



PARLIAMENT OF GHANA

PARLIAMENT FACT SHEET NUMBER ONE **A BRIEF HISTORICAL BACKGROUND OF THE LEGISLATURE OF GHANA**

Ghana achieved independence on March 6, 1957. The political struggles that preceded this historic event date back over a hundred years. The early period of nationalist struggle for political independence created political awareness and desire to assert the right of self-determination both for the individual and the State.

As far back as 1850 Ghana, then The Gold Coast, was given its own Legislative Council to advise the colonial Governor in enacting legislation mainly in the form of Ordinances "for the peace, order and good government of the subject". The legislative Council was purely advisory as the Governor exercised all legislative and executive powers.

In 1916 the Legislative Council was reconstituted to include nine nominated unofficial members, six of whom were Africans, as opposed to eleven officials and the Governor. The first Legislative Council elections ever to be held took place in 1925 under the Guggisberg Constitution. Under this arrangement the Governor still retained complete control of legislation.

Under the 1946 Burns Constitution which replaced the Guggisberg Constitution, the representatives of the people formed the majority in the legislative Council. The Governor ceased to be ex-officio President of the Legislative Council and an unofficial Member was appointed President. This system continued until 1951 when the legislature elected its first Speaker under the 1950 Constitution.

In 1951 the first large-scale elections to the Legislative Assembly took place when 75 Members were elected. There were three nominated ex-officio Members and six special Members representing commercial and mining interests.

The 1954 transitional Constitution provided for an Assembly of a Speaker and 104 Members elected on party lines on the basis of universal adult suffrage. In 1957 when Ghana achieved full political independence, the Constitution was fashioned after the Westminster model.

In June 1960 ten women were elected by the National Assembly to fill specially created seats. This was done to expose women to parliamentary life. This system of election was not intended to be permanent. The Act made no provision in filling a vacancy caused by death, resignation or expulsion of a woman Member. On July 1, 1960 Ghana became a sovereign unitary Republic.

In February 1964 Ghana adopted a one-party system of Government. The First National Assembly of the Republic was dissolved in 1965 and a general election which all the 198 Members, all of them Members of the national party, the Convention People Party (C.P.P) were elected unopposed. The 1964 Constitutional Amendments among other things increased the powers and prerogatives of the President.

In February 1966 the First Republican Government was overthrown by a military coup which installed a military government that remained in power up to September 1969 when, on its own volition, handed over power to another constitutionally elected government, and thereby restored parliamentary rule once

again. After only 22 months in office the Second parliamentary democracy also succumbed to another military rule between January 1972 and October 1979, when under much political pressure, that military government was compelled to usher in the Third Republican parliamentary system. Since December 1981 and up to the present time, parliamentary democracy has once more been thrown into cold storage as a result of yet another military coup. However, the country returned to constitutional rule again on January 7, 1993.

Salient Features

From the foregoing it will be seen that since Independence, Ghana has had three parliamentary Republics based on the multi-party system. As already pointed out, the pre-Republican Constitution was fashioned out on the Westminster model.

The main features common to all the four parliamentary constitutions since Independence are as follows:

- i. The Speaker's/Deputy Speaker's Office
- ii. The Clerk's Office
- iii. Government and Opposition parties in Parliament ~ except for a brief period between 1965 and the fall of the First Republic in 1966, when a one-party state was established and opposition parties abolished by law.
- iv. Regulation of proceeding by Standing Orders,
- v. Committee System.

Under the First Republican Constitution, the Executive President was not a Member of Parliament but Ministers of State had to be appointed from among MPs and they had to sit in Parliament to pilot Bills and other matters that fell within their portfolios through Parliament.

The President, in obedience to the Constitution, attends Parliament in person, to deliver the Sessional Address in which he gives a message on the state of Ghana. The ceremony on the occasion is one of pomp and colour. The President has the function of placing final seal on Bills to make them law. Under the pre-Republican and the Second Republican Constitutions the Prime Minister and all Ministers of State appointed by him had to be MPs.

Under the Third Republican constitution, based mainly on the American System, the Executive President was outside Parliament and his Ministers were appointed exclusively outside the membership of Parliament but with the prior approval of Parliament. The Fourth Republican constitution has provided a hybrid system of Government — a blend of Parliamentary and Presidential system in which the Executive President has some of his Ministers appointed from within and outside Parliament. The latter Ministers can participate in debate in the House but cannot vote.

Another feature common to the Second, Third, and Fourth Republican Parliaments was the Committee System. Under the system, the constitution required the appointment of various committees from among MPs to enquire into activities and administration of such ministries or departments as were assigned to them. A very important function of the committees is to examine in detail Bills that are referred to them and propose amendments to them, where the committees find this necessary after making all such enquiries as the committees considered expedient.

Ghana, whose Parliament had been in abeyance over the past two decades, returned to constitutional rule on January 7, 1993. The previous elected government was overthrown by the military on December 31, 1981. The inauguration of the First Parliament of the Fourth Republic was preceded by a 259 Member Consultative Assembly which prepared the 1992 Constitution. The Draft Constitution was submitted to the people for approval in a referendum. The 1968 and 1978 Constitutions were promulgated by the Constituent Assemblies themselves.

