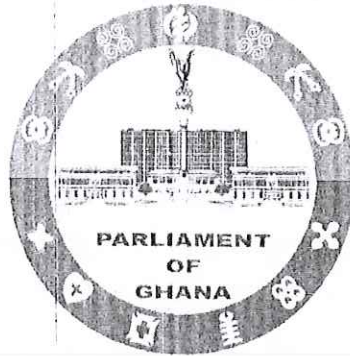


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IN THE THIRD SESSION OF THE EIGHTH PARLIAMENT OF  
THE FOURTH REPUBLIC OF GHANA



REPORT OF THE STANDING ORDERS COMMITTEE

ON

THE REVIEW OF THE STANDING ORDERS

OF THE PARLIAMENT OF GHANA

23<sup>RD</sup> JUNE, 2023

## 1.0 INTRODUCTION

Article 110(1) of the Constitution of the Republic of Ghana, 1992 provides that *“subject to the provisions of this Constitution, Parliament may, by standing orders, regulate its own procedure”*. The First Parliament of the Fourth Republic developed and adopted the Standing Orders of the Parliament of Ghana which regulated the proceedings of the House and its Committees, as well as, the privileges and immunities of the House and Members until its revision in November 2000.

Presently, the expansion in the frontiers of democracy and good governance worldwide, coupled with changing trends in legislative practices and procedures, have necessitated a wholistic revision of the current Standing Orders which has been in operation since the year 2000. Also, there has been increased public demand for transparency and accountability with a corresponding requirement on Parliament to improve its oversight of the Executive and other Constitutional Bodies. Parliament, as a representative of the people, is thus under obligation to respond to the call through the adoption of new rules to provide structural and procedural arrangements to deliver on its mandate effectively and efficiently.

In response to the increasing public demand on Parliament to effectively carry out its constitutional duties, previous Parliaments initiated the process to review the Standing Orders to remedy the structural and procedural gaps in the existing Orders. Unfortunately, these Parliaments were unable to complete the review process before the expiration of their respective terms.

Following the inauguration of the Eighth Parliament, the Rt Hon Speaker in consultation with Leadership of Parliament, constituted a Technical Committee to undertake the review of the Draft Orders and submit a report for the consideration of the Standing Orders Committee. Among other things, the Committee was tasked to complete the work commenced by preceding Parliaments. The Technical Committee undertook a comprehensive review of the Draft Orders and has had several meetings to report to the Standing Orders Committee.

The review of the Standing Orders coincided with the review of the existing Strategic Plan (2020-2024) of Parliament which came into operation in January 2020. The provisions are therefore in conformity with Parliament's effort at achieving the medium-term goals which includes improving the ability of Parliament to exercise its legislative power, enhancing the oversight and



accountability role of Parliament, and enhancing the capacity and productivity of Parliament to effectively respond to changing trends in democratic governance.

Having reviewed the work of the Technical Committee within the framework of the Corporate Strategic Plan (2020-2024) of Parliament, the Standing Orders Committee, is pleased to present to the House its report on the review of the Standing Orders.

## **2.0 REFERENCE DOCUMENTS**

The Committee referred to the following documents during deliberations:

- (i) The Constitution of the Republic of Ghana, 1992;
- (ii) Parliament Act, 1960 (Act 300);
- (iii) Interpretation Act, 2009 (Act 792);
- (iv) Standing Orders of the Parliament of Ghana, 2000;
- (v) Parliament of Ghana Corporate Strategic Plan (2020-2024);
- (vi) Standing Orders of the Parliament of Ghana, Second Republic, 1969;
- (vii) Standing Orders of the Parliament of Ghana, Third Republic, 1979;
- (viii) Standing Orders of the House of Commons, United Kingdom;
- (ix) Rules of Procedure and Conduct of Business in Lok Sabha, India;
- (x) Standing Orders of the National Assembly of Kenya;
- (xi) Standing Orders of the Parliament of Australia;
- (xii) Standing Orders of the Parliament of New Zealand;
- (xiii) Standing Orders of the House of Representatives of the Federal Republic of Nigeria;
- (xiv) Erskine May – Parliamentary Practice (24<sup>th</sup> Edition, 2011);
- (xv) Robert's Rules of Procedure (11<sup>th</sup> Edition, 2011);
- (xvi) Kaul & Shakhder – Practice & Procedure of Parliament (Sixth Edition); and
- (xvii) Review works of previous Parliaments on the Standing Orders.

## **3.0 METHODOLOGY**

The methodology adopted by the Technical Committee for the review exercise was largely desk-based, mainly involving, the examination of the earlier review works undertaken by previous Parliaments and the review of Standing Orders of sister Parliaments. Extensive consultations with Leadership of the House and several meetings with the Standing Orders Committee were also undertaken.

The Committee also obtained written memoranda from former Clerks to Parliament and some Members of Parliament. The Committee conducted detailed research into the practices and procedures of selected sister Parliaments including the House of Commons of the United Kingdom and New Zealand, the

Lok Sabha of India, the National Assembly of Kenya and the House of Representatives of the Federal Republic of Nigeria.

