About this guide

This guide gives members of Parliament an introduction to select committees and offers guidance on how to be effective as a select committee member. It discusses the various types of committee business, and gives basic procedural information to help members understand the work and the limitations of select committees.

Specific guidance is provided for chairpersons and deputy chairpersons on their roles and duties. The guide is intended to help maintain the integrity of the parliamentary process.

The guide will help members of Parliament to interpret the Standing Orders and understand the rationale behind them. Members who become thoroughly familiar with the way the system works will find it much easier to achieve their goals in select committees.

The guide is intended to complement Effective House Membership, which provides similar guidance for members on House procedures.
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### How to be an effective select committee member

#### Planning

**Know what you want to achieve**
To be an effective member of a select committee it can be helpful to plan in advance what you want to achieve at a particular meeting and how you hope to do so. Proceedings can move quickly, and without a plan you may find your opportunity to raise an issue or suggest a change to a report has been lost. This guide will help you understand what you can achieve and how to go about implementing your plan within the limits set out in the Standing Orders.

#### Standing Orders

**Standing Orders for House procedure apply where there are no specific select committee procedures**
Like the House, Select committees conduct their business according to rules set out in the *Standing Orders of the House of Representatives*. There are specific procedures set out for select committees; if a situation arises for which there is no such procedure, the Standing Orders for the House and committee of the whole House procedures are applied. **SO 204**

**Standing Orders ensure care and fairness in process**
The Standing Orders are designed to ensure that the House and its committees go about their business with due deliberation, by providing cautions and opportunities for reflection before decisions are taken. They also set out the standards of fairness that should be observed in parliamentary proceedings. For additional help in interpreting Standing Orders, *Speakers’ Rulings* provides useful precedents. Applicable rulings are noted in the text of this guide, along with the relevant Standing Orders, prefixed by SO or SR as appropriate.

**Get to know the rules – your rules**
The Standing Orders are your rules. They were prepared by members for members, and you will be at a disadvantage if you are not thoroughly familiar with them. To put your plans into action you will need to understand the rules, or you may find that your proposals are ruled out of order and it is too late to revise your plan. Committee staff can help you to interpret Standing Orders.

**Revision of the Standing Orders is in the hands of members**
The Standing Orders Committee reviews Standing Orders periodically. If you would like to suggest a change to the Standing Orders, you will have an
opportunity to make a submission at that time. The Standing Orders Committee makes recommendations to the House for the amendment, revocation, or addition of any Standing Order. SO 7
### Introduction to select committees

#### Background

**The House delegates work to select committees**

For the House of Representatives to carry out all its work effectively, it needs to delegate much of the detailed work to committees. We call them ‘select committees’ and most of their work involves a process of investigation. They hear from interested groups and individuals outside the public sector, and seek input from within it. As parliamentarians, you can use this investigative process to reach conclusions, balancing public opinion with expert advice, and make a report to the House. The high level of public access to parliamentary processes provided by our system is a distinctive feature of our parliament compared with other parliaments based on the Westminster model.

**Appointment of select committees**

**Committee members are appointed by the Business Committee**

Select committees are established by the House at the commencement of each Parliament. The Business Committee then appoints members to each committee. *SO 184(1), 185(3)*

**Permanent and temporary replacements can be made**

At times permanent changes must be made to the membership of a select committee. Such changes will be made by the Business Committee. *SO 186, 187*

The party whips can authorise temporary replacements for committee members for a particular meeting or series of meetings. Changes in membership involving Independent members can be made by agreement between the Independent member and the leader or a whip of the party to which the other member belongs. *SO 187(3)*

**Thirteen subject committees appointed**

Most of the select committee work is carried out by 13 subject committees, each dedicated to a particular subject area, which are appointed at the beginning of a Parliament for its full term. The overall membership of committees must be proportional to party membership in the House. *SO 185(1)*

The current subject committees are as follows:

- 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.

Specialist committees are also appointed

In addition to the subject committees, five specialist committees are established by Standing Orders:

- Officers of Parliament SO 395
- Regulations Review SO 318
- Privileges SO 401
- Standing Orders SO 7
- Business SO 77

Ad hoc committees can also be appointed for a specific purpose such as a particular bill or an inquiry. SO 184(2)

Committee business

Most of the business of select committees is determined externally. Bills are referred from the House. Petitions are allocated to a committee by the Clerk of the House on behalf of the House. Estimates and annual reviews are referred to committees by the Finance and Expenditure Committee. Inquiries can be referred from the House, or initiated by a select committee if compatible with the subject area under which the committee was established. These items are dealt with in detail elsewhere in this guide. SO 188, 189, 337, 345, 370

Some committees have additional functions

Some committees have additional functions; see ‘Special functions of committees’.

Committees cannot investigate criminal allegations or the

You may be tempted to investigate allegations of criminal wrongdoing against individuals, or personal allegations against members of Parliament. Such investigations by committees are specifically ruled
**conduct of members**

out by Standing Orders unless the House directs otherwise. Furthermore, members must be informed of any allegations about them, and be given an opportunity to make a statement to the committee.

SO 199, 200

**Member’s financial interest must be declared**

If you have a financial interest in any item of business being considered by a committee on which you are serving, you need to declare that interest before participating. Such interests include those of a spouse or domestic partner, or a dependent child.

SOS 163–166

Having declared a financial interest, you are not prevented from participating in related proceedings. This is a matter of personal judgment.

If you have already declared an interest for the Register of Members’ Pecuniary and Other Specified Interests, no further declaration is required.

SO 165(2)

**Programming**

Most of a select committee’s business is determined outside the committee. The workload is often heavy, especially when bills have to be reported within a short timeframe. **SO 295(1)**

To manage this workload effectively, the committee must plan its work programme to ensure its time is used well. This is the responsibility of all committee members, and good budgeting of time will help the committee allocate time for self-initiated inquiries. If you have already planned what you want to achieve as a select committee member, you will be well placed to contribute to committee planning in order to meet your objectives.

**Priorities can be established within the financial cycle**

When programming its time, a committee must work within the annual financial cycle set down for reporting Estimates and annual reviews. Legislation and other important items of business must often be accommodated at the same time. The committee staff will advise on the planning of business.
Basic meeting information

<table>
<thead>
<tr>
<th>A <strong>meeting is held by</strong> committee resolution or as directed by the chairperson</th>
<th>A committee’s first meeting is called by the Speaker. Subsequent meetings can be decided by resolution of the committee. In the absence of such a decision, the chairperson can call a meeting, provided it is held in Wellington. <strong>SO 190, 193(b)</strong></th>
</tr>
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<tr>
<td><strong>Information about scheduled meetings is made available</strong></td>
<td>Committee members receive formal notification of each meeting. This is called a notice of meeting. For information on other committee meetings scheduled for the week, you can refer to the schedule of meetings. It is distributed on the Friday of the preceding week, and updated to incorporate any changes. The schedule is also available on the website <a href="http://www.parliament.nz">www.parliament.nz</a>. This information is as accurate as possible but, if you have an interest in a particular committee’s business, check details with the clerk of the committee.</td>
</tr>
<tr>
<td><strong>Committees generally meet on Wednesday and Thursday mornings</strong></td>
<td>The most common meeting times for select committees are Wednesday and Thursday mornings in weeks when the House is sitting. Your other parliamentary activities are likely to have been structured around these times, leaving Wednesday and Thursday mornings free for committee meetings.</td>
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<tr>
<td><strong>There are restrictions on further meeting times</strong></td>
<td>Committees sometimes find they cannot complete all their work if they confine their meetings to Wednesday and Thursday mornings. The Standing Orders put some restrictions on meeting times, particularly in Wellington while the House is sitting, to ensure that members can meet their obligations in the House and attend to other duties. Unless authorised by the House or the Business Committee, committees cannot meet in Wellington during oral questions (approximately 2 pm to 3 pm on a sitting day); at other times while the House is sitting, except with the agreement of all committee members (called ‘by leave’); or after 6 pm on a sitting day. Friday meetings during a sitting week are permitted only by leave. <strong>SO 191, 194</strong></td>
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Committees can meet outside Wellington

Committee meetings are normally held in the parliamentary complex but committees sometimes need to travel to hear submissions. Meetings in New Zealand outside of Wellington must be based on a committee decision, and cannot be set at the chairperson’s discretion. If the meeting is to be held at the same time as a sitting of the House, the Business Committee’s approval is needed. No select committee can authorise a meeting outside New Zealand. Such authority can be obtained only from the House. SO 192, 193

Committees can use teleconferencing and videoconferencing instead of travelling.

Chairperson and deputy chairperson

The election of chairpersons follows the procedure for the Speaker’s election

Each select committee has a chairperson and a deputy chairperson. At the beginning of the first meeting the clerk of the committee presides over the election of a chairperson. Nominations are called for. Any member may nominate another member for election, and the nomination must be seconded. The person elected is declared chairperson and takes the chair. The chairperson’s first responsibility is to preside over the appointment of a deputy chairperson. These procedures are followed each time either position becomes vacant. SO 201

A chairperson and deputy chairperson can be removed

A chairperson or deputy chairperson can be removed from office. If you wish to seek the removal of the office holder, you must give at least seven days’ notice of your intention to move such a motion. In the event of the removal from office of the chairperson, the deputy performs the duties and exercises the authority of the chairperson until the next meeting. SO 201(2), 202(1)

A chairperson or deputy chairperson can resign

A chairperson or deputy chairperson can resign at any time, and there is no requirement for a member to remain in such a position if he or she indicates an unwillingness to do so. SR 85/2

A vacancy must be filled at the next meeting

When a vacancy arises in the position of chairperson, the deputy chairperson takes over
until the next meeting. If either office becomes vacant there must be an election for a new chairperson or proceedings to appoint a deputy chairperson at the next meeting. **SO 201(1)**

**Absence of chairperson**

If the chairperson is absent from a meeting or overseas, the deputy chairperson performs the duties and exercises the authority of the chairperson. However, if the chairperson is in New Zealand but cannot be present at the meeting, the deputy chairperson can perform those duties and exercise authority only during the committee meeting. **SO 202**

**Acting chairperson is elected in the absence of chairperson and deputy chairperson**

If neither chairperson nor deputy chairperson is present at a meeting, the clerk of the committee presides over the election by the committee of a member to perform the duties and exercise the authority of the chairperson for that meeting. **SO 202(2)**

**See also ‘Role and responsibility of chairperson’**

The duties and responsibilities of the chairperson are dealt with separately under the heading ‘Role and responsibility of chairperson’.

**The enhanced electronic committee system**

Committee papers including submissions are organised in an electronic document management system called the committee system. The electronic committee system has been upgraded for the 51st Parliament. When the new Parliament begins you will bring your own approved devices to committee meetings to access committee papers.

It will be easier to read and navigate large documents. You will be able to annotate documents, save them securely and access them at any time. The upgraded system will be fully integrated with the Parliamentary Service network and service platforms.

Every member of Parliament and immediate support staff can access all select committee papers in the electronic committee system, with the exception of secret evidence. You need to be mindful that committee proceedings, other than public hearings of evidence and released
submissions, are confidential until committees report to the House, and any unauthorised disclosure to any person could result in a charge of contempt.

