

Systems of Governance and Accountability

1

Overview

- Presidential System
- Parliamentary Cabinet System
- Accountability Mechanisms in the Parliamentary
Cabinet System

2

01.

PRESIDENTIAL SYSTEM

3

PRESIDENTIAL SYSTEM

A system of governance in which the executive branch is separate from the legislative branch.

The President serves as both the Head of State as well as the Head of the executive government and is not usually a member of the legislature.

4

PRESIDENTIAL SYSTEM

- Originated in the United States and its Constitution of 1787
- Executive power is vested in the Office of President
- President makes appointments to various roles
- President can withhold assent to Bills
- President is directly/indirectly elected by the people

5

02.

PARLIAMENTARY CABINET SYSTEM

6

FEATURES OF THE PARLIAMENTARY CABINET SYSTEM - THE WESTMINSTER MODEL

The Westminster Model has been defined by S. A. de Smith (1964) as ‘a constitutional system in which the head of state is not the effective head of government; in which the effective head of government is a Prime Minister presiding over a Cabinet composed of Ministers over whose appointment and removal he [or she] has at least substantial measure of control; in which the effective executive branch of government is parliamentary in as much as Ministers must be members of the legislature; and in which ***Ministers are collectively and individually responsible to a freely elected and representative legislature.***’

“Constitutional Change in the Commonwealth Caribbean” , Bulmer, W.E.

7

PARLIAMENTARY CABINET SYSTEM

A system of governance in which the executive branch derives its legitimacy from, and is accountable to, the legislature, or the Parliament.

In these systems, the roles and functions of the Head of State (President) and Head of Government (Prime Minister) are separate.

8

PARLIAMENTARY CABINET SYSTEM

The Head of State primarily performs limited functions, most of which are carried out on the advice of the Cabinet, the Prime Minister or the Leader of the Opposition. A non-executive President rarely acts on their own discretion. On the other hand, the Head of Government (Prime Minister) is responsible for administering government, making policy decisions, appointing Ministers, and leading the legislature.

9

PARLIAMENTARY CABINET SYSTEM

- President serves as the symbolic leader of the state, performing primarily ceremonial and civic roles, without exercising executive or policy-making power.
- President acts as a stabilizing force
- Allows for a symbolic separation between enduring state institutions, as embodied by the President, from the temporary nature of the government.

10

DIFFERENCES BETWEEN THE PRESIDENTIAL AND PARLIAMENTARY CABINET SYSTEM

FEATURES	PARLIAMENTARY CABINET SYSTEM	PRESIDENTIAL SYSTEM
EXECUTIVE HEAD	PRIME MINISTER, WHO IS TYPICALLY SELECTED FROM MEMBERS OF PARLIAMENT	PRESIDENT, WHO IS ELECTED AND IS NOT USUALLY A MEMBER OF THE LEGISLATURE
SEPARATION OF POWERS	NO CLEAR SEPARATION BETWEEN EXECUTIVE AND LEGISLATIVE BRANCHES	CLEAR SEPARATION OF POWERS BETWEEN EXECUTIVE AND LEGISLATIVE BRANCHES
SELECTION OF EXECUTIVE	CHOSEN FROM THE MAJORITY PARTY OR COALITION IN PARLIAMENT	ELECTED DIRECTLY BY THE PEOPLE OR THROUGH AN ELECTORAL COLLEGE
CABINET COMPOSITION & ACCOUNTABILITY	APPOINTED FROM THE PARLIAMENT AND COLLECTIVELY RESPONSIBLE TO THE PEOPLE THROUGH THE PARLIAMENT	APPOINTED BY THE PRESIDENT AND MAY OR MAY NOT BE MEMBERS OF THE LEGISLATURE

11

DIFFERENCES BETWEEN THE PRESIDENTIAL AND PARLIAMENTARY CABINET SYSTEM

FEATURES	PARLIAMENTARY CABINET SYSTEM	PRESIDENTIAL SYSTEM
TERM OF OFFICE	PRIME MINISTER'S TENURE IS NOT USUALLY FIXED, AND CAN BE DETERMINED BY ELECTIONS OR PARTY DYNAMICS	PRESIDENT TYPICALLY SERVES A FIXED TERM IN OFFICE
CHECKS AND BALANCES	EXECUTIVE IS ACCOUNTABLE TO THE PARLIAMENT WHICH CAN REMOVE THE GOVERNMENT THROUGH A VOTE OF NO CONFIDENCE	EXECUTIVE AND LEGISLATIVE BRANCHES HAVE SEPARATE CONTROL WITH CHECKS AND BALANCES
STABILITY AND DECISION-MAKING	PROVIDES STABILITY, OFFERS FLEXIBILITY AND GREATER DECISIVENESS	OFTEN LEADS TO GRIDLOCK

12

03.

