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**UNITED NATIONS
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RESEARCH REPORT
**Reform of the organization and operation of
Office of the National Assembly**

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A. INTRODUCTION

1 BACKGROUND

In the organization and operation of parliaments, supporting bodies play a critical role in supporting the activities of legislators and their working bodies. Like at other parliaments, the Office of the National Assembly (ONA) is the institution ensuring the efficiency of the operation of the National Assembly (NA) of Vietnam.

Over 65 years, the ONA has supported the NA. The ONA is supporting the NA deputies and NA agencies in carrying out their functions of legislation, oversight and deciding on important national issues. Furthermore, the ONA is assisting in connecting NA deputies with their constituents, providing people with information on the activities of the NA, updating the database on laws; carrying out research for NA deputies, organizing seminars and commissioning surveys for the NA.

However, the organization and operation of the ONA have many shortcomings. For instance, the legal status of the ONA has not been regulated clearly by the law. There is a lack of consistent and clear allocation of tasks among the various supporting agencies within the NA, which results in duplication and inefficiency. Supporting staff are insufficient with limited capacity, particularly for the Ethnic Council and NA committees. Some regulations on the structure, organization, and duties of the supporting bodies are inconsistent and outdated, but have not been amended.

At the 39th session of the XII NA Standing Committee, members agreed on conducting a comprehensive and detailed research of the NA supporting system and the organization and operation of the ONA in order to provide recommendations for reform in the next NA legislature¹.

¹. Minutes of the NASC session on 27 April 2011

The ONA Centre of Information, Library and Research Services (CILRES), in cooperation with the Project, will carry out the research on the “Organization and operation of the supporting system of the Viet Nam National Assembly”.

2 OBJECTIVES, SCOPE AND TASKS

2.1 Objectives

Objectives of the research are to analyze the organization and operation of the ONA; provide comparative experiences in organization and operation of other parliaments and lessons learnt that suit the Vietnamese context; contribute to improve the effectiveness, efficiency, and synergies within the organization and operation of the NA supporting system in general and the ONA in particular; provide recommendations for the ONA leadership and members of the NASC to consider and decide on the reform of the organization and operation of the ONA.

2.2 Scope

The model of the organization and operation of the Office of the National Assembly is closely attached to the organization and operation of the National Assembly. Therefore, within the scope of this report, the orientation in the organization and operation of the National Assembly has recently been defined in the documents and policies of the Party and State (such as the Document of the National Party Congress XI and the Review report of the National Assembly, etc). These documents will serve as bases for the research on the reform of the organization and operation of the ONA.

Proposed recommendations for the reform of the organization and operation of the ONA should be in line with the whole organization of supporting bodies of the National Assembly. Therefore, this report aims to reform the organization and operation of the National Assembly. However, the specific organization and operation of these supporting bodies (such as the Institute of Legislative Study, Office of NA deputies’ delegation and people’s council, etc) will not be the focus of the research.

2.3 Tasks

- To assess the current organization and operation of the ONA in the past time;
- To comparatively study the organization and operation of parliaments in the world so as to draw appropriate lessons and experiences for Viet Nam;
- To study and define advantages and challenges for the reform of the organization and operation of the ONA;
- To carry out a survey and assess the supporting need of NA deputies, NA agencies, which will serve as the bases for the reform of the organization and operation of the ONA;
- To propose specific recommendations and solutions for the reform of the organization and operation of the ONA in short and long-term period.

2.4 Methodology

Desk review: Desk review of documents of the N and ONA, and reference material on supporting systems from other parliaments and propose recommendations for the reform in the future.

Survey questionnaire is designed and used for full-time and part-time NA deputies to gather information on the usage of the existing ONA supporting system and on the knowledge of the support available to NA deputies and their work.

The survey questionnaire is delivered to 200 NA deputies.

In-depth interviews are conducted with the participation of some NA deputies, experts, researchers to gather more information of the NA supporting system.

Workshop is organized to gather information, opinions and assessments of national and international experts for the inputs of the research; a consultation workshop will be considered to gather opinions of stakeholders for the improvement of the research report.

B. CONTENTS

1 THE FORMATION AND DEVELOPMENT PROCESS OF THE NA SUPPORTING SYSTEM

The formation and development process of the ONA is linked to the historical process of the NA. At the earlier stage, the NA supporting system consisted of some supporting staff of the National Assembly Standing Committee (NASC). Along with the development of the NA, the ONA is now a ministerial agency with strong capacity to support the NA, NASC, the Ethnic Council and NA committees, NASC boards and NA deputies.

The formation and development process of the ONA can be seen in different stages as follows:

1.1 Stage from 1946 to 1960

After the victory of the August Revolution, on September 2nd 1945 President Ho Chi Minh on behalf of the interim Government read the Declaration of Independence to establish the Viet Nam Democratic Republic at Ba Dinh Square, Ha Noi.

To strengthen the revolutionary government, one of the important tasks of the Party and the people is to exercise the democratic rights of the people, organize the general election of deputies to the NA- the elected body, the highest organ of State power to prepare the Constitution, to elect the Government. Almost one week after the Declaration of Independence, on September 8th 1945, President Ho Chi Minh signed Decree No. 14-SL on the general election of deputies to the NA.

The General Election of Deputies to the 1st NA successfully took place on January 6th 1946, and the first session of the 1st NA opened on March 2nd 1946 at the Opera House, Ha Noi. At this session, the NA elected 15 official members and 3 alternate members of the Standing Committee. These members would, on behalf of the NA, implement tasks of the NA.

To meet requirements, the NASC quickly consolidated and perfected its organization. Three committees were then set up including Committee on Legislative Affairs; Committee on Economy and Finance; and Committee on Social Affairs².

To assist the Standing Committee, some Government staff were mobilized. The staff supported the communication for head of the NASC and Government, and served the Office in printing, delivery of documents, communication, financial settlement, and accommodation arrangement for NA deputies, organization of meetings of the Standing Committee, etc. These were all qualified staff with good qualities of commitment, ethics, and devotion for the assigned work.

Though there was not any legal document regulating the establishment of the Office of the Standing Committee, there were a few staff, from 5-7 people, dealing with administrative work. The effectiveness and efficiency of the Office of the Standing Committee was high, contributing to ensuring working conditions for the Standing Committee. Therefore, the March 2nd 1946 is considered the traditional day of the ONA (the NASC Office).

During the anti-French resistance, the NASC Office had, given lots of difficulties, supported the Standing Committee to fulfill important tasks. With the difficulty in communication, the staff of the Office maintained good communication between the Standing Committee and the Central Party Committee, Government, organizations, local governments and people. At this stage, the organizational structure of the Office was simple, and a more systematic apparatus was not formed.

When peace came to the North, along with the stability in operation of the NA, the organization and operation of the NASC Office was stable. At the 6th session of the 1st NA from 29/12/1956 to 25/01/1957, the NA decided to hold two sessions yearly and re-elected members of the Standing Committee, which included 15 official members and 3 alternate members headed by Mr.

². Report on the operation of the NASC presented by Mr. Nguyen Van To at the 2nd session of the 1st NA on 30/10/1946 – The NA's Document, Volume 1 (1945 – 1960). National Political Publisher, Ha Noi 2006, p.70

Ton Duc Thang. The powers of the Standing Committee were also decided to expand by the NA³. To meet requirements in the operation of the Standing Committee, the Office was organized with different divisions of clear tasks and powers. Under which, besides heads of the Office, the Office had 3 divisions in 1957: Division of Administrative Work; Division of Research Services (which was divided into 5 groups: General Research Services; Legislative Affairs, People's Petitions, NA deputies, and NA's Documents), and Division of Organization and Personnel.

1.2 Stage from 1960 to 1981

On July 6th 1960, the first session of the 2nd NA opened at the Opera House, Ha Noi. At this session, the NA passed the 1960 Constitution. Compared to the 1946 Constitution, the NASC had more powers such as the right to pass ordinances, to decide referendum, etc. The increased powers of the NASC required the reform of the supporting system of the NA, NASC and NA agencies.

Under the Law on the NA Organization passed by the 2nd NA at its first session, *“The NASC organizes its Office and other necessary supporting agencies under the leadership of the Secretary General of the NASC”*⁴. Based on this regulation, on 16/1/1962 the NASC promulgated Resolution No. 87NQ/TVQH on the establishment of the NASC Office and regulated the organization of the Office.

Article 1 of the Resolution clearly defines: *“The NASC Office is the supporting agency of the NASC and takes responsibility to serve the NASC in*

³. Tasks and powers of the NASC include:

- To cast votes on decrees. Draft decrees by the Government were presented to the NASC and NA by a minister or vice-minister. Decrees which were passed by the NASC should be submitted to the NA at its latest session for approval. Decrees which were approved by the NA would be the laws of the State;

- To communicate with NA deputies and convene NA session;

- To cast votes on requests of the Government on the selection or changes of Deputy Prime Minister, Ministers or Vice-Ministers;

- To coordinate with the Government to sign international treaties.

⁴. Article 25, Law on the NA Organization.

fulfilling its work as described in the Constitution and Law on the NA Organization”.

Being the supporting agency of the NASC, the Office had the functions of both giving advices and supporting the NA, NASC and NA agencies. The functions could be seen in its services, research services and management of administrative work such as serving meetings of the NA, NASC and NA committees; communication between the NASC, Council of Government, Supreme People’s Court, Supreme People’s Procuracy, Provincial People’s Councils and NA deputies; research on election of deputies to the NA and People’s Councils, serving the NASC in the election of deputies to the NA; management of administrative work of the NA; serving people’s petitions and foreign affairs, etc.

Though functions of the Office did not change, its tasks were defined specifically in Resolution No. 87NQ/TVQH. This was the legal foundation for the head of the Office to regulate the functions and tasks of departments and units within the Office.

At this stage, the NASC Office was headed by the NASC Secretary General. This position was elected by the NA to take daily NASC tasks and to take responsibility to the NASC on the operation of the Office. This stage lasted from 1960 to 1974. To improve the work of the Office and enable the Secretary General to implement the NASC tasks, the NASC passed Resolution No. 435NQ/QH/K4 on 28/3/1974 to name the position of Chairman of the Office so as to manage the administrative work.

According to Article 4 of Resolution No. 87NQ/TVQH, the organization of the NASC Office includes 3 departments: Department on Administrative Work, Department on Legislative Affairs, and Department on People’s Affairs.

The Department of Administrative Work had 3 divisions: Division of Administration, Division of General and External Affairs, Division of NA deputies and Organization-Personnel.

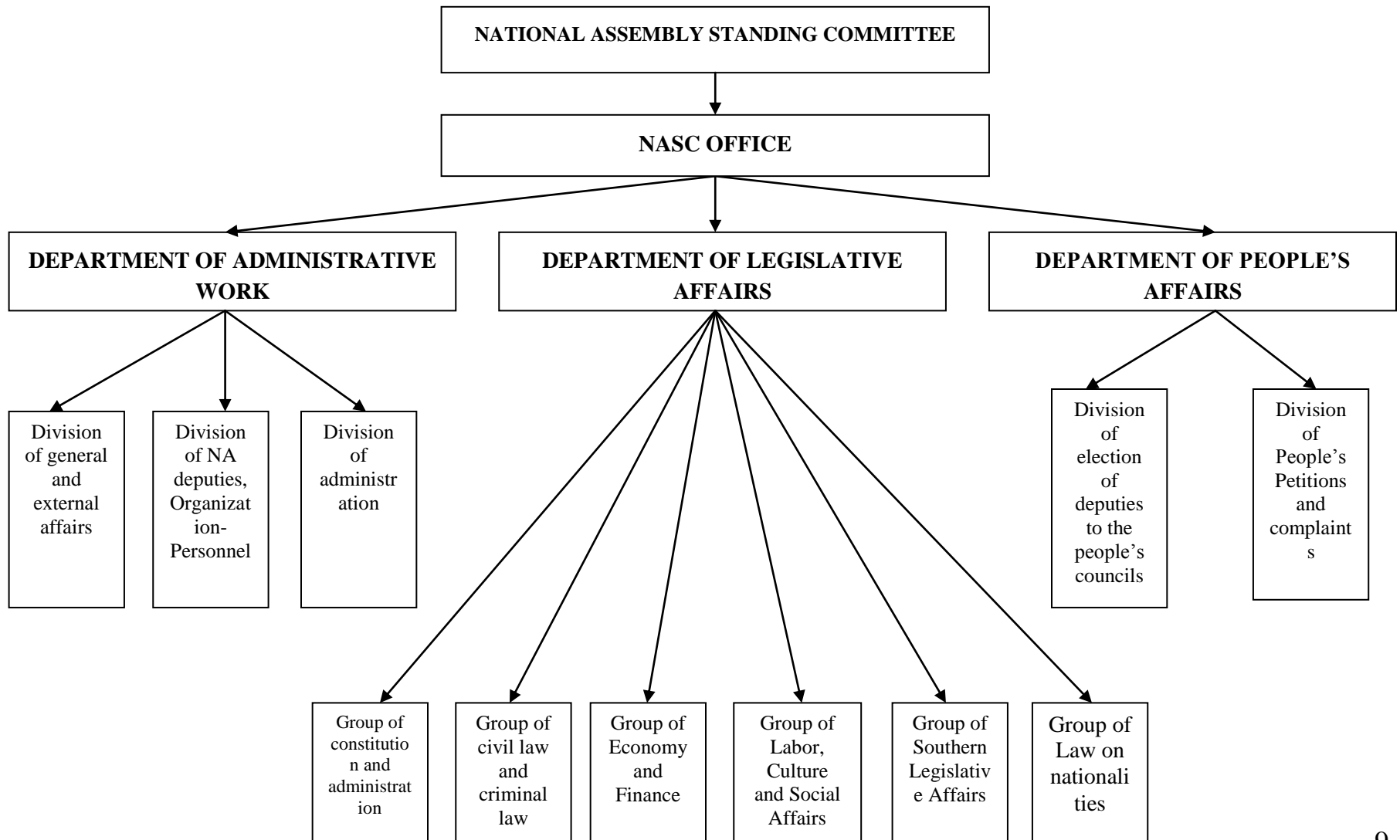
The Department of Legislative Affairs consisted of researchers of the Office with its functions to study draft laws, ordinances sent to the NASC; to implement other tasks related to legislation, oversight of the promulgation of legal documents issued by other state agencies.

The Department of Legislative Affairs had 6 working groups: Group of Constitution and Administration; Group of Civil Law and Criminal Law; Group of Economy and Finance; Group of Labor, Culture and Social Affairs; Group of Southern Legislative Affairs; Group of Law on Nationalities¹.

The Department of People's Affairs had the following tasks: research on issues related to the election of deputies to the NA and People's Council; serving the NASC in chairing the general election, monitoring the election of deputies to the People's Council; research on issues related to commendation, echelons in military and foreign diplomacy and others; research on plans guiding the People's Councils in their operation, study minutes and resolutions of the People's Councils; receipt of people coming for petitions and complaints and recommendations for settlement.

The Department of People's Affairs had two divisions: Division of General Election and People's Council, and Division of People's Petitions and Commendation.

Chart 1. The organization of the NASC Office under Resolution No. 87/NQ/UBTVQH dated 16/01/1962



1.3 Stage from 1976 to 1981

On 30/4/1975, the South of Viet Nam was liberated, the anti-American resistance successfully ended. The nation entered a new era of national construction and development for peace, independence and socialism.

To meet requirements of the new condition, the NASC Office perfected its supporting system to assist the NA in the national construction and development process.

The organizational structure of the Office: Besides maintaining three departments: Department of Administrative Work, Department of Legislative Affairs and Department of People's Affairs, the Office decided to upgrade some divisions of departments, and set up some others to better implement its tasks. Such as:

For departments, the Division of People's Petitions and Complaints under the Department of People's Affairs was upgraded to the Department of People's Petitions and Complaints.

For divisions, additional Division of General Affairs-Documents took responsibility to assist the Chairman of the Office in consolidating the working conditions; to manage the development of minutes; to announce and convey resolutions of the NA and NASC; to manage the book store, documents, archives, publications and museum.

The additional Division of Organization-Personnel took responsibility to assist Chairman of the Office in managing the organization and personnel work. The additional Division of Foreign Affairs under the Department of Administrative Work was responsible to study the external affairs of the NA, NASC and Committee on Foreign Affairs.

The additional Division of Communication in the South under the Department of Administrative Work was responsible to keep communication between the NASC Office and NA deputies in the South, to assist meetings of the NASC and NA committees in Ho Chi Minh city.

The additional Division of Security took responsibility to plan, study measures for national secret; protect the socialist assets and security of the

Office. Earlier, the work was done by a working group of the Ministry of Public Security.

Apart from additional units, the organization and tasks of departments were also adjusted as there were changes in activities of the NA. At its 1st session, the 6th NA established 3 new committees: Committee on Culture and Education; Committee on Health and Social Affairs; and Committee on Foreign Affairs, increasing the total number of NA committees to 6.

In this context, the work volume of the Office also increased accordingly. The Office adjusted the personnel and functions of its two departments: Department of People's Affairs and Department of Administrative Work. Particularly, the Department of People's Affairs took some more tasks such as to assist 4 NA committees: Committee on Planning and Budget, Committee on Nationalities, Committee on Culture and Education, and Committee on Health and Social Affairs; to assist the NASC in chairing the election of deputies to the NA and in overseeing the People's Councils and People's Committees at all levels; to monitor the NA deputies' delegations and NA deputies.

The Office staff were skillful, qualified and committed in their work. However, there still existed the limitations, and there were few Office staff that had legislative knowledge at this time, so the Office strength was not made full use. Thanks to the appropriate arrangement of personnel and work among departments/divisions, and the clear assignment of work among staff, the Office had successfully fulfilled its tasks to serve the NA and NA agencies.

1.4 Stage from 1981 to 1992

In December 1980, at the 7th session of the 6th NA, the NA discussed and approved the Law on the Election of Deputies to the NA and the Constitution 1980. Article 98 of the Constitution provided that "*The State Council is the highest and permanent organ of the National Assembly, and the collective president of the Socialist Republic of Viet Nam.*" Therefore, the State Council was the permanent organ of the NA. On 3/7/1981 and at the first session of the 7th NA, the NA cast votes to approve the Law on the Organization of the National Assembly and State Council. Article 56 of the Law provided that the State Council organized its Office to serve the NA and State Council. To have the legal framework regulating the functions and tasks of the Office, on 6/7/1981, the State Council promulgated Resolution No. 01NQ/HĐNN7 regulating the organization and tasks of the ONA and State Council.

Article 1 of the Resolution clearly provided that “ *The Office of the National Assembly and the State Council are the supporting agencies of the National Assembly and the State Council, taking responsibility to sever the State Council, Chairman and Vice-Chairmen/women, Councils and NA committees*”.

Therefore, the ONA and State Council were agencies to both support the NA, State Council, Ethnic Council and NA committees and to manage the organization work of the Office.

To implement this function, the Resolution defined that the Office had 15 tasks and powers such as: study, develop legislative agenda, organize and serve sessions of the NA, session of the State Council; study and organize to serve the NA and State Council in legislation; oversight of the Minister Council, Supreme People’s Court and Supreme People’s Procuracy; study, organize and serve the NA in examining and deciding plans and budgets of the State, amnesty, war and peace; study, organize and serve the State Council in considering and deciding the establishment and abolishment of ministries, State Committees, appointment and removal of leading positions of the State, in examining and deciding the grant of medals and honorable titles of the State; to study the working regime of the NA, State Council, Councils and NA committees; to manage the administrative work of the NA and the State Council, etc.

Resolution No. 01NQ/HĐNN7 also provided that the ONA and State Council were under the leadership of the State Council President, NA Chairman, and Secretary General of the State Council. The ONA Chairman took responsibility to manage the Office, and there were one or more than one vice-chairmen assisting the Chairman. The Office Chairman was appointed by the State Council President and the Office vice-chairmen and directors of departments were appointed by the Secretary General of the State Council.

In regard of the organizational structure of the Office, under Resolution No. 01NQ/HĐNN7, the ONA and the State Council were organized in 8 departments and one division, including:

Law Department, **whose** name was changed from the Department of Legislative Affairs, took responsibility to serve the NA and the State Council in legislation; to coordinate with other departments of the Office to study and serve the NA and State Council in overseeing the implementation of the Constitution and laws, and to serve the NA Committee on Law.

Department of the Council and Committees, which was separated from the Department of People’s Affairs, took responsibility to study and serve the NA in exercising the right to decide plans and budget of the State and in

approving the settlement of the State budgets; to study and serve the NA and State Council in overseeing plans and budget of the State in fields of economy, culture, education, science-technology, etc; to study and organize to serve the Ethnic Council and other permanent NA committees (except for the Committee on Law and Committee on Foreign Affairs) in implementing tasks of the NA and State Council.

Department of Elected Deputies' Activities, which was established on the separation of the Department of People's Affairs, took responsibility to serve the State Council in chairing the election of deputies to the NA and overseeing the election of deputies to the People's Councils at all levels; monitoring some issues related to organization and personnel of NA deputies; to study and serve the State Council in monitoring, overseeing and guiding activities of People's Councils at all levels.

Department of People's Petitions, which was re-called from the Department of People's Petitions and Complaints, took responsibility to study and serve leaders of the NA and State Council in receiving people coming for complaints, petitions, and denunciations and for expressing aspirations/suggestions to the NA and State Council.

Department of Foreign Affairs was developed based on the Division of Foreign Affairs under the Department of the Administrative Work. The department was responsible to serve the NA, State Council, Chairman of the NA and State Council in foreign affairs.

Department of Organization-Personnel took responsibility to manage the organization, develop the working system; to study and plan personnel and trainings for staff; to plan the promotion and use of staff; to manage the Office staff and salary, etc.

