

Professional Development for Parliamentarians and Staff

Parliamentary Committees

Introduction

The Parliamentary Centre, in partnership with the World Bank Institute, has developed a training module focusing on Parliamentary committees. This course is intended primarily for Parliamentary Staff but will be of benefit to Members of Parliament (MPs) and individuals interested in learning more about the core functions of Parliaments. The module on Parliamentary Committees forms part of the self-paced learning program on “Professional Development for Parliamentary Staff”.

Purpose and objective:

The main objective is to introduce parliamentary staff and Members of Parliament to parliamentary committees focusing on functions, powers and procedures, needs and related issues that govern the effectiveness of parliamentary committees. The training course will increase the understanding of participants on the important role of parliamentary committees in legislature.

The course is comprised of the following units:

UNIT 1: Parliamentary Committees In Democracies

Unit 1 provides introductory information on how parliamentary committees as units of organization within legislatures, provide greater freedom for in-depth analysis making it possible for Members of Parliament and ultimately the parliament itself to perform the core functions of law making, oversight and representation. The unit looks in detail at the committee system, committee types, committee functions and powers.

UNIT 2. Effectiveness Of Committees

Unit 2 examines factors that contribute to the effectiveness of parliamentary committees, and highlights the need for consensus building, the importance of diversity and the requirement for non-partisanship in committee work. The unit also looks at the basic information needs of committees, the role of committee staff and the required core competencies.

UNIT 3. Procedural and Administrative Support

Unit 3 concentrates on the procedural and administrative support needed for effective parliamentary committee work. It looks at the types of administrative support, requirements for performing effective administrative functions, as well as the nature of parliamentary procedure. In-depth information is provided on some procedural issues, examples and best practices.

UNIT 4. Research Services For Parliamentary Committees

Unit 4 looks at the need for parliamentary committees to have access to timely up-to-date, accurate and well-researched information for effective decision-making. The unit draws attention to the different methods and types of research as well as the skills required by parliamentary staff in undertaking legislative research. It stresses the importance of paying attention to the political, ethical and technical considerations in all legislative research.

UNIT 5. Parliamentary Committees And The Law Making Process

Unit 5 is devoted to the critical role that committees play in the proposal of new laws. Often, when the legislative powers of a country are vested in parliament, procedures for passing public, private and hybrid bills will require entrusting such bills to the relevant parliamentary committee for consideration. Parliament is expected to scrutinize and make amendments to ensure that the bill conforms to national and international policies. This unit focuses on the role of parliamentary committees' in achieving these goals.

UNIT 6. Government Accountability and Parliamentary Committees

Unit 6 is devoted to parliaments' important role in ensuring government accountability. Parliaments have the responsibility to ensure accountability and openness of government through oversight of activities of the executive and its auxiliary bodies in order to curb corruption and effect good practices. Parliaments also have the power of the purse and the mandate to scrutinize the utilization of public finances and ensure financial accountability. Unit 6 looks at how parliamentary committees can promote government accountability.

UNIT 7. Transparency, Participation and Outreach

Unit 7 is devoted to Parliamentary transparency, encouraging participation and promoting constituency outreach. As representatives, MPs require a system that allows concerns and aspirations of their constituents to be reflected in decision-making and laws governing the country. The unit looks at some of the suggested procedures for achieving transparency, promoting participation and expanding outreach through partnerships with civil society.

UNIT 1: Parliamentary Committees in Democracies

Learning Objectives

How do parliamentary committees contribute to governance?

After studying this unit you should:

- Have a better understanding of the functions of parliament and the use of parliamentary committees to help perform these functions;
- Know committee systems, the different types, functions and powers;
- Have a basic understanding of the role of the parliamentary staff in the effectiveness of committees.

Introduction

Unit 1 provides introductory information on how parliamentary committees as units of organization within legislatures, provide greater opportunities for in-depth analysis, making it possible for Members of Parliament and ultimately parliament itself to perform its core law making, oversight and representation functions. The unit looks in detail at the committee system examining, different types of committees, functions of committees and committee powers.

Parliaments and their Functions

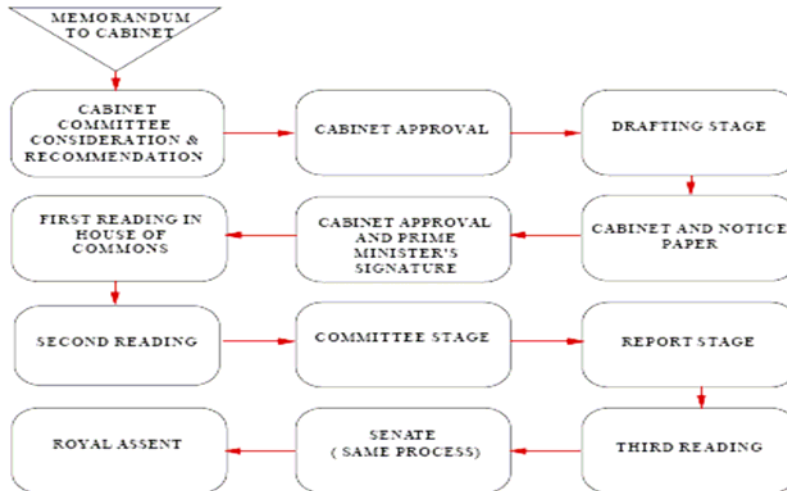
Defining Parliament – Parliament is the national legislature. There, a group of elected people, the Members of Parliament, make and change the laws of a country. This group of elected people is given a mandate by the citizens to represent them and be the voice for articulating their concerns at the national level. Legislatures in democratic countries perform some basic functions in common. These are representation, lawmaking, and oversight functions.

Defining Representation – One major role of parliament in the governing process is to represent the opinions and interests of the citizens. Members of Parliament are elected by a set of eligible voters who form a group of constituencies representing the whole country. In some countries where the quota system is practiced some seats are reserved to ensure representation of special interest groups. For example in Uganda a parliamentary seat from each of the 39 districts is reserved for women. The objective is to increase women's representation in Parliament.

Defining Lawmaking – Parliament enacts laws by subjecting issues of public interests to debate by drafting, modifying, and ratifying public policy into law Bills are introduced into Parliament either as public bills (related to public policy) or private bills (initiated by a particular interest group). When Bills are introduced in the house, they then go through a number of stages, this varies from country to country but the different stages can be summarized as follows: First reading, Committee stage, Second reading, the Consideration stage, and Third reading before being passed for presidential or royal assent. Box 1.1 below shows the law-making process in Canada. (See also Appendix I.)

**Box 1.1
Lawmaking Process: Canada**

**OVERVIEW OF THE LEGISLATIVE
PROCESS**



Source: <http://www.farmfoundation.org/green/hedley.pdf>

Defining Oversight – Parliament is the legislative branch of government that authorizes, or chooses not to authorize, major policy decisions of the executive, for example the budget (see example in Box 1.2 below). Oversight functions of parliament include subjecting executive plans, policies and actions to public debate, and posing questions to members of the Executive. Parliaments are also tasked with vetting and approving key government ministers and other key national appointees. Therefore, parliament's oversight of the executive becomes one of its most important functions. Parliamentary committees enable legislatures to monitor the activities of the government, and check the quality of governance. The role of the executive and the legislature is therefore to complement each other: the executive must govern, while the legislature asserts its key role as representative of the people by acting as an overseer of the executive. Thus, the use of the committee system to scrutinise and investigate whether the executive or its authorised agencies have acted properly in the

implementation of public policies and programmes is crucial. Box 1.3 below shows functions of Parliamentary committees.

Box 1.2
Ghana Example: Government Budget Policy Not Authorized

In the third Republican Parliament of Ghana, Parliament rejected the Budget presented by government. The minority presented its motion that deleted all the words of the government motion except the phrase "That this house". The new motion inserted the following

"...Take note of the financial policy of the government for the year ending 30th June 1982 and regrets that the financial policy fails to deal with the fundamental and urgent economic problems of the country such as:

- The imbalance in government finance;
- The intolerable hardships faced by the ordinary Ghanaians;
- The low level of cocoa producer prices;
- The low and failing production in agriculture;
- The unacceptable high rate of inflation; and
- The loss of confidence in the cedis and calls upon the government to take immediate and realistic steps to tackle these pressing problems."

After a prolonged debate the minority motion was carried by 54 to 51 votes. A revised budget was later resented which was unanimously accepted

Source: Ayensu, K. B. & Darkwa S.N. (1999) The Evolution of Parliament in Ghana. Accra: IEA.

Members of Parliament and their Responsibilities

Members of parliament are public representatives who have been voted into office by the population, and who thus represent different shades of political opinion. Their responsibilities are many and varied, and fall roughly into the following four categories: work in the constituency, chamber, committee, and party or caucus.

Constituency: a geographically defined constituency generally elects Members.

The constituents therefore expect their elected representative to articulate their concerns in parliamentary debates, push for policies that will help improve their standard of living and generally ensure their welfare when new laws are enacted. Additionally in multiparty democratic systems political parties play a critical role in

mobilizing voters to vote for their nominated candidate to enter parliament. Once there, the Member of Parliament is then expected to promote the parties' interest and ideology and act as their local representative.

Chamber: The entire parliament often sits as one group, constituting the central debating and decision-making body for that country. Debate among parliament often takes place in the public eye in the chamber. A member attends and contributes to discussions through statements on the floor of the House, questions to Ministers and through debates.

Committee: Because the depth and breadth of work in a legislature cannot be conducted in plenary sessions, the detailed work of the legislature is carried out by specialized committees, small groups of MPs set up within the parliamentary system with clearly defined mandates that carry out in-depth analysis and review public policy. (See page 10 for more information)

Party and Caucus: As a member of a party, a parliamentarian is committed to promoting the party's cause by highlighting the parties ideology and interest in Parliament. Party Caucuses, that is groupings of party members, are often formed within parliament to develop strategies for promoting party ideology. The Whip system is used in parliaments to maximize party turnout for major votes. This system is very well developed in the UK House of Common (See Appendix 2 for details).

What are Parliamentary Committees?

Parliamentary committees are smaller units or groups of MPs set up within the parliamentary system. They allow parliament to perform several functions simultaneously, and also provides the opportunity for more detailed investigation and discussions before findings and outcomes of these committee meetings are presented as committee reports to the broader group for debate and conclusions. Parliamentary committees, sometimes called commissions or councils, are units of organization within

the legislature that allow groups of legislators to review policy matters or review bills more closely than would be possible by the entire chamber. The roles of the committees vary from country to country depending upon the governing system, strength and organization of political parties, available resources, and other political factors. (Johnson, J. K. & Nakamura, R. T. (2006), UNDP (2006), Parliamentary Centre (2004), Longley L. D. & Davidson R. H. (1998), Mattson I. & Strom K. (1996).

Box 1.3
Functions of Parliamentary Committees

- Initiating and managing legislation;
- Controlling the executive;
- Drafting legislation;
- Communicating with the executive;
- Representation of their constituencies;
- Investigating policy initiatives yet to be brought for ratification.
- Reviewing and approving the budget and expenditures for the government's policy agenda.

Brief History

The widespread use of parliamentary committees in a number of parliaments is seen as a very recent development. The use of parliamentary committees was historically mainly in the United States Congress. Woodrow Wilson, the 28th President of the United States, was quoted as saying in 1885 that "Congress in its committee rooms is at work". This is because most of the work of Congress was referred to committees for detailed review to inform debate on the floor of the House.

Today parliamentary committee systems have emerged as a creative way for parliaments to perform their basic functions, (see Box 1.3). They serve as the focal point

for legislation and oversight. In a number of parliaments, bills, resolutions, and matters on specific issues are referred to specific committees for debate and recommendations are made to the house for further debate. Parliamentary committees have emerged as vibrant and central institutions of democratic parliaments of today's world. Parliaments across the globe set up their own rules on how committees are established, the composition, the mandate and how chairpersons are to be selected but they do have certain characteristics in common. They are usually a small group of MPs brought together to critically review issues related to a particular subject matter or to review a specific bill. They are often expected to present their observations and recommendations to the Chamber for the final debate. See Box 1.4.

Often, committees have a multi-party composition. They examine specific matters of policy or government administration or performance. Effective committees have developed a degree of expertise in a given policy area, often through continuing involvement, and stable memberships. This expertise is both recognized and valued by their colleagues. They are both able to represent diversity and reconcile enough differences to sustain recommendations for action. Also, they are important enough so that people inside and outside the legislature seek to influence outcomes by providing information about what they want and what they will accept. Furthermore, they provide a means for a legislative body to consider a wide range of topics in-depth, and to identify politically and technically feasible alternatives.

Box 1.4
Common Characteristics of Parliamentary Committees

- Groups of MPs set up within the Parliamentary System
- Focal point for legislation and oversight
- A committee is not a decision-making body, except in respect of its own internal proceedings,
- It has no standing independent of the legislature,
- The committee reports conclusions from the work of the committee to the chamber, often with recommendations for decision.

Source: <http://mirror.undp.org/magnet/Docs/parliaments/LegislativeCommitteeSystem.htm>

Different Types of Committees

Parliamentary committees are established for many reasons and the label and names given to parliamentary committees differ from country to country. Parliaments may set up:

- 1) Committees that are permanent;
- 2) A committee for a very short period of time to look at a particular issue after which that committee is dissolved;
- 3) In some instances, the entire membership of parliament meets as a committee to deliberate.

The following gives some examples of the different categories of committees that can be found in parliaments across the globe:

Permanent Committees – Specialised permanent committees are sometimes called standing committees. The functions, size and composition of these committees are often clearly indicated in the Standing Orders, the rules that govern the functions of the parliament. Many Parliaments have different forms of permanent committees.

In the German Bundestag for example a number of permanent committees are set up during each electoral term for the duration of the electoral term. With few exceptions most of these committees mirror the government administrative structure, In Ghana standing committees are appointed at the first meeting of Parliament after the election of the speaker and two deputies. These committees deal with matters of continuing concern to the House and every Member of Parliament must serve on at least one standing committee. In addition to the above, Ghana Parliament sets up subject matters committees that parallel government administrative structure. These are referred to as Select committees. (See Appendix III for a list of committees). Please note that in the House of Commons for example, a number of select committees are departmentally linked, one committee per government department, but some select committee such as the Public Accounts Committee and the Committee on Standards and Privileges are not. Select committees in UK meet around horseshoe shaped meeting tables, determine their

own topics for inquiry, gather evidence and submit reports to the House with their observations and recommendations.

