Parliamentary Committees:
Module 1: The Role of Parliamentary Committees

Learning Objectives:
What are parliamentary committees and how are they established?

After studying this module, you should:

- Understand how a parliamentary committee obtains its mandate;
- Have a good understanding of the functions of a parliament and the ways in which parliamentary committees help perform these functions;
- Know about the various types of parliamentary committees, including how they are established, their functions and their powers;
- Be able to recognize the factors that determine the effectiveness of parliamentary committees;
- Know the role of parliamentary committee staff and the ways they can contribute to the effectiveness of committees;
- Understand the importance of well drafted establishing documents as a in ensuring an effective committee.

Introduction

Module 1 provides introductory information on how parliamentary committees as units of organization within legislatures, provide greater opportunities for in-depth analysis, making it possible for Members of Parliament and ultimately parliament itself to perform its core law making, oversight and representation functions. The Unit looks in detail at the committee system examining how committees are established, different types of committees, functions of committees and key elements that make a committee effective.

Parliament
Parliament is a constitutionally-mandated legislative body of a jurisdiction, either at the national or sub-national level (state, provincial or territory legislatures). There, a group of elected representatives, the Members of Parliament, make and change the laws of a country or state or province. This group of elected representatives is given a mandate by the voters to represent them and be the voice for articulating their concerns at the national or sub-national level. Legislatures in democratic countries perform some basic functions in common. These are representation, lawmaking, and oversight functions.

**Representation**

One major role of parliament in the governing process is to represent the opinions and interests of the citizens. Members of Parliament are elected by a set of eligible voters who form a group of constituencies representing the whole country or state or province. In some countries where the quota system is practiced some seats are reserved to ensure representation of special interest groups. For example in Uganda a parliamentary seat from each of the 112 districts is reserved for women. The objective is to increase women’s representation in the Parliament. Box 1.0 shows details of the quota system in Uganda.

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**Box 1.0 – Quota system in Uganda for increasing the representation of women**
The representation of women in the Ugandan Parliament is achieved through the Constitution and legislation.

Article 78(1) of the Constitution states that the parliament shall consist of 1 woman representative for every district. There are 112 districts in Uganda.

The Parliament of Uganda is formed in the following way:

- there are 238 constituency representatives;
- 112 district women representatives directly elected by all voters on a special ballot in each district (for women candidates only);
- 10 representatives of the Uganda People’s Defence Forces, of whom 2 must be women;
- 5 youth representatives, of whom 1 must be a woman;
- 5 representatives of persons with disabilities, of whom 1 must be a woman; and
- 5 representatives of workers, of whom 1 must be a woman (Article 8 of the Parliamentary Elections Act, 2005).

In 2011 this quota system resulted in 131 women Members out of a total number of 375 Members, representing 35% of the total.

Source: www.quotaproject.org

**Law-making**

Parliament enacts laws by subjecting issues of public interest to debate by drafting, modifying, and ratifying public policy into law.

Bills are introduced into Parliament either as public bills (related to public policy) or private bills (initiated for and addressing a particular organization). When Bills are introduced in the parliament they then go through a number of stages. This varies from country to country but the different stages can be summarized as follows: First reading, Committee stage, Second reading, the Consideration stage, and Third reading before being passed for presidential or royal assent. Box 1.1 below shows the law-making process in Parliament of Australia.
Box 1.1 - Law-making process (The Path of a Bill from the Parliamentary Education Office, Parliament of Australia)

**THE PATH of a BILL**

**HOUSE OF REPRESENTATIVES**
- **1ST READING**—the bill is introduced to the House of Representatives.
- **2ND READING**—members debate and vote on the main idea of the bill.
- **House committee**—public inquiry into the bill and reporting back to the House.
- **Consideration in detail**—members discuss the bill in detail, including any changes to the bill.
- **3RD READING**—members vote on the bill in its final form.
- **BILL IS PASSED**—the bill is passed in the House of Representatives and sent to the Senate.

**SENATE**
- **1ST READING**—the bill is introduced to the Senate.
- **2ND READING**—senators debate and vote on the main idea of the bill.
- **Senate committee**—public inquiry into the bill and reporting back to the Senate.
- **Committee of the whole**—senators discuss the bill in detail, including any changes to the bill.
- **3RD READING**—senators vote on the bill in its final form.
- **BILL IS PASSED**—the bill is passed in the Senate.

**GOVERNOR-GENERAL**
- **Royal Assent**—The Governor-General signs the bill.
- **Bill becomes an Act of Parliament**—a law for Australia.

*optional stage*
Oversight

Parliament is the legislative branch of government that authorizes, or chooses not to authorize, major policy decisions of the executive, for example the budget. Oversight functions of parliament include subjecting executive plans, policies and actions to public debate, and posing questions to members of the Executive. Some parliaments are also tasked with vetting and approving key government ministers and other key national appointees. Therefore, parliament’s oversight of the executive becomes one of its most important functions.

