



[Seventh Parliament -First Session]

No. 13 (2).]

ADDENDUM TO THE ORDER BOOK No. 13
OF
PARLIAMENT

Issued on Wednesday, January 21, 2015

NOTICE OF MOTIONS FOR WHICH NO DATES HAVE BEEN FIXED

P. 194/'13

The Hon. Rajiva Wijesinha,—Amendment of the Standing Orders of Parliament,—
That this Parliament resolves in terms of the Standing Order No. 134, following
amendments of the Standing Orders of Parliament be referred to the Committee on
Standing Orders:—

1.

Insert the following immediately after the Standing Order No. 32(2):—

“(3) Answers to questions must be provided by Ministers when they are on the Order Paper. If it is impossible to provide answers on the due date, the Minister may request a postponement of up to a month. If no answer is forthcoming on the second occasion on which the question is raised, Mr. Speaker shall convey this information in writing to the Head of the Executive Branch and request that answers be supplied within two weeks of receipt of the letter.”.

2.

Renumber the Standing Order No. 45 as the Standing Order No. 45(1) and insert the words,

“being a date not earlier than two days from the date on which it was presented” immediately after the words “upon such day” of paragraph(1).

Insert the following immediately after the Standing Order No. 45(1):—

“(2) Every Bill shall be accompanied by a statement of legal effect:

Provided that no Bill shall be taken up for consideration unless any text to be discussed is available to Members in all

(2)

three languages in which the Business of Parliament is conducted. It shall be the duty of the Secretary General to ensure that this is done, and the Secretary General shall report accordingly to Mr. Speaker before the Bill is taken up.”.

Insert the following immediately after the Standing Order No. 45(2):—

“(3) Bill (not being the Appropriation Bill) having been read for the first time shall be referred to the relevant Consultative Committee for report within a specified time.”.

3.

Insert the following at the end of the Standing Order No. 53:—

“The Committee may be mandated to report on a specified date provided that at least two days are given for consideration of the Bill in Committee. The Third Reading of a Bill shall take place only after such consideration.”.

4.

Delete the Standing Order No. 78A (2) and substitute the following:—

“(2) Where a resolution referred to in paragraph (1) of this Order is placed on the Order Paper of Parliament, Mr. Speaker shall appoint a Select Committee of Parliament consisting of not less than seven members and of which the quorum shall be three members to institute an investigation and report to Parliament on the allegations of misbehaviour or incapacity set out in such resolution. Such an investigation shall be conducted by a tribunal consisting of one or more retired Judges. The Select Committee may appoint an individual to present the case and evidence before such tribunal.”.

Delete paragraph (3) and substitute the following:—

“(3) Such tribunal shall transmit to the Judge whose alleged misbehaviour or incapacity is the subject of its investigation, a copy of the allegations of misbehaviour or incapacity made against such Judge and set out in the resolution in pursuance of which such Select Committee was appointed, and shall require such Judge to make a written statement of defence within such period as may be specified by it.”.

(3)

Delete paragraphs (4) and (5) and substitute the following:—

“(4) The tribunal shall have power to send for persons, papers and records while allowing the Judge whose alleged misbehaviour or incapacity is the subject of the investigation the right to appear before it and to be heard by, such tribunal, in person or by representative and, following the setting out of the case against him, and the evidence of witnesses to substantiate that case, to adduce evidence, oral or documentary, in regulation of the allegations made.”.

Delete paragraph (6) and substitute the following:—

“(5) At the conclusion of the inquiry the tribunal shall report on its findings to the Select Committee, which shall deliberate on such findings and present a report to Parliament with its recommendation within one month from the commencement of the sittings, together with the minutes of evidence taken and may make a special report of any matters which it may think fit to bring to the notice of Parliament.

Provided however, if the Select Committee is unable to report to Parliament within the time limit stipulated herein, the Select Committee shall seek permission of Parliament for an extension of a further specified period of time giving reason therefore, and Parliament may grant such extension of time as it may consider necessary.”.

Delete paragraph (7) and substitute the following:—

“(6) Following consideration of the report of the tribunal and the recommendation of the Select Committee, Parliament may vote on the resolution for the presentation of an address to the President for the removal of a Judge from office on the ground of proved misbehaviour or incapacity, and if such resolution is passed by Parliament, the Speaker shall present such address to the President on behalf of Parliament.”.

5.

