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PARLIAMENTARY PROCEDURE

7

ABSTRACT SERIES

PARLIAMENTARY COMMITTEES

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PREFACE

This Abstract is part of the Zambian Parliamentary Abstract Series and discusses Parliamentary Committees. Since the First National Assembly was constituted in 1964, the Zambian Parliament has undertaken reform to its committee system in order to make it more relevant to its functions, and in particular, to the demands of its key stakeholders: the Zambian electorate. As the working procedure and practice of Parliamentary Committees are dynamic, the present Abstract is not exhaustive, but is intended to be a quick reference guide.

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INTRODUCTION

Generally, the functions of Parliament include enacting legislation or making laws, voting public expenditure and approving taxation measures, as well as overseeing Government administration. In order to efficiently execute these functions, Parliaments in the Commonwealth and elsewhere have evolved the committee system as part of parliamentary procedure. This system enables legislative bodies to handle immense and minute tasks in greater detail. The National Assembly Standing Orders 165 (1) and Article 80 of the Constitution of Zambia, provide for Parliamentary Committees.

Parliamentary Committees are established as instruments of the House in terms of the Constitution, to facilitate oversight and monitor the Government. Committees scrutinise legislation, oversee Government action, and interact with the public.

THE IMPORTANCE OF PARLIAMENTARY COMMITTEES

Parliaments face various challenges in discharging their key functions of legislation, fostering transparency and accountability, exercising oversight and providing checks and balances on the Executive. Parliaments also have the challenge of ensuring that civil society and the private sector are consulted regularly and participate fully in parliamentary processes in order to strengthen the rule of law and democracy. In doing this, Parliaments through the proceedings of Parliamentary Committees are channels of communication between the Government, the public and, indeed, the Parliamentarians themselves. The Committee system ensures that every aspect of the Executive's operations or activities fall under the purview of one or more of the Committees.

TYPES OF PARLIAMENTARY COMMITTEES

There are two types of Committees in the Zambian Parliament, namely, Standing and Select Committees. Standing Committees include House-keeping Committees and Watchdog Committees. Watchdog Committees include General Purposes Committees and Portfolio Committees. Watchdog Committees consist of Committees whose membership is composed of backbenchers and have the mandate to elect their own chairpersons and vice-chairpersons.

Select Committees are ad-hoc committees appointed to look into a specific matter and after concluding their work stand dissolved. Except for Housekeeping and Select Committees, the sittings of all Standing Committees of the National Assembly are open to the media and the public. Nevertheless, the Committees which are open to the public may decide to sit *in camera*, depending on the nature of the business to be deliberated upon.

(a) General Purpose Committees

General Purpose Committees are watchdog and investigatory Committees. They are so named because their mandate encompasses all Government Ministries and departments, all statutory institutions, corporations and authorities. The Committees falling under this category are the:

- (a) Public Accounts Committee;
- (b) Planning and Budgeting Committee;
- (c) Committee on Delegated Legislation; and
- (d) Committee on Government Assurances.

(b) Housekeeping Committees

Housekeeping Committees are concerned with internal parliamentary matters that relate to the proper functioning of the House. As such, these Committees are not open to the public. The Committees under this category are:

- (a) Standing Orders Committee;
- (b) House Business Committee;
- (c) Committee on Privileges and Absences; and
- (d) Parliamentary Reforms and Modernisation Committee.

Housekeeping Committees have Members drawn from both the front and back benches.

(c) Portfolio Committees

The Portfolio Committees are responsible for scrutinising the functions or activities of the various Government ministries and departments. These are:

- (i) Committee on Agriculture, Land and Natural Resources;
- (ii) Committee on Media, Information and Communication Technologies;
- (iii) Committee on Education, Science and Technology;
- (iv) Committee on Energy, Water Development and Tourism;
- (v) Committee on Health, Community Development and Social Services;
- (vi) Committee on Legal Affairs, Human Rights and Governance;
- (vii) Committee on Local Government Accounts;
- (viii) Committee Local Governance, Housing and Chiefs' Affairs;
- (ix) Committee on National Economy, Trade and Labour Matters;
- (x) Committee on National Security and Foreign Affairs;

- (xi) Committee on Parastatal Bodies;
- (xii) Committee on Cabinet Affairs;
- (xiii) Committee on Transport, Works and Supply;
- (xiv) Committee on Sports, Youth and Child Matters; and
- (xv) Committee on National Guidance and Gender Matters.

Portfolio Committees are empowered to study and report on the mandate, management and operations of Ministries and any statutory institutions, corporations or bodies falling under relevant Ministries and to consider Bills that are referred to them by the House. Furthermore, the factors of party representation, gender balance, Members' qualifications and experience are taken into account when selecting or nominating Members to sit on these Committees.

Some of the procedures of the General Purposes and Portfolio Committees are that they may, *inter alia*:

- a) sit in public with the provision that, on its own resolution, a Committee may decide to conduct its business in camera;
- b) invite submissions on any matter from the public within their terms of reference;
- c) sit whilst the House is sitting, provided that, on a division being called in the House, the Chairperson of the Committee shall suspend the proceedings in the Committee for such time as will, in his opinion, enable the Members to vote in a division; and
- d) the legislative procedure provides for Committees to consider Bills after First Reading, but before the general debate and final passage on the Floor of the House.

These Committees contribute to the effectiveness of the functioning of the National Assembly in performing its oversight role in that the Committees tend to be specialised in the matters under their jurisdiction.

