

Scrutiny and Capacity: An evaluation of the parliamentary committees in the New Zealand Parliament*

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One of the most important functions of contemporary parliaments in liberal democratic states is to hold the executive to account. Within this overall role, parliaments have developed a range of modes, including using general purpose and specialist committees, through which they scrutinise the activities of the public sector. In order for scrutiny to be effective, however, parliaments must have adequate capacity and resources. In this article I evaluate the scrutiny capacity of the New Zealand committee system through using the extensive range of evaluative indicators developed in the international political science literature on legislative and committee powers.¹

Of course there are many approaches to evaluating the ability of committees to scrutinise the executive. These include examining how government agencies, non-governmental organisations or the mass media perceive committee scrutiny, or by using some of the indicators of ‘best practice’ developed by organisations such as the World Bank (Smith 2005, Griffith 2005). And practitioners, from parliamentary staff to elected politicians, tend to make their own judgments on the success or otherwise of committee systems. This article, however, uses the institutional literature within political science as the basis for discussing committees, mainly because many of the generalisations have been built on theoretical assumptions

* This paper has been double blind referred to full academic criteria.

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about committee capacity, usually explicitly stated. These assumptions concern the nature of the power relationships between the legislature and the executive, between the government and the opposition parties, and between legislative and committee autonomy. Indeed, most of the indicators generated by the institutional literature tend to assess the general strength of the legislature as against the executive rather than, say, specifically isolating accountability and scrutiny powers. But of course the general indicators are valid for the latter task simply because, if committees are not in a position to demand and expect executive respect and compliance, then their capacity to perform their scrutiny functions is slight indeed.

I test out the indicators on the New Zealand committee system, asking, first, how that system performs in such an evaluative exercise, and second, how helpful this sort of exercise for increasing understanding of institutional capacity. I argue that effective committee scrutiny should be understood as inextricably entangled with wider issues such as institutional design, formal committee powers, and the nature of the relationship between government and opposition. Furthermore, however, institutional indicators alone are unsatisfactory measures of the performance of our parliaments. The exercise of evaluating the scrutiny functions of the New Zealand House suggests that we need to add additional measures derived from democratic criteria.

Naturally, the assessment conducted here could be applied to a wide range of countries, thus adding to the strength of the conclusions drawn. This is exactly what an author such as Alan Siaroff (2003) has done, greatly adding to our understanding of the relationship between parliaments and executives. But, in the search for generalisations that are valid across a wide number of examples, these snapshots of particular institutions at particular times must inevitably disregard institutional history, the finer points of institutional practices, and the broader aspects of political and institutional culture. Case studies, such as the one here, can provide a richer understanding of how politics works. They are also of heuristic value, pointing the way to further research and perhaps even to further legislative reform. Before testing out the evaluative indicators on the New Zealand committee system, however, the notion of 'scrutiny', the particular function being discussed here, needs some further exploration.

Parliamentary Scrutiny

Ideally, parliaments aim to examine ministers and public agencies carefully and critically, analysing what they do, whether they achieve their stated goals, and whether they spend the monies allocated to fulfilling those goals legally, efficiently and effectively. These are generic tasks for legislatures in liberal-democratic states, and are performed in a variety of ways and in both plenary and committee arenas. Sometimes scrutiny is defined very widely. For example, two authors conducting work on this topic for the Constitution Unit, University College London, write that, Scrutiny 'refers to all of the policy and administration-related work of subject

committees, including policy development and budget work as well as enquiries into past events' (Sandford and Maer 2003, 7). They exclude legislative scrutiny from their research.² Of course the act of scrutiny through committees comprises only part of the task of holding the executive accountable to the people: oppositions ask ministers questions and the media quickly seize upon examples of ineptitude, incompetence, and corruption. But formal groups and processes that develop and foster the scrutiny role, such as committees designed to perform this task, are central to holding the executive to account.

Although the term 'scrutiny' is the single most important term used to describe this process, sometimes other words are used, for example the notion of oversight'. At times 'oversight' committees are created, designed for specific areas of state activity, supervising an intelligence agency, for example, or election administration—the 'integrity' agencies, as they have recently been labeled (for example, see Smith 2005). What is the difference between the two terms, scrutiny and oversight? Probably the simplest distinction is best. Oversight denotes a supervisory role, rather than one that delves more deeply into the operations and implementation of government policy, as can and should occur when committees examine in some detail the activities of government departments. To adopt an oversight role therefore is to accept a degree of distance from day-to-day agency activities while accepting the responsibility for a limited range of specialised supervisory functions. Further, specialist oversight committees tend to operate in a more bi-partisan manner than do other committees, in part because of the nature of their jurisdiction, which tends to address the less controversial topics, but ones that are of common interest to all parliamentarians.

