

## **ADVISORY PAPER NO. 8 - COMMITTEES**

### **Recommendations of the Needs Assessment Report**

- **There should be a settled Parliamentary Timetable with recognized opportunities for the Opposition and also for debate on Committee Reports (page 11).**
- **Committees should meet regularly at stated times (page 29).**
- **Committees should set aside party divisions in their work. Towards achieving this, they should initially identify subjects for inquiry which are not politically controversial (page 29).**
- **Inquiries should be focused and capable of being completed in a reasonably short time (page 29).**
- **The Government must respond positively and quickly to requests by Committees for witnesses, documents and other information (page 29).**
- **Public Accounts Committee Reports should be responded to by the Ministry of Finance within three months (page 29).**
- **Reports of the Public Accounts Committee should be drafted by the Committee Clerk (page 29).**

2.

- **Specialist advisors should be available for each Inquiry. A budget head should be set for this expenditure (page 30).**
- **Dates and times of public meetings of Committees Such as the four Sectoral Committees should be widely published and available on the Assembly's website (page 30).**
- **Committee staff should receive training, which can be provided either by visiting Officials from overseas or by sending Committee Clerks to other jurisdictions (page 30).**
- **More computer workstations should be provided for the Committee Office and access to the Internet must be available (page 30).**
- **Recording and amplification equipment is required for the new Committee rooms and might be sought from the International community (page 30).**
- **The Membership of the Parliamentary Management Committee should be changed so that it is not perceived as the tool of the Executive. It is, in any case, desirable that backbenchers should serve on the Committee (page 30)**

3.

1. Some of the recommendations are discussed below:

**There should be a settled Parliamentary Timetable with recognized opportunities for the Opposition and also for debate on Committee Reports (page 11).**

2. Currently Standing Order 12 (f) provides an opportunity for the Presentation of Papers and Reports from Select Committees but does not include an opportunity for a debate to take place on that Report unless it is a Report on a Bill where proceedings resume on the Bill under Standing Order 55.

The order of business could provide that after Questions to Ministers, Reports from Committees and responses to Committee Reports may be presented. The Member presenting the Report could move, in accordance with Standing Order 76 (5), "*That the Report be adopted*" and the debate on that motion could then occur or be adjourned to a future sitting. Time limits could be imposed on this part of the proceedings.

**Committees should meet regularly at stated times (page 29).**

3. Once the Assembly has before it a sitting pattern it is possible for Committees to regularize their Meetings bearing in mind that the Committees cannot sit during the Sittings of the Assembly (Standing Order 73 (7)). By only sitting on a Thursday the Assembly provides ideal

opportunities for Committees to meet regularly when Members are in Georgetown for the Sitting.

4.

**Committees should set aside party divisions in their work. Towards achieving this, they should initially identify subjects for inquiry which are not politically controversial (page 29).**

4. See paragraph 108 of the Needs Assessment at page 27. The principal purpose of Parliamentary Committees is to perform functions which an Assembly itself is not well fitted to perform, that is finding out the facts of a case, or issue, examining witnesses, sifting evidence and drawing up reasoned conclusions (*House of Representatives Practice*, 4 ed, p. 605). Committees are a vehicle to take Parliament to the people. They can operate in a less formal way and are ideally suited to gathering evidence or information from expert groups or individuals. Conversely Committees enable Members to become better informed about particular subjects. By publicizing an investigation or inquiry, Committees can raise levels of awareness by the public of those topics. In other jurisdictions it is the ability of Committees to operate across party lines that makes them such successful instruments of a Parliament. Committees should at least be able to operate as the Committee of the Whole does and it is suggested in Advisory Paper No. 3 that there be no need for seconders in any Committee. This would add to the less formal mode of operation of the Committees as is encouraged in the Needs Assessment.

It is within the terms of appointment of Sectoral Committees that they can determine their own subjects for scrutinizing and inquiry. This means that any Committee member including Government Members can bring an appropriate term of reference to the Committee for adoption as

the Committee's stated intent. Once adopted such terms of reference should be publicized by listing on the Order Paper as Bills referred to Special Select Committees are.

