



**A Comparative Study of Second Chambers  
of Parliament in Selected Countries**

October 1996

# Contents

## **I. Introduction**

- A. Objectives of this study
- B. Rationale for selecting the eleven countries
- C. Basis for choosing the issues to compare
- D. How to read the comparative charts

## **II. Comparative Charts**

- Chart 1: Composition of the Second Chamber / Terms of Service for Members
- Chart 2: Voting Powers of the Chamber
- Chart 3: Introduction of Legislation into the Second Chamber
- Chart 4: Relationship between Second Chamber and Provincial Legislature
- Chart 5: Consultation with Provincial Constituencies
- Chart 6: Communication Methods between Parliament's Two Chambers
- Chart 7: Committee Structures of the Second Chamber
- Chart 8: Provision of Services and Resources for the Two Chambers

## **III. Summary of the Charts**

## **IV. Bibliography**

## **V. Individuals Consulted**

## **I. INTRODUCTION**

### **A. Objectives of the Study**

This study compares the make-up and function of second chambers in eleven countries in Africa, Asia, Europe and the Americas. The countries include Namibia, India, Malaysia, Austria, Germany, Russia and Argentina, Brazil, Australia, Canada and the UK. This report contains information on the manner in which the second chambers address issues that are relevant to the NCOP, such as the relationship in each country between the two chambers of the national parliament, or between the second chamber and the provincial legislature.

The National Democratic Institute for International Affairs (NDI) conducted this study in order to aid the preparations of the Senate committee that is overseeing the establishment of the National Council of Provinces (NCOP). The chairperson of that committee is Senator Bulelani Ngcuka, who has provided guidelines for the scope and content of the study. This report is available to all sectors that are engaged in discussions over the implementation of the NCOP, including provincial legislatures, national government departments, and representatives of organised local government.

While this study provides information and lessons from the experiences of second chambers in other democratic parliaments, it is not intended that any of the models profiled here should be copied, in part or in whole, as South Africa establishes the NCOP. In fact, Chapter Four of the new Constitution already provides a framework for the NCOP that ensures that the body will be unique among second chambers in the world. This constitutional framework draws from the models and experiences of several other countries, but more important, it reflects the specific priorities and characteristics of a democratic South Africa. Therefore, the international models profiled in this study should be recognised simply as the perspectives and experiences of other democratic parliaments, not as prescriptions for South Africa.

### **B. Rationale for Selecting the Eleven Countries**

To conduct this comparative study, it was necessary to identify which democratic nations have second chambers that are similar in composition and function to the NCOP. While this is a somewhat subjective process, the following criteria were applied in identifying appropriate second chambers:

- The country should have a bicameral parliament;
- The second chamber should have a specific responsibility to the regions or states;
- The second house should be elected by the provincial or state legislature.

Among the eleven nations selected, there were a few exceptions to the criteria. For example, in Germany the members of the *Bundesrat* are elected not by the state legislature, but by the state government, and in Brazil, the Senators are elected directly by the voters. Additionally, the second chambers in Australia, Canada and the United Kingdom are presented because of the popular interest in them, not because they adhere to the criteria. The latter

three countries are relatively dissimilar in structure and function to the NCOP. Nonetheless, each of the eleven models studied offer interesting aspects to consider.

Following is a brief explanation of why each of the eleven second chambers was included in this study:

- Argentina's Senate offers the most similar model from Latin America. To this time, Senators have been elected by the state legislatures, but the country has recently been through a debate about the merits of this system. The result is that starting in 1999, Senators will be elected directly by the voters.
- Australia's Senate is relatively well-developed, but Senators are directly elected by the voters, and have no formal relationship with the state legislature.
- Austria's Bundesrat has certain similarities to the German *Bundesrat*, as does the NCOP. However, like the NCOP, *Bundesrat* members are chosen from the provincial legislatures, not the provincial government.
- Brazil's Senate is different from the NCOP in that its Senators are elected directly by the voters. However, the size of the country, the relative strength of the provinces, and the increasing political and diplomatic links between the two countries suggested that it should be included in this study.
- Canada's Senate is a deliberative body, rather than one that substantially reflects the views of the provinces on national legislation. This results in part from the fact that Senators are unelected, neither by the provincial legislature nor by the voters. Instead, they are appointed by the Crown's governor-general, and serve until they are 75 years old.
- Germany's Bundesrat was one of the primary models considered when the NCOP provisions were included in the new Constitution. This chamber has successfully addressed some of the challenges of having members serve both on national and regional governments.
- India's Rajya Sabha has a system for selecting delegates that is similar to that of the NCOP. The states in India are relatively powerful, and the Members of the *Rajya Sabha* are responsible for representing their interests in a national parliament which is a well-developed institution.
- Malaysia's Dewan Negara offers the most similar model from among the medium-sized countries in Asia. Approximately one-third of its members are indirectly elected by the state legislatures; the rest are appointed by the monarch.
- Namibia's National Council was based in part upon the model of the German *Bundesrat*, and thus has significant similarities to the NCOP. Like the 'special delegates' in the NCOP, Namibian National Councillors are chosen from the Regional Councils, and continue to maintain seats on both bodies. The similar framework for the National Council and NCOP, combined with Namibia's physical proximity and historical links to South Africa, make it the most appropriate model for comparison from among Africa's democratic nations.

- Russia's Council of the Federation consists of the regional governor and the head of the legislature from each of the Federation's 89 regions. This provides an interesting comparison with the NCOP provincial delegations, which will include the Premier of the province.
- United Kingdom's House of Lords is very well-known, but not democratically-composed. None of its members are elected; instead, about two-thirds of the 1200 Lords inherited their positions, while the balance were appointed by the Crown. Members do not represent any specific geographic region, and hold their seat in the House for life.

### C. Basis for Choosing the Issues to Compare

The purpose of this study was to provide information that is relevant and useful to the Senate and the provinces as they discuss the issues that are central to the implementation of the NCOP. Therefore, the research focused on questions that the Senate-NCOP committee had about the experiences of other second chambers in regard to such issues as the relationship between the two houses of parliament, and the relationship between the second chamber and the provincial legislature or government. Following are the types of questions that were asked of representatives from the second chambers in the eleven countries:

- To what degree is the second chamber of the national parliament accountable to the legislature for the province or state from which it was composed? What about accountability or interaction with the provincial executive?
- What formal and informal mechanisms have been developed to ensure adequate communication between the two chambers of the national parliament?
- What system is used to plan for the timely flow of legislation through the two chambers and their respective committees?
- What are the powers of the second chamber in regard to initiating legislation? What powers in regard to voting on legislation, including money bills?
- What is the structure of the committee system in the second chamber; is it the same as in other house of the parliament? Are the committees set up based upon the government ministries?
- What opportunities exist for representatives of local government, interest groups, etc., to have input into the policy-making of the second chamber?
- What types of resources and services are shared between the two chambers of the national parliament? What resources are provided separately?

#### **D. Using the Comparative Charts**

The following section consists of eight fold-out pages, each with a chart that profiles how the second chambers in the eleven countries address a particular issue. For instance, the first fold-out page is a chart that explains the way in which each of the second chambers is composed. By reading down the chart, one can determine how many members there are in the second chambers in Namibia, Austria, India and the other countries, how these members are elected or appointed, how long their term of office is, etc.

As noted earlier, each of the charts profiles an issue about which the Senate-NCOP committee had requested information. Readers of the charts should feel free to contact NDI if there are other issues or countries about which it would be useful to have comparative information.

## II. COMPARATIVE CHARTS

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## Notes

This cross-country comparative study was undertaken by the National Democratic Institute for International Affairs (NDI) in response to requests from the South African Senate committee that is overseeing the implementation of the new National Council of Provinces (NCOP). NDI plans to continue this research to provide similar international comparisons on related topics as deliberations on the NCOP continue.

In carrying out this study, NDI relied primarily upon direct contact with the relevant officials in the second chambers of each country, including primarily the office of the clerk of the house, elected members and staff members. Others who provided valuable information included academics and representatives of parliamentary service organisations. Other primary sources included the Constitution for each country, and the Standing Rules and Orders for each chamber. Additional details were gathered from secondary sources such as essays and books on the various legislative institutions.

Respondents from each country were asked to provide details on the experience of their second chamber in regard to each of the issues listed in the charts. Most of this information was shared by telephone, fax or e-mail, while in a couple of instances, one-on-one interviews were possible. After NDI compiled the charts, they were sent back to the experts for their review and, where necessary, revision. In this manner, NDI has attempted to ensure the accuracy of the information in this report.

