



**TRAINING MANUAL FOR
STATE LEGISLATIVE
ASSEMBLIES FOR
NORTHERN BAHR EL
GHAZAL
FIRST DRAFT**

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INTRODUCTION

This Training Manual for State Legislative Assemblies has been developed following a needs-assessment exercise carried out for the state legislative assemblies of Warrap and Northern Bahr El-Ghazal (NBG). The needs assessment exercise collected views from the leadership of the two legislative assemblies, their clerks, committee chairpersons and members of the assemblies. Discussions were held with the Ministries of Parliamentary Affairs in the two states and other senior officials in the legislative assemblies. Relevant documents such as the constitutions of the two states, the Conduct of Business Regulations for the assemblies, committee reports and order papers were reviewed in order to have an insight into how the two legislative bodies organize their business and their shortcomings.

The needs assessment exercise revealed that Members needed training in the following key areas:

- The role, functions and powers of the State Legislative Assemblies, including the procedures for conducting business in the Assembly.
- The legislative process in the state legislative assembly and how to analyze legislation and propose amendments.
- The true meaning of Executive Oversight and how the Legislative Assembly can effectively carry out this oversight functions.
- The meaning of Representation and how members can strengthen constituency relations.
- The budget process and the role of the State Legislative Assembly, including how to analyze and monitor the budget.
- The role and functions of Parliament committees, including general guidelines on committee operations, work planning and performance monitoring of committee work.
- The conduct of public hearings by committees.

The Manual has therefore been developed to address these training needs. It is not a prescriptive document, but simply provides guidelines on good practices and procedures, borrowing from the experiences of other parliaments. It is also not exhaustive in some important areas. There is need to develop detailed guidelines in the following areas:

- Legislative Analysis and Drafting
- Budget Analysis and Monitoring
- Committee Operations
- Public Hearings

This is a draft document subject to further improvement after the training. The leadership of the two Assemblies will also be requested to make further input.

THE ROLE, FUNCTIONS AND POWERS OF THE STATE LEGISLATIVE ASSEMBLY

a) Definition of the State Legislative Assembly

The State Legislative Assembly or Parliament is defined as an elected representative body having supreme legislative powers within a state.

As a representative body, the Legislative Assembly is a central institution in any democracy. It is one of the three arms of the State, the two others being the Executive and the Judiciary.

Three primary/core functions of the State Legislative Assembly are as follows:

- Law making (the Assembly must have supreme legislative powers)
- Overseeing the actions of the Executive (Executive Oversight)
- Representation (derive this mandate from a free, fair and credible election process)

Some of the secondary/non-core functions of the State Legislative Assembly include the following:

- Promotion of development projects in a constituency
- Raising funds for the constituency
- Assisting constituents with their personal problems such as financing funerals, assisting with schools fees, provision of food etc

Allocation of a Member's time

A Member's time is normally allocated among the following:

- Plenary work
- Committee work
- Constituency work
- Party work
- His/her other job

Exercise #1: What percentage of your time do you allocate to each of the following?

Activity	% time allocation
Plenary work	
Committee work	
Constituency work	
Party work	
Your other job	
TOTAL	100

b) Principle of Separation of Powers

The principle of separation of powers governs the relationship between the three arms of the State. Separation of powers is the extent to which the powers of Government are separated functionally between the three branches.

Under a strict understanding of the principle of separation of powers, each arm of the State should not interfere with the other arms of the State. The principle is aimed at ensuring that the use of state power is not abused, and constitutes a system of checks and balances on state power. It requires that:

- ▶ Parliament must make law
- ▶ The judiciary must professionally interpret the law
- ▶ The executive must dispassionately enforce the law
- ▶ All institutions must respect the law and abide by it

c) The Law-making Function

Law making should not be equated to rubber-stamping legislation. Law making is about influencing the content of proposed legislation. The legislative assembly exercises its legislative powers through bills assented to by the Governor of the State. Bills emanate from ministers, private members or standing specialized committees. No private member bill is permitted that has the effect of abolishing, imposing or increasing any tax or imposing any charges on the public revenues of the state, save with the prior consent of the State Council of Ministers.

d) The Legislative Process in the Assembly

Legislation is considered by Parliament in the form of a Bill. A Bill is defined as a draft of an Act of Parliament.

Stages of a Bill

- **1st Reading Stage**

The Bill is introduced and read for the first time. It is the short title of the Bill that is read. Comments and proposed amendments are invited. It is also referred to the appropriate standing committee by the Speaker. The committee will scrutinize the Bill and may receive expert opinion on it.

- **2nd Reading Stage**

The committee will present its report. Debate on the general principles of the Bill takes place. A motion may be moved at this stage to refer the Bill to a Select Committee if it should appear during general debate that the Bill will affect a group of persons or that its effects in a particular area may differ from its effects in other parts of the State. No further action shall be taken on the Bill until the Select Committee reports to the Assembly.

- **Committee of the Whole House**

After 2nd Reading, the Assembly will constitute itself into a Committee of the whole House to consider the Bill clause by clause. The general principles of the Bill shall not be debated at this stage but the details. Proposed amendments by the committee are considered at this stage.

- **3rd Reading**

The House shall debate and pass or reject the report of the Whole House at 3rd Reading Stage of the Bill.

- **4th Reading**

No debate arises on a motion to read the Bill for the 4th time. If the motion is carried, the Clerk shall read the short title of the Bill and it shall be deemed to have been passed.

- **Assent by the Governor**

After the 4th reading, the Bill goes for assent by the Governor to become law. A signed Bill will be gazetted by the Ministry of Legal Affairs. If the Governor withholds assent for 30 days without giving reasons, the Bill shall be deemed to have become law. If the Governor gives reasons for withholding assent within 30 days, the Bill shall be re-introduced in the Assembly. The Bill shall become law if the Assembly passes it by two-thirds majority.

The time frames for the different stages are not clearly stipulated in the Conduct of Business Regulations. There are also no clear mechanisms in the regulations to allow public input during the legislative process. The only reference in the rules is that the Speaker of the Assembly or the appropriate committee may seek expert opinion on the Bill and that interested organizations can be invited to make submissions. In other jurisdictions, a Bill is gazetted first and is automatically referred to the relevant committee which can then conduct hearings to solicit for public input before presenting its report at 2nd Reading Stage. There is a committee called the Parliamentary Legal Committee (PLC) which considers the constitutionality of a Bill after first Reading Stage. This committee is given 26 working days to submit its opinion. The standing committee and other individual members can propose amendments for the 3rd Reading Stage. Any proposed amendments have to be referred to the PLC.

- e) **Provisional Orders by the Governor**

The Governor has power to issue provisional orders if Assembly is not sitting. However, these orders must be ratified by the Assembly when it reconvenes. Provisional orders are not issued on matters affecting the Comprehensive Peace Agreement, the Bill of Rights, General Elections, Decentralized system of Government, annual allocation of resources and alteration of administrative boundaries.

- f) **Executive Oversight**

Executive oversight means the Assembly must thoroughly scrutinize and follow-up the work of the State Council of Ministers and call them to account for their actions. Strong Executive oversight will promote efficient and effective delivery of Government services. Budgetary oversight is at the heart of strong executive oversight.

