

VI. The Chamber of Deputies of Chile

Communication by Mr Alfonso ZÚÑIGA OPAZO (Chile), Moscow Session (September 1998)

Mr DA VIES welcomed his colleagues to the final sitting of the ASGP's session in Moscow. They were to begin with a communication from Mr Alfonso ZÚÑIGA OPAZO, Deputy Secretary of the Chamber of Deputies of Chile on the work of his Chamber.

Mr ZÚÑIGA said that at its creation on 4 July 1811 as the First National Congress, the Parliament had only a Chamber of Deputies and was thus unicameral. Later it became a bicameral Parliament, in 1822, and had been bicameral ever since. From 1811 to 1973 Chile, with a population of less than two million, had known a Declaration of Independence, a revolution and a civil war with many dead. But throughout the Chamber of Deputies had continued its work until 1973, on 11 September, when exactly 25 years ago the government of Salvador Allende fell. During that whole period the Chamber had worked uninterrupted apart from four years during the War of Independence. They had tried out several constitutions. The one drafted in 1833 was the basis for the current system although there had been major amendments in 1925 (the "Constitution of 1925"). The 1925 change was so radical that it was in effect a new constitution but formally from 1833 until 1980 they had a single constitution. The written document which had been circulated provided all the details.

Deputies were elected for a four-year period. Ordinary sessions took place between 21 May and 18 September with extraordinary sessions taking place when called by the President of the Republic between 19 September and 20 May. In effect the Chamber worked for eleven months of the year. Its main tasks were legislation and oversight of the Executive. The special procedures for legislation were explained in the written text provided. The 1980 Constitution provided for a Constitutional Court to take a view on the constitutionality of draft bills. Deputies enjoyed immunity but only for what they said in either parliamentary committees or in the plenary. Before the 1980 Constitution, deputies enjoyed total immunity. That was no longer the case and legal proceedings could occur against a deputy. There was concern as to the image of the Chamber and of politicians generally. During military rule, that is for a period

of over fifteen years, much was said about "the politician". No-one taught anything about the nature and functions of parliament. Now the parliamentary channel broadcast thirteen hours a day from 10 a.m. to 11 p.m. with live broadcasts from both the plenary and committees. All proceedings were also recorded. This was very important since all interested in parliamentary debates could follow events in the Chamber. An example was accusations against General Pinochet which took place in a six-hour session. This was broadcast and repeated at least four times so that all could follow the debate. They also had an information network and contacts all over the world.

In conclusion Mr ZÚÑIGA gave an account of a day in the life of the Chamber. The previous Tuesday there had been a debate on a draft law concerning a primary system for presidential elections. The sitting began at 11 a.m. The Presidium had six seats for the Secretary General, the First Vice-President, the Second Vice-President, the Speaker and the Deputy Secretary General and for a secretary who took notes. The Speaker rose and a bell was rung. The list of notices for the day was then read out. For instance, a notice that a deputy requested to leave the country for a period of more than thirty days, or a committee asking for more time to complete a report. There was then read out a list of all documents to have reached the Assembly. This was read out by the Deputy Secretary General. The plenary was then asked if there were any questions. Any such questions were answered. Fifteen minutes were then set aside for discussion of "immediate questions". There was also time for "easy topics", for instance international agreements where no debate was allowed merely agreement or disagreement.

The Chamber then came on to the Orders of the Day. In the debate on the proposal for primaries the main speaker began with a thirty-minute speech. Then the Rapporteur of the Finance Committee spoke on the cost of the proposal. The floor was then given over to the deputies and first of all the main spokesman from the Opposition. The debate lasted until two o'clock in the afternoon. Then the Opposition asked for a vote by secret ballot. Of course in a secret ballot there was a possibility of Government deputies voting against the draft bill. The majority therefore asked for a roll call vote and that is what took place. The Secretary General called on each of the 120 deputies asking them for their vote. For constitutional amendments a special quorum provision stated that a 69 vote majority was necessary for such an amendment to be passed. In this case a 68 majority was necessary because one deputy had permission to be out of the country. In fact 68 was exactly the majority the Government achieved. Therefore the primaries project was adopted. The Opposition, however, asked for a vote on each of the 52 articles. Voting therefore took place from 4 p.m. until midnight.

After the Orders of the Day came the Projects of Agreement, a procedure which lasted twenty minutes. There were proposals that could be formulated by anything from one to ten deputies to make observations on actions of Government and obtain a decision of the Chamber on subjects of general interest, both nationally and internationally. One such project might for instance be to ask that the President be petitioned with regard to a drought area, to declare a state of emergency and provide real subsidies. At the beginning of this procedure the Secretary General would leave the hall since he was present only when legislative matters were being discussed. For Projects of Agreements it was the Deputy Secretary General who read the proposals. On any individual Project of Agreement, a maximum of ten minutes could be devoted for discussion, five minutes for up to two deputies speaking for the project and five minutes for up to two deputies speaking against it. Voting then took place using the electronic system. Deputies could vote either yes, no or abstain. After this procedure there was one hour devoted to oral questions. Each party was given a number of minutes in proportion to the number of deputies that they had in the Chamber. The order of speakers was established by a rota system. The head of each party gave in a list of those deputies who were going to take the floor and the time allotted to them. Each deputy could speak of problems in their particular area of the country. The Speaker then declared the sitting closed and the time was noted. The Secretary General and Deputy Secretary General prepared documents on the questions and requests for information which the Speaker would then pass on to relevant ministries.