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**Editor's Note:** The term "second chamber" is used throughout this report to refer to those houses in bi-cameral parliaments that fulfill a similar function to the new National Council of Provinces (NCOP). The term is used for the sake of convenience to refer to these chambers, which have a variety of specific names, such as "the Senate" or "the Council of States," and to avoid the use of the terms "upper house" and "lower house." The authors of this study do not intend any implication that the "second chambers" of parliament are less-important than the "first chambers."

## COMPOSITION OF SECOND CHAMBER / TERMS OF SERVICE

<b>ARGENTINA</b> <i>Federal Senate</i>	<ul style="list-style-type: none"> <li>• 46 members, <u>indirectly elected by the provincial legislatures</u> (2 appointed by each of the 22 legislatures, and 2 from the Capital, Buenos Aires)</li> <li>• 4% women</li> <li>• 9-year terms</li> <li>• Senators do not retain seats in the provincial legislatures</li> <li>• sessions typically held from March 1 to November 30; usually meet once a week during session</li> <li>• Senators are compensated as full-time legislators, and on par with members of the Chamber of Deputies</li> </ul>
<b>BRAZIL</b> <i>Federal Senate</i>	<ul style="list-style-type: none"> <li>• 81 members, <u>directly elected by the voters</u> (3 from each of the 26 states, and 3 from the Federal District of Brasilia)</li> <li>• 7% women</li> <li>• 8-year terms</li> <li>• Senate meets approximately 9 months each year, 3 days a week -- same as Chamber of Deputies</li> <li>• Senators are compensated as full-time legislators, and on par with members from Chamber of Deputies</li> </ul>
<b>NAMIBIA</b> <i>National Council</i>	<ul style="list-style-type: none"> <li>• 26 members, <u>indirectly elected by the Regional Councils</u> (2 elected by each of 13 Regional Councils [RCs])</li> <li>• 4% women</li> <li>• 6-year terms, as members of <i>both</i> the National Council and the RC (RCs are considered to be weak, with few powers, and meet only once a month)</li> <li>• National Council members meet throughout the week when in session, though these sessions are separated by relatively frequent and lengthy recesses</li> <li>• National Council members are compensated at a lower rate than members of the National Assembly, though still as a full-time legislators</li> </ul>
<b>AUSTRIA</b> <i>Bundesrat</i>	<ul style="list-style-type: none"> <li>• 64 members, <u>indirectly elected by the 9 provincial parliaments</u> (diets)</li> <li>• 21% women</li> <li>• members are not required to belong to the provincial parliament which delegates them but must be eligible to serve in that provincial parliament</li> <li>• 5 to 6 year terms, according to the state they represent</li> <li>• earn half the salary of members of <i>Nationalrat</i></li> <li>• no regular sessions, but usually meet once a month vs. <i>Nationalrat</i> which sits between mid-Sept. and mid-July and usually 3-4 times a month</li> <li>• members of the federal government and State Secretaries are entitled to participate as non-voting members in the proceedings of the House</li> </ul>
<b>GERMANY</b> <i>Bundesrat</i>	<ul style="list-style-type: none"> <li>• 69 full members and about 130 deputy members, <u>appointed by the state governments</u></li> <li>• full members are the premiers and selected ministers from the 16 states; deputy members usually include the remaining members of the state cabinets</li> <li>• 19% women</li> <li>• the elected leaders often deputize top civil servants to represent them in committee sessions (not in plenaries)</li> <li>• delegations are selected by the <i>governments</i> of the states (not state legislatures)</li> <li>• 4 or 5 year-terms, according to the state's election period</li> <li>• only the ruling party from each state is represented in that state's delegation</li> <li>• the number of delegates per state is based upon population, but weighted to favor the smaller states</li> <li>• the full house meets about 12 times per year, at intervals of at least three weeks; however, committees meet much more frequently</li> </ul>
<b>RUSSIA</b> <i>Council of the Federation</i>	<ul style="list-style-type: none"> <li>• 178 members, comprising the <u>regional governor and head of legislature</u> from each of 89 regions</li> <li>• 1% women</li> <li>• terms vary, depending upon the regions</li> </ul>
<b>INDIA</b> <i>Rajya Sabha</i> (Council of States)	<ul style="list-style-type: none"> <li>• 245 members; 233 <u>elected by the 25 state legislative assemblies</u> and 7 Union Territories; 12 nominated by the Head of State with special knowledge or practical experience in literature, science, art or social service 245 members</li> <li>• 8% women</li> <li>• 6-year terms</li> <li>• members of the <i>Rajya Sabha</i> may not also hold a seat in a state legislature</li> <li>• both Houses meet in three sessions; Budget Session (February to May), Monsoon Session (July to August) and Winter Session (Novem. to December)</li> <li>• members of both Houses are entitled to receive salaries and allowances which are determined by law in Parliament</li> </ul>
<b>MALAYSIA</b> <i>Dewan Negara</i> (Senate)	<ul style="list-style-type: none"> <li>• 69 members; 26 members <u>elected by the state legislative assemblies</u> (13 states elect 2 each); 40 members appointed by the king, on the grounds of their experience and wisdom, or to represent racial minorities or professional or commercial groups; and 3 more appointed by the king to represent federal territories</li> <li>• 17% women</li> <li>• 3-year terms</li> <li>• the Senate meets three times a year for a total of approximately 10 weeks</li> </ul>
<b>AUSTRALIA</b> <i>Senate</i>	<ul style="list-style-type: none"> <li>• 76 Members, <u>directly elected by the voters</u> (12 seats from each of the 6 states, and 2 seats from each of the 2 Federal Territories)</li> <li>• 30% women</li> <li>• Senators are directly elected for a 6-year term; the term of a Parliament is three years</li> <li>• Senators are paid salaries and other allowances, which are the same as those paid to members of the other House</li> </ul>
<b>CANADA</b> <i>Senate</i>	<ul style="list-style-type: none"> <li>• 104 members, <u>appointed from the 10 provinces</u> and two territories; the Governor-General appoints members from lists provided by the provinces</li> <li>• 15% women</li> <li>• Senators originally appointed for life; now required to retire at age 75</li> <li>• the Senate usually sits three afternoons a week when House is in session</li> <li>• Senators paid a full-time salary, though less than Commons' members</li> </ul>
<b>UNITED KINGDOM</b> <i>House of Lords</i>	<ul style="list-style-type: none"> <li>• no fixed number of members (called <i>peers</i>); currently there are approximately 1,200 peers, making it the largest legislative body in the world;</li> <li>• 7% women</li> <li>• <i>Hereditary Peers</i> (approx. 760 members) gain their position through inheritance, though few such positions have been created in recent decades;</li> <li>• <i>Life Peers</i> (approx. 400 members) gain their seats through appointment by the Crown, or by virtue of position; an additional approximately 50 Lords are appointed by virtue of their position in the Church of England or in the law profession</li> <li>• all peers serve for life (except Bishops, who leave the House upon retirement)</li> <li>• sit approximately 140 days a year</li> <li>• House not composed of full-time, professional members: peers often hold leading positions in industry, finance, law, etc.</li> <li>• peers are paid only an expense allowance, no salary</li> </ul>