The powers conferred in the legislative assembly to summon anyone other than the Governor or Deputy Governor to appear before committees ensures that the Assembly is effective in its oversight role. Question Time is one of the tools used to exercise oversight. Others are field visits and inquiries.

Committees must fully understand the policies and legislation in the sectors that they oversee in order for Parliament to be strong in its oversight role. Formal oversight powers are as follows:

- ▶ Public Accounts Committees
- ▶ Approval of ministerial appointments
- ▶ Removal of ministers
- ▶ Impeachment of the Governor
- ▶ Summoning ministers and senior State Government officials to appear before committees and produce requirements documents
- ▶ Establishment of Committees
- ▶ Question time

Parliament's oversight role is affected by its capacity. Conducting investigations and hearings, following up on promises made by ministries, interviewing ministry officials, are time consuming and complex. Parliaments need adequate time, personnel, and systems to conduct effective oversight.

g) Representation

Representation means the State Legislative Assembly must reflect the popular will as expressed in the choices voters make for their representatives in a free and fair election. A representative State Legislative is one that is socially and politically representative of the diversity of the people, and ensuring equal opportunities and protection for all its members.

It is important to talk about substantive representation. This means the interests, values, aspirations and opinions of the people being represented are truly promoted and succeed in becoming part of the policies implemented. At the very least, the aspirations of the people are truly promoted and have an influence on the formulation of policies. All constituents should be substantively represented.

Constituency offices are one of the main tools to promote substantive representation. These offices function as an extension of Parliament, meaning they should be manned by qualified personnel and equipped with all the relevant parliamentary documents and materials such as the Hansard, Order Papers, copies of bills, copies of committee reports etc.

Media engagement is also key to strong constituency relations and representation.

h) Link with Legislative Councils

Legislative councils are an important primary constituent. They are the main vehicle through which effective delivery of government services at local level can be realized. They are there to legislate for and monitor delivery of services. There is need for strong linkages to be forged between Assembly members and these councils. There is no way state legislative assemblies can effectively play their constitutional roles without strong and vibrant constituents such as legislative councils.

i) Parliament and Gender

Female representation in Parliament has increasingly become an important aspect of substantive representation. The Constitution requires at least 25 % of members to be women. Has this been achieved in your Assembly? Access to elective office by women is necessary but not sufficient for true representation. Also requires that Parliament's own arrangements are such as to facilitate rather than disadvantage women to participate on an equal footing with male MPs. Leadership must also be availed to female MPs in order to advance genuine representation.

j) Functions of the State Legislative Assembly as spelt out in the Constitution and Conduct of Business Regulations

- ▶ Enact legislation
- ▶ Consider and pass amendments to the Constitution
- ▶ Debate statements by the Governor
- ▶ Impeach Governor or Deputy Governor
- ▶ Summon ministers to answer questions
- ▶ Authorize annual allocation of resources
- ▶ Approve appointments as required by the Constitution. Ministerial appointments by Governor require simple majority approval
- ▶ Vote of no confidence in Governor – 75 % of members required
- ▶ Vote of no confidence in ministers require two-thirds majority of members
- ▶ Oversee the performance of other organs of the State

k) What is the Expected Outcome from Legislative Assembly Work?

Legislators should deliver on the civil, political, social, economic and cultural rights of citizens. Most of these rights are enshrined in the Constitution. Their work should ensure the welfare of the people, in

particular the poor and marginalized, is enhanced. Addressing poverty and inequality should be the driving force behind the work of a member of the Legislative Assembly. The emergency of a democratic Assembly should be the ultimate outcome. A democratic assembly should have the following characteristics:

- ✓ Independent (no interference from the other arms of the State)
- ✓ Accessible to interest groups and the general public
- ✓ Representative of the diverse needs of the people
- ✓ Accountable to the public in its work
- ✓ Transparent in the conduct of its business

HOW TO ANALYSE LEGISLATION

Members can only effectively make laws if they have sufficient skills to analyze and draft legislation.

a) Purpose of Analyzing Legislation

Analysing legislation or proposed legislation means examining it in order to decide whether or not it is, or will be, good law. A proper analysis of each Bill indicates to Members what action they should take; allows the Assembly to influence public policy; ensures that laws which are passed conform to the Declaration of Rights and are reasonably justifiable in a democratic society; ensures that laws passed by the Assembly are effective in implementing government policies; and allows committees to make informed recommendations to Ministers and public officers, thereby influencing the content of laws.

b) What is Good Law?

A good law satisfies the following characteristics:

- ▶ Is constitutional – if not, it is void
- ▶ Is effective – what it actually succeeds in achieving, not what it seeks to achieve
- ▶ Is clearly drafted
- ▶ Complies with the rule of law – i.e. it is legal. For example an Act of Parliament is legal if it has been validly passed by Parliament
- ▶ Has been enacted after consultation with interested groups and after an independent and accurate assessment of its impact would have been made

c) Good Law Checklist

The answers to all the questions should be Yes, if the Bill is to be regarded as good law. If the answer to a question is No, but you think that the Bill remains justifiable despite that answer, you should state in the last column the special reasons why the answer does not render the Bill a bad law.

		Yes	No	Comments / Special reasons why No is justified
I	Objective Has the objective of the Bill been clearly defined?			

		Yes	No	Comments / Special reasons why No is justified
2	<p>Evaluation of Objective</p> <p>Has the importance of the objective been evaluated?</p> <p>Does the importance of the objective justify legislation?</p> <p>Is the Bill the best way of achieving the objective?</p> <p>Have alternative methods of achieving the objectives been considered including the repeal of an existing law?</p>			
3	<p>Side-effects</p> <p>Have the possible side-effects of the Bill been considered?</p> <p>Have all reasonable steps been taken to minimise undesirable side-effects in the Bill?</p> <p>Does the expected benefit from the Bill outweigh any likely undesirable effect?</p>			
4	<p>Constitutionality</p> <p>Do any of the provisions of the Bill violate the Constitution?</p> <p>If a provision does, can it be omitted from the Bill without impairing its effectiveness?</p>			
5	<p>Costs and Benefits</p> <p>Has a realistic quantified estimate been made of the benefits which are expected from the Bill and the time over which they are expected?</p> <p>Has a cost/benefit analysis been done of the Bill?</p> <p>Is the expected cost to the public justified by the expected benefit?</p> <p>Is the expected cost to the State of enforcing the Bill justified by the benefits?</p> <p>Has this been budgeted for, either in the Bill or in some other law?</p>			

		Yes	No	Comments / Special reasons why No is justified
6	<p>Capacity and Enforceability</p> <p>Will it be possible to enforce the proposed law?</p> <p>Are there manpower resources to administer the proposed law?</p> <p>Will it be possible for people to comply with the proposed law?</p>			
7	<p>Dispute Settlement</p> <p>Is there adequate provision for settling disputes arising under the Bill?</p> <p>Is there provision to ensure that disputes arising under the Bill are settled by due process?</p>			
8	<p>Drafting</p> <p>Are the provisions clear and precise?</p> <p>Are they unambiguous?</p> <p>Are there inconsistencies between different provisions of the Bill?</p>			
9	<p>Consistency with Existing Law</p> <p>Do any of the provisions of the Bill conflict with existing laws?</p> <p>If they do, has the existing law been repealed or amended to ensure that there is no remaining conflict?</p>			
10	<p>Consistency with International Obligations</p> <p>Is the Bill consistent with Zimbabwe's international obligations?</p>			