#### 4.0 KEY SUBJECT MATTERS

The proposals and recommendations in the reviewed document include improving the language on the existing text and the introduction of new and essential provisions on varied subject matters including:

- i. Interpretation;
- ii. Role of the Speaker;
- iii. Order of Precedence of principal functionaries in Parliament;
- iv. Matters relating to court process and arrest;
- v. Sanctions for contempt of Parliament or breach of Parliamentary privilege;
- vi. Role of the Clerk to Parliament;
- vii. Summoning of Parliament and suspension of Meeting;
- viii. Attendance of Members of Parliament;
- ix. Leave of absence;
- x. Official Communication to and from Parliament;
- xi. Order of Business;
- xii. Backbenchers' Time;
- xiii. Quorum of the House;
- xiv. Voting in the House;
- xv. Procedure for Secret Voting;
- xvi. Address by the President;
- xvii. Parliamentary Questions;
- xviii. Presentation of Papers;
- xix. Admissibility of Motions and Half-Hour Motions;
- xx. Audience to Heads of Independent Constitutional Bodies;
- xxi. Vote of Censure on the Minister (cf. article 82 of the Constitution);
- xxii. Disorderly conduct;
- xxiii. Voting in Parliament;
- xxiv. Disclosure of interest;
- xxv. Fiscal Impact Analysis in respect of a Bill;
- xxvi. Short explanatory statement on a Bill;
- xxvii. Winnowing;
- xxviii. Consideration Stage of Bills—incorporation of amendments prior to Third Reading;
- xxix. Authentication and Certification of Bills;
- xxx. Private Member's Bill and Private Member's Motion;
- xxxi. Strengthening the Committee system of Parliament;



- xxxii. Establishment of Committee on Ethics and Standards;
- xxxiii. Establishment of Committee on Human Rights;
- xxxiv. Establishment of Committee on Development and Economy
- xxxv. Establishment of Budget Committee;
- xxxvi. Establishment of Ways and Means Committee;
- xxxvii. Establishment of Committee on Independent Constitutional Bodies;
- xxxviii. Conduct of Committee Proceedings and Appointment of Counsel;
- xxxix. Leadership of Committees;
  - xl. Duties of Clerks to Committees; and
  - xli. Petitions.

## **5.0 PROPOSALS TO THE STANDING ORDERS**

### **5.1 Interpretation**

Critical to the understanding of any legal text is its interpretation provisions. The Standing Orders Committee, as a first hurdle in the review of the Orders, provides an enhanced provision on interpretation.

The Committee observed that, in the text of the current Standing Orders, some of the terms used have not been adequately defined, while some new provisions have been proposed requiring interpretation. Some of the terms interpreted in the proposed Standing Orders include:

*Backbencher, Emergency Meeting, Independent Constitutional Bodies, International Parliamentary Bodies, Member presiding, Question Time, Recess, Sponsor, and Winnowing.*

The proposed Orders also provide a clearer definition for a Speaker, Leadership, Independent Member and Independent Caucus. These revisions are consistent with Parliament's goal of ensuring optimum functionality of its officers and Committees.

The Committee also recognised that Orders 5 and 6 of the current Standing Orders vest in the Speaker the power to interpret the Orders as the Speaker deems fit. The Committee however, noted that the Speaker in exercising this discretionary shall be mindful of article 296 of the Constitution. Thus, the Committee proposes the adoption of a provision to that effect. This provision is expected to ensure that the Speaker's discretionary powers are consistent with the Constitution.

## **5.2 Role of the Speaker**

The Speaker of Parliament is the first Officer of Parliament and presides over sittings of the House. In order for Parliament to properly exercise its legislative power and its oversight duty, it is critical that the role of the Speaker is properly outlined, and the powers attached to the office provided for. The current Standing Orders does not provide adequately for the general powers of the Speaker. The proposed Orders, therefore, provide for the general powers and role of the Speaker under Sub-Part One of Part Two.

The general powers of the Speaker include the responsibility of upholding the honour, dignity, and sanctity of the House as well as the protection and preservation of the rights of Members. The Speaker, in the performance of the designated functions, is expected to, as much as possible, promote consensus on matters under consideration in the House.

Also provided for under the said Sub-Part on the general powers of the Speaker, is the order of precedence of principal functionaries in Parliament. The procedure for the election of a person to the office of Speaker when Parliament first convenes and anytime the Office becomes vacant have been further elaborated to provide clarity and a better sense of structure.

## **5.3 Matters relating to court process and arrest**

Article 117 of the Constitution provides that:

*“A civil or criminal process coming from any court or place out of Parliament shall not be served on, or executed in relation to the Speaker or a Member of or the Clerk to Parliament while that person is on the way to, attending at or returning from, any proceedings of Parliament.”*

Consequently, in giving effect to the above article in the context of Parliamentary proceedings, the Committee proposes a provision relating to court process and arrest of the Speaker, Members, and the Clerk. This provision is aimed at protecting the immunities, rights and privileges of the Speaker, Members, and the Clerk. The proposal is further to avert the situation where Parliamentary proceedings are impeded by the arrest, charge, or detention without notice to the Office of the Speaker. The enhanced provision will thus further protect the rights of the Speaker, Members and the Clerk guaranteed under the Constitution.



#### **5.4 Sanctions for contempt of Parliament or breach of Parliamentary privilege**

Article 122 of the Constitution provides generally for acts that constitute contempt of Parliament. Article 123 of the Constitution recognises the power of Parliament to punish individuals culpable for contempt of Parliament. The Committee however observed that the current Standing Orders does not provide a sanctions regime for such acts of contempt of Parliament or breach of Parliamentary privilege. Despite this lacuna, the House has in practice relied on Parliament Act, 1960 (Act 300) to deal with matters of contempt.