The terms 'scrutiny' and 'oversight' are frequently used interchangeably with one another, however. This is because in practice the actual roles overlap. Richard Mulgan employs the notion of scrutiny alongside that of oversight when discussing committee investigations and accountability (2003, 52–5). And the two terms are similarly linked by Gareth Griffiths when he states that his focus is on parliamentary oversight committees and the role they play in scrutiny mechanisms (2005, 1). The former is thus a subsidiary role of the latter (although this is not to demean the role of oversight committees). At other stages of his paper Griffiths uses the term 'watchdog' to as a substitute for 'oversight' (for example, pp. 22 and 38). On the other hand, two further writers identify oversight of the public sector as one major theme in the parliamentary literature along with two others, independence of the parliament and scrutiny of the executive, implying that the two terms, oversight and scrutiny, have rather different functions (Lewis and Coghill 2005). For Ian Marsh, however, oversight is intrinsically linked with, or even part of, the act of scrutiny: 'Scrutiny and oversight covers committee review of current government

² Sandford and Maer propose a typology of scrutiny: strategic policy review; forward policy proposal; and enquiry. They list 'other forms of scrutiny' as follows: legislative and secondary-legislative; annual reports and legacy papers; budget reports; and non-departmental public bodies (2003, 12).

activities, legislation and the budget, including the medium-term strategy and proposed annual expenditure, and taxation measures' (1995, 248).

In this article I use oversight as a synonym for supervision, that is, a task that is a step removed from scrutiny. Many parliaments have recognised that oversight is a particular activity by establishing special committees with supervisory functions of a different nature from the usual sort of scrutiny roles. Nevertheless, other committees can conduct oversight functions that are actually interwoven with committees' scrutiny functions. This demonstrates the very real difficulty of distinguishing activities that are close to one another in the real world of committee activities.

When considering the language of scrutiny it is also worth remembering that jurisdictional differences are reflected in the vocabulary used about our parliaments, and this is particularly so when it comes to those functions that can be loosely grouped under the umbrella term of 'accountability'. For instance, the term 'oversight', while used in Australian parliaments is not generally used in discussions of the New Zealand Parliament, and nor is it anywhere mentioned in the *Standing Orders of the New Zealand House of Representatives* (2004). Furthermore, scrutiny and oversight functions are not separated institutionally in terms of the architecture of the New Zealand committee system, as they are in many other parliaments. Indeed, the *Standing Orders* eschew all similar terms, such as 'scrutiny', and 'accountability'. These purposes are implied in their functions rather than specified, almost as though these key roles were incidental to the purpose of Parliament. Almost prosaically, the *Standing Orders* establish an agenda rather than a normative purpose, an agenda that is itself part of the wider parliamentary agenda and yearly programme. This angle on what committees do is at least in part a consequence of New Zealand's creation of multi-functional committees (explained below) that track the departments of state. Incidentally, the idea of 'review'— an associated term for many writers — is also scarcely ever used in New Zealand. This might not be surprising, given that in Australia it is usually employed in analyses of the role of the Australian Senate (and see Mulgan 1996), and of course New Zealand is a unicameral parliament.

Whatever the terminology employed, all parliaments scrutinise government activities, and they very frequently distinguish between oversight (or supervision) and the more general scrutiny tasks. And however parliaments perform these functions, they all need effective committees. As Ian Marsh said when discussing British House of Commons inquiries, 'Strategic policy making, scrutiny and oversight, and interest integration can only be realised through a "strong" committee system' (1995, 262). Thus it is one thing formally to establish committees with general or particular jurisdictional roles that include agency scrutiny and oversight, but quite another to design a legislature that actually gives the committees the capacity to exercise these key functions effectively. Gareth Griffiths concurs with this interpretation by selecting five criteria that he feels are particularly important for effective parliamentary oversight committees (2005, 22).