Parliamentary committees enable parliament to monitor the activities of the government, and check the quality of governance. The role of the executive and the legislature is therefore to complement each other: the executive must govern, while the legislature asserts its key role as representative of the people by acting as an overseer of the executive. Thus, the use of the committee system to scrutinize and investigate whether the executive or its authorized agencies have acted properly in the implementation of public policies and programs is crucial. Box 1.2 below shows functions of Parliamentary committees.

Box 1.2  Common Characteristics of Parliamentary Committees

| 1. Groups of MPs set up within the Parliamentary System |
| 2. Focal point for legislation and oversight on one or more given topics or sectors |
| 3. A committee is not a decision-making body, except in respect of its own internal proceedings, but provides advice to the parliament |
| 4. It has no standing independent of the legislature, |
| 5. The committee reports conclusions from the work of the committee to the chamber, often with recommendations for decision. |

Source: http://mirror.undp.org/magnet/Docs/parliaments/LegislativeCommitteeSystem.htm

Members of Parliament

Members of parliament are public representatives who have been voted into office by the population, and who thus represent different shades of political opinion. Their responsibilities are many and varied, and fall roughly into the following four categories: work in the constituency, chamber, committee, and party or caucus.
**Constituency**

A geographically defined constituency generally elects Members. The constituents therefore expect their elected representative to articulate their concerns in parliamentary debates, push for policies that will help improve their standard of living and generally ensure their welfare when new laws are enacted. Additionally in multiparty democratic systems political parties play a critical role in mobilizing voters to vote for their nominated candidate to enter parliament. Once there, the Member of Parliament is then expected to promote the parties’ interest and ideology and act as their local representative.

**Chamber**

The entire parliament often sits as one group, constituting the central debating and decision-making body for that jurisdiction. Debate in parliament generally takes place in the public eye in the chamber. A member attends and contributes to discussions through statements on the floor of the House, questions to Ministers and through voting on draft laws and motions.

**Committee**

Because the depth and breadth of work in a legislature cannot be fully conducted in plenary sessions, the detailed work of the legislature is carried out by specialized committees, small groups of MPs set up within the parliamentary system with clearly defined mandates that carry out in-depth analysis and review public policy.

**Party Caucus**

As a member of a party, a parliamentarian is committed to promoting the party’s cause by highlighting the party’s platform in parliament. Party Caucuses, that is groupings of party members, are often formed within parliament to develop strategies for promoting party views. The Whip system is used in parliaments to maximize party turnout for major votes.

**Separation of Powers**
The division of powers and responsibility in a democratic political system recognizes the role of the Executive, Parliament and the Judiciary. The primary role of the Executive is to implement laws and to expend funds in accordance with the state budget. The role of the Parliament is twofold:

1. To pass laws and the state/national budget; and
2. To hold the Executive accountable for its actions in implementing laws and the budget.

The Judiciary’s role is to arbitrate disputes with regard to the interpretation of a law and to enforce the laws.

**Parliamentary committees and their functions**

**What are Parliamentary Committees?**

Parliamentary committees are smaller units or groups of MPs set up within the parliamentary system. They allow parliament to perform several functions simultaneously, and also provide the opportunity for more detailed investigation and discussions before findings and outcomes of these committee meetings are presented as committee reports to the broader group for debate and conclusions.

Parliamentary committees, sometimes called commissions or councils, are units of organization within the legislature that allow groups of legislators to review policy matters or review bills more closely than would be possible by the entire chamber. The roles of the committees vary from jurisdiction to jurisdiction depending upon the governing system, strength and organization of political parties, available resources, and other political factors.¹

Today parliamentary committee systems have emerged as a creative way for parliaments to perform their basic functions. They serve as the focal point for legislation and oversight. In a number of parliaments, draft laws, resolutions, and specific issues are referred to specialized committees for debate and recommendations are made to the chamber for further debate.

Parliamentary committees have emerged as vibrant and central institutions of democratic parliaments in today’s world. Parliaments across the globe set up their own rules on how

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committees are established, the composition, mandate and how chairpersons are to be selected but they do have certain characteristics in common. They are usually a small group of MPs brought together to critically review issues related to a particular subject matter or to review a specific bill. They are often expected to present their observations and recommendations to the Chamber for the final debate.

Committees have a multi-party composition. They examine specific matters of policy or government administration or performance. Effective committees have developed a degree of expertise in a given policy area, often through continuing involvement, and stable memberships. This expertise is both recognized and valued by their colleagues. They are both able to represent diversity and reconcile enough differences to sustain recommendations for action. Also, they are important enough so that people inside and outside the legislature seek to influence outcomes by providing information about what they want and what they will accept. Furthermore, they provide a means for a legislative body to consider a wide range of topics in-depth, and to identify politically and technically feasible alternatives.

