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Jamaica Parliamentary Oversight of Public Finances-An Institutional Review

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Principal Abbreviations and Acronyms

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AG	Auditor General
CAT	Computer Assisted Transcription
CG	Contractor General
COW	Committee of the Whole House
CPA	Commonwealth Parliamentary Association
FAA	Financial Administration and Audit Act
FRF	Fiscal Responsibility Framework
IBP	International Budget Partnership
ICT	Information and communication technology
IMF	International Monetary Fund
JLP	Jamaica Labour Party
JMA	Jamaica Manufacturers Association
MOF	Ministry of Finance and Public Service
MP	Member of Parliament
OAG	Office of Auditor General
OCG	Office of Contractor General
OECS	Organisation of Eastern Caribbean States
PAC	Public Accounts Committee
PAAC	Public Administration and Appropriations Committee
PBCJ	Public Broadcasting Commission of Jamaica
PNP	People's National Party
PR	Public relations
PSOJ	Private Sector Organisation of Jamaica
SCPA	Scottish Commission for Public Accounts
UK	United Kingdom
UNESCO	United Nations Education, Scientific and Cultural Organization
UTAU	Technical Budget Support Unit (of Portuguese Parliament)
UWI	University of the West Indies

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This report has been prepared as part of a World Bank program to provide technical assistance for strengthening the capacity of the Jamaican Houses of Parliament, in particular with respect to improving parliamentary oversight of public finances to support the implementation of Jamaica's new Fiscal Responsibility Framework.

The report greatly benefitted from the support received from Presidents of the Senate and Speakers of the Parliament, both under the previous and the current Government. Special thanks are due to the Members of Parliament who attended the workshop organized in June 2011. The team is grateful for the assistance provided by the Clerk of Parliament, Mrs. Heather Cooke, Clerk to the Houses and the staff at Gordon House. Annex A lists the stakeholders who were consulted for this report.

As part of this exercise, the World Bank organized two workshops in Jamaica on June 21, 2011. The first, *Strengthening the Capacity of the Parliament*, involved Members of Parliament as well as World Bank representatives. An overview of international best practices in parliamentary oversight within a Fiscal Responsibility Framework was presented and Members and Senators exchanged views on the best approach to strengthen the capacity of Parliament to enable it to conduct its legislative and oversight functions more effectively. The recommendations from this workshop comprise Annex B. The second workshop was a civil society consultation, *Strengthening the Capacity of the Parliament and the Expectation of the Citizens from the Parliament*. It was chaired by the Auditor General of Jamaica, Mrs. Pamela Monroe Ellis. The recommendations from this second workshop comprise Annex C.

We gratefully acknowledge the financial support provided for this study by the United Kingdom's Department for International Development.

EXECUTIVE SUMMARY

1. **This report¹ responds to a request from the Government of Jamaica to review the structure and capacity of Parliament² to undertake its constitutional role³ with respect to oversight of the nation’s public finances.⁴**

2. **All governments, particularly those that are accountable to their citizens through free elections and the voice of civil society, are concerned with the efficiency and efficacy of public finances.** Legislative oversight is especially critical because it carries with it, in principle, legitimacy conferred by free election of the populace and the relative closeness of parliamentarians to their constituents.⁵ The absence or evident inadequacy of such oversight, in turn, undermines the authority of government, creating an accelerating cycle of inefficient and ineffective public spending and declining public confidence in the institutions of government.

3. **More broadly, well-functioning parliaments promote good governance; enhance transparency and accountability, including for public expenditures and their results; widen public discourse on national priorities and options; and build better partnerships between officials and representatives and their electorate.** In all this, those among the citizenry with the least have the most to gain.

4. **This report is particularly timely because one of the most pressing challenges facing Jamaica is its high level of debt.⁶** Addressing this challenge will require a clear prioritization of spending, and a collective effort to squeeze efficiencies from limited public funds. It will also require attention to Jamaica’s fiscal policies and budget-management practices.⁷ In all this, Parliament must play a critical role in helping the Government put Jamaica’s public finances on a more sustainable path and make public spending more effective.

¹ This report is based on consultations with Members of Parliament, government officials, parliamentary staff, civil society organizations, private citizens, media representatives, and business executives; visits to Parliament; and reviews of documents both Jamaican and external (to draw on international good practice).

² Jamaica’s Parliament, the country’s supreme legislative body, consists of an elected House of Representatives and an appointed Senate; the government is based on the Westminster model.

³ Parliament’s impact ultimately depends on how well it implements the three chief functions of a legislature—lawmaking, oversight, and representation.

⁴ The scope of oversight of public finances extends far beyond reviewing annual budgets. Other subjects of such oversight include medium-term expenditure frameworks, ministerial strategic planning, budget implementation, and review of ministerial performance reports.

⁵ Other forms of oversight include executive branch review through a supreme audit institution, scrutiny by the media, studies by academics, and so forth.

⁶ World Bank Report No. 60. 60374-JM Jamaica Country Economic Memorandum (May 26, 2011).

⁷ The Government of Jamaica has taken active steps to address these challenges, including amending various legislation to adopt a Fiscal Responsibility Framework (FRF) that includes specific fiscal targets as well as provisions to include Ministry of Finance (MOF) control over expenditures and lending. The Act requires the Government to provide a detailed picture of the country’s fiscal stance and challenges to Parliament.

5. **This report finds that for Parliament to better fulfill its constitutional role for oversight of public finances, it will be vital to strengthen its structure, processes, and infrastructure, and better coordinate with the executive arm of the Government.**

6. **The committee system in Jamaica’s Parliament is rapidly evolving; in particular, two key oversight committees—the Public Accounts Committee (PAC) and the Public Administration and Appropriations Committee (PAAC)—are increasingly effective.** However, the public’s access to information about the functioning of the oversight committees (such as meeting agendas, committee decisions, and committee reports) is limited; this undercuts not only the impact of committee work itself but, more broadly, Parliament’s representational role.

7. **Parliament’s role in lawmaking with respect to public finances and related issues is less than optimal.** In part, this shortcoming is a function of the weight of the Executive within Parliament itself and in part it is a function of suboptimal processes. Process enhancements that would, in principle, likely benefit Parliament, the Government, and the nation include:

- A more systematic use of pre-legislative (including pre-budget) scrutiny could improve the quality of legislation, as suggestions could be made and implemented prior to the tabling of Bills, and subsequent assessment of program impact would guide future legislation. This would also enable greater contribution by backbenchers and the Opposition to proposed legislation.
- The establishment of a Business Committee would enable broader Member input with respect to the shape and timing of the legislative program. However, given the relatively few Members of the Houses, and the multiple committee assignments of Members, it may be thought preferable to assign the functional responsibilities of a Business Committee to an existing committee or to link the application of programming more explicitly to other reforms of the legislative process.

8. **There are several steps that would enhance Parliament’s impact on sound public financial management.**

- Parliament could play a greater role in the pre-budget process, debating in a plenary session the Government’s budget priorities. The Sessional Select Committees could make use of the time between the pre-Budget report and the main Budget to (a) engage citizenry in consultations, thereby reinforcing the role of Parliament as a representative forum, and (b) take evidence on the Government’s plans and feed its recommendations back to Government.
- Transitioning from line to performance budgeting would enhance accountability for whether the expenditure achieved its stated purpose, and thus, among other things, enhance Parliament’s public standing.
- The establishment of a Parliamentary Budget Officer/Office with specific terms of reference to support MPs and committees would significantly expand the public financial and fiscal management advice available to Parliament.

9. **Parliament’s infrastructure is woefully inadequate and significantly undermines the work of MPs, committees, Committee Clerks, and parliamentary staff.** Immediate needs to ensure proper oversight of public funds include better research support for MPs and committees, enhanced information and communication technology, greater staff to support the Committee Clerks, and a professional development path for parliamentary staff. Equally vital is a new building to house Parliament, with adequate facilities for Members and the public oversight committees to perform their responsibilities more effectively.

10. **To better fulfill its constitutional role, Parliament should assume responsibility for setting its own budget and for managing more effectively its administration and financing by strengthening internal governance structures.** Other measures to enhance independence from, and coordination with, the Executive include the following:

- Budgets of independent commissions of Parliament should be agreed by Parliament.
- Standing Orders and Committee TORs should be amended to ensure Committee reports and recommendations are considered by the Cabinet and that committees hold hearings on their follow-up.
- The constitutional independence of the Office of the Auditor General should be strengthened and PAC should have the right to be consulted in the process for determining the Audit Office’s annual budget and resources and the appointment and removal of the external independent auditor of the Audit Office.

11. **In all the foregoing matters, and those developed in greater detail in this report, it will be critical to involve all stakeholders.** A comprehensive strategic plan for Parliament should be developed taking into account the recommendations of this report for strengthening the oversight functions of Parliament.

12. **Action Plan.** The following is an indicative summary action plan to strengthen the oversight functions of Parliament, which could be reviewed by Parliament and the Government of Jamaica.

SL #	Proposed Actions	Target	Responsibility
1	Prepare a comprehensive strategic plan in consultation with all stakeholders taking into account the recommendations of this report for strengthening Parliament and parliamentary oversight of public finances.	Short term	Parliament Secretariat
2.	Modernize the Parliament Secretariat and its committees, procure necessary equipment, and train the Parliament Secretariat staff to use the same.	Short term	Parliament Secretariat
3.	Establish a database to record the recommendations of PAC and PAAC and their implementation.	Medium term	Parliament Secretariat

SL #	Proposed Actions	Target	Responsibility
4.	To improve the legislative process relating to the use of public funds, review all Standing Orders, ensure that committee reports and recommendations are considered by the Executive, and consider establishing a Business Committee or Steering Committee; or alternatively assign such functions to an existing committee or link the application of programming more explicitly to other reforms of the legislative process.	Medium term	Parliament Secretariat
5.	Train Members of Parliament, particularly newer members, with regard to the oversight functions of the Parliament through an orientation program and by organizing conferences, seminars, workshops, etc., with the support of the Government and key donors.	Short and medium term	Parliament Secretariat
6.	Establish a Parliamentary Budget Officer/Office with specific terms of reference to support Members of Parliament, including research support.	Medium term	Parliament Secretariat Ministry of Finance
7.	Enhance the human resources, facilities, and infrastructure of Parliament.	Long term	Parliament Secretariat Ministry of Finance
8.	Provide adequate budget independence to the Parliament.	Medium term	Parliament Secretariat Ministry of Finance

I. BACKGROUND AND COUNTRY CONTEXT

1. **Sound legislative oversight of public finances is crucial to ensure efficiency and effectiveness of public spending.** All national governments, and particularly those that are accountable to their citizens through free elections and the voice of civil society, are concerned with the efficiency and efficacy of public finances. Efficiency and efficacy of public spending is assessed through various means (for example, executive branch review through a supreme audit institution, scrutiny by the media, studies by academics, legislative oversight). Sound legislative oversight is critical, because such oversight carries with it, in principle, legitimacy conferred by free election of the populace and the relative closeness of the legislator to his or her constituents.

2. More broadly, **well-functioning parliaments promote good governance; enhance transparency and accountability, including for public expenditures and their results; widen public discourse on national priorities and options; and build better partnerships between officials and representatives and their electorate.** In all this, those among the citizenry with the least have the most to gain.

3. **Legislative scrutiny extends well beyond reviewing annual budgets, to include oversight of medium-term expenditure frameworks, strategic planning by ministries, budget implementation, performance benchmarking from every ministry, review of annual performance reports by ministries, and so forth.** Significantly, the absence or evident inadequacy of such oversight, in turn, undermines the legitimacy and authority of government, creating an accelerating vicious cycle of inefficient and ineffective public spending and declining public confidence in the institutions of government.

4. **This report responds to a request from the Government of Jamaica to review the structure and capacity of the Parliament of Jamaica to undertake its constitutional role with respect to oversight of the nation's public finances.** The World Bank team worked with the Government, Members of Parliament (MPs), and civil society to assess the ability and impact of Jamaica's national legislature to scrutinize public finances, and to offer suggestions for enhancing this capacity. The report also looks at wider issues relating to the Parliament as an institution which have an impact on legislative oversight of public finances.

5. **This report is based on wide-ranging consultations,** including with Members of Parliament, Government officials, parliamentary staff, civil society organizations, private citizens, media representatives, and business executives; visits to Parliament when it was in session and not; and reviews of documents both Jamaican and external (to draw on international good practice).

Political Structure

6. **Jamaica is a constitutional monarchy and a parliamentary democracy based on the Westminster model.** Key features include the following.

- Universal suffrage for citizens over the age of 18.
- The Prime Minister and his or her Cabinet are responsible to Parliament.
- The Constitution, established in 1962, may be amended by majorities of two-thirds in both Houses of Parliament; if the Senate does not concur with the House of

Representatives, approval may be sought through a special majority of the electorate voting in referendum.

- The British monarch acts as Head of State, but formal paramount executive power is exercised by the Governor General, who selects as Prime Minister the party leader favoured by the majority of House members.
- The Prime Minister selects other cabinet members from Parliament.
- The Constitution stipulates that “not less than two or more than four of the Ministers shall be persons who are members of the Senate.” Ministers, including the Prime Minister, may hold more than one portfolio, and they may also supervise statutory boards set up to augment the usual departments.
- The Leader of the Opposition is a constitutional position, receiving a higher rate of remuneration than other Members of Parliament and exercising consultative functions, especially on appointments to public offices. The Leader of the Opposition is appointed by the Governor General and is either the one who is “best able to command the support of the majority of those who do not support the government,” or the leader of the largest single group in opposition.

7. **Jamaica’s Parliament is the country’s supreme legislative body, consisting of an elected House of Representatives and an appointed Senate (Upper House),** as well as the Queen or her representative, as the ceremonial head, and the Governor General. The Governor General nominates the 21 members of the Senate: 13 on the Prime Minister’s advice and 8 on the Leader of the Opposition’s advice. The 63 House members are elected by universal adult suffrage for a five-year term (subject to dissolution) in elections held in each of the country’s 63 constituencies. The Constitution requires that the Prime Minister call a general election no later than five years after the first sitting of the previous Parliament.

8. **The most recent election was held in December 2011; it was won by the People’s National Party (PNP); its leader, Portia Simpson Miller, was sworn in as the country’s tenth Prime Minister.** The main opposition party is the Jamaica Labour Party (JLP), which held office from September 2007 to December 2011, under Prime Minister Bruce Golding until October 2011 and then under Andrew Holness for the remaining period.

Fiscal Context

9. **One of the most pressing challenges facing Jamaica is the high level of debt that has been carried for the past 20 years.**⁸ Improving this situation will require a very clear prioritization of spending, and a collective effort to squeeze efficiencies from the limited public funds available. It will also require attention to Jamaica’s fiscal policies and budget-management practices, which have been major challenges to the country’s development. Other weaknesses in fiscal management identified by the World Bank include inefficient public investment; weak links between government priorities, planning, and budget; the lack of in-year expenditure controls; and the lack of accurate financial statements. In all these matters, the Parliament of Jamaica has a critical role to play.

10. **The Government of Jamaica has amended various legislations to adopt a Fiscal Responsibility Framework (FRF).** The FRF includes specific fiscal targets as well as provisions to include the Ministry of Finance and Public Service (MOF) control over expenditures and lending. The Act requires the Government to provide to Parliament an overarching and detailed picture of the country’s fiscal stance and challenges. In turn,

⁸ World Bank Report No. 60. 60374-JM Jamaica Country Economic Memorandum (May 26, 2011).

Parliament must play a critical role in helping the Government and the country put Jamaica's public finances on a more sustainable path and make public spending more effective.

II. THE LEGISLATIVE PROCESS

We take pride in the remarkable capacity of our democracy to effect change and facilitate the peaceful and orderly transfer of power; we must enrich the value of that democracy by seizing opportunity to bring our people together. We must, by word and deed, actualize the ideal that we are one nation under God, with one government serving one people. – Former Prime Minister Bruce Golding (Inaugural Speech, September 16, 2007)

A. Description of the Legislative Process

11. **Following the practice of most Westminster-type parliaments, the initiation and formulation of legislation in Jamaica is an executive-centred activity.** Governments are elected on a legislative platform and typically can rely on their majority in the House of Representatives to pass legislation. Parliament's primary function, therefore, is responsive: to scrutinize and refine government legislation (although Parliament can also contribute to the pressure that leads a government to introduce a bill).

12. **The Standing Orders of the House of Representatives and the Senate provide that any Member may introduce a Bill** provided he or she has given notice of the same and has obtained the leave of the House (leave of the House or Senate is not necessary when a Bill is introduced on behalf of the Government). While Government backbenchers and Opposition Members can initiate legislation, this is not the usual practice.

13. **Government Bills are drafted by the Office of the Parliamentary Counsel, which falls under the remit of the Ministry of Justice** and which is staffed by persons with special expertise in legislative drafting. In addition, it is the practice of Parliament to submit Private Bills to pre-legislative scrutiny by the Office of the Parliamentary Counsel to reduce the incidence of technical errors that may be present when a Bill is drafted by a private attorney-at-law.