Consequently, to preserve the dignity and sanctity of Parliament, the Committee recommends the adoption of provisions on the sanctions culled from Act 300 to be applied in cases of contempt of Parliament or breach of Parliamentary privilege.

#### **5.5 Role of the Clerk to Parliament**

The role of a Clerk to Parliament has been clearly provided for in the proposed Orders. However, the Committee in its work has expanded on the functions of the Clerk to Parliament at the commencement of the First Session of a new Parliament, particularly as the Returning Officer for the election of the Speaker. The Committee also proposed modes of transmission of Commencement Notice by the Clerk during an emergency recall of Parliament.

The Committee further proposes that the Clerk be mandated to keep a Rulings Book. The book shall act as a repository in which rulings of the Speaker is recorded and numbered in succession. These additions will strengthen the Office of the Clerk to Parliament and enhance the capacity and productivity of the Parliamentary Service in providing vital support services to Parliament.

#### **5.6 Summoning of Parliament and suspension of Meeting**

The Corporate Strategic Plan of Parliament has identified the need to enhance the capacity of Parliament in order for it to effectively respond to changing trends. In the context of this goal, the Committee examined Orders 37, 38, and 39 of the current Standing Orders and noted that the Constitutional provisions in articles 112 and 113, in respect of Summoning and Dissolution of Parliament, have not been fully captured. The Committee, therefore, expanded these provisions to conform to the Constitutional provisions.



The Committee further proposed provisions to distinguish between the Summoning of Meeting and Suspension of Meeting. This new provision is in line with current practices of the House and will ensure that the House is able to adjust its procedures to respond to any emergency or matters of national importance. The increased flexibility for summoning a Meeting for instance, would allow Parliament respond appropriately to novel situations when they arise, as envisaged in the Corporate Strategic Plan.

#### **5.7 Attendance of Members of Parliament**

Taking cognisance of the frequent concerns raised by Members in respect of records of attendance in the Votes and Proceedings, the Committee recommends the adoption of the signing of an Attendance Register in the Chamber by manual or electronic means. The signed Register of Attendance is expected to be the evidence of attendance of a Member in the Chamber. This, the Committee hopes would address the concerns associated with attendance of Members as recorded in the Votes and Proceedings.

#### **5.8 Official Communication to and from Parliament**

The Committee proposes a wider scope of official communication from the President to Parliament to include the following:

- (a) Ministerial reshuffle;
- (b) the nomination of a person to the office of Vice-President pursuant to clause (1) of article 60 of the Constitution;
- (c) composition of Cabinet; and
- (d) appointment of Heads of Independent Constitutional Bodies.

Parliament, as representatives of the people, approves the nomination of Ministers for appointment by the President and therefore should be informed of any reshuffle of the approved Ministers. Secondly, as a body that exercises oversight, it is only appropriate that at all material times, relevant information relating to the heads of the institutions that Parliament has oversight is brought to the attention of the House.

Furthermore, Independent Constitutional Bodies have a critical role to play in the context of the Country's democracy. The role of Parliament in a democratic dispensation is to ensure effective oversight over all institutions of state including these Independent Constitutional Bodies. The Committee holds the view that it is appropriate that Parliament be duly informed of the appointment of the heads of these institutions and also to receive communication from these heads. The frequent communication between these bodies and Parliament would ensure that



the representatives of the people are informed of the programmes and activities of these institutions.

These proposals are therefore important steps in attaining Parliament's strategic goal of improved conduct of legislative business and oversight.

## **5.9 Order of Business**

The Committee expanded the list of items under the Order of Business to include the occasional recital of the National Pledge, Presentation of Business Statement, Backbenchers' Business, Presentation of Instruments, Questions to Heads of Independent Constitutional Bodies, or Members, amongst others.

It is proposed that the House recites the National Pledge at the first and the last sittings of every Meeting as a way to engender a sense of patriotism and loyalty to the Republic.

Also, although, Presentation of Business Statement has been a long-standing practice of the House, it does not find expression in the provision on *Order of Business* under the current Standing Orders. The new Orders thus provides for the inclusion of the "*Presentation of the Business Statement*".

In addition, having regard to the peculiarity of each item of business and the procedure for its consideration, Legislative Instruments have been disaggregated from Papers as an item of business in the presentation process. The Committee, therefore, proposes that Legislative Instruments be presented under a separate heading of "*Presentation of Instruments*".

## **5.10 Backbenchers' Time**

The Committee recommends the setting aside of one hour on the last Wednesday of each month for the consideration of determined business of Backbenchers. This is to afford a Member of Parliament, who is not a Minister of State, Deputy Minister of State, part of Leadership of the House or of Leadership of a Committee, the opportunity to make a Statement, present a Petition, move a Motion or initiate a Private Member's Bill.

The inclusion of a Backbenchers' Time is in accordance with practices from other modern parliamentary democracies where the practice helps to enhance the general participation and contribution of all Members across both sides of the House. Also, in adopting this proposal, the House will be fulfilling one of the Strategic Goals of Parliament which focuses on strengthening the capacity of Members of Parliament to carry out their constitutional duties effectively.