The 1992 Constitution was approved by the overwhelming majority of the people of Ghana. The Constitution provided for an elected multi-party democratic Parliament which shall consist of not less than 140 Members. The 1968 and 1978 Constitutions of the Second and Third Republics had provided for 140 elected Members. In the 1992 Parliamentary election the membership of Parliament was increased to 200 seats. The old Parliament House could not accommodate the 200 Members and so Parliament temporarily moved to the International Conference Centre which has adequate space. Parliament has now moved into its new House at the State House popularly called the Kwame Nkrumah Conference Centre still under massive rehabilitation and renovation.

The term of office of Members of Parliament is four years. There were three parties in the First Parliament, namely: the National Democratic Congress, 189* seats; the National Convention Party, 8 seats; the Egle Party, 1 seat; and 2 Independent seats, both of whom are women. Out of the 200 Members 16 of them are women.

The main Opposition parties were conspicuous by their absence in the First Parliament of the Fourth Republic because they boycotted the 1992 parliamentary election. However, they participated in the December 7, 1996, elections, which returned 66 of their members into the Second Parliament. The ruling Party the National Democratic Congress (NDC) — won 133 seats in a Progressive Alliance with the Egle Party (EP) and the Democratic People's Party (DPP), while the main Opposition Parties in Great Alliance — the National Patriotic Party (NPP) 60 seats and the People's Convention Party (PCP) 5 seats. The People's National Convention (PNC) had 1 seat. The election for one constituency - in the Afigya Sekyere East — has been postponed as a result of court injunction. The membership of women members was increased from 16 in 1992 to 18 in 1996.

The First Parliament of the Fourth Republic, unlike the previous Parliaments of the Second and Third Republics, completed its full term of office of four years. It was dissolved formally on January 6, 1996, and the Second Parliament was inaugurated on January 7, 1997. The occasion was one of pomp and colour for the swearing-in ceremonies of both Members of Parliament and the President who was re-elected for a second term. The Constitution provides for two terms for the President.

* Following a by-election in Navrongo, the NDC lost to an Independent Candidate bringing Independent seats to 3.



PARLIAMENT OF GHANA

PARLIAMENT FACT SHEET NUMBER TWO THE LEGISLATIVE PROCESS

Business in Parliament

The subject — Public and Private Business within Parliament -- will be treated under the heading "Business of the House" or "Parliamentary Business", which in Ghana's Parliament is divided into:

- (a) Government Business; and
- (b) Private Members' Business.

By Government Business is meant the items of business initiated by the Government in a Legislature. Such items include Government-sponsored Bills, Motions and Ministerial Statements, Papers laid on the Table, and Resolutions. In addition to these and others, any item of business initiated by a Private Member but taken up in Government-allotted time may be called Government Business.

Private Members' Business also includes Bills and Motions initiated by Private Members and statements made by them. Private Members may also bring into the House for discussion matters of urgent public importance, move a motion to thank the President for his Sessional Address, put Questions to Ministers, raise questions of Privileges, and so on. Bills and Motions introduced by Members are usually called Private Members' Bills and Private Members' Motions.

The order in which the business for each Sitting shall be taken is provided under Standing Order No. 53. The items include:

- (a) Prayers
- (b) Oaths
- (c) Address by the President
- (d) Messages from the President
- (e) Formal Communications by the Speaker
- (f) Questions to the Ministers

Arrangement of Business of the House

The Business of the House is determined by the Business Committee of which the Majority Leader and Minister for Parliamentary Affairs is the Chairman. The Business for the whole week is determined in advance by the Business Committee which also arranges the order of items to be taken on any particular day. Every Friday the Chairman of the Committee announces the business to be taken the next week in his weekly Business Statement.

Before the commencement of each Sitting every Member is supplied with a copy of the Order Paper which states the business of the day. A Provisional Order Paper for the next Sitting is also given to Members. By leave of the Speaker, the order of business of the day may be varied when the Speaker is

satisfied that there are sufficient grounds for the variation. Government Business has precedence over Private Members' Business, unless the House decides otherwise. The days allotted for Government Business are Tuesday, Wednesday, Thursday and Government is free to arrange its business as it wishes.

Private Members' Business is usually transacted every Friday, on which day their business takes precedence over Government Business. However, the Business Committee can put down Government Business on a Friday before Private Members' Business if there is good reason to do so.

Private Members may also be given time to initiate business during Government time. Examples of such business are Questions and Adjournment Motions. Private Members' Motions, Private Members' Bills, and half-hour motions are placed on the Order Paper in an order determined by a ballot. Private Members have the opportunity to participate in all House activities, including Government Business and the Business of the House.

Legislative Function

The legislative function is one of the three main functions of Parliament. The legislative function of Parliament consists in passing Bills and approving statutory instruments where their approval by Parliament is required by law. Section (2) of Article 93 of the Constitution states that: "Subject to the provisions of this Constitution, the legislative power of Ghana shall be vested in Parliament and shall be exercised in accordance with this Constitution."

No person or body other than Parliament shall have power to make provisions having the force of law, except under the authority conferred by an Act of Parliament. However, Parliament shall have no power to pass any law

- (a) to alter the decision or judgment of any court as between the parties subject to that decision or judgment; or
- (b) Which operates retrospectively to impose any limitations on the personal rights and liberties of any persons (see Article 107).

Article 3 of the Constitution also provides that Parliament shall have no power to enact a law to establish a one-party state.