14. **The Legislative Counsel examines primary and subsidiary legislation and petitions presented to both Houses of Parliament.**⁹ He or she provides advice to Members of both Houses on the purpose, structure, and implications of legislation and petitions to ensure that they are consistent with the Constitution and existing statutes. The Counsel advises Members, as required, on the preparation of Resolutions and Private Members' Bills and Motions. The Counsel advises promoters and their legal representatives, as required, in the preparation and presentation of Private Bills. The Legislative Counsel also monitors the enactment of legislation, in particular the bringing into force of Acts that have received the Assent, and the promulgation of regulations.

15. **The Government is responsible for setting the agenda for each sitting of Parliament and determining the duration of debate on a Bill.** Usually, debate remains open so long as Parliamentarians indicate their desire to participate. A similar approach is practiced when Parliament resolves itself into a Committee of the Whole House or Senate, respectively, to review the content of Bills. Members of the public, with leave of the Speaker, may contribute to the debate by making submissions to the Committee of the Whole House

⁹ The post of Legislative Counsel was created in Parliament following the 2007 General Election.

from the bar of the House. Any proposed submission must first be presented in writing to the Speaker.

Special Select Committees

16. **The Standing Orders allow for a Bill to be referred to a Special Select Committee for more detailed consideration and report.** Complex, technical, or controversial legislation is typically sent to a Special Select Committee before reporting to the House in which the Bill was tabled. A Committee of the Whole House will consider a Bill clause-by-clause during debate, but most of the detailed scrutiny will take place in the Special Select Committee (when established). The Attorney-General's Chambers is represented when Bills are being debated to deal with the substantive legal issues vis-à-vis the policy, while the Office of the Parliamentary Counsel deals with the drafting issues. Representatives from the Office of the Parliamentary Counsel and the Legislative Counsel to the Houses of Parliament are present during the sitting of committees convened for the deliberation of legislation, to assist Parliamentarians with drafting or technical questions that may arise.

17. **When amendments are proposed to Bills, the proposed legislation must be returned to the House from which it originated for agreement.**¹⁰ Typically, the time allotted to committee scrutiny of legislation is determined by the Special Select Committee itself. However, when the proposed legislation is considered urgent Parliament may give the Committee a deadline to report its findings to the House or Senate.

18. **Special Select Committees have a number of useful features, although their lack of continuity is a limitation on the effectiveness of a committee system and, by extension, on the chamber as a whole.** Such committees meet in public and can receive evidence, powers that are central to the operation of committees and provide information to frame decisions. Committees established to examine legislation usually invite interest groups to give comments on the Bill and to present these comments in written form to the Clerk of the Houses. If the committee desires oral submissions, groups are invited to make a presentation to the committee and these submissions usually become the subject of deliberation by committee members. Committees established for the specific purpose of examining a Bill can call civil servants to give evidence with respect to the policy underlying a Bill; it is not the usual practice to call a minister to give evidence. However, it is the practice to have the Minister with substantive responsibility for the Bill's subject content chair the committee meetings.

B. Issues and Recommendations

19. **Parliament's oversight of public finances is often adversely affected by relatively mundane contingencies,** such as documents arriving late for tabling or in insufficient quantity when there is insufficient time to permit copies to be produced before a meeting.

¹⁰ Amendments are often an opposition party's opportunity for scrutiny. "One feature of committee scrutiny of legislation in Westminster-based parliaments is that they are essentially an extension of the partisan battle on the floor of the House, with the government relying on its majority to pass legislation. However, Opposition Members may propose amendments for consideration, and the scrutiny process forces the Government to explain and account for its proposals and ministers to subject themselves to questioning and criticism by the opposition." Blackburn & Kennon (2003) p.448.

Similarly, in the case of committees, sometimes a committee completes its deliberations and requires the report to be tabled on the same day, or sometimes persons do not appear before committees as planned or documents are not presented as requested. This happens mainly due to limited logistical support, such as photocopiers. (The recognized need for enhanced electronic communication is subsequently discussed as a longer-term remedial step.). These as well as more critical process issues (discussed below) surfaced in the Parliamentarians’ workshop (see Box 1).

Box 1. Recommendations from Capacity Development Workshop for Improving Parliament’s Oversight Functions
<ul style="list-style-type: none"> • Documents should be sent to Parliament in a timely fashion to ensure that there is time for photocopying and distribution to members. • A more constructive and fruitful relationship between Permanent Secretaries and the Office of the Clerk should be established. • Parliament should consider how the programming of legislation can be improved with regard to improving Parliament’s oversight functions, using the experience of other jurisdictions. Better programming will assist the scrutiny of legislation and be beneficial for civil society organizations, better enabling such organizations to deliver briefing material to members of a standing committee. Governments should be able to pass legislation in a reasonable time, but the Opposition must have full opportunity to discuss Bills and to seek to change provisions to which they attach importance. • Bills should be properly prepared (drafted) so as to limit the number of subsequent government amendments. A joint Working Commission could be established on “law quality.”

20. **The legislative process could be improved by drawing on the experience of Westminster-style counterparts** (see Box 2 for overarching good practice recommendations).

Box 2. Good Practice Recommendations to Improve the Legislative Process and Parliamentary Oversight
<ul style="list-style-type: none"> • The Government of the day must be assured of passing its legislation in a reasonable time (provided that it obtains the approval of the House). • The Opposition in particular and Members in general must have a full opportunity to discuss and seek to change provisions to which they attach importance. • All parts of a Bill must be properly considered, and the time and expertise of Members must be used to better effect. • The House as a whole and its legislative committees in particular, must be given full and direct information on the meaning and effect of proposed legislation from those most directly concerned, and full published explanations from the Government on the detailed provisions of the proposed Bill. • Throughout the legislative process there must be greater accessibility to the public; and legislation should, so far as possible, be readily understandable and drafted in plain English. • There must be sufficient flexibility in any procedures to cope with, for example, emergency legislation, which may seriously affect the public exchequer and the safety of citizens. • Monitoring and, if necessary, amending legislation which has come into force should become a vital part of the role of Parliament for improving public oversight of public finance. <p><i>Source:</i> Select Committee on Modernization of the House of Commons, The Legislative Process, 23 July 1997, HC 160 1997-98, UK.</p>

Timetabling of Legislation—Public Finance and Oversight-Related Bills

21. **Parliament’s legislative process with respect to public finances would be enhanced by improved timetabling of legislation, which could better focus discussion on the most important aspects of proposed Bills.**¹¹ One suggestion that emerged from the Capacity Development Workshop for Parliamentarians was to differentiate public finance-related legislation along a “significance” criterion, such as debt management, amendment of the Finance or Audit Acts, performance review of the implementing ministries with respect to budget allocation and results vs. outputs and outcomes, and so forth.

22. **As important legislation with respect to public finances should receive more comprehensive treatment than less critical matters, it was suggested that Members could be briefed by the legal draftsman, the Chief Parliamentary Counsel, or similarly capable personnel, followed by legislative hearings with public input.** This could be arranged by the Legislative Counsel once legislation has been tabled in Parliament. As a Bill is normally tabled on a Tuesday, the briefing could be arranged for the following Monday.

23. **Mapping out a timetable for a public finance-related Bill’s process through Parliament in advance of its passage has advantages, but the disadvantage is that legislative programming can become more about efficient time management and the Government securing its business rather than about fundamentally improving the effectiveness of parliamentary scrutiny.**¹² This tension needs to be managed judiciously. For public finances, there is a clear need in some cases (e.g., to meet statutory budget-related deadlines) to ensure that a timetable is adhered to.

24. **There are other ways in which Jamaica’s Parliament could enhance the legislative process of public finance-related bills.** Other parliaments have introduced Business Committees or Legislation Steering Committees to allow greater input and agreement among all interested parties about the shape and timing of the legislative program (see Box 3). In the absence of a Business Committee, options for Jamaica’s Parliament would be either to assign the functional responsibilities of a Business Committee to an existing committee or to link the application of programming more explicitly to other reforms of the legislative process. Another option would provide that program motions should only be moved immediately after Second Reading without debate if at least one of the following four conditions had been met:¹³

¹¹ The U.K. House of Commons has developed a process for the systematic programming of legislation, with an agreed timetable for the different clauses of each bill to ensure greater predictability and avoid having to halt discussion before time has run out. During the Capacity Development Workshop in Jamaica, Mr. Othneil Lawrence, MP made reference to the Italian Chamber of Deputies, which has introduced a programming timetable for bills, requiring parliamentary groups to select amendments to put to the vote according to their respective size.

¹² See for example Phil Cowley and Mark Stuart, “Parliament: A Few Headaches and a Dose of Modernisation,” *Parliamentary Affairs*, 2001, vol. 54.

¹³ This suggestion draws on the UK Hansard Society Briefing Paper (2004), “Issues in Law Making 4. Programming of Legislation.” In the UK, program motions establish a date by which the bill should be reported by the relevant Committee and are usually moved immediately after Second Reading when progress is not to the government’s liking. They are not usually debatable. The Programming Subcommittee of the Committee reviewing the bill then decides how to allocate time in committee and can propose times at which proceedings to a certain point in the bill are to be concluded to ensure that the most time is available for those parts of the bill that are likely to be contentious or of particular interest. The end of the time allocated for consideration of a certain part of the bill is known, informally, as the point when the “knife” falls. Any

- (i) the bill had been subject to pre-legislative scrutiny;
- (ii) the bill was subject to carry-over between sessions (a procedure intended to increase the overall time for scrutiny);
- (iii) the bill was to be committed to a Committee of the Whole House or a Special Standing Committee; or
- (iv) there is cross-party agreement on the terms of the program.

Box 3. Timetabling in the Scottish Parliament

In the Scottish Parliament, the system of timetabling of legislation differs significantly from Westminster. The Parliamentary Bureau is responsible for the timetabling of all bills and is independent of the Scottish Executive. The Bureau determines how and when bills should be debated. The Presiding Officer determines when a subsequent vote should be taken. Agreement on programming is then reached by the Bureau members.

The Bureau has responsibility for drafting the Business Program, which sets the agenda for debating legislation in the Scottish Parliament over a given period and is distributed to every Member.

The Parliamentary Bureau consists of the Presiding Officer (who acts as Chair and has the casting vote) and members of the Scottish Parliament. It meets in private to discuss timetabling of bills from both the Executive's legislative program and individual Members.

Members of the Parliamentary Bureau are nominated from each of the parties represented in the Scottish Parliament. (Smaller parties and independent Members can come together to nominate a Bureau member.)

Compared to the Westminster model of parliamentary programming, there is greater independence from the Executive when planning forthcoming bills and debates. Unlike at Westminster, there are no "informal" structures in place whereby the Scottish Executive can negotiate with other parties (through "usual channels"). There is no equivalent position of Leader of the House. This renders the structure for the programming of bills both more formal and transparent than at Westminster.

Source: Hansard Society (2004).

Pre-Legislative Scrutiny—Public Finance and Oversight-Related Bills

25. **A broader and more systematic use of pre-legislative scrutiny of public finance and oversight-related bills could improve the quality of legislation, enabling suggestions to be made and implemented prior to the tabling of legislation.**¹⁴ When a Bill is in draft stages, it could be circulated to select interest groups for comment. At this stage, the public could identify problems with the policy and the respective provisions. In addition, when it is proposed that legislation is to be implemented or when legislation is tabled prior to circulation, the public could still be heard by way of letters addressed to the Minister of Finance or any concerned minister. When the Bill is referred to a Joint Select Committee, members of the public and interest groups can make submissions to the Committee and are often invited to present their views on the Bill to the Committee. If the Government of Jamaica were to move toward publishing legislation in draft, the resources available to the Parliamentary Counsel might have to be increased, but an important benefit would be better

clauses not dealt with in that period are effectively lost. In reality, the Subcommittee's decisions rarely do more than endorse formally what the government agrees to, even if sometimes the government may make concessions to the opposition, such as an extension of Committee stage or a second day for remaining stages.

¹⁴ It is acknowledged that pre-legislative scrutiny is currently supplied by Parliament's Legislative Counsel, who reviews incoming legislation both for legal soundness and appropriate drafting language, and, as deemed necessary, provides independent advice to Members (including on the legal implications of the legislation), in particular to persons who are not part of the Executive.

thought-out and more properly examined legislation. The UK experience in this regard is pertinent.¹⁵

26. **There are three possible options for the Parliament of Jamaica to undertake pre-legislative scrutiny of all public finance-related bills:** (a) the existing Sessional Select Committees; (b) a new permanent structure of legislative committees; or (c) joint committees of both Houses for individual draft Bills. The best option would be to allow either the Sessional Select Committees or a Joint Committee to consider draft Bills. The establishment of a new permanent structure for legislative committees would be problematic in Jamaica because of the difficulty in finding sufficient Members for some committees, the overlap and confusion with departmental oversight committees, and the variable workloads that the public and oversight committees would face. As it is considered good practice to have greater continuity of membership between committees that examine draft Bills and the public committees that subsequently examine the formal Bill, perhaps it would be best for the same committee to review both the draft and formal Bill.

27. **After a Committee has examined a draft Bill and reported, the Government should, if it decides to pursue the measures set out in the draft Bill, table the Bill in the normal way** in the House of Representatives or Senate. It should be clear that the Committee's recommendations are only advisory at this early stage in the legislative process.

Post-Legislative Scrutiny—Public Finance and Oversight-Related Bills

28. **One area of weakness within the legislative process of public finance oversight-related bills is the scrutiny, or absence thereof, of enacted legislation.** Parliamentary committees do not have a mechanism to follow up on legislation in their policy area. The Parliament of Jamaica might wish to consider a more systemic approach to post-legislative scrutiny, drawing on the experiences, among others, of the UK (see Box 4).

29. **The main benefits of post-legislative scrutiny** have been summarized as follows: “to see whether legislation is working in practice as intended; to contribute to better regulation; to improve the focus on implementation and delivery of policy aims; and to identify and disseminate good practice so that lessons may be drawn from the successes and failures revealed by the scrutiny work.”¹⁶

30. **One way to achieve these benefits with respect to public finance-related matters would be to establish a new Joint Parliamentary Committee to undertake post-legislative review.** Such a committee could commission specialist research from the Office of the Auditor General, other government agencies, and university departments. In the United

¹⁵ Since 1992 there has been a movement within the UK toward publishing legislation in draft for pre-legislative scrutiny by Parliamentary Committees, although this is usually restricted to Bills that are unlikely to be the subject of political controversy. This has been widely welcomed as enabling individual backbenchers and the opposition to influence legislation at a formative stage of actual legislation. “Ministers are likely to be far more receptive to suggestions for change before the Bill is actually published.” See Select Committee on Modernisation of the House of Commons, *The Legislative Process*, 23 July 1997, HC 190 1997-98, para 20. Some shortcomings exist, such as the late timing of publication of draft bills and the short period available for their scrutiny, unreasonable deadlines for reporting, and the unavailability or lateness of key supporting documentation. See House of Commons Liaison Committee, *Annual Report for 2004*, 15 March 2005, HC 419 2004-2005, para 35.

¹⁶ Law Commission Press Release, *Is Legislation Working? New System of Scrutiny Proposed*, 25 October 2006. The Law Commission is a nonpolitical independent body, set up by Parliament in 1965 to keep the laws of England and Wales under review, and to urge reform where it is needed.

Kingdom, the National Audit Office has a role in post-legislative scrutiny.¹⁷ Another option is for the existing Sessional Select Committees to take such a role. Perhaps the best solution is for the relevant government department to review a law three years after its enactment, with the report scrutinised by Parliament through a relevant committee. The aim of this process would be to assess the law's impact in practice and improve future policy-making legislation.¹⁸

Box 4. Post-Legislative Scrutiny in the United Kingdom

In the United Kingdom, memoranda submitted by departments to Select Committees are published as Command Papers allowing Members to take up points raised in them. Reviews take place between three and five years after Royal Assent. The Government sets out what it believes should be included in any memoranda submitted to Select Committees to review. The Memorandum normally includes:

- information on when and how different provisions of the Act had been brought into operation;
- information highlighting any provisions which have not been brought into force, or enabling powers not used, and explaining why not;
- a brief description or list of the associated delegated legislation, guidance documents, or other relevant material prepared or issued in connection with the Act;
- an indication of any specific legal or drafting difficulties that had been matters of public concern (e.g., issues that had been the subject of actual litigation or of comment from parliamentary committees) and that have been addressed;
- a summary of any other known post-legislative reviews or assessments of the Act conducted in Government, by Parliament, or elsewhere; and
- a short preliminary assessment of how the Act has worked out in practice, relative to objectives and benchmarks identified at the time of the passage of the Bill

Where applicable, to avoid duplication, the Memorandum could refer to or draw on any review already undertaken following commitments made under the impact assessment process. So far as possible, it would be intended that the Memorandum would draw principally from existing information and knowledge rather than involve extensive fresh research.

Source: Office of the Leader of the UK House of Commons, *Post-legislative scrutiny—The Government's Approach*, March 2008, Cm 7320, paragraph 15.

