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Legislative Strengthening Program (LSP)

MODEL COMMITTEE OPERATING MANUAL

July 2009

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Submitted to:

Contracting Officer's Technical Representative (COTR):
Dr. Miles Toder, USAID/Iraq

Submitted by:

AECOM International Development, Inc.
2101 Wilson Boulevard, Suite 700
Arlington, VA 22201, USA

T: +1.703.528.7444

www.aecominterdev.com

In association with:

Management Systems International

Contact persons:

Chief of Party:

James A. Hart
+964 780 1099 168

Program Director:

Michael Barluk
+1 703 465 5871
+964 780 1099 165

IRAQ LEGISLATIVE STRENGTHENING PROGRAM
MODEL COMMITTEE OPERATING MANUAL
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I. Introduction: The Purpose of Parliamentary Committees

A famous statesman once noted that parliaments are the “workshops” of democracy. If indeed they are, then parliamentary committees should be considered as the “workbench” lying at the heart of almost everything accomplished by parliaments. Committees are one of the most important tools available for improving legislation, making government operations and finances more transparent and for developing a focused and shared understanding of national and local interests. The purpose of parliamentary committees is to:

- allow for the detailed scrutiny of complex matters which are more easily done in a small groups rather than a plenary session of Parliament;
- provide an opportunity for MPs to hear from the average citizens and experts on subjects of national concern and to have these representations placed on the public record; and
- furnish a means for MPs to initiate proposals and probe more deeply into the details of specific policies and programs to further develop their expertise in specific areas.

Committees offer a chance for MPs, and particularly new MPs, to make a substantial contribution to the legislative process and public policy in general. Most importantly, they allow MPs to discharge each of the three critical roles of their parliamentary mandate: as **legislator**, initiating, reviewing and amending legislation, regulations and administrative orders; **overseer**, reviewing government policies, programs and expenditures; and as a **representative**, listening to a diversity of views and working with parliamentary colleagues to find common ground on issues important to the nation. They hear witnesses, evidence and submissions (public and private) and generate the information upon which Parliament makes critical decisions.

MPs have three critical roles: legislator, overseer and representative.

In general, a committee undertakes to do its utmost to provide a fair forum for public discussions and to hear from expert witnesses and civil society in an open and transparent manner. The challenge for legislators - old and new - is not only to do the job well, but also to make their committee work more visible to their constituents and the public. Conducting the public’s business in a transparent manner is a critical means of building support for democracy. Working hard in a committee is a good way for MPs to contribute to better governance and to improve the public image of Parliament.

Type of Committees

1. Standing committees: These are permanent committees established by Parliament. The membership of these committees is normally voted on or designated by Parliament as a whole. Standing committees, with the permission of Parliament, also have the power to create permanent sub-committees for both specific policy areas and administrative matters;

2. Ad-hoc, special or legislative committees: These are temporary committees established by Parliament to address a particular subject or issue with a start and end date. Sometimes they work with, and other times under, the supervision of standing committees.

There are two types of committees: standing or permanent committees and ad-hoc, special or legislative committees which are temporary.

II. Standing Committees

Terms of Reference

As a subsidiary body of Parliament, committees are limited to activities authorized by Parliament as contained in the committee's mandate or "terms of reference". Committees must strictly adhere to these terms of reference. In addition, Parliament may outline more detailed terms of reference for particular committees to ensure they have both the scope and direction to fulfill their responsibilities. Parliament can also make specific requests to committees to conduct work in a particular area (i.e. a special study, inquiry or review of legislation). This specific request is called an "order of reference." It is normally transmitted to a committee by the Clerk of Parliament. When received by the Committee Chair, an order of reference takes precedence over all other committee business. Generally, the terms of reference of parliamentary committees are to:

- conduct oversight of the Executive;
- examine policy proposals submitted by Parliament or the Executive;
- solicit and obtain the testimony of Ministers and departmental officials;
- review a Ministry's proposed budget and review previous budget years to identify whether resources were spent as planned;
- examine a Ministry's strategic plans and priorities;
- identify areas where legislation or policy is deficient and propose new amendments to the laws designed to correct the deficiencies;
- conduct reviews of administrative problems, examine whether various program or project objectives have been achieved and report those findings to Parliament;
- scrutinize major decisions made by a Ministry and examine the extent to which the department is effectively implementing its policies and legislation;
- study draft laws submitted by the Executive or Parliament, propose amendments and make recommendations to Parliament;
- serve as a platform for new policy proposals and legislation; and
- lead debate and decisions in Parliament on matters within a committee's responsibilities and produce reports which provide an evidentiary basis upon which parliamentary decisions can be made.

Committees are created and have terms of reference established by Parliament. They must adhere to their mandate, obey all directions and respect all deadlines.