		Yes	No	Comments / Special reasons why No is justified
11	<p>Limitations on Discretionary Powers</p> <p>Does the Bill clearly define who may exercise the discretion?</p> <p>Does it impose limits upon the discretion?</p> <p>Does it give guidelines as to the purpose for which and the manner in which the discretion may be exercised?</p> <p>Have the criteria the implementers will use when applying the legislation been clearly stated?</p>			
12	<p>Delegation of law-making powers</p> <p>Does the Bill clearly define who may make regulations?</p> <p>Does it clearly define and limit the purpose for which regulations may be made?</p>			
13	<p>Retrospectively</p> <p>Does the Bill or any of the provisions apply retrospectively?</p>			
14	<p>Tribunals and Bodies</p> <p>Is the composition of any tribunal or body established by the Bill clearly defined?</p> <p>Is the composition such that the body is likely to be objective?</p> <p>Have the matters on which the tribunal or body has power to make decisions been defined clearly?</p> <p>Is the tribunal or body required to observe due process?</p>			

Source: SAPST Legislative Analysis Guidelines

So the analysis of any piece of legislation must take into account the following key factors:

- a) The policy behind the legislation, to ensure that the policy has been well thought out and will benefit the country. Policies, it must be remembered, are solutions to problems, so an

examination of the policy behind the legislation entails identifying the problem the policy is intended to solve.

- b) The effectiveness of the legislation: whether the legislation will give effect to the policy in the best possible way, i.e. whether it is the best way to solve the problem that gave rise to the policy.
- c) The impact of the legislation in terms of costs, benefits and risks.
- d) Any side-effects which the legislation may have.
- e) Whether the legislation will be enforceable.
- f) Whether the legislation complies with the Constitution — because if it doesn't, it will be invalid and unenforceable.
- g) Whether the legislation will conform with the rule of law and to the Government's international obligations.

Steps in Analyzing a Bill

Step #1: Read through the Bill's memorandum. The memorandum outlines the Bill's purpose and objectives. Note down the key aspects contained in the memorandum. At this stage, you should identify whether the memorandum identifies the problem that is being addressed by the Bill and whether the Bill is likely to rectify the problem.

Step #2: Read through the definition section in the Bill. Complex terms used in the Bill are often explained in this section.

Step #3: Read through the Bill. At this stage it is recommended that you do the reading in stages. Long Bills are divided into Parts, each Part dealing with a specific topic, and you should read through each Part separately, summarising its key features and provisions.

Identifying the Objectives of a Bill and Assessing its Effectiveness

Having read through a Bill and summarized its key features and provisions, you should turn to identifying the objectives of the Bill, particularly the problems that the Bill is intended to solve, and decide whether the Bill is likely to achieve its objectives and solve those problems.

To do this you need to ask a series of questions, which are set out below.

These questions cannot be answered on the basis of mere speculation. After answering each question, you must ask a further question: on what evidence do I base my answer? If there is no evidence to back up your answer, then you are just speculating and you must think again.

The problem addressed by the Bill

- (a) What problem does the Bill attempt to solve?
- (b) What behavior has caused the problem?
- (c) Whose behavior has caused the problem?
- (d) Who benefits and who suffers from the present situation?
- (e) Does the existing law forbid the behavior that has caused the problem?

- (f) Does the existing law expressly require or permit the behavior that has caused the problem?

How the Bill seeks to address the problem

- (a) What are the ways in which the Bill proposes to address the problem? (summarize them)
- (b) What might you learn from efforts to deal with this problem in the past in your country and other countries? Does this help you to understand the reasons for introducing the Bill in its current form?
- (c) Does a review of the country's history of efforts to use law, or other countries' laws and experience, provide insights into possible solutions other than the one that is proposed in the Bill?
- (d) What alternative solutions did the proponents of the Bill consider?
- (e) Are there likely to be any unintended effects of the Bill?
- (f) Do the Bill's provisions with respect to the implementing agency and officials:
- seek to change the causes of the problematic behavior;
 - induce people to behave in socially desirable ways?

Economic and social costs

- (a) What are the Bill's short- and long- term economic and social costs and benefits?
- (b) Does the Bill's estimated long-term social and economic benefits seem likely to outweigh its estimated long-term social and economic costs?
- (c) What social impact is the Bill likely to have for:
- different social groups, especially the poor, women, children, minorities and marginalized groups;
 - community concerns such as the environment, social harmony, human rights and the rule of law?

Capacity

- (b) Are there manpower resources available to administer the Bill?
- (c) Do people have the capacity (the skills, knowledge, and resources) to obey the Bill? Conversely, do they have any special capacity to disobey the law?

Funding

Does the Bill or any other relevant law (e.g. an Appropriation Act) provide adequate funding to ensure that the Bill will be implemented?

Dispute Settlement

- (a) Do the Bill's dispute settlement provisions seem appropriate and adequate to take care of anticipated disputes?

Note: If the Bill is an amending Bill, the dispute-settlement provisions may be contained in the legislation being amended rather than in the Bill. In that event you should check that those provisions cover any new disputes that may arise under the Bill.

- (b) Does the decision-making process defined by the Bill seem likely to induce accountable, transparent, participatory behavior?

Drafting

- (a) Is the Bill drafted precisely and unambiguously, and sufficiently clearly for non-lawyers to form a reasonable understanding of its provisions?
- (b) Are all the key terms used in the Bill adequately defined in the definition clause?
- (c) Does it provide for coming into force at an appropriate date?

Consistency with existing laws and international obligations

- (a) How does the Bill fit into the government’s larger legislative program? Are there any conflicts or inconsistencies?
- (b) Does the Bill contain the necessary amendments to existing laws to avoid conflicts?
Note: Be careful of a provision that says “This Act prevails over all other laws” or “This Act overrides all other laws to the contrary”. It usually means the drafter was too lazy or too pressed for time to check if other laws need to be amended. You will have to do the checking yourself.
- (c) Is the Bill consistent with the country’s international obligations?

Monitoring

Does the Bill provide an adequate mechanism for monitoring and evaluating whether, after its enactment, it will be effectively implemented and produce the desired social impact?

Note: One useful way to ensure that a Bill is evaluated after its enactment is a so-called “sunset” clause, i.e. a clause that states that the Bill will expire or lapse after a specified period of time. At the end of that period, the Government will have to approach Parliament with a new Bill to re-enact the provisions of the current Bill, and then Parliament will have an opportunity to question the Minister on how the current Bill was implemented.

