



NATIONAL PARLIAMENT OF VANUATU

Procedural Guidelines of the Parliamentary Committees

Approved by the Parliament on 18 June 2020

These Procedural Guidelines come into force on 20 June 2020

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PART 1 – PRELIMINARY

1. Application of Procedural Guidelines to Parliamentary Committees

These Procedural Guidelines apply to:

- a. A Standing Committee established under Standing Order 63;
- b. An Ad hoc Committee established under Standing Order 72.

2. Commencement

These Procedural Guidelines come into force on 20 June 2020.

3. Interpretation

- 1) In these Procedural Guidelines, unless the context otherwise requires:

Chairperson or chair means the Chairperson of the committee;

Clerk means the Clerk of Parliament and includes any Assistant Clerk;

Constitution means the Constitution of the Republic of Vanuatu;

Government agency has the same meaning as in the Public Finance and Economic Management Act [CAP 244];

leave or leave of the committee means permission to do something that is granted without a dissentient voice;

Ministry means a Ministry of Government and includes a department, branch or division within a Ministry, whether established by an Act of Parliament or otherwise;

Parliament means the Parliament of the Republic of Vanuatu;

Parliamentary Committee or committee means a Standing Committee or an Ad hoc Committee established under the Standing Orders;

Public servant means any person employed by the Public Service on a permanent basis under the Public Service Act [CAP 246];

Report means any oral or written account, documentation, audio visual recording, picture, drawing, plan etc of anything that the committee has received, observed, heard, done or investigated in the course of its work and has kept in it for its own use or for the use by Parliament and other relevant authorities of State;

Speaker means the Speaker of Parliament;

State owned corporation or state-owned enterprise means a statutory corporation, a company or and entity that is owned wholly or partly by the Government or State or where the Government or the State has a minority shareholding or has shareholding through one of its state owned corporation or enterprise;

Standing Orders or Standing Order or Order means the Standing Orders of Parliament.

- 2) The interpretation of terms as defined in the Standing Orders apply unless the context otherwise requires.

4. Multiple memberships

A Member of Parliament may be a member of more than one Parliamentary Committee established by Parliament.

PART 2 –THE STANDING COMMITTEES

5. Establishment of the Standing Committees

- 1) Under Standing Order 63(1), four Standing Committees with the following subject portfolio areas are established at the commencement of each Parliament:
 - a. **The Standing Committee on Public Finance:** matters related to Government Expenditure and Financial Performance, Public Audit, Taxation, Revenue, Publicly-owned Financial Corporations, Finance, Superannuation, Insurance;
 - b. **The Standing Committee on Economic Policy:** matters related to Trade, Tourism, Economic and Fiscal Policy, Foreign policy, Agriculture, Public Utilities, Infrastructure, Land, Investments, regulation of economic activities, Commerce, business development;
 - c. **The Standing Committee on Social Policy:** matters related to Health, Education, Justice, Professional Associations and Accreditations, Climate Change, Youth and Sport, Internal Affairs, Labour Relations, Culture, Social Infrastructure;
 - d. **The Standing Committee on Institutional and Constitutional Affairs:** matters related to State office, Parliament (including Standing Orders Review, Privileges and Entitlements, Ethics and Integrity), Judiciary, Public Service Commission, the Ombudsman Office, the Auditor General Office, the Public Prosecutor Office, the Public Solicitor Office, State Law Office, the Electoral Commission, National Council of Chiefs, Local Authorities, other Government departments not covered by (a)(b) or (c), and matters related to the Constitution and its amendment.
- 2) Every Ministry and Government agency must be covered by a portfolio area, whether by allocating the whole ministry or agency to the portfolio area of a committee or allocating parts of the ministry or agency to the portfolio areas of different committees.
- 3) As well as ministries and agencies, a committee's portfolio area may include other government entities or matters.

6. Functions of Standing Committees

- 1) Under Standing Order 63(2), the functions of the Standing Committees are to consider, enquire into or examine and report to Parliament on the following types of business referred by the Parliament or otherwise provided under the Standing Orders:
 - a. Bills;
 - b. estimates and audit reports;
 - c. annual reports of Government Ministries;
 - d. receive briefings or initiate inquiries into matters related to their related subject areas;
 - e. any order made by a Minister under an enactment related to the subject areas of the committee;
 - f. any matter, business or question, as may be referred to the appropriate Standing Committee by Parliament from time to time.

