

Officers of Parliament – the New Zealand model

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Introduction

There is no statutory definition or convention of what is an officer of Parliament, yet such officers represent an important part of Parliament's oversight and decision-making responsibilities. The status of officer of Parliament is attached on an individual basis to particular positions as they are established and has been so throughout the history of officers of Parliament in New Zealand. In 1962 the first officer of Parliament to be expressly created as such by statute was the Ombudsman.¹ The person fulfilling this role was known as a commissioner for complaints. A second officer of Parliament, the Wanganui Computer Centre Privacy Commissioner was appointed in 1976 and abolished in 1993. A third, the Parliamentary Commissioner for the Environment, was created on 1 January 1987. The Controller and Auditor-General, whose position is older than any of these, was not a statutory officer of Parliament until the passing of the Public Audit Act 2001, although this position was previously considered to have a similar relationship to Parliament.

Before 1989 an officer of Parliament's powers, duties and functions were not specifically defined. Some common rules governed the relationship between an Officer and Parliament and the funding arrangements for the Officers; but the powers, duties and functions of the officers were determined by the individual statutory provisions that applied to each position.

In an inquiry carried out in 1989, the Finance and Expenditure Committee set five criteria for creating an officer of Parliament:

1. An officer of Parliament must be created only to provide a check on the arbitrary use of power by the Executive.

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¹ Parliamentary Commissioner (Ombudsman) Act 1962 s.2(1)

2. An officer of Parliament must discharge only functions which the House itself, if it so wished, might carry out.
3. An officer of Parliament should be created only rarely.
4. The House should from time to time review the appropriateness of each Officer of Parliament's status.
5. Each Officer of Parliament should be created in separate legislation principally devoted to that position.

The committee recommended that Cabinet adopt an instruction requiring consultation with the parliamentary select committee on officers of Parliament (Officers of Parliament Committee) before approving the drafting of any legislation that includes the creation of an officer of Parliament. These recommendations were endorsed by the Government of the day. The Officers of Parliament Committee was established by Standing Orders² and was specifically empowered to consider any proposal referred to it for the creation of an officer of Parliament — a provision to allow adaptation to new issues.³

These functional changes were made because it was recognised that the status of officer of Parliament should be conferred after due deliberation. This scrutiny was designed to ensure that it would be subject to the conditions appropriate to an arm of the legislative branch of the State, outside the public service and not subject to ministerial control.

The Officers of Parliament Committee vigilantly preserves the status of the officers of Parliament. Some industries have attempted to develop 'ombudsmen' similar in standing to the officers of Parliament. These proposals have included ombudsmen for insurance, electricity and banking industries. Two, the insurance and banking ombudsmen have become an integral part of their industries' operation but neither has been sanctioned by Parliament.

New Zealand's parliamentary system was changed in 1996, when Mixed Member Proportional (MMP) replaced the First Past the Post (FPP) system. Arguably, under MMP, the work of officers of Parliament has received more scrutiny than in the past; a multi-party MMP minority Government managing alliances and coalitions between two or more parties has more difficulty controlling the select committees than under FPP when only two major parties were in Parliament.

Officers of Parliament Committee

An important development towards a common parliamentary approach to officers of Parliament was the creation in 1989 of a select committee with a particular responsibility for the oversight of officers of Parliament. Initially, its terms of

² SO 346(1) (1992)

³ SO 346(2)(e) (1992)

reference restricted the committee to examining the estimates of expenditure for officers of Parliament on referral from the Finance and Expenditure Committee. Since changes to the appropriation procedures introduced later that year, reviews of performance for officers of Parliament could also be referred to the committee.

Since 1992 the committee is a permanent feature of the House which the House sets up at the commencement of each Parliament. Permanent members of the committee have full rights to consider and deliberate (vote) on any matters referred or brought forward to the committee.