Standing Orders—Public Finance and Oversight-Related Bills

31. **A comprehensive review of the Standing Orders appears to be warranted according to comments by Parliamentarians at their 2011 workshop** (see Box 8 in Chapter III). Standing Orders are the printed rules that regulate procedure, debate, and the conduct of Members. Subject to the provisions of the Jamaican Constitution (51 (1)), both the House of Representatives and the Senate may regulate their own procedures and craft Standing Orders. The Standing Orders were adopted by the House of Representatives and the Senate on May 20, 1964; they have since been amended by Parliament on a number of occasions. The Standing Orders include procedures for calling Parliament into session and are generally adequate and straightforward. However, the Orders are somewhat dated and some are open to different interpretations, partly because local circumstances do not fit in

¹⁷ This followed the recommendation of the UK Law Commission's report on post-legislative scrutiny presented to Parliament on October 25, 2006.

¹⁸ In recent years, initial steps in this direction have been undertaken, with certain pieces of so-called "groundbreaking" legislation containing a clause that mandates a review to be undertaken (typically within three years) by a Joint Select Committee (i.e., a committee comprising Members of both Houses established for the specific purpose of conducting the review).

with UK practice (whence the Standing Orders derive).¹⁹ Given this, a comprehensive review of the Standing Orders related to public finance issues could usefully be completed before the end of this Parliament with a view to amended Standing Orders being in place for the next Parliament.

32. Better orientation and training of Parliamentarians in parliamentary procedures and the oversight role of Parliament with respect to public finances would be beneficial.

The 2003 Parliamentary Salaries Committee Report²⁰ recommended an extensive orientation program for newly elected Parliamentarians to address, among other matters, the Standing Orders of Parliament, the rules of debate, how to access relevant officers in the various ministries that deal with issues that impact on a constituency directly, compensation, obligations under the Integrity Act, conflict of interest, how to use the Hansard library and the research facilities, how to hire staff, and how to formulate the Transparency and Accountability reports. Among the recommendations that emerged from the civil society consultation was one mandating training for incoming MPs (see Box 5).

Box 5. Recommendation from the Civil Society Consultation Workshop

Post-election training for MPs in the Rules of Procedure (Standing Orders), laws, public management, and ethics should be mandatory, with frequent refresher courses

33. Clerks should be better equipped to be able to perform their function of providing procedural advice to the Speaker and Members.

Clerks are expected to be familiar with the Standing Orders and other rules of procedure to guide Members in the House and Senate and in committees. To properly fulfill their manifold responsibilities, Clerks require ongoing study, research, and liaison with colleagues, including on public finance-related issues; however, because of their unavoidable overlapping functions as procedural Clerks and administrative staff they sometimes get bogged down in nonessential, time-consuming administrative duties, leaving insufficient time for research to enable them to provide proactive guidance and support on public finance and oversight-related issues. The vacant post of Director of Human Resources and Administration was filled in December 2011; in addition a recommendation emerging from a Management Retreat was to create a post of Director, Finance and Administration for Parliament. These posts should help to relieve the Clerks and Committee Coordinator from some of the administrative tasks that they currently undertake, particularly if the two posts are not one-person-shops but rather are supplemented with departmental staff. This situation was noted in the Capacity Development Workshop (see Box 6).

Box 6. Recommendations from Capacity Development Workshop

- The parliamentary administration needs to be strengthened to ensure Clerks are not distracted by administrative matters instead of providing procedural advice to Presiding Officers and Members.
- Parliamentary staff should be more proactive in terms of questions of parliamentary procedure.

¹⁹ In any matter not provided for by the Standing Orders in Jamaica's Parliament, resort is made to the usage and practice of the UK House of Commons (Standing Order 88).

²⁰ Parliamentary Salaries Committee Report (2003).

III. THE COMMITTEE SYSTEM

*Be not afraid, do your duty towards your countryman, towards humanity.
– Alexander Bustamante, National Hero of Jamaica (1935)*

A. Description of the Jamaican Parliament's Committee System

34. **Specialization features can make Parliament more effective.**²¹ Specialization normally takes place principally through committees, which is one reason why committee development is a common component of many parliamentary strengthening programs. A robust committee system can provide a vehicle through which to query executive branch ministers and other officials. In Jamaica the work of committees has been strengthened by the transition from in-camera to open sittings (following a 1991 amendment to the Standing Orders); a gradual increase in the number of oversight committees (there are currently some 24 committees, of which 10 are Sessional); the establishment of a Committee Unit of Parliament in 1994; and a policy decision in 2007 for a Member of the Opposition to chair oversight Sessional Select Committees.²²

35. **In Jamaica there are three main types of committees, which consider matters referred to them, or which fall within their mandate, and report their recommendations to the House.**

- The *Standing Finance Committee* is a Committee of the Whole House, consisting of all the Members of the House of Representatives, the main function of which is to deliberate on the annual Estimates of Expenditure and Supplementary Estimates thereto, as well as any other matter related to expenditure.
- *Sessional Select Committees* include committees that deal with regulatory functions for the House itself, as well as oversight committees (including PAC and PAAC). These last for an entire session.
- *Special Select Committees* are committees set up to consider and report on specific matters referred to them. When matters on the same subject are to be considered by both Houses of Parliament, it is normal for these matters to be considered by a *Joint Select Committee*, which is a committee consisting of Members from both Houses. These may not necessarily last for the entire session.

36. **During the 2007-11 parliamentary term, the work of Independent Commissions of Parliament was reviewed by a Joint Select Committee;** in the present term that arrangement has not been renewed. The Independent Commissions of Parliament include the Contractor General (CG), the Public Defender, the Political Ombudsman, the Electoral Commission, the Commission on Investigations, and Office of the Children's Advocate.

37. **Within the committee system there are opportunities for backbenchers to contribute effectively to the work of Parliament.** Committee reports are agreed by consensus where possible, and voting is rare. Minority reports are possible, but the Committee Unit reports that in most committees every attempt is made by members to ensure

²¹ Norton, Philip (ed.) 1998, *Parliaments and Governments in Western Europe* London: Frank Cass.

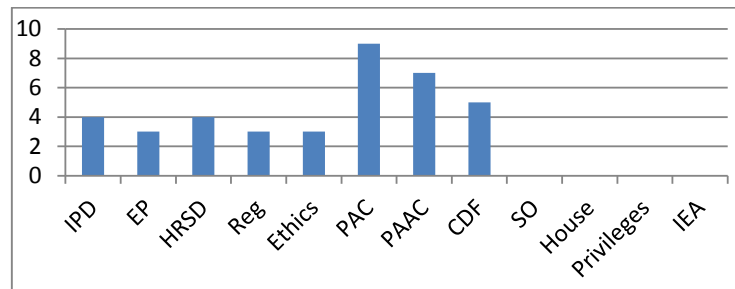
²² There are Sessional Select Committees that are not chaired by Opposition Members, by prescription of the Standing Orders: namely the Standing Orders Committee and the Committee on Privileges, which are chaired by the Presiding Officer, and the House and Senate Committees, which are chaired by the Leaders of the respective Houses. An Ethics Committee, which is yet to be established within the Standing Orders as a Sessional Select Committee of the House, is chaired by the Speaker.

the work of a committee is nonpartisan. This is harder in the committees set up to review legislation, as this is an executive-led activity.

38. **The Standing Orders provide for the election of Committee Chairs by each Committee, unless as otherwise provided by the Standing Orders or by special direction of the House,** but the practice is very much for the House to name the Chairperson when the motion setting up the committee is moved. If the Chair has to vacate his/her position, a special report has to be prepared by the Committee and submitted to the House and a new Chair is then appointed (Standing Order 80 (3)).

39. **Committee activity varied considerably in the first three months of 2011** (see Figure 1). Four committees did not meet in these months. The Committee on Tax Measures (not shown in Figure 1), which has the duty to examine all matters relating to the new tax measures for the ensuing financial year under Standing Order 65A, was not even activated. There were six meetings of Joint Select Committees during this period.

Figure 1. Sessional Select Committee Meetings (Jan-March 2011)



IPD: Infrastructure and Physical Development Committee; EP: Economy and Production Committee; HRSD: Human Resources and Social Development Committee; Reg: Regulations Committee; Ethics Committee; PAC: Public Accounts Committee; PAAC: Public Administration and Appropriations Committee; CDF: Constituency Development Fund Committee; SO: Standing Orders Committee; House Committee; Privileges Committee; and IEA: Internal and External Affairs Committee. *It is important to note that the Standing Orders Committee and the Privileges Committee only meet when matters are referred to them, while the House Committee considers matters affecting the comfort and convenience of Members; thus the absence of meetings does not imply a failing on the part of these committees or the Members thereof.*

B. Improving the Committee System to Strengthen Public Finance Oversight

40. **Despite the general improvement in the operation of public finance oversight committees such as PAC and PAAC, significant challenges remain.** As the Government is planning to introduce performance budgeting and program budgeting for all government ministries and departments, this will fundamentally change the role of various committees of Parliament. PAC, PAAC, and all department committees then will have to review the performance of the Government, including reviewing the budget allocated, the actual use of the budgeted expenditures, and what has been achieved with the expended funds. (Box 7 describes the experience of the Legislature of the Republic of Korea.) This will require all departmental or ministerial committees to review the outputs and outcomes of various departments and all Government programs.²³ In such a situation, it would be useful for

²³ The expanded responsibilities will likely prove challenging, not least because Standing Order 75 (1) stipulates that committee membership must reflect party balance in the House. This places strong pressures on Government backbenchers because almost two-thirds of the 32 Government Members hold some ministerial portfolio (Members of the Government include the Prime Minister, 13 Ministers, and 7 Ministers of State).

improving transparency if all committees submitted an annual report to Parliament detailing the output of each committee, the number of meetings held and attendees at each meeting, and the main findings of the committee. This view and others of relevance to this report were voiced in both the Parliamentarians' workshop and that of civil society (see Box 8).

<p>Box 7. Annual Review of the Public Administration's Performance by the National Assembly of the Republic of Korea – A Good Practice Example</p>
<p>Immediately after the opening ceremony each autumn, the National Assembly of the Republic of Korea determines the period during which the state administration will be inspected, and then goes into recess. During the recess, the Standing Committees draw up and discuss the plans for inspection and review of the performance of various government agencies. A plenary session is called to approve the inspection of agencies, and the Chamber goes to recess again.</p> <p>During this second recess, committees prepare for the inspections. Twenty days during each session are allocated for the inspection of the public administration. After the inspections are complete, the Government introduces its budget plan for the next year and committees begin reviewing the budget proposals.</p> <p><i>Source:</i> Republic of Korea National Assembly, 2005 Annual Parliamentary Schedule. Also reported in the study on Tools for Parliamentary Oversight written by Hironori Yamamoto.</p>
<p>Box 8. Recommendations to Strengthen Parliamentary Committees' Oversight Capacity Development Workshop of Parliamentarians</p>
<ul style="list-style-type: none"> • The change to ensure all oversight committees are chaired by a Member of the Opposition has been beneficial to Parliament and the workings of the committee system. • The problem of the large size of the executive and small number of backbenchers should be resolved. This has substantially reduced available backbenchers for committee duties and undermined balanced bipartisanship on the committees. One option is for a mandatory minimum membership of backbenchers and executive Members. • All committees should be bipartisan to ensure greater consensus on important issues; reduce political polarization; convey greater unity of purpose on issues of concern; and facilitate greater buy-in from the public. • The Standing Orders should review the terms of reference of all Sessional Committees to provide more focus on reviewing the performance and oversight of the performance of various government ministries and departments. • The use of university interns for research support has worked fairly well, but needs to be strengthened further. • The House of Representatives should consider amending Standing Order 26a (2) to ensure that all committee recommendations approved by Parliament are submitted to the Cabinet with a response tabled in the House by an agreed time more rapid than as at present (the existing Standing Order states responses should be tabled within 21 days of the motion being tabled in the House). • The Committee on Tax Measures, as provided for in the Standing Orders of the House of Representatives, should be activated. Citizens should be educated about the requirements of taxation, and fiscal management issues should be explained in a nontechnical way. <p>Civil Society Consultation Workshop</p> <ul style="list-style-type: none"> • All parliamentary committees should be open to the media and the public and chaired by an Opposition Member of Parliament. • The Annual Reports of all ministerial departments and public bodies should be made available to parliamentary committees. Equally, the committees of Parliament should produce their own annual reports to ensure wider accountability and performance evaluation. • The institutional capacity of Parliament should be strengthened by employing researchers to

The small number of non-ministerial Government backbenchers has led the House on occasion to suspend the Standing Orders to allow ministers and parliamentary secretaries to sit on committees.

assist MPs, committees, and parliamentary staff. Parliamentarians could be provided with interns from the University of the West Indies (UWI) so proper briefings and research can take place. There should be some return to students for providing such support.

- Parliamentary Committees, particularly the public finance and oversight committees, must be subject to performance evaluation and a scorecard could be developed and made available on a website.

41. **The Contractor General (CG) has expressed dissatisfaction with the way in which Parliament and the Joint Select Committee handle his reports.** Reports are tabled in Parliament and are then published as a public document on the CG and Parliament websites. In his last Annual Report, the CG questioned the relevance of his own position because his recommendations relating to the procurement process were not considered by Government and rarely taken up by Parliament. In 2009, the Office of the CG monitored some 11,000 contracts with a value of JM\$90 million. Given the financial implications of the CG's duties, Parliament's consideration of the CG's concerns would improve its oversight.

42. **Parliament has options to enhance this Joint Select Committee to strengthen the oversight role of Parliament.** The CG's opinion is that Parliament should either act on his reports or give the CG more powers to fulfil his mandate. Clearly, Parliament has both a duty and an interest in ensuring that the reports and recommendations of this and other independent commissions are considered seriously and in a timely fashion..

Follow-Up on Committees' Recommendations

43. **The accountability loop should be completed by a response from the Executive to Parliament's findings and recommendations.** Committee reports are tabled in Parliament and are included in the minutes of the relevant Parliament sitting, with the House Leader deciding which reports should be debated. At the Capacity Development Workshop for Parliamentarians, backbenchers expressed frustration at the lack of follow-up from committee reports and recommendations after they have been adopted by the House. While there can be no requirement for the Government to *implement* committee recommendations, the oversight process in general would benefit from the Government's response to committee recommendations.²⁴ Standing Orders and Committee TORs could be amended to ensure Committee reports and recommendations (along with Parliamentary Commission reports) are considered by the Cabinet, and that Committees hold hearings on their follow-up.

44. **One option to improve follow-up of public financial accountability issues would be to amend Standing Order 26A or through a new provision in Standing Order 80 dealing with reports from Select Committees so that the procedure for dealing with Motions on national or constituency issues would be applicable to all committee reports and recommendations.**²⁵ (This matter was discussed at the Capacity Development

²⁴ The length of time required for a government response varies across jurisdictions. For example, the Scottish Government normally responds to any committee report not later than two months after publication of the report.

²⁵ Standing Order 26A outlines the procedure for dealing with Motions on national or constituency issues and allows for every Private Member's Motion carried by the House to be referred to a Select Committee. If the Select Committee approves the preparation of a submission to the Cabinet, the Leader of Government business, subject to the approval of the House, makes a submission to the Cabinet inviting their consideration of the matter within 21 days of the tabling of such approval. This procedure could be adopted following the tabling of all committee reports and recommendations, perhaps with a longer timeframe.

Workshop for Parliamentarians; see Box 8 in the preceding section on Improving the Committee System.)

45. **The Parliament of Jamaica may also wish to consider new mechanisms for determining which committee reports are to be debated.** Some legislatures have introduced special Business or Steering Committees to allow greater input and agreement between all interested parties about the shape and timing of parliamentary business.²⁶ The Parliament of Jamaica could consider the establishment of a Business Committee, chaired by a backbencher, to allocate time to consider nongovernment business (i.e., matters that the Government did not itself introduce to Parliament, such as decisions relating to parliamentary oversight committees). However, given the relatively few Members of both Houses of Parliament, and the multiple committee assignments of Members, it may be thought preferable to assign the functional responsibilities of a Business Committee to an existing committee or to link the application of programming more explicitly to other reforms of the legislative process.

Support for Committees

46. **A further challenge facing committee work relating to oversight of public finances is inadequate research support for Parliament and for its committees** in particular, a problem identified in November 2003 in the Parliamentary Salaries Review Committee Report. Committee Clerks were originally called Research Officers, but the positions have since been reclassified as Committee Clerks and their work is chiefly administrative, such as preparing meetings, writing the minutes of meetings, and preparing reports. Committees lack the resource of staff members to meet their information needs by providing briefings and advice as well as conducting research into issues of public and parliamentary concern that confront committees. Other countries have experienced, and begun to address, this problem (see Box 9 for a description of South Africa’s experience).

Box 9. South Africa - Report of the Independent Panel Assessment of Parliament

The Independent Panel Assessment of Parliament in 2009 described in great detail the main deficiencies in the research support to the South African Parliament. The panel pointed to a general lack of research support. Members of Parliament felt that they lacked adequate research staff and that the available researchers did not have the appropriate skills to service the needs of Members of Parliament and committees properly. The Research Unit is undergoing a major recruitment and restructuring process. Between 1997 and 2007 the staff of the Research Unit increased from 10 to 34, with additional appointments planned to meet the requirements of the restructuring process.