Powers

As delegated by Parliament, committees can:

- order witnesses to appear at a hearing and produce documents and provide information considered to be important and in the public interest;
- if a witness refuses to come before a committee after it has sent a notice(s) requiring their attendance, refer the matter to Parliament for its information and possible action to compel the witness to testify;
- deal with issues and hear evidence on matters referred by Parliament. They must do so in a timely manner, consistent with the deadlines set by Parliament. However, committees can under special circumstances request an extension on a reporting deadline, but they must abide by Parliament's decision;
- invoke "parliamentary privilege" to protect witnesses. A committee's proceedings are considered as parliamentary proceedings and are subject to parliamentary immunity. Members and witnesses participating in a committee hearing are protected by law and possess the same rights and privileges enjoyed by Parliament during its plenary sessions or debates. This ensures that evidence and information provided is comprehensive, frank and accurate.

When there is an order of reference, direction or limitation to a committee from Parliament, a committee should respect and comply with all instructions.

Committee Membership

Specific rules apply to membership on a Standing Committee:

- any MP can attend and participate in a committee meeting, but only those members who were chosen by Parliament to sit on a committee as permanent members are eligible to vote;
- a member who resigns from a committee should be replaced with another MP at the earliest opportunity, (i.e. within two months from the date of resignation);
- priority for participating in a committee is given first to permanent committee members; after that, other members can engage in discussion, debate or questions at the discretion of the Chair. However, non-permanent members may not move motions, vote or be counted in the quorum; and
- a substitute member may be designated by the parliamentary leadership of his party to replace a permanent member of a committee at one or more meetings. The substitute member enjoys the same rights and privileges as a permanent committee member.

However, the substitute member loses these privileges when the permanent member returns to the committee.

Only those members chosen by Parliament to sit on a committee as permanent members are eligible to vote.

In many legislatures, the number of members on a committee ranges from 10-20 MPs duly nominated and selected by Parliament.

III. Presiding Officers

The Chair¹

The Chair serves as the committee's presiding officer. They are the representative of the committee to Parliament in transmitting reports and committee decisions. The Chair, through the Clerk, is also the point of contact from Parliament to the committee in receiving Parliament's decisions, orders of reference and other directions. The Chair also conveys to their committee any Ministry or outside agency's request, submission or correspondence.

The Chair attends other meetings on behalf of the committee and serves as the spokesperson through whom all matters are channelled. Some of the other duties, rights and responsibilities of the Chair include:

- maintaining order and decorum and deciding all procedural questions. The Chair should conduct fair meetings and provide all members with equal opportunities to participate;
- rendering decisions on procedural matters. These decisions are not debatable but can be appealed to the committee. A member may "challenge the Chair" on a decision. The Chair immediately puts the question: "Shall the ruling of the Chair be sustained?" If the committee votes "yes", the matter is concluded. If "no", the Chair's ruling is overturned;
- establishing an Agenda and Procedure Sub-committee. This sub-committee consists of the Chair, the vice-chairs and up to two additional members selected by the committee. This sub-committee sets the agenda topics to be dealt with by the committee through a work plan and reports to the full committee. Its reports or suggestions may be overturned by a majority vote on the committee;
- convening meetings of the sub-committee on an "as required" basis to address organizational issues arising during hearings such as changes to a witness list, the need for a reporting deadline extension or the need to engage contracted outside expertise;

¹ See Chart on p. 12

- convening meetings of the committee at a time and place determined by the sub-committee. (The exception is the first organization meeting convened by the Clerk.) The Chair ensures that a prior notice and agenda of items are distributed in advance and conducts the meeting in a punctual manner. The Chair also ensures there is a quorum for the meeting to proceed;
- participating in the committee’s discussions and enjoying the same rights and responsibilities as other members. However, the Chair only votes where the committee divides equally upon a question;
- organizing committee proceedings in conjunction with the Clerk for a special study or legislative review. This includes the speaking order of witnesses and members and other logistical issues;
- filing or “tabling” committee reports in Parliament;
- organizing the committee budget and submitting it for approval to the relevant parliamentary authorities in consultation with the sub-committee and the Clerk; and
- signing all outgoing committee correspondence, replies to requests on behalf of the committee and performing other tasks as directed by the committee.

The Chair enforces order and is the point of contact between Parliament and the committee in receiving directions and between the committee and Parliament for tabling reports.

Vice-Chair

In the absence of the Chair, the Vice-chair enjoys all of the rights, privileges, duties and responsibilities of the Chair including presiding over the sub-committee and participating in the discussions and decisions of that body.

Second Vice-Chair

In the absence of both the Chair and Vice-chair, the Second Vice-chair enjoys all the rights, privileges, duties and responsibilities of the Chair. In addition, the Second Vice-chair presides over the sub-committee and participates in the discussions and decisions of that body.

