



The Centre for Democratic Institutions

REPORT ON THE DISCUSSIONS BETWEEN THE SENATES OF AUSTRALIA AND THAILAND BANGKOK, 6 JULY 2002

As in 2001, the delegations from the two Senates met to discuss issues of common interest. Below is the program for discussions. On the Australian side there were:

- Senator Sue West, Australian Labor Party (NSW), Deputy President of the Senate
- Senator George Brandis, Liberal Party (Queensland)
- Senator Kay Denman, Australian Labor Party (Tasmania)
- Senator Meg Lees, Democrats (South Australia)
- Roland Rich, Director, Centre for Democratic Institutions.

On the Thai side there were:

Sen. Prof Dr.Boonton Dockthaisong (m)	Nakhon Ratchasima Province (Deputy President of the Thai Senate)
Sen. Dr. Malinee Sukavejworakit (f)	Nakhon Sawan Province
Sen. Pridi Hiranpruek (m)	Pathum Thani Province
Sen. Jon Ungphakorn (m)	Bangkok Province
Sen. Karoon Sai-ngam (m)	Buri Ram Province
Sen. Wongphan Na Takuathung (m)	Phangnga Province
Sen. Maleerat Kaewka (f)	Sakon Nakhon Province
Sen. Prateep Ungsongtham (f)	Bangkok Province
Sen. Dr.Chirmsak Pinthong (m)	Bangkok Province
Sen. Tuenjai Deetes (m)	Chiang Rai Province
Sen. Kamnuan Morprasit (m)	Uttaradit Province
Sen. Khunying Chodchoy Sophonpanice (f)	Bangkok Province
Sen. Dr.Wittaya Masana (m)	Maharakham Province
Sen. Niwes Phancharoenworakul (m)	Ayudhya Province
Prof. Dr. Borwornsak Uwanno (m)	KPI
Assoc. Prof. Prasert Silphiphat (m)	KPI

Oversight of the Executive Branch

After the opening welcome speeches, the discussion turned to the question of oversight. This was a critical task of the Thai Senate as it was not constituted by political parties and thus was able to take a less partisan view than in the lower house. Some of the Thai Senators said that Ministers resented answering questions in parliament though curiously they subjected themselves readily to media questioning.

In Australia the proximity of Ministers and the Westminster traditions allowed for sharp questioning but in Thailand there was an issue of 'face' and it was difficult to get to the bottom of things when having to remain formal and polite. Impromptu questioning was not normally possible but written questions could be submitted.

The discussion turned to the need to focus questions on policy matters rather than to get distracted by passing issues. Although the Thai Senate's powers are limited in matters of budget, it can still draw public attention to policy shortcomings. The budget can not be amended in the upper house but only accepted or rejected. On other legislation the debate in the Senate has had an influence with one example of the government quietly forgetting to gazette a bill passed by the lower house but criticised in the Senate.

The Senate's investigative role is also quite constrained in Thailand. The Thai police have more powers to seek documents than does the Thai Senate. The Australian side explained the use of Freedom of Information processes to obtain government documents. Thailand also had a Freedom of Information Act. There have even been cases in Australian parliaments of the contempt of parliament powers being used to force the production of documents. Professor Borwornsak noted that the 1997 Constitution did not contain such powers although the issue had been debated in the Constitution drafting committee.

Secretariat Support for the Senate

After a presentation from the Australian side, the Thai side noted that there were 346 staff members to assist the 200 Thai Senators and their 21 committees. The frank opinion was widely held that the quality of the secretariat was not sufficiently high. Salaries were not competitive with the private sector's salaries. The research services were not nearly as strong as those of the Australian parliament. The Australian side noted the need to find other forms of advice from universities, think tanks and NGOs in the community to overcome the lack of research capacity. The Thai Senate relied on King Prajadhipok's Institute for assistance in research.

The problem of inadequate resources went even deeper in the Thai Senate. When a sub-committee decided to call witnesses it was often necessary for the Senators to find the funds from their own pockets to pay for the witnesses expenses in coming to Bangkok and appearing before the committee. There was also a problem with the management of the Senate. Too little delegation occurred so the Senate President was too tied up in staffing and personnel matters. In Australia, on the other hand, the Clerk took responsibility for these matters.

Although Thai Senators were permitted five personal staff as opposed to the Australian Senator's three, again, the quality was not high because the salaries were inadequate. Even the committee staff tended to respond primarily to the committee chair's wishes and had little time left for the other members of the committee.

There was also a discussion of work conditions for the Thai Senators. They had inadequate office space. Also, the two houses of the Thai parliament shared one chamber. This meant that there were no concurrent sittings. There was thus little contact between the two houses beyond the formal passage of papers and bills.

Thailand needed a new parliament house but it was difficult to put aside the funds in the current economic conditions.

Committee Systems

After a description of the Australian committee system, the Thai Senators explained that there were 21 standing committees in the senate with 15 Senators in each. Some were more popular than others and there had been a scandal when it emerged that some Senators sought to buy a seat on the communications committee, which was seen as 'lucrative'. There was some overlap between the committees and this led to criticism of duplication. The People's Participation Committee was one that was criticised for looking at overly broad issues.

