



PUBLIC HEARINGS GUIDELINES

October 2003

**Prepared by the Departments of Research, Committees,
Table Research and Journals and Public Relations
Parliament of Zimbabwe
Harare**

1. Background

In May 1999 the Parliament of Zimbabwe adopted the proposals arising from the recommendations of the Parliamentary Reform Committee that emphasized, among other things, the need for a more effective, open, responsive and responsible Parliament. It was further recommended that the operations of committees be open to the public and that committees shall conduct public hearings on all major pieces of legislation and policy issues. The following guidelines are meant to assist committees in the conduct and management of public hearings.

1.1 Definition

Public Hearings are open committee meetings that are aimed at obtaining input from businesses, civil society organizations (CSOs), public officials and the general public about proposed or existing policies, Bills, regulations and other issues or changes that would significantly affect the public if introduced.

1.2. Purpose of Public Hearings

Parliamentary committees conduct public hearings in order to:

- 1.2.1 Inform the public and interested parties about proposed changes and implications of public policy;
- 1.2.2 Obtain public views and recommendations on public and policy programmes;
- 1.2.3 Facilitate an appreciation of government policies and legislation and, therefore, reduce / eliminate chances of difficulty in policy implementation. This should help to foster future partnerships that bring about change; and
- 1.2.4 Sensitize MPs and policy makers to popular sentiments and to get first hand feedback from the public about local concerns, perspectives and suggestions for improvement through open interaction.

2. Assessment of the Problem

A Portfolio Committee needs to determine, before the hearing, and clearly define its intentions, objectives and purpose of the public hearing. This is necessary to ensure that meetings maintain focus and direction. At this stage it should be remembered almost always that public hearings:

- Provide an opportunity for members of the public to influence the legislative process and,
- Give Members of Parliament an opportunity to collect more information about the details and potential consequences of a bill. Public hearings should attempt to seek information from the public.

3. Pre-hearing

3.1. Scheduling of Public Hearings (Times and Dates)

- 3.1.1 When selecting a date for public hearings, the Committee shall consult Parliament's Diary-of-Events for the month, or alternatively, consult the Public Relations Department regarding the most appropriate timeslots.
- 3.1.2 Public hearings shall be scheduled on dates and at times when there are no other significant or important events at Parliament that could conflict with the hearings. For example, hearings shall not be scheduled on public holidays and other national or public events.
- 3.1.3 The times and dates should be convenient and reasonable for the public to attend.
- 3.1.4 The committee selects a date at least **three weeks** ahead of time to allow for logistical arrangements.

3.2 Advertising the Public Hearing/ Public Notification

- 3.2.1 The Committee Clerk shall, as soon as the Committee agrees on holding a public hearing, write a memorandum to the Public Relations and the Hansard Departments, stating the following:

- Subject of the public hearing/ Content of Agenda
- Proposed date and time of the public hearing and,

- Location for the hearing.
- 3.2.2 At least two weeks before the hearing the Committee Clerk shall write a memo to the Clerk of Parliament seeking approval to hold the public hearing and spend on advertising.
- 3.2.3 The Committee Clerk shall draft an advertisement containing all the relevant details in clear language, inviting the public to make written or oral submissions to the committee
- 3.2.4 The draft advertisement shall state the subject, date, time and the venue for the public hearing. The advert shall request participants to be at the venue 30 minutes before the start of the hearing.
- 3.2.5 At least two weeks before the hearing the Committee Clerk shall send the draft advertisement to the Public Relations Department for editing and forwarding to the local media.
- 3.2.6 The Public Relations Department shall flight advertisements in the media giving details of the dates, starting times, venue and subject of the public hearing.
- 3.2.7** Besides the advertisement, the Committee Clerk shall send invitations, to specific stakeholders and persons agreed to by the Committee at least two weeks before the hearing.
- 3.2.8** Parliament Constituency Information Centers, Provincial Administrators, the print and electronic media shall be used to inform the public about the hearings.

3.3 Venues for Public Hearings

- 3.3.1 The Public Relations Department shall book venues for hearings both within and outside Parliament. The bookings at Parliament shall be made at least two weeks prior to the hearing.
- 3.3.2 In consultation with the Committee Clerk, the Public Relations Department shall ensure that there is adequate sitting space at the hearing venue.
- 3.3.3 The Public Relations Department shall hire the requisite equipment for use during the Public Hearing.