ORGANISATION OF THE BUSINESS OF THE HOUSE

a) Sessions

A session is defined as a period when the Assembly commences its sittings until prorogued or adjourned. A session runs for three months before going into recess. The Speaker however has the power to recall the Assembly anytime.

b) Quorum

The quorum for meetings of the Assembly must be more than half of the members. Decisions of the Assembly shall be passed by simple majority of the members present unless provided otherwise by the Constitution or law. The Speaker shall cause the bell to be rung for five minutes if there is no quorum. If no quorum is reached after five minutes, the Speaker shall adjourn the sitting for 25 minutes. If at the end of that period there is still no quorum, the Speaker shall adjourn the sitting.

c) Assembly Agenda

The Speaker, in consultation with the chairpersons of standing specialized committees, prepares the Assembly agenda. Bills and motions of the Executive take priority over private member bills and motions. The Order Paper spells out the agenda of the Assembly during a sitting. Good practice is that the Order Paper must be available to members at least 24 hours before the sitting. The order of business is clearly enunciated in the Conduct of Business Regulations.

d) Key Rules of Debate

- A proposal made by a member or a Minister for consideration by the Assembly is called a motion. Reasonable notice shall be given for the introduction of a motion. Standard practice is that at least seven days notice period must be given. The motions that can be moved without notice are clearly stipulated in the Conduct of Business Regulations. Motions have to be seconded to be debated.
- A member shall not read his or her speech, but can refresh his or her memory from notes. He or she may read extracts from written or printed papers in support of his or her argument.
- A member desiring to speak will rise from his or her seat and given permission by the Speaker to speak.
- Generally, a member shall not speak more than once except when clarifying what has been misunderstood or when seeking leave of the House to withdraw a motion. Minister, chairperson of a committee and Leader of Government Business can speak more than once.
- Speaker can decide time limit for debate by each member. This provision can be waived in respect to a mover of a motion or the minister.
- Debates may be interrupted by a point of order or privilege being raised or upon a point of clarification.
- When a member rises on a point of order, the member holding the floor shall immediately sit down.

- The Speaker’s decision on any point of order is not subject to appeal. A member has to ask leave of the Speaker to raise a point of order.
- The Speaker has the authority to order any member whose conduct is grossly disorderly to withdraw immediately from the Chamber.
- All members shall enter and leave the House with decorum.
- When the Speaker rises, every member shall rise.
- Members shall maintain silence when another member is speaking.
- The person presiding in the Assembly or in the committee shall not have the right to vote. If votes are equally divided, the motion shall be lost.
- Under voice voting the Speaker or Chairperson shall declare the result of voting depending on the loudness of the “Ayes” and “Noes” voices.
- The Speaker may decide that the House conducts secret voting on any matter that he/she deems fit.
- If one-third of the members stand up in their places to signify disapproval of the result of voice voting, the Speaker or Chairperson shall order for a division.

e) The Role of the Secretariat/Support Staff

The Secretariat is the institutional memory of the Legislative Assembly. Members come and go. So the effectiveness of any legislative assembly is determined by how support staff work. The Secretariat performs administrative and supportive roles to ensure the work of the members of the Legislative Assembly runs smoothly. Capacity building of the Secretariat is therefore critical for the success of any parliamentary strengthening program.

The Secretariat is headed by a Clerk of Parliament. Other staff members include researchers, committee clerks, librarians, ICT staff, committee clerks/secretaries and drivers. There could be many more depending on the situation prevailing in each Parliament. It is a requirement that the secretariat staff operate in a professional and non-partisan manner.

f) The Role of the Clerk

The Clerk is appointed by the Speaker upon approval by the Assembly. He/she is not a member of the Assembly. The Clerk is responsible for the day-to-day running of the administrative affairs of the Assembly. He/she is the principal advisor to the Speaker on matters of the Assembly, including rules and procedures. The clerk and his team have a reserved table where they sit to work for the Assembly.

The Clerk and his team must maintain cordial working relations with members. The Secretariat must be fully conversant with the rules of procedure and parliamentary processes in order to provide sound procedural advice and technical support to the work of members.

THE ROLE OF THE STATE LEGISLATIVE ASSEMBLY IN THE BUDGET PROCESS

a. Functions of the Budget

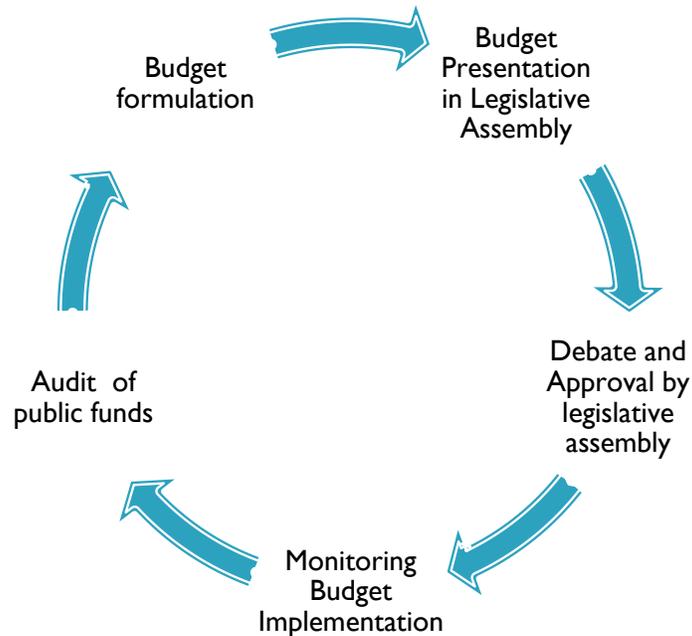
Budgets are documents, descriptions, explanations and statements of preferences. The budget governs the allocation of scarce resources – it reflects (or should reflect) the priorities of a community or nation. In other words, a budget is a plan for acquiring resources (revenue) and how these resources will be utilized (expenditure) to achieve desired objectives.

This plan shows how revenue will be raised (where will the money come from?) and the broad allocation of resources to objectives and activities for the coming years (what will we buy with it?), which spending departments or business units can be held accountable? It involves prioritization, strategizing, allocation of resources and provision of a system of accountability and controls.

The difference between total government expenditure and total government revenue is the **Budget Deficit**. How the budget deficit is financed is what is important, not the size of the deficit per se.

There is now greater emphasis on a rights-based approach to budgeting. Health, water and sanitation and education are the basic minimum rights that the budget must adequately address.

b. The Budget Process



It is important for the Legislative Assembly to meaningfully participate in the entire budget cycle. Legislation is required to enable Assembly participation in the entire budget process.

c. Highlights from Transitional Constitution relating to the Budget Process

The Legislative Assembly has power to approve, modify or reject the Budget Bill brought to Parliament in the form of appropriation and finance bills. After passing the budget, no funds shall be transferred from one sub-head to another without the approval of the Legislative Assembly. Money cannot be spent on an item not provided for in the budget. The Budget must be passed within a period of 45 days after presentation in the Assembly. Failure to do that the Governor will issue a decree. Final accounts must be submitted by the Governor for audit within six months of the end of the financial year.