Ad Hoc Committees are formed for the purpose of reviewing particular policies, bills or groups of bills and then are dissolved when that work is completed. In the German Bundestag for example, a 21 member special committee was set up in 2000 on the Act on the Criteria Governing Revenue Equalization between the Lander and the Federation/Revenue Equalization. In the House of Commons Standing Committees that carry out detailed examination of bills before their passage often have Ad hoc membership. A different group of Members is nominated for each bill considered. They carry out debates in a room shape similar to the main chamber with government and opposition seated facing each other.

Committee of the Whole – When the entire membership of parliament forms a committee often chaired by the speaker or the deputy speaker to investigate a matter of concern, it is described as a committee of the whole. In the House of Commons this is referred to as the Committee of the Whole House and in the United States it is called the Committee of the Whole House on the State of the Union, both are presided over by a chairman not the Speaker.

Functions and Powers of Committees

The mandate and the functions of committees are often clearly stated in the national constitution and in the rules of orders that govern the functioning of the parliament. Generally, committees have the power to take evidence or call for documents; send for persons, papers, and records. Committees also have the power to regulate their own procedure within the mandate of the parliament as a whole.

The functions of each committee are often defined in the orders or rules for the House. In Bangladesh, for example, the functions and powers of the *Committee on Estimates* are shown in box 1.5 below.

Box 1.5
Bangladesh Example: Committee on Estimates

Committee on Estimates – there shall be a Committee on Estimates for the examination of such estimates as may seem fit to the committee or are specially referred to it by the House. The functions of the committee shall be – to report what economies, improvements in organization, efficiency or administrative reform, consistent with the policy underlying the estimates, may be affected; To suggest alternative policies in order to bring about efficiency and economy in administration; To examine whether the money is well laid out within the limits of the policy implied in the estimates; To suggest the form in which the estimates shall be presented to the House.

Source: <http://www.parliamentofbangladesh.org/rprocedure.htm>

Role of the Committee Staff in the Effectiveness of a Committee

Appropriate staffing is essential if parliamentary committees are to function effectively. Committees often need different categories of staff if they are to achieve their optimum best. Parliamentary Committees often need staff to assist with procedural issues, administrative matters, assist with drafting bills, and provide expert opinion and analysis on major policy issues. They need clerks, researchers, legislative reporters, legal draftsmen, and other support staff. See Box 1.6

Box 1.6
Staff Support to Parliament – United States Congress

The United States Congress employs qualified personnel that provide a wide range of support to Congress and its Committees. These include staff of the Library of Congress, which include staff of the Congressional Research Service. There are also staff members of the office of the Chief Administrative Officer, and those at the Clerk's office as well as the staff of the Congressional Budget Office and many others. The CBO alone currently employs about 230 economists and public policy analysts who support committees on budget issues.

Source:
<http://www.cbo.gov/aboutcbo/factsheet.shtml>
<http://www.house.gov/>

Committees are managed by committee clerks who give procedural advice to the committee; take minutes of the committee meetings; receive and store documents on behalf of committees; and carry out administrative duties. They also assist in recordkeeping, arranging witnesses, advising members on procedures, In essence the committee clerk is responsible for coordinating affairs and ensuring that the committee chairperson and members have the needed support to be effective. The United States Congress is often cited as an example of a parliament that has support staff with varying expertise.

Committee staff play a key role in assisting committee members in recommending new policy. In parliaments where private members' bills are encouraged, parliamentarians inevitably have to rely heavily on the staff for expert knowledge and advice in any new policy they recommend for legislation. Staff also assist committees in monitoring the implementation of legislation that has been passed.

Other Major Roles of Committee Staff Include:

Research – Committee research staff are charged with analyzing and preparing research papers, and proposing possible questions for committee members. Research staff also help improve the general efficiency of the legislative process by collecting and analyzing data; they identify problems of relevance for members; suggest alternative course of action; and prepare studies and committee reports on legislation.

Outreach – Facilitating and increasing public participation (both men and women) in committee inquiries and soliciting input from members of the general public and from expert witnesses through public hearings, seminars, workshops, forums, and surveys.

Summary

Committees play a large role in the day-to-day work of parliaments and provide an opportunity for Members to use their particular skills and to nurture their individual

interests. They allow legislatures to pay closer attention to such matters as the details of Bills or the work of the Executive than would otherwise be possible. The nomenclature, number and functions of Committees must suit the needs and resources available to each parliament. If they are suitably resourced and take their responsibilities seriously, committees can make a very large contribution to the operations of parliament, to greater engagement of society in the business of legislation, and ultimately, to the enhancement of the status and dignity of parliament.

Unit 1 Questions

Please answer each of the following questions. If you are taking this course in a group you may then meet to discuss your answers.

1. Describe the types of committees in your parliament.
2. What are the basic functions of parliamentary committees?
3. What are the different types of committees?
4. What core competencies are needed by parliamentary staff to enable them to help committees?

Relevant Internet Resources

Parliamentary Centre (2004). The New Member of Parliament and Committees. [Online] Available at:

<http://www.parlcent.ca/publications/pdf/MPs%20and%20Committees%20Backgrounder%20EN.pdf> Accessed January 2007.

Political Parties in the Legislature [Online] Available at:

<http://www.undp.org/governance/docs/Parl-Pub-political.htm> Accessed February 2007.

Johnson, J. K. & Nakamura, R. T. (Eds). Orientation Handbook for members of Parliament. Washington D.C.: World Bank [Online] Available at:

<http://siteresources.worldbank.org/EXTPARLIAMENTARIANS/Resources/Orientation-Handbook.pdf> Accessed January 2007.

UNDP Parliamentary Committees. [Online] Available at:
<http://www.undp.org/governance/docs/Parl-Pub-legiscomm.pdf> Accessed February 2007.

Rules Regulating Committees in Bangladesh Available at:
<http://www.parliamentofBangladesh.org/rprocedure.htm> Accessed February 2007

IDEA women in Parliament: Beyond Numbers. [Online] Available at:
<http://archive.idea.int/women/parl/ch4c.htm> Accessed February 2007

Congressional Budget Office [online] Available at:
<http://www.cbo.gov/aboutcbo/factsheet.shtml> Accessed January 2007

United States House of Representatives [Online] Available at:
<http://www.house.gov/> Accessed January 2007

Select Bibliography

House of Commons (2005) *Business of the House and its committees: a short guide*.
House of Commons, London.

Longley L. D. & Davidson R. H. (eds.)1998. *The New Role of Parliamentary Committee*.
Frank Cass, London.

Schreiner, H. J. & Linn, S. (2006) *The German Bundestag – Functions and Procedures*.
NDV, Berlin.

Wilson. W. (1885) *Congressional Government*: Referenced in Longley L. D. & Davidson
R. H. (eds.)1998.

Mattson, I. & Storm, K. (1996) *Parliamentary Committee*: in Herbert Doring (ed)
Parliaments and. Majority Rule in Western Europe New York: St. Martin's

Additional Reading

Limon, D. & McKay, W. R. (eds.) 1997. *Erskine May's Treatise on the law, Privileges, Proceeding and the usage of Parliament*. 22nd Edition, Butterworths, London.

Rockman, B. A. (1984) Legislative-Executive Relations and Legislative Oversight
Legislative Studies Quarterly, Vol. 9, No. 3 (Aug., 1984), pp. 387-440.

UNIT 2: Effectiveness of Committees

Learning Objectives

What makes an effective parliamentary committee?

After studying this unit you should:

- Be able to recognize the factors that contribute to the effectiveness of parliamentary committees;
- Be able to appreciate the multiparty nature of committees and the importance of consensus building;
- Know the role of Parliamentary staff and their contribution to the effectiveness of committees;
- Understand the importance of meeting the basic information needs of committees for effectiveness.

Introduction

Unit 2 examines factors that contribute to the effectiveness of parliamentary committees. This unit highlights the need for consensus building and non-partisanship in committee work, the importance of diversity in representation, and how basic information needs of committees can be met. The unit also looks at the role of committee staff and the competencies required for core staff.

The effectiveness of a parliamentary committee depends on a number of factors, these include:

- A clear mandate, clear roles and responsibilities of the committee (see example in unit 1 box 1.5);
- The size of the committee – if a committee is too large or too small it renders it ineffective; large committees become unwieldy and small numbers limit the quality of ideas needed for effective work. Ogle (2004) cites the French National Assembly as an example of a Parliament with large committees 72 to 144

- members making it comparatively ineffective among European parliamentary committees;
- The skills of the chairperson of the committee in managing activities and meetings of the committee. – This can have a tremendous impact on committee output; Again according to Ogle (2004) the following are qualities of an effective committee leader: Competence; flexibility and adaptability; Firmness and Decisiveness; Honesty and Dependability; Openness; Fairness; Tolerance; Patience; Humility and Stamina;
 - The quality of support staff and resources available to the committee.– When well resourced with the requisite skilled personnel, with access to relevant and accurate analysis and information, and with adequate logistical support, committees can perform very well;
 - Consensus building – the multiparty nature of parliaments often translates into multiparty committees, effective consensus building techniques and a non-partisan approach to committee work therefore becomes critical in promoting committee effectiveness.

Committee mandate and rules of operation

The rules and procedures that govern the operation of parliamentary committees are often similar to those used for the entire house. However, committees often have the advantage of setting up some rules and regulations that improve debates and increase the opportunity for deliberative activities.

The real power of a parliamentary committee can vary from period to period. In the 1950s and 1960s for example, according to Ownes and Loomis (2006), the real power in the US House of Representatives did not rest with the Chamber as a whole or with the majority party but with standing committees and their chairpersons. This is because power was decentralized, individual committees had formal power over specific subject matter, committees developed their own norms and orientation, legislative resources grew in that period and seniority became entrenched in appointing committee

chairpersons. This, however, they believe has changed today; parliamentary committees in Congress do not have as much influence as before though they remain strong, they indicate that since the 1980's, the Congress has relied increasingly on stronger parties to organize its activities.

Number of committees, Size and Composition

The number, the size and the composition of parliamentary committees vary from country to country. Guidelines for setting up committees are often well documented in the standing orders or rules that govern that parliament. The size of the entire parliament often has little bearing on the number of committees that will be set up. For example, Grenada, an island in the Caribbean with a population of 89,703, has a House of Representatives made up of only 15 members with several committees including a Committee of Selection, Standing Orders Committee, House Committee, Committee on Privileges and Public Accounts Committee among others.

The sizes of parliamentary committees also vary greatly. For example, the British House of Commons is a 646 Member-Parliament and has parliamentary committees with varying membership sizes. The Public Accounts Committee is made up of 16 Members, while the Finance and Service Committee has only eleven members. Also the current 16th electoral term of the German Bundestag has 614 Members of Parliament and its budget committee is made up of 41 members.

While there are no strict rules on how parliamentary committees are composed, the common practice is to have representation on committees similar to the party representation in the parliament itself. In Ghana's parliament this strictly follows a formula based on the proportions of majority and minority representation in the House, is the formula is developed at the beginning of every Parliament. This is then used in determining the proportion of party representation and the composition of committees.

The Chairperson of a Committee

The Committee Chairperson plays a key role in the effectiveness of the Committee. The most important personality in the committee is said to be the chairperson who is usually responsible for convening and managing the committee. The chairperson:

- Presides over committee meetings, ruling on procedural and relevance issues, such as the relevance of questions or amendments to that committee's mandate;
- Deals with disorder among members or by the public where the latter are admitted to hearings;
- Answers oral questions in the House on behalf of the committee;
- Signs committee reports and requests the appearance of witnesses or the production of papers on behalf of the committee;
- Controls the hearing of evidence and directs the proceedings;
- Works behind the scenes with the government and other members of the committee on the progress of important legislation; and
- Maintains open communication channels with all committee members.

The role of the committee chairperson as described by the Legislative Assembly of British Columbia, for example, is as follows:

- maintaining order and decorum during meetings
- deciding questions of procedure, and
- generally ensuring that the committee work proceeds smoothly in conjunction with the committee's business plan. See Box 2.1 for more information.

As indicated earlier, committee chairperson must have qualities that will enhance their effectiveness: Ogle's qualities of good leadership include:

1. **Competence** – Demonstrate understanding of parliamentary process, have a solid working relationship with members and key staff and know the content of key matters assigned to the committee;

Flexibility and Adaptability – Learn to adapt to new conditions when circumstances change;

Firmness and Decisiveness – Stand firm when decisions are made;

Honesty and Dependability – Be honest and forthright with committee members, staff and the media;

Openness – Build strong communication links;

Fairness – Treat committee members fairly;

Tolerance – Understand and accept that members will not support committee leadership all the time;

Patience – Recognize times when it is necessary to be patient;

Humility – Accept responsibility for mistakes; and

Stamina – Project high energy level however long it may take to address matters assigned to the committee.

Box 2.1

British Columbia Legislative Assembly

“Committee Chair is responsible for maintaining order and decorum during meetings, deciding questions of procedure, and generally ensuring that the committee work proceeds smoothly in conjunction with the committee's business plan. The key responsibilities of the chairperson include:

- To rule on all procedural matters;
- To call committee meetings, subject to authorization of the committee;
- To sign committee reports and present them to the House;
- To direct the administration of the committee by the Clerk to the Committee.

Source: <http://www.leg.bc.ca/cmt/5-2.htm>

Appointment of Committee Chairpersons

Parliamentary systems differ in the way they appoint their committee chairpersons. Either the committee of selection appoints, or the speaker appoints, or members of the committee themselves elect their own chairperson. For example in the 1812 *Manual of Parliamentary Practice* by Thomas Jefferson, it is mentioned that parliamentary committees had the right to elect the chairperson or to allow the first person on the committee list to be the chairperson of the committee, in Finland each committee elects its own chairperson, Members of the European parliament elect their chairpersons. See Box 2.2

Box 2.2

The Chairperson and the European Parliament

A Chairperson is elected by the Members of European Parliament (MEPs) on their Committee for a two and half year term. A good Chair of a committee must play several roles. They must draw up the agenda, preside over meetings and help prepare reports of the committee. They also speak for the committee in the monthly Strasbourg Plenary session and in regular meetings with other Committee Chairs. They also have frequent contact with the Council presidency and the Commission services.

