



PARLIAMENT
Republic of Trinidad and Tobago

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Information Brief

Parliamentary Autonomy

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Background

1. In general, three types of models of governance systems for Parliamentary administration exist. These are not mutually exclusive as it has been observed that some systems contain elements of more than one type of model:
 - ✓ The “**Departmental**” model, which is essentially a government department in terms of estimates and relies on specific processes to maintain appropriate regard for the needs of a Parliament, compared with a normal government institution;
 - ✓ The “**Commission**” model which is usually established by statute and entrusted with the responsibility of controlling funding and staffing; and
 - ✓ The “**Separate Appropriation Bill**” model which differentiates funding for Parliament totally from government services, even though government still retains the sole power to raise and spend money. The separate appropriation Bill therefore requires the support of Government to be passed, and the Government can still determine the amount allocated in the Bill.
2. In most administrative models, Parliament largely approves the parliamentary budget reflecting Parliament’s right to determine its own internal affairs. However, in every case the government still retains overall responsibility for the sum of money allocated to provide services to members, which is seen to be a necessary consequence of the exclusive power of Executive Government to raise and spend taxes. In addition, all other jurisdictions recognise the position of the Clerk of the House as the equivalent of the Chief Executive, and the principal “Accounting Officer” for the administration vote.
3. Parliaments around the world have been moving towards the establishment of corporate bodies as a method of improving the utilisation of resources as well as enhancing their independence from the executive. Since the main function of the Parliament is to hold the executive to account, there is compelling argument that the parliament should be allowed to discharge its constitutional functions without government interference. It is felt that the establishment of a corporate body secures the independence, effectiveness and accountability of the Parliament and overall good parliamentary governance.
4. Two significant studies have been conducted as a result of the Commonwealth Latimer House Principles endorsed at a Commonwealth Heads of Government meeting in Abuja in 2003. The Report of a Commonwealth Parliamentary Association Study Group on the Administration and Financing of Parliaments held in Zanzibar, Tanzania in 2005, and most recently the CPA Benchmarks for the Democratic Legislatures of the Caribbean, Americas and Atlantic Region each contain instructive recommendations for the independent governance of modern Parliaments and promote reformation of the management structures of Parliaments to provide for independent corporate bodies.

5. It has been recommended that all Parliaments should seek to reform their management structures either by legislation or resolution and establish corporate bodies responsible for providing services and funding entitlements for parliamentary purposes and providing for governance of the parliamentary service.
6. Best practice advocates that Parliaments should establish an independent parliamentary service to ensure the development of a cadre of competent loyal and qualified employees.

Governance Systems for Parliamentary administration

7. At present, the governance structure of the Parliament of Trinidad and Tobago is similar to any other department of government. The staff of the Parliament are public servants or contract employees employed through the Public Service Commission and terms and conditions of employment are determined by the Civil Service Act and where applicable the Chief Personnel Officer. Financial appropriations follow the same procedures established for the Ministries, requiring regular reports to and request for release of funds from the Ministry of Finance.
8. In 1997, a Report of the House Committee of the House of Representatives identified a need for organizational change for the Parliament, which has remained largely unaltered since 1962. The Cabinet mandated the Law Commission to prepare a Working Paper on the issue, which was laid in Parliament and referred to a Joint Select Committee for consideration and report.
9. In 2000 a Working Paper of the Law Commission on the reform of the management structure of the Parliament was laid before both Houses of Parliament and referred to a Joint Select Committee of Parliament for consideration and report. In the pursuance of its mandate, that Committee examined several management structures which existed in other Commonwealth Parliaments, such as the United Kingdom, India, Sri Lanka and Barbados and considered the legislative policies which would be required to effect the proposed reforms in Trinidad and Tobago.
10. After prudent deliberations and the examination of the legislation of other Commonwealth Parliaments, the Joint Select Committee laid its report in 2000, which recommended the establishment of an independent administrative corporate structure inclusive of a Parliament Management Board and a Commission that was separate and independent of the Executive, as obtain in modern legislatures.
11. Parliament adopted both the Law Commission Working Paper and recommendations of the Committee Report following which the Office of the Attorney General prepared preliminary drafts of a Parliamentary Service Act, 2001 and a Constitution (Amendment) Act, 2001.

12. Upon receipt of the draft legislation, the then Speaker of the House referred them to the Clerk of the House for comment. Unfortunately, the 2001 dissolution of Parliament interrupted the progress of these pieces of legislation and no priority was given to this parliamentary mandate in the succeeding years. Consequently, this matter was among a package of outstanding business handed over to the current Speaker of the House by his predecessor upon his appointment to the position.
13. The process of reforming the management structure of the Parliament was resumed during the Tenth Parliament and the draft Houses of Parliament Service Authority Bill, 2014 was laid as a legislative proposal on February 14, 2014 in the House of Representatives.
14. In the 2013/2014 Session of the Tenth Parliament, a Joint Select Committee (JSC) was established “to consider and report on the legislative proposal entitled, ‘The Draft Houses of Parliament Service Authority Bill, 2014’. The Committee reported to Parliament that progress was made toward the completion of its mandate however, recommended that a new committee be established to continue the work undertaken and adopt the submissions received.
15. In the 2014/2015 Session of the Tenth Parliament, a JSC was established with the same mandate. The Committee recommended that Parliament take note of its progress including the adoption of the Policy on Parliamentary Autonomy. It was the hope of the Committee that financial and administrative autonomy would be given consideration in the Eleventh Parliament and the extensive work of the Committee would provide a foundation for the continuation of efforts to restructure the management of the Parliament’s administration.

