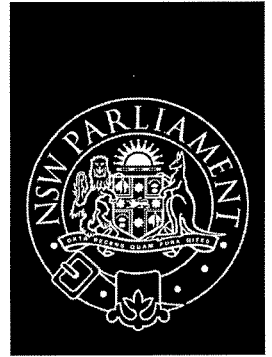LEGISLATIVE ASSEMBLY

STANDING ETHICS COMMITTEE

Report on

STUDY TOUR TO THE NATIONAL CONFERENCE OF STATE LEGISLATURES IN SAN FRANCISCO, USA 19 – 26 JULY, 2003

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3rd Session, 52nd Parliament

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Terms of Reference

The Legislative Assembly Standing Ethics Committee was established to prepare a draft code of conduct for Members of the Legislative Assembly, and to review any code introduced. The Committee is to carry out the educative work in relation to ethical standards applying to Members of the Legislative Assembly as well as providing advice on the standards.

Part 7A, Division 2 of the Independent Commission Against Corruption Act 1988 is the statutory provision establishing the committee.

Chairman's Introduction - Purpose of the Study Tour

The Legislative Assembly Standing Ethics Committee has a statutory function under the Independent Commission Against Corruption Act of drafting and reviewing a Code of Conduct for Members of Parliament. It has a further statutory function of reviewing ethics issues and undertaking education on ethics for Members.

The Committee completed a review of the Code in 2002, and in late 2002 tabled a further report making a number of recommendations for amending the Code, and the provisions of the ICAC Act which pertained to the membership of the Code and its functions.

During this Parliamentary term, the Committee will be pursuing implementation of the recommendations made in previous reports relating to the Code and the Pecuniary Interest Register. The Committee's recommendations for more extensive orientation for new members and members' staff have also been implemented with the new Parliament. The Committee recognises that there is still a need to undertake more work in this area, and it is expected that this will also be a focus for the Committee during the 53rd Parliament.

In order to be able to properly review the Code in two years time, the Committee members will need to become familiar with the range of issues covered by the Code of Conduct, internal guidelines and existing legislation in NSW and elsewhere. There has been recent administrative and regulatory activity throughout Australia and overseas in response to issues of conflict of interest and disclosure. The broader issue of corporate governance and business ethics has also been an active contemporary issue, with a flow-on to the public sector and political environments.

The annual meeting of the National Conference of State Legislators provided an important opportunity for the Committee to keep abreast of breaking developments in the field of political and government ethics in the United States, Canada and other countries and territories. Accordingly a delegation from the Committee comprised of Mr John Price MP, Deputy Speaker and Chairman of the Standing Ethics Committee and Mr Barry O'Farrell MP, accompanied by the Clerk to the Committee, Ms Ronda Miller, was given approval to attend the Conference held in San Francisco on 21-25 July, 2003 .

Of major interest to our Committee were the sessions on ethics issues provided by the Center on Government Ethics, a unit within the NCSL. The Center had undertaken a major comparative cross-state study of ethics laws and regulations in 2003 and published a report just prior to the July meeting. However, the workshops run by the Center on Government Ethics at the NCSL meeting took a wider starting point than a simplistic straight-forward regulatory approach to ethics, and tried to prompt deeper reflection on issues such as conflicts of interest which fall to legislators themselves to resolve.

The delegation attended the ethics workshops held on 24 July and the daily plenary sessions as a group. At the special International Program held on 21 July, following the plenary briefing session, the delegation contributed to the workshops on sustainable water resources and total catchment management, education issues, and renewable energy technologies. Later on 21 July individual members of the delegation attended meetings of the Communications, Technology and Interstate Commerce Committee and Ronda Miller was

invited to attend the meeting of the American Society of Legislative Clerks and Secretaries. On other days of the Conference the full delegation attended the plenary and other functions, and then split up to attend as many of the sessions and meetings as possible from amongst the wide-range offered each day.

The report below records summaries of the Ethics Centre sessions, and notes of other sessions which would be of interest to members of our Parliament. In addition to briefing the full Standing Ethics Committee on the workshops, the delegation upon its return forwarded certain briefing notes, case studies and publications obtained at the NCSL meeting to the Select Committee on Natural Resources, the Select Committee on Disposal of Nuclear Waste and the Commonwealth Women Parliamentarians for their information.

