible to those affected by their outcomes.

The Filter Bubble Phenomenon

Where earlier public spheres wrestled with balancing diversity of opinion with social cohesion, algorithmically mediated platforms introduce a new form of fragmentation. Instead of citizens

⁴² Commonwealth of Australia, Joint Select Committee on Social Media and Australian Society: Final Report. Canberra: Parliament of Australia, 2024, p. 41.

⁴³ Pasquale, *The Black Box Society*.

actively choosing to gather with like-minded peers, ranking and recommendation systems now generate what Pariser terms ‘filter bubbles’⁴⁴: informational environments primarily produced by ranking algorithms engaged in passive personalisation without any active choice on our part. This passive construction distinguishes algorithmic fragmentation from historical self-selection into ideological or social groups.

Empirical research has highlighted the consequences of this shift. One large-scale study found that increased Facebook use was associated with both greater diversity of sources and simultaneous drift toward more partisan outlets, producing long-term ideological segregation.⁴⁵ Research into ideological segregation on Facebook reveals a further dimension of algorithmic rupture. González-Bailón et al. found that the platform is substantially segregated along ideological lines, with an asymmetric echo chamber occupied predominantly by conservative users and that content flagged as disinformation by Facebook’s own fact-checkers disproportionately clustered within that space.⁴⁶

Such algorithmic segregation undermines a core democratic requirement already recognised in classical thought:

*For it is the function of the same faculty to see both the true and the false, and what is persuasive about each side.*⁴⁷

Without exposure to opposing viewpoints, citizens risk losing the capacity for collective reasoning that has historically defined democratic deliberation over two millennia.

The Algorithmic Architecture of Democratic Disruption

Algorithmic mediation disrupts democracy across several interlinked dimensions. First, it accelerates misinformation spread. Whereas rumours or partisan presses once spread within natural limits, platforms now optimise for engagement, making falsehoods more viral than truth. Empirical studies show that false news on Twitter is 70% more likely to be shared and

⁴⁴ Eli Pariser, *The Filter Bubble: What the Internet Is Hiding from You*. New York, NY: Penguin Press, 2011.

⁴⁵ Eytan Bakshy, Solomon Messing and Lada A. Adamic, ‘Exposure to Ideologically Diverse News and Opinion on Facebook’. *Science* 348(6239) 2015, pp. 1130-1132.

⁴⁶ González-Bailón, S., Lazer, D., Barberá, P., Zhang, M., Allcott, H., Brown, T., ... & et al. (2023). Asymmetric ideological segregation in exposure to political news on Facebook. *Science*, 381, 392–398. <https://doi.org/10.1126/science.ade7138>

⁴⁷ Aristotle, *The ‘Art’ of Rhetoric* (J. H. Freese, Trans.). Cambridge, MA: Harvard University Press, 1926, 1355a.

travels six times faster than accurate reports.⁴⁸ Because platforms profit from clicks and shares, misinformation is not merely tolerated but structurally advantaged, a dynamic exploited by political actors who deliberately 'flood the zone' with emotionally charged falsehoods.⁴⁹

Second, as Zuboff demonstrates, these systems invert democratic agency. Instead of citizens consciously forming preferences, platforms extract behavioural data and infer 'preferences' through predictive models. This reduces citizens to data points, shifting power from deliberation to unconscious pattern recognition.⁵⁰

Third, the attention economy undermines democratic discourse's temporal conditions. This dynamic is not limited to opaque background processes. Documented instances of deliberate algorithmic adjustment on major platforms reveal how owners can directly configure recommendation systems to enhance the visibility of particular political actors, raising fundamental questions about the integrity of algorithmically mediated public discourse.⁵¹

Fourth, increasing algorithmic governance and automated decision making displaces human judgment and transparency, creating asymmetries of power and eroding accountability.⁵²

Finally, these dynamics are intensified by information power consolidation. A handful of platforms now control primary channels of political communication, collapsing the separation between information provision and political authority that earlier democracies sought to preserve.

⁴⁸ Peter Dizikes, 'Study: On Twitter, False News Travels Faster Than True Stories'. MIT News, 8 March 2018. Accessed at: <https://news.mit.edu/2018/study-twitter-false-news-travels-faster-true-stories-0308>; Soroush Vosoughi, Deb Roy and Sinan Aral, 'The Spread of True and False News Online'. *Science* 359(6380) 2018, pp. 1146-1151.

⁴⁹ Sean Illing, 'Flood the Zone with Shit': How Misinformation Overwhelmed Our Democracy'. *Vox*, 16 January 2020. Accessed at: <https://www.vox.com/policy-and-politics/2020/1/16/20991816/impeachment-trump-bannon-misinformation>. The article traces the phrase to Steve Bannon, former chief strategist to Donald Trump, who described overwhelming the media ecosystem with contradictory or false narratives as a deliberate political tactic. Illing situates this strategy within a broader discussion of information saturation and the vulnerability of democratic discourse to manipulation.

⁵⁰ Zuboff, *The Age of Surveillance Capitalism*, pp. 18.

⁵¹ Jennifer L. Davis and Timothy Graham, 'Emotional Consequences and Attention Rewards: The Social Effects of Ratings on Reddit'. *Information, Communication & Society* 24(5) 2021, pp. 649-666.

⁵² Rob Kitchin, 'Thinking Critically About and Researching Algorithms'. *Information, Communication & Society* 20(1) 2017, pp. 14-29.

Recognising this rupture is the first step towards response. Just as earlier democracies developed institutional safeguards to preserve deliberation at scale, new mechanisms are needed to restore transparency, accurate information, and citizen agency in digital contexts.

PRESERVING PARLIAMENTARY SOVEREIGNTY IN THE DIGITAL AGE

The Westminster Response

The historical analysis reveals that democratic spaces survived radical transformations by preserving core functions through new institutional forms. Today's algorithmic mediation represents not evolution but rupture, extracting rather than enabling democratic participation. Westminster systems face distinctive challenges in addressing algorithmic disruption, given their reliance on representative mechanisms and institutional precedent. Westminster systems cannot simply regulate platforms as if they were newspapers or broadcasters. Recent inquiries have urged regulators to mandate transparency reports akin to the EU's Digital Services Act, yet such measures expose a deeper mismatch: Parliamentary deliberation moves slowly, while algorithmic systems evolve continuously and across borders. Traditional tools of committees, inquiries, and legislation struggle against platforms that exist everywhere and nowhere, forcing a reconceptualisation of sovereignty as one node in a wider network of governance.

Legislatures at multiple levels have begun to grapple with this reality. In the United Kingdom, the House of Lords Select Committee on Artificial Intelligence stressed the need for intelligibility and transparency, warning against opaque systems in 'significant and sensitive areas of life.' It highlighted risks of data monopolies, algorithmic bias, and concentrated corporate power, recommending proactive oversight to align AI with democratic values.⁵³

In Australia, the Joint Select Committee on Social Media and Australian Society underscored the democratic risks of recommender systems, misinformation, and the erosion of public-interest journalism. It called for stronger transparency obligations, protections against harmful content, and measures to support independent media.⁵⁴ At the state level, the South Australian Parliament's Select Committee on Artificial Intelligence has likewise examined

⁵³ House of Lords Select Committee, AI in the UK.

⁵⁴ Commonwealth of Australia, Joint Select Committee on Social Media and Australian Society: Final Report. Canberra: Parliament of Australia, 2024. Accessed at: https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Social_Media_and_Australian_Society/Social_Media/Final_report.

misinformation, online harms, and algorithmic opacity, emphasising digital literacy and community resilience as essential democratic safeguards.⁵⁵

The *Parliament of Australia's Digital Strategy 2023-2027* has a layered approach and roadmap of modernising and delivering digitally accessible services 'ensuring that the ICT estate of the parliament is prepared to realise future benefits using technology such as generative AI, data analytics and sharing, and citizen development is paramount'.⁵⁶

Taken together, these interventions show that algorithmic mediation is not an abstract concern, and the digital age is weaving itself into our institutions. Legislatures are actively seeking to reclaim visibility, accountability, and trust in the digital public sphere, echoing the ancient recognition that democratic spaces must be structured to ensure both transparency and responsibility.

Parliamentary Adaptations in the Algorithmic Age

The challenge is not adapting existing democratic mechanisms but creating algorithmic resistance in institutions to restore transparency, access, and collective reasoning in digital contexts. Westminster parliaments have begun exploring multiple strategies with evolving in the digital age. Some initiatives focus on increasing digital literacy modules as democratic infrastructure, complementing programs such as the Australian eSafety Commissioner's resources, which teach citizens to recognise filter bubbles, bots, and engagement-driven amplification.⁵⁷

The UK Parliament's e-petition system represents an attempt to adapt traditional parliamentary mechanisms to digital contexts while being mindful of algorithmic mediation. By hosting petitions on official parliament servers rather than commercial platforms, the system

⁵⁵ Parliament of South Australia, Select Committee on Artificial Intelligence, Report. Parliament of South Australia, 2023. Accessed at: <https://www.parliament.sa.gov.au/en/Committees/Committees-Detail>.

⁵⁶ Parliament of Australia, Digital Strategy 2023-2027. Canberra: Department of Parliamentary Services, 2023, p. 12. Accessed at: https://www.aph.gov.au/About_Parliament/Parliamentary_departments/Department_of_Parliamentary_Services/Publications/Digital_strategies.

⁵⁷ House of Commons Library, 'Preventing Misinformation and Disinformation in Online Filter Bubbles: UK Parliament'. 2024. Accessed at: <https://commonslibrary.parliament.uk/research-briefings/cdp-2024-0003/>.

maintains direct channels of communication between citizens and representatives with clear accountability timelines.⁵⁸

Others pursue legislative innovation through transparency mandates. The European Commission's *Digital Services Act 2022* requires disclosure of recommender system parameters,⁵⁹ while Australian proposals call for independent audits of algorithms (Australian Competition and Consumer Commission, 2019, 2024). However, machine learning's opacity and complexity make meaningful accountability elusive.

Parliaments are testing institutional innovations like hybrid deliberative forums. The Scottish Citizens' Assembly on climate change combined stratified selection, structured deliberation, and purpose-built digital platforms to resist echo chambers and prioritise evidence over virality.⁶⁰

A further avenue links competition and democracy. The Australian Competition and Consumer Commission's 2019 Digital Platforms Inquiry tied market concentration to democratic harms,⁶¹ while the News Media Bargaining Code (Treasury Laws Amendment, 2021) sought to preserve independent journalism as a counterweight to the power potential of algorithmic curation.⁶²

These initiatives illustrate growing recognition that parliaments are currently exploring innovation across education, legislation, deliberation, regulation, and oversight to reassert democratic sovereignty in the algorithmic age where misinformation is rapid and collective reasoning is instead becoming increasingly polarised.

⁵⁸ UK Parliament, 'E-petitions'. 2025. Accessed at: <https://www.parliament.uk/get-involved/sign-a-petition/e-petitions/>.

⁵⁹ European Commission, *Digital Services Act: Regulation (EU) 2022/2065*. Brussels, Belgium: Official Journal of the European Union, 2022. Accessed at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32022R2065>.

⁶⁰ Scotland's Climate Assembly, *Scotland's Climate Assembly: Recommendations for Action*. Edinburgh: Scotland's Climate Assembly, 2021. Archived at: <https://webarchive.nrscotland.gov.uk/20220321134004/https://www.climateassembly.scot/full-report>

⁶¹ Australian Competition and Consumer Commission, *Digital Platforms Inquiry: Final Report*, pp. 345-350. Canberra: Commonwealth of Australia, 2019. Accessed at: <https://www.accc.gov.au/publications/digital-platforms-inquiry-final-report>; Australian Competition and Consumer Commission, *Digital Platform Services Inquiry: Interim Report*. Canberra: Commonwealth of Australia, 2024. Accessed at: <https://www.accc.gov.au/about-us/publications/serial-publications/digital-platform-services-inquiry-2020-25-reports/digital-platform-services-inquiry-interim-report-september-2024>.

⁶² Treasury Laws Amendment (News Media and Digital Platforms Mandatory Bargaining Code) Act 2021 (Cth). Canberra: Federal Register of Legislation, 2021. Accessed at: <https://www.legislation.gov.au/C2021A00021/latest/text>.

Future Directions: Algorithmic Sovereignty

The idea of algorithmic sovereignty and the right of democratic communities to shape and control the algorithms that govern them, offers a framework for comprehensive response.⁶³ This entails more than regulating existing platforms, it requires building democratic alternatives. Just as public broadcasting in the twentieth century provided a counterweight to commercial media, public investment in democratic technologies may be necessary to create platforms designed around civic rather than commercial imperatives.⁶⁴

Preserving parliamentary democracy in the digital age therefore demands more than incremental adaptation. It calls for reimagining digital innovation itself, recognising that algorithms now structure the very conditions of democratic discourse. Westminster systems, with their traditions of institutional evolution and pragmatic reform, are well placed to pioneer models that safeguard democratic values while embracing technological change, but only if they act with urgency equal to the scale of the challenge.

CONCLUSION

This study has traced democratic spaces from the Athenian agora to Westminster's chambers. Across these settings, democratic life has relied on places where information could circulate, arguments could be tested, and collective reasoning could take shape. Each transformation adapted these core functions to new conditions, showing democracy as a practice continually morphed by its environment.

Democratic practices have repeatedly been reshaped by new media and institutions. Medieval communes, early modern coffeehouses, and representative parliaments were all criticised in their time, yet each extended participation and deliberation in distinctive ways. The tension between commercial interests and public purposes has been a constant theme, managed with varying degrees of success. However, the digital age's introduction of social media and

⁶³ Paul Burgess, 'Algorithmic Augmentation of Democracy: Considering Whether Technology Can Enhance the Concepts of Democracy and the Rule of Law Through Four Hypotheticals'. *AI & Society* 37(1) 2022, pp. 97-112.

