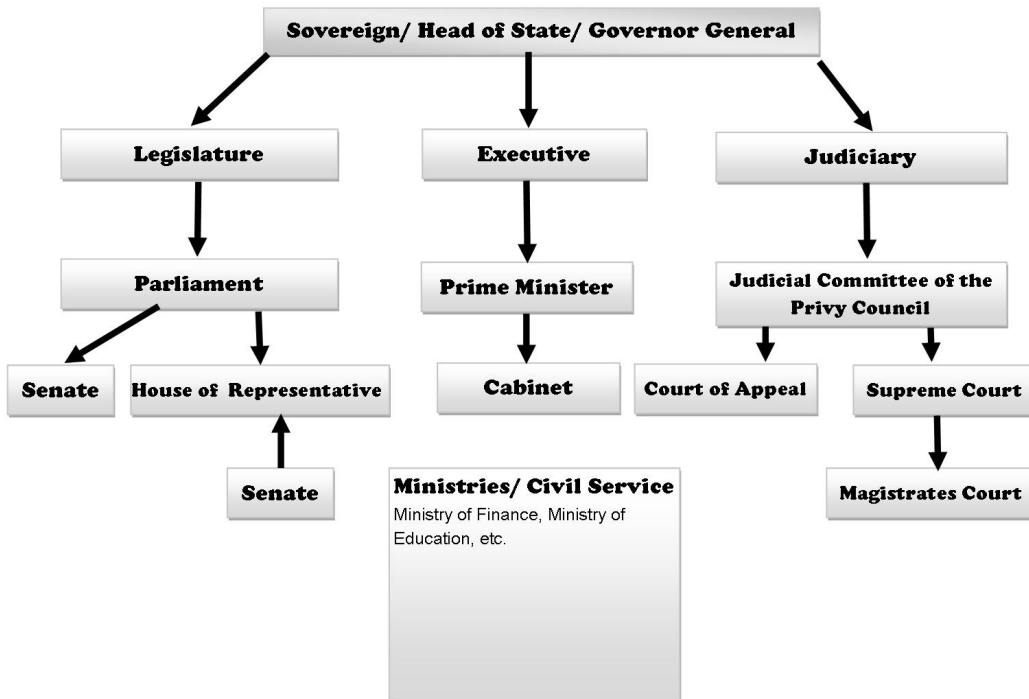


GOVERNMENT OF JAMAICA



The diagram above shows the structure of government in the Jamaica. This government system is made up three bodies or branches. The constitution of many Caribbean countries has divided the powers and authority of the government among three bodies. This is to prevent the abuse of political power by the government in carrying out its functions and duties.

Each branch has the authority to check on the other branches. For example, the executive branch of government cannot spend public money without parliament’s approval. Also, the judiciary has the authority to void acts of the Legislature that are aimed at violating the rights and freedoms of citizens. it should also be noted that each branch of government does not function autonomously at all times. For example, members of the Legislature (parliament) are most times members of the Executive (Cabinet).

The written constitution which exists in each Caribbean country determines the structure of its government. The constitution describes and dictates the relationship of the different branches of the government and provides detailed descriptions of the functions of each branch. Each branch has specific functions and powers.

The functions of government

The functions of government span a vast area of a citizen's life, both social and physical. First the chief func-

tion of any government is to ensure the protection of life, liberty and property, together with all other functions that are necessary for the proper functioning of society

There are other functions which are undertaken to make possible the advancing of the general interests of society.

Other Functions:

- The keeping of order and providing for the protection of persons and property from violence and robbery.
- The fixing of the legal relations in society.
- Create employment opportunities.
- The determination of contract rights between individuals.
- The definition and punishment of crime.
- The administration of justice in civil causes.
- The determination of the political duties, privileges and relations of citizens.
- Dealings of the state with foreign powers: the preservation of the state from external danger or encroachment and the advancement of its international interests.
- The regulation of trade and industry.
- The regulation of labor and public utilities.
- The maintenance of thoroughfares
- Managing the finances of the

country.