**Meeting papers**

The official notice of a committee meeting is sent to you by email. In the email you will also be advised that the relevant papers are available on the electronic committee system. Every effort is made by committee staff to have the notice of meeting and related papers available two days before the meeting is scheduled, but this will not be possible if the meeting is yet to be confirmed, or key papers have not yet been received. You can nevertheless expect to be informed of the meeting so that it can be included in your diary. In any event, notice must be given no later than the day before the meeting. **SO 205**

**Notice of meeting is normally made available on Monday**

**Notice of meeting contains information on stages of business**

The notice of meeting sets out the place and time of the meeting, and the items to be covered. For each substantive item of business, notice is given of the stage of the committee’s work to be undertaken: ‘hearing of evidence’, ‘consideration’ or ‘deliberation’. This is an important part of the notice, because these procedural stages can be varied at the meeting only with the leave of the committee. This ensures members have fair notice that a particular stage, such as a final vote, is expected, and can prepare accordingly. The contents of the notice of meeting can be determined by the committee or, in the absence of such a decision, by the chairperson. **SO 205, 190(2)**
| You can give notice to put an item on the agenda or raise it under general business |
| If you want to put something on the agenda, you can do so by giving notice in writing at the previous meeting or to the clerk of the committee before 2 pm the day before the meeting. If there is not enough time to do this, you can raise the issue under general business; but important items requiring a vote should still be subject to notice. It may help if you indicate your wish to raise an issue at the beginning of the meeting. **SO 206** |
| Agenda available at the meeting |
| The committee’s agenda expands on the notice of meeting, but does not contain significant new items of business unless there has been an amended notice of meeting. The agenda includes apologies for non-attendance, and names any replacement members. The agenda also gives details of papers to be tabled and names of witnesses and advisers. |
| Minutes reflect decisions, not what people said |
| Committee staff will prepare the minutes of each meeting, and make them available with the notice of meeting for the next meeting. They are confirmed by the committee at its next meeting. The minutes as confirmed by the committee are conclusive proof of resolutions (committee decisions) and of who was present in terms of members, witnesses, advisers, and staff. They reflect the formal style of the *Journal of the House of Representatives* and record only the decisions taken; they do not record what people said or summarise debate. Decisions are carried out on the basis of the draft minutes. Any disputes about the minutes should be resolved at the next meeting, when they are presented for confirmation. **SR 86/4** |
| Subcommittees’ conduct must be consistent with Standing Orders |
| Select committees can form subcommittees to help get through their programmes of business. They can set rules for the subcommittee’s conduct provided they are consistent with the Standing Orders. A subcommittee may elect its own chairperson. |
| Main committee appoints a subcommittee for a specific purpose |
| A subcommittee might be formed to work on a specific item of business, or to attend distant hearings of evidence where the cost of the full |
committee travelling would not be justified. The main committee appoints the members of the subcommittee. A subcommittee must have at least two members. SO 198

**Problems can arise if subcommittees meet at the same time as the main committee**

If the main committee meets at the same time as a subcommittee, it must do so without replacing subcommittee members. They cannot be replaced while they are effectively still on committee business. Such timetabling may lead to staffing difficulties, as committee staff may not be able to meet both commitments. The availability of additional staff would need to be discussed with Select Committee Services if a clash occurred.

**Subcommittees do not report to the House**

Subcommittees report to the main committee. They do not report directly to the House.

**Quorum**

Half the number of members of the committee must be present

The quorum for a select committee or subcommittee meeting is half the membership of the committee (rounded up where applicable). A meeting will be adjourned (concluded) if there is no quorum within 10 minutes after the notified starting time. SO 209

Meeting suspended if there is no quorum

A meeting is suspended if there ceases to be a quorum, and is adjourned if a quorum cannot be formed within 10 minutes. It is in your interests to be at the meeting on time, as important decisions can be made at the start. Your absence might also contribute to a meeting being unable to proceed, and witnesses often travel some distance to attend. SO 209

Requirement for a day’s notice may be waived

When a meeting has lapsed or been adjourned for lack of a quorum, if all members who were expected to attend the meeting are in agreement, the requirement to give a day’s notice of a meeting can be waived and the lapsed meeting can proceed. SO 205(2)

**Voting**

Votes are recorded only if a member requests

You will find that most committee resolutions are made in a fairly informal way and by consensus. If you disagree with a decision that is being made, it is important that you make your views clear. You
A tied vote is lost

A tied vote is lost can ask for the votes to be recorded. In this event the chairperson will call for the ayes and noes. There is no casting vote, and a tied vote is lost (except when deciding that a clause in a bill stand part). SO 153, 213, 305(1)

Travel

Committees can travel to hear submissions

When committees receive a large number of submissions from outside Wellington, they can travel to other centres to hear the submissions presented in person. A committee may also visit a site relevant to an item of business. The decision to travel is made by the committee and cannot be taken by the chairperson alone. Witnesses appreciate the efforts committees make to travel, but the time and expenditure involved must be balanced against the value to the committee. Committees can use videoconferencing or teleconferencing instead of travelling. Many submissions come from large organisations, which can meet the cost of travelling to Wellington in order to influence a committee. But some items of business attract many submissions from people who cannot be heard unless the committee travels. In those circumstances, a decision to travel would be in the interests of public consultation and the integrity of the process. SO 192, 193

Members make their own travel and accommodation arrangements

Committee staff will arrange the hearing venue and inform you about the cost of accommodation if the venue is a hotel. However, committee staff will not make your accommodation or travel bookings. Expenses, such as meals ordered during meetings, must be settled by members individually. This is the responsibility of members’ executive assistants. Committee staff will give you an itinerary on which you can base your arrangements. The Parliamentary Service pays allowances to cover your costs.

Committees cannot authorise overseas travel

Committees cannot authorise overseas travel. Only the House can authorise meetings outside New Zealand. SO 192(2)

Committee exchanges with Australia occur

Meetings overseas are extremely rare, but there is an annual committee exchange with Australia.
annually

Each year a select committee is invited to Canberra to meet its federal counterpart and discuss issues of mutual interest. A similar invitation is extended to an Australian committee to visit Wellington each year. These visits have been very useful in building relationships between members with common interests. Australian parliamentarians give up a lot of time to meet their New Zealand visitors. There is an expectation that you will reciprocate this commitment when they come here.

Language

English, Māori, and sign language may be used in committee proceedings. If you are aware that witnesses are likely to use Māori or sign language at a committee meeting, or you wish to do so yourself, it would be helpful to give committee staff sufficient notice to arrange an interpreter. SO 108
Office of the Clerk administers resources for committees

Resources

The Office of the Clerk administers resources for the provision of specific services to committees. These resources are limited. The Office of the Clerk funds the committee staff, advertising for submissions, the general costs associated with committee meetings, and the contracting of expert advice. Committees cannot commit the Office of the Clerk to expenditure. The Speaker is ultimately responsible for Vote Office of the Clerk. To ensure that decisions about the allocation of resources are taken openly, with regard for wider parliamentary interests, the office consults the Speaker if a committee proposes a major commitment of expenditure that may significantly affect the resources available to other committees. Committee staff advise on the cost implications of committee work and monitor expenditure.
## Support services

### Committee staff

**Committee staff provide various services**
Up to three staff members generally provide services to each committee. Their work falls into four categories: managing the committee’s business, providing procedural advice, research and report writing, and administrative support. The clerk of the committee is your main point of contact, and serves as a broker of services to the committee.

**Staff will raise issues with the committee and help it form conclusions**
Committee staff can assist committees by providing issues or briefing papers, and suggesting conclusions for their reports to the House. This is not leading the committee, but suggesting ways the committee might focus its work to produce a meaningful report. Staff carry out these functions on behalf of the whole committee.

**Reports are edited to meet publication standards**
Each report that is written is also edited for grammatical correctness and clarity, to ensure that it conveys the committee’s meaning and meets appropriate publication standards.

**Confidential procedural advice available**
If you wish to achieve a particular outcome at a committee meeting, the clerk of the committee can give you confidential procedural advice on how you might go about it.

### Advisers

**Advisers give confidential advice to committees**
On many items of business, committees will need specialist advice. The clerk of the committee can help by advising committees on appropriate sources. Advisers have a very different function from witnesses. Among other things, they can analyse the evidence before the committee, and advise how concerns raised in submissions can be accommodated. They do not give their advice in public, and are generally present when the committee enters the confidential phase of its consideration of the particular item of business.

SO 211
Government advisers help with bills

When committees are considering bills they generally appoint advisers from the government department promoting each bill. In the case of government bills, these officials will have been involved in developing the legislation, and can provide valuable advice on the policy and its implementation. Where more than one government department has an interest in the legislation, committees can request advisers from each department. This ensures that the committee hears directly from those involved, although advisers will generally consult other government departments if necessary, with the committee’s consent.

Advice should be provided from a ‘whole-of-Government’ perspective

If conflicting advice is received from departments, the committee can ask for a clear statement on the Government’s position. Advice should be provided from a ‘whole-of-government’ perspective rather than a narrow departmental view.

Government advisers are responsible to their Ministers

Advisers from a government department attend on behalf of their Minister, who may determine which particular officers attend. They are responsible to the Minister and are expected to keep him or her informed of developments in select committees. This can lead to difficulties if a committee wants to make changes to legislation, or wants advice on proposals that are not compatible with government policy. While select committees are not bound by government policy, government advisers to committees are in a difficult situation if the Minister does not want them putting time into work that is not government policy. If this happens, the best way to ensure the committee’s work progresses is to invite the Minister to a committee meeting to discuss the policy issues and to reach a clear understanding of the advisers’ role.

Government advisers can advise on Members’ bills

Public servants can be advisers on Members’ bills, even if a bill is contrary to government policy. The provision of such advice is subject to the approval of the Minister, who may set limits on their involvement.
<table>
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<tr>
<th><strong>Government advisers work within State Services Commission guidelines</strong></th>
<th>The State Services Commission has produced guidelines for public servants working with select committees. They were developed in consultation with members of Parliament and the Clerk of the House. They set out expected standards of conduct and are available on the Commission’s website (see ‘Further reading’).</th>
</tr>
</thead>
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<tr>
<td><strong>Office of the Auditor-General provides useful advice</strong></td>
<td>Another useful source of advice is the Auditor-General, who is an Officer of Parliament. Advisers from the Office of the Auditor-General regularly advise committees on Estimates and annual reviews, providing analysis of the budgets and performance of government departments. The Office of the Auditor-General can provide advice on inquiries, undertake investigations, and report to committees.</td>
</tr>
<tr>
<td><strong>Protocol for the provision of advice from the Office of the Auditor-General</strong></td>
<td>The Officers of Parliament Committee has approved a protocol for the provision of advice from the Office of the Auditor-General to select committees and members of Parliament. It sets out the range of and limits on work that can be undertaken. Regarding select committee inquiries, the Auditor-General must consult the Officers of Parliament Committee before agreeing to provide assistance that may divert significant resources from other functions carried out by the Office of the Auditor-General. This ensures that assistance can be provided to committees but that large demands are subject to additional scrutiny. <em>Code of Practice for the Provision of Assistance by the Auditor-General to the House, Select Committees, and Members of Parliament, I. 15C, 2007</em></td>
</tr>
<tr>
<td><strong>Protocol for assistance from the Parliamentary Commissioner for the Environment</strong></td>
<td>A protocol has also been established with the Parliamentary Commissioner for the Environment, an Officer of Parliament, for providing assistance to committees. The terms and conditions will be agreed between the commissioner and the committee. This may involve consulting the Officers of Parliament Committee. <em>Code of Practice for the Provision of Assistance by the Parliamentary Commissioner for the Environment to the House, Select Committees,</em></td>
</tr>
</tbody>
</table>
and Members of Parliament, I. 15D, 2007

Select committees may seek advice from independent expert advisers from outside the Government. This is particularly useful if committees need specific assistance with analysis or technical information that cannot be provided by committee staff. Such advice is generally expensive, and committees need to be clear about their exact needs and budgetary constraints. Expert advisers are contracted to the Office of the Clerk, not to the committee. The process for managing the costs, selection, and appointment of such advisers is set out in a protocol. Protocol for the Provision of Independent Specialist Assistance to Select Committees, J. 5A, 2007

Select committees need to ensure that advice is in fact what is required. If the committee simply requires further information, it may be possible to call the specialists as ‘expert witnesses’, and avoid the cost of contracting an adviser.

SO 242(2)

Law drafting

The Parliamentary Counsel Office is the Government’s law drafting agency and under the jurisdiction of the Attorney-General. Parliamentary counsel draft most Government legislation and regulations. They also draft amendments to government bills requested by select committees. In this role a parliamentary counsel attends a committee’s confidential consideration of a bill and advises on drafting, then drafts the committee’s amendments. Parliamentary counsel can also provide drafting services during the consideration of a Member’s bill, subject to the approval of the Attorney-General, which will probably be forthcoming if it is clear after hearing submissions that the committee wants the bill to proceed.