**Different Types of Committees**

Parliamentary committees are established for many reasons and the label and names given to parliamentary committees differ from country to country. They are established through a legal document, such as a new Standing Order or an Act of Parliament, that provides them with their powers, procedures and authority. Some committees are established and defined in the constitution of a country; others are created by a specific law or through the parliament’s own rules of procedure, which are referred to as Standing Orders. Finally, some committees are established by a motion of the parliament. Examples of committees established using different legal mechanisms are given below.

Parliamentary committees can be classified in a number of ways. The term or life of the committee, that is, the length of time it exists, means committees can be classified as either permanent or finite. A finite term is often measured in months while a permanent committee is often for the term or life of a parliament. Some parliaments have fixed terms. For example the House of Commons in the United Kingdom has a fixed term of 5 years.
Other parliaments have laws that enable the government to decide the date of a general election. For example, the Parliament of Australia has a 3-year term but there are conditions, which if met, enable the government to call an election much sooner.

**Permanent Committees**

Specialized permanent committees are sometimes called standing committees (though are known as Select Committees in the United Kingdom and some other countries – See Box 1.3 below). The functions, size and composition of these committees are often clearly indicated in the Standing Orders or other establishing documents (i.e. – constitution, legislation), the rules that govern the functions of the parliament. Many Parliaments have different forms of permanent committees.

In the German Bundestag, for example, a number of permanent committees are set up during each parliamentary term between elections for the duration of the term. With few exceptions most of these committees mirror the government administrative structure.

**Box 1.3 – Standing versus Select Committees**

Each parliament has its own means of naming its different types of committees. Most parliaments based on the Westminster model call their permanent committees “standing” committees (e.g. – Canada; Australia; India). In these countries, often the ad hoc committees established for a finite task are called “select” committees.

However, in other countries (e.g. – United Kingdom; New Zealand) a “select” committee is a permanent committee and *ad hoc* committees are known as “standing” or “special” committees. This can cause confusion between parliaments, but the key is to distinguish between permanent and finite committees and how they are established.
In Ghana, standing committees are appointed at the first meeting of parliament after the election of the speaker and two deputy speakers. These committees deal with matters of continuing concern to the House and every Member of Parliament must serve on at least one standing committee. In addition to the above, the Ghana Parliament sets up subject matters committees that parallel the government administrative structure. These are referred to as Select committees. (See Appendix III for a list of committees).

**Finite Committees**

Finite committees are formed for the purpose of reviewing particular policies or draft laws and then are dissolved when that work is completed.

In the German Bundestang, for example, a 21-member special committee was set up in 2000 on the Act on the Criteria Governing Revenue Equalization between the Lander and the Federation/Revenue Equalization.

The UK House of Commons select committees (the equivalent to standing committees in other parliaments) carry out a detailed examination of draft laws before their passage and often have ad hoc membership. A different group of Members is nominated for each law considered. They carry out debates in a room shape similar to the main chamber with government and opposition seated facing each other. Figure 1.0 shows a House of Commons Select Committee taking evidence at a public hearing.
Inquiry Committees

This type of committee is established most likely by means of a motion of the parliament and is focused on a key, often politically sensitive, issue that requires the parliament to conduct an inquiry. These committees are sometimes provided with enhanced powers to gather evidence, to ensure it has the tools required to reach its conclusions.

Committee of the Whole

When the entire membership of parliament forms a committee to deal with a draft law or state budget. Often chaired by the speaker or the deputy speaker to investigate a matter of concern, it is described as a committee of the whole. In the House of Commons this is referred to as the Committee of the Whole House and in the United States it is called the Committee of the Whole House on the State of the Union, both are presided over by a chairman not the Speaker. In smaller parliaments, such as small island states in the Caribbean and Pacific, the only committee may be the Committee of the Whole, given the limited number of MPs to assign other types of committee.
Table 1.1 – Different types of committees in the Canadian Parliament

<table>
<thead>
<tr>
<th>Committee Type</th>
<th>Description</th>
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<tbody>
<tr>
<td>Standing committees</td>
<td>Created by the Standing Orders of the House of Commons, standing committees continue to exist from one session to another and from one Parliament to the next. They may study matters referred to them by the House and, within the limits of their mandates in the Standing Orders, may undertake studies on their own initiative. There are currently 24 standing committees of the House and 2 standing joint committees. With a few exceptions, these committees are empowered to study and report to the House on all matters relating to the mandate, management, organization and operation of the departments whose activities they oversee. In addition, some standing committees have specific mandates.</td>
</tr>
<tr>
<td>Legislative committees:</td>
<td>Legislative committees: Established by the House for the sole purpose of drafting or reviewing proposed legislation, legislative committees cease to exist once they present their report to the House. Legislative committees are generally restricted to studying a bill referred to them by the House and presenting a report on it with or without amendments.</td>
</tr>
<tr>
<td>Special committees:</td>
<td>Special committees: Created as needed by the House and charged with inquiring into a matter of particular importance, special committees are established by an order of reference (motion) adopted by the House that usually defines their mandate, powers and membership. Once they have presented their final report, special committees cease to exist.</td>
</tr>
</tbody>
</table>
Joint committees: Joint committees may be established by both houses of Parliament, joint committees are composed of both Members and Senators.