Under the MMP representation system in place, the overall membership of select committees must, so far as reasonably practical, be proportional to party membership in the House.⁴ However, in recognition of the special role of this committee, membership of the Officers of Parliament Committee is open to all political parties represented in Parliament. Proportionality determines the number of members each party may have on the committee. In the 47th Parliament, the committee had ten members representing six of the eight parties in Parliament. Two parties, which had two or fewer members in Parliament, chose not to be represented on the committee.

A party that chooses not to be permanently represented on the committee may, if it has a particular interest in an item of business before the committee, seek approval of the Business Committee for representation on the committee for the duration of that item. If approved, such representation allows the party to put forward its views for consideration, but without any right to vote.

The Speaker chairs the Officers of Parliament Committee *ex officio*.⁵ (It is interesting to note that the Speaker is also the Responsible Minister for the officers of Parliament⁶ — so the Speaker is the “operational” person to whom the officers’ report to within the House.)

Roles and functions

Since 1989 the roles and functions of the Officers of Parliament Committee have effectively remained constant regarding bids for estimates of appropriations, appointment of auditors, creation of an officer of Parliament, and developing and reviewing codes of practice. A significant change occurred in 1992 when, under new Standing Orders wider functions were provided for the review of estimates for votes and financial reviews, and consideration of offices of Parliament annual reports. However, the 1996 review of Standing Orders restricted the role and

⁴ SO 185(2) (2004)

⁵ SO 201(3)

⁶ Public Finance Act 1989, s.2

functions of the committee to those of the first committee. These roles and functions have remained until the 2005 *Review of Standing Orders*.⁷

The following table depicts the changing roles and functions of the Officers of Parliament Committee from 1989 to 2005.

Role or Function	Standing Orders				
	1989	1992	1996	2003	2005
Bids for estimates of expenditure	√	√	√	√	√
Considering creation of an officer of Parliament	√	√	√	√	√
Appointing auditors for offices of Parliament	X	√	√	√	√
Developing codes of practice	X	√	√	√	√
Reviewing Votes and financial review	X	√	X	X	X
Appointing persons as officers of Parliament	X	X	X	√	√
Considering annual reports	X	√	X	X	X
Other matters referred by House	X	X	X	√	X
Considering officers operating intentions	X	X	X	X	√
Considering draft regulations and instructions relating to reporting standards	X	X	X	X	√

The 2005 report of the Standing Orders Committee on the *Review of Standing Orders* noted that the Public Finance Act 1989 requires that each officer of Parliament consult with the Speaker and the House regarding its future operating intentions.⁸ The report recommended that the Speaker refer any draft information about an officer of Parliament's operating plans required by the Public Finance Act 1989 to the Officers of Parliament Committee for consideration.⁹ The committee would then communicate its views directly to the officer. Similarly, the report noted that under the Public Finance Act 1989 the Minister of Finance is required to submit to the Speaker any draft regulations or instructions regarding the minimum requirements for the publication of information required by each officer of Parliament, including the standards for non-financial reporting. The report recommended that the Speaker refer any draft regulations or instructions to the Officers of Parliament Committee for consultation, so that the committee could seek comment from the subject select committees that review the performance of the officers and communicate their views, along with its own, directly to the Minister.

⁷ Report of the Standing Orders Committee, I.18C, June 2005, p. 9.

⁸ *ibid.*

⁹ *ibid.*

The recommendations of the Standing Orders Committee were adopted by the House on 2 August 2005.¹⁰

The 2005 changes to Standing Orders reflect a significant shift in the functions of the Officers of Parliament Committee in allowing the committee to comment on and influence the future operating intentions of an officer.

Quality and independence

The Officers of Parliament Committee's role is expressly to provide parliamentary control of the funding of the officers of Parliament – to protect each office's independence from political influence. The committee oversees the management of the offices headed by officers of Parliament, and the development of a code of practice applicable to all offices of Parliament.¹¹

A code of practice provides guidance for managing the relationship between officers of Parliament and the House. It does not restrict an officer of Parliament's right to scrutinise a Government's action; but codifies the practices by which officers of Parliament can interact with the House, with select committees and with its members. Thus it preserves an officer of Parliament's independence and ability to react separately from the Officers of Parliament Committee.