### **5.11 Address and Presentations by the President**

The provision on 'Presidential Addresses and Messages' has been expanded to include the provision in article 36(5) of the Constitution. This provision requires that the President, within two years of assuming office, presents to Parliament a coordinated programme of economic and social development policies, including agricultural and industrial programmes at all levels and in all the regions of Ghana. The implementation of article 36(5) of the Constitution as provided under the proposed Orders, would ensure greater accountability by the Executive arm of Government in respect of the progress made in the attainment of these rights for citizens.

Furthermore, the Committee recommends another provision offering the President the opportunity, by leave of the House, to address Parliament on any matter of national importance.

### **5.12 Parliamentary Questions**

The oversight function is perhaps the most critical role of Parliament in any democracy. Additionally, Parliament exercises the power of the purse and accordingly has a duty to appropriate funds for the administration of all state institutions, including Independent Constitutional Bodies. Parliament is therefore under obligation to ensure that the various institutions of State conduct their businesses to the benefit of the citizenry and that funds appropriated are put to best use.

In view of the foregoing, the Committee recommends that Parliamentary Questions be also asked of Heads of Independent Constitutional Bodies such as the Electoral Commission, the Commission on Human Rights and Administrative Justice, the National Media Commission, the National Commission on Civic Education amongst others. The proposed Orders would ensure that the Heads of these bodies or their representatives be invited to the House to respond to Parliamentary Questions relating to their utilisation of public funds, including funds appropriated by Parliament.

The Committee further recommends that the duration of Question Time be extended from one hour to two hours to provide sufficient time for Parliamentary Questions.



The proposals to review and expand the current rules on Parliamentary Questions will assist in the achievement of improving the conduct of legislative power and enhancing the oversight function of Parliament as provided for in the Corporate Strategic Plan.

### **5.13 Presentation of Papers**

The current Standing Orders provide that Papers are presented by a Minister of State. In the absence of the sector minister, the House has on most occasions been hesitant to permit a Deputy Minister to present a Paper on behalf of the Minister. The argument often made by Members for disallowing a Deputy Minister in this regard has been that, the Orders do not mention a Deputy Minister.

In order not to impede the smooth conduct of business in the House, the Committee recommends that the rules expressly provide that in the absence of a sector Minister, a Deputy Minister be permitted to present a Paper on behalf of the Minister of State.

Furthermore, Order 75(2) of the current Standing Orders provide that *"if so desired by the person presenting a Paper, a short explanatory statement may be made by him upon its presentation."* This appears to grant discretion to the person presenting the Paper to make an explanatory statement. The practice in the House, however, suggests that the making of an explanatory statement is necessary to provide an indication of the nature of the Paper being presented.

The Committee accordingly recommends that during the presentation of a paper, when a Member requests for a short explanatory statement, the person presenting the paper must comply, failing which the paper will be deemed as not to have been laid. The proposal will ensure that from the onset Members have clarity as to the business being introduced and improve the exercise of legislative power as well as enhance the accountability functions of the Parliament.

### **5.14 Admissibility of Motions and Half-Hour Motions**

The current Orders does not provide conditions for the admissibility of a motion. Having examined the Standing Orders of sister Parliaments such as India<sup>1</sup> and Kenya<sup>2</sup>, the Committee recommends an elaborate provision as a checklist for the admissibility. This provision is captured under the headnote, "Conditions for admissibility of Motion".

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<sup>1</sup> Standing Orders of Lok Sabha, India.

<sup>2</sup> Standing Orders of the National Assembly of Kenya.

The Committee noted that the Standing Orders grant the Rt Hon Speaker the power to return to a Member, a Motion not admitted by the Speaker. Order 79(4), however, does not require the Speaker to provide reasons for not admitting the Motion. The Committee therefore recommends that the Speaker provides reasons for declining admission of that Motion.

Additionally, Half-Hour Motion has been re-structured in the Proposed Orders and moved from 'Sittings and Adjournments of the House', to Part Thirteen, which is proposed now to be entitled 'Motions and Amendments'.

#### **5.15 Audience to Heads of Independent Constitutional Bodies**

The Committee is mindful of the independence of the Independent Constitutional Bodies as far as the discharge of their Constitutional duties are concerned. The Committee is however of the view that within the remit of Article 103 (3) of the 1992 Constitution, Parliament is enjoined to inquire into the activities and administration of all Organs of State including the Independent Constitutional Bodies. The Committee therefore proposes in this draft Standing Orders for the Heads of Independent Constitutional Bodies to have the opportunity to be in attendance at plenary to brief the House on matters of national importance.

#### **5.16 Vote of Censure on a Minister (cf article 82 of the Constitution)**

Order 106 (1) of the existing Standing Orders provides that the House may pass a resolution to remove the President, the Vice President, Mr Speaker and Deputy Speakers and a vote of censure on a Minister of State. The House may consider such Motion and come to a decision on or refer to a Committee a Motion made by any Member. The Committee noted that the procedure provided for the removal from office of all the aforementioned positions include the right to be represented by a Counsel except the Motion for a vote of censure on a Minister of State. The right to be represented by a Counsel is a fundamental human right of every person, pursuant to Article 19 (2)(f) of the 1992 Constitution. However, the definition of a "Stranger" in the Orders preclude opportunity for representation by a Counsel on the floor of the House. Accordingly, it is proposed that the procedure for a Motion to pass a resolution of vote of censure on a Minister of State be expanded to include referral to a Committee where the Minister in question can have the opportunity to be heard through a Counsel.