- Raise revenue through direct and indirect taxation.
- Sanitation, including the regulation of trades for sanitary purposes.
- Provision of social services, such as education, welfare and health care.
- Care of the poor and incapable.

Parliament;

- A body of persons whose main function is to pass laws for the society or country.

Bicameral legislature:

- A Parliament made up of two houses or chambers. Jamaica has a bi-cameral legislature made up of the Upper House (the Senate), and the Lower House (the House of Representatives).

Bill:

- A draft of a proposed act of parliament - a proposal a new law.

Act:

- A bill passed by parliament and proclaimed by the head of state.

The Leader of the Opposition:

- This person is named by the Governor General and is usually the leader of the members of the minority party in the House of Representatives.

Central Government:

- The political authority that governs an entire nation.

Local Government:

- An administrative body for a small geographic area, such as a city, town, county, or state.

THE LEGISTURE/ LEGISLATIVE BRANCH/ARM

Functions of:

- To introduce new laws or statutes
- To amend or alter existing laws
- To repeal those laws which are no longer applicable or relevant to society
- To approve the annual Appropriation Bill for the state.
- To discuss matters of urgent public
- To ratify international treaties

The business of Parliament is conducted when there is a sitting or session of Parliament and the business is conducted according to an order paper.

The legislative branch of government in many Commonwealth Caribbean countries is based on the model in the United Kingdom (UK). The legislative branch of government is responsible for the creation and formulation of laws in the country. Parliament is the centre of the structure of the legislature.

The legislature is the law-making branch of government. Legislatures in the Caribbean may be made up of one or two houses (unicameral or bicameral).

COMPOSITION OF PARLIAMENT

Jamaica has a bicameral legislature made up of two houses:

- the House of Representatives/Lower House
- and the Senate/The Upper House

N.B. In Guyana the Legislature consists of one body.

The House of Representatives is composed of 63 members elected to five-year terms, while the Senate consists of 21 members: thirteen (13) appointed by the Governor General on the advice of the Prime Minister, and eight (8) by the leader of the opposition.

N.B. In the commonwealth of Dominica, the house is comprised of elected and nominated members.

UPPER HOUSE OR SENATE

The members of the Upper House or Senate are called senators. The Senate is a nominated house, made up

of twenty-one (21) senators. Thirteen (13) senators are appointed by the Governor General on the advice of the Prime Minister. These senators who are nominated by the Prime Minister are called Government Senators. The other eight (8) are appointed on the advice of the Leader of the Opposition and are referred to as Opposition Senators. The senators that are nominated by the Head of State are referred to as Independent Senators because they do not represent any political party. The majority of the senators in the Jamaican Parliament are Government Senators, thus giving the government the majority votes in the Senate.

Only four (4) ministers with portfolio responsibilities can be members of the senate. Apart from functioning as a review chamber and considering bills passed by the lower house, the senate can introduce any laws except money bills. The Senate cannot delay money bills for more than one month or any other bill for more than seven months.

LOWER HOUSE OR HOUSE OF REPRESENTATIVES

The Lower House or House of Representatives is an elected house. An individual that is a member of the House of Representatives should be a Commonwealth citizen and should have been a resident in Jamaica for a period of one year immediately before his/her election or appointment.

The Prime Minister and the Leader of the Opposition are elected members of the House of Representatives.

The House of Representatives is the more powerful of the two Houses and the government can only exist if it is supported by a majority vote in this House.

If the government has lost the confidence of the majority in the House on important and major policy matters, it is duty bound to resign.

The House of Representatives may consist of 63 members (the maximum allowed by the Constitution), elected by single-member constituencies on the first-past-the-post basis.

In practice, most Bills are initiated in the House of Representatives. No Bill may become law unless it is

passed by a majority of the members present in the House. The quorum of the House is 16 in addition to the person presiding. The House of Representatives has control over the Government's finances. Funds cannot be granted nor taxation levied without the approval of the House.

The Speaker

The Speaker of the House is the presiding officer in House of Representative.

