



**REPORT  
OF THE SCRUTINY  
OF BILLS  
COMMITTEE**

**SEPTEMBER 2017**

## REPORT OF THE SCRUTINY OF BILLS COMMITTEE

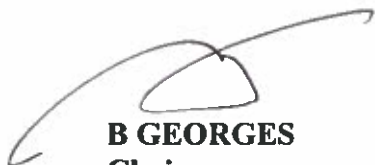
Period October 2016 – September 2017

The Scrutiny of Bills Committee is pleased to submit the following report to the National Assembly.

### Acknowledgments

The Committee wishes to place on record its appreciation to the members of its support staff for their dedication to the work of the Committee, often at difficult moments, and generally under pressure.

The two Leaders in the House were encouraged to attend meetings of the Committee when they were able to. We acknowledge their past presence and input.



**B GEORGES**  
Chairperson

September 2017



**Hon Simon Gill**  
Member



**Hon John Hoareau**  
Member



**Hon Nicholas Prea**  
Member



**Hon Clifford Andre**  
Vice-Chairperson



**Hon Basil Hoareau**  
Member



**Hon Sebastien Pillay**  
Member

## **Introduction**

The Scrutiny of Bills Committee (hereinafter the 'Committee') was set up by Resolution of the National Assembly as a Select Committee on 11 October 2016. Despite the provisions of Order 83 of the Standing Orders, which anticipates that a Bills Committee will be appointed to consider individual Bills, occasion arising, the Assembly appointed the Committee to consider all Bills during this Sixth Assembly.

## **Members**

The following persons were appointed to be members of the Committee:

- Hon Clifford Andre
- Hon Bernard Georges
- Hon Simon Gill
- Hon Basil Hoareau
- Hon John Hoareau
- Hon Sebastien Pillay
- Hon Nicholas Prea

At its first meeting, Hon Bernard Georges was elected Chair, and Hon Clifford Andre as Deputy-Chair of the Committee.

## **Terms of Reference**

The Assembly approved the following Terms of Reference for the Committee:

1. To examine and scrutinize all published Bills or those submitted to the Committee in draft form - whether Public Bills or Private Members' Bills - and to suggest corrections, amendments, and modifications thereto.
2. To examine and scrutinize published Statutory Instruments before they are laid before the National Assembly.
3. To make suggestions to Government and to the Assembly for possible legislative enactment.
4. To receive suggestions from the public in respect of published Bills or in respect of ideas for possible legislative enactment.
5. To request submissions, whether orally or in writing, from stakeholders or members of the public on proposed or published Bills.
6. To examine any matter referred to the Committee by the Assembly.

7. To report to the Assembly on any Bill, legislative enactment, or other matter examined by the Committee.
8. The Committee in the exercise of its powers shall not express an opinion on the merits of the policy behind any Bill or Statutory Instrument, or their objectives.

The overall purpose of the Committee is to ensure that legislation which comes to the floor of the House for debate is as technically good as can be achieved and is sound from a constitutional and legal perspective. This frees up the time spent during the Second Reading for debate on the general purposes and objects of the Bill, without time spent on drafting and other technical issues. Where necessary, and where this has not been done prior to the publication of the Bill, the Committee recommends amendments to the House.

### **Reporting Schedule**

This is a report of the work of the Committee during the first year of its existence. Henceforth, it is anticipated that a report will be made to the Assembly at the beginning of each Assembly Term, or upon individual Bills, as required.

### **Report 2016/2017**

The Committee considers every Bill published in the Official Gazette. On occasion it was asked to consider and advise on a draft Bill, but usually it considers only published Bills.

During its first year, the Committee considered 17 Bills, of which 13 were Public Bills and four Private Members' Bills. Lists of these Bills appear in the Schedule.

### **Work Methodology**

The Bills Committee meets to consider every Bill referred to it. This includes all Public Bills as well as Private Members' Bills. When time permits, the Members consider the Bill individually before meeting in plenary for a discussion. In most cases, however, there is little lead time between publication and debate. The Committee is therefore constrained to meet and discuss Bills at short notice.