d. Budget Analysis and Monitoring

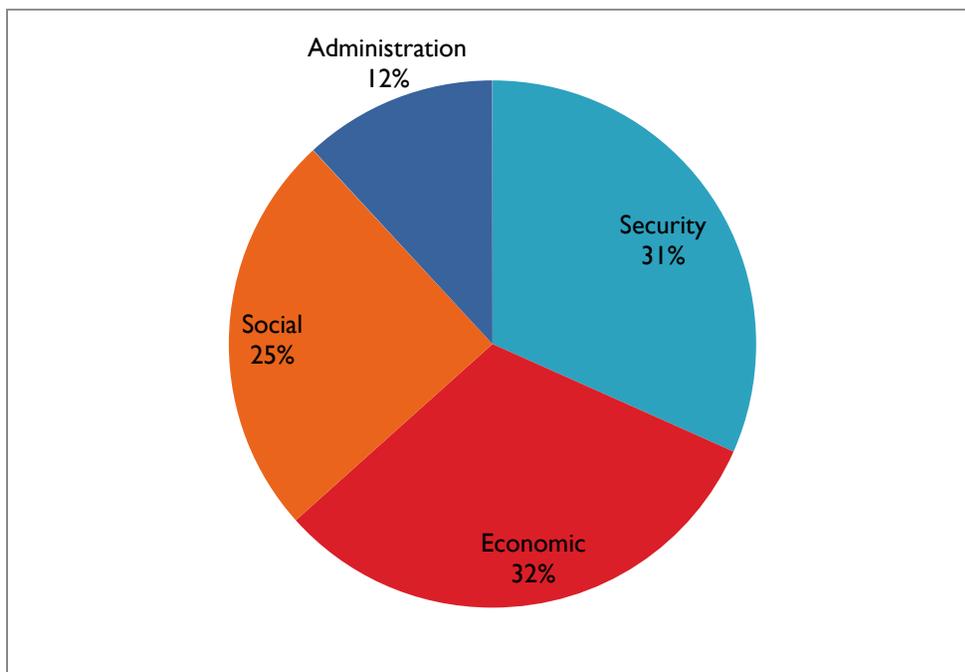
The state legislative assembly, through its committees, should analyze and monitor budget performance of the respective ministries that they shadow. While the Budget and Finance Committee is mandated with coordinating work on the budget, other committees should also play a major role in budget analysis and monitoring. This will foster more accountability and transparency in the way public funds are utilized.

e. Budget Analysis

Budget analysis should focus on the following main areas, among others:

- **Quantitative analysis:** involves the use of statistical information/numerical data to assess the magnitude of resource movements or allocations for specific programs.
- **Qualitative analysis:** focuses on the anticipated outcomes and impact of expenditures and sources of revenue.
- **Macroeconomic analysis:** Involves analyzing the macroeconomic framework which underpins the budget. It is a comprehensive interrogation of the key economic assumptions underlying the budget. Economic growth rates, inflation, interest rates, balance of payments position, domestic and external debt etc are analyzed.
- **Capital versus Recurrent Expenditure:** The capital budget is the development or investment related expenditure. Recurrent expenditure is incurred to conduct government business on a daily basis. Covers all expenses incurred by government departments in executing their routine daily programs and covers wages and salaries, rates, rent etc.
- **Per capita spending:** Determines fairness or equity in the allocation of public resources.
- **Sectoral expenditure distribution pattern:** Shows how the budget is distributed between key sectors of the economy. Also shows priorities of a government. The sectors are commonly Economic, Social, Security and Administration.

Example of sectoral distribution is shown below:



- **The composition** of expenditures can also be divided into:
 - ✓ employment (wages and salaries) costs
 - ✓ operations
 - ✓ pensions
 - ✓ capital expenditure
 - ✓ grants

- **Sources of revenue:** Revenue sources are tax and non-tax sources. Examples of non-tax revenues are selling of assets, domestic and external borrowing and grants. Important to determine if tax proposals are helpful to the poor or not. A progressive tax system is helpful to the poor and strives to achieve equity. If the measures are taking away a larger share of low income people's income, then this is a regressive tax system.

f. Budget Monitoring

Budget monitoring/tracking is an extremely important function of legislative assemblies. Public expenditure tracking is aimed at determining to what extent public resources have been efficiently utilized and realized the intended goals and objectives.

What is analyzed and monitored?

Monitoring of budget inputs-that is whether money has left the treasury to go to the relevant government ministries, departments and programs.

Monitoring budget outputs and outcomes-that is to what extent planned policies are producing planned outputs and outcomes, for example through public expenditure tracking surveys and citizens report cards.

- **Budget Inputs** ⇒ funds, resources
- **Budget Outputs** ⇒ (Health) Medicines, Vaccines, hospitals
(Education) classrooms, textbooks, chalk, staff houses
- **Budget Outcomes** ⇒ (Health) - Improved Child health/mortality rate
(Education) - improved learning outcomes/pass rate

The State Legislative Assembly can monitor budget performance through requesting the submission of quarterly budget reports by ministries to their respective standing committees. Detailed quarterly reports that follow clear guidelines will enable the committees to have a clear insight into the ministries' spending plans and programs, their impact and outcomes.

Purpose of Budget Analysis and Monitoring Guidelines

- Assist standing committees to raise pertinent issues pertaining to the management and use of public funds, thereby effectively playing their oversight role.
- Assist government ministries and departments to understand what exactly is required of them when they are asked to submit quarterly reports.
- Help committees focus on the issues at the heart of public finance management and accountability.

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- Help committees make an informed input into the preparation of bids for the next budget.
- Enable interest groups and the public in general to follow closely the management and use of public funds.

There are two primary aims of the quarterly review of the Budget:

- To examine how Ministries are implementing the programs for which they were allocated funds;
- To provide early warning of possible requests for supplementary budgets later in the year.

A number of subsidiary aims arise. These include:

- Explanations for any deviations from the intended programs;
- Suggestions of ways in which the State Legislative Assembly may assist Ministries in overcoming obstacles to successful implementation of their programs.

With this in mind, the ideal starting point for the quarterly review is the information on the programs, priorities and intentions of Ministries gathered by Committees in their review of the previous year's Budget.

Although these guidelines provide for a structured response, Committees should provide additional information that it feels is pertinent.

Structure of Reports

- 1) Brief Overview of Intended Programs and Targets for the Budget
 - a) Ministry Budget Objectives: what were the Ministry's quantitative and qualitative objectives in the Budget?
 - b) Ministry Budget Allocation: what was the Ministry's allocation for the coming year? This should provide a brief summary of the heads of expenditure.
 - c) Was there any discussion in the Budget review of problems that the Ministry foresaw arising from its allocation? Were these addressed in the final budget as approved by Parliament?
- 2) Performance in the First Quarter
 - a) Review of Qualitative Performance
 - ✓ What plans and programs were in place for the first quarter?
 - ✓ To what extent were these achieved? (This should cover both positive and negative departures).
 - b) Review of Expenditures
 - ✓ What were the quarterly expenditure targets? How did these relate to the annual Vote allocation?
 - ✓ How did actual expenditure measure against targets in the first quarter? In particular:
 - What was the total amount spent?
 - Are there outstanding expenditure commitments from this quarter that will have to be met in the future?
 - What was the pattern of expenditure between the major line items, particularly:
 - Expenditure on wages and salaries;
 - Recurrent non-wage expenditures
 - Capital expenditure

- ✓ How have levies, fees and other cost recovery measures performed against target?