⁶⁴ BBC Research & Development, *Responsible Machine Learning in the Public Interest*. London: BBC, 2023. Accessed at: <https://www.bbc.co.uk/rd/projects/responsible-machine-learning>; Five Country Ministerial, *Joint Statement on Algorithmic Transparency and Democratic Values*. Canberra: Department of Home Affairs, 2023. Accessed at: <https://www.homeaffairs.gov.au/about-us/our-portfolios/national-security/security-coordination/five-country-ministerial>.

algorithms presents unique barriers to the transparency, access, and rational consensus of contemporary civic discourse.

The task ahead is not to be passive recipients to algorithmic systems but to ensure they support rather than undermine democratic functions.

So, what can parliaments do to reinvent the public square in the digital age? Three complementary approaches can be considered:

- maintaining close collaboration with Westminster counterparts regarding digital innovation,
- investing in digital infrastructure that prioritises access and transparency, and
- strengthening citizens' capacity to navigate and reach consensus in algorithmic environments through digital literacy in Westminster settings.

The agora was never flawless, yet it set enduring principles of open exchange and collective reasoning. The task today is to carry those principles into the parliament's digital sphere and fortify against the commodified social media algorithms that pose as the digital 'public squares' of the 21st century. What is at stake is not nostalgia or loss romanticising for past public squares, instead it is about sustaining the value of critical thought and debate in our democracies. The contest between engagement-driven platforms and democratic institutions will decide whether algorithms continue to fragment and profit the public sphere or parliaments innovate themselves digitally to fortify against this serious rupture.

Democracy survives by reinventing itself. Our moment is no different and the age of the algorithm is here to stay. The challenge is concerning, but the opportunity is real: to build digital architecture that serves citizens in authentic, civic engagement rather than capture and commodify them, ensuring our principles of the agora endure not only on earth, but also in the cloud.

Online publication and the accessibility of parliamentary information

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Abstract: Parliaments are increasingly publishing parliamentary papers and information online, enabling them to provide information that is up-to-date, easy to search, available to anyone with an internet connection, and accessibly presented. This provides an opportunity to increase transparency around how Houses spend their time on sitting days, and what information members are provided with in the form of tabled papers and returns to orders for documents. It also increases the accessibility of parliamentary information to all members of the public, regardless of their location, ability to access the parliamentary precinct, or civics knowledge. To capitalise on these opportunities, parliaments should explore ways to make the information they publish online easier to find and understand, and consider making more documents and information publicly available online. This paper will discuss various topical options for improving access to parliamentary information, including artificial intelligence (AI) and web application programming interfaces (APIs: websites which publish selected data for use by web developers).

¹ Senior Council Officer, Legislative Council, Parliament of New South Wales. The views in this paper are those of the author and do not necessarily reflect those of the New South Wales Legislative Council or its members. The author thanks current and former staff of the Legislative Council who reviewed and provided advice on this paper, including Madeleine Dowd, Christine Thai, Allison Stowe, Sharon Ohnesorge, Stephen Frappell, Steven Reynolds, and David Blunt. This paper was presented to the 2025 Australasian Study of Parliament Group (ASPG) Annual Conference in Adelaide, 1-3 October 2025.

INTRODUCTION

Public institutions are increasingly using online publication to share information, provide services, and increase transparency.² This article explores this trend through examples and practices drawn from the Legislative Council, or upper house, of the bicameral Parliament of New South Wales. The examines how the publication of the New South Wales Legislative Council's papers has changed over its history, and the benefits and opportunities provided by the progressive adoption of online publication. The positive impact of online publication on the accessibility of parliamentary information to the public – particularly cohorts who experience greater barriers when accessing physical parliamentary papers, such as those who live in remote locations, who experience disability, and who have a low level of civics knowledge – is explored. The article concludes by discussing new technological options for increasing the accessibility of parliamentary information and documents published online.

DEVELOPMENT OF PUBLICATION PRACTICES FOR NEW SOUTH WALES LEGISLATIVE COUNCIL PAPERS

Before exploring the ways in which parliaments might embrace technology to improve transparency in the information they publish, it is helpful to briefly describe some key historical milestones in the publication of New South Wales Legislative Council papers. The New South Wales Legislative Council has produced and stored many documents during its 200-year history, and the way each document is published depends on its type and age.

House Papers

The House Papers is the collective name for the Minutes of Proceedings, Notice Paper, and the Questions and Answers Paper. These documents are produced by the Procedure Office and together provide a comprehensive record of the matters considered and actions of the House each sitting day.

MINUTES OF PROCEEDINGS

The Minutes of Proceedings are the official record of the proceedings in the House on each sitting day, and have been published as a bound journal at the end of each Parliament since

² Organisation for Economic Co-operation and Development (OECD). (2023). *Effective Government Information Websites: Toolkit for Implementation*. https://www.oecd.org/en/publications/effective-government-information-websites_ac325b03-en/full-report.html, p. 3

1856.³ The Minutes began to be published online in 1991; however, subsequently all earlier Minutes, including those published between 1824 and the beginning of the collation of bound journals in 1856, have been digitised, so the full set may be viewed online.⁴

NOTICE PAPER

The Notice Paper lists notices of motion and orders of the day which have not yet been disposed of, along with the name of the member with carriage of the item.⁵ The Notice Paper for each sitting day is published online at the conclusion of the previous sitting day. Prior to 1991, the details of notices of motions and orders of the day were included and published as part of the Minutes. The Notice Paper has been published online since it became a standalone document in 1991. At the end of each parliamentary session between February 1990 and December 2010, a bound journal of all Notice Papers produced during the session was published.⁶

QUESTIONS AND ANSWERS PAPER

The Questions and Answers Paper lists questions on notice asked to ministers and the answers provided. The Paper is published online every business day; prior to 2019, it was published only on sitting days as questions could not be asked on other days. Until August 1984, this information was contained within the Minutes of Proceedings, and from then, when the Questions and Answers Paper began to be produced as a standalone document, until December 2010, a bound journal was published at the end of each session which collated each Paper published during the session.⁷ Questions and Answers Papers published since 1991 are available online. In addition to the Questions and Answers Paper, questions and answers given since 1988 may be viewed on the Parliament's website, searchable by asking member, portfolio, date asked, date answer due, and by portfolio then by date answer due.

TABLED PAPERS

Tabled papers are documents which are presented to the House, usually by ministers, the President, or the Clerk. Annual reports of government departments, statutory reports,

³ Stephen Frappell and David Blunt (editors), *New South Wales Legislative Council Practice: Second Edition*. Sydney: The Federation Press, 2021, p. 408.

⁴ Frappell and Blunt (editors), *New South Wales Legislative Council Practice: Second Edition*, p. 408.

⁵ Frappell and Blunt (editors), *New South Wales Legislative Council Practice: Second Edition*, p. 410.

⁶ Frappell and Blunt (editors), *New South Wales Legislative Council Practice: Second Edition*, p. 413.

⁷ Frappell and Blunt (editors), *New South Wales Legislative Council Practice: Second Edition*, p. 413.

committee reports, petitions, government responses to committee reports and petitions, and returns to orders for papers are all common types of tabled papers. Papers tabled by ministers, the President, or the Clerk, and committee reports tabled by the committee chair are automatically published, and assist the House in staying informed of the actions of the government and its departments. Private members may table documents with the consent of all members in the House; these documents are available for inspection by members only unless the House resolves to publish them. Regardless of whether they are authorised to be published or not, the original hard copy of each tabled paper must be retained in the custody of the Clerk.⁸ Accordingly, the Legislative Council holds a hard copy of every document tabled since 1856.

The Journals of the Legislative Council contain an index of all papers tabled in the Council in each parliamentary session.⁹ Tabled papers ordered to be printed between 1856 and 1904 were printed in the Journals of the Legislative Council. From 1904 to 2006, tabled papers ordered to be printed were instead printed in a separate publication, the Joint Volumes of Parliamentary Papers. In 2006, the Joint Volumes of Parliamentary Papers, which had become largely redundant as reports and documents were increasingly being published online, ceased to be printed.

The digitisation of the Legislative Council's tabled papers has occurred in stages and is not yet complete. In 2017, papers tabled between 1824 and May 1856 were published on the parliament's website.¹⁰ Papers tabled between May 1856 and August 1901 were authorised to be published in late 2021¹¹ and those tabled between September 1901 and April 1938 were authorised to be published in mid-2023.¹² Tabled papers that have been authorised to be published but are not available online may be viewed by members of the public in hard copy at the Parliament of New South Wales or the State Records Authority, depending on the location of the document.

⁸ Susan Want and Jenelle Moore, Edited by David Blunt, *Annotated Standing Orders of the New South Wales Legislative Council*. Sydney: The Federation Press, 2018, p. 156.

⁹ Frappell and Blunt (editors), *New South Wales Legislative Council Practice: Second Edition*, p. 657.

¹⁰ New South Wales, Parliamentary Debates, Legislative Council, 30 March 2017, p. 1.

¹¹ *Minutes*, NSW Legislative Council, 17 November 2021, p. 2738.

¹² *Minutes*, NSW Legislative Council, 24 May 2023, pp. 108-109.

RETURNS TO ORDERS FOR PAPERS

The sheer volume of documents returned in response to orders for papers and the public interest in viewing them distinguish returns to orders, which are only provided in hard copy, from other types of tabled documents.

The power of the New South Wales Legislative Council to order the production of government papers, which is derived from the common law principle of reasonable necessity – that is, that the power to order documents is reasonably necessary to allow the House to carry out its scrutiny function – is expressed and has its administrative process prescribed by standing order 52. The 'reasonable necessity' of the House's power to order documents was confirmed by the 1996 decision of the New South Wales Court of Appeal in *Egan v Willis and Cahill*¹³ and the 1998 decision of the High Court in *Egan v Willis*.¹⁴

Perhaps because the power of the Council has been so confirmed, in addition to the fact that the government has not enjoyed a majority in the Council since 1988,¹⁵ the power to order the production of documents has been well-exercised in recent Parliaments. During the 57th Parliament, which occurred between May 2019 and March 2023, 447 orders for papers were agreed to, with an average of approximately 6.4 boxes of documents returned in response to each order. During the first couple of years of the 58th Parliament, from May 2023 until June 2025, 123 orders were agreed to, with an average of approximately 14 boxes of documents returned per order. Each return is accompanied by an index showing all documents returned, which is scanned and published online as a searchable PDF to assist stakeholders in identifying and locating documents of interest.

Many of the documents returned in response to orders for papers are of considerable interest, not just to the member who ordered them, but also to the media and members of the public. Some documents returned attract a claim of privilege which restricts anyone but current members of the Legislative Council from viewing them; members may view, but not copy, distribute, or publicly refer to the information within privileged documents.¹⁶ Non-privileged (public) documents may be viewed, copied, and quoted by anyone, although anyone distributing or quoting from the documents would not be protected by parliamentary privilege.

¹³ [1996] 40 NSWLR 650.

¹⁴ [1998] HCA 71.

¹⁵ Frappell and Blunt (editors), *New South Wales Legislative Council Practice: Second Edition*, p. 23.

¹⁶ Frappell and Blunt (editors), *New South Wales Legislative Council Practice: Second Edition*, p. 669.

The volume of hard-copy documents returned in response to orders for papers, and the public interest in and utility of them, makes facilitating access to the non-privileged documents a logistical challenge for the Procedure Office, which manages them. Stakeholders must attend the Parliament to view returns, and may be limited to bookings of two hours. A high-speed scanner allows stakeholders to make searchable scans of any documents of use to them. Even so, those interested in large returns often need to make multiple bookings in order to scan all documents returned.

OPPORTUNITIES AFFORDED TO PARLIAMENTS BY ONLINE PUBLICATION

Public access to parliamentary House papers and tabled papers increases the transparency of the legislative process and government decisions. Online publication of parliamentary documents can improve public access by increasing the speed with which information is published, the flexibility to present information in a user-friendly way, and the ease with which information may be located.

Ease and speed of publishing information

Gone are the days when one had to wait until the end of a parliamentary session for a comprehensive record of a House's actions and papers to be published. With an information management system and a public website, parliamentary documents and information can be published online at the click of a button, within hours or even seconds of being finalised or ordered to be published.

As social media allows for the rapid dissemination of information, rhetoric, and misinformation,¹⁷ the ability for parliaments to quickly publish official records such as the Minutes of Proceedings or Hansard becomes more important. Timely publication of parliamentary records allows members of the public to fact-check and research, and decreases their reliance on social media commentators, who may or may not be unbiased and well-informed, to be informed of recent parliamentary happenings.

¹⁷ Inter-Parliamentary Union. (2022). *Global Parliamentary Report 2022 - Public engagement in the work of parliament*. Accessed at: <https://www.ipu.org/impact/democracy-and-strong-parliaments/global-parliamentary-report/global-parliamentary-report-2022-public-engagement-in-work-parliament>, p. 23; Patrick Theiner, Julia Schwanholz, Andreas Busch. (2017). *Parliaments 2.0? Digital media use by national parliaments in the EU*. In *Managing Democracy in the Digital Age: Internet Regulation, Social Media Use, and Online Civic Engagement* (pp. 77-95). Cham: Springer International Publishing.

Flexibility in how information is presented

Parliamentary environments are rich in specialised terminology, procedures and concepts arising from centuries of precedent and tradition. Parliamentary officers have historically proven fairly conservative innovators who have not rushed to modernise the language their Houses use. House Papers, especially – the Minutes of Proceedings and Notice Paper – generally use language and structure which are quite inflexibly constrained by precedent. While members, staffers, and parliamentary officers become acclimatised to these peculiarities, parliamentary newcomers and members of the public may be intimidated and confounded by archaic language ('to be called on forthwith?'), novel concepts ('formal business?'), and familiar terms with unfamiliar meanings (a 'bill' is not a request for payment or a form of physical currency?).

Given the lack of flexibility in official House documents, parliamentary websites provide an opportunity for parliamentary information to be presented in a way that prioritises accessibility and ease of understanding, rather than compliance with the standing orders and tradition.