The next section briefly discusses the development of the New Zealand committee system, paying particular attention to its scrutiny functions. It briefly explains the current structure, its main features, and two committees that have special scrutiny roles: the Officers of Parliament Committee and the Finance and Expenditure Committee.³

The New Zealand Committee System: Development, structure and scrutiny

The reform of the New Zealand committee system was one of the revolutions initiated by the 1984–1990 Labour government (McLeay 2001, Palmer 1987, Skene 1990). Labour’s election manifesto promised to create a more open and responsive government and parliament (including reviewing the electoral rules). The strengthening of government accountability to the New Zealand Parliament went alongside the emphasis on reforming internal accountability within public agencies. That the restructuring of parliamentary powers was a significant element of the radical changes has not always been fully understood. But, as an mp in the House at the time (and subsequently a minister) has written, ‘There was a desire to open up the process of government to greater public and parliamentary scrutiny. Committees would also help Parliament to reduce the power of an overly dominant executive’ (Goff 1993, 166, and Palmer 1987, 132–8). The 1985 reforms of the committees improved their formal capacity for holding the executive to account in the broadest sense and, more narrowly, to enable effective governmental scrutiny.

The restructured committees were given extensive powers, explained in more detail in the overall assessment in the next section of this paper (and see Boston et al. 1996, Ganley 2001, and McLeay 2001). Since 1985 the subject committees have dealt with legislation as well as scrutiny and inquiries: they are multi-functional committees. All the subject committees, including Finance and Expenditure (see Table 1), scrutinise and amend legislation, consider and report on petitions, conduct inquiries, and scrutinise public agencies (McGee 2005, 236–9). Thus, the committees scrutinise estimates and supplementary estimates in their own subject areas, and review departmental and ministry annual financial statements and annual plans. They have the independent capacity to conduct specialised review inquiries. To some extent the latter two roles overlap with one another, since inquiries tend to include scrutiny of the executive. This structure means that the scrutiny functions are spread across the thirteen subject committees.

The review of *Standing Orders* conducted before the first election under the Mixed Member Proportional [MMP] electoral rules in 1996 re-examined the 1985 decision to combine the legislative and scrutiny roles by creating all-purpose committees

³ I have not discussed the work of the respected Regulations Review Committee, which might be regarded as a scrutiny committee. It scrutinises delegated legislation, however, and not the activities of the state and public sectors. See especially Palmer and Palmer 2004, 214–18).

rather than having 'distinct legislative and scrutiny committees' (Standing Orders Committee 1995, 31). After noting the heavy legislative load experienced by some committees, exacerbated by the extra work that had resulted from having to consider public submissions and hold public hearings, the Committee concluded that the roles should continue to be combined. It stated that:

[T]o the extent that members can, through their select committee work, build up specialised knowledge in a particular subject area, legislation undoubtedly helps. Also, doing a combination of legislative and scrutiny roles does give members a wider variety of experience than they would have if they were confined to one or the other (Standing Orders Committee 1995, 32).

A series of interviews conducted in 2004 of parliamentary staff and MPs reaffirmed the general feeling that the multi-functional system worked well.⁴ There is one quite serious disadvantage to the multi-functional system, however: the pressure to deal with legislation can crowd out the capacity for the committees to conduct full scrutiny of departmental estimates and reports, and to institute inquiries. This was a feature brought up in some of the interviews, although everyone believed that, on balance, the expertise gained through the multi-functionality of the committees outweighed the disadvantage of legislation overload. It should be noted also that time is the overwhelming problem for MPs serving on committees, whether or not a committee system has specialised or non-specialised functions. MPs as individuals have only so many hours to devote to committee work after spending time on other activities, whether they are in several committees, each with particular roles, or in one committee with many.

The tasks that the subject committees perform in relation to their scrutiny and oversight roles can be understood better by looking at their overall work schedule (see Table 2). Most aspects of these functions are dealt with according to the yearly parliamentary timetable as far as the financial year and reporting requirements are concerned. How effective the committees are when they report on the estimates of, and reports on, the areas for which they are responsible depends greatly on the time they have available and whether or not the opposition members on a particular committee wish to highlight perceived failings of government departments and ministries. Effective accountability does not depend only on formal jurisdiction, powers and resources. Whatever institutional designers might expect, MPs are highly political actors, and publicity remains as much a goal for opposition members as a quiet life is for the government.