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The President thanked Mr ZÚÑIGA for his comprehensive report on the work of the Chamber of Deputies in Chile. He noted that there were different types of voting system. This was somewhat confusing to a Chamber such as his own which had only one. In the House of Lords it took about six minutes for everyone to vote. However, in the Chamber of Deputies in Chile it appeared from what Mr ZÚÑIGA said that it took much longer for an individual deputy to vote. That did not seem the best use of time. Mr DAVIES also asked how many days in the year the Chamber sat since its daily session was so long. Mr DAVIES referred to the written document Mr ZÚÑIGA had circulated and the issue raised there of the technical difficulties facing a parliament recalled for the first time after sixteen years. He wondered how the new parliament recruited new staff and whether any staff were re-employed who had worked in the old parliament.

Mr ZÚÑIGA said that there were different systems of voting used in the Chamber but the most usual was electronic. Previously the main voting system had been by the raising of hands. Roll call was done going down the list of 120 deputies. The name of the deputy was called out until the list was concluded. Each name was read and the deputy was then asked how they were voting. The roll call was an exceptional form of voting and used most frequently by the Opposition to see whether certain Government deputies were or were not present. The votes usually took place very simply and accurately. The question was put twice and then the results appeared on the screen.

The headquarters of the Parliament were not in Santiago but in Valparaiso. There was therefore a system in which the Parliament met for three weeks in Valparaiso with a fourth week free so that the deputies could go to their own district. It was not possible to go the long way to many of the constituencies simply for the weekend. Thus the Parliament met for three weeks in the month and for three days in the week from Tuesday to Thursday. Political meetings took place in Santiago since the President was there and the political parties' headquarters. It was true that the Parliament being in Valparaiso caused some difficulties. He had entered the employment of the Chamber in 1959. In those days he could walk from the Chamber to a ministry or to the office of the President. Now if a minister was to go to the Parliament he would take two hours to get to Valparaiso and two hours to get back and there were not sufficient funds for this purpose at the moment. In 1973 the most up to date machine in Parliament was typewriter. In the interim period computers had been introduced elsewhere but Parliament could not introduce the change-over since the Chamber of Deputies did not exist. The Chamber of Deputies was currently staffed by 367 officials. The new staff regulations had been written by the officials of the Chamber of Deputies. The parliamentary service had continued in existence during the military regime but the officials were sent to work elsewhere.

Mr DÄSTNER (Germany) thanked Mr ZÚÑIGA for his account of the work of the Chamber of Deputies. He was interested in the relation between the Chamber of Deputies and the Senate. Was there a joint administration for the two Chambers, could staff move from one Chamber to the other, or were there separate administrations for the two Chambers? He also wanted to know whether senators could take the floor in the Chamber of Deputies and whether the Chamber of Deputies' decisions could be overruled by the Senate.

Mr ZÚÑIGA said that during the Junta, Chamber of Deputies' staff were sent elsewhere to work. He himself had to work in the Senate building whilst the Ministry of Justice took over the Chamber of Deputies building. There was the possibility of joint meetings of the Chamber and the Senate in special building. At present they worked in share premises but separately. They had separate

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budgets and did not work together. There was only thing that they had in common and that was that the salaries had to be the same.

Mr HONTEBEYRIE (France) thanked Mr ZÚÑIGA for his presentation and asked about the transmission of debates on television. In France they were thinking about a parliamentary channel exclusively for the work of the Assemblée nationale. He wondered whether the television broadcasts in Chile were exclusively for the Chamber of Deputies or both the Chamber and the Senate, how the TV broadcasts were financed and whether the two Chambers shared the costs if they were both covered on the channel? He also wondered whether television broadcast only the plenary and committees or whether there was also room for interviews and discussions in which politicians talked to journalists and ministers of the Government, etc. How was broadcasting managed administratively? Was the television channel a private company?

Mr ZÚÑIGA said that the television channel was only for the Chamber of Deputies. The Senate was looking at the creation of its own separate channel. The channel was very economic and broadcast by cable. Customers were offered a package of programmes. Lots of things were included together, including parliamentary coverage. The cable company tried to see how many were interested in the package and then included it in its broadcasts. Chile was a very big country therefore to broadcast to the whole of the country they would have to tape proceedings and send those tapes out to various provinces. The Chamber of Deputies had, however, rented satellite capacity, which was paid for by the Chamber of Deputies, to facilitate broadcasts. All sittings were broadcast live and the most important committee meetings. Live broadcasts were also recorded and broadcast anew on a deferred basis. Civic education videos were also produced. There was also an hour broadcast for each of the political groups, with one and a half minutes allotted to each of the deputies in the group. The total number of minutes allotted could then be used at will, for instance, the President of the group could use all of it if he or she so desired.

Mr BENVENUTO (Italy) noted that the three most important officials, the Secretary General, the Deputy Secretary General and the Head of Committees were elected by the Chamber of Deputies and asked whether that had any significance for the autonomy and independence of the Secretary General and the other two officials.

Mr ZÚÑIGA explained that the officials worked their way up to the highest level. Before 1866, the Speaker of the Chamber was the oldest member and the Secretary General was the youngest member. Now, however, the Secretary General was an official. At first the Secretary General worked by himself but then a Deputy was appointed. When there was a vacancy for

the Secretary General, all political parties were called together for a proposal, for instance that the Deputy Secretary General become Secretary General and the First Secretary become Deputy Secretary General. It was very rare that a vote took place. It was merely a matter of making proposals which were then accepted.

Mr DAVIS thanked Mr ZÚÑIGA for his verbal communication, for the document he had circulated and for the answers he had given.

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