Source: http://www.europarl.europa.eu/news/public/story_page/008-2780-036-02-06-901-20070206STO02779-2007-05-02-2007/default_en.htm

Staff Support for Effective Parliamentary Committees

Parliamentary committees are supported by officers who are often assigned by the Clerk of the parliament to serve the committee. Their core function is related to procedural issues, but in practice and depending on the part of the globe the clerk works, their role may extend well beyond this. Committee staff ensure that committees perform their role taking evidence from witnesses, scrutinizing legislation and conducting inquiries.

In addition to basic administrative and clerical support that committees require, there is also the need for skills of specialized officers. Ideally these officers should be graduates of tertiary institutions and should include professional librarians, researchers and subject specialist who will carry out research and analysis and provide information to Members to meet the information needs of the committees.

Subject specialists who work closely with the staff of committees provide information and briefing material for members of the committee. These are often part of a pool of experts in the research and information provision department. The specialist knowledge makes it possible for in-depth analysis and provision of information on a specific subject matter to meet the needs of the committee. They liaise with committee clerks in responding to requests from Members of Parliament and committees, and help prepare briefing papers on subjects of public and parliamentary concern.

Meeting committees' information needs

By the very nature of the work of parliamentary committees, access to up-to-date, relevant, factual and non-partisan information is essential. Since committees are often expected to look in-depth at issues, their demand for the requisite information is very high. The standing orders often give parliamentary committees the opportunity to call witnesses and to have access to documents from routine information on procedures and processes to in-depth analysis on very technical matters with which members may not

necessarily be very familiar. The support staff of committees play a very critical role in ensuring that these objectives are met.

In providing information to meet the needs of MPs, committee support staff should place emphasis on presenting unbiased factual, accurate, up-to-date information. The information must also be provided at the right time and in a format that is easy to understand and use. It is also important to promote the core values of quality, and integrity when providing research support to parliaments. It is absolutely necessary to communicate clearly the institutional mandate and services to all as often as necessary.

- Support to parliament must be non-partisan. A perception of the institution leaning towards any political group can gravely affect the credibility of research work. .
- Formal communication channels must be complemented with continued dialogue, and informal face-to-face discussions. This is necessary to avoid ambiguity and prevent misconception on roles and mandate.

Summary

A clear mandate, the composition, skills of the chairperson, qualification of staff, access to information and the non-partisan nature of a committee work are critical factors in promoting committee effectiveness. The number, size and composition of committees vary from Parliament to Parliament but the mandate of each of these committees is clearly defined in the standing orders of the Parliament. While parliament may differ in the way they appoint chairpersons for committees, it is undeniable that committee chairpersons play a key role in the effectiveness of the committee; chairpersons must therefore have good leadership skills. Subject specialist, librarians and committee clerks must support procedural and administrative needs of a committee as well as provide factual up-to-date analysis on technical matters to promote committee effectiveness.

Unit 2 Questions

Please answer each of the following questions. If you are taking this course in a group you may then meet to discuss your answers.

1. What accounts for the effectiveness of parliamentary committees?
2. How important is consensus building to a parliamentary committee's work?
3. What are the independent sources of information for effective committee functioning?
4. Why do most parliamentary committees reflect the multi-party make-up of a parliament?

Relevant Internet Resources

UNDP, Legislative Committee System [Online] Available at:

<http://www.undp.org/governance/docs/Parl-Pub-legiscomm.pdf> Legislative Accessed February 2007

Legislative Assembly of British Columbia (2007) About the Committee System [Online]

Available at: <http://www.leg.bc.ca/cmt/5-2.htm>. Accessed February 2007

Selected Bibliography

Jefferson T. (1812) *A Manual Of Parliamentary Practice: For The Use Of The Senate Of The United States*. [Online]. [Available at: <http://www.constitution.org/tj/tj-mpp.htm> [Accessed January 2007]

Ogle, D. B. (2004) *National Parliament-Republic of Timor-Leste: Manual for Parliamentary Committee*. The United Nations Development Programmed. New York.

Owens, J E. and Loomis B. A. (2006) Qualified Exceptionalism: The US congress in comparative perspective. *The Journal of Legislative Studies*. Vol., 12. No 3 & 4 pp. 258 – 290.

Additional Reading

The Way Forward - Lessons from Ghana's Parliamentary Committees Available at: <http://www.parlcent.ca/africa/papers/Publication%20Elmina%20Wkshp%202004.pdf> Accessed January 2007

Pak-Kwan, Chua (2003) Chairmanship of parliamentary committees in selected areas

[Online] Available at

<http://www.bibliotheque.assnat.qc.ca/01/mono/2004/04/768683.pdf>

Accessed March 2007.

UNIT 3: PROCEDURAL AND ADMINISTRATIVE SUPPORT

Learning Objectives

What procedural and administrative support needs are common in parliament?

After studying this unit you should:

- Be able to outline the types and forms of procedural and administrative support required for effective parliamentary work;
- Know the nature of parliamentary procedure.

Introduction

Unit 3 concentrates on the procedural and administrative support needed for effective parliamentary committee work. It looks at the types of administrative support and requirements for performing effective administrative functions. In addition it also considers the nature of parliamentary procedure. In-depth information is provided on some procedural issues, examples and best practices are also discussed.

Committee level meetings form one of the major fora where parliamentary work takes place. It is at the committee level where members of parliament deliberate on issues, debate and (dis) agree on bills and policy decisions yet to be implemented. Once the committee has taken a major decision on, for instance, a bill or a major executive policy the whole floor of the House or Assembly is now ready to give its assent or otherwise. Given that the whole House or Assembly, in most instances, have so much on their plate or little time to debate issues it tacitly goes with the position taken at the committee level. It is therefore obvious that the work carried out at the committee level is very important in the work of parliamentary democracy. At the committee level a team of support staff assists (see box 3.1) in its work and these follow some already established administrative and procedural rules and regulations.

BOX 3.1
Staff Support to Parliament

Parliaments are not composed solely of MPs. Knowledgeable, skilled and motivated staff members are essential for parliamentarians to be able to perform their duties effectively.

Source: http://www.parlcent.ca/africa/kenya_sym_e.php

Following is a discussion of the elements in the procedural and administrative support activities required for committee level work – administrative support, procedural support and the requirements for providing procedural support. It should be noted from the onset that certain administrative and procedural issues overlap, particularly, those governed by the rules concerning parliamentary work.

Types and Nature of Administrative Support

Several types of administrative support are required to ensure the smooth operation of parliamentary committees. The major supporting activities relate to the support staffs' duties to the chair of the committees, to members of the committee during debate, post debates and deliberations. The major activity of support staff relates to information flow to committee members, to the house, to the chairperson of the committee and to and from government ministries, departments and agencies. Regarding administrative support to the Chairperson, staff members are required to assist the chairperson in preparing a work program. This will typically include a listing and prioritizing of activities for a particular session of parliament or for a pre-determined time period, such as a year; drawing up notices of meetings and agenda for meetings in consultation with the chairperson and providing similar support to subcommittees appointed by the committee. These program schedules are circulated to members of the committee.

Support to members particularly regarding information flow include:

- Registration of committee members and alternate members, recording attendance and noting co-opted members;
- Ensuring that papers referred to the committee are distributed to members;
- Liaising with government departments, ministries, legal advisors and the general public;
- Supporting fact-finding missions, oversight missions and public hearings;
- Ensuring the implementation of decisions taken by the committee;
- Preparing Order Paper entries in respect of Bills and papers referred to the committee.

Administrative support duties of committee staff also include: drafting and circulating minutes of meetings; assisting in preparing committee reports; drafting press releases; and publishing committee reports and other relevant notices in the Announcements, Tabling and committee Reports.

Requirements for Performing Effective Administrative Functions

Administrative support to parliamentary committees can prove to be a challenging task. In some instances it may include some of the most difficult tasks a committee staff must perform, and thus require sound skills and competencies. It involves paying attention to detail particularly a capacity to take great pains to ensure the accuracy of the work done, and, at the legislative level a high standard of work in all facets.

One of the indicators of effective performance of administrative support duties is how staff members accurately draft minutes of complex discussions and assist in the preparation of substantive committee reports. These are very demanding tasks and require full attention and a sound grasp of what occurs during meetings, as well as sound conceptual and language abilities in the preparation of documents.

Second, it requires accurate and speedy processing of papers and production **or** reports, which in them require strong organizational and administrative skills. Additionally, a

sympathetic understanding of the task of the committee and the resources at its disposal, an overall grasp of the Rules and procedures of the legislature as they apply to the committee. Staff need to be proactive by providing the needed information and the required support at the right time to ensure that the committee' interactions with the legislature are correct and timely

Nature of Parliamentary Procedure

Parliamentary procedure refers to the application of the relevant statutory and other rules that regulate and facilitate the functioning of a legislature and its committees regarding: the powers and functions of a committee vis-à-vis the legislature, the public and the executive; the powers and functions of committee chairs and other members of the committee; and the handling of committee papers or vast number of other issues.

Box 3.2

Parliamentary Procedure: Definition

Generally accepted rules, precedents, and practices used in the governance of deliberative assemblies. They are intended to maintain decorum, ascertain the will of the majority, preserve the rights of the minority, and facilitate the orderly transaction of business. Rules of parliamentary procedure originated in Britain in the 16th and 17th centuries and were subsequently adopted by legislatures around the world. Robert's Rules of Order, codified in 1876 by U.S. Gen. Henry M. Robert (1837 – 1923) and regularly refined and enlarged, is the standard set of rules used by legislatures in the U.S.

Source: <http://www.answers.com/topic/parliamentary-procedure-1?cat=biz-fin>

Procedural issues often crop up in situations of political tension and are seldom straightforward, requiring interpretation rather than the straightforward application of rules and practices. In applying legislative rules and conventions to the particular

situations, the object should be to take the work of the committee forward while leaving no party with cause for grievance. It is important for the staff to bear in mind at all times that staff loyalty should lie with the institution and the political process in the broader sense, rather than with any particular interest.

Procedural support may come be in the form of practical assistance. For instance, in decision-making procedures, or proactive or reactive oral or written advice support staff may need to know how to interpret the rules and conventions to assist the committee. Advice may be provided to the committee as a whole, the chairperson or individual members. The committee staff may also advise public officials and members of the public on matters relating to the committee especially if they are require to appear before the committee, by providing the with guidelines for witnesses and for individuals giving oral or written evidence.

A vital aspect of good procedural support is the capacity to anticipate problems. It is much easier to deal with a problem when one has studied the relevant rules and discussed the issue with one's seniors in advance, than when one is confronted with it for the first time in the heat of a difficult meeting.

Procedural Issues

Procedural parliamentary issues with which committee staff should be conversant are many. They include:

- The process for electing chairpersons; procedures for decisions and voting;
- The appropriate procedures relating to membership – alternates and co-opted members;
- Appropriate procedures during voting;
- Chairperson's functions and powers;
- Legislative processes;
- Committee's mandate, functions and powers;
- The processes for executive accountability and the formation of a quorum.

Additionally procedural issues which need to be considered include, but are not limited to: gathering evidence – including procedures for calling of witnesses and rights of witnesses; interaction with the public, in particular rights of witnesses; correct processing of papers; methods/processes for oversight of the executive; status of papers before the committee and procedures for effective conduct of the affairs of the committee.

Requirements for providing sound procedural advice and guidance to committees

- Sound grasp of the constitution, in particular those provisions relating to the legislature;
- Sound knowledge of the rules of the legislature, and a grasp of the principles involved, in particular the rules applying to committees (understanding the principles necessarily requires experience);
- Thorough understanding, not only of committee procedures and conventions, but of our political system and the place in that system of the legislature and its committees;
- A firm grasp of the basis on which to provide non-political advice in a political environment;
- Understanding of the political dynamics within and outside the committee;
- Considerable experience – it is difficult to gain such experience outside of the legislative context;
- A study of the constitutional rules framework within which the committee functions and with that as a basis, acquire experience first hand of how the political process within the committee functions within this framework;
- Senior experienced staff can be a valuable source of wisdom and solutions. While new problems and situations are always cropping up, it is likely that similar situations have occurred before and have had to be solved;

- Reference books on parliamentary procedures are extremely useful, provided one bears in mind that all legislatures are different.

Unit 3 Questions

Please answer each of the following questions. If you are taking this course in a group you may then meet to discuss your answers.

1. What types of procedural and administrative support are required for effective functioning of parliamentary committees?
2. Using your own country as an example, describe the parliamentary procedure in your parliament.

Select Bibliography and Relevant Internet Resources:

House of Commons, House Administration Canada Framework for Reporting Results.

[Online] Available at:

<http://www.parl.gc.ca/information/about/process/house/performance04/04-fra-e.htm>

[Accessed January 2007]

Jefferson T. (1812) A Manual Of Parliamentary Practice: For The Use Of The Senate Of The United States. [Online]. [Available at: <http://www.constitution.org/tj/tj-mpp.htm>

[Accessed January 2007]

British Columbia, Office of the Clerk of Committees. (2007) Parliamentary Committee Services Standards [Online] Available at: <http://www.leg.bc.ca/cmt/5-2-1.htm>

[Accessed Feb 2007]

Third General Assembly Of The African Network Of Parliamentary Staff, (2005) The role of the secretary-general in effective parliamentary administration [Online] Available at:

<http://www.asgp.info/Resources/Data/Documents/MNIRGHRVURDUBWMBXLEBAVDYWCVVQO.pdf> [Accessed Feb 2007]

Cagle, J.A. (2006) Parliamentary Procedure. [Online] California State University
Available at: <http://www.csufresno.edu/comm/cagle-p3.htm> [Accessed December 2006]

Parlipro Parliamentary Procedure Online. [Online] Available at: <http://www.parlipro.org/>
[Accessed February 2007]

Robert's Rule of Order. [Online] Available at: <http://www.robertsrules.com/> [Accessed
January 2007]

US House of Representatives: Committee on Rules. Understanding the process and
Procedure in the House of Representatives [Online] Committee on Rules Available at:
http://www.rules.house.gov/POP/pop_schedule1.htm [Accessed February 2007]

Parliamentary Centre. Training Parliamentary Staff [Online]. Available at:
http://www.parlcent.ca/africa/kenya_sym_e.php [Accessed February 2007]

Suggested reading

[Cushing](#) L. S. (1928) *Cushing's Manual of Parliamentary Practice: Rules of Procedure and
Debate in Deliberative Assemblies*: The John C. Winston Company

UNIT 4: Research Services For Parliamentary Committees

Learning Objectives

How does parliamentary staff know what they know?