The evidence from a range of sources, including interviews, indicates that a number of interesting changes have taken place in the post-MMP committee system, changes that need to be considered when assessing committee effectiveness. Because committees now comprise a number of parties rather than just two, there

⁴ In 2004 I conducted twenty in-depth interviews (including committee clerks and a sample of MPs) on the committee system, focusing particularly on inquiries and, also, the role of the Business Committee.

are more agendas and ideas being brought to discussion and scrutiny. The multi-party parliament has also meant that there is a number of senior politicians who will probably never become ministers and who therefore concentrate more on being effective ‘parliamentary men and women’. Committees now work more consensually to achieve effective scrutiny and oversight, although the extent to which that happens still depends on the leadership of the chair and the members themselves.⁵ Party dynamics and the power balance between governing and opposition parties matter a great deal; and the evidence points to electoral system change having strengthened the powers of committee to scrutinise and oversee the executive.

One aspect that has shown some evolution in New Zealand since the introduction of proportional representation has been the allocation of chairs to non-government MPs. After 1985, the Opposition chaired one committee, Regulations Review, and this practice has continued ever since. After 1996, MPs from the two governing parties chaired all the committees bar one, which was headed by a ‘co-operative’ party MP; and after the 1999 election, with a different government, the same situation occurred again with the support party chairing just one party. After 2002, in response to a demand by a new support party, the non-governing parties were given more committees to chair and the deputy chair was taken by an MP from another party. This meant that nine out of the thirteen committees were chaired by MPs who did not represent one of the two government parties (Labour and the Progressives). After 2005, the governing parties (Labour and the one-MP Progressive Party) held eight of the 14 subject committee chairs, one of its support parties held one chair, one was held by the Greens who were in a semi-supportive position, and four were held by National, the major opposition party. So the distribution of chairs has gradually shifted away from the government, although there is still some distance to go until a proportional distribution of chairs is achieved — one of the indicators of a strong committee system, as will be shown later. Note, however, that since 1995, committee chairs have not had a casting vote.

Plainly, the reform of the committee system in 1985 followed by electoral system change with its multiparty parliaments combined to give ‘teeth’ to the scrutiny functions of the committees. That governments have almost all been minority administrations has also meant that they have been unable to maintain majorities on all or even most of the committees, adding to their ability to hold governments to account. If a majority coalition were to be formed in the future, however, especially a cohesive one with a substantial parliamentary majority, then the situation might be rather different. Informal power relationships can give teeth to formal powers or, alternatively, emasculate them.

Having briefly discussed the overall scrutiny functions and general powers of the committee system, I now focus on the two committees with particular scrutiny roles.

⁵ Gender composition might also be important. There is anecdotal evidence that women might pursue more consensual behavioural styles in committees than do men.

The Officers of Parliament and Public Expenditure and Finance Committees

The Officers of Parliament Committee [OPC] is the only committee that could be said to exist solely because of its scrutiny functions, and it has a specialist supervisory role (and see Beattie 2005). Indeed, David McGee, Clerk of the House of Representatives, refers to the Committee's 'particular responsibility for the oversight of officers of Parliament' (2005, 71). It is responsible for the budget and appointment of the three parliamentary officers: the Auditor-General, the Ombudsman, and the Parliamentary Commission of the Environment. Chaired by the Speaker, decisions are made consensually. It is responsible for overseeing the appointment and management of the Officers and for setting their budgets, but the relevant subject committees deal with their financial reviews and consider their annual reports (Beattie 2005, 4). Interview evidence suggests that the committee is assertive against the political executive (on budgetary issues, for example).

Although effective, OPC might be even more so. For example, there are public bodies that might well be included within its purview or, alternatively, brought under the gaze of another specialist committee. There is little complaint to be made of what the Committee does, but there are questions over the number of positions it supervises because there are other bodies with particularly close associations with Parliament. The various bodies associated with parliamentary elections are certainly possible candidates for special parliamentary supervision, given that they should answer to the House and not to government. These are the Electoral Commission (at present statutorily independent) with its special educational function, the Chief Electoral Officer (stationed in Justice), responsible for organizing elections, and the Representation Commission, responsible for drawing electorate boundaries. Another candidate for special overview, particularly given the Australian experience, is the Police Complaints Authority, but this almost certainly does not fall within the Committee's terms of reference (Beattie 2005, 2). So far, there has been no need for an anti-corruption commission with parliamentary oversight committee to match, but of course that might come.