I commend the report to the House.

JOHN PRICE
Deputy Speaker
and Chairman of the Committee

Annual General Meeting of the National Conference of State Legislatures

The General Meeting of the National Conference of State Legislatures is the pre-eminent professional development opportunity for US state legislators. The National Conference of State Legislatures (NCSL) is a bipartisan organisation that provides a range of services to US legislators and staff, aimed at assisting the effectiveness, independence and integrity of state legislatures. The NCSL has further objectives of facilitating information exchange and fostering co-operation between state legislatures, improving the operations and management of state legislatures and encouraging the practice of high standards of conduct.

The NCSL fosters co-operation between state legislatures in the US and legislatures in other countries by a range of services, including offering a strong program for international legislators within the framework of the annual NCSL meeting.

Sessions at the meeting include briefings on contemporary political, economic and legal issues as well as research and innovative social programs. The various sections and departments of the NCSL executive also hold workshops on subjects of professional interest to politicians on topics including communications, technology, state-federal relations and committee processes.

The NCSL operates through 15 Standing Committees which guide the lobbying efforts of the Conference and formulate policy on federal issues that affect the states. The Annual Conference is the primary forum for ratification of the decisions of the Standing Committees, and also the main opportunity for exchange of ideas and information among state legislatures. The special interest committees run general sessions and workshops concurrently with the NCSL program.

The American Society of Legislative Clerks and Secretaries also offers professional training sessions during the week-long meeting, and holds its executive planning meetings and awards ceremonies during the NCSL conference. Other special sections meeting in the course of the conference include the Legislative Information and Communications Staff (LINCS), the Legislative Research Librarians Staff Section, the Research and Committee Staff Section and the National Association of Legislative Technology.

Introduction and Overview for International Delegates
Monday 21 July 2003

The NCSL held special sessions on the first day of the meeting for the international delegates attending the conference.

The first session consisted of an overview of the state legislatures in the United States of America, and current trends, which are noted below.   The session was presented by Herb Stahberg, the former Deputy Speaker of the House of Representatives in Connecticut, and the notes below are direct quotations from his presentation.

Later in the day the participants broke into workshop groups and the New South Wales delegates attended and presented information to the sessions on Education Issues from an International Perspective, Sustainable Water Resources in a Global Context and Renewable Energy Technologies.

On the evening of 21 July the delegation also attended the welcome function hosted by the California International Relations Foundation held at the World Trade Club.

Overview of US State Legislatures

- Bicameral in 49/50 states.
- Periodic elections
- Legislative leaders are very strong, with much influence on policy formulation
- There is strong reliance on the committee system, where much of the legislative work is done.

Diversity:
- Some meet all year, like Congress.
- Others are citizen legislatures, that meet annually or biennally.
- Big differences between legislatures in compensation, level of staff provided and frequency of meetings.
- Some legislators are becoming more full-time, spending more time on the job, with constituents and campaigning.
- Compensation varies; if too great the public react negatively, but it should be sufficient to encourage participation. In the 1960s pay was a reform issue. There is a great variance: zero in New Mexico, $100 pa in New Hampshire, up to $99K pa in California. There are also per diem allowances and additional pay for leaders.

Training:
- There is currently renewed emphasis on training, with typical training being 2 days, although California, Florida and Missouri spend 2-3 weeks and use interactive training and role-plays.
- Training includes coverage of the state's tax system, educational system, state budget, and rules in committee and on the floor of the House.
- Also training in use of technology, using websites, and to connect on the floor to follow amendments, or to connect with constituents.

Women's representation:
> Representation of women has increased greatly from 4.5% in 1971 to 22.2% in 2003.
> This year 42 women are leaders in various legislatures.

Legislative Staff:
- The number and type of legislative staff is changing, to include personal staff and public information and computer staff. With trends to decentralization, legislators want control of their own staff.
- There is huge variation in the number of permanent staff (administrative and legislative) employed between different states. This is reflected in the balance of power between the legislature and the executive, as depending on the number of staff provided to a legislator, he or she is able to contribute more to proceedings. In Connecticut only leaders had staff. Legislators did not have an office; it varies greatly between states.