## INTRODUCTION OF LEGISLATION INTO THE SECOND CHAMBER

<p><b>ARGENTINA</b> <i>Federal Senate</i></p>	<ul style="list-style-type: none"> <li>the Senate may introduce legislation, though only the Chamber of Deputies can initiate laws relating to taxes</li> </ul>
<p><b>BRAZIL</b> <i>Federal Senate</i></p>	<ul style="list-style-type: none"> <li>can introduce legislation on any bill, even money bills, with the 2 exceptions listed below</li> <li>exception no. 1: bills relating to federal budget can only be initiated by the President</li> <li>exception no. 2: any bills that are initiated by the President, Supreme Federal Court or Superior Courts are introduced first into the Chamber of Deputies for debate and voting</li> </ul>
<p><b>NAMIBIA</b> <i>National Council</i></p>	<ul style="list-style-type: none"> <li>generally, National Council agenda follows that of the National Assembly</li> <li>not able to introduce legislation; but can table motions and Regional Reports</li> <li>can recommend legislation on regional matters (though it has not done so, to this time)</li> </ul>
<p><b>AUSTRIA</b> <i>Bundesrat</i></p>	<ul style="list-style-type: none"> <li>can directly initiate legislation by submitting a legislative proposal to the <i>Nationalrat</i></li> <li>bills only go to the <i>Bundesrat</i> for review after they have been passed in the <i>Nationalrat</i></li> <li>one-third of the members of the <i>Bundesrat</i> are also entitled to submit legislative proposals to the <i>Nationalrat</i></li> </ul>
<p><b>GERMANY</b> <i>Bundesrat</i></p>	<ul style="list-style-type: none"> <li>members may introduce legislation into the House</li> <li>'Bills of Government' must be first submitted to the <i>Bundesrat</i> (this represents most bills)</li> </ul>
<p><b>RUSSIA</b> <i>Council of the Federation</i></p>	<ul style="list-style-type: none"> <li>members may introduce legislation, though only into the Duma (lower house)</li> <li>bills on taxes, state loans or other state financial obligations or budgetary matters may only be submitted through a resolution of the government of the Russian Federation</li> <li>incoming bills are registered and directed to members; the Council has 14 days within which to consider pieces of legislation</li> </ul>
<p><b>INDIA</b> <i>Rajya Sabha</i> (Council of States)</p>	<ul style="list-style-type: none"> <li>a bill may originate in either House of Parliament, with the exception of Money Bills which only may be introduced in the House of the People</li> </ul>
<p><b>MALAYSIA</b> <i>Dewan Negara</i> (Senate)</p>	<ul style="list-style-type: none"> <li>a Bill may originate in either chamber; bills which are approved are sent to the other chamber; the House of Representatives usually sits before the Senate</li> <li>money bills involving taxation or expenditure of public funds may not be introduced in the Senate; they must be introduced into the House of Representatives by a Minister</li> <li>most legislation is traditionally introduced in the House of Representatives, and the Senate fulfills more of an oversight "quality control" role, making suggestions to legislation that initiated in the other chamber</li> </ul>
<p><b>AUSTRALIA</b> <i>Senate</i></p>	<ul style="list-style-type: none"> <li>most bills are introduced first in the House of Representatives (but they may be introduced first in the Senate)</li> <li>taxation bills or appropriation bills may not be introduced in the Senate</li> <li>most bills are proposed and introduced by government ministries, though in practice many bills are introduced by individuals in the Senate</li> <li>introduction determined mainly by negotiations between the parties in the Senate</li> </ul>
<p><b>CANADA</b> <i>Senate</i></p>	<ul style="list-style-type: none"> <li>any member of the Senate may introduce any piece of legislation, except money bills</li> </ul>
<p><b>UNITED KINGDOM</b> <i>House of Lords</i></p>	<ul style="list-style-type: none"> <li>can introduce Public Bills, through either a government minister or an ordinary member of the House</li> <li>most government bills that are expected to be politically controversial go first through the House of Commons before being referred to the Lords; those of technical, non-political nature often pass first through the Lords</li> </ul>

## VOTING POWERS IN THE SECOND CHAMBER

<p><b>ARGENTINA</b> <i>Federal Senate</i></p>	<ul style="list-style-type: none"> <li>• no difference between the Senate and Chamber of Deputies' powers to vote on any bill</li> <li>• can reject or amend all bills (as can Chamber of Deputies); power to override amendments or objections lies in the house which initiated the bill</li> <li>• a bill must be approved by a majority vote of the members of each Chamber, before it is sent to the President</li> <li>• if the bill of one House is passed by the other House with amendments, it goes back to the House where it was originally introduced to be reviewed and voted on again</li> <li>• no bill wholly rejected by either Chamber can be reintroduced in the sessions of the same year</li> <li>• to override a presidential veto of a bill, both houses must vote by a 2/3 majority of members</li> </ul>
<p><b>BRAZIL</b> <i>Federal Senate</i></p>	<ul style="list-style-type: none"> <li>• all bills passed by one House are then considered by the other House</li> <li>• 3/5 of Senate must approve constitutional amendments (along with 3/5 of Chamber of Deputies)</li> <li>• simple majority vote necessary to pass a bill (same as for Chamber of Deputies)</li> <li>• the National Congress (members of both Houses in a joint session) may override a presidential veto only with an absolute majority vote</li> <li>• Senate may recommend amendments to legislation, which Chamber of Deputies may choose to accept or reject</li> </ul>
<p><b>NAMIBIA</b> <i>National Council</i></p>	<ul style="list-style-type: none"> <li>• all bills passed by National Assembly are then considered by the National Council</li> <li>• may recommend amendments to legislation, which National Assembly may accept or reject by 2/3-vote before sending the bill on to the President</li> <li>• if 2/3 of the National Council is opposed to a bill in principle, the National Assembly is obliged to approve the bill by a 2/3 majority, or the bill fails</li> <li>• National Council cannot force reconsideration of finance bills, even with a 2/3 majority vote against the bill</li> </ul>
<p><b>AUSTRIA</b> <i>Bundesrat</i></p>	<ul style="list-style-type: none"> <li>• cannot make amendments to bills, but can raise an objection to a bill approved by the <i>Nationalrat</i>, within 8 weeks of having received that bill</li> <li>• has no power of final veto: amendments can be overridden by <i>Nationalrat</i> by an absolute majority of the votes cast in the presence of at least half the members</li> <li>• has no power to object to enactments of the <i>Nationalrat</i> relating to money bills</li> </ul>
<p><b>GERMANY</b> <i>Bundesrat</i></p>	<ul style="list-style-type: none"> <li>• each state casts its votes (between 3 and 6) <i>en bloc</i>, with one member of each state delegation serving as the "vote caster" for all of the state's votes</li> <li>• <i>Bundesrat</i> can reject all bills or propose amendments to them -- though the <i>Bundestag</i> can override objections for many bills, or ignore amendments</li> <li>• the <i>Bundesrat</i> has an absolute veto on constitutional amendments and all bills affecting states' interests, including fiscal matters (these are called 'consent bills' -- in practice about 50% of bills)</li> <li>• the <i>Bundesrat</i>'s initial assessment is not binding on the Federal Government and <i>Bundestag</i>, though a telling signal; if necessary, the Federal Government then offers a "counter-statement" and sends the bill to the <i>Bundestag</i></li> <li>• after review by the <i>Bundestag</i>, the <i>Bundesrat</i> gets a second reading: in the event of a dispute, the <i>Bundesrat</i> can apply to the Mediation Committee</li> <li>• once a bill is passed by the <i>Bundesrat</i>, it must go to the Federal Government for comment before being forwarded to the first house, the <i>Bundestag</i></li> <li>• on bills that can't be vetoed (non-'consent bills'), the House can override the Senate objection with a majority vote, or 2/3 vote -- depending upon whether 1/2 or 2/3 of the <i>Bundesrat</i> objected</li> <li>• 2/3 of <i>Bundesrat</i> must approve constitutional amendments (along with 2/3 of <i>Bundestag</i>)</li> </ul>
<p><b>RUSSIA</b> <i>Council of the Federation</i></p>	<ul style="list-style-type: none"> <li>• certain federal laws are always subject to consideration by the Federation Council: federal budget, taxes and revenues, financial regulation and money policy, ratification of international treaties, state boundaries and questions of war and peace</li> <li>• the applications of nearly a dozen federal constitutional laws (dealing with the Constitutional Court or on the imposition of Martial Law) must be approved by at least 3/4 of the Federation Council</li> <li>• the Federation Council may not introduce partial amendments to a bill; it may only approve or reject the bill in total (the Duma is seen as the legislative body while the Council is seen as the body which controls the quality and general national value of laws)</li> <li>• bills are adopted if approved by a majority of the total number of members of the Council, or if the Council does not examine the bill within 14 days</li> <li>• if the Council rejects a federal law, the chambers may set up a Conciliatory Commission to settle differences; the bill is then returned to the Duma, which may override the Council decision with a 2/3 majority</li> </ul>
<p><b>INDIA</b> <i>Rajya Sabha</i> (Council of States)</p>	<ul style="list-style-type: none"> <li>• all questions shall be determined by a majority of votes of the members present</li> <li>• all <u>non-money</u> bills may originate in either House of Parliament; a <u>money bill</u> must originate in the House of the People (the Lower House)</li> <li>• after a money bill is approved by the House of the People, it is sent to the Council of States for recommendations; the Council then has 14 days to return the bill with recommendations, and the House of the People may then accept or reject any or all of the recommendations of the Council</li> <li>• a Bill is not deemed to have been passed unless it has been agreed to by both Houses</li> </ul>
<p><b>MALAYSIA</b> <i>Dewan Negara</i> (Senate)</p>	<ul style="list-style-type: none"> <li>• decisions taken by simple majority of members voting, usually by voice vote; the presiding officer only casts a vote to break ties</li> <li>• bills referred back to the Senate by the House of Representatives can be re-accepted by an ordinary majority for normal laws, or by 2/3 majority for constitutional changes; when the bill is finally approved by both chambers it is sent to the king for royal assent</li> <li>• the Senate traditionally exists to make detailed suggestions to legislation already approved in the House of Representatives</li> </ul>
<p><b>AUSTRALIA</b> <i>Senate</i></p>	<ul style="list-style-type: none"> <li>• the Senate exists to subject legislation to additional scrutiny</li> <li>• money bills must originate in the House of Representatives, and the Senate cannot amend or introduce bills that appropriate money or impose taxes; however, it can make amendments to other financial legislation</li> <li>• the Senate has imposed a deadline, contained in a special resolution, for receipt of government legislation; a bill must meet this deadline in order to be considered in a particular sitting</li> <li>• bills are read three times before being passed; the first reading precedes debate on policy and principle of the bill, second reading precedes debate on detailed provisions before referral to standing or select committees; agreement to this is followed by third and final reading</li> </ul>
<p><b>CANADA</b> <i>Senate</i></p>	<ul style="list-style-type: none"> <li>• Senate is entitled to delay or decline to pass any bill, including money bills, though it tends to use these powers discretely</li> <li>• legislation must have the concurrence of both Houses</li> <li>• Senate can amend all bills but by rule it does not increase amounts appropriated in fiscal bills (and by custom, it also does not reduce those appropriations, although it is arguably in its power to do so)</li> <li>• the Senate frequently amends bills passed by the House, and most of these amendments are subsequently accepted by the House without change</li> <li>• many of these amendments are technical- or last-minute changes that are requested by the Government after the bills have passed the Commons</li> </ul>
<p><b>UNITED KINGDOM</b> <i>House of Lords</i></p>	<ul style="list-style-type: none"> <li>• no power of final veto over legislation</li> <li>• Lords rarely votes against a Government Bill on Second Reading, but often amends bills against the wishes of the Government; if Commons rejects those amendments, Lords usually does not insist on them</li> <li>• because most major bills start in the Commons, the Lords is often seen as a "revising chamber" whose role is largely to improve the detail of Government legislation without disputing its principle</li> <li>• Lords makes nearly 2,000 amendments to bills each session, virtually all of which are accepted by the Commons</li> <li>• can delay non-financial legislation for one year; can also prevent passage of legislation in one session: after one year Commons can present a bill for Royal Assent without Lords approval (rarely necessary)</li> <li>• Lords' debates add important details to bills; stages of bill scrutiny in Lords gives Government additional opportunities to introduce amendments arising from points raised in Commons' debate</li> <li>• it is much more usual in Lords than in Commons for a peer to vote against the party line (due in part to the lack of party sanctions on life peers)</li> </ul>