The committee also makes recommendations to the House on the appointment of officers. The committee does not have the power to complete financial reviews of offices of Parliament, or any inquiry function.

Appropriations for officers of Parliament

By far the most important work carried out by the Officers of Parliament Committee is the pre-budget approval of funding provided for officers of Parliament to carry out their duties. The officers of Parliament are subject to a special process for the approval of appropriations for their offices. This involves the Officers of Parliament Committee fixing their budgets before their estimates are formally presented to the House. Usually in November each year the Minister of Finance recommends that the committee recommend to the House an estimate of the expenditure or costs to be incurred by each office of Parliament and of the capital contribution it will require in the next financial year.¹² The committee usually has until mid-March to report to the House.

Before February each year the officers of Parliament submit to the committee detailed bids for estimates of expenditure, revenue, and capital requirements. The

¹⁰ Hansard, Volume 627, pages 22353 to 22364.

¹¹ SO 381 (2) (2004)

¹² Minister of Finance letter dated 13 December 2004.

committee hears evidence from the officers themselves and calls for comment from the officials of the Treasury. The committee reports its decisions to the House and recommends that each officer's estimates to be included in the Appropriation Bill for that year.

A similar process is followed for any supplementary estimates for that year. They are included in the Appropriation Bill containing the supplementary estimates of expenditure.

The House, in turn, recommends to the Governor-General by way of an address the estimates that are to be included for the officers of Parliament in the respective Appropriation Bills for that year.¹³

Tension between estimates and financial review scrutiny

One could excuse the officers for being confused about their responsibilities in providing bids for estimates for inclusion in appropriations for a vote to the Officers of Parliament Committee, while being examined by other subject committees on their vote and financial review. During the Government Administration Committee's 2002/03 examination of Vote Ombudsmen; the Chief Ombudsman questioned what he viewed as a duplication of effort in this examination by two committees, despite their scrutiny occurring at different stages of the process.¹⁴

The subject select committees have little contact with the Ombudsmen, the Auditor-General and the Parliamentary Commissioner of the Environment apart from the allocation of estimates and financial reviews.¹⁵ Nevertheless, the Parliamentary Commissioner for the Environment has developed a very active role in advising some of the subject committees, particularly the Transport and Environment Committee (45th Parliament), the Local Government and Environment Committee and the Primary Production Committee.

An increasing tension has developed over the course of the last Parliament as a result of the committee being restricted to scrutiny of bids for appropriations. The Officers of Parliament Committee is confined by Standing Orders to scrutinise only the bids for estimates of expenditure of the officers of Parliament while the oversight and scrutiny of each officer through the estimates and the financial review process, is normally the responsibility of a subject select committee.¹⁶

Until this year the Officers of Parliament Committee has rarely, if ever, sought information from a subject select committee which has completed an investigative

¹³ PFA 1989, s.26E(2)

¹⁴ Report of the Government Administration Committee on the Estimates for Vote Ombudsmen, p. 7.

¹⁵ Chairperson, Finance and Expenditure Committee paper presented to 7th Biennial Conference of Australasian Council of Public Accounts Committees, February 2003

¹⁶ SO 381 (1)(a). (2004)

review of an officer of Parliament. Normally the Finance and Expenditure Committee delegates the investigative review of the Ombudsmen to the Government Administration Committee and that of the Parliamentary Commissioner for the Environment to the Local Government and Environment Select Committee, and retains the Office of the Auditor-General (OAG).