Parliamentary committees are supported by the services of Committee Secretaries situated in the Committee Section of the Legislation and Oversight Division. The support provided by Committee Secretaries is wide ranging, including activities such as minute-taking, drafting committee reports, securing venues for committee meetings, and addressing the travel and catering requirements of the committee. Some of the issues that have led to dissatisfaction among Committee Section staff include the lack of clarity regarding roles and responsibilities, and the conflation of relatively specialized content support with routine administrative and logistical responsibilities. The proposed expansion of committee support to include a Content Specialist will require a clear delineation of responsibilities between the new position and that of Committee Secretary.

²⁶ The UK Parliament has recently established a Backbench Business Committee that is responsible for all business that is not strictly ministerial. The Australian Parliament’s Business Committee has a remit to allocate time for nongovernment business only. Other legislatures—including Germany, New Zealand, and Scotland—have established Business Committees with formal powers over the allocation of parliamentary time and committee appointments.

Parliamentary Internship Program

47. **Parliament has benefitted from a Parliamentary Internship Program that commenced operation in 2006.**²⁷ The facility is open to all Members and the feedback on the program has been largely positive. It has also proven cost-effective: the annual program cost to Parliament has been around JMD\$1million; a full-time research officer could not have been recruited for this level of remuneration. The current system of university interns could be expanded and the interns could be more fully utilized. For example, it might be possible to arrange with UWI some form of academic credit to be awarded to students for their work in Parliament.

48. **The Clerk believes that while the Parliamentary Internship Program has served the Parliament reasonably well in the absence of resources to engage full-time researchers, Parliament should have its own independent research capacity,** with staff assigned to work with the respective oversight committees. A genuine research facility or unit within Parliament, perhaps involving some four or five full-time researchers, would benefit the institution and Members. These researchers should be allocated to the most active committees. The Head of the Research unit, reporting to the Clerk, would be responsible for managing the parliamentary interns, who could assist the full-time staff and be allocated to the less active committees.

²⁷ Program resources were provided by the University of the West Indies (UWI), through its Centre for Leadership and Government; the Houses of Parliament; and the Private Sector Organisation of Jamaica (PSOJ), the last having provided funds in the first year only.

IV. PARLIAMENTARY OVERSIGHT OF PUBLIC FINANCES

“On my watch, I pledge that we will reject governmental extravagance and be vigilant in eliminating corruption.” – Prime Minister Portia Simpson Miller (Inaugural Speech, January 5, 2012)

A. Parliament’s Scrutiny of Budget Planning and Formulation

49. **Budget planning, formulation, and execution in Jamaica** are governed by the Constitution (Chapter VIII, Sections 114-122) and by the Financial Administration and Audit Act, originally adopted in 1959. The process of parliamentary budget approval is governed by the Standing Orders 65-67 of the House —as set out in the provision on Financial Procedure. The fiscal year in Jamaica runs from April 1 to March 31 and the main steps in the process of preparing the annual budget are as follows.

- Between September and October, the MOF issues the “Budget Call” to all ministries, executive agencies, and departments, requesting draft proposals of their requirements for the next year’s budget. The Budget Call informs recipients of the expenditure ceilings within which they are expected to operate.
- The MOF examines the draft budgets (December-February); Cabinet approval is sought for the proposed budget (March); after receiving Cabinet approval, the Budget is submitted to Parliament (March-April).
- The MOF submits the Appropriation Bill setting out the fiscal year’s allocations for each government ministry and department to the House of Representatives at the opening of the Budget debate in April. On the day that the Budget debate opens, the Revenue Estimates, which deal with the financing of the Budget, are tabled in the House of Representatives.
- The Budget Debate closes with the approval by Parliament of the Appropriation Bill by early May.

50. **Scrutinizing the national budget is a key responsibility of Parliament; Members need to be confident that financial resources are being prioritized appropriately.** According to one index of budgetary powers,²⁸ Jamaica has an intermediate score: its strengths are the few explicit limits on parliamentary amendment powers and the involvement of all MPs in budget deliberations (through the Standing Finance Committee), while its weaknesses include high executive flexibility during budget implementation and the brief time for ex-ante parliamentary budget scrutiny.

51. **The lack of legislative involvement in the pre-budget process** (between September and December) **is one of the key weaknesses in Jamaica.**²⁹ The Government could be encouraged to table a pre-budget report in Parliament (on the basis of the MOF draft budget)

²⁸ Wehner, J (2006), “Assessing the Power of the Purse: An Index of Legislative Budget Institutions.” *Political Studies* Vol 54: 767-785.

²⁹ Experience in other jurisdictions demonstrates that parliamentary input to the budget process has improved with the initiative of the pre-budget process. This is even true of the United Kingdom, where the Budget remains very much an executive-led activity. The UK Treasury Select Committee now undertakes an Inquiry into the Pre-Budget Report, which includes evidence from the Chancellor and other officials and experts. Another example of good practice is Ghana, where the Finance Committee conducts pre-budget consultations with the Minister of Finance. The Organisation of Economic Co-operation and Development (OECD) recommends that a pre-budget report should be released no later than one month prior to the budget proposal. This should include “the government’s long-term economic and fiscal policy objectives and the government’s economic and fiscal policy intentions. The Parliament must have the opportunity and the resources to effectively examine any fiscal report that it deems necessary.” OECD 2002, 37.

for debate in plenary (sometime between December and March). The Sessional Select Committees could make use of the time between the pre-Budget report and the main Budget to (a) engage citizenry in consultations, thereby reinforcing the role of Parliament as a representative forum, and (b) take evidence on the Government's plans and feed its recommendations back to Government. In Jamaica this task could be also entrusted to the Public Administration and Appropriations Committee. This is further discussed later in this section.

52. **Participants attending the two consultative workshops on June 21, 2011 noted that the pre-budget process required strengthening and made a number of wider recommendations to improve the budget process** (see Annex B and C). Of particular significance was the view that excessive partisanship is undermining fiscal responsibility and eroding public confidence in politicians. A strengthening of the committee system (as discussed earlier) may engender a more collegial approach. There was general agreement that parliamentary scrutiny and monitoring of fiscal activities must increase. For example, a Committee on Tax Measures, a committee provided for in the Standing Orders of the House of Representatives but yet to be activated, must become operational. Procedures could also be put in place for parliamentary scrutiny of the corporate plans and annual reports for each ministry and public body.

Performance Budgeting and the Approval of Expenditure

53. **In Jamaica there is a need to integrate information about the impact of government spending with the budget process.** This would ensure more emphasis is placed on the results associated with government expenditure when setting future funding levels. Ministries should be held to account not only for whether the money has been spent as specified but also whether the expenditure achieved its stated purpose. Gathering such information is a difficult task and much will depend on the work of the Public Accounts Committee and the Public Administration and Appropriations Committee.

54. **In Jamaica the draft Estimates are referred to the Standing Finance Committee of the House of Representatives for examination.** The Committee meets for two or three days and goes through each estimate line-by-line. Each ministry is present to defend its proposals. A move toward a new results-orientated and strategic Expenditure Management System is likely to provide for more effective long-term parliamentary input. This is the experience of Canada, which implemented an Improved Reporting to Parliament Project between 1994 and 1996 (see Box 10 for the cycle of planning and reporting). The project found that information provided to Parliament became “easier to understand, less accounting-orientated, longer-term in focus, and targeted at the level of results and public policy.”³⁰ Annex D describes how annual expenditure plans are dealt with in the United Kingdom.

³⁰ Office of the Auditor-General of Canada (1998) Parliamentary Committee Review of the Revised Estimates Documents.

Box 10. Canada's Expenditure Planning and Prioritization Process

Spring Planning. All departments and agencies submit Reports on Plans and Priorities to Parliament, which are referred to the appropriate standing committee for review. These documents provide information on the spending plans and priorities of departments and agencies over the medium term. Committees review the reports, report on them, and assist in the Cabinet review of priorities that occurs each summer.

Fall Performance Reporting. Every department and agency prepares a Performance Report, which is tabled in the House and referred to the appropriate committee. The reports contain information on the results that programs have delivered over several years and on whether progress is being made toward attaining performance targets.

Budget and Main Estimates. When the government tables its Budget, usually in February, it declares its spending priorities for the coming years. Main Estimates are tabled shortly thereafter, representing the government's detailed expenditure plan for the next fiscal year. The cycle begins again at this point with departments and agencies tabling their next Reports on Plans and Priorities in support of both the Main Estimates and the longer-term planning directions provided by the Budget.

55. **Further thought is needed as to how scrutiny of the budget is organized.** There have been changes to the process of considering supplementary estimates involving PAAC (see below), but the process for considering the main estimates is dominated by the Standing Finance Committee (Standing Order 65), which sits as a Committee of the Whole House. The advantage of this approach is that all Members are involved in the debate. In other countries, the task of reviewing the budget is left to a Budget/Finance Committee (for example, Denmark, Israel, and Turkey); however, in most countries input is received from sectoral committees. For example, in the United States a single committee considers budget aggregates and sectoral committees consider sector-specific appropriations.³¹

56. **There are trade-offs to alternative (fiscal vs. sectoral) committee structures.** The major advantage of a functional committee scrutinizing executive budget proposals and expenditure proposals is that it can focus on the overall fiscal framework. It is also arguably easier to hold government accountable through the use of a single powerful committee. On the other hand, sector committees will have expertise in the particular area under scrutiny and thus are better equipped to handle budget matters within their sector. According to the OECD (2011), the general trend appears to be a dominant Budget/Finance Committee responsible for budget review, which coordinates varying levels of input from sectoral committees.

57. **There does not seem to be any support within Jamaica at the present time for a smaller Budget/Finance Committee to replace the existing Standing Finance Committee.** However, it would seem reasonable for the other Standing Committees, including PAC and PAAC, to have input into the process by making recommendations to the Standing Finance Committee, which would reserve the right to review and accept or reject these recommendations (and formally consider all budget-related matters). In fact, the recent changes to the procedure involving supplementary estimates have already set a precedent for

³¹ Broadly, the US process is also followed in New Zealand and Sweden (although the New Zealand main budget committee may retain individual appropriations for consideration). In Canada, a single committee of the lower house considers the budget bill while sectoral committees consider individual appropriations in their areas; in the Senate, a single committee considers both the budget bill and individual appropriations. See OECD (2011) and Parliamentary Budget Officials Network Survey. 3rd Annual Meeting of OECD Parliamentary Budget Officials, Swedish Parliament, Stockholm.

the use of other committees, in this case PAAC, feeding into the deliberations of the Standing Finance Committee.

58. **The changes outlined above may also serve to make the budget process more transparent and consultative; however, a Citizens' Budget paper (i.e., a nontechnical presentation of a government's budget) would also improve transparency and provide greater public understanding of the government's plans.** The IMF has revised its *Code on Fiscal Transparency* to recommend the publication of Citizen's Budgets, but five in six countries do not publish such a document, according to the International Budget Partnership, 2010. The International Budget Partnership lists Latin America and the Caribbean as regions where budget transparency needs to improve.

Supplemental Budgets

59. **The scrutiny and approval process for supplemental budgets needs improvement.** The regular use of supplementary budgets is a symptom of a weak budgeting system. The Parliament of Jamaica normally approves a supplementary appropriations bill during the last quarter of the fiscal year, but a second, tidying-up, supplementary budget is also often required (normally in March). The World Bank (2011) noted that this trend has contributed to weak in-year controls during budget execution as it has encouraged the expectation that any overspending in the first nine months will be covered by supplemental budgets.

60. **While there needs to be urgent focus on the overall credibility of the budget as a policy statement, it is inevitable that some adjustments will be required to the budget.** Significant adjustments have been tabled for approval but, until recently, these were not subject to any real scrutiny by Parliament. However, following the amendment of the Financial Administration and Audit Act, PAAC has been given the responsibility to assess proposed supplementary estimates and statements of excess *before* these are voted on by Parliament (see Box 11).

Box 11. Financial Administration and Audit (Amended) No. 2 Act 2010
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(48g) Before the House of Representatives votes on any statement of excess or supplementary estimates pursuant to Section 116(2) of the constitution, the Public Administration and Appropriations Committee of the House, shall consider, and report to the House on the Statement of excess or supplementary estimates (as the case may be), having regard in particular to any financial instruction raised by the Financial Secretary, under Section 51, as to the contents of statements of excess.
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Public Administration and Appropriations Committee

61. **Formed in 1996 and in operation since 1997, PAAC performs a critical oversight function.** It has the duty of:

- Examining budgetary expenditure of government agencies to ensure that expenditure is undertaken in accordance with parliamentary approval
- Monitoring expenditure as it occurs and keeping Parliament informed of how the Budget is being implemented
- Enquiring into the administration of government to determine hindrances to efficiency and to make recommendations to the government for improvement of public administration
- Examining all supplementary estimates of expenditure and reporting to Parliament in a timely manner.

62. **Summarizing PAAC’s formal duties, its current Chair noted that the Committee’s role was to investigate and monitor the use of public funds while they are being expended,** thereby potentially forestalling instances of fiscal imprudence. The committee also facilitates interaction between Parliament and the various entities that implement government policy and enables the review of systems and procedures that could have an adverse impact on government operations.

63. **PAAC’s current activity is impressive in the context of its recent history.** It took some time for the PAAC to get its “sea legs”: from 1997-2007 the committee was only really functional for three years. After a decade, matters improved noticeably. Then, with the decision to have all oversight committees chaired by Opposition Members (formally approved in March 2010), meetings and outputs leapt significantly (see Table 1). In the first three months of 2011 alone the Committee met seven times, and it produced 11 reports in 2010-11.

Year	#Meetings
1997-1998	1
1998-1999	5
1999-2000	0
2000-2001	8
2001-2002	0
2002-2003	0
2003-2004	0
2004-2005	0
2005-2006	0
2006-2007	0
2007-2008	5
2008-2009	10
2009-2010	13
2010-2011	26
2011-2012	17
2012-2013	27
Total	112

64. **PAAC's expanded mandate to include the scrutiny of supplementary estimates has intensified its activity, and benefitted both Parliament and Government.** The current PAAC Chair believes this scrutiny is particularly important as it demonstrates where public funds are most required while highlighting the impact of cuts elsewhere in the budget. PAAC meets with the Financial Secretary and the ministries affected to ascertain the impact on budgets. In essence, PAAC conducts detailed scrutiny to aid the work of the Standing Finance Committee, which still meets as a Committee of the Whole House. The view of most stakeholders is that this process has had a dual benefit: it provides more detailed scrutiny and the Financial Secretary benefits by being better prepared for the Standing Finance Committee Meeting because of the experience gained at PAAC hearing. In summary, the expanded mandate has provided for more effective review of the Supplementary Estimates and increased interaction between Parliament, through PAAC, and ministers and departmental officials (previously MPs were just informed of changes). Another effort to provide greater detail about variances between initial plans and actual practice comes through the *Public Bodies Management and Accountability Act*, which is intended to ensure that corporate plans of public bodies, and any subsequent modifications of such plans, are submitted to the minister for endorsement and laid before the House of Representatives and Senate for approval. It is further intended that these matters will be examined by PAAC and variations assessed against the objectives originally articulated therein.

65. **There is still a need to establish a clear procedure for PAAC to examine the supplementary estimates.** In the first year the committee undertook an immediate review of the estimates, but the Chair says that the committee needs at least a week to enable appropriate scrutiny. Therefore, the Supplementary Estimates will be tabled on a Tuesday and the committee should meet the following week (it normally meets on Wednesday mornings), before reporting back to the Standing Finance Committee the week thereafter. Thus the process will take two weeks in total; this is the minimum possible time for effective scrutiny.

Support to PAAC

66. **A newly established Public Accountability Inspectorate (PAI) Division of the Ministry of Finance and Public Service has begun to scrutinize the use of public funds and unearth "fraud, corruption and indiscipline."** A PAI representative attends PAAC's monitoring meetings, and the Division will also investigate and report to the committee on matters determined by the committee. In addition, PAI is submitting quarterly reports to PAAC covering the expenditure and performance of the public sector during the quarter under review, major investigations conducted and actions taken, and issues affecting proper implementation of the budget.

67. **The support of the PAI is welcome, but PAAC is in need of independent support.**³² In Jamaica, PAAC is supported by a Clerk, who is primarily responsible for administrative matters. The Chair of the Committee believes PAAC requires permanent independent technical support (along the lines of the support provided to PAC by the Auditor General). In this way PAAC would be guided by the research and analysis given by a technical adviser, who could evaluate proposed expenditures and other data and advise the Committee accordingly. Currently the Committee has the temporary support of an independent consultant, funded by the Inter-American Development Bank (IDB), who helps

³² Among parliaments worldwide, the most commonly available source of technical capacity for budget analysis is committee staff (although numbers vary widely across parliaments); committees often also consult outside advice or employ experts to assist them in their work.

draft reports and provides an independent analysis of the figures. This has proved extremely useful, but is not a permanent solution.