Joint committees may be standing committees, when they exist pursuant to the Standing Orders of the House of Commons and the Rules of the Senate, or special committees, when they are established by orders of reference (motions) of the House and of the Senate to study matters of great importance.

Sub-committees: A sub-committees is created by an existing committee, usually a standing committee, and the sub-committee reports to that committee.

Committees establish sub-committees by adopting an order of reference (motion) defining their mandate, membership, powers and the other conditions governing their deliberations.

Subcommittees may report only to their committee.

Committees of the whole: Committees of the whole means a committee made up of all the Members of the House of Commons.

Each time the House resolves itself into a committee of the whole to deliberate on a specific matter, a new committee of the whole is created. Once it has completed its business, it ceases to exist.

Meetings of committees of the whole are held in the House of Commons Chamber itself and are presided over by the Deputy Speaker, as Chair of Committees of the Whole, or by the Deputy Chair or Assistant Deputy Chair of Committees of the Whole.

Their deliberations are considered House proceedings and are therefore not available on the Committees website.

Liaison Committee: The Liaison Committee is established pursuant to the Standing Orders of the House of Commons.

It consists of all the chairs of the standing committees and the Members who are joint chairs of standing joint committees.

The Liaison Committee is responsible for allocating the funds approved for committee business by the Board of Internal Economy.

A critical, yet often overlooked, component of a committee that is able to function is ensuring it has the enabling legal framework to conduct its work. It is in these enabling documents that a committee is granted its mandate, the limits to its jurisdiction, its powers and the procedures it will have to comply with. Even if these aspects of the parameters of a committee are not defined in the enabling documents, there absence can result in political gamesmanship and partisan posturing that can prevent a committee from; achieving its ultimate goal, whatever that might be.

A committee can be established by means of the following methods:

- Standing Orders;
- Motions of Parliament;
- Legislation (Acts of Parliament); or
- A nation’s written Constitution.

**Standing Orders**

The most common place to define the mandate and powers of a committee is in the standing orders of a parliament. These are the rules, adopted by the parliament, that allow it to define its own rules by which it will operate, which are, in turn, interpreted by presiding officers, such as the speaker and chairpersons of committees. By defining a committee in the standing orders a parliament has the absolute ability to amend his with just a simple motion adopted by the parliament. An example is shown in Box 1.4.
Section 70 of the *Constitution of Fiji* provides the legal authority for the Parliament of Fiji to establish standing committees and their powers through the Standing Orders of the Parliament. Article 109(2) defines the six standing committees of the Parliament and describes in some detail their area of jurisdiction.

The Standing Orders also spells out specific powers and procedures for standing committees and the creation of select and special committees.

Source: [http://www.paclii.org/fj/other/fijiparliamentstandingorders.html](http://www.paclii.org/fj/other/fijiparliamentstandingorders.html)

**Motion of Parliament**

For committees with a finite jurisdiction or timeframe to complete its work, it is common for the parliament to adopt a motion that defines the mandate and powers of the committee. These are extraordinary committees or ad hoc joint committees that are established to address a unique topic or issue that does not fall within the jurisdiction of any permanent committee or if greater powers are required for a committee to achieve results than are normally provided to permanent committees. Box 1.5 provides an example of a committee established by a motion of parliament.

Box 1.5 - Establishing a Parliamentary Committee by Motion of Parliament - Germany
Following revelations in early 2014 of surveillance conducted by the United States on German political leaders, the Bundestag (German Parliament) adopted a motion on 18 March 2014 to establish a committee of inquiry to investigate the allegations and their ramifications for German security.

The motion provided 33 specific questions to be answered by the committee, ranging from facts to be established with regard to the allegations to recommendations for action to prevent future security breaches.

The full motion can be found here: [https://www.bundestag.de/blob/284528/a89d6006f28900c4f46e56f5e0807ddf/einsetzungsantrag_englisch-dox-data.pdf](https://www.bundestag.de/blob/284528/a89d6006f28900c4f46e56f5e0807ddf/einsetzungsantrag_englisch-dox-data.pdf)

**Legislation**

Some committees are established by means of a law adopted by the parliament. This is usually done to provide a legal basis for the committee to conduct its work and primarily is used to establish oversight committees that will interact with other agencies or the executive branch on a regular basis which will extend for the long-term and certainly beyond the term of a parliamentary term. Examples include, in some countries, the Public Accounts Committee (interacting with the State Auditor) and security oversight committees (interacting with security and military). An example of using legislation to establish a committee is in Box 1.6.