Tax legislation is drafted by the Inland Revenue Department

While most government legislation is drafted by parliamentary counsel, the Inland Revenue Department has its own unit for drafting tax bills. Its role before a committee on a tax bill is the
same as that of parliamentary counsel on other bills.

Occasionally, despite the committee supporting a bill, the Attorney-General will not agree to parliamentary counsel assisting. In this case, the committee can ask the Clerk of the House to provide drafting assistance, and an officer can be assigned by the Clerk to do so. Such assistance for a bill before a committee is provided collectively to the committee, not to individual members.
**Bills**

**Becoming a legislator**

*Your chance to become an effective legislator*

Select committee consideration of bills is a crucial part of our legislative process, from which many parliamentarians gain satisfaction. You do not need a law degree to be a good legislator. You need ideas, a commitment to following through a process, and the powers of persuasion to convince your colleagues on the committee that your proposals should be implemented. The committee’s advisers will advise on the feasibility of proposals, and the legal drafting will be done by people with specialist skills.

*Think critically about the contents of bills*

You need to think critically in considering legislation. Be prepared to ask questions if you do not understand the bill before you. The chances are that if you do not understand it, neither will the people you represent.

**Types of bills**

*Government bills*

Government bills form part of the Government’s legislative programme and make public policy. They are introduced by the Leader of the House. **SO 253(1)(a), 276**

*Members’ bills*

Members’ bills are introduced through the ballot process by individual members of Parliament who are not Ministers. They may not have the support of the Government. **SO 253(1)(b), 277**

*Local bills*

Local bills are promoted by local authorities, and deal with matters confined to particular localities. If such a bill comes from your electorate, you are likely to be the member in charge of the bill and will need to follow its progress closely. The Standing Orders also provide for Local Legislation bills, which are occasional government bills setting out multiple small changes to separate local enactments. **SO 253(1)(c), 282**

*Private bills*

A private bill provides for the interest or benefit of an individual or group of people. If the promoter of a private bill asks you to promote it in the House, you will be the member in charge of the
The committee at work

Bills are referred to select committees

Most bills are referred to select committees, after the first reading debate in the House. They will generally be referred to the subject committee that deals with the subject matter of the bill. The motion in the House that a particular committee consider a bill is not debatable, but you can move an amendment to it. **SOs 284–290**

Committee must report within six months

A bill must be reported to the House within six months of its referral unless the House or the Business Committee directs otherwise, or an extension of time is secured from the Business Committee. If the bill is not reported in time it will be discharged in its original version from the committee and set down for its next stage in the House. This means that planning from both individual and committee points of view is needed to ensure time is well spent and deadlines are met. **SO 291**

Submissions are sought

Once a bill has been referred to a committee, the committee’s first step is usually to call for submissions (evidence) from interested persons and organisations. To save time, the chairperson may informally consult other committee members about a closing date for submissions. Committee staff arrange the advertising. **SR 101/4**

While submissions can be sent directly to the committee secretariat, the preferred method of submission is online via a web form available on the parliament website [www.parliament.nz](http://www.parliament.nz). Submitters can upload their written submissions, or write brief ones directly onto the web form.

Initial consideration and briefing from advisers

While the committee is waiting for submissions it may take a preliminary look at the bill, appoint advisers, and seek a briefing from them and possibly the Minister. This is when you can ask questions about the content of the bill, its purpose, and its implementation. It is best to keep your proposals for amendments until later. **SO 208**

Bill of Rights analysis

Select committees consider Bill of Rights issues as
Legislative scrutiny
Committee staff provide advice on legislative quality issues, particularly on matters of constitutional and administrative law.

Evidence (submissions) heard from witnesses
Electronic copies of the submissions are made available to committee members via the electronic committee system. Arrangements will then be made for oral submissions to be heard. This is called a ‘hearing of evidence’, and those giving evidence become ‘witnesses’ before the committee. It is your opportunity to look at suggestions made by witnesses, and ask them for clarification. At this stage you might also wish to test your own ideas with witnesses, most of whom have a strong interest in the subject or a good working knowledge of it. This process will be valuable in helping you to formulate your ideas. SO 224

Videoconferencing and teleconferencing are used for hearing evidence
Videoconferencing and teleconferencing can be used for hearing evidence. This improves the public’s access to the select committee process and the committee’s access to evidence.

Detailed consideration of the issues can take some time
Once submissions have been heard, departmental advisers prepare a report for the committee based on issues raised in submissions. The report will discuss ways to address submitters’ concerns, and may make recommendations for changes. Consideration of the departmental report is a crucial stage, and can take some time. At this stage the committee works out the general nature of the changes to the bill it wishes to recommend.

Your opportunity to test your proposals
Therefore, this is the time to put forward your proposals and test them with the committee and the advisers. The advisers may report further on your proposals if they attract some support.
The Minister may be invited to attend

During detailed consideration there may be some benefit in inviting the Minister to attend the meetings, especially if committee opinions are forming along different lines from Government policy. SO 210(2)

Committee considers draft amendments

Parliamentary counsel will draft amendments to the bill according to the wishes of the committee, but no formal voting takes place at this stage. To assist the committee, parliamentary counsel prepare a revision-tracked version of the bill that includes proposed amendments for the committee to consider. The committee checks that the drafting meets its requirements. If you have proposed amendments that clearly do not have the support of the committee, parliamentary counsel is unlikely to draft them for you. You need to convince the committee of the merit of your ideas before drafting services are made available. Committee staff can advise you. See ‘Support services’ for further information on drafting.

Commentary prepared by committee staff

During the consideration phase, committee staff will prepare a draft commentary on the committee’s consideration of the bill, outlining the changes the committee proposes to recommend. This will later form part of the committee’s report to the House, and will be printed with the committee’s recommended amendments to the bill. If you wish to seek the committee’s agreement to the inclusion of a minority view, this is the last time to raise it with the committee; if agreement is obtained staff can incorporate the minority view into the draft commentary. SO 245, SR 91/4

Deliberation involves formal voting on amendments and commentary

Once the draft amendments are in a form that is thought to be largely acceptable to the majority of the committee, it is time for them to be adopted formally as recommendations. The chairperson will put questions on the amendments, working through all the parts of the bill. This procedure, called ‘deliberation’, is based on that set down for the committee of the whole House. SOs 302–310

You can move amendments and ask to

You may still have amendments to move. They must be put in writing and tabled at the meeting,
have votes recorded in the minutes and moved when the appropriate parts are reached. You can request that a vote be recorded in the minutes to ensure that your position on an issue is on record. This also allows amendments to be identified as adopted by a majority rather than unanimously, which involves a different House procedure later in the process. At the end of this process the committee adopts the commentary and the chairperson then announces that the bill will be reported to the House with (or without) amendment. SO 213

Report to the House

Short delay for printing A few days are required after deliberation for reprinting the bill and the commentary. Amendments adopted unanimously will be distinguished from those adopted by a majority of the committee. Once printed, the bill is reported by being presented to the House. The House will be notified of the report at the beginning of the next sitting and the bill will be set down for second reading not less than three sitting days after its presentation. SO 249, 292(4), 296

Committee documents are published on the website All select committee reports presented to the House are publicly available and are published on the website www.parliament.nz. Copies of the evidence and advice considered by the committee are also made available and published on the website once released by the committee.

The House adopts the amendments At the end of the second reading debate there may be two questions put. The first question is to adopt the majority amendments (if any) of the committee. The second question is that the bill be read a second time (agreed in principle). If this is agreed, the unanimous amendments are adopted. SO 297, 298, 300
Delegated legislation

Affirmative resolution procedure

Any notice of motion requesting that the House approve a regulation, a proposed regulation, or an instruction under any statute (an ‘affirmative resolution procedure’) is allocated by the Clerk of the House to the most appropriate select committee for consideration. The committee must report to the House on the notice of motion no later than the first working day 28 days after the day the notice of motion was lodged. This procedure prevents the motion being moved until the committee has reported or 28 days have elapsed. SO 322

The Standing Orders permit amendments recommended by a select committee to be incorporated into the motion without the select committee process being repeated. SO 322

Negative resolution procedure

Select committees also scrutinise any notice of motion (not already provided for in the Standing Orders) for the House to disallow, disapply or otherwise not approve a regulation or other instrument. Such a notice of motion is referred to a select committee, the Clerk of the House allocating it to the most appropriate subject select committee, for consideration and report no later than 10 sitting days after the day the notice of motion was lodged. SO 323

A motion for disallowance or disapplication that a select committee recommends to be passed by the House is set down on the Order Paper for the next Wednesday sitting as an item of general business in place of the general debate. SO 323
## Inquiries

### Background

**Focus on scrutiny of the Executive**

The terms of reference of the subject select committees enable them to inquire into anything relating to their subject areas. This gives committees considerable scope to undertake inquiries, although the focus is likely in practice to be on scrutiny of government activity.

**Inquiries can be good value for money**

While select committees may not have the standing or the resources of a commission of inquiry, their inquiries represent excellent value for money, and are an important part of the House’s function of scrutinising the Executive. Inquiries are generally initiated by committees themselves but can also be referred from the House. Issues may arise rapidly, but often a committee will recognise issues warranting investment in an inquiry during its routine work of monitoring the performance and spending plans of government departments and other public organisations, and its scrutiny of legislation. 

**SO 188, 189**

**Other investigative bodies may have appropriate expertise**

Before embarking on an inquiry, a committee might first consider whether there is an investigative body (for instance the Maritime Safety Authority or the Transport Accident Investigation Commission) charged with carrying out investigations into the particular matter at issue. Such bodies have the expertise required, and there may be merit in discussing the issue with the appropriate body and waiting for its report before proceeding with an inquiry.

**Good programming will leave time for inquiries**

The main difficulty for a select committee contemplating holding an inquiry is that other work commitments, especially bills, often dominate a committee’s time. Therefore, if you want your committee to conduct an inquiry, you will need to work it into the committee’s programme, which may mean conceding some time you wanted spent on another item. Another approach is to form a subcommittee, provided the members can set aside enough time to conduct the
inquiry, and that the staff allocated to your committee can continue to provide services to the main committee at the same time.

**Inquiries usually result in reports to the House**

A select committee inquiry can involve a full process of calling for submissions, appointing advisers, and producing a report that includes recommendations to the Government. At the other end of the scale, a committee’s briefing function allows it to have briefings without proceeding any further. For instance, a committee may simply seek information on a topical issue within its subject area that is not a current item of business before it. **SO 189(2)**

**The committee at work**

**Terms of reference are determined**

If a committee is undertaking a full inquiry, the first step is to establish terms of reference compatible with the committee’s functions as set out in Standing Orders. Committee staff are available to help develop terms of reference, which set out the specific aspects of a subject the committee is to consider and will help focus the inquiry. The terms of reference can specify problems to which the committee is hoping to find solutions, which it would recommend to the Government. However, in formulating terms of reference it is important to keep an open mind and not to appear to have prejudged the situation.

**Submissions can be sought**

A committee may call for submissions widely, or simply invite submissions from organisations and individuals it judges to be relevant. If advertising widely, the clerk of the committee arranges for the terms of reference to be advertised in newspapers, along with the closing date for submissions. This information is also posted on the Parliament website. When inviting submissions, committees need to include the appropriate public-sector organisations. Their role is much more likely to be that of witnesses than advisers, especially if the inquiry involves the performance of the organisations.

**The committee may need expert advice**

The next step is for a committee to consider whether it needs expert advice. Committee staff
have the expertise to analyse the material before the committee and to prepare draft reports. They also build up a reasonable working knowledge of the committee’s subject area, and these skills may well be sufficient to meet the committee’s needs. If the committee needs expert assistance, the clerk of the committee can advise on options and any budgetary implications. The committee can also seek advice or an investigation from the Office of the Auditor-General.

**Evidence (submissions) heard from witnesses**

Committee staff will make the submissions available to committee members. Arrangements will then be made for submissions to be heard. The hearing of evidence is your opportunity to investigate the problems raised by witnesses, consider their suggestions, and ask them for clarification. At this stage you may also wish to test your own ideas with them. Submitters typically have a strong interest in or a good working knowledge of the subject. This process will be valuable in helping you to understand the issue and formulating your own ideas.