Partisan control:
> There is currently overall balance between the states, but increased partisanship and more conflict between Republicans and Democrats, which becomes especially competitive when numbers are close.

Technology:
- There is increasing transparency with the public, and the internet has made much more information available to the public.
- Citizens can follow the progress of a bill on the floor.
- There is a high staff reliance on technology, and much that used to be library based is now technology based.
- Most legislators have websites which show their voting record.

Term limits:
- Term limits are an issue for state legislators, and are starting to take effect.
- As a consequence there is a large proportion of new members after each election.
- In some states there are leaders and committee chairs with very little experience.

Legislative Process:
- The economic downturn has hit a number of states very hard, and had resulted in review of the budget and tax systems to increase cash flow.
- There is a palpable need to increase public trust.
- NCSL is working towards increasing the skills of legislators, particularly in reaching out to the public.

International trends:
- Legislatures and Parliaments are increasingly active in the area of executive oversight.
- Working on strengthening committee processes and improving the budget process.
- Members are increasingly engaged in improving their relationships with constituents.
- Legislatures are taking on important issues such as corruption (eg GOPAC and other regional organizations aimed at taking on corruption).
- Increasing use of technology to outreach, and encourage public participation (eg video conferencing, and direct interaction with the public via email/video).
- Increasing focus on national legislative bodies, as well as a greater trend to decentralizing government to territorial and provincial governments, such as is occurring in Africa and Indonesia.
- An increasing number of women in legislatures. Some have quotas for women and disadvantaged groups.
- Legislatures are becoming more active in policy development.
- Legislators are taking a greater role in initiating legislation.
- A more open legislative process.
- More interest by NGOs, the media, academics, international organizations (eg USAID) in the legislative process, and as there are more players this dilutes the role parties are playing in the legislative process.
- Partisanship means less compromise on issues, which can leave a stalemate especially evident in post-conflict countries (eg Mozambique).

Current US issues:

- The power to recall (recall of Grey Davis on foot in Sacramento on 21 July as NCSL met).
- Are term limits (eg 2 terms) a recipe for chaos? California is a huge economy, and there is some argument it should not be governed by new-chums.
- Term limits have been reduced across America, and only 16 states now have term limits. The aim behind term limits was to reduce the power of incumbency, and the difficulties faced by new candidates for election. However, in only a small number of states did the legislature itself support term limits. On the whole it arose from citizen initiated referenda.
- The principle underlying term limits has not been fulfilled in entirety. Legislators can run for the other House, or run nationally.
- Legislatures are now addressing the problems of trust in new candidates by other means, and term limits are being wound back.

There are three factors in play that reduce the power of the elected member, and are thus an incubus to good government:

- Term limits
- Recall powers
- Citizen initiated referenda.

These three factors reduce the power of the elected representative and grant power to political staff and lobbyists, the non-elected. Term limits remove "memory" from the government and have a negative effect. Citizen initiated referenda are strongly lobbyist related, and moneyed groups can effect outcomes. In California, it is estimated that for $1.5m you can put almost anything in the ballot. There is an industry of signature gatherers, and the citizen initiated referenda system bypasses the legislators.

Opinion media is becoming too centralized. There are fewer independent media organisations as it becomes increasingly corporatised.

In the current economic climate, the "budget rules the day". It is unlikely that there will be institutional changes that cost money, as continuation of the current level of services becomes an issue in some states.
For legislators, there is an emphasis on mastering technology, and the need to increase public trust.

Ethics Workshop Sessions
Thursday 24 July 2003

The morning session, entitled "Mutual Mistrust" was facilitated by the NCSL Center for Ethics in Government, together with the Leadership Staff Section (the interest group equivalent to Ministerial staffers in Australia).

Through a series of case studies, based on real life events, the workshop discussed what constituted a base level of ethical behaviour by state legislators, news media representatives and lobbyists. The panelists for the session included experienced political journalists, the Speaker of the Vermont House of Representatives, lobbyists and public affairs consultants, who discussed their respective codes of conduct and avenues of effective redress when breaches occurred.

The sessions were instructive, not only for practical suggestions and opportunities to reflect on matters common to legislators in all countries, but also in promoting greater understanding of problems facing legislators within the US political system.