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**Box 1.6 - Establishing a Parliamentary Committee by Law: UK Intelligence & Security Committee**
In 1994 the British House of Commons passed Intelligence Services Act, which included the establishment of a parliamentary oversight committee known as the Intelligence and Security Committee. The mandate of that committee was expanded in 2013 under the Justice and Security Act. The powers of the committee are provided for through the legislation and not otherwise, allowing for a derivation from the standard rules for appointment and limits on the powers of the committee to investigate.


**Constitution**

Some countries are more prescriptive in their constitution and specifically define certain committees and their powers within this basic law. This will ensure the committee is protected and will have the ultimate authority to conduct its work. But if there is a challenge to the committee’s work or if there is a need to amend the enabling document, amending a constitution is very difficult. Box 1.7 provides a recent example.

**Box 1.7 – Establishing a parliamentary committee by Constitution: Kosovo**

The Constitution of Kosovo provides a general power to the Parliament to establish committees, but specifically requires the establishment of the **Committee on Rights and Interests of Communities** (Article 78). The committee was established to reflect the need to have a venue for addressing ethnic tensions in the country and is provided with a unique membership – one-third of members come from the Albanian majority, one-third from the Serbian minority and one-third from other ethnic minorities. It is provided with the authority to review all draft laws and to propose draft laws for debate.

No matter the means by which the legal framework is defined, in order to avoid challenges to the work of a committee, it is important to ensure certain key elements are well defined in the enabling documentation.

Elements that should be considered in the establishment of a committee include:

- parameters of work;
- outputs;
- funding;
- membership; and
- timeframe.

**Parameters of Work**

The committee should have a focus to its work and the enabling documents should provide a definition of the sectors or topics that the committee will be addressing. This should not be fully inclusive and allow some room for interpretation by the committee, but should avoid any obvious overlaps with other committees. If the committee is a permanent committee, the parameters of its work will likely be broad, while if it is a select or inquiry committee, its mandate will be more focused.

**Box 1.8 – The Bangladesh Parliament’s Committee on Estimates**
Committee on Estimates. There shall be a Committee on Estimates for the examination of such estimates as may seem fit to the committee or are specially referred to it by the House. The functions of the committee shall be:

- to report what economies, improvements in organization, efficiency or administrative reform, consistent with the policy underlying the estimates, may be affected;
- To suggest alternative policies in order to bring about efficiency and economy in administration;
- To examine whether the money is well laid out within the limits of the policy implied in the estimates;
- To suggest the form in which the estimates shall be presented to the House

Source: [http://www.parliamentofbangladesh.org/rprocedure.htm](http://www.parliamentofbangladesh.org/rprocedure.htm)

**Outputs**

What is the committee expected to produce or consider. Will it be providing a report with recommendations on a draft law or will it submit a draft law that it has already amended? Will a minority report be allowed with the committee’s report?

**Funding**

Key questions about funding are:

1. Will the committee have the resources to hire technical experts, to travel outside of parliament or to conduct a survey? and,
2. If so, how will the funds be managed and who will have the final decision on expenditures?
Membership

Careful consideration is needed in relation to four questions:

1. How many members will be on the committee?
2. What will be the break down between government and opposition parties?
3. Will alternate members be appointed? and
4. Will each caucus be able to manage who attends the committee on their behalf?

Timeframe

Those establishing a parliamentary committee need to decide in advance of the committee’s establishment what will be the time limit for the committee to complete its work.

If a permanent committee, will its work be able to continue if the parliament is prorogued?

Powers

Key questions about a committee’s powers are:

1. Does the committee have the power to subpoena witnesses or documents? How does it handle testimony and are hearings recorded? and
2. What happens if a witness refuses to attend and testify?

In addition to these elements in establishing documents, some committees have taken the enabling document and have further defined their mandate by developing terms of reference that provide in more detail as to what it is expected to achieve. Box 1.9 provides an example.

Box 1.9 – Committee mandate: Terms of reference
Beyond the legal (and often short) description of the mandate of a parliamentary committee, whether or not found in a constitution, standing orders, legislation or a parliamentary motion, some committees are provided with terms of reference that provide greater detail as to what the committee is expected to consider and deliver.

An example of this approach can be found with the United Kingdom’s House of Lords Secondary Legislation Scrutiny Committee, in which the committee has been provided with a specific set of terms of reference to support it in its work.


See also the British Columbia Legislative Assembly Terms of Reference for the Public Accounts Committee:

[https://www.leg.bc.ca/cmt/40thparl/session-2/pac/5-40-2-7-2.htm](https://www.leg.bc.ca/cmt/40thparl/session-2/pac/5-40-2-7-2.htm)

**Effectiveness of committees – Key aspects**

This section examines the factors that contribute to the effectiveness of parliamentary committees. It highlights the need for consensus building and the need to manage partisan behaviour in committee work, the importance of diversity in representation, and how basic information needs of committees can be met. The section also looks at the role of committee staff and the competencies required for core staff.