- 2) A Standing Committee may establish its own rules of procedure under SO 70(1) to provide for the exercise of specific functions of the committee related to its subject portfolio.

7. Standing Committees to prepare reports to Parliament

- 1) Following the establishment of any Standing Committee after a general election, the Chairperson, on behalf of the Committee, prepares a report to Parliament to be tabled at the next ordinary session under SO 68 that:
 - a. Lists the matters the committee intends to inquire into or examine in the following 12 months; and
 - b. Sets the dates on which the committee intends to report on each of the matters set down for inquiry.
- 2) Following its first meeting after a general election, the Committee must meet to consider and prepare its report to cover the matters listed in subclause (1).
- 3) During the second ordinary session of each calendar year, the Chairperson of each Standing Committee must table a report of the committee's general activities, including members' attendance and a separate report on any inquiries during the preceding period.
- 4) The Chairperson of a Standing Committee may report to Parliament from time to time on any other on any other matter inquired into or examined by the committee.

8. Standing Committees to meet

- 1) Every Standing Committee must meet at least twice in each half of every calendar year to conduct the business of the committee.
- 2) A Standing Committee may call additional meetings whenever there is business for discussion, review or enquiry related to its subject portfolio area.

PART 3 – MEETINGS OF THE PARLIAMENTARY COMMITTEES

9. First meetings of Parliamentary Committees

- 1) The first meeting every Parliamentary Committee is held at a time appointed by the Clerk of Parliament.
- 2) The committee takes the roll of members in attendance and then adjourns until the time it decides that it should next meet. In the absence of a time decided by a committee for its next meeting, the Chairperson, by notice in writing, decides when it should next meet.

10. General conduct of meetings

- 1) Parliamentary committees may not meet during a sitting of Parliament.
- 2) Members of the committee must dress formally in a suit and tie or similar business attire at all public hearings and in any deliberative meetings.

11. Conflict of interest or pecuniary interest

- 1) Where a member may have a conflict of interest or pecuniary interest regarding any matters investigated, reviewed or brought before the committee, that

member must inform the Chairperson of his or her interest or pecuniary interest before the meeting commences.

- 2) The Chairperson will inform the meeting the conflict of interest or pecuniary interest and may require the member to make further explanation on the same before the meeting deliberates on the matter.

PART 4 – CONDUCT OF PROCEEDINGS OF PARLIAMENTARY COMMITTEES

12. Notice of meeting

- 1) In preparation for a committee meeting, before notifying the members of the committee of the date, time and venue, the clerk will first contact the Chair to establish a date and time.
- 2) A notice informing members of a Parliamentary Committee of a meeting of the committee is to be circulated by the clerk of the committee no later than seven (7) calendar days before the meeting.
- 3) The notice must contain a summary of the items of business proposed to be dealt with at the meeting and all documents and submissions to be considered at the meeting.

13. Giving notice of business

- 1) Members of a Parliamentary Committee may give notice of business or motions to be considered by the committee either orally or at a meeting of the committee or in writing to the clerk of the committee.
- 2) Notices given at a meeting and notices given to the clerk of the committee before 11:30 am on the day before a meeting are placed on the agenda for the next meeting of the committee.
- 3) Any motion to amend a bill must be given to the committee clerk in writing, in English and in French, in proper form, before 11:30 am of the day preceding the meeting at which the motion is to be presented.
- 4) Nothing in this order affects the Chairperson's power to rule on whether a proposed notice is in order.

14. Names of members present

The names of the members of a Parliamentary Committee present at a meeting are recorded in the committee's minutes.

15. Members of Parliament may be present

- 1) Subject to these Procedural Guidelines, any Member of Parliament who is not a member of a particular Parliamentary Committee, may attend any public meeting of that committee and may, with the permission of the Chairperson, speak and ask questions of witnesses.
- 2) A Member of Parliament who is not a member of a particular committee may not attend private sessions of that committee, vote in its proceedings or participate in drafting the report of the committee.

16. Assistance

A Parliamentary Committee may seek the assistance of persons as advisers to the committee and may invite any person to be present at any meeting of the committee to assist it in its consideration of any matter.