**Staff can prepare an issues paper**

After the hearing of evidence, committee staff may discuss with the committee the preparation of an issues paper setting out the main issues in relation to the terms of reference, and discussion points for the committee. This paper may later form the basis of a draft report, incorporating also the committee’s findings and recommendations.

**Staff need clear guidance for preparing reports**

The committee works through the issues and gives committee staff guidance about what to put in the report, especially as regards its findings. It is important that staff get clear guidance. This is your opportunity to indicate what you want to see in the report, and its possible conclusions.

**Adverse findings about a person must be drawn to his or her attention**

Once a report has been drafted, careful consideration must be given to any adverse findings. If a person’s reputation may be seriously damaged by findings in a select committee report, the committee cannot report to the House until that person is informed of the findings and given an opportunity to respond. The committee is also required to take any response into account before
making its report. This is an important principle of fairness known as natural justice, which ensures the select committee process retains its integrity.  

**SO 246**

**Findings about an organisation can be checked for accuracy and fairness**

The principle of seeking a response to findings can be applied more generally, although Standing Orders do not require it. If a draft report contains findings about an organisation, or matter that needs to be checked for accuracy, it is advisable to give the organisation concerned the opportunity to comment or respond. Such a process is undertaken on a confidential basis, and in no way diminishes the impact of the report once it is presented to the House. **SO 242(2), 246**

**Minority views can serve to report diverging views**

Minority views can be included in reports with the agreement of the committee. This can be an effective way of reporting diverging views. Where there is no consensus on a subject, the inclusion of a minority view in a report provides balance without watering down a committee's findings. If you wish to have your views included in a report but cannot persuade the majority of the committee of the merit of your arguments, you may seek to provide a minority view. Although the committee is not obliged to accept a minority view for inclusion in its report, there is a strong presumption that it will do so. **SO 245, SR 91/4**

**A report is adopted formally**

A committee generally reaches agreement on the final version of a report by consensus. It then adopts the report formally and the chairperson reports to the House. If there is no consensus, the committee can deliberate by voting on each paragraph or section.

**Report to the House**

**Short delay for printing**

A few days are required after deliberation for the printing of a report. Once printed, it is reported by being presented to the House. The House will be notified of the report at the beginning of the next sitting, and it will be set down on the Order Paper as a Member’s order of the day. **SO 249, 250(3)**

**Government response required**

If the report contains recommendations to the Government, a response must be presented to the
House within 60 working days of the presentation of the committee’s report. **SO 252(1)**

**Debate in the House**

While a report is set down on the Order Paper, the reality is that the item is unlikely to be reached for debate by the House because Members’ bills take precedence on the days (alternate Wednesdays) set down for Members’ orders of the day. If you consider a report to be so important that it must be debated in the House, you will need to discuss with your colleagues the possibility of writing to the Business Committee to request that it be debated. A report selected for debate by the Business Committee remains on the Order Paper until it is considered by the House. **SO 66(1), 71, 72, 74, 76(1)**

**Report discharged from the Order Paper eventually**

If the House does not deal with a report, other than those elected for debate by the Business Committee, within 15 sitting days of the presentation of the Government response (or 15 sitting days after the report’s presentation if there were no recommendations to the Government), the item is discharged from the Order Paper and there is no further opportunity to debate it in the House. **SO 74(4)**
### Financial scrutiny

**What are the Estimates?**

The Estimates are Ministers’ spending plans for the coming financial year. Their full title is *Estimates of Appropriations for the Government of New Zealand.* They are published among the Budget documents released after the Budget has been delivered in the House. The Estimates are arranged by ‘Votes’ (groups of appropriations corresponding to ministerial portfolios). When the Estimates are referred to select committees for examination you have a valuable opportunity to question the Minister and government officials about proposed spending. **Sections 13 to 15 of the Public Finance Act 1989**

### Opportunity to scrutinise Ministers’ spending plans

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### Estimates referred to committees

After the delivery of the Budget, the Estimates stand referred to the Finance and Expenditure Committee. That committee can conduct the examinations itself, but it generally refers them to the appropriate subject committees, for report to the House within two months of the Budget’s delivery. **SO 337**

### The committee at work

**Standard Estimates questionnaire responses sent to committees**

Before the delivery of the Budget, the Finance and Expenditure Committee develops a standard Estimates questionnaire for each Vote and sends it to the Minister responsible for the Vote. It asks questions about significant changes in the Vote from the previous year and critical issues to be dealt with in the coming year. Responses to these questionnaires come in immediately after the delivery of the Budget and are forwarded to the committee examining the particular Vote. It is then up to the committee to decide how to conduct the examination.

### Committees need to prioritise Estimates against other business

Each committee will need to look at its programme to determine how much time it wishes to devote to the Estimates. Competing demands might mean that not every Vote can be examined in detail. Detailed examination is not always necessary, and it is up to the committee to prioritise its work in order to meet deadlines for
reporting the Estimates to the House. The Office of the Auditor-General and committee staff can help the committee decide where to focus attention.

**Briefing papers prepared by committee staff**

Committee staff can prepare briefing papers for committees to assist them with the examination. These papers include trends and issues raised in past examinations.

**Office of the Auditor-General provides advice**

The Office of the Auditor-General is available to advise committees on developments associated with each Vote, and particular items that might benefit from further examination by the committee. Office of the Auditor-General advisers usually provide written and oral briefings to select committees at the beginning of their consideration of the Estimates. This is advice to the committee, and it remains confidential until the Vote is reported to the House. Office of the Auditor-General advisers often stay for a hearing and to advise the committee further on the evidence. **SO 211**

**Supplementary questions may be adopted by committees**

A committee may adopt some supplementary questions to forward to the Minister concerned for written response. This is your opportunity to raise matters of particular concern to you; take care, however, that questions are relevant to the Vote, as the chairperson may rule out irrelevant questions. Sometimes party research units prepare supplementary questions, which must be submitted to the committee by a member of the committee for adoption. A committee is not obliged to adopt any of these questions. It is important that committees are reasonable in their requests for responses to supplementary questions as regards timing and volume. Considerable departmental resources will be devoted to providing responses, which can impose a significant burden.

**Minister can give evidence to justify policy and spending plans**

When hearing evidence on a Vote, committees invite the responsible Minister to appear before them. The Minister may come with the appropriate government officials or they may appear separately later on. The Minister can give the
| Performance is reviewed later in the year in the annual reviews | political justification for spending plans and explain the policies behind them, while the officials can provide valuable background information. During the hearing you will have the opportunity to ask questions about the spending plans and explore related issues. However, this is not the occasion for scrutinising the general performance of departments. Your opportunity to do this will come later in the year in the annual reviews. |
| Clear drafting instructions are needed for narrative reports | After the hearing of evidence, the committee will consider its requirements for a report to the House. If there has been no hearing of evidence, or few issues to consider, the committee may present a pro forma report, informing the House that it has no matters to bring to its attention. If a more in-depth narrative discussion is required, it is important that the committee give staff clear instructions about the items it wishes to cover and the conclusions it wishes to draw. Without such direction the staff may struggle to draft a report of significance for the debate in the House or the public. |
| The report is adopted formally | Once a draft narrative report has been prepared and circulated, you will have an opportunity to comment on it and suggest changes or seek the inclusion of a minority view. Once a final version is arrived at, the report will be formally adopted by the committee. |
| Reports available from the Bills Office | Unlike reports on bills and inquiries, Estimates reports are not printed individually. They are ready for presentation as soon as committee staff have incorporated the committee’s amendments. Once presented, copies of reports are available for members from the Bills Office or on the website. The reports will be distributed automatically to the members of the committee. They form a valuable basis for the Estimates debate in the House. The Estimates reports are printed in a compendium as soon as all of them have been presented. SO 249, 250 |
Amendments to a Vote can be moved during the Estimates debate

During the Estimates debate you will have an opportunity to debate in the House issues that arose during the select committee examination of the Estimates. The debate is the committee of the whole House stage of the main Appropriation Bill (the Budget). Any recommendations made by the committee for changes to a Vote are not before the House for adoption in the same way as amendments to bills. If you wish to propose a change to a Vote, you must do so by moving a motion during the Estimates debate. This will ensure that a formal vote is taken. You will need to give at least 24 hours’ notice of your intention to propose such a change if it was not signalled in the committee’s report. **SO 330, 339, 342**
Annual reviews

What are annual reviews?

Committees review the performance of Crown reporting entities

Annual reviews (formerly called financial reviews) give select committees the opportunity to review the performance of Crown reporting entities in the previous financial year and their current operations. Crown reporting entities include Government departments, Offices of Parliament, Crown entities named or described in Schedules 1 and 2 of the Crown Entities Act 2004, State enterprises, and any organisation the House deems to be a public organisation for the purposes of Standing Orders.

While the process by which a committee conducts an annual review is similar to that of the Estimates, the focus is completely different. The annual review is retrospective, focusing on organisational performance, not future spending plans. For government departments, it can be linked back to the previous year’s Estimates and forecasts, which established the Minister’s spending plans.

Your role in holding the public sector to account

Crown reporting entities are accountable to Parliament, and the annual review is where you, as a select committee member, hold them to account on behalf of Parliament and the people of New Zealand. You will be able to check that public funds are being used effectively or, in the case of Crown entities and State enterprises, that the Government’s ownership interests are being managed effectively.

Two types of review referred to committees

There are two categories of annual review:

- Government departments and Offices of Parliament (the Controller and Auditor-General, the Ombudsmen and the Parliamentary Commissioner for the Environment)

- Crown entities (such as Crown research institutes), State enterprises (such as New Zealand Post), and public organisations (such as Air New Zealand Limited).
They are all allocated to committees by the Finance and Expenditure Committee. The first is allocated early in the financial year for report to the House within one week of the first sitting day in each year. The second category must be reported to the House within six months of the annual report being presented to the House. These reviews are generally undertaken from November to May. **SO 344, 345**

**The committee at work**

**Written questions must be relevant, and the burden placed on organisations preparing responses should be considered**

The committee can adopt written questions to submit to the organisation or Minister in question. Care should be taken that questions are relevant to performance in the past year and current operations. The chairperson may rule out irrelevant questions. Sometimes party research units prepare supplementary questions, which must be submitted to the committee for adoption. A committee is not obliged to adopt all these questions. It is important that committees are reasonable in the timing and volume of requests for responses. Considerable public resources will be devoted to providing responses, which can impose a significant burden.

**Committee time for annual reviews needs to be programmed**

Each committee will need to consider its programme, how much time it wishes to devote to annual reviews, and whether it wants to examine each organisation. There may not be time to examine them all in detail, and some may not need it. It is up to the committee to prioritise its work in order to meet deadlines for reporting annual reviews to the House. A cyclical approach to large groups of reviews such as Crown research institutes could be considered.

**Committee staff prepare organisation briefing papers**

Committee staff can prepare organisation briefing papers for committees to help them with the annual reviews. These papers provide an overview of the organisation, set out trends or issues raised in past examinations, and identify issues relevant to the review.
### Advice available from the Office of the Auditor-General

The Office of the Auditor-General will also be available to advise committees on developments regarding each organisation, and particular items that might warrant further examination. Advisers from the Office of the Auditor-General generally provide written and oral briefings to select committees at the beginning of their consideration of annual reviews. They may include information about results of audits, advice on key issues, and suggested questions. This advice to the committee remains confidential until the review has been reported to the House.

### Evidence heard from Crown reporting entities

For the hearing of evidence on an annual review of a Crown reporting entity, committees invite the chief executive, who will generally appear with other officials. During the hearing you will have the opportunity to ask questions about the organisation’s performance and current operations.

### Report requirements to be considered

After the hearing of evidence the committee considers what kind of report is needed for the House. Where there has been no hearing of evidence or few issues to consider, the committee may issue a *pro forma* report with no narrative comment, informing the House that it has no matters to bring to its attention. If narrative is required, the committee needs to give staff clear instructions about the items to cover and the conclusions to be drawn.