The Committee has regard to the overall objects being advanced by the Bill, but makes no comment thereon. It limits itself to a consideration of the legality and constitutionality of the Bill, as well as the language and structure of the Bill.

Time permitting, comments are made to the ministry promoting the Bill, and/or to the Attorney-General's Office. On occasion, these comments require further meetings with the ministry and legislative draftspersons. Once the Committee and promoters of the Bill have agreed on the final product, the Committee advises the Office of the Clerk to place the Bill onto the Order Paper for Second Reading.

The Committee reports orally to the House at Committee Stage. Where amendments are proposed, the Committee makes these during Committee Stage or, where amendments are minor, during debate on the merits of the Bill.

No formal report is made to the House in terms of Order 83 (2). These, it is anticipated, may be required in the case of larger Bills where reprints of Bills with additions and deletions indicated may be produced.

### **Comments**

We feel it apt, in this our first report, to make some general comments.

1. We commend the Government for its open and positive engagement with the Committee. Whenever they deem it necessary, ministers or their principal secretaries engage with the Committee on issues of a perceived difficulty prior to formally engaging the Committee. This results in timely attention to potential problem areas and ensures that time is not later spent on rectifying these. We also recognize the readiness of Government to accept the advice given to it by the Committee and to meet with the Committee (as has occurred on several occasions where the Committee engaged with ministers, the Vice-President and even the President).
2. Having said the foregoing, we feel that in too many cases, legislation is rushed and too little time is allocated to consideration of Bills by the public between publication and listing on the Order Paper. While we recognize that Government has its own legislative agenda, we urge it to give sufficient time for public consumption of Bills, and consultation between Members of the Assembly and their constituents before asking for Bills to be debated. We are comforted by the growing use – where appropriate – of a White Paper Stage by Government. We encourage it to enlarge this procedure to more Bills in the future.
3. We enjoyed the assistance of the Office of the Attorney-General during the year. We acknowledge that legislative drafting is an art and that time is required to ensure that a draft piece of legislation meets the requirements of clarity and quality. We are grateful for the assistance the Committee received from the legislative draftspersons and their understanding of our role. We must, however, place on record our regret that too many Bills are published with unnecessary mistakes or errors. We urge the department to take greater care in the drafting of Bills in the future.

- End of Report -

## SCHEDULE

<u>BILL</u>	<u>ASSENT DATE</u>
Employment (Amendment) Bill 2016	29/12/16
Constitutional Appointees' Emoluments (Amendment) (No.2) Bill 2016	30/12/2016
Appropriation Bill 2017	16/03/2017
Public Officers Protection (Amendment) Bill 2017	22/03/17
Anti- Corruption (Amendment) Bill 2017	13/04/2017
Constitution of the Republic of Seychelles (8 <sup>th</sup> Amendment) Bill 2017	18/04/2017
Seychelles Broadcasting Corporation (Amendment) Bill 2017	19/04/2017
Seychelles Media Commission (Amendment) Bill 2017	07/06/2017
Industrial Estates Authority (Amendment) Bill 2017	07/06/2017
Small Enterprise Promotion Agency (Amendment) Bill 2017	07/06/2017
Proceeds of Crime (Civil Confiscation) (Amendment) Bill 2017	03/07/2017
Anti-Money Laundering (Amendment) Bill 2017	17/07/2017
National Drugs Enforcement Agency (Amendment) Bill 2017	17/07/2017
Misuse of Drugs (Amendment) Bill 2017	14/08/2017
Prevention of Drug Abuse and Rehabilitation Agency Bill 2017	14/08/2017

Public Persons (Declaration of Assets, Liabilities and Business Interests) (Amendment) Bill	25/08/2017
Anti-Money Laundering (Amendment) Bill 2017	07/09/2017