Department of Administrative Work- General Affairs took responsibility to study, draft the working agenda of the State Council, NA legislative agenda, working program of the Office; to provide the NA and State Council with information; carry out procedures so that the NA and State Council can decide on issues related to the organization and personnel under their authorization; to consistently manage documents of the NA and State Council; to support the publication of the NA's Documents and Bulletins; to manage the paper work, typing, archives and library.

Department of Logistics-Financial Affairs took responsibility to study and meet substantive and technical requirements of the NA, State Council, Council of Ministers, permanent NA committees and ONA; to study, estimate budget,

and settle the budget of the organization under the norms and standards of the State.

In addition to the aforementioned departments, the Office retained two divisions such as the Division of Security and Division of Communication in the South.

Since 1986, the country started its renovation period, and along with the stage the organization and operation of the Office had certain changes.

Firstly, the Bulletins of the ONA was upgraded and re-called *the People's Deputies Magazine* under the ONA and State Council. The magazine took responsibility to study theoretical and practical issues and convey information on activities of the elected bodies and voters.

To ensure the working conditions of the staff, by end of 1998 the Office Chairman decided to establish to Board of Construction Management to renovate and upgrade works of the NA, ONA and State Council.

Up to 1990, the Department of Administrative Work-General Affairs was separated into two: Department of Administrative Work and Department of General Affairs. The Department of Administrative Work took responsibility to assist the ONA Chairman in dealing with State administrative work of the NA, State Council, Ethnic Council, permanent NA committees, Standing Board of Provincial People's Councils and ONA. The department included five divisions: Division of Paper Work; Division of Typing and Photocopying; Division of Archives and Publication; Division of Administrative Work and Compliments and Division of Security.

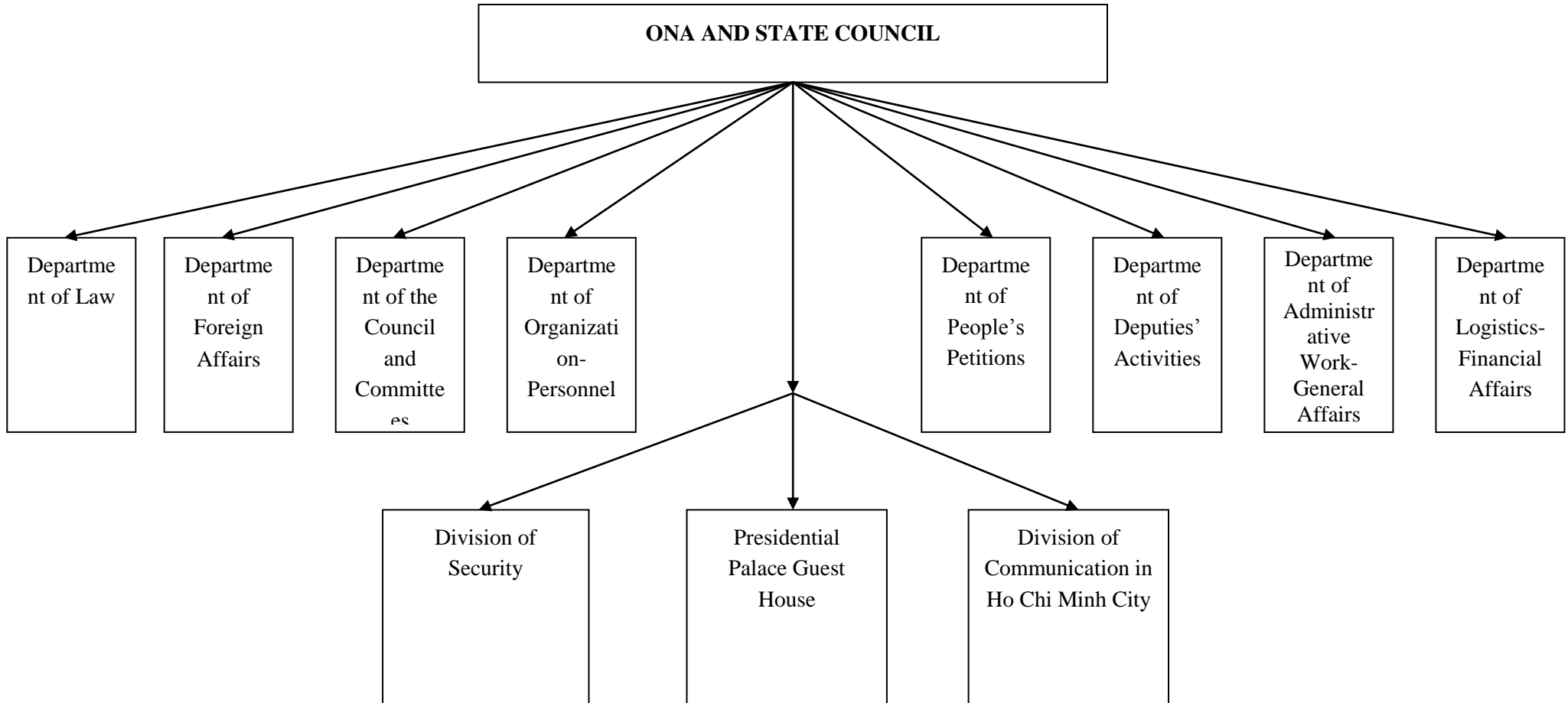
Department of General Affairs took responsibility to assist the Office Chairman in developing plans and working agendas of the NA, State Council and ONA; consolidating activities of the NA, State Council, Ethnic Council and permanent NA committees, ONA and People's Councils at all levels. The department included Division of Consolidating and Editing; Division of Information; Division of Composing NA's History; Division of Informatics; Library-Data.

The ONA and State Council worked under the leadership regime. The ONA Chairman operated the Office and was responsible to the Chairman of the NA, State Council and Secretary General of the State Council on the organization and operation of the ONA and State Council.

With regard to the number of Office staff, the number increased from 141 staff in 1981 to 230 in late 1992. In addition, the Office paid attention to enhance the capacity of its staff. 37, 55% of its staff held graduate and post-

graduate degrees. Most of the Office staff were committed, disciplined and responsible to fulfill their assigned work.

Chart 2: The Organizational structure of the ONA and State Council under Resolution No. 01/HĐNN7 dated 06/07/1981



1.5 Stage from 1992 to now

1.5.1 Organization and operation under Resolution No. 02

To institutionalize the party's policy, in 1992 the NA promulgated the 1992 Constitution. One of the important contents of the Constitution is to re-establish the NASC.

To meet the working requirements of the NA, NA agencies, the supporting system needs to clearly identify its position, functions and tasks while inheriting and developing the existing experiences.

In this context, under the provisions of the 1992 Constitution, and based on Article 79 of the Law on the Organization of the NA, on September 26th 1992 the NASC issued Resolution No. 01NQ/UBTVQH9 on consolidating the ONA and State Council into the Office of the National Assembly and assigned the ONA Chairman of the ONA and State Council to draft a project to reform the organization of the supporting system of the NA and NA agencies. On 17/10/1992, the NASC issued Resolution No. 02NQ/UBTVQH9 on the organization and tasks of the ONA.

Article 1 of Resolution No.02 provides that *Office of the National Assembly is the supporting agency of the NA and takes responsibility to study, give advices to and serve the NA, NASC, NA Chairman, NA Vice-Chairmen/women, the Ethnic Council and NA committees.*

Article 2 of Resolution No. 02 provides that the ONA has 16 tasks and powers such as: to serve the NA and NASC in legislation; to serve the NA in deciding on fundamental policies and promulgating resolutions and decisions on socio-economic affairs, the state budget, important national works, defense, security, external relations; to serve the National Assembly in exercising the right of supreme oversight of the observance of the Constitution, laws and resolutions of the National Assembly; to serve the National Assembly Standing Committee in announcing and taking prime charge of the election of National Assembly deputies; to announce the election of deputies to the People's Councils at all levels; to coordinate in organizing the reception of citizens, receipt and handling of written complaints, denunciations and aspirations of citizens; to serve the National Assembly Standing Committee in overseeing the settlement of complaints and denunciations of citizens; to synthesize opinions and petitions sent by voters to the National Assembly; etc.

With regard to the leadership of the ONA, the ONA Chairman is responsible to the NASC on operation of the Office. There are vice-chairmen assisting the chairman.

In operation, the ONA closely and internally coordinates to fulfill its tasks under the leadership of the Chairman, and keeps contacts with the Office of the Central Party Committee, Office of the President, Government Office and other concerned agencies.

In regard to the organizational structure of the ONA: under Article 4 of Resolution No. 02, the ONA has 17 departments and departmental units, including:

- Departments under the Standing Boards of the Ethnic Council and Committees who lead the professional work of the departments; ONA Chairman leads other work, which includes 8 departments: Ethnic Department; Law Department; Department of Economy and Budget; Department of National Defense and Security; Department of Culture, Education, Youth and Children, Department of Social Affairs, Department of Science, Technology and Environment; Department of Foreign Affairs.

- Departments by members of the NASC are professionally led by the NASC; ONA Chairman leads other work, which includes 2 departments: Department of Deputies' Activities and Department of People's Petitions.

- Departmental units led by the ONA Chairman include Department of General Affairs, Department of Logistics-Financial Affairs, Department of Organization-Personnel; Department of Southern Affairs, Department of Administrative Work, Center for Information, Library and Research Services; People's Deputies Magazine.

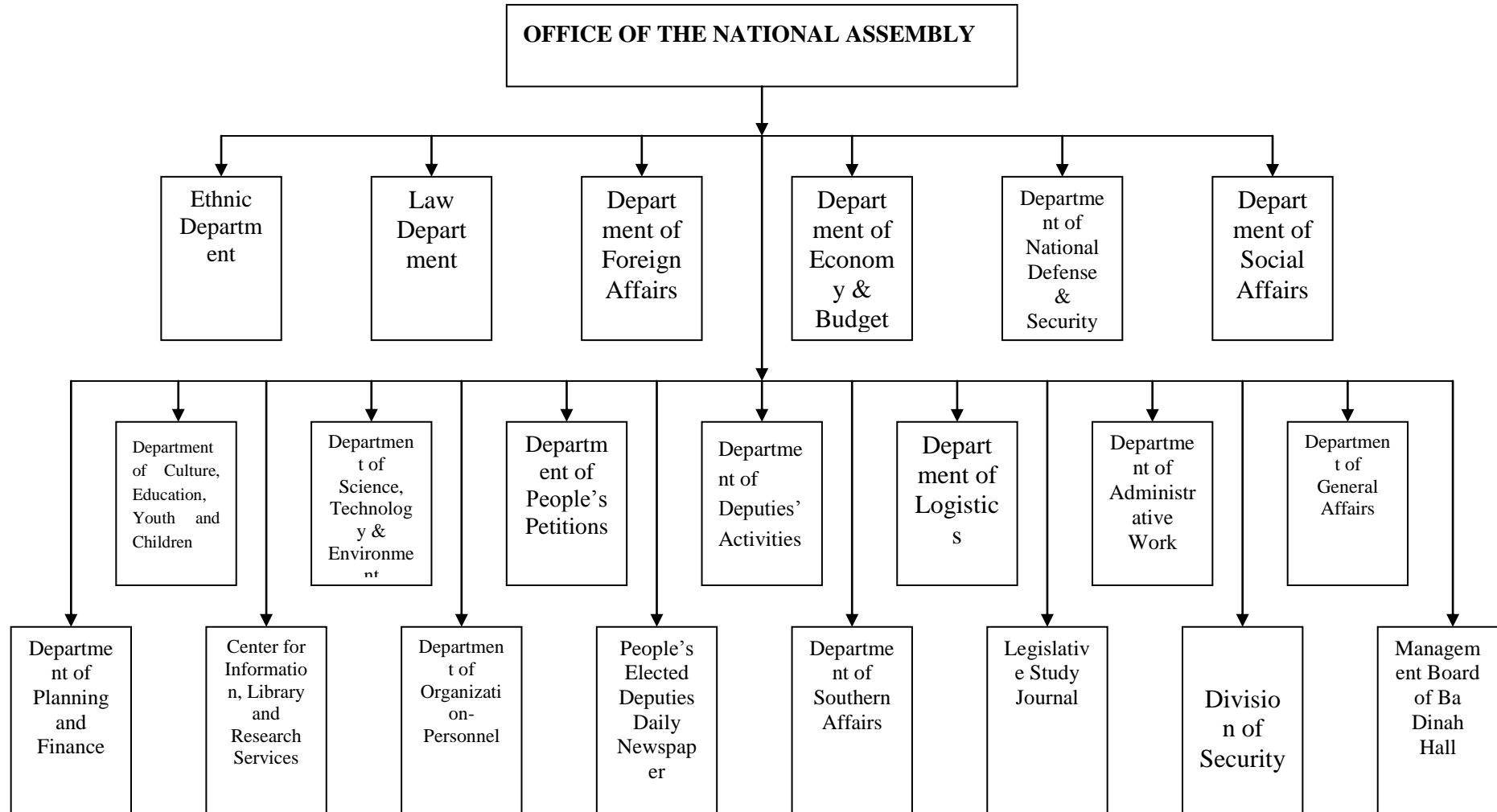
Basically, the organization of the departments and departmental units under Resolution No. 02 has positively contributed to the effectiveness and efficiency of the ONA. However, the NA supporting system needs to be reformed to meet the requirements of the NA and NA agencies. Under Resolution No. 48NQ/UBTVQH10 dated 2/5/1998 of the NASC, the Department of Logistics-Financial Affairs was separated into two departments: Department of Logistics and Department of Planning and Finance.

The Legislative Studies Journal was established in 2000 under Resolution No. 242NQ/UBTVQH10 of the NASC on the basis of the Legislative Study Bulletin (internal publication) of the Center for Information, Library and Research Services. The Journal studies and publishes some theoretical and practical researches on the State and law; studies issues related to the

organization and operation of the NA, NASC, NA agencies and People's Councils at all level, etc.

Through serving the NA and NA agencies in the period of 1992-2002, the ONA staff have developed in term of quality and quantity. The total number of staff in 1992 was 230, and increased to 421 in 2000. Experienced staff from other agencies shifted to the ONA, and the young staff that have good qualification were recruited. This contributed to improving the effectiveness and efficiency of the ONA. In 2000, the number of staff who held graduate and post graduate degrees was 230 and 43 respectively.

Chart 3: The organizational structure of the ONA under the Resolution No. 02NQ/UBTVQH9 dated 17/10/1992



1.5.2 The organization and operation of the ONA under Resolution No. 417

The 11th NA (2002-2007) was in the context where the country continued its comprehensive renovation process for the modernization and industrialization of the country. Under Article 45 of the Law on the NA Organization approved by the 11th NA on 25/12/2001, the number of full-time NA deputies in NA agencies and 61 provinces increased considerably, accounting for 25% of the total number of NA deputies. Based on the request of the ONA Chairman, the NASC decided to set up 3 agencies, which were the Board of Legislative Affairs, Board of Deputies' Activities, and Board of Petitions.

Based on the requirements, on 1/10/2003 the NASC issued Resolution No. 417/2003/NQ-UBTVQH11 on the functions, tasks and organizational structure of the ONA.

Resolution No. 417/2003/NQ-UBTVQH11 was developed based on the amendment of Resolution No. 02NQ/UBTVQH9 in 1992 with new development meeting requirements of work. Basically, the functions of the ONA were retained as in Resolution No. 02NQ/UBTVQH9, but there were some additional NASC boards. Therefore, the tasks of the ONA were also amended and supplemented to be in line with the conditions.

Under the Resolution No. 417/2003/NQ-UBTVQH11, the ONA has 17 tasks and powers. Apart from tasks related to giving advices, general affairs, serving NA and NASC, the ONA also holds tasks to coordinate in serving the NASC in interpreting the Constitution, laws and ordinances; to coordinate in serving the NASC in overseeing and guiding the operation of the People's Councils at all levels; to coordinate in organizing the reception of citizens, receipt and handling of written complaints, denunciations and aspirations of citizens; to serve the NASC in overseeing the settlement of complaints and denunciations of citizens; to synthesize opinions and petitions sent by voters to the NA; study and serve the NASC in directing, regulating and coordinating activities of the Ethnic Council and the NA committees; to ensure the working conditions for NA deputies and NA deputies' delegations; to assist the NASC in studying and organizing the implementation of regimes and policies for NA deputies; to assist the NA Chairman in keeping contact with NA deputies; to coordinate in serving the NASC in deciding on the payrolls and prescribing

policies and regimes for the People's Courts, the People's Procuracies and the ONA, etc.

In regard to the leadership of ONA: in the 11th NA, the NASC retained the ONA organization which includes the ONA chairman and vice-chairmen.

The organization of the ONA basically retained as regulated in Resolution No. 02. Department directly supporting the Ethnic Council and NA committees are Ethnic Department, Law Department, Department of Economy and Budget, Department of National Defense and Security, Department of Culture, Education, Youth and Children, Department of Social Affairs, Department of Science, Technology and Environment, and Department of Foreign Affairs. In the 12th NA, as the Committee on Law was separated into two committees: Committee on Law and Committee on Justice; Committee on Economy was separated into two committees: Committee on Economy and Committee on Finance and Budgetary Affairs, departments were separated accordingly. In addition, based on the request by the Committee on Foreign Affairs and the ONA Chairman, divisions of the Department of the Foreign Affairs were established. This is the first time that a department directly supporting the Ethnic Council and NA committees had divisions.

Departments supporting three NASC boards include the Department of Deputies' Activities, Department of Legislative Affairs, and Department of People's Petitions. However, the Board of Legislative Affairs was dissolved in the 12th NA, so was its department. In 2008, the NASC established the Institute for Legislative Studies with its functions of doing researches to serve the NA and NA agencies. This Institute operates independently with the ONA and is responsible to the NASC.

Under Resolution No. 417, the General-Service Departments include: Department of General Affairs, Department of Administrative Work, Department of Organization-Personnel, Department of Planning and Finance, Center for Information, Library and Research Services, Center for Informatics, Department of Logistics, Department of Southern Affairs, People's Elected Deputies Daily Newspaper, Legislative Study Journal, Division of Security and Training Center for Elected Representatives. In which the newly-established units are Center for Informatics and Training Center for Elected Representatives.

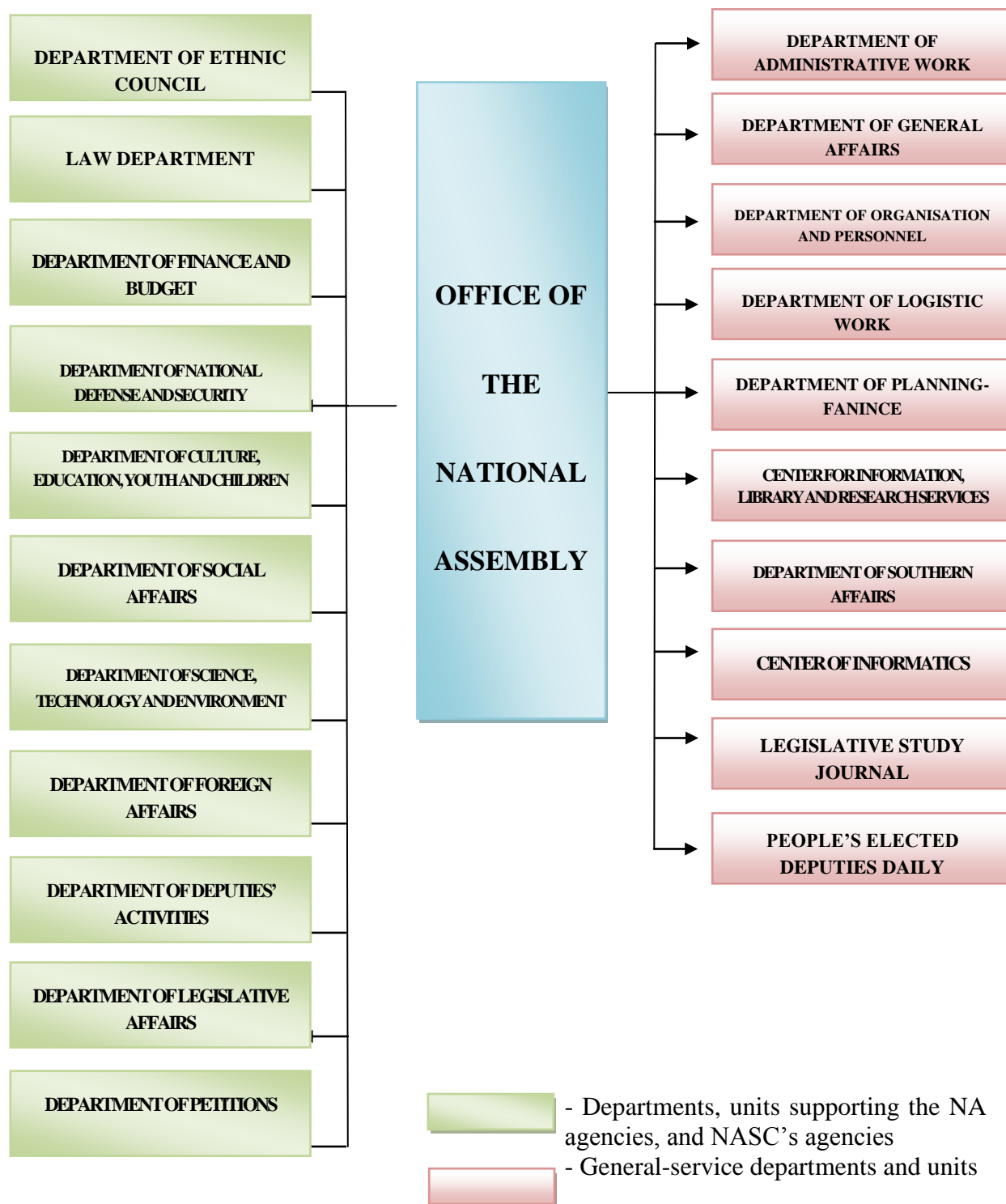
In the 12th NA, to enhance the activities of the ONA and to ensure the leadership of the ONA leaders, a number of divisions under the group of general-service department were established. These were Division of Finance

and Accounting, which was separated from the Department of Planning and Finance; Division of International Cooperation Project Management which was separated from the Center for Information, Library and Research Services; Board of Basic Construction Project Management which was separated from the Department of Logistics; and Board of IT Project Management. Hoang Cau, 27A and 165 Nam Ky Khoi Nghia Guest House were established under the leadership of the ONA.