PUBLIC PARTICIPATION IN THE DELIBERATIONS OF COMMITTEES IN THE ZAMBIAN PARLIAMENT

In the Zambian Parliament, it is recognised that Committees should aim at taking Parliament closer to the people through public participation. Public input is important and Committees are expected to, as much as possible, promote public awareness and debate on matters such as Government policies and Bills being considered by Parliament. Committees also provide a forum for the presentation of the various views of individual citizens and interest groups. The participation of the public in this process is premised on the fact that since Parliaments are

peoples' institutions, the public should be able to have an input in the work of Parliament through Committees. This not only legitimises the work of Parliament, but also provides an opportunity for Parliament to be aware of the views of the public and key stakeholders on various topical issues.

Portfolio and General Purposes Committee proceedings are open to the public and these Committees are mandated to conduct public inquiries. The media are allowed to report on the activities of the Committee proceedings. Public inquiries by Committees enhance the legitimacy and quality of their recommendations. To avoid character assassination or publicity seeking, the parliamentary procedures contained in the *National Assembly (Powers and Privileges) Act* offer guidelines for the conduct of Members of Parliament and members of the public observing or taking part in parliamentary business.

Whenever necessary, information is given to the public through the media about Committee sittings and issues under consideration. Members of the public interested and with the relevant information are facilitated to submit their written comments to the respective Committees for consideration. Committees are at liberty, thereafter, to invite any member of the public to their meetings as a witness.

COMMITTEE REPORTS

Parliamentary Committees prepare reports after completion of their deliberations in accordance with their respective Programmes of Work. The Committee reports are tabled in the House for consideration and subsequent adoption. The compilation of a report is entirely the responsibility of the Committee itself and the public are not privy to the specific recommendations contained in the report until the report is tabled (and adopted) by the House. Where the House does not adopt a Committee report, its contents become null and void and cannot, therefore, be used as reference material by either the public or Parliament itself.

CONFIDENTIALITY OF COMMITTEE REPORTS

Although proceedings of Committees are open to the public, the deliberations of Committees and their recommendations which culminate into Committee reports, remain the property of the National Assembly until tabled, and adopted by the House. Committee reports are, therefore, treated as confidential until adopted by the House.

ACTION-TAKEN REPORTS

After Committee reports have been adopted by the House, copies of the same, with covering letters, are sent to the respective Ministries to take action on

the observations and recommendations made by the Committees on the various issues considered. According to the Standing Orders of the National Assembly, the Action-Taken Reports or Treasury Minutes (the response of the Ministry of Finance) should be submitted to the National Assembly and tabled in the House not more than sixty (60) days from the date on which a particular Committee report was adopted. Members of the public wishing to have information on the actions taken by the Government, in response to the recommendations of the Committees, may request such a copy from the Office of the Clerk.

Where the Executive feels very strongly that a particular recommendation cannot be implemented, it is required to give a convincing reason why it would be so. In other words, it is not obligatory for the Executive to implement all the recommendations made by Committees of Parliament, provided that where differences of opinion occur, explicit and satisfactory reasons should be given.

CONSIDERATION OF BILLS

After the First Reading of a Bill, the Speaker usually refers the Bill to the relevant Committee. The purpose of this stage is to allow the Committee to carry out an in depth study of the Bill through consultations with various stakeholders, who include the private sector and professional bodies. The Committee then compiles a report which is used as a source of information during debate and subsequent stages of the Bill in the House. It must be noted that the report itself is not debated.

Thus, all Portfolio Committees have the mandate to consider relevant Bills that are referred to them by the House. This gives an opportunity to members of the public and interested stakeholders to make detailed submissions and recommendations on Bills that come before the House.

POWERS OF COMMITTEES

Parliament's authority is derived from the provisions of the Constitution of Zambia and *the National Assembly (Powers and Privileges) Act, Cap 12 of the Laws of Zambia*. All the Committees of the House have the same powers, privileges and immunities as those that apply to the House itself. The Chairperson of any Committee represents the Speaker and holds the same powers as the Speaker when in the Chair. *The National Assembly (Powers and Privileges) Act, Cap 12 of the Laws of Zambia* gives power to the National Assembly or any of its Committees to order the attendance of witnesses and to send for persons, papers and records. Therefore, members of the public need to keep in mind that they are expected to abide by these regulations, should they be required to appear before any of the Committees of the House or to make written submissions. *The National Assembly Powers and Privileges Act* enumerates offences against the House or any of its Committees. Section 14 (3) of the Act

deals specifically with exemptions from attending or producing records/evidence before the House by stating:

“except upon the direction of the President, no person shall refuse:

- a) *to produce before the Assembly or a Committee any paper, book, record or document; or*
- b) *to give before the Assembly or a Committee evidence relating to the correspondence of any civil department or to any matter affecting the service; and secondary evidence shall not be received or produced before the Assembly or Committee, of the contents of any such paper, book, or document which the President has directed shall not be produced. The only exceptions are matters relating to the Navy, Military or Air Force for which the consent of the President has to be obtained”.*

CONCLUSION

Parliament is said to embody the will of the people. It is for this reason that the people should take an active interest in its work. The work of Parliament is considerable in volume and complexity and, through the Committee System, Parliament can undertake close and detailed scrutiny to the affairs of the nation and, in so doing, give members of the public an opportunity to input. However, it is important that members of the public keep in mind that they too, have obligations in order to make the work of the Committees more effective.