## RELATIONSHIP BETWEEN SECOND CHAMBER AND PROVINCIAL LEGISLATURE OR GOVERNMENT

<b>ARGENTINA</b> <i>Federal Senate</i>	<ul style="list-style-type: none"> <li>while provincial legislatures elect Senators, there is <u>no formal mandate</u> or requirement for consultation between the provinces and their respective delegations to the Senate; for instance, Senators do not retain their seats in the provincial legislature</li> <li>Senators tend to maintain links with the provincial legislatures and government through their political party; they represent the provincial governments at the national level, where they negotiate the approval of laws that are of interest to the governors</li> </ul>
<b>BRAZIL</b> <i>Federal Senate</i>	<ul style="list-style-type: none"> <li>Senators are representatives of the federated states; however, because they are directly elected by the voters, they have <u>relatively little accountability</u> to the state legislatures</li> </ul>
<b>NAMIBIA</b> <i>National Council</i>	<ul style="list-style-type: none"> <li>two National Councillors from each Region are responsible for representing interests of the Region, by serving simultaneously the National and Regional Councils</li> <li>only formal reporting mechanism is that National Council members participate in the monthly RC meetings</li> <li>some National Council members deliver more complete "reports" to their RC 2-3 times per year</li> <li>also, some National Council members send copies of draft bills back to their RC, and also seek input of the other RC members</li> <li>opinions differ on whether most National Council members stay in close contact with the RCs</li> <li>the National Council is in practice somewhat more independent from Cabinet and executive than is the National Assembly</li> </ul>
<b>AUSTRIA</b> <i>Bundesrat</i>	<ul style="list-style-type: none"> <li>despite being elected by the provincial parliaments, <i>Bundesrat</i> members are <u>not bound by any mandate</u> (as they are in Germany)</li> <li>in practice, members are more accountable to their political parties than provincial legislatures, since the political parties nominate them</li> <li>cannot be recalled by their provincial legislatures (diets) before the end of that diet's legislative period</li> <li>do not retain their seats in provincial legislatures</li> </ul>
<b>GERMANY</b> <i>Bundesrat</i>	<ul style="list-style-type: none"> <li>there is a <u>very strong relationship</u> between each state delegation and the state government (and little relationship with the state legislature)</li> <li>after a bill is passed to the <i>Bundesrat</i> from the Federal Government or the <i>Bundestag</i>, the <i>Bundesrat</i> sends it to the state governments</li> <li>each state government must examine the bill during the next couple of days, and reach an agreement on the issue so that it can be considered by the appropriate committee in the <i>Bundesrat</i></li> <li>the decision-making process of each state government usually includes consultations with the other state governments, so that decisions are made in full knowledge of the Views of the other state governments</li> <li>the involvement of state legislatures is limited to primarily: (a) receiving reports on the activities of their state government in the <i>Bundesrat</i>; and (b) passing <u>non-binding</u> motions urging the state government to support a certain view on an issue before the <i>Bundesrat</i></li> </ul>
<b>RUSSIA</b> <i>Council of the Federation</i>	<ul style="list-style-type: none"> <li>the Federation Council is designed as the body of representation for the various regions of the country</li> <li>Federation Council members tend to vigorously represent local interests</li> <li>members are accountable insofar as they are elected; they cannot be recalled by their region and they serve until they are removed from local office in an election, thus members typically feel bound to their local electorate</li> <li>members are free to vote as they wish; therefore two representatives from the same region can cast opposing votes</li> <li>members spend about 3/4 of their time in the regions and consider local offices their main responsibility</li> </ul>
<b>INDIA</b> <i>Rajya Sabha</i> (Council of States)	<ul style="list-style-type: none"> <li>members are elected by the State Legislatures, and are expected to represent the interests of their respective states</li> <li>however, that is the end of the formal relationship: members of the Council of States neither take directions from the State Legislatures, nor do they report back to them on particular issues</li> <li>members cast individual votes, but under the provisions of the Anti-Defection Law, they must vote in accord with the direction provided by the party whip</li> </ul>
<b>MALAYSIA</b> <i>Dewan Negara</i> (Senate)	<ul style="list-style-type: none"> <li>approximately one-third of Senators are elected by the state legislative assemblies</li> <li>Senators are not required to report back to the states, there is no formal relationship between the <i>Dewan Negara</i> and the state legislative assemblies</li> <li>as a result, Senators are more accountable to their parties than to the state legislative bodies</li> <li>Senators are free to raise any issues and problems of the nation, which may include the affairs of the state from which they originate</li> </ul>
<b>AUSTRALIA</b> <i>Senate</i>	<ul style="list-style-type: none"> <li>Senators are directly responsible to the electorate, <u>not to the state or state legislature</u></li> <li>a Senators' relationship with the state party provides them with avenues of informal consultation with state legislators</li> </ul>
<b>CANADA</b> <i>Senate</i>	<ul style="list-style-type: none"> <li>the Senate is intended to represent the provinces; however, it is perceived to fail at this task; due in part to Senators' appointment by the central government</li> <li>provincial governments and legislatures do not have the power to exert much influence on Senators from the province; provincial governments are dominated by the executive, with relatively weak, part-time legislatures</li> <li>major proposals have been mooted, but rejected, for replacing the Senate with a body comprising delegates from the provinces</li> <li>provincial governments do not regard the Senate as effectively representing their interests</li> </ul>
<b>UNITED KINGDOM</b> <i>House of Lords</i>	<ul style="list-style-type: none"> <li>not applicable (no regional or provincial government structures)</li> </ul>