In addition, the People's Elected Deputies Daily Newspaper was upgraded to a press unit of level 1 (similar to a general department) and was renamed the Bao Dai bieu Nhan dan.

In regard to the staff and officers: Based on the results of the Resolution No.NQ/UBTVQH 9 of the NASC, the ONA leader directed departments/divisions to review their staff for a plan of recruitment. The ONA also encouraged its staff to self study and participate in training courses so as to enhance their capacity. The number of staff at this stage increased in both quality and quantity. Up to August 2006, the total number of ONA staff was 640 including 337 graduates and 100 post-graduates, etc.

Chart 4: The organizational structure of the ONA under Resolution No. 417



2 LEGAL FRAMEWORK ON THE ORGANISATION AND OPERATION OF THE ONA

2.1 Overview

Under the statistics of the Center for Research Information and Science based on the database of Viet Nam Law, there are 12.541 legal normative documents from laws to circulars and directives with regard to the ONA. The current legal framework on the organisation and operation of the ONA can be divided into three groups:

The first group includes legal normative documents regulating generally the ONA as a State agency. This group of documents, which has been issued by different entities, contain regulations applied to State agencies including ONA. For example, the Law on Cadres and Civil Servants; Law on Anti Corruption; Decision No. 59/2007/QĐ-TTg of Prime Minister issuing regulations on standards, cost norms, and management of vehicles in State agencies, enterprises; Decision No. 269/2005/QĐ-TTg on allowances, etc.

The second group includes legal normative documents regulating the organisation and operation of ONA. These documents, which are issued by the NA, NASC, regulate the functions, tasks, organisation and operation of ONA such as Law on the Promulgation of Legal Normative Documents; Law on the Oversight Activities of the NA; Resolution No. 07/2002/NQ-QH11 issuing the Rules on NA's Sessions; Resolution No. 417/2003/NQ-UBTVQH11 on the functions, tasks, power and organisational structure of the ONA, etc.

The third group includes internal legal documents of ONA. These documents are issued by ONA leader to regulate issues related to the organisation and operation of the ONA such as Decision No. 1758/QĐ-CNVP on the Working Regulations of the ONA; Decisions of the ONA Chairman on the functions, tasks, power and organisation of Departments and units of the ONA. Decision No. 946/QĐ-VPQH dated 25/5/2005 on issuing Regulations on the Recruitment of ONA staff, etc.

Of the aforementioned legal documents, Resolution No. 417/2003/NQ-UBTVQH11 is of prime importance in the organisation and operation of ONA. This document was issued by the NASC of the 11th NA.

2.2 Contents of regulations

Legal documents related to the ONA focus on the following contents:

2.2.1 *The legal status of ONA*

Though the ONA is mentioned in some legal documents issued by the NA, the highest legal document provides the legal status of the ONA is now the NASC's Resolution.

Resolution No. 417/2003/NQ-UBTVQH11 on functions, tasks, power and organisational structure of ONA defines: *“The National Assembly Office is an assisting body of the National Assembly, having the function of studying, giving general advice and organizing the service of activities of the National Assembly, the National Assembly Standing Committee, the National Assembly Chairman and Vice Chairmen; activities of the Ethnic Council and the NA committeeestional Assembly and the National Assembly Standing Committee's Boards⁵”*.

The legal status of the ONA is also mentioned at the Working Regulations of the NASC issuing with Resolution No. 26/2004/QH11: *“The assisting apparatus of the National Assembly Standing Committee includes the National Assembly Office, the Board on Deputies' Affairs, the Board on Legislative Affairs and the Board on People's Petitions”⁶*.

Therefore, the ONA is defined as the supporting agency of the NA and NASC. However, it can be seen that under the current legal documents, ONA is not the single supporting agency of the NASC. In addition to the ONA, there are Board of Deputies' Activities, Board of People's Petitions, Institute of Legislative Studies (and earlier the Board of Legislative Affairs).

2.2.2 *Functions, tasks and power of the ONA*

To function as the supporting agency of the NA, Resolution 417 provides 17 tasks and powers of the ONA as follows:

1. To serve the National Assembly, the National Assembly Standing Committee, the Ethnic Council and the NA committeeestional Assembly in legislative work; to coordinate in serving the National Assembly Standing Committee in interpreting the Constitution, laws and ordinances.

⁵. Article 1, Resolution No. 417/2003/NQ-UBTVQH11 on functions, tasks, power and organisational structure of ONA.

⁶. Item 1, Article 60 Working Regulations of the NA Staning Committee issuing with Resolution No. 26/2004/QH11

2. To serve the National Assembly in deciding on fundamental policies and promulgating resolutions and decisions on socio-economic affairs, the state budget, important national works, defense, security, external relations, state organization and personnel under the National Assembly's jurisdiction.

3. To serve the National Assembly in exercising the right of supreme oversight of the observance of the Constitution, laws and resolutions of the National Assembly; to serve the National Assembly Standing Committee in overseeing the enforcement of the Constitution, laws and resolutions of the National Assembly, ordinances and resolutions of the National Assembly Standing Committee; to oversee activities of the Government, the Supreme People's Court and the Supreme People's Procuracy; to serve oversight activities of the Nationalities Council and the NA committeeestional Assembly.

4. To coordinate in serving the National Assembly Standing Committee in overseeing and guiding the operation of the People's Councils at all levels.

5. To serve the National Assembly Standing Committee in announcing and taking prime charge of the election of National Assembly deputies; to announce the election of deputies to the People's Councils at all levels.

6. To serve external work of the National Assembly, the National Assembly Standing Committee, the National Assembly Chairman, the Nationalities Council and the NA committeeestional Assembly, and the National Assembly Standing Committee's Boards.

7. To coordinate in organizing the reception of citizens, receipt and handling of written complaints, denunciations and aspirations of citizens; to serve the National Assembly Standing Committee in overseeing the settlement of complaints and denunciations of citizens; to synthesize opinions and petitions sent by voters to the National Assembly.

8. To study and serve the National Assembly Standing Committee in directing, regulating and coordinating activities of the Nationalities Council and the NA committeeestional Assembly; to ensure the working conditions for National Assembly deputies and National Assembly deputies' delegations; to assist the National Assembly Standing Committee in studying and organizing the implementation of regimes and policies for National Assembly deputies; to assist the National Assembly Chairman in keeping contact with National Assembly deputies.

9. To serve activities of the National Assembly Chairman and Vice Chairmen, as well as National Assembly Standing Committee members; to serve the National Assembly Standing Committee in running general affairs of the

National Assembly, ensure the implementation of National Assembly session rules, operation regulations of National Assembly bodies, National Assembly deputies and National Assembly deputies' delegations.

10. To propose improvements to the working regimes of the National Assembly, the National Assembly Standing Committee, the Nationalities Council and the NA committeeestional Assembly, the National Assembly Standing Committee's Boards and full-time National Assembly deputies under the direction of the National Assembly Standing Committee.

11. To coordinate in serving the National Assembly Standing Committee in deciding on the payrolls and prescribing policies and regimes for the People's Courts, the People's Procuracies and the National Assembly Office.

12. To elaborate tentative agendas and organizing the service of National Assembly sessions, National Assembly Standing Committee meetings, other working sessions of the National Assembly Standing Committee, meetings of the Nationalities Council and the NA committeeestional Assembly, the National Assembly Standing Committee's Boards and working sessions of the National Assembly's full-time deputies; to plan, and assist in organizing the implementation of, working agendas of the National Assembly, the National Assembly Standing Committee, the Nationalities Council and the NA committeeestional Assembly and the National Assembly Standing Committee's Boards.

13. To prepare projects, schemes and reports assigned by the National Assembly Standing Committee, the National Assembly Chairman and Vice Chairmen; to prepare working reports of the National Assembly, the National Assembly Standing Committee, the Nationalities Council and the NA committeeestional Assembly or the National Assembly Standing Committee's Boards.

14. To urge the preparation and ensure the procedures for submission to the National Assembly or the National Assembly Standing Committee of drafts, schemes, reports and written presentations of concerned agencies and organizations.

15. To organize and manage the work of information, informatics, scientific research, press, publication and library of the National Assembly.

16. To assist the National Assembly Standing Committee in maintaining ties with the President, the Government, the Vietnam Fatherland Front Central Committee, the Supreme People's Court, the Supreme People's Procuracy and concerned agencies and organizations.

17. To serve the National Assembly Chairman in directing and organizing the funding of the operation of the National Assembly. To organize and manage the work of ensuring material and technical bases of the National Assembly, manage assets of the National Assembly; to organize the Office's administrative work, correspondence, printing, archival, security and public relations⁷.

Besides regulations at Resolution No. 417/2003/NQ-UBTVQH11 on functions, tasks, power and organisational structure of ONA, some functions and tasks of the ONA are also regulated at other legal documents:

In legal documents, the ONA has tasks and powers regulated in the Law on Oversight Activities of the NA and Article 33, Law on the Promulgation of Legal Normative Documents as follows:

- The National Assembly Office and the assisting offices of delegations of National Assembly deputies shall, within the scope of their functions and tasks, ensure material conditions and supply necessary information and documents for, and organise the service of, the National Assembly, the National Assembly Standing Committee, the Ethnic Council, the NA committeeestional Assembly, delegations of National Assembly deputies and National Assembly deputies to carry out oversight activities⁸.

- For a draft document submitted by a National Assembly, the National Assembly Office shall ensure favorable conditions for the operation of the drafting committee and editing group⁹.

- The ONA is responsible to receive opinions on draft laws and resolutions of NA deputies' delegations, Standing Board of the Ethnic Council, Standing Board of NA Committee before the opening of the NA's session¹⁰.

To legal documents regulating the organisation and operation of NA agencies, the ONA also holds specific tasks:

In supporting the NASC:

- The ONA takes responsibility to assist the NASC in preparing draft resolutions of the NA on oversight programs to be submitted to the NA for consideration and decision¹¹.

⁷. Article 2, Resolution No. 417/2003/NQ-UBTVQH11 on functions, tasks, power and organisational structure of ONA

⁸. Article 47, Law on Oversight Activities of the National Assembly.

⁹. Article 33, Law on the Promulgation of Legal Normative Documents.

¹⁰. Item 1, Article 51, Law on the Promulgation of Legal Normative Documents.

¹¹. Item 3, Article 16, Working Regulations of the Standing Committee of the National Assembly.

- The ONA takes responsibility to serve the NA Standing Committee in meetings for full-time MPs to discuss and comment on draft laws, ordinances and other matters¹².

- ONA takes responsibility to serve the NA Standing Committee in preparing for the meeting of the Standing Committee¹³.

- The ONA takes responsibility to serve the NA Standing Committee in implementing the tasks and powers of the NA deputies and NA deputies' delegation¹⁴.

In supporting the Ethnic Council and NA committees: The ONA takes responsibility to define the functions and tasks of professional units assisting the Council or the Committee in deciding on the recruitment of cadres and civil servants, the appointment or dismissal of directors, deputy directors and holders of equivalent posts, heads and deputy heads of sections and holders of equivalent posts; to manage and implement policies towards cadres and civil servants of those professional units¹⁵.

2.2.3 The organisational structure of the ONA

Under Resolution No. 417/2003/NQ-UBTVQH11 on functions, tasks, power and organisational structure of ONA¹⁶:

Departments directly assisting the Ethnic Council and the NA committeeestional Assembly¹⁷:

- The Ethnic Council;
- The Law Department;
- The Justice Department;
- The Economy Department;
- The Department for Finance and Budget¹⁸;

¹². Article 33, Working Regulations of the Standing Committee of the National Assembly.

¹³. Article 40, Working Regulations of the Standing Committee of the National Assembly issuing with Resolution No. 26/2004/QH11.

¹⁴. Article 34, Working Regulations of the Standing Committee of the National Assembly issuing with Resolution No. 26/2004/QH11.

¹⁵. Article 7, Working Regulations of the Ethnic Council and NA committees.

¹⁶. Article 4, Resolution No. 417/2003/NQ-UBTVQH11 on functions, tasks, power and organizational structure of ONA.

¹⁷. There is now one additional department directly assisting NA committees, that is the Justice Department. This department is set up after the establishment of the Committee on Justice under the Law amending and supplementing a number of articles of the Law on NA Organization 2001.

- The Department for Defense and Security;
- The Department for Culture, Education and Children;
- The Department for Social Affairs;
- The Department for Science, Technology and Environment;
- The Department for Foreign Affairs;

The departments directly assisting the three NASC boards:

- The Department for Deputies' Affairs;
- Training Center for Elected Representatives;
- The Department for People's Petitions;

General – service departments and units¹⁹:

- The Department for General Affairs;
- The Department for Administrative Work;
- The Organization and Personnel Department;
- The Planning and Finance Department;
- Center for Information, Library and Research Services;
- The Informatics Center;
- The Administration Department;
- The Southern Department;
- The Daily People's Representative Newspaper²⁰;
- Legislative Study Journal;
- The Central and Highland Department;
- The Management Board of Basic Construction Projects;
- The Management Board of IT Projects;
- Guest House 27A Tran Hung Dao;
- Management Division of International Cooperation Projects;
- Division of Finance and Accounting;

¹⁸. At present, the Department on Economy and Budget is divided into the Department on Economy and Department on Finance and Budgetary Affairs after the establishment of the Committee on Economy and Committee on Finance and Budgetary Affairs by the NA under the Law amending and supplementing a number of articles of the Law on NA Organization 2001.

¹⁹. At present, the General-service departments and units also include Department on Central and Highland Affairs, which was set up under Resolution No. 782/2009/NQ-UBTVQH12 dated 19 of May 2009.

²⁰. The Daily People's Representative Newspaper is now called Bao Dai bieu nhan dan under Resolution No. 816/2009/UBTVQH12 dated 28 July 2009.

- Guest House 156 Nam Ky Khoi Nghia;
- Hoang Cau Guest House;
- Division of Security”.

2.2.4 Directive and executive work

Under Resolution No. 417/2003, the directive and executive work of the ONA is organized as follows:

“The Chairman of the National Assembly Office is the head of the National Assembly Office, who is accountable to the National Assembly Standing Committee for the work of the National Assembly Office. The standing body of the Ethnic Council, the standing bodies of the NA committees and the heads of the National Assembly Standing Committee’s Boards are accountable to the National Assembly Standing Committee for the work of the National Assembly’s Office for related matters. Vice-chairmen of the National Assembly Office shall assist the Chairman of the National Assembly Office in performing the tasks as assigned by the Chairman of the National Assembly Office.

The directors of the departments and the heads of the departmental-level units shall run the work of their respective departments or units. They may be assisted by one or several deputies.

The heads of the sections shall run the work of their respective sections. They may be assisted by one or two deputies”²¹.

Resolution 417 also provides the relationship between leaders of the ONA and Standing members of the Ethnic Council and NA committees, heads of NASC boards in directing and executing professional departments of the agencies.

Standing members of the Ethnic Council and NA committees, heads of NASC boards coordinate with the ONA Chairman to regulate the functions, tasks of departments directly assisting the work of the Ethnic Council, Committees and Boards.

To departments directing assisting the Ethnic Council and NA committees and NASC boards, the Standing members of the Ethnic Council and NA committees, heads of NASC boards will lead the work²².

²¹. Article 5, Resolution No. 417/2003/NQ-UBTVQH11 on functions, tasks, power and organizational structure of ONA

²². Article 7, Resolution No. 417/2003/NQ-UBTVQH11 on functions, tasks, powers and organization of the ONA

2.3 Some comments and assessments

Resolution No. 417 is an important milestone in the organisation and operation of the ONA. The Resolution has inherited regulations of Resolution No. 02/NQ-UBTVQH9 with basic changes in the organisation of department supporting the Ethnic Council and NA committees, and NASC boards. In implementing Resolution No. 417, the ONA has overcome earlier limitations. After 10 years of implementation, Resolution No. 417 has been the legal framework for the ONA to well implement its assigned functions and tasks, contributing to improving the effectiveness and efficiency in legislation, oversight and decisions on important issues of the nations of the NA, to ensuring the substantive and technical conditions for the operation of the NA, NASC, NA agencies and NA deputies; enabled every staff to make full use of their strength and intellectual for the NA's work, etc. The ONA staff have gradually met the increasing requirements in the reform of the organisation and operation of the NA.

Basically, regulations of the Resolution No. 417 on the functions, tasks and powers of the ONA are appropriate, generalise work of the supporting agency. The organisation of the ONA is appropriate to support the NA, NASC, NA agencies and NASC boards. Principles described in the Resolution related to the coordination between the ONA leaders and Standing members of the Ethnic Council and NA committees, and NASC boards are suitable in terms of profession, recruitment, appointment and use of budget.

However, along with the changes in the organisation of the NA, and to the requirements of continued reform of the NA to improve its effectiveness and efficiency, Resolution No. 417 is no longer appropriate with limitations. This needs to be amended and supplemented. The following points can be seen:

2.3.1 The position, characteristics, functions of the ONA are not regulated properly

The ONA is defined as the supporting agency of the NA; however the NA does not establish its own Office but the NASC. Under Resolution No. 417/2003/NQ-UBTVQH11, *“The National Assembly Office is an assisting body of the National Assembly, having the function of studying, giving general advice and organizing the service of activities of the National Assembly, the National Assembly Standing Committee, the National Assembly Chairman and Vice Chairmen; activities of the Nationalities Council and the NA committeeestional Assembly and the National Assembly Standing Committee's Boards”*.

Though not being the regulated agency, the ONA's tasks and powers are regulated specifically in the Law on the Promulgation of Normative Document 2008 and Law on the Oversight Activities of the NA 2003. As provided in Article 47 of the Law on the Oversight Activities of the NA, the National Assembly Office shall, within the scope of its functions and tasks, ensure material conditions and supply necessary information and documents for, and organise the service of, the National Assembly, the National Assembly Standing Committee, the Ethnic Council, the NA committees, NA deputies' delegation and NA deputies to carry out oversight activities. This is clearly the inconsistency in regulations.

With reference to experiences of both national and international similar agencies, such agency has its own legal status in law, even in the Constitution.

In some countries, the legal status of the NA's supporting agency is regulated in the Constitution. For instance, Article 155 of Swiss Constitution requires the Federal Parliament to have its own supporting system, and the Federal Parliament may require services of the federal executive agencies. Article 51 of the Singaporean Constitution provides the parliamentary supporting system with issues related to the functions, tasks, ways of appointment, priority regime.

In addition, in some countries, the organization and operation of the parliamentary supporting agency are regulated in a Law issued by the parliament. For example, in England, Australia, Malaysia, New Zealand, etc, the parliamentary supporting system is established and operated under regulations of the Parliamentary Service Act.

In Viet Nam, the legal status of similar agencies are regulated in legal documents. For example, the legal status of the Government Office is regulated in the Law on the Organization of the Government which is passed by the NA. Under which the Government Office is defined as the assisting agency of the Government and led by the Minister and Chairman of the Office²³.

2.3.2 Functions and tasks of the ONA are regulated scatteredly in many legal documents

The review of legal documents providing the ONA shows that the functions and tasks of the ONA are scattered in different documents.

²³. Article 30, Law on the Organization of the Government

Besides Resolution No. 417/2003/NQ-UBTVQH11, some functions and tasks of the ONA are regulated in the Law on the Oversight Activities of the NA, Law on the Promulgation of Legal Normative Documents, etc.

In addition, some documents of the NASC which issued after Resolution No. 417 also mentioned the functions and tasks of the ONA. These can be the additional tasks and powers of the ONA (such as the ONA's tasks to assist NA agencies with regard to the receipt and handling of written complaints and denunciations of citizens and organizations sent to the NA, NA agencies, members of the NASC). Or, regulations on tasks and powers of concerned agencies/organizations affect the functions and tasks of the ONA (regulations on the tasks and powers of the Institute of Legislative Studies).

This causes lots of difficulties to ONA units in implementing its regulated tasks and powers.

2.3.3 Some regulations on functions of the ONA are inconsistent, overlapping with regulations on tasks and powers of other agencies

While strengthening the organisation and apparatus of the NA, many documents of the NA, NASC on the functions and tasks of NA and NASC agencies are inconsistent and overlapped with regulations of Resolution No. 417, particularly between the ONA and NASC agencies.

For instance, Article 1 of Resolution No. 417/2003/NQ-UBTVQH11 provides that the ONA is an assisting body of the NA, but item 1, Article 60 of the Working Regulations of the NASC issued with Resolution No. 26/2004/QH11 affirms that: "The supporting system of the NASC is the ONA, Board of Deputies' Activities and Board of People's Petitions". In addition, in 2008 the NASC issued Resolution No. 614 on the establishment of the Institute for Legislative Studies.

Therefore, up to now the supporting system of the NA, NASC is not only the ONA but also the Board of Deputies' Activities and Board of People's Petitions. There has been no clear distinction among these agencies in functions and tasks in some certain fields, such as:

- In serving the election of NA deputies to the NA, basically, all documents regulate the functions and tasks of the ONA and Board of Deputies' Activities to support the NASC. Under which, the ONA takes responsibility "to support the NASC announce and chair the election of deputies to the NA; announce the election of deputies to the people's council at all levels" (item 5, Article 2 of Resolution 417). And "to serve the NASC in organizing the election

of deputies to the NA” (item 1, Article 2, Resolution No. 368/2003/NQ-UBTVQH11);

- In provision of information and serving the NA deputies, both the ONA and Institute for Legislative Studies implement this function. Article 47 of the Law on the Oversight Activities of the NA regulates that the National Assembly Office and the assisting offices of delegations of National Assembly deputies shall, within the scope of their functions and tasks, ensure material conditions and supply necessary information and documents for, and organize the service of, the National Assembly, the National Assembly Standing Committee, the Ethnic Council, the NA committees, delegations of National Assembly deputies and National Assembly deputies to carry out oversight activities. However, the resolution on the establishment of the Institute of Legislative Study regulates that “the Institute of Legislative Study is the agency of the NASC, which has the functions of studying the theoretical and practical issues of the organization and operation of the NA; provide scientific information in supporting the work of the NA and its members”.