During the 2004/05 financial year the committee was required to consider the extension of the term of an auditor appointed to audit the OAG. The committee in its consideration noted that it had not seen any audit reports from the auditor appointed by the House in the Parliament. The committee has no automatic right of access to this information until the Finance and Expenditure Committee reports to the House, often after the committee has completed its own report to the House. The Officers of Parliament Committee's terms of reference preclude the committee from conducting investigative financial reviews.¹⁷

The committee found that the Finance and Expenditure Committee had itself retained the responsibility for the financial reviews of the OAG and no investigative review had occurred for the two preceding years. Subsequently, the committee resolved that the chairperson should write to the Finance and Expenditure Committee advising its concerns and requesting that an investigative review be conducted.¹⁸ The Finance and Expenditure Committee responded advising that it would consider the committee's request for the 2005/06 financial year.¹⁹

In considering the bid for estimates of appropriation for the Ombudsmen for the 2005/06 financial year, the committee noted an interesting decrease in the number of telephone complaints received by the Ombudsmen over the past two years compared with the number of formal complaints, which had significantly increased. Both trends had significant implications on the Office of the Ombudsmen's resources and ability to respond in a timely manner. Furthermore, the overall numbers of complaints from prison inmates had increased by 18 percent from the previous year. The size of the office appropriation might need to be increased or decreased if efficiency gains were evident.

During the 2004/05 year's appropriation hearing the Ombudsmen advised that, while the Office Case Management System had in effect prevented telephone complaints becoming formal complaints, they had no control over the number of complaints received. The committee asked whether the Law and Order Committee, which was delegated the responsibility for the financial review of the Department of Corrections, had received a briefing or information on any measures the department had taken to minimise the number of inmate complaints by inmates made to the Ombudsmen.²⁰ Although the Law and Order Committee advised that it had no

¹⁷ SO 381(1) (2003).

¹⁸ Officers of Parliament Committee minutes dated 10 February 2005.

¹⁹ Finance and Expenditure Committee letter dated 17 February 2005.

²⁰ Officers of Parliament Committee letter dated 17 March 2005.

information it provided a copy of a *Protocol between the Department of Corrections and the Office of the Ombudsmen*, dated June 2003.

Analysis of the protocol indicated a requirement to review annually the intensive role of Ombudsmen in prison matters and by mutual agreement conduct any additional formal review. As the Officers of Parliament Committee has no formal powers of inquiry or financial review function the committee asked the department whether any additional formal reviews had taken place. The committee could not establish what, if any strategies, the department had taken to minimise the increasing number of inmate complaints to the Ombudsmen and consequently any likely impact on the Ombudsmen outputs.

The evolving trend under MMP is for the Officers of Parliament Committee to seek additional reports or guidance to assist in its consideration of bids for appropriations from the subject select committees, only to find that because of its restricted role it is not able to obtain the relevant material itself. On 2 August 2005, the House adopted the recommendations of the 2005 report of the Standing Orders Committee on the review of Standing Orders. This review has enhanced the consultation process for the committee regarding the future operating intentions of officers.²¹ Whether these trends continue through into the next Parliament is yet to be seen but I am sure will be watched closely.

Appointment procedures for officers of Parliament

Appointments are made within statutory requirements, but they also involve consultation with political parties, and recently they have involved recruitment consultants, which I believe have helped ensure transparency and a focus on competence. The recruitment process involves consultation with all parties on the position description, person specifications and any proposed candidates; recruitment managed by a recruitment consultant, in which the vacancy is advertised, candidates assessed, long-listed and short-listed for interview normally in consultation with a dedicated subcommittee; consideration and deliberation (unanimously) by the subcommittee and recommendation of a preferred applicant to the committee; and consideration and deliberation (unanimously) by the committee and recommendation to the House by way of a Government notice of motion.

