



**Mandates and Conduct of Business of Committees**

**Presentation by A.M Zvoma, Clerk of Parliament**

**At the Liaison and Cordination Committee meeting**

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## **1. Introduction**

Committees of Parliament exercise Parliament's legislative, Executive Oversight and representational roles through various ways. The mandate for both Thematic and Portfolio Committees is provided for in the Standing Orders. Committees are delegates of Parliament and hence whatever they do, they do so on behalf of Parliament.

## **2. Mandates of Committees**

### **2.1 Portfolio Committees**

- Standing Order No. 159 states that it shall be the function of Portfolio Committees "... to examine expenditure, administration, and policy of government departments and other matters falling under their jurisdictions as Parliament may, by resolution determine.
- Standing Order No. 160 also states, among others that Portfolio Committees shall ... monitor, investigate, enquire into and make recommendations relating to any aspect of the legislative programme, budget, policy or any other matter it may consider relevant to the government department falling within the category of affairs assigned to it, and may for that purpose consult and liaise with such department."

### **2.2 Thematic Committees**

Senate Standing Order No. 153 (2) states that it shall be the function of Thematic Committees to ... "to examine government policies which fall under or relate to the designated theme or themes, and other matters falling under their jurisdictions as the Standing Rules and Orders Committee may determine."

### **3 Conduct of Business by Committees**

Most of the business of Committees involves gathering and sythesising information and reporting to Parliament. Committees use various methods in gathering information.

#### **3.1 Methods Of Enquiry**

Committees use various methods of inquiry depending on the nature of the issue to be investigated. Some of the methods include.

- a) Public hearings
- b) Field visits or study tours
- c) Evidence gathering/ Examination of Witnesses
- d) Commissioned research.

#### **3.2 Preparing for Investigations/ Enquiries**

- Proper procedures need to be followed in the conduct of evidence gathering sessions in order to comply with Standing Orders and hence confer the protection afforded to witnesses by the Privileges, Immunities and Powers of Parliament Act [Cap 2:08]
- The Committee should clearly spell out the purpose of the investigation/ enquiry.
- The Committee should also agree on the methodology for the enquiry.
- The dates of conducting the enquiry should also be agreed well in advance to enable the necessary logistical arrangements to be put in place. Some of the enquiries/investigations may involve traveling outside the precincts of Parliament and hence there is need for adequate lead time.

### **3.3 Evidence gathering**

- Portfolio Committees can gather evidence either through oral evidence sessions / examination of witnesses or through receiving written submissions.
- Standing Orders 160 and 166 of the Senate and House of Assembly, respectively, give Committees extensive powers to call for persons, papers and records.

#### **Oral Evidence/Examination of Witnesses**

##### **i) Before a hearing**

- The Committee to agree on the people to be invited to appear before it and the date for the session.
- All initial requests for persons to appear before Committees should be invitations and not summons. Committees should only resort to summons as a last resort after all efforts have failed.
- All invitations have to be signed by the Clerk of Parliament.
- All invitations for persons to appear before Committees should be sent at least two weeks in advance of the date of appearance.
- At a meeting immediately before the evidence gathering session, the Committee should agree on the set of questions to be put before the witnesses. The questions should be relevant to the subject of inquiry.
- Requests to Officials of Government Ministries to appear before the Committee, should be addressed to the Permanent Secretary of the Ministry who is the Accounting Officer.

- Requests to Parastatals and other quasi-government Institutions to appear before the Committee should be addressed to the Permanent Secretary under which the institution falls and copied to the Head of the Institution.

## ii) **During the Hearings**

- The quorum for a Committee consisting of more than seven people IS five. However, there is a proviso that if three members, including the Chairperson are present, they can be regarded as quorum for the purposes only of taking evidence and calling for papers.
- At the beginning of receiving evidence/examining the witness, the Chairperson shall introduce all the members present and spell out the purpose of receiving the evidence/examining the witness.
- All witnesses appearing before a Committee are required to take oath or affirmation before they give oral evidence.
- Members should only pose questions previously agreed to by the Committee and may only pose follow up questions that are relevant to the subject of the investigation.
- Select Committee Rule 12 (3) states that during the examination of a witness, members shall not offer debate or express their own or the Committees' opinion on the matter under discussion.
- The Chairperson shall ensure that members do not deliberate in the presence of members. Select Committee Rule 12 states that if the Committee wishes to deliberate on a point arising from the presentation by the witness, then the witness and all members of the public have to leave the meeting. Members should also not offer debate or express their own or the Committees' opinion on the matter under discussion.
- Select Committee Rule 13 States that if witnesses submit information implicating a member, the Committee shall not proceed to deliberate on that information. The Committee should suspend its inquiry forthwith and report to the House accordingly.

### **iii) After the hearing**

- The Committee should commence to deliberate on the evidence immediately after the witness (es) has/have finished giving evidence or at a date immediately thereafter, while memories are still fresh.
- The Committee should devise ways of verifying information given to ensure that it is correct.
- Committees can recall witness to clarify certain issues or may request them to submit written papers clarifying certain specified issues.
- Once the Committee has completed deliberating on the evidence they should proceed to make their findings and recommendations, which shall form part of the Committee's report to Parliament.
- The recommendations should emanate from the findings.
- The recommendations should not be of a general nature but should be specific to enable, those to whom they are directed, to take the necessary action.