IV. The Role of Committee Staff

Clerk

The Clerk is a non-partisan and independent officer of the committee who sits at the committee table and serves all members of the committee and representatives of all parties equally. They perform their responsibility under the direction of the Committee Chair in consultation with the committee. Individual committee members are not permitted to give

directions to the Clerk without the approval of the Chair. An expert on the rules and procedures of Parliament and its committees, the Clerk may be requested to give advice to the Chair or members of committee should a question of procedure arise. The Clerk is the coordinator, organizer and liaison officer for the committee and sub-committee. They ensure committee staff has the information needed to perform their work effectively. Specifically, the Clerk is responsible for:

- organizing and calling the first organization meeting of the committee to elect the Chair and the two vice-chairs;
- maintaining the record of motions and votes and organizing the taking of minutes;
- serving as the sole contact point for distributing information to the committee. They draft and distribute agendas, background notes, research papers and correspondence;
- organizing the appearance of witnesses and providing them with a pre-appearance briefing, the agenda and information on an upcoming committee hearing. The Clerk is responsible for receiving an order of reference from Parliament and, in conjunction with the Chair, ensuring the committee adheres and complies fully with the instructions;
- logging all documents, materials and correspondence to and from the appropriate Ministry or Ministries, preparing responses as appropriate and handling enquiries from the public and the media;
- providing the committee with draft bills, explanatory memoranda and other materials related to the legislative process as well as maintaining records of evidence and committee decisions;
- preparing and monitoring the committee's budget, managing its finances and ensuring that expenditure claims and other accounts payable are promptly addressed; and
- performing other duties consistent as directed by the Chair on behalf of the committee.

Working under the direction of the Chair, the Clerk is a non-partisan officer of the committee who organizes its meetings and serves all members equally.

Clerk Assistant

Reporting to the Clerk, the Clerk Assistant is tasked with supporting the work of the Clerk and ensuring the smooth functioning of the committee. In the absence of the Clerk, the Clerk Assistant may perform the duties of the Clerk if the committee so directs. Unless substituting for the Clerk, the Clerk Assistant may not sit at the committee meeting table.

The Research Assistant

The Research Assistant is also a non-partisan officer of the committee responsible for preparing background documents, briefing notes and draft reports. Working with the Clerk,

the Research Assistant identifies topics for discussion, areas of inquiry, identifies potential witnesses, organizes briefings and is generally tasked with ensuring the committee has the information and evidence it requires to suggest improvements to public policy. The Research Assistant's importance to the committee is reflected by the fact that they sit at the committee table.

If the research capacity of the committee is insufficient, the committee may wish to hire additional permanent staff or short term expertise to work at the direction of the Research Assistant. Funding for hiring must be approved by the committee and subsequently by Parliament unless a budget for this expenditure has already been provided. It is important that candidates for such positions be hired solely on the basis of merit. More specific duties would include:

- providing oral and written briefings for committee members on subjects of general interest;
- responding orally or in writing to questions from committee members. The Research Assistant may also suggest to members questions for witnesses;
- maintaining specialist knowledge in the relevant area. This includes keeping the committee informed of important developments, forging links with civil society organizations and academics and advising on possible future areas of inquiry;
- examining legislation and, working with the Clerk, helping committee members to draft appropriate amendments and introduce them at the appropriate time. The Research Assistant must also analyze written and oral evidence and synthesize it into clear and comprehensive draft reports; and
- managing and providing direction to contracted research specialists hired by the committee for a particular study or project.

The Research Assistant is a non-partisan officer of the committee who provides the background information needed to review draft laws and conduct studies.

Recording Secretary

Working under the direction of the Clerk, the Recording Secretary is responsible for:

- making arrangements to have every committee meeting recorded by electronic means and providing a careful transcription of everything said by members;
- circulating a draft version of the transcription to the Clerk for their review and further transmittal to the Chair;
- clarifying unclear remarks by committee members while preserving the accuracy and integrity of the record of the meeting; and
- providing the Clerk with final printed copies of the verbatim record of the proceedings for public distribution and filing in the records of Parliament.

V. Committee Hearings and Consultations

As noted above, a committee is empowered through its terms of reference to hold hearings on items that are either initiated by the committee or referred to it by Parliament. This includes public hearings, information sessions, round tables, focus groups and other forms of meetings on subjects that are deemed to be of public interest. Matters of interest could be proposed legislation from a Ministry, a committee or an individual MP or a special study or inquiry. And, as also noted, the mechanism for a committee to receive specific direction from Parliament is an “order of reference” specifying particular details of the subject area Parliament wishes to have addressed.

General Guidance

Committee consultations and hearings should always be held in public and be open to the media. The notable exceptions are sensitive internal administrative issues relating to personnel or property or a question of security where the release of information would be injurious to the national interest. In these cases, a committee’s members may decide to hold the meeting as a closed session or *in camera*. Decisions to hold *in camera* meetings should only be made in very special circumstances. The general rationale for holding such meetings should be reported to the public (i.e. a matter of national security or an administrative matter relating to personnel issues).

Prior to holding a public hearing on a specific subject or piece of legislation, a committee should develop terms of reference and make that document available to the public and interested organizations. Public announcements should include the terms of reference and provide specific instructions on how interested parties can make oral or written submissions to the committee. Such submissions should be analyzed by committee staff and provided to the members for their information.

Committee hearings should be open to the public and the media. Only in exceptional circumstances should meetings be held in a closed or *in-camera* sessions.