Parliamentary Administration in other Jurisdictions

CANADA

16. Canada has a federal, bicameral Parliament. The Senate and the House of Commons operate under the **Parliament of Canada Act, 1985**. Each house is managed as a separate entity.

Board of Internal Economy

17. The principal managing body is the Board of Internal Economy. It is a statutory body and acts upon all financial and administrative matters respecting Members of the House of Commons, the House of Commons itself, its premises, its services and its staff pursuant to the provisions of the Parliament of Canada Act¹. The membership of the Board is set out in the Act and is made up of nine members of the House of Commons representing the Government party and the two largest recognised parties in opposition, with

¹ <https://lop.parl.ca/ParlInfo/Compilations/HouseOfCommons/InternalEconomyBoard.aspx?Language=E>

provision for additional members when there are two or more parties in opposition with at least twelve (12) members.

18. The Speaker chairs the Board and is the link between the Board of Internal Economy and the House Administration. An important feature of this link to the administrative structure of the House is the Executive Committee. This committee, with the Speaker as Chairperson, is responsible for management policy and major decision-making involving general administrative practices, security, and financial and personnel administration of the House.

UNITED KINGDOM - HOUSE OF COMMONS

19. The House of Commons has its own administration, operating under the **House of Commons (Administration) Act 1978**.

House of Commons Commission

20. Since 1978, the principal managing body of the House of Commons has been the House of Commons Commission. The Speaker chairs the Commission. It prepares the House's financial estimates which are laid before the House as part of the normal budgetary process. There has been no formal role for Treasury for many years, a feature which is regarded as providing a degree of independence for Parliament.

Other Management Committees

21. In addition, there are eight (8) other committees that are involved in the management of the House: the Board of Management, which comprises six departmental heads chaired by the Clerk of the House; the Administration Committee, chaired by the Head of the Finance and Administration Department and comprising the deputy department heads; and six (6) recently established select committees of the House of Commons relating to various aspects of the management of the House.

Board of Management and Officers

22. The Board of Management advises the Commission on all matters affecting the House of Commons' Services as a whole and is responsible for implementing Commission decisions. The Clerk of the House is also the Accounting Officer for the whole of the House of Commons Administration vote (not including Members' salaries and allowances), and is therefore ultimately responsible for the expenditure of all six (6) House of Departments and for other expenditure covered by the Administration Vote, including superannuation, police and security services, postage, telecommunications and computer services.
23. The Board of Management appoints the Administration Committee to give first consideration to most proposals on staff matters, to conduct or oversee consultations

and negotiations with the Unions, and to make recommendations to the Accounting Officer or the Board of Management as appropriate.

24. With respect to the broad powers available to the Commission relating to House of Commons staffing, the practice has been for the Commission to delegate staff appointments to the department heads. The Clerk of the House, the Clerk Assistant, and the Sergeant-at-Arms are Crown Appointments.

Select Committee of Finance and Services

25. Finally, the nine-member Select Committee of Finance and Services advises the Commission on financial matters including questions of priority for expenditure and the other five (5) Select Committees on the specific matters referred to in their titles. With respect to the buildings, the current Leader of the House of Commons has recently negotiated with the Treasury for a ten (10) year programme of capital expenditure on maintenance and rebuilding to accommodate the current levels of Members and staff. The Leader of the House will chair the key committee on these matters as an interim arrangement.

SCOTLAND UNDER DEVOLUTION

26. **The Scotland Act, 1998** establishes a body corporate (the Scottish Parliamentary Corporate Body, generally called the 'Parliamentary Corporation') to perform the function (among other functions) of providing Parliament, or ensuring Parliament is provided with the property, staff and services required for Parliament's purposes.

AUSTRALIA

27. **The Parliamentary Service Act, 1999** establishes the Australian Parliamentary Service which consists of Secretaries, the Parliamentary Librarian and Parliamentary Service Employees. With its own separate and amendable appropriation bill, the Federal Parliament has adopted a system that distances its funding from the funding of government services generally. The Senate has a Standing Committee on appropriations and staffing.
28. In the House of Representatives, which does not have such a committee, the Speaker is in effect the Minister for the Department of the House of Representatives which provides the administrative support for the efficient conduct of the House. The administrative head is the Clerk.

The Senior Executive Service

29. The Act creates a category of employee classified as the Senior Executive Service, described as employees who provide professional expertise, policy advice or management as a high level.