68. **PAAC would benefit from the support of a budget adviser to offer independent advice on budgetary matters throughout the year.** Given financial constraints, it is unrealistic to expect Jamaica to establish a “Parliamentary Budget Office” performing a role akin to that of the Congressional Budget Office in the United States. However, Parliament may seek to establish a small unit or budget officer to assist with budget-related research and analysis and provide critical accounting expertise. Such an adviser could be a stand-alone appointment or form part of the proposed Research Unit of Parliament (the former would ensure greater focus). In either event, the work of PAAC would take priority, but the Officer might also assist other committees and individual Members, as well as undertake analyses on his or her own initiative. A longer-term aim could be to establish a new Independent Commission of Parliament, on the pattern of the Scrutiny Unit of the UK House of Commons (see Box 12), or a Parliamentary Budgetary Officer (PBO), which could be based on the Canadian model (see Box 13), or a small unit based on Portugal’s experience.³³

Box 12. The Scrutiny Unit in the Committee Office of the House of Commons

The United Kingdom Parliament established a Scrutiny Unit in the Committee Office in the House of Commons in November 2002 to strengthen the scrutiny function of the House. The Unit has some 14 staff members, including lawyers, accountants, an economist, a statistician, as well as House of Commons Clerks and a small team of administrative personnel. It provides specialist expertise to select committees, especially (but not exclusively) on financial matters and on draft bills. The unit undertakes systematic reviews of estimates, departmental annual reports, resource accounts, and spending review settlements. Following discussions with the relevant select committees, these reviews result in the production of written questions for departments and, if necessary, briefings for oral evidence sessions. Members of the team also support committees considering draft Bills, which includes consideration of the robustness of the cost-benefit analyses included in the department’s impact assessment.

The Unit also aims to improve the quality of financial scrutiny through working with select committees in pressing Departments to improve the quality of the financial information they provide, preparing guidance notes, giving presentations and training in financial scrutiny issues to Members and their staff, and identifying examples of best practice. During 2003-2004, the Unit conducted 87 tasks for select committees: of these, 42 related to expenditure, including an analysis of departmental annual reports, supplementary estimates, departmental resource accounts, and 2004 spending review settlements. The Scrutiny Unit does not undertake work for individual Members and its work is not usually published. Also, the Unit does not cost government legislation, review budget assumptions (these are audited by the National Audit Office), scrutinize fiscal policy, or audit the accounts of central government and other public bodies (this work is undertaken by the Audit Office).

The work of the Scrutiny Unit is highly valued, but it does not have the resources of Canada’s Parliamentary Budget Office. The Hansard Society argues that the work of the Unit should be developed through the establishment of a Parliamentary Finance Office, which would provide comprehensive support on all financial matters to individual parliamentarians and select committees.

Sources: www.parliament.uk; House of Commons Scrutiny Unit (2011); and Brazier & Ram (2006).

³³ The Technical Budget Support Unit (UTAO) of the Portuguese Parliament is a nonpartisan unit created by a Resolution of the Portuguese Assembly that started work in November 2006 with three staff (it now has eight staff). The purpose of UTAO is to provide technical support to the specialist committee with responsibility for budgetary and financial matters by drawing up technical working studies and documents on budgetary management and public finance.

69. **More broadly, each Member would benefit from deeper understanding of financial matters.** MPs, and in particular the members of PAC and PAAC, would benefit from a deeper understanding of macro-fiscal management and fiscal responsibility, particularly with respect to optimizing spending choices and effectiveness. This could be fostered as part of the induction program for Members after each election, but training programs for members of the two committees should be prioritized and aimed for soon.

Box 13. The Parliamentary Budget Officer (PBO): Canada

The *Federal Accountability Act* amended the *Parliament of Canada Act* to create the position of Parliamentary Budget Officer (PBO). The legislation is constructed in such a way that the officer is within the parliamentary institution and the reporting structure of Parliament: the PBO position is defined as an officer of the Library of Parliament. The PBO reports to the Parliamentary Librarian who, in turn, reports to the Speakers of the Senate and the House of Commons. The Officer is appointed to hold office for a renewable term of not more than five years.

The Parliamentary Budget Officer has four main duties:

- Provide analysis to the Senate and the House of Commons on the state of the nation's finances and trends in the national economy.
- Undertake the above research upon request of any of the listed committees (these include all committees with a mandate to consider government estimates).
- When requested by such a committee, conduct research into those estimates.
- Upon request by individual Members of Parliament or a committee, provide estimates of the financial cost of proposal over which Parliament has jurisdiction.

The Parliamentary Budget Office provides three core products and services:

- Research conducted on request from committees and parliamentarians.
- Regular analysis products such as fact sheets, briefing notes, and in-depth economic and fiscal reports, and working papers.
- Independent research initiated by the PBO on economic issues.

The Parliamentary Budget Office collaborates with external experts and priority is given to the potential to contribute to increasing budget transparency or analysis that may impact the government's finances or the Canadian economy.

In addition to the estimates committees, the Parliamentary Budget Office has formal relationships with the Standing Committee on Finance of the House of Commons, the Standing Committee on National Finance of the Senate, and the Standing Committee on Public Accounts of the House of Commons. These committees can request the Parliamentary Budget Office to undertake financial research and analysis. The Parliamentary Budget Office can also provide such information to a committee of either House of Parliament.

The PBO is provided with a legislated right of access to data that are necessary for the performance of the Parliamentary Budget Office research and analysis mandates.

The office was staffed by 15 persons and had a budget of CAN\$2.8 million in 2010-11.

Source: The Parliamentary Budget Officer: Canada
(Library of Parliament, 2011).

<http://www2.parl.gc.ca/Sites/PBO-DPB/index.aspx?Language=E>

B. Public Accounts Committee

70. **PAC plays a critical role in monitoring accounts and financial statements with respect to public expenditures through its examination of the following:**³⁴

- The accounts showing the appropriation of the sums granted by the Parliament to meet public expenditure
- Such other accounts as may be referred to the Committee by the House or under any law
- The report of the Auditor General on any such accounts
- All accounts and Financial Statements laid upon the Table of the House in respect to Statutory Boards, Public Corporations, and Public Companies in which the Government holds majority shares.³⁵

71. **In carrying out its functions, PAC examines the efficiency, economy, and effectiveness of policy implementation, in keeping with the practice of similar committees in other institutions.** PAC meets every week when the House is in session. The customary practice is for PAC to be chaired by the Opposition Spokesman on Finance, who is formally nominated by the Leader of the Opposition.³⁶ PAC seeks to identify the causes for weaknesses mentioned in the AG's reports and obtain information on what is being done to rectify the situation and it makes its own recommendations as to the corrective measures that should be pursued.³⁷ On average, PAC has one to three inquiries in progress concurrently.

72. **PAC's principal witnesses are the Accounting Officers, other heads of agencies, and their support staff;** they are called upon to explain how they have managed the resources assigned to them. Over the last three years, three-quarters of PAC's work responded to AG reports, with the rest equally initiated between Parliament and PAC's Chair.

73. **Although PAC reports and recommendations adopted by Parliament are sent to the Cabinet for implementation through the relevant ministry, no formal mechanism for follow-up exists.** Furthermore, there is no requirement for responses from the Government to be tabled in Parliament (although the Auditor General conducts verification exercises to determine whether PAC recommendations have been implemented; in other cases, the Committee Clerk is directed to conduct follow-up action).

74. **PAC has recommended that a special unit be established in the Ministry of Finance and Public Service with specific responsibility to monitor agencies and update the Financial Secretary on whether the Committee's recommendations have been**

³⁴ PAC was established in May 1945 as a subcommittee of the Finance Committee before being formally established as a full committee in 1964. Today it operates as a bipartisan committee of the House of Representatives. Standing Order 68 names PAC as a Sessional Select Committee; Standing Order 69 lists the matters under the purview of the committee.

³⁵ These are deemed to be automatically referred to the Public Accounts Committee for examination and report. If public funds are provided to a nongovernmental organization or a private sector organization and agreements are made to enable scrutiny of the accounts related to those funds, PAC would have restricted right of access.

³⁶ The PAC Chair is responsible for determining the time and place of the first meeting; casting the deciding vote in the event of a tie; and preparing a draft report on the deliberations of the committee and submitting it for the consideration of the committee. Although provision exists for a Member or group of Members to write a minority report appended to the Majority report, this has rarely occurred.

³⁷ Auditor General's Department (2011). "Report on the Appropriation and Other Accounts of Jamaica for the Financial Year Ended 31st March 2010."

implemented. It would then be the Financial Secretary’s responsibility to take the appropriate action and provide progress reports to PAC and the Auditor General. This is a welcome and appropriate procedure. PAC may wish to note that the average timeframe for a government response in Canada is 120 days.³⁸

75. **The AG’s annual report** (completed by December for the previous fiscal year) **focuses on financial compliance and normally highlights issues where ministries have not responded satisfactorily.** The AG is now placing more emphasis on producing special audits and performance audits on value-for-money issues (see Table 2). These audits occur as the need arises—sometimes on request by PAC. For example, a performance audit report of the Ministry of Labour and Social Security Strategy in Preventing, Detecting and Investigating Benefit Fraud was tabled by the AG in June 2011.³⁹ When such reports are received, PAC will break from its set program of financial oversight to examine the specific issue highlighted in the AG’s special/performance audit.

Audits Conducted	2009 Planned	2009 Actual	2010 Planned	2010 Actual
Special Investigations	0	2	0	4
Donor-Funded Projects	7	7	6	5
Performance Audits	4	3	5	5
Info. Technology	4	4	4	3

76. **Increasing focus on special reports and value-for-money activities will affect PAC’s formal schedule of work for completing its annual report.** For example, an Inquiry into the report of investigation conducted into the Sandals Whitehouse project and the Sandals Whitehouse Forensic Audit Report took up most of PAC’s time in 2006-07: the Committee held 28 meetings during its examination of the matter, which led to a backlog in other work. However, the Committee has been able to eliminate the backlog and is currently ahead of the schedule that would normally obtain from year to year. The 2009-2010 report was tabled in January 2011 and the Committee began examination of the accounts of the ministries mentioned in the AG’s Annual Report at the end of January 2011. Given the likely increasing pressures on the Committee, it would be sensible for PAC to adopt a formal policy that details the regularity of meetings, notice of meetings, agenda structure, and so forth.

77. **The general view of stakeholders both within and outside Parliament is that PAC is working fairly well, but that it needs to consider whether the outputs are commensurate with the number of meetings.** PAC was the most active parliamentary committee in Jamaica from January to March 2011, with nine meetings. Table 3 depicts PAC activity from 2007-11. However, there was just one report produced from 2007-10, and only two reports were released in 2010-11.

78. **The timeliness of audit reports remains an issue.** PAC’s latest report, for example, concerns its examination of ministries/departments/agencies during the period April 2010 to March 2011, but the accounts relate to the AG’s Report for the Financial Year 2007-2008. Also of note is the AG’s proposal to produce quarterly reports instead of the annual reports to make the reports less dated and more relevant. PAC has recommended that biannual reports

³⁸ CCAF-FCVI Inc. (2010), “The State of Canada’s 14 Public Accounts Committees.”

³⁹ The report concluded that the relevant ministry did not assess the risks associated with the administration and payment of benefits; the report presented nine key recommendations.

would be more practical. The initiative to produce audit reports in a more timely fashion should be supported, with quarterly reports the long-term aim. PAC should also further prioritize its work (bearing in mind its current limited research support and accounting expertise) toward the most critical AG recommendations and those of the most recent duration.

2007-08	2008-09	2009-10	2010-11	Average
17	14	22	19	18

79. **A view was expressed during the stakeholder meetings that PAC requires an alternative independent assessment of public accounts in addition to that provided from the AG’s office.** (For additional views from the Capacity Development Workshop, see Box 14.) Perhaps the focus should be on improving the overall research support to committees, in particular PAAC, given that PAC already receives independent support from the AG’s office (some five to seven members from the AG’s office attend each PAC meeting and the AG provides assistance and advice to Members such as a prompt sheet for questions to ask witnesses). However, attention needs to be paid to the resources given to the OAG to enable more special audits.⁴⁰

80. **Although the AG has constitutional independence, OAG staff do not; this is an area of weakness that should be addressed.**⁴¹ Significantly, one area in which PAC has no role is the review of AG operations—for example, PAC has no input into the OAG annual budget and resources, priorities, and work plan. In addition, the Committee does not approve the appointment and removal of the independent auditor of the Audit Office.

81. **Improving the operational relationship between the AG and Parliament requires attention.** It is for the Parliament of Jamaica to decide the most appropriate procedure for such matters. At the very least, however, PAC have should a right to be *consulted* in the process for determining the Audit Office’s annual budget and resources and the appointment and removal of the independent auditor of the Audit Office. Certainly, in Jamaica PAC and Parliament have a less codified and extensive remit in this field than many parliaments elsewhere in the world.⁴²

⁴⁰ In the latest Annual Report, the AG recounts how the Ministry of Finance and Public Service has approved the request for 16 additional middle-management posts to be phased in over a three-year period. In response the AG agreed to give up six audit posts. However, because of the remuneration attached to these middle-management posts, the AG has been challenged to attract qualified staff. AG’s Annual Report, p.26.

⁴¹ In keeping with Sections 120 and 121 of the Jamaican Constitution, the Auditor General is appointed and removed from office by the Governor General. Section 122(3) of the Constitution also provides that in the exercise of his/her functions the Auditor General shall not be subject to the direction or control of any other person or authority.

⁴² In the UK and Scotland, for example, the key bodies are the UK Public Accounts Commission and the Scottish Commission for Public Audit, bodies which are separate from their respective PACs, but which often have overlapping membership. In Northern Ireland there is a PAC and an Audit Committee. The latter deals with the Audit Office’s annual budget and resources; confers or exempts the AG from certain legislated obligations; and approves the appointment and removal of the independent auditor of the Audit Office. The general feeling within the British Isles is that “the PAC, as the main customer for the AG, might not offer the more strategic approach of a Commission when considering the budget of the NAO [national audit office].” See O. Gay, “Comptroller and Auditor-General,” *House of Commons Library*, Westminster, 12 May 2008. However, within other jurisdictions, for example in Australia, it is often argued that these functions are an essential part of the PAC. Under the Government of Wales Act 2006, the Welsh PAC must examine and consider the estimates of income and expenditure of the Wales Audit Office. When satisfied with the

Box 14. Recommendations from Capacity Development Workshop of Parliamentarians

- Parliament should monitor the compliance of ministerial departments under the Financial Administration and Audit Act and the Fiscal Policy Paper (FPP). Public offices should produce quarterly reports explaining the outcomes and outputs of ministries against performance targets. Each department should also release a corporate plan. These documents should be scrutinized by Parliament.
- The Public Accounts Committee needs further independent technical support in addition to that provided by the Auditor General. PAAC also requires permanent technical support, perhaps through a budget or fiscal officer to provide independent information to Members.
- The analytical underpinnings of Fiscal Policy Papers should be assessed as the Auditor General is only required to consider conformity and not the reasonableness of the assumptions underlying the FPP.
- The independence of the Office of the Auditor General should be strengthened. Resources should be increased to allow the Auditor General to conduct further special audits. Disparities between the levels of independence of the commission of Parliaments must be reduced.

82. **Finally, the Auditor General has a new responsibility of examining the Minister of Finance’s Fiscal Policy Paper (FPP).** The AG is also charged with providing a report to the Houses whether (a) the conventions and assumptions underlying the preparation of the Fiscal Policy Paper comply with the principles of prudent financial management specified in Section 48D; and (b) the reasons given pursuant to subsection (5) (d)(ii) are reasonable having regard to the circumstances. (This ministerial fiscal management responsibility with respect to the FPP that the AG reviews is set out in Section 48B(6) of the Financial Administration and Audit (FAA) Act, as amended; see Box 15.) The Financial Administration and Audit Act does not require the AG to comment on the reasonableness of the assumptions underlying the FPP; this is a subject that requires debate in Parliament.⁴³

83. **The AG’s assessment has been made available to PAC members, but the PAC has not decided whether they should review it.** In the interests of strengthened monitoring of fiscal activities and transparency, this document should be discussed in Parliament; however, it remains an open question whether PAC is the most suitable body to conduct such an examination.

estimates, the Committee lays them before the Assembly with any modifications the Committee feels necessary. See Audit Committee, “The Work of the Committee, 2007-08,” *National Assembly for Wales*.

⁴³ Auditor General of Jamaica (2011), Examination of the Components of the Fiscal Policy Paper.

Box 15. Responsibilities of the Minister of Finance

The Minister of Finance is responsible for the Fiscal Policy Paper, including the underlying conventions and assumptions on which the principles of prudent fiscal management are based. As stated in Section 48B(2) of the Financial Administration and Audit (FAA) Act, upon presentation of the annual estimates of Revenue and Expenditure, the Minister shall lay before both Houses of Parliament, a Fiscal Policy Paper setting out (a) the macroeconomic framework, (b) a Fiscal Responsibility Statement, and (c) a Fiscal Management Strategy.

Section 48B (3-5) provides that the Macroeconomic Framework is to present an overview of the state of the economy, and an assessment of the prospects for economic growth including medium-term projections for the macroeconomic variables. The Fiscal Responsibility Statement should specify the levels of fiscal balance and debt that are prudent in the opinion of the Minister, proposed fiscal policy measures, and a declaration that the Minister will adhere to the principles of prudent fiscal management. The Fiscal Management Strategy must provide an assessment of the current and projected finances of the Government, outline plans and policies for economic development, and explain how such plans and policies conform to the Fiscal Responsibility Statement.

