

GOVERNMENT OF JAMAICA

INTRODUCTION

Jamaica became an independent nation on August 6, 1962.

Jamaica is a parliamentary democracy, based on a system of representative and responsible government.

The form of government is that of a constitutional monarchy. Jamaica is a unitary state and a member of the Commonwealth of Nations.

The Constitution under which Jamaica assumed independence in 1962 is primarily based on the British socio-political culture and is modelled on the Westminster-Whitehall (British), System of Government.

Citizens have the right to choose, in free elections, those who will govern the country. Each citizen is subject to the "rule of law", which means that the law of the land is supreme and that all people are equal before the law.

STRUCTURE

The structure of the Government of Jamaica is outlined in the ten chapters of the Jamaica Constitution. Chapters are included on citizenship, fundamental rights and freedoms, the Governor-General, Parliament, executive powers, the Judicature, finance and the public service.

Monarch

The Queen is head of state, and, on the advice of the Prime Minister, she appoints a Governor-General to be her representative in Jamaica. The Governor-General must have no affiliation to any political party.

Neither the Queen nor the Governor-General has any real authority in conducting the administration of the country. Real legislative and executive responsibilities rest with the elected representatives of the people.

Governor-General

The Governor-General represents the Queen on ceremonial occasions such as the opening of Parliament, the presentation of honours and military parades.

Under the Constitution, he is given authority to act in many matters e.g. in appointing and disciplining officers of the civil service, in proroguing Parliament and so on, but only in few cases is he empowered to act entirely on his own discretion. The Governor-General also exercises the prerogative of mercy on behalf of the Queen.

In exercising the prerogative of mercy (including the power to grant pardon to any person who has been sentenced to death), the Governor-General acts on the advice of the Jamaican Privy Council.

Privy Council of Jamaica

The Privy Council of Jamaica consists of six members who are appointed by the Governor General, after consultation with the Prime Minister.

The functions of the Privy Council are usually limited to advising the Governor-General on the exercise of the Royal Prerogative of Mercy and the discipline of the civil service, local government officers, and the police, in cases where appeals are made.

THE LEGISLATURE

Parliament

The Jamaican Parliament consists of two Houses – the Senate, also called the Upper House, and the House of Representatives, also known as the Lower House – and the Queen. The Governor-General represents the Queen in Parliament, and his role is a formal one. Once a year, at the official opening of Parliament, he delivers the “Throne Speech”. Beyond this, his parliamentary function is limited to his formal assent to Bills passed by the two Houses of Parliament.

The maximum life of a Parliament is five years, at the end of which Parliament must be dissolved and a general election held. However, the Prime Minister may advise the Governor-General to dissolve Parliament at any time within the five years and name a date for a general election. Also, Parliament must be dissolved and a general election held, if a majority of all the members of the House of Representatives supports a no-confidence motion against the Government.

Senate

The Senate is a nominated House made up of 21 Senators. Thirteen Senators are appointed by the Governor-General on the advice of the Prime Minister. The other eight are appointed on the advice of the Leader of the Opposition.

Not more than four Ministers can be appointed from the Senate, and they may have portfolio responsibilities. The Senate usually functions as a review chamber, considering Bills passed by the House of Representatives. But the Senate may also initiate legislation, except money Bills. It cannot delay money Bills for more than one month nor any other Bill for more than seven months.

At the first meeting of a newly-appointed Senate, or when there is a vacancy, senators elect a President and a Deputy President. A minister or parliamentary secretary may not hold office as President or Deputy President.

House of Representatives

The House of Representatives may consist of 60 members (the maximum allowed by the Constitution), elected by single-member constituencies on the first-past-the-post basis.

The Government in power can only exist if it has the support of the majority of the members of the House of Representatives.

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 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. Although the Speaker is usually a member of the ruling party, a minority party member may be chosen. The Speaker rarely takes part in debates. His job is to see that other members keep within the rules of the House, that the rights of the Opposition members are protected, and that every member gets a fair hearing.

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.

Members of Parliament

Any Commonwealth citizen 21 years or older, who has been domiciled in Jamaica for the 12 months preceding an election, may become a member of the House of Representatives if elected. Among those who may not become members of the legislature are members of the defence force, persons serving a foreign government, judges of the Supreme Court or Court of Appeal, and, persons holding or acting in public offices.

How a Bill Becomes Law

A Bill is an act of Parliament in draft, and 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, but 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, deal with any aspect of 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

Prime Minister

When a new Government is elected, or when there is a vacancy for the office of Prime Minister, the Governor-General appoints as Prime Minister, the member of the House of Representatives who, in the Governor-General's judgement, is best able to command the confidence of the majority of the members of that House.

The Prime Minister forms and presides over the Cabinet. He/She advises the Queen on the appointment of the Governor-General and he/she advises the Governor-General on the appointment of the six members of the Privy Council, on the dissolution of Parliament and on appointments of the Chief Justice, the President of the Court of Appeal and the three service commissions enshrined in the Constitution.

In the case of the appointments of the senior members of the judiciary and the service commissions, however, the Prime Minister's advice is given after consultation with the Leader of the Opposition.

The Prime Minister also nominates 13 of the 21 members of the Senate.

Cabinet

The Cabinet is the centre of the system of Government. It initiates Government policies and programmes, and is responsible for the general direction and control of the Government.

The Cabinet must consist of the Prime Minister and not less than 11 other ministers (no upper limit is specified). Not more than four ministers must be appointed from the Senate, and they may have portfolio responsibilities. The other Cabinet Ministers are appointed from the House of Representatives.

Cabinet Ministers may be assisted by Ministers of State and Parliamentary Secretaries.

Each minister conducts the ordinary business of his ministry without referring to any other Minister. However, important matters, especially those which may become the subject of discussion in Parliament, are brought before the Cabinet for discussion and decision.

Budget Debate vs Sectoral Debate Presentation

The Budget Debate is opened by the Minister of Finance who outlines how the various programmes and policies of the Government will be financed and how the money will be raised.

Other speakers by convention include:

- ◆ The Prime Minister
- ◆ The Leader of the Opposition
- ◆ The Opposition Spokesman on Finance
- ◆ Ministers selected by the Government
- ◆ Selected Opposition Spokespersons

The Budget debate is closed by the Minister of Finance after all the presentations are made.

The Sectoral Debates

Ministers of Government and all Members of Parliament who did not contribute to the budget debate are expected to make their presentations in these sessions.