## **3.4 Field Visits**

- Field visits invariably require resources and a lot of forward planning for them to be successful
- Field visits should be arranged in such a manner that they do not clash with the sitting of Parliament. They should also avoid clashing with important Parliament or national events that may act as counter-attractions.

### **i) Before the Visit.**

- A Committee has to resolve that it is going to conduct a field visit on a clearly specified matter.

- The issue should have been on the Committee's work plan or in fulfillment of a resolution of the House.
- The Committee should, through the Committee Clerk, ascertain that there are resources available to fulfill the visit.
- The Committee shall agree on the date and the places to be visited. There should be a lead-time of at least three weeks from the date the Committee agrees on the date and the commencement of the visit to allow for all logistical arrangements to be put in place.
- The Committee Clerk should prepare the draft itinerary and budget for the visit.
- The Committee, through the Committee Clerk, should seek approval to travel outside the precincts of Parliament in terms of Standing Orders 157 and 148 of the House of Assembly and Senate respectively.
- Once approval has been given the Committee Clerk shall proceed to make the travel and accommodation arrangements for the Committee. All expenses for the visit have to be approved by the Clerk of Parliament who is the accounting officer for the institution.
- Where Committees have to seek resources from outside Parliament, all the requests have to be done through the Clerk of Parliament as agreed to by the Liaison and Coordination Committee.
- Where government institutions are to be visited, letters have to be written to the respective Permanent Secretaries advising them of the impending visits, the institutions to be visited and the dates for the visits. The final and approved itinerary should be shared with the Ministry / Institution concerned to enable them to be ready to meet the Committee.
- Non-state institutions that are to be visited should also be written to in advance and itineraries shared with them.
- A week before the visit the Committee has to meet to be advised of the logistical arrangements for the visit. At that meeting members have to agree on the place and time they will meet for the departure from Parliament.

- It is ideal that the Committee travels as a group so that the Chairperson is always aware of who is present or not.

#### **ii) During the Visit.**

- It is important that Committees keep time and arrive ahead of schedule as a group.
- On arriving at the site the Committee should look for the person in charge and advise of the purpose of the visit.
- The visit could begin with a meeting where the Committee is briefed about the institution or project visited. The meeting would then be followed by a site tour accompanied by officials from the institution who would be ready to offer explanations to members.
- As with examination of witnesses, members should not offer debate or express their opinion or that of the Committee on the issue under investigation.
- The Committee should strive to interview a cross-section of people to ensure that they get a complete picture of the situation.
- Committees should deliberate at the end of the each day/visit. The deliberations should be in camera.

### **3.5 Public Hearings**

- Public Hearings are open Committee meetings that are aimed at obtaining input from business, civil society organisations, public officials and the general public about proposed or existing policies, Bills, regulations and other issues or changes that would significantly affect the public if introduced.
- Public Hearings differ from formal Committee meetings in that the role of Members during Public hearings is limited to listening to the public's views and there is no debating normally associated with meetings.

#### **i) Assessment of Problem**

- Before a Committee can conduct a Public Hearing, it must first determine and clearly define the intentions, objectives and purpose of the public hearing. This is necessary to ensure that meetings maintain focus and direction and that there is no waste of public resources
- In assessing the problem, the Committee should always bear in mind that Public hearings: -
  - (a) Provide an opportunity for members and civil society to influence the legislative process and,
  - (b) Give Members of Parliament an opportunity to collect more information about the details and potential consequences of a bill. In short, public hearings should seek information from the public.

## **ii) Public Notification**

- To achieve the goal of involving the public in the legislative process and to afford everyone a chance to attend, the meeting venues, dates and topic of the public hearing need to be adequately advertised well in advance.
- The print and electronic media and such structures as Parliamentary Constituency Information Centers (PCICS), the Provincial and District Administrators and organized bodies could be used to disseminate information on public hearings

## **iii) Language to be used during Public Hearings**

- Parliament of Zimbabwe uses three official languages and hence participants to public hearings can use any of the three official languages of Zimbabwe, which is, English, Shona and Ndebele.
- In order to cater for the challenges of language barriers, Parliament of Zimbabwe endeavours to provide interpreters during the public hearings to assist with interpretation.

## **iv) Basic Ground Rules for Public hearings**

Parliament of Zimbabwe has developed broad guidelines for the conduct of public hearings in an effort to make the hearings professionally run. The guidelines cover a broad area of issues including the following:

- Participants are not sworn in;
- Representative organisations, including civil society, are required to present first;
- During hearings, the committee members do not make their own presentations or engage the public in debate but listen and speak only to seek clarification;

- Committee members do not applaud/indicate pleasure/displeasure with anyone's remarks.
- Members of the public are also not allowed to applaud/indicate pleasure/displeasure with anyone's contributions.

## **7. Conclusion Of Investigations/ Enquiries.**

- The Committee should meet soon after the completion of the visit/investigation to come up with their findings and recommendations.
- The Committee Clerk should prepare the draft Committee report using the Committee findings and recommendations.
- The Committee should consider the draft report paragraph by paragraph until it is adopted for tabling in the House.
- One member should formally move the adoption of the report and that the report be tabled before Parliament.
- The Chairperson or another designated member shall present the report in Parliament and the other Committee members shall rise to support the report.
- In terms of Standing Orders it is not competent for a Committee to issue a minority report.
- It is the responsibility of the Committee to follow up on assurances made by Ministers in response to Committee recommendations.