3.4 Security at the Hearings

- 3.4.1 The Public Relations Department shall notify the Director of Security of the time, date and location of the hearing, at least seven days before the hearing.
- 3.4.2 The Public Relations Department shall prepare a banner that informs those who will be attending what the meeting is all about. The banner shall have the following inscriptions: “Parliament of Zimbabwe, Portfolio Committee on ... (name of Committee), Public Hearing.” This is important especially in locations outside of the Parliament Building so that the meeting is formalized.

3.5 Registration

- 3.5.1 The Public Relations Department shall set up a registration desk with an adequate number of forms for attendees to sign-in and indicate whether they would like to speak at the hearing.
- 3.5.2 The Public Relations Department shall also provide, at the registration desk, news releases, brochures, exhibits and other informational material that could be useful to the public.
- 3.5.3 Registration shall start forty-five [45] minutes before the hearing.

3.6 Media Coverage

- 3.6.1 The Public Relations Department shall arrange media coverage of the hearing at least seven days prior to the hearing.
- 3.6.2 On the day of the hearing, the Public Relations Department shall facilitate the attendance of journalists to cover the hearing.

4. During Hearings

The meeting shall start at the stipulated time and this assumes that both the secretariat and the committee members shall have done all the preparatory work and be ready to start the meeting on time.

4.1 Time Allocated to Each Presenter

- 4.1.1 On average, five minutes should be allocated to each presenter. The Committee Clerk who shall keep track of time shall guide the Chairman of the committee on this.
- 4.1.2 Flexibility is, however, needed depending on the issue at hand and number of stakeholders available/invited.

4.2 Recording of Proceedings for Future Reference

- 4.2.1 All hearings shall be recorded verbatim by the Hansard Department. Where possible, audio recording should also be used.
- 4.2.2 The Committee Clerk shall minute the proceedings of the meeting.
- 4.2.3 Written submissions must be kept as part of the records.
- 4.2.4 English shall be the language of record.

4.3 Language to be Used During Public Hearings

- Participants can use any of the three official languages of Zimbabwe: English, Shona and Ndebele.

4.4 Ground Rules for the Committee

- 4.4.1 For committees to undertake public hearings, the majority of members shall agree on the objectives, venues and duration of the hearing.
- 4.4.2 The Chairperson of the Committee shall, in his/her opening remarks, define the objectives of the committee in holding the hearing. He/she shall also inform the participants that while making their presentations they enjoy Parliamentary privileges and immunities that are applicable to Members of Parliament. The Chairperson shall also indicate the ground rules for the hearing including how much time each presenter has.
- 4.4.3 The Committee members must be clear on the background of the issue to be discussed. The Researcher shall prepare a background paper and explain it. The presentation shall be made a week prior to the public hearing.
- 4.4.4 Committees must start the hearing on time as indicated in the hearing notice.

- 4.4.5 Participants shall not be sworn.
- 4.4.6 Participants wishing to add to their submissions after the hearings must do so in writing within five days after the hearing. The Chairperson shall make this clear.
- 4.4.7 The Committee shall endeavor to give all participants an opportunity to be heard. Those who are unable to present should submit written submissions to the committee, through the Committee Clerk.
- 4.4.8 Provisions that relate to prohibition of disruptive behavior (e.g. ringing of cell phones) during a hearing will be evoked when necessary.
- 4.4.9 Representative organizations must present first if they are present, otherwise the first come first served principle will be used.
- 4.4.10 During hearings, the committee members must listen and speak only to seek clarification.
- 4.4.11 The range of participants to be heard shall be balanced to avoid biased information. The committee shall make a deliberate effort to hear from those who are for and against a given topic.
- 4.4.12 Committee members shall not applaud/ indicate pleasure/displeasure with anyone's remarks.
- 4.4.13 Participants must be treated with courtesy and thanked for their contributions.

4.5 How the Committee Should Raise Issues

- 4.5.1 Committee members are expected to read background papers to be familiar with the issues to be discussed.
- 4.5.2 Committee members shall keep focus on the subject matter of the hearing and where necessary the Chairperson shall remind both the members and participants to stick to the subject.

5. Roles and Responsibilities

5.1 Chairperson

- 5.1.1 The Chairperson shall make an opening statement, which defines the objectives of the hearing, and explain the objective of holding the hearing.