Ease of locating information

Parliaments generally produce and collect troves of documents. The voluminous House Papers produced every sitting day and requirement to keep a copy of every annual report, bill, petition, or other document ever tabled in the House, and every document produced in response to an order for papers, means that most parliaments are swimming in seas of pages and information kept for posterity.

But how much does posterity benefit from this treasure trove? How can parliaments advertise the wealth of documents they hold? How can they help the public identify and access the information of use or interest to them? Online publication holds a partial answer to all these questions.

Search engines are a key research tool in the modern age. 91% of Australians accessed news and information online in the first six months of 2024,¹⁸ and the average internet user conducts

¹⁸ Commonwealth of Australia (Australian Communications and Media Authority). (2022). *Communications and media in Australia: How we use the internet*. <https://www.acma.gov.au/sites/default/files/2024-12/How%20we%20use%20the%20internet%20-%20Executive%20summary%20and%20key%20findings.pdf>, p. 5.

over eight search engine searches each day.¹⁹ Search engines work by 'crawling' the internet to find new or updated webpages and then, if the webpage allows it and contains sufficiently useful and novel information, indexing the webpage so it can be returned as a search result if a relevant search term is used.²⁰ If parliaments publish their documents, or the metadata of their documents (that is, information about the document itself, such as its tabling date), online, the webpages about the documents may be returned as search engine results, allowing members of the public to become aware of relevant documents the parliament holds. PDFs can be indexed by search engines and returned in search results,²¹ so if PDFs of parliamentary documents are uploaded with searchable text, search engines are able to return the PDFs in results, if their content includes relevant searched terms.

Online publication gives parliaments the opportunity to make parliamentary documents easy to locate from their parliamentary websites by implementing user-friendly searching and filtering tools. If parliamentary documents are published online with searchable text, users will be able to find the parts of a document relevant to them even more efficiently. Compared to members of the public needing to trawl through physical bills registers or boxes of documents to search for useful information, online publication allows for a significant increase in the utility of the vast quantities of documents parliaments are required to retain.

Case study: Register of Disclosures by Members of the Legislative Council

The evolution of the New South Wales Register of Disclosures by Members of the Legislative Council highlights how online publication can increase the accessibility and searchability of information.

Members of the New South Wales Legislative Council have been required to lodge returns disclosing their pecuniary and other interests since the making of the *Constitution (Disclosures by Members) Regulation 1983*. The Clerk compiles the returns into the Register of Disclosures by Members of the Legislative Council, which is tabled in the House and can be viewed by the public.

¹⁹ Aleksandra Urman and Mykola Makhortykh, 'You are how (and where) you search? Comparative analysis of web search behavior using web tracking data'. *J Comput Soc Sci* 6(2) 2023, pp 741-756. Accessed at <https://doi.org/10.1007/s42001-023-00208-9>.

²⁰ Google. (2025, March 6). *In-depth guide to how Google Search works*. <https://developers.google.com/search/docs/fundamentals/how-search-works>

²¹ Google. (2025, February 4). *File types indexable by Google*. <https://developers.google.com/search/docs/crawling-indexing/indexable-file-types>

According to the Regulation, members of the public may view the Register in the Office of the Clerk 'between the hours of 10.00 am and 4 pm on any day except Saturday, Sunday or a day which is a public holiday throughout New South Wales.'²²

Since 2019, the Register has been published twice annually on the Parliament's website, on the Tabled Papers webpage, as a searchable PDF. This allows members of the public to access the information at the time and location of their choosing and allows them to more easily search the information; however, the difficulty involved in locating the register on the Tabled Papers webpage, the large number of pages in each register and the fact that many members handwrite their disclosures (handwriting cannot be parsed and made searchable) mean that finding specific information can still be time-consuming.

Since the passage of the *Integrity Legislation Amendment Bill 2022* in late 2022, any new regulation must include a requirement for the register to be kept in a publicly searchable electronic format.²³ The publication of disclosures data in an electronic, searchable register is likely to greatly increase the ease with which members of the public will be able to search for and locate specific information.

Social impact of online publication

The growing adoption of online services, accelerated by the COVID-19 pandemic, means online accessibility has become increasingly necessary to allow individuals to fully participate in society.²⁴ Similarly, having an online presence and offering online services has become important for the relevance and credibility of institutions and businesses.²⁵ Both the New

²² *Constitution (Disclosures by Members) Regulation 1983* (NSW) reg 20(1)

²³ Privileges Committee, NSW Legislative Council, *Draft Constitution (Disclosures by Members) Regulation 2024* (2024). Accessed at: [https://www.parliament.nsw.gov.au/lcdocs/inquiries/3030/Report%2096%20-%20Draft%20Constitution%20\(Disclosures%20by%20Members\)%20Regulation%20Report.pdf](https://www.parliament.nsw.gov.au/lcdocs/inquiries/3030/Report%2096%20-%20Draft%20Constitution%20(Disclosures%20by%20Members)%20Regulation%20Report.pdf), p. 3.

²⁴ Fernando H. F. Botelho, 'Accessibility to digital technology: Virtual barriers, real opportunities'. *Assistive Technology* 33 2021, pp. 27-34. Accessed at: <https://doi.org/10.1080/10400435.2021.1945705>; Fotis Fitsilis. 'A Paradigm Shift for Parliaments'. *International Journal of Parliamentary Studies* 3(1) 2023, 1-4. Accessed at: <https://doi.org/10.1163/26668912-bja10063>.

²⁵ Anne Marie Warren, Ainin Sulaiman and Noor Ismawati Jaafar, 'Social media effects on fostering online civic engagement and building citizen trust and trust in institutions'. *Government Information Quarterly* 31(2) 2014, pp. 291-301. Accessed at: <https://doi.org/10.1016/j.giq.2013.11.007>; Organisation for Economic Co-operation and Development (OECD). (2023). *Effective Government Information Websites: Toolkit for Implementation*. https://www.oecd.org/en/publications/effective-government-information-websites_ac325b03-en/full-report.html, p. 3.

South Wales and Commonwealth governments have strategies to increase digital inclusion, recognising that the provision of accessible government services and information online is crucial to enabling service delivery and civic participation in the digital age.²⁶

The importance of online resources in providing consistent access to information and services was clearly demonstrated during the COVID-19 pandemic, when physical services faced closures or capacity limits, but online services continued uninterrupted.²⁷ Even before the pandemic, students were increasingly drawn to online methods of research over print resources,²⁸ demonstrating a growing need for online publication to keep parliamentary information locatable with modern research methods.

Geographical location

If parliamentary documents can only be viewed in hard copy at the parliament, ease of access is highly dependent on an individual's proximity to the parliamentary precinct. Proximity cannot be assumed: in most Australian states, the distance from the state capital to the most remote part of the state is over 400 kilometres; in some states, it is many times that.²⁹

Although the 2023 Australian Digital Inclusion Index indicates that people living in regional areas still experience greater challenges in accessing online services than those living in cities,³⁰ internet access in Australia is almost universal; in 2022, 99% of Australian adults had been online in the previous six months, and 93% had a home internet connection.³¹ Because of the broad access to online resources that the Australian population, regardless of location, enjoys,

²⁶ NSW Telco Authority. (2025). *NSW Digital Inclusion Strategy*.

<https://www.nsw.gov.au/sites/default/files/noindex/2025-02/NSWTA%20-%20Digital%20Inclusion%20Strategy%202025.pdf>, pp 29-30; Commonwealth of Australia. (2023). *Data and Digital Government Strategy*. Accessed at: <https://www.dataanddigital.gov.au/strategy>

²⁷ World Health Organization and the United Nations Children's Fund (UNICEF). (2022). *Global report on assistive technology*. <https://iris.who.int/bitstream/handle/10665/354357/9789240049451-eng.pdf>, p. 93

²⁸ Kristen Purcell et al, (2012) *How Teens Do Research in the Digital World*.

<https://www.pewresearch.org/internet/2012/11/01/how-teens-do-research-in-the-digital-world/>

²⁹ Commonwealth of Australia (Digital Atlas of Australia). (2024, 18 June). *Land Borders – Borderlines*. Accessed at: <https://digital.atlas.gov.au/datasets/land-borders-borderlines/explore>.

³⁰ Julian Thomas et al, (2023). *Measuring Australia's Digital Divide: Australian Digital Inclusion Index: 2023*. https://www.digitalinclusionindex.org.au/wp-content/uploads/2023/07/ADII-2023-Summary_FINAL-Remediated.pdf, p. 9.

³¹ Commonwealth of Australia (Australian Communications and Media Authority). (2022). *Communications and media in Australia: How we use the internet*. <https://www.acma.gov.au/sites/default/files/2024-12/How%20we%20use%20the%20internet%20-%20Executive%20summary%20and%20key%20findings.pdf>, p. 1.

online publication increases the equity of access to parliamentary information for remote Australians.

Case study: orders for papers regarding local infrastructure redevelopment

Between 2023 and 2025, the Council passed three orders for papers under standing order 52, requesting documents regarding the Albury Hospital redevelopment³². The Albury Hospital Campus is located at Albury, on the border between New South Wales and Victoria, over 400 kilometres from Sydney. Documents returned in response to orders for papers are currently provided in hard copy only, so Albury residents wishing to view them would have had to book a flight or make the approximately five-and-a-half-hour road trip to the Parliament of New South Wales.

In contrast, locals wishing to view documents returned in response to an order for papers regarding the Sydney Fish Market redevelopment and Infrastructure NSW governance³³ would face a journey to the Parliament of New South Wales of just over three kilometres, around 15 minutes on the road in peak hour.

Accessibility needs

In 2022, a little over one in five Australians had a disability.³⁴ This represents a significant proportion of voters, constituents, inquiry stakeholders, students who reference parliamentary documents, professionals who need to keep abreast of parliaments' doings, and other people who have an interest in the works of parliaments. The ability of people with disability to access parliamentary information is dependent on the accessibility of parliamentary precincts and websites.

When services are designed to be accessible or compatible with assistive technology, they enhance the ability of people with disability to participate in society.³⁵ A key method of

³² *Minutes*, NSW Legislative Council, 2 August 2023, pp 329-330; *Minutes*, NSW Legislative Council, 7 February 2024, p. 894; *Minutes*, NSW Legislative Council, 26 June 2025, pp 2535-2536.

³³ *Minutes*, NSW Legislative Council, 19 June 2024, pp 1270-1271.

³⁴ Commonwealth of Australia (Australian Bureau of Statistics). (2024, 4 July). *5.5 million Australians have disability*. Accessed at: <https://www.abs.gov.au/media-centre/media-releases/55-million-australians-have-disability>.

³⁵ World Health Organization and the United Nations Children's Fund (UNICEF), *Global report on assistive technology*, p. 5.

increasing accessibility and inclusion is through universal design, a practice of designing environments and services to be accessible to everyone and treating accessibility not as something nice to have, or something that can be achieved through work-arounds, but as a fundamental requirement of the design.³⁶

Most parliamentary practices and publications were designed, or have evolved from those designed, hundreds of years ago, before accessibility for people with disability was a consideration. The principles of universal design, identified in 1997,³⁷ were not conceived of, much less applied, when the physical environments and publication practices of most Westminster parliaments were developed.

The interlocking architecture of technologies that provide access to modern online services (from hardware to software to website contents) force parliaments into technological evolution, if only to save their services from incompatibility and obsolescence.³⁸ This means that parliamentary websites must be redesigned and remade much more frequently than other parliamentary processes and resources. Parliamentary websites, because of their comparative novelty, are also less confined by precedent and rules. Parliamentary websites, therefore, have more opportunity and flexibility than most parliamentary publications and environments to modernise and be redesigned to be universally accessible and offer a comparatively efficient opportunity to increase the accessibility of parliamentary information for people with disability.

Even if a parliamentary website does not meet all web accessibility standards, the additional option to view parliamentary documents online offers people with disability choice, even if neither is completely accessible, allowing them to use the method of viewing the documents that is more accessible to them.

Civics knowledge

The work of parliaments is often opaque to the general public, and the specialised terminology and procedures that parliaments employ can confuse and deter individuals from participating

³⁶ World Health Organization and the United Nations Children's Fund (UNICEF), *Global report on assistive technology*, p. 87.

³⁷ Centre for Excellence in Universal Design, National Disability Authority. *The 7 Principles*. Accessed at: <http://universaldesign.ie/about-universal-design/the-7-principles>

³⁸ Dimitris Koryzis et al, 'Disruptive technologies for parliaments: A literature review.' *Future Internet*, 15(2) 2023, 66. Accessed at: <https://doi.org/10.3390/fi15020066>.

in democracy.³⁹ With civics knowledge in Australian students having dropped to the lowest level since the Australian Curriculum, Assessment and Reporting Authority began testing in 2004,⁴⁰ future voters may have even less confidence navigating parliamentary spaces.

Parliamentary environments, both physical and online, are generally used and frequented by people – members, staffers, parliamentary officers, lobbyists, public servants – with a level of familiarity with parliamentary processes and jargon. This familiarity assists with navigating the spaces and locating information; however, spaces and documents designed to be navigable for people with parliamentary knowledge may inadvertently be difficult and confusing to navigate to those without.

As discussed above, online publication of searchable PDFs allows relevant documents to be located by search engines, completely removing the need to navigate through a parliament's website and thereby reducing the level of civics knowledge required to access the documents. This does not reduce the importance of easy to navigate and understand parliamentary websites – ideally a user, having realised through their search engine find that a parliamentary website holds relevant documents, should be able to confidently navigate the website to find other relevant documents themselves, rather than being bewildered and forced to return to the search engine to locate anything else.

TECHNOLOGICAL OPTIONS FOR IMPROVING ACCESS

Artificial intelligence (AI)

Chatbots, which use AI to help them understand users' natural language queries, identify relevant information to answer the queries, and generate clear and useful responses, are a common public-facing use of AI technology.⁴¹ They are increasingly being used in the public

³⁹ Inter-Parliamentary Union, *Global Parliamentary Report 2022 - Public engagement in the work of parliament*, pp 24-25.