Often, more people wish to appear before a committee to share their views on a particular matter than can be accommodated based upon time constraints. Under these circumstances, it is important that the Chair, the Clerk, the Research Assistant and members of the sub-committee make a careful selection of possible witnesses. To obtain evidence that reflects a broad spectrum of opinion, witnesses should, wherever possible, represent a cross-section of regions, professions, ethnic, tribal and socio-economic backgrounds. Attempts should also be made to achieve a gender balance. A committee may also extend an invitation to a sitting MP to appear before it or any other person it deems important for the conduct of its hearings.

The Clerk should send an invitation to the witnesses identified by a committee to appear in person. They should be provided with sufficient time to prepare their submissions for the hearing. For oral testimony, witness statements should be recorded and transcribed as part of

the evidence provided. Oral presentations can also be accompanied by a written brief. To help facilitate the orderly conduct of meetings and hearings, the sub-committee should establish specific rules on how long witnesses should be permitted to speak. Equally important is how much time should be allotted for each committee member to question witnesses and participate in debate. These rules should be ratified by a majority vote on the full committee.

The Sub-committee on Agenda and Procedure should carefully select witnesses so the committee receives accurate and reliable information.

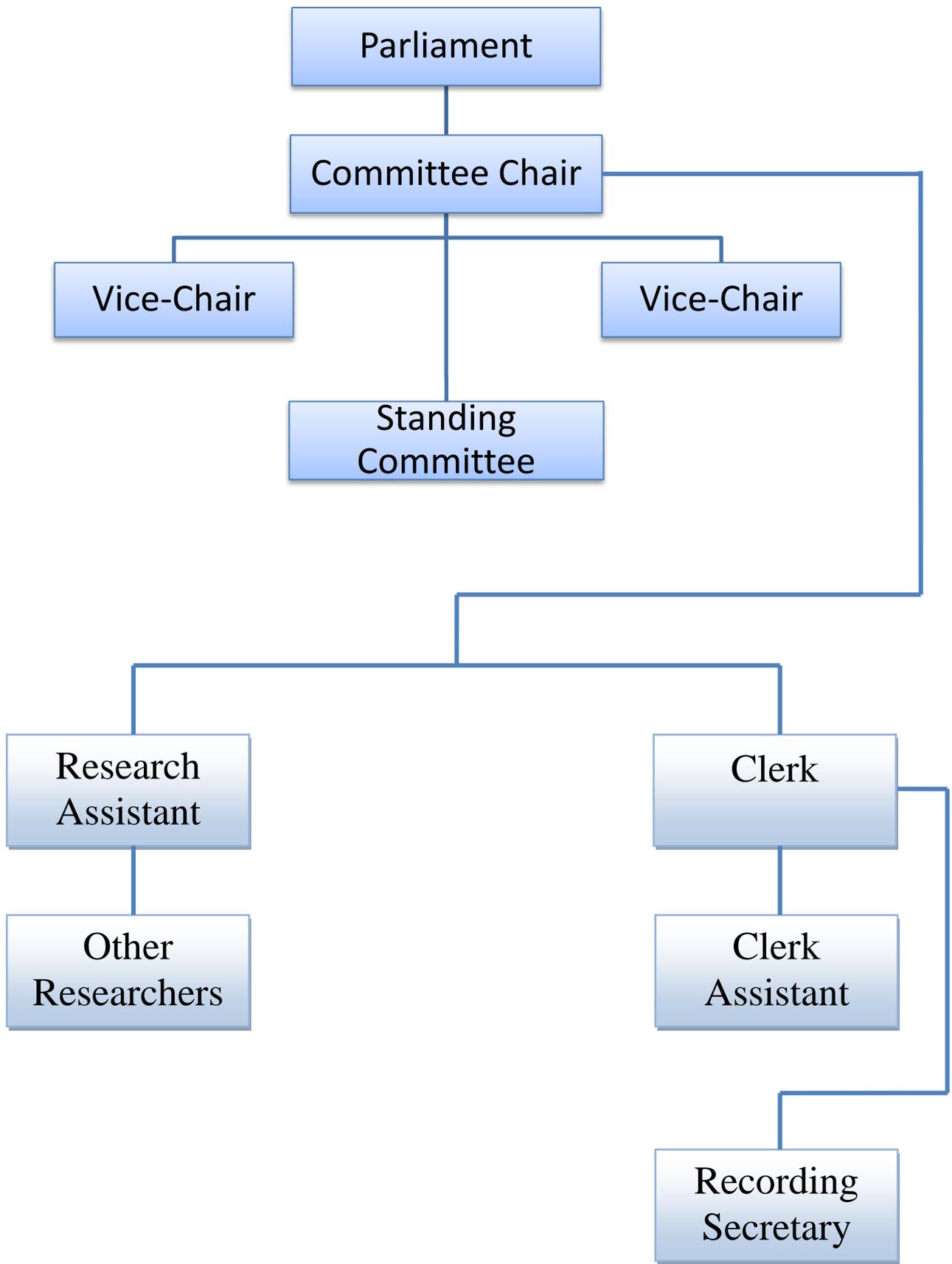
Following its hearings or consultations, a committee should prepare a report on its findings and report to Parliament. The Clerk, along with the Chair, should take proper measures to ensure a committee report remains confidential until it is presented to Parliament. With a committee's approval (such approval should not be unreasonably withheld), any committee member can attach a supplementary report or opinion to the main committee report.