In the US there are a number of particular factors which have a bearing on legislators' activities and the possibility of conflicts of interest:

- Term limits, which mean that politics is less of a profession in some states;

- The part-time (in some states 90 days every 2 years) nature of some legislatures, which means the possibility of a very real risk of a conflict of interest, or a perception of a conflict of interest, between the legislator's role as a public official and their private employment. One panelist, Mr Walter Freed, Speaker of the House in Vermont, gave his own example of his position as President of Apollo Industries, a multi-state petroleum marketer, and another participant spoke of her own ethical dilemma when, although employed in a full-time PR position with the local power company, she was asked to sponsor an energy bill.

- In some states legislators are not funded for full-time staff, and rely on lobbyists for information and research. In these states disclosure requirements assume importance, in order that expenditure by lobbyists remains transparent.

Major issues raised in discussion on the case studies which examined activities and decisions made by journalists, lobbyists, legislators and their staff are recorded below. The panel was moderated by Mr Fred Brown, former Political Editor of the Denver Post.

Professional lobbying standards

In the US there are some real problems occurring with unethical or sloppy lobbying activities (eg circulation of factually incorrect material about a legislator's voting record on an issue). Different states have different avenues of redress for these problems. Examples given included the Kentucky Ethics Committee, which has the toughest lobbying laws in the USA. This Committee has the power to fine a lobbying firm, or to stop it from operating within the state if found to have breached standards such as those of the American League of Lobbyists.

In Colorado the legislature convened a "Lobbying Practices Task Force", which enabled the legislative leadership to set the parameters for lobbyists' behaviour and relations between legislators and lobbyists. In general, the power of the Speaker and Senate President has greatly diminished as a result of limited term laws. The Report of the Task Force recommended training and orientation for professional lobbyists, and clearer rules for registration of lobbyists. The report found that there needed to be transparency about who was lobbying on which particular bills. It also distinguished between petitioning, or the act of contacting your local representative about legislation, and the work of a professional "gun-for-hire". A further recommendation was for greater enforcement of lobbying rules by the Speaker and President, and reprimanding of legislators abusing their relationship with lobbyists. The Task Force had eventuated in response to a breakdown in the good working relationship between lobbyists and legislators previously enjoyed in Colorado.

The participants in the session also discussed differences in the value and effectiveness of an ethics committee comprised of legislators, as compared to an ethics panel (community representatives and/or the Speaker and Minority Leader), versus the general market-place of politics. The question was raised of the effectiveness of ethics committees comprised of legislators alone, and discussion from the floor pointed to the wide range of issues that fell within the "ethics" compass. Independent agencies such as the FCC in California have the function of managing registration of interests, gifts, lobbying, and campaign finance laws.

Also discussed was the difference between allowing lobbyists access to legislators, and allowing them to provide hospitality, and if so, to what extent. Does declaration of receipt of hospitality overcome the creation of a sense of obligation? Is a sense of obligation different from the creation of a relationship? What distinguishes these two states? This discussion was particularly interesting in light of the sessions held on other days of the conference, on the importance of building personal relationships in effective communications.

Some states have argued that a mandatory requirement for registration of lobbyists is contrary to the US Constitutional guarantee of freedom of speech (but the majority of legislators in attendance at the session did not agree with this proposition).

The afternoon session was entitled "Ethics: More than Laws or Rules" and was facilitated by Ms Peggy Kerns, Head of the Center for Ethics in Government and Mr Bruce Feustel. Three case studies were presented as discussion points, to focus thought on the types of dilemmas which can arise for legislators and legislative staff, and to test out the application of a range of methodologies for solving such dilemmas.

The purpose of the session was to cultivate an awareness that sound ethical behavior is important, and to encourage legislators to explore their professional values and how they affect ethical decision-making. The session also highlighted that there are ethical gaps which laws do not cover, and provided practical tools to use for dealing with such difficult dilemmas.

The session opened with a discussion on what "ethics" fundamentally concerned, and how the higher values in which ethics were rooted meant they were essentially unenforceable, as opposed to "law" and "regulation" which were essentially enforceable. Ethics were essentially, to use ethicist Michael Josephson's words, "standards of conduct that indicate how one should behave based on moral duties and virtues".

