



Parliament Brief



SELECT COMMITTEES

New Zealand's select committee system enables members of Parliament to examine issues in more detail than is possible in the House of Representatives. It also enables the public to have direct input into parliamentary processes.

APPOINTMENT OF COMMITTEES

Select committees are appointed from among the members of the House at the start of each Parliament (after a general election). Membership currently ranges from six to 13 per committee, with parties represented in proportion to party membership in the House. The areas of ministerial responsibility are reflected in the 13 subject committees:

- Commerce
- Education and Science
- Finance and Expenditure
- Foreign Affairs, Defence and Trade
- Government Administration
- Health
- Justice and Electoral
- Law and Order
- Local Government and Environment
- Māori Affairs
- Primary Production
- Social Services
- Transport and Industrial Relations

There are also five specialist committees:

- Standing Orders (House procedures and practices)
- Privileges (matters of privilege) (See *Parliament Brief*, 'Parliamentary Privilege'.)
- Officers of Parliament (appropriations and appointments of the Auditor-General, the Ombudsmen, and the Parliamentary Commissioner for the Environment)
- Regulations Review (examination of legal instruments variously known as 'regulations',

'delegated legislation', and 'subordinate legislation' made under delegated powers in an Act of Parliament)

- Business (facilitation of House business)

COMMITTEE BUSINESS

Committee work includes examining bills (proposed laws) and several ways of holding the Government accountable to the House. The types of business of the 13 subject committees are set out below.

Bills

The House refers most bills to the relevant committee, which calls for public submissions mainly through newspaper advertisements and by contacting organisations and individuals with a known interest in the legislation. Six months is usually allowed for consideration of each bill but this can be extended.

People can ask to give an oral presentation to the committee, in addition to providing written submissions. This makes the legislative process very accessible and can result in significant changes.

The committee considers matters raised in submissions and receives advice from Government officials. It then decides whether to recommend the bill be passed and recommends amendments if necessary. The committee presents to the House a reprinted bill showing the recommended amendments and a written report explaining its recommendations.

(See *Parliament Brief*, 'The Legislative Process'.)

Inquiries

Committees can hold inquiries within their subject area. They can call for public submissions and request evidence from organisations that may be the subject of the inquiry. After considering the evidence, committees may report to the House with findings and recommendations. The Government must respond to recommendations within 90 days.

Estimates

After the Budget has been presented in the House, committees have two months to consider the Government's spending plans (the Estimates) for the new financial year. Committees examine departmental documents and call for evidence from Ministers and officials before reporting to the House.

Financial reviews

Committees conduct financial reviews of over 100 public organisations by examining their previous year's performance and current operations. They have more time to consider these than for the Estimates. This enables a more thorough examination and is crucial in maintaining Government accountability to the House for the funding made available to it by Parliament in the previous year's Estimates.

Petitions

People can request that the House take action on a matter of public policy or law, or to address a personal grievance, by presenting a petition to the House, through their local member of Parliament. The petition is referred to the appropriate committee, which decides whether to seek submissions from affected people or organisations. If the committee reports to the House with recommendations, the Government must respond within 90 days.

International treaties

Some treaties are referred to committees, which then consider whether there are any matters relating to the treaty that should be drawn to the House's attention. Committees usually have, by convention (accepted practice rather than written rule or law), up to 15 days on which the House sits to report to the House before the Government may take final action, such as ratification.

PUBLIC ACCESS TO COMMITTEE PROCEEDINGS

When a committee hears evidence (for example, submissions) the meetings are usually open to the public, including the news media. The only exceptions are if a committee decides unanimously to hear evidence in private or secret. Secret evidence remains secret after the committee presents its report. Private evidence remains confidential until the committee reports. It is then publicly available, along with all the other committee proceedings.

When committees are not hearing evidence, proceedings are not open to the public. This enables members to discuss issues freely while they decide what to report to the House. It would be much harder to have free and frank discussions if they were open to public and media observation. It would inevitably lead to some of those discussions being driven out of

the committee room and taking place in private unofficial meetings.

After a committee reports to the House, papers (other than secret evidence) related to that item are placed in the Parliamentary Library for public access.

Committee reports are published on the website at www.parliament.nz.

PARLIAMENTARY POWERS AND WITNESSES' RIGHTS

Most evidence supplied to committees is given willingly because people wish to assist committees in reaching an outcome that takes into account their concerns. However, committees sometimes need information that is not so willingly provided, particularly when they are, for instance, holding an inquiry. Therefore, the House of Representatives has the power to require:

- witnesses to appear before a committee
- production of documents to a committee
- answers to relevant committee questions

The powers derive from the privilege to send for persons, papers, and records. (See *Parliament Brief*, 'Parliamentary Privilege'.) They are somewhat coercive in nature and procedures have therefore been developed to ensure due deliberation is built into the exercise of these powers, which are very rarely used in any case. Knowledge of their existence tends to ensure a reasonable level of co-operation.

Evidence given to committees is covered by the absolute freedom of speech that applies to all parliamentary proceedings. The House has therefore built into its Standing Orders (procedural rules) some natural justice procedures giving right of reply. This ensures a fair process is followed if serious allegations are made about a person during committee proceedings. It is necessary because parliamentary privilege prevents the person from taking legal action for defamation.

Standing Orders provide further rights to witnesses including the right to ask to be heard in private or secret, the right to counsel, the ability to object to questions, and the ability to comment on proposed findings in a draft report that might be damaging to their reputation.

FURTHER READING

The Office of the Clerk publishes several booklets about committee processes for those participating in the processes. All these publications are available at www.parliament.nz.