**CONSULTATION WITH PROVINCIAL CONSTITUENCIES**  
(e.g., local government structures, NGOs, other interest groups)

<p><b>ARGENTINA</b> <i>Federal Senate</i></p>	<ul style="list-style-type: none"> <li>• committee hearings are seen as a primary way to allow for public input, and lobbying efforts</li> <li>• political parties that have provincial, rather than national support, have extra power in the Senate compared with the Chamber of Deputies, as they can have a decisive influence on votes in the Senate</li> </ul>
<p><b>BRAZIL</b> <i>Federal Senate</i></p>	<ul style="list-style-type: none"> <li>• most Senators maintain a constituency office in their state and attend town meetings</li> </ul>
<p><b>NAMIBIA</b> <i>National Council</i></p>	<ul style="list-style-type: none"> <li>• select committees have held field hearings on certain bills</li> <li>• as members of a Regional Council, National Council members have access to minutes of all local authority meetings</li> <li>• some Regional Councils also have periodic consultations with local authorities</li> <li>• National Council members have no offices in the Regions</li> </ul>
<p><b>AUSTRIA</b> <i>Bundesrat</i></p>	<ul style="list-style-type: none"> <li>• concentrated upon provincial party meetings and local party offices</li> </ul>
<p><b>GERMANY</b> <i>Bundesrat</i></p>	<ul style="list-style-type: none"> <li>• in practice, political parties might offer their view on how a state delegation should vote on a particular issue; however, only the ruling political party in that state could have much influence on the matter, and their opinion is non-binding</li> <li>• otherwise, there is very little interaction, formally or informally, between representatives of local government or interest groups and the <i>Bundesrat</i></li> </ul>
<p><b>RUSSIA</b> <i>Council of the Federation</i></p>	<ul style="list-style-type: none"> <li>• members spend about 3/4 of their time in their region, thus maintain near-constant contact with local constituency</li> <li>• Council designed for members to work on non-constant basis to enable them to get consent from regional leaders; members are supposed to maintain relationships with the electorate</li> <li>• still, member's link to the electorate is quite loose; they rely on local aides to communicate constituency complaints</li> </ul>
<p><b>INDIA</b> <i>Rajya Sabha</i> (Council of States)</p>	<ul style="list-style-type: none"> <li>• the Council of States rules do not concern themselves with provincial consultation</li> <li>• Members, per spirit of federal structure, attempt to represent state or union territory interests</li> </ul>
<p><b>MALAYSIA</b> <i>Dewan Negara</i> (Senate)</p>	<ul style="list-style-type: none"> <li>• the whole country is the constituency of the Senator</li> <li>• the Senators are free to raise issues regarding the state from which they originate</li> <li>• in some provinces, Senators also are members of the State Development Committee</li> </ul>
<p><b>AUSTRALIA</b> <i>Senate</i></p>	<ul style="list-style-type: none"> <li>• apart from the many avenues of informal consultation, Senators consult with community groups through the hearings of Senate committees</li> </ul>
<p><b>CANADA</b> <i>Senate</i></p>	<ul style="list-style-type: none"> <li>• Senators are seen to be largely unaccountable to any provincial constituencies, due to their appointment by central government through the age of 75</li> <li>• Senate is often seen to have close ties to business interests</li> </ul>
<p><b>UNITED KINGDOM</b> <i>House of Lords</i></p>	<ul style="list-style-type: none"> <li>• not applicable (no regional or provincial government structures)</li> </ul>

## COMMUNICATION METHODS BETWEEN PARLIAMENT'S TWO CHAMBERS

<p><b>ARGENTINA</b> <i>Federal Senate</i></p>	<ul style="list-style-type: none"> <li>• little in the way of a formal system; for example, legislative initiatives are generally not discussed in joint sessions, and differences over bills result in them being passed back-and-forth between the chambers, rather than being resolved by a Joint or Mediation Committee</li> <li>• however, some joint sessions are called to deal with bills put forward by the Executive Branch</li> <li>• political party members hold joint meetings with their fellow party members in the other House to discuss pending initiatives</li> <li>• Senate publications include: a periodic <i>Parliamentary Gazette</i> with information on Senate decisions, and issues before committees; the <i>Order of the Day</i>, with committee information; the <i>Report</i> with transcripts of sessions; and the <i>Log of Incoming Matters</i> with text of Senate bills and messages from the Chamber of Deputies and Executive Branch</li> </ul>
<p><b>BRAZIL</b> <i>Federal Senate</i></p>	<ul style="list-style-type: none"> <li>• the two Houses meet in joint session to acknowledge a presidential veto and to resolve how to respond to the veto (these sessions are presided by the President of the Senate)</li> <li>• leadership of both Houses meet when a bill must be decided in a joint session, such as discussion of the Federal Budget; during Joint, Temporary, Inquiry Committee sessions; and in decisions of special legislation proposed by the President</li> <li>• <i>National Congress Gazette</i> publishes the daily agenda for the Senate, the Chamber and the Congress</li> <li>• <i>Journal of the Senate</i> publishes the daily agenda and bills pending in the Senate</li> </ul>
<p><b>NAMIBIA</b> <i>National Council</i></p>	<ul style="list-style-type: none"> <li>• National Assembly Speaker notifies National Council Chairman by letter of bills that have passed the National Assembly, and vice-versa</li> <li>• 'harmonisation committee', with 3 MPs from each house, considers institutional issues affecting both houses</li> <li>• joint sessions uncommon</li> <li>• there are few meetings between the Speaker of the National Assembly and Chairperson of the National Council</li> <li>• there are more frequent meetings and correspondence between the Secretaries of the two Houses</li> <li>• Order Papers issued in National Assembly allow National Council to know of bills coming their way</li> <li>• each house produces a <i>Hansard</i> after each session</li> </ul>
<p><b>AUSTRIA</b> <i>Bundesrat</i></p>	<ul style="list-style-type: none"> <li>• the Federal Constitution lays down regulations for formal communication between the two Houses when the <i>Nationalrat</i> has passed a bill</li> <li>• distribution of parliamentary records and other documents</li> <li>• much of the informal communication takes place at the levels of the joint administration of the two houses and of joint parliamentary groups</li> </ul>
<p><b>GERMANY</b> <i>Bundesrat</i></p>	<ul style="list-style-type: none"> <li>• no regular meetings between the heads of both houses, nor between staff members</li> <li>• all parliamentary documents promptly shared, including with each of the <i>Länder</i> (state) delegations</li> <li>• a 32-member <i>Mediation Committee</i>, (with one <i>Bundesrat</i> member and one <i>Bundestag</i> member from each state) attempts to resolve disputes;</li> <li>• the Mediation Committee is used for about 10-15% of all bills; it can only make recommendations, but has a high success rate in resolving disputes</li> <li>• <i>Bundesrat</i> members and their delegates (civil servants) make extensive use of their right to take part in all plenary and committee sessions of the <i>Bundestag</i> (<i>Bundestag</i> members do not have a reciprocal right)</li> <li>• <i>Bundesrat</i> members also can get copies of reports on the recommendations of <i>Bundestag</i> committees, when they are distributed in the <i>Bundestag</i></li> <li>• a record of the <i>Bundesrat</i>'s plenary discussions and votes is published in a report after each session</li> </ul>
<p><b>RUSSIA</b> <i>Council of the Federation</i></p>	<ul style="list-style-type: none"> <li>• there are only two formal methods of interaction: 1) if a federal law is rejected, both chambers may form an ad hoc Agreement Commission to overcome the disagreements; 2) joint sittings for Presidential messages, messages from the Constitutional Court or speeches of heads of foreign states</li> <li>• correspondence by letters between the Chairmen of the chambers, and between appropriate committees</li> <li>• occasional cooperation between the chambers to push through a piece of legislation; Federation Council Chairman organizes interaction between committees and directs appropriate committees to upcoming legislation</li> <li>• publication of a <i>Hansard</i></li> </ul>
<p><b>INDIA</b> <i>Rajya Sabha</i> (Council of States)</p>	<ul style="list-style-type: none"> <li>• written messages through Secretaries-General of the two Houses</li> <li>• parliamentary papers such as Agenda of sittings; bulletins containing information such as synopsis of debates are exchanged</li> <li>• the President may address both houses assembled together (joint session)</li> <li>• meetings between leaders of parliamentary parties, the Speaker of the <i>House of the People</i> and Chairman of the <i>Council of States</i>, and their deputies</li> <li>• Secretaries-General of the two Houses and other officers meet frequently to share information and to decide on matters of common interest</li> </ul>
<p><b>MALAYSIA</b> <i>Dewan Negara</i> (Senate)</p>	<ul style="list-style-type: none"> <li>• the Prime Minister directs both houses to discuss certain issues of interest to the government; in addition there are "Pre-Council" meetings where both houses are summoned and the PM discusses which issues will be addressed during the session</li> <li>• cabinet members, who are elected to the House of Representatives, can take part in proceedings in either house, but do not have a vote in the Senate</li> <li>• a common schedule is prepared and sent to both MPs and to Senators; thus both Houses know when the other is meeting</li> <li>• the Secretary to Parliament will officially write to the Speaker of the Senate if a certain bill is to be discussed urgently</li> <li>• the Senate session normally begins immediately after that of the House of Representatives', but sometimes there are concurrent sessions</li> <li>• there also exists a "backbenchers club" at which critical issues are discussed and debated</li> <li>• there is some interaction and communication between top staff members of the two Houses, through the exchange of official letters</li> </ul>
<p><b>AUSTRALIA</b> <i>Senate</i></p>	<ul style="list-style-type: none"> <li>• formal communication takes place by conference, messages or committees conferring with each other</li> <li>• a message from the Senate to the House of Representatives shall be in writing, signed by the President or Deputy President and delivered by the Clerk at the table, and communicated to the members at the first opportunity</li> <li>• a motion may be moved at any time, without notice, that any resolution of the Senate (action taken with regard to legislation) be communicated by message to the House of Representatives</li> <li>• the Senate publishes a <i>Hansard</i>, daily and weekly notice papers and other notices about business before the Senate or which is to be introduced into the Senate</li> </ul>
<p><b>CANADA</b> <i>Senate</i></p>	<ul style="list-style-type: none"> <li>• during sessions, the Houses regularly send and receive messages through their respective Clerks of the House in regard to bills which require the assent of each House</li> <li>• frequent communication, both formal and informal, between MPs and staff of both houses</li> <li>• much information is published on the activities of both houses, such as Order Papers, <i>Hansards</i>, records of committee meetings and floor debates</li> <li>• in practice, political parties in both houses caucus together on a weekly basis to discuss policies and tactics</li> <li>• to avoid having to rush through bills, the Senate often studies the subject matter of a bill while it is still being considered by the Commons</li> </ul>
<p><b>UNITED KINGDOM</b> <i>House of Lords</i></p>	<ul style="list-style-type: none"> <li>• joint committees, and select committees of both Houses</li> <li>• bills pass between the two Houses by means of formal messages which seek agreement of the other House to the bill or amendments</li> <li>• government ministers sit in both Houses, so information shared informally through these individuals; leaders of both Houses are Government Ministers and meet regularly in that context</li> <li>• staff at all levels keep in regular contact</li> <li>• <i>Hansard</i> record of each day's proceedings is published the next day</li> <li>• Commons publishes <i>Information Bulletin</i>, detailing the business of both Houses</li> </ul>