⁴⁰ Australian Curriculum, Assessment and Reporting Authority. (2024). *Civics and Citizenship 2024: Public Report*. Accessed at: <https://nap.edu.au/docs/default-source/nap-sample/nap-cc-2024-public-report.pdf>, p. 15.

⁴¹ Digital NSW. *Chatbot prompt essentials*. Accessed at: <https://www.digital.nsw.gov.au/policy/artificial-intelligence/chatbot-prompt-essentials>.

sector to answer routine questions and help members of the public find information.⁴² Public sector chatbots tend to operate under strict, predefined rules to a much greater degree than their commercial generative and conversational counterparts such as ChatGPT.⁴³ This allows for more standardised answers and therefore assurance for the agency that the answers will be factually correct and appropriately worded, but also generally results in the chatbots being too simplistic, less adaptable and less able to provide a rich, useful experience for users.⁴⁴

Chatbots can be an aid to help users navigate websites.⁴⁵ Due to the amount of information and specialised terminology found on parliamentary websites, public-facing chatbots could be very useful to help members of the public find and understand information. For example, a member of the public who is interested in learning more about a proposed law on climate change they have heard about may, if unfamiliar with the parliamentary meaning of 'bill', struggle to even find the correct part of the website, let alone locate the correct entry in a long list of bills. In this situation, a chatbot that could parse a natural language query such as, "what is the law on climate change the MPs will vote on soon?" and provide links to the webpages of a short list of relevant suggestions, could greatly increase the navigability of a parliamentary website for members of the general public.

Because of the amount of niche parliamentary jargon, the vast variety of parliamentary documents and processes that members of the public may want to ask about, and the likely specificity of questions, the simplistic rule-based chatbots with predefined answers favoured by the public sector would probably not provide a comprehensive or satisfactory service⁴⁶. However, generative and conversational AI chatbots, while more flexible and able to provide

⁴² Anna Grøndahl Larsen and Asbjørn Følstad, 'The impact of chatbots on public service provision: A qualitative interview study with citizens and public service providers'. *Government Information Quarterly*, 41(2) 2024. Accessed at: <https://doi.org/10.1016/j.giq.2024.101927>.

⁴³ Grøndahl Larsen and Følstad, 'The impact of chatbots on public service provision: A qualitative interview study with citizens and public service providers'.

⁴⁴ Aggeliki Androutsopoulou et al, 'Transforming the communication between citizens and government through AI-guided chatbots providers'. *Government Information Quarterly*, 36(2) 2019. Accessed at: <https://doi.org/10.1016/j.giq.2018.10.001>.

⁴⁵ Grøndahl Larsen and Følstad, 'The impact of chatbots on public service provision: A qualitative interview study with citizens and public service providers'.

⁴⁶ Grøndahl Larsen and Følstad, 'The impact of chatbots on public service provision: A qualitative interview study with citizens and public service providers'.

more specific answers on a broader array of topics, are also more at risk of providing incorrect or inappropriate answers.⁴⁷

The propensity of generative AI chatbots to fabricate relevant-seeming but untrue information, known as ‘hallucinations’, and present it as fact should give some pause to trusted public institutions considering the use of generative public-facing chatbots. The case of a Norwegian man who asked generative chatbot ChatGPT what it knew about him, only to receive a mixture of factually correct biographical information and a false claim that he had killed two of his sons and received a 21-year prison sentence for it⁴⁸ highlights these risks – what parliament would be happy with an official chatbot telling similar tales about its members?

Less egregious chatbot outputs could still cause discontent from members and parliaments. As conversational AI generates statements on command without immediate human oversight, the use of AI chatbots would give members and parliaments markedly less control over their messaging than they are accustomed to. Members would have less ability than they are used to on social media and in their parliamentary biographies to present and order their interests and achievements in a way that best represents their priorities, and parliaments could not be assured that the responses provided by a generative AI chatbot would always meet the standards of tactfulness and impartiality expected of parliamentary officers.⁴⁹

Web application programming interfaces (APIs)

An application programming interface (API) is a set of rules and protocols governing how applications communicate and share information.⁵⁰ Web APIs are APIs that allow communication and information sharing over the internet, and are usually accessed by connecting to a specific webpage called an endpoint. Public web APIs can be used to securely expose selected information which then can be read, downloaded, or used by another website

⁴⁷ Ahmad Fauzan Zaky and Chanifah Indah Ratnasari, ‘Developing Rule-Based and AI Hybrid Chatbot for Academic Information Services’. *International Journal of Informatics and Computation*, 7(2) 2025, pp 755–768. Accessed at: <https://doi.org/10.35842/ijicom.v7i2.211>.

⁴⁸ Hanan Dervisevic, *Norwegian man files complaint against ChatGPT for falsely saying he killed his sons*. ABC News, 21 March 2025. Accessed at: <https://www.abc.net.au/news/2025-03-21/norwegian-man-files-complaint-chatgpt-false-claims-killed-sons/105080604>.

⁴⁹ Markus Langer, Kevin Baum and Nadine Schlicker, ‘Effective Human Oversight of AI-Based Systems: A Signal Detection Perspective on the Detection of Inaccurate and Unfair Outputs’. *Minds & Machines* 35(1) 2025. Accessed at: <https://doi.org/10.1007/s11023-024-09701-0>.

⁵⁰ Commonwealth of Australia (api.gov.au). *Definitions*. Accessed at: <https://api.gov.au/sections/definitions.html>

or application. This is beneficial to users as it allows them flexibility to analyse and use data, which they might otherwise only be able to view on a series of webpages, in a way that suits their needs.

The public sector in Australia is increasingly turning to APIs as a way of sharing data. The Australian government has embraced the use of APIs as a means of sharing information between government agencies and with the public, with Australian Government Architecture, which provides guidance against which government digital solutions should be assessed, endorsing APIs as a capability to be developed.⁵¹ Data.NSW describes APIs as

*the most powerful way to make your data available for sharing", citing flexibility for end users, the ability to provide real-time data, and the compatibility of APIs with a broad range of technologies among benefits of data-sharing through APIs.*⁵²

Some Commonwealth parliaments already offer public web APIs. The New South Wales and South Australian parliaments both provide Hansard data in APIs, and the Queensland parliament provides various information including about tabled papers and members. The UK Parliament offers 12 public data APIs, which provide access to information relating to various topics such as members, oral questions, bills, statutory instruments, and Erskine May.⁵³

Once parliamentary information has been publicly released via an API, parliaments have limited to no visibility and control over how the information is used. While useful to the public and capable of facilitating the creation of balanced and informative third-party websites, APIs also run the risk of providing bad-faith or biased websites with unearned legitimacy. Institution-based trust, a tendency to trust born from faith in an institution or system, is a key driver of trust in information.⁵⁴ A prominent claim that information on a website is sourced from a parliament could therefore create trust in a website that uses cherry-picked or manipulated data to push a particular political message. Such a claim could also give the impression that the parliament is associated with or endorses the messaging of a site, which, if the messaging was

⁵¹ Commonwealth of Australia (Digital Transformation Agency). (n.d.). *Application Programming Interfaces (APIs)*. Accessed at: <https://architecture.digital.gov.au/capability/api>.

⁵² Data.NSW. (2024, July 15). *Making Data Available for Sharing*. Accessed at: <https://data.nsw.gov.au/making-data-available-sharing>.

⁵³ UK Parliament. *Developer Hub*. Accessed at: <https://developer.parliament.uk/>.

⁵⁴ Brad Love et al, 'Consumer Trust in Information Sources: Testing an Interdisciplinary Model'. SAGE Open, 3(2) 2013. Accessed at: <https://doi.org/10.1177/2158244013492782>.

excessively partisan or objectionable, could be damaging to the parliament's reputation or its perceived impartiality.

CONCLUSION

This paper sought to explore the evolution of publication practices in the New South Wales Legislative Council, the opportunities that modern, online publication methods provide parliaments with, and the impact that these opportunities can have on the ease and means with which the communities represented by parliaments access parliamentary information. The paper also discussed two emerging technologies associated with online publication, and their benefits and risks within a parliamentary context. The fast-paced evolution of technology will no doubt continue to offer new publication opportunities and solutions to parliaments. Parliaments should remain open to considering the adoption of any technologies that will increase the accessibility of their documents and information to the public they serve, in line with their roles in helping facilitate transparency in parliamentary and government processes. It remains to be seen which emerging technologies parliaments will choose to adopt and the impact they will have on the publication and accessibility of parliamentary information.

Citizen engagement in parliamentary oversight of the executive's budget: Benefits, opportunities and next steps

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Abstract: Parliamentary oversight of the executive's budget a central mechanisms through which citizens can hold governments to account for their decision making, policy priorities and public spending. Despite this, the intersection between citizen engagement and parliamentary budget oversight has received comparatively little scholarly attention, particularly in Westminster systems. This article addresses this gap by examining why and how parliaments should engage citizens in budget oversight, with a specific focus on Australian parliaments, where such engagement has been largely absent. The article first outlines the democratic importance of budget oversight and citizen engagement as core parliamentary functions, arguing that engagement in budget oversight has been dominated by information and education, while communication, consultation and participation remain underdeveloped in Australia. The article then explores the benefits of integrating citizen engagement into budget oversight, including enhanced accountability, improved scrutiny through lived experience, increased transparency, and greater legitimacy and trust in parliamentary institutions. A case study from the Scottish Parliament illustrates how participatory and deliberative approaches—specifically a citizen's panel—can strengthen pre-budget scrutiny and deliver meaningful outcomes for both participants and parliamentary committees. Finally, the article considers what practical steps might be available for Australian parliaments when it comes to participatory and deliberative forms of citizen engagement in budget oversight.

¹Opinions expressed in the article are the author's own and do not reflect the views of the Departments or the Parliament of Victoria.

INTRODUCTION

A parliament's oversight and approval of the executive's budget is one of its most important activities and a key way in which a parliament checks the power of the executive and holds it to account on behalf of the citizens it represents. Budget oversight by parliament is a long-standing legislative function. More recently, citizen engagement has also become an essential activity for parliament due to several developments over the last three decades. Parliaments are more frequently using citizen engagement to enhance the utility, legitimacy and representation of their oversight and scrutiny activities, recognising engagement as an avenue for confronting the 'contemporary democratic malaise' noted across many Western parliamentary jurisdictions.

This article looks at the intersection between budget oversight and citizen engagement. While it is widely recognised that parliaments should engage the public in its oversight work, engagement in budget oversight has received less attention. Scholarship has predominantly focused on engagement and budget oversight separately, with only a handful of non-government organisations exploring how, where, when and why parliaments engage citizens in budget oversight.² This article intends to begin to fill this gap, exploring why parliaments should engage the public in budget oversight activities and how they should do so. It focuses on the parliaments of Australia, as Australian parliaments have largely overlooked citizen engagement in budget oversight.

This article will begin by describing why oversight and engagement are essential to the role of parliament. It will then explore the type of engagement in budget oversight that has traditionally taken place in parliaments and why this has been missing in Australian jurisdictions. Using the Inter-Parliamentary Union's typification of the five key functions of parliamentary engagement, this article will argue that citizen engagement in budget oversight has relied on information and education, while communication, consultation and participation have been lacking in Australia.

² Susan Tanaka, 'Engaging the Public in National Budgeting: A Non-governmental Perspective'. *OECD Journal on Budgeting* 7(2) 2007, pp. 139-177; OECD, 'Empowering Public Understanding: Citizen Dialogue in Budgeting: Draft for comment'. Accessed at: [https://one.oecd.org/document/GOV/SBO\(2024\)17/en/pdf](https://one.oecd.org/document/GOV/SBO(2024)17/en/pdf); Indicators for Democratic Parliaments, 'Dimension: 6.2.2 Participation in oversight'. Accessed at: <https://www.parliamentaryindicators.org/indicators/participatory/public-participation-parliamentary-processes/participation-oversight>; OECD, *Budgeting and Public Expenditures in OECD Countries 2019*. 2019, OECD Publishing, Paris, pp. 94–103.

This article will outline the benefits of citizen engagement in budget oversight, contending that such activities enhance oversight of the executive by parliament and can deliver the multifaceted benefits associated with citizen engagement. This article will draw on a recent example from the Scottish Parliament to highlight what form budget oversight engagement can take and what benefits can result. Finally, this article will consider how citizen engagement in budget oversight could readily fit into Australian parliaments, ultimately arguing that to best deliver on the benefits of such activities, participatory and deliberative forms of engagement should be used.

PARLIAMENTARY OVERSIGHT AND THE SEPARATION OF POWERS

One of the core functions of parliament is oversight of the executive. Parliament is responsible for scrutinising the policies and actions of the government of the day. This core function is linked to several basic principles of parliamentary democracy – the separation of powers, responsible government and accountability.³ Through oversight and scrutiny, parliament ‘checks’ the power of the executive and holds the executive to account on behalf of the citizens it represents. This role is envisioned in the Australian constitution, whereby the powers of the parliament, executive and judiciary are separated, preventing one branch from becoming too powerful or dominating another.⁴

Parliament’s oversight role is vitally important to democratic governance. When parliamentary oversight of executive action operates well and is effective, accountability and transparency are improved. Effective oversight detects corruption and illegal and unconstitutional behaviour, protecting the rights of citizens.⁵ The absence of oversight means that the parliament is not fulfilling its function as a check on the executive’s power. Governments can make decisions without fear of contestation. If there is no one to question the government’s authority, there is no need for public debate, consultation or the inclusion of many

³ Tracey Arklay and Neil Laurie, 'Parliaments of Australia', in Nick Barry, Peter Chen, Yvonne Haigh, Sara C. Motta and Diana Perche (eds), *Australian Politics and Policy*. Sydney: UNSW Press, 2023, pp. 66–68; Inter-Parliamentary Union, 'Global Parliamentary Report 2017'. Accessed at: <https://www.ipu.org/impact/democracy-and-strong-parliaments/global-parliamentary-report#:~:text=The%20second%20GPR%2C%20published%20in,focus%20in%20parliaments%20on%20oversight.>, pp. 10–13.