After studying this unit you should:

- Be able to recognize the role of research in meeting the basic information needs of parliamentary committees;
- Understand the different types of research and the skills required by parliamentary staff in conducting research;
- Understand the importance of paying attention to the political, ethical and technical considerations in all legislative research.

Introduction

Members of Parliament need to have access to timely, up-to-date, accurate and well-researched information for effective decision-making. This unit points to the importance of legislative research in providing independent sources of information to MPs and the need for MPs to also have access to government sources of information for a complete picture on issues. This unit explains the different methods and types of research as well as the skills required by parliamentary staff to undertake such research. It stresses the importance of considering the political, ethical and technical considerations in all legislative research.

Members of Parliament seek better ways to select goals, design and choose alternatives to achieving the goals, and see that the alternatives are considered. To do this effectively, they need appropriate, timely and accurate information. Having access to up-to-date information is essential in order to highlight policy alternatives and to draw

attention to policy consequences. This becomes especially important at the committee level where members carry out in-depth analysis and debate issues. Parliamentary staff, therefore, must have a clear understanding of the information needs of Members of Parliament, and should possess the requisite researching skills to provide independent sources of information on national issues.

Independent research services are essential to supporting the work of parliamentary committees for two key reasons. First, while the executive branch often gets help from a large professional staff from the Ministries, Departments and Agencies, the Legislature does not usually benefit from that kind of support. Thus, it is critical for parliament to explore all possible avenues to help bridge this gap of expertise and ensure that MPs have access to accurate and up-to-date information to perform their work effectively. Secondly, and equally important for parliament, is not to rely solely on information provided by the Executive but to complement it with independent sources in order to understand what the alternatives are, and to have a total picture of every issue before passing laws and making policy choices. For these reasons, parliaments need to explore sources of information from their legislative researchers, other independent research, and also seek information from government sources.

Government sources of information

It is important for parliamentary committees to demand that the Executive provide the information necessary to enable parliament to monitor key issues and make informed decisions. Parliament and its committees must demand annual departmental reports, audited annual reports of each Ministry, independent Auditor-General reports and any relevant executive documents to ensure proper oversight on the executive's performance in its roles and responsibilities.

To promote the free flow of information between the executive and parliament, the Scottish Parliament, for example, has a protocol that spells out exactly how information from the Executive must be communicated to the parliamentary committees. The

protocol sets out clear guidelines on how the committees and the executive should work together. In particular, the protocol provides guidelines on how to ensure an open flow of information between parliament and the executive for a productive working relationship and the promotion of good governance. (More details of the protocol contained in Appendix 3: *Protocol Between Committee Clerks and The Scottish Executive.*)

Parliaments are encouraged to demand from the Executive comprehensive budget performance data and regular reports on the status of implementation of the budget after approval by parliament. Box 4.1 below highlights the recommended sources of budget information for Members of Parliament.

Box 4.1
Broadening Access to Information Budget Documentation – OECD Best Practices

- A Comprehensive Budget-Performance Data — a medium term projection
- A Pre-budget Report — a report on long term economic and fiscal policy objectives
- Monthly Report — a report on the progress in implementation including differences between actual and forecast amounts
- Mid-year Report — a comprehensive update on implementation of the budget, including updated forecasts and budget outcome for the medium term
- Year end Report — audited by the audit institution released within six months of fiscal year
- Pre-election Report — general state of government finances immediately before an election
- Long Term Report — an assessment of long term sustainability of current government policies

Source: OECD: Organization for Economic Co-operation and Development

Independent sources of information

Parliaments need well-resourced libraries and information centres to perform their role. The Library of Congress in the United States, for example, is one of the best-resourced libraries in the world. Even more important is access to independent sources of information, which is critical for effective parliamentary work. Research becomes an effective way of obtaining unbiased analysis to help improve the quality of decisions of MPs. It is essential for parliament to have a core team of experts that provides access to analysis and vital information to guide the decision-making process. Germany, for example, has an information service with a staff of 85; Australia has a research center of a similar size at the disposal of the parliament; and, in Britain, the Research library employs about one hundred researchers. The US Congress has a well established Information and Research Service that includes the Library of Congress and the Congressional Research Service; there is also an independent Congressional Budget Office dedicated to budget issues. Research services are important for legislative work because it is only through research that legislatures get access to independent sources of information on issues before them.

Research in Parliament

Research for parliaments involve two distinct groups identified as the producers of information (research staff) and the consumers of the information (Members of Parliament). Ideally the producers of information should be dedicated researchers who are engaged by parliament itself such as the congressional research staff in US. In practice however a number of countries, especially those in emerging democracies, increasingly rely on information from researchers in universities, research institutions, think tanks and civil society organizations to complement the work of the parliamentary research team.

Research staff need effective training in legislative research, which is different than ordinary research, in order to maximise the accuracy and usefulness of information they

produce. They must also have skills to present the information in a meaningful form for their target beneficiaries, the consumers. Member of Parliament often have very little time to review and internalize information due to competing demands on their time. Again, parliaments by their very nature are often made up of representatives with varying backgrounds and expertise. Additionally, the immense range of policy issues with which parliament deals (e.g. Energy Crises, or budget deficit) makes it impossible for any single MP to be an expert in all areas; therefore, it becomes absolutely critical that research information is repackaged and presented in a meaningful form for use by Members of Parliament.

Research- Definition

Research is systematic in the sense that it has its own norms and techniques, and its own methods and procedures. Research is conceived as both an activity and as a process grounded in theory. The core objective of research is to clarify the unclear and to find answers to questions, ultimately adding to knowledge and to improving our way of life. Research may be seen as a tool for use in the production of knowledge, goods and services.

Types of Research

The broad types of research include pure research, which deals with questions that are intellectually challenging but may or may not be practical now or in the future; applied research which ultimately is expected to be helpful in solving problems or have practical applications now or in the future; and action research, which often has immediate application and is conducted specifically to find immediate applicable solutions to the problems or issues that are under investigation.

Regardless of the form it may take, research, as a concept ought to be regarded not only as a systematic process of learning about physical, technological, political,

social, psychological, economic, cultural, or medical aspects of reality, but also as the application of those findings in improving living standards. Research is an activity, a process and a tool.

The Research Process and General 'Tools' of Research

Research is best seen as a process with clearly defined stages. Though interrelated, each of these stages must be clearly identified and defined in order to achieve the desired results. The basic stages of research are:

- Clear identification of the research problem or question;
- Formulation of the research design, which involves planning data collection, sample selection, collection and analysis;
- Data gathering as much information about what already exists and identifying data to be collected, to address the question or problem under investigation;
- Coding and analysis of the data, which allows the researcher to bring some order into the data collected, and to bring related data together to make meaning;
- The final stage involves interpreting the results to reflect the research hypothesis.

The researcher needs tools and sometimes a variety of means to gather data and make information meaningful. The tools assist the researcher in deriving conclusions from a body of data and 'discovering' the things that were hitherto unknown.

General 'Tools' of Research

The general 'tools' of research include:

- **The library and its resources** – One fundamental task that must serve, as the foundation for research is the literature review process. This is essential to ensure that the researcher has gathered all relevant information that is available on the issue or problem under investigation. Skills in finding information from

libraries, the Internet, and electronic databases are important since they often hold volumes of valuable information from previous research.

- **Techniques of measurement** – Research requires precision in order to generate findings that are meaningful. There are well-established techniques for measuring quantitative and qualitative research. While the former requires proper sampling techniques to ensure that research findings from numerical analysis are generalized, the latter does not rely on samples, is not aimed at generalization and does not focus on numerical values. Instead, the emphasis of qualitative research is on observation, attributes and meaning. Understanding the different techniques of measurement and developing skill in conducting qualitative and quantitative research is fundamental.
- **Statistics** – This relates basically to collecting and classifying numerical data. It is therefore used in quantitative research and in a very limited extent in qualitative research. Legislative researchers need to be knowledgeable enough in the basics of descriptive statistics, which provide description of the sample data such as the mean and inferential statistics (used to infer the truth or falsity of a hypothesis e.g. correlation) in order to carry out basic statistics themselves, and to communicate meaningfully with statisticians when they are needed for the more complicated analysis.
- **The computer and its software** – Basic skills in using computers and related application software is now necessary for all professionals. Researchers need computer skills to conduct the literature review process, the data gathering process, and analyzing data and presenting the findings. Skills in Internet research use of statistical software packages, Microsoft PowerPoint, Microsoft Word and other related application software packages are necessary for researchers.
- **Clarity of language** – Communicating research findings in the right language to the target audience helps determine the usefulness of the information to the

consumers. Members of Parliament are such a heterogeneous group that research information must be repackaged with minimum scientific and technical language for it to benefit all people.

Clearly, to carry out any good research one must have adequate skills to utilize these tools effectively and be knowledgeable enough to delegate tasks to the right people in order to get the desired results.

Categories of Skills Required

Additionally, legislative researchers and parliamentary staff require scientific and creative skills to be effective.

Scientific skills – These include the clarification of ideas and the development of standardised procedures for collecting and analysing data. These skills are used in carrying out competent and creative research. Systematic scientific skills lie at the heart of legislative research as a technical activity. Scientific skills are divided into these categories: information-structuring, information-collection, and information-analysis.

Information structuring skills sharpen the legislative researcher's ability to clarify ideas and examine their correspondence to real world events. Information-collection skills provide the legislative researcher with approaches and tools for making accurate observations of persons, objects, or events. Information-analysis skills guide the legislative researcher to draw conclusions from empirical evidence.

Creative skills – This involves applying the basics of 'policy analyses' to generate relevant information for law making and informing policy choices. Critical thinking and critical analysis of issues become crucial.

Legislative research also involves the efficient and effective use of available resources to accomplish research activities. Planning and management skills are as important to

legislative research projects as they are to other organisational endeavours. Research management skills are critical to successful research project outcomes.

The practice of legislative research requires the simultaneous consideration of all the skill areas mentioned above.

Lawmaking and Research

The role of legislative researchers is to improve the law making process and its outcomes. This is why their efforts are defined as the creation and critical assessment of legislature-relevant knowledge and its communication to decision-makers.

The tasks of legislative researchers are:

- To organise, analyse, evaluate, interpret and summarise available facts;
- To present costs and benefits of issues when requested to do so by law-makers;
and
- To assemble such authoritative opinions as may be available in respect to legislative questions under discussion in the legislature.

Legislative research: political, ethical and technical considerations

Legislative research is conducted in a political environment. It affects, to a greater or less extent, what problems are analysed, who does it, how it is done, what decisions are made as a consequence, and how those decisions are implemented. Legislative research must cope with politics.

Political Feasibility Considerations

Legislative researchers must possess both political and social knowledge in covering all possible aspects of a piece of legislation. They must have a clear understanding of the political background of a particular research topic. This must be considered from the

perspective of the relevant committees, political party positions on that subject, stakeholders and society at large.

Why political consideration?

Where the aim of a legislative researcher is to provide the best possible advice based on rigorous research, the lawmakers may operate to minimise their loss of political power or to maximise the votes they get at the next election. Some political considerations include: local interests; personalities; habits; prejudgements; and rivalries.

If researchers leave out all of the elements involved in creating a political consensus that so regularly constrain political decision, they will be left wondering why the legislature fails to get on as rapidly as it ought to in achieving their goals.

Ethical Consideration

Ethics and morality are central to law-making because the legitimacy and authority of the legislature and, therefore, the decisions it makes, are enhanced when its actions are informed by ethical considerations. Sound and viable legislative decisions are based on the quality of information available to lawmakers. Due to the role that legislative research plays, there needs to be objectivity in its conduct.

Legislative researchers should not be inclined to particular beliefs or ideologies in conducting research and should always avoid presenting personal views. In a situation where the legislative research findings are in direct conflict with a given political, social, religious or economic ideology, legislative researchers must present clear options that harmonise the various interests.

Invariably legislative decisions are taken around the idea of political interests. Consequently, legislative researchers need to concern themselves with the fact that lawmakers make political decisions based on available information.

Technical Consideration

Law making is an accumulation of experiences. While legislative researchers might come up with scientific results, lawmakers might have different or opposing views based on their own experiences. On the other hand, law making is an effort to address problems. They will often address negative socio-economic conditions of the people. However, the conditions that may be perceived as a problem in one area may not be a problem in another area. In this context, legislative researchers are advised to be conversant with the present definitions of 'old' policy issues (i.e. why did the particular policy remain as it is or why was the particular policy developed the way it is?)

In preparing legislative research arguments, researchers are advised not to advocate their own research findings but rather to structure their arguments in a self-supportive manner. One way of building their own capacity to argue and support legislative research results is to look comparatively at a wide range of local, national and international perspectives and experiences. The legislative researcher is required to have a clear understanding of the law-making arena and the perceptions of the alternatives under consideration.

In sum in structuring legislative research arguments, legislative researchers should consider the economic, political and social circumstances surrounding previous experiences and their relevance to the current legislative research issue(s).

Unit 4 Questions

Please answer each of the following questions. If you are taking this course in a group you may then meet to discuss your answers.

1. How important is research to a parliamentary committee?
2. List the general tools for effective research.
3. What basic skills are required by parliamentary staff to conduct research?
4. What are the key ingredients of legislative research?

Select Bibliography

Bailey, K. D. (1994) *Methods of Social Research* The Free Press: New York

Relevant Internet Resources:

Verrier, J (1995) The Future of Parliamentary Research Services: To Lead or to Follow?

Available at: <http://www.ifla.org/IV/ifla61/61-verj.htm> Accessed February 2007.