- 5.1.2 The Chairperson shall control the pace of the hearing and keep the meeting focused on the topic under consideration.
- 5.1.3 The Committee Chairperson determines the allocation of time to members for questions/clarifications during hearings.
- 5.1.4 The Chairperson shall afford all committee members a fair opportunity for meaningful participation and shall moderate impartially.
- 5.1.5 The Chairperson shall indicate to the meeting that all views on an issue under discussion are welcome.
- 5.1.6 The Committee Chairperson shall ensure a quorum (as defined in Select Committee Rule 7(1)) of members at the public hearing to build public confidence in the work of Parliament.

5.2. **Clerks**

- 5.2.1. The Committee Clerk receives and documents the committee's objectives for holding the hearing as well as its subject and venue.
- 5.2.2. The Committee Clerk is the contact person with any member of the public who may wish to get more information about the hearing before, during or after the hearing.
- 5.2.3. At least three weeks before the scheduled date of the hearing the committee clerk shall inform the following groups, through a Memo, about the hearing
 - Public Relations Department,
 - Research Department,
 - The Hansard Department and
 - Clerk of Parliament
- 5.2.4. The Committee Clerk shall advise of the intention to hold the Public Hearing to the Public Relations Department, at least two weeks before the hearing.
- 5.2.5. The Committee Clerk shall capture key findings from presentations made orally and help the Chairperson direct the meeting through appropriate questioning.
- 5.2.6. The Committee Clerk shall remind the committee members of the impending public hearing at least three days before the hearing through the usual

parliamentary medium of communication and ensure that confirmation of participation is received from the Committee members.

- 5.2.7. After the public hearing the Committee Clerk shall provide feedback to the various participants, through a letter, thanking them for attending the public hearing and informing them how the committee is going to proceed with the evidence/views gathered.
- 5.2.8. After the deliberation of evidence the Committee Clerk, with assistance from the Researcher, shall write a report of the proceedings bringing out clearly, in the report, the level of attendance in the hearing (a full list of participants to be provided as an Annex), written and oral evidence received, locations of the hearings on the subject. Summary of the submissions made and key recommendations that came out of the hearings shall also form part of the report.

5.3. Researchers

- 5.3.1. Researchers are tasked with undertaking research on the subject matter of the public hearing. This information shall then be provided to the Committee during a special meeting, at least a week before the public hearing.
- 5.3.2. The Researcher shall prepare sample questions that guide Committee members during the hearing discussions.
- 5.3.3. If the topic under consideration is too complex or technical for the Researcher to handle, it shall be the responsibility of the Researcher to seek the necessary expertise from outside Parliament with the help of development partners or consultants.
- 5.3.4. The Researcher shall work closely with the Consultant and ensure the fulfillment of the given terms of reference.
- 5.3.5. In the case of legislative or legal matters e.g., bills, it shall be the responsibility of the Researcher to liaise with the Parliamentary Legal Counsel's Office of Parliament and facilitate the reception of any helpful background material before calling for the public hearing.

5.4. Sergeant-at-Arms

- 5.4.1. The Sergeant-at-arms shall arrange for staff to act as ushers to the participants of the public hearing if it is being held at Parliament. Common courtesy is required of them.
- 5.4.2. The Sergeant-at-arms shall ensure that Doorkeepers are in place at least 45 minutes before the start of the meeting. They shall ensure that the room is tidy and ready for the hearing, including seating space.
- 5.4.3. The Sergeant-at-arms shall ensure that Doorkeepers register participants to the public hearing.
- 5.4.4. The Sergeant-at-arms shall facilitate that Doorkeepers ensure that there is general orderliness in the room. Participants should be well seated and any reserved seating for any special guests, should be properly marked.
- 5.4.5. For those public hearings that generate a lot of interest, the doorkeepers should be vigilant and ensure that there are adequate chairs and that the venue is well ventilated.
- 5.4.6. Should any participants require special assistance, the doorkeepers shall assist them and make them comfortable in the public hearing hall. This group includes those in wheelchairs and the blind.
- 5.4.7. Supply of refreshments need to be constantly checked.

6. Post-Hearing Period

- 6.1 After the meeting, the Chairperson shall send thank you letters to invited guests informing them that their contributions will be considered.
- 6.2 The Committee shall meet soon after to deliberate on evidence gathered/submitted during the hearing.
- 6.3 After every hearing, the Committee shall review the hearing process analyzing the problems met, successes and the lessons learnt.
- 6.4 The Committee, after determining key findings from the hearings and having drafted its report, shall then strategize on how the gathered recommendations can garner support from the whole House. This shall include informing or setting up a meeting with the relevant ministry/minister and briefing the various party whips.