⁴ Diana Perche, 'Accountability' in Nick Barry, Peter Chen, Yvonne Haigh, Sara C. Motta and Diana Perche (eds), *Australian Politics and Policy*. Sydney: UNSW Press, 2023, p. 835; *Australian Constitution* chs I-III, ss 44, 61, 64, 71.

⁵ Hironori Yamamoto, *Tools for parliamentary oversight: A comparative study of 88 national parliaments*, Switzerland: Inter-Parliamentary Union, 2007, pp. 9–10.

perspectives in society in government decision-making. The result is inefficient policy, less transparency and less accountability regarding government action.⁶

All parliaments exercise their oversight role to varying degrees, in different forms and in different constitutional settings. Predominantly, oversight takes place via debate and procedures of the floor in parliament and through the work of committees. Oversight activity includes members questioning the executive in parliament, scrutinising legislation and undertaking committee inquiries.⁷

BUDGET OVERSIGHT BY PARLIAMENT

A key parliamentary oversight activity is scrutinising the executive's budget, which sets out the executive's proposed spending and revenue, typically for a financial year. Parliament is said to hold the ultimate 'power of the purse' – only parliament can approve the executive's budget. Parliament's review, deliberation, influence and ultimate approval of the budget provides another check on the executive's power and is an essential accountability measure for the use of public money.⁸ The strength of this oversight varies between jurisdictions. Some parliaments merely approve the budget, while others have a key role in shaping it each year.⁹

The Australian Constitution sets out what happens to monies raised or received by the executive government, and how monies are appropriated by the government to fund its activities. All monies raised or received by government form one Consolidated Revenue Fund (CRF). Monies cannot be drawn from the CRF without an appropriation Bill that passes through parliament.¹⁰ Each year the government tables the annual appropriation Bills to appropriate monies from the CRF to fund its expenditure (i.e. the annual budget).¹¹ Each year, the executive's budget is scrutinised in Parliament as part of the appropriation Bill's passage into

⁶ Inter-Parliamentary Union, 'Global Parliamentary Report 2017', pp.15–16.

⁷ Gwynneth Singleton, et al. *Australian Political Institutions*, Pearson Education Australia, 2012, p. 165.

⁸ Rick Stapenhurst, 'The Legislature and the Budget' in Rick Stapenhurst, Riccardo Pelizzo, Lisa von Trapp, and David M. Olson (eds), *Legislative Oversight and Budgeting: A World Perspective*, Washington DC, World Bank Publications, 2008, pp. 51, 56–57; Kylie Coulson, 'Budget Scrutiny in Australian Parliaments'. *Australasian Parliamentary Review* 31(2) 2011, pp. 104.

⁹ Rick Stapenhurst, 'The Legislature and the Budget', pp. 52, 56.

¹⁰ *Australian Constitution* ss 81, 83; Department of Finance. 'Guide to Appropriations (RMG 100)'. Accessed at: <https://www.finance.gov.au/publications/resource-management-guides/guide-appropriations-rmg-100>.

¹¹ Department of Finance. 'Guide to Appropriations (RMG 100)'. Accessed at: <https://www.finance.gov.au/publications/resource-management-guides/guide-appropriations-rmg-100>.

law. In theory, this process ensures the government remains accountable to the Parliament for the money it spends. However, Australia's constitutional settings also mean that there are restraints around particular types of financial legislation, which result in restraining the direct input Parliament can have in the executive's budget. The constitution does not allow for appropriation bills to originate in the Australian Parliament's upper house and house of review, the Senate.¹² The Senate cannot amend the annual budget's Appropriation Bill (No. 1), a key element of the budget that details continuing yearly expenditure by government agencies on services for existing policies.¹³ The Senate can request the lower house, the House of Representatives, amend Appropriation Bill (No. 1), and can reject any appropriation Bill outright.

These limits on the Senate in relation to the executive's budget make its Senate Estimates process all the more important, because it allows for detailed parliamentary oversight and scrutiny of government expenditure before the appropriation Bills are considered by the Senate.¹⁴ In Australia the executive's budget is introduced in the House of Representatives and debated over several weeks. The budget bills are referred to the Senate, who refer them to the Senate's eight portfolio or legislation committees.¹⁵ They consider the budget in detail through Senate Estimates, where Committees question Ministers and officials on proposed expenditure through public hearings.¹⁶

¹² *Australian Constitution* ss 53.

¹³ Parliament of Australia. 'InfoSheet 10 – the budget and financial legislation'. Accessed at: https://www.aph.gov.au/About_Parliament/House_of_Representatives/Powers_practice_and_procedure/00_-_Infosheets/Infosheet_10_-_Budget_and_financial_legislation; Parliament of Australia. 'Appropriation and supply bills'. Accessed at: https://www.aph.gov.au/About_Parliament/House_of_Representatives/Powers_practice_and_procedure/Practice7/HTML/Chapter11/Appropriation_and_supply_bills.

¹⁴ Steph Lum, 'How effective is parliamentary oversight over executive expenditure authorised by standing appropriations?'. *Australasian Parliamentary Review* 39(2) 2024, p. 106.

¹⁵ These eight Committees are: Community Affairs, Economics, Education and Employment, Environment and Communications, Finance and Public Administration, Foreign Affairs, Defence and Trade, Legal and Constitutional Affairs, Rural and Regional Affairs and Transport. Each Committee is allocated specific Government Departments and agencies to oversight. Parliament of Australia, 'Senate brief 05: Consideration of Estimates by the Senate's legislation Committees'. Accessed at: https://www.aph.gov.au/-/media/05_About_Parliament/52_Sen/523_PPP/Senate_Briefs/PDFs/brief05.pdf, p. 1.

¹⁶ Parliament of Australia, 'Infosheet 10 – the budget and financial legislation'. Accessed at: https://www.aph.gov.au/About_Parliament/House_of_Representatives/Powers_practice_and_procedure/00_-_Infosheets/Infosheet_10_-_Budget_and_financial_legislation

Senate Standing order 26(5) provides that Committees ‘may ask for explanations from ministers in the Senate, or officers, relating to the items of proposed expenditure’.¹⁷ Questioning by the Committees is often detailed and encompasses areas such as departmental or funding objectives, operational procedures and the efficiency and outcomes of programs. Each Committee reports to the Senate any items of particular concern that arose during hearings. Supplementary hearings are usually held several weeks after the first round of estimates hearings. A second round of hearings also takes place when further appropriation Bills are introduced later in the financial year.¹⁸

Thomas’ scholarship on the Parliament of Australia’s scrutiny of government performance details the defining features of Senate Estimates.¹⁹ When combined hearings run into the hundreds of hours, with some hearings lasting for 10 hours in one session. Questioning by Senators is wide ranging and diverse and is not limited to financial matters. Questioning reflects the fact that hearings serve a number of purposes, and that Senators approach Estimates with different agendas in mind. This can often result in highly politicised and oftentimes tense hearings, where opposition Senators search for areas of tension, weakness or opacity in spending or policy to press witnesses on. This environment draws significant media attention.²⁰

Thomas outlines both the official and unofficial purposes of Senate Estimates. These include to promote value for money in public spending, to ensure economy, efficiency and effectiveness in public programs, to discover waste and mismanagement so they can be eliminated, to hold minister’s accountable for their portfolios, to find out whether government spending, policies and programs are effective or whether they need to be changed, and to allow Senators to represent the needs and concerns of their constituents.²¹ While there is less scholarship on how effective Estimates is at delivering these benefits, the process is generally regarded as an

¹⁷ Parliament of Australia, ‘Senate brief 05: Consideration of Estimates by the Senate’s legislation Committees’. Accessed at: https://www.aph.gov.au/-/media/05_About_Parliament/52_Sen/523_PPP/Senate_Briefs/PDFs/brief05.pdf, p. 2.

¹⁸ Parliament of Australia, ‘No. 5 – Consideration of Estimates by the Senate’s Legislation Committees’. Accessed at: https://www.aph.gov.au/About_Parliament/Senate/Practice_and_Procedure/Senate_Briefs/Brief05

¹⁹ Paul G. Thomas, ‘Parliament Scrutiny of Government Performance in Australia’, *The Australian Journal of Public Administration*, 68(4) 2009, pp. 373–398.

²⁰ *Ibid.*, pp. 382–385

²¹ *Ibid.*, p. 395.

effective forum that represents robust scrutiny and provides accountability to the parliament on the government of the day's budget.²²

CITIZEN ENGAGEMENT AS AN ESSENTIAL ACTIVITY

More and more frequently parliaments worldwide are engaging the citizens they represent in their oversight and scrutiny work, providing information and education, consulting citizens and interest groups, and to a lesser extent, creating pathways for active participation by citizens in oversight of the executive.²³

Parliaments are expanding and increasing citizen engagement, which is now an essential activity for all parliaments. Leston-Bandeira outlines why citizen engagement has become an essential part of a parliament's work over the last 30 years. She points to several core changes that explain the need for citizen engagement. These include:

- The decline in trust: levels of trust in political institutions and parliaments have declined over the past few decades.
- The rise of the 'critical citizen: citizens are more educated and better equipped to make their own judgements. Due to this, people are more likely to be critical of their political representatives.
- The rise in expectations in politics: citizens expectations of standards of governance have risen, as have expectations related to transparency and accountability. This is in part due to the internet and digitization making data and information more accessible.
- General trends in political participation: since the 1970s several changes have taken place including a decline in voter turn out, electoral volatility, a more active civil society

²² Kylie Coulson, 'Budget Scrutiny in Australian State Parliaments', *Australasian Parliamentary Review*, 31(2) 2016, pp. 105, 106–107; Graham Bowrey et al., 'Financial Accountability: The Contribution of Senate Estimates', *Australian Journal of Public Administration*, 75(1) 2016, pp. 30, 37.

²³ See for example: Cristina Leston-Bandeira, 'How public engagement has become a must for parliaments in today's democracies', *Australasian Parliamentary Review* 37(2) 2022, pp. 8–16; David Wilson and Amy Brier, 'Engaging the public with Parliament in Aotearoa New Zealand', *Australasian Parliamentary Review* 37(2) 2022, pp. 68–76; Carolyn M Hendriks and Andrian Kay, 'From 'Opening up' to Democratic Renewal: Deepening Public Engagement in Legislative Committees', *Government and Opposition*, 54(1) 2019, pp. 25–51; Inter-Parliamentary Union, 'Global Parliamentary Report 2022: Public engagement in the work of parliament'. Accessed at: <https://www.ipu.org/impact/democracy-and-strong-parliaments/global-parliamentary-report/global-parliamentary-report-2022-public-engagement-in-work-parliament>.

and non-party political movements. All have impacted traditional political representation.²⁴

Leston-Bandera summarises that these changes mean citizen engagement is now an expectation of politics. Citizens want to be able to have their say outside of the election cycle.²⁵ Parliaments are responding to this demand to remain relevant and maintain a connection between political representatives and the citizens they serve. Further, Leston-Bandera contends that parliaments are using engagement to address a 'contemporary democratic malaise'. In a time of declining trust in institutions, increasing populist politics and growing misinformation about politics, parliaments are not just responding to demands for more engagement, but also to a growing disconnect between the public, parliament and political representatives.²⁶

In this way, engagement is mutually beneficial. When parliament engages with citizens a wider range of views can be heard, allowing for nuanced and comprehensive policy based on a wider perspective. Citizen engagement can draw attention to issues that are not currently on the agenda, allowing parliaments to be more responsive.²⁷ When citizen engagement is done well, individuals are involved in the political decision-making process and take ownership of those decisions, leading to wider acceptance and understanding of parliament and executive action, and increased trust in public institutions.²⁸

The link to parliament's oversight and scrutiny work is clear. When parliament provides information and education about its oversight role and activities to citizens, understanding and trust in the work of parliament grows.²⁹ When members of parliament use engagement to inform their understanding of the potential impact of legislation, they can better scrutinise that

²⁴ Cristina Leston-Bandeira, 'How public engagement has become a must for parliaments in today's democracies', *Australasian Parliamentary Review* 37(2) 2022, pp. 9-11.

²⁵ *Ibid.*, p. 11.

²⁶ *Ibid.*, pp. 10-12.

²⁷ Inter-Parliamentary Union, 'Global Parliamentary Report 2022: Public engagement in the work of parliament'. Accessed at: <https://www.ipu.org/impact/democracy-and-strong-parliaments/global-parliamentary-report/global-parliamentary-report-2022-public-engagement-in-work-parliament>, pp. 12-16.

²⁸ *Ibid.*, pp. 16-18; Cristina Leston-Bandeira, 'How public engagement has become a must for parliaments in today's democracies', pp. 11, 15.

²⁹ Inter-Parliamentary Union, 'Global Parliamentary Report 2022: Public engagement in the work of parliament', p. 16.

legislation. When citizens are consulted during committee inquiries, many voices can be heard on one issue, resulting in better and more representative solutions.³⁰

CITIZEN ENGAGEMENT IN BUDGET OVERSIGHT

The previous sections of this article outlined why budget oversight and citizen engagement are essential roles in the work of parliaments, both of which can bestow several benefits. Often, parliaments use engagement to improve their oversight work. In the same vein, an essential part of budget oversight is citizen engagement. Parliaments should be using citizen engagement to improve their budget oversight activities.

International organisations such as the OECD, World Bank and the IPU support this view.³¹ The OECD's *Best Practices for Parliaments in Budgeting* states 'The legislature and its committees should inform civil society and citizens on the budgetary debate and provide opportunities for them to contribute in a meaningful way.'³² The IPU's *Indicators for Democratic Parliaments*, which allow parliaments worldwide to self-assess their performance and identify areas for strengthening their institutions based on best practice, emphasises that a parliament should have mechanisms for citizen participation in all stages of the budget cycle.³³

Despite this, citizen engagement in budget oversight has often not received the same attention as engagement in other areas of parliamentary work and has tended to rely heavily on 'traditional' forms of engagement such as providing information or consulting with key stakeholders. The IPU's *Global Parliamentary Report 2022* typifies parliamentary engagement into five key functions:

³⁰ Cristina Leston-Bandeira, 'How public engagement has become a must for parliaments in today's democracies', p. 15.