3) Evaluation and Explanation of Performance

Reports should include an evaluation of the Ministry's performance in the year to date. While Ministries' explanations of performance are likely to be correct, it is important that Committees evaluate these explanations independently.

Issues that should be addressed include:

- ✓ What explanations does the Ministry have for any targets that were not met?
- ✓ What is the likely impact on the State of the failure to meet targets?
- ✓ If the obstacles to performance are within the Ministry's competence to overcome, what actions has it taken to overcome them? Spell out plans to ensure that targets are consistently met.
- ✓ If the obstacles were beyond the Ministries' control, what suggestions does it have for how they might be reduced in the future? In particular, are there actions Parliament might take to assist in overcoming them?

4) Outlook and general issues

- ✓ What are Ministries' views of the out-turn in
 - The next quarter?
 - The remainder of the Budget period?
 - Impact of Public Finance Management System on accountability in your ministry
- ✓ Does the Ministry foresee requiring a supplementary budgetary allocation in this budget period?

The report to the Committee should be no more than 10 pages in length, but can include appendices that contain additional detail, justification and analysis to support the information provided.

COMMITTEE OPERATIONS

a) Functions of committees

There are provisions in the State Constitution for the establishment of standing specialized committees and select committees “for the efficient discharge” of the State Legislative Assembly functions. Standing specialized committees are defined by subject matter, which tends to parallel the structure of state council of ministries. The functions of the standing specialized committees are clearly enunciated in the Conduct of Business Regulations. They are as follows:

- ❖ Scrutinize and make recommendations on Bills laid before the Assembly which affect their sector or which have been referred to them
- ❖ Initiate any Bills within their respective areas of competence
- ❖ Assess and evaluate the activities of Government and other bodies
- ❖ Carry out relevant research in their respective fields
- ❖ Report regularly to the Assembly on their activities

Select committees are temporary and only appointed for the consideration of any specific matter the Assembly may refer to it. The select committee shall be dissolved after it has reported its findings and recommendations to the House.

b) Importance of committees

Committees are the engine of State Legislative Assembly business. They allow the Legislative Assembly to carry out simultaneously numerous functions otherwise not possible in the plenary. It is in the committees that a more detailed examination of policy and legislation is carried out. In most cases, committee business is transacted in a non-partisan manner. Committee members are able to discuss issues informally and to develop relationships. That creates an environment in which compromises on matters and technical improvements in legislation can be agreed upon expeditiously. Committees have proved good vehicle for consensus building and conflict resolution.

c) Powers of committees

- A committee may summon any minister or any person holding public office and private individuals to give evidence.
- Any committee may employ qualified persons to assist in the discharge of its functions.
- A committee may decide to open up or close its proceedings to the public.
- A committee shall have the powers of the High Court for enforcing the attendance of witnesses and examining them under oath, affirmation or otherwise and compelling the production of documents.

d) General procedures relating to committee operations

It is important that members are notified of a committee meeting on time. Written notice and phone calls should be made. The agenda and other supporting documents should be distributed to members at

least two days before the meeting to allow them to properly prepare. The venue for the meeting should be booked well in advance and the committee clerk should ensure all the necessary equipment is in place. A register of attendance for MPs and any invited witnesses should be ready for signing. The chairperson and committee secretary should ensure a quorum for the meeting to take place.

e) Minuting of committee proceedings

The minuting of proceedings should generally adhere to the following:

- The name of the committee and the day and hour of meeting;
- The names of members present;
- Every motion made or amendment proposed together with the name of the mover;
- The names of members voting in any division;
- All orders and resolutions of the committee;
- All documents or materials submitted to the committee;
- The names and professions or occupations of witnesses examined;
- The day and hour to which the committee is adjourned

f) Work Planning by Committees

A work plan is a necessary tool for **planning, implementation** and **monitoring** work programs over a specified period of time. Committees should strive to develop sessional work plans. A work plan identifies goals and objectives (outputs) and the resources, activities and strategies/actions to realize these outputs and outcomes. The goal is broad and general while objectives are generated from goals and are specific.

g) Performance Assessment by Committees

Performance assessment involves the periodic oversight of a process or implementation of an activity. It seeks to establish the extent to which input deliveries, other required actions and targeted outputs are proceeding according to plan and contributing toward achievement of objectives. Assessment enables timely action to be taken to correct the deficiencies detected. The intention is not to humiliate, punish or pass judgment on the performance of others. The aim is to permit commonly required mid-course corrections in the work plan.

Performance assessment assesses the acquisition of knowledge and performance of members of the legislative assembly and their staff. It allows sound decisions to be made about Parliament and committee work programs in future. Areas that need more internal and external assistance will be identified through performance assessment.

h) Performance measures

- **Openness measure** – the extent to which standing committees are open to both the public and the media

- **Committee performance measure** – extent to which standing committees succeed in their core functions of executive oversight, legislative review and representation. More encompassing way of assessing change and improvement in standing committees

Openness

The openness measures the number of meetings open to citizens, citizen groups and the media. It is developed simply to approximate the intent to expose workings to public scrutiny. Open committee meetings serve the following:

- Soliciting the expertise and opinions of different sectors
- Forum for exchange of ideas
- Enable citizens to follow debate closely on matters of public interest

Committee performance indicators

- **Empiricism** - the extent to which facts, figures and analysis drawn from reference services, Internet or other sources are effectively used in committee work
- **Representation** – evidence that constituent interests are advanced when considering legislation or overseeing executive branch performance
- **Expertise** – the extent to which testimony from civic society and experts are sought after and used in committee work
- **Inclusiveness** – seeking out people and organizations with diverse views and opinions to participate and voice their concerns
- **Involvement** – extent to which committee members with divergent opinions are able to participate and contribute in committee meetings
- **Interaction with executive** – effectiveness in working with relevant Government agencies and ministries
- **Reporting** – drafting competence, clarity of language of submissions, amendments moved in the House
- **Management** – success in agenda setting, regularity of meetings, planning and preparation
- **Leadership** – quality of leadership in reaching consensus and steering issues/decisions in the House
- **Knowledge** – growth in knowledge demonstrated by members

Each measure is scored on a scale of 1 – 5. Scores are defined as follows:

1 = very low/very poor/very substantial room for improvement

2 = low/poor/substantial room for improvement

3 = medium/reasonable capacity/reasonable progress/some room for improvement

4 = High/good/effective capacity/successful progress/little room for improvement

5 = very high/very good/capacity very strong/effective progress/virtually no room for improvement

THE CONDUCT OF PUBLIC HEARINGS

(a) Definition of a Public Hearing

A public hearing is defined as a mechanism by which parliamentary committees obtain information, public opinions and alternative perspectives on proposed piece of legislation or policy matter. As a result, a public hearing can inform all members of the legislative assembly, the Executive and the general public of potential implications of the legislation and present possible means of improving proposed legislation and policy.