- The Speaker of the House is formally elected by the members of the House of Representatives from among their number, at the first sitting after each general election or when there is a vacancy.
- is usually from the ruling party
- has the responsibility to ensure that members keep within the rules of the House ensures that the rights of members of the Opposition are protected
- ensures that all members of the House get a fair hearing
- is formally elected by the members of house

Leader of the House

- The Leader of the House of Representatives is responsible for the direction of business in the House.
- It is his job to see that time is provided for debate on various matters in the House. In doing so, the Leader of the House consults the Opposition and seeks to reach agreement as to what business will be done in the House each day.

Leader of the Opposition

- to scrutinize everything that the government does.
- to criticize governments measures and policies.
- to propose alternative measures and policies of their own.
- to draw attention to any inefficiency or maladministration in the conduct of national affairs.

THE POWER AND AUTHORITY OF PARLIAMENT

The Parliament in many Caribbean countries has LEGAL SUPREMACY. Legal Supremacy means that that Parliament has, based on the framework of the Constitution, the highest authority.

- Parliament has the authority to effect changes within the Constitution.
- The House is responsible for proposing and passing laws that ensure order in society.
- Changes in the Constitution

must be passed in Parliament. A two-thirds majority is required to secure an amendment of the Constitution. In order to safeguard the Constitution and stability in the country, the important clauses of the Constitution are entrenched. Therefore in

Jamaica and many other Caribbean countries, the Constitution has many of its clauses firmly entrenched making it difficult for members of Parliament to change them. This guarantees that the rights and freedoms of citizens are protected.

Government - How a Bill becomes a Law

HOW A BILL BECOMES A LAW IN THE COMMONWEALTH CARIBBEAN

How a Bill Becomes Law

A **Bill** is an act of Parliament in draft,

No Bill can become law until it is approved by the Houses of Parliament and receives the formal assent of the Governor-General.

Bills may be introduced in either the House of Representatives or the Senate,.

No Bill involving finance can be first introduced in the Senate.

“Public Bills”, designed to give effect to Government policy, are introduced by Ministers or other officers of the Government.

“Private Members’ Bills” are introduced by any other member of the House, whether of the governing party or the Opposition.

After a Bill has been introduced in the House, it must pass through several stages, known as “readings”.

First Reading

At “first reading” no debate on the Bill is allowed. The “short title” of the Bill is read by the Clerk of the House, the Bill is ordered to be printed and a day is appointed by the member in charge of the Bill for “second reading”.

Second Reading

The Bill is debated fully at the “second reading”. At the end of the debate a vote is taken.

Committee Stage

If the Bill passes its second reading, it moves on to the “committee stage”. This committee comprises the whole House unless the House refers the Bill to a “Select Committee”. At this point, the Bill is considered in very close detail. Every

clause is carefully examined, and amendments to the Bill may then be moved and voted upon. A Bill may not be rejected during the committee stage, as this power is reserved for the House.

Report Stage

After the committee stage, there is the “report stage”, when the Speaker reports what has happened to the Bill in committee, whether there have been amendments or not.

Third Reading

No amendments of a substantial nature may be made at the “third reading”.

A Bill may be accepted or rejected by means of a vote.

When a Bill is first passed by the House of Representatives, it is sent to the Senate, where it goes through the same procedure as one which originated in the “Lower House”.

If the Senate disagrees with any aspect of the Bill and makes an amendment, the Bill is sent back to the House of Representatives for consideration.

If the House disagrees with the Senate’s amendment, it informs the Senate, which is then asked to reconsider the Bill.

When an agreement is reached and the Bill has been passed through all its stages in both Houses, it requires only the Royal Assent to make it law.

The Royal Assent is given by the Governor-General.

Money Bills

Money Bills, which may be initiated only in the House of Representatives. Money Bills deal with any aspect of the Government’s finance, such as taxation, loans and audit of accounts.

The procedure for money Bills differs from that for ordinary Bills. The revenue and expenditure are settled in the following way. Government Ministers put forward resolutions stating what money will be spent and how. These estimates are debated by the House in committee. When the various resolutions have been agreed to, they are incorporated into Bills, which are passed in the usual way.