### A report is adopted formally

Once a draft narrative report has been circulated, you will have an opportunity to comment on it and suggest changes. The report will then be formally adopted by the committee.

### Report to the House

Unlike reports on bills and inquiries, annual review reports are not printed individually. They are ready for presentation as soon as committee staff have incorporated the committee’s amendments. Once presented, copies of narrative reports are available to members from the Bills Office and are published on the website. The reports are distributed automatically to the
members of the committee. They form a useful basis for the annual review debate in the House. As soon as the last report has been presented, the reports are printed in a compendium. **SO 248, 249**

**Debate in the House**

You may have an opportunity during the annual review debates to debate in the House issues that arose during the select committee annual reviews. The debate on the departmental reviews takes place during the committee of the whole House stage of the Appropriation (Confirmation and Validation) Bill. For the Crown entities, State enterprises, and other public organisations there is a special debate. There is no formal vote on any select committee recommendations and no requirement for the Government to respond to such recommendations. **SOs 343–345**
**Petitions**

*What is a petition?*

**Most petitions seek action on public policy**

Petitions referred to select committees are about either matters of public policy (they often form part of an organised campaign) or a matter of personal grievance where the petitioner had exhausted all other legal remedies. The latter kind are now infrequent compared with those about policy matters.

**Petitions are presented to the House and allocated to committees**

Petitions are addressed to the House and ask it to take some form of action. A petition is presented to the House by a member of Parliament, who first certifies it and checks that it complies with Standing Orders. Presentation by a member does not signify the member’s support for the petition. It simply provides a means by which the petition can be presented on behalf of a constituent or some other person. The Clerk of the House allocates petitions to the most appropriate select committee after they have been presented to the House. The committee is expected to report to the House but there is no deadline for doing so. *SOs 361–371*

**No deadline for report**

**The committee at work**

**Consider priority within committee programme**

Once a petition is referred to a committee, the committee will need to prioritise among the items of business before the committee. A committee should act promptly to seek evidence from the petitioner or advice from relevant agencies, or, if it does not intend to take any action, report to the House accordingly. However, pro-forma reports should be uncommon.

**Submissions to be invited**

If the committee wishes to give detailed consideration to the petition, its first step is likely to be to call for submissions from the petitioner and the public-sector organisation dealing with the petition’s subject. In some cases, committees may wish to invite submissions from other parties.

**Hearing to be scheduled**

Before a hearing, there may be some benefit in releasing the petitioner’s written submission to the public-sector organisation dealing with it (and
releasing its response to the petitioner) to ensure that both parties can make a thorough presentation to the committee at a hearing. This is particularly useful when the request in a petition is very brief. The public-sector organisation may need the petitioner’s submission to be able to respond effectively. In the interests of natural justice, it helps for each party to be present to hear the other. If they are scheduled together this minimises inconvenience.

**Additional assistance available to committees**

During a hearing of evidence, you can question the parties about the issues. This may be enough for the committee to form a view on the matter. If not, the committee may seek advice or assistance. There are statutory provisions for the Ombudsmen and the Parliamentary Commissioner for the Environment to report to a select committee on a petition if so requested. They are rarely used by committees but can be a valuable source of assistance. Section 13(4) of the Ombudsmen Act 1975, section 16(1)(d) of the Environment Act 1986

**Report requirements to be considered**

Once the committee has heard sufficient evidence and obtained any necessary reports, it is ready to decide what recommendations, if any, it wishes to make to the House. There is no prescribed form for a report on a petition. It may simply state that the committee has considered the petition and has no matters to bring to the attention of the House, or it may consist of a substantial narrative report with recommendations to the Government. If a narrative report is required, clear drafting instructions should be given to committee staff.

**Report to the House**

Once a draft has been considered and amended by the committee, it is adopted and reported to the House. If it is a large report, there will be the usual delay for printing before it can be reported. Short reports are more likely to be presented immediately in typescript form. SO 249

**Limited opportunities for debate in the House**

Reports on petitions are not normally set down for debate in the House. Such a report can be set
down as a Member’s order of the day if the Business Committee wishes, but this does not guarantee it will be reached for debate in the House. If you want a debate on a petition report, your first step should be to discuss it with your representative on the Business Committee. If this fails, you could use the general debate (held each Wednesday) to draw the House’s attention to the committee’s report. SO 250(2), 392

*Government response required within 60 days* If the report contains recommendations to the Government, a response must be tabled in the House within 60 working days of the presentation of the committee’s report. SO 252(1)
### International treaties

#### What are international treaties?

A written agreement between the governments of at least two countries that is binding on the parties under international law is called a treaty. New Zealand is party to many treaties on diverse subjects. International treaties, including some that have not been incorporated into New Zealand law by Parliament, are having an increasing influence on domestic law, court decisions, and Government policy. In 1998 Parliament began scrutinising certain proposed New Zealand treaty actions on a trial basis. The procedures have since been incorporated into Standing Orders. In the past, treaties came before the House only if they required implementing legislation for the purposes of domestic law.

#### Treaties are binding on countries

New Zealand is party to many treaties on diverse subjects. International treaties, including some that have not been incorporated into New Zealand law by Parliament, are having an increasing influence on domestic law, court decisions, and Government policy. In 1998 Parliament began scrutinising certain proposed New Zealand treaty actions on a trial basis. The procedures have since been incorporated into Standing Orders. In the past, treaties came before the House only if they required implementing legislation for the purposes of domestic law.

#### Treaties are presented in the House and considered by committees

All treaties the Government is proposing to ratify, or take similar action on, are presented to the House. They are mostly multilateral treaties (involving New Zealand and two or more other countries) but occasionally bilateral (involving only one other country). Bilateral treaties of particular significance may be presented at the Minister’s discretion. Each treaty is accompanied by a national interest analysis, which provides background and explanation. The treaties are referred to the Foreign Affairs, Defence and Trade Committee, which examines the treaties itself if the subject area is primarily within its own terms of reference, or refers them on to more appropriate committees. **SOs 397–400**

#### The committee at work

There is no specified timeframe for reporting to the House on a treaty. However, if the committee has not reported within 15 sitting days of presentation, the Government can move to ratify the treaty. The Government reserves the right to proceed with urgent treaty actions within this period.
Ratification may not be delayed if a committee has not reported

The Government will not necessarily delay ratification of a treaty while it waits for a committee to report. If significantly more time than 15 sitting days is likely to be required, committees should keep in contact with the Government, especially if they see any need to delay ratification.

Consider evidence requirements

A sensible starting point would be to invite the appropriate officials before the committee to give evidence and answer questions about the treaty or the national interest analysis. Committees might want to invite specific interest groups to give evidence, or, if the treaty is one of considerable significance, public submissions could be sought. However, committees may not have any issues they wish to discuss.

A report is adopted formally

A report, appending the national interest analysis and drawing the House’s attention to any matters related to the treaty, is prepared and adopted formally along the same lines as inquiry reports. SO 400

Report procedures are as for inquiries

Procedures for reporting to the House on an international treaty examination and for Government responses are the same as those for an inquiry (see ‘Inquiries’).
### Special functions of committees

#### Additional functions

While standard terms of reference are set out in the Standing Orders for subject committees, some of these committees have additional functions; and there are some specialist committees, which are discussed further in this section.

#### Finance and Expenditure Committee

**Role relating to Estimates and annual reviews**

This is one of the subject committees. Standing Orders give it additional responsibilities relating to Estimates and annual reviews. **SO 332, 336, 337, 341, 344, 345, 347**

**Requirement to report to the House on financial items**

Standing Orders and legislation provide for the Finance and Expenditure Committee to consider and/or report to the House on the following documents:

- Budget policy statement
- economic and fiscal update
- fiscal strategy report
- half-year economic and fiscal update
- statement on long-term fiscal position
- investment statement of the Government
- annual financial statements of the Government
- whole-of-Government directions
- reports of the Controller and Auditor-General.
- Reserve Bank of New Zealand monetary policy statements

**SO 332, 336, 345, 393, 396, section 15 of the Reserve Bank of New Zealand Act 1989**

#### Foreign Affairs, Defence and Trade Committee

**Role in considering treaties or allocating them for examination**

The House refers international treaties to this committee, in addition to its standard work as a subject committee. If the subject area is primarily within its own terms of reference, the committee retains the treaty for examination. If the subject area is primarily within the terms of reference of another committee, it refers it on to the appropriate committee for examination and report to the House as set out in the section headed ‘International treaties’. **SO 397(3), 399, 400**
<table>
<thead>
<tr>
<th>Committee</th>
<th>Responsibilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Government Administration Committee</td>
<td>Reviews civil defence management strategy and plan. This is also a subject select committee, with an additional responsibility in respect of civil defence emergency planning. Any national civil defence emergency management strategy and any proposed civil defence emergency management plan must be presented to the House. They stand referred to the Government Administration Committee. The committee must consider and report to the House on the strategy within 12 sitting days of its presentation. <strong>SO 394, section 39 of the Civil Defence Emergency Management Act 2002</strong></td>
</tr>
<tr>
<td>Considers reports of the Ombudsmen</td>
<td>Reports of the Ombudsmen or an Ombudsman are also referred to the committee to consider. <strong>SO 396</strong></td>
</tr>
<tr>
<td>Local Government and Environment Committee</td>
<td>Considers reports of the Parliamentary Commissioner for the Environment stand referred to the Local Government and Environment Committee. The committee may consider the reports itself or, if a report is primarily within the terms of reference of another select committee, refer the report to that committee for consideration. <strong>SO 396</strong></td>
</tr>
<tr>
<td>Standing Orders Committee</td>
<td>Reviews and makes recommendations for changes to Standing Orders, procedures and practices of the House. The Standing Orders are the permanent rules of the House, which set out the procedures for and conduct relating to Parliamentary business. A Standing Orders Committee is established at the start of every Parliament. The committee may: conduct a review of the Standing Orders, procedures and practices of the House; consider and report to the House on any matter relating to these Standing Orders, procedures, and practices; recommend to the House the amendment, revocation or addition of any Standing Order or the alteration of any procedure or practice of the House. <strong>SO 7, 184(1)(b)</strong></td>
</tr>
<tr>
<td>Standing Orders are</td>
<td>The committee usually undertakes a complete review of the Standing Orders, procedures and practices of the House. They stand referred to the Standing Orders Committee for consideration. <strong>SO 397</strong></td>
</tr>
<tr>
<td>generally reviewed each parliamentary term</td>
<td>review of the Standing Orders, procedures, and practices of the House during the life of a Parliament. This does not prevent it from considering any matter relating to the Standing Orders, and the House may refer to particular matters such as a bill.</td>
</tr>
<tr>
<td>Regulations are made under delegated authority from Parliament</td>
<td>Regulations are sometimes known as ‘delegated legislation’ or ‘subordinate legislation’. They are legal instruments, often of a very technical nature, made under regulation-making powers delegated by Parliament in legislation. Parliament has no initial role in the making of regulations but it has an important scrutiny function. As a legislator, you will often be faced with decisions about how much power Parliament should delegate in this way.</td>
</tr>
</tbody>
</table>
| Functions of the Regulations Review Committee | The Regulations Review Committee is established at the beginning of each Parliament to  
- examine all regulations  
- consider draft regulations referred by Ministers  
- report to select committees on regulation-making powers in the bills before them  
- report to the House on matters relating to regulations. SO 184(1)(b), 318  
- investigate complaints about the operation of regulations |
| Grounds for making a report to the House | The Standing Orders set out the grounds on which the committee might make a report to the House about a regulation. They include undue infringement of personal rights, and extension beyond the intent of the statute. Members of this committee have the very important function of ensuring that regulation-making powers are not abused and that sound principles are maintained in the process. SO 319 |
| Investigation of complaints about regulations | The Regulations Review Committee investigates complaints from the public about the operation of regulations. When a complaint is made, the committee is required to give the complainant an opportunity to address the committee, unless the committee agrees unanimously not to proceed |
The House appoints some officers independent of the Government

An Officer of Parliament holds a statutory position to which he or she is appointed on the recommendation of the House. Officers of Parliament provide a check on behalf of Parliament on the use of power by the Executive. Current Officers of Parliament are the Controller and Auditor-General, the Ombudsmen, and the Parliamentary Commissioner for the Environment. **SO 184(1)(b)**

Functions of the committee

The Officers of Parliament Committee is established at the beginning of each Parliament and is chaired by the Speaker. Its principal purpose is to provide parliamentary control of the funding of Offices of Parliament to ensure their independence from the Government. The committee’s functions are to

- consider and recommend to the House the draft budgets of the offices, and any subsequent alteration to them
- recommend the appointment of auditors
- consider proposals for the creation of new Officers of Parliament
- recommend the appointment of Officers of Parliament
- develop or review codes of practice. **SO 201(3), 395**

The annual reviews of Officers of Parliament are carried out in the normal way by subject select committees.