The most glaring absence is a parliamentary committee with scrutiny and oversight regarding the Security and Intelligence Service. In Australia there is the statutory Joint Committee on the Australian Security Intelligence Organisation. In New Zealand, there is merely a committee of five members constituted outside the House and chaired by the Prime Minister: the Intelligence and Security Committee. Just recently, the House of Commons Home Affairs Committee proposed several models for committee monitoring of the British Security Service, Secret Intelligence Service, and FCHQ. They could come under the relevant subject committees (Home Affairs and Foreign Affairs), they could be monitored by a single committee, or the present situation could be continued whereby the three agencies are monitored by a committee of MPs who are appointed on a statutory basis. A New Zealand version

of one of the first two models should be instituted, albeit with the usual safeguards protecting matters such as foreign intelligence and individual privacy.

Until 1962 the New Zealand House of Representatives had a Public Accounts Committee that primarily concentrated on parliamentary estimates. This was replaced by the Public Expenditure Committee, replaced in 1985 by the Finance and Expenditure Committee [FEC]. The Public Expenditure Committee had possessed more powers than the other committees at that time and was the model (along with the specialist committees produced by the 1979 House of Commons reforms) for the 1985 changes to the New Zealand select committee system.

The FEC has overall responsibility for the financial review of all government departments and other public bodies.⁶ It has the primary responsibility for auditing government on behalf of the New Zealand Parliament. Like all the subject committees it also conducts its share of scrutinizing bills and proposing amendments, scrutinizing estimates, conducting financial reviews, and carrying out inquiries. The FEC also has special responsibilities. Its jurisdiction includes the allocation to the various subject committees of the votes contained in the estimates and financial reviews and, also, the reviews of Crown entities and organisations and State enterprises.⁷ Auditing the Crown's annual financial statements and the Report of the Controller and Auditor-General on the Crown's financial statements. Reporting on the budget policy statement within six weeks of the publication of that statement (or within four weeks of the first sitting day of the next year). The Committee can request the Minister responsible for presenting the budget statement to the House to attend the Committee's considerations. The Committee's report is debated in the House. Reporting to the House on the fiscal strategy report and the economic and fiscal update presented to the House on the day the Budget is delivered; and considering the monetary policy statements of the Reserve Bank. The *Reserve Bank Act 1989* requires that these statements are referred to the FEC but the FEC is not required to report on them.⁸

The powers and authority of the FEC are contained in a number of sources. Apart from the *Standing Orders*, the Committee has specific responsibilities under the *Public Finance Act 1989*, the *Reserve Bank Act 1989*, the *Fiscal Responsibility Act 1994*, and the *Public Audit Act 2001*.

⁶ I wish to thank Fay Paterson, a former Clerk of the Finance and Expenditure Committee, for her help with some of the information for this part of the article. She briefed me on the Committee for an earlier paper on aspects of this topic. The interpretations and judgements are of course my own.

⁷ Under the Public Finance Act 1989, 'Votes' are the appropriations for the spending plans of ministers for the following year. Except for Offices of Parliament (for whom the Speaker is responsible) each vote is the responsibility of one minister (see Pallot, 1991).

⁸ The Reserve Bank 1989, 15 (3) states: Every policy statement shall, by virtue of this section, stand referred to---

(a) The House of Representatives; and

(b) Any committee of the House of Representatives responsible for the overall review of financial management in government departments and other public bodies.

The FEC retains certain areas for itself insofar as departmental reviews and estimates are concerned. For example, in 2000/2002 it conducted nine financial reviews, spending a total of 24 hours on them. The remainder of the estimates and financial reviews are distributed to other committees as appropriate. In 2002, for instance, the Health Committee reviewed the financial performances of the District Health Boards, the Pharmaceutical Management Agency, and the Ministry of Health. It scrutinised the Estimates for Vote Health (2002/2003).

The FEC has a special relationship with the Auditor-General whose office advises it (as well as advising other parliamentary select committees). The Controller and Auditor-General is an Office of Parliament for the purposes of the Public Finance Act 1989. The Controller and Auditor-General heads the Audit Office which includes the Office of the Auditor-General — which among its other duties is responsible for parliamentary reporting and advice — and Audit New Zealand. Private Sector Audit Service providers also carry out audits under the contestable audit arrangements. As well as routine audits, the Controller and Auditor-General conducts major reports on specific issues and programmes, and provides advice and guidance for public entities. (See The Controller and Auditor-General 2002, for examples.) The Auditor-General is responsible for local as well as central government.