The NCSL study cited 4 reasons for why ethics matter:
1. Institutional: protecting the integrity of the legislature
2. Public policy: using ethical tools for decision making
3. Personal: for yourself
4. Survival: an ethical world.

The session explored ethical values, and how they differed from other values, by asking the group to rank "professional values" such as loyalty, honesty, trustworthiness. The group then discussed the different rankings given by individuals in the group, and the reasons behind their thinking. There was a great diversity in viewpoints between legislators from different states, countries, religious and social backgrounds.

The professional values of loyalty, honesty and trustworthiness were then compared with personal values. The group was asked to consider whether their personal values were always in tune with those of their constituents, or individual constituents. In particular, the facilitator asked participants to try to think of instances when these values were in conflict. Discussion also focused on trying to identify areas were there were shared values.

Some of the dilemmas discussed in the course of case-studies involved issues of truth versus loyalty, individual versus community, short-term versus long-term, and justice versus mercy.

The three case studies were based on real life experiences, and the participants explored various methodologies' effectiveness in dealing with the ethical dilemmas presented in the case studies. The result was, as could be expected, a wide range of views as to what constituted the best decision that could be made in the circumstances. It became apparent in the discussions that elected representatives have very different opinions regarding the hierarchy of ethical values than legal counsel or clerks, and also the range of positions that could be taken by legislators varied greatly according to their state or origin (rural/highly urbanized; northern/southern/central/east coast/west coast).

Tools for ethical decision-making

The workshop tested 3 case studies against the following tools/tests which can assist in resolving difficult conflicts of interest.

Five Ways to Tell Right from Wrong:

1. The legal test
2. Professional standards test
3. Gut-feeling test
4. Role-model test
5. Front page test.

Three Principles for Resolving Dilemmas:

1. The Ends-based Resolution Principle (Utilitarianism) - Do what's good for the greatest number

   Right and wrong can be determined by assessing outcomes. This is not to be confused with "ends justify the means".

2. The Rules-based Resolution Principle (Kant) - Follow your highest sense of principle

   Using this principle there is less concern for consequences; you do not know the results of your action, but your actions are guided by "universal law"; "if everyone did it....".

3. The Care-based Resolution Principle (Reversibility) - Do what you want others to do to you.

   Put yourself in the other person's position. This principle is universal and found in many societies: the Golden Rule, Talmud, Confucius' Golden Maxim, Islam, Buddhism.
   Question: Who are the "others" we need to care about?

Outcomes of the discussion

The recent report by the NCSL on "The State of Ethics" reveals that across all fifty states there are varying degrees of ethics regulation. However, it is widely acknowledged that ethics laws have been ineffective at increasing public confidence in government and the conduct of public officials. Laws do provide guidelines and establish community standards; they can also change the culture, but do so by emphasizing legal restriction, rather than by considering "what's right".

Codes of ethics for legislators must recognize that conflicts of interest are inherent in the legislative process. Ethics sessions or orientation on codes of conduct or codes of ethics serve to raise members' awareness of the existence of conflicts of interest. Legislators may need a methodology or techniques for assessing situations where values are in conflict.

The conceptual framework for ethics needs clarifying. It is not just about laws and regulations. In the United States ethics has been strongly regulation based; the US Senate has an ethics rule book which is hundreds of pages long, and frequently amended.

Ethics is not about compliance to external rules; it's about adherence to internal personal values, and standards of conduct based on conscience or moral duties and virtues. Values-based standards are tougher to meet than laws, and more flexible. Difficult areas are not covered by laws or rules; it must be acknowledged that there are grey areas and right-versus-right choices.

Ethics legislation should have an educational component that addresses the rules and rationales as well as the broader ethical obligations and opportunities inherent in public service.

The observation has been made by Rushworth Kidder of the Center for Global Ethics that the modern political structures in the USA tolerate and allow unethical behaviour. In the US voting is not compulsory, there are term limits, there is extensive use of expensive television advertising, there is growth of third party (including lobbyist) advertising, and increasing negativity of campaign discourse.