US Congressional Research Service [Online] Available at: <http://www.loc.gov/crsinfo/>

Accessed February 2007

Suggested Additional Reading:

Parliamentary Centre (2005) Virtual Resources For Parliamentary Researchers:

Perspectives And Experience From Around The World. Available at

http://www.parlcent.ca/publications/pdf/Virtual%20Resources_en.pdf. Accessed

January 2007

Verrier, J. R. (2000). How to establish a parliamentary research service: does one size fit all? 66th IFLA Council and General Conference Jerusalem, Israel, 13-18 August

[Online] [Available at: <http://www.ifla.org/IV/ifla66/papers/079-098e.htm>. Accessed:

January 2007

Lawrence, S. (1981) What Counts as Research? *British Journal of Educational Studies*,

Vol. 29, No. 2 (Jun., 1981), pp. 103-114

UNIT 5: PARLIAMENTARY COMMITTEE AND THE LAW MAKING PROCESS

Learning Objectives

Why are parliamentary committees useful for lawmaking?

After studying this unit you should be able to:

- Discuss the functions of parliamentary committees in the law-making process;
- List challenges that confront parliamentary committees.

Introduction

Unit 5 is devoted to the critical role committees play when new laws are proposed. Often the legislative powers of a country are vested in parliament. Procedures for passing public, private and hybrid bills often require committing such bills to the committee of the whole or other parliamentary committee for consideration. In a number of developing countries' bills are initiated by the executive but parliament is expected to scrutinize and make amendments to ensure that the bill conforms to national and international policies. This unit focuses on the role parliamentary committees play in the conduct of work in the legislature.

Parliamentary committees have come to assume center stage in legislative decision-making. Parliamentary committees, as of today, remain the focal point of legislative oversight of governments. Even though its evolution has been relatively slow, parliamentary committees – whether in separation of powers or parliamentary

Box 5.1
Major milestones in the evolution of democratic parliamentary committees

- The spread and the increasing appreciation for democratic systems of governance around the world;
- A plethora of competing parliamentary parties and increased participation in floor debates, i.e. internal changes in rules, committee structure, party structures and leadership;
- Increased recognition given to the legislative phase of policy-making, which have turned parliamentary committees into vital meeting places and a clearinghouse for political and policy conflict and resolution;
- The spread of democratic systems of government, and with it the evolution of regional parliamentary bodies around the world, has created what has come to be termed 'inflationary pressure' on the creation and spread of parliamentary committees to cater to the varying needs of the people. For instance this proliferation has created such parliaments as The Commonwealth Parliamentary Union, The European Parliament; the Economic Community of West African States (ECOWAS).
- Increasing significance of parliaments around the world and the need for committees and subcommittees to attend to the needs of divergent societies.

Government systems – are considered one of the significant organizational features of modern parliaments.

Evolution of Parliamentary Committees

Parliamentary committees have emerged as a central institution to democratic governance and have moved in tandem with the flourishing of democratic practices and ways of governing.

Challenges with Parliamentary Committees

- Embedding evolving policy challenges into already codified jurisdictional definitions, e.g. crosscutting issues such as the environment, trade, health, and welfare. These issues demand integrated deliberation and oversight. Thus it is argued that even as democratic parliaments throughout the world experiment with more elaborate committee structures, those with older highly developed committee systems are reaching for more varied and flexible alternatives;
- *Inadequate resources*: parliamentary committee staff members are required to support the activities of committees that, for instance, carry out research and communicate between parliamentarians. However the resource constraints that have hindered the progress of most parliaments also extend and affect parliamentary work at the committee level;
- Changing phases of parliamentary committees; - According to Longley & Davidson (1998). Parliaments, which were expected to decline in significance in the 1960s and 1970s, have rather developed new and vital political roles and have introduced innovations in institutional structures, most recurring are parliamentary committees. The evolving nature of parliamentary committees in most parliaments sometimes creates challenges in being able to tell the mandate of a committee from its name. A good example is the use of the term "finance committee" and "budget committee". The mandates of these committees are often unique to the countries in which they are found.
- Managing the relations between parliamentary committees and government ministries' departments and agencies; - Without clearly defined guidelines, clear understanding of the mandate of the committee and without well established channels of communication, managing the relationship with government ministries department and agencies can be a daunting task especially where the rules of engagement and committees' oversight role are not well established as pertains in young and emerging democracies.

- Managing and sustaining inter-parliamentary committee relations. Inter-parliamentary cooperation can be very beneficial in strengthening peer support and peer learning but often there are practical challenges related to managing and sustaining such relations. Lack of financial resources to promote reciprocal visits can hinder such partnership. Most Parliaments are yet to take advantage of new Information Technology facilities that can allow online interaction without the cost associated with travel. Inter parliamentary associations such as the IPU may need to increase support for inter-committee relations.

In spite of these challenges, most Parliamentary committees are an integral part of the law making process in their countries. Work carried out in such committees make it possible for parliaments across the globe to carry out their legislative function.

Parliamentary Committees and the Law Making Process

Parliamentary Committees play a central role in the process of enacting laws. As stated earlier, in most democratic countries the power to legislate is vested in Parliament. Proposed legislation, called bills, is first introduced to the floor of the House. The bill is then taken through a number of stages or steps, including the committee stage before it can become the law or an Act.

Steps in Parliamentary Law-making

The details of the legislative process may vary from legislature to legislature especially between bicameral and unicameral legislature. However, there are some fundamental steps that most bills are taken through in order for them to become laws. Appendix IV shows step by step the legislative process in the New Zealand Parliament.

Introduction and First Reading

Parliaments receive the proposed law or bill, from the required state institution through its representative, usually the sector minister or from the other Chamber in bicameral legislatures. This stage is often referred to as *Introduction of Bills*. When the bill is introduced to the floor of the House there is laid down Parliamentary procedures that need to be followed. For example, a formal notice may be required and the Prime

Minister or the sector Minister may give a speech. The Clerk or presiding officer also reads the title of the bill; this is termed the *1st Reading*.

Committee Stage and Second reading

After the first reading a bill may be referred immediately to the appropriate committee. It is at the *committee stage* that most of the detailed work is carried out. The committee may involve the public in this process to varying degrees. The general public and institutions may be asked to send inputs, public hearing may be held. This is also the stage where committee members have the opportunity to make proposals for amending the bill. The committee may then present its report to the House. In Westminster systems the second reading is the first important stage the bill must go through. At this stage the bill is read for the second time and debates commence. The debates are not restricted to the content of the bill but can cover the circumstances for its presentation; detailed debates of the clauses are not expected at this stage.

Consideration and Third reading

The Consideration Stage is the stage where the whole House discusses the bill in detail. Debate on the bill is carried out clause by clause, proposed amendments are debated, arguments are then made to either support the proposals or to reject them, new suggestions can also be made to amend a clause. The process for debate on the floor of the house at this time might allow Members to speak more than once to a question proposed by the chairperson. The committee report on the bill forms a crucial background that informs this debate. To make this process effective parliament will often give a particular timeline that must elapse between the committee stage and the considerations stage. In the House of Commons a fortnight after a standing committee has examined a bill, the committee report is presented to the entire House for consideration. In the Parliament of Ghana, the bill is taken through the consideration stage at least forty-eight hours after the second reading. The consideration stage is very important because it gives other Members of Parliament the opportunity to introduce amendments to the bill. The third reading with a motion that the bill is now read for the third time then follows the consideration stage. This stage is often very short with no debate.

In most bicameral parliaments, the bill then goes to the next chamber where it is taken through similar stages as in the previous chamber. Once there is agreement on the content of the Bill, it is then submitted to the appropriate office e.g. the office of the president for presidential assent or to the King or Queen for Royal assent.

Royal Assent or Presidential Assent

The Clerk of Parliament is often responsible for ensuring that the bill reflects all the relevant amendments and recommendations. This is then printed and certified as true copies. The required numbers of copies are then presented to the King/Queen or to the President. Presidential or Royal seals are affixed and the President or Queen/King assents to the bill by placing the signature under the pre-agreed text e.g. "I hereby signify my assent to this bill" or "The queen wishes it."

In instances where the President or the King/Queen does not agree with portions or some clauses of the bill, s/he may refuse to assent to the bill.

The above shows that Parliamentary committees play a critical role in the law making process. Once a Bill has been referred to the appropriate committee or committees, the expectation is that the committee responsible will carry out the needed investigation and analysis and will report to the House its amendments and recommendations or the rejection of the bill. In some Parliaments such as the German Bundestag the "Committee responsible" is expected to provide definite decision. See Box 1.5 below

Box 5.2 Committee Responsible – The German Bundestag

Designation as the "committee responsible" means that this committee is responsible for further handling of this bill. The committee responsible must, in keeping with Rule 62 of the Rules of Procedure of the German Bundestag, recommend to the Bundestag a definite decision – the acceptance of the bill, the acceptance of amendments decided upon by the committee, or the rejection of the bill- and is obliged to attend to matters referred to it without delay.

Source: Schreiner, H.J. & Linn, S. (2006) The German Bundestag: Functions and Procedures. NDV

Committee Clerks and the Law Making Process

The Committee Clerk must know the procedure for the law-making process especially the procedure required for the committee stage and the consideration stage of a bill in order to assist the committee chairperson and committee members in their work. At the committee stage members are often expected to move and debate amendments to the Bill. This often involves a close look at each clause and Schedule of the Bill. According to Limon & McKay (1997) Public bills referred to committees in House of Commons are often looked at in a specific order unless otherwise ordered. The order is as follows: Clauses, new clauses, schedules, new schedules, Preamble, and then title (if amendment is required). Motions can also be proposed to look at the bill in a different order. A clerk must know this procedure and must assist when needed. In addition to providing the chairperson and members with guidelines, the clerk to the committee must ensure that the minutes of proceedings of the committee are properly captured and reflect true occurrence at the meeting.

Limon & McKay's (1997) presentation of "Proceedings in Committee on Public Bills in the House of Commons" points to some basic procedures that can be followed at the committee stage. Though the overall process may be unique to each parliament there are a number of fundamental questions that committee staff can help the committee address to ensure a smooth process at the committee level. A clerk to the committee must have the knowledge and skills to help the committee address these questions:

The basic questions include the following:

- What is the mandate of the committee on this bill? What is the function of the committee?
- In what order can/should the bill is considered by members?
- Does the committee have the power to divide one clause into two?
- Can the committee transfer clause(s) from one section of the bill to another?
- How do you postpone the consideration of a clause? Do you need a motion?
- Do you need to give notice of amendment in committee? When and how?
- What is the procedure for introducing an amendment?
- What is the procedure for withdrawing an amendment?

- In what order should the chairperson call amendments to the bill?
- Which amendments are admissible and which are not and why?
- How do you introduce new clauses?
- How do you close committee proceedings and
- What is the procedure for communicating committee minutes of proceedings to the House?

Simple guidelines that address these questions can help simplify the work of the committee clerk and facilitate review of bills at the committee stage.

In sum, parliamentary committee can serve as the focal point for most of the works that Parliaments must carry out in passing bills into law. When properly resourced, parliamentary committees can contribute positively to ensure that laws are passed based on real needs and is properly structured to bring about the needed change.

Unit 5 Questions

Please answer each of the following questions. If you are taking this course in a group you may meet to discuss your answers.

1. What are the key stages in parliamentary law making?
2. What functions do parliamentary committees play in the law making process?
3. What are the common challenges faced by parliamentary committees in the law making process?

Select Bibliography

Longley, L. (1998) *The New Roles of Parliamentary Committees* (The Library of Legislative Studies) Routledge

Limon, D. & McKay, W. R. (1997) *Erskine May's Treatise on The Law, Privileges, Proceedings and Usage of Parliament* (22nd Edition). London: Butterworths

Schreiner H.J. & Linn, S. (2006) *The German Bundestag – Functions and Procedures*. NDV; Berlin

Relevant Internet Resources:

United Kingdom Parliament. Making New Law [Online] Available at:

<http://www.parliament.uk/works/newlaw.cfm> [Accessed January 2007]

UNDP. Law making stages of the legislative process [Online] Available at:

<http://www.undp.org/governance/docs/Parl-Pub-lawmakin.htm> [Accessed January 2007]

Parliamentary Monitoring Group South Africa. The Legislative Process [Online]

[Available at : <http://www.pmg.org.za/parlinfo/sectionb3.htm>] [Accessed March 2007]

UNIT 6. Government Accountability and Parliamentary Committees

Learning Objectives

What role do parliamentary committees play in assuring government accountability?

After studying this unit you should be able to:

- Outline the role of parliament in ensuring government accountability;
- Explain recommended measures for effective accountability;
- Explain accountability for development.

Introduction

Unit 6 is devoted to parliaments' role in ensuring government accountability. Parliaments are responsible for ensuring accountability and openness of government through oversight of activities of the executive and its auxiliary bodies in order to curb corruption and effect good practices. Parliaments also have the power of the purse and the mandate to scrutinize the utilization of public finances and ensure financial accountability. The unit looks at how parliamentary committees can promote government accountability.

Parliament, which is the highest representative body collectively and individually is accountable to the people. Parliament must be reflective of public and social concerns if it is to retain public legitimacy and ensure its institutional accountability.

Parliaments, by reference of their mandates in constitutions, have the responsibility to ensure accountability and openness of government. They do this by overseeing activities of the executive and its auxiliary bodies to help curb corruption and effect good practices in government. It is therefore important that parliamentary staff are strengthened in their oversight capacity and able to strengthen their duties as non-partisan repositories of information and can assist parliament in achieving its constitutional functions. Parliamentary staff therefore help ensure accountability of government.

What is Accountability?

Public sector agencies are subject to both *external* and *internal* accountability.

Internal Accountability exists within any organisation and ranges from formal management and reporting structures to the relationship between a staff member and supervisor. External Accountability refers to the obligations for accountability imposed by external forces, such as legislation, parliament, ministers, superior agencies, investigative bodies, the courts, the media, clients and the public.

BOX 6.1 **Definition of Accountability**

Accountability means being able to provide an explanation or justification, and accept responsibility, for events or transactions and for one's own actions in relation to these events or transactions. Accountability plays a particularly important role in the public sector: It is about giving an answer for the way in which one has spent money, exercised power and control, mediated rights and used discretions vested by law in the public interest. It is fundamental to our system of government that those to whom such powers and responsibilities are given are required to exercise them in the public interest fairly, and according to law.