Bills

The power of Parliament to make laws is exercised by Bills passed by Parliament and assented to by the President.

A Bill may therefore be defined as a draft of a legislative proposal introduced by a Minister or a Private Member which, when passed by the House and assented to by the President, becomes a law known as an Act of Parliament. There are three kinds of Bills - public, private, and hybrid.

Public Bills deal with public general interests and Private Bills deal with local or personal interests. Hybrid Bills are at once private and public. Private Bills and Hybrid Bills are usually not patronised in this country.

A Minister or a Private Member may introduce a Bill. When introduced by a Private Member it is called a Private Member's Bill. A Private Member's Bill should not be confused with a Private Bill.

Initiation of Bills

A Bill may be defined as a legislative proposal which may be introduced in the House by a Minister or a Private Member. When it is passed by the House and assented to by the President, it becomes a law known as an Act of Parliament.

The procedure for initiation of a Bill begins when a Minister presents a memorandum to the Cabinet proposing that a law should be enacted. In it he sets out in detail the policy and principles of the proposed legislation, the defects of the existing law, if any, and the reason for the introduction of the proposed legislation. A copy of the memorandum is sent to the Parliamentary Draftsperson. When the proposal has been approved, the appropriate Ministry is informed by the Cabinet Secretariat. Drafting instructions are then sent by the Ministry to the Draftsperson who will proceed to draft the required legislation.

If the Cabinet itself initiates legislation, an extract of the Minutes of the relevant Cabinet meeting is considered and drafting instructions are sent to the Draftsperson. When the draft Bill is approved by the Cabinet, it is published in an ordinary issue of the Gazette as a Bill 14 days before its introduction. But Bills which have been certified by a Committee of Parliament as being of an urgent nature may be introduced with publication.

Every Bill is accompanied by a memorandum signed by the Minister introducing the Bill, in the case of Government Bills and by the Private Member concerned in the case of Private Members' Bills. The memorandum which explains the main features of the Bill is very useful but not part of the Bill.

Four Stages of Bills

Every Bill must go through four stages: First Reading, Second Reading, Consideration Stage, and Third Reading. All the four stages of a Bill may not be taken at the same Sitting unless a Committee of Parliament certifies that the Bill is of an urgent nature. In that case it may be taken through all its stages at the same Sitting.

In accordance with Standing Order No. 121 no Bill affecting the institution of Chieftaincy shall be introduced in Parliament without prior reference to the National House of Chiefs.

PASSAGE OF BILLS

Presentation and First Reading of Bills

When the text of a Bill has been published in the Gazette, it may be introduced in the House 14 days after publication. In the case of a Private Members' Bill the leave of the House must be sought before it is introduced. A Bill is presented to the House by the Minister or the Member responsible for that Bill by simply rising in his place and bowing to the Chair upon the Speaker saying: "Presentation and First Reading of Bills" and calling him by his designation.

No motion for the First Reading is moved. As soon as the Minister or the Private Member bows to the Chair, the Bill is read the first time. A Bill is deemed to have been read when the Clerk reads aloud its long title. In ancient days in Britain the Bill was read fully because many of the Members could not read or for that matter write.

Second Reading of Bills

When a Bill has been read the first time, it is referred to the appropriate Committee of the House which will examine the Bill in detail and make enquiries in relation to it as the Committee considers expedient or necessary. The report of the Committee will then be submitted to the House, and that will form the

basis of debate at Second Reading. It may be noted that this system of referring Bills to appropriate Committees of the House under Article 85 of the 1971 Constitution was first introduced in the 1969 Constitution. It is intended to give the public an opportunity to participate in the discussion of Bills; individuals may be requested to appear before the Committee to assist it. Bills are closely scrutinised in these Committees of the House.

Upon the motion "That this Bill be now read a second time" the Minister or Member introducing the Bill states its principle and general merit. Without a doubt, Second Reading is the most important stage in the passage of a Bill. If the motion is agreed to, the Clerk reads aloud the long title of the Bills, and the Bill is then deemed to have been read a second time.

Consideration Stage

When a Bill has been read a second time it passes through the Consideration Stage which is not taken until at least 48 hours have elapsed (this period does not include on which the House does not sit). At the Consideration Stage a Bill is examined in detail, and amendments may be proposed to it. The House does not discuss the principle of the Bill at that stage. It is only at the Consideration Stage of a Bill that a Member may speak more than once to any question proposed from the Chairman. The mace is tilted towards the Chair instead of standing upright. This slight change in the angle of the mace indicates the informality of the proceedings at that stage.

Procedure at Consideration Stage

At the Consideration Stage of a Bill every part of the Bill must come up for acceptance or rejection. First, the clauses are taken, then the schedules, and the preamble. The last part to be taken is the long title.

The procedure is that the Presiding Officer calls the number of each clause and the Clerk reads the marginal note opposite each clause. If no amendment is proposed, then after a convenient number of clauses has been called the Presiding Officer says, "The question is, That clauses 1 to 6 stand part of the Bill". If while the clauses are being called a Member wishes to move an amendment to a clause or to make some comment on it, the Presiding Officer immediately puts the question on all the clauses which have been called and not yet agreed to, excluding of course the clause the Member wants to be considered. The procedure at the Consideration Stage is set out in Standing Order No. 129.