Privileges Committee

Members of Parliament, and other persons such as officers of the House and witnesses, have certain immunities such as freedom of speech when participating in parliamentary proceedings. These immunities are known as ‘privileges’.

Inquires into matters of privilege referred from the House

A Privileges Committee is established at the beginning of each Parliament. It considers matters of privilege referred to it by the House and reports its findings to the House. This committee is the
only one that can inquire into the personal conduct of members of Parliament or allegations of reprehensible conduct against members of Parliament. **SO 184(1)(b), 401**

| **Proceedings generally conform to other select committee inquiries** | Once a matter of privilege, such as the conduct of a member of Parliament, has been referred to the Privileges Committee, the committee’s proceedings largely conform to those of an inquiry by any other committee. Submissions may be invited, evidence heard, advice received, and a report drafted and presented to the House. |
| **Member making allegations cannot participate** | A member who has made allegations being investigated by the Privileges Committee may not participate in the proceedings of the committee for that item of business. This helps to ensure fairness in proceedings and minimise the risk of bias. **SO 408** |
| **Reports debated in the House and given high priority** | Reports of the Privileges Committee are debated in the House. Such reports are taken very seriously by the House. They are given high priority and considered as part of general business before orders of the day. **SO 66(1), 250(1)(a)** |
## Witnesses and evidence

### Submissions

**Committees seek submissions by advertising and invitation**

To keep in touch with public opinion on items of business such as bills, inquiries, and petitions, submissions may be sought. For most bills and substantial inquiries, this is done by posting a call for submissions on the Parliament website, placing advertisements in newspapers, and writing to individuals and interest groups. You may also wish to draw the item to the attention of people you know to be interested. Before doing so, it pays to check with the committee staff that you have all the necessary details, including the closing date for submissions and how submissions can be made.

**People may make submissions online**

People making submissions are encouraged to do so online via a web form on the website at [www.parliament.nz](http://www.parliament.nz). If this is not possible, submitters can post their submission to the committee secretariat.

When the submissions have been released by the committee, they are published on the website under the relevant item of committee business.

**Guide to making submissions available**

The Office of the Clerk produces a guide entitled *Making a Submission to a Parliamentary Select Committee*. It covers setting out a submission and presenting information, and has been very helpful for people with little experience in lobbying Parliament. It is published in Māori and English and can be found on the Parliament website. (See ‘Further reading’.)

**Submissions are processed before distribution to members of the committee**

Submissions are received and acknowledged by committee staff. It is recorded whether the person or organisation wishes to make a personal appearance before the committee. Generally, electronic copies of the submissions are made available to committee members once the closing date for submissions has passed and before the hearing of evidence.
### Members are assumed to have read a submission before its presentation

Before the hearing, you are assumed to have read the submissions to be presented and to be ready with any questions you may wish to ask. Witnesses are asked to concentrate on the main points they wish to make, and are discouraged from reading their submissions to the committee. If members are familiar with the main points, the committee can move quickly to questioning the witness. Committee staff prepare summaries of issues raised in submissions.

### Chairperson manages the questioning process

During the hearing of evidence, the chairperson is in control of the questioning and witnesses are questioned through the chairperson. In practice, this is not very formal and the chairperson will generally invite members to ask questions at the appropriate time, perhaps after the witness has made introductory comments. Time management is very important during hearings, and the committee needs to take care to avoid disappointing witnesses at the end of a meeting. You should be prepared with questions. **SO 224**

### The House can send for persons, papers, and records

The House has the power to send for persons, papers and records. These powers are not constrained by the Official Information Act 1982 or any statutory secrecy provisions that do not expressly exclude parliamentary access. The Privileges Committee is the only committee to which these powers are delegated by the Standing Orders; but other committees can ask the Speaker to exercise the powers on their behalf, or may be specifically given to them by the House. **SO 197, 401(2)**

### Care is taken to ensure the integrity of the process

Most evidence received by select committees is given willingly, and if a committee requests information or documents they are generally provided without dispute. The powers are a fallback position if a person is unwilling to appear before the committee or to provide the requested papers or records. Care needs to be taken in requesting the Speaker’s assistance if the integrity of the process is to be maintained. The circumstances in which these powers are used are...
generally controversial and therefore likely to arouse public interest. This means the process will be closely scrutinised; and its integrity may depend on its being seen to be fair and reasonable under the circumstances.

<table>
<thead>
<tr>
<th>Ministers may be requested to appear</th>
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<tbody>
<tr>
<td>Committees may request Ministers to appear before them. However, an order of the House would be necessary to enforce such a request to a Minister (or member) who did not attend voluntarily. Furthermore, a Minister may claim that the information a committee requires is confidential State information. In that case an order of the House would be required for it to be provided to a committee. <strong>SR 83/1, 83/5</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Witnesses to be informed they may make a written submission before giving oral evidence, and that they can ask to be heard in private or secret</th>
</tr>
</thead>
<tbody>
<tr>
<td>If a person is asked to appear before a select committee, he or she must be informed of the right to provide a written submission before giving oral evidence. This ensures the person can produce a written statement covering all the items he or she may be asked to discuss at the hearing. The person should also be allowed a reasonable amount of time to prepare such a submission. He or she must also be informed of the right to request a hearing in private or in secret. <strong>SO 215, 220</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Chairperson issues an ‘invitation’ first</th>
</tr>
</thead>
<tbody>
<tr>
<td>The first step in the formal process of calling for persons, papers, and records is for the chairperson, on behalf of the committee, to invite the person concerned to appear, or request that relevant papers and records be produced. This usually achieves the desired result. <strong>SO 195</strong></td>
</tr>
</tbody>
</table>

<table>
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<tr>
<th>It may be possible to negotiate a sensible solution</th>
</tr>
</thead>
<tbody>
<tr>
<td>However, papers produced may be sensitive, and the committee may need to work through issues of confidentiality to achieve the result that best serves the public interest. For instance, the documents can sometimes be modified in some way (such as deleting names), which will satisfy the needs of the committee and the concerns of the documents’ custodian. Private and secret evidence may also offer solutions (see below). Committees have no power to sanction or to issue a summons. <strong>SO 195</strong></td>
</tr>
</tbody>
</table>
Requests must be relevant

The person or information requested must be relevant to the business before the committee. Witnesses can object to answering a question if it is not relevant, and the chairperson is obliged to ensure that questions are relevant. Documents requested must also be relevant. SO 225

Powers not to be used to investigate criminal allegations or the conduct of members

These powers cannot be used to investigate allegations of criminal wrongdoing or the conduct of members of Parliament without the express approval of the House. However, committees are not precluded from inquiring in general into criminal wrongdoing, provided specific allegations against named individuals are not investigated. SO 199, 200

Rarely, a summons may be issued

In the event of the chairperson’s invitation not being successful, Standing Orders provide for a committee to apply to the Speaker for a summons to be served. Because it is coercive, this is a very rare and serious step. If a summons to appear or produce a document is not obeyed, a matter of privilege can be raised. SO 196, 197, 410(s) and 410(t)

Privacy and secrecy can be valuable protections but can also trap the committee

Committees can release written evidence when they choose, and oral evidence is heard in public unless the committee determines otherwise. (See the section below headed ‘Status of proceedings’ for more detail.) At times, however, a committee may not want to release some evidence or may wish to hear evidence in a meeting that is closed, for example because sensitive personal information is involved. Care needs to be taken when deciding to withhold evidence because, while it may alleviate the concerns of witnesses, it can result in a perception that committees are not working in the public interest. The committee might first consider whether it really needs the information in question before agreeing to hear it in conditions of privacy or secrecy; it may not be necessary to receive the particular evidence at all.
| **Decisions on privacy and secrecy bind committee members and witnesses** | Decisions to accord privacy or secrecy bind the committee members, and they may later regret being unable to use the evidence when speaking out on a matter before the committee. Witnesses must be made aware by the committee that they are similarly bound by such decisions. |
| **Private evidence eventually becomes public but secret evidence remains secret** | The difference between private and secret evidence is that private evidence is confidential only until the committee reports to the House. It may then be referred to in debates in the House or anywhere else. Secret evidence remains confidential even after the committee reports (unless the House authorises disclosure) and cannot be referred to in debates in the House or anywhere else. SO 218, 219 |
| **Committee must inform witnesses of right to ask to be heard in private or secret** | Standing Orders expressly provide that a committee must inform witnesses before they give evidence that they may ask to be heard in private or in secret. While staff will inform witnesses of this right, the committee needs to exercise responsibility for this rule. If the chairperson informs witnesses of this right immediately before they start giving evidence, this ensures that the duty is discharged and that witnesses are treated fairly. SO 220(1) |
| **Witness must give reasons for wanting to be heard in private or secret** | If a witness asks to be heard in private or in secret, they must give reasons, and it is then up to the committee to decide whether to grant the request. This decision is taken only with the leave of the committee. If you do not support such a request you can object and ensure the hearing remains public. SO 218, 219(1) |
| **Committee decision must be unanimous** | Once a committee has decided to hear evidence in private, the witness must be informed of the consequences of the decision. The chairperson informs the witness that the evidence will become publicly available when the committee has reported to the House. Witnesses must also be told that if private or secret evidence contains any allegations that may seriously damage someone’s reputation, it may be released to that person. Likewise, if a committee hears or receives secret evidence, the witness must be told that the House |

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retains the power to order the release of such evidence. SO 220(4)

**Natural justice**

**procedures protect witnesses**

Standing Orders include natural justice procedures to afford witnesses protection, particularly of their personal reputation. (Witnesses’ rights to be informed that they may provide a written submission before giving oral evidence and that they may ask to give evidence in private or secret are discussed above. In the section headed ‘Inquiries’ the need to inform a person of any adverse findings against them is covered.)

**Those against whom allegations are made are treated fairly**

The main emphasis of the natural justice provisions is to ensure that allegations that may seriously damage a person’s reputation are dealt with fairly, and that the person concerned has a reasonable opportunity to respond. They also provide witnesses with other reasonable protections. A number of Standing Orders set out the procedures to be followed. The Office of the Clerk produces a guide, *Natural Justice before Select Committees*, for the assistance of witnesses and other affected persons (see ‘Further reading’).

**Reasonable protections for witnesses**

**Witnesses pressed to provide information can suffer personal consequences**

When issues involving allegations arise, the consequences of pressing the matter too far need to be thought through carefully. In 1991 a committee insisted that a witness give specific details about an employer to back up a general statement. Publicity followed and the witness lost his job shortly afterwards. While this matter was referred to the Privileges Committee, it nevertheless illustrates that witnesses may suffer personal consequences if pressed to provide information they are reluctant to give or that may amount to an allegation. A committee must consider whether, in each case, it really needs the information. *Report of the Privileges Committee, I. 15, 1992*

**Material containing allegations can be returned or expunged**

If a committee receives or hears any evidence or advice that contains allegations that may seriously damage a person’s reputation, it must first
Subject of allegations has opportunity to respond

Consider whether the allegations are relevant or essential to its consideration of the item of business. If not, the material can be returned to the author and resubmitted without the offending content, or be expunged from the record.