2.3.4 Some tasks and powers have not been regulated clearly

Article 1 of the Resolution No. 417 provides that the ONA has the functions of studying, giving general advices and organizing to serve.... However, tasks regulated at article 2 mainly focus on “serving”, and the tasks of studying, giving advices have not been regulated as specific tasks for implementation.

In addition, the way to regulate tasks of the ONA as in the Resolution does not clearly define different work groups (studying, giving advices, ensuring procedures, rules; information, communication, ensuring material conditions, etc), which somewhat affects the distinction of tasks and functions of the ONA units, leading to the poor implementation of the Resolution.

2.3.5 Some contents related to the organisation and operation of the ONA have not been specified

In implementation of Resolution No. 417, the ONA has studied and issued Regulations to specify the Resolution such as the Regulation on Recruitment; Regulation on Appointment; Regulation on Education and Training for civil servants; Working Regulations of the ONA, Regulation on Coordination among the four central agencies; Regulation on Office Culture, etc. In addition, the ONA has issued Decision on functions and tasks of its departments and units.

However, there appear limitations during the implementation of Resolution No. 417:

- Some functions, tasks, and the organisation of the departments, which were earlier regulated in Decisions of the ONA Chairman, were not appropriate. Some long-established departments do not have decisions on their functions and tasks (Department of Finance-Budget, Department of Economy, Law Department, Justice Department, etc). The regulations of departments' tasks and functions are not consistent, which affects the state management of the agency and causes difficulties for the implementation.

- Some new regulations of the Law on Cadres and Civil Servants and other legal documents of the Government, which regulate clearly and guide the implementation of the legal documents, have not been supplemented and specified in the Regulation on Recruitment and Regulation on Appointment of the ONA.

- There are lack of regulations on the rules and procedures and the coordination mechanism among ONA leaders, Standing members of the Ethnic Council, NA committees and leaders of the Boards and Institute of the NASC.

3 CURRENT SITUATION ON THE ORGANISATION AND OPERATION OF THE ONA

3.1 Implementation of assigned functions and tasks

3.1.1 Results

Under Resolution No. 417 of the NASC, the ONA is assigned with 17 tasks. In addition, the ONA also takes other tasks as regulated in different legal documents of the NA, NASC and other State agencies.

Having implemented the assigned tasks, over the past 10 years the ONA staff have made great efforts to fulfill a large amount of work, meeting the increasing requirements of the NA, contributing to improving the effectiveness and efficiency in activities of the NA, NA agencies.

The ONA has given advices, served the NA, NASC in approving a large number of laws, ordinances, resolutions. The ONA also supported the NA, NASC, Ethnic Council and NA committees to implement their yearly oversight plans; served the NA in examining and approving important plans and resolutions on socio-economic development, state budget, ratifying important national projects submitting the NA for decision and senior officials of the State; effectively served the NA and NASC in dealing with foreign affairs; coordinated in studying, serving NA agencies, NASC boards in organizing the reception of citizens, receipt and handling of written complaints, denunciations and aspirations of citizens; served the NASC in overseeing the settlement of

complaints and denunciations of citizens; synthesized opinions and petitions sent by voters to the NA; served the NASC in announcing and taking prime charge of the election of NA deputies; announced the election of deputies to the People's Councils at all levels; and served the NA Chairman in directing and organizing the budget of the NA; organized and managed the work of ensuring material and technical bases of the NA, managed NA assets; and organized the Office's administrative work, correspondence, printing, archival, security and public relations

In general, the ONA has well implemented its assigned functions and tasks as described in Resolution No. 417/2004/NQ-UBTVQH11, contributing to achievements of the NA and ONA other the past two legislatures.

3.1.2 Limitations

A part from the aforementioned results, the implementation of Resolution No. 417 also saw limitations, which requires the amendment and supplementation of the Resolution for better supporting the NA in the coming time.

Particularly, during the implementation of the ONA's tasks and powers, there appeared the inconsistency, duplication in documents on tasks and powers of the ONA with Boards and Institutes of the NASC, for instance, the duplication between the ONA and Institute for Legislative Studies on the management of scientific research, provision of information to the NA deputies. This leads to the waste of resources and the hesitation of NA deputies in using information services.

In addition, there appeared duplication with the Board of Deputies' Activities in implementing some tasks such as carrying out administrative procedures for NA deputies to go abroad; serving the questiontime at sessions of the NA and NASC, etc.

3.2 Organisation of the apparatus

3.2.1 Current situation on the organisation of the ONA:

Under Article 4 of the Resolution No. 417/2003/NQ-UBTVQH11, the ONA has 21 departments and departmental units, which were divided into three groups: Departments directly assisting the Ethnic Council and the NA committees (8 departments); The departments directly assisting the three Boards of the NASC (3 departments); and General-service departments and units (10 departments and units).

To meet requirements and assigned tasks of the NA, NA agencies, Delegations of NA deputies, NA deputies, the NASC has, over the past time, established 4 departments for the 4 newly-established committees²⁴; upgraded and renamed the People's Elected Deputies Daily Newspaper to Bao Dai bieu nhan dan, which is a General Department under the ONA; upgraded the Training Center for Elected Representatives to a department; established the Department for the Central and Highland Affairs; abolished Department of Legislative Affairs as the Board of Legislative Affairs was dissolved. In addition, besides the Division of Security which was established before the Resolution No. 417, the ONA Chairman, based on the authorisation described in Article 3 of the Resolution, decided to establish some divisions such as Division of Finance-Accounting (separated from the Division of Financial Affairs under the Department of Logistics); Board of Construction Project Management under Department of Logistics; 165 Nam Ky Khoi Nghia Guest House (separated from the Department of Southern Affairs); 27A Tran Hung Dao Guest House and Hoang Cau Guest House (separated from Department of Logistics); Division of International Cooperation Project Management (separated from Center for Information, Library and Research Services); Board of IT Project Management; three Office of the Party and organisations: NA's Office of the Party Committee, ONA's Office of the Party Committee; ONA's Office of the Trade Union.

Therefore, compared to 21 departments, units as described in Resolution No. 417, up to now the ONA has 32 departments, units, which are divided into 4 groups: 10 departments directly assisting the Ethnic Council and the NA committees; 3 departments directly assisting the three NASC boards; 19 General-service departments and units.

In general, the organisation of the ONA has over the past time been consolidated and perfected to meet requirements of work. Given the current functions, tasks and organisational structure of the ONA, the organisation of the ONA under the Resolution No. 417 is relatively appropriate, which generalises 17 assigned tasks, contributing to effectively serving the NA.

3.2.2 Limitations

The organisation of the ONA still exists some limitations, which need to be studied for improvement in the coming time. These limitations are:

²⁴ Including the following departments: Law Department, Justice Department, Economy Department, Department of Finance and Budget separated from Law Department and Department of Finance and Budget.

First, Resolution No. 417 regulates that the departments and departmental units may organise divisions, but not regulate departments of what groups (departments directly assisting the Ethnic Council and the NA committees; departments directly assisting the three NASC boards; General-service departments and units).

Second, Resolution No. 417 regulates the names of departments but not the names of division under the leadership of the ONA leader. This is not consistent and flexible for reform when needed. It is necessary to regulate issues related to the authorisation, conditions for establishment, abolishment of units within the ONA; to regulate different groups of departments with tasks for flexible implementation.

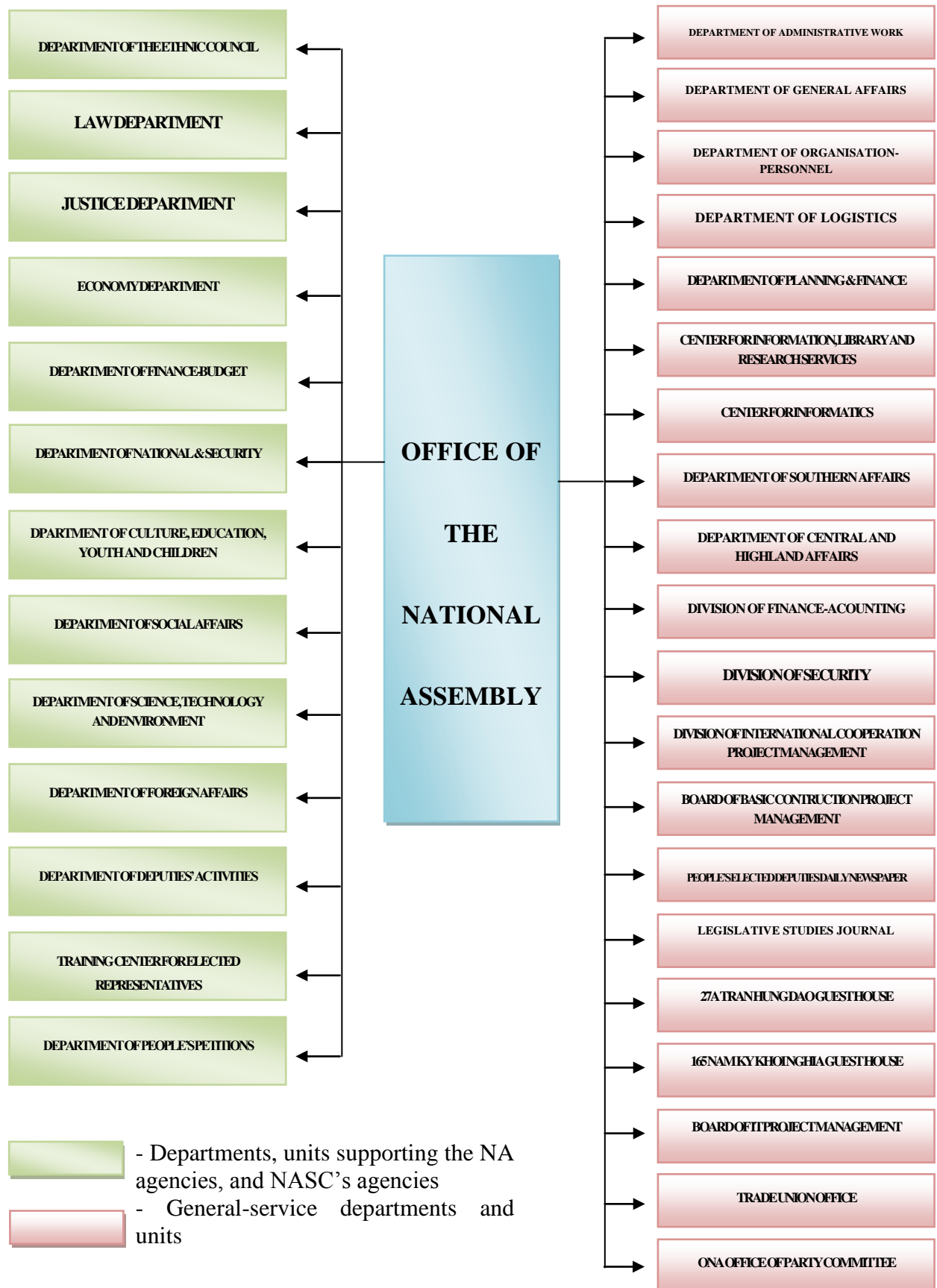
Third, some work has been assigned to different units. In many cases, there has been lack of coordination, which affects the quality of work. This requires the establishment of independent units for certain work.

Fourth, the establishment of new units over the past time has not been thoroughly studied to define the functions and tasks of these units, which leads to the duplication of work, affecting the quality of the work (for example, the research services has been assigned to both the Center for Information, Library and Research Services and the Institute for Legislative Studies; the study and application of IT technology by the Board of IT Project Management and the Center for Informatics, etc). Some units which was established then dissolved, which leads to the difficulties in personnel work (the Department of Legislative Affairs).

Fifth, some tasks to serve the NA, NA agencies, NA deputies have not been assigned to specific units. For instance, the ONA is assigned to support the NA deputies to draft laws as described in Article 33 of the Law on Laws, but the ONA has not assigned such a task to any of its units. Some arising tasks have not been implemented by a specific unit as to serve the NA leaders in running the NA and NASC.

In addition, there appear some limitations in activities of the NA deputies. Though NA deputies take different tasks (from Article 43 to 53 of the Law on the Organisation of the NA), they have not received sufficient support from the Office. ONA departments and units mainly focus on supporting the NA agencies and the NA deputies' delegations, but not the NA deputy (except for the provision of information).

Chart 5: Organisational structure of the ONA in 2012



3.3 Workforce and personnel of the ONA

3.3.1 Current situation on the personnel of the ONA

Over the past time, the personnel of the ONA has been strengthened both in quality and quantity, meeting requirements of the NA, NA agencies, NASC and NA deputies. The number of ONA staff has, over the past years, increased fastly. The ONA staff have made tremendous efforts to serve the NA and NA agencies.

- *In term of quantity*, the number of ONA staff has been increasing compared to previous years. By end of August 2012, the total number of ONA staff is 835 people (not including those working at business units). The average increase of the ONA staff yearly is 35 people. The submission and approval of annual personnel is implemented as described in Article 6 of Resolution No. 417.

Table 1: The increase of the ONA personnel²⁵

Year	Number
2003	480
2005 – 2006	585
2008	635
2009	686
2010	727
2012	835

- *In term of quality*, in gernal the quality of the ONA staff has been improving compared to previous NA legislatures. The effectiveness and efficiency of work have been increased, and experiences have actively been shared among staff and made full use of. Most of the staff are assigned work with their profession, and their supportive skills (IT, foreign language, etc) have regularly been improved.

By July 2012, 23,92% of ONA staff hold post-graguate degrees, and 44,14% hold one or two graduate degrees. Those who do not hold graduate degrees are security officers, drivers, etc. Most of them have had vocational training certificates²⁶.

²⁵. Source: Report No. 371-BC/ĐĐQH13 dated 30/08/2012 on the current situation on the reduction of ONA personnel.

²⁶. Source: Ref. above

Recruitment (including testing, signing contracts and receipt from other agencies), appointment has been implemented by the ONA as described in relevant laws. The number and quality of managers at departments and divisions have been improved. The training and retraining of the ONA staff have regularly been conducted with training programs for leadership positions, managers, staff; enhancing politics knowledge, profession and skills.

Up to now, the ONA staff have been stable, meeting the requirements in serving the NA and NA agencies.

3.3.2 Limitations

There are some limitations in the recruitment, arrangement, use of the workforce of the ONA:

First, though the number of staff has been increased, but under the assessment of departments and units, the lack of staff still exists. In addition, the quality of the staff is not equal, and some have not met requirements of assigned work. The re-arrangement of staff to make full use of their strengths has not been paid attention properly.

Second, the number of staff who give advices and study policies is still limited. At present, the number of ONA staff who are specialist accounts for 56,15%, while those who work as technician or servers account for 43,85%²⁷. Those who are experts give advices and study have not been paid attention properly in term of training. In addition, there exists the imbalance in profession in one unit, etc.

Third, there is a gap in staff age of some units, leading to the difficulties in personnel work. The number of young staff is high with limitation in experiences. Therefore, they can not give strategic advices. In administrative units, 15,18% of staff is under 30 years old, 68,54% from 30 to 50 years old, and 16,26% over 50 while in business units, the rate is 18,79%, 73,3% and 7,89% respectively²⁸.

Fourth, there has been no regulation to mobilise and rotate staff among units of the Office so that they can learn experiences in serving the NA and NA agencies, thus improving their profession and knowledge about the NA. The mobilisation, rotation and secondment of ONA staff to ministries, localities to learn and draw practical experiences have not been paid attention.

²⁷. Consolidated from above reference.

²⁸. Source: above reference.

Fifth, the application of regulations on conditions, standards for appointment has not been consistent, which leads to the fact that some managers who have not studied advanced political theory, and lack of management experiences are appointed, affecting the quality of work and the unity of the units. In addition, Resolution No. 417 has not regulated the maximum number of vice-directors at each department (*some departments have 6-7 vice-directors, some have 2-3*). The appointment of “Honorary position” in the ONA has not been regulated in the Regulation on Appointment; there have been no regulations on standards and subjects so the application are not consistent.

Sixth, some simple services of the ONA have not been out-sourced to reduce the budget and use the workforce for research.

Seventh, though the minimum wage has been increased, the income of ONA staff is still low compared to other agencies. There have been no regulations to encourage qualified experts coming to work at the ONA.

3.4 The directive, executive work and working relationship

3.4.1 Results

Implementing the Resolution No. 417, the ONA Chairman is the head of the ONA, responsible to the NASC on the work of the ONA. The Standing Boards of the Ethnic Council, NA committees, heads of the NASC boards are responsible to the NASC on relevant issues; direct the work of the departments supporting the work of the Ethnic Council, NA committees, and NASC boards. The recruitment of staff and appointment and dismissal of a director, vice-director or equivalent of departments supporting the work of the Ethnic Council, NA committees, and NASC boards are, in coordination with the ONA Chairman, decided by the Standing Boards of the Ethnic Council, NA committees, heads of the NASC boards.

Basically, regulations on directive and executive principles of the ONA and the coordination between the ONA Chairman and the Standing Boards of the Ethnic Council and NA committees are appropriate, meeting to requirements in serving the NA; handling the limitations in Resolution No. 02/NQ-UBTVQH9, which does not regulate the authorisation of the Standing Boards of the Ethnic Council and NA committees to their supporting departments.

3.4.2 Limitations

First, Resolution No. 417 has not clearly regulated some important issues related to the organization and operation of the ONA, such as principles on the organization and operation of the ONA; tasks and powers of the ONA Chairman

in relation within the Office and with agencies of the NA and of the NASC; coordination regulation between the ONA Chairman and Standing Boards of the Ethnic Council, NA committees and heads of NASC agencies.

This has led to the limitations in the distinction of the responsibility and powers to the Standing Boards of the Ethnic Council, NA committees and heads of NASC agencies. Particularly in recruitment and appointment, Resolution No. 417 has not clearly defined the authorisation and responsibility of each party in the whole process.

Second, that the Standing Boards of the Ethnic Council, NA committees and heads of NASC agencies direct the work of supporting departments leads to the 'closure' in planning, appointment of staff working at supporting departments. Thus, the assessment, mobilisation, planning, training and arrangement of ONA staff face certain limitations. In addition, activities of the Standing Boards of the Ethnic Council, NA committees and NASC agencies as elected agencies are not appropriate when dealing with administrative work.

Third, the personnel work is the whole process attached to the recruitment, training, retraining, mobilisation, rotation, secondment, appointment, dismissal and others like assessment, commendment, disciplines, salary, allowances, social insurance, pension, etc. The separation of recruitment and appointment of staff working at supporting departments is not consistent with the personnel work if such work is, in coordination with the ONA Chairman, decided by the Standing Boards of the Ethnic Council, NA committees and heads of NASC boards. Moreover, in case of legal issues to the recruited staff, the ONA Chairman shall administratively be responsible.

Fourth, there are limitations in working relations between the ONA and the Institute for Legislative Studies. According to Resolution No. 614/2008/UBTVQH12 of the NASC, the Institute for Legislative Studies is the agency which is independent with the ONA. However, the ONA and Institute for Legislative Studies do not have a coordination regulation, which leads to the duplication and limitations.

Fifth, in relation with the Office of the NA deputies' delegation and people's council, there has not been a coordination regulation between the ONA and Office of the NA deputies' delegation and people's council. There have also been no working relations between ONA's departments with Office of the NA deputies' delegation in certain fields to timely deal with shortcomings in serving NA deputies.

3.5 Management of budget and assets

3.5.1 Results

According to Article 9 of Resolution No. 417, Standing Boards of the Ethnic Council, NA committees and heads of NASC agencies shall decide on the use of funds allocated to the Ethnic Council, NA committees and NASC boards. The ONA Chairman shall assist the NA Chairman in organizing the execution of the fund for the operation of the NA.

Implementing the aforementioned regulation, the ONA has over the past time supported the NASC to estimate, allocate the yearly budget of the NA, and assisted the NA Chairman in organising the execution of fund for the operation of the NA; timely met financial requirements for activities of the NA, NASC agencies and NA deputies' delegations. Through implementation, the financial regulations of the the Resolution are appropriate with the current conditions.

These regulations have been specified in a resolution on norms and expenditures (Resolution No. 773/2009/NQ-UBTVQH12 on the expenditures serving the NA, NA agencies and ONA), and some norms have been amended and supplemented to be in line with the current conditions.

The material and technical conditions serving the NA, NA agencies and NASC has been ensured and improved. The management of assets has been effectively applied as regulations of law.

3.5.2 Limitations

Though the material and technical conditions have been paid attention and improving, the working conditions and equipments of full-time NA deputies and ONA staff have not met requirements. The working stations of NA agencies and ONA are in different places, which leads to difficulties. Most of equipment is old and not maintained timely.

Some units with the specific activities as library, museum, etc aren't invested properly in terms of equipments. The ONA has to hire places to store books, documents and precious items. The database (both documents and electronic versions) is poor, not meeting requirements of the NA. The application of IT technology in management and execution is limited, etc.

Though regime and policies for staff have been paid attention, such policies are not proper, affecting the implementation of tasks by ONA staff. For instance, the salary regime is applied to civil servants in general, which can not encourage qualified experts to come and work for the ONA. In addition, the Office has not paid much attention to clothing allowances and refreshment for its staff.