Amendment of Bills After Consideration Stage

If a Member wishes to delete or amend a provision contained in a Bill which has already passed through the Consideration Stage, he may at any time before the Third Reading is moved, move that the Bill should pass through a second Consideration Stage. If the motion is agreed to, the Bill passes through a second Consideration Stage.

Third Reading of Bills

After a Bill has been passed through the Consideration Stage, its final stage may be taken. The motion "That this Bill be now read the third time" is a formal one and does not lead to debate.

Rejection of Bills

At the Second or Third Reading of a Bill an amendment may be proposed to reject it. Upon the motion "That this Bill be now read a second time" (or the third being moved), a Member may move to delete the words "now read a second (or the third) time" and insert the word "reject." If this amendment is agreed to, the Bill is deemed to have been rejected.

Reasoned Amendment

Alternatively a Member may move a reasoned amendment by stating the object and motive on which opposition is based.

Withdrawal and Lapsing of Bills

A Member who has introduced a Bill may withdraw it upon motion made at any stage. At the end of a Session, a Bill that has not been passed automatically lapses through the effect of prorogation.

Passing of Bills

No Bill shall be deemed to have been passed by the House unless it has been read three times and passed through the Consideration Stage.

Assent of Bills

When a Bill has been passed, the text as passed is printed on vellum. On each of the four printed copies the Clerk certifies that the printed impression is a true copy of the Bill which has been passed by the House. The Bill is then presented to the President after the Presidential Seal has been affixed to the copies.

The President signifies his assent to the Bill by signing it under the words "I hereby signify my assent to this Bill." If the President does not like some of the provisions of the Bill, he may refuse to assent to those provisions. If he refuses to assent to the whole of a Bill, he does not sign it.

In accordance with Standing Order No. 134, the President should signify his assent or refusal within seven days to the Speaker after a Bill has been passed by Parliament and presented to him.

If he refuses to assent to a Bill he should within 14 days of the refusal state in a memorandum to the Speaker any specific provisions of the Bill which he thinks should be reconsidered by Parliament, including his recommendations for amendments.

Where such a Bill has been reconsidered by Parliament and passed by a resolution supported by the votes of not less than one-half of all Members, the President shall give assent to the Bill within 30 days of the passing of the resolution.

Commencement of Acts

Article 106(11) of the Constitution provides that without prejudice to the power of Parliament to postpone the operation of a law, a Bill shall not become law until it has been duly passed and assented to in accordance with the provisions of the Constitution and shall not come into force unless it has been published in the Gazette.

The President Signs four copies of the Bill passed.

One is retained in the Office of the President, one is sent to the Supreme Court, one is sent to the National Archives, and one is kept in the Office of Parliament. All Bills on financial matters, and certified as such by the Speaker, must be assented to by the President when presented to him. Also Bills that have been passed upon a Certificate of Urgency must be given the Presidential Assent on presentation.

Questions to Ministers

In Parliament a Question may be put by a Member to a Minister in order to obtain information or press for action. Questions are raised on wide-ranging matters in relation to the administration of the country, from

foreign relations to the individual victim of the bureaucracy. Questions are asked of Ministers on public affairs with which they are officially connected or matters of administration for which they are responsible.

Among the basic rules concerning the form and content of Questions are:

- (a) a Question should not contain arguments;
- (b) it must have a factual basis;
- (c) it should avoid personal allusions;
- (d) it must relate to matters for which the Minister is responsible;
- (e) it should not refer to a matter which is *sub judice*.

It is also felt that statutory bodies, especially those of a commercial or industrial nature, should not be subjected to searching Questions in Parliament. The Speaker is the final authority as to the admissibility or otherwise of Questions. In exceptional cases where he considers them to be of sufficient public importance, the Speaker may allow Questions relating to matters of administration of a statutory body.

Notice Required

Notice of a Question is given by delivering the Question in writing to the Clerk's Table or in the Table Office at least 10 days before the day on which it is proposed to ask the Question. A Question may be asked without notice only if it is of an urgent character relating to a matter of public importance or the arrangement of parliamentary business. The permission of the Speaker must always be obtained to ask such a Question. The Member's name must be written on the copy so delivered. Notice of a Question can be withdrawn at any time before the day on which it is to be put.

Questions for Oral Answers

A Question seeking an oral answer is marked with an asterisk. The answer to a Question without an asterisk is communicated in writing and printed in the Official Report.

The first hour of every Sitting is usually reserved for Questions to Ministers. When the Speaker calls a Member to put his question, the Member stands up and says, "Mr. Speaker, Question No. ... I" by repeating the wording of the question. When a Question has been answered orally in the House, Supplementary Questions may be put by any Member without notice, for the further ; elucidation of any matter of fact regarding which the answer has been given. A Supplementary Question must not be used to introduce matters not included in the original Question. Supplementary Questions are governed by the same rules as the Main Question.

Sources:

- The Constitution and Standing Orders of Parliament of Ghana
- Introduction to The Law, Parliamentary Practice and Procedure (K.B. Ayensu)
- Parliamentary Practice and Procedure in India
- Parliamentary Practice and Procedure in Australia
- Parliamentary Practice and Procedure (Erskine May)



PARLIAMENT OF GHANA

PARLIAMENT FACT SHEET NUMBER THREE

THE SPEAKER

THE FIRST OFFICE OF THE HOUSE

The Speaker is the first officer of the House. He is one of the three great officers of State and he ranks third in the official order of precedence after the Vice-President and the President.