Sources:

http://www.records.nsw.gov.au/recordkeeping/why_manage_records_4406.asp

<http://www.audit.nsw.gov.au/publications/reports/performance/1998/srdassist/account.htm>

Personal Accountability and Institutional Accountability

Both organizations and individuals can be subject to accountability standards. Thus we can distinguish: personal accountability, where individuals are held accountable for their decisions and actions, and corporate or institutional accountability, where an organization is accountable for its performance or for aspects of its corporate behavior. Thus public sector bodies are accountable to government for the carriage of programs through such means as performance measurement and audit procedures.

Government or public accountability refers to a principle, which embraces the examination of the conduct of individuals in institutions of authority. Indeed, public accountability also examines the acts and omissions of the administrative and executive authorities state in cases of complaints that their policies acts or omissions have not been in accordance with law or yielded the desired result for society.

The purpose of the accountability examination is to subject improper and unlawful conduct or activities to some form of sanctions or corrective measures. These sanctions are measures or devices calculated to neutralise the further undesirable effect of their offending activities, or to charge violators with reversing their actions and making reparation for the loss or damage, which their conduct has caused. This kind of accountability may manifest itself in a wide range of accountability requirements, including requirements:

- To meet statutory obligations;
- To meet audit requirements;
- To be able to produce evidence in court proceedings;
- To be able to withstand the scrutiny of the media;
- To meet industry-based standards for accreditation or Quality Assurance standards; and

- To justify actions to investigative bodies such as Royal Commissions and parliamentary committees

Parliamentary Accountability

The concept of parliamentary accountability is based on the premise that parliament, as the highest representative organ of government, has the duty to check on the activities of the executive through a number of measures. The mechanisms employed to achieve that has in modern literature been referred to as parliamentary accountability. Also tied to this is the institutional accountability of members of parliament, collectively and individually. Thus champions of accountability must first be accountable to themselves. A number of parliaments develop code of ethics for both MPs and staff to help guide them to maintain ethical and accountable behaviour.

Mechanisms for Parliamentary Accountability

The following are categories of mechanisms employed by parliament to compel and hold government to account:

Compelling Government to Account

Committee System - The committees in parliament central to ensuring efficiency, transparency and accountability of parliament and other executive institutions. Often Public Account Committees are mandated to scrutinize annual auditor's reports on public finances. Essentially the work of committees is to systematically sustain scrutiny of the executive, ensuring government accountability and transparency to parliament.

Question Period - Question periods are a strong mechanism for compelling the executive to account for how it has administered the state. Through question periods, members of parliament, particularly opposition MP's, are given the opportunity to solicit information from their counterpart on several issues. By so doing, MPs are able to

detect and expose abuses involving the executive and demand for redress. This process may sometimes lead to the resignation of a minister.

Oversight Roles – When they are carried out through the committee, parliamentary oversight roles use time and other means to effectively hold the government to account. Oversight mechanisms allow the legislature to scrutinise and publicise instances of executive malfeasance. For example the oversight functions do not only approve budgets but also oversee their implementation and enforce proper auditing.

Recommended Measures for Effective Accountability

Factors, affecting accountability may include:

- Cohesion of Political Parties
- Access to Research and Information
- Electoral System
- Parliamentary Staff

To counter the problems that have been identified the following measures should be taken:

- Strengthen MPs access to research and information;
- Strengthen political parties;
- Strengthen parliamentary oversight activities;
- Strengthen committee systems;
- Build the capacity of parliamentary staff;
- Build the capacity of MPs; and
- Provide centres, such as well-equipped libraries and well-resourced research centres.

Institutional and Personal Accountability

Once elected, members of parliament are individually and collectively accountable to the electorate. Lack of parliamentary accountability in this regard has been cited as one of the leading causes of democratic failure in countries around the world.

In whatever capacity MPs function, i.e. by asking questions, debating, scrutinising, voting on bills, demanding an explanation, they stand in the realm of accountability. MPs roles include the following:

- To legislate and make policy;
- To formulate policies and ask questions of ministers
- To represent and advocate for constituents views and concerns for national issues;
- Pass laws before parliament;
- Scrutinise and cast votes on debates, motions and laws;
- Participate in party meetings;
- Articulate popular sentiments on issues affecting the nation or on issues of the day.

Members of Parliament are accountable to how they perform their work and their lifestyles in general. To help achieve this some parliaments have clearly defined codes of ethics and code of conduct for Members of Parliament.

Box 6.2 Challenges Facing MPs

In their roles in government accountability, a parliamentarian is never without a challenge.

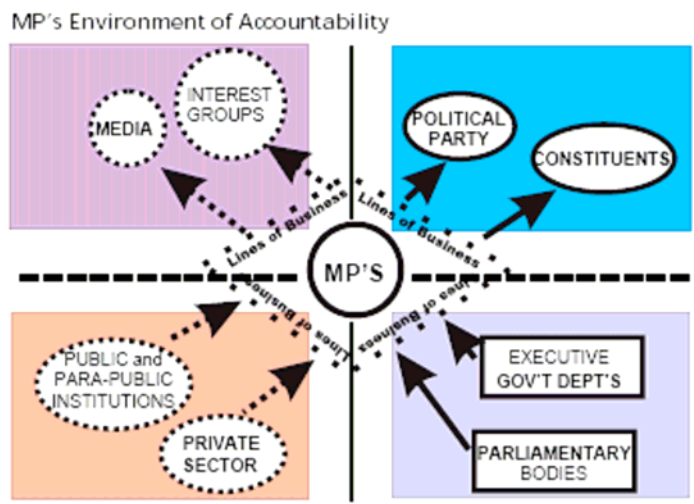
Among the most significant problems facing parliamentarians are:

Conflict of interest – There are three levels of conflict, namely, conflict of party and national interest, conflict of personal and national interest and conflict of constituency and national interest.

Abuse of privileges – An abuse of privilege occurs when an MP compromises issues of ethics, crime and culpability under the guise of privilege.

Lack of logistics and ill-informed staff constitute a great hindrance to the work of MPs.

BOX 6.3
MP's Environment of Accountability



A theoretical Model of MPs world of accountability – it reflects on the role and professional development of elected officials as they relate to accountability- Lines of business refer to area of activity e.g. work in the chamber or committee...

Source:

Sabourin , J. (2002) The Member of Parliament's Environment of Accountability

Box 6.3 shows a theoretical Model of the MPs environment of accountability proposed by Sabourin, J. (2002). The model describes the different possible accountability relationships that characterize a members daily interactions and activities. The model is summarized below.

“Lines of business” in the model refer to area of activity for example Members work in the chamber or in a committee. The first relationship is the oversight of the executive. Government is accountable to the legislature; the member had the mandate to demand accountability. The next is the accountability relationship with the private sector, which

shows how members through enacting laws, debating on policy issues and issues related to the creation of enabling environment for businesses, promotes accountability on the part of the private sector. Another relationship is with the media and with interest groups. Even though members do not answer to media and interest groups, members' accountability to these groups relates to members' image and attitude, which plays a key role with voters. The ultimate answerability of the member is said to be found in the ballot box. Elections must be won and accountability begins and ends in the constituency.

Partnering for Accountability

The success of parliamentary accountability also depends upon the environment in which parliaments operate. The ability to establish a healthy relationship with other watchdog organisations is sometimes critical to accessing information, documentation and the needed research results required for oversight. Parliament must therefore partner and communicate with the following bodies and encourage their participation in the process of governance:

- Civil society groups (e.g. NGOs, trade unions, community organizations, clubs, etc.)
- The media (e.g. print, electronic, television news)
- The electorate and the public at large.

The Role of Committee Staff in Accountability

As far as oversight activities are concerned, staff can function in the following manner:

- Accessing information for the attention of committee members;
- Conducting research into issues of national interest that confront committees;
- Providing expertise;
- Drafting legislation;

- Advising parliament on policy issues;
- Bringing experience to bear on the activities of parliament.

Box 6.4

Strengthening Committees

Given the important role played by parliamentary committees, the strengthening of these bodies (political parties, audit institutions and parliament) can have a profound effect on accountability.

- Limiting turnover of committee chairs and members;
- Strengthening committee research capacity; and
- Amending regulations to ensure that committees can compel members of the executive branch to testify

Can all strengthen parliament's accountability function?

Source: <http://www.parlcent.ca/publications/pdf/sourcebooktext.pdf>

Summary

Good Governance thrives on accountability. Parliamentary accountability ensures that the government is accountable. Parliament requires information and technical support so that they can hold the government accountable. This is where the role of parliamentary staff becomes crucial, providing MPs with timely information to enable them to 'act'. It is hoped that staff of parliament who have been sensitised about the entire concept of accountability will design and fashion their own support mechanisms against the institutional environment within which they operate.

Unit 6 Questions

Please answer each of the following questions. If you are taking this course in a group you may meet to discuss your answers.

1. Explain what you understand by 'accountability'? Describe the different versions.
2. How can parliament ensure government accountability?
3. Explain the challenges likely to be faced by MPs in their effort to ensure accountability.³
4. What are some of the recommended measures for effective accountability?

Select Bibliography

Wayne Cameron (2004) Public Accountability: Effectiveness, Equity, *Ethics Australian Journal of Public Administration* 63 (4), 59–67.

Lamont, J. (2005) Documenting Government Accountability [Online] Available at: <http://www.kmworld.com/Articles/ReadArticle.aspx?ArticleID=9664> Accessed February 2007.

OECD (2005) Public Sector Modernisation: Modernising Accountability and Control Available at: <http://www.oecd.org/dataoecd/56/42/34904246.pdf> Accessed February 2007.

Sabourin, J (2002) The Member of Parliament's Environment of Accountability. In Parliamentary Accountability and Good Governance. Ottawa: Parliamentary Centre & WBI. Available at: <http://www.parlcent.ca/publications/pdf/sourcebooktext.pdf> [Accessed January 2007].

Relevant Internet Resources

Parliamentary Centre & World Bank Institute (2002) Parliamentary Accountability and Good Governance: A Parliamentarians Handbook [Online] Ottawa: Parliamentary Centre. Available at <http://www.parlcent.ca/publications/pdf/sourcebooktext.pdf> [Accessed January 2007].

Wikipedia. Accountability [Online] Available at:
<http://en.wikipedia.org/wiki/Accountability> [Accessed April 2007]

Records Support Accountability [Online] Available at:
http://www.records.nsw.gov.au/recordkeeping/why_manage_records_4406.asp
[Accessed April 2007]

Accountability and Transparency [Online] Available at:
<http://www.audit.nsw.gov.au/publications/reports/performance/1998/srdassist/account.htm> [Accessed April 2007]

Azeem, V. A. and Ahadzie, W. (2000) Budget Management and Fiscal Transparency in the Budget Process in Ghana [Online] ISODEC. Available at
<http://www.isodec.org.gh/Papers/SummaryofTransparencyReport.pdf> [Accessed April 2007]

IMF (1999) Public Financial Accountability. Asian Review of Public Administration, Vol. XI, No. 2 (July-December 1999)[Online] [Available at:
<http://unpan1.un.org/intradoc/groups/public/documents/EROPA/ARPA-JulDec1999-Premchand.pdf> [Accessed April 2007]

Additional Reading

Stapenhurst, R. Johnston, N. & Pelizzo, R. (Eds.) (2006). *The Role of Parliaments in Curbing Corruption*. Washington DC: World Bank.

Stapenhurst, R. Sahgal, V. B. & Pelizzo, R. (2005). *Scrutinizing Public Expenditure Assessing the Performance of Public Accounts Committee*. World Bank Policy Research Working Paper No. 3613.

UNIT 7: TRANSPARENCY, PARTICIPATION AND OUTREACH

Learning Objectives

How do parliamentary committees enhance transparency, participation and outreach?

After studying this unit you should be able to:

- Outline and explain issues of transparency as it affects the work of parliaments;
- Discuss the twin concepts of transparency and outreach and how these concepts feed into the parliamentary process;
- Outline the types and nature of outreach methods available to parliamentarians.

Introduction

Unit 7 is devoted to parliamentary transparency, encouraging participation and promoting constituency outreach. As representatives, MPs require a system that allows concerns and aspirations of their constituents to be reflected in decision-making and laws governing the country. The unit looks at some of the suggested processes for achieving transparency, promoting participation and expanding outreach through partnerships with civil society.

Embodied in the oversight function of parliaments is the need for accountability and transparency and with it the drive to ensure that parliamentary democracy is as open, and governed by the rule of law as possible. With transparency invokes the need to reach out to constituents and that, in itself, is a mark of participation on the part of the broad masses of the people on whose behalf policy decisions are taken in parliament.

In this unit an attempt is made to explain the concepts of transparency and the key issues involved with parliamentary transparency, access to information, as well as the relationship between transparency and accountability. The units also discusses the methods of outreach open to parliamentarians, the cycle of decision-making, the transparency of parliamentary committees and the mechanisms involved.

Parliamentary Transparency

The concept of transparency as a component of good governance is linked with institutional values such as democracy, observance of human rights, accountability, and greater efficiency and effectiveness of public policy, both as output and as impact. In particular, reference to parliamentary practice, can broadly be defined as public knowledge of the processes of parliament and confidence in its intentions leading to the enactment of public policy and/or laws.

Parliamentary transparency requires:

- Making it possible for all the representatives to have access to parliamentary processes;
- Making public accounts verifiable;
- Providing for public participation in government policy-making;
- Implementing and allowing contestation over choices impacting on the lives of citizens;
- Making available accurate and timely information on results of policy for public scrutiny.

Parliamentary transparency involves certain key issues, which need to be thoroughly addressed in the effective practice of parliamentary democracy. These issues revolve around information, civil society and certain ethical considerations. In particular it involves how information is managed and the appropriate mode of communicating such information. Constituents, particularly in developing countries, are illiterate and are not comfortable with the official language for carrying out parliamentary work. Thus the key

issue is the effort made at translating information into languages that constituents can easily comprehend. Additionally, the medium of making information accessible to its intended beneficiaries is also important, paying particular attention to the rights and freedoms associated with information dissemination.