As well as the Auditor-General providing advice to the FEC, that committee is required to report on the Annual Plan of the Controller and Auditor-General under the Public Audit Act 2001. In this way, FEC has an oversight role. Section 36 of the Act provides that the Speaker of the House proposes an annual plan on behalf of the Auditor-General; and the Speaker, or a committee, may request changes to the plan. As with the other parliamentary committees, the relationship between the Auditor-General and the FEC is governed by a code of practice. According to this, the Auditor-General may ‘interact with the House, its select committees and members’ in five ways (Officers of Parliament Committee 2002, 2). Four of these relate to the select committees. The Auditor-General assists the committees with: the examination of Estimates; the financial reviews of public entities and the reviews of the performance and operations of ‘each individual department, Office of Parliament, Crown entity, public organization or State enterprise’; inquiries; and consideration of the AG reports tabled in Parliament.

Also the Auditor-General assists with ‘members’ inquiries or requests made directly to the Auditor-General’ (p. 2). The Auditor-General can give committees advice on the Standard Estimates questionnaires, what questions to ask when examining a particular vote, review evidence given when a committee examines a vote, and give support when a committee is compiling its report (*Code of Practice* 4.3). However, the FEC determines ‘the general nature and extent of the assistance to be provided to committees in their examination of Estimates’ (*Code of Practice* 5.1). Similar provisions exist for advice on financial reviews. Committees conducting inquiries into matters of financial administration, expenditure and organizational performance can be advised by the Audit Office. Alternatively, the Auditor-General can take up

the inquiry where the matter is within its expertise. If an inquiry is conducted by a committee, advised by the AO, then the committee's powers to gather evidence are employed but if it is the AO conducting an inquiry then it relies on its statutory powers (*Code of Practice*, 10.2 and 10.3). In the case of the reports of the Auditor-General tabled in Parliament, then committees may examine those reports where they are in the committees' subject areas (*Code of Practice*, 11.3). There are also provisions regarding the taking of evidence and the position of the Auditor-General as witness and adviser.

The FEC has always been regarded as one of the more important committees, one in which aspiring ministers wish to be on and which governments prefer to chair. At the end of 2005, after the formation of the Labour/Progressive minority government supported by New Zealand First and United Future (with a minister apiece outside cabinet and outside the coalition) the FEC comprised four Labour MPs, one New Zealand First MP, one United Future MP, one Act MP, and four MPs from the National party. The government had to depend on its support party members for its narrow majority on the committee. A Labour MP chaired the Committee and the deputy chairperson was from National. The FEC contained a high proportion of experienced MPs. Although the chair was a first-term member, FEC included a number of experienced MPs, including National's finance spokesperson and the Act party leader.

Thus the FEC is a high-profile committee with a number of specific oversight and scrutiny functions. Its effectiveness in turns of its scrutiny role is limited not by its jurisdictional powers for, as will be subsequently shown in the analysis of committee capacity generally, these are significant, but in terms of the political energy and willpower of its membership, its domination by the political executive, and the perpetual problem of the limited time available to its membership to perform adequately all of its roles.

So far I have described the structure of the New Zealand committee system, paying particular attention to its specialist scrutiny committees, and noted several problems with it. Picking up Ian Marsh's argument that effective scrutiny depends on having a strong committee system in the first place, I now assess the New Zealand system against some internationally developed criteria on the effectiveness of committee systems.

The Capacity for Effective Scrutiny

It is obvious that committees have negligible or insignificant impact on public agencies if they have, first, insufficient formal jurisdiction and, second, political clout. Both rule-based and power-based resources are essential if MPs are to scrutinise the activities of public servants and hold them to account. The following section of this paper takes a range of indicators used by academics to assess the

strength of parliamentary committee systems (especially Mattson and Strom 1995, Siaroff 2003, Strom 1998, and Von Beyme, 2000).