The effectiveness of a parliamentary committee depends on a number of factors including the size of the committee. If a committee is too large or too small it renders it ineffective. Large committees become unwieldy and small numbers limit the quality of ideas needed for effective work. Ogle (2004) cites the French National Assembly as an example of a parliament with large committees of 72 to 144 members, making it comparatively ineffective among European parliamentary committees.

The skills of the committee chairperson in managing activities and meetings of the committee are viewed as being very important to the committee’s effectiveness. A poor quality chair
can have a tremendous impact on committee output. According to Ogle (2004) the following are qualities of an effective committee leader:

Table 1 – Qualities of an effective parliamentary committee leader

<table>
<thead>
<tr>
<th>Quality</th>
<th>Actions that demonstrate the quality.</th>
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<tbody>
<tr>
<td>1. Competence</td>
<td>Demonstrates understanding of parliamentary process, have a solid working relationship with members and key staff and know the content of key matters assigned to the committee</td>
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<tr>
<td>2. Flexibility and adaptability</td>
<td>Learns to adapt to new conditions when circumstances change</td>
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<tr>
<td>3. Firmness and decisiveness</td>
<td>Stands firm when decisions are made</td>
</tr>
<tr>
<td>4. Honesty and dependability</td>
<td>Is honest and forthright with committee members, staff and the media</td>
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<tr>
<td>5. Openness</td>
<td>Builds strong communication links</td>
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<tr>
<td>6. Fairness</td>
<td>Treats committee members fairly</td>
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<tr>
<td>7. Tolerance</td>
<td>Understands and accepts that members will not support committee leadership all the time</td>
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<tr>
<td>8. Patience</td>
<td>Recognizes times when it is necessary to be patient</td>
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<tr>
<td>9. Humility</td>
<td>Accept responsibility for mistakes</td>
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<tr>
<td>10. Stamina</td>
<td>Project high energy level however long it may take to address matters assigned to the committee</td>
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Consensus building

Consensus building is not shown explicitly on Olge’s list but is an important quality. The multiparty nature of parliaments often translates into multiparty committees and effective
consensus building techniques and a genuine bi-partisan approach to committee work becomes critical in promoting committee effectiveness.

Secretariat staff

The quality of support staff and the resources available to the committee can have a significant impact on a committee’s effectiveness. When well-resourced with the requisite skilled personnel, with access to relevant and accurate analysis and information, and with adequate logistical support, committees can perform very well.

Number of committees, Size and Composition

The number, the size and the composition of parliamentary committees vary from country to country and the total number of MPs in a parliament often has little bearing on the number of committees that will be set up. For example, Grenada, an island in the Caribbean with a population of 89,703, has a House of Representatives made up of only 15 members with several committees including:

- The Committee of Selection;
- The Standing Orders Committee;
- The House Committee;
- The Committee on Privileges; and
- The Public Accounts Committee.

The number of parliamentary committees and the membership numbers varies greatly between parliaments. For example, while the House of Commons in the United Kingdom has 646 Members, it has parliamentary committees with varying membership sizes. The Public Accounts Committee is made up of 16 Members, while the Finance and Service Committee has only eleven members. A comparable parliament is the German Bundestag. Currently it has 614 Members and its Budget Committee has 41 members.

While there are no strict rules on how parliamentary committees are composed, the common practice is to have representation on committees which reflect the party representation in the parliament itself. From an effectiveness perspective, where a governing party has a majority
of the seats in a parliament, it is important that it has a majority of members on each parliamentary committee to ensure the committee reflects its majority. However, where no party has a majority of seats in a parliament, committee membership should reflect this fact.

In Ghana’s Parliament this strictly follows a formula based on the proportions of majority and minority representation in the House and the formula is developed at the beginning of every Parliament. This is then used in determining the proportion of party representation and the composition of committees.

The size and number of committees is often based on the need to ensure all MPs are assigned at least one committee, as a means of providing the MPs with some responsibility beyond their constituent and plenary work. In those parliaments where MPs are remunerated for their work on a committees (beyond their standard salary as an MP) it is often found that a large number of committees, as the MPs are financially motivated to attend committee meetings.

No matter the reasons for the number and size of committees in a parliament, the objective should be to ensure any committee is not unwieldy. One of the key benefits of having parliamentary committees is that small numbers of MPs from all parties are able to work together for longer periods of time, doing much more detailed work. The result if often consensus that reflects the needs and interests of as many perspectives as possible and this is— something that is very challenging in a large plenary.

If a committee has too many members so that there is less partisan dialogue and discussion and the committee does not meet on a routine basis because the MPs there are too many committees, then a core benefit of a committee has been lost.