Other issues of parliamentary transparency that require special attention and focus include: the relationship between transparency and accountability; decision-making; whistle blowing, confidentiality of members of parliament; ethics; the need to strengthen the relations between civil society and constituents; development of parliamentary networks and the issue of assets declaration.

Information flow and Transparency

Consultation and involvement of the public in the work of parliament, through opening up communication channels, can be considered as a basic pre-requisite in parliamentary transparency. This allows for the views and opinions of the members of the public to be heard. Parliament may use the communication with the public to gain a clearer and more accurate view of what needs and aspirations the public has.

Consulting the public is a twin track approach to defining not only the issues being addressed by parliament but also to constitute a major part of the monitoring and assessment of public performance in terms of outputs and impacts of public policy.

The media is one of the most potent tools for reinforcing information flow and parliamentary transparency. Four of the major ways the media assists in parliamentary transparency include:

- The media can cover committee proceedings and in the process help committees communicate with all outsiders – the government and the general public;

- The media can cover committee press briefings, thus providing opportunities for the media to act as a medium for committees to reach out to the public, and the public through media to demand questions of committees;
- Committee hearings are open to the public through witnesses and all who are invited to the hearings. The media is also automatically invited to these hearings both as its own representative and as representatives of the general public; and
- The media exists permanently as a medium through which the public can reach out to committees, parliament and the government and reciprocally; other bodies – committee, parliament and government – reach out to the general public.

Rights, Freedoms and Access to Information

Democratic government relies heavily on the availability and accessibility of information to both the government and the governed. Freedoms and access to information have become an indispensable tool of efficient and effective government and, hence parliament. This vital instrument of communication has largely been undertaken through the media and hence often references the people's right to know and the media as synonymous. This allows for participation in the work of parliament through access to parliamentary proceedings.

The specific access to information issues inherent in parliamentary transparency and outreach include:

- Subjection of the media - particularly the private press – to considerable repression (laws governing licensing and operations);
- Freedom and independence of the media (Subjection of the media to government control)
- Interference with editors and publishers;
- Harassment over editorial opinions and content of publications;
- Libel and seditious laws;
- Corresponding concerns over responsibilities;

- Publication of rejoinder;
- Exercise of freedom in accordance with the law;
- Bias nature of reporting/self-censorship;
- Direct exposure to parliamentary proceedings impedes the process of debate;
- Use of privilege position to pursue personal agenda.

Relationship between Transparency and Accountability

Within the context of performing their oversight function, one of the main issues of the democratic governance process is the extent to which parliamentarians are held accountable for their actions. This relates to the issues of:

- Authority to make laws;
- Answerability for the oversight of the outputs, outcomes, and impact of public policy; and
- Retrospective references to the after-event scrutiny of government's performance by external bodies.

In many instances weaknesses in accountability is an important factor for such shortcomings in public management as poor service delivery, and inability to mobilize resources, waste or mismanagement of available resources, and the neglect of the maintenance of public goods and equipment. On the other hand, transparency is seen within the context of public knowledge of the policies of government – parliament and confidence in its intentions. This requires making public accounts verifiable, providing for public participation in policy-making and implementation. It also includes making available for scrutiny accurate and timely information.

Accountability and transparency are essential conditions for securing effectiveness in the use of public resources, promoting public welfare, enhancing governmental responsiveness and, therefore, enhancing the overall legitimacy of the political system and particularly parliament's role. In this regard, transparency and accountability puts the issue of corruption in focus and can be seen as the abuse of public office or public

trust for private gain. In public management, the public knowledge of the work of government – parliament through transparency – enables the accountability component of good governance to be evaluated.

Cycle of Decision-Making

The cycle of decision-making primarily runs from policy-makers to the public. The public are the beneficiaries of decisions and to the extent to which it is possible, they are consulted and their opinions incorporated into national policy. There is an inherent tension between the belief of consulting and involving the public and the difficulty of involving them in decision-making. The view is that when the public, the ultimate beneficiaries of policy, are involved in the decision making process, a better outcome in terms of public policy can be assured. However in an attempt to assure a more fluid channel of decision making between decision-makers and beneficiaries, certain obstacles come up. These issues become hindrances to sound administrative decision-making. The major obstacles include:

- Lack of clarity of goals;
- Confusion of the public interest with a client/constituency interest;
- Rigid conservation through strict adherence to rules, procedures and past practices;
- Specialization (particularly committee's work) causing parliamentarians and parliamentary staff to oversimplify reality; and
- Reluctance to engage in policy and program evaluation.

There is a wide range of techniques for consulting and involving service users to inform and impact on decision-making. Some of the common techniques include:

- Survey;
- Satisfaction slips;
- User forums;

- User panels;
- Focus groups;
- Complaints procedures; and
- Ideas schemes.

In the cycle of decision making consultation becomes an important component. First, the users of the policy are consulted at the design stage. Second, they are consulted at the delivery stage, after which there is further consultation and a review to mainly ascertain whether it produced the desired outcomes intended by the executive and parliaments.

One of the integral groups that are to be consulted in the decision making cycle is civil society. There is increasing recognition of the importance of civil society since it also, under constitutional governance, holds governments and parliaments to account. Ultimately governments and parliaments must be held to account by the people and not just by the checks and balances provided in the various constitutions among the branches of government.

Civil society provides experience of governance and the democratic process on a small scale with widespread participation, thus providing a cultural environment that fosters and protects good governance at the national level. It is important as the main initiator and engine of development, and not only because of its interaction with parliament. Moreover the development of civil society brings people a better quality of life. Strengthening civil society is a means as well as a goal to and for development.

Accessibility to Constituents

The need for parliamentarians to be accessible to their constituents should be considered as a basic requirement to fulfilling their democratic and constitutional obligations as representatives of the people. Whereas parliamentarians are empowered in the very ritual of their elections to represent the people, the need for constant

interaction to continue to know the needs of the people is critical. The other element of delegation of responsibility in decision making also connotes reporting back to the people what laws affect them as well as answers to their needs. The fact that parliament is often located outside the reach of most citizens means that they are limited in their attempts to reach their representatives and input into the policy-making process on a daily basis.

Making oneself accessible to the constituents means accounting to the people and reporting back on issues of critical importance. Citizens are also able to offer and receive advice on their specific needs as well as national governance in general. The concept of the town-hall meeting where citizens interact comes to the fore. The threat of a parliamentarian losing his seat in the next elections, notwithstanding the absence of interaction, places the whole society at risk due to doubt and the concomitant feeling that electing the people's representatives does not matter. Box 7.1 below highlights a number of ways of improving participation.

Box 7.1
Public Participation in Decision Making

Public participation in decision-making can be increased through:

- Television access to deliberations;
- Telephone calls;
- Letter writing;
- Radio programs;
- Regular visits.

Transparency of Committees

Major mechanisms that assure transparency in committee proceedings include:

- Keeping all records of committee proceedings;
- Making summaries of committee proceedings available to the public;
- Availing the public of verbatim transcripts of proceedings to the public;
- Availing members' votes to the public;
- Publishing plain language summaries of bills or policy oversight;
- Holding public hearings on bills;
- Holding public hearings on policy issues;
- Publicize public hearings;
- Publishing invitations to general public to attend or make submissions;
- Inviting expert testimony to committee hearings;
- Issuing press release on committee meetings;
- Opening committee proceedings to public;
- Establishing active petition committees that make the public aware of their function to receive grievances; and
- Involving civil society in committee work.

Parliamentary committees can improve community participation through community outreach programs. Such interactions with citizens in the field often provide Members of the Committees with valuable assessment of the real situation. Box 7.2 below shows an example of how the Committee on Gender and Children in the Parliament of the Republic of Ghana used the methods of Community Score Card and Citizens Report card to assess quality of education in a rural community in Ghana.

Box 7.2
**The Committee on Gender and Children, Ghana Parliament -
Assessing Quality Education through community Outreach**

The Committee on Gender and Children of the Ghana Parliament embarked on an outreach program to assess the quality of education services provided to communities in one district in Ghana. Two main methods/tools of Social Accountability namely the Community Score Card and Citizens' Report Card were adopted. It offered the Committee the opportunity to interact and work with stakeholders particularly the beneficiaries of educational policies, in assessing the outcomes and impacts of selected Government policies on Education. The process brought Parliament and Parliamentarians closer to the people at the grass root in the performance of their oversight responsibilities. This had aided the Committee in making informed views and arguments for reforms and improvements in Government policies and programmes on education.

Source: Parliamentary Centre/IPA - Committee On Gender And Children - Assessing Access And Equity To Quality Education" In Nkwanta District Of Ghana - December 2005 – February 2006

Recommendations

The importance of the rule of law, the relationship that parliaments have with the executive branch and civil society and the importance of ensuring the integrity of parliaments and parliamentarians/staff should be focused on:

- Transparency – This requires that information about governance be readily available and that the dialogue between citizens and their institutions and their institutions be open and continuous. Transparency is important in its own right and as a precondition of accountability;
- Participation – This is the vital criterion for citizenship and another pre-condition of effective accountability. Participation should provide a fair opportunity for all citizens to participate in governance;

- The reality at the global level is that much of the dynamic is outside the control of any political institution. In this new context the notion of 'parliament as a bridge' may make society groups interact in policy formulation and implementation;
- Parliaments play a crucial role in good governance by ensuring that state institutions are accountable, open and participants in their decision-making. As the governance revolution accelerates these parliamentary services will become more important to the political economic and social health of societies;
- There is considerable wariness and lack of knowledge between parliament and civil society and that there is need for building dialogue between the two to ensure and strengthen accountability;
- Parliaments often fail to serve as effective institutions of accountability because of highly centralized executive dominated systems of governance institutions and that calls for improvement;
- Parliamentary leadership should be at the fore front of the improvement of public policy and the fight against corruption;
- The role of the media should be reinforced in the dissemination of information on policy making; and
- In ensuring accountability, which is a fundamental pre-requisite of preventing the abuse of power and for assisting food governance, parliament should work for the development of systems that disclose the objectives and results of programs through monitoring and evaluation and ensure proper budgeting, management, and accountability through transparency.

Unit 7 Questions

Please answer each of the following questions. If you are taking this course in a group you may then meet to discuss your answers.

1. What is parliamentary transparency? And what are its requirements?
2. How important is freedom and access to information for transparency?
3. Explain the key mechanisms for ensuring transparency of parliamentary committees.
4. Why do parliamentary committees need constituency outreach programs?

Select Bibliography

Parliamentary Centre, WBI & CIDA (2000) Controlling Corruption A Parliamentarian Handbook 2nd Edition [Online] Available at:

<http://www.parlcent.ca/publications/pdf/corruption.pdf> [Accessed January 200]

Cook, T. E. (1989) Making Laws and Making News: Media strategies in the U.S. House of Representatives. Washington D.C. Brookings Institute Press

Button, M. & Mattson K. (1999) Deliberative Democracy in Practice: Challenges and Prospects for Civic Deliberation *Polity*, Vol. 31, No. 4 (Summer, 1999), pp. 609-637

Relevant Internet Resources:

Bouchet N. & kariithi, N. (2003) Parliament and the Media: Building an Informed Society.

The World Bank. Available at:

<http://siteresources.worldbank.org/WBI/Resources/wbi37228BouchetKariithiWEB.pdf>

Accessed February 2007

NDI (2004) Constituency Outreach in Sierra Leone: A guide for members of Parliament

<http://www.iknowpolitics.org/files/constituencyoutreachinseirraleon2004.pdf>

Appendix I

HOW PARLIAMENT MAKES A LAW – NEW ZEALAND EXAMPLE

Bill introduced

No debate



1st reading*

- Initial debate



Select committee

- Hears public submissions.
- Recommends amendments.
- Reports to the House explaining recommendations.



2nd reading*

- Main debate on the principles of the bill as it emerged from the select committee.
- Select committee amendments adopted.



Committee of the whole House

- Detailed consideration of each clause or part.
- Further amendments can be made.



3rd reading*

- Final debate on whether it should be passed in the form emerging from committee of the whole House.



Royal assent

- Governor-General assents to the bill becoming an Act of Parliament.

* At any of these steps, a vote in the House can result in the bill being defeated.

Source: <http://www.parliament.nz/en-NZ/PubRes/About/FactSheets/6/1/5/61548724d96f4a5e849c2546ffc7202a.htm>

Appendix II

UK House of Commons - The Whipping System

Whips have an important role in party business within Parliament, particularly when the voting strengths of the main parties are close, as in the 1992-1997 parliament. For major votes it is imperative for government and opposition to maximise the turnout, and the Whips try to ensure that every member from their party turns out to vote.

The duties of Whips include:

- Keeping MPs and peers informed of forthcoming parliamentary business
- Maintaining the party's voting strength by ensuring members attend important debates and support their party in parliamentary divisions
- Passing on to the party leadership the opinions of backbench members.

The term 'whip' also applies to the weekly circular sent out by each Chief Whip to all their MPs or peers notifying them of parliamentary business. The degree of importance is indicated by the number of times that the debate or division is underlined:

- Items underlined once are considered routine and attendance is optional
- Those underlined twice are more important and attendance is required unless - in the Commons - a 'pair' (a member of the Opposition who also intends to be absent from the division) has been arranged
- Items underlined three times are highly important and pairing is not normally allowed.

'Three-line whips' are imposed on important occasions, such as second readings of significant Bills and motions of no confidence. Failure by MPs to attend a vote with a three-line whip is usually seen as a rebellion against the party and may eventually result in disciplinary action, such as suspension from the parliamentary party.