## COMMITTEE STRUCTURES OF THE SECOND CHAMBER

<b>ARGENTINA</b> <i>Federal Senate</i>	<ul style="list-style-type: none"> <li>• there are 29 standing committees, to which all bills are routed (except for urgent business); these do <u>not</u> mirror the Ministry portfolios</li> <li>• there are also ad hoc committees, bicameral committees and fact-finding committees</li> </ul>
<b>BRAZIL</b> <i>Federal Senate</i>	<ul style="list-style-type: none"> <li>• 7 standing committees, which do <u>not</u> mirror the Cabinet ministries; these committees include: Economic Affairs; Social Affairs; Constitution, Justice and Citizenship; Education; Oversight and Control; Foreign Affairs and National Defense; and Infrastructure Services</li> <li>• in addition, there are Temporary, Special and Inquiry Committees, and Joint Committees</li> <li>• the Constitution grants Senate committees the power to debate and vote on certain bills that are exempt from being submitted to the Plenary Assembly, as long as 10% of the Senate members have indicated that they wish to do so</li> <li>• in both Houses, bills are sent first to specific committees, based upon the subject matter; President of Committee assigns one member to prepare report and opinion, which is then submitted to vote in the committee; if approved, the bill enters the voting agenda</li> <li>• one special committee exists to meet when the Senate is not in session, but only to vote on minor bills</li> </ul>
<b>NAMIBIA</b> <i>National Council</i>	<ul style="list-style-type: none"> <li>• at present, 5 standing committees have been set up to handle administrative and policy issues, including to hear Regional Reports from Councillors</li> <li>• ad hoc committees have been formed to study specific bills</li> <li>• the ad hoc committees have held hearings in Windhoek and in the Regions</li> </ul>
<b>AUSTRIA</b> <i>Bundesrat</i>	<ul style="list-style-type: none"> <li>• 15 Standing Committees (vs. 26 Standing Committees in <i>Nationalrat</i>), corresponding to Ministerial portfolios</li> <li>• standing committees in the two Houses have corresponding functions</li> <li>• ad hoc committees are rarely used</li> <li>• there exists one joint committee which is given certain competencies under the Constitutional Finance Law, but which seldom meets</li> </ul>
<b>GERMANY</b> <i>Bundesrat</i>	<ul style="list-style-type: none"> <li>• 16 committees, corresponding to Ministerial portfolios</li> <li>• every state has one member and one vote in each committee</li> <li>• generally, the Economic Committee comprises the state Ministers for Economic Affairs or their deputies, etc.</li> <li>• a minister may select top civil servants from their ministry to represent them on a committee</li> <li>• the <i>Bundesrat</i> has infrequently set up special committees, to study such issues as proposed constitutional reforms</li> </ul>
<b>RUSSIA</b> <i>Council of the Federation</i>	<ul style="list-style-type: none"> <li>• 11 committees exist, but they do not correspond to the committee structure of the lower house (the Duma)</li> <li>• mainly responsible for bill drafting and recommending a course of action on legislation to the whole chamber</li> <li>• through committees, members maintain almost constant interaction with other branches of government</li> </ul>
<b>INDIA</b> <i>Rajya Sabha</i> (Council of States)	<ul style="list-style-type: none"> <li>• there are two types of committees: ad hoc and standing; ad hoc committees are appointed from time to time to inquire into specific issues and cease to exist after they have completed their work</li> <li>• there are 9 standing committees and 6 department-related standing committees, which function under the direction of the chairman of the Council</li> <li>• committees function according to rules and directions given by Presiding officers</li> <li>• committees include: House Committee, Committee of Privileges, Committee on Government Assurances, Committee on Papers Laid on the Table, Committee on Petitions, Committee on Rules, Committee on Subordinate Legislation</li> <li>• Business Advisory Committee of each house meets separately to allocate time for business items during the week</li> </ul>
<b>MALAYSIA</b> <i>Dewan Negara</i>	<ul style="list-style-type: none"> <li>• there are no portfolio committees; there are several administrative committees, such as Committee of the House, Committee on Privileges, Standing Orders Committee</li> <li>• the whole Senate enters committee stage after the second reading to conduct detailed examination on aspects of legislation</li> </ul>
<b>AUSTRALIA</b> <i>Senate</i>	<ul style="list-style-type: none"> <li>• there are several Standing Committees that deal with the Senate's administrative issues (Committees on Procedure, Privileges, Appropriations and Staffing, Library, House, Public, Regulations and Ordinance, Scrutiny of Bills)</li> <li>• there are approximately a dozen 'Legislative &amp; General Purpose Standing Committees,' responsible for various policy areas</li> <li>• each Legislative Committee consists of a reference and a legislation committee: the reference committees inquire into and report on matters referred to them by the Senate; legislation committees inquire into and report upon estimates of expenditure, draft bills and bills, annual reports and the performance of departments and agencies</li> </ul>
<b>CANADA</b> <i>Senate</i>	<ul style="list-style-type: none"> <li>• 12 standing Senate committees, including 3 joint committees</li> <li>• the Senate is most active in its <u>investigations</u> through committees</li> <li>• ad hoc committees are formed to consider specific bills</li> <li>• special joint committees are formed to investigate and report on specific matters, such as the 1987 Constitutional Accord</li> <li>• Senate can also meet in the Committee of the Whole House to consider bills</li> </ul>
<b>UNITED KINGDOM</b> <i>House of Lords</i>	<ul style="list-style-type: none"> <li>• while the House rarely challenges the principle of a bill, after the second reading, it scrutinizes the specific provisions of public bills in the Committee of the Whole House, rather than in Standing Committees</li> <li>• unlike in the Commons, in Lords select committees do not oversee the work of particular government departments</li> <li>• two Lords Select Committees: European Communities Committee and the Science and Technology Committee; third investigative committee usually appointed ad hoc to consider general issue -- currently the Public Service</li> <li>• also range of select committees to consider internal affairs and administration of Lords</li> <li>• <i>joint committees</i> established to consider certain technical aspects of legislation (equal number of members from both Houses)</li> </ul>