The Committee Clerk should contact the Parliamentary Clerk or Parliamentary Secretariat if one exists with a notice of date and intentions of introducing a committee report and any dissenting reports. When the Chair, on behalf of a committee, reports back to Parliament on a committee's findings, they should give brief comments including whether or not the findings were unanimously supported or if there were opposing views. The Chair, with the approval of Parliament, may request that the Minister on behalf of the government respond to the contents of the report within a reasonable time - normally three to six months. The Chair can either submit the report with or without asking for Parliament's approval or the Chair can ask for the report to be approved as presented.

Committees and the Legislative Process

It is very important for a committee to have established rules and procedures for dealing with legislation referred to it by Parliament. A request by Parliament to a committee to study legislation (referred to above as an "order of reference") is transmitted to the Clerk who brings it to the attention of the Chair. This order of reference should contain a copy of the legislation to be reviewed, any specific directions and any deadlines concerning when the committee should report back to Parliament. In addition to the general guidance noted above, other procedures would include:

- setting a date, time and place for the first sub-committee meeting to discuss the order of reference which effectively forms the committee's terms of reference. The sub-committee should formulate the list of potential witnesses, determine the logistics of the hearing process including whether meetings outside of the capital city would be required, identify the need for contracted expertise and the estimated time it would take to report back to Parliament. If a reporting date was not provided to the committee by Parliament, one should be requested;
- drafting a public notice (including the terms of reference) inviting comment on the proposed legislation along with information on how public submissions can be made to the committee. This notice should provide deadlines for presentations by interested



individuals or organizations. In addition, the Clerk should make efforts to notify civil society organizations affected by or interested in the legislation;

- setting a date for the first full committee meeting in consultation with the Clerk and the sub-committee. This meeting should seek the committee's approval of the organizational arrangements decided by the sub-committee including a potential witness list. It may also involve a briefing by the Research Assistant on the proposed law;
- having the Minister responsible for a draft law appear as the first witness. An invitation to the Minister to come before the committee should provide at least two weeks notice. If the Minister is not able to appear within a reasonable time, the Chair should request an explanation for their non-attendance and report that information back to the committee. If the Minister declines to appear, that should be noted in the committee's report to Parliament;
- sending invitations to relevant Ministry officials should additional or more detailed information be required by the committee and informing the Minister of who has been invited and why;
- commencing its detailed examination of the legislation to review the specific provisions when all witnesses on the list have appeared and made their submissions. Draft laws are divided into sections or clauses which should be examined individually and voted upon. This portion of the proceedings is referred to as the "clause-by-clause" consideration;
- conducting votes on motions for approval during the clause-by-clause consideration of legislation. Any committee member can request a vote on a motion for approval. In the case of a tie vote, the motion is defeated;
- starting to draft its report to Parliament following the clause-by-clause process. This, should include a summary of the committee's findings and recommendations and a copy of the legislation with or without amendment; and
- having the committee report its findings to Parliament in compliance with its order of reference. The committee can approve or amend the legislation, but cannot reject it.

Special Studies, Inquiries and Consultations²

A special study, inquiry or consultation on draft legislation can be conducted by a committee either through an order of reference or under the committee's own terms of reference. Many of the same procedures which apply to a committee for a review of legislation also apply to special studies, inquiries and consultations. Among the steps that should be taken are:

- the Clerk, in consultation with the Chair, should set a date, time and place for the first sub-committee meeting to discuss the order of reference or the committee's terms of reference in relation to the study, inquiry or consultation. If it is the latter, then specific terms of reference must be created for the study. The sub-committee should

² See Appendix H for a chart on the progress of a draft law/study through a committee

assemble a list of potential witnesses, determine the logistics of the hearing process, including whether meetings outside of the capital city would be required, identify the need for contracted expertise and the estimated time it would take to complete the study and (if created by an order of reference) report back to Parliament;

- the sub-committee should draft a public notice inviting comment on the proposed area of study or enquiry along with information on how public submissions can be made to the committee. This notice should include deadlines for presentations by interested individuals or organizations. In addition, the Clerk should make efforts to notify civil society organizations affected by or interested in the committee hearings or study;
- the Chair, in consultation with the Clerk and the sub-committee, should set a date for the first meeting of the full committee. This meeting should seek the approval of the committee for the organizational arrangements decided by the sub-committee as well as a potential witness list. It may also involve a briefing by the Research Assistant on the proposed study;
- the Chair on behalf of the committee should issue an invitation to the Minister or Ministers responsible for or affected by the study area to appear before the committee. An invitation to the Minister to appear before the committee should provide at least two weeks notice. If the Minister is not able to appear within a reasonable time, the Chair should request an explanation for his or her non-attendance and report that information back to the committee. If the Minister declines to appear before the committee, that should be noted in the committee's report to Parliament; and
- the committee should complete its study or inquiry and report back to Parliament with its findings and recommendations within a reasonable period of time. If the study was as a result of an order of reference from Parliament, the committee must comply with its deadlines.