The Committee Chairperson

The Committee Chair (or chairperson) plays a critical role in the effectiveness of the Committee. The most important personality in the committee is said to be the Chair and they are usually responsible for convening and managing the committee. The Chair performs a role similar in a number of respect to that of a Parliament’s Speaker. The Chair:

1. presides over committee meetings, ruling on procedural and relevance issues, such as the relevance of questions or amendments to the committee’s mandate;
2. deals with disorder among members or by the public where the latter are admitted to hearings, and
3. answers oral questions in the Chamber on behalf of the committee.

**The Chair’s other roles include:**

1. Being responsible for signing committee reports before tabling in the Chamber and formal requests for the appearance of witnesses or the production of papers on behalf of the committee;
2. Controlling the hearing of evidence and directing the proceedings;
3. Working behind the scenes with the government and other members of the committee on the progress of important legislation;
4. Issuing media release on behalf of the committee and speaking to the media; and
5. Endeavouring to maintain open communication channels with all committee members.

Box 1.10 provides an example of how the British Columbia Legislative Assembly describes the role of a committee chair.

**Box 1.10 – Description of a committee chair in the British Columbia Legislative Assembly**

Committee Chair is responsible for maintaining order and decorum during meetings, deciding questions of procedure, and generally ensuring that the committee work proceeds smoothly in conjunction with the committee's business plan.

The key responsibilities of the chairperson include:

- To rule on all procedural matters;
- To call committee meetings, subject to authorization of the committee;
- To sign committee reports and present them to the House;
- To direct the administration of the committee by the Secretary to the Committee.

Source: [http://www.leg.bc.ca/cmt/5-2.htm](http://www.leg.bc.ca/cmt/5-2.htm)

**Appointment of Committee Chairs**
Parliamentary systems differ in the way they appoint their committee chairpersons. Some parliaments have a specific committee whose only role is to appoint the committee chairpersons; other parliaments allow the speaker to appoint.

In many parliaments it is the prerogative of the governing party or Prime Minister to appoint the chairpersons as a reward to loyal MPs. However these approaches have a tendency to establish committee chairs who are accountable to the government and who do not perceive their job as one in which they are to ensure the committee fully uses its authority to scrutinize laws (most of which are form the government) or monitoring the executive branch of government.

It has long been understood that an option is to have the members of the committee themselves elect their own chairperson. For example in the 1812 Manual of Parliamentary Practice by Thomas Jefferson, it is mentioned that parliamentary committees had the right to elect their chair or to allow the first person on the committee list to be the chairperson of the committee.

However, this practice has only more recently become one that has been adopted by parliaments. For example, in Parliament of Finland and in the European Parliament, each committee elects its own chair. Evidence points to this approach resulting in more active committees. One reason for the greater level of activity is that the chair is accountable to the committee and not the government leadership. The result is committee chairs who are more willing to fulfill the mandate of their respective committees.

Box 1.11 provides an insight into the effect of a reform in the House of Commons in the United Kingdom which followed the 2010 General Election which saw the formation of a Coalition Government comprising the Conservative Party and the Liberal Democrats Party.

Box 1.11 – A Shift to Elected Chairpersons in the House of Commons in the United Kingdom
In the United Kingdom, after the 2010 general election, the House of Commons amended its Standing Orders to require committee chairpersons to be elected by the plenary. As noted in The Economist in a 2013 article on the recent increase in activism by committees in the House of Commons:

“The main determinant of a strong committee is its chairman. Good ones, including Mr Jenkin and Andrew Tyrie at the Treasury committee (he is dubbed “Tiresome” by Treasury types), impart order and a sense of purpose. They are vindication of a recent reform to make the chairmen elected by a cross-party vote. “The chairs used to be deferential to a minister. Not anymore,” says Mr Jenkin. “I’m elected by the whole House.”


Another example is the practice of appointing opposition party MPs to be chairs of parliamentary committees. The Commonwealth Parliamentary Association (CPA) has recognized the appointment of an opposition MP as the Chair of the Public Accounts Committee as a benchmark for effective legislatures and this has become a standard provision in most Westminster-based parliaments.

Staff Support

Appropriate staffing is essential if parliamentary committees are to function effectively. Committees often need different categories of staff if they are to fulfill their mandate.

Parliamentary committees often need staff to assist with procedural issues, administrative matters, assist with drafting laws and amendments to laws, and provide expert opinion and analysis on major policy issues and more these demands often concurrently. A well-resourced parliament can usually provide its parliamentary committees with professional and experienced staff readily able to provide procedural advice, undertake research on inquiry subjects and ensure the smooth running of meetings and hearings. There is a constant requirement for administrative staff to liaise with MPs’ offices to ensure meetings will proceed
because there will be a quorum and that MPs can get to the location of the meeting if it is somewhere other than in the parliament.