The office of Speaker was first created in Ghana, then the Gold Coast, in 1949 when the Governor ceased to be ex-officio President of the legislative Council. The creation of this office marked a significant step in the history of colonial legislature. In 1951 the legislature, under the 1950 Constitution, elected its first Ghanaian Speaker, the first African to preside over a British Colonial Legislature.

The Speaker's ruling cannot be challenged except on a substantive motion.

Behind the scenes the Speaker can exercise moderating influence on both the Majority and Minority to reach consensus in certain matters; in the heat of debates he can cool passions. It has been said that the Speaker can encourage the down-hearted Members; he can discourage the over-confident, he can offer hope - and suggest outlets - to the frustrated.

The Speaker must not display any trace of partiality; he must handle the House with tact, firmness, and fairness. He must be unusually patient even under provocation.

The Speaker is assisted by two Deputies.

The Speaker also has an administrative role ~ he is the Chairman of the Parliamentary Service Board and has the over-all responsibility for the administration and management of the Service which is the employer of all permanent staff.

The Speaker is elected from within or outside Parliament at the beginning of a new Parliament and holds office during the life of that Parliament.

In order to ensure his independence and authority, his salary, allowances, and pension are paid from the Consolidated Fund.

SPEAKERS OF PARLIAMENT FROM 1951-1996

- | | | |
|----|--------------------------------------|-----------------------------------|
| 1. | Sir Emmanuel Charles Quist, Kt., OBE | March 1951 - December 1957 |
| 2. | Hon. Justice Augustus Molade Akiwumi | February 1958 - June 1960 |
| 3. | Hon. Joseph Richard Asiedu | July 1960 - June 1965 |
| 4. | Hon. Kofi Asante Ofori Atta | June 10, 1965 - February 22, 1966 |

SECOND REPUBLIC

5. Hon. Justice Nii Amaa Ollenu October 1969 - December 1971

THIRD REPUBLIC

6. Hon. Justice Jacob Hackenburg Griffiths-Randolph September 24, 1979 - December 1981

FOURTH REPUBLIC

7. Hon. Justice Daniel Francis Annan January 7, 1993-1996
8. Hon. Justice Daniel Francis Annan Re-elected in 1997 for another four years
9. Rt. Hon. Speaker Ala Adjetey January 7, 2001
10. Rt. Hon. Speaker Bekyina Sekyi- Hughes January 7, 2005
11. Rt. Hon. Speaker Adelaide Bamford Addo January 7, 2009 to date



PARLIAMENT OF GHANA

PARLIAMENT FACT SHEET NUMBER FOUR THE MACE

The Mace, the symbol of authority of Parliament, is entrusted to the Speaker. The daily Speaker's procession into the Chamber is led by the Marshal with the Mace signifying the ceremonial opening of each Sitting day in the House. The Marshal carries the Mace on his right shoulder and then places it in a special holder in front of the Clerk's Table where it remains throughout the Sitting as a symbol of the authority of Parliament.

When the Speaker is in the Chair, the Mace stands upright or perpendicular indicating the formal proceedings in the House. However, during the Consideration Stage of a Bill, the Mace is tilted towards the Chair indicating the informal nature of the proceedings. At this stage, the rules of debate are relaxed and Members can speak more than once to any question from the Chair.

At the State Opening of Parliament, the President and Parliament come together to fulfill a constitutional function. On that occasion, during the presence of the President in the House the State Sword, usually regarded as the symbol of authority of the President, takes the place of the Mace.

The present Mace of Parliament was made when Ghana became a Republic in 1960. The upright position of the Mace in the Chamber may be likened to a linguist's staff of office; it also gives prominence to the head of the Mace which is the eagle, our heraldic bird.

The shaft of the Mace has six traditional stools symbolizing the common sharing of responsibility, the presence of God in our society, lasting personality, prosperity, and presence and effect of famine power in the society and pride.

The Adinkra symbols embossed between the stools denote the Omnipotence of God, critical examination, strength, immortality, and justice.



PARLIAMENT OF GHANA

PARLIAMENT FACT SHEET NUMBER FIVE THE COMMITTEE SYSTEM

The Development of Committees

Owing to the volume and the complexity of the nature of legislative work, it is felt that if legislators are going to do a thorough work, they need more time and a certain amount of specialised knowledge in their work. It is also recognised that the House as a whole can hardly work with despatch and efficiency on Bills or legislation, the scrutiny of finance and the oversight of the Executive which are the main functions of Parliament.

A device to ensure efficient despatch of its business is the Committee System by which the House is divided into a number of committees covering all major fields. It has been observed that it is in a committee that a Member does his real work.

Committees of Parliament of the First Republic

The Committees of the Parliament of the First Republic were classified into Sessional Select Committees and Ad Hoc Committees. The Sessional Select Committees were appointed at the beginning of each session for the duration of that Session.

The Select Sessional Committees could only make recommendations for the adoption by the House. They could, however, take a decision only when it was so empowered by the House. Ad Hoc Committees were appointed as and when the need arose.

There were five Select Sessional Committees: the House Committee, the Committee of Privileges, the Public Accounts Committee, the Business Committee, and the Standing Orders Committee.