Witnesses

The treatment accorded witnesses before parliamentary committees will determine in large measure how successful those committees are in obtaining important information and evidence to help improve legislation and contribute to the formulation of good public policy. In order to conduct productive, orderly and professional public hearings and meetings, it is worth remembering a number of points:

- sufficient notice should be given to witnesses along with an agenda and clear instructions on the details of the meeting. The witness may, if he or she feels it necessary, be accompanied by a legal advisor;
- a witness appearing before a committee is there to provide information and, as such, should be protected and treated with respect. The Chair is responsible to ensure that hearings are conducted in a fair, transparent and appropriate manner;
- a witness who appears at a committee hearing is entitled to the same protections afforded to an MP including the immunities and privileges enjoyed by Parliament. This protection is to allow for accurate and timely information to be provided to a committee;

- a committee should not “interrogate” a witness unless it is authorized by Parliament;
- a witness who wishes to deliver an oral submission to a committee should be concise and should ensure that their remarks are relevant to the subject matter being considered. The witness should be encouraged to include all necessary supporting documents along with the submission;
- under very special circumstances, a witness is entitled to ask for a private hearing with a committee if it is anticipated the witness’ public testimony could endanger his own life and property, the lives and property of others or national security;
- during hearings, members of a committee must respect the rights of the witness and only ask questions that are related to the subject being discussed. If a witness feels that his or her rights are being infringed, the witness enjoys the right to appeal to the Chair and the committee for protection;
- if the Chair feels that a witness is being abused, insulted, threatened or mistreated by a particular member or members of the committee, the Chair may rule the member or members out of order and recognize another member; and
- when a witness incurs expenses such as travel, accommodations and meals, the Clerk is responsible for reimbursement. Such reimbursement can be on the basis of a per-diem and/or based upon receipts provided for taxi, bus, train or plane fares, hotel accommodation and meals.

The treatment and preparation of witnesses helps determine how successful a committee will be in obtaining important information to improve public policy.

Witness Preparation

The Clerk is responsible for obtaining contact information from witnesses (name, address, telephone, email) for follow-up matters related to expense reimbursement, additional questions which arise from their testimony and to maintain a data base of witness expertise on a particular subject. They must also provide to witnesses the following information:

- the agenda, the terms of reference and subject matter before the committee;
- the date, time and meeting location and whether the proceedings will be broadcast;
- a witness list of those appearing at the same meeting as listed on the agenda;
- the time limits for opening statements and follow-up questions;
- the meeting format (i.e. roundtable discussion, witness statement with questions and answers);
- encouragement to the witness to provide a written submission, if appropriate; the recommended length of such a submission, whether both printed and electronic versions are required and whether it should be in all official languages;

- encouragement to the witness to comment on the entire subject matter before the committee and not just one particular aspect;
- an explanation of the witness' responsibility to answer committee questions to the best of their ability;
- notification of whether the meeting is *in camera* or open to the public and the media;
- information on the option of providing confidential information *in camera* if its deemed by the committee to be necessary and in the public interest;
- an explanation of the protection afforded by parliamentary immunity (if required based upon the nature of the evidence expected to be provided);
- an explanation of their right to have legal counsel present (under very exceptional and rare circumstances, a witness may be required to swear an oath that the evidence they are about to give is the truth, the whole truth and nothing but the truth); and
- information and forms for re-imbusement of expenses.

VI Committee Meetings

Organization Meeting

An organization meeting is the first meeting held by a standing committee and is intended to put in place the presiding officers, the Chair and vice-chairs. It must also establish the Sub-committee on Agenda and Procedure and confirm the administrative measures and meeting procedures which will allow the committee to undertake its work. The organization meeting should be called as soon as possible after Parliament approves the list of candidates to become committee members The Clerk should:

- send invitations to the committee members selected by Parliament calling upon them to attend the first organization meeting to elect the Chair, the two vice-chairs and the members of the sub-committee;
- preside over the first committee meeting until the Chair and the two vice-chairs are elected;
- conduct the election of the Chair and the two vice-chairs (if there is more than one candidate for any one of these positions). The Clerk arranges the vote through a secret ballot. (During the election, no debate is permitted and each candidate properly nominated for a position by another member of the committee that receives a majority of the votes is declared elected.);
- before electing a sub-committee, explain to the committee the purpose of the sub-committee its composition, duties and some basic rules governing its operation. The sub-committee:
 - is a committee consisting of the Chair, the two vice-chairs and two other committee members;

- acts as a clearinghouse to discuss agenda items, potential witnesses and other administrative details necessary for the committee's operations;
- subject to approval by the committee, establishes a budget on recommendations from the Clerk which includes detailed expense estimates and the process for approving witness expense claims;
- reports to the full committee after every meeting;
- recommendations must be approved by the full committee before taking effect; and
- quorum is established by the committee (in both the committee and sub-committee, a quorum for meetings should not be defined as less than half of the members).