4 PLANS AND SOLUTIONS TO THE REFORM OF THE ORGANISATION AND OPERATION OF THE ONA

4.1 Plans for the reform of the organisation and operation of the ONA

Based on the analysis of the current situation of the organisation and operation of the ONA over the past time, the following plans for the reform of the organisation and operation of the ONA need to be considered:

4.1.1 Reform of the organisation and operation of the ONA is attached to the reform of the organisation and operation of the NA

The ONA is established with its ultimate goal to serve the NA. The NA supporting system shall serve the NA in implementing its assigned tasks by the State. Therefore, to ensure the effectiveness and efficiency in serving the NA, the organisation of the supporting system must be in line with that of the NA.

The history of the ONA shows that the formation and development process is attached to the history of the NA. Earlier, the Vietnam NA was organized under the Soviet authorities model, and four levels of government had agencies representing the people. These agencies undertook three important functions: institutionalization of the Party's policies; creating trust and support of the people on the policies of the Party; creating unity and represent the entire people. According to the socialist model, the NA with its key functions of institutionalizing the Party's policies, the supporting apparatus should not be in big scale.

Since the renovation process of the country in 1986, the State apparatus has also been reformed. The NA is defined as the highest organ of the State power. The organization of the Party is well-designed, and the function of appraisal is moved to the NA. The issue put forward is that given such organization of the Party, the organization of the NA and Government should be big enough to undertake the moved functions of the Party. In the context of the reform of the NA, the supporting apparatus should also be reformed accordingly²⁹.

In fact, the NA's need to be served has been increasing. In recent years, the number of NA committees has increased from 8 to 10, and the number of full-time NA deputies also increased from 20% in 11th NA to 29,5% in 13th

²⁹. Political program on the development of the nation in the transitional period to socialism (Supplemented in 2011), approved at the XI National Party Congress

NA. Besides the two sessions a year, the NA regularly organises video conferences³⁰, sessions of the NASC and Ethnic Council and NA committees.

These changes put forward the need for continued reform of the organisation and operation of the ONA to effectively serve the NA and NA agencies.

4.1.2 Distinction of functions and tasks

One of the big issues put forward to the organization and operation of the ONA is that the functions of the ONA have not clearly been defined.

Resolution No. 417 provides that the ONA holds the functions of studying, advising, consolidating and serving the NA, however specific activities have not been defined clearly. This may lead to the understanding that the ONA will do what the NA does or ONA does only logistic work. Review report of the ONA always states that ONA advises and assists the NA in legislation and oversight.

The unclear regulations on the functions of the ONA may also lead to the consequences that all departments and units undertake the functions of giving advices and consolidation, which leads to the imbalance between specialists and other staff.

In addition, the unclear regulations on the functions and tasks of the ONA will lead to the difficulties in defining the titles of politician or administrative managers such as the chairman of NA committees. Moreover, some titles as regulated by law are NA deputies, but implement administrative management as the ONA Chairman, heads of NASC boards.

In countries, the political system decides on political issues, and there is a separate system decides political issues of the parliaments. The system includes, the Speaker, head of the Party, Chairman of the Parliament Office. The one who implement these decision is the Secretary General of the Parliament. However, in Vietnam such the organisation does not exist, leading to difficulties of the ONA.

Almost all countries in the world regulate the common functions of the supporting system which are to support the need of parliaments and MPs.

Under which, *the first function* of the supporting system is to assist in the rules and procedures of the parliaments. To implement this function, the supporting bodies shall be knowledgeable of the rules and procedures of the

³⁰. Implemented widely in 2011.

parliaments. In other words, the parliament office shall advise issues of the laws of the parliament.

The second function of the supporting system is to provide information and research services. The supporting bodies shall provide MPs with information for their performance. In fact, not all MPs are knowledgeable in the field to discuss at the plenary session. In such a case, the support in term of information by the supporting body is essential.

4.1.3 Define principles in organisation and operation

The NA and ONA are the two different agencies with two different principles. ONA is the administrative agency while the NA is a political organ working on the basis of conference regime. During the time with the NA, issues of the NA deputies are how to get the support of others, how their issues are interested and put in the legislative agenda, how to compromise and how to get the support of other NA committee members. This depends on the political skills, but not the administrative skills.

The design of the organization and operation of the supporting system of the National Assembly should be based on the following basic principles:

First, ONA is the administrative boby to serve policial agencies.

ONA is the administrative agency, which is organized and operated in an administrative manner under leadership regime. Except for some politically appointed titles, others are recruited and appointed under capacity and through recruitment procedures.

Second, ONA is the supporting body for agencies of the National Assembly and its members.

ONA is set up to serve the National Assembly. The organization and operation of the ONA will answer the question, what NA agencies and MPs needs to be supported.

Third, ONA mainly give advise on the technical issues of policies

Advice on political issues of policies is the supporting systems of the Party and Government;

Fourth, ONA works in a neutral and objective principle

Civil servants of ONA are recruited under specific procedures. Civil servants of ONA conduct peculiar jobs, which require neutral and objective qualification.

Fifth, ONA is the memory institution of the NA

Civil servants of ONA work in a long-term basis while MPs are elected in legislature (in Vietnam, each legislature lasts 5 years with the rate of re-elected MPs of ¼ (27,59% in NA legislature XII). Knowledge in organization and operation of the NA is stored in ONA. Secretary-General (Chairman of ONA) give advices to the NA Chairman on the NA rules and procedures. Approved decisions will have the authentic signature of the NA Chairman with the majority of consensus and the authentic signature of the Secretary-General with regard to the observation of rules and procedures.

Sixth, ONA is organized and divided in groups

- Group in charge of working procedures:
- Group in charge of information and research services:
- Group of public relations:
- Group in charge of infrastructure and techniques
- Group in charge of finance and budget
- Group in charge of ritual and security

4.1.4 Ensure the consistency in organisation of the system

One can see the current situation in the supporting system of the Viet Nam NA. Besides the ONA, there exist other agencies which function as supporting bodies of the NA such as the Board of Deputies' Affairs, Board of Petitions, and Institute for Legislative Studies. Given this, there will be no focal point responsible to the organization and operation of the supporting system, and the administrative responsibility is not clear, so is the professionalism in advising and supporting the NA.

This has led to the capacity scatter. At present, the study capacity is scattered in different groups: supporting departments of committees, Institute for Legislative Studies, general-service departments, etc. That the policy and technique stages are not defined has led to the increasing need for capacity improvement at supporting departments of committees. While experience in organizing committee hearings and investigation is limited.

Therefore, the ONA needs to be organised consistently. This shall ensure the consistency in operation, avoiding the waste and scatter of resources.

4.1.5 Independent and appropriate organisation of personnel

At present, the recruitment and training of ONA staff is applied consistently with other executive agencies. However, the NA is the political agency, therefore its supporting system is specific compared to others. ONA

staff needs to be trained to serve the NA. Civil servants of other parliaments are enabled to participate in short training courses and rotated within the supporting system to learn more experiences for better supporting the parliaments.

Given the training as civil servants of executive agencies, in the training curriculum for NA civil servants, the knowledge to organise and support the NA is not focused. The civil servants of the Vietnam NA now is well equipped with profession but not the parliamentary laws.

Therefore, in reform of the organisation and operation of the ONA, one of the important issues is to reform the ways of recruitment and training. This should be an independent organisation with specific criteria, which are appropriate with requirements of the NA in terms of knowledge and skills.

4.2 Solutions to the reform of the organisation and operation of the ONA

4.2.1 Clearly define the legal status of the ONA

To have the bases for the organisation and operation of the ONA, it is needed to regulate the supporting system of the NA in the Law on the Organisation of the NA. Under which, it is also necessary to affirm that ONA is the supporting agency of the NA, NA agencies, NASC agencies and NA deputies. ONA is organised and operated on the basis of administrative principles.

In addition, to ensure the consistency, it is needed to review the supporting system of the NA and NASC such as Boards and Institute of the NASC to agree on the legal status of these agencies. Work that is related to policy planning should be passed to the NA agencies, and administrative work, implementing policies should be passed to the NA supporting agencies.

4.2.2 Regulate functions, tasks of the ONA

a) Functions:

Under the current regulations, the ONA has two functions. They are “studying, giving general advices” and “serving”. The beneficiaries are the NA, Chairman and Vice-chairmen/women of the NA, NASC, Ethnic Council, NA committees, NASC agencies and NA deputies.

However, there exists another way to regulate the ONA functions. That is to clearly define functions implementing administrative activities of the NA and implementing other supporting activities under the request of the beneficiaries. For instance, Article 9, Law on the supporting system of Queensland Parliament 1988 provides that: “*Functions of the supporting system of the Legislative Council are to serve administrative work and support upon request of the Legislative Council and its members and its committees*”.

The stress on responsibility to implement administrative activities of the NA is to distinguish with policy planning activities of the NA and NA agencies. Moreover, the tasks to support as per request shall clearly define the position of the supporting agency and ensure the effectiveness of the activities. Results of the supporting agency are based on the need of the NA, and NA deputies but not the need of the supporting agency itself.

b) Tasks and powers:

First, to be able to organise activities of the ONA scientifically and properly, it is needed to design the work of the ONA in different groups, fields. Based on this, the tasks and powers of different departments and units can be defined.

- *Tasks related to rules and procedures*: Based on the rules and procedures, departments and units of the ONA are responsible to serve the NA leaders, NA agencies, NA deputies in issues related to rules and procedures, development of legislative agenda, taking minutes of sessions, supporting the development of documents of sessions;

- *Tasks related to information provision and research*: this includes the provision of information and research upon request of the NA agencies, NA deputies;

- *Tasks related to public relations*: this includes the communication on activities of the NA, enhancement of the public awareness and knowledge of the NA, build the NA's image;

- *Tasks ensuring infrastructure and techniques*, ensuring the operation of the NA such as the computer network, headquarter, meeting room, office facilities, etc;

- *Tasks on finance and budget*, ensuring budget for the operation of the NA, salary, allowances for NA deputies, policies for both NA deputies and their supporting staff;

- *Tasks related to rituals and security*, ensuring rituals in activities of the NA, security for NA's activities.

Given this, it is necessary to re-define the functions, tasks of departments and units, and to reform the organisation scientifically and professionally. For instance, departments supporting the work of Ethnic Council and NA committees focus on research, giving advices on policies while other tasks such as organisation of meetings, workshops, serving oversight missions of the Ethnic

Council and committees should be ordered to other departments and units of the ONA.

Second, to services: meals for NA deputies and their supporting staff, sanitation services should be out-sourced to reduce the peronnel and budget of the Office. It is to study and apply the procurement/fixed rate of tranportation in all activities of the NA (including NA's session, business trips and travels of full-time NA deputies at central level, excluding NA leaders).

Third, it is necessary to perfect the supporting system and assign a certain unit to implement overlapping tasks or tasks which are not assigned to any units:

1- Protocol, reception: internal and external reception, serving meetings, conferences; in-country and out-country business missions; serving funerals of NA leaders, NA deputies, ONA staff, and their relatives, etc.

2- Secretarial work for NA leaders: serving in professional and administrative work, public relations and building of image, etc.

3- International cooperation of the ONA: be in charge of the international cooperation of the ONA and ONA leaders; management of international cooperation projects of the ONA, etc.

4- Legislation of the ONA: serving the ONA leader in legislation within the ONA, verify the legality of documents drafted by the ONA, giving comments/opinions on legal documents on State management agencies sent to the ONA for comments, other legal work, etc.

5- The overlapping tasks with NASC agencies: management of research services, provision of informtion (the duplication between ONA and Institute for Legislative Studies); tasks related to the implementation of policies for full-time NA deputies (the duplication between the ONA and Board of Deputies' Activities).

6- The overlapping tasks among departments and units of the ONA: serving the topical oversight of the NA and NASC (served by departments supporting the Ethnic Council, NA committees, Department of General Affairs, Department of Administrative Work, Department of Logistics); serving the questiontime at sessions of the NA and NASC (served by the Department of General Affairs and Department of Deputies' Activities); implementing IT projects in NA agencies, ONA and Offices of the NA deputies' delegation (implemented by Center for Informatics and Board of IT Project Management).;

Box 1: Regulations on functions, tasks of supporting systems of some parliaments

Functions of the supporting system of New Zealand parliament include³¹:

(a) serving administrative work and support upon requests of the Lower House and MPs; and

(b) Implementing, under the leadership of the Speaker of the Lower House, expenditures serving activities of the parliament.

Functions of the supporting system of Queensland Parliament, Australia³²:

Functions of the supporting system of the Legislative Council are to serve administrative work and support upon request of the Legislative Council and its members and its committees, including:

(a) providing secretarial staff, services for the effective operation of the parliament and its committees; and

(b) providing opinions/advices on rules and procedures and functions of the parliament; and

(c) taking minutes precisely of the working process of the parliament and meetings of parliamentary committees upon request; and

(d) providing library and research services to MPs of the Lower House; and

(e) providing meals; and

(f) taking care of gardens and yards of the parliament; and

(g) providing ritual and security services; and

(h) maintaining the parliament house.

4.2.3 Organisational structure of the ONA

a) Selection of the organisational model

Having studied and referred experiences of parliaments in the world and current situation of Viet Nam, to meet requirements of the aforementioned functions, tasks and powers, there are three options for the development of the supporting system of the NA as follows:

Option 1: The model of different focal points under the beneficiaries

³¹. Article 7, Law on the supporting system of New Zealand Parliaments 2000

³². Article 24, Law on the supporting system of Queensland Parliament, Australia 1988

i) Organisational structure

According to this option, the NA supporting system will be organised under beneficiaries. Under which, apart from the group supporting the NA and NASC, the Ethnic Council and NA committees, NASC boards shall have their own offices, and these offices are independent with the general-service group.

Given this, there will be 15 independent offices in the NA supporting system (including 10 offices of the Ethnic Council and NA committees, 2 offices of Boards and 1 office of the Institute for Legislative Studies of the NASC). There are departments and divisions under the offices.

At this time, the general service group of the NA and NASC (possibly be called the ONA) will be organised independently, serving general activities of the NA, NASC and NA leaders in areas: supporting the rules and procedures of the NA and NASC; provision of information and research services for NA deputies; supporting administrative and logistic work of the NA.

ii) Strengths

First, focal points can clearly be seen

The clearest strength of this option is that the focal points are organised clearly under beneficiaries. The NA, NA agencies, NASC boards shall have their own supporting agencies. This option can also deal with the unclear distinction of tasks and powers of the ONA Chairman, Standing Boards of the Ethnic Council, NA committees, and heads of the NASC boards.

Second, capacity of supporting agencies can be improved

Given the independence of supporting agencies, these organs will be in good conditions to focus on serving one group of beneficiaries. Their capacity will thus be improved.

ii) Limitations

First, increase in the number of focal points

The limitation of this option is that the number of focal points in the supporting system will increase to 15 units which are equal to the general departments. This will be the challenges in term of budget and workforce. In fact, the organisation of supporting agency under the beneficiaries is common in some countries including the US. In this country, each parliamentary committee has its own supporting agency with budget and workforce. However, the characteristics of the US parliament is that the legislative agency is totally independent with executive one, and parliamentary committees have more powers in legislation and oversight of activities by government's agencies.

Second, the duplication can occur in some activities

Though independent in organisation, there still exists duplication in some activities of the offices of NA agencies as they have the common beneficiary, the NA. For instance, some contents related to personnel management or in logistics, offices of the NA agencies may be dependent on the general service group.

Third, resources may be scattered

The organisation of offices of the Ethnic Council and NA committees may lead to the scattered resources and ineffective use of resources. For instance, there are cases that one content will be examined by different committees, and the mobilisation of resources by the committee offices will be difficult. And, the waste of resources may occur when the volume of work among committees is different at various timelines.

iv) Comments

This option obtains many strengths and deals with some existing limitations. However, with the increase in number of focal points, it requires a huge amount of budget and workforce to materialise the option. Moreover, to improve the effectiveness of work and save the resources among these focal points, there needs to be a close coordination regulation.

Option 2: The model of different focal points under the groups of work

i) Organisational structure

According to this option, the supporting system of the NA will be organised under different focal points and groups of work. However, it depends on the division of work groups of the NA, there are different options for organisation.

First, the work groups of the NA can be divided into two: (1) serving professional activities of the NA; (2) serving the logistic and administrative work of the NA.

There will also be two independent groups corresponding to the two work groups: (1) the Secretariat of the NA; and (2) Office of the National Assembly.

The Secretariat is led by the NA Secretary General with departmental units, which implement the following tasks:

- Support the rules and procedures of the NA;
- Provide technical support in drafting documents of the NA and NA agencies;

- Support information and research services to the NA and NA agencies;
- Support the archives of NA's minutes.

The ONA is led by a chairman with departmental units, and implements the following tasks:

- Support the logistic and administrative work of the NA;
- Provide security and reception services;
- Support financial and accounting work.

This option of organisation is similar to that of the France.

Second, the work groups of the NA can be divided as follows: (1) rules and procedures; (2) information and research services; (3) logistics and administrative work, and there is a supporting agency of the Secretariat, NA Library; and ONA.

The biggest difference of this option compared to option 1 is that the group of information and research services is independent. In some countries, this work group is assigned to different independent agencies such as the NA Library; Research Service Agency; Office of Budgetary Research (South Korean supporting system). These agencies are equal and independent with the Secretariat of the NA.

ii) Strengths

First, clear division of work groups

Given the NA supporting system organised under work groups, the organisation of focal points supporting the NA is defined clearly. In this model, the groups directly supporting the Ethnic Council and NA committees focus on technical support such as the rules and procedures of sessions, taking minutes, technically finalising documents of the committees based on their members. The provision of information and research services will be implemented by the group of information and research services.

Second, the organisation of services is more flexible

In this model, the services to NA agencies are implemented by different focal points under work groups. Therefore, such organisation of services is more flexible and makes full use of the resources.

Third, the model has been in practice

With the establishment of the Institute for Legislative Studies, which is independent with the ONA, the model has been in practice. Through the

formation and operation process of the Institute for Legislative Studies is the bases to assess the effectiveness of the model.

iii) Limitations

First, there exist many focal points

Though the option has increased the focal points which are equal to ministerial and general departmental agencies to 2-3 compared to option 1, the focal points are now increasing. Such increase will also increase the budget and resources.

Second, this requires a close coordination mechanism

The organisation of agencies, which are relatively independent with each other to serve different work groups of the NA agencies, requires a close coordination mechanism. In the case that there are no executive agencies to coordinate the relations, the coordination among these agencies might be difficult.

iv) Comments

One of the biggest strengths of this option is that it is initially practical in Viet Nam NA. However, the increase in the focal points will also lead to the increase in personnel and resources.

In addition, to be effective there should be a close coordination mechanism among these agencies. However, there are challenges for implementation of this option.

Option 3: The model of concentrated focal point with clear distinction of work groups

i) Organisational structure

This is the model which the organisational structure of the supporting system concentrates in one focal point. To this end, the NA supporting system will be structured under the principle of dividing work groups with the leadership of one leader (some countries call Secretary General or Chairman of the ONA). The ONA Chairman is both the expert in rules and procedures to serve the NA Chairman in chairing NA's sessions and the manager of the supporting system.

This model is common in the UK and Australian parliaments. However, the organisation of departments and units of the supporting agencies can vary under conditions of each countries. Basically, groups of the supporting system include the following areas: serving in rules and procedures; development of legislative agenda; provision of information and research services; logistic and

administrative work; public relations, etc. These work groups are implemented by departmental or general-departmental agencies.

ii) Strengths

First, ensure the consistency in directive and executive work

As organised under one focal point, the supporting system is operated under the leadership of one leader. This ensures the consistency in directive and executive work.

Second, resources can be used more flexible and effective

Given that the departments and units are managed by one leader, the mechanism for the mobilisation of personnel and resources is implemented more flexible. Therefore, the personnel and financial resources are used more flexible and effective.

Third, the number of focal points does not increase

Implementing this option, the number of focal points will not basically increase, even reduce if the principle of one head running the supporting agency is seriously applied.

Fourth, practical experiences exist

In fact, the model is based on the practical experiences. Therefore, the implementation of this model will make use of practical experiences with not much disorder in organisational structure of the system.

iii) Limitations

First, uncertainty in regime of responsibility

Under this model, supporting units of the NA agencies shall be responsible to the ONA leader on administrative work and to the leaders of the NA agencies on profession. Therefore, if there is no clear distinction of responsibility, the duplication of responsibility may occur.

Second, possible overload of work for ONA leaders

As there is only one head responsible to run and manage all the work of the supporting system, this may lead to the workload for ONA leaders.

iv) Comments

This model is close to the organisation of the supporting system of the Viet Nam NA. Compared to option 1 and 2, this model is more feasible. Though there are still some limitations, they can be reduced and overcome with the adjustment in the organisation of some departments, units of the ONA.

Therefore, based on the comparative analysis, option 3 is suggested for the reform of the organisation and operation of the ONA.

b) Requirements for development of the organisational structure

To effectively apply the model of one concentrated focal point, the following requirements should be met:

First, the serving scale shall fully meet requirements of the NA, NA agencies, NA deputies.

Under this principle, the supporting system shall meet all requirements of the NA, NA agencies and NA deputies. At present, there are some work that has not been supported effectively as the rules and procedures in chairing sessions of the NA. Some NA agencies or the NASC must implement some work, though such work is that of the supporting agencies like the implementation of policies for NA deputies, the protocol, etc.

In addition, this principle requires the supporting system to effectively support the NA, NASC, NA leaders, NA committees leaders, NA deputies. At present, the ONA organisation does not pay much attention to supporting individual NA deputies.

Second, no duplication in functions and tasks is ensured

To ensure that there will be no duplication in functions, tasks, the distinction of NA's work groups shall be very clear, ensuring the principle of one focal point, one work group.

Third, close coordination among units is ensured

As the ultimate goal of the NA, NA agencies and NA deputies is to promulgate decisions of the NA, there is a close link in work groups. The organisation of the supporting system requires a close coordination among units, particularly those with similar tasks.

