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and Topic 13

Commonwealth Parliamentary Association

**GUIDELINES FOR THE  
TRAINING OF  
PARLIAMENTARY STAFF**

**Draft prepared by an  
Expert Group established  
by the Secretary General**



# COMMONWEALTH PARLIAMENTARY ASSOCIATION

## SECRETARIAT

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Patron: Her Majesty Queen Elizabeth II, Head of the Commonwealth

5 July 1996

Mr Robert Wilson  
Administrator, Society of Clerks-at-the-Table  
and Clerk of the Overseas Office  
House of Commons  
London  
SW1A 0AA

*Dear Robert:*

The Commonwealth Parliamentary Association has long recognised the vital importance to Parliaments of having well-trained professional staff who can advise Speakers and Members and ensure the proper functioning of their Chambers. In setting up the Expert Group on the training of Parliamentary staff, I have sought to harness the experience of a group of senior Clerks from across the Commonwealth in order to assemble detailed guidelines on areas which might be covered in training.

The proposals in the Expert Group's guide are intended to be merely illustrative, and leave each jurisdiction to provide the substance of the training material, depending on local circumstances. I hope that the guidelines will be of direct practical value, and can supplement and reinforce existing activity such as internal training or external attachments. I am most grateful to all concerned in their preparation, most notably to you and the other members of the Expert Group, which has been coordinated by Raja Gomez, CPA Director of Administration, himself a member of the Group.

It was a wise suggestion of the Group, with which I agree, that the enclosed draft guide should be the subject of consultations between the Group and the Society of Clerks-at-the-Table during the Kuala Lumpur meetings in August. I understand that you have already scheduled a session for this purpose, in order for the Group to receive comments and suggestions on the draft guide and its future use.

By this initiative, and by its support for regional training seminars, the CPA is glad to help in strengthening the operation of parliamentary democracy throughout the Commonwealth. I look forward to the results of the Kuala Lumpur consultations and to the completion of this important project as soon as possible thereafter.

*Yours very truly,*

*Arthur R Donahoe*

Arthur R Donahoe  
Secretary-General

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- A.           **Membership of the Expert Group**
  
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India 1 March 1996**
  
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- \* D.          **Glossary**
  
- \* E.          **Bibliography**

## A. MEMBERSHIP OF THE EXPERT GROUP

Dr R C Bhardwaj	Honorary Officer of Lok Sabha
Mrs Ruth Blackman	Clerk to Councils, Turks and Caicos Islands
Mr George E T Brancker	Clerk of Parliament, Barbados
Mr Raja Gomez	Director of Administration, CPA Headquarters, United Kingdom
Ms Mary Anne Griffith	Deputy Clerk, House of Commons, Canada
Mr Russell Grove	Clerk of the Legislative Assembly, New South Wales, Australia
Mr Ian Harris	Deputy Clerk, House of Representatives, Australia
*Dr Mohan Kaul	Director, Management Services and Training Division, Commonwealth Secretariat
- Mr E George Macminn QC	Clerk of the Legislative Assembly, British Columbia, Canada
Mrs Constance Mompei	Clerk of the National Assembly, Botswana
Mr Robert Wilson	Clerk of the Overseas Office, House of Commons, United Kingdom

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\*Represented at the meetings in New Delhi by Mr Amitav Banerji, Acting Director of Political Affairs,  
Commonwealth Secretariat

Also present were:

- Shri G C Malhotra, Joint Secretary, Lok Sabha
- Smt. Reva Nayyar, Joint Secretary, Lok Sabha
- Shri Murari Lal, Secretary, Sikkim Legislative Assembly, Gangtok

B.

COMMONWEALTH PARLIAMENTARY ASSOCIATION

Expert Group Meeting on Training of Parliamentary Staff

An Expert Group set up by the Secretary-General of the Commonwealth Parliamentary Association on Training of Parliamentary Staff met in New Delhi, India from 26 February-1 March 1996. The meeting was held in co-operation with the Bureau of Parliamentary Studies and Training (BPST) of the Lok Sabha Secretariat with financial assistance from the Commonwealth Secretariat.

The Expert Group welcomed the initiative taken by the Secretary-General as making contributions not only to the improvement of parliamentary practice in the literal sense but also more widely to parliamentary democracy and good government. The meeting felt that the Commonwealth and the CPA in association with the Society of Clerks at the Table are in a position of strength in regard to the imparting of training in this area, a strength whose potential needs to be exploited and developed more fully.

Reviewing the current situation, the Expert Group noted that much of training was at present administered internally and most external training by way of attachments. A few Legislatures had developed training schemes to meet their particular requirements, while on a larger scale, India has set up a separate parliamentary institution to deliver training on a regular basis attuned to changing needs.

There is much that is valuable in the training schemes currently being used and it was recognised in particular that attachments are of benefit both to the sending as well as the receiving legislatures. Commonwealth Legislatures have also developed a network for the exchange of useful information. However, there was a recognition of the need for further work to improve staff training and development on a Commonwealth-wide basis.

The Expert Group recognised certain special factors to be borne in mind in the creation and implementation of sound training programmes, e.g. the size of the legislature, methods of recruitment of staff, staff turn-over rates and the availability of technology. Notwithstanding the variations that exist among legislatures the Expert Group felt that there would be much benefit in pooling together their experience, expertise and resources wherever possible on a regional or global basis. The Expert Group surveyed a wide range of training methodologies available to legislatures and considered them in making their recommendations on the development of curricula for parliamentary training. They agreed that a Guide should be published summarising those recommendations in a form that would be of immediate practical use to all Commonwealth Legislatures.

The Group specifically recommended further that attention should be paid to creating an information database of training availabilities, in order to ensure that Commonwealth Legislatures are aware of what could be provided to them. In addition to the existing provision of attachments at other legislatures, there was strong support for further development of workshops, the provision of resource persons to assist with staff training and the training of trainers. The Group pointed out that regular evaluation of programmes would be essential in ensuring that programmes retained their relevance to the needs of their clients.

The Expert Group recognised that adequate funding would be crucial for the full implementation of their recommendations. They hoped that apart from using internal resources the CPA would make a strong case to existing technical assistance programmes as well as examining new sources of assistance.

The Expert Group expressed their thanks to the Commonwealth Secretariat for supporting their work with generous financial assistance through the Commonwealth Fund for Technical Co-operation.

Special thanks were conveyed to the Bureau of Parliamentary Studies and Training of the Lok Sabha Secretariat for the hospitality and assistance extended to them as well as for their professional contribution to the work of the Group.

The Expert Group conveyed to the Commonwealth Parliamentary Association their assurance of support in carrying out any new functions that may devolve on the Secretary-General as a result of the implementation of any of their recommendations.

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PARAGRAPH FROM MR GEORGE MACMINN

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While I applaud the general tone and direction of the report, I feel very strongly that paragraph 4 commencing on page 2 should be amended to read as follows:

"There is much that is valuable in the training schemes currently being used and while the value of attachments are well recognized it must be understood that a very limited number of parliamentary staff have access to attachments, and of course resources to finance attachments become of major concern in many jurisdictions. Commonwealth Legislatures have also developed a network for the exchange of useful information. However, there was a recognition of the need for further work to improve staff training and development on a Commonwealth-wide basis, emphasizing the importance of the 'local culture' in each parliament. The object is to inform the staff in each branch of ~~local practices, traditions and procedures rather than attempting to inform one jurisdiction of the practices in the other jurisdictions.~~ It is understood that where change is desired and solutions sought, other practices can be offered for consideration."



**C. GUIDELINES FOR THE TRAINING OF PARLIAMENTARY STAFF**

	<b>AUTHOR</b>
1. The Fabric of Constitutional Government	Griffith
2. Parliaments' Relations with the Executive, including the independence of Parliament and public service accountability	Griffith
3. Political Parties, including - Elections and Electoral Law - The Party in Parliament	MacMinn
*4. Privileges, Immunities and Powers of Parliament, including - Upper and Lower Houses - Freedom of Speech - Right of Fair Comment	Brancker
5. Selected Aspects of Parliamentary Procedure	Harris
*6. Enactment of Legislation, including - Enabling Provisions - Delegated Legislation - Interpretation Acts	Blackman
7. The Committee System	Grove
8. Public Expenditure, including - Finance Acts - Audit - Public Accounts Committee	Wilson
9. Private Bills	Mompei
10. Hansard and Records Management	Bhardwaj
*11. Research and Information Services for Parliaments and Relations with the Media, including - Radio and Television Broadcasting - Press Gallery	Griffith
12. Management and Administration of Parliament and its Offices including - Staffing Structures and Personnel Management - Finance - Travel - Security	Griffith
13. Training of Parliamentary Staff, including - Contextual considerations - Appropriate Methodologies	Bhardwaj and Gomez
14. The Commonwealth, the CPA and other Regional and International Groupings	Kaul and Gomez

\* Text not yet circulated

# CURRICULUM FOR PARLIAMENTARY DEVELOPMENT AND TRAINING

## TOPIC 1 - THE FABRIC OF CONSTITUTIONAL GOVERNMENT

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### AIM OF PROGRAM

The aim of this first topic is to set the stage for the study of parliamentary procedure. It will provide a broad overview of the form of government and set the Legislature within the Constitution. This will be done by reviewing six key elements of governance:

1. The fabric of the nation. (overview)
2. The Constitution.
3. The Executive.
4. The Administration. (The Public Service)
5. The Legislature.
6. The Judiciary.

### FORMAT OF PROGRAM

This program is seen as an introduction to the Legislature's environment as well as a review of the form of government of the nation. As such, it could be developed as a collection of readings, or as a lecture or series of lectures by constitutional experts or academics, or by legislature staff, depending on the level of detail required and the grade of staff concerned.

Resources that could be used for training purposes could include:

- general texts on the geography, history, economics, sociology and politics of the country
- constitutional documents, statutes, published material analyzing the constitution, as well as excerpts from the Constitution and/or statutes, decrees, Standing Orders or Rules, Resolutions of the Legislature, etc., dealing with the Executive, the Administration, the Courts and the Legislature.

<b>1.1 The Fabric of the Nation</b>
<b>1.1A Geography, History and Economics</b> <ul style="list-style-type: none"><li>• How have these shaped the Constitution and structures of government?</li><li>• What are the most important elements or events to have shaped the country and its system of government?</li><li>• What effects do these have on the nation today?</li><li>• What are the best sources for studying these aspects?</li></ul>
<b>1.1B Cultural and Demographic Environment</b> <ul style="list-style-type: none"><li>• Have or do ethnicity, class, regionalism, external threats, neighbouring states, or social change play roles in shaping the Constitution and government and in what ways?</li></ul>
<b>1.1C Political Culture</b> <ul style="list-style-type: none"><li>• Is there a tradition of democracy and if so is it new or old?</li><li>• What are the origins of this tradition?</li><li>• What are the political values of the nation?</li><li>• Does the population actively involve itself in the political process?</li><li>• What role does education, government information, and the media play in the socialization and participation of the population in the political process?</li><li>• What sorts of examples can be given?</li><li>• How does the electoral process work?<ul style="list-style-type: none"><li>• Is the country a one party or multi-party state?</li><li>• Is voting mandatory or voluntary?</li><li>• How often are elections?</li></ul></li><li>• Are there political parties or groups and how are they organized?<ul style="list-style-type: none"><li>• What political philosophies do they profess? Is there a range from left to right?</li><li>• What other groups, aside from political parties influence the political culture?</li></ul></li></ul>

## **1.2 The Constitution**

### **1.2A Constitutional Development**

- Just like an individual, the character of a system of government is shaped by forces of heredity and environment. What has shaped the nature of government in the country?
- What significant events have influenced the development of the type of government?
- Has colonialism played a role and if so what role?
- What is the origin and evolution of the Constitution?
- Does it play a significant role in the life of the people and, if so, how?

### **1.2B The Constitution**

- What is the nature of the Constitution?
  - Is it modeled on the Westminster system or on a congressional system?
- How are powers distributed?
  - Are there levels of government?
  - Do these levels have separation of powers or are subordinate levels of government answerable to the national legislature?
  - Do subordinate levels of government have influence on the make-up of the national government and vice versa?
- Do the courts play any role in the creation or interpretation of the Constitution and if so what role?
- In what form is the Constitution?
  - Is it written or unwritten?
  - What are the sources of constitutional law? Does it include a Constitution Act; statutes; case law; prerogative; conventions; and usages?
  - What is the structure of government and what is its basis in constitutional law?
  - For each element of government, the Executive, the Legislature, the Judiciary, and the Bureaucracy, what is its basis in constitutional law?
- How is constitutional law amended?
  - What role does the Legislature play?

### **1.3 The Executive**

#### **1.3A The Head of State**

- How is the Head of State selected or appointed?
- Does the Legislature play any role?
- How is the Head of State removed and does the Legislature play any role?
- What are the powers of the Head of State and what are the sources of these powers?
- What are the functions of the Head of State?
  - Are they real or symbolic?
- What is the relationship between the Head of State and the Government?
- What is the relationship between the Head of State and the Legislature?
- What is the relationship between the Head of State and the Judiciary?

#### **1.3B The Prime Minister and the Cabinet**

- How is the Prime Minister selected or appointed?
- Does the Legislature play any role and, if so, what role? Is there a confidence convention?
- How is the Prime Minister removed from office and does the Legislature play any role?
- What are the powers of the Prime Minister and what are the sources of these powers?
- What is the composition of the Cabinet and how are Cabinet members selected?
- How is the Cabinet organized and what are the functions of the Cabinet?
- What is the relationship between Members of Cabinet and their ministries?
- What is the relationship between the Cabinet and the Legislature?
- What role does the Prime Minister and Cabinet play in policy-making?
- How does the Cabinet operate and what agencies support its work?
- Are the Prime Minister and members of the Cabinet required to be Members of the Legislature?

**1.4 The Public Service**

**1.4A Employment in the Public Service**

- How are public servants appointed?
- Is recruitment governed by statute, are positions filled by appointment, or is it a combination of both depending on the level of seniority?
- Do public servants serve in political positions, for example in a minister's office?
- Can political staff enter the public service?