17. Voting

- 1) Voting at all meetings of a Parliamentary Committee is by show of hands, unless otherwise decided by the committee.
- 2) All decisions are made through a simple majority of members voting for an item.
- 3) Where there is a tied vote, the Chairperson has a casting vote.
- 4) All results of votes on all items must be recorded in the minutes.

PART 5 – INQUIRIES BY PARLIAMENTARY COMMITTEES

18. Methods of conducting inquiries

The committee may use various methods when carrying out an inquiry, depending on the nature of issue being investigated, including public hearings, inviting written submissions, field visits or study tours, and commissioned research.

19. Public hearings

- 1) During a public hearing or proceeding the Chairperson and the clerk must ensure that:
 - a. The Chairperson sets the tone through an opening statement that defines the objectives of the committee in holding the hearing. The Chairperson must also indicate the ground rules for the hearing including how much time each presenter has.
 - b. On average five to fifteen minutes should be allocated to each presenter and the clerk must keep track of the time as well as guide the Chair of the committee on this.
- 2) The committee must give all participants an opportunity to be heard and those who wish to say more may submit a written submission to the clerk.
- 3) All witnesses appearing before the committee are required to take oath or affirmation before they give oral evidence.
- 4) All persons appearing before the committee are required to abide by the rules as spelt out by the chair.
- 5) Oral evidence given to the committee may be recorded and transcribed on the resolution of the committee.

20. Written submissions

- 1) All written submissions must be sent either by post, fax, email or hand delivered to the clerk for attention of the committee.
- 2) On receipt of such submissions, the clerk will file them and bring them to the attention of the Chairperson.

- 3) The clerk will circulate the submissions to be considered at any meeting with notice of meeting issued under clause 12(3).
- 4) The Chairperson will bring the submissions to the attention of the committee and the committee will deliberate upon such submissions. The committee during its deliberations will decide whether to accept such submissions in whole, in part or to discard them.

21. Field Visits or Study Tours

- 1) From time to time members of the committee or the committee may be required to undertake field trips or study tours in connection with its functions and inquiries. The clerk is charged with arranging these field trips or study tours.
- 2) The Chairperson must ensure that all such field trips or study tours are recorded and a report on the visit or tour is tabled in Parliament.

22. Commissioned Research

- 1) Where an issue arises where the committee does not possess technical expertise to deal with those issues as required of them, the committee may outsource the task to external researchers or experts.
- 2) The committee must develop the expert's terms of reference, scope of work and timeframe within which to produce a draft report.
- 3) The committee then accepts the report and uses it for its deliberations and purposes.

PART 6 – REPORTS BY PARLIAMENTARY COMMITTEES

23. Interim reports

A Parliamentary Committee may from time to time make an interim report informing Parliament of some of its conclusions on a matter before it or of the progress of its examination of a matter.

24. Special reports

A Parliamentary Committee may from time to time make a special report to Parliament seeking authority from Parliament to do something, or seeking guidance from Parliament on some procedural question that has occurred in the committee, or informing Parliament of some other matter connected with its proceedings it considers should be reported to Parliament.

25. Minority views

A Parliamentary Committee may, in its report, indicate the differing views of its members.

26. Reports to be signed

A report of a Parliamentary Committee, as agreed to by the committee, must be signed by a quorum of the members of the committee, including the Chairperson.

27. Reports to be debated

- 1) Unless a report is for information purposes only, a report of a Parliamentary Committee is debated by Parliament in accordance with the Standing Orders at the following time:

- a. a report seeking authority from Parliament to do something, or seeking guidance from Parliament or informing Parliament of some matter connected with its proceedings is debated during time allocated for Public Affairs;
 - b. a report on the examination of an issue of public policy or on the operations of a Ministry or a Department or a public corporation is debated during time allocated for Public Affairs;
 - c. a report on a Private Bill shall be debated during time allocated for Private Bills;
 - d. a report on a Government Bill is debated during time allocated for Government Bills.
- 2) In all cases of a report to Parliament by a Parliamentary Committee, the Chairperson of the committee introduces the debate or, in the absence or inability of the Chairperson, another member of the committee designated by the Chairperson.