The statutory provisions for the Ombudsmen, Controller and Auditor-General, Deputy Controller and Auditor-General, and Parliamentary Commissioner for the Environment vest their appointment in the Governor-General on the recommendation of the House. The Officers of Parliament Committee is responsible for recommending to the House an appointment of an officer of Parliament, and is

²¹ *Hansard*, Volume 627, pp. 22353–64.

required to conduct a recruitment process in accordance with the *Report on the procedures for the appointment of an officer of Parliament*.²²

The process for appointing an officer begins with the Speaker, as chairperson of the Officers of Parliament Committee, initiating consultations with the parties represented in the House through the Officers of Parliament Committee. Where a party is not represented on the committee, the Speaker is required to ensure that it is advised of the consultation and is invited to have representation, in a non-voting capacity, at committee meetings at which the appointment is discussed. In practice, minor parties which are not represented on the committee do not participate, but the invitation is an important expression of the spirit of the evolving procedures under MMP.

Consultation requirements

Members serving on the Officers of Parliament Committee are responsible for consulting their party colleagues directly and representing the views of their party to the committee. It is also recognised that any member of the House has a right to speak directly to the Speaker or the committee about the appointment of an officer of Parliament.

The Officers of Parliament Committee must specifically advise the Minister of Finance of the appointment of the Controller and Auditor-General and Deputy Controller and Auditor-General, the Minister of Justice regarding an Ombudsman, and the Minister for the Environment regarding the Parliamentary Commissioner for the Environment, of the consultation to be undertaken and to invite those Ministers to participate in the recruitment process. A Minister may nominate a substitute member to represent the Minister's interest. For example, in the last Parliament the committee has completed three recruitment processes, for Ombudsmen and the Deputy Controller and Auditor-General. On one occasion the Minister of Justice joined the committee for the appointment of an Ombudsman, and in the other two instances Ministers nominated a current member of the Officers of Parliament Committee to act on their behalf.

Recruitment process

A convention had developed of inter-party consultation, initiated by the relevant Minister, before a notice of motion was put before the House recommending the appointment of an officer of Parliament. The aim was to secure the unanimous agreement of the House to the proposed appointee. The 1995 review of Standing Orders noted that in debates of the House on proposed appointees, minor parties expressed concern about the extent to which they were consulted before notice was

²² Report on the procedures for the appointment of an Officer of Parliament, I.15A, November 2002.

given; and the convention of unanimity had come under some strain with an alternative appointment being moved on one occasion by way of amendment.²³ The Standing Orders Committee also noted concern about the Department of Justice having twice publicly advertised Ombudsmen appointments without any consultation with the Speaker or the incumbent Chief Ombudsman.²⁴ Apart from the discourtesy, the department's actions devalued the positions by treating the appointments as normal public service appointments. Furthermore, in one instance the department presumed to state where the new appointee would be located, in total disregard of the Chief Ombudsman's role in deploying the resources of the Office of the Ombudsmen. These actions assisted the Standing Orders Committee in framing a recommendation to the House that the Officers of Parliament Committee recommend appointments of officers and that, if all parties were not represented on the committee, the Speaker be responsible for ensuring that all parties in the House were fully consulted before any proposal should proceed.²⁵

Over the three MMP Parliaments since 1996, the appointment process has evolved. It was formerly a nomination process where any member of Parliament could suggest names although it was recognised that the responsible Government Minister would take a lead role in proposing a name or names for consideration. The Speaker was then expected to give the Government time to consider possible nominees before convening any committee meeting with the express purpose of considering and deliberating on an appointment. It was recognised that the responsible Government Minister would participate fully in all committee deliberations. Today, by contrast, the Officers of Parliament Committee engages a recruitment consultant specialising in senior executive appointments to advertise the vacancy and manage a recruitment programme on behalf of the committee.

Once an officer of Parliament has notified the Speaker of a pending vacancy the Officers of Parliament Committee meets and agrees on a recruitment process, which will normally include the following steps:

- The Speaker is directed to consult with the appropriate Government Minister and invite him or her to participate in all proceedings.
- The speaker is directed to appoint a recruitment consultant.
- Committee staff are instructed to consult with the State Services Commission Chief Executive Branch and to recommend a recruitment consultant to the Speaker (the actual contractual agreement is negotiated and agreed by the Clerk of the House but all consultancy costs fall to the responsible office of Parliament).²⁶

²³ Report of the Standing Orders Committee on the Review of Standing Orders, I.18A, 1995, p. 85.