House Committee

The duties of the House Committee include advising the Speaker on all matters connected with the comfort and convenience of Members.

Committee of Privileges

The Committee of Privileges is given the responsibility of enquiring into complaints of contempt of Parliament and matters of privilege referred to it.

Public Accounts Committee

The Public Accounts Committee has the duty of examining the accounts showing the appropriation of the sums granted by Parliament to meet public expenditure and such other accounts laid before it together with the Auditor-General's reports on the accounts. The Committee is required to submit its report to the House at least twice in a session. The Committee is usually chaired by a Senior Opposition Member. The Committee backed by the Auditor-General has a high reputation as a financial watch dog.

Business Committee

The Business Committee determines the business of each Sitting and the order in which it is to be taken.

Standing Orders Committee

The Standing Orders Committee considers proposals for the amendment of the Standing Orders from time to time. It must be noted that there were no specific committees during this period to examine Bills and report to the House.

Committee System after First Republic

The 1969 Constitution gave prominence to the Committee System. Having carefully watched the legislative process of the First Republic where a large number of Bills were passed under certificate of urgency, the Constitution framers of 1969, 1979, and 1992 decided that the Legislature should hasten slowly in making laws. The public were sometimes unaware of the Bills passed under certificate of urgency. The Constitution makers recognized that the Legislature has an educational value to the people and therefore wide publicity must be given to the law-making process and the public made to participate as fully as is consistent with sound parliamentary practice.

The Constitutions of 1969, 1979, and 1992 made it compulsory for any Bill introduced in the House for the First Reading to be referred to the appropriate Committee of the House which would examine the Bill in detail and make any enquiries which it considered expedient. The report of the Committees with the explanatory memorandum would form the basis of debate and eventual passage with or without amendments or the rejection.

Committees of Parliament in the Fourth Republic

The Standing Orders of Parliament of the Fourth Republic have prescribed two main types of Committee, i.e., Standing Committees and Select Committees. In addition to these the House may appoint Ad Hoc Committees.

The Select Sessional Committees of the First Republic have now become Standing Committees in the Parliament of the Fourth Republic.

The Standing Committees we have now are: the Standing Orders Committee, the Business Committee, the Committee of Privileges, the Public Accounts Committee, the Subsidiary legislation Committees, the Finance Committee, the Appointments Committee, and the Committee on Members Holding Offices of Profit.

Comparisons of Standing Committees of the House of Commons and Ghana's Legislature

In the Commons, Standing Committees are primarily designed to examine Bills through debate. They are given prescribed task of taking the committee stage of Bills in a formal, pre-ordained manner and they deal with Bills only.

In Ghana's situation both Standing Committees and Select Committees can have Bills referred to them although it is rare to commit a Bill to the former except the Finance Committee.

One notable characteristic of the Standing Committees of the House of Commons is their impersonality. They are distinguished from each other alphabetically. They are called Standing Committee 'A', Standing Committee 'B,' etc. In Ghana's case, Standing Committees are called by their names such as Committee on Finance, Public Accounts Committee, etc.

Standing Committees do not (except in extreme circumstances) defeat a Bill in the Commons. They can amend a Bill and sometimes so drastically, but when the Bill goes back to the House it may reverse the Committee's recommendation. In short its task is to improve a Bill rather than defeat it.

Membership of Committees reflects party Strength in the House

Members of both Standing Committees and Select Committees are nominated by the Committee of Selection whose Chairman is the Speaker. The Committee has to ensure that party strengths on the Committees reflect those in the House itself in accordance with the provisions of Ghana's Constitution. This has two effects.

First, it would mean that the small parties in the House and the independent Members may not qualify for a place on the committees which interest them.

Second, it would mean that when the party Members in the House are fairly equally divided the majority party in a Standing or Select Committee will only be minimal-, it may not be sufficiently strong to prevent Bills being amended in a manner unacceptable to ministers.

Chairmen of Committees

A peculiar nature of Ghana's Standing Committees is that seven out of the nine Standing Committees have their Chairmen prescribed by the Standing Orders. These are the Business Committee, Committee on Privileges, House Committee, Public Accounts Committee, Appointments Committee, and the Committee on Members Holding Offices of Profit. The position is different from the Select Committees whose Chairmen are elected by Members themselves. The revised Standing Orders which came into force on November 30, 1995 have given powers to the Committee of Selection to appoint Chairmen and Vice-Chairmen of Committees.

Size of Committees

The size of a Standing Committee is also fixed by Standing Order between 29 and 30 Members to ensure that the composition of the Committees shall as much as possible reflect the different shades of opinion in Parliament in accordance with Article 103 of the Constitution. It has been pointed out earlier that party strengths on the Committees have two effects.

One, it means the small parties and independent Members may not qualify for a place on the Committees which interest them. Two, that when Members in the House are fairly equally divided, the majority may not be strong enough to prevent Bills being amended in a manner disagreeable to Ministers.

Non-partisan approach to work by Public Accounts Committee

The hallmarks of a Standing Committee such as the Public Accounts Committee are its non partisan approach, its examination in detail, and its ability to advise the House on the best course of proceeding. It is heartening to know that reports of the Public Accounts Committee are usually above party politics. This Committee has invariably managed to achieve a high degree of unanimity in its findings and recommendations.