**1.4B Organization of the Public Service**

- Under what authority is the Public Service established?
- What are the main structures of the Public Service?
- Within each department, ministry, agency or other body, is there a standard staff structure?
- Is the staff of the Legislature considered part of the Public Service?
- Can Legislative staff move freely into the Public Service and vice versa?

**1.4C Terms and Conditions of Employment**

- Do public servants subscribe to an oath of office?
- What functions are performed by public servants?
- Under what authority do they perform their functions?
- Is the Public Service unionized?

**1.4D Accountability of the Public Service**

- In general, what are the mechanisms which exist to ensure that the government provides an accounting of the manner in which it manages the finances of the nation?
- How is responsibility and accountability organized within departments or ministries?
- Are Ministers responsible to the Legislature for their departments?
- Are permanent heads of departments accountable for the performance of their departments?
- How does the Legislature call the Administration to account?

**1.4E Public Service Behaviour**

- Are there conflict of interest rules for public servants?
- Are public servants permitted to engage in political activities? If yes, to what extent?
- What role (if any) does the legislature play in relation to improper conduct by public servants?

**1.4F Officers and Bodies Associated with Parliament**

- Does your system provide for separate officers or bodies with obligations to report to Parliament such as -
  - Auditor General
  - Ombudsman
  - Privacy Commissioner
  - Chief Electoral Officer
  - Human Rights Commissioner
- How are they appointed and removed?
- What is their status, mandate?
- Are their reports dealt with by the legislature? How?

<b>1.5 The Legislature</b>
<b>1.5A The Role of the Legislature</b> <ul style="list-style-type: none"><li>• What is the role of the Legislature?</li><li>• From where does it derive its powers?</li><li>• What functions does the Legislature perform?</li></ul>
<b>1.5B The Establishment of the Legislature</b> <ul style="list-style-type: none"><li>• Under what authority does the Legislature exist?</li><li>• What elements make it up?</li></ul>
<b>1.5C Judicial Functions</b> <ul style="list-style-type: none"><li>• Does the Legislature have a judicial function?</li><li>• Does the Legislature have authority over the actions of its Members?</li><li>• Is the Legislature or its component parts a court of record?</li></ul>
<b>1.5D The Life Cycle of the Legislature</b> <ul style="list-style-type: none"><li>• What is the life of the Legislature?</li><li>• How is time divided in the Legislature?</li><li>• What mechanisms exist to govern the life of a Legislature?</li></ul>
<b>1.5E The Legislative Process</b> <ul style="list-style-type: none"><li>• What types of legislation exist?</li><li>• Is legislative authority solely within the responsibility of the Legislature?</li><li>• Do mechanisms exist for the delegation of legislative authority?</li><li>• Do mechanisms exist for parliamentary scrutiny of delegated legislation?</li><li>• What are the stages of the legislative process?</li></ul>



**1.5F The Lower House**

- Under what authority does the Lower House exist?
- What is the representation and composition of the House?
- How are Members chosen and how are they removed from office?
- What mechanisms govern eligibility?
- How is its business organized and its procedures laid out?
- Do parties or parliamentary groups play a role in the House, and, if so, what powers do they have and how are these determined?
- How is the Speaker selected and what are his or her powers, role and functions?
- What is the administrative structure of the House?
- Who are the chief officers of the House and what are their roles and functions?
- How is staff recruited and organized?
- What allowances and services are available to Members and under what authority are they provided?
- what are the roles and functions of Members?
- Does a committee structure exist and, if so, how is it organized and what are the powers and functions of committees?
- What is the role of this House in the legislative process?
- What is the relationship between this House and the Executive; between the government and the opposition; between a minister and a private Member; between the House and the Government?
- What mechanisms exist to hold the Government to account?
- What is the relationship between the Lower House and the Upper House?

### **1.5G The Upper House**

- Under what authority does the Upper House exist?
- What is the representation and composition of the House
- How are Members chosen and how are they removed?
- What mechanisms govern eligibility?
- How is its business organized and its procedures laid out?
- Do parties or parliamentary groups play a role in the House, and, if so, what powers do they have and how are these determined?
- How is the Speaker selected and what are his or her powers, role and functions?
- What is the administrative structure of the House?
- Who are the chief officers of the House and what are their roles and functions?
- What allowances and services are available to Members and under what authority are they provided?
- What are the roles and functions of Member?
- Does a committee structure exist and, if so how is it organized and what are the powers and functions of committees?
- What is the role of this House in the legislative process?
- What is the relationship between this House and the Executive; between the government and the opposition; between a minister and a private Member; between the House and the Government?
- What mechanisms exist to hold the Government to account?
- What is the relationship between the Upper House and the Lower House?

### **1.5H Parliamentary Behaviour**

- What privileges, immunities and benefits are enjoyed by Members of the Legislature and what are their source?
- How are each of these governed?
- Are conflict of interest provisions in place and if so how do they function?
- How are offences committed by Members of the Legislature and by non-members against the Legislature and its Members dealt with?

<b>1.6 The Judiciary</b>
<b>1.6A Establishment of the Court</b> <ul style="list-style-type: none"><li>• Under what authority do the courts exist?</li></ul>
<b>1.6B Judicial Independence and Separation of Powers</b> <ul style="list-style-type: none"><li>• Is there a clear separation of powers between the courts and other elements of state?</li><li>• How is judicial independence provided for?</li></ul>
<b>1.6C Structure of the Courts</b> <ul style="list-style-type: none"><li>• What is the structure of the court system?</li><li>• What is their jurisdiction, composition, and organization?</li></ul>
<b>1.6D Selection and Appointment of Judges</b> <ul style="list-style-type: none"><li>• Who is eligible for appointment?</li><li>• How are judges appointed or selected?</li></ul>
<b>1.6E Tenure of Judges</b> <ul style="list-style-type: none"><li>• What is the tenure of judges?</li><li>• Does tenure differ at different levels?</li></ul>
<b>1.6F Retirement of Judges</b> <ul style="list-style-type: none"><li>• When do judges retire and what compensation are they given?</li></ul>
<b>1.6G Independence of Judges</b> <ul style="list-style-type: none"><li>• What role does the Executive play in the administration of justice?</li><li>• Are judges entitled to total judicial immunity and neither competent nor compellable to testify on matters which come before them in their judicial capacity?</li><li>• Are judges permitted to participate in politics?</li><li>• Are judges permitted to vote?</li><li>• How are salaries provided?</li><li>• Are there offences relating to protection of judicial independence and, if so, what are the penalties for their violation?</li></ul>
<b>1.6H Professional Control of Judges - Removal and Discipline</b> <ul style="list-style-type: none"><li>• What behaviour can lead to the removal or disciplining of a judge?</li><li>• What mechanisms exist to provide for the removal of judges and how do these mechanisms work?</li><li>• Does the Legislature play any role in the removal of judges and, if so, what is it?</li></ul>

**1.6I Extra-judicial Functions of Judges**

- Do judges play any role in the structure of the Legislature, for example, acting on behalf of the head of State in ceremonies or for other purposes?
- Do judges play a role in the electoral process?

**1.6J Agencies with Judicial Function**

- Do agencies or other government bodies exist which perform judicial functions?
- Under what authority do they exist?

# **CURRICULUM FOR PARLIAMENTARY DEVELOPMENT AND TRAINING**

## **TOPIC 2 - PARLIAMENTS' RELATIONS WITH THE JUDICIARY AND THE EXECUTIVE INCLUDING THE INDEPENDENCE OF PARLIAMENT AND PUBLIC SERVICE ACCOUNTABILITY**

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### **AIM OF PROGRAM**

The Legislature is the highest forum of the debate of public policy and political undertakings. It is the grand inquest of the nation. It is the institution responsible for enacting laws for the nation. The work of the Legislature is therefore the cornerstone of democracy and, as such, the Legislature must be able to protect itself from outside interference. As one of the three constituent parts of government, it is important to understand the relationship of the Legislature to the Executive and to the Judiciary. This topic will focus on the ways the Legislature exercises its independence from the other elements of government. This will be done by examining the following:

1. Control of membership.
2. Right and immunities of the Legislature.
3. Control of the administration of the Legislature.
4. The relationship between the Legislature and the Executive.
5. The Legislative Function.
6. Financial Control.
7. The Judiciary as a Branch of Government.

### **FORMAT OF PROGRAM**

This topic would best be presented by legislature staff.

<b>3 The Independence of the Legislature</b>
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<b>3.1 General Provisions</b>
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- What is meant by the “independence” of the Legislature?
- Does the Constitution provide for the separation of powers and for the independence of the Legislature?
- What constitutional mechanisms are in place to ensure that the Legislature can function? For example, are there constitutional provisions requiring that the Legislature meet?
- Are there statutory provisions which provide powers to the Legislature?

### **3.2 Control of Membership**

#### **3.2A The Electoral Process**

- What is the source for the basic law relating to the composition of the Legislature?
- Are fundamental democratic principles recognized in the electoral process and how is the electoral process protected from interference?
- What measures are in place to allow for free and fair elections?
- How is the electoral process administered? Who is responsible for overseeing the process?
- What control does the Legislature have over the electoral process and its administration?
- How are elections financed?

#### **3.2B Representation**

- What is the composition of the Legislature?
- How are electoral constituencies allocated?
- What are the qualifications of candidates?
- Is there any term limit on Members? Is it the same for all Members?
- Are all Members elected or are some appointed?

#### **3.2C Calling Elections**

- Who has the authority to summon, prorogue or dissolve the Legislature?
- Is there a specific duration of the Legislature?
- Is the timing of an election the prerogative of the Head of State or the Prime Minister or is it fixed?
- How is the Legislature informed when summoned, prorogued or dissolved?
- Can the Legislature extend its life and, if so, how?
- Are by-elections held and, if so, what is the mechanism?

**3.2D Results of Elections**

- How are the results of elections transmitted to the Legislature?
- Can election results be contested?
- What role, if any, does the Legislature play in contested or controverted elections?

**3.2E Mandate and Cessation of Membership**

- Can Members be recalled and, if so, for what reasons, and by what mechanism?
- Are Members permitted to resign from office? Are they required to resign for any reason?
- If Members are appointed may they resign? How?
- Does the Legislature have the power to expel Members and, if so, how does this mechanism work?



<b>3.3 Rights and Immunities of the Legislature</b>
<b>3.3A Definitions</b> <ul style="list-style-type: none"><li>• How does the Legislature define the rights and immunities (privileges) which it and its Members enjoy?</li><li>• What are these rights and immunities?</li><li>• What are the purposes of these rights and immunities?</li></ul>
<b>3.3B Sources for the Rights and Immunities of the Legislature</b> <ul style="list-style-type: none"><li>• Are there constitutional and statutory sources for the rights and immunities of the Legislature?</li><li>• Has the Legislature adopted rules of procedure governing its rights and immunities and what weight do these rules have?</li><li>• What are the amending mechanisms available to deal with the rights and immunities of the Legislature?</li></ul>
<b>3.3C Rights and Immunities of Individual Members</b> <ul style="list-style-type: none"><li>• What rights and immunities are enjoyed by individual Members?</li><li>• What is the extent of these rights and immunities?</li><li>• What is the duration and geographical extent of these rights and immunities?</li></ul>
<b>3.3D Collective Rights and Immunities of the Legislature</b> <ul style="list-style-type: none"><li>• What are the rights and immunities of the Legislature?</li><li>• What is their extent?</li><li>• What is their duration and geographical extent?</li><li>• What are considered offences against the Legislature?</li><li>• What is the adjudicating authority?</li><li>• What penalties are imposed for offences against the Legislature?</li></ul>
<b>3.3E Role of Speaker or Presiding Officer</b> <ul style="list-style-type: none"><li>• What is the role of the Speaker in protecting the rights and immunities of the Legislature and its Members?</li><li>• What mechanisms are available to him or her?</li></ul>

**3.4 Control of Administration of Legislature**

**3.4A Presiding Officers or Collective Directing Authority**

- How is the Presiding Officer and/or the Collective Directing Authority appointed?
- What powers do they exercise and under what authority?
- What is their mandate?

**3.4B Clerk, Secretary General and Staff of the Legislature**

- How is the Clerk appointed or chosen?
- What powers does he or she exercise and under what authority?
- What is his or her mandate?
- What, if any, is his or her relationship to the Public Service?
- To whom is the Clerk answerable?
- How are staff of the Legislature selected?
- To whom are they answerable?

**3.4C Facilities**

- What is the extent of the facilities available to the Legislature?
- Who exercises control over these facilities and how?
- What are the precincts of Parliament and how are they defined?
- What is the relationship of the Precincts to parliamentary privilege?

**3.5 Relationship between the Legislature and the Executive**

**3.5A Accountability**

- Is the Government accountable or responsible to the Legislature?
- Must the Government retain the confidence of the Legislature to remain in office?
- Do mechanisms exist to allow the Legislature to monitor the activities of the Government, especially the scrutiny of executive appointments, the questioning of the Ministry, oversight of the Executive and the Public Service (through the use of auditors, ombudsmen, and other parliamentary officers), access to Government information, and performance reviews of Government departments?

**3.5B Investigative Mechanisms**

- What mechanisms are available to the Legislature to investigate the actions of the Government?
- Are departmental spending estimates and reports required to be submitted to the Legislature for study?
- Does the Legislature use committees for this purpose?

**3.5C Role of the Legislature in the Appointment of the Executive**

- Does the Legislature play a role in the selection or appointment of the Government?
- Must Members of the Ministry be Members of the Legislature?
- If Members of the Ministry do not have to be Members of the Legislature does the Legislature have the power to dismiss or impeach a member of the Ministry?

**3.6 Legislative Function**

**3.6A Initiative of Legislation**

- Does the Legislature have the sole initiative of legislation?
- Does the Head of State or Government possess the power to legislate by decree?
- Does the Government have the ability to initiate legislation in the Legislature as in the Westminster system or must the Government find sponsors in the Legislature as in a congressional system?
- Can the Government timetable legislation or use guillotine procedures to require the Legislature to dispose of legislation?