### 5.17 Quorum of the House

In compliance with the recent Supreme Court Ruling in a case involving **Justice Abdulai vrs Attorney-General (Writ No. J1/07/2022)**, the Deputy Speakers of Parliament have been recognised by this draft Standing Orders, to have original vote while presiding. The Committee proposes that in the event of a Headcount or a Division, the Deputy Speaker or any Member Presiding, shall indicate his personal vote to the Clerk-At-Table who shall add to the collated results before presenting the final results to the Presiding Deputy Speaker or the Member for declaration. This is meant to ensure that the Speaker's Chair is not left unoccupied any time during which the House is Sitting.

### 5.18 Voting in Parliament

Having regard to emerging trends in Parliamentary practice, including the application of information communication technology, the Committee recommends provisions that accommodate voting by electronic means. As part of procedures for electronic voting, provisions have been made to cater for unforeseen challenges such as technical failure, confusion or error in electronic voting.

The voting procedure for the approval of persons recommended for appointment by secret ballot has been relocated to the Part under "Voting in the House", for ease of reference. This provision was hitherto under Appointments Committee procedures.

### 5.19 Procedure for Secret Balloting

Having regards to recent developments in Parliament regarding secret voting on persons recommended by a Committee for appointment or removal from Office, an elaborate procedure for carrying out that exercise has been provided in the draft Standing Orders to uphold the integrity and credibility of the outcome of the voting.

### 5.20 Disorderly conduct

The provisions on disorderly conduct have been expanded in the proposed Orders to cover Ministers, Deputy Ministers and Heads of Independent Constitutional Bodies. The inclusion of the Heads of Independent Constitutional Bodies, in particular, is by reason of the opportunity offered the Heads to be in attendance at plenary for the conduct of business relating to their institutions.

The Committee further recommends that these provisions, with the necessary modifications, be applied at Committee proceedings in case of disorderly conduct by a Member or stranger.

#### **5.21 Disclosure of interest**

In view of the absence of specific sanctions on non-disclosure of interest, the Committee recommends that a specific sanction be provided. In this regard, it has been recommended that a Member who fails to disclose an interest in a matter and knowingly participates in the deliberations on that matter be referred to the Committee of Privileges and Immunities for investigation and appropriate sanction. This proposal gives effect to article 105 of the Constitution and further enhances transparency in the conduct of Parliamentary business.

#### **5.22 Fiscal Impact Analysis in respect of a Bill**

The Committee has included in the proposed Standing Orders the requirement for a Fiscal Impact Analysis as a prerequisite for the introduction of a Bill in the House. This accords with the provision of section 100 of the Public Financial Management Act, 2016 (Act 921) and strengthens the role of Parliament in oversight on expenditure.

This proposal would facilitate the achievement of the goals and objectives of the Corporate Strategic Plan of Parliament, particularly the proposed initiative for Parliament to conduct pre and post-legislative scrutiny of Bills.

#### **5.23 Short explanatory statement on a Bill**

The Committee has taken cognisance of the practice where Members request a sponsor of a Bill to make explanatory statement at the First Reading of a Bill. The Committee proposes that this practice be codified and accordingly recommends that during the presentation and First Reading of a Bill, it is mandatory for a person presenting the Bill to make a short explanatory statement upon request by a Member.

The Committee further proposes that consequent upon the presentation and First Reading of a Bill, the Official Report for that day should capture the text of the Bill as read and the Explanatory Memorandum. This is to ensure that the original text of the Bill, together with the Explanatory Memorandum, as presented and read the First time, is fully captured in the records.



## **5.24 Wining**

The Committee has mainstreamed the winning process in the proposed Standing Orders. This is to provide for the current practice of examining proposed amendments to clauses in a Bill in order to harmonise the amendments for expeditious consideration at the Consideration Stage. Proposed amendments disagreed to at winning may be excluded from the amendments listed on the Order Paper for consideration by the House.

The Committee proposes that the composition of a committee on winning be made up of the Majority Leader as Chairperson and not more than ten other Members in addition to Leadership of relevant Committees with mandate over the sector of the sponsoring Ministry, Department or Agency.

## **5.25 Consideration Stage of Bills—incorporation of amendments prior to Third Reading**

Before the Third Reading of a Bill, it is expected that all amendments agreed to by the House would have been incorporated into the Bill and considered by Members. This, however, has not been the case. The Committee therefore proposes a provision requiring that amendments agreed to by the House be incorporated into the Bill and made available to Members prior to Third Reading. This is expected to ensure the accuracy of the text of the Bill as amended for purposes of the Third Reading and passage, and for expeditious processing of the Bill for Presidential assent.

## **5.26 Authentication and Certification of Bills**

The draft Standing Orders makes provision for the authentication and certification of Bills passed by Parliament. This is pursuant to the duty imposed on the Clerk to Parliament by section 5 of the Interpretation Act, 2009 (Act 792). This all-important statutory duty is omitted in the Standing Orders.

## **5.27 Private Member's Bill and Private Member's Motion**

In furtherance of the Motion adopted by the House for the introduction of Private Member's Bill, an elaborate procedure, indicating the various steps required to be taken by a Member, has been proposed in the draft Orders. This procedure covers, amongst others, the drafting of the Bill with the assistance of the Parliamentary Draftsperson, consideration by a Committee on Private Member's Bills and Private Member's Motions as well as its introduction in the House. The draft Standing Orders also makes provision for Private Member's Motion. The

new provision affords an opportunity for Parliament to enhance its legislative process and diversify the means of the introduction of Bills. The new Order gives effect to one of the essential goals of the Corporate Strategic Plan of Parliament which is aimed at improving the capacity of Parliament to exercise legislative power.