(b) Purpose of Public Hearings

- Inform the public and interested parties about proposed changes and implications of public policy
- Obtain public views and recommendations on public and policy programs
- Facilitate an appreciation of Government policies and legislation and, therefore, reduce/eliminate chances of difficulty in policy implementation. This should help to foster future partnerships that bring about change
- Sensitize members and policy makers to popular sentiments and to get first hand feedback from the public about local concerns, perspectives and suggestions for improvement through open interaction

Clarifying the purpose of a public hearing will allow the committee to manage public expectations more effectively. The ultimate goal of a public hearing is to produce **good law and policy**. This means influencing the form and content of public policy.

A public hearing is not a public meeting, roundtable discussion or one of the normal committee meetings to question witnesses. Public hearings are specifically focused on an issue before the legislative assembly and aims to solicit public input in a structured process.

(c) Other countries' experiences

In some countries, public hearings are enshrined in the Constitution. The Constitution of South Africa states that the National Assembly must facilitate public involvement in the legislative and other processes of the Assembly and its committees by conducting public hearings. In Canada, the Finance Committee of the House of Commons annually conducts cross-country consultations on the Federal Budget. In New Zealand, committees in the House of Representatives hold public hearings when examining draft legislation and attempt to hear all members of the public who wish to appear before them

(d) Public hearing phases

- Pre-hearing Stage

- Hearing Stage
- Post Hearing Stage

It is not a once-off event, but a process. The success of each stage depends heavily on how the preceding stage has been executed.

(e) Pre-hearing Stage

This is where a careful assessment of the problem necessitating a public hearing is carried out. Staff will provide background research. The specific issues to be addressed must be clearly spelt out.

The following questions should be answered:

- Is the subject matter of interest to the general populace to justify a public hearing?
- Will public input result in better, sounder policies?
- Will the views of those who will participate be representative enough?
- Who are for and against the subject?
- Will the benefits justify the financial costs?

Public hearings shall be scheduled on dates and times when there are no other significant or important events that could conflict with these hearings. The times and dates should be convenient and reasonable for the public to attend. The committee selects a date at least two weeks ahead of time to allow for logistical arrangements. Two weeks will provide adequate time for members to acquaint themselves with the subject, allow staff time to adequately prepare and witnesses to prepare their testimony. It is important to conduct a public hearing in the early stages of the policy/legislative development process in order for the hearing to make an impact.

Assembly chambers or hearings rooms are often the best place to hold a public hearing. If a large crowd is anticipated, a venue outside Parliament can be sought. Whatever venue chosen must meet the following minimum requirements:

- Accessible to the public
- Well-lighted and ventilated
- Sufficient sitting capacity
- Enable use of audio recording equipment
- Provide adequate security

Proper public invitation is important for the success of a public hearing. The following methods can be used for public invitation:

- Advertising in both print and electronic media, including community newspapers
- Invitation letters to known interested civic organizations and other interested groups
- Use of internet
- Fliers, posters
- Invite written and/or oral submissions
- Use of Assembly website
- Press releases and press conferences to announce the public hearing, its objectives and anticipated outcome
- Notice posted outside the committee room
- Use of Parliament Constituency Offices or Provincial Offices
- Non-Governmental Organizations or civic society organizations offices for further distribution

It is important to decide if a public hearing is targeted or not. Government officials can attend only to listen. Participants should be requested to indicate if they will make written and/or oral submissions. Generally speaking, hearings must be open to all. The media should be invited way in advance.

(f) During Hearings

A registration desk shall be set up with an adequate number of forms for attendees to sign-in. The registration desk shall provide news releases, brochures, exhibits and other information material that could be useful to the public. Registration shall start 45 minutes before the hearing.

The opening statement by the chairperson must give a bit of background to the issue. The chairperson must clearly spell out the objectives of the public hearing. Committee members are introduced and ground rules articulated. Common ground rules include such things as time limits for presentations, switching off mobile phones, speaking through the chair, and that the committee reserves the right to eject someone from the hearing for disorderly conduct. It is important for the hearing to begin and end on time. The standard practice is to allocate five to 10 minutes for each submission. The time allocated depends on the number of submissions. It is standard practice that representative organizations shall present first if they are present – otherwise the first come first served principle shall apply.

The chairperson shall afford all committee members a fair opportunity for meaningful participation and shall moderate impartially. The Chairperson shall not publicly voice an opinion on the subject in order to maintain an atmosphere of non-partisanship and fairness. Participants must be treated with courtesy and thanked for their submissions.

All hearings shall be recorded verbatim. Audio recording equipment shall be used and proceedings minuted. Written submissions shall be kept as part of the records. Any of the official languages can be used with simultaneous translation provided.

It is important to re-iterate that during hearings, committee members are there to listen. They will only speak when asking questions or seeking clarification. They are not allowed to applaud/indicate pleasure/displeasure with anyone's remarks.

At the end of the hearing, the committee chairperson shall give a closing statement summing up the hearing and presenting future plan of action. It is also advisable for the chairperson to convene a press conference and clarify any issues that journalists might have pertaining to the hearing. The chairperson should guard against **pre-mature disclosure** of committee position.

(g) Post-Hearing

The conclusion of a public hearing (when the chairperson gives closing remarks) is not the end of the public hearing process. In fact, it is attention to the post-hearing follow-up that may determine what happens to public input offered during the hearing and whether or not it will influence the form and content of proposed legislation.

Deliberation of evidence gathered is normally done in camera. All submissions should be available. Deliberation will agree on the thrust of the report. When adopted, the committee is presented in the Assembly. Committee must take time to evaluate the public hearing with emphasis on the outcome and impact of hearing.

SUMMARISED BENCHMARKS FOR DEMOCRATIC LEGISLATURES

(Sources: Commonwealth Parliamentary Association Benchmarks for Democratic Legislatures and SADC Parliamentary Forum Benchmarks for Democratic Legislatures in Southern Africa)

a) Elections

- Members of the popularly elected or only house shall be elected by direct universal and equal suffrage in a free and secret ballot.
- Legislative elections shall meet international standards for genuine and transparent elections.
- Term lengths for members of the popular house shall reflect the need for accountability through regular and periodic legislative elections.
- Restrictions on candidate eligibility shall not be based on religion, gender, ethnicity, race or disability.
- Special measures to encourage the political participation of marginalized groups shall be narrowly drawn to accomplish precisely defined, and time-limited, objectives.
- No elected member shall be required to take a religious oath against his or her conscience in order to take his or her seat in the legislature.
- In a bicameral legislature, a legislator may not be a member of both houses.
- A legislator may not simultaneously serve in the judicial branch or as a civil servant of the executive branch.

b) Immunity

- Legislators shall have immunity for anything said in the course of the proceedings of legislature.
- Parliamentary immunity shall not extend beyond the term of office; but a former legislator shall continue to enjoy protection for his or her term of office.
- The executive branch shall have no right or power to lift the immunity of a legislator.
- Legislators must be able to carry out their legislative and constitutional functions in accordance with the constitution, free from interference.

c) Remuneration and Benefits

- The legislature shall provide proper remuneration and reimbursement of parliamentary expenses to legislators for their service, and all forms of compensation shall be allocated on a non-partisan basis.

d) Resignation

- Legislators shall have the right to resign their seats.

e) Infrastructure

- The legislature shall have adequate physical infrastructure to enable members and staff to fulfill their responsibilities.