**3.6B Delegated Legislation**

- To what extent is the delegation of legislation practiced and what mechanisms are in place for the scrutiny of such delegated legislation by the Legislature?

**3.7 Financial Control**

**3.7A Finances of the Government**

- Must the Government submit its spending plans to the Legislature for approval?
- Is the Legislature the sole source of funding for the Government or do other sources outside of the Legislature exist?

**3.7B Finances of the Legislature**

- Does the Legislature control the preparation of its own budget?
- Is the Legislature responsible for the passage of its budget?
- Does the Legislature audit its expenditures?
- Is it the sole body responsible for its budget?

<b>3.8 The Judiciary as a Branch of Government</b>
<b>3.8A Constitutional Framework</b> <ul style="list-style-type: none"><li>• What is the role of the judiciary as set down in the constitution?</li><li>• Are there other statutes which define the role of the judiciary?</li></ul>
<b>3.8B Judicial Independence</b> <ul style="list-style-type: none"><li>• What powers does the judiciary have?</li><li>• How is the judiciary independent from the executive?</li><li>• How is the judiciary independent from the legislature?</li><li>• What is the function and scope of “judicial review”?</li><li>• Are judges permitted to vote in elections?</li><li>• Are judges permitted to participate in politics?</li></ul>
<b>3.8C Judges</b> <ul style="list-style-type: none"><li>• Who is eligible for appointment?</li><li>• How are judges selected and appointed?</li><li>• How are judges promoted?</li><li>• What is the tenure of a judge?</li><li>• How are judges remunerated?</li><li>• How are judges removed and/or disciplined?</li><li>• How are judges independent of the Executive and the legislature?</li></ul>
<b>3.8D The Courts</b> <ul style="list-style-type: none"><li>• How are courts established or changed?</li><li>• What is the structure of the court system?</li><li>• Are there agencies or tribunals that have judicial functions?</li></ul>
<b>3.8E The Executive And The Judiciary</b> <ul style="list-style-type: none"><li>• Does the Executive play a role in the appointment or removal of a judge?</li><li>• Does the Executive play a role in the administration of the courts?</li></ul>

**3.8F The Legislature And The Judiciary**

- Does the legislature play a role in the appointment or removal of a judge?
- What is the relationship between Members and the courts? Discuss: parliamentary privilege; the role of the courts in the election of a Member; reflection on the judiciary in debate; and *sub judice* convention.

**TOPIC I: ELECTIONS AND ELECTORAL LAW****Level One**

- what is a general election?
  - actually concurrent elections for individual constituencies
  - length of campaign
  - definition of by-election
- how is an election initiated?
  - role of First Minister and Sovereign (or representative)
  - seats declared vacant
  - writs issued
- what is the purpose of an election?
  - establish government through expression of popular support
  - hold sitting Members accountable to their constituents
- who contests an election?
  - registered political parties and independent candidates
  - may include some information re: evolution of jurisdiction's party system
- who administers an election?
  - Chief Electoral Officer or equivalent
  - non-partisan agency?
- what rules apply to elections?
  - Election Act* or equivalent
  - campaign financing
  - party, candidate and third-party advertising
- what happens after the election?
  - individuals, not parties, are elected
  - they are grouped into caucuses

Target groups: parliamentary support staff; political (caucus) staff.



## TOPIC I: ELECTIONS AND ELECTORAL LAW (cont'd)

### Level Two

- what is the purpose of an election?  
 will,                    - basic premises of liberal democratic theory (including consent, majority  
                               the nature of representation, etc.)  
                               - relationship of these theories to the actual practice of parliamentary  
                               democracy (do numbers of seats won accurately reflect popular will?)
- underlying constitutional requirements and conventions respecting elections:  
                               - the role of the Sovereign or Her representative  
                               - procedure for initiating an election by the First Minister
- what is the role of political parties in an election?  
                               - historical dimension:  
                                   - rise of party government in the English House of Commons  
                                   - evolution of party system in local jurisdiction  
                               - parties offer platforms with suggested policies for implementation  
                               - compete with each other on a number of levels:  
                                   - ideological (social/economic priorities if elected)  
                                   - strategic (persuading voters)  
                                   - administrative (demonstrating organizational competence)
- the *Election Act*:  
                               - regulatory framework for parties/candidates  
                               - weighing the public interest against parties' needs and interests
- after the election:  
 into                    - parliamentary conventions surrounding the grouping of elected members  
                               party caucuses in the House, including majority and minority parties  
                               - transfer of political power if opposition party victorious

Program materials: works on political and constitutional theory; parliamentary authorities such as *May*; information packages from Elections BC; seminars and training manuals from procedural officers and Chief Electoral Officer; situational role-playing.

Target groups: clerks, precinct directors, other professionals

## TOPIC II: THE PARTY IN PARLIAMENT

### Level One

- brief overview of how political parties developed under Westminster model:
  - supremacy of Commons over Lords
  - evolution of cabinet government
- how is a caucus distinct from a political party?
- how is a cabinet distinct from a caucus?
  - cabinet ministers perform dual role as Member and minister
  - only ministers are part of executive branch of government
- how are parties organized in the chamber?
  - government and opposition
  - front bench and back bench
  - party hierarchy (Leader, House Leader, Whip)
- what functions does a political party perform in the House?
  - represent constituents and interests
  - enact policies and platforms
  - hold government accountable
  - opposition to act as "government in waiting"

Form of Information: brochure, video, staff seminar, role-playing (*ie.* government/opposition in the chamber).

Target Groups: parliamentary support staff, political (caucus) staff.

**TOPIC II: THE PARTY IN PARLIAMENT (cont'd)****Level Two**

- distinguishing the elements of party government, including relationships between cabinet members, backbenchers, and opposition;
- the roles of parliamentary parties:
  - representing constituents and interests
  - enacting policies
  - providing oversight of administrative actions of government
- the structure of parliamentary parties, *ie.* Leader, House Leader, Whip, etc. and their respective roles;
- how party caucuses structure the flow of parliamentary debate, through formal means (Standing Orders) and informal cross-party agreements;
- the development of the party system, both in England and the local jurisdiction;
- theories of representative government.

Program materials: works on liberal democratic political theory; Standing Orders and other parliamentary authorities; research papers; colloquies and seminars, perhaps with party officials.

Target Groups: clerks, senior administrative staff. Individuals may have specific areas of interest they wish to explore.

## BIBLIOGRAPHY

### I. Training Program Design and Delivery

- Alessi, S.M., and Trollip, S.R. *Computer-Based Instructional Methods and Development*. Englewood Cliffs, NJ: Prentice-Hall, 1985.
- American Society for Training and Development (ASTD). 1630 Duke Street, Box 1443, Alexandria, VA 22313
- Banathy, B.H. *Instructional Systems*. Belmont, CA: Fearon, 1968.
- Birnbaum, H. (ed.) *Handbook for Technical and Skills Training*. Alexandria, VA: ASTD, 1985.
- Bloom, B.S., ed. *Taxonomy of Educational Objectives, Handbook I: Cognitive Domain*. New York: Longman, 1954.
- Federal Register*. Washington, DC. August 25, 1978.
- Finch, C.R., and Crunkilton, J.R. *Curriculum Development in Vocational and Technical Education*. Boston: Allyn & Bacon, 1979.
- Gagne, R.M., and Briggs, L.J. *Principles of Instructional Design*. New York: Holdt, Rinehart & Winston, 1979.
- Greenwood, K.B. *Contemporary Challenges for Vocational Education (1982 Yearbook)*. Arlington, VA: American Vocational Association, 1981.
- Kaufman, R. *Identifying and Solving Problems*. LaJolla, CA: University Associates, 1976.
- Mager, R.F., and Beach, K.M. *Developing Vocational Instruction*. Belmont, CA: Lear Siegler/Fearon, 1967.
- Mager, R.F., and Pipe, P. *Analyzing Performance Problems, or 'You Really Oughta Wanna.'* Belmont, CA: Fearon Pitman, 1970.
- National Society for Performance and Instruction (NSPI). 1126 16th Street NW, Suite 102, Washington, DC 20036
- Rossett, A. *Training Needs Assessment*. Englewood Cliffs, NJ: Educational Technology Publications, 1987.
- Simpson, E.J. *The Classification of Objectives, Psychomotor Domain*. Urbana, IL: University of Illinois, 1966.

Smith, J.K. *The Role of Measurement in the Process of Instruction*. ERIC TM Report 70. Princeton: Educational Testing Service, 1979.

Stufflebeam, DL., and Shinkfield, A.J. *Systematic Evaluation*. Boston: Kluwer-Nijhoff, 1985.

Thorndike, R.L., and Hagen, E.P. *Measurement and Evaluation in Psychology and Education*. New York: John Wiley & Sons, 1977.

Tracey, W.R. *Designing Training and Development Systems*. New York: AMACOM, 1984.

U.S. Department of Labour, Employment and Training Administration. *Dictionary of Occupational Titles*, 4th edition and supplements of 1982 and 1986. Washington, DC: US Government Printing Office.

## II. Political Parties and Elections

Abraham and Hawtree. *A Parliamentary Dictionary*, 3rd ed. [entry under "Elections"]; London, Butterworth's, 1970.

Birch, Anthony. *Representation*. New York, Praeger, 1971.

Bloomfield, Valerie. *Commonwealth Elections 1945-1970: a Bibliography*. London, Mansell, 1976.

Canada. Royal Commission on Electoral Reform and Party Financing [Lortie Commission], Vols. 1-4, 1991.

*Election Act*. RSBC [chapter no. TBA]

Elections BC. "Guide to the *Election Act*" [brochure], 1995.

Franks, C.E.S. *The Parliament of Canada*, especially Ch. 3, "Parliament and the Party System"; Toronto, University of Toronto Press, 1987.

Galeotti, Gianluigi. *An Economic Theory of Political Parties*. Toronto, University of Toronto Press, 1984.

Graham, Bruce. *Representation and Party Politics: A Comparative Perspective*. Oxford, Blackwell, 1993.

May, Erskine. *Parliamentary Practice (21st edition)*, esp. Ch. 2, "Elections"; and pp. 199-202 re: party machinery in the House of Commons. London; Butterworth's, 1989.

Mill, John Stuart. *Considerations on Representative Government*. [1885, various eds.]

Rousseau, Jean-Jacques. *The Social Contract*. [1762, various eds.]

Standing Orders (various jurisdictions)

Wilding and Laundry. *An Encyclopedia of Parliament, 4th ed.* [entries under "Elections" and "Party System"]; London, Cassell, 1972.

**TOPIC 4**

**PRIVILEGES, IMMUNITIES AND POWERS OF PARLIAMENT**

**PAPER FROM GEORGE BRANCKER**

**TO BE CIRCULATED**

*CURRICULUM FOR PARLIAMENTARY DEVELOPMENT AND TRAINING*

**TOPIC 5 - SELECTED ASPECTS OF PARLIAMENTARY  
PROCEDURE**

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**AIM OF PROGRAM**

To provide knowledge and develop understanding among staff of certain aspects of parliamentary procedure such as:

1. Opening and closing of sessions.
2. Arrangement of business.
3. Process and curtailment of debate.

In most instances, the points have been addressed in a question form, the answers to which will provide the contents to a program in a particular jurisdiction.

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# General Introduction To Parliamentary Procedure



## Basic level

### **Objective:**

To provide an introduction to the aims of and basic principles pertaining to parliamentary procedure to a diverse range of people

### **Target Groups:**

It is suggested that this introduction be available to all staff serving the legislature (security, keyboard staff etc.), and not be restricted to procedural staff. Members and the staff of Members, Ministers and civil servants could also be involved.

### **Topics:**

**Introduction to legislature's history (extending to Westminster, as appropriate)**

Examination of rules of meetings.

Explanation why legislature's rules especially important:

- Sanctions (significant fines, imprisonment)
- good governance of nation or province at risk
- influence on regulating lives of citizens

Exploration of some elements of parliamentary procedure (eg. Bill-Act, motion – the basic building block of procedure).

Progressing through main elements of a normal sitting day, illustrating with video or audio tape excerpts where possible. Encourage observation of House in operation, where possible.

## Advanced level

### **Target Groups:**

All parliamentary staff involved in sittings of the legislature or its committees.

**Form:** Seminars (highlighted by video clips), observation of actual events in the Chamber or a committee room

## Topics:

### Parliamentary procedure:

- Shield for minority against majority
  - Expectations of procedure—
    - To give the Government sufficient opportunity to put policy and legislative proposals to House
    - To ensure rights of private Members protected to:  
criticise;  
initiate;  
other format for constructive use of time
  - Sources of procedure—
    - Practice
    - Written and specific rules
    - Constitution
    - Sessional Orders
    - Standing Orders
    - Resolutions of lasting effect
  - Elements for procedural reform—
    - General climate of reform
    - Commitment by Leaders
    - Commitment by Members
  - Reform usually evolutionary—
    - Sessional orders assist
    - Standing orders on trial, subject to change.
-

## 1A Opening of Parliament

### Basic level

#### Objective:

To provide an overview on events surrounding the opening of a Parliament or a session of Parliament, particularly in relation to their individual function.

This would involve special security considerations, special attention required for the physical movements of persons whose attendance within Parliament is less frequent (eg. Head of State, Chief Justice etc.)

Rehearsal of special events (eg. election of Speaker) is of assistance (eg. distribution and collection of ballot papers, counting etc.).

#### Target Groups:

Security staff, catering staff, procedural staff not directly involved. Associate of Chief Justice, staff of Speaker-designate (if known and possible), technical (eg. sound and vision unit) staff.

**Form:** Video presentation (perhaps one prepared for benefit of new Members), seminar presentations, rehearsals.

### Advanced level

#### Objective:

To provide a detailed analysis of events associated with Opening Day

#### Target Groups:

Staff involved with procedural arrangements preliminary to and associated with Opening, including record keeping staff.

**Form:** Video of past occasions. Seminars. Rehearsals, possibly involving some role-playing.

For maximum impact, this segment would probably be best presented in the period between elections and Opening Day.