## **5.28 Parliamentary approval of nominees of the President**

The current Standing Orders provide for an Appointments Committee to consider nominees of the President and recommend to the House for approval or otherwise. The vetting of the nominees by the Appointments Committee does not make it entirely possible for the Committee that will subsequently have oversight responsibility of the functions of the nominees to have in-depth engagement with the nominee on the role prior to the assumption of office.

To address this, the Committee proposes the realignment of the existing structure of the Appointments Committee and recommends that nominees of the President for positions requiring prior parliamentary approval should be considered by some members of Leadership as core members of the Appointments Committee as well as Leadership and some members of the relevant Standing or Select Committee. This proposal is in accordance with modern trends in parliamentary practice and in tandem with the Strategic Plan of Parliament.

## **5.29 Strengthening the Committee system of Parliament**

The Committee system of Parliament is the main vehicle for the exercise of the functions of Parliament, particularly the oversight function. It is in recognition of this that the Corporate Strategic Plan provided for the restructuring of the Committee system of Parliament as a way to improve the capacity of Parliament to exercise its legislative power. The initiatives in the Strategic Plan include the establishment of relevant Committees to enhance scrutiny and oversight and also respond appropriately to urgent contemporary demands for good governance.

The Committee therefore proposes a number of revisions to the current Orders to achieve the goal, objectives and initiatives.

### **5.29.1 Reduction in Membership**

For the purpose of achieving effectiveness and efficiency in the administration of Committees of the House, the Committee proposes a reduction in the membership of Committees, which currently stands between eighteen (18) and thirty-one (31). It is therefore recommended that, except otherwise provided for,



membership of Committees of the House ranges between thirteen (13) and eighteen (18). The restructuring of the Committees is to guarantee better functionality, effectiveness and efficiency of scrutiny at Committee.

### 5.29.2 Realignment of Committees

The underlisted Committees have been re-aligned to reflect their mandate whilst new Committees have been introduced.

#### A. **Re-aligned Committees:**

- i. Committee on Gender, Children and Social Welfare;
- ii. Committee on Lands and Natural Resources;
- iii. Committee on Information and Communications;
- iv. Committee on Employment, Labour Relations and Pensions;
- v. Committee on Trade, Industry and Tourism;
- vi. Committee on Youth and Sports;
- vii. Committee on Energy and Petroleum;
- viii. Committee on Roads and Transportation;
- ix. Committee of Privileges and Immunities;
- x. Appointment Committee;
- xi. Committee of the Whole;
- xii. Committee on Government and Parliamentary Assurances; and
- xiii. Committee on Chieftaincy, Culture and Religious Affairs.

#### B. **New Committees:**

- i. Committee on Economy and Development Planning;
- ii. Committee on Security and Intelligence;
- iii. Committee on Parliamentary Affairs;
- iv. Committee on Human Rights;
- v. Budget Committee;
- vi. Committee on Sanitation and Water Resources;
- vii. Committee on Public Administration and State Interests;
- viii. Petitions Committee;
- ix. Committee on Independent Constitutional Bodies;
- x. Committee on Post-Legislative Scrutiny;
- xi. Committee on Bills;
- xii. Committee on Ethics and Standards;
- xiii. Committee on Ways and Means; and
- xiv. Committee on Private Member's Bills and Motions.

### **5.29.3 Committee on Economy and Development Planning**

The Committee noted that currently the Finance Committee exercises oversight responsibility of all matters relating to finance, economy and development planning. Increasingly, however, the Finance Committee has been inundated with referrals and matters of finance have been prioritised over all other matters within the Committee's mandate. This has often left matters of the economy and development unattended to.

The Committee, accordingly, recommends for the establishment of a new Committee and gives it the mandate to consider all matters relating to the economy and development planning and ensure that such matters are given the needed attention within the governance framework of the Republic.

### **5.29.4 Committee on Security and Intelligence**

The Committee proposes for the establishment of a Committee on Security and Intelligence. The increasing role of security and intelligence agencies in modern democracies, best practices from other democracies, including the United Kingdom and India, suggest that Parliaments must have a committee empowered to monitor and exercise oversight responsibility of the intelligence establishment. The Committee would also be vested with the power to access highly classified information for the purposes of exercising its mandate and to report to the House.

### **5.29.5 Committee on Sanitation and Water Resources**

Currently, matters relating to sanitation and water resources are handled by the Committee on Works and Housing. In practice, these issues appear not to be given the needed attention in view of the enormity of referrals concerning public works and housing. Hence, the need for the separation to ensure that sanitation and water resources are prioritized.

Accordingly, the Committee proposes for the establishment of the Committee on Sanitation and Water Resources to consider all matters relating to sanitation and water resources.

### **5.29.6 Committee on Public Administration and State Interests**

The Committee observed the growth of the country's public services and government machinery. Parliamentary scrutiny of public administration outside the budget cycle has, however, been circumscribed by the current arrangements in Parliament in which there is no Committee on Public Administration. The Office of the Head of Civil Service, for example, is a public service that provides support services to all Ministries, Departments and Agencies. Yet, its headquarters is not



covered by Parliament as it does not have a Parliamentary Committee to turn to address challenges or issues.

