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## Workshop for the Working Group on the Review of the Rules of Procedure National Parliament of Timor-Leste

20 - 21 November 2008 | Conference Room, Parliament House

At the request of the President of the National Parliament of Timor-Leste, Mr Fernando Lasama de Araujo, the Centre for Democratic Institutions (CDI), in conjunction with the Department of the Legislative Council, Parliament of New South Wales, and with the support of the International Republican Institute (IRI), is organising this workshop for Members of the Working Group of the National Parliament tasked with reviewing the Rules of Procedure. The focus of the workshop is on examining the current Rules of Procedure and considering best practice from elsewhere.

The aim of the workshop is to assist the Working Group in undertaking its review and revision of the Parliament's Rules of Procedure or Standing Orders. During the workshop participants will

consider key areas of the Standing Orders including the sources of the Standing Orders, the Rules of Debate, Committee procedures, Questions to the Government, Powers and Immunities, and the passage of legislation.

Mr Quinton Clements, Deputy Director, CDI, will convene the workshop, together with:

- Ms Lynn Lovelock – Clerk of the Parliaments and Clerk of the Legislative Council, Parliament of New South Wales; and
- Mr Stephen Frappell – Director, Procedure, Legislative Council, Parliament of New South Wales.



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**PROGRAM - Day 1 | Thursday 20<sup>th</sup> November 2008**

Time	Topic/theme	Presenter/session leader	Comments
09.00	Opening	Ms Maria Terezinha da Silva Viegas, Chair, Working Group	Welcome; Outline of why the workshop is being held, what benefits to individual Members & the National Parliament she expects from it; introduces other Members of the Working Group & staff
09.15	Outline workshop	Mr Quinton Clements	Outlines context, purpose and structure of workshop & introduces fellow presenters
09.30	Background to the Review of the Rules of Procedure	Ms Maria Terezinha da Silva Viegas	Outlines the role of the Working Group, its Terms of Reference & composition. Outlines the workplan to review & revise the Rules of Procedure.
<b>10.00 / Break</b>			
10.30	Parliamentary Practice & Procedure	Ms Lynn Lovelock	Setting the context: Introduction to parliamentary practice & procedure Examine the sources of authority for the Rules of Procedure and interpretation of these Rules.
11.30	Rules of Debate	Ms Lovelock & Mr Stephen Frappell	It is a fundamental principle of parliamentary procedure that debate is conducted in a free and civil manner. To ensure this, rules of debate and decorum have been developed which govern how debate may take place. These rules are embodied in the rules of procedure, but are also governed by practices which develop in the chamber and by rulings/decisions from the Speaker concerning the way debate may be conducted.
<b>12.30 / Lunch</b>			
14.00	Rules of Debate cont.	Ms Lovelock & Mr Frappell	



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15.00	Committees of the National Parliament	Mr Stephen Frappell	Examine the parts of the Rules of Procedure dealing with Committees and issues arising.
<i>15.30 / Break</i>			
16.00	Committees of the National Parliament cont.	Mr Frappell	
16.45	Review session	Mr Clements	What has been learnt today and where to for tomorrow.
<i>17.00 / Conclusion</i>			



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## Day 2 | Friday 21<sup>st</sup> November 2008

Time	Topic/theme	Presenter/session leader	Comments
09.00	Questions to the Government	Mr Frappell	The scrutiny of the Executive Government through the questioning of Government Ministers is an important part of the democratic process, and is one of the most visible and public ways in which the Government can be held to account for its policies and actions.
<i>10.00 / Break</i>			
10.30	Powers & Immunities of the National Parliament	Ms Lovelock	Examine the concept of parliamentary privilege. Parliamentary privilege refers to the powers and immunities possessed by individual Houses of Parliament, their members, and other participants in parliamentary proceedings, without which they could not perform their functions.
<i>12.30 / Lunch</i>			
14.00	Powers & Immunities of the National Parliament cont.	Ms Lovelock	
<i>15.00 / Break</i>			
15.30	Passage of Legislation	Ms Lovelock	Examine the parts of the Rules of Procedure relating to the legislative process and issues arising.
16.45	Review session	Mr Clements	Review of the issues raised, questions and what Members now expect their Working Group will do & how.
<i>17.00 / Conclusion</i>			



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## About the Presenters

**Ms Lynn Lovelock** B.A. (HONS), DIP. ED. is currently the Clerk of the Parliaments and Clerk of the Legislative Council in New South Wales. She joined the Department of the Legislative Council in 1987, having previously been employed in the Commonwealth Public Service and later, as a high school teacher. Prior to her appointment as Clerk in 2007 she held the positions of Usher of the Black Rod, Clerk Assistant and Deputy Clerk. She was also Clerk to the Privileges Committee from 1990 until 2007. Her background in research and in development of public sector policy provides a sound basis for her roles as researcher and adviser to members on parliamentary practice and procedure, and in the management of the Parliament. Lynn was the Training Co-ordinator for the East Timor National Council Training Program, an AusAID funded project, in 2000 and 2001, and has also been involved in training projects with the National Parliament of the Solomon Islands, and providing technical assistance to Eastern Cape Legislature in South Africa. Lynn has written widely in the fields of parliamentary law, practice and procedure, redrafted the Council's standing orders in plain English, the first major revision of the orders since their original adoption in 1895, and is co-author of the book *New South Wales Legislative Council Practice*, published in May 2008.