#### Topics:

##### 1A.1 Summoning of Parliament

- ~~Any electoral requirement (eg. return of writs, advice on declaration of polls)~~
- Who issues summons - Head of State, other authority?
- How Members are advised of time and place

<p><b>1A.2 Swearing-in of Members</b></p> <ul style="list-style-type: none"> <li>• Who does it?</li> <li>• Where does it take place?</li> <li>• Form of oath/affirmation</li> <li>• Members' mementoes (signed bibles etc.).</li> </ul>
<p><b>1A.3 Opening of Parliament</b></p> <ul style="list-style-type: none"> <li>• Pre-sitting arrangements (catering, security)</li> <li>• Where does it occur?</li> <li>• Is the Parliament opened by the Head of State or a deputy; if so, who?</li> </ul>
<p><b>1A.4 Election of Presiding Officer</b></p> <ul style="list-style-type: none"> <li>• Is it necessary? (May not be so for a second Chamber)</li> <li>• Who presides (Clerk or senior Member)?</li> <li>• Form of nomination of Presiding Officer and acceptance?</li> <li>• Secunder required?</li> <li>• Ballot if necessary. Method of conducting and counting votes</li> </ul>
<p><b>1A.5 Speech of Head of State/Speech from Throne</b></p> <ul style="list-style-type: none"> <li>• Who delivers it?</li> <li>• Where is it delivered?</li> <li>• Role of Serjeant/Black Rod, other officers</li> </ul>
<p><b>1A.6 Formal business</b></p> <ul style="list-style-type: none"> <li>• Conduct of any formal business before House considers speech of Head of State - Constitutional reasons for this.</li> </ul>
<p><b>1A.7 Announcements by Party Leaders</b></p>
<p><b>1A.8 Reporting of speech from Head of State and Address In Reply</b></p> <ul style="list-style-type: none"> <li>• Who reports speech?</li> <li>• Address In Reply Committee</li> <li>• Mover</li> <li>• Composition</li> <li>• Motion to adopt Address In Reply debate</li> <li>• Opportunities for first speeches by new Members.</li> </ul>
<p><b>1A.9 Other appointments (Deputy Speaker/Chairman of Committees)</b></p> <ul style="list-style-type: none"> <li>• How conducted?</li> <li>• Powers, duties and responsibilities of office-holders</li> </ul>
<p><b>1A.10 Sessional orders</b></p> <ul style="list-style-type: none"> <li>• Definition - "trial" standing orders relating to conduct of business</li> <li>• Usually lapse at prorogation</li> </ul>

**1A.11 Committees**

- Some appointed by statute, others by standing orders, in which case Members may be appointed at this time.
- Others appointed pursuant to resolution (or resolutions of both Houses) - May be moved at this time and Members appointed subsequently

(NOTE: Committee may be appointed for life of Parliament)

**1A.12 New Members**

- Familiarisation/briefing sessions for new Members
- Publications etc. to assist new Members
- Opportunities for new Members to participate in business
- "Maiden" or first speeches

**1B Opening of sessions**

(This would most desirably be a subset of the Advanced Opening Day segment)

**Topics:**

**1B.1** (This segment would differentiate aspects of the Opening of Parliament from Opening of sessions - essentially no swearing-in of Members/election of Presiding Officer and Deputy Presiding Officer).

**1B.2** Procedures to restore business to Notice/Order Paper following prorogation

**1C Closing of sessions****1C.1 Prorogation of Parliament**

- Definitions of prorogation and recess
- Is proclamation issued, if so, by whom, and how delivered to the House(s)?
- Effect of prorogation on Notice/Order Paper, business before House  
(Note that some resolutions have effect "notwithstanding any prorogation".  
Legislation may make similar provision).
- Effect on parliamentary committees

**1C.2 Dissolution of House**

- Circumstances in which dissolution may happen
- Expiry by dissolution or effluxion of time
- Preceded by prorogation?
- Effect of dissolution on business before House, committees etc.

**1C.3 (For bicameral legislatures)**

- Any provision for a double dissolution and preconditions against (eg. not within last six months of House's expiry date)

## 2 Arrangement of business

Experience has shown that an effective way to communicate information as to the business of a House and to deal with the concepts behind any item of business is to discuss a normal sitting day, dealing with the individual elements.

### Basic level

#### **Objective:**

To provide participants with an understanding of the elements of the parliamentary day and where those elements normally fall within the sitting.

#### **Target Groups:**

This subject would be an essential part of any staff orientation program. It could also be extended to the staff of Ministers, Members and to the civil service.

**Form:** One seminar would normally encompass all elements in respect of an introductory course. Illustration could be by means of video clips. Flow charts could be utilised eg. in illustrating the legislative process.

#### **Topics:**

**The motion** – the basic building block. The path to a resolution. Importance of debate

**Bills – Acts**

**Accountability elements** – Question Time/Ministerial statements/Urgency motions/General debates.

### Advanced level

#### **Objectives and Target Groups:**

To provide those involved in assisting the legislature in progressing its business with a detailed knowledge of the elements that comprise the elements of business, and the way in which it is arranged.

**Form:** A series of seminars would be most appropriate, spread over a period of time. Summary and brief revisiting of previous elements would provide reinforcement. Seminars could involve video presentation illustrations, workflow analysis flowsheets, role play, observation of legislature.

#### **Topics:**

**2.1 Times of meeting**

**2.2 Quorum necessary to commence proceedings**

<b>2.3</b>	<b>Any Presiding Officer's procession</b>
<b>2.4</b>	<b>Serjeant/Black Rod Announcements</b>
<b>2.5</b>	<b>Prayers</b> <ul style="list-style-type: none"> <li>• Offered at commencement of sitting</li> <li>• Who says them</li> <li>• Officers present</li> <li>• Content of Prayers</li> </ul>
<b>2.6</b>	<b>Government business - Priority</b> <ul style="list-style-type: none"> <li>• Notices - definition</li> <li>• Matters that may be initiated without notice - eg. Taxation Bills</li> <li>• Order of the Day - definition</li> </ul>
<b>2.7</b>	<b>QUESTIONS</b>
<b>2.7.1</b>	<b>Development of Question Procedure over the years</b>
<b>2.7.2</b>	<b>Question period</b> <ul style="list-style-type: none"> <li>• Duration</li> <li>• Its importance and utility (Discussion may highlight, by citing concrete instances in the past, as to how accountability of the Executive to Parliament is ensured during Question period)</li> </ul>
<b>2.7.3</b>	<b>Period of notice</b> <ul style="list-style-type: none"> <li>• Form of Notices of Questions</li> </ul>
<b>2.7.4</b>	<b>Questions without notice</b>
<b>2.7.5</b>	<b>Categories of Questions</b>
<b>2.7.6</b>	<b>Questions for Oral Answers (possibly called Starred Questions)</b> <ul style="list-style-type: none"> <li>• Limits on the number of starred questions</li> <li>• Allotment of days for oral answers to questions</li> <li>• Supply of answers to questions in advance in the morning to help Members in framing supplementaries</li> <li>• In the event of the Question period having been dispensed with, how the starred questions for the day treated?</li> </ul>
<b>2.7.7</b>	<b>Questions for written Answers (possibly called Unstarred Questions)</b> <ul style="list-style-type: none"> <li>• Limits on the number of Unstarred Questions</li> </ul>
<b>2.7.8</b>	<b>Answers to Questions</b>
<b>2.7.9</b>	<b>Correction to Answers to Questions or statement made by Minister</b>
<b>2.7.10</b>	<b>Questions to Private Members</b> <ul style="list-style-type: none"> <li>• <del>What kind of questions can be addressed to a Private Member? The procedure followed.</del></li> </ul>
<b>2.7.11</b>	<b>Conditions of Admissibility of Questions</b> <ul style="list-style-type: none"> <li>• Details of Standing Orders/Rules of Procedure in this regard</li> </ul>



<b>2.7.12</b>	<b>Questions on matters under correspondence between the Federal/Union Government and the State Provincial Government, if any</b>
<b>2.7.13</b>	<b>Questions concerning allegations of corruption against Ministers of Provincial Government, if any</b>
<b>2.7.14</b>	<b>Questions relating to statutory corporations, other organisations and companies in which Union Governments have financial or controlling interest</b> <ul style="list-style-type: none"> <li>• Statutory Corporations</li> <li>• Financial Corporations and Banks</li> <li>• Limited Companies</li> <li>• Autonomous Organisations, Universities, etc.</li> <li>• Statutory Organisations</li> </ul>
<b>2.7.15</b>	<b>Lists of Questions</b> <ul style="list-style-type: none"> <li>• How soon these lists are prepared and circulated in advance to Ministers/Members?</li> </ul>
<b>2.7.16</b>	<b>Mode of Asking Questions</b>
<b>2.7.17</b>	<b>Withdrawal or Postponement of Questions</b>
<b>2.7.18</b>	<b>Questions of Absent Members</b>
<b>2.7.19</b>	<b>Supplementary Questions</b>
<b>2.7.20</b>	<b>Short Notice Questions</b>
<b>2.7.21</b>	<b>Lapse of Notices of Questions</b>
<b>2.7.22</b>	<b>Prohibition on publicity of Answers to Questions in Advance</b>
<b>2.7.23</b>	<b>Half-an-hour Discussions</b>
<b>2.7.24</b>	<b>Committee on Government Assurances</b> <ul style="list-style-type: none"> <li>• Its composition and functions.</li> </ul>
<b>2.7.25</b>	<b>Questions regarding Assurances</b>
<b>2.8</b>	<b>Presentation of papers</b> <ul style="list-style-type: none"> <li>• By whom and how</li> <li>• Subsequent action - Motion to take note</li> </ul>
<b>2.9</b>	<b>Ministerial statements</b> <ul style="list-style-type: none"> <li>• Leave required</li> <li>• Prior informal consultation between parties</li> <li>• Any time limits</li> <li>• Subsequent action: <ul style="list-style-type: none"> <li>- statement by Opposition spokesperson by leave</li> <li>- motion to take note and debate</li> <li>- questions of Minister</li> </ul> </li> </ul>

<p><b>2.10 Devices for Opposition to debate a particular matter</b></p> <ul style="list-style-type: none"> <li>• Discussion of matter of public importance (no question put) and/or</li> <li>• Urgency motion</li> </ul>
<p><b>2.11 Government business</b> Notices and Orders of the Day</p>
<p><b>2.12 Adjournment of House</b></p> <ul style="list-style-type: none"> <li>• Question automatically put or moved by Minister</li> <li>• Participation by Members</li> <li>• Any provision for extension to allow Minister to respond to matters raised</li> <li>• Determination of question - setting of next sitting time</li> </ul>
<p><b>2.13 Private Members' business</b></p> <ul style="list-style-type: none"> <li>• Designated private Members' business/general business/other?</li> <li>• Time for precedence</li> <li>• Types of business- <ul style="list-style-type: none"> <li>- private Members' Bills</li> <li>- motions</li> </ul> </li> <li>• Selection of business to be considered</li> <li>• Private Members' statements (90 seconds or other duration)</li> </ul>
<p><b>2.14 Ordering of sittings</b></p> <ul style="list-style-type: none"> <li>• Sitting patterns for the year/months in which the House usually meets</li> <li>• Does the House resolve to meet at certain times of the year/ does the Government decide?</li> <li>• Is a business statement given?</li> <li>• Budget day</li> </ul>

<b>3 Process and curtailment of debate</b>	
<b>Advanced level</b> (Basic treatment would occur in "Arrangement of business" segment)	
<b>Form of presentation:</b> Seminar, illustrated by video extracts of proceedings.	
<b>3.1 Definition:</b>	<ul style="list-style-type: none"> <li>• Debate at heart of parliamentary democracy</li> <li>• Loosely defined, it covers all speeches made in course of parliamentary proceedings, but strictly speaking, means more than simply discussion.</li> <li>• "Debate" describes proceedings between the moving of a motion and the putting of a question for a vote.</li> </ul>
<b>3.2 Motion</b>	<ul style="list-style-type: none"> <li>• A motion is the basic building block of parliamentary procedure.</li> <li>• A formal proposal made to the House seeking its decision.</li> <li>• Substantive motions</li> <li>• Subsidiary motions</li> </ul>
<b>3.3 Steps in processing of a motion</b>	<ul style="list-style-type: none"> <li>• Notice (if necessary)</li> <li>• Moving</li> <li>• Seconding (if necessary)</li> <li>• Question proposed from the Chair</li> <li>• Debate</li> <li>• Possibly amendments</li> <li>• Question put</li> <li>• House decision</li> </ul>
<b>3.4 Rules of debate</b>	<ul style="list-style-type: none"> <li>• End result desired is House's decision - necessary to allow wide viewpoints but not waste time. Therefore, some restrictions necessary.</li> <li>• Restrictions to preserve relevance— <ul style="list-style-type: none"> <li>- no irrelevant matters (except where permitted, eg. adjournment debate, grievance debate, budget debate)</li> <li>- no anticipation</li> <li>- no reference to previous debate, unless relevant</li> <li>- no reference to other House debate, unless relevant</li> <li>- no tedious repetition.</li> </ul> </li> </ul>

- Restrictions to preserve order—
  - no reference to Head of State that is offensive or meant to influence debate
  - no offensive reference to Members of Parliament or the judiciary
 HOWEVER - permissible under a substantive motion which permits House decision on the matter.
- Restrictions to avoid prejudice to course of justice
  - The sub judice convention - its origins and application

### 3.5 Speech time limits

What are they, and to what particular circumstances do they apply?

### 3.6 Second reading committees/alternative Chamber considerations

Different characteristics from main Chamber considerations.

### 3.7 Committee of the whole/consideration in detail

Any special rules that might apply.