Delete the Standing Order No. 78B (2) and substitute the following:—

“(2) Where a resolution referred to in paragraph (1) of this Order is placed on the Order Paper of Parliament, Mr. Speaker shall

(4)

appoint a Select Committee of Parliament consisting of not less than seven members and of which the quorum shall be three members to institute an investigation and report to Parliament on the allegations of misbehaviour or incapacity set out in such resolution. Such an investigation shall be conducted by a tribunal consisting of one or more retired Judges. The Select Committee may appoint an individual to present the case and evidence before such tribunal.”.

Delete paragraph (3) and substitute the following:—

“(3) Such tribunal shall transmit to the person mentioned in paragraph (1) of this Order whose alleged misbehaviour or incapacity is the subject of its investigation, a copy of the allegations of misbehaviour or incapacity made against such person mentioned in paragraph (1) of this Order and set out in the resolution in pursuance of which such Select Committee was appointed, and shall require such person mentioned in paragraph (1) of this Order to make a written statement of defence within such period as may be specified by it.”.

Delete paragraph (4) and substitute the following:—

“(4) The tribunal shall have power to send for persons, papers and records while allowing the person mentioned in paragraph (1) of this Order whose alleged misbehaviour or incapacity is the subject of the investigation the right to appear before it and to be heard by, such tribunal, in person or by representative and, following the setting out of the case against him, and the evidence of witnesses to substantiate that case, to adduce evidence, oral or documentary, in refutation of the allegations made.”.

Delete paragraph (5) and substitute the following:—

“(5) At the conclusion of the inquiry the tribunal shall report on its findings to the Select Committee, which shall deliberate on such findings and present a report to Parliament with its recommendations within one month from the commencement of the sittings, together with the minutes of evidence taken and may make a special report of any matters which it may think fit to bring to the notice of Parliament:

(5)

Provided however, if the Select Committee is unable to report to Parliament within the time limit stipulated herein, the Select Committee shall seek permission of Parliament for an extension of a further specified period of time giving reason therefore, and Parliament may grant such extension of time as it may consider necessary.”.

Delete paragraph (6) and substitute the following:—

“(6) Following consideration of the report of the tribunal and the recommendation of the Select Committee, Parliament may vote on the resolution for the presentation of an address to the President for the removal of any person mentioned in paragraph (1) of this Order from Office on the ground of proved misbehaviour or incapacity, and if such resolution is passed by Parliament, Mr. Speaker shall present such address to the President on behalf of Parliament.”.

6.

Delete Standing Order Nos. 104 to 115 and substitute the following:—

“Consultative Committees

104.

Consultative Committees of Parliament shall be set up for one or more Ministries concerned with particular functions of government. Their duties will include inquiring into and reporting upon all matters relevant to the Ministries with regard to Bills, proposals for legislation, supplementary or other estimates, statements of expenditure, motions, annual reports or papers. They will not take up matters relating to particular concerns, with regard to which Ministers are expected to set aside times in which Members may deal with them and their officials at the Ministry. A Consultative Committee shall have the power to initiate any Bill or motion following consultation with the Minister responsible.

105.

The Committee of Selection shall at the commencement of every Session of Parliament determine the number of Consultative Committees of Parliament that are required to ensure adequate attention to the above functions and shall appoint such. In particular it will appoint Committees to cover the following areas, under the purview of which Committees shall be discussed matters pertaining to all Ministries responsible for such areas:—

1. Defence
2. External Affairs
3. Economic Development
4. Education and Human Resources Development

(6)

5. Public Administration and Local Government
6. Justice
7. Finance
8. Health
9. Transport and Highways
10. Environment and Disaster Management
11. Irrigation and Water Management
12. Agriculture, Fisheries and Livestock Development
13. Industries
14. Human Rights and Reconciliation
15. Aviation and Shipping
16. Energy, Petroleum and Mineral Resources
17. Archaeology, National Heritage and Cultural Affairs
18. Mass Media
19. Posts and Telecommunications
20. Labour
21. Trade and Cooperatives
22. Land and Urban Development

The Committee of Selection may appoint other Consultative Committees and shall annually renew the reports of such Committees and make changes as required in the composition of such Committees.

106.

The Committee of Selection shall appoint the Chairman of each Consultative Committee in consultation with the Minister or Ministers in charge of the subjects of such Committee. The Chairmen of Consultative Committees shall not be Ministers or Deputy Ministers, and at least half of the number of Chairmen of such Committees shall be members of the Opposition. Three members of a Consultative Committee shall form the quorum. Though discussions may be held in the absence of a quorum, such discussions shall not form part of the official proceedings of the Committee, unless ratified by a meeting of the Committee which shall be quorate.