Another means of setting an agenda for Committees would be to insert a paragraph, similar to the following, in the Resolution of appointment of the Sectoral Committees and in Standing Order 71:

- (3) A Committee appointed under Resolution 19 or under paragraph (1) may inquire into and report on any additional matter referred to it by the Assembly or by a Minister including any pre-legislation proposal, bill, motion, petition, vote or expenditure, other financial matter, report or paper.
- (4) All Annual Reports of Ministries and Authorities stand referred to the appropriate Sectoral Committee and the Committee may make any inquiry it wishes into those Annual Reports.

**Inquiries should be focused and capable of being completed in a reasonably short time (page 29). The Government must respond positively and quickly to requests by Committees for witnesses, documents and other information (page 29).**

6.

5. Once a Committee adopts an inquiry, that is, it has agreed terms of reference then it should set a program for completion allowing sufficient time for research, evidence gather and hearings and then report writing. It should be normal practice for the appropriate Minister or Ministers to preempt a Committee's needs and arrange for public officers of their Ministry to brief a Committee immediately on the Committee's appointment. This assists Committees in agenda setting as well.

**Public Accounts Committee Reports should be responded to by the Ministry of Finance within three months (page 29).**

**Reports of the Public Accounts Committee should be drafted by the Committee Clerk (page 29).**

6. Responses to Public Accounts Committee Reports can be treated separately or there could be a common Standing Order applying to all Committee Reports similar to the following from Canada and New Zealand:

109. *Within 150 days of the presentation of a Report from a Standing or Special Committee, the Government shall, upon the request of the Committee, table a comprehensive response thereto.*

251. **Government responses to Select Committee Reports**

- (1) **The Government must, not more than 90 days after a Select Committee Report has been presented, present a Paper to the House responding to any recommendations of the Committee which are addressed to it.**
- (2) **No response under this Standing Order is required in respect of Select Committee Reports on Bills, Supplementary Order Papers, Questions of Privilege, Estimates, Supplementary Estimates and Financial Reviews of Departments, Offices of Parliament, Crown Entities, Public Organisations or State Enterprises.**

The Committees Division of the Parliament Office provides qualified staff to each Committee for a number of purposes (see paragraph 8) and these officers participate in the whole Committee process. It is they who should be writing the Reports. This should apply in all Committees. However, where an expert adviser or specialist has been assigned to a Committee because of the particularly technical nature of an investigation then that person could also participate in the report writing exercise.

**Specialist Advisors should be available for each inquiry. A budget head should be set for this expenditure (page 30).**

8.

7. This is provided for in Resolution 19 and should be a matter of funding for the Parliament Office (see the recommendations on a National Assembly Budget at page 18 of the Needs Assessment).

8. The remaining recommendations are matters relating to both Committee personnel and budgetary matters and beyond the scope of this paper. In relation to Committee Staff it has been the aim of the Clerk and the Parliament Office to have Committee Secretariats which perform three basic functions:

- (a) advising on Committee procedure and practice;
- (b) providing administrative and clerical support; and
- (c) undertaking research and analytical work related to the terms of reference and content of particular investigations.

Allocation of staffing depends on the availability of funds and personnel - each Committee's Terms of Reference, the number of inquiries a Committee is conducting, the nature of its operations and timetable for the conduct of its work. While witnesses are rarely paid a fee Committees should be able to seek from an expert witness evidence which, because of the time and effort required for its preparation, the Committee could not reasonably expect the witness to produce without remuneration.

9.

However, Resolution 19 ensures it is more likely that a Committee will employ specialist advisers, whose function equates more closely to that of the Committee Secretariat.

### **Subsidiary Legislation Committee**

9. Most Parliaments following the Westminster tradition now have Committees to which all regulations, by-laws and other instruments made under the authority of Acts of the Parliament and which are of a legislative character, stand referred for consideration and, if necessary, report. Such a Committee scrutinizes subsidiary legislation to ensure:

- (a) that it is in accordance with the statute;
- (b) that it does not trespass unduly on personal rights and liberties;
- (c) that it does not unduly make the rights and liberties of citizens dependent upon administrative decisions which are not subject to review of their merits by a judicial or other independent tribunal; and
- (d) that it does not contain matter more appropriate for Parliamentary enactment.

Committees of this nature traditionally operate on a non-partisan basis and refrain from considering the policy of the subsidiary legislation.

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