### 3.8 Allocation of the call

- Chair's criteria for catching Speaker's eye
- Whip's speaking list
- Precedence to party leaders
- Usually one participation
- Mover's right of reply to sum up debate

### 3.9 Interruptions to Members speaking

- Interjections (*Hansard* records those responded to)
- Points of order
- Interventions by other Members

### 3.10 Curtailing debate

- Adjournment of debate - Interrupts and postpones it to a later day or hour
- Closure of Member motion ("That the Member be not further heard")
- Closure of question motion ("That the question be now put")
- Mover's right of reply closes debate (Chair would not normally call mover if any other Member rises)
- Guillotine - limitation of debate:
  - In practice, only applies to Bills
  - Stages of Bills may be specified.

### 3.11 Putting of question

#### Ends debate

- On the voices
- Division:
  - Physical arrangements
  - Tellers
  - Involvement of staff
  - Electronic voting

**3.12 Chair's casting vote**

- Whether a casting or deliberative vote
- Conventions surrounding casting vote



**TOPIC 6**

**ENACTMENT OF LEGISLATION**

**PAPER FROM RUTH BLACKMAN**

**TO BE CIRCULATED**

# COMMONWEALTH PARLIAMENTARY ASSOCIATION

## GUIDELINES FOR THE TRAINING OF PARLIAMENTARY STAFF

### TOPIC 7 THE COMMITTEE SYSTEM

#### AIM OF PROGRAM

To provide knowledge and develop understanding of Parliamentary committees' purpose, function and operation, including

- their scope and type eg. "domestic", select, standing, estimates
- basis and derivation of power
- Chairmans' role and responsibilities
- activities, including inquiries
- administration and staffing.

Resources that could be used for training purposes are:

- excerpts from any relevant standing or sessional orders
- resolutions or motions (eg appointing a committee)
- legislation (eg establishing committees, relating to witnesses or immunity from defamation)
- Erskine May or similar procedural authorities (eg. exercise of privilege, secrecy provisions, reluctant witnesses etc)

## 1.1 Parliamentary Committees - Overview

Parliamentary committees' role and functions

- established by and reporting to Parliament
- to examine legislation in detail
- to oversight activities of the Executive in greater depth than possible in the House
- to investigate issues and provide public contact
- as a link or accountability for independent authorities or bodies

How are they established?

Who is on them? (Eg on Joint committees; are Ministers eligible?)

How do they operate? (a general description only, covered in more detail in other modules)

How and when do they report to the House?

Resources and activities:

Instructional materials prepared on the above topics.

Examination of various different standing orders, resolutions and Acts establishing committees' terms of reference, membership and powers.

Discussions about how, why and where committees are different or similar to departmental policy units, Royal Commissions, courts of law, Government inquiries.



## 1.2 Types of Committees

### General description of various types:

#### (a) **Domestic committees** eg:

- House committee
- Library committee
- Printing committee
- Standing Orders and Procedure
- Business

#### (b) **Standing committees** eg:

- Scrutiny of regulations, delegated legislation
- Public Accounts
- Privileges
- Public Works
- Estimates

#### general areas:

- Constitutional Affairs
- Government Agencies
- Law Reform
- Social Issues
- Environment
- State Development
- Government Agencies
- roads, road safety, transport

#### for detailed review of legislation:

- Scrutiny of bills
- specific portfolio committees

#### (c) **Select committees** (usually have very specific terms of reference) eg to examine:

- a particular bill
- electoral reform
- specific development proposals
- specific law reform proposals, eg. licensing, drugs, prostitution.
- to examine events leading up to something (often highly political)

#### (d) **Sub-committees:**

- is there provision? (If so, for what purposes, quorum requirements, restrictions, etc)
- an informal role? (eg. to settle internal procedure, select witnesses, a steering committee)

#### (e) **Joint Committees:**

Are there joint standing orders or do the standing orders of the House of origin of the committee apply? What is the mechanism for informing each House about committee appointments, terms of reference etc?

What procedures enable review of these committees' length of tenure, amendment of terms of reference, or mechanism for commencing inquiries? Is there a capacity for self-reference, or must a reference be conferred by the House or a Minister? Are there any restrictions, e.g. not policy?

Resources and activities - comparative provisions and discussion groups

### 1.3 Committee relationship to the House

Committees are established by the Parliament to report and advise the House(s). Joint committees are appointed by a resolution of both Houses.

Parliaments' status affects the life, functions and tenure of committees.  
- prorogation or dissolution will result in constraints on committee powers.

Resolution of the House(s) can dictate membership numbers and make-up, reporting date, terms of reference, powers in general and powers of the Chairman (casting or deliberative vote).

The Chair of the Committee is the committee representative in the House for questions (if permitted), tabling of reports, and correspondence with the Presiding Officers.

Presiding Officers can give procedural rulings regarding committee procedures.

Standing Orders apply in absence of any specific committee provision.

What are committees' powers compared with the House? For example, in relation to calling for persons, papers or things the House will have greater coercive powers than a committee ( unless there are specific statutory provisions backed up by sanctions). The House often has powers under standing orders or statute to summons witnesses and enforce attendance at the bar of the House.

A committee's relationship with the House(s) is governed by convention or specific standing orders. For example, the House usually does not debate issues arising from evidence given at committee hearings prior to receipt of a Report. However, standing orders or statutory protection may permit wide media coverage of the same matter.

Resources and activities:

Examples of different types of resolutions establishing committees.

Case studies to focus discussion on issues such as the relationship between the committee and the House, or how the standing orders for procedure in Committee of the Whole apply to select committees.

## 2. Chairman's role and responsibilities

Principles in regard to Chairmanship eg. the Westminster tradition of appointing an Opposition member as Chairman of the Public Accounts Committee. What is the rationale behind appointment of Government members as Chairmen? Should Chairmen be elected by the Committee or appointed by the House? Are there provisions for deputies or Vice-Chairmen?

What are the general responsibilities of a person chairing a meeting?

The usual order of business in committee meetings is:  
 recording attendance, apologies, minutes adopted, business arising from the minutes, correspondence in and out, followed by general business, setting of date of next meeting etc.

Does the Chairman have to follow specific provisions applying to Parliamentary committees? Eg:

- applying standing orders or procedure set by resolution to ensure procedural fairness
- setting the agenda
- giving the call
- voting, recording votes
- drafting the report, signing the report for presentation to House
- delegation of powers prior to any absence of the Chairman
- closing a meeting to the public
- removing disruptive persons from the public gallery in an open meeting
- observance of quorums.

Administrative responsibilities of the Chairman:

- consulting, advising, directing staff
- being the Committee's spokesman with Presiding Officers, in the House, in correspondence with Ministers, officials, etc.

Entitlements, if any:

- expenses?
- salary of office?
- staff assistance?

Resources and activities:

Examine standing orders and resolutions and list powers and responsibilities of Chairmen.

Case studies (eg focussing on procedural fairness to all members, a (Government party) Chairman's relationship with the Government party).

Lectures or discussions with former Committee Chairmen, Presiding Officers, Clerks.

### 3. Conduct of Business - Meetings, hearings, site visits.

Requirement for notification of meeting.

Record kept of attendance and decisions of the committee.

Order of business in committee meetings. Agendas.

Provisions for debate eg. do motions require a seconder?

Conflict of interest provisions?

Procedure and traditions in your Parliament eg. committees ability to meet while the House is sitting, can decisions be taken during site visits, in some jurisdictions a sub-committee quorum sufficient for taking evidence etc.

Quorums:

- lack of quorum at start of meeting or hearing
- consequences
- loss of quorum during meeting

Resources and activities

. Case studies on what constitutes a conflict of interest in committee proceedings, when it should be declared, who determines and effect of declaration.

. Discussion on purpose of quorums and options for ensuring effective committee proceedings.

#### 3.1 First meeting of a new committee

[A]

Are there provisions in the standing orders:

- for nomination of members
- who calls the first meeting
- notification of date and time
- special provisions for joint committees.
- conduct of the election of the Chairman or is the Chairman appointed by the House?

Resources and activities:

Examine standing orders, sample resolutions, messages between Houses re date and time of first meeting etc.

Draft notification of first meeting and role play election of Chairman.

### 3.2 Inquiries

Terms of reference - how are they referred?

- does the committee have the potential to self-reference, eg by statutory provision?
- Can the House extend references received from Ministers?
- is the scope of the reference clear and exact? This may depend on drafting (eg use of the term "and any related matter")
- can the House or Committee amend terms of reference? how?
- what is the affect of prorogation or dissolution upon the reference?

The purpose of the inquiry will influence the conduct of the inquiry eg:

- the time table, the work program
- the need for background briefings or preliminary research
- the extent of the call for submissions
- whether informal discussions are held with departmental officers etc.
- the selection of witnesses
- the line of questioning pursued by members
- what should be the role of Chairman in leading questioning and ruling on admissibility
- emphasis on different Chairman's duties and responsibilities?

Public input and publicity:

- how can the committee advertise the inquiry or use other forms of public announcement, such as radio interviews?
- what are ways of encouraging public input, reasons for importance of interaction with public?

Media:

- has the House given permission for media access and coverage of hearings or is it restricted?
- are there guidelines applying to media coverage of proceedings in the House? Of committee hearings, or public meetings?
- are there standing orders permitting broadcasting, or is it at the discretion of the committee? What issues should be considered by the committee in considering a request from the media (eg should sound be permitted? Will the broadcast of excerpts be fair? Will the witness be intimidated? Will televising promote grandstanding or stunts?)
- are there statutory protections for publication or televising of "fair reports" or excerpts?

How should a Chairman program a committee's deliberative discussions on outcome of inquiry or progress of investigation?

Are there standing orders governing the process for drafting of recommendations or the report? Or the process for the Committee's deliberation on draft report and possibly consequent amendments to the draft and redraft.

Is access to submissions restricted, or provisions for maintaining confidentiality of certain materials, draft documents etc? Do standing orders permit release of submissions when tabled before the committee, or is a special resolution necessary?

Resources and activities:

Draft time-table for steps in inquiry.

Brain storm potential interest groups for different inquiry topics.

Discuss criteria for selection of witnesses and allocation of time for questioning/witness' statement to committee, if any.

#### 4. Calling and questioning witnesses

Who determines the selection of witnesses? Time restraints often dictate the numbers that can be heard and the length of their appearance before committee.

What are the powers to call witnesses? Eg for

- issue of summons; how much advance notice must be given to witnesses?
- must evidence be taken on oath or affirmation? What are the provisions for perjury?
- how do you deal with reluctant witnesses? What are the sanctions for non-attendance?
- what are the limits of your committee's jurisdiction? What powers do committees have to hear witnesses outside their territorial jurisdiction, eg on site visits or study tours? Or via teleconference link?

Can the committee invite members of the House (or Other Place) to attend to give evidence?

How does the committee request the attendance of Ministers or Parliamentary Secretaries.

##### Calling departmental officials

- what is the appropriate relationship between committees and departmental officials?
- what protocols could be introduced? Request for departmental liaison officer?
- questions involving policy, factual description/criticism or discussion of options
- so called "Crown privilege" claims and how to treat refusal to answer questions.
- powers to call persons, papers and things. Does the committee have powers, or only the House? What are the sanctions for refusal to deliver up papers?

##### Guidelines for witnesses

- can they make a short preliminary statement?
- what are their rights under standing orders (to request to give evidence in camera)?
- are there provisions for protection of witnesses?
- do witnesses have rights to have legal counsel, or other advisors present. Is there a right to be represented?

What should be the order of witnesses, who should be heard first, is there possibility of recalling a witness to clarify or respond?.

Who drafts the questions?

Staff should brief the members to put the witnesses in context, and focus questioning on salient points.

##### Order of questioning

Do the standing orders require that the Chairman commences, and then calls the others in turn?

To what extent do committees apply the principle of natural justice, ie to what extent should those adversely named in evidence be given the opportunity to respond? Does a similar principle apply to committee findings at the report stage?

Resources and activities:

Role play of questioning government witnesses on policy to focus on ways of eliciting information.

Discussion of ways of questioning witnesses, order of questions, types of questions permitted.

Discussion of what would be out of order in a committee hearing eg. sub-judice issues.

Viewing committee hearings, in person or on video.

Identify advice that a witness summoned to appear before a committee needs (terms of reference, legislation or resolution establishing the committee, description of probable proceedings, place, time, security arrangements, media coverage, privilege etc)



#### 4.1 In camera hearings

Are there mandatory provisions in the standing orders or legislation dictating when committees must go hear evidence in camera (in secret)?

Why is evidence taken in camera?

At what point can a witness or member of the committee request that the hearing continue in camera? What are the mechanisms and criteria for considering such a request? Are there alternatives to in camera hearings eg restricted viewing of documents, information provided in a conglomerated form or with individual names erased etc.?

Can evidence be taken in camera as a precautionary measure (for instance if it is anticipated that evidence might include defamatory allegations or concern secret information) and later released if the witness agrees?

Can the committee subsequently resolve to release or refer to evidence taken in-camera? Would the committee always require the permission of the witness concerned?

What are the principles to be considered in relation to release or reference to in-camera evidence eg the balance between public interest in information vs. the possibility that release of in camera evidence might be a deterrent to future witnesses.

Does the fact that evidence was taken in camera mean that it cannot be referred to in the report, either directly or in general? What is already in the public domain?

Consider the difficulties that might arise later in the hearing process in differentiating or recalling exactly which evidence was taken in camera, and which facts are on the public record.

Are there provisions for attendance by legal counsel or other advisors at in-camera hearings? Should they give specific undertakings to keep any information confidential?

What is the status of Hansard transcripts of in camera evidence? Are there special provisions for corrections?

Activities and resources:

Review of case studies of types of matters considered in camera.

Case studies of other problems encountered in relation to in camera evidence (eg subpoena by Royal Commissions or courts, leaks etc).

## 4.2 Evidence, submissions and committee documentation

### Record keeping:

- are there different requirements for dealing with evidence, transcripts and exhibits?
- what is your system for numbering of submissions and acknowledgement of receipt?
- should each committee have standard files and filing systems? Who stores the files, the committee or the Parliament's administrative office?

### Submissions:

- how does the committee deal with requests to keep submissions confidential?
- at what stage do submissions become privileged? Is there an Act covering this?
- what is the status of submissions as committee property? What happens if they are released by the submitter?
- do you accept anonymous submissions?