Source: <http://www.parliament.uk/works/pagovopp.cfm>

Date accessed: <http://www.parliament.uk/works/pagovopp.cfm>

Appendix III

Parliamentary Committees: Germany, Ghana, UK

<p>Germany – 22 Permanent committees of the 16th Electoral term of the Bundestag (2005 -2009)</p>	<p>Ghana – Select and Standing Committees of the Fourth Parliament of the Fourth Republic of Ghana (2005-2008)</p>	<p>United Kingdom – Select and Standing Committees House of Commons</p>
<ol style="list-style-type: none"> 1. Committee for the scrutiny of Elections, Immunity and the Rules of Procedure (13) 2. Petitions committee (25) 3. Foreign Affairs Committee (36) 4. Internal Affairs Committee (36) 5. Sports Committee (16) 6. Legal Affairs Committee (31) 7. Finance Committee (26) 8. Budget committee (41) 9. Committee on Economics and Technology (36) 10. Committee on Food, Agriculture and Consumer Protection (31) 11. Committee on Labour and Social Affairs (36) 12. Defense committee (30) 13. Committee on Family Affairs, Senior Citizens, Women and Youth (31) 	<p>Select Committees</p> <ol style="list-style-type: none"> 1. Committee on Lands and Forestry 2. Committee on Agriculture, Food and Cocoa affairs 3. Committee on Local Government and Rural Development 4. Committee on Works and Housing 5. Committee on Constitutional, Legal and Parliamentary Affairs 6. Committee on Health 7. Committee on Communication 8. Committee on Roads and Transport 9. Committee on Defense and Interior 10. Committee on Foreign Affairs 11. Committee on Youth, 	<p>Select Committees 2007</p> <ol style="list-style-type: none"> 1. Constitutional Affairs Committee (11) 2. Culture Media and Sports Committee (11) 3. Defense Committee (14) 4. Education and Skill Committee (11) 5. Environmental Audit Committee (16) 6. Environment Food and Rural Affairs Committee (14) 7. European Scrutiny Committee (16) 8. Foreign Affairs Committee (14) 9. Health Committee (11) 10. Home Affairs Committee (14) 11. International Development Committee (11) 12. Liaison Committee (31) 13. Northern Ireland Affairs Committee (13)

<p>14. Committee on Health (31)</p> <p>15. Committee on Transport, Building and Urban Affairs (36)</p> <p>16. Committee on the Environment, Nature conservation and Nuclear safety (31)</p> <p>17. Committee on Human Rights and Humanitarian Aid (16)</p> <p>18. Committee on Education, Research and Technology Assessment (31)</p> <p>19. Committee on Economic Cooperation and Development (22)</p> <p>20. Committee on Tourism (16)</p> <p>21. Committee on the Affairs of the European Union (33)</p> <p>22. Committee on Cultural and Media Affairs (20)</p>	<p>Sports and Culture</p> <p>12. Committee on Education</p> <p>13. Committee on Mines and Energy</p> <p>14. Committee on Environment, Science and Technology</p> <p>15. Committee on Employment, Social Welfare and State Enterprises</p> <p>16. Committee on Trade, Industry and Tourism</p> <p>Standing Committees</p> <p>1. The Standing Orders Committee</p> <p>2. The Subsidiary Legislation committee</p> <p>3. The Special Budget committee</p> <p>4. The committee of Selection</p> <p>5. Committee on Members Holding Office of Profit</p> <p>6. The Public Accounts committee</p> <p>7. The Privileges committee</p> <p>8. The Poverty Reduction</p>	<p>14. Communities and Local Government Committee (11)</p> <p>15. Public Accounts Committee (16)</p> <p>16. Public Administration Committee (11)</p> <p>17. Quadripartite Committee (16)</p> <p>18. Science and Technology Committee (11)</p> <p>19. Scottish Affairs Committee (11)</p> <p>20. Trade and Industry Committee (14)</p> <p>21. Transport Committee (11)</p> <p>22. Treasury Committee (14)</p> <p>23. Welsh Affairs Committee (11)</p> <p>24. Work and Pension Committee (11)</p> <p>Standing Committee (Now General Committee – Include Public Bills Committees- examples are</p> <p><i>General Committees</i></p> <ol style="list-style-type: none"> 1. Second reading committees; 2. Committees to consider bills on report; 3. The Scottish Grand Committee; 4. The Welsh Grand Committee;
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	<p>Committee</p> <p>9. Judiciary Committee</p> <p>10. The House Committee</p> <p>11. The Government Assurance Committee</p> <p>12. The Committee on Gender and Children</p> <p>13. Finance Committee</p> <p>14. Business committee</p> <p>15. Appointments committee</p>	<p>5. The Northern Ireland Grand Committee;</p> <p>6. The Regional Affairs Committee;</p> <p>7. Delegated Legislation Committees;</p> <p>8. The European Standing Committees</p> <p><i>Public Bills Committee</i></p> <p>1. Concessionary Bus Travel Bill [Lords]</p> <p>2. Consumers, Estate Agents and Redress Bill</p> <p>3. Crown Employment (Nationality) Bill</p> <p>4. Digital Switchover (Disclosure of Information) Bill</p> <p>5. Finance Bill</p> <p>6. Financial Mutual Arrangements Bill</p> <p>7. Fraud (Trials Without a Jury) Bill</p> <p>8. Freedom of Information (Amendment) Bill</p>
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Appendix IV

Protocol Between Committee Clerks and The Scottish Executive

1. The Scottish Parliament's Committees play an important role in the work of the Parliament. They have both 'standing' and 'select' committee functions, having responsibility for the consideration of legislation during its passage through the Parliament, and for conducting other inquiries, as well as considering the policy and administration of the Scottish Executive.
2. While the Parliament and the Executive have their own distinct roles it is in the interests of good governance for there to be a shared understanding of how the Committees and the Executive should work together. This document sets out such an understanding. In particular, an open flow of information between the Parliament and the Executive will contribute to a productive working relationship between the two organisations. This protocol does not apply to dealings between Committees and NDPBs, nor to formal matters relating to Executive Bills, which are normally handled by liaison between Clerks and the Office of the Scottish Parliamentary Counsel. Where standards are included in this document on timing of requests for information, appearance as witnesses etc, these will not apply in the case of Committee consideration of SSIs where different timetables apply. Different arrangements will also apply in the cases of the Subordinate Legislation Committee and the European Committee, where different timescales apply. Finally, separate liaison arrangements may apply in the case of any investigations by the Standards Committee involving SE Ministers.
3. Initial approaches by Committee Clerks to the Scottish Executive will be to the appropriate Departmental Committee Liaison Officer (DCLO). Where however Clerks wish to discuss issues relating to the timetabling of Executive legislation they will approach the office of the Minister for Parliament.
4. Written and/or oral evidence from the Scottish Executive will normally be sought by means of a written request. A formal requirement to provide evidence will be made only in exceptional circumstances and normally only following correspondence arising from a request.

5. Requests for written evidence will be made as far in advance as possible. Clerks will aim to submit such requests normally not less than four weeks before they are required. Different arrangements will apply in the cases of the Subordinate Legislation Committee and the European Committee, where different timescales apply.
6. Provided that the request for evidence, papers and memoranda from the Executive is made at least four weeks in advance in accordance with paragraph 5 above, the Executive will aim to respond no later than one week before the relevant Committee meeting.
7. Requests for a Minister or officials to give oral evidence will be submitted to the Executive as far in advance of the proposed date as possible. Clerks will aim to submit such requests normally not less than two weeks before they are required. Committees will take into account the timing of Cabinet meetings or other major Ministerial commitments in issuing such requests. Provided that requests are issued in accordance with this paragraph, Ministers and officials will make themselves available to Committees, unless, exceptionally, other major commitments, which are unavoidable, intervene after the request is made.
8. Evidence-taking sessions will not normally be postponed or cancelled: where they are, as much notice as possible will be provided. Committees may postpone or cancel evidence-taking sessions to deal with higher priority matters, but they will not normally bring the date of an evidence-taking session forward at short notice.
9. Issues to be covered at an evidence-taking session will be set out in the letter of request, or separately, in advance of the relevant meeting. If the issues are notified separately to the Executive, Clerks will have regard to paragraphs 6 and 7 above.
10. Copies of papers for Committee meetings (except private papers) will be sent to the Departmental Committee Liaison Officer at the same time as they go to members.
11. Where it becomes clear during the course of a meeting of a Committee that the start of a session to take evidence from an official or a Minister will be delayed

- significantly, the Clerk will consult the Convener on whether the session should be rearranged for another day.
12. The Clerk will inform the Executive in advance of a session to take oral evidence of any other witnesses who will be appearing at the same session as a Minister or an Executive official, and of the order in which witnesses will be invited to appear. Where it appears that a Minister or an Executive official may be invited at the same session to give further evidence after non-Executive witnesses have given evidence, they will be forewarned that this will happen. Committees reserve the right exceptionally to invite witnesses to give further evidence without advance notice should the need arise during a Committee meeting.
 13. Parliament officials will work with Executive officials to identify a format for the submission of evidence electronically to facilitate onward transmission to the Scottish Parliament website.
 14. Where Ministers have agreed to give evidence to Committee guidance on the time likely to be required will be provided following consideration by the Committee Clerk and the DCLO.
 15. Advance embargoed copies of Committee Reports will be provided to the Executive. Neither the Parliament (i.e. Members, Parliamentary officials and staff of Members) nor the Executive (i.e. Ministers and officials) will place such Reports in the public domain in advance of their publication.
 16. The Executive will keep Committees informed about any announcements, News Releases, reports and other activity relevant to the Committee's remit.
 17. The Executive will determine the form of its responses to Committee Reports according to the nature and content of the Reports. The Executive will normally provide a response within 2 months of publication of the Report. Where a response will take longer than 2 months to prepare, the Executive will write to the Committee Convener or Clerk explaining the reasons and indicating the likely timetable.
 18. Where exceptionally a Committee Report is to be debated in a meeting of the Parliament within two months of its publication, the Executive will aim to respond in advance of the debate.

19. While most day-to-day contact will be on a Clerk to official level, it is appropriate for Conveners to write directly to Ministers on matters of substance, or conveying the views of the Committee. Letters to Conveners from the Executive should be copied to the relevant Clerk.
20. The terms of this protocol will be kept under review and if necessary revised in the light of experience.

Source:

<http://www.scottish.parliament.uk/business/parliamentaryProcedure/g-spse/sp-se-protocol.htm>

Glossary

Accountability – Liable to being called to account; answerable.

Action research – Applied research that connects practitioners with researchers in a research partnership, emphasizing the ongoing improvement of practice by the practitioners themselves.

Ad hoc committee – Committees that are constituted to deal with very pressing and impromptu issues, such as in disaster situations. Parliaments set up *ad hoc* committees with very definite mandates to be achieved within specific, usually short, time periods.

Applied research - Research designed for the purpose of producing results that may be applied to real world situations.

Civil society – The name used to encompass a wide variety of interest groups, which are not public or for-profit.

Committee of Selection - The group that appoints committees on private bills, selects Members to serve on standing committees, and chooses the membership of all select committees. Names are put forward to the committee by the party whips and the committee can either accept or reject these recommendations. The committee's recommendations must be voted on by the Whole House and are sometimes overturned.

Committee of the whole – Consisting of all Members, this committee provides a forum for a bill to be analyzed in a more informal manner, for example Members are able to speak more than once and raise specific issues on the operation of the legislation. It allows a question and answer session to take place between Members and the Member in charge of the bill. The Committee of the Whole is presided over by the Chairman of Committees instead of the Speaker and its functions are exercised apart from the House so much so that the House does not recognize its proceedings until the Chairman makes a report. The function of the Committee is to go through the bill clause by clause and if necessary word by word with a view to making the bill more acceptable to a majority of the Committee.

Constituency – Citizens residing in the area governed, represented, or served by a politician.

Descriptive statistics – Statistics that provide descriptions of the sample data, such as the mean and inferential statistics used to infer the truth or falsity of a hypothesis in order to carry out basic statistics themselves, and to communicate meaningfully with statisticians when they are needed for the more complicated analysis.

Independent sources of information – Sources of political information that are not under the control of the government or any single group and whose right to publish or otherwise disseminate information is protected by law. All citizens are entitled to seek out and use such sources of information.

Inferential statistics – Statistics that allow the researcher to be able to make inferences or judgments about a larger population based on the data collected from a small sample drawn from the population. Exit polling used during elections to determine how the population of voters voted is an example of the use of inferential statistics. A key component of inferential statistics is the calculation of statistical significance of a research finding.

Law making – See legislation.

Legislation – Written laws made by parliament, a provincial legislature, or by a person or body that has law-making authority, usually delegated by Parliament or a legislature and exercised by making regulations or other delegated legislation

Legislative committee – A joint standing committee of the Legislature, a joint select committee of the Legislature, a task force, commission or council or any other committee established by the Legislature and composed wholly or partly of Legislators for the purpose of conducting legislative business.

Libel – A form of defamation, or defamation of character, which is the tort or delict of making a false statement of fact that injures someone's reputation.

Oversight – This is one of the legislature's "check and balance" functions, through which it seeks to ensure that programs are carried out legally, effectively, and for the purposes for which they were intended.

Parliamentary Procedure – Generally accepted rules, precedents, and practices used in the governance of deliberative assemblies. They are intended to maintain decorum, ascertain the will of the majority, preserve the rights of the minority, and facilitate the orderly transaction of business. Rules of parliamentary procedure originated in Britain in the 16th and 17th centuries and were subsequently adopted by legislatures around the world. Robert's Rules of Order, codified in 1876 by U.S. Gen. Henry M. Robert (1837 – 1923) and regularly refined and enlarged, is the standard set of rules used by legislatures in the U.S.

Public Accounts Committees (PACs) – Used by the majority of Westminster parliaments to follow-up on findings of public audits, to investigate irregularities reported, and to recommend changes to rectify any problems discovered. PACs invite ministers and other ministry officials to testify before the committee, and, in some systems, have the power to subpoena witnesses.

Public hearing – A formal meeting designed to provide the public with the fullest opportunity to express support of or opposition to legislation in an open forum.

Qualitative research – A research method that measures information based on opinions and values as opposed to statistical data.

Quantitative research – A research method based on collecting statistical data through questionnaires or surveys to help researchers determine the public opinion.

Sampling – A way to obtain information about a large group by examining a smaller, randomly chosen selection (the sample) of group members. If the sampling is conducted correctly, the results will be representative of the group as a whole.

Select Committees – Parliamentary committees that are constituted with very specific terms to deal with issues of major public concern.

Standing Committee – A committee that is set up to examine a proposed bill in parliament.

Standing Orders – Statements that describe the manner in which parliament should proceed under various circumstances. These statements can be amended by parliament by a simple majority vote.

Subcommittees – A committee that is a subset of a larger committee.

Transparency – This concept implies an openness and willingness to accept public scrutiny that diminishes the capacity for an organization to practice or harbor deception or deceit.