The last decade has seen a ratcheting up of ethics issues as an element in campaigning. It was also argued by some participants that changes in media ownership have resulted in more sensationalist reporting in the drive for ratings, and that as local media becomes more centralized, there are more cheap-shot stories on topics such as legislators' travel/expense allowances.

The Virtual Legislative Office
Information Technology Trends and Topics
XML Editors and Open Source Solutions
Monday 21 July
Thursday 24 July

The National Association of Legislative Information Technology hosted a number of sessions and site visits during the Conference.

The session on the Virtual Legislative Office discussed how to make technology work effectively, with a sophisticated use of wireless PDAs and scanners to organise a member's electorate activities and correspondence. Representative Rob Schaaf, Missouri described his use of scanned documents to enable access to his "paperless office", and to track legislation and amendments and representations he had received about particular bills.

On-line technology can improve the consideration of a bill, since it is possible to see anywhere, the state of the bill as it is being considered on the floor of the House. Mobility is a great benefit compared to laptops; however the memory capacity is less and need to recharge more frequent. You can update the constituent database in the field.

Other speakers in the session pointed to the benefits of palm pilots permitting access to correspondence anywhere, once it has been scanned in. Compatibility between the scanner and the palm pilot is essential. The choice of software is crucial, and the cost is very high compared to laptops.

A business card scanner is also very useful, and with OCR can include notes made on the back of the card.

Representative Schaaf also described how he uses digital video and disk technology so that constituents can "leave a message" for him when he is not at the office.

Workshop

The panel from Florida, the House of Delegates, Virginia and the Legislative Reference Library, Minnesota, described how their legislatures had moved from stacks of bills and journals on the desk to a 15" plasma screen on the floor.
In Minnesota the Senate Chamber does not permit computers to be used on the desk. However, citizens expect to be able to contact their representatives electronically. In states where members do not have full-time personal staff, email has become very important.

In Minnesota, each member was provided with a scanner, computer and Acrobat software. It was very expensive to introduce, as hardware and software was standardised, and security was important, and compatibility necessary across firewalls and routers.

Migration is potentially a problem, as pdf may not be a standard format in the future and conversion may be very expensive. There are still paper copies of reports, bill tracking and journals.

Negatives about the paperless office:

The time taken to scan documents.

Filing needs to be precise to permit accessibility.

Cost.

Glitches, such as "limiting out" trashing all files and records in error.

In Nevada, emails etc increased the use of paper.

Possible implications for change in the future – will the legislature be circumvented?

Anti-spamming software is a necessity; but blocking needs to take place at the personal level, not at the central server level.

Web content is limited by the staff available to create the site and update it.

Wireless email can have security problems.

Training requirements are high if there is large staff turnover; it needs to be one on one. Set up and support are also time consuming, so there needs to be standardization across the legislature to one model or brand of PDA. Standardisation can lower maintenance costs.

Positive:

The accessibility of a whole filing cabinet by portable computer.

In states where the legislature is distant from the bulk of population (eg Nevada) over half of all committees use video-conferencing.

Chamber time can be used to do emails and "chat" with constituents.

XML Editors and Open Source Solutions

A number of states are considering alternatives to expensive software packages, and developing their own databases.

The State of Florida has recently switched to an XML based system, which is based on the content of documents.

Legislative automation faces unique challenges: in that there are 2 chambers designed to work differently, designed "to disagree". There are critical time-sensitive requirements. There are short, variable funding cycles and procedures. There are frequent changes in direction from the legislature, especially with term limits. There is a constant need to evolve, improve and move to e-government, use e-business etc.

The Florida Senate used to have multiple databases, with data from different eras, in incompatible formats and redundant data. There were 78 different systems (proprietary tools) in use, and inflexible customized applications. The House was a Microsoft shop, while the Senate did not want to be wedded to Microsoft, so had multiple, sometimes conflicting technologies.

The key technology drivers in the Florida Senate were:

Term limits were a problem, and across the administration there were direction changes, and budget limitations. There were aging, stove-piped legacy systems, an aging workforce, and increasing need to provide support and tools.

The technology being used was based on many different databases, was difficult to support, and portions using proprietary code were very expensive to modify. The system was inflexible and slow because of the incompatibility between applications.