As outlined in Section 48D of the FAA Act, the Minister shall act in conformity with the following fiscal management principles:

- Total debt is to be maintained at a prudent and sustainable level.
- Guarantees and other contingent liabilities are to be managed prudently with particular reference to their quality and level.
- Borrowings are to be geared toward productive purposes and the accumulation of capital assets.
- Expenditure is to be managed in a manner that is consistent with the level of revenue generated.

Section 48C of the FAA Act outlines fiscal targets for which the Minister of Finance should take appropriate measures to achieve by the fiscal year ending March 31, 2016. These include:

- Reducing fiscal balance to nil.
- Reducing total debt to 100 percent or less of the gross domestic product.
- Reducing the ratio of wages paid by the government as a proportion of the gross domestic product to 9 percent or less.
- Maintaining or improving the above targets beyond March 31, 2016.

V. PARLIAMENT: AUTONOMY AND STRUCTURE

A. Autonomy

85. **A pressing issue facing Parliament concerns its autonomy and ability to fulfil its mandate in an efficient and effective manner with regard to its oversight of public finances.** International good practice is for a Parliament to be responsive to its own needs and administer its own affairs.

86. **Under the current arrangements, an annual budgetary allocation is made by the Ministry of Finance to provide for Parliament's administrative structure and support services.** During the Budget call in each fiscal year, Parliament is informed by the Ministry of Finance of its budgetary ceiling. In practice this ceiling is what Parliament will receive, although Parliament normally budgets its requirements JM\$100-200 million above the ceiling. Parliament receives its financial allocation in tranches, with the largest tranche being paid in the third week of the month for salaries. There is very little budget certainty: Supplementary Estimates are normally approved in October and February-March and this may also impact the funds available to Parliament. Most of the money received by Parliament goes toward the work of the House of Representatives.

87. **Each year the Ministry of Finance conducts an audit (equivalent to an internal audit) of parliamentary expenditure and the Office of Auditor General conducts an external audit.** This appears inconsistent with the concept that Parliament oversees the Executive; and therefore the individuals and entities that Parliament scrutinizes should typically not be those responsible for the internal audit of Parliament.

88. **The Executive also regulates the human resources management of Parliament.** Under Section 47(11) of the Constitution, the minister responsible for finance is empowered to make recommendations to the Governor General for the staffing of the Office of the Clerk to perform the duties and responsibilities of that office adequately. Limited autonomy is vested in the Clerk, in that the Minister only makes his recommendation after he has consulted with the Clerk. It is considered good practice for ultimate decisionmaking responsibilities about personnel to rest with the officer who is best equipped to understand and respond to the needs of Parliament (i.e., the Clerk).

89. **Staff replacement and expansion are also managed for the most part by the Executive branch of the government, through three entities with some interrelated functions.** The Cabinet Office has responsibility for the classification of posts for the public sector, while the Ministry of Finance is responsible for compensation as well as granting approval for the operation of posts. The Office of Services Commission deals with public service appointments. Persons entering parliamentary service from the public service remain subject to the Public Service Commission, and appointments to posts, save for the positions of Clerk and Deputy Clerk and posts designated as subordinate posts, are made by the Public Service Commission.

90. **Some of the functional roles of parliamentary staff are not always readily comparable with (or fully understood by) those in the wider public service even if in the respective cases job classifications are the same.** The key point is that positions within Parliament must be classified at levels that are attractive to potential employees and the remuneration must be set at a level to retain good staff. Importantly, the Cabinet Office is

conducting a review of parliamentary establishment and structure; it is to be hoped that this review will help address challenges and provide a foundation for enhanced progress.⁴⁴

91. **The proposed devolution of Parliament⁴⁵ (allowing more authority to the Parliament to manage its own affairs) offers another opportunity to address many of the challenges facing the institution.** Details remain sketchy and further definition is required. Parliamentary ownership is critical to the success of this approach, which in turn requires that Parliament has an appreciation of international good practice.

B. Structure

92. **International good practice is for Parliament to be responsible for setting its own budget, as a separate issue from the Executive's budget proposals.** Procedures can be put in place to ensure that Parliament's requests for resources are benchmarked against and broadly in line with other constitutional entities. According to the IMF's *Role of the Legislature in Budget Processes*, "Parliament can perform its role effectively when it is adequately funded and when it has autonomy for preparing its own budget."⁴⁶ The IMF document suggests two good practice points:

- While parliament's budget should be prepared independently from that of the executive, parliaments should nonetheless be subject to the same general procedures for executing and reporting on spending of their own budgets.
- In particular, parliaments should not abuse their powers by increasing parliament's operating and investment expenses so that they become out of line with other national constitutional entities (e.g., expenses of the judiciary, the external auditor).⁴⁷

93. **Parliament should intensify efforts to manage more effectively its administration and financing by strengthening internal governance structures in preparation for devolution** (see Box 16 for one international experience). This effort could build on recommendations that have been made by Parliamentary committees. For example, the Parliamentary Salaries Committee Report (2003) recommended that a Management Committee of Parliament be established to review the budgetary needs of Parliament and to make strong representation to the Ministry of Finance for needed budgetary support. It was suggested that the committee could consist of the Clerk, Deputy Clerk, and the leaders of business in both Houses and be co-chaired by the Speaker of the House and the President of the Senate (although the possibility of using an existing committee to perform this function was mooted). This recommendation was never implemented.

⁴⁴ The last such review dates back to 1993.

⁴⁵ Among the recommendations of the Public Sector Transformation Unit in Ministry Paper No. 114, "Strategy for the Restructuring of the Public Sector" (earlier circulated as a Green Paper), is for the devolution of the Parliament.

⁴⁶ Lienert, I (2008). *The Role of the Legislature in Budget Processes*, Washington, IMF. <http://blog-pfm.imf.org/files/fad-technical-manual-9.pdf>. The report notes that, "Many OECD countries' legislatures prepare their own budgets, which typically are not altered by the executive." In the devolved parliaments in Scotland and Wales, for example, the practices and procedures for agreeing the parliamentary budgets are codified in written agreements and/or Standing Orders and there is a specific role for the relevant finance committees to undertake a scrutiny/challenge function in relation to the budget proposals and to formally report to the House.

⁴⁷ To illustrate the above point, the UK House of Commons Commission agreed to cut £12 million from the budget for the House for the 2011-12 fiscal year because of increased financial constraints on the public sector. House of Commons Management Board (2010) Package of Agreed Savings for 2010. http://www.parliament.uk/documents/commons-commission/Commons_Management_Board/HoC_agreed_savings.pdf.

94. **An improved structure would better enable Parliament to have administrative support services needed to deliver results.** Recent experience from Kenya and Uganda demonstrate that the establishment of corporate bodies can produce tangible results in a relatively short space of time.⁴⁸

Box 16. Canada’s Board of Internal Economy, House of Commons

The Board of Internal Economy is the governing body of the House of Commons. Under the *Parliament of Canada Act*, the Board has the legal authority to “act on all financial and administrative matters respecting (a) House of Commons, its premises, its services and its staff; and (b) the Members of the House of Commons.

Membership and Quorum

- The Board consists of the Speaker, who acts as Chair, two members of the Privy Council (appointed to the Board by the Government), the Leader of the Opposition or his or her representative, and additional Members appointed in numbers so that the total results in an overall equality of government and opposition representatives (apart from the Speaker).
- All recognized parties (i.e., those holding at least 12 seats in the House) are given representation on the Board. Five members, including the Speaker, constitute a quorum.
- The Clerk of the House is the Secretary to the Board of Internal Economy.

Mandate and Authority

- The powers and authority of the Board flow from provisions of the *Parliament of Canada Act*, the *Standing Orders of the House of Commons*, and the *Parliamentary Employment and Staff Relations Act*.
- The Board:
 - examines and approves the annual budget estimates of the House;
 - approves and controls the budget expenditures of the committees of the House of Commons, and tables an annual financial report outlining the expenses incurred by each committee; and
 - approves salary scales for non-unionized employees and authorizes officials of the House to negotiate the renewal of the collective agreements of unionized employees and ratifies such agreements. (The Board is deemed to be the employer of the staff of the House of Commons, except for Members’ staff, who are deemed to be employed by the Members.)
- When Parliament is prorogued or dissolved, members of the Board retain their functions until they are replaced.

By-laws

- The Board is authorized by the *Parliament of Canada Act* to make by-laws governing Members’ use of the funds, goods, services, and premises made available to them. The by-laws regulate the use of parliamentary resources that are made available to Members to perform their parliamentary functions.
- The by-laws are contained in a public document and are amended by the Board from time to time.

Meetings and Decisions

- The Board meets in camera approximately every second week when the House is sitting. The Minutes of the Board’s meetings are tabled in the House.

Spokespersons

- The Board of Internal Economy designates two spokespersons from its membership: a member of the Government and a member of the Official Opposition. They respond during Question Period to questions relevant to the Board and deal with questions raised by the media.

Source: Parliament of Canada. http://www.parl.gc.ca/About/House/compendium/web-content/c_d_boardinternaleconomy-e.htm

⁴⁸ As a recent Commonwealth Parliamentary Association (CPA) Study Group on the Administration and Financing of Parliament noted, “... many Parliaments are moving towards establishing corporate bodies as a way of better utilizing the resources available while at the same time enhancing their independence from the executive. In cases where such bodies have been established, there is evidence that Parliament is better able to assert its independence and ensure that adequate resources, both financial and otherwise, are made available. This, in turn, enables Parliament to discharge its functions more effectively while also allowing Members to exercise appropriate control over the prioritization of the delivery of services by the parliamentary service.” Report of a CPA Study Group on Administration and Financing of Parliament, hosted by the Legislature of Zanzibar, Tanzania, May 25-29, 2005.

VI. HUMAN RESOURCES, FACILITIES, AND INFRASTRUCTURE CHALLENGES

95. **The following are key aspects for addressing issues relating to the human resources, facilities, and infrastructure needs of Parliament:**

- Staffing a Human Resources Department to facilitate staff selection, professional development, and retention.
- Increasing the cohort of parliamentary staff. Currently, there are 52 staff members in Parliament (excluding Food Services, Office of Political Ombudsman, and Leader of the Opposition’s Office). The Clerk is proposing a number of new positions, with the Accounts Section and the information systems function prioritized.
- Improving and expanding physical capacity (space).
- Improving information and communication technology (ICT) facilities, library, and research support.

Support for Committee Clerks

96. **The resources allocated to Parliament are insufficient for a modern legislature.** While Government ministers have the support and resources of a ministry, within Parliament there is only limited support for some chairs of committees and the Leader of the Opposition (who has the support of a manager, research assistant, special assistant, executive secretary, receptionist, and attendant).

97. **Additional support for Committee Clerks is needed.** There is a proposal for an additional post of an administrative assistant to support the Committee Clerks, but the addition of a research unit to assist the work of committees may alleviate some of the pressures on existing committee staff. A suggestion would be to establish two senior Committee Clerks, with these two positions allocated to the Public Accounts Committee and the Public Administration and Appropriations Committee, the committees most active in the Parliament and most crucial in terms of financial oversight of the executive. (For the views of the Parliamentarian and civil society workshops, see Box 17.)

Box 17. Recommendations from Parliamentarians and Civil Society

Capacity Development Workshop of Parliamentarians

- The parliamentary administration should be strengthened to ensure Clerks are not distracted by administrative matters instead of providing procedural advice to Presiding Officers and Members.
- Parliamentary staff should be more proactive in terms of questions of parliamentary procedure.

Civil Society Workshop

- The support provided to the Clerk of Parliament should be strengthened.

98. **When considering the current and proposed staffing arrangements, it will be essential to address Parliament’s need for its own research capacity,** to address the challenges facing committee work. To that end, a new research unit should be included in the proposed structure (either in the Committee Unit, within the Library, or as a new department perhaps incorporating the Legislative Counsel).

Hansard

99. **The timely production of Hansard, the official verbatim record of parliamentary proceedings, such as debates or committee deliberations,⁴⁹ faces challenges of staffing, technical training, and equipment.** Hansard Reports should be on the website within one or two weeks; currently it can take over a year before the printed version is available. Hansard is a bequest to and a resource for all Jamaicans. An official record of proceedings is crucial information for journalists, civil society, and Parliamentarians themselves. To improve timeliness, the Houses of Parliament could perhaps work toward two versions of the report. A weekly Hansard proof version should be available on the Internet three working days after the end of the sitting week. The long-term target should be to move from a weekly Hansard to a daily Hansard. This would reduce the number of enquiries from the public and Members on the contents of Hansard. Essential components of timely production include access to appropriate technology and related training, the prioritization of resources to enable the purchase and maintenance of reliable equipment, and additional staff.

Library

100. **The library is an important resource for Members and Parliamentary staff as well as the wider citizenry, and needs to be improved.**

- The library includes documents from as far back as the 1950s, although some material has also been sent to archive (including duplicate materials and documents before the 1950s). Many of the documents available in the library are not available elsewhere (policy statements, committee reports, green papers, etc.).
- The library—which operates more as a document center—is subject to severe space shortage and lacks equipment. It does not possess its own printer or photocopier.
- The library team consists of a Librarian and three Records Clerks (the number has recently increased from two). These staff deal with requests from Members and from the public (the Library will provide a hard copy of requested materials to the general public at cost) although priority is rightly given to Members.
- Members rarely use the library themselves; rather they send their representatives or call for information. The library receives about 50 requests a month from Members, but receives more queries from the media and the public. These requests will often be for routine pieces of information, such as the contact number for MPs in their constituencies (information that should be on the website).

101. **The library has begun a project to scan information electronically.** Most of the new important documents—such as Hansard, Commissions for Inquiry, and committee reports—are scanned, although a hard copy is also often kept. The project started two years ago, but has yet to include older material that would enable the library to archive some of the hard copies and free much needed space. The library is working on a traditional electronic catalogue system and has acquired the CDS/ISIS UNESCO Computer cataloguing program, but work has yet to start on cataloguing the material.

102. **The Clerk is proposing three new positions within the library:** a senior librarian, records manager, and registrar, of which the records manager may be the most urgent position to fill. In the meantime, Parliament should consider using students and interns to

⁴⁹ The name dates back to the 17th century, when Luke Hansard bought the contract for recording debates in the British Parliament from William Corbett. In 1829 he put his name on the report, which has since become synonymous with the written notes of Parliament.

help with the labour-intensive work of scanning older documents, including old editions of Hansard, while the existing staff catalogues newer material using the CDS/ISIS UNESCO Computer cataloguing program.

Information and Communications Technology

103. **Upgrading Parliament’s information (including library) and communication capacity is a priority in the Clerk’s three-year plan.** The prime objectives of the plan are a website that is more responsive to the needs of MPs and other researchers; an interactive information system; and an adequately functioning library. The Clerk expects to acquire the appropriate technologies to support those systems, and to make them available to Members. There is much to do if this is to be realized. Box 18 summarizes the views expressed in the workshops.

Box 18. Workshops’ Recommendations on Information Systems
<ul style="list-style-type: none">• The information and technical support to Parliament should be strengthened. At present, there is just one IT officer in Parliament.• The parliamentary website should be further developed to provide greater information about the work of Parliament and to increase public awareness of its role.• Parliament must strive to become paperless, with greater use of electronic circulation of documents to save money and ease the pressure on public funds.• Information and communications technology must be more widely introduced into the workings of Parliament.

104. **It is the Clerk’s aim for the Houses of Parliament to become paperless, and a move has started in this direction.**

- Parliament now requests that routine documents be sent on compact discs, which take up far less storage space and are much cheaper to produce than the printed version. It is estimated this could save up to JM\$300,000 for each annual report.
- To encourage reduction of paper documents and to foster efficiencies, perhaps the staff of Parliament could make more effort to send material to Members by email through their secretaries. A policy could be devised and circulated to Members advising them which documents will be generally available in hard copy (Order Papers and Notice of Questions). In the “paper” interim, additional photocopiers are needed. At least two further photocopiers are required: one for the Committee Clerks and the other for the library.

105. **A serious problem is the lack of a dedicated server for Parliament.** (The server is maintained by the Jamaican Information Service.) The Systems Analyst estimates that a server will cost JM\$200-300,000, but would give Parliament more options (email, database). It would also potentially help alleviate the issue of lack of physical space by enabling some staff to be home-based workers.

106. **The parliamentary webpage has been operational for three years and progress has been made in designing a functional website, but it needs significant improvements.**

- The Order Paper is added the day before the meeting or on the morning of the day itself. Bills, Order Papers, and minutes are included on the website (the minutes for each meeting are generally posted on the next day). Every Friday the schedule of meetings for the following week is added although the overall calendar of events

requires updating. Priority is being given to including details of new legislation on the website.

- There are gaps and anomalies on the website. Hansard is an important website omission. The process of adding old versions of Hansard has apparently started, but has stalled because of the quality of the scanning process. It is entirely unclear why Parliament is unable to add its own electronic version of Hansard (the version sent to the printers) to the website as an interim measure. Other gaps include the lack of Members' profiles (few Members have provided their profiles to the Clerk for inclusion on the parliamentary website) and details of committees. Each committee should have its own page with information about its current work and outputs.