The Australian government had an obligation to respond to parliamentary reports and recommendations and the public could thus decide if the government was sufficiently responsive but there was no such obligation or time limit in the Thai system. Thai Senators therefore had to resort to the media to have issues emerge in the public debate.

Senators' Privileges and Obligations

The presentations on this issue allowed for a comparison of the process of accountability of the parliamentarians of the two countries. There was considerable documentation about Australian Senators on the public record and they thus became very accountable for their actions while in office. An important change in Australia was the decision to make salaries of parliamentarians an issue for a Remuneration Tribunal to deal with to avoid the situation where the parliamentarians were voting for their own salary increases.

Thailand also had intricate accountability machinery under the 1997 Constitution. The Electoral Commission had demonstrated its powers in the recent elections and the National Counter Corruption Commission had already, in its short life, brought charges against a Prime Minister and a Deputy Prime Minister leading to the latter's resignation and the former's acquittal by the Constitutional Court. There were asset declaration statements to be completed and, as in Australia, the spouse and dependent children were included. There was also a Code of Ethics. While the formal structures existed, it would take more time before the principles behind them are inculcated in all parliamentarians.

Thailand was basically still between two systems – an old system of patronage and a new system of rule of law. Under the old system politicians were expected to pay constituents for the votes and other support they received. Politicians without their own resources found it difficult to be effective. Under the new systems rules were set down. The task was now to have the rules fully obeyed.

The salaries and entitlements of Thai Senators are set out but there is some uncertainty about issues of insurance and pensions. It is hoped this would be resolved soon. Thai Senators enjoyed immunity from prosecution while the Senate was in session.

Gender Equality

Thailand had made good progress in women's representation in parliament. About ten percent of the current Senate were women and 8.8 percent of the House of Representatives. In the Senate, three committee chairs were women. Quota systems were not yet seen as appropriate in Thailand and only one party, the Chart Pattana Party had a quota of 20% of candidates to be women.

The interesting development has been the 'club' of Thai women in parliament across party lines. The women consult and assist each other. Deep problems remained particularly for rural women who had the fewest resources at their disposal and who tended not to read newspapers and were thus cut off from political debate. Women parliamentarians had an obligation to find ways of reaching these women.

There followed a discussion of opium growing in the Thai uplands and the need to find alternative crops. The Thai side raised the fact that opium for medicinal purposes was grown in Tasmania. It was explained that this was a process authorized by the United Nations.

Conclusion

The two sides noted that there were many points of similarity as well as differences. One of the important similarities between the two systems was compulsory voting introduced in the 1997 Constitution.

KPI recommended that the two countries continue to hold such discussions though perhaps in future it could be broadened to include the lower house as well.

The Australian side said that the Thai Senate was blazing a trail as the first elected Senate in Thailand and from the tenor of the discussions there should be much optimism that the Senate was in good hands.

The Australian side thanked KPI and its staff for the excellent organisation of the workshop and also the Australian Embassy led by Ambassador Miles Kupa for its support.

PROGRAM

Tuesday 2 July

19.55 Arrive at Bangkok International Airport

Wednesday 3 July

10.30 Visit the House of the Senate
Courtesy call on the President of the Senate
Mr Manoonkrit Roopkachorn

12.30 Lunch hosted by the Ambassador at his residence

Friday 5 July

9.00 Visit the Temple of Emerald Buddha
Visit the Royal Grand Palace
Visit the Anandasamakom Throne Hall

19.00 Dinner hosted by Vice-President of the Senate
Mr Boonton Dockthaisong

Saturday 6 July

8.45 Welcome by Vice-President of the Senate

9.00 *Senate oversight role*

- Interpellation of ministers
- Questioning the bureaucracy

Senator West

9.30 Open discussion

10.40 *Working with the secretariat*

- Research services
- Committee staff
- Personal staff

Senator Brandis

11.10 Open discussion

12.00 Lunch

13.30 *Committee systems*

- Reviewing legislation
- Conducting inquiries

Senator Lees

14.00 Open discussion

15.10 *Senators' privileges and obligations*

- Conflict of interest management
- Parliamentary priviledges

Senator Denman

PROGRAM (CONT)

- 15.40 Open discussion
- 16.20 *Promoting democracy and gender equity*
 - Women in parliamentDiscussion
- 16.35 Open discussion
- 17.00 *Concluding observations*
Professor Borwornsak Uwanno
Mr Roland Rich
- 17.30 Open discussion

Accompanying pictures on website:

Picture 1:

Left to right: Prof. Borwornsak Uwanno, Sen. Prof Dr.Boonton Dockthaisong, Roland Rich

Picture 2:

Left to right: A/Prof Prasert Silhiphat, Roland Rich, Prof Borwornsak Uwanno, Senator Sue West, Ambassador Miles Kupa, Senator Key Denman, Senator Marise Payne, Senator George Brandis at the Ambassador's residence.