**Mr. Stephen Frappell** is currently the Director of Procedure and Deputy Usher of the Black Rod in the New South Wales Legislative Council. Prior to his appointment to this position, he was an Acting

Director and Principal Research Officer in the Legislative Council Committee Office. Prior to joining the Legislative Council he worked from 2000 until 2004 in the Committee Office in the Department of the Senate in Canberra. Mr Frappell has a background in political science, with a Bachelor of Economics (Social Science) from the University of Sydney, a Bachelor of Arts (Honours) from Macquarie University, and a Master of Government and Commercial Law from the Australian National University.

**Mr Quinton Clements** (BA Hons, 1st Class, ANU) is Deputy Director of the Centre for Democratic Institutions at the Australian National University. Prior to taking up this position, Mr Clements held a number of positions in the Australian Public Service and in the Department of the House of Representatives, Parliament of Australia. He served as Inquiry Secretary to the Parliamentary Joint Standing Committee on the National Capital and External Territories; and acting Committee Secretary for the Parliamentary Joint Committee on ASIO, ASIS and DSD and the Parliamentary Standing Committee on Public Works. Mr Clements has also worked in the National Parliament of Papua New Guinea as Committee Secretary to the Parliamentary Select Committee on a Pacific Economic Community. Mr Clements has consulted on issues of parliamentary strengthening and good governance in Papua New Guinea and the Pacific Island Countries for agencies such as the United Nations Development Programme.



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## About the Centre for Democratic Institutions

The Centre for Democratic Institutions (CDI) was established by the Australian government in 1998 to support the efforts of new democracies in the Asia-Pacific region to strengthen their political systems. Our core budget is provided by AusAID, Australia's Agency for International Development, and we are located at the Australian National University (ANU) in Canberra.



CDI's mandate is to focus directly upon two critical institutions of representative democracy: parliamentary governance and political parties.

This mandate represents a major development in CDI's evolution. While we have been working directly with parliaments for a number of years, the opportunity to work directly with political parties is relatively new. Both areas offer great challenges and opportunities for the future.

All of CDI's projects are aimed at improving political governance and political practice in partner countries via intensive training programs on issues of parliamentary practice and leadership, the operation of political parties, democratic institutional design, constituency representation, and other themes and issues relating directly to improving the effectiveness and quality of the work of national parliaments, parties, and of parliamentarians themselves.

In order to do this, we conduct training courses, provide direct technical assistance and undertake applied research on our core areas of parliamentary and political party development. All of this is aimed squarely at emerging leaders in our focus countries -- Indonesia, Timor-Leste, Papua New Guinea, Fiji, Solomon Islands and Vanuatu. For more information on all aspects of CDI's work, visit our website at [www.cdi.anu.edu.au](http://www.cdi.anu.edu.au) or contact us by post, email, phone, or fax:

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## The Legislative Council - Parliament of NSW

The Parliament of New South Wales is a bicameral (two House) Parliament. The Legislative Council is the Upper House or State Senate.

The Legislative Council consists of 42 members, elected by the people under a system of voting known as proportional representation, with the whole State as one electorate. One half of the members of the Council (21) are elected every four years, in conjunction with elections for the Legislative Assembly (Lower House). All members have a state-wide electorate and are engaged in activities representing the interests of constituents across the State.

The House has a diverse membership. No government has had majority control of the Legislative Council since the 1988 election.

The Council has similar powers to the Assembly, but it has limitations in respect to some financial bills. As a House of Review the Legislative Council plays an important role in the scrutiny of laws for the good government of the State. Other important functions are the review and scrutiny of the finances, policy and administration of the executive government, which is largely done through questions to Ministers, orders for the production of documents, and the active inquiry function of the committees of the Legislative Council.

The main role of the Department of the Legislative Council is to support the functioning of the sittings of the House and Committees, and to provide services to members relating to the performance of their parliamentary duties. The principal program areas of the Department are: advisory and procedural services, administrative and support services, and corporate management.

## About the International Republican Institute

The International Republican Institute (IRI) is a nonprofit, nonpartisan organization advancing democracy worldwide by developing political parties, civic institutions, open elections, good governance, and the rule of law. Headquartered in Washington DC, IRI was created in 1983 by the U.S. Congress. IRI has conducted programs in more than 100 countries. IRI's board of directors is chaired by U.S. Senator John McCain and includes former Secretary of State Lawrence S. Eagleburger, former National Security Advisor Brent Scowcroft, current members of the U.S. House of Representatives and Senate, and individuals from the private sector with backgrounds in international relations, business and government. IRI's president is Lorne Craner, former Assistant Secretary of State for Democracy, Human Rights and Labor. A 501(c)(3) organization, IRI receives no money from the Republican Party and is funded primarily by the U.S. Agency for International Development, the U.S. State Department, and the National Endowment for Democracy.