107. **The Clerk is proposing six additional staff in the ICT Department, with priority given to a webmaster and technician.** The ICT Department currently has one officer—a Systems Administrator; the Clerk states that this was only established after writing a lengthy letter of justification to the Ministry of Finance. Previously ICT work was carried out internally by existing staff at Gordon House with knowledge in this area as well as by external contractors. The Systems Administrator is responsible for the website and troubleshooting. He has full control of the webpage and information, although he relies on the relevant heads of section to send him the information. Since his arrival the computers have been upgraded and most of the equipment and machines in terms of specifications are up-to-date; machines are now replaced under a rolling program. Much of his time is taken up with troubleshooting and maintenance.

Public Access to Information

108. **In recent years greater efforts have been made by Parliament to disseminate information to the public** on their role as citizens in the parliamentary process, on parliamentary activities (in particular the work of committees), and the availability of parliamentary papers. However, more will be required if Parliament is to meet its expanded responsibilities. *Vision 2030* names the Houses of Parliament as a responsible agency in relation to some of the national strategies, including the specific linkage to strengthen the process of citizen participation in governance.

109. **The goal of the public relations (PR) unit is to establish and maintain a positive image of the Houses of Parliament** in the eyes of their internal actors (Members of Parliament, Senators, and administrative staff), visitors to Parliament, the media, and the public at large. The unit is another one-man “department.” The PR Officer describes her typical activities as producing press releases, facilitating media attendance, organizing special events such as Commonwealth Day and the Ceremonial Opening, fostering the public's visits to Parliament,⁵⁰ designing and sourcing promotional material, producing publications (including a quarterly newsletter), distributing appropriate gifts and souvenirs, directing internal communications, and preparing speeches and messages for parliamentary officials as the need arises. When members of the media seek information from Parliament, they are now directed to the PR Officer in the first instance.

110. **The PR officer has proposed an outreach program targeting educational institutions in addition to the routine public relations activities now undertaken.** The

⁵⁰ Tours of Parliament are usually arranged on Monday when the Chamber is not in use. All plenary sessions and committee meetings are open to the public, but to view the proceedings visitors must request a ticket for a place in the gallery (there are a maximum of 177 seats according to the Clerk).

aim of this program would be to enhance public awareness of the role of Parliament and the rights of citizens within the parliamentary process. This program has not yet been developed because of resource constraints.

111. **Efforts are required to enhance the experience of visitors to Parliament.** The public is able to access Parliament relatively freely, within the constraints of the security arrangements and dress code (the latter of which is being reviewed to determine whether it unduly curtails public access). Security around Gordon House is quite high, especially when the House is in session; this may account for the feeling expressed during the civil society workshop that visitors rarely receive a warm reception when attending Parliament. This matter should be addressed, perhaps by obtaining feedback from visitors through a Citizen’s Scorecard (see Box 19).

Box 19. Recommendations from Civil Society Consultation Workshop
<ul style="list-style-type: none">• Citizens Scorecards should be used in Parliament and all government departments to provide feedback on user perceptions of the relevant institution.• The entrance and reception area of Parliament should be made more welcoming to citizens.

112. **The proceedings of the House of Representatives and the Senate are broadcast by the Public Broadcasting Commission of Jamaica (PBCJ) as are those of committees that meet in the Chamber.** The Clerk believes it is conceivable that the Jamaican Parliament could have its own broadcasting facilities in the future, and points to the experience of Trinidad & Tobago. One of the decisions facing Parliament in the design of a new facility is whether media representatives should be physically present in the Parliament or whether a broadcasting unit within Parliament would provide a feed from the Chamber to media. As long as Parliament remains at Gordon House, the feed to media would appear to be the best solution, with the press gallery remaining for print journalists as at present.

113. **Additional PR staff are required.** The Clerk proposes that there should be two further positions within the PR “Department”: a Director of Public Relations and Communications and an Administrative Assistant. A second PR Officer is urgently required to assist the outreach work of Parliament and to provide accurate and timely information on parliamentary activities and Members’ activities as well as to assist media liaison work. As mentioned earlier, the Administrative Assistant could be shared with the Legislative Counsel.

Human Resources, Administration, and Accounts

114. **Establishment of a Human Resources Department to facilitate staff selection, professional development, and retention is critical.** Such a department is a high priority if Parliament is to demonstrate that it has the means to manage its own resources and develop an appropriate corporate strategy.

- It would be the job of this department to ensure that the Parliament is equipped with suitably qualified personnel with opportunities for growth and incentives for professional development, particularly with respect to learning new technology to enhance their work. This is a critical gap within the current parliamentary administration.
- Creating a viable career structure within Parliament and rewarding good performance is a core problem. The Clerk notes, in addition, that one of the constraints on

administrative efficiency is the low level of remuneration of staff, which inhibits Parliament's ability to attract persons with relevant skills.

115. **There will also be a need for a comprehensive review of job descriptions when switching to any new structure, and reporting lines will need to be clear.** Some progress has already been made in this area. For example, the Marshal to the Houses has been supervising the Orderliness since December 2011. Parliament will also need to place emphasis on staff assessments and training and professional development. Staff assert that current procedures are far less than optimal.

116. **There is a need to establish an appropriate administrative structure among the administrative, research, and legal functions.** A new post of Legislative Counsel was created in Parliament as a contractual post following the 2007 General Election. There is no compelling reason why this post should be treated differently than other posts within Parliament. Arguably all research posts should be contained within the proposed new research unit, a resource that could be utilized by the Legislative Counsel. The post of administrative assistant could be shared between the Legislative Counsel and Public Relations Officer as both currently work from the same office. In future, as each office expands, an administrative officer in both departments would be sensible.

117. **Accounts/“financial management” covers a wide range of responsibilities, especially measured against available staff.** Currently, financial management entails all accounting functions for the Houses of Parliament, the Office of the Leader of the Opposition, and Office of the Political Ombudsman; the payment of salary and emoluments to all parliamentarians, constituency secretaries, chauffeurs,⁵¹ staff of the Parliament, and staff of the above named offices; budget preparation and administration; procurement; and the maintenance of accounting records, of particular importance for pension purposes. There are currently five staff within the Accounts Section, but most are at a junior level; seven new positions are proposed.

118. **The Clerk recognizes that the Accounts Section needs an overhaul.** Parliament has recently installed a new financial management system (FINMAN) that is expected to be more efficient than its predecessor; its success will require changes to the capacity and number of staff if the requisite standard of service is to be provided. Parliament should consider a post of Director of Finance and Administration to enhance overall administrative efficiency in this area.

Physical Capacity

119. **Assuming staff expansion, physical facilities will be a challenge.** Gordon House is seriously overcrowded. The Clerk is of the view that office space will be found, even if it requires renting additional facilities nearby. However this matter is addressed, it will be a logistical challenge likely to hamper the efficiency of parliamentary administration.

120. **Gordon House is inadequate as the seat of Jamaica's Parliament.** Gordon House was built as the Council Chamber & Municipal Offices of the Kingston and St. Andrew Corporation; it was only intended as a temporary home for Parliament. As far back as 1972, the Ashenheim committee noted: “ ... [t]he condition (in the Parliament building at Gordon House) is in many respects deplorable ... with the exception of the actual Chamber, the rest

⁵¹ All Members have a constituency secretary and driver paid from the parliamentary budget.

of the accommodation falls far short of a tolerable standard ... It is not too much to say that if such accommodation were provided by a private company for the lowest class of its workers it would have the Trade Unions threatening the most drastic action in default of immediate improvement.”⁵² In 2003, a new committee chaired by Oliver Clarke made a further reference to woefully inadequate facilities at Parliament.⁵³

121. **Some incremental and piecemeal improvements have been implemented over the years.** As part of decades-long alterations and expansion of Gordon House, the former parking garage under the building has been converted into the ground floor of the building (housing the reception area, Members’ Lounge, kitchen and staff dining room as well as offices for the Clerks and other administrative offices and the library). Subsequently, space was rented in the Jamaica Manufacturers Association building next door to Gordon House, which is currently used to house the Committee Unit and for committee meetings.

122. **However, there remains widespread—indeed universal—dissatisfaction among Members and staff with the adequacy of the physical space and equipment allocated for their use.** There are no rooms available for committee meetings, which, are currently held in the Chamber, except for *in camera* meetings, which are held in the Government Members’ Conference Room, albeit this room is not ideal for meetings, in terms of acoustics. In addition, access and equipment for persons with a physical disability is almost impossible.

123. **The need for new parliamentary facilities is acknowledged (though perhaps not so broadly by the general public) and some steps have been taken to address the issue.** In his Throne Speech for the opening session of Parliament in 2008-2009 the Governor General said, “It is widely accepted that the existing Parliament building and the facilities it provides are woefully inadequate for parliamentarians to properly discharge their responsibilities to the people.” The House and Senate Committees met jointly to devise plans for the new building as the matter in question concerned both Houses of Parliament. Some JM\$50 million was allocated in principle to the Urban Development Corporation for the construction of new Houses of Parliament, to cover the development of design and construction documents, preparation of an architectural plan, the conducting of an architectural design competition, and the establishment of a construction contract. However, at the point where terms of reference were being developed for the design competition for a new Parliament building, deliberations came to a halt, mainly because of the issue of finances as the deliberations were taking place at the start of the global recession; this was compounded by the lack of public understanding about the need for a new building.

124. **In 2012 Jamaica celebrated 50 years as an independent nation; the coming year would be an appropriate time, if public finances permit, to accelerate plans for a new Parliament building for the people of Jamaica.**⁵⁴ It will be a major challenge to maintain continued support for such reforms among Jamaican citizens, and a communication campaign across the full breadth of the political arena will be needed to ensure the people understand why a new Parliament building is required. The process must be owned and supported by

⁵² Report of the Committee on Parliamentary Salaries and Remunerations (1972).

[Http://www.parliamentarysalaries.org/pdf/1972_report.pdf](http://www.parliamentarysalaries.org/pdf/1972_report.pdf).

⁵³ Parliamentary Salaries Committee Report (2003).

http://www.parliamentarysalaries.org/pdf/nov2003_report.pdf.

⁵⁴ Jamaica could draw inspiration from the experience of Antigua & Barbuda, which opened a new building as part of its 25th Anniversary celebrations in 2006. Antigua & Barbuda now has one of the most state-of-the-art parliaments in the region, with multimedia and technology features and conference and workshop facilities. It is also the new home of the Organisation of Eastern Caribbean States General Assembly.

Parliament itself, with the institution deciding what resources are needed for the proper functioning of a legislature in Jamaica. To maintain public confidence, the actual project in Jamaica must be scrutinized by a special joint committee of Parliament with the involvement of the Contractor General, Auditor General, and wider civil society.⁵⁵

125. **There was agreement at both June 21 workshops on the need for a new Parliament building** (see Box 20).

Box 20. Workshops' Recommendations on Physical Capacity
<p>Capacity Development Workshop of Parliamentarians</p> <ul style="list-style-type: none">• The physical infrastructure of Parliament is inadequate. There is no office space for parliamentarians, insufficient committee rooms and cramped working conditions for parliamentary staff. A new parliamentary building will be required when public finances permit. <p>Civil Society Consultation</p> <ul style="list-style-type: none">• The authorities should proceed with the building of a new parliamentary building.

⁵⁵ The experience of the Parliament of Scotland is instructive. The Holyrood building opened in 2004 following devolution in 1999. While the new Parliament building is a matter of some pride within Scotland, the construction was marked by severe difficulties, principally in articulating priorities among quality, cost, and speed of the completion of the building. As an Inquiry into the report concluded, “the so-called budget, which never had any basis in reality, was not set against even the most tentative of cost estimates.” See The Holyrood Inquiry (2004). A Report by the Rt Hon Lord Fraser of Carmyllie QC on his Inquiry into the Holyrood Project, SP Paper 25.

VII. CONCLUSIONS AND RECOMMENDATIONS

126. **The Government is supportive of institutional strengthening of Parliament.** Capacity- and institution-building support to the Parliament will be of great value for strengthening parliamentary democracy, and for enhancing Parliament's relations with its constituents and with the Executive. To further these goals, this report seeks to identify the major challenges facing the Parliament of Jamaica to perform its public oversight role of reviewing government performance, in particular the capacity gaps with respect to oversight of public finances. The intention is for the findings of this report to factor into strategic suggestions for programming activities and associated functions, with particular attention to PAAC and PAC in the context of properly implementing the Fiscal Responsibility Framework.

127. **This review revealed many positive developments in the way the Parliament operates and its oversight of public finances.** Staff are committed and work hard within a difficult environment. Parliament's committee system is rapidly evolving and operates in a transparent way, with members from the Opposition chairing the Sessional Select Committees. PAC and PAAC are active and increasingly effective committees.

128. **This report provides suggestions on measures that could enable Parliament to become even more effective as an institution and with respect to oversight of public finances.** Major priorities are:

- Improving the legislative process, with more emphasis on pre-legislative and post-legislative scrutiny, and reviewing Standing Orders.
- Implementing an induction and training program for Members of Parliament, including with respect to oversight of public finances and review of the performance of the Government.
- Enhancing coordination between the ministries and Parliament with regard to strategic planning by the ministries, performance budgeting, performance reporting, and so forth.
- Strengthening the committee system.
- Enhancing Parliament's role in the pre-budget process and in performance budgeting.
- Enhancing support to PAAC and PAC.
- Providing better ICT and research support to Parliament.
- Enhancing Parliament's financial and administrative independence from the Executive.
- Enhancing the number and skills of staff and establishing a Human Resources Department.
- Producing Hansard in a timelier manner
- Ensuring a proper catalogue of library material.
- Developing the information and technological capacity of Parliament.
- Improving the physical facilities of Parliament so that the oversight committees get adequate space for committee meetings and also to accommodate its Secretariat staff.
- Enhancing public access to information about Parliament's activities.

129. **It is recommended that a comprehensive action plan be developed in consultation with all stakeholders** taking into account the recommendations of this report.

130. **The following improvements should be made to the legislative process with regard to parliamentary oversight of public finance.**

- ***Pre-Legislative Scrutiny.*** A broader and more systematic use of pre-legislative (including pre-budget) scrutiny could improve the quality of legislative scrutiny, as suggestions could be made and implemented prior to the tabling of public finance-related legislation. This will enable greater contribution of backbenchers and the Opposition to proposed legislation. It would also reduce the time needed at later stages of the legislative process and might lead to better legislation and less likelihood of subsequent amending legislation. Draft bills could be considered by the Sessional Select Committees or a Joint Committee.
- ***Post-Legislative Scrutiny.*** A broader and more systemic approach to post-legislative scrutiny would be useful. Three years after a law has been passed, its impact and efficacy could be reviewed by the relevant Government Department and then by Parliament through a relevant public oversight committee, with the aim of improving policymaking legislation in the future.
- ***Standing Orders.*** A comprehensive review of the Standing Orders could be completed with a view to amended Standing Orders being in place for the next Parliament. While the Standing Orders are generally adequate and straightforward, they are a bit dated, and some are open to different interpretation—partly because local circumstances do not fit in with UK practice (whence the Standing Orders are based).
- ***Business Committee or Steering Committee.*** Parliament may wish to consider new mechanisms for determining which committee reports are debated, by establishing a Business Committee to allocate nongovernment business. This would allow greater input and agreement between all interested parties in the House about the shape and timing of the legislative program. However, given the relatively few Members of the Houses, and the multiple committee assignments of Members, it may be thought preferable to assign the functional responsibilities of a Business Committee to an existing committee or to link the application of programming more explicitly to other reforms of the legislative process.

131. Induction and Training of Members of Parliament would enhance Members' contributions and thereby improve Parliament's effectiveness.

- ***Fiscal Matters.*** MPs, and in particular the members of the Public Accounts Committee and Public Administration and Appropriations Committee, would benefit from a deeper understanding of macro-fiscal management and fiscal responsibility, particularly with respect to optimizing spending choices and effectiveness. This could be fostered as part of the induction program for Members after each election, with periodic updates as needed.
- ***Orientation Program.*** Parliament could conduct an orientation program, to ensure a satisfactory understanding of the oversight role of the Parliament by Members of Parliament. This should increase the likelihood that Standing Orders are properly followed and reduce the frequency of their suspension.

132. Enhanced coordination between ministries and Parliament on matters such as strategic planning, performance budgeting, and performance reporting would be beneficial. A workshop to be attended by all Permanent Secretaries and senior parliamentary staff, co-chaired by the Speaker and the Leader of the House, could help in this regard. A Memorandum of Understanding between the Parliament and the various ministries would also help.

133. **The functioning of the committee system has generally improved, but the following aspects could be improved.**

- **Documentation of Proceedings.** Each Committee should be encouraged to present an Annual and Legacy Report to Parliament showing the output of the committee, the number of meetings held, and member attendance.
- **Follow-up on Committee Recommendations of the Oversight Committees.** The Standing Orders should be amended to ensure committee reports and recommendations are considered by the Cabinet.

