



The Role of Select Committees in Lawmaking

Legislation Advisory Committee
Seminar

5 / 6 July 2006

Before a bill gets to a committee

- Committee clerk appreciates early warning of bills coming
- First reading speech must foreshadow:
 - Committee proposed
 - Any special instructions for the committee (SO 284(1))
- Minister must provide written notice of instruction (SO 284(2))

Public service advisers

- Committee appoints one or more departments as advisers
- The Government speaks with one voice
- Possibility of independent advisers
- Public service advisers represent the Minister
- Public service advisers do not provide political advice
- Minister can attend to give political perspective (SO 211(2))
- Duty to act in good faith
- Parliament is not an impediment to lawmaking

Departmental advisers' role

- Initial briefing
- Attend hearings of evidence - may involve travel at departmental expense
- Analyse submissions
- Produce departmental reports
- Discuss reports with the committee

Difference between evidence and advice

- Advice from departmental advisers is private
- Evidence (from witnesses) is heard in public
- Always clarify if in doubt



Contempt of the House

- Be aware of possible contempts
- Never mislead a committee
- Never release confidential committee proceedings



Role of committee staff

- Clerk of committee is main contact
- Clerk
 - manages the programme
 - prepares meeting papers
 - advises on procedure
 - records committee amendments to bills
- Committee staff draft committee reports
- Committee staff work for the Clerk of the House, not the Government

Committee process for bills

- Usually 6 months to report
- Early notice needed if deadline needs changing
- About 6 weeks for submissions
- Hearing oral submissions



Committee process (cont'd)

‘Consideration’

- Committee works through departmental report
- Decisions on departmental recommendations
- Possible alternatives considered
- Usually more departmental reports sought
- Sometimes inter-party negotiations before agreements reached on amendments
- ‘Scope’ of amendments should be discussed with committee clerk
- Parliamentary Counsel asked to draft agreed amendments
- Contents of commentary discussed

Committee process (cont'd)

‘Deliberation’

- Formal process of adopting amendments and commentary
- Members may move amendments
- Advisers do not normally participate at this stage

Report

- A few days’ delay for printing and proofreading
- Report presented (commentary + bill reprinted with amendments shown)
- Majority amendments identified
- All proceedings become publicly available

Second reading

- All majority amendments adopted or rejected by a single vote at end of debate
- Unanimous amendments adopted at time of vote on second reading



Resources

- Working with Select Committees
- Public Servants and Select Committees - Guidelines
www.ssc.govt.nz
- Effective Select Committee Membership
- Standing Orders of the House of Representatives