To address this and to ensure the proper examination and monitoring of the public services, the Committee proposes the establishment of a Committee on Public Administration to examine all matters relating to government machinery and public administration and to also ensure the full implementation of the protections in law afforded public service.

#### **5.29.7 Committee on Independent Constitutional Bodies**

The current practice of the House is that the Special Budget Committee considers the Annual Budget Estimates of Parliament and other key independent state institutions and related matters. The current practice has limited the mandate of the Committee to consideration of annual estimates of the institutions concerned.

The Committee accordingly recommends that the mandate of the existing Special Budget Committee be expanded to include investigating and inquiring into the activities and administration of the institutions under their jurisdiction and such investigation and inquiries may extend to proposal for legislation. The Committee thus recommends the composition of a Committee on Independent Constitutional Bodies.

#### **5.29.8 Committee on Bills**

The Committee proposes the establishment and composition of a Committee on Bills. The Committee will be mandated to generally consider all bills except bills on finance, constitutional and legal matters. The creation of this new committee will ensure that a committee is fully dedicated to the consideration and scrutiny of bills while subject matter committees are dedicated to ensuring the needed oversight. The Committee on Bills, however, is required to co-opt leadership of subject matter committee in the consideration of bills in relevant circumstances.

#### **5.29.9 Committee on Ethics and Standards**

Further to the adoption of a Code of Conduct by the House, it is recommended that a Committee on Ethics and Standards be composed to enforce the provisions of the Code of Conduct. The enforcement of this Code is expected to ensure that Members of Parliament perform their duties in an ethical manner, with a high sense of integrity and moral character.

This is also in response to the call by the public for Members of Parliament, as representatives of the people, to act in the best interest of citizens at all times and to show exemplary conduct.

#### **5.29.10 Committee on Ways and Means**

A new committee proposed is the Ways and Means Committee. This proposal is against the background that increasingly the work of Committees have become more critical and needs to be better resourced, monitored and enhanced to achieve the ends provided for in the 1992 Constitution.

This Committee is responsible for monitoring the activities of all Parliamentary Committees and apportioning funds from money allocated for carrying out programmes approved in the budget of the respective Committees. It will be also mandated to deliberate on administrative matters relating to the Committees as part of the approval process by the Speaker. The Committee is empowered to receive quarterly reports from Committees and to report to the House from time to time on their respective programmes and activities. The Committee would also carry out periodic studies on matters relating to the effectiveness and improvement of the committees of the House.

#### **5.29.11 Committee on Private Member's Bills and Private Member's Motions**

As noted in this report, one of the key novel provisions in the proposed Standing Orders is the provision on Private Member's Bills and Private Member's Motions. To further enhance the procedure on private member's business, after admission by the Speaker, the Committee proposes the composition of a Committee on Private Member's Bills and Private Member's Motions to ensure the legislative competence of private members bills and motions and propose the business of Private Members' Bills and Motions for each sitting and the order in which the business shall be taken.

#### **5.29.12 Committee on Parliamentary Affairs**

Still in furtherance of the re-alignment of committees for effective and efficient oversight, a Committee on Parliamentary Affairs has been composed to consider matters relating to the institution of Parliament and Ministry of Parliamentary Affairs.



#### **5.29.13 Committee on Privileges and Immunities**

The Committee of Privileges has been re-designated as Committee on Privileges and Immunities to reflect the mandate of the Committee and the expanded provisions on privileges and immunities.

#### **5.29.14 Committee on Human Rights**

Consistent with the requirements of best practices and in accordance with the resolutions of Inter-Parliamentary Union, the Committee proposes for the establishment of a Committee on Human Rights. The Committee will, among other things, scrutinise Bills and other enactments in order to ensure their compatibility with international human rights law, norms and standards; monitor government compliance with human rights obligations of the State; and follow up on government's implementation of the recommendations made by international and regional human rights monitoring mechanisms, as well as recommendations in respect of the Universal Periodic Review process.

#### **5.29.15 Budget Committee**

The Committee again proposes for the establishment of Budget Committee in furtherance of Parliament oversight responsibilities. The Budget Committee will collaborate with the Ministry of Finance and the Office of the President in the initiation, formulation and implementation of the national budget. Specifically, the Budget Committee will among other things, consider and report to the House on the Medium-Term Expenditure Framework and the broad Medium-Term Policy Target; the Appropriation Bill laid before Parliament; Expenditure in Advance of Appropriation; *and* impact of Tax Waivers on the economy.

#### **5.29.16 Engagement of Counsel**

Standing Order 201(1) empowers Committees of the House to engage the services of the Attorney-General to assist in examination of witnesses at Committee.

In practice, this provision has been construed narrowly to mean the engagement of only the Attorney-General. To ensure clarity of the provision, the Committee proposes an express provision to enable Committees engage the services of counsel other than the Attorney-General.

By this proposal, Committees of the House may seek the services of counsel from the Legal Office of Parliament or outside Parliament.

#### **5.29.17 Committee Sittings to be open to the Public**

Since the inception of the Fourth Republic, the Appointments Committee has held its sittings in public. In keeping with the 'Open Governance' principle, the Public Accounts Committee commenced its sittings in public in the year 2005. Since the Fifth Parliament of the Fourth Republic, the Committee of Privileges and the Committee on Government Assurances have both also held their sittings in public to take evidence.