³¹ Indicators for Democratic Parliaments, 'Dimension: 6.2.2 Participation in oversight'. Accessed at: <https://www.parliamentaryindicators.org/indicators/participatory/public-participation-parliamentary-processes/participation-oversight>; OECD, 'OECD best practices for Parliaments in budgeting', *OECD Journal on Budgeting*, 2023(1) 2023, p. 8; OECD, 'Empowering Public Understanding: Citizen Dialogue in Budgeting: Draft for comment'; World Bank Group and Saki Kumagai et al., 'Mainstreaming citizen engagement in public financial management for better results'. Accessed at: <https://openknowledge.worldbank.org/server/api/core/bitstreams/5d5929be-164e-5b0f-8e15-d1982bf1d1d9/content>, pp. 24–27.

³² OECD, 'OECD best practices for Parliaments in budgeting', p. 8.

³³ Indicators for Democratic Parliaments, 'Dimension: 6.2.2 Participation in oversight'.

- Information: telling the public and keeping them updated about the work of parliament. This can include television and online broadcasts, online publications, parliament websites, information materials and social media.
- Education: increasing understanding of parliaments and their work through education programs for the public and specific groups such as students.
- Communication: creating interaction channels to facilitate dialogue with the public. Examples include interaction via Facebook Live and radio question and answer programs.
- Consultation: building collective knowledge to inform parliamentary work. The most established form is committee hearings. Submissions to committee inquiries and meeting with civil society groups are also forms of consultation.
- Participation: actively involving the public in the parliamentary process through setting the parliamentary agenda, making legislative proposals and involvement in decision-making. This includes petitions, citizen juries and assemblies, and other forms of deliberative democracy.³⁴

The OECD notes that during budget oversight, parliaments focus on sharing information and promoting greater public understanding of how parliament works on the budget, rather than actively engaging citizens in participatory engagement related to budget oversight. Some parliaments do take evidence from citizens and civil society during budget scrutiny through committee hearings.³⁵ A small number of parliaments are undertaking novel consultation and participation activities, such as the Dutch Parliament's V-100 process, which sees 100 citizens

³⁴ Deliberative democracy is a political theory that claims political decisions should be made as a result of fair and reasonable discussions among citizens. In practice, deliberative processes involve a representative body of citizens who come together to weigh evidence, deliberate, find common ground and develop recommendations on policy issues for public bodies. Citizens assemblies, juries and panels are examples of deliberative bodies. Deliberative processes can be used to make decisions or recommendations on a range of policy areas for various public bodies, such as the executive or parliament. OECD, 'Innovative citizen participation and new democratic institutions: catching the deliberative wave'. Accessed at: https://www.oecd.org/en/publications/innovative-citizen-participation-and-new-democratic-institutions_339306da-en/full-report.html, p. 12; OECD, 'Eight ways to institutionalise deliberative democracy'. Accessed at: https://www.oecd.org/en/publications/eight-ways-to-institutionalise-deliberative-democracy_4fcf1da5-en.html, p. 6; Inter-Parliamentary Union, 'Global Parliamentary Report 2022: Public engagement in the work of parliament'. pp. 21-31.

³⁵ OECD, 'Empowering Public Understanding: Citizen Dialogue in Budgeting: Draft for comment', p. 12

engage in ex-post budget scrutiny, generating questions for relevant committees to ask ministers.³⁶ These types of practices are still rare, but are evolving.³⁷

CITIZEN ENGAGEMENT IN BUDGET OVERSIGHT IN AUSTRALIAN PARLIAMENTS

Like other jurisdictions, citizen engagement is a significant priority for Australia's national and state parliaments.³⁸ However, this is yet to translate into citizen engagement in budget oversight work, which is severely lacking in all Australian parliaments. All jurisdictions undertake some form of 'traditional' engagement on budget oversight, predominantly in the areas of information and education. The Australian parliaments broadcast the proceedings in their chambers and from specific budget committee hearings, publish Hansard of budget debates and transcripts from committee hearings and provide information on budget scrutiny through their websites and social media.³⁹ There are likely also informal engagement practices that Members or political parties undertake with citizen through community, interest and constituent groups and non-government organisations to inform their scrutiny of the budget in parliament. However, no Australian jurisdiction currently undertakes consultation or participation engagement activities as part of its formal budget oversight role, except for the Australian Capital Territory which in 2024 held a one day estimates hearing with community

³⁶ Ibid., pp.13-15.

³⁷ Ibid., pp. 3, 4, 6.

³⁸ Parliament of Australia, 'Strategic Framework – The Parliamentary Service'. Accessed at: https://www.aph.gov.au/About_Parliament/Publications/Strategic_Framework_-_The_Parliamentary_Service

³⁹ For more information see: Parliament of Australia, 'Senate Estimates'. Accessed at: https://www.aph.gov.au/Parliamentary_Business/Senate_estimates; Parliament of Victoria, 'Public accounts and estimates committee'. Accessed at: <https://www.parliament.vic.gov.au/paec>; Parliament of New South Wales, 'Budget estimates'. Accessed at: <https://www.parliament.nsw.gov.au/committees/Pages/budget-estimates.aspx>; Queensland Parliament, 'Estimates hearings'. Accessed at: <https://www.parliament.qld.gov.au/Work-of-Committees/Estimates-Hearings>; Parliament of South Australia, 'Estimates Committee information sheet'. Accessed at: <https://www.parliament.sa.gov.au/-/media/Project/Parliament/Documents/Committees/Estimates-Committees-Information-Sheet.pdf>; Legislative Assembly of the Northern Territory, 'Estimates Committee 2024'. Accessed at: <https://parliament.nt.gov.au/committees/previous/estimates-2024>; Parliament of Western Australia, 'Legislative Assembly Estimates 2024'. Accessed at: <https://www.parliament.wa.gov.au/WebCMS/WebCMS.nsf/content/assembly-estimates-2024>; Parliament of Tasmania, 'House of Assembly Estimates Committees 2024'. Accessed at: <https://www.parliament.tas.gov.au/committees/house-of-assembly/select-committees/house-of-assembly-estimates-committees-2024>

and interest groups.⁴⁰ During Senate Estimates, no portfolio committee takes submissions, and the only witnesses called to Estimates hearings are senior public servants and Ministers.⁴¹

Some may argue that the public's interests are considered and fed into the budget through executive-led processes. The Federal Treasury calls for pre-budget submissions each year, asking for views on priorities for the upcoming budget.⁴² In Victoria, each department consults with stakeholders to varying degrees of depth.⁴³ Executive-led budget engagement is a vital part of the budget process, but is not a replacement for parliament-led citizen engagement. This is because executive-led engagement is often opaque and undertaken behind closed doors. There is no guarantee that consulted stakeholders are fully representative, or that engagement is wide ranging or fulsome, or reaches beyond organised interest groups that already have access to parliament and its Members. Parliament-led engagement in budget oversight offers a check on the executive's budget process in an all-political party environment where a range of views can be heard.

Citizen engagement in parliamentary budget oversight is lacking in Australia for several reasons, which differ from jurisdiction to jurisdiction. Each parliament has its own rules, procedures and political realities that influence engagement. In a budget committee with a government majority there may be a lack of political will to change current practices and improve oversight of the executive.⁴⁴ Structural factors may play a part. Historically, budget oversight in Westminster parliamentary systems has been weak.⁴⁵ A vote against the budget is a de-facto vote of no confidence in the executive.⁴⁶ Due to constitutional rules and convention

⁴⁰ The Legislative Assembly of the Australian Capital Territory, 'Schedule of public hearings: Inquiries into ACT Budget 2024-25'. Accessed at: https://www.parliament.act.gov.au/__data/assets/pdf_file/0006/2541912/Estimates-2024-2025-Schedule-for-publication-2024-08-01.pdf

⁴¹ Parliament of Australia, 'No. 5 – Consideration of Estimates by the Senate's Legislation Committees'.

⁴² Australian Treasury, 'Pre-Budget Submissions'. Accessed at: <https://consult.treasury.gov.au/pre-budget-submissions>

⁴³ See question 31 of the Public Accounts and Estimates Committee budget estimates departmental questionnaire. Parliament of Victoria, Public Accounts and Estimates Committee, 'Inquiry into the 2024–25 budget estimates: departmental questionnaires'. Accessed at: <https://www.parliament.vic.gov.au/get-involved/inquiries/inquiry-into-the-2024-25-budget-estimates/questionnaires>

⁴⁴ OECD, 'OECD Best Practices for Parliaments in Budgeting', p. 3.

⁴⁵ House of Commons Procedure Committee, *Should there be a Commons Budget Committee?*, London: House of Commons, 2019, p. 15.

⁴⁶ OECD, 'OECD Best Practices for Parliaments in Budgeting', p. 2.

Westminster parliaments are categorized as 'budget approving' rather than having direct input into the budget.⁴⁷ This is the case in Australia, where there are constitutional limits around introduction of and amendments to appropriation Bills as discussed earlier. Due to these limiting factors around parliaments power in relation to the executive's budget, there may be a perception that citizen engagement in budget oversight is superficial or does not lead to worthwhile outcomes, both from members of parliament, the impartial parliamentary services and from citizens themselves.

WHY CITIZEN ENGAGEMENT SHOULD BE INTEGRATED INTO THE WORK OF AUSTRALIAN PARLIAMENTS

While there are many reasons why citizen engagement in budget oversight in Australian parliaments should be enhanced, this article will outline three key benefits, while also addressing some of the potential risks associated with this type of engagement.

Done well, citizen engagement in budget oversight can empower citizens, make them active participants in the budget and build consensus around fiscal decision making. When parliaments undertake engagement activities that foster two-way communication – both soliciting the public's views on the budget while educating the public or select groups on how a state budget and resource allocation works – citizens can build a better understanding of the complexities and inherent trade-offs of budgeting. This type of engagement can create better understanding and acceptance of difficult fiscal realities, and better support for fiscal policy.⁴⁸ While this is a clear benefit for the executive, such activities also build trust in the work of the parliament. Further, these activities empower citizens to hold the executive to account in an informed way, making parliament's oversight more effective.⁴⁹

Citizen engagement in budget oversight also allows for new ideas to be brought to the table based on lived experience. A state's budget affects the public first and foremost. As such, citizens often hold valuable information about what their communities need and the effectiveness of existing programs and policies. With this information they are also able to evaluate the effectiveness of past budgetary decisions on their lives and their communities, providing valuable insight into what has worked in the past and what should change. Involving citizens during the oversight process can identify areas of need and information on outcomes

⁴⁷ Ibid.

⁴⁸ Susan Tanaka, 'Engaging the Public in National Budgeting: A Non-governmental Perspective', p. 146; OECD, 'Empowering Public Understanding: Citizen Dialogue in Budgeting: Draft for comment', pp. 4-5.

⁴⁹ Ibid., p. 5.

and impacts both positive and negative of budgetary decisions, leading to an enhanced parliamentary oversight process that delivers better informed results for constituents.⁵⁰

Finally, involving citizens in budget oversight gives further legitimacy and transparency to the budget and budget oversight process. Involving citizens allows parliaments to both demonstrate and act on their commitment to responsiveness and accountability. Empowering citizens to have their say can also engender a sense of inclusion, ownership and trust in parliament.⁵¹ It can also enhance transparency by creating more oversight. Citizen engagement activities may provide incentives for government and Ministers to better articulate their spending, revenue and budget priorities in a way that is detailed and easily understood, rather than relying on the complexity of public finances to obfuscate.

When done well, citizen engagement in budget oversight by parliament can strengthen parliament's oversight of the executive and build trust in the institution of parliament. While budget oversight in Westminster parliaments has been typified as generally weak, citizen engagement can enhance oversight and the overall legitimacy of budget oversight.

When not implemented well, engagement in budget oversight can have inverse effects. It is crucial that such engagement be undertaken with structural and political realities in mind, including that many Australian parliaments are constrained in their ability to change the executive's budget. If engagement activities are undertaken with no real influence, they can feel tokenistic to participants. Engagement activities can also run the risk of continuing to engage with well-resourced interest groups who already have access to parliament and its members and may provide a more familiar, predictable or polished form of engagement. Parliaments must be aware of the risk of not capturing diverse views from different sectors of society, as this can skew engagement activities and make them less representative.⁵² These risks are similar across engagement activities. Scholarship and practical examples of such activities are growing and demonstrate that it is possible to mitigate these risks and undertake effective and efficient budget oversight engagement that delivers results.⁵³

⁵⁰ Ibid.

⁵¹ Ibid., pp. 4-5; Susan Tanaka, 'Engaging the Public in National Budgeting: A Non-governmental Perspective', pp. 146, 149.

⁵² OECD, 'Empowering Public Understanding: Citizen Dialogue in Budgeting: Draft for comment', pp. 5, 6.

⁵³ For detailed examples from multiple jurisdictions see OECD, 'Empowering Public Understanding: Citizen Dialogue in Budgeting: Draft for comment'.

Case study: Citizen's panel in the Scottish Parliament – 24-25 Budget

One such example which highlights how citizen participation in budget oversight can be undertaken comes from the Parliament of Scotland's committees. This example provides a glimpse into how engagement in budget oversight that goes beyond traditional activities can function.