### Correspondence:

- who signs?
- what and when is it circulated to committee members?

### Evidence:

- is a record of evidence mandatory or necessary in every case?
- taping or transcription of evidence will be dependent on resources
- corrections to transcripts.

Archiving of documents at conclusion of hearing or upon dissolution of committee. What should be kept? How should documents be listed and arranged?

### Resources and Activities:

Discussion of advantages and disadvantages of transcribing evidence (eg will there be occasions when note-taking will suffice, or only certain portions of taped evidence need be transcribed? Is only Hansard transcript privileged?)

### 4.3 Reporting

There are different types of reports:

- on bills (proposing amendments)
- on petitions
- on estimates
- interim reports
- final reports
- special reports.

What is the purpose of the report? What dictates the content of a report (eg standing orders? a statute? the resolution of the House establishing the Committee?)

What should be included in the report? Are recommendations always included?

Do Standing Orders require the Chairman prepare (or advise the staff on preparation of ) a first draft report? Is it confidential to committee members at this stage?

What is the process for consideration of the draft report and adoption of recommendations?

Do the standing orders require formal resolutions? What is the procedure for recording amendments or decisions? Is the Chairman's foreword subject to review by the committee? Should there be conventions to be observed if it is not subject to such review?

Do standing orders require a Chairman to sign the final report?

Is there provision for incorporation of minority views or dissenting report(s)? What are the guidelines permitting staff members to give assistance or advice to dissenting members? Is any dissenting report or view subject to consideration by the full committee?

Presentation to the House. Are there specific standing orders dictating who may table, or when tabling may occur?

Is a motion to print required?

What is the appropriate motion for tabling of evidence or associated documentation?

Are there provisions to table a report when the House is not sitting or out of session? (Eg specific statutory provisions, resolution of the House or enabling bill?)

Debate on the Report. Is there a specific time allocated for debate of the report under the standing orders?

Are there any provisions for mandatory Government response?

Printing and distribution of reports - how many and who to?.

Monitoring or follow-up review of recommendations by committee - how often and what mechanism should be used (eg further hearings, or correspondence?).

Resources and activities:

Examine examples of different types of reports, comparing format and style of reports of domestic committees, standing committees (eg Privileges Committees), bill committees, delegated legislation committees and select committees.

Compare proportion of contents comprising recommendations, minutes of proceedings, tone and degree of analysis, reference to submissions or other research, incorporation or appending of extra material or transcripts.

### 5.1 Staff

Who resources the committees? Staff establishment will be dependent on resources.

Staff ideally should be attached to the Parliament. Committees are creatures of the Parliament and should not be treated as discrete units, nor individual offices.

What should be the ideal and proper relationship between support staff and the Committee?

(Compare with the US Congressional system in which the staff drive the committee and largely determine the terms of reference).

Are there options for seconded or temporary staff?

What are the job descriptions and responsibilities of officers such as Secretaries or Clerks, Research Officers, or support staff?

Who is responsible for appointment, training, supervision and day to day administration of staff?

Can you use consultants, specialists or seconded experts from Government departments? There will be implications for funding, contracts and supervision.

What are the qualities and values that should be demonstrated and espoused by committee staff eg. proper relationships between committee staff, government officials and members' personal staff?

What mechanisms exist to promote sharing of information and knowledge between committee officers or consultants? What can staff tell and teach each other?

Resources and activities:

- . Exercise of identifying the "minimal" requirements in supporting a select committee or estimates committees. How can this be achieved within your existing resources?
- . Discussions on advantages and disadvantages of committee-specific staff.
- . Case studies to focus on the role and responsibilities of committee officers in relation to providing advice to inquiries from the Executive, the media, and advising the Chairman.

## 5.2 Budgets and Finance

Preparation of estimates - what are the main budget items for committees?

- specific allocation for staff, printing or travel?
- advertising
- equipment
- expert advice, temporary assistance
- conferences, site visits, travel arrangements, entertainment and allowances.

Are there benefits or disadvantages in allocating a global budget for all committees (flexibility and economy/inequality in allocation) as against making specific allocations for individual committees at the beginning of the financial year (permitting greater accountability, but also requiring reporting and possibly monitoring). Choice of financial arrangements will be dependent on what resources are available and who allocates the Parliament's funds.

Who is responsible for ordering or purchasing items or services? Are there cross-Parliament guidelines?

What are the permitted financial delegations, and is approval by a higher authority (eg the Clerk, The Speaker) required for all or any categories of expenditure?

Resources and activities:

- . Review of comparative arrangements in different Parliaments.

## TOPIC 8

### CPA Expert Group on Training of Parliamentary Staff

#### Public Expenditure, including Finance Acts, Audit, Public Accounts Committee

##### Aim of Programme

To provide a thorough understanding of how the Legislature examines proposals for public expenditure and the raising of taxation, and of the work of the Public Accounts Committee, by identifying

- the principles of financial procedure and parliamentary control
- the cycle of parliamentary approval for public expenditure and taxation proposals
- the role of the Public Accounts Committee

##### Format of Programme

The following notes, reflecting Westminster practice, are intended to identify the principles of financial procedure and parliamentary control which are common to most Commonwealth legislatures. Such an outline might be used as a basis for training, with extra detail included depending on the grade of staff concerned.

Resources that could be used for training purposes include

- excerpts from any relevant Standing or Sessional Orders
- sample resolutions or motions (eg to approve Estimates, or new taxation proposals)
- sample copies of Supply Estimates, Annual Financial Statement and Budget Report, etc.
- sample legislation (Consolidated Fund Bills, Finance Bills, other Bills which create a charge on public funds or on the people)
- sample reports of the Public Accounts Committee, or of the Comptroller and Auditor General
- excerpts from the Constitution or legislation covering the powers of the Executive or of any second chamber.
- excerpts from Erskine May or similar procedural authorities.

1. **Framework of Financial Relations between the Executive and Parliament**

- (i) The Executive (Crown) makes known its requirements. Parliament grants aids or supplies to satisfy these demands; and provides by taxes, and by the appropriation of other sources of public income, the ways and means to meet the supplies that have been granted.
- (ii) Parliament does not vote money unless it is required by the Executive, nor does it impose or increase taxes, unless such taxation is necessary for the public service as declared by the Executive.<sup>1</sup>

- Issues:
- (a) *To what extent does this principle, that no public charge can be incurred except on the initiative of the Executive, operate in your Parliament?*
  - (b) *Is this principle set out in Standing Orders?*
  - (c) *Does this mean that only a Minister can introduce a bill whose main object is to create a charge, or signify the Queen's recommendations to any motions which involve any public expenditure or grant of money not included in the annual Estimates? If so, how is this arranged in practice?*

<sup>1</sup> The British House of Commons retains the right of initiative over its own expenditure, using a procedure under which its two Supply Votes are presented by the Speaker on behalf of the House of Commons Commission. However the Motion to approve the Estimates, including those for the House, is moved by a Minister of the Crown.

2.

**The Role of the Second Chamber**

- (i) The financial powers of the House of Lords are limited, first by the ancient 'rights and privileges' of the House of Commons as asserted in their resolutions of 1671 and 1678 and subsequently, and secondly by the terms of the Parliament Acts 1911 and 1949.
- (ii) The role of the House of Lords in the grant of supplies for the service of the Crown (Executive), and in the imposition of taxation, is to agree, and not to initiate or amend.
- (iii) The House of Lords may reject financial bills without infringing privilege. But the procedure under the Parliament Act 1911 provides for a 'money bill'<sup>2</sup> as certified by the Speaker to be presented for Royal Assent under certain conditions, even if it has not been passed by the House of Lords.

Issues:

- (a) *What restrictions exist on the right of the second chamber*
  - *to initiate financial bills?*
  - *to amend financial bills?*
  - *to reject financial bills?*
- (b) *While the second chamber cannot amend Finance Bills and Consolidated Fund Bills, can it amend other bills even if this interferes with a proposed charge?*
- (c) *What is the practice of the first chamber in asserting or waiving its privileges in relation to the second chamber?*
- (d) *How does the second chamber operate within the existing conventions/constitutional arrangements?*
- (e) *How are exchanges carried out between the two chambers? Is there provision for any conciliation process in the event of disagreement?*

<sup>2</sup> For the purposes of the Parliament Act, a money bill is a bill which contains only provisions relating to taxation, supply, or other forms of charges on the people or on public funds.



3.

Expenditure Procedure

- (i) The annual cycle of Estimates and appropriation is based on the Main Estimates, usually presented in the month preceding the relevant financial year, with supplementary Estimates at intervals throughout the parliamentary year, and a Vote on Account to authorise a provisional allocation for the forthcoming financial year.
- (ii) The global amounts contained in the Estimates and Vote on Account are given legislative force by Consolidated Fund Bills, whilst a Consolidated Fund (Appropriation) Bill appropriates the specific sums to the individual Services for which they were granted.

Issues:

- (a) *Using what procedure, if any, and in what detail, does Parliament examine the Supply Estimates of each Department?*

*Are Committees involved?*

*Are any of these Joint Committees?*

*How long does the process take?*

*When are Supplementary Estimates published? How are they announced/examined?*

- (b) *Does Parliament have the right to amend the Supply Estimates and, if so, is this limited to reductions?*

- (c) *Is there a procedure for Parliament to examine longer term projections of public expenditure such as Annual Reports of Ministries?*

4.

Ways and Means, Budget Resolutions and Finance Acts

- (i) The raising of taxation (ways and means) is authorised by a resolution which can be moved only by a Minister of the Crown. This is a necessary preliminary to the imposition by legislation of a new tax, the continuation of an expiring tax, an increase in the rate of an existing tax, or the latter's extension to new payments.
- (ii) The annual financial 'Budget' Statement, and the ensuing resolutions incorporating these proposals, are given legislative effect by the passing of a Finance Bill.<sup>3</sup>

Issues:

- (a) *How are any immediate tax proposals authorised?*
- (b) *What machinery (Committee or Chamber) is used to hold a debate on the Chancellor's proposals, and to consider the Finance Bill?*

*Such as: Opening Speech (Chancellor's Budget Statement)  
 Passing of First Resolution on Amendment of the Law  
 Budget Debate (perhaps 4 days)  
 Passing of Remaining Resolutions  
 Presentation and First Reading of Finance Bill  
 Second Reading of Finance Bill (one day) (2-3 weeks  
 after its publication)  
 Committal partly to a Standing Committee and partly  
 to a Committee of the Whole House  
 Report/Consideration stage  
 Third Reading  
 Sent to Second Chamber (House of Lords) and  
 eventual Royal Assent.*

<sup>3</sup> Some budget resolutions, particularly those dealing with excise duties, have immediate statutory force under the Provisional Collection of Taxes Act 1968, although even these resolutions must subsequently be validated by the Finance Act.

5.

**Audit and the Public Accounts Committee**

- (i) The Appropriation Accounts are audited by the Comptroller and Auditor General and are presented to Parliament. The scrutiny of these accounts and of their audit is carried out by the Public Accounts Committee.

Issues:

- (a) *How does the Public Accounts Committee operate? What is its terms of reference? Membership? Who chairs it? How often does it meet? What hearings does it hold? Does it carry out any Value for Money audits?*
- (b) *How effective is the Public Accounts Committee in identifying errors in the Ministries and bringing Permanent Secretaries to account for their responsibilities?*
- (c) *Does the Comptroller and Auditor General have an expert staff which provides objective advice to the Public Accounts Committee? Is this staff available to assist other Select Committees in their scrutiny of Government?*

GUIDE FOR PARLIAMENTARY DEVELOPMENT AND TRAINING

TOPIC 9 - PRIVATE BILLS

AIM OF PROGRAM

A guide to provide knowledge and good understanding of Private Bills

1. Definition and distinctive features of private bills;
2. Objectives/Purposes;
3. Procedures in legislating.

Sources of information and reference are Standing Orders, Practices and Procedures (Precedents), written rules, Constitutions, Resolutions of Parliaments etc.

## INTRODUCTION

It is important to note that all legislative proposals have to be brought in the form of Bills before Parliament, hence the need to know and appreciate what private bills are!

### 1. Definition and Distinctive features of private bills

- \* To give a precise definition of such bills?
  - \* Indicate how they differ from other bills, i.e. public bills, private members bills, hybrid bills;
  - \* Give an outline of who stand to benefit from such bills.
- 

### 2. Objectives/Purposes and Forms of private bills

- \* What are the main objectives of such bills?
  - \* How and who formulates the said objectives?
  - \* At whose expenses are these bills printed?
  - \* How many copies ought to be produced and how are they made available to the parties concerned?
- 

### 3. Parliamentary Agents (Lawyers or Attorneys permitted to practise before the House or a Committee in regard to all matters relating to private bills - other countries might not necessarily call them Parliamentary Agents, it differs from country to country).

- \* Are there persons who cannot be allowed to be Parliamentary Agents?
  - \* What mechanisms are in place to ensure that Parliamentary Agents conform to the set code of conduct?
-

#### 4. Preliminary procedures of Notices

It must again be noted that in almost all Parliaments there are various conditions laid down to be observed for processing private bills.

- \* Notices by Advertisement - notice of intention to apply for leave to introduce a private bill has to be made.
  - \* Who ensures that notices are made?
  - \* Is there any format used in making such notices?
  - \* In which documents/papers do these notices appear?
  - \* What are the contents of such notices?
  - \* Who should be served with such notices other than Parliament?
  - \* Are there any time limits within which such notices should appear?
- 

#### 5.1 PETITION FOR LEAVE TO INTRODUCE A PRIVATE BILL

- \* What are petitions?
  - \* What are they used for?
  - \* Who should sign such petitions?
  - \* Who determines their merits or legitimacy?
- 

#### 2. APPOINTMENT OF EXAMINERS AND THEIR DUTIES

- \* Who appoints Examiners?
- \* What are the responsibilities of Examiners?
- \* How do Examiners determine whether the bills are public or private in nature?
- \* What are the points considered crucial for the suitability or non-suitability for private bills to be legislated upon?