Typical Organization Committee Agenda

- Election of the Chair and the two vice-chairs
- Information on the establishment of a sub-committee
- Election of sub-committee members
- Distribution of the committee rules of procedure including the required quorum
- Introduction of committee support staff
- Discussion of future business of the committee
- Determination of the committee's budget requirements
- Review of the previous year's committee financial report
- Determination of witness expense payment and hiring outside experts
- Distribution of background information of interest to the committee
- Date, place and time of the first sub-committee meeting
- Date, place and time of the first full committee meeting

Following the election of the sub-committee, other matters that should be discussed at the organization meeting are:

- possible future agenda items and business to give direction to the sub-committee including the possible need to hire outside expertise;
- the previous year's financial report for the committee. It should be distributed as information. The Clerk should maintain records of all previous budgets for the future reference of the committee;
- the need to hold, subject to the approval of members, additional meetings provided Parliament does not object. The Clerk must provide committee members with

information concerning meeting dates, places and times (meeting details must be coordinated by the Parliament); and

- future meeting dates of the sub-committee and full committee. If it is not possible to do so, the next meetings are determined by “the call of the Chair.”

Motions and Routine Proceedings

The basic instrument of decision-making in Parliament or committee is a “motion”. A motion is a self-contained proposal which is amendable and drafted in such a manner as to be capable of expressing a decision. It is traditional a motion be “seconded” or supported by a least one other MP. A motion not “seconded” cannot proceed to be considered. At the end of a debate, the “question” proposed in the motion is “put” to Parliament by the Speaker or Chair for a decision. The Speaker must then preside over the vote by MPs to determine the acceptance or rejection of the motion. In the interests of transparency and accountability, the Clerk should keep records of all committee proceedings including the names of attendees, the motions, the points of order that are moved and the members’ voting records.

What follows are some generally accepted rules of debate and proceedings:

- members of a committee or witnesses can only speak when they are “recognized” by the Chair;
- motions can only be introduced at specific times during proceedings. Motions regarding substantive matters may require a period of notice before introduction;
- unless expressly stated by the rules, a motion should be considered defeated when it is put to a vote and receives the same number of votes for and against;
- any member can raise a “point of order” at any time during the committee meeting, except during the taking of a vote;³
- the Chair with the support of the Clerk should ensure the presence of a quorum before the committee meeting proceeds;
- when a member of the committee brings to the attention of the Chair that quorum has been lost, and when that occurs in the presence of a witness before the committee, the committee may continue to hear the witness submission, but no vote may be taken or recorded;
- when there is a dispute with the Chair on a decision relating to a committee proceeding, any member of the committee may introduce a motion to challenge the Chair’s ruling. If the motion passes, then the decision of the Chair is overruled. If the motion fails, there can be no appeal of a Chair’s ruling;
- in the event that a motion of “non-confidence” in the Chair passes, the committee by a majority vote can report that fact back to Parliament and seek the replacement of the Chair;

³ A point of order can only be raised by a committee member. It brings to the attention of the presiding officer a concern that the rules and procedures of the committee are not being observed and seeks remedial action.

- the committee can decide to suspend or extend its sittings; and
- on procedural matters relating to the conduct of committee's proceedings, the committee's rules must be consistent with those of Parliament. In the event that they conflict, the rules of Parliament apply.

A motion is a self-contained proposal which is amendable and drafted in such a manner as to be capable of expressing a decision.

Notice of Meetings

It is important that well-established procedures be followed in calling committee meetings. The meeting date, time and place should be set by the Chair in consultation with the sub-committee. The Clerk is responsible for ensuring that notices to members are received at least two days in advance of the meeting (except in the case of emergency meetings). In addition:

- notices should also provide the committee agenda and the minutes of the previous meeting which must be approved by a motion of the committee at the upcoming meeting;
- every effort should be made to ensure that notices of committee meetings are publicized and that they are open to the general public and the media; and
- the committee may occasionally hold its meetings via telephone or video conferencing if necessary.

The date, time and place of meetings should be set by the Chair in consultation with the sub-committee. Sufficient notice should be provided to all members.

Broadcasting and Video Reporting of Committee Hearings

Except in circumstances where broadcasting is deemed by a committee not to be in the public interest, the committee with the permission of Parliament should broadcast all of its proceedings. A decision not to broadcast proceedings should be explained to the public. The following rules and procedures are also recommended:

- every effort should be made to allow media access to committee hearings for the purpose of reporting on the proceedings. This includes newspapers, magazines, radio, television, video and internet coverage;
- such broadcasting should not be used to insult, ridicule or demean a member or a witness who is participating in committee proceedings;
- such broadcasting should only be used for public information purposes. The broadcast is the property of Parliament as a whole and should not be used for political, commercial or partisan purposes;

- such broadcasting or transmission should be used to provide balanced, fair and transparent reporting;
- the prior written permission from a committee should be obtained to broadcast committee proceedings. Such permission can be withdrawn by a majority vote of the committee which should provide its reasons for doing so;
- when a witness is appearing before a committee, reasonable notice should be given to them concerning whether the proceedings are to be broadcast; and
- a committee may allow the broadcast of some but not all of its meetings.