²⁴ *ibid.*, p. 85.

²⁵ *Ibid.*, p. 86.

²⁶ Report on the procedures for the appointment of an Officer of Parliament, I.15A, November 2002, p. 4.

- The recruitment consultant is instructed to draft a newspaper advertisement; brief members on the position requirements and person requirements for the role; and consult the appropriate departmental Minister and the leaders of all opposition parties.
- A subcommittee is then appointed to complete the recruitment process and to make a recommendation to the committee for an appointment. The subcommittee usually has five or six members — the Speaker, Government member, the Minister or Minister's representative, a main opposition party member, and one or two members representing the remaining parties. The committee ensures all applications are kept with strict confidentiality by resolving that written reports from the adviser not be received or tabled.²⁷ Standing Orders also provide protection in that all matters before the committee remain confidential to the committee until it reports to the House.²⁸

The appointment of a recruitment consultant has made the appointment process more transparent. It is unlikely that a departmental Minister, the Speaker or members of the Officers of Parliament Committee could be implicated in any impropriety in an appointment. The recruitment consultant helps the Speaker to manage the recruitment process, managing applications, making recommendations to the subcommittee for long-listing and short-listing, preparing and briefing members for interviews.

Recommendations

Normally, recommendations for an appointment are agreed unanimously and reported to the House as a formality. But opposition parties participate actively in the process; differences do arise and are carefully and informally resolved; and deliberation provides a unanimous recommendation. The formal process by which the Officers of Parliament Committee makes a recommendation for appointment is set out in the *Report on the procedures for the appointment of an Officer of Parliament*.²⁹ It states:

No proposal for the appointment of an Officer of Parliament will be put forward before the House without the unanimous agreement of the Officers of Parliament Committee unless the Speaker considers that it is impossible to secure the support of all members, it is unreasonable to prolong the consultations, and the public interest requires that an appointment be made forthwith. The Speaker will only consent to a proposal going forward in this way where, after extensive consultation, the Government and other parties agree about the proposed appointee but unanimous agreement cannot be reached due to the opposition of a party or parties representing a small minority of Parliament.³⁰

²⁷ Officers of Parliament Committee minutes dated 10 February 2005.

²⁸ SOs 239 and 240 (2004).

²⁹ Report on the procedures for the appointment of an Officer of Parliament, I.15A, November 2002.

³⁰ Ibid, p. 4.

The aim is to secure a nomination that can be agreed to the House unanimously. In effect, the subcommittee of the Officers of Parliament Committee must unanimously agree a recommendation to the committee. The committee will then, after due deliberation, report to the House a unanimous recommendation for an appointment and, subsequently, a recommendation for an appointment will be put forward to the House by way of a Government notice of motion in the name of the Leader of the House. When the notice of motion is debated in the House, each party has an opportunity, if it so wishes, to debate the proposed appointment. The House resolves to recommend that the Governor-General make an appointment.

It is conceivable that a minor party not represented on the subcommittee might oppose the recommendation at the committee. This is unlikely, as the subcommittee representation, particularly of the minor parties, is widely consulted amongst minor party members and agreement is reached by resolution of the committee. In any event the Speaker, after consultation with the dissenting party, must then decide whether to proceed with a recommendation without unanimous agreement. To date, under a MMP Parliament, a unanimous appointment has always proved to be possible.

That is the theory of the procedure for an appointment but what about practice? In one instance a subcommittee of which the Minister was a member, was considering the appointment of an Ombudsman, when tensions developed between Government and opposition members over a preferred candidate. Membership of the subcommittee was balanced between the Government and the opposition so that if consideration had proceeded to deliberation and a vote had been called by a Government member and put, it would have been tied and lost (under Standing Orders a tied vote is lost³¹). In this particular case, the chairperson recommended that the subcommittee adjourn proceedings and reconvene two days later. On reconvening, a preferred applicant was agreed and a recommendation made to the committee.³²

It is interesting to note that at two subsequent appointment processes the Ministers, having been consulted, delegated a Government member of the Officers of Parliament Committee to represent their interests. I can only surmise that after the Ombudsman experience informal discussions between Ministers occurred and future Ministers' representation delegated to Government members on the committee.

