

UNIT 3: PROCEDURAL AND ADMINISTRATIVE SUPPORT

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 required to appear before the committee, by providing them 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:

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Suggested reading

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