Staff with procedural, research and administrative skills are usually grouped in secretariats. It is increasingly common practice for committees to share committee secretariats. That said, some larger parliaments might still operate some secretariats dedicated solely to one parliamentary committee. In addition to the secretariat model parliamentary committees rely on Hansard reporters and library staff to get much routine committee completed. From time to time committees will also need specialist advisers and the support of parliamentary draftsman.

Committee secretaries have to have a wide range of skills. They have to think strategically and still deliver services to committees on a day-to-day basis. They need to remain abreast of changes in technology and social media and the advent of the 24/7 news cycle all of which are redefining the way MPs fulfill their roles as parliamentarians and elected representatives. The advent of the Internet and smart phones has created new challenges in how committee staff can serve committees. In the end though committee secretaries need to be an authoritative source of procedural advice for committee chairs and committees as a whole and need to ensure that they can deliver high quality research, briefing papers and reports to committees.

In many smaller parliaments it is not unusual to find committees being served by only one or perhaps two staff both of who have other duties elsewhere in the parliament apart from serving parliamentary committees. Committee secretaries need to be effective at managing people and project management. Most committee secretariats face demanding work deadlines and there is usually no option but to meet immutable deadlines set by the parliament. Box 1.12 presents a view on parliamentary committee staffing for one of the world’s best-known parliaments – the Congress of the United States.
Box 1.12 – Staff Support to Parliament – United States Congress

The United States Congress employees qualified personnel that provide a wide range of support to Congress and its Committees. These include staff of the Library of Congress, which include staff of the Congressional Research Service.

There are also staff members of the office of the Chief Administrative Officer, and those at the Clerk’s office as well as the staff of the Congressional Budget Office and many others.

The CBO alone currently employs about 230 economists and public policy analysts who support committees on budget issues.


Key roles of committee staff include:

- Research;
- Procedural advice;
- Outreach
- Administration

Research

Committee research staff are charged with analysing and preparing research papers, and proposing possible questions for committee members.

Research staff also help improve the general efficiency of the legislative process by collecting and analysing data; they identify problems of relevance for members; suggest alternative course of action; and prepare studies and committee reports on legislation.
**Procedural Advice**

Providing the committee chairperson with legal and technical support in the management of meetings and the determination of procedural matters. Given that a chairperson may be a new MP or one not familiar with a specific committee previously, the institutional memory of the staff is critical in ensuring the committee works in a consistent manner.

**Outreach**

Facilitating and increasing public participation in committee inquiries and soliciting input from members of the general public and from expert witnesses through public hearings, seminars, workshops, forums, and surveys. A number of parliaments have adopted innovative approaches to ensure there is an awareness of parliamentary committees in the wider community. An example is the Parliament of Australia, which has produced a high-quality magazine, About the House\(^2\), to inform the community about parliamentary committees and their inquiries. The Parliament also has developed video and television programs with the main goal of informing the community about the Parliament.\(^3\)

**Administration**

Parliamentary staff also support the committee members with logistical and administrative matters, including the taking of minutes during meetings, arranging witnesses, submissions and storing documents.

In addition to basic support provided by staff, there is also the need for skills of specialized officers. Ideally these officers should be graduates of tertiary institutions and should include professional librarians, researchers and subject specialist who will carry out research and analysis and provide information to Members to meet the information needs of the committees.

Subject specialists who work closely with the staff of committees provide information and briefing material for members of the committee. These are often part of a pool of experts in the research and information provision department. The specialist knowledge makes it


\(^3\)A more detailed review of outreach can be found in Unit 4 of this course.
possible for in-depth analysis and the provision of information on a specific subject matter to meet the needs of the committee. They liaise with committee secretaries in responding to requests from Members of Parliament and committees, and help prepare briefing papers on subjects of public and parliamentary concern.

In providing information to meet the needs of MPs, committee support staff should place emphasis on presenting unbiased factual, accurate, up-to-date information. The information must also be provided at the right time and in a format that is easy to understand and use. It is also important to promote the core values of quality, and integrity when providing research support to parliaments. It is absolutely necessary to communicate clearly the institutional mandate and services to all as often as necessary.

Support to parliament must be non-partisan. A perception of the institution leaning towards any political group can gravely affect the credibility of research work.

Formal communication channels must be complemented with continued dialogue, and informal face-to-face discussions. This is necessary to avoid ambiguity and prevent misconception on roles and mandate.

**Summary**

Committees play a large role in the day-to-day work of parliaments and provide an opportunity for Members to use their particular skills and to nurture their individual interests. They allow legislatures to pay closer attention to such matters as the details of Bills or the work of the Executive than would otherwise be possible. The nomenclature, number and functions of committees must suit the needs and resources available to each parliament. If they are suitably resourced and take their responsibilities seriously, committees can make a very large contribution to the operations of parliament, to greater engagement of society in the business of legislation, and ultimately, to the enhancement of the status and dignity of parliament.