Every effort should be made to allow media access to committee hearings for the purpose of reporting on the proceedings.

VII. Conclusion

This “Model Committee Operating Manual” is intended to provide readers with a very basic understanding of the various types of parliamentary committees, the roles of committee personnel and to offer rudimentary information on how committees function. It is in no way intended to be the definitive word on rules and procedures or committees in general. Each country has to adapt to its own circumstances, conditions and traditions.

This manual has also sought to emphasize the importance of opening parliamentary committee meetings to the public and media. Lawyers say that: “Justice must not just be done; it must be seen to be done.” The same is true for the legislative process and democracy in general.

Adhering to rules and procedures is vital in ensuring that parliaments and their committees function smoothly and efficiently. Most rules are logical and based in common sense. Rules respecting debate and decorum are also there to ensure that the public’s business is carried out in an orderly fashion that preserves the dignity of the institution and promotes respect for Parliament. Most importantly, the rules and procedures are there to ensure that public policy proposals receive the structured scrutiny they require to form the body of law in a country.

Other Suggested Reading:

Major Henry Robert, Robert’s Rules of Order (U.S.)

Erskine May, Parliamentary Practice (U.K)

Arthur Beauchesne, Parliamentary Rules and Forms (Canada)

Websites:

www.rulesonline.com

www.parlipro.org

Appendix A

Committee Travel Application Form

On behalf of the _____ Committee, I request Parliament's approval for committee travel. The purpose of the trip is to study (subject study) _____ as approved by the committee at its meeting dated _____. (number) committee members and _____ (number) of committee staff will travel.

The committee travel budget estimate is attached to this report. A report on the findings of the committee study will be submitted following the completion of the report.

On behalf of the committee.

Yours sincerely,

(signed)

Committee Chair

As approved by Parliamentary Resolution No. _____ dated on the _____ of the year _____

Appendix B

Committee Study Report Form

On behalf of the _____ Committee, I am pleased to report on our committee's findings resulting from its trip to: (place) _____.

Committee Travel Report No. _____ to Parliament

The purpose of the trip was to study (subject matter) _____ as approved by the committee at its meeting dated _____ and as approved by Parliament's Resolution No. _____ dated on the _____ of the year _____.

Destination (country, city) and duration (from date to date) of the travel:

dated _____

On behalf of the committee

Yours sincerely,

(signed)

Committee Chair

Appendix C

Committee Spending Form

I _____ Chair of the Committee on _____ received the committee's approval to spend _____ (amount of money) for the purpose of _____. This expenditure is within the committee's annual budget estimate.

On behalf of the Committee

Yours sincerely,

(signed)
Committee Chair

Appendix D

Committee Report to Parliament Form

I _____, Chair of the Committee on _____, received the committee's approval to introduce in Parliament Committee Report No _____.

The committee studied the following subject _____ and approved the report on the following date _____.

In the report, Parliament can find the committee's observations and recommendations.

Yours sincerely,

(signed)
Committee Chair

Appendix E

Committee Meeting Agenda Form

- 1 - Meeting time from _____ to _____
- 2 - Meeting date _____
- 3 - Meeting location _____
- 4 - Committee Chaired by _____
- 5 - List of the Committee members _____
- 6 - Staff of the Committee
Clerk _____
Research Assistant _____
- 7 - Subject to be discussed at this meeting
- 8 - Persons appearing before the Committee
- 9 - Presentations and discussion
- 10 - Other Items
- 11 - Conclusion of meeting

Appendix F

Committee Meeting Report Form Minutes of Meeting

The parliamentary committee on _____ met on the following date _____ to consider the following subject _____.

Meeting no _____

In attendance were the following members: _____

Meeting was Chaired by _____

Also present at the meeting _____

Committee Clerk _____

Support staff attending the meeting _____

The following is the meeting summary of the discussion along with the motions, votes, and committee recommendations.

The committee meeting finished at _____. Minutes of the meeting approved by the committee on the following date _____.

Yours sincerely,

(signed)

Committee Chair

Appendix G

Committee Request to Hire a Specialist

On behalf of the _____ Committee, I wish to obtain the approval of Parliament to give the committee the authority to engage the services of a Research Specialist pursuant to a committee decision at its meeting of (date _____ 20__). Due diligence will be conducted by the committee to ensure that this qualified specialist in the field of _____ will be hired solely based on merit and with compensation consistent with that of parliamentary guidelines.

Yours sincerely,

(signed)

Committee Chair

PATH OF DRAFT LAW/STUDY THROUGH A COMMITTEE