The content of the database was the only bit that everyone agreed on. There was less agreement on the process to be used to access and input it.

If there is a common view of the content, this supports a move to unified technology, and autonomous technology paths.

It is very hard to get agreement on technology. Technological uniformity cannot be the basis for change, because consensus will not be reached.

Advice to organisations wanting to change:

1. Set expectations and the mandate "to make it better".
2. Technology is the tool, not a religion, a servant, not a master. Focus on long-term results.
3. Develop a new approach to the problem of automating legislative relationships.
4. If you look at content, you create a fluid environment you can dip in and out of.

XML is the most likely vehicle for consensus. XML is well supported. It does not do much more than SGML, but has Microsoft and IBM to the table, and they have committed to XML compatibility. XML offers all the attributes to support the full range of legislative information and process needs. Microsoft junkies can still use Microsoft, but coming from a "content pool" there is a unified base to approach.

Relational databases didn't handle highly hierarchical information very well. XML brings this together. The old technological system matched individual software applications with specific user needs, and supported document management via separate office systems, if at all.

The new, content based approach, views user needs in context of the all-over flow of information; looks at applications that use the "content" repository; bases all storage and access on selected standards, developed by the organisation itself; includes consideration of the document objectives in the overall design.

In Florida, all legislative data has been interlinked. It can be pulled together, and all the logical linkages can be built. It is a layered approach. The system allows multiple use, in different formats, of the same information. XML allows easier formatting, and decreases copying of text. The initial phase is building standards-based content and access architecture for all levels of automation life.

Women's Legislative Network

The Women's Legislative Network is a sub-group of the NCSL which organised a number of sessions reviewing the representation and participation of women in politics and government, and the influence of women in the political arena in developing countries.

The status and representation of women in state legislatures and internationally was addressed in a workshop held on July 23, which reviewed the number of women currently in positions of leadership, as Speaker, or Majority or Minority Leaders.

Women in Global Politics: How are Women Changing the Political Arena?
Thursday July 24

This session was sponsored by the Women's Legislative Network and NCSL's International Programs.
Speakers included Ms Katherine Blakeslee, Director of the Office of Women in Development, US Agency for International Development, Patricia de Stacy Harrison, Assistant Secretary of State for Educational and Cultural Affairs, and
Doris Mpoumou, Director of the Gender and Governance Program at the Women's Environment and Development Organization (WEDO)

1.1 Ms Blakeslee spoke on the perspective from USAID. The proportion of women holding office in government in developing countries outpaces the US achievement in this area. There are a number of factors at play here. Some are there as a result of quotas. Of the women who hold office in Asia, over 30% are preceded by a male relative in office.

Perceptions of the effect of women in politics are mainly formed by anecdotal evidence. There are very few objective studies.

A Gallup poll held in 6 major Latin-American countries found the following views were held by the public:

66% thought women were more honest
77% thought they were better at reducing poverty
69% thought they were better at managing the economy
64% thought they were more concerned for the environment
72% though they were more concerned about education
74% thought they were more committed to beating corruption.

There was a measurable decline in the public perception of the level of corruption of around 15-20% as women increased their involvement in government.

Other findings of the study in Latin America were:
. Alliances between women in executive government and community organisations   were very powerful.
. Women need to obtain a critical mass in government to be effective.
. Just a few women in government is insufficient to bring about change.
. Differences are often seen at a local level.   The introduction of a quota of 33% of places for women was accompanied by increased legislation in areas of alcohol abuse, education, access to water, domestic violence, and access and location of services such as clinics.

When women are brought into the political arena their perspectives, and issues of especial interest to women are brought into the political arena. In terms of affecting decision making, women's issues such as domestic violence, child-care and education are more likely to be acted on when women are there in critical numbers.

In East Timor, 26% of seats in the new government were allocated to women. The United Nations is now considering the role of women in the new government in Iraq.
In Africa, there is a "gender budget".

USAID is involved with the UN in helping women to gain electoral office, and to participate politically. They offer training and education.

Studies of ten constitutional systems being undertaken at the University of Oklahoma found that in federal systems, strong constitutional statements and policy statements of gender equity are predictions of greater gender equality and greater gender representation.