## DIVISION OF SERVICES AND RESOURCES PROVIDED FOR THE TWO CHAMBERS

	Services Provided Jointly	Services Provided Separately
<b>ARGENTINA</b> <i>Federal Senate</i>	<ul style="list-style-type: none"> <li>the Library of Congress answers requests from members of both Houses (but, 'parliamentary consultation services' on legislative tasks are provided separately by each House)</li> </ul>	<ul style="list-style-type: none"> <li>services, administrative resources, and equipment are each provided separately</li> <li>separate departments within the Senate relate to general Secretariat services; committees; recording of debates and actions of the house; and publishing of draft bills, new laws, parliamentary orders, etc.</li> <li>separate meeting facilities, including committee rooms</li> </ul>
<b>BRAZIL</b> <i>Federal Senate</i>	<ul style="list-style-type: none"> <li>information, media and computer center (which also maintains all Brazilian legislation in its database) and printing office are funded and operated by the Senate, but provide services for the Chamber of Deputies as well</li> </ul>	<ul style="list-style-type: none"> <li>most staff, including personal assistants, administrators, and policy, research, legislative staff</li> <li>both Houses have General Secretariats that are responsible for all legislative activities, as well as General Directorates, which are responsible for administrative matters, personnel, finances</li> <li>separate administrative structures</li> <li>separate meeting facilities, committee rooms and libraries</li> </ul>
<b>NAMIBIA</b> <i>National Council</i>	<ul style="list-style-type: none"> <li>National Council / National Assembly Secretariat</li> <li>30 staff members (out of 60 total) are shared -- overseeing finance and personnel matters, and research and library services</li> <li>common library, dining services</li> </ul>	<ul style="list-style-type: none"> <li>most "table" staff, personal assistants, committee staff</li> <li>meeting facilities, offices</li> </ul>
<b>AUSTRIA</b> <i>Bundesrat</i>	<ul style="list-style-type: none"> <li>the <i>Nationalrat</i> is in charge of personnel matters for both houses</li> <li>the President of the <i>Nationalrat</i> can second parliamentary employees to parliamentary parties for help in fulfillment of parliamentary duties</li> <li>share legal and administrative services, such as staff, parliamentary research service (library, information, and publication, documentation of parliamentary records and statistics)</li> <li>meeting space and office facilities are mostly shared</li> <li>committee meeting rooms</li> <li>parliamentary restaurant and library</li> </ul>	<ul style="list-style-type: none"> <li>legislative services are provided separately</li> <li>separate department/ secretariat in each House (<i>Nationalratdienst/ Bundesratdienst</i>) which reports directly regarding organizational matters, preparation of the agenda, committee agendas, plenary agendas, and records of sessions</li> <li>plenary meeting rooms; office rooms</li> </ul>
<b>GERMANY</b> <i>Bundesrat</i>	<ul style="list-style-type: none"> <li>virtually none</li> </ul>	<ul style="list-style-type: none"> <li>virtually all staff, resources, meeting space and services provided separately</li> <li>separate budgets (though <i>Bundestag</i> has power to approve <i>Bundesrat's</i> budget)</li> <li><i>Bundesrat</i> relies on resources of state ministries for research, rather than on a parliamentary library</li> </ul>
	Services Provided Jointly	Services Provided Separately
<b>RUSSIA</b> <i>Council of the Federation</i>	<ul style="list-style-type: none"> <li>some services which are common to both houses (such as security) are handled by the executive jointly for both houses</li> </ul>	<ul style="list-style-type: none"> <li>the chambers are in two separate buildings and thus provide nearly all of their services separately (e.g., secretarial and research services)</li> </ul>
<b>INDIA</b> <i>Rajya Sabha</i> (Council of States)	<ul style="list-style-type: none"> <li>parliamentary library, research, reference, documentation and information service under control of the <i>Lok Sabha</i> (House of the People) but also exists in <i>Rajya Sabha</i> secretariat</li> <li>Recruitment Section for Secretariat Staff (funds shared on a 2:1 basis)</li> <li>Bureau of Parliamentary Studies and Training</li> <li>committee rooms</li> </ul>	<ul style="list-style-type: none"> <li>secretariats of the two Houses have separate budgets; services required for running the Houses and Committees are therefore separate</li> <li>each house of Parliament has a separate secretarial staff</li> </ul>
<b>MALAYSIA</b> <i>Dewan Negara</i>	<ul style="list-style-type: none"> <li>all resources are shared, such as: library, canteen, transcription and secretarial services</li> </ul>	<ul style="list-style-type: none"> <li>some staff are assigned separately to the Senate to handle its administrative matters</li> <li>the Deputy Secretary to Parliament is assigned to the Senate</li> </ul>
<b>AUSTRALIA</b> <i>Senate</i>	<ul style="list-style-type: none"> <li>parliamentary library (includes reference and research service</li> <li>Department of Parliamentary Reporting Staff (transcription services, televising of proceedings, coordination of information systems</li> <li>Joint House Department (buildings and grounds maintenance, cleaning, catering services)</li> <li>Parliamentary Education and Relations Offices</li> </ul>	<ul style="list-style-type: none"> <li>each House has its own department (that of the Senate is headed by the President and the Clerk of the Senate) which provides advice on proceedings, necessary documents for processing of legislation</li> <li>each house has a set of committee rooms, but committees of one House may use the others' depending on availability</li> <li>secretarial and research staff for committees</li> <li>research and information on parliamentary matters</li> <li>management and financial services</li> <li>office facilities, information systems, printing</li> </ul>
<b>CANADA</b> <i>Senate</i>	<ul style="list-style-type: none"> <li>parliamentary library, parliamentary restaurant</li> </ul>	<ul style="list-style-type: none"> <li>virtually all staff, resources, services and meeting space</li> </ul>
<b>UNITED KINGDOM</b> <i>House of Lords</i>	<ul style="list-style-type: none"> <li>some information technologies services, including a data and video network</li> <li>Education Unit</li> <li>Works Directorate (building and maintenance)</li> </ul>	<ul style="list-style-type: none"> <li>House of Lords: Clerk of the Parliaments and his various assistant clerks -- general administrative and legislative</li> <li>separate libraries and library staff: Lords library and research facility is much smaller than Commons library, but some information and material is exchanged between them</li> <li>separate refreshment and catering facilities</li> </ul>

### **III. SUMMARY OF THE CHARTS**

NDI's comparative analysis of the role of second houses in bicameral legislative systems begins with an investigation of the purpose of the second house in each country, and what the rationale was for its creation. It then examines the functioning of the second house to reveal how rules, procedures and structures operate to further define its role in the national legislative process.

#### **Composition of Second Houses**

In most of the cases that have been examined here, the second house was created to represent the interests of the state or provincial structures within a given country. Most of the delegations are elected indirectly through the provincial or state legislatures, but there are several exceptions among the nations surveyed here, notably Germany's Bundesrat, where the state delegation is chosen by the executive rather than the legislature. Russia's Federation Council is a hybrid, consisting of the head of the legislature and the regional governor from each of the 89 regions. Canada, Brazil and Australia choose their second house through direct election from the voters.

The distinction between the two methods of choosing members of the second house is that in systems with an indirect system of elections, the second house members tend to be more closely linked to provincial structures. This tie is strengthened in countries like Russia and Namibia, where members of national second houses are not only drawn from provincial or regional bodies but retain their seats in those bodies as well.

The composition of some of the houses also seeks to promote a degree of representation to certain other interests. For example, while the appointment system for Malaysia's Dewan Negara is closely linked to political parties, it also seeks to provide representation for minority groups by allowing the King to nominate individuals capable of representing racial minorities or aboriginal groups.

The United Kingdom offers a starkly different method of choosing representatives. Members of the House of Lords, the largest second house in the world with 1,200 members, gain their positions through inheritance, Crown appointment or because of their position in the Church of England or the legal profession. As a result, the House of Lords tends to represent entrenched traditional interests. Canada's appointment system allows Senators to serve a continuous term until the age of 75, which limits the Senate's ability to reflect changing political demographics.

#### **Voting Powers in the Second House**

The power to accept, amend or reject legislation in the second chamber is key to evaluating the relative potency and legitimacy of the second house. The strongest houses among the ones studied here are the German Bundesrat and the Australian Senate. In Australia, the Senate must provide its assent to a bill before it can become a law; all legislation faces this strict requirement.

The ability of the German Bundesrat to represent state interests is most evident in its voting powers. The Bundesrat has an absolute veto on all bills affecting the interests of states, including fiscal matters. In addition, it can reject all bills or propose amendments to them (although the other house can override the Bundesrat objection with a vote equal to the majority with which the Bundesrat rejected the bill). A similar provision exists in Namibia, where if two-thirds of the National Council opposes a bill in principle, the National Assembly is obliged to approve the bill by an equal or greater two-thirds majority or else the bill fails completely. However, it does not have this power, even with a two-thirds rejection, on finance bills.

The Russian Federation Council also allows for strong representation by the regions. Certain federal laws are always subject to its approval, including: the federal budget, taxes and revenues, financial regulations and monetary policy, ratification of international treaties, issues of war and peace and alteration of state boundaries within the Federation. Another distinct feature of the Federation Council is that it cannot propose amendments to bills; it must either accept the bill or reject it in whole. Thus, it is left for the other chamber to "legislate" while it is the domain of the Federation Council to control the overall quality and national value of laws. The Brazilian Senate can recommend amendments to legislation, but the other chamber is not obliged to accept those changes.