In recent years the Scottish Parliament has increasingly committed to expanding its public engagement, participation and deliberative democracy in its scrutiny functions.⁵⁴ Building on this, the Parliament's Equality, Human Rights and Civil Justice sectoral Committee (the Committee) decided to focus its 24-25 pre-budget scrutiny activities on participation. Previously, the pre-budget scrutiny process relied heavily on the 'usual suspects' with little citizen involvement.⁵⁵ For the 24-25 budget the Committee aimed to imbed deliberative practices and reach previously ignored groups, with an overall goal of assessing the impact of increased citizen engagement in the scrutiny process.⁵⁶

The Committee ran a survey on the public's understanding of the national budget and convened a citizen's panel.⁵⁷ Over three months 12 panel participants met and learned how the budget process works, explored barriers to dialogue, and used their learning to generate and prioritise a set of questions for the Committee to ask the Government during pre-budget hearings, which fed into the Committee's report and recommendations to Government on the

⁵⁴ The Scottish Parliament, 'Citizen participation and public petitions committee: public participation inquiry'. Accessed at: <https://www.parliament.scot/chamber-and-committees/committees/current-and-previous-committees/session-6-citizen-participation-and-public-petitions-committee/business-items/public-participation-inquiry>; The Scottish Parliament, 'SPICe Spotlight: Turning the lens inward – the Citizen Participation and Petitions Committee's Public Participation Inquiry'. Accessed at: <https://spice-spotlight.scot/2022/10/25/turning-the-lens-inwards-the-citizen-participation-and-petitions-committees-public-participation-inquiry/>.

⁵⁵ The Scottish Parliament, 'SPICe Spotlight: Embedding Deliberative Democracy in a Participatory Parliament'. Accessed at: <https://spice-spotlight.scot/2023/11/06/embedding-deliberative-democracy-in-a-participatory-parliament/>

⁵⁶ Ibid., OECD, 'Empowering Public Understanding: Citizen Dialogue in Budgeting: Draft for comment', p. 14.

⁵⁷ Citizen's panels are a form of deliberative democracy, where groups of people, selected to be broadly representative of the wider population, are invited to consider a topic together and come up with recommendations related to that topic. The Scottish Parliament, Citizen Participation and Public Petitions Committee, 'Embedding public participation in the work of Parliament', 12 September 2023, p. 4

24-25 budget.⁵⁸ Afterwards, Parliament staff aimed to ‘close the feedback loop’ by holding feedback sessions with participants.⁵⁹

One participant highlighted the citizens panel’s intention of bringing valuable insights to the Committee, stating:

*We hope that, by sharing our lived experiences, we can encourage meaningful consideration of financial resources utilisation in order to improve the situation with regard to inequality. Our goal is to represent a bridge between the committee and the communities that we serve, facilitating open dialogue and collaboration for the betterment of all.*⁶⁰

There was evidence to suggest that the process may have increased trust in parliament and parliamentarians for participants, with a Member reflecting:

*The citizens felt really empowered and their feedback was excellent. They thought that the Parliament as a whole had taken care of them and listened to them, and they felt very connected. They had not realised that they could see us, speak to us and hear their questions being put directly to the minister and answered.*⁶¹

In its pre-budget scrutiny letter to the Government which set out its recommendations for the 24-25 Budget, the Committee stated that it had learned a great deal from participation of the citizen’s panel, including gathering information about differing opinions and views. It added that its engagement work highlighted ‘fresh perspectives’ from citizens on specific policies, and

⁵⁸ OECD, 'Empowering Public Understanding: Citizen Dialogue in Budgeting: Draft for comment', p. 14; International Parliament Engagement Network, 'Seminar: Exploring deliberative approaches in the budget scrutiny process: Scottish Parliament experiences'. 7 February 2024.

⁵⁹ International Parliament Engagement Network, 'Seminar: Exploring deliberative approaches in the budget scrutiny process: Scottish Parliament experiences'.

⁶⁰ Y. Tsang, The Scottish Parliament—Equalities, Human Rights and Civil Justice Committee, *Session 6*, 24 October 2023, p. 3.

⁶¹ K. Stewart, The Scottish Parliament, *Meeting of Parliament: Embedding Public Participation in the Work of the Parliament*, 26 October 2023.

recommended the Government embed citizen participation more consistently in developing and refreshing policies, because of the value of these new perspectives.⁶²

As a result of its work with the citizen panel, the Committee and Parliament also better understood how to best use participation in a budget scrutiny context. Both the Committee and Parliament received valuable information about how citizens interpret and engage with the budget process, while participants increased their knowledge of the budget and were able to meaningfully participate in parliament's scrutiny. Members of the Committee also felt more engaged, which strengthened the pre-budget report and the recommendations made to Government.⁶³ According to the Parliament, these activities strengthened its budget scrutiny.⁶⁴

NEXT STEPS: WHERE AND HOW ENGAGEMENT SHOULD BE INTEGRATED INTO AUSTRALIAN PARLIAMENTS

What can be learned from this case study when considering the current state of engagement in budget oversight across Australian jurisdictions? A clear benefit in the Scottish Parliament was political buy-in and a commitment to enhancing engagement.⁶⁵ Often, without political will or buy-in of members, little can be developed in terms of new activities, especially around oversight of the executive. Clerks and parliamentary staff are already developing engagement activities at pace and are including such activities in their strategic plans.⁶⁶ Clerks and parliamentary departments should prioritise engagement in budget oversight, and promote

⁶² The Scottish Parliament, Equalities, Human Rights and Civil Justice Committee. 'Budget 2024–25: Pre-budget scrutiny.' Accessed at: <https://www.parliament.scot/-/media/files/committees/equalities-human-rights-and-civil-justice-committee/correspondence/2023/pre-budget-scrutiny-2024-25-letter-to-ministeremr-15-november-2023.pdf>, pp. 10–11.

⁶³ International Parliament Engagement Network, 'Seminar: Exploring deliberative approaches in the budget scrutiny process: Scottish Parliament experiences'.

⁶⁴ International Parliament Engagement Network, 'Seminar: Exploring deliberative approaches in the budget scrutiny process: Scottish Parliament experiences'; OECD, 'Empowering Public Understanding: Citizen Dialogue in Budgeting: Draft for comment', pp. 13-14; The Scottish Parliament, 'SPICe Spotlight: Embedding Deliberative Democracy in a Participatory Parliament'; The Scottish Parliament, 'Meeting of the Parliament: 26 October 2023'. Accessed at: <https://www.parliament.scot/chamber-and-committees/official-report/search-what-was-said-in-parliament/meeting-of-parliament-26-10-2023?meeting=15499&iob=132295>

⁶⁵ The Scottish Parliament, 'SPICe Spotlight: Embedding Deliberative Democracy in a Participatory Parliament'.

⁶⁶ See for example the Parliament of Australia's strategic framework. Parliament of Australia, 'Strategic Framework – The Parliamentary Service'. Accessed at: https://www.aph.gov.au/About_Parliament/Publications/Strategic_Framework_-_The_Parliamentary_Service

this to members where possible, emphasising the benefits citizen engagement can have for their budget oversight work.

Where then should enhanced engagement in parliament's budget oversight take place and what form should it take, considering the Australian context? To take the national Parliament as an example, Committees are currently the strongest form of executive oversight and are best placed to develop engagement activities that are representative, legitimate and deliver results. The Senate Estimates process has the added benefit of being conducted through portfolio-specific Committees, who can use their expertise to determine what engagement activities are most appropriate and what groups should be represented in such activities. Considering the Parliament of Australia's Committees already have a wealth of experience in engaging the public, citizen engagement in budget oversight would be a natural next step for portfolio committees.

Finally, what form should enhanced engagement in budget oversight take in Australian parliaments? All jurisdictions are already delivering some form of information and education engagement on budget oversight activities, especially regarding budget estimates inquiries and associated hearings. Consultative forms of engagement including submissions and evidence-giving by the public are already used for most other committee inquiries and can readily be introduced into the budget estimates process.

However, previous discussion in this article demonstrates that engagement in budget oversight should develop to include participatory forms. These activities should include deliberative forms of participation such as citizen's panels or assemblies, where carefully selected representative groups of citizens gather to learn about and discuss the budget, and make considered recommendations to inform or direct the work of the relevant budget committee. There are two key reasons why participatory forms of engagement should be developed as part of budget oversight work in the Australian context. First, parliaments are currently using such activities in recognition of the changing dynamics of democracy; they have the potential to build trust in public institutions, meet demands for increased participation in politics and public life, and confront the disconnect between parliament and the people it represents.⁶⁷

Second, there is evidence to demonstrate that participatory forms of engagement that are also deliberative are better placed to deliver the benefits of citizen engagement in budget oversight

⁶⁷ OECD, 'Empowering Public Understanding: Citizen Dialogue in Budgeting: Draft for comment', pp. 3, 18-19; OECD, 'Innovative citizen participation and new democratic institutions: catching the deliberative wave'. Accessed at: https://www.oecd.org/en/publications/innovative-citizen-participation-and-new-democratic-institutions_339306da-en/full-report.html, pp. 3, 20, 24-26.

as outlined in this article. This is because participatory and deliberative engagement activities can educate and build consensus, increase the legitimacy of decision making and involve more representative groups of people.⁶⁸ As such, these activities can empower, educate and build consensus on the budget, increasing the legitimacy of the budget and parliament's oversight process and bringing informed ideas to the table.⁶⁹ Such processes are likely better equipped to deliver these benefits when compared to traditional forms of citizen engagement. Scholarship on participatory and deliberative citizen participation in the context of parliament's budget oversight activities is currently limited, and deserves further exploration to inform the use and benefits of such activities both in Australian parliaments, and worldwide.

CONCLUSION

While budget oversight has always been a crucial part of parliament's role in holding the executive to account, in recent decades citizen engagement has also become an essential part of the work of parliament. Given these roles, parliament's budget oversight activities should include engaging with those ultimately impacted by the executive's budget – the public that it represents.

Citizen engagement in budget oversight has received less attention than other forms of engagement by parliaments. This is certainly the case in Australia. The Australian national, state and territory parliaments are not currently undertaking many traditional forms of engagement when it comes to budget oversight. These parliaments should begin to implement this engagement, as it can bring several benefits. These include building trust and legitimacy in parliament as an institution, building consensus and legitimacy around the executive's budget and fiscal policy and improving parliament's oversight work by considering feedback and a wider range of views from the public. Without such engagement, budget oversight in Australian parliaments is not as effective, legitimate or representative as it could be.

Australian jurisdictions can readily integrate citizen engagement in budget oversight by starting with consultative activities through budget committees. However, to fully realise the benefits associated with citizen engagement in budget oversight, Australian parliaments should develop participatory and deliberative engagement activities. Without consultative and participatory engagement activities, budget committees in Australia are not adequately considering the public's views when overseeing the executive's budget.

⁶⁸ OECD, 'Innovative citizen participation and new democratic institutions: catching the deliberative wave', pp. 25-27; OECD, 'Empowering Public Understanding: Citizen Dialogue in Budgeting: Draft for comment', pp. 3, 5, 12, 18.

⁶⁹ OECD, 'Empowering Public Understanding: Citizen Dialogue in Budgeting: Draft for comment', p. 19.

Book Reviews

Paul Hasluck, by Anne Henderson, 2025, Connor Court Publishing, pp. 88, RRP \$19.95, ISBN: 9781923568044

David Clune

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Paul Hasluck was a great Australian: journalist, historian, poet, senior public servant, long-serving MP (1949-69), federal minister (1951-69) and Governor-General (1969-74). If he had a little more of the 'mongrel' in him he could well have been Prime Minister after Harold Holt died in 1967.

Anne Henderson's of necessity brief volume in the Connor Court Australian Biographical Monograph series succeeds admirably in giving an outline of Hasluck's achievements and providing insights into this complex man.

Hasluck was born in Perth in 1905. His parents were both Salvation Army officers, a faith renowned for muscular Christianity. His upbringing gave Paul first-hand exposure to social deprivation, particularly among Indigenous Australians. Although in later life he did not share his parents' faith, he had a life-long sense of duty towards those less fortunate than himself, specifically Indigenous people:

With his experience of Western Australian Aborigines in the 1930s, Hasluck became a firm believer that only with education and policy designed to bring Indigenous Australians into mainstream society would the problems he witnessed be addressed. He would hold these views even as the Indigenous push for separate identity took off in the late twentieth century. For Hasluck in the 1930s, it was better for Aboriginal Australians to find ways and means to remove themselves from [the jurisdiction of] the Chief Protector, and to find ways towards education and the skills needed to find

employment. It was his aspiration that this would lead to both a more empowered and functioning Aboriginal Australia.¹

In 1941, Hasluck was recruited by the Department of External Affairs, which was seeking to strengthen its expertise, on the recommendation of John Curtin. This brought him into contact with Labor's External Affairs Minister, the talented, temperamental and demanding HV Evatt. Evatt immediately recognised Hasluck's intelligence, analytical ability and capacity for hard work:

From the middle of 1942, Hasluck became the officer working direct to Evatt, keeping pace with his demands. He was valued for his capacity for long, hard working hours, the ability to meet deadlines quickly and not to be flustered by the disorder that Evatt created around him. Hasluck recognised that Evatt had an analytical mind rather than a creative one. Hasluck would serve up the papers he had worked over laboriously, then Evatt would improve a draft to the purpose he wanted, amending, deleting and adding.²

This led to Hasluck being heavily involved with the creation of the United Nations. Henderson quotes veteran diplomat Alan Renouf as saying that Hasluck was stretched to the limit:

He was Dr Evatt's chief advisor on matters relating to the United Nations Charter. In addition, he had to attend meetings of the vital Executive Committee and Co-Ordination Committee, in addition to carrying out responsibilities on a main Conference Committee on which he had been assigned.³

By 1947, Hasluck had had enough and resigned from the Department. It needs to be said that Hasluck himself was noted by subordinates for being, at times, an aloof, critical and thankless taskmaster.

In 1949, Hasluck was approached about standing as the Liberal candidate for the newly created Perth seat of Curtin. He had 'become known for his addresses on international relations and

¹ Anne Henderson, *Paul Hasluck*, pp 24-25.

² Henderson, *Paul Hasluck*, pp 27-28.

³ Henderson, *Paul Hasluck*, p 31.

foreign policy and noted for his relatively conservative outlook'.⁴ Hasluck won the seat and represented it for the next 20 years. He was appointed Minister for Territories in 1951, a post he held until 1963. From 1964-69, he was Minister for External Affairs.