- \* What are Examiners expected to do in cases of doubts?
  - \* How do Parliaments protect the interests of the public in this respect?
- 

#### 6. FEES AND OTHER EXPENSES PAYABLE BY PROMOTERS

- \* What are the fees paid for?
  - \* Is there any form of guarantee for such payments?
  - \* Are there any specific times and places where and when these fees could be made?
  - \* How do Parliaments ensure that the stipulated fees are paid?
  - \* Are there any refunds in cases of opposition or rejection?
- 

#### 7. PETITIONS IN OPPOSITION TO BILLS

- \* What are petitions?
  - \* Who issues and signs these petitions?
  - \* When and why should there be petitions?
  - \* What is the duration of serving such petition?
- 

#### 8. PROCEDURES IN THE HOUSE

In most Parliaments private bills pass through some stages as other bills. There are however Select Committees appointed to deal with private bills and their names differ from country to country (i.e. Ways and Means Committee, U.K.)

- \* Who presents the private bill in the House?
- \* At what stage is the private bill referred to the Select Committee?
- \* What are the functions of the Select Committee in this respect?

- \* At what stage can amendments be made to the bill?
  - \* Is there any time limit within which a private bill ought to be considered by the Select Committee?
  - \* When does the Select Committee expected to submit its report to the House?
- 

9. ASSENT TO THE BILL

- \* Who gives the assent to the private bill?
  - \* Can she/he withhold her/his assent?
  - \* What happens if she/he withholds her/his assent?
-



*CURRICULUM FOR PARLIAMENTARY DEVELOPMENT AND TRAINING*

**TOPIC 10 - HANSARD AND RECORDS MANAGEMENT**

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**AIM OF PROGRAMME**

To provide knowledge and develop understanding among staff of the following subjects:

1. Hansard
2. Records Management including  
-computerisation of Records

Lay-out for these subjects has been prepared in light of practices / procedures prevalent in the Indian Parliament. It could be suitably amended / modified in light of practices / procedures / conventions / customs obtaining in other Parliament concerned.

1.	<b>HANSARD</b>
1.1	<b>What is Hansard?</b> - Its need and importance.
1.2	<b>Any Standing Order / Rule for its preparation?</b> - Clerk's role in this regard.
1.3	<b>How proceedings are recorded? Are these being telefilmed also?</b>
1.4	<b>In what form and how soon Hansard is prepared?</b> - Is it being prepared on daily basis for being made available to members, in uncorrected form, the next day? - If the House sits beyond the usual hours of sitting, whether any supplement to the daily Parliamentary Debates, covering the proceedings beyond the usual closing hour, is issued?
1.5	<b>Methodology followed for taking shorthand notes of proceedings.</b> - How are proceedings recorded during interruptions?
1.6	<b>Language(s) used in the House.</b> - In case of two or more languages, procedure for simultaneous interpretation of proceedings.
1.7	<b>Language(s) in which Hansard is compiled.</b> - In case of two or more languages, how the translation work is handled?
1.8	<b>Confirmation of transcription of speeches delivered by respective members.</b> - Scope of correction by Ministers / members of their speeches. - In case any correction / change is allowed, how it is reflected in the Hansard?

**1.9** If expunction from the proceedings, withdrawal of words or unparliamentary expressions are permitted, as per Rules of Procedure / Standing Orders, what indication is given in Hansard in this regard?

- Intimation to the press regarding expunction, etc.
- If Parliamentary Proceedings are also televised live, how the matter regarding expunction, etc. is treated?

**1.10** Editing of Hansard.

**1.11** Its printing / publication.

**1.12** Supply of Hansard to members and other Parliaments.

- Are these available on computer and via inter-net.

**1.13** Indices to Hansard.

**1.14** Copy right and its infringement.

**1.15** Synopsis of Parliamentary Proceedings, in case these are being prepared.

**1.16** In case of a secret sitting, how a report of its proceedings is prepared and how long and under whose custody it is kept?

**2 A RECORDS MANAGEMENT****2.A.1 Definition of terms used in Filing Procedure.****2.A.2 Composition of a File.**

- Main File - Part File - Collection Cover.
- Identification marking for urgent and important cases.

**2.A.3 Working a File**

- Numbering of Pages.
- Docketing, Docketing of Part Files.
- Filing of official, Demi-official and Un official communications.
- Linking of Files.
- Priority marking on files.
- Cross reference of correspondence.

**2.A.4 Arrangement of papers in a case.**

- Placing of more than one draft on the File.

**2.A.5 Opening and Numbering of new Files, Maintenance of File Register and closing of Files.**

- Opening and numbering of new Files.
- Opening and numbering of part Files.
- Separate File for each distinct subject.
- Maintenance of File Register.
- Recording.
- Movement of Files.
- Closing of Files.

**2.A.6 Recording of Files.**

- Classification of Files for recording.
- Destruction of ephemeral Files
- Preparing a File for Record.
- Custody of Files.
- Custody of secret and confidential Files

**2.A.7 Indexing of Files**

- Maintenance of list showing the classification of subjects dealt with in the Branch.
- Index Slips.
- Preparation and custody of Index Cards.
- Printing of Annual Index.

**2.A.8 Editing and Printing of important Files of historical importance / major policy decisions / lasting precedents.****2.A.9 Review and weeding of Records.**

- Procedure for reviewing the contents of Files of different classification numbers before being weeded out.
- Weeding of other miscellaneous papers.
- Weeding of records relating to Accounts.

**2.A.10 Maintenance and Printing of Precedent Register and preparation of entries for Manual of Business and Procedure / Manual of Articles of the Constitution / Select Documents.****2.A.11 Collection and Printing of Departmental Decisions.**

**2 A 12 Preparation and submission of cases.**

- Perusal of Dak by Head of Branch and its classification.
- Initial examination of receipts by dealing officer in the Branch.
- Bringing of receipts on a file.
- Scope and purpose of noting
- Action by Head of the Branch.
- Noting by Branch Officer.
- Notes and orders of next senior officer.
- Self contained Note for Speaker / Presiding Officer.
- Draft when to be prepared, General Instructions on drafting.
- Record of verbal discussions, orders and instructions.
- Channel of submission of cases
- Treatment of secret and confidential Papers.

**2 A.13 Maintenance of Personal Files by Administration / Branch.**

**2.B COMPUTERISATION OF RECORDS****2.B.1 Computerisation of Records in various Branches.**

- What kind(s) of files go in computer?

**2.B.2 Computerisation of Library Management functions like acquisition, processing and issue / return of books.****2.B.3 Computerisation of Information Services to members of Parliament.**

- Number and nature of computers installed in Parliament and software programmes developed.
- Data stored in computer centre of Parliament for on-line retrieval by members.
- Computer facilities to members at their residences / work places.
- On-line services available to members.

**2.B.4 Linkage of the Parliament Library with Parliamentary Libraries of foreign countries and international databases through satellite network.**

**TOPIC 11**

**RESEARCH AND INFORMATION SERVICES FOR PARLIAMENT  
AND RELATIONS WITH THE MEDIA**

**PAPER TO BE SUPPLIED**



## **CURRICULUM FOR PARLIAMENTARY DEVELOPMENT AND TRAINING**

### **TOPIC 12 - MANAGEMENT AND ADMINISTRATION OF PARLIAMENT**

#### **AIM OF PROGRAM**

To provide knowledge and develop understanding among staff of certain aspects of the management and administration of Parliament. Topics to be discussed could include the organizational structure of the legislature, the role of various officers involved in the management of the legislature and services, and the salaries, allowances and services available to Members of the legislature.

#### **FORMAT OF PROGRAM**

This program explains how a legislature functions from an administrative point of view. It may best be developed as a lecture or a series of lectures by legislative staff setting out how the legislature is structured and managed. Organizational charts and administrative documents could be used to underline some of the information presented in the program.

**1 ADMINISTRATIVE JURISDICTION****1A Administration of Parliamentary Jurisdiction/Precinct**

Discuss who or what is the authority responsible for the administration of the parliamentary jurisdiction/precinct, i.e. is the governing authority a person, board, commission? Also discuss:

- its authority
- its mandate
- its appointment
- its tenure
- its responsibilities

**2 ORGANIZATION OF THE LEGISLATURE****2A Administrative Structure**

- How is the legislature structured?
- How many departments make up the legislature?
- Who is responsible for the administration of the various departments?
- What services are provided?

**2B Management of the Legislature****2B.1 Role of the Clerk/Secretary-General/Director-General**

- How is this person appointed?
- What is his or her tenure in the position?
- To whom is he or she accountable?
- What is his or her authority?
- What are his or her responsibilities?

**2B.2 Role of the Chief Administrative Officer**

- How is this person appointed?
- What is his or her tenure in the position?
- To whom is he or she accountable?
- What is his or her authority?
- What are his or her responsibilities?

**2B.3 Role of the Sergeant-at-Arms?**

- How is this person appointed?
- What is his or her tenure in the position?
- To whom is he or she accountable?
- What is his or her authority?
- What are his or her responsibilities?

**2B.4 Other Officers**

- How are these officers appointed?
- What are their tenures in their positions?
- To whom are they accountable?
- What authority do they have?
- What are their responsibilities?

**2B.5 Parliamentary Staff**

- How are parliamentary staff recruited?
- Do they belong to the public service?
- What are their terms and conditions of employment?
- Are they unionized?

### **3 THE LEGISLATURE AND ITS BUDGET**

- Who prepares the budget for the legislature?
- How is it broken down and apportioned?
- Who approves the legislature's spending plans?
- Who oversees and audits the legislature's expenditures?
- What role do Members play in fixing the legislature's budget?

### **4 MEMBERS OF THE LEGISLATURE**

#### **4A Office Accommodation**

- Who allocates office space for Members?
- How is office space allocated for Members?
- What is a Member entitled to in terms of office space?

#### **4B Office Budgets**

- Do Members have a budget and if so, what is it and how is it apportioned?
- Who authorizes the budgets for Members?
- Who administers these budgets?
- Are Members held accountable for budgetary expenditures and if so, how and to whom?

#### **4C Salaries and Allowances**

- What are their salaries?
- What benefits are they entitled to?
- What allowances are they entitled to?
- What role does the legislature play in determining the salaries and allowances of Members?

**4D Travel Provisions**

- Do Members have a travel allowance?
- What are their travel entitlements?
- Are there any restrictions on travel provisions?

**4E Members' Office Staff**

- How are staff recruited for Members' offices?
- Do they belong to the public service?
- What are their terms and conditions of employment?

**GUIDELINES FOR  
TRAINING OF PARLIAMENTARY STAFF**

**TOPIC 13**

**TRAINING PROCESSES AND TECHNIQUES:  
CONTEXTUAL CONSIDERATIONS  
AND APPROPRIATE METHODOLOGIES**

**Dr R C Bhardwaj  
Hony Officer of Lok Sabha  
and  
Mr Raja Gomez  
Director of Administration  
Commonwealth Parliamentary Association**

## FORMAT

This topic is discussed under the following sub-topics:

- . Mission or Policy Statement
- . Objectives of Training
- . The Need for Training
- . Some Preliminary Considerations
- . Pre-requisites for Training
- . Types of Training
- . Levels of Training
- . Motivation
- . Preparation of Programme Brochure
- . Arrangements for each Lecture or Discussion Session
- . Methodologies for Delivery
- . Evaluation of Training Programmes

While the basic approach could well be the same in all Parliaments or Legislatures, the details will obviously vary depending on local requirements and characteristics such as size.

## AIM OF PAPER

To provide an understanding of Training Processes and Techniques usable in training Parliamentary staff, group's attention to:

Contextual considerations

Choice of appropriate training methodologies

with the intention of facilitating the setting-up of training programmes by individual Parliaments or Legislatures.



## 1. Mission or Policy Statement

A statement needs to be developed of a commitment of training, its position in the work of the CPA/Legislature and a promise of support to those who undertake the various training exercises

## 2. Objectives of Training

### Immediate

- Upgrading the skills of the staff and broadening their vision by extensive as well as intensive training.
- Inculcating a proper attitudinal approach among staff to parliamentary work which has its own ethos and culture. Its main ingredients are: promptness in attendance, polite and courteous service, efficient and deft handling of papers, rendering assistance to Members and Ministers to the maximum extent.

### Long-Term

- Effective functioning of Parliament with the help of well trained and well-equipped officers and staff.
- Members at times seek assistance of staff to know how best and under what appropriate rule they could raise a given issue or matter. It is the responsibility of staff to facilitate this basic task, thus making Parliament more relevant and responsive.

## 3. The Need for Training

A proper understanding of Rules, Practices and Procedures, which evolve over long years and are ever evolving, requires formal and thorough training for efficient and effective functioning.

Customs, Conventions and Usages in a Parliament are as important as its Standing Orders, Rules and Regulations. Knowledge about these can be acquired only through training.

The ethos and culture of Parliament is quite distinct for those experienced elsewhere. Their characteristics need to be inculcated in staff.

Above all, modern technologies (e.g. computerisation, television) are finding greater application in Parliaments all over the world. Sound and efficient utilisation of such technologies pre-supposes prior training.

#### **4. Some Preliminary Considerations**

Questions of training are linked to every aspect of a staff-member's appointment and begin with recruitment.

At the recruitment stage, due care needs to be exercised to appoint, if at all possible, persons with some knowledge of parliamentary practice and procedure.

Consideration has to be given to whether recruitment to the parliamentary services is conducted by the Secretariat of Parliament or through a Public Service Commission. These practices vary in the countries of the Commonwealth.

In some countries there is a separate parliamentary service at National and State or Provincial levels. In others it is the civil service which provides parliamentary staff. There are obvious implications for the training process.

Again, staff members may be recruited at different levels. They may then be considered for the higher levels of the service as they acquire expertise.

If Universities offer parliamentary studies as one of their disciplines, persons with this academic background could be given preference in recruitment.

Model Parliaments organised by universities/colleges/schools could serve as a good background to parliamentary training.

The best training is practice-based training. It follows that rotation of staff is essential. There has to be inter-flow of staff between wings or divisions of the Parliamentary Secretariat.