134. **With respect to the budget, there are several steps that would enhance Parliament's impact on sound public financial management.**

- **Pre-budget Process.** Parliament should play a greater role in the pre-budget process, debating the government's budget priorities and the detailed choices before Jamaica. This pre-budget process should involve a plenary debate. The Sessional Select Committees should make use of the time between the pre-Budget report and the main Budget to (a) engage citizenry in consultations, thereby reinforcing the role of Parliament as a representative forum, and (b) take evidence on the Government's plans and feed its recommendations back to Government.
- **Performance Budgeting.** Transitioning from line budgets to performance budgeting would enable managers to be held accountable for whether the expenditure achieved its stated purpose.
- **Budget Scrutiny.** Further thought should be given to how scrutiny of the budget is organized—that is, by the Standing Finance Committee (which a Committee of the Whole House) or by the Public Administration and Appropriations Committee.

135. **Support to the Public Administration and Appropriations Committee should be strengthened.** PAAC is in need of permanent independent support on budgetary matters throughout the year. This could be accomplished through the establishment of a technical unit headed by a Parliamentary Budget Officer. A standing budget adviser to PAAC would be an appropriate interim step.

136. **Support to the Public Accounts Committee should be strengthened.**

- The work of PAC would be assisted by the proposed special unit in the Ministry of Finance and Public Service.
- Greater emphasis should be placed on focusing audits on performance/value-for-money issues.
- PAC could consider adopting a formal policy that details the regularity of meetings, agenda structure, and so forth.
- PAC also needs to consider increasing its outputs and measuring the outcomes from the audit process.
- The constitutional independence of the Office of the Auditor General should be strengthened and PAC should have the right to be consulted in the process for determining the Audit Office's annual budget and resources and the appointment and removal of the independent auditor of the Audit Office.

137. **Better research and ICT support to Parliament are essential.**

- **Research Unit.** A research facility or unit could be established within Parliament, perhaps involving four or five full-time researchers. These should be allocated to the

most active committees. The Head of the Research unit, reporting to the Clerk, would be responsible for managing the parliamentary interns who could assist the full-time staff and be allocated to the less active committees.

- ***Parliamentary Internship Program.*** A Parliamentary Internship Program provides some research support and the program has served the Parliament reasonably well in the absence of resources to engage full-time researchers. This system should be extended. For example, it might be possible to arrange with the University of the West Indies for some form of academic credit to be awarded to students for their work in Parliament.
- ***ICT.*** Additional staff are needed in the ICT Department, with priority given to a webmaster and a technician.

138. **Parliament's independence from the Executive should be strengthened.**

- ***Self-Management.*** International good practice is for a Parliament to administer its own affairs and to be responsible for setting its own budget. Parliament should intensify efforts to manage more effectively its administration and financing by strengthening internal governance structures in preparation for devolution. Jamaica could consider a Parliamentary Commission, established by statute with responsibility for the management of the House.
- ***Independent Commissions of Parliament.*** The budgets of the independent commissions of Parliament should also be agreed by Parliament.

139. **Enhancing the human resources, facilities, and infrastructure of Parliament is critical to Parliament's effective functioning.** Major priorities are:

- ***establishing a Human Resources Department*** to facilitate staff selection, professional development, and retention (which are crucial if Parliament is to be able to satisfactorily manage its own resources and function effectively);
- ***comprehensively reviewing job descriptions and responsibilities,*** so that reporting lines are made clearer;
- ***providing support for Committee Clerks*** and relieving them of administrative activities;
- ***regularizing the important post of Legislative Counsel;***
- ***improving the timeliness of Hansard Reports,*** with the aim of publishing them on the website within two weeks;
- ***upgrading the technology for Hansard production,*** and equipping Hansard writers with essential technological skills;
- ***improving the Parliamentary library;***
- ***upgrading Parliament's information and communication technology*** to improve communications and reduce the number of paper documents (a server is a critical need);
- ***improving Parliament's webpage;*** and
- ***increasing the cohort of Parliamentary staff*** (the Clerk is proposing a number of new positions, with the Accounts Section and the information systems function prioritized).

140. **The facilities at Gordon House remain inadequate.** Progress toward a new Parliament building has been a challenge, partly because of finances and partly because of the lack of public understanding about the need for a new building. To maintain continued

support for such reforms among Jamaican citizens, a communication campaign will be needed to ensure the public understands why a new Parliament building is required. To maintain public confidence, the actual project in Jamaica should be scrutinized by a special joint committee of Parliament, with the involvement of the Contractor General, the Auditor General, and wider civil society.

141. **Communications and public access to information are important to Parliament's role in the oversight of public finances.** Feedback from citizens and visitors to Parliament through a Citizen's Scorecard would provide useful inputs in identifying and effecting improvements. The provision of accurate and timely information on parliamentary activities would also help to improve public perceptions about the Parliament.

142. **A strategic plan for the capacity development of the Parliament is essential to strengthen the public oversight of public finances and the performance of Government.** It is recommended that a comprehensive strategic plan be developed in consultation with all stakeholders; it should have short-, medium-, and long-term focus taking into account the recommendations of this report. The report will be discussed in a workshop to be organized by the Ministry of Finance and the Parliament Secretariat with a view to agree on the action plan.

ANNEX A

MEETINGS WITH KEY STAKEHOLDERS IN JAMAICA

Parliamentarians

Dr. Peter Philip MP, (Former Chair of PAC, and current Minister of Finance)
Dr. Omar Davies MP (Former Chair of PAC, and current Minister of Transport, Works, and Housing)
Hon. Delroy Chuck, MP (Former Speaker of the House of Representatives)
Mrs. Marisa Dalrymple-Philibery, MP (Former Deputy Speaker)
Hon. Andrew Holness, MP (Former Prime Minister and Minister of Education)
Dr. Kenneth McNeill (Former Chair of PAAC, and current Minister Tourism and Entertainment)
Prof. the Hon. Oswald Harding, OJ, CD, QC (Former President of the Senate)

Independent Officers

Ms. Pamela Monroe Ellis (Auditor General)
Mr. Greg Christie (Contractor General)

Parliamentary Staff

Mrs. Heather Cooke (Clerk)
Ms. Valrie Curtis (Deputy Clerk)
Ms. Cheryl Gibson (Assistant Clerk)
Mrs. Pamela Brown (Hansard Editor)
Mrs. Tashana Alcock (Public Relations Officer)
Mrs. Enid Gray (Librarian)
Ms. Camika Facey (Legislative Counsel)
Ms. Miriam Allerdice (Hansard Writer)
Mr. Norman Richards (Chief Accountant)
Mr. Merrick Brown (System Administrator)
Mrs. Debra McKessey-Robinson (Food & Beverage Manager)
Mr. Ralph Montaque (Personnel Officer/4th Clerk)
Ms. Monica Robinson (Committee Coordinator)
Mrs. Rosemarie Douglas-Beckford (Clerk of PAC)
Ms. Camesha Bailey (Clerk of PAAC)
Ms. Camille Ashman (Director, Human Resources and Administration)

ANNEX B

Workshop on Strengthening the Capacity of the Parliament Kingston, Jamaica Tuesday, June 21, 2011

SUMMARY OF MAIN POINTS

1. All Parliamentarians have a responsibility to support the institutional strengthening of Parliament, including the development of proper research facilities and the fostering of greater bipartisan cooperation and dialogue. Excessive partisanship is undermining fiscal responsibility and eroding public confidence in politicians.
2. Parliamentarians must work together to combat both the existence and perception of corruption in public life.
3. Parliamentary scrutiny and monitoring of fiscal activities must increase. The oversight of all public bodies must be strengthened.
4. The Committee on Tax Measures, as provided for in the Standing Orders of the House of Representatives, should be activated. Citizens should be educated about the requirements of taxation, and fiscal management issues should be explained in a nontechnical way.
5. Parliament should monitor the compliance of ministerial departments under the Financial Administration and Audit (FAA) Act and the Fiscal Policy Paper. Public offices should produce Quarterly Reports explaining the outcomes and outputs of ministries against performance targets. Each department should also release a corporate plan. These documents should be scrutinized by Parliament.
6. Committees of Parliament should be adequately staffed, and supported by proper research facility. The Chairs of Committees should receive administrative support.
7. PAC needs further independent technical support in addition to that provided by the Auditor General. PAAC also requires permanent technical support, perhaps through a budget or fiscal officer to provide independent information to Members.
8. The analytical underpinnings of the Fiscal Policy Papers should be assessed as the Auditor General is only required to consider conformity and not the reasonableness of the assumptions underlying the FPP.
9. The independence of the Office of the Auditor General should be strengthened. Resources also need to be increased to allow the Auditor General to conduct further special audits. Disparities between the levels of independence of the commission of Parliaments must be reduced.
10. Performance budgeting should be introduced across all government departments. Budgeting should become more flexible and inclusive with a long-term perspective. There is a need to ensure greater value-for-money from the public sector.
11. The House of Representatives should consider amending Standing Order 26a (2) to ensure that all committee recommendations approved by Parliament are submitted to the Cabinet with a response tabled in the House by an agreed time (the existing Standing Order states responses should be tabled within 21 days of the motion being tabled in the House).
12. The change to ensure all oversight committees are chaired by a Member of the Opposition has been beneficial to Parliament and the workings of the committee system. This should continue.
13. The parliamentary administration should be strengthened to ensure Clerks are not distracted by administrative matters instead of providing procedural advice to Presiding Officers and Members.
14. Parliamentary staff needs to be more proactive in terms of questions of parliamentary procedure.
15. Documents should be sent to Parliament in a timely fashion to ensure that there is time for photocopying and distribution to members.
16. A more constructive relationship between the Permanent Secretaries and the Office of the Clerk should be established.
17. The use of university interns for research support has worked fairly well, but should be strengthened further.
18. The salary and benefits paid to parliamentary staff should be reviewed to conform to the wider public service and to ensure highly qualified people are attracted to Parliament.
19. The information and technical support to parliament needs to be strengthened. At present there is just one IT officer in Parliament.

20. The parliamentary website should be developed further to provide greater information about the work of Parliament and to increase public awareness of its role.
21. Parliament must strive to become paperless, with greater use of electronic circulation of documents to save money and ease the pressure on public funds.
22. Parliament should monitor the compliance of public sector officials that are required by law to report to Parliament. The clerk has developed a database to track Annual Reports and to ensure they are tabled on time; Parliament will notify the ministries if they are late.
23. Delays in the production of Hansard should be eliminated.
24. The Accounts Section of Parliament should be reformed and the position of Director of Finance and Administration should be filled.
25. Parliament should establish a proper corporate structure, including a parliamentary commission to review the needs and performance of Parliament, independent from the Executive. This should have a Jamaican flavor and could also include civil society representation.
26. Parliament should consider how the programming of legislation can be improved, using the experience of other jurisdictions. Better programming will assist the scrutiny of legislation and be beneficial for civil society organisations, which will be able to better plan the delivery of briefing material to Members of a standing committee. Governments should be able to pass legislation in a reasonable time, but the Opposition must have full opportunity to discuss and seek to change provisions to which they attach importance.
27. Bills must be properly prepared (drafted) so as to reduce subsequent Government amendments. A joint Working Commission could be established on "law quality."
28. Private Members' motions should be given some primacy under Public Business. One suggestion was for such motions to precede Government business at least two Tuesday sittings every month.
29. The adopted resolutions of Private Members' motions should be acted upon by Cabinet within the same prescribed period of 21 days for motions on national or constituency issues. The Cabinet's response should explain the course of action to be taken by the respective ministry or agency.
30. A bimonthly or quarterly report should be provided by Parliament on the adopted resolutions sent to Cabinet and the action taken or not taken by Cabinet. Ministers should be required to provide oral/or written reasons for failing to act on House Resolutions.
31. Members should be briefed by legal draftspersons or similarly capable persons when major legislation is tabled.
32. All major pieces of legislation should be subject to public hearings.
33. Parliament requires more and better facilities, such as meeting rooms, with adequate support staff.
34. The problem of the large size of the Executive and small number of backbenchers should be resolved. This has substantially reduced the availability of backbenchers for committee duties and undermined balanced bipartisanship on committees. One option is for a mandatory minimum membership of backbenchers and Executive Members.
35. Consideration should be given for possible penalties or rewards for committee membership and attendance.
36. All committees should be bipartisan so as to ensure greater consensus on important issues; reduce political polarization; convey greater unity of purpose on issues of concern; and facilitate greater buy-in from the public.
37. The Standing Orders should review the terms of reference of all sessional committees.
38. The importance – and value – of constituency Development Funds was stressed.
39. The physical infrastructure of Parliament is inadequate. There is no office space for Parliamentarians, insufficient committee rooms, and cramped working conditions for parliamentary staff. A new Parliament building will be required when public finances permit.

ANNEX C

Civil Society Consultation Workshop Strengthening the Capacity of the Parliament and the Expectation of the Citizens from the Parliament

**Kingston, Jamaica
Tuesday, June 21, 2011**

KEY RECOMMENDATIONS

1. The Ministry of Finance and Public Service and other relevant bodies should conduct a public education campaign on matters relating to the Financial Administration and Audit Act (FAA), the Fiscal Policy Paper, and other related matters. The campaign could use the services of the Jamaican Information Commission and/or the information officers in the various ministries. There should also be general public education campaigns on government accountability.
2. The World Bank and other developmental partners should assist the Ministry of Finance and Public Service in capacity development through regular training programs. Such training should involve workshops and study tours in fiscal management to gain local insight on international best practices.
3. All public documents should be summarized in lay terms to ensure that complex and technical issues are understood by the wider public.
4. The Annual Reports of all ministerial departments and public bodies should be made available to parliamentary committees. Equally, the committees of Parliament should produce their own annual reports to ensure wider accountability and performance evaluation.
5. Citizens Scorecards should be used in Parliament and all government departments to provide feedback on user perceptions of the relevant institution.
6. The budget process should be amended to make it more consultative with civil society. There should be a Pre-Budget Report, three-year business plans, and a Citizens' Budget Paper.
7. The Governor of the Central Bank of Jamaica should be made accountable to Parliament.
8. The authorities should proceed with construction of a new Parliament building.
9. The institutional capacity of Parliament should be strengthened by employing researchers to assist Parliamentarians, committees, and parliamentary staff. Parliamentarians could be provided with interns from the University of the West Indies (UWI) so proper briefings and research can take place. There should be some return to students for providing such support.
10. ICT must be more widely introduced into the workings of Parliament.
11. Post-election training for MPs in the Rules of Procedure (Standing Orders), laws, public management, and ethics should be mandatory, with frequent refresher courses.
12. All parliamentary committees should be open to the media and the public and chaired by an Opposition Member of Parliament.
13. Parliamentarians must be subject to performance evaluation and a scorecard could be developed and made available via the website.
14. The entrance and reception area of Parliament should be made more welcoming to citizens.
15. The support provided to the Clerk of Parliament should be strengthened.

ANNEX D

Legislative Review of Annual Expenditure Plans: UK Experience

Historically, the Commons had two committees to deal with proposed expenditure and taxation: the Committee of Supply and the Committee of Ways and Means, which both sat as Committees of the Whole House. These were abolished in 1966 and 1967 and the need to relate Supply debates to particular estimates was also removed in 1967. Supply days were formally abolished in 1982 and replaced by Opposition days (although in practice Supply days were already Opposition debates as they rarely related to the scrutiny of expenditure).

The current procedure is for the Estimates to be debated in the Commons three days a year. Estimate Days are used to discuss select committee reports related to one of the Estimates with the choice of subject resting with the Liaison Committee.¹ The connection between the select committee report and the Estimates is often tenuous and it is rare for a specific estimate to be reported on by a committee. A further concern is the time available between the laying of the Estimates and their agreement by the House, which leaves little time for committees to identify and report on matters of concern. The current requirement is for Estimates to be presented 14 clear days before they are voted on in December and March.

The 2001 Hansard Society Commission on Parliamentary Scrutiny found that only 34 percent of select committee inquiries considered any form of expenditure issue, and only 9 percent considered estimates.² In May 2002 the House of Commons agreed the core tasks of select committees should include a task to “examine and report on Main Estimates, annual expenditure and annual resource accounts.” This has had a positive impact: the Liaison Committee is “impressed with the rigour that many committees are now bringing to their financial scrutiny work”³ and praised the work of the Scrutiny Unit which forms part of the Committee Office in the House of Commons and assists select committees in the areas of government expenditure.⁴ During 2003-2004, the Unit conducted 87 tasks for select committees: of these, 42 related to expenditure, including an analysis of departmental annual reports, supplementary estimates, departmental resource accounts, and 2004 spending review settlements.⁵

¹ A committee comprising all the Chairs of the Select Committees in the House of Commons. They meet regularly to look at the work of their committees and decide which select committee reports the House of Commons should be debating.

² Alex Brazier and Vidya Ram (2005) *op.cit.* p.26.

³ Liaison Committee, First Report of Session 2006-2007, *Annual Report for 2005-2006*, HC 406, 17 April 2007 p20.

⁴ While many legislatures have no access to independent research capacity, the Scrutiny Unit has the resources available to the U.S. Congressional Budget Office.

⁵ Brazier and Ram, *op.cit.* p.28.

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