Fourth, clear distinction of responsibility is ensured

Under this model, it is important to ensure the clear distinction of responsibility. It is necessary to define the management of personnel (recruitment, policies, administrative management) by ONA leaders and profession management of beneficiaries (NA agencies and NA deputies).

c) Organisational structure

Based on the aforementioned principle, departments and units of the the ONA can be organised under the following work groups:

***First*, work serving the rules and procedures, legislative agenda**

This work group includes the development of the legislative agenda of the NA and NASC; taking notes of the practice and working habits of the NA; development of NA's and NASC's resolutions on legislative agenda, rules and procedures; taking minutes of NA's activities.

At present, the work is implemented by some units of the ONA (Department of General Affairs, Center for Informatics), Committee on Law (in some issues related to legislative process) and Board of Deputies' Activities (drafting the agenda and procedures of the question time). However, the current organisation has not created a link in implementing the work group. In addition, this is the work of the supporting agencies, and the implementation of NA agencies and NASC is not proper. Moreover, it is not appropriate to assign the Center for Informatics to take notes of sessions, meetings. In principle, such work requires procedures of certification so as to ensure the legality.

Therefore, units serving the work group include:

(1) *Department of sessions, meetings*: This department shall develop legislative agenda of the NA, NASC, consult the rules and procedures of the NA, be responsible to take notes and develop minutes of sessions, meetings; disseminate documents serving activities of the NA, and to the public. This department is organised based on part of the work of the Department of General Affairs, Board of Deputies' Activities and Center for Informatics.

(2) *Department of legislative techniques*: This department shall support the drafting of resolutions, conclusions of sessions; ensure the consistency in legislative techniques of the NA, NA agencies and ONA.

Second, work serving the Ethnic Council and NA committees

The main work of this group is to support NA agencies such as organisation of sessions, activities of committees (investigation, expository sessions, oversight, etc); preparation of committees' documents based on opinions of committee members; study and proposal of policies within the tasks and powers committees.

This group may be retained as present with departments supporting work of NA committees (12 supporting departments). However, if the departments implement mainly the secretarial tasks for activities of NA committees, the number of staff in each department may reduce (at present, the average number of staff is 25. This is a rather big number compared to the supporting departments of committees in parliaments applying similar model). The provision of information and research services will then be implemented by the

group of information and research services. And, committee members will receive direct support from their staff.

In addition, there are opinions to set up *Department of Secretaries of NA leaders*. In some countries, parliament leaders often have their own offices. The office supports the leaders in political activities like in relations with parties, public relations. This group operates on the basis of serving political goals of the parliament leaders. Activities related to technical support for MPs, parliamentary committees are implemented by general-service units on the neutral and objective basis.

Third, work serving information and research services

This work group includes the provision of information and research services upon requests of NA agencies, NA deputies.

At present, this work group partly serves the Ethnic Council, NA committees (in developing research reports by Institute for Legislative Studies, Center for Information, Library and Research Services; Training Center for Elected Representatives).

There are 2 options to organise units implementing this work group: (1) organise only one unit, that is the NA Library (as planned in Resolution No. 27) to provide information and research services upon requests, and (2) organise two units: NA Library and Research Service Agency (the name Institute for Legislative Studies can be retained, but a focal point of the ONA) to implement this work group. However, the development tendency of countries shows that the first option is preferable in term of flexibility in using and saving resources.

Fourth, work serving public relations

This work group includes the arrangement of the mass media to access to and disseminate information on activities of the NA; dissemination of publications on the NA and NA agencies; organisation of the press activities of the NA; organisation of the museum, and visit of NA House, and other activities of the NA.

These activities are being implemented by different units of the ONA as the People's Elected Deputies Daily Newspaper; Legislative Studies Journal; Center for Information, Library and Research Services.

To re-structure these units, the aforementioned work group can be implemented by the units:

(1) *Department of Public Relations*: this department takes responsibility to enable the mass media to access to and disseminate information on NA activities; organise visits to the NA House; develop publications on the NA;

(2) *People's Elected Deputies Daily Newspaper*: is the press agency of the NA;

(3) *Center for Radio and Television*: build and operate a TV channel of the NA;

(4) *Legislative Studies Journal*: is the press agency of the NA.

(5) *The electronic portal*: manages the contents of the NA's electronic webpage.

However, it is noted that there is a cross-cutting in functions and tasks of the 5 mentioned units. For instance, at present the People's Elected Deputies Daily Newspaper has the electronic webpage with sufficient information on NA activities. The newspaper has initially implemented its pictorial tasks, and this can be seen as the bases for the development of the NA TV channel. Therefore, the units can be merged to reduce the focal points in doing the work.

Fifth, work serving administration, logistics, finance and personnel organisation

This work group is necessary to the ONA. Similarly to other agencies at central level, the ONA needs to have the following units:

(1) *Department of Organisation-Personnel*: this department takes responsibility to recruit, train staff, and give advices on the organisation of the ONA. In addition, given the specific characteristics in organisation of the NA, the department may take the task to implement policies for NA deputies;

(2) *Department of Administrative Work*: this department is responsible to implement administrative work such as paper work, archives, etc.

(3) *Department of Planning - Finance*: this department takes responsibility to plan and allocate budgets serving the NA, and NA agencies;

(4) *Department of Finance-Accounting (or Department of Financial Affairs)*: this department is responsible to implement expenditures serving the NA and NA agencies;

(5) *Department of Logistics*: this department is responsible to manage the facilities, meeting rooms, and equipments serving the NA, NA agencies and NA deputies;

(6) *Center for Informatics*: this center takes responsibility to ensure requirements met in terms of computers, IT equipments and the operation of the intranet of the ONA, and electronic portal;

(7) *Department of International Cooperation*: this department is responsible to the international cooperation activities of the ONA as well as the parliamentary protocol;

(8) *Division of Security*: this division takes responsibility to ensure security in working stations of the NA.

Besides the aforementioned units, the ONA has the following units: Guest Houses of the NA, Department of Central and Highland Affairs, Department of Southern Affairs. These units shall be retained as present to support NA deputies when they are on business at the places.

In addition, to operate and run the mentioned system effectively, there are two issues to be solved:

First, increase the number of staff supporting individual NA deputies

To develop the role of NA deputies, it is needed to study a recruitment regime of supporting staff for individual NA deputies. Each NA deputy may recruit 1 or 2 staff during the NA legislature. The recruitment of staff will be decided by the NA deputies to ensure the appropriateness and improve the effectiveness of NA deputies' activities. And, the policies for these staff will be implemented by the ONA.

With this model, the work pressure of supporting agencies of the Ethnic Council, NA committee, Delegations of NA deputies will reduce. This is due to the policy contents, policy proposals serving the Ethnic Council and NA committees that come from opinions of their members. The tasks of the supporting agencies of the Ethnic Council and NA committees are to take notes and prepare committee documents. Therefore, the number of staff in these units will reduce.

Second, study to reduce the workload for ONA leader

As mentioned, under this model, the work volume of the ONA leader will be huge. To reduce the workload, it is to study to organise general departments with above-mentioned work groups. The coordination among departments, units will be implemented by heads of the general departments. The coordination among general departments will be by the ONA leader. In fact, the organisation of general departments is common at central agencies, ministries of Viet Nam.

And, this is also a common organisation in supporting systems of parliaments in the world.

4.2.4 Relations between the ONA and supporting agency of NA deputies' delegations

Over the past time, there have been opinions that it is needed to reform the organisation of the supporting agency of the NA deputies' delegations to create the consistency in the organisation of supporting agencies from central to local level.

The reform of the organisation of the supporting agency of the NA deputies' delegations also comes from the fact that the NA tends to increase activities outside its sessions including activities of NA deputies delegations.

In addition, there are some opinions that during the reform, it is needed to increase the authorisation of this supporting group because this group gives advices on issues related to policies of draft laws and reports.

Therefore, it is necessary to review and draw the experiences in implementation of Resolution No. 545/2007/NQ-UBTVQH12 on the establishment, regulations on position, functions, tasks, powers and organisational structure of the Office of NA deputies' delegation and people's council. It is also necessary to separate the Office of NA deputies' delegation to the Office of the People's Council and organise a 'representative office' of the ONA at localities.

It is needed to develop and promulgate the coordination regulation between the ONA and Office of the NA deputies' delegation; relations between ONA departments and Office of the NA deputies' delegation; coordination relations among Offices of the NA deputies' delegation.

It is to regularly organise training courses, improving profession for staff of the Office of the NA deputies' delegation in all fields including skills to better serve the NA deputies' delegations.

It is to continue invest for the Office of the NA deputies' delegation, improving policies for staff of the Office.

4.2.5 Development of the personnel of the ONA

To ensure the stability in ONA personnel, contributing to improving the administrative reform, it is necessary to supplement regulations on the personnel development in the Resolution. The NASC decides the total number of the ONA staff under its legislature while the number of ONA departments' staff is decided by the ONA Chairman to actively and effectively serve the NA.

In addition, it is needed to develop the titles of officers (departments and divisions) and the positions of ONA staff to identify bases for recruitment, planning and appointment. The staff performance assessment is the important bases for planning and appointment.

To increase properly number of staff in professional departments; to identify number of department and division leaders who are in line with the need and organization of the units. Procurement and outsource of services: meals of NA deputies, ONA staff; sanitation of the ONA to reduce the number of staff and budget for salary.

To staff of departments supporting the Ethnic Council and NA committees, NASC boards, it is necessary to ensure the consistent coordination between the ONA Chairman and Standing Boards of the Ethnic Council, NA committees and heads of the NASC boards in the whole process of recruitment, training, retraining, mobilisation, rotation, secondment, appointment, dismissal and others like assessment, commendment, disciplines, salary, allowances, social insurance, pension, etc.

To develop and manage the staff scientifically and increase the number experts meeting the increasing requirement of work. The mobilisation, rotation and secondment of ONA staff to ministries, localities to learn and draw practical experiences should be paid attention

Moreover, to draw and encourage qualified staff to come and work for the ONA, it is to study and improve the preferable policies for these staff, and the following solutions should be focused:

- It is requested to study and apply specific policies (specific allowances) for ONA staff so that the ONA can ensure its staff income and draw intellectuals to the ONA and NA agencies.

- It is requested to have accommodation policies to support staff who have difficulties in accommodation.

- It is requested to have regulations on the cost norm for telephone fee; provision of newspapers and bulletins for leaders and units.

- It is suggested to apply allowances for staff who take specific tasks affecting their health.

4.2.6 Reform of the infrastructure and technological facilities

To ensure the effectiveness and efficiency in NA activities in general and of its supporting system in particular, the infrastructure and technological

facilities play an important role. To this end, the following solutions should be considered in the coming time:

- To complete works serving the NA and NA agencies like the NA House, the headquarter of the ONA and NA agencies (in Ha noi), irregular working stations of the NA in Ho Chi Minh city and in the Central and Highland (in Da Nang).

- To ensure the working conditions (working rooms, facilities) as regulated; timely replace old facilities upon requested.

- To increase IT application in serving NA and NA agencies;

- To timely amend and supplement inappropriate regulations on management of finance and assets of the ONA. The procurement and outsource of services and even experts should be considered;

- To study regulations on financial management and expenditures to ensure budget for activities of the Ethnic Council and NA committees so that Standing Boards of these NA agencies can decide and be responsible to actively implement their work and deal with arising difficulties.

- In regard of budget allocation, as some committees are assigned to take different tasks with different sources of budget, it is requested to clearly define the management and use of the sources of budget to avoid duplication in settlement.

C. CONCLUSION

Over the past 65 years, the ONA has positively contributed to the development and reform of the NA. Advices of the ONA have effectively supported the NA deputies, NA agencies in implementing the functions of legislation, oversight and decision on important issues of the nation.

However, there appear some limitations in the organisation and operation of the NA supporting system in general and of the ONA in particular. For instance, the legal status of the ONA has not been regulated in laws of the NA; there have been no clear distinction in the NA supporting system, which leads to the duplication in organisation and operation; supporting units of the Ethnic Council and NA committees in general and general-service units in particular are limited in both quantity and quality; some regulations on the organisation, functions, tasks of the supporting system are not consistent and outdated.

In this context, the reform of the ONA organisation and operation is essential. Resolution No. 27/2012/QH13 dated 21/6/2012 provides the objective that “to perfect the supporting system toward the profession and effectiveness; clear and specific division of work with close coordination to avoid overlapping and scatter of resources, etc; to build an effective working mechanism so as to ensure the consistency in serving NA deputies at their delegations”.

To implement the aforementioned objectives, results of this research show that the reform of the ONA organisation and operation should ensure the following plans and solutions:

First, it is necessary to acknowledge the legal status, functions and tasks of the ONA.

To this end, it is necessary to define functions of the ONA, which are to implement administrative activities of the NA and other supporting activities upon request of the NA, NA leaders, NA agencies and NA deputies.

Tasks and powers of the ONA should be defined, including: (i) provision of information and research services; (ii) public relations; (iii) ensure of infrastructure and technological facilities; (iv) finance and budget; (v) rituals and security.

Second, the organisation and operation of the ONA should be implemented under the following principles: (i) the ONA is the administrative

agency to support political agencies; (ii) the ONA is the supporting agency of the NA agencies and NA deputies; (iii) the ONA mainly gives technical advices on policies; (iv) the ONA works on the neutral and objective basis; (v) the ONA is the memory institution of the NA.

Third, with regard to the organisational structure, based on the analysis of strengths and limitations on different options of the ONA organisation, the research team suggest the ONA organisation with the following units:

i) Group of units serving the rules and procedures, and legislative agenda: Department of Sessions and meetings and Department of Legislative Techniques;

ii) Group of units serving the Ethnic Council and NA committees: departments directly supporting the Ethnic Council and NA committees and NASC boards;

iii) Group of units serving in provision of information and research services: NA Library and/or one independent research institution;

iv) Group of units serving the public relations: Department of Public Relations, People's Elected Deputies Daily Newspaper, Center for Radio and Television, Legislative Studies Journal, Electronic Portal;

v) Group of units serving logistics, administrative work, finance: Department of Organisation-Personnel, Department of Administrative Work, Department of Planning and Finance, Department of Finance-Accounting, Department of Logistics, Center for Informatics, Department of International Cooperation, Division of Security.

However, for the effective operation of the model, it is necessary to increase staff for individual NA deputy as NA deputies also have their own tasks as regulated in law.

Fourth, supporting units of NA deputies' delegations

The separation and merge of the Office of NA deputies' delegation and Office of the People's Council have over the past time revealed the strengths and limitations of each model. In fact, the merge of the two offices does not link the work, personnel and budget. Therefore, it is necessary to separate the two offices to ensure the consistency and coordination between the ONA and Office of NA deputies' delegation in serving NA deputies.

It is also necessary to study personnel of the Office of NA deputies' delegation for rotation between units of ONA and Office of NA deputies' delegation to deal with difficulties in personnel planning./.

ANNEX 1. Survey results on support need of NA deputies

I. GENERAL INFORMATION ON SAMPLING

Table 1. General information

I.1. Age:	Rate %
Under 35	37.4%
From 35-55	42.6%
Over 55	20%
Total:	100%
I.2. Gender:	
Male	72.9%
Female	27.1%
Total:	100%
I.3. Qualification:	
Under graduate	2.5%
Graduate	51%
Post-graduate	46.5%
Total:	100%
I.4. NA deputies:	
Re-elected	35.4%
Newly-elected	16.3%
Total:	100%
Full-time NA deputies at central level	19%
Full-time NA deputies at localities	19%
Part-time NA deputies	62%
Total:	100%
Members of the Ethnic Council, NA committees, NASC boards and institute	82.4%

II. SURVEY RESULTS

1. Assessment on work volumn of NA deputies:

1.1. The survey result show that (*chart 1*), 49.7% of questioned NA deputies said that they faced overload of work while 50.3% said their work was average.

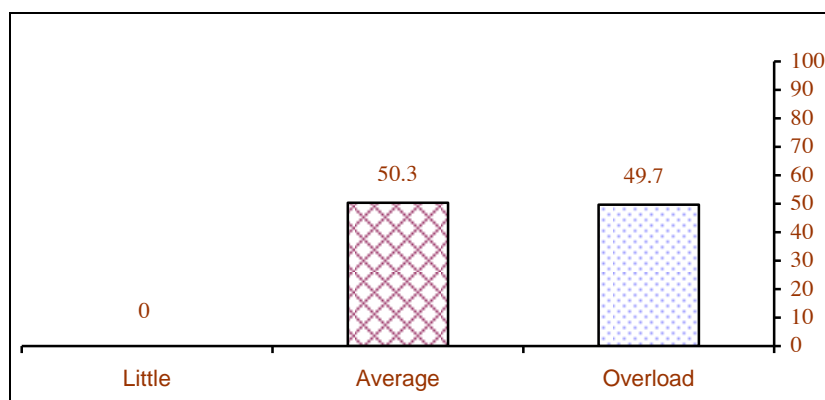


Chart 1. Assessment on the work volumn of NA deputies

Difference in groups:

- According to survey results (Table 2), group of newly-elected NA deputies (**50%**) assessed their work was overload compared to the group of re-elected NA deputies (**44,9%**)

- Those questioned who are full-time NA deputies at localities said their work was overload with the highest rate of 68.6% followed by the the group of full-time NA deputies at central level with 47.2% and group of part-time NA deputies 46.2% .

- To members of the Ethnic Council and NA committees, NASC boards and institute, 51.3% of those questioned said their work was overload, and 33.3% of those who are not members of these agencies shared the opinion.

Table 2: Assessment on work volumn of groups of NA deputies

Groups		Work volumn		
		Overload	Average	Little
1. NA deputies	Re-elected	44.9	55.1	0
	Newly-elected	50	50	0
2. NA deputies	Full-time at central level	47.2	52.8	0
	Full-time at localities	68.6	31.4	0
	Part-time	46.2	53.8	0
3. Members of the Ethnic Council and NA committees, NASC boards and institute	Yes	51.8	48.2	0
	No	33.3	66.7	0

1.2. Work that NA deputies often do when exercising their tasks:

Table 3 shows that voter-outreach is the regular work of 93% of NA deputies questioned followed by the study the draft laws and resolutions with 82% and participation in oversight missions of the NA with 33.2%. however, 21.7% of NA deputies questioned said that they have never exercised their tasks.

Table 3: Work that NA deputies often do when exercising their tasks

Work/activities	Regular	Sometimes	Never
1. Study draft laws and resolutions	82	18	0
2. Participation in oversight missions of the NA	33.2	45.1	21.7
3. Voter-outreach	93	7	0

In addition, 17.2% of NA deputies questioned said that their regular work is participation in conferences, workshops, training workshops; meetings with experts, etc.

2. Need for information provision:

2.1. *The need for information provision when giving comments on draft laws, resolutions and decisions of the NA*

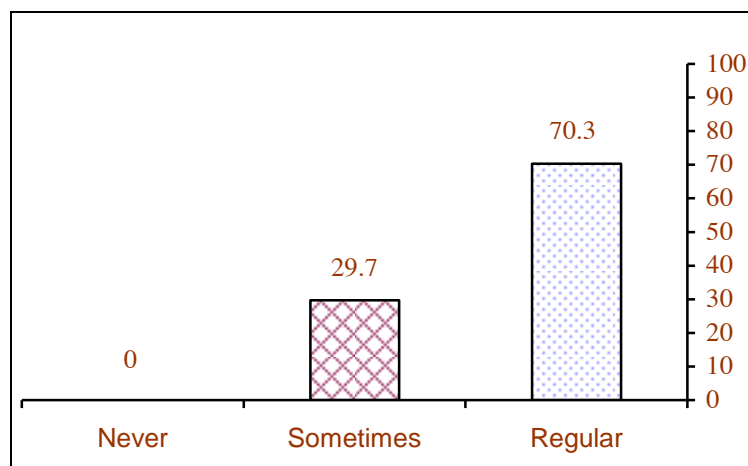


Chart 2. Looking for other information

- As can be seen in chart 2, **70.3%** of NA deputies questioned said when giving comments on draft laws, resolutions and decisions of the NA, they regularly have to look for other information besides information provided by submitting and verifying agencies, and **29.7%** of NA deputies questioned do this sometimes.

- When being questioned about necessary information to give comments on draft laws, resolutions and decisions of the NA (Table 4), 3 types of information were selected by most NA deputies questioned: incorporation of comments by experts with **91.7%**, followed by the summary of main policies of the drafts and statistics on related contents of the drafts with **89.7%**.

However, 12.3% of NA deputies questioned said that comparative research/analysis with laws, policies of other countries and incorporation of people's opinions on the drafts, and social survey results on the drafts with 8.3% are not very necessary.

Table 4: The need to look for additional information to give comments on draft laws, resolutions and decisions of the NA

Information	Necessary	Not very necessary	Not necessary	Do not answer
1. Summary of main policies of the drafts	89.7	4.9	0	5.4

Information	Necessary	Not very necessary	Not necessary	Do not answer
2. Statistics on related contents of the drafts	89.7	4.9	0	5.4
3. Social survey results on the drafts	86.3	8.3	0.5	4.9
4. Comparative research/analysis with laws, policies of other countries	80.9	12.3	0	6.9
5. Related legal documents	86.8	6.4	0	6.9
6. Deep analysis on some specific contents of the drafts	88.2	5.4	0.5	5.9
7. Incorporation of comments by experts	91.7	3.4	0	4.9
8. Incorporation of people's opinions on the drafts	87.3	8.3	0	4.4

2.2. The need for information provision when participating in oversight missions of the NA

In regard of **information when participating in oversight activities of the NA** (Table 5), 3 types of information were selected by most NA deputies questioned: summary of the legal framework of oversight contents and incorporation of opinions by experts and people on oversight contents with **84.8%**, followed by related legal documents with 81.9%.