f) Organization of the Legislature

- Only the legislature may adopt and amend its rules of procedure.
- The legislature shall select or elect presiding officers pursuant to criteria and procedures clearly defined in the rules of procedure.
- The legislature shall meet regularly, at intervals sufficient to fulfill its responsibilities.
- The legislature shall have procedures for calling itself into regular session.
- The legislature shall have procedures for calling itself into extraordinary or special session.
- Provisions for the executive branch to convene a special session of the legislature shall be clearly specified.
- Legislators shall have the right to vote to amend the proposed agenda for debate.
- Legislators in the lower or only house shall have the right to initiate legislation and to offer amendments to proposed legislation.
- The legislature shall give legislators adequate advance notice of session meetings and the agenda for the meeting.
- The legislature shall establish and follow clear procedures for structuring debate and determining the order of precedence of motions tabled by members.
- The legislature shall provide adequate opportunity for legislators to debate bills prior to a vote.
- Plenary votes in the legislature shall be public.
- Members in a minority on a vote shall be able to demand a recorded vote.
- Only legislators may vote on issues before the legislature.
- The legislature shall maintain and publish readily accessible records of its proceedings.

g) Committees

- The legislature shall have the right to form permanent and temporary committees.
- The legislature's assignment of committee members on each committee shall include both majority and minority party members and reflect the political composition of the legislature.
- The legislature shall establish and follow a transparent method for selecting or electing the chairs of committees.
- Committee hearings shall be in public. Any exceptions shall be clearly defined and provided for in the rules of procedure.
- Votes of committee shall be in public. Any exceptions shall be clearly defined and provided for in the rules of procedure.
- There shall be a presumption that the legislature will refer legislation to a committee, and any exceptions must be transparent, narrowly-defined, and extra-ordinary in nature.
- Committees shall scrutinize legislation referred to them and have the power to recommend amendments or amend the legislation.
- Committees shall have the right to consult and/or employ experts.
- Committees shall have the power to summon persons, papers and records, and this power shall extend to witnesses and evidence from the executive branch, including officials.
- Only legislators appointed to the committee, or authorized substitutes, shall have the right to vote in committee.
- Legislation shall protect informants and witnesses presenting relevant information to commissions of inquiry about corruption or unlawful activity.

h) Political parties, party groups and cross party groups

- The right of freedom of association shall exist for legislators, as for all people.
- Any restrictions on the legality of political parties shall be narrowly drawn in law and shall be consistent with the International Covenant on Civil and Political Rights.
- Criteria for the formation of parliamentary party groups, and their rights and responsibilities in the legislature, shall be clearly stated in the rules of procedure.
- The legislature shall provide adequate resources and facilities for party groups pursuant to a clear and transparent formula that does not unduly advantage the majority party.
- Legislators shall have the right to form interest caucuses around issues of common concern.

i) Parliamentary Staff

- The legislature shall have an adequate non-partisan professional staff to support its operations including the operations of its committees.
- The legislature, rather than the executive branch, shall control the parliamentary service and determine the terms of employment.
- The legislature shall draw and maintain a clear distinction between partisan and non-partisan staff.
- Members and staff of the legislature shall have access to sufficient research, library, and ICT facilities.
- The legislature shall have adequate resources to recruit staff sufficient to fulfill its responsibilities. The rates of pay shall be broadly comparable to those in the public service.
- The legislature shall not discriminate in its recruitment of staff on the basis of race, ethnicity, religion, gender, disability, or, in the case of non-partisan staff, party affiliation.
- Recruitment and promotion of non-partisan staff shall be on the basis of merit and equal opportunity.
- The head of the parliamentary service shall have a form of protected status to prevent undue political pressure.
- Legislatures should, either by legislation or resolution, establish corporate bodies responsible for providing services and funding entitlements for parliamentary purposes and providing for governance of the parliamentary service.
- All staff shall be subject to a code of conduct.

j) Legislative Function

- The approval of the legislature is required for the passage of all legislation, including budgets.
- Only the legislature shall be empowered to determine and approve the budget of the legislature.
- The legislature shall have the power to enact resolutions or other non-binding expressions of its will.
- In bicameral systems, only a popularly elected house shall have the power to bring down government.
- A chamber where a majority of members are not directly or indirectly elected may not indefinitely deny or reject a money bill.
- In a bicameral legislature there shall be clearly defined roles for each chamber in the passage of legislation.

- The legislature shall have the right to override an executive veto.
- Opportunities shall be given for public input into the legislative process.
- Information shall be provided to the public in a timely manner regarding matters under consideration by the legislature.

k) Oversight Function

- The legislature shall have mechanisms to obtain information from the executive branch sufficient to exercise its oversight function in a meaningful way.
- The oversight authority of the legislature shall include meaningful oversight of the military, security and intelligence services.
- The oversight authority of the legislature shall include meaningful oversight of state owned enterprises.

l) Financial and Budget Oversight

- The legislature shall have a reasonable period of time in which to review the proposed national budget.
- Oversight committees shall provide meaningful opportunities for minority or opposition parties to engage in effective oversight of government expenditures.
- Typically, the public accounts committee will be chaired by a member of the opposition party.
- Oversight committees shall have access to records of executive branch accounts and related documentation sufficient to be able to meaningfully review the accuracy of executive branch reporting on its revenues and expenditures.
- There shall be an independent, non-partisan Supreme or National Audit Office whose reports are tabled in the legislature in a timely manner.
- The supreme or national audit office shall be provided with adequate resources and legal authority to conduct audits in a timely manner.

m) No Confidence and Impeachment

- The legislature shall have mechanisms to impeach or censure officials of the executive branch, or express no-confidence in the government.
- If the legislature expresses no confidence in the government the government is obliged to offer its resignation. If the head of state agrees that no other alternative government can be formed, a general election should be held.

n) Representative Function

- The legislature shall provide all legislators with adequate and appropriate resources to enable the legislators to fulfill their constituency responsibilities.
- The legislature shall have the right to receive development assistance to strengthen the institution of parliament.
- Members and staff of parliament shall have the right to receive technical and advisory assistance, as well as to network and exchange experience with individuals from other legislatures.

o) Accessibility

- The legislature shall be accessible and open to citizens and the media, subject only to demonstrable public safety and work requirements.
- The legislature should ensure that the media are given appropriate access to the proceedings of the legislature without compromising the proper functioning of the legislature and its rules of procedure.
- The legislature shall have a non-partisan media relations facility.
- The legislature shall promote the public's understanding of the work of the legislature.

p) Languages

- Where the constitution or parliamentary rules provide for the use of multiple working languages, the legislature shall make every reasonable effort to provide for simultaneous interpretation of debates and translation of records.

q) Ethical Governance

- Legislators should maintain high standards of accountability, transparency and responsibility in the conduct of all public and parliamentary matters.
- The legislature shall approve and enforce a code of conduct, including rules on conflicts of interest and the acceptance of gifts.
- Legislatures shall require legislators to fully and publicly disclose their financial assets and business interests.
- There shall be mechanisms to prevent, detect, and bring to justice legislators and staff engaged in corrupt practices.