Select Committees

Ghana's Standing Orders have provided for 16 Select Committees which are departmentally related Committees such as the Committee on Food, Agriculture and Cocoa Affairs and the Committee on Health and Education. They are known as departmentally related Committees because they are concerned with the expenditure, administration, and policy of departments. While it is rare for a Bill to be committed to a Select Committee in the House of Commons, in Ghana's case almost all Bills are referred to the

appropriate Select Committees. The function of Ghana's Select Committees is also investigatory and their proposals can lead to legislation.

Meetings of Committees

Ghana's Committees are largely masters of their own proceedings; they decide how to set about their given tasks and they can do this in any way they think fit, provided that they work within their terms of reference the House has given them. They can meet perhaps weekly, sometimes more frequently if their enquiry is urgent. Meetings are sometimes open to the public but when the Committee deliberate among themselves and consider their report they always do so in private.

Committee of the Whole House

The Committee of the Whole House now is rarely used in Ghana's Parliament and it is proposed to abolish it. This Committee used to meet in the Chamber of the House in the course of a sitting of the House and one could hardly distinguish between the House and a Committee of the Whole House. In the Committee of the Whole House the Speaker's chair is empty. The Committee being chaired by a Deputy Speaker or a temporary chairman who sits at the Clerk's seat at the Table of the House. The mace is tilted instead of resting on its normal position. The rules of debate are relaxed in Committee, Members being allowed to speak more than once to each question. This Committee is exclusively concerned with legislation. Both Ghana and Australia have proposed to abolish this Committee because there is not much rational basis in the exclusion of the Speaker during its meeting in the Chamber. When the Commons introduced this Committee, they felt that the Speaker was then the agent of the King and so his exclusion was a necessary condition for the Committee to do its business. This is no longer the case.

Staff of Committees

Each Committee has a small complement of staff employed in the department of the Clerk of the House; the Committees have no power to engage its own staff. The Clerks advise the Chairmen on procedural matters, on questions to witnesses, and may help in draft reports.

General Powers of Select Committees

Parliaments are usually reluctant to allow their Committees much scope or power to operate; they have had to operate in the shadow of the House that created them. But Ghana's Constitution has given them many powers to operate satisfactorily.

The power to send for persons, papers, and records is conferred on Committees by the Constitution (Article 103 and the Standing Orders).

If a person summoned to appear before the Committee refuses or fails to attend, his conduct may be reported to the House as a contempt and he may be ordered to attend at the bar of the House. If he does not obey this order, he may be ordered to be sent for in the custody of the Marshal.

Members of the House including Ministers are invited but not summoned.

The power to send for persons, papers, and records enables a Committee to investigate, to hear witnesses, to assemble facts, and generally to conduct the enquiry with which the Committees have been charged.

Witnesses can be examined on oath and perjury can attract statutory penalties. On the other hand witnesses are protected by the privileges of the House in respect of the evidence they give from such consequences as slander.

The power to send for papers and records is rather more limited. It is confined to such departmental documents as are not of an internal kind; in other words departmental files and minutes cannot be demanded. Nor are matters involving national security likely to be often disclosed. Faced with an official refusal to disclose information, a Committee's only redress is to report to the House, where Government's majority may be used to uphold the refusal.

When appropriate, Committees are given powers to adjourn from place to place, allowing them to travel in order to see things for themselves; the powers to set up sub-committees and to have the assistance of expert advisers in their enquiry. They may also have the power to sit when the House is in recess.

Some Committees are deliberately excluded from discussing policies of the government as a natural consequence of their function. The Public Accounts Committee, for instance, exists to examine departmental accounts, and these are matters of administration. However, other Committees because of the character of their work could look equally at policy and administration. Committees are given a power to report. Their report concludes the Committee's proceedings. The Committees have a certain amount of influence but little power. Power actually remains in the House and Committees remain its creatures.

Witnesses, official or otherwise, can however be asked to produce memoranda on the matters in question and this, coupled with the information that can be extracted by cross-examination is enough to ensure that most Committees get the information they want.

Advantages of the Committee System

The functions of Committees include the scrutiny of legislation, the scrutiny of finance, and the oversight of the Executive. The effectiveness of Parliament may therefore be measured by the quality of work of its Committees in these and other areas. One of the several merits of the parliamentary Committee System is the opportunity for dialogue between legislators and the public. It is not possible for the public to participate in debates on the floor of the Chamber. But in a Committee the public may be permitted to present memoranda and be heard by the Committee. Such public hearings have educational value for Parliament and the publicity given to the hearings and to the Committee's report on the subject in turn educate the public about their condition of their society.

The Committees also enable the Legislature to scrutinize the activities of the Executive most effectively in the area of legislation. Business on the floor of the Chamber has always been controlled by the need to get certain legislation through while at the same time allowing a number of other parliamentary processes to take place. As a result, the House is often hard pressed to find time on the floor to examine a matter of national importance when it first occurs. If a Select Committee is given terms of reference to deal with the matter in question, it can find sufficient time to delve deep into the matter without encroaching on the time of the House.

Another merit of the Committee System is that it enables Members to gain experience of a subject so as to exert influence that they would not otherwise have; in this way they specialize in their fields. Again, work done in Committees, especially in Public Accounts, is less partisan than that done on the floor.