In building upon the openness and transparency in Parliamentary democracy, it has become necessary to consolidate the gains made in open governance process. It is therefore recommended that, unless otherwise determined by the Committee, all Committee sittings, for the purpose of taking evidence, be held in public.

This proposal, which is in consonance with the goals of the Strategic Plan of Parliament, is to further strengthen the public involvement in the work of Parliament and Parliament-citizenship engagement. In pursuance of these goals, Parliament will commence the public broadcasting of Committee sittings and verbatim reporting of proceedings.

#### **5.29.18 Chairpersons of Committees**

In line with modern Parliamentary practice, it is proposed that the selection of Chairpersons for Standing and Select Committees be revised.

**A.** The proposal is that, the chairpersons of the following Committees be appointed from the Membership of the Party or Parties in Parliament which form the government:

- (i) Finance Committee;
- (ii) Committee on Defence and Interior;
- (iii) Committee on Foreign Affairs;
- (iv) Committee on Security and Intelligence;
- (v) Committee on Constitutional and Legal Affairs; and
- (vi) Committee on Employment, Labour Relations and Pensions.



This proposal is to ensure the smooth running of government business which falls within the jurisdiction of the above listed Committees.

**B.** The Chairpersons of the following Committees be appointed from the Membership of the Party or Parties in Parliament other than the Party or Parties which form the government;

- (i) Public Accounts Committee;
- (ii) Committee on Subsidiary Legislation;
- (iii) Committee on Government and Parliamentary Assurances;
- (iv) Budget Committee; and
- (v) Appointments Committee

**C.** The Committee recommends that the Chairpersons of all other Committees be appointed based on the numerical strength of the Parties in Parliament.

#### **5.29.19 Duties of a Clerk to Committee**

The current Standing Orders do not provide for duties of Clerks to Committees. A Committee Clerk is, however, integral to the workings of a Committee. The proposal details the duties of a Clerk to a Committee including the administrative, procedural and technical duties of a Committee Clerk. This is to state in clear terms, the duties and responsibilities of the Clerk to a Committee as the administrator-in-chief of a Committee and to ensure the harmonious working relations with Leadership and Members of a Committee.

#### **5.30 Ministers Seeking to Hold Office of Profit (order 173 & article 78(3))**

Article 78(3) of the 1992 Constitution provides that "*A Minister of State shall not hold any other office of profit or emolument whether private or public and whether directly or indirectly unless permitted by the Speaker acting on the recommendations of a Committee of Parliament on the ground-*

- (a) *that holding that office will not prejudice the work of a Minister; and*
- (b) *that no conflict of interest arises or would arise as a result of the Minister holding that office".*

The Committee, however, observed that Standing Order 173(2) enjoins only Members of Parliament seeking to hold office of profit to apply to the Committee on Members Holding Office of Profit. There is no express provision in the Standing Orders requiring Ministers of State to apply to hold office of profit.

Consequently, it is recommended that the Committee be renamed as Committee on Offices of Profit to expand the mandate of the Committee to include Ministers of State as provided under the Constitutional provision.

### **5.31 Petitions**

Although the Standing Orders provides for aggrieved persons to present Petitions to the House for redress, the provisions do not adequately specify clear procedures for submission and consideration of the Petitions. This apparent lack of clarity has over the years affected Parliament's performance of its grievance redress role.

The Committee therefore proposes the composition of a Petitions Committee to exclusively receive and consider all Petitions brought to the attention of the House. This would enable Parliament, as representatives of the people, to appropriately respond to and address grievance of the public.

### **5.32 Parliamentary Commissioner for Standards and Ethics**

Parliament in 2015 adopted a Code of Conduct for Members of Parliament. To ensure full compliance and implementation of the Code, the Committee has proposed the establishment of the Committee on Standards and Ethics. Further, the Committee proposes the appointment of Commissioner for Standards and Ethics to investigate breaches of Code of Conduct and advice the Committee for Standards and Ethics.

The Committee recommends the passage of an Act of Parliament to provide for the terms and conditions of the Commissioner. The Commissioner will be an Officer of the House and would be clothed with the necessary powers and independence as will be required of the Office and with conditions of a Justice of the Court of Appeal.



### 5.33 CONCLUSION AND RECOMMENDATION

The Standing Orders Committee has carefully scrutinised the current Standing Orders and identified inadequacies. Consequently, the Committee proposes a number of provisions in the proposed Standing Orders to address the identified gaps in order to achieve the objectives of the House, as well as to respond to changing trends in legislative practices and procedures.

Accordingly, pursuant to Article 110(1) of the Constitution and Order 157(2) of the Standing Orders, the Committee recommends to the House to adopt by Resolution, its report including the attached proposed Orders as the rules which shall regulate the conduct of business and procedures of the House and all the committees, as well as the powers, privileges, immunities and conduct of the Members and the principal functionaries of Parliament.

Respectfully submitted.



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**RT. HON. ALBAN S. K. BAGBIN**  
**(SPEAKER & CHAIRMAN OF THE COMMITTEE)**



.....  
**AKUA DUROWAA OWUSU-AGYEKUM (MRS)**  
**(HEAD COMMITTEES CLUSTER)**

23<sup>rd</sup> June, 2023

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