ACCOUNTABILITY MECHANISMS

13

Overview

- Accountability under the Constitution
- Standing Orders
- Other Mechanisms:
 - Political Ombudsman/ECJ
 - Integrity Commission
 - Auditor General

14

ACCOUNTABILITY OF CABINET AND THE PRIME MINISTER

The Westminster Model has been defined by S. A. de Smith (1964) as ‘a constitutional system in which the head of state is not the effective head of government; in which the effective head of government is a Prime Minister presiding over a Cabinet composed of Ministers over whose appointment and removal he [or she] has at least substantial measure of control; in which the effective executive branch of government is parliamentary in as much as Ministers must be members of the legislature; and in which ***Ministers are collectively and individually responsible to a freely elected and representative legislature.***’

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15

ACCOUNTABILITY OF CABINET AND THE PRIME MINISTER

s.69(2) The Cabinet shall be the principal instrument of policy and shall be charged with the general direction and control of the Government of Jamaica and **shall be collectively responsible to Parliament.**

s.70 - [...] the Governor-General [shall] appoint [as Prime Minister] the member of the House of Representatives who [is] best able to **command the confidence of a majority of the members of that House [...]**

16

ACCOUNTABILITY OF CABINET AND THE PRIME MINISTER

Under section 71, the Office of the Prime Minister, or other Minister must be vacated under certain circumstances which include the following:

- If PM ceases to be an MP; Minister ceases to be MP or Senator (see s.41)
- Following a successful resolution of the House of Representatives to revoke the PM's appointment (PM may request a general election in response)
- Minister can be removed by PM at will

A *No Confidence Vote* may be sought under s.64(5). If successful, Parliament is dissolved.

17

ACCOUNTABILITY OF PARLIAMENTARIANS (INCLUDING CABINET AND THE PRIME MINISTER) AWOL

Excessive Absences from Parliament can result in the removal of a Senator or MP

(s.41(c):

House of Representatives	Senate
6 consecutive Sittings within 21 days	5 consecutive sittings within 40 days
May be excused if justification provided to the satisfaction of the Speaker/Senate President within the prescribed timeframe	

18

THE DUTY TO GIVE AN ACCOUNT – MINISTERIAL RESPONSIBILITY - THE STANDING ORDERS

Under the Standing Orders of the House of Representatives and the Senate:

- Questions may be put to a Minister on any subject or department under his responsibility;
- Time is designated for prioritizing:
 - PM Questions (2nd sitting in each month) and
 - Minister Questions (1st sitting day during any week)
- Select Committees may enquire further into issues within their mandate which may have further consequences

19

THE DUTY TO GIVE AN ACCOUNT: POLITICAL OMBUDSMAN/ELECTORAL COMMISSION OF JAMAICA

- **Political Ombudsman accountable to Parliament;**
- Mandated to investigate actions of a political party, its members or supporters where such action may -
 1. Constitute a **breach of an agreement, code or arrangement** between political parties; and
 2. Prejudice **good relations** between supporters of various political parties
- Special Report of adverse findings from an investigation **to be tabled in Parliament.**

**NB - The ECJ is designated the Political Ombudsman following the 2024 amendment*

20

THE DUTY TO GIVE AN ACCOUNT: THE AUDITOR-GENERAL

- Established under s.120 of the Constitution;
- Responsible for auditing, on an annual basis, the accounts of all departments and offices of the Government of Jamaica **including the office of the Cabinet;**
- Reports submitted to the Speaker who shall **cause them to be laid before the House of Representatives;**

21

THE DUTY TO GIVE AN ACCOUNT: THE INTEGRITY COMMISSION

- **The Commission is accountable to Parliament;**
- Mandated to investigate, prosecute and prevent corruption;
- Special provisions relating to Parliamentarians, Opposition Leader and the PM;
- Broad powers of investigation;
- Investigation Reports tabled in Parliament; and
- Offences referred to Director of Corruption Prosecution for consideration;

22

THANK YOU!

23