Otherwise, the person whose reputation may be damaged must be informed of the allegations and given the opportunity to respond to them. The committee may consider hearing such evidence in private. **SO 216, 234, 235, 236, 237, 238**

Hearing allegations in private or secret need not exclude the subject of the allegations

If a committee decides to hear such evidence in private or in secret, the person about whom the allegations are being made can be invited to attend. Under these circumstances, the committee should ensure that everyone concerned understands the constraints associated with private or secret evidence set out in the section headed ‘Status of proceedings’. **SO 234**

People may request information about themselves held by a committee if it may contain allegations

A person may ask a committee for any personal information that it holds about that person (except secret evidence) if he or she believes it may seriously damage his or her reputation. The material must be provided if the committee agrees that such damage may occur. The person will then be given an opportunity to respond. **SO 234**

Witnesses may be accompanied by counsel

Witnesses have the right to be accompanied by counsel when they appear before a committee. This is increasingly common when witnesses feel their reputation may be at risk. Counsel may address the committee only on procedural issues affecting the witness, and ask that further evidence that may be in their client’s interests be called if serious damage to reputation is at issue. **SO 228**

Counsel may not address substantive issues or make the submission on behalf of the witness. **SO 228**

You may be disqualified from specific proceedings for apparent bias

If you have expressed a concluded view about a person’s conduct or involvement in criminal activity you can be excluded from committee proceedings dealing with the matter. A witness or any member of Parliament may lodge a complaint of apparent bias with the chairperson, who then
decides whether you should be disqualified. If you are unhappy about such a decision, you have the right to appeal to the Speaker. **SO 232, 233**

*A witness may object to answering a question*

The right to object to answering a question is one of the natural justice provisions. An objection may be made on the grounds of relevance, in which case the chairperson will need to rule on the relevance of the question. A witness can also object to answering a relevant question, but must give reasons for the objection. Under these circumstances, the committee may consider in private whether or not to pursue an answer. A simple refusal to answer an individual member’s question is not a contempt. **SO 225(2), 226**

*Continued refusal to answer can be raised as a matter of privilege*

If the committee resolves to insist on an answer, the question is repeated to the witness by the chairperson. If a response is still not forthcoming, it can be raised as a matter of privilege. However, it is preferable if a solution, such as hearing the answer in private, can be found within the committee. The committee itself cannot compel the witness to answer. **SO 227, 410(v)**

**Witnesses’ expenses**

Witnesses meet their own expenses because they want to influence the outcome of the work before the committee. Therefore, they meet their own expenses, even if they need to travel some distance to attend a meeting. Standing Orders expressly provide that expenses will not be paid out of public funds and that no assurance of the payment of expenses can be given to a witness. If the cost of attendance becomes an issue, the committee can consider hearing evidence by videoconference or teleconference. **SO 229**

*Committee to decide whether to seek Speaker’s approval of expenses*

If you believe your committee needs to hear from a particular witness, such as an expert witness, who cannot meet his or her own expenses, you will need to discuss this with the committee first so that a submission can be made to the Speaker. This will occasionally be necessary, but the costs can be considerable and setting up a videoconference or teleconference may be
considered as an alternative.

**Recording of evidence**

<table>
<thead>
<tr>
<th>Hearing of evidence not routinely transcribed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hearings of evidence are not routinely recorded and transcribed. While this means there is no record of oral evidence, it keeps proceedings relatively informal and encourages an openness that might be hampered if the evidence were being recorded. Generally, a hearing of evidence is transcribed only in special circumstances.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>One hour of evidence takes six hours to transcribe</th>
</tr>
</thead>
<tbody>
<tr>
<td>One hour of evidence takes six hours to transcribe. You may wish to bear this in mind when weighing up the need for a transcript of evidence.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Committee resolution required to record and transcribe evidence</th>
</tr>
</thead>
<tbody>
<tr>
<td>If a recording and transcription are required, a resolution to that effect is needed before committee staff can make the necessary arrangements with the <em>Hansard</em> transcribers.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Witnesses can correct errors of transcription</th>
</tr>
</thead>
<tbody>
<tr>
<td>Before a transcript of the recording can be adopted by a committee as a fair and accurate record of proceedings, the witnesses concerned must be given reasonable opportunity to correct any errors of transcription. This does not mean they can change the substance of what they said. Similar editing principles to those used for <em>Hansard</em> reports of debates in the House are applied.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Evidence is not normally given under oath but if it is, it will be subject to perjury laws</th>
</tr>
</thead>
<tbody>
<tr>
<td>Most evidence is given willingly and in good faith. All witnesses are obliged to tell the truth and deliberate failure to do so may be considered contempt of the House. However, if a committee is particularly concerned that a witness needs encouragement to be truthful, the committee can require him or her to give evidence under oath or affirmation, which is administered by the clerk of the committee. Such evidence is subject to the laws of perjury, and evidence of the commission of perjury can lead to criminal prosecution.</td>
</tr>
</tbody>
</table>

SO 231(1), 231(2)

SO 230, 410(b)
Status of proceedings

Status of submissions

The committee decides when to release written submissions

Submissions are confidential to the committee until the committee decides to release them. General practice has been to release written submissions (those not seeking a hearing) when the committee starts hearing submissions. SO 217(1)

Oral submissions are released when they are heard

The written component of oral submissions is released at the time the submission is heard, although the committee can decide to release this material and the written submissions earlier. Witnesses can release their submissions themselves before appearing before the committee. However, they may find that doing so reduces the impact of their appearance before the committee. Furthermore, witnesses releasing their own submissions will not have the protection of parliamentary privilege if the submission contains defamatory material. SO 217(2), 217(3)

Submissions may contain sensitive personal information

In submissions on some items of business, people may provide sensitive personal information without realising that submissions are released publicly. Committee staff will look out for such material, and may advise a committee to consider receiving it in private or returning it. SO 216, 218

Evidence is heard in public

Evidence is heard in public session unless the committee determines otherwise. The media and members of the public may attend, and the written component of an oral submission is released at the time it is presented if the committee has not already released it. On some high-profile issues, television crews seek to film proceedings. There may also be requests for still photography. Such permission is generally given by the committee, although committees can restrict the movement of camera crews and photographers around a committee room. SO 222
### Private and secret evidence

If a committee decides by leave to hear evidence in private or secret, it is at the committee’s discretion whether anyone else may be present. For instance, if the evidence involves allegations about a person, the committee might consider it fair to allow that person to be present. Anyone who is present, whether or not a member of the committee, is bound by the decision regarding the privacy or secrecy of the hearing; and failure to respect it could lead to their being found to be in contempt of the House. The chairperson should make this clear to any person permitted to remain present in these circumstances. **SO 218(2), 219(2), 410(q)**

### Written evidence may be received in private or in secret

Written evidence may also be received in private or secret with the leave of the committee. Private evidence is confidential to the committee until the item of business is reported to the House, while secret evidence remains secret after the report.

### Secret evidence is in the custody of the Clerk of the House

If evidence is declared secret, it is delivered into the custody of the Clerk of the House. Committee members surrender any hard copies of it to the clerk of the committee for destruction. A committee cannot overturn its own secrecy order after it has reported to the House. If it wishes to remove the secrecy bar, it must report to the House seeking an order of the House for disclosure. This would be a serious move because, in effect, it would break a promise given to the witness. It should therefore be made only in exceptional circumstances. **SO 219(3)**

### Consideration and deliberation

The only time committee proceedings are open to the public is during the hearing of evidence. Likewise the only written proceedings that may be publicly released are submissions (evidence). As a general rule all other proceedings are closed to the public and remain confidential to the committee until a report is presented to the House. Standing Orders allow the release of some proceedings in limited circumstances; this slight relaxation does
not apply to reports yet to be presented to the House, or substantive issues still before the committee. On occasion you may wish to release an adviser’s report in order to generate public discussion, but Standing Orders do not allow this. The premature release of substantive committee proceedings still before a committee is an action that may be treated by the House as contempt.

SO 239, 410(q)

Confidential proceedings can be released to specific persons to assist the committee

If you believe a committee needs to release a report to generate further discussion before reaching a conclusion, two mechanisms may be used. First, proceedings can be made available by the committee to a specific person for the purposes of assisting the committee. Under these circumstances, that person would be expected to respect the confidential status of the material. Secondly, the committee may make an interim report to the House in which issues are brought to public attention, and the committee can then seek further public input. SO 242(2), 243

An interim report can allow the release of confidential proceedings

Members can attend meetings of committees to which they do not belong

Despite the confidentiality of this part of a committee’s proceedings, other members of Parliament who do not belong to the particular committee may attend. If you wish to sit in on another committee’s meeting, except for the Privileges Committee’s deliberations, you are entitled to do so; but active participation is subject to the leave of the committee and you cannot vote.

SO 210

Press statements

Chairperson can make a press statement about business before the committee without disclosing proceedings

Apart from the above rules about release of committee proceedings, there is limited provision for informing the public of a committee’s business. With the agreement of the committee, the chairperson may make a press statement about the committee’s consideration of a particular matter. This allows the public to know the nature of the particular item of business and the process that might be followed. However, it is not intended that confidential advice or the conclusions the committee might be forming be released. Such information is appropriately
reported to the House, at which time it becomes public. **SO 242(1)**

**Any member can make public statements after a report to the House**

Once a report has been made to the House, all proceedings (except secret evidence) become publicly available. Members are then free to issue press releases or hold press conferences about the report and how the conclusions were reached. This helps to bring the report to public attention and to publicise the work of select committees. **SO 239(1)**

**Parliamentary privilege**

The rules about the status of proceedings and premature disclosure of confidential proceedings include sanctions. The release of committee proceedings contrary to Standing Orders may be considered a contempt of the House. As such, it may entail serious consequences for anyone involved, and may lead to an investigation by the Privileges Committee. If the Privileges Committee finds that a breach of privilege has occurred, it can recommend to the House a suitable penalty. While the House has the power to imprison, the penalty for a member of Parliament is more likely to range from censure to suspension from the House for a period. **SO 410(q)**

**Possible sanctions for release of confidential proceedings**

If a matter of privilege is to be referred to the Privileges Committee, it must first be the subject of a complaint from a member of Parliament to the Speaker. If you wish to raise such a matter, it must be done at the earliest opportunity, and before the next sitting of the House. **SO 402**

**Matters of privilege must be raised at the earliest opportunity and before the House next sits**

If the complaint relates to select committee proceedings, you should raise it first at the next meeting of the committee. If the committee decides not to take the matter further, you can still raise your complaint with the Speaker, as long as you do so before the commencement of the sitting of the House on the day after the committee meeting takes place. **SO 402(2)**

**Complaints about committee proceedings should be raised at the next committee meeting**
After report to the House

Once an item of business has been reported to the House, all proceedings relating to that item are released and become publicly available. The only exception is secret evidence. All private evidence, advisers’ reports, and documents tabled relating to that item are available for the public to examine. Members may nevertheless wish to be cautious with private evidence and, given its sensitivity, avoid drawing particular attention to it. Copies of papers related to items of business reported to the House are published on the Parliament website. Members of the public who cannot access the website should contact the Parliamentary Library about access to committee proceedings. **SO 239**
# Role and responsibility of chairperson

**Duties**

<table>
<thead>
<tr>
<th>Chairperson rules on procedure</th>
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<tbody>
<tr>
<td>The chairperson of a select committee is responsible for chairing committee meetings and ruling on procedural issues and matters involving the relevance of questions or amendments. Procedural issues extend to dealing with disorder on the part of members or the public, and where members will sit during meetings if this is in dispute. In carrying out this duty, the chairperson relies on the Standing Orders for the basis of rulings, and may find <em>Speakers' Rulings</em> useful for further guidance. A committee can obtain procedural advice from the clerk of the committee or the Clerk of the House to resolve a procedural issue. Once the chairperson has ruled, the ruling cannot be challenged in the committee. SO 2, 204, SR 85/1, 88/1</td>
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<tr>
<th>Chairperson can be asked questions in the House</th>
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<tr>
<td>On occasions, the chairperson will be required to answer oral questions in the House on committee business. These questions are on notice in the same form as those asked of Ministers and come at the end of questions to Ministers. They are uncommon, and often relate to a particular item of business of interest to the member asking the question. The clerk of the committee contacts the chairperson about the question and discusses a possible reply. Background information will also be supplied by the clerk of the committee to assist with any supplementary questions. Care needs to be taken that confidential committee proceedings are not disclosed in answering such questions. SO 379, SR 149/4, 149/6</td>
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<tr>
<th>Chairperson has some executive authority</th>
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<tr>
<td>Standing Orders confer some executive authority on chairpersons. Otherwise there are few occasions when the chairperson has the authority to act on behalf of the committee. The chairperson can do the following:</td>
</tr>
<tr>
<td>• set a meeting (in Wellington only) and agenda in the absence of a committee decision SO 190(2), 194</td>
</tr>
</tbody>
</table>
• make a public statement on the nature of the committee’s consideration of a matter, subject to the committee’s consent SO 242(1)
• sign committee reports SO 247, SR 92/3
• speak first in the House when a report is debated SO 251(1)
• request, on behalf of the committee, the appearance of witnesses or the production of papers SO 195
• order the withdrawal of disorderly visitors, including members of Parliament who are not members of the committee SO 214
• decide whether a member should be disqualified from participation in proceedings because of apparent bias SO 233(3)
• rule on the relevance of questions to witnesses. SO 225

Meeting management

Chairperson should monitor progress against the committee’s programme
The chairperson should ensure that the agenda meets the committee’s needs and that the programme of business is kept up to date. Leadership skills may be needed when a committee is working through a large amount of business. Additional time given to one item of business may reduce the time that can be spent on another; so the chairperson will need to oversee progress, and alert members when the programme may need adjustment to ensure reporting deadlines are met.