107.

Each Consultative Committee shall consist of not less than five members and not more than fifteen members appointed by the Committee of Selection. No member shall belong to more than three Consultative Committees (save for the purposes of fulfilling the requirements of Clause 108 below), though any Member of Parliament may attend the meetings of a Consultative Committee of which he is not a member but shall withdraw when requested by the Chairman.

108.

Each Consultative Committee shall include at least one member of each party in Parliament and shall as far as possible reflect the party composition in Parliament. The Committee of Selection shall make appointments to the Consultative Committees based on the wishes of the members, who may apply to serve in upto five Committees.

109.

Each Committee shall meet at least once a month, and shall also be given an opportunity by the Minister or Ministers concerned to discuss issues of importance through sub-Committees of the Committee. Such discussions shall be held at the Ministry and the Chairman shall nominate for this purpose a sub-Committee in which all parties represented in the Consultative Committee shall partake.

110.

Ministers in charge of subjects on which Bills are proposed shall submit all such Bills for the observations of the relevant Consultative Committee and shall preside over special meetings to discuss such Bills.

111.

The Committee of Selection may, from time to time in the case of death, resignation or vacation of membership of a member of a Consultative Committee, appoint another member to take the place of such member on Consultative Committee. The Committee of Selection reserves to itself the right to discharge any member of any Consultative Committee when the Committee deems it necessary and appoint another in his place. Every appointment under this Order shall be announced to Parliament at its next meeting.

112.

Any member who absents himself from three consecutive meeting of the Committee without having obtained the prior leave of such Committee on application under his signature, shall be deemed to have vacated his membership of such Consultative Committee and shall not be re-appointed to such Committee during the same Session unless agreed to by the Committee of Selection:

Provided that the preceding provisions shall not apply where any meeting of such Committee is held on a day falling within the period during which such member has, with the leave of Parliament first obtained, absented himself from sittings of Parliament.

113.

The Secretary-General of Parliament shall in consultation with the Chairman of the Consultative Committee and the Secretary to relevant Ministries ensure that the meetings are summoned by Chairman at least once a month and a meaningful program of work arranged. The Secretary to each relevant Ministry or an Additional Secretary representing him shall be present at each meeting of the Consultative Committee and shall be responsible for providing within a week of each meeting all information and reports requested at such meeting.

Meetings of Consultative Committees shall also be summoned as soon as possible upon the written request of at least three members of such Consultative Committee.

114.

The Secretary-General or any other officer of Parliament nominated by him shall be the Secretary to every such Committee. He shall be provided with such other staff, facilities and resources as may be necessary to carry out his duties and functions. These include preparing minutes of meetings within a week of them being held, and providing copies of these minutes to the Chairman and the Secretary to the Ministry, as well as to the Minister concerned, for clarification and approval prior to submission to the next meeting of the Committee for adoption.

115.

All reports of each Ministry shall be submitted to the Consultative Committee and thereafter tabled in Parliament. In addition, any report from the Consultative Committee on matters referred to it by Parliament shall be presented to Parliament by the Chairman within three months of such reference, and if considered necessary, Parliament may propose the further consideration of any particular items. A reservation by any member of a committee may be added to the report:

Provided that matters referred to a Consultative Committee shall not be taken up for consideration by Parliament until the Report of the Consultative Committee on those matters is presented to Parliament.

Each Consultative Committee shall have the power to send for and examine persons, papers and records, to move from place to place and to do all such acts as are necessary for the fullest consideration of matters referred to it or under its purview and to meet notwithstanding any adjournment of Parliament:

Provided that, if such persons, papers and records cannot be made available on a decision of the Minister concerned, this shall be explained in writing by the Minister and an opportunity given for the Committee to discuss with the Minister the relevant issues.”.

7.

Insert the following at the end of the Standing Order No. 125(1):—

“There shall be a Chairman and Deputy Chairman of the Committee appointed by Mr. Speaker in consultation with the Minister in charge of the subject of Finance. Neither Chairman nor Deputy Chairman may be a Minister or Project Minister or Deputy Minister, and the Chairman shall be a Member of the Opposition and the Deputy Chairman a Member on the government side.”