The Committees seek to reduce the area that governments wish to keep secret. In this way, Committees hold government to account, though imperfectly; and even in cases where Committees divide strongly, much information has already been revealed which would otherwise have been likely to remain secret.

These advantages can be added to the usefulness of Committees in saving time on the floor of the House and doing work for which the House as a whole is unsuited.

At a recent meeting of the Clerks of Commonwealth Parliaments, a Member put forward a proposal that Committees of Parliament should be given more powers to do their work as in the Congress of U.S.A.

The argument against this position is that a strong Committee System in Parliament may enable small groups of Members to take decisions which are contrary to the wishes of their House as a whole; it may give to some Members better opportunity to exert power and influence than others; and might turn their Chairmen into tin gods.

The present Committee System in Parliament is less likely to be subject to these defects.



PARLIAMENT OF GHANA

PARLIAMENT FACT SHEET NUMBER SIX THE CLERK OF PARLIAMENT

The Clerk of Parliament is a public officer. Neither the Clerk nor any of his staff are civil servants.

The Clerk is the principal adviser to the Speaker on the privileges, practices, and procedures of the House. He is also consulted by Members of Parliament on procedural matters. The official day duties include preparation of the Order Paper the daily business arranged for the Sitting of the House — and keeping daily entry in his Minutes book of the decisions and proceedings of the House for publication in the Votes and Proceedings. Bills passed by the House are authenticated by the Clerk for Presidential assent. As a servant of the House, the Clerk has to demonstrate political neutrality in a multi-party Parliamentary democracy and to ensure the impartial discharge of his functions. A betrayal of these qualities may undermine the effectiveness, integrity, and the efficiency of the institution.

The Clerk is expected to provide strictly factual information and to observe objectivity. In the heat of debate when tempers rise, he is to assist the Speaker to arbitrate between the ruling party and the opposition parties. He works behind the scenes and in anonymity.

The Clerk is the head of the Office of Parliament and its accounting officer and is a member of the Parliamentary Service Board whose Chairman is the Speaker. He presides over the Management Committee comprising the heads of departments — the Clerk's Department, the Marshal's Department, the Hansard Department, the Administration Department, the Library Department (Research and Information), and the Catering Department. The Clerk is assisted by the three Clerks-at-the-Table and Assistant Clerks. The designation Clerks-at-the-Table derives from the Clerk's Table in the Chamber in front of Mr. Speaker's Chair. It is upon the Table that Papers are laid.

One of the Clerk's unenviable functions in our Parliament is to preside over the first sitting of a newly elected Parliament for the purpose of the election of a new Speaker.

Clerks of Parliament of Ghana

Mr. Ffoulkes-Crabbe	1952 to 1954
Mr. K.B. Ayensu	1955 to 1966
Mr. C.A. Lokko	1969 to 1971
Mr. J. Aggrey-Orleans	1979 to 1981
Mr. S.N. Darkwa	1993 to 1996
Mr. Rex Owusu-Ansah	1996 to 2001
Mr. K.E. K. Takyi	2001 to 2007
Mr. Emmanuel K. Anyimadu	2007 to Date



PARLIAMENT OF GHANA

PARLIAMENT FACT SHEET NUMBER SEVEN HANSARD – A MIRROR OF PARLIAMENT

The Hansard is the Official Report of the proceedings of Parliament. It is as nearly as possible verbatim. "Hansard" was adopted as the name of the Official Reports of Commonwealth Parliaments from the name of Thomas Curzon Hansard who became the compiler of the Parliamentary Report of the House of Commons from the year 1812. There is a department of the Parliamentary Service, headed by the Editor that is responsible for the production of the Hansard. The Hansard is in two parts - the Daily Part and the Bound Volume. The Daily Part contains the proceedings of each sitting of Parliament. The Bound Volume consists of all the Daily Parts produced during each Meeting of Parliament.

The Hansard is a full and complete record of everything said and done in Parliament. In a wider sense it is storage of the image of the Legislature, a reflection of its stature as seen in the standard and quality of its debates and the impact of its legislative and deliberative functions on all aspects of the national life. Whilst an Act of Parliament is the letter of the law as passed by Parliament, the spirit and intent of the law are contained in Hansard.

Again the Hansard is a historical document on the roles played by successive Legislatures in the Political and socio-economic development of the country. This is because it is a permanent record not only of the fact that certain crucial legislative decisions and resolutions were taken by Parliament at one time or another for the public good or woe, but also of the rationale, the arguments and reasoning that led to the taking of such decisions. It may not be far-fetched, also, to say that it is from Hansard that the electorate evaluates the performance and effectiveness of their individual representatives in Parliament through their contributions to the debates.

Hansard also attempts to capture and portray the prevailing atmosphere and mood of the House by the insertions of "uproar," "interruption," "hear, hear," and so on.

From the foregoing one may say that Hansard indeed is "A Mirror of Parliament."

Editors of Hansard from 1952

Mr. C.A. Lokko	1952 to 1966
Mr. S.O. Dodoo	1969 to 1981
Mr. J.O. Amugie	1984 to 1985
Mr. S.O. Dodoo (on contract)	1993 to 1999
Mr. John Agama	1999 to 2002
Ms Emy Olga Forson	2003 to 2004
Mr. Daniel A. Ametepey	2004 to 2008
Mrs Martha Acquah Hayford	2008 to 2009
Alhaji Abu Dramani	2009 to date