Chairperson cannot cancel a meeting unless he or she set that meeting
The chairperson can cancel a meeting he or she has set, but not one that the committee has set. A meeting set by the committee can be cancelled only with the agreement of all of the committee’s permanent members. SR 81/5

Requirement for notice of a meeting can be waived by leave
When a meeting has lapsed or been adjourned for lack of a quorum, all the members expected to participate in that meeting can agree to waive the requirement for a day’s notice of a meeting. The meeting can then proceed. SO 205(2)

Conduct of hearings

Chairperson directs
The chairperson is in control of the hearing of
proceedings with the approval of the committee

Consider forum-style hearings for large numbers of witnesses with similar views

Chairperson to ensure principles of natural justice are followed

Witnesses to be informed of right to ask to be heard in private or secret

Witnesses to be informed of right to make written submissions

evidence and directs the proceedings, subject to the approval of the committee. To ensure hearings run smoothly, a chairperson normally discusses how he or she proposes to conduct the hearing before the meeting is opened to the public. **SO 224**

Some witnesses come away from hearings feeling they had too little time to get their views across; the committee will need to consider this along with the need to meet reporting deadlines. Where large numbers of witnesses are representing similar views, an option is hearing evidence in ‘forum’ style, where the committee discusses the issues with a group of witnesses. This is often a better use of time and the witnesses themselves may be more satisfied with their contribution.

The chairperson has a significant responsibility to ensure that the principles of natural justice are followed when witnesses are being heard. These principles are discussed in the section headed ‘Witnesses and evidence’.

The Standing Orders confer upon committees specific responsibilities to inform witnesses of certain rights. While committee staff make every effort to ensure witnesses are aware of these rights, this does not absolve the committee of responsibility, and the chairperson should take some initiative here. In particular, all witnesses appearing before the committee should be informed that they may ask to be heard in private or secret. If the committee agrees to such a request, the witness must then be told what may become of the evidence. **SO 220**

Another committee responsibility is to ensure witnesses are given reasonable opportunity to make written submissions. While this is part of normal procedure, it may be less likely to happen if a person is requested to appear before the committee at the chairperson’s invitation. The chairperson will need to ensure the person is aware of the right to make a written submission in addition to appearing before the committee. **SO 215**
Consideration

Chairperson to ensure strangers are not present during consideration
Once evidence has been heard on an item of business, the committee goes into a closed session called ‘consideration’. At this stage, chairpersons must ensure there are no ‘strangers’ (media or public) present.

Committees have some discretion to admit strangers
If leave is given there is some discretion to allow strangers to be present at this stage, even if they have no role in the proceedings such as advising or assisting the committee. SO 211, 212, 242(2)

Chairperson ensures clear drafting instructions are given to committee staff and parliamentary counsel
Consideration can be divided roughly into two phases. In the first the issues are considered and broad understandings are reached about the committee’s position on the issues, and what further information is needed. It is important for the chairperson to work through this process carefully to make sure everything is covered. The committee staff can begin drafting the committee’s narrative report and, in the case of a bill, parliamentary counsel can get on with drafting the committee’s amendments. It is important that clear directions are given at this point to ensure that the committee has a useful draft report to work on.

The committee may agree to include minority views
At this stage, the chairperson can ask if any members may seek to have minority views included in a report. The committee determines whether these views are included. However, there is a strong presumption that differing views will be reflected in reports. Minority views should be excluded only as a last resort if they are misleading or intemperate, and efforts to reach a compromise have failed.

Issues of principle should have been settled before the committee fine tunes its report
In the second phase of consideration proposed amendments to a bill or draft narrative report are considered by the committee. At this stage, the chairperson will need to keep the focus on the fine tuning of the committee’s work. Issues of principle should be revisited only with the broad agreement of the committee. The committee is then ready to deliberate.
Deliberation

Until this point, no formal decisions have been taken by the committee; but agreement has generally been reached through the informal consideration process on the shape of the legislation or report to be presented to the House. Members should already know how the numbers will stack up when a formal vote (deliberation) is taken. **SR 90/5**

Notice of deliberation must be given

The chairperson should ensure that notice has been given to members that deliberation may take place at a particular meeting. In the absence of a committee decision, the chairperson can decide to give notice of deliberation. If notice has not been given, deliberation can occur only by leave. Notice is normally given by stating ‘deliberation’ under the item of business in the notice of meeting circulated by committee staff a few days before the meeting. **SO 205**

A majority decision is recorded only if a member asks for a vote to be recorded in the minutes

Committee staff prepare guidance on the deliberation process for chairpersons to work through when deliberating on an item of business. Motions or amendments may be moved by any member and the chairperson then puts the question as follows:

- The question is that the motion or amendment be agreed to.
- Those in favour say ‘aye’, to the contrary ‘no’, etc.

If it appears that the vote has been won on the voices, the chairperson declares ‘The ayes have it’, and a resolution will appear as a unanimous resolution in the committee’s minutes.

Where a member asks to have their vote recorded, they must do so before deliberation begins. The clerk of the committee will record members’ votes, including abstentions. These will be noted in the minutes and any recommended amendments to a bill will be noted as majority amendments in the version reported to the House. The chairperson can assist the committee by ensuring this procedure is clearly understood by all members.
Members who disagree with particular amendments will probably want to have their disagreement recorded, and to ensure that the lack of agreement is brought to the attention of the House. **SO 213, 292(4), 298(1)**

**Chairperson declares a tied vote lost**

The chairperson has no casting vote, and any vote that is tied must be declared lost except when putting the question on a clause standing part of a bill. Under those circumstances, a tie means the clause is retained. **SO 153, 305(1)**

**Once a committee has deliberated, the decision cannot be revisited**

Once a question has been decided, it cannot be revisited, so particular care needs to be taken by the chairperson when working through a deliberation. Some flexibility is permissible by leave of the committee if it appears during deliberation that there is good reason to go back. However, once deliberation has been completed, the report must be presented as agreed by the committee during deliberation and without further consideration of the matter unless authorised by the House. **SR 92/2**

**Absence of chairperson**

After the election of the chairperson, a deputy chairperson is appointed. The deputy chairperson performs the duties and exercises the authority of the chairperson if the latter is overseas or unable to attend a particular meeting. If the chairperson cannot attend a meeting but is in New Zealand, the responsibility is devolved to the deputy only for the duration of the meeting. Chairpersons who are planning to travel overseas must appreciate that during their absence the deputy takes on full responsibility. A good working relationship between the two, who may be from different parties, is essential for the smooth running of the committee. **SO 202**

**Deputy takes over if chairperson is absent**

If both are absent, the committee elects an acting chairperson

If the chairperson and the deputy are both absent at the beginning of a meeting, the clerk of the committee will preside over the election of an acting chairperson, who may perform the duties and exercise the authority of the chairperson for the duration of the meeting. **SO 202(2)**
Any member may substitute during a temporary absence from a meeting.

At a committee meeting, the chairperson or deputy chairperson can ask any member of the committee to perform the chair’s duties and exercise authority during a temporary absence. **SO 202(3)**

A deputy chairperson can answer questions in the House about committee business only if the chairperson is overseas.

On occasions the chairperson will be required to answer oral questions in the House on committee business. If the chairperson is absent, the deputy chairperson can answer the question on behalf of the chairperson but only if the chairperson is out of the country.

If the chairperson is in the country, then the question can either be withdrawn by the member posing the question or held over until the chairperson can be present to answer it. **SO 207**
Further reading

This guide, while presenting a comprehensive summary of procedural issues to help members of Parliament with select committee work, is by no means exhaustive. Set out below are further publications that will assist you in your work as a member of a select committee.


This report sets out ways in which the Office of the Auditor-General can assist select committees with Estimates, financial reviews, and inquiries. The code is subject to review by the Officers of Parliament Committee and may be replaced during a Parliament.


This report sets out ways in which the Parliamentary Commissioner for the Environment can assist select committees with inquiries. The code is subject to review by the Officers of Parliament Committee and may be replaced during a Parliament.


This provides guidance on House procedures for members of Parliament.


This book provides detailed guidance on parliamentary procedure and practice. It also provides some theoretical background to aspects of Parliament, which will help members of Parliament learn about constitutional principles.


This booklet provides guidance for people wishing to make a complaint about regulations. It also provides background information about regulations and the parliamentary processes associated with them. Copies are available free of charge from the Office of the Clerk.
Making a Submission to a Parliamentary Select Committee, Office of the Clerk of the House of Representatives. [www.parliament.nz](http://www.parliament.nz)

This booklet provides guidance for people making submissions to a select committee. It is particularly useful for those who are not experienced at preparing written material for committees. Copies are available free of charge from the Office of the Clerk.

Natural Justice Before Select Committees, Office of the Clerk of the House of Representatives. [www.parliament.nz](http://www.parliament.nz)

This guide informs people about their rights in relation to select committee proceedings, especially regarding any allegations made about them. It is available for download from the Parliament website.


These guidelines cover the principles of the relationship between public officials and select committees; officials as witnesses and advisers; attendance by Ministers at select committees; and attendance by an official in a private capacity. Officials giving advice or evidence to select committees are expected to be familiar with these guidelines. The guidelines can also help members of Parliament understand the role of officials.


This is a series of fact-sheets about Parliament. Copies are available free of charge from the Office of the Clerk.

Petitioning the House of Representatives, Office of the Clerk of the House of Representatives. [www.parliament.nz](http://www.parliament.nz)

This booklet explains the process of petitioning the House and what happens to a petition. Copies are available free of charge from the Office of the Clerk.


This sets out processes for engaging specialist advisers for select committees.


This report contains the substantial recommended amendments to the Standing Orders that resulted in new Standing Orders coming into force in 1996. A lengthy narrative helps to explain the changes.

Further adjustments were made to the Standing Orders at the end of 2003 as a result of this report.


The introduction of the Public Finance Amendment Act 2004 and the Crown Entities Act 2004 necessitated a number of changes to the Standing Orders on financial procedures.


Further adjustments were made to the Standing Orders at the end of the 48th Parliament as a result of this report.


Further adjustments were made to the Standing Orders at the end of the 49th Parliament as a result of this report.


Standing Orders are interpreted and applied by the Speaker. Many problems of interpretation and application of Standing Orders have arisen in the past, and the Speaker at the time may have ruled on them. The important rulings that are still current are published to help interpret Standing Orders. While some rulings may date back to the 19th century, they can still provide useful guidance. This publication also includes excerpts from Standing Orders Committee reports indicating how a rule is intended to be applied.


Every member’s essential rule book.


This booklet provides guidance for public servants who are appointed to act as advisers on bills before committees.