

Commonwealth and Parliaments Module Self-Test
Unit 5: Legislation
Unit 6: Parliamentary Committees and Scrutiny of the Executive

1. Using the terminology of your parliament, is there a distinction between a private member's bill and a bill to benefit a charitable organization?

This question requires us to distinguish between a private member's bill and a private bill. In Commonwealth countries, a private member is a non-office holder, that is, not the speaker or a minister (and their deputies), so a private member's bill is any bill introduced to the legislature by a private member, the purpose of the bill being to change the general law of the land.

On the other hand, a bill may be presented for the limited purpose of conferring a benefit or right or legal recognition on a person or more likely, an organization. For instance a charity may wish to be incorporated by law and for this purpose, a member may sponsor such a bill in parliament. Such bills may be moved by anyone including a private member and are called private bills because they do not change the general law of the land. They are among the few bills that private members succeed regularly in converting into law.

2. Do you know of any act or law in your parliament or elsewhere which has been properly enacted but which has not yet been made effective?

This type of situation arises, say, in parliaments which have cause to reconsider a bill or bills which have passed into law. Even if there has not been a lot of business in a session, there may have been some urgency which seemed to call for action at a certain time but which faded away, leaving the bill (which had now become law) in a sort of limbo.

Being aware of this possibility or for some other reason, the mover of the bill may have arranged for the new act to come into force on a commencement date to be decided in the future. If the reason or urgency for the passing of the act has evaporated, it may never be brought into force. In passing you might like to note that if no commencement date is specified in a bill, then it comes into force as an act on the date when assent is given.

An interesting case of such a law passed in the United Kingdom Parliament occurred in 1928 when the date of Easter Sunday (which is in practice quite variable) was fixed as the Sunday after the second Saturday in April. It was enacted but has never been brought into operation – in my view, good counsel prevailed!

Parliaments may make arrangements for such acts to be weeded out, as it were, from the statute books of the country from time to time.

3. Explain the committee structure in your parliament.

In formulating an answer to this question, participants may like to begin with the nomenclature used in talking about committees in their parliament. There will always be standing committees and select committees but what exactly are their functions and how are they set up? What is the period of their existence?

Does the parliament consist of one chamber or two? If the latter, is there a possibility of joint committees being set up? What would be the manner of their reporting back to their respective Houses?

What about the committees which look after the business of parliament and the services it requires for its own operation as a working institution?

It will be worthwhile giving special attention to the Public Accounts Committee and, if your parliament has one, the committee that examines the work of public enterprises or undertakings. How are they classified – are they select committees or special committees and does this classification have any implications for the selection of their members, their operation and their reporting?

There will be a lot that participants could learn from each other's answers to this simple-looking question.

4. Do you think that the function of parliamentary oversight of the executive is carried out efficiently and efficaciously in your parliament?

What would constitute efficient and efficacious oversight of the executive by a parliamentary committee? Perhaps we could start by thinking of what matters are traditionally examined – how are these issues selected and are perhaps too many being selected for study so that no meaningful work gets done?

If we consider the work of the Public Accounts Committee (PAC), does it start, as in most Commonwealth countries, from the reports of the Auditor General on the financial operations of government departments and other public undertakings? If not, what are the other possible starting points? Are the reports from departments and from the Auditor General available in reasonable time? Is sufficient attention given to the Auditor General's work or do members, even those of the opposition, just ignore them?

What happens to the reports thereafter? Does parliament allow sufficient time for them to be debated? Does the government act on them and what action is required of government departments? Is there some scheme of follow up?

Then again, a great problem with parliamentary committees in many countries is that there are too many of them. Consequently the parliamentary membership is spread out very thinly amongst the committees. This can lead to loss of quorum and the committees find they cannot carry out their duties.

Are committees allowed to set up subcommittees to take up different aspects of the work especially where there is a lot of it to get through?

What about the support that the parliamentary administration gives to the committees and their members? Is there a research capacity available for meeting the needs of members?

These are some thoughts on possible indicators or measures of efficiency and effectiveness. Participants may well have others that they will want to suggest.