Table 5: The need for information provision when participating in oversight missions of the NA

Information	Necessary	Not very necessary	Not necessary	Do not answer
1. Summary of the legal framework of oversight contents	84.8	3.4	0.5	11.3
2. Summary of the current situation on the oversight contents through the press	73.5	10.8	0.5	15.2
3. Related legal documents	81.9	5.4	0	12.7
4. Statistics on oversight contents	78.9	6.4	0	14.7
5. Social survey results on oversight contents	78.9	8.3	0	12.7
6. Incorporation of opinions by experts and people on oversight contents	84.8	3.9	0	11.3

2.3. The need of information provision or voter-outreach

Table 6 shows the need of information provision for voter-outreach, 95.6% of NA deputies questioned selected the summary of results or draft legislative agenda of the NA sessions, followed by the situation on the handling of voters' suggestions raised at previous meetings with 95.1%.

Table 6: The need of information provision for voter-outreach

Information	Necessary	Not very necessary	Not necessary	Do not answer
1. Summary of results or draft legislative agenda of the NA sessions	95.6	1.5	0.5	2.5
2. Updated information on current situation of their localities	88.7	5.9	0.5	4.9
3. Situation on the handling of voters' suggestions raised at previous meetings	95.1	2.0	0	2.9
4. Information on new plans and policies of Party and State	88.7	5.9	0	5.4

2.4. The need for information provision to propose suggestions (development of draft laws, amendment of laws, establishment of investigation committees, casting votes of confidence, etc) at the NA

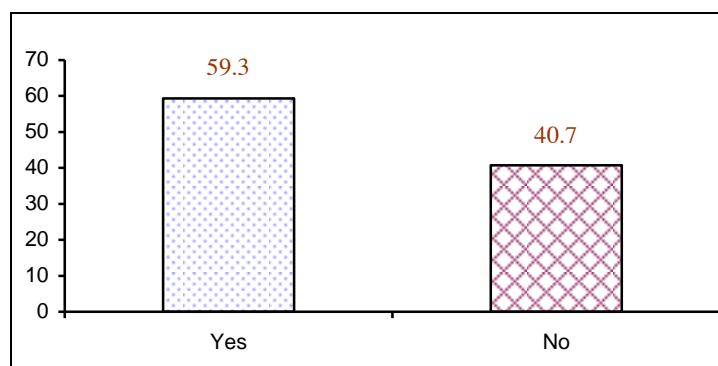


Chart 3. Information on the National Assembly

- As can be seen in Chart 3, 59.3% NA deputies questioned have ever planned to propose suggestions (development of draft laws, amendment of laws, establishment of investigation committees, casting votes of confidence, etc) at the NA.

- Of the NA deputies questioned on their intentions to propose suggestions (development of draft laws, amendment of laws, establishment of investigation committees, casting votes of confidence, etc) at the NA, the need for related necessary information selected by questioned NA deputies can be seen in Table 7: Analysis information on contents related to suggestions with

89.4%, followed by drafts (Drafts (draft laws and resolutions, etc) with 79.7% and information on procedures to exercise these rights with 70.7%.

However, 11.4% of NA deputies questioned said that information on procedures to exercise these rights was not very necessary, and 1.6% selected the option of not necessary.

Table 7: The need for information provision to propose suggestions (development of draft laws, amendment of laws, establishment of investigation committees, casting votes of confidence, etc) at the NA

Contents	Necessary	Not very necessary	Not necessary	Do not answer
1. Information on procedures to exercise these rights	70.7	11.4	1.6	16.3
2. Analysis information on contents related to suggestions	89.4	0.8	0	9.8
3. Drafts (draft laws and resolutions, etc)	79.7	5.7	0	14.6

2.5. Units providing NA deputies with information over the past time

Table 8 shows that units providing NA deputies with information over the past time as selected by NA deputies questioned are Unitith 70.9%, followed by Staff of the Offices of NA Deputies' Delegation and People's Council with 70.6%, Staff of supporting deaprtments of the Ethnic Council and NA committees with 50.5%, and Staff of the agencies where NA deputies are working with 41.2%.

Table 8: Units providing NA deputies with information over the past time

1. Staff of supporting deaprtments of the Ethnic Council and NA committees	50.5
2. Units providing information of the NA (Center for Information, Library and Research Services, etc)	70.9
3. Staff of the Offices of NA Deputies' Delegation and People's Council	70.6
4. Staff of the agencies where NA deputies are working	41.2

2.6. Appropriate forms of information provision

As can be seen in Table 9, the forms of information selected by most NA deputies questioned are the provision of processed documents (paper documents, electronic documents) with 89.2%; followed by information accession through conferences, workshops with 75%, and direct meetings with experts of information holders with 53.4%.

Table 9: Appropriate forms of information provision

Forms of information provision	Appropriate	Not very appropriate	Not appropriate	Do not answer
1. Provision of processed documents (paper documents, electronic documents)	89.2	4.4	0	6.4
2. Direct meetings with experts of information holders	53.4	22.5	0.5	23.5
3. Information accession through conferences, workshops	75.0	8.8	0.5	15.7

3. The need for training of skills

3.1. Necessary skills to be trained

The survey results show that 5 skills that are needed the most by NA deputies questioned are (Table 10): policy analysis skills with 82.4%, followed by skills to look for and process information with 75%; negotiation skills with 67.6%; presentation and speaking skills with 65.7%, and communication skills and skills to meet voters with 65.2%.

Table 10: Necessary skills to be trained

Skills	Necessary	Not very necessary	Not necessary	Do not answer
1. Skills to look for and process information	75.0	6.4	1.5	17.1
2. Skills to work with the press	43.6	23.5	1.0	31.9
3. Policy analysis skills	82.4	5.4	0	12.3
4. Presentation and speaking skills	65.7	11.3	1.0	22.1
5. Communication skills and skills to meet voters	65.2	12.7	2.0	20.1
6. Negotiation skills	67.6	9.8	1.5	21.1
7. Decision-making skills	49.0	19.1	1.5	30.4
8. Skills to manage time, plan and organise work	41.7	26.0	2.5	29.9
9. Skills to chair meetings	52.9	18.6	2.0	26.5

3.2. Opinions on forms of skill training

Table 11 shows that 83.8% of NA deputies questioned said that they expect to participate in skill training course organised by the ONA, and 68.6% said their skills are gained through self-training. However, 32.8% said they expect to participate in skill training courses organised by other training institutions.

Table 11: Opinions on forms of skill training

1. Self-training	68.6
2. Participation in skill training courses organised by other training institutions	32.8
3. Participation in skill training course organised by the ONA	83.8

4. The need for administrative and logistic support

4.1. Administrative work related to NA deputies' activities

As can be seen in Table 12, 68.6% of NA deputies questioned said that the administrative work related to NA deputies' activities is implemented by staff of the Office of NA deputies' delegation and people's council while 60.8% said that they implemented the work by themselves.

Table 12: Opinions on administrative work related to NA deputies' activities

1. Self-implemented	60.8
2. Implemented by staff of the departments supporting the Ethnic Council and NA committees	27.9
3. Implemented by staff of the Office of NA Deputies' Delegation and People's Council	68.6
4. Staff of units where NA deputies are working	32.8

4.2. Opinions on being paid a flat rate to recruit a staff for implementing their tasks

When being asked if NA deputies are enabled to be paid a flat rate to recruit a staff to implement their tasks (Table 13), 73.7% NA deputies questioned said they would recruit a staff to implement professional work while 16.2% said they recruit a staff to implement administrative work, and 6.6% said they recruit a staff to implement other tasks: implementing both aforementioned tasks, receipt of people, looking for information when necessary, etc.

Table 13: Opinions on being paid a flat rate to recruit a staff

1. Implementing administrative work	16.2
2. Implementing professional work	73.7
3. Others (Please specify):	6.6

4.3. Assessment on conditions related to meals, accommodation of local NA deputies coming to Ha Noi to participate in NA sessions

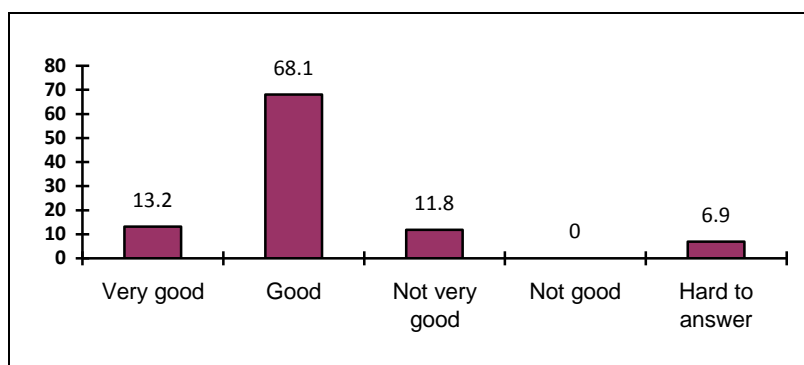


Chart 4. Assessment on conditions related to meals and accommodation for local NA deputies

As can be seen in Chart 6, 13.2% of NA deputies questioned said that the conditions related to meals and accommodation were very good, 68,1% said the conditions were good and 11.8% said the conditions were not very good.

4.4 Opinions on the organisation of meals and accommodation for local NA deputies

Table 14 shows that 77.5% of NA deputies said that the organisation of meals and accommodation for local NA deputies should be done by the ONA while 14.7% expected to be paid a flat rate.

Table 14: Opinions on the organisation of meals and accommodatoin for NA deputies

1. The ONA organises as present	77.5
2. Pay NA deputies a plat rate	14.7
3. Others	0.5

ANNEX 2: The organization and operation of the supporting agency of some parliaments in the world

1. STANDARDS OF THE PARLIAMENT SUPPORTING SYSTEM

To develop a parliament supporting system, research institutions in the world have set out standards for a parliament supporting system. For instance, the Inter-Parliamentary Union has set out standards to assess effectiveness in activities of the parliament including standards of a supporting system³³. Similarly, the Commonwealth Parliament Association also set out standards for the development of a supporting system of the parliament³⁴. In general, the standards focus on the following contents:

1.1. Supporting system of the parliament shall be professional and objective

A professional, objective and neutral supporting system is prerequisite to the effective operation of the parliament. MPs may not have sufficient professional knowledge of some contents, which are being ratified by the parliament, and they themselves do not have enough time to study all issues. Therefore, the support of this system is very important.

1.2. Supporting system shall be independent with that of the executive agency

To ensure its independence, the parliament shall have its own authorization to decide on the recruitment, use of and preferable policies for their supporting staff. The parliament shall have its capacity to recruit staff. In some countries, the parliament promulgates a bill to regulate its supporting system.

1.3. There should be a clear distinction between experts providing general services of the parliament and experts supporting individual MPs

One of the standards of the supporting system is the clear distinction between experts providing general services of the parliament and experts supporting individual MPs. While experts providing general services of the parliament are politically neutral, experts supporting individual MPs may give political advices to their MPs so that the MPs can express their opinions at parliament sittings or meetings. Moreover, after the parliament legislature, if the MP is not re-elected, the labor contract of these experts will be terminated.

³³. International Parliamentary Union, *Evaluating Parliament*, <http://www.ipu.org/PDF/publications/self-e.pdf>, retrieved on 10/07/2012.

³⁴. 'Benchmarks for Democratic Legislatures - A Study Group Report. Commonwealth Parliamentary Association (CPA) December 2006

1.4. MPs and their staff are enabled to use services of library, research and IT

Legislative agencies are provided with research services, library and IT services. To parliaments of small scale, the application of IT to provide information, research services, is seen effective. For instance, in Scotland Parliament, the Parliamentary Center for Information provides research reports, publications upon requests of MPs. This center also provides library services, links with libraries in communities to serve MPs and the public.

1.5. The recruitment is based on capacity and equality in opportunities

To staff providing general-services, the recruitment is implemented based on capacity and equality in opportunities. This is prerequisite to ensure the capacity of the supporting agency, creating the trust of MPs in using services provided by the supporting system.

1.6. Leader of the supporting agency shall be legally independent

The leader of the supporting agency shall be legally independent to avoid political pressure in running the agency. In parliaments with different parties, this is the obligatory requirement to ensure that parties in the parliament including the oppositions and majority are equally supported.

1.7. Staff shall be abided by ethical rules when implementing their tasks

When implementing their tasks, staff of the parliament shall be abided by ethical rules. This is the code of conduct with regulations to avoid the conflict of interest, taking gifts and handling gifts, and behavior rules when meeting people, etc.

In some parliaments, staff of the parliament implement the ethical rules applied to all staff of the State as in India, Colombia, Croatia, Ireland, the Philippines, etc. whereas, in the parliaments of Kuwait, the UK, Uruguay, Zambia, etc staff of the parliament have specific ethical rules, which are appropriate with the parliaments³⁵.

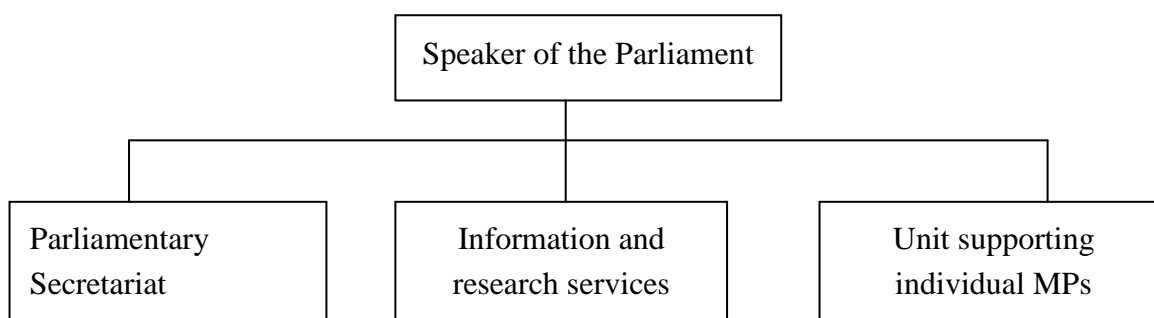
2. ORGANISATION OF THE SUPPORTING SYSTEM

The organization of the supporting system in parliaments is based on the principle of meeting basic requirements in legislation.

Normally, the supporting system of the parliament is divided into different units as Parliamentary Secretariat; agency supporting information, research services; unit supporting individual MPs.

Chart 6: General organization of the supporting system

³⁵ 'Benchmarks for Democratic Legislatures - A Study Group Report. Commonwealth Parliamentary Association (CPA) December 2006 Chapter 1 p 36-38



2.1. Parliamentary Secretariat

Of the aforementioned supporting units, the Parliamentary Secretariat is the most important. The fact shows that there are parliaments which are not in conditions to organize the unit of information and research services or to provide staff for individual MPs. But, the Parliamentary Secretariat must be in place.

The Parliamentary Secretariat is led by the Secretary-General, which provides necessary services for MPs to implement their tasks. This agency also takes responsibility to support parliamentary committees.

Three areas implemented by the Parliamentary Secretariat:

- 1) Supporting the rules and procedures of the parliament;
- 2) Supporting logistic and administrative work;
- 3) Supporting in finance, planning and personnel.

Support of the rules and procedures includes development of legislative agenda of the parliament; support the Speaker in chairing parliamentary sittings; support MPs in rules and procedures; preparation of documents for parliamentary sittings, sessions of parliamentary committees; support committees in rules and procedures to organize committee meetings.

Support of logistic and administrative work includes paper work, printing, security, archives, reception, operation of the Parliament House, etc.

Support of finance, planning and personnel includes development of plans, estimation, monitor of expenditures, recruitment, and training, etc.

2.2. Information and research services

Units of information and research services have the basic functions of providing MPs and committees of the parliament with information and research for their activities.

Normally, the units are relatively independent to ensure the objectiveness in providing services.

In some parliaments, units of information and research services are divided into different groups. For instance, in South Korea, units of information and research services include Parliament Library, Research Service Agency, and Budget Office. In which:

1) *Parliament Library*: provides MPs with information, references from books, magazines, etc. The Library also provides the public with library services.

2) *Research Service Agency*: the agency provides MPs and committees of the parliament with research reports.

3) *Budget Office*: the main function of this office is to assist the parliament in verifying draft laws related to budget, assessment of tax system, of economy and budget of national programs, etc. In addition, this office also conducts researches on economy and the impact of budget on bills, or issues upon request of MPs and committees of parliament.

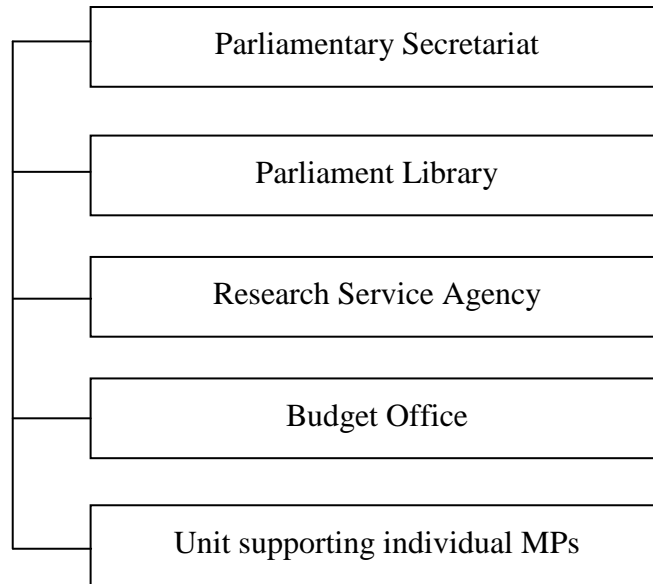
2.3. Staff of individual MPs and group of parties

Another important unit of the parliament is unit supporting individual MPs and group of parties. These staff shall not be limited by the principle of neutral, non-partisan as staff of other units.

Normally, MPs are entitled to select their own staff. However, the administrative management, signing of labor contract, salary is implemented through the supporting system of the Parliamentary Secretariat.

Tasks of these staff are to support MPs in legislative activities, questions to members of the government, maintaining relations with voters, etc.

Chart 7: Overview on the organization of the South Korean parliamentary supporting system



In general, the supporting system of parliaments in the world includes the aforementioned units. However, the organization of these units is various depending on the conditions of each country. The next part of this report presents the organization of some parliaments in the world.

3. SUPPORTING AGENCY OF PARLIAMENTARY COMMITTEES

3.1. Units supporting committees

Committees have an important position in the organization and operation of the parliament. To support these agencies, parliaments often organize committee supporting agencies.

In the supporting system of the parliament, committees are supported by different departments. Basically these departments include:

- (1) *Direct supporting departments* include staff who support directly the committees;
- (2) *General-service departments* of the Parliament include staff that supports the committees upon requested. For instance, staff who provide information and research services;
- (3) *Units supporting members* of committees of group of party in the committee.

These departments closely coordinate to ensure effectiveness in activities of parliamentary committees. However, these departments are organized differently depending on parliaments.

For instance, in the US Congress the supporting system (3 mentioned groups of departments) has big scale. Besides the department supporting each committee (about 65 staff/committee³⁶), there exists the Congress Library to provide analysis and research services for committees when necessary. At present, the US Congress Library has the total of 3.525 including 650 staff working in the Congress Research Services³⁷.

Whereas, in some parliaments each committee has 1-2 staff to serve the committee on administrative work. To support the committee in term of profession, the committee receives support from general-service departments like the research agency or parliament library.

However, the organization of direct supporting departments is somewhat different. In some parliaments, these departments are organized separately under the leadership of committees as in the US Congress. But, in most of the parliaments these departments are organized in one as the committee department of the parliamentary general department and MPs of the German Bundestag; Department of Survey and Investigation of the Secretariat of the Japanese Diet, etc. Supporting departments are organized in one unit, which will enable the close coordination among these departments, and the share of information, knowledge, experiences and skills. Moreover, the work is also equally divided.

3.2. Supporting activities

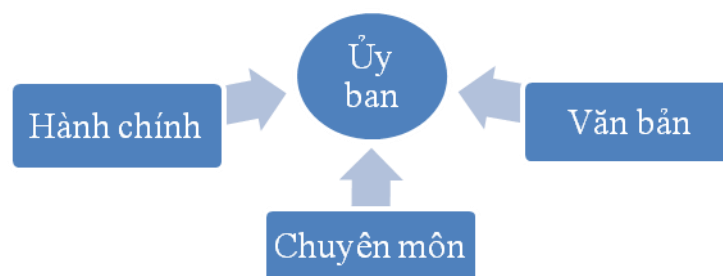
Normally, committees implement 3 groups of work:

- (1) administrative work (*organization of meetings, order of meeting rooms, paper work, etc*);
- (2) professional work (*research, draft and revise policies*);
- (3) Drafting documents (*drafting of reports and minutes, etc*).

³⁶. UNDP, *Legislative Committee System*, <http://mirror.undp.org/magnet/Docs/parliaments/Legislative%20Committee%20System.htm> retrieved on 16/03/2012.

³⁷. Library of Congress, *About the Library*, <http://www.loc.gov/about/generalinfo.html> retrieved on 16/03/2012.

Chart 8: Supporting activities



As mentioned, in some parliaments, the direct supporting departments will implement these 3 work groups (the US Congress and French National Assembly, etc), but in others, the direct supporting departments focus on only the administrative work (parliaments of Argentina, Portugal and the UK House of Lords, etc)³⁸, the professional work is supported by the parliament library and parliament research services.

3.3. Scale

Arrangements for committee staff vary greatly from one parliament to another. Some parliaments have no professional committee staff; others have large, qualified staff that is accorded substantial responsibility. The quantity and quality of committee staff tend to reflect the relative importance of the committee system to the legislative institution.

In the US Congress, the committees are of central importance, the committees are replete with qualified professionals who hold substantial expertise and authority. On the other hand, in legislatures where committees are less consequential, there is fewer staff that, not surprisingly, performs largely administrative functions. Each standing committee in the U.S Congress is authorized by law to hire 18 professional staff assistants and 12 clerical aides³⁹. However, the average number of committee staff is 65.

Meanwhile, in parliaments of the UK, Canada, etc the committees are not much important. Therefore, the number of committee staff is fewer. For instance, in the UK House of Commons, the supporting department of a committee has 6 or 7 staff (2 clerks, 1-2 experts, 2 clerical aides and 1 communication officer). This department is in the general department supporting committees. In the Canadian House of Commons, each committee has 1 administrative staff and some advisors/experts.