Doris Mpoumou, in addition to giving an outline of the work of WEDO, informed the group of research she is currently undertaking as part of the "Global 50/50 Campaign Get the Balance Right in Government" project.

The 50/50 Gender Balance organisation has launched campaigns in 16 countries and distributed advocacy material on ways to use the International Women's Treaty and its Optional Protocol to advance women's political rights at the national and local levels. "Women's under-representation in Parliament is a global disease, and women are underrepresented not only in Africa and Asia, but also in Congress, where women hold only 14% of seats."

Three things increase women's representation in decision making:

> (1) In the 14 countries that have achieved critical mass of at least 30% representation, women got there by using a quota of some kind. There are different types of quotas, constitutional, voluntary, party led quotas, or even the "sandwich system" of alternate listing of men and women on the ticket.
> (2) Proportional representation is the best system for increasing representation of women in Government. This is a foreign concept in the USA.
> (3) Countries where women have critical mass have a campaign finance system of some kind.

PLENARY SESSIONS

The Opening Plenary Session on Tuesday 22 July commenced with a multi-media presentation on Homeland Democracy, in which Representative HB Downer from Louisiana honoured legislators and legislative staff who had been called to active duty during Operation Iraqi Freedom. The ceremony also launched a new NCSL publication "Representative Democracy and You", aimed at communicating the fundamental principles of the US system of government.

The ceremony was followed by a presentation by Dr Sung Won Sohn, Executive Vice President and Chief Economic Officer for Wells Fargo Banks, who reviewed the state of the American economy, and forecast major indicators for 2003-2004.

On Tuesday members of the delegation also attended sessions on State Progress in Traffic Safety, which looked at initiatives in three different states; and Public Private Partnerships, which examined two instances of innovative partnerships. In one case-study a private developer had incorporated public school buildings into an infrastructure project, and another example looked at risk-sharing in financing tollways.

Another member of the delegation observed the meeting of the Economic Development, Trade and Cultural Affairs Committee, which was discussing "States and International Trade: Protecting Federalism while opening markets". The committee was debating a policy resolution which rejected many aspects of free trade agreements, claiming conflict with state constitutional provisions. California in particular is a state with a large agricultural industry vulnerable to more open markets. Discussion became tense as representatives of third world countries put the case for wealthy economies to encourage poorer countries to increase exports, and in many cases the only export opportunity for third-world nations involve agricultural products.

This was an interesting meeting as the Bush Presidency has committed to opening markets through a fast-track "Trade Promotion Authority". The meeting was informed of the progress of trade agreements with Chile and Singapore through the Senate, where they were not subject to amendment, only approval or veto. The California Senate has a Special Select Committee on in International Trade Agreements and their potential conflict with state laws. For example, the Committee reported that the investment rules of some of the international agreements were in conflict with state legislative law-making authority.

Later in the afternoon there were presentations by representatives of the Export-Import Bank of the US, an independent agency that supports US exports by supplementing commercial financing and absorbing foreign buyer non-payment risk. An officer of the US Foreign and Commercial Service also outlined the support available from the 150 overseas offices, and 108 US-based export offices the Service operated.

At the conclusion of the plenary session on Tuesday, a reception was held by the President of the NCSL Executive Committee, Senator Angela Monson, in honour of the Australian and Canadian delegations.

On Wednesday 23 July, the Clerk to the Committee spoke at the session sponsored by the American Society of Legislative Clerks and Secretaries and the International Program on "Legislative Environments: a Global View". The session discussed similarities and differences in chamber operation and parliamentary procedures in the United States, Canada, and legislatures in the UK, Africa, South America and the Pacific. The New South Wales presentation examined the purpose of recording proceedings, the role of journals of the House and Votes and Proceedings documents, and exhibited the CD-Rom of the proceedings in the House which has recently been produced, which pairs video footage of debates with a text-searchable Hansard entry.

The closing plenary session on Friday 25 July was presented by Melinda Gates, co-founder of the Bill and Melinda Gates Foundation, which funds a range of initiatives aimed at improving public schooling in poor rural and urban areas. She spoke of the major measurable improvements in student retention and learning achieved through smaller class sizes, smaller, more personal schools, and greater focus on individual students' needs.