As minister in charge of the Northern Territory's large Aboriginal population he had the chance to put his ideas into practice. Reflecting in 1988 on how life had changed for Indigenous Australians, Hasluck said that 'abject despair' had been replaced by 'hope or intention about the future'. Indigenous activism 'is in itself a sign that Aborigines have an expectation of better times ahead.' Extending the Commonwealth franchise in 1962 to Indigenous Australians, something Hasluck had long advocated, was essential to 'getting politicians to take notice of them and to work for their welfare'. However, Hasluck still questioned

*the wisdom of any policy or any administrative measures that separate Aborigines from other Australians and I doubt whether in the long run it will serve the interests of the Aborigines.*⁵

Hasluck's other major responsibility as Territories Minister was Papua New Guinea. When he took over, its vast territory had only elementary communications and infrastructure. More remote, inaccessible areas had little contact with the administration in Port Moresby. Most of the indigenous population preferred traditional, tribal ways to western ones:

*Hasluck's ability to grind away at the obstacles from complacent and defeated officials on site to uninterested bureaucrats dealing with staffing and budgets in Canberra to the vested interests of some investors with links to Liberal Party MPs was just what was needed. Budgets improved, infrastructure was built, a fragile sense of nationhood unfolded. But support and enthusiasm for his work remained lacking from his party colleagues.*⁶

Hasluck is little remembered now and if he is, mainly in a negative way. He was unlucky, in a sense, in that the two portfolios he served in, Territories and External Affairs, involved issues that are currently highly contested. Assimilation has become a pejorative word and Hasluck's strong support for the Vietnam war has done his image no good. Readers of Henderson's perceptive volume will learn that behind such negative stereotypes was a deep-thinking, highly principled politician who achieved much and merits the description of statesman..

⁴ Henderson, *Paul Hasluck*, p 36.

⁵ Henderson, *Paul Hasluck*, p 56.

⁶ Henderson, *Paul Hasluck*, p 45.

Malcolm Fraser – A Personal Reflection, by Gerard Henderson, Connor Court Publishing, 2025, pp 240 RRP \$39.95, ISBN: 9781923568068.

Bruce Kingston¹

It's probably inevitable given that we've just passed the 50th anniversary of the dismissal of Gough Whitlam's government, that we should see a number of reviews and assessments of this most tumultuous period in Australian politics.

Those 'of the faith' will still regularly drone on to anyone who'll listen about the travesty of those events in late 1975. One inconvenient fact that they often studiously ignore while waxing lyrical about their dear departed leader is that the Australian electorate so profoundly rejected the Whitlam government when they had the opportunity to do so. This rejection came with a resounding swing of 7.4%, reducing the ALP to little more than a rump Opposition for a time, and requiring the better part of a decade for them to recover to anywhere like their previous political stature.

Perhaps somewhat more surprisingly, the figure who brought about this momentous political bloodbath, Malcolm Fraser, has largely drifted from the political zeitgeist even though he arguably achieved the biggest political win in Australian history. Considering he was Australia's fourth longest serving Prime Minister, winning three elections and leading Australia through difficult economic and foreign affairs issues, he is not often remembered in discussions regarding the political life of this country.

Interestingly while Gough's loss of 30 seats to the Fraser led Coalition was the second largest seat loss in much of the last century, only narrowly surpassed by Paul Keating's 31 seat loss to John Howard, this loss was arguably the more damaging and more acutely felt, as Gough's supporters of the time would often be very keen to tell you about his overwhelming support

¹ Bruce has some 40 years experience in management, marketing and public affairs within Australia in corporate, consulting and government roles working in various States and Territories. He has also been a University lecturer, a Ministerial speechwriter, a political campaign consultant, an author and a restaurateur.

from across the Australian nation due to all the great achievements of his undoubtedly tumultuous government.

If remembered at all in political discussions, Malcolm Fraser seems most commonly brought to mind for his 'Life wasn't meant to be easy' quotation or for his unfortunate escapade in a US girly bar some time after he had left office.

Gerard Henderson's *Malcolm Fraser, A Personal Reflection* is certainly not the first biography or autobiography of Malcolm Fraser, but the author does specifically approach the topic from the standpoint of his personal reflections, his recollections of having been involved in Liberal Party machinery and ministerial offices during Fraser's term as leader, and also as an academic, political commentator and a distinguished author.

From the perspective of someone who studiously follows Australian politics this is both a boon to the book but also presents somewhat of a challenge as the author introduces a great deal of personal and perhaps tangential information into the book at times.

The dismissal of the Whitlam government certainly occurs as a significant theme in many of the chapters of this book, with long and often painstaking analyses of who said what, when and to whom. There is a substantial amount of consideration of what or indeed whether certain things were said or written and at what times they were said and/or written. While possibly interesting from an historical viewpoint, I do doubt whether the authors detailed presentation and analysis would change the minds of those who already have fixed views stemming from their own historical political positions.

Pages devoted to somewhat acrimonious emails regarding the timing of documents relating to the Dismissal, while interesting in an eavesdropping way to get a glimpse of how authors and commentators speak to each other in personal emails, is also perhaps not particularly valuable in advancing the overall story.

One particularly telling point made by Henderson in reference to Malcom Fraser is that of his possibly feeling somewhat illegitimate in his Prime Ministerial role due to his participation in the events surrounding the dismissal. Much has been written and postulated about the events of November 11, 1975 (and the days leading up to it), and in particular Fraser's role in concert with the then Governor General Sir John Kerr.

Henderson goes on to postulate that Fraser's feelings of illegitimacy about his election possibly played a significant part in Frasers move to the left of the Liberal political spectrum leading eventually to his resignation from the Liberal Party. Having said this, Henderson goes to some length to 'prove' that Whitlam's dismissal was above board and in keeping with Kerr's legislative duties and also that the Governor General's discussions with both the Prime Minister and the Opposition Leader were appropriate to the events in questions particularly when considered against the tumult of Australian Federal politics at the time.

It is worth noting that Henderson shows Fraser's early politics to be of a markedly conservative nature. Fraser certainly came from an affluent and politically conservative business and rural

background, with his early days as the Member for Wannon in Victoria seeing him move from humble backbencher to junior Minister and even contesting battles for senior posts.

His famous ‘life wasn’t meant to be easy’ quotation emanating from the 1971 Alfred Deakin Lecture at the University of Melbourne, possibly Fraser’s most memorable utterance, rates its own chapter in this book, and shows Fraser to be a true political conservative at this point of his career. His words ‘We need a rugged society, but our new generations have seen only affluence² and ‘This is the high road to a national disaster’ would sit very comfortably with the conservative side of Australian politics today.

The movement of Fraser from solid conservative to the small ‘l’ or even mildly left wing of Australian politics is well covered in this book with reasons for this change being already hinted at.

An important element that runs through this work could perhaps best be described as the dilemma of memory – most particularly that of Malcolm Fraser’s. Many points of reference exemplify the difference between what actually happened and what Fraser recalled in later years. It is pointed out that Fraser was not a keen diarist and that while he felt he remembered certain issues clearly, in reality he would often defer to those who had written documentation of decisions, conversations and the like.

Fraser’s memories therefore often stand in contrast to more verifiable facts and Henderson goes to some lengths to explain to the reader why aspects of his prior biographies and autobiography may reasonably be seen as not reflecting the true situation.

A number of chapters lead to an interesting, though often not very complementary assessment of Fraser the man. There is criticism that Fraser often sought advice which largely agreed with him rather than seeking out diverse opinions from his cabinet colleagues and advisers.

These also tend to show Fraser as a calculating politician – not in itself necessarily an unusual or even a particularly negative feature of many political leaders – though it also leads one to the view that Malcolm Fraser was perhaps a somewhat brittle character, prone to rudeness and abruptness.

There are many examples of Fraser being cold and unfeeling to his political compatriots, exemplified by the sacking of Philip Lynch while Lynch was still recuperating in hospital from an illness.

² Gerard Henderson, *Malcolm Fraser, A Personal Reflection*, Connor Court Publishing: 2025, p. 21.

Again the issue of the dismissal and Fraser's legitimacy comes to the fore, with suggestions that this led to Fraser's inability to deal with his minister's missteps over often quite minor issues. Henderson quotes David Barnett, Fraser's Press Secretary 'What exaggerated his sense of propriety was the nature of his accession to office'.³

An interesting dichotomy in this book is between the authors obvious respect for Fraser (at least in his early years) moving to a more critical assessment of Fraser as he exhibited a distinct move to the left of Australian politics in his latter years.

While I understand the vehemence with which the Dismissal arguments have been fought over the years, and the endless debates over who knew what and when, I do believe that this book suffers from excessive documentation in this area. I certainly feel that many quotes could be cut shorter without impacting the effect of the statement. Indeed, the issues surrounding the dismissal have become lore on both sides with little chance of someone changing their views based on this book.

In telling this story of Malcolm Fraser, the author often resorts to what I might call somewhat excessive background materials. Almost tangential to the primary story, some of the material referenced and often reprinted in this work add to its volume without substantially affecting the outcome of the reading experience.

Henderson spends a significant amount of the book discussing deficiencies in previous Fraser biographers, most particularly that of Fraser and Simons *Malcolm Fraser, The Political Memoirs*.⁴ He spends many pages detailing a litany of 'howlers' in earlier biographies leading him to quote historian Ian Hancock – 'It's a pity that Fraser's memory and Simons' basic knowledge are so deficient.'⁵

I would have to say that Gerard Henderson's book left me firmly agreeing with one of his conclusions :

*It soon became evident that Fraser was running a competent government
but one which had no particular agenda for Australia.*⁶

Very much being damned by faint praise but an outcome which seems to match the evidence of the times.

³ Henderson, *Malcolm Faser, A Personal Reflection*, p. 254.

⁴ Malcolm Fraser and Margaret Simons, *Malcolm Fraser The Political Memoirs*, Miegunyah Press: 2015.

⁵ Henderson, *Malcolm Faser, A Personal Reflection*, p. 241.

⁶ Henderson, *Malcolm Faser, A Personal Reflection*, p. 223.

This idea is also borne out by Henderson quoting ex-Senator Graham Richardson's view, who, when pressed on Fox News to name the worst Australian Prime Minister immediately nominated Malcolm Fraser, specifically due to the fact that he had a substantial majority in both houses and that he didn't do anything with it.⁷ Henderson notes that 'This is a harsh but not uncommon judgement with respect to Fraser'.⁸ He goes on to say, 'The essential criticism of the Fraser Government is that it did not do enough economic reform' though quickly counters this with a further statement of '... it is fair to say there was no call for the reform....'.⁹

Further criticism by ex Treasury Head John Stone is quoted with him stating that that while the Treasurer and his senior adviser understood the need for economic reform 'regrettably, the same could not be said of the Prime Minister, nor ...of his private office advisers'.¹⁰

Indeed, John Stone is further quoted from a 1976 Quadrant article in which he counters statements that Fraser sought advice external from official sources but rather states that Fraser would prefer advice that accorded to "the course of action towards which he was already strongly drawn or upon which he had already decided".¹¹

One of the most telling statements by Henderson in the book is the opening line of Appendix B:

*The essential success of Fraser Government's early years is that it restored order after the chaos of the Whitlam years.*¹²

This in itself is not an insubstantial undertaking. Anyone alive and of voting age during the Whitlam years, whether you support his many and often hasty legislative changes or not, cannot deny that it was a dramatic period in Australia, with high inflation, rapidly rising unemployment, major change on multiple fronts at once, all accompanied by significant and seemingly ongoing political crises.

All of this combined to create an extremely challenging time for the millions of Australians owning or working in small businesses. While those in the federal public service and others in secure employment may have welcomed the change from what is often portrayed as the staid

⁷ Henderson, *Malcolm Fraser, A Personal Reflection*, p. 153.

⁸ Henderson, *Malcolm Fraser, A Personal Reflection*, p. 153.

⁹ Henderson, *Malcolm Fraser, A Personal Reflection*, p. 154.

¹⁰ Henderson, *Malcolm Fraser, A Personal Reflection*, p. 155.

¹¹ Henderson, *Malcolm Fraser, A Personal Reflection*, p. 161.

¹²Henderson, *Malcolm Fraser, A Personal Reflection*, p. 231.

Menzies era, the vast majority (as displayed by the 1975 election result) wanted some semblance of stability and surety in their lives.

It could be argued that Fraser delivered that. It is hard however to ignore the Richardson view that in the end, the waste of a solid majority, in both Houses of Parliament left Fraser looking lacklustre and perhaps even incompetent.

The book also deals with Fraser's views on immigration, with him moving from what was a quite common (at the time) view of being opposed to largescale immigration to being a supporter of much higher levels during his time as PM with the author spending some time detailing the events surrounding Fraser's grudging allowance of Vietnamese and Lebanese Muslims into Australia.

The Australian journalist Greg Sheridan, reacting to claims that Fraser was completely relaxed about unauthorised boat arrivals and courageously led the moral charge to resettle refugees, stated "This is just not true". Henderson goes on to point out that Sheridan's view tallies with his as a political staffer in the Fraser Government between 1976 and 1979.¹³

The closing chapters of this book, particularly the quite brief references to the part Fraser played in the attempted creation of a new Australian political party were perhaps one the more interesting portions of the book. As this is information of which I was not aware, I felt that some further explanation of this might have further clarified exactly how Frasers new political inclinations had developed.

I also note in closing that in the acknowledgements section of the book Gerard Henderson states that this book was originally to be included in the Connor Court Biographical Monograph series but goes on to state that this book "grew too large for this form of publishing".¹⁴ Perhaps with reductions in quote lengths, some simplification of structure and some tough editing that's where it should have naturally sat – some 20,000 words instead of the 40,000 in this book – and made an excellent addition to this ongoing study of Australian political figures.

Notwithstanding, this book offers substantial insights into an often overlooked era of Australian politics and offers the reader an insight into a period in politics when the still youthful character of Australia experienced great change, positive or negative, according to your political persuasion.

¹³ Henderson, *Malcolm Fraser, A Personal Reflection*, p. 173.

¹⁴ Henderson, *Malcolm Fraser, A Personal Reflection*, p. 258.