Insert the following immediately after the paragraph (6):—

“(7) The Committee on Public Accounts shall submit an annual report which may carry recommendations on:

- (i) changes to policy
- (ii) changes to institutional or management procedures
- (iii) discontinuance of projects and programmes
- (iv) fixing of responsibility on officers
- (v) imposition of disciplinary proceedings
- (vi) reference to relevant authorities in the event of criminal liability being disclosed

The Report shall be laid before Parliament and sent to the Minister in charge of the subject of Finance who shall within one month respond to the Report and indicate which recommendations may be accepted with a time frame for implementation. Explanations will be provided with regard to recommendations which cannot be implemented with a description of what remedial action will be taken instead to deal with issues raised.

Following such a response, the Report shall be discussed by Parliament, and after amendments if appropriate shall be approved, whereupon the recommendations in such report shall be deemed to be recommendations to the Government which shall be responsible for implementing the same and reporting back to Parliament within a period of six months. Mr. Speaker will ensure that such reports are furnished on time, and will raise any delays with the Head of the Executive.

(8) Any member who absents himself from three consecutive meeting of the Committee without having obtained the prior leave of such Committee on application under his signature, shall be deemed to have vacated his membership of such Committee and shall not be re-appointed to such Committee during the same Session unless agreed to by the Committee of Selection.”.

8.

Insert the following at the end of the Standing Order No. 126(1):—

“There shall be a Chairman and Deputy Chairman of the Committee appointed by the Speaker in consultation with the Minister in charge of the subject of Finance. Neither Chairman nor Deputy Chairman may be a Minister or Project Minister or Deputy Minister, and the Chairman shall be a Member of the Opposition and the Deputy Chairman a Member on the government side.”.

Insert the following immediately after the paragraph (6):—

“(7) The Committee on Public Enterprises shall submit an annual report which may carry recommendations on:

- (i) changes to policy
- (ii) changes to institutional or management procedures
- (iii) discontinuance of projects and programmes
- (iv) fixing of responsibility on officers
- (v) imposition of disciplinary proceedings
- (vi) reference to relevant authorities in the event of criminal liability being disclosed

The Report shall be laid before Parliament and sent to the Minister in charge of the subject of Finance who shall within one month respond to the Report and indicate which recommendations may be accepted with a time frame for implementation. Explanations will be provided with regard to recommendations which cannot be implemented with a description of what remedial action will be taken instead to deal with issues raised.

Following such a response, the Report shall be discussed by Parliament, and after amendments if appropriate shall be approved, whereupon the recommendations in such Report shall be deemed to be recommendations to the Government which shall be responsible for implementing the same and reporting back to Parliament within a period of six months. Mr. Speaker will ensure that such reports are furnished on time, and will raise any delays with the Head of the Executive.

(8) Any member who absents himself from three consecutive meeting of the Committee without having obtained the prior leave of such Committee on application under his signature, shall be deemed to have vacated his membership of such Committee and shall not be re-appointed to such Committee during the same Session unless agreed to by the Committee of Selection.”.

9.

Insert the following at the end of the Standing Order No. 128(5):—

“The Report, after adoption by Parliament, shall be sent to the Head of the Executive who shall report back within three months on action taken with regard to matters raised in the report, and the measures to be taken to ensure that any shortcomings noted in the Report will not be repeated.”.

10.

Delete the paragraphs (3) and (4) of the Standing Order No. 128A and substitute the following:—

“(3) The Committee shall report each quarter to Parliament with a record of those examined and the recommendation made by the Committee. The report shall be adopted following an opportunity for questions to be asked regarding the decisions of the Committee.

(4) The Quorum of the Committee shall be four members and the Committee may continue its examinations notwithstanding a prorogation of Parliament.

(5) Any member who absents himself from two consecutive meeting of the Committee without having obtained the prior leave of such Committee on application under his signature, shall be deemed to have vacated his membership of such Committee and shall not be re-appointed to such Committee during the same Session unless agreed to by the Committee of Selection.

(6) The provisions of paragraphs (2) to (5) shall apply also to the Parliamentary Council, save that where members serve by virtue of their Office they shall be replaced as follows:—

The Speaker by the Deputy Speaker

The Prime Minister by the Leader of the House

The Leader of the Opposition by the Leader of the Party with the next highest representation in Parliament.”.

11.

Insert the words, “or the Committee on Public Enterprises” wherever the words, “Committee on Public Accounts” of the Standing Order No. 132 occur as relevant.