THE EXECUTIVE

This is the policy-making and administrative arm or branch of government In Jamaica.

Functions of the executive:

- To formulate policies to guide growth and development of country
- To manage the day-to-day activities of society
- To discuss draft legislation
- To make decisions about the internal and external affairs of the country
- To decide on the budget
- To obtain loans from national, regional and internal sources
- To maintain proper security and defense for citizen
- To approve recommendations from various ministries.

People	Functions
Prime Minister Attorney General Ministers	To decide on the goals of the nation
Ministers Parliamentary Secretaries Permanent Secretaries Civil Servants	To see that the decisions are carried out
The Attorney General	To give government legal advice
The Director of Public Prosecution	To start, carry on or stop all criminal proceedings
The Ombudsman (The Public Defender)	To investigate complaint of unfair administrative action

This comprises the Prime Minister and his/her selected government ministers. These persons form the Cabinet.

The ministers may be chosen from the House of Representatives or from the Senate. The number from the Senate is at present limited to four.

The executive council, since it is selected from Parliament, is collectively responsible to Parliament. The ministers must give explanations about their ministry's policies when they are asked to do so by any member of parliament.

CABINET

This body is made up of the Prime Minister and the ministers of government. The Prime Minister as the head of Cabinet chooses all the ministers, who are subsequently appointed by the Governor General.

In Guyana, the Executive President is the head of the Cabinet.

POLICY: *A plan or course of action of a government, political*

party, or business, intended to influence and determine decisions, actions, and other matters.

FUNCTIONS OF THE CABINET

- Makes policies and programmes for the country.
- Initiates proposals for taxation.
- Sees that the policies and programmes are carried out.

THE ROLE OF THE PRIME MINISTER

- The powers of the prime minister are defined in the constitution and they extend to each branch of government.

Some functions of the prime minister

- * Decides on the size and composition of the cabinet
- * fixes the date for elections
- * Heads the cabinet and chairs its meetings
- * Advises the governor-general or president when to dissolve parliament
- * Heads the government
- * Assigns and re-assigns portfolios to cabinet ministers

Ministers

Government ministers are given areas of responsibility by the Prime Minister. This area of responsibility is called the minister's *portfolio*. The minister has individual responsibility for his or her office, which is called a *ministry* or *government department*. The minister must promote and defend the ministry's policies and performance in cabinet and in parliament.

The minister may be assisted by a minister without portfolio or junior minister (minister of state).

The civil service

Each government ministry has a staff of civil servants who are responsible for implementing the government's policies that relate to each particular ministry and who may be asked to advise the minister. Each ministry is headed by a senior civil servant, known as a permanent secretary.

Answer the following questions.

1. Why is it necessary to divide the government into three branches?
2. In what way can the Judiciary protect the rights and freedom of the citizens?
3. What determines the structure of the government..
4. What is the main function of a government?
5. What is it mean that the government is responsible for maintenance of thoroughfare?
6. The main function of the legislature is to
7. What is an order paper?
8. From which country did Jamaica models its legislative branch?
9. What does it mean when a country has a bi-cameral legislature.
10. Name one country with a b-cameral legislature.
11. How many members makes up the House of Representatives?
12. How many members make up senate?
13. Explain how a person become a senator?
14. Explain how a candidate becomes a member of Parliament?
15. How many senators can be nominated by the Prime Minister?
16. How many senators cab be nominated by the Leader of the Opposition?
17. What is the maximum number of senators that can become Ministers with Portfolio.
18. True/false The Prime Minister is elected by the electorate.
19. True/false The leader of the winning party even if he/she loses his/her seat is usually appointed as the prime Minister.
20. Explain how the governing party cease to be the government.
21. Which branch of government has control of government spending?
22. Who is the Speaker of House.
23. What is his/her main duty
24. Who is the **Leader of the House**
25. Who is the leader of the opposition.
26. Explain the term legal supremacy of Parliament.