Training is important not only for parliamentary staff but also for those public servants whose duties impinge on the work of Parliament.

#### **5. Pre-requisites for Training**

##### **Determination of Target Group**

Consideration needs to be given to all the different ways in which a Target Group may be put together e.g. according to hierarchy or functions and so on.

##### **Needs Analysis**

Needs of the Target Group and what is expected from the trainees after the programme should be examined in detail as the basis for preparation of a suitable course lay-out.

Some consideration should be given to the background of the staff involved. An important factor is whether the staff are members of a general civil service, whether they are staff of Parliament alone, whether they represent a mix and if so, whether the mix applies throughout the organisation or whether it is restricted to certain levels only.

### **Trainers**

It must be ensured that a group of trainers is available whose abilities match the needs identified. For many Parliaments, the training of trainers, however competent and well-qualified those personnel may be in their own fields of expertise, will be a high priority.

Eminent parliamentarians and senior officers of Parliament should always be considered for membership of the training group as they can invariably provide a background of information and practice which would be difficult to obtain elsewhere.

Those with expertise from outside the country should similarly be considered where the needs so dictate.

### **Other Resources**

Apart from literature directly relevant to the topic under discussion, the training group and the participants should have access to:

- the Constitution of the Country

- standard works on parliamentary procedure and practice such as Erskine May, Kaul and Shakhder and others

- Standing Orders, Rules of Procedure for Conduct of Business, Directions by Presiding Officers, etc.

- case studies

- training manuals and other handbooks

- audio-visual materials.

### **Funds**

Adequate funding should be available for the training course, its administration, obtaining services of persons from outside Parliament, purchase of materials and so on. Besides its own resources, the concerned Parliament could seek financial assistance from government funds or possibly the Commonwealth Parliamentary Association.

## 6. Types of Training

**Training is basically of two types:**

- Training unique to Parliament
- Training directed towards the more general development of staff

This paper deals with parliamentary training only.

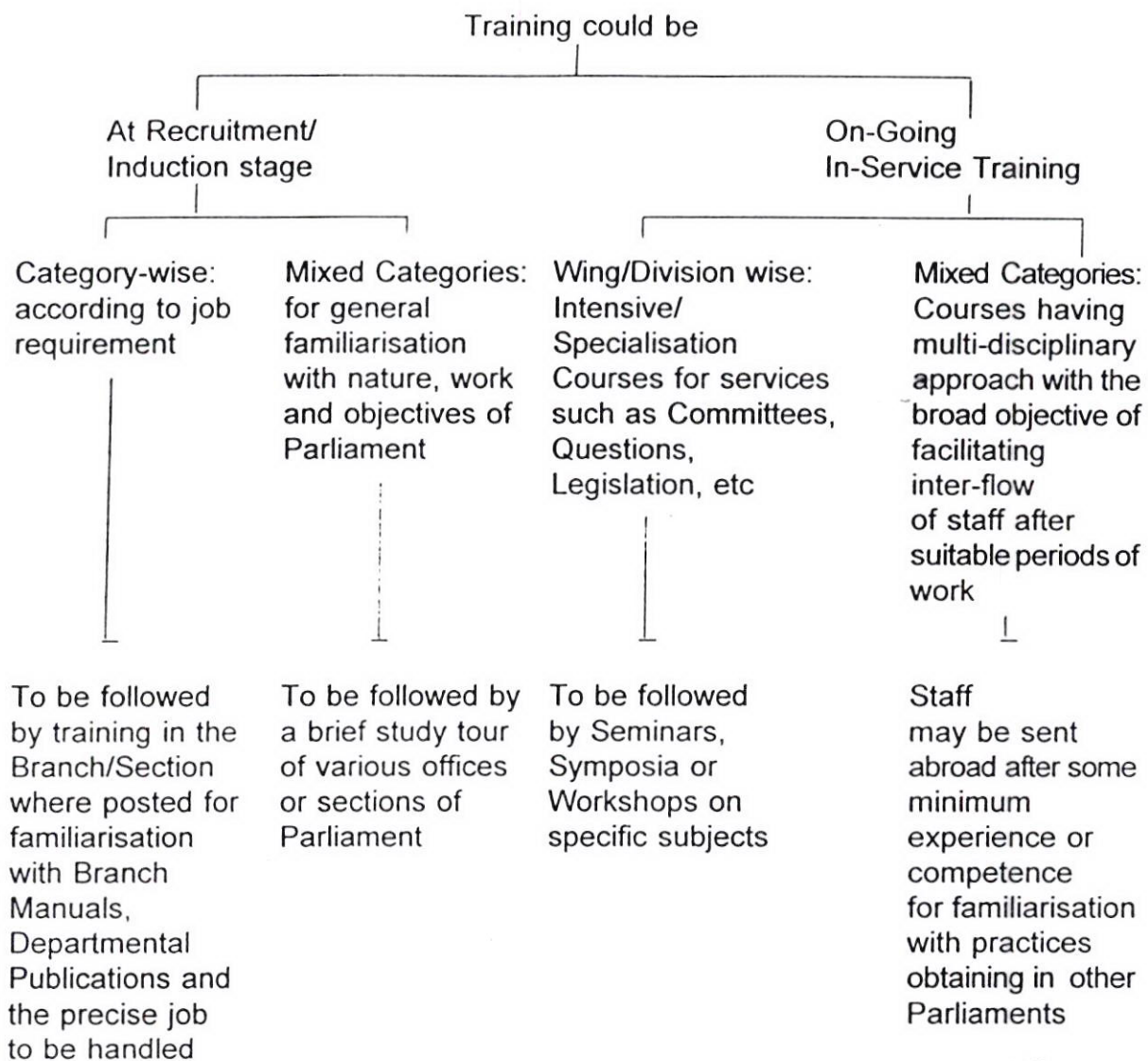
**Parliamentary Training could be imparted at:**

- a level directed towards the staff of the Parliament concerned.
- Regional/Sub-Regional level (e.g. through exchange programmes)
- International level (e.g. through institutions such as the Bureau of Parliamentary Staff Studies and Training in India or exchanges with other Parliaments).

**Parliamentary Training could be in the form of:**

- Foundational courses
- Experiential Courses
- Refresher Courses
- Specialisation/Intensive Courses for particular services such as (a) Committees (b) Questions (c) Legislation (d) Privileges (e) Security of Parliament (f) Library and Reference, Research, Documentation and Information Service to MPs (g) Reporting/Preparation of Hansard
- Orientation Programmes/Seminars for MPs
- Appreciation Courses
- Attachments/Study Visits
- On-the-Job Training
- Simulation such as the organisation of Model Parliaments

## 7. Levels of Training



## 8. Motivation

Consideration needs to be given to all the different ways in which staff could be motivated as a preliminary to and during training. This is especially important where earlier training has not been a commonly-used approach.

Staff must be convinced that it is indeed a great privilege to serve parliamentary institutions.

Performance during a training course could be taken into account while considering promotion to the next grade, provided staff are aware of this.

In some countries it may also be appropriate to examine whether good performance during a training course could be linked to some monetary reward e.g. a bonus or an additional increment.

Preliminary local training is often made a pre-requisite for being sent abroad for training or for attachment to Parliaments of other countries.

Motivation could be enhanced by arranging for an experienced person to work with a new person as is being done in some countries.

## 9. Preparation of Programme Brochure

After identifying the training needs of a Target Group, a suitable Programme Brochure should be prepared. Its salient features could be:

- Statement of Objectives sought to be achieved by the training programme
- Its precise duration, with the times for each Lecture/Discussion Session
- All topics to be discussed arranged in a logical order
- Under each topic its break-up into sub-topics with their main components may be indicated so that the subject matter is treated thoroughly during discussions.
- The number of topics to be covered each day should be spread out evenly as far as possible.
- Presentation of suitable video films, if available, is a useful bridge between lecture or discussion sessions.
- At the end of the programme, there should generally be a Question - Answer Session at which all the residuary issues or questions not covered under specific topics which the trainees desire to raise may be dealt with by a number of the trainers sitting as a panel.

## 10. Arrangements for each Lecture or Discussion Session

Literature, if available, for advance study should be supplied to the course participants before the commencement of the programme.

Each key-speaker should introduce the subject in about 20 minutes. It is not likely that attention can generally be held for longer in training of this nature. This may be followed by general discussion or questions and answers for an hour or so.

The training group need to be articulate, to be able to speak at a steady pace, to maintain relevance, to make interesting presentations and most of all to arouse the curiosity of participants.

The talks may be made illustrative by graphs, charts, anecdotes and brief case studies. Situational illustration is always appreciated.

Audio-visual technology should be utilised wherever possible. Video films of suitable duration, say, 30-40 minutes may be prepared in advance for different Target Groups.

Participants should be encouraged to get involved in discussion and to raise questions.

Attachments to various divisions for on-the-job training is usefully fitted in during the afternoons which are less suited for lectures.

Group discussions should be organised as appropriate, especially towards the end of the Programme.

Role Play, Games and Simulations should be used wherever possible as these are the best approximation to real-life.

## 11. Methodologies for Delivery

Lectures (including handouts and notes)	Case Studies	Programmed Instruction
Demonstrations	Personal supervision	Computer-based Instruction
Internships	Tutorials	Distance Education
On-the-Job Training	Video films	International exposure to sources of experience, information and technical assistance
Attachments	Role Play, Games and Simulations	Formal training provided internationally e.g. BPST, India
Exchanges		
Reading lists and bibliographies	Field trips	

## 12. Evaluation of Training Programmes

It is essential that an evaluation be carried out at the end of each training programme. A suitable form or questionnaire should be designed in advance for filling in by participants.

End-of-course evaluations are not always truly reflective of participant reaction. An evaluation three to six months later, inquiring also about the use of the training course to the participant's work, can be very useful.

When appropriate there could also be a test, examination or interview to assess the input received by the participants.

Suitable suggestions, ideas and comments received from the participants, however general, may be useful in organising similar training programmes in future for similar or other groups.

Evaluation will reveal the lacunae, if any, in carrying out the needs analysis, designing the programme and implementing it. The training group should carefully assess what changes should be made for the future.



**DRAFT GUIDE  
ON TRAINING OF PARLIAMENTARY STAFF**

**TOPIC NO. 14 - THE COMMONWEALTH, THE CPA AND  
OTHER REGIONAL AND INTERNATIONAL GROUPINGS**

## THE COMMONWEALTH, THE COMMONWEALTH PARLIAMENTARY ASSOCIATION AND OTHER REGIONAL AND INTERNATIONAL GROUPINGS

The **aim** of this programme is to provide parliamentary staff at various levels with the necessary information to understand the need for, and to utilise the benefits of, international co-operation especially within the Commonwealth and its various arms and agencies, primarily the Commonwealth Parliamentary Association (CPA).

It is suggested that these discussions be set, where relevant to the group, against a consideration of the place of public relations and public education in a parliamentary set-up. The responsibility of parliamentary staffs to contribute to strengthening public faith in democratic institutions would be a good starting point. The need to involve young people in an understanding of the operations of democratic institutions is a matter of special concern.

### SECTION 1

#### The Commonwealth

- The Organisation and its Membership
- Historical Development
- Mission Statements

- Commonwealth Heads of Government Meetings (CHOGM)
- The various arms of Commonwealth work (governmental, parliamentary, non-governmental)
- Recent developments in the Commonwealth
- Special events in the Commonwealth, e.g. Commonwealth Day
- Sport in the Commonwealth

#### **INFORMATION MATERIALS:**

- Communiques, Declarations and other documentation (including the Harare Declaration and the Millbrook Action Programme)
- Reports of the Commonwealth Secretary-General
- Directory of Commonwealth Organisations (Commonwealth Secretariat, 1991)
- Commonwealth Day Handbook for Schools (Commonwealth Secretariat, 3rd edition, 1992)
- Statements by the Commonwealth Secretary-General and the Secretary-General of the Commonwealth Parliamentary Association (see also Reports of CPA Annual Meetings and of Regional Conferences)

## SECTION 2

### The Commonwealth Parliamentary Association

- Aims and organisation
- The Constitution
- The General Assembly
- The Executive Committee
- How Branches operate
- Membership and fee structure
- The Annual Commonwealth Parliamentary Conference
- The Small Countries Conference
- The Commonwealth Women Parliamentarians Group (CWPG)
- Regional Conferences
- Seminars and other activities
- Special events
- Information and reference activities
- The training of Parliamentary Staff
- Funding and other assistance available from or through CPA

### INFORMATION MATERIALS:

- The Constitution of the CPA
- Aims, Organisation, Activities (updated every year, available from CPA Headquarters)
- Annual Reports
- The Parliamentarian: the Journal of the Parliaments of the Commonwealth (published quarterly)

### SECTION 3

#### The Commonwealth Secretariat

- its structure and operations
- meetings of Heads of Government (CHOGM) and Ministerial Meetings
- functional activities
- The Commonwealth Fund for Technical Co-operation

### SECTION 4

#### a. The Inter-Parliamentary Union

- The UN's role in parliamentary work
- Inter-Parliamentary Conferences (two per year)
- other activities
- differences in operation between the IPU and the CPA

#### b. Regional and other Groupings

- possibilities for co-operation

## SECTION 5

### International Co-operation

- fellowships
- attachments
- internships
- exchange of experience opportunities
- offers of technical assistance and their utilisation
- networks of information
- publication and information distribution

### Problems in furthering co-operative schemes

- paucity of information
- poor distribution internationally of available information
- poor distribution of information internally
- gaps in information flow between Ministries concerned with technical assistance and Parliaments
- transferability of knowledgeable staff
- lack of focal points for training and information activities

## SECTION 6

### Public Education and Public Relations

- Public faith in democratic institutions
- contributing to knowledge of the Commonwealth and the CPA
- involving young people in public education activities including model Parliaments, model Heads of Government (or Ministerial) Meetings
- utilising opportunities such as Commonwealth Day: talks and activities at schools and universities, competitions and other award schemes

**ANNEX D**

**GLOSSARY**

**TO BE SUPPLIED**