The Canadian Senate is entitled to delay or decline to pass any bill, but it tends to use these powers discretely. While the Senate frequently does amend bills with the concurrence of the other chamber, many of the amendments are technical changes that reflect the last-minute request of the government ministry behind the legislation. The House of Lords has no final veto over legislation, although it can make amendments (however, it rarely does so if it is apparent that the House of Commons would object). In general, the House of Lords amends the details of bills, rather than challenging the principle of the bills, and virtually all of its amendments are accepted by the House of Commons. In addition, since there are no party sanctions on the chambers' "life peers," members of the House of Lords are much more likely to vote against the party line than are members of the House of Commons.

### **Introduction of Legislation Into the Second House**

Most of the houses examined here have the power to introduce legislation. One exception is the Namibian National Council; however, it does have the ability to recommend legislation on regional matters for consideration in the National Assembly. Similarly, Austria's Bundesrat cannot directly initiate legislation, except by submitting a legislative proposal to the Nationalrat.

The types of legislation which second houses are able to introduce is a determining factor of the relative strength of the second chamber in relation to the other House, as well as on its ability to represent provincial interests. The second houses in Argentina, Brazil, Russia, India, Malaysia, Australia and Canada all have the power to initiate legislation, but with certain limitations. For example, the Argentine Federal Senate may not initiate laws relating to taxation, while the Brazilian Federal Senate may not initiate bills relating to the federal budget, which is the prerogative of the President. Likewise, money bills dealing with either taxation or expenditure of public money may not be introduced to India's Rajya Sabha or to Malaysia's Dewan Negara.

The House of Lords in the U.K. has the right to introduce Public Bills through a government minister as well. Traditionally, the bills that are initiated in the House of Lords are of a technical, non-political nature, in part because the chamber includes many appointed members who have achieved a degree of distinction in their professional and academic fields. Malaysia's Dewan Negara is similarly constructed, with certain members being chosen for their professional distinction. As a result, the chamber acts as a repository of knowledgeable members of society who are able to conduct a sober and rational examination of potential legislation so that it will conform to the broader national interest.

### **Relationship Between the Second House and Provincial Structures**

As noted above, the method of composition for the second houses determines, to a large extent, the relationship between national and regional bodies as well as the degree of accountability that exists. However, there are other provisions that shape this relationship and affect the degree of communication and consultation. Second houses whose members are directly elected tend to have a negligible connection with their respective provincial or state legislatures.

The countries with the strongest ties between members of the second house and regional structures are Namibia, Germany and Russia. In all of these countries, members of the second house retain their roles on the provincial or regional level. Namibia's National Council members, for example, are specifically responsible for representing regional interests. In Germany, a very strong tie exists between each state delegation and the state government (however the same relationship does not prevail with the state legislature). In general in Germany, members of the provincial executive working on a particular portfolio subject are sent to the Bundesrat to debate issues with the corresponding portfolio at the national level.

A very strong tie exists in Russia because the delegation features a combination of executive and legislative representation from the regional level. Russia's tie with the province is strengthened by the amount of time Federation Council members spend in their region. Their members see themselves as having a particular responsibility for representing their region, which is strengthened by the fact that their electoral survival can depend on their success in representing local interests.

In several countries (Austria and Argentina, for example) members of second houses are most closely tied to their province or state through political party structures. Members of India's Council of States are tied by law to their political party whip when casting votes, however traditionally they do seek to represent the interests of their respective geographical regions. Otherwise there is no formal accountability to a state structure.

Malaysia falls somewhere in between; since some members are elected by the state legislatures they do have a different responsibility than members of the first house. However, they are not required to report back to the state legislatures and tend to have a stronger relationship with the state party rather than the state legislature.

Argentina provides an interesting example, as its Senators are currently elected by the provincial legislature, but beginning in 1999 they will be elected directly by the voters. This change was provided for in the 1994 Constitution, to give voters a more direct say in who represents them in the Senate. However, the change will almost certainly diminish the degree of interaction between Senators and state legislatures.

### **Consultation with Provincial Constituencies**

There exist varying methods and degrees of consulting with provincial constituencies -- such as local government, NGOs and interest groups -- other than the legislative or executive body from which the members of the second house are drawn.

One innovative approach was an example in Namibia, where a select committee held field hearings throughout the regions on the Married Persons Equality Bill, a bill of particular national importance. National Council members also have access to the minutes of all local authority meetings, through their positions on the Regional Councils. This enables them to maintain a constant flow of information from the local sphere of government. In Brazil, most Senators maintain constituency offices in their region, and hold town meetings.

Russia's Federation Council members spend most of their time in their respective regions, enabling them to maintain near constant contact with local constituencies and thereby to actively represent their interests.

Several of the countries profiled have weak links between second house members and provincial or state constituencies. In Malaysia, Germany and Austria, links with regional political party structures tend to be stronger than that with other constituencies. Finally, in Canada Senators are largely unaccountable to provincial constituencies due to their appointment by the central government which lasts until they are 75 years old. In fact, Canadian Senators are seen to have strong ties with business interests in contrast with their few links with other provincial groups.

### **Communication Methods Between Parliament's Two Houses**

Many of the same methods of communication between the two houses of Parliament are employed throughout the countries. Publication of Parliamentary Gazettes, Hansard, Senate Journals and Order Papers that include reports on Senate activities, daily agendas of sittings, bills under consideration and bills adopted, session transcripts, text of bills and committee recommendations are fairly common to all of the systems examined.

Another commonality is the exchange of messages between the two Houses, generally through the President's or Clerk's of the House, depending on whether or not the body is in session when the message is being transmitted. The President of several of the countries also is legally allowed to transmit a message to either one or both houses on matters of pending legislation or other matters of executive interest.

Joint committees are common to many of the systems, but for varying reasons. In Argentina's Federal Senate, joint sessions generally are called to deal with bills forwarded by

the executive branch, while in Brazil's Federal Senate, joint sessions are held to acknowledge presidential vetoes and to resolve how to respond to them. In Germany, 'Mediation Committees' are central to resolving legislative deadlocks between the two houses, while in Russia the 'Agreement Commission' plays a similar role.

In Russia and India, the President of the country addresses joint sessions of the whole, and the King can do the same in Malaysia. In Russia, joint sessions also are held to receive messages from the Constitutional Court, or to hear the speeches of visiting foreign heads of state. In Namibia and Austria, joint sessions are uncommon.

### **Committee Structures of the Second Chamber**

All of the chambers examined have some form of committee system, but their role and structure varies from country to country. A primary distinction among committee systems revolves around the question of whether the committees correspond to the ministerial portfolios, or correspond to the committees of the other chamber. The second houses of Argentina, Brazil and Russia do not correspond to the ministerial portfolios. In Germany and Austria, however, they do; in fact Austria's Bundesrat committees correspond both to the portfolios of ministries as well as to the committees of the other chamber. In Germany the committees comprise members of the provincial ministry responsible for that particular portfolio at the provincial level. There is a constant connection between the province and the national level on an issue-by-issue basis, as each state has one member and one vote in every committee.

Malaysia's second house has no standing portfolio committees, and only a few administrative committees. The whole chamber does go into committee session to examine bills in detail. The Namibian National Council has recently implemented a system of standing committees, but for a longer time has featured ad hoc committees to study specific pieces of legislation. As mentioned above, there is now a precedent in Namibia for committees to hold hearings in the regions in relation to particularly significant bills.

In several of the second chambers, such as the Russia Federation Council and the Austrian Bundesrat, the number of committees is far fewer than in the other house. This is true in the House of Lords in the UK, which makes little use of standing or select committees and where the select committees notably do not oversee the work of governmental departments. Rather, the committees in the House of Lords tend to focus on internal affairs and administration of the House.

As mentioned above, joint committees exist in Germany and Russia specifically for the purpose of resolving disputes between the houses.

### **Provision of Services and Resources for the Two Chambers**

In general, most of the systems involve some sharing of resources between the two Houses. Services often shared include: libraries and research services, administrative staff, transcription services and institutional support services, such as security and grounds

maintenance. This varies, of course, from system to system and a closer examination of the charts will provide a clearer picture of this.

However, the provision of services between the two chambers of Parliament does indicate something about the relationship and degree of interaction between them, as well as its link with the state or provincial government. For example, the German Bundesrat shares virtually no services with the other house, providing separate staff, meeting space, budgets, research facilities and libraries. In fact, members of the Bundesrat rely on the resources of state ministries for research needs, which is significant given the especially strong link between its members and the state governments. Another chamber which shares very little with its parliamentary counterpart is the Russian Federation Council, which resides in a separate building from the State Duma and provides nearly all of its services separately. Canada's Senate also has completely separate staff, resources and meeting space from the other chamber.

Malaysia provides a stark contrast, as its second house shares nearly all of its resources with the other house of Parliament.

For more information on any of the second chambers profiled in these charts, please contact Andrew Pflaum or David Stearns of the National Democratic Institute on (021) 461-6264 ph.

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## V. INDIVIDUALS CONSULTED

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