At a more recent subcommittee meeting (of five members) considering the appointment of the Deputy Controller and Auditor-General, an opposition member strongly opposed the majority of members' recommendation of a preferred candidate. The subcommittee noted the requirement to make a unanimous recommendation to the committee. Following discussion the member agreed to

³¹ SO 154

³² Officers of Parliament Subcommittee minutes dated 12 May 2005.

allow a recommendation to proceed without vote. The member did not participate in any subsequent committee consideration or deliberation. The committee unanimously agreed a recommendation to the House.³³

Late in Parliament's final sitting this year, the Chief Ombudsman advised the Speaker, who is the Office of the Ombudsmen's responsible Minister, that a temporary Ombudsman would retire in December 2005 and that it was not proposed that he be replaced.³⁴ The Speaker, in her role as chairperson of the Officers of Parliament Committee, consulted with members of the Officers of Parliament Committee, and requested that members agree that the temporary Ombudsman not be replaced.³⁵ Previously the Speaker as responsible Minister has determined the resourcing needs of Ombudsmen without consultation with the Officers of Parliament Committee and then used the committee to effect any recruitment. In this instance, two members of minority opposition parties, advised concerns with the Ombudsmen's apparent inability to respond to complaints in a timely manner and implications of possible overstaffing, and requested that the matter stand referred to the committee for consideration. The committee was not able to before the dissolution of Parliament on 11 August 2005. So the Speaker as responsible Minister for the officers of Parliament has extended the consultation for the replacement of an officer of Parliament to the committee.

These latter examples indicate that the evolving appointment process has seen a change from direct influence by the Government Minister, under FPP, to indirect influence through Ministers' representatives balanced by the multi-party nature, under MMP, of the Officers of Parliament Committee.

Conclusion

The unique feature of the Officers of Parliament Committee is the direct interface between the officers and Parliament, which has been paramount since the first committee was formed in 1989. Over the next 15 year period successive reviews of the operation of Standing Orders approved by the House, have either extended or limited the functions of the committee. Attempts by Government members and departments to directly influence the operation of officers of Parliament have largely been minimised by minor parties bringing to the attention of the House concerns over a lack of appropriate consultation under the requirements of the terms of reference of the Officers of Parliament Committee.

In 1996 the approval of the estimates and the financial review of the performance were removed from the Officers of Parliament Committee and began to be assigned to the relevant subject select committees. The subject committees now interact and

³³ Officers of Parliament Subcommittee minutes dated 18 May 2005.

³⁴ Public Finance Act 1989, s.2.

³⁵ Speaker of the House letter dated 27 July 2005.

share information provided by the officers of Parliament. Similarly, the subject committees, when undertaking their scrutiny function, often rely solely on the advice of the officers, and in particular the Auditor-General and Parliamentary Commissioner for the Environment in their specialist roles.

In the past opposition parties with a particular interest in an appointment of an officer of Parliament could not effectively oppose the influence of a Minister and Government members of the committee. Under MMP opposition parties and, in particular, minor opposition parties have a greater opportunity to minimise the direct influence of the Minister and Government members.

The ability of the Officers of Parliament Committee to carry out its role and functions effectively was further enhanced when the 2005 Standing Orders Committee's review of Standing Orders extended the committee's consultation process to seek comment. It may now seek comment, if it wishes, from the subject select committees that review the performance of the officers.³⁶ While the new Standing Orders have yet to be implemented, the impact of the enhanced consultation process will be closely monitored by the Officers of Parliament Committee in the next Parliament. ▲

³⁶ Report of the Standing Orders Committee, I.18C, June 2005