Legislation on Parliamentary Autonomy (Other Jurisdictions)

| COUNTRY | LEGISLATION | DETAILS |
|-----------------------|---|--|
| United Kingdom | Parliamentary Corporate Bodies Act 1992 | <ul style="list-style-type: none"> ✓ <i>Establishes corporate bodies called the Corporate Officer to the House of Lords and the Corporate Officer to the House of Commons</i> ✓ <i>Makes provisions for the transfer of certain properties rights and liabilities to those corporate bodies</i> |
| Australia | Parliamentary Service Act, 1999 | <ul style="list-style-type: none"> ✓ <i>Contains Parliamentary Service Values and Code of Conduct</i> ✓ <i>Establishes a non-partisan Parliamentary Service</i> ✓ <i>Provides a legal framework for employment, management and leadership of employees including mobility between the Parliamentary Service and Public Service</i> ✓ <i>Establishes rights and obligations of Parliamentary Service employees</i> ✓ <i>Defines the powers and responsibilities of Secretaries, the Parliamentary Librarian, The Parliamentary Service Commissioner and the Parliamentary Service Merit Protection Commissioner</i> ✓ <i>This Act commences on the same day as the Public Service Act, 1999</i> ✓ <i>Contains provisions prohibiting patronage and favouritism and restricting directions to the Clerks</i> ✓ <i>Contains transitional provisions</i> |
| Canada | Parliament of Canada Act, 1985 | <ul style="list-style-type: none"> ✓ <i>Establishes the Board on Internal Economy of the House of Commons its membership and functions</i> ✓ <i>Provides that the Speaker shall preside over the Board, which consists of two members of the Queen’s Privy Council for Canada, the Leader of the Opposition, and other members of the House of Commons who may be appointed from time to time based on party composition in the House</i> |

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|--------------------|---------------------------------|--|
| | | <ul style="list-style-type: none"> ✓ <i>Provides that the Clerk of the House shall act as Secretary to the Board</i> ✓ <i>Provides for the office of Parliamentary Librarian and establishes the role responsibilities of the Librarian</i> |
| Kenya | Parliamentary Service Act, 2000 | <ul style="list-style-type: none"> ✓ <i>Establishes corporate body called the Parliamentary Service Commission</i> ✓ <i>Provides for meetings of and procedure in relation to the Commission</i> ✓ <i>Establishes the office of Clerk of the House and provides that the Clerk shall be the chief executive of the Parliamentary Service and secretary to the Commission</i> ✓ <i>Establishes the National Assembly Fund</i> ✓ <i>Contains Parliamentary Service Values and Code of Conduct</i> ✓ <i>Contains Regulations which deal with the administration of Constituency Offices including Tenancy agreements, financial provisions and staffing</i> |
| New Zealand | Parliamentary Service Act, 2000 | <ul style="list-style-type: none"> ✓ <i>Establishes a Parliamentary Service and provides that it is not an instrument of the executive government</i> ✓ <i>Establishes the functions and duties of the Parliamentary Service</i> ✓ <i>Establishes the Parliamentary Service Commission and establishes the functions and duties of the Commission</i> ✓ <i>Provides that the Commission shall consist of the Speaker as Chairperson, the Leader of the House (or his nominee), the Leader of the Opposition (or his nominee) and such number of members of Parliament based on party representation in the House</i> ✓ <i>Restricts Ministers from being Members of the Commission</i> ✓ <i>Establishes a Committee to review appropriations</i> ✓ <i>Establishes a corporate body called the Parliamentary Corporation</i> |

FURTHER ONLINE READING

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- Reports from a seminar on parliamentary administrations and legislative cooperation, organised by ECPRD and the Italian Chamber of Deputies
<http://legislature.camera.it/files/pdf/dossier.pdf>

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<http://laws-lois.justice.gc.ca/PDF/P-1.pdf>
- **House of Commons (Administration) Act, 1978** – United Kingdom
<https://www.publications.parliament.uk/pa/cm197879/cmacts/036/19780036.htm>
- **Parliamentary Corporate Bodies Act 1992** – United Kingdom
http://www.legislation.gov.uk/ukpga/1992/27/pdfs/ukpga_19920027_en.pdf
- **The Scotland Act, 1998** – Scotland
http://www.legislation.gov.uk/ukpga/1998/46/pdfs/ukpga_19980046_en.pdf

- **The Parliamentary Service Act, 1999** – Australia
<https://www.legislation.gov.au/Details/C2014C00537>
- **Parliamentary Service Act, 2000** – Kenya
<http://bit.ly/2q3Z4Mg>
- **Parliamentary Service Act, 2000** – New Zealand
<http://www.legislation.govt.nz/act/public/2000/0017/latest/whole.html#DLM55840>

Reports

- **Report of the Joint Select Committee on the Legislative Proposal Entitled “The Draft Houses of Parliament Service Authority Bill, 2014 (2013/2014 Session)”**
<http://www.ttparliament.org/reports/p10-s4-J-20140723-PSAB-r1.pdf>
- **Report of the Joint Select Committee on the Legislative Proposal Entitled “The Draft Houses of Parliament Service Authority Bill, 2014 (2014/2015 Session)”**
<http://www.ttparliament.org/reports/p10-s5-J-20150610-r1-PSAB.pdf>



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