

Post-Election Seminar For Parliamentarians Parliament Of Jamaica

Module 4: Committees By: Hon Julian Fraser RA: House of Assembly of the Virgin Islands

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Parliament of Jamaica

An orientation Seminar on the Fundamentals of Parliamentary Democracy

Module 4 - Committees

Overview of the Programme

Learning Objectives:

- 1. Appreciate the fundamentals of parliamentary democracy and its impact on the Jamaican Parliament;
- 2. Understand the Rules (i.e. Standing Orders) and Practices of their respective House and their applicability in the performance of their parliamentary responsibilities;
- 3. Appreciate the role of committees as a critical forum to perform the core functions of law-making, oversight and representation;
- 4. Understand the role of parliament throughout the key stages of the budget process; and,
- 5. Expose the participants to parliamentary “good practices” in other regional and international parliaments.

Constitutional and Standing Orders Framework

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Constitution:

Section 51 (1) of the Constitution of Jamaica gives parliament power “to regulate its own procedure and for this purpose may make Standing Orders”.

Standing Orders (S.O.):

Committees are defined and governed mainly by S. O. 66 to 77 of the Senate and 68 to 80 of the House of Representatives

On matters of financial procedure, the House S.O. 65 and 66 create a Standing Committee of Finance (of the Whole House) to consider and report on the proposed national estimates.

Fundamentals of Select Committees

Types of Committees

- Sessional Select Committees (Senate 4 and H. of Rep. 11)
 - a) Public Accounts Committee, b) Standing Orders Committee, c) Services Committee
 - d) Committee of Privileges, e) Regulations Committee, and f) Register of Interest Committee
- Special Select Committees
 - A Select Committee other than a Standing Select Committee under Standing Order 72 is:
 - (a) Referred to as a Special Select Committee
- Joint Select Committees
- Committee of the Whole House (Senate or House of Rep.)
 - 1) Standing Finance Committee
 - 2) After Debate Of Second Reading Of A Bill It Goes To A Committee Of The Whole House

Fundamentals of Select Committees

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Appointment of Select Committees, their Members and their Chairperson

- Establishment of Committees • Select Committees must be Nominated by the Speaker as soon as practicable after the beginning of each HOA
- Membership • Every Select Committee must be so Constituted as to ensure, so far as practicable, that the balance of Parties in the HOA is reflected in the Committee.
- ✓ • Chairperson • A Standing Select Committee must consist of not more than seven (7) and not less than five (5) Members, inclusive of the Member who is the Chairman.
- × • Staff ✓ Except when otherwise provided by the Orders or by special direction of the House, a Select Committee can elect a Chairman from among its Members.
× • The Clerk to the House, or any other person designated by the Clerk, must be the Clerk to each designated Committee and must attend all meetings of every such Committee.

Fundamentals of Select Committees

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How Committees Operate

- ✓ ● Meeting
 - ✓ The first meeting of a Select Committee must be held at such time and place as the Chairman -in the case of a Standing Select Committee-, or the Speaker -in the case of a Special Select Committee-, appoints. Subsequent meetings must be held at the time and place as the Committee determines
- In camera/public
 - Except for an order of the House or resolution of the Committee, the deliberations of a Select Committee must be held In-Camera.
- Notice of Meetings
 - The Clerk must despatch a Notice Paper of a meeting to each Member, not less than ten (10) days before the date of the Meeting.
- Quorum
 - Three Members are needed to form a quorum for a Committee of five Members and four Members to form a quorum for a Committee of seven Members.
- Motions
 - Motions are moved to adapt proposals, and for adjournment, and must be seconded and voted on with a majority in order to carry.
- Debate
 - Debate in Committee is very different from in a Sitting, as the format is more like a discussion and a Member can speak multiple times. Committees strives for unanimous decisions, rather than division.
- ✓ ● Voting
 - ✓ ● After debate the question is put by Chairman and the votes are taken by voices aye and no, and the result declared by the Chairman stating “I think the ayes have it” or “I think the noes have it”, as the case may be, but any Member can challenge the opinion of the Chair by claiming a Division
- Points of Order
- Minutes
 - Every division in a Select Committee must be taken by the Clerk to the Committee asking each Member of the Committee separately how he desires to vote and recording the votes accordingly. In the event of any equality of votes the Chairman will have a casting vote in addition to his original vote; but if he does not exercise his casting vote, the motion is lost.

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Fundamentals of Select Committees

- Reporting (to the Houses):
 - (1) Every Select Committee must, before the end of the Session in which it was appointed, make a report to the House upon matters referred to it; but if a Committee finds itself unable to conclude its investigations before the end of the Session it may so report to the House.
- General
- Types of Reports
 - 1) A Select Committee may make a special report relating to its powers, functions and proceedings on any matters that it thinks fit to bring to the notice of the House.
 - 2) A Bill reported from a Select Committee shall be recommitted to a Committee of the whole House without question put,
- Presenting Reports to the Houses
 - The Report of a Select Committee may be taken into consideration by the House on a motion "That the Report of the Select Committee on...(by whatever name).. be adopted". Such a motion may be moved by any Member.

Powers of Select Committees

- Power to adjourn without leave of the Senate/House
- Power to send for Persons, Papers and Records
- Power to appoint for sub-committees
- Other:
 - To study and report on all matters relating to their mandate.
 - Examine and enquire into all such matters as may be referred to them by the Houses
 - Report from time to time
 - Publish from day to day such papers and evidence as may be ordered by them
 - Delegate to sub-committees all or any powers except the power to report directly to the Houses

Roles and Functions of Select Committees

Supporting the role of Members: Today, parliamentary Committee systems have emerged as a creative way for parliaments to perform their basic functions:

- Legislative
- Representation
- Oversight

Roles and Functions of Select Committees

Areas of Operation

- Legislative Process
- Budgetary Process (Standing Finance Committee – Whole House)
- Scrutiny of Public Expenditures
- Inquiry Process
- Other:

Checks on the Conduct of Members (Ethics C.)

Privileges (C. of Privileges)

Regulations (Regulations C.)

Attributes of an Effective Committee

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- 1) Participatory
- 2) Consensus Oriented
- 3) Accountable
- 4) Transparent
- 5) Effective and Efficient

Conclusion

Reflection

- What makes a parliamentary committee effective?
Name some key attributes.
 - Commitment by Members
 - Thorough Research
 - Experience Staff
 - Access To Resources
 - Independence from the Executive Branch