³⁸. UNDP, *ref*, note no. 36.

³⁹. National Democratic Institute for International Affairs, *Committees in Legislature*, p. 16.

3.4. Ways of recruitment

In general, the recruitment of committee staff is implemented similarly to that of other units. For example, in the Japanese House of Representatives, the recruitment is conducted by Secretariat. The selected staff will then be assigned work at different units corresponding to the Diet Committees. In the first two years, the newly-recruited staff is rotated in units of the Secretariat to comprehensively understand the Secretariat work. The staff will work stably in the unit that they can make use of their strengths.

However, in some countries the parliamentary committees play a vital role in recruitment of their staff. For instance, in the US the parliamentary committees are allocated budget to recruit their supporting staff. Under the rules of the House of Representatives, committees may recruit a certain number of legislative and administrative staff. Committee on Budget Allocation and Committee on Budget may recruit a necessary number of staff if the recruitment budget is approved⁴⁰.

4. TITLE OF THE SECRETARY GENERAL IN SOME PARLIAMENTS⁴¹

4.1. Position of the Secretary General in some parliaments

Experiences show that most countries, though organized one or two chambers, have one Clerk or Secretary General for each chamber. The Secretary General is responsible to all activities of the parliament administrative agency. The parliaments of Austria, Fiji, South Africa and Switzerland have only one Secretary General for their two chambers. In Nepal, besides the Secretary General who is responsible to the administrative work and sittings of the two houses, there are Secretaries General who take the administrative work at each house; In France and Uruguay; each house has two Secretaries General. One is in charge of the legislative work, and the other is in charge of the administrative work. The similar organization can be seen in New Zealand, though the General Manager in this country does not hold the official position as the Secretary General.⁴²

Generally, the Secretary General is the only and highest representative of the administrative agency of the parliament in relations to parliamentary political agencies. These agencies set out the policies and plans for the administrative agency through the Secretary General. The Secretary General

⁴⁰. Steven Smith and Christopher Deering, *Committees in Congress*, 2nd Edition (CQ Press, 1990), pp.149 – 151.

⁴¹. Department of General Affairs, “Improving the role of the Secretariat in conducting NA sessions, Scientific research in 2011.

⁴² Ugo ZAMPETTI, *Secretariat of Italian Chamber of Deputies*, Role of the Secretariat in the administrative system of the Parliament, Speaking at the Conference of the Association of Parliamentary Secretary-General, Jakarta, October 2000.

thus runs the administrative agency based on the leading principles of the parliament.

4.2. Election of the Secretary General

Most of the Secretaries General are not MPs.⁴³ The consideration of the appointment procedures for this election is of prime importance, which helps us understand the legal status of this position; and define the position of the supporting agency in relation with parliamentary agencies. There are 5 ways to elect the Secretary General:

- The Secretary is appointed by the Speaker;
- The Secretary is appointed by an Executive Board (similarly to the NASC of Viet Nam National Assembly);
- The Secretary is elected by the parliament;
- The Secretary is appointed by an agency which is not a parliamentary agency;
- The Secretary is selected through recruitment.⁴⁴

Like the staff of the parliamentary supporting agencies, the Secretary-General is non-partisan and responsible to support all MPs of any parties in the parliament. To ensure the independence and neutral of the Secretary-General, his/her term is long life (from the appointment time to retire age) in many parliaments. In some parliaments, the term lasts 4 to 7 years, and the Secretary General can be re-appointed. In Australia, the Secretary General is appointed with the term of 10 years and not re-appointed. The Secretary General's activities are therefore stable, not affected by the parliament legislature. However, in other parliaments, term of the Secretary General is along with the term of the Executive Board/Standing Board (Andorra, Russia) or the parliament legislature (Russian State Duma, Senate of Romania, Luxembourg, Greece).⁴⁵

4.3. Functions and tasks of the Secretary General

Basically, the Secretary General takes two main tasks: giving general advices to the Speaker and parliament on issues related to the parliamentary rules and procedures; leading/running legislative and administrative work of the parliament.⁴⁶ To this end, the Secretary General is required to have wide knowledge of legislation, administration, rules and procedures to serve the parliament. These two main tasks are specified as follows:

⁴³ Andres LOMP, *Director of Department of Parliamentary Relations, Australia*, Discussion on Office of the Secretary-General of the Parliament at Conference of the Association of Parliamentary Secretary-General, Geneva, October.

⁴⁴ Ugo ZAMPETTI (ref).

⁴⁵ Ugo ZAMPETTI (ref).

⁴⁶ Andres LOMP. (ref. above)_

- Be responsible/representative to all administrative work of the parliament (holding his/her name in activities, represent in proceedings relating to parliamentary activities, etc).

- To organize and run the administrative system of the parliament.

- To manage the personnel of the parliament. The powers in this field of the Secretary General vary depending on countries. In some cases, the Secretary General is entitled to recruit and dismiss parliamentary staff while in others the Secretary General can only apply this right to junior staff or request the parliamentary agencies to consider and decide on the personnel issues of seniors.

- To manage the budget for parliamentary activities.

- To take charge of the public relations. The Secretary General is the spokesperson of the parliament, who discloses the press releases relating to the parliamentary activities.

- To be responsible to ensure the security and order of the parliament floor. However, in some parliaments, the work is assigned to the Parliament Speaker or Segeant-At-Arm in the parliaments of the UK and Australia or Questor in the French parliament, etc).

Given the number, importance and complexity of the assigned tasks, one or many senior staff are assigned to support the Secretary General. In many cases, Deputy Secretaries General or assistants to the Secretary General are appointed under the similar procedures as appointing the Secretary General but more simple. However, in few cases, the appointment of this position is decided by the Secretary General, normally, a Deputy Secretary General or an assistant to the Secretary General is delegated/assigned to take charge of a certain group of work. In fact, the Secretary General is responsible to oversee and coordinate the work of these persons.⁴⁷

The changes can be seen in the role of the Secretary General in the development and modernization of the administrative agency of the parliament. This is an important step in different parliaments and at various levels. The modernization and globalization of politics and market, the expansion of legal issues to be adjusted as well as the application of IT require tremendous efforts of the parliament administrative agency in terms of organization and technology. In addition, the agency needs to be organized to meet the development of international relations, inter-parliament relations, requirements in using the system of information management, looking for information in different fields serving effectively the work of parliament.⁴⁸

4. The environment requires the Secretary General to have skills of organization and management to ensure the effectiveness and efficiency of the

⁴⁷ Ugo ZAMPETTI (ref.).

⁴⁸ Do Khac Tai, *The title of Parliamentary Secretary-General-experiences of some countries*, presentation at Workshop “Organisational structure and role of committee system in NA activities”, Ha Noi, April 2006

administrative agency. However, this does not mean that these skills and administrative responsibilities cover the tasks of giving advices of the Secretary General.

5. In any parliaments, it is necessary to ensure the consistency of the legislative departments and administrative departments. The positive coordination can be seen to enable the representative agency of the highest state organ to operate effectively to ensure the neutral of the Secretary General. This depends on the independence that parliaments regulating their Secretary General also on the parliament administrative agency.

6. ORGANISATION OF THE SUPPORTING SYSTEM IN SOME PARLIAMENTS

7. To generally introduce the organization of the parliament supporting system, in this part the research team shall present the supporting system of parliaments in some parliaments in different models: (1) The Parliamentary Republic; (2) The Presidential Republic; and (3) The mixed model.

4.1. The supporting agency of Japanese House of Representatives

4.1.1. Organizational structure

In Japan, each house has its own office, which is led by the Chairman (or the Secretary General). Office of the House of Representatives serves the MPs and deals with administrative work. The Office include 1 division, 9 departments and 1 board as follows: the Secretary General, Deputy Secretary General and Director General who is in charge of the research services; Division of Secretaries, Department of agenda, department of councilors, documentation department, security department, sub-department, management department, international relations department, memory house of the constitution development and constitution research department. Under the Director General who is in charge of the Research Services is the Research Services of the House of Representatives (see chart 2).

The Secretary General is not the MP. Under the supervision of the Speaker of the House of Representatives, the Secretary General signs documents, keeps minutes of parliamentary committees, and plenary sessions of the house, etc. The Secretary General is an expert who gives advices on the rules and procedures and serves the Speaker. After the election, before the Speaker and deputy Speaker are elected, the Secretary General takes the Speaker's role.

Activities of the Office of the House of Representatives are organized in 5 groups: (1) Organization of sittings; (2) Research Services; (3) sub-department and management; (4) Shorthand and (5) security.

The Office of the House of Representatives has about 1.800 staff including security and shorthand staff⁴⁹.

⁴⁹ The Office of the Upper House has about 1.300 staff. See: http://www.shugiin.go.jp/index.nsf/html/index_e_guide.htm, retrieved on 06/02/2007

The Office of the House of Representatives also has the Research Services under the leadership of the Secretary General. The Research Services of the House of Representatives has 5 units: 1) general oversight; 2) permanent research; 3) special research; 4) internal affairs; 5) information with 257 staff.

The Research Services of the House of Representatives takes the following tasks: (i) carry out researches relating to the reference documentation for bills, rules and procedures of committees, etc (ii) meet research requirements of MPs; (iii) prepare plans for researches; and (iv) provide information related to the Diet activities.

The Research Board was established to enhance the supporting capacity in legislation for the Diet. Therefore, the amendment in organization and enhancement of staff capacity is essential to ensure the qualified personnel. The Research Board often sends staff to local and international universities, gives vocational guidance to the administrative agencies; organizes trainings for those who have profession and administrative experiences; makes use of the adjustment possibility of research service agency with regard to the quality of reference documentation.

The National Diet Library, with a staff of about 860 currently, was established in 1948 for the purpose of assisting Diet members in the performance of their duties and also for providing library services to the executive and judicial branches of the national government and the general public. This library stands across the road from and to the north of the Diet Building. With its modern facilities and large collection of books (about 7,300,000), it is one of the leading libraries of the world.

4.1.2. Rules applied to staff of the Diet

The Constitution of Japan clearly provides that ‘all civil servants shall not serve one unit, but the collectives’⁵⁰.

According to Japan Law, staff serving the Diet is different from those working at other administrative agencies, and are subject to a particular law. The Diet staff shall abide by specific rules as follows:

- 1) Implement their tasks truthfully;
- 2) Do not take advantage of their positions for personal purposes;
- 3) Do not have any acts that may lead to the public suspect and non-confidence;
- 4) Make great efforts to the common work and interest;
- 5) Be aware of and responsible to their tasks.

In addition to the above mentioned rules, the Diet staff are obliged to rules regulated on the Law on the Diet Staff which includes (i) Abide by the ordinances and orders of the managers; (ii) Keep secret; (iii) prohibit any acts of

⁵⁰ Constitution of Japan, Article 15.

breaking promises; (iv) limit political activities; (v) limit relations with businesses; (vi) working on part-time basis is prohibited and (vii) committed to work.

Moreover, the Diet staff is also obliged to reporting gifts, sale of stocks and personal assets, etc. Under the rule, staff who are holding the position of deputy-heads of division shall report to the gifts received in cases of contracts with the Houses of Representatives or gifts with value of more than 5000 Yen (equivalent to 40 USD); staff who are deputy heads of department and higher shall report to the Secretary General of the House of Representatives their sales of stocks with the value of 1 million Yen (equivalent to 8.500 USD). They will also submit the report of asset declaration and taxes of the previous year to the Secretary General; staffs who is appointed shall submit their report of asset declaration to the Secretary General in March yearly noting the value of their assets and taxes of the previous year⁵¹.

To deal with the handling and keep the ethics of the staff, the House of Representatives established agencies like the council of investigation and the council of ethics. The council of investigation is responsible to carry out investigation, researches, plans related to the protection of staff ethics etc.

4.2. The supporting system of the German Bundestag

4.2.1. Overview on the supporting system of the German Parliament

History

The German Parliament was established in 1949 under its Constitution. The number of staff at the German Bundestag has increased rapidly to meet the work requirements and MPs. Staff of the Bundestag Office are recruited to deal with legislative and administrative issues, research, and give general advices to the Bundestag (about 1500 staff). In addition, parties in the parliaments have their own supporting staff with about 400 people. And, German MPs are enabled to recruit their own staff. Under the legal framework for the organization and operation of the Parliament Office (after 1949), the Office has developed Secretariat to support parliamentary committees. Moreover, parties in the parliament retain the recruitment of their supporting staff, but these staff are independent with the supporting system of the parliament.

The increase of staff depends on each parliament legislature. From 1950, the German Bundestag Office had 508 staff. By end of 1980, the number increased to 1560. The biggest increase took place from 1970 to 1971. In these years, the staff salary increased from 2,578,700 DM in 1950 to 74,734,600 DM in 1980 (*29 folds*). Whereas, the number of parliamentary committees tended to

⁵¹ Documents provided by Secretariat of the Lower House of the Japanese Diet at the Workshop “*Japanese Diet and the Secretariat of the Lower House*” organised by the Center for Information, Library and Research Services on 10-11/01/2007.

decrease, from 40 committees in parliamentary legislature I to 20 in legislature IX. The number of Secretariats also increased from 20 in 1949 to 30 in 1980.⁵²

Assistance to activities of the Parliament and MPs

The German Constitution provides that MPs are entitled to proper conditions for their independence.

Therefore, MPs are entitled to hire their own supporting staff with the budget of about 14,712 euro/month). At present, there are 4,500 staff hired by MPs, of whom many work on part-time basis. A half of them work at the Parliament and the other half work at MP's Office.

Political groups in the parliament (MPs who are representatives of one party) also hire about 800 staff, and these staff are paid by the Federal budget. Financial advisors and administrative staff are of these staff.

In 2010, the total number of staff in the German Bundestag Office was 2500. Head of the Office is the Secretariat who on behalf of the Speaker to implement administrative work at the parliament.⁵³

The German Bundestag Office is divided into 4 Directorates - General: Directorates - General Z Central Services; Directorates - General P Parliament and Members; Directorates - General W Research and External Relations; and Directorates - General I Information and Documentation. Directorates - General are divided into Directorates and Divisions. In which many units do not belong to any Directorates - General like Office of the President, Office of the Secretary General, Press and Communications, Protocol, Parliamentary Commissioner for the Armed Forces.

The Office staff are ranked differently:

Rank of staff	Number
<i>The higher service</i>	450
<i>The higher intermediate service</i>	530
<i>The intermediate service</i>	1100
<i>The ordinary service</i>	420
<i>* Women account for 50% of the total number of staff working at the Office.</i>	

4.2.2. Overview on the supporting system of German Parliament Committees

Overview

⁵² Werner Blischke, *Legislative Studies Quarterly*, Comparative Legislative Research Center.

⁵³ Susanne Linn and Frank Sobolewski, 'The German Bundestag – Functions and Procedures', 2010.

The committee activities and its chairman are assisted by the Secretariat, and the Secretariat is supported by clerks and sometimes by further staff members from the higher-service stream of the civil service. They are staff of the Bundestag Office.

The Secretariat's tasks are to propose committee chairmen the legislative agenda of committee, organization of the committee meetings; give general advices on certain issues before and during the meetings; or the rules and procedures of the committee and issues to be debated, etc⁵⁴.

According to the organization chart of the German Bundestag Office, the Directorate – General Parliament and Members includes Directorate Committee – the unit manages Committee Secretariats. There are now 25 secretariats serving activities of the parliament.

*Organization*⁵⁵:

The committee secretariats belongs to the Directorate – General Parliament and Members, there are 3 different groups: Library Services; Member Services; and Committee Services.

Tasks:

Tasks of the committee secretariat are to support activities of committees. Each committee has some supporting staff. These staff implement administrative work, organize and provide technical services for the committees. The staff implement their tasks as guided and requested by the committee chairmen.

Heads of Secretariats take responsibility to give general advices to schedule and agenda of committees; prepare documents for committee meetings.

The Secretariats also arranges working schedule of committees based on the rules and procedures of the parliament; draft suggestions on committees' decisions and reports to submit to the plenary sessions; draft minutes of committee meetings. Supporting staff of committees also provides advices on policies for committee chairman and maintain the committee relations with ministries, groups of MPs, parties and social organizations.

4.3. The supporting system of the US House of Representatives

Since its establishment in 1789, the US House of Representatives has had its own supporting system which includes the *Office of Clerk*, *Office of Chief Administrator* and *Office of the Sergeant at Arms*. Besides these three offices, there are general-service agencies (for both the Senate and House of Representatives) like the Congress Library and Parliamentary Budget Office.

The Committee on House Administration (CHA) was established in 1947 as part of a larger effort to streamline the U.S. Committee on House

⁵⁴ http://www.bundestag.de/htdocs_e/bundestag/function/legislation/legislat/11comchair.html

⁵⁵ Website the German Bundestag : http://www.bundestag.de/htdocs_e/bundestag/committees/index.html.

Administration House of Representatives' committee system and to modernize its internal management and operations. Now in its 60th year of existence, CHA's two principal functions include oversight of federal elections and day-to-day operations in the House. The Committee takes the following tasks:

- To define the allowances of the members of the House of Representatives;
- To oversee the operation of the staff of the Congress;
- To develop policies providing MPs with services;
- To develop policies on personnel of the supporting system, etc.

Given these functions and tasks, the Committee deal with a large number of issues related to the operation of the House. For instance, these issues include the arrangement of parking places, meal services, insurance, allowances, travel of MPs; decoration and decisions on the procurement of art work for decoration of the House, etc. the Committee is even entitled to oversee activities of the Congress Library and Smithsonian Institute.

The Office of Clerk, according to the rules of the House of Representatives, the Office of Clerk implements the following tasks:

- Prepare the roll of Members-elect;
- Call the Members-elect to order at the commencement of each Congress; call the roll of Members-elect, and pending the election of the Speaker, preserve order and decorum; and decide all questions of order;
- At the beginning of every session, prepare and distribute a list of reports required to be made to Congress;
- Note all questions of order and decisions thereon, and print these as an appendix to the Journal of each session of the House;
- Prepare and print the House Journal after each session of Congress, and distribute the Journal to Members and to the executive and legislature of each state;
- Attest and affix the seal of the House to all writs, warrants, subpoenas, and formal documents issued by the House;
- Certify the passage by the House of all bills and joint resolutions;
- Receive messages from the President of the United States and the U.S. Senate when the House is not in session;
- Prepare and deliver messages to the Senate and otherwise as requested by the House
- In the official House Library, retain a permanent set of the books and documents generated by the House;
- Manage the office and supervise the staff of any deceased, resigned, or expelled Member until a successor is elected.

The Office of Clerk is organized with different units, which include:

- 1) *Legislative Resource Center*: The Legislative Resource Center (LRC) ensures that House legislative and membership information is accessible to all. LRC supplies House Members with the documents under consideration on the House Floor. LRC also gathers and verifies information on actions by House Committees and the President of the United States regarding legislation. The data are stored in the Legislative Information Management System (LIMS), an in-house system that tracks all legislation from its introduction on the House Floor to its signing by the President. LRC manages lobbying disclosure filings as well as public disclosure forms from all House Officers, Members, and staff and makes disclosure registrations and reports accessible to the public. LRC compiles and publishes official lists and informational publications about the House—including Member, Committee, and House office information as well as nominee and election statistics—and serves as the repository and a disseminator of official House legislative documents and publications. LRC also supports congressional offices with orders for official stationery and envelopes and other print services and responds to congressional and public inquiries regarding legislative information about the Congress;
- 2) *Office of Communication*, takes responsibility to maintain communication tools of the House;
- 3) *Office of Reporters*: draft minutes of the House and publications of the House's bulletins;
- 4) *Legislative Computer system*, provides technical support for offices under the Clerk and maintains the electronic voting system on the House Floor;
- 5) *Consulting Office of Personnel*, gives general advices on the recruitment;
- 6) *Office of Art and Archives*, maintain the artwork in the House.

The Office of Chief Administrator takes administrative tasks to serve the House of Representatives like the IT, security, finance, budget, logistics and travel.

The Office of Chief Administrator includes the following units:

- 1) *Accounting Office*;
- 2) *Finance Office*;
- 3) *Personnel Office*;
- 4) *Resource Center of the House*;
- 5) *Office of Logistics and Assistance*.

The Office of the Sergeant at Arms, the Office is responsible to maintain order in the House side of the US Capitol Complex, review and implement all issues relating to the safety and security of the MPs.

The following divisions comprise the Office of the Sergeant at Arms:

- 1) *Immediate Office/Member Support*;
- 2) *Office of Chamber Security*;
- 3) *Office of House Garages & Parking Security*;
- 4) *Police Services*;
- 5) *Special Events/Protocol*;
- 6) *Office of House Security*;
- 7) *Office of Emergency Management*;
- 8) *Information Services*.

4.4. Supporting system of the French National Assembly

The supporting system of the French National Assembly is divided into two independent groups of departments: *legislative departments* and *administrative departments*. Heads of each group of departments are Secretary General:

- *Secretary General of the Legislative Departments* is responsible to assist the National Assembly chairman in chairing session of the National Assembly in terms of rules and procedures, relations of the chairman with other state agencies.

- *Secretary General of the Administrative Departments* is responsible to assist the National Assembly Board of Treasure (including e MPs elected by the National Assemble) in implementing the administrative and financial work of the National Assembly.

The legislative departments are comprised of:

- President Office of Clerk;
- Office of Discussion Rules;
- Office of Q&A on Culture and Society;
- Assessment on Economy and Science;
- Division of Public Finance;
- Division of European Affairs;
- Division of international Affairs and National Defense;
- Library and Archives;
- Minutes of Plenary sessions;
- Minutes of Committee sessions

The administrative departments include:

- Division of Logistics;

- Division of Budget and Finance Control;
- Division of Security and Administration;
- Operation of the Chamber and Protection of Heritages.

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