Besides resting on a substantial body of empirical data, the indicators below frequently also rest on the assumption that individual parliamentary actors are primarily motivated to retain their elected positions through reselection and re-election, and to be promoted to a higher position such as that of minister (and see Strom 1997). A second, and more pervasive, assumption behind the indicators is, however, that governments will pursue their own policy objectives unless constrained by legislative rules (for example a super-majority requirement) or by the need to negotiate policies with opposition-dominated upper houses, coalition partners, or parliamentary support parties. These two assumptions, particularly the first one, are of course subject to criticism about what actually motivates political actors. Nevertheless, they make a good deal of sense in legislative studies. Government MPs are generally reluctant to criticise their own ministers or the government departments over which they have authority, while opposition MPs are prone to probe for scandal rather than to spend time on detailed and careful scrutiny. And governments aim to implement their policies. Much of parliamentary history and practice has told the familiar story of political executives dominating parliamentary timetables and legislative outcomes through the practices of collective cabinet responsibility, party discipline and cohesion, and the sheer domination of votes controlled by governing parties. Indeed, parliamentary history is often told as a battle between legislative and executive power. Patently, parliaments have to arm themselves with formidable rules in order to scrutinise the executive effectively (and see McLeay and Uhr 2006).

Underlying the second assumption is the view that, in order to achieve their policy and office-retention goals, it is to the advantage of governments to monopolise official information wherever possible. Parliaments, in order to have the capacity to challenge governmental interpretations of the world, need to be resourced appropriately. Thus, in order for committees to have the capacity for effective scrutiny, individual MPs and committees must have the opportunity to learn about particular policy areas and to specialise in them and, furthermore, have access to informed advice, including subject expertise and administrative and legal help.

Another theoretical assumption is important in legislative studies. Again it is closely related to the view that governments will dominate parliaments when they can. This assumption is that a strongly institutionalised committee system is more likely to be effective than a weakly institutionalised one (but see Shaw 1990, 258–67). One way that this can be interpreted is in terms of the length of time a committee system has been established, and the permanency of the actual committees.

Because there are now so many propositions about committee powers, I have grouped them together under main four headings, which, I suggest, provide the basic analytical categories when understanding these political arrangements. The four categories are: the basic design (or architecture) of committee systems; their

formal powers, usually allocated through parliamentary standing orders but sometimes also through statute; committee membership and attendance; and the power dynamics that are the product of the balance of political resources between the political executive and the legislature. After briefly discussing each indicator I outline the New Zealand situation. Table 3 summarises this comparison and assesses the performance of the New Zealand committee system.

The basic design

The number of committees in a parliament is significant for several reasons. As a general rule, where parliaments have very few committees, those committees tend to be relatively powerless because it tends to be easier for governments to control them. Further, 'Economies of operation imply that as the number of committees increases, more bills can be dealt with at the same time' (Strom, 1995, p. 30). And we could also add that, where there is a range of committees, they can deal with more specialist activities (such as oversight functions) and can scrutinise effectively a wider range of government agencies. Of course legislative size is to an extent a factor here: very small parliaments, such as the Parliament of Tasmania, can scarcely be expected to maintain a wide range of committees (and see Herr, 2005). Indeed, New Zealand is on the borderline of sustainability in terms of its size with (normally) 120 MPs. The New Zealand House, however, scores favourably on this indicator, with its 13 subject committees, plus its five specialist ones.

A committee system needs to be permanent. At the very minimum, it should exist during the whole term of a parliament. When committees exist only at the will of governing parties, then they are more likely to be at the beck and call of those parties. Further, temporary committee systems cannot build among their members institutional and agency knowledge and familiarity. In the New Zealand House, the select committees, and their roles and powers, are established by the *Standing Orders*.

Committees must not be too large. Small committees increase the incentive for MPs to specialise in particular policy areas which, in turn, makes them more effective (Strom 1995, 5). Of course committee size to some extent again reflects the size of the legislature itself. In New Zealand the subject committees range in size but none is large, ranging between six and eleven members after the 2005 general election.

The pattern of jurisdiction affects committee influence and power. Committees tend to be more important where permanent committees deal with legislation (and/or the scrutiny of government departments) that shadow the shape of government agencies. This allows committee members to develop a solid understanding and knowledge of their subject matter—and public servants come to learn that this is the case and develop respect for the committees. This is particularly important for effective agency scrutiny. In New Zealand, as already established, the committee structure reflects the public sector. Further, the subject committees deal with

legislation as well as scrutiny and inquiries: they are multi-functional, as already explained.

Parliamentary business should be controlled by a Business Committee. This factor is an indicator of whether governments dominate the parliamentary agenda or whether there is the requirement for governments to negotiate with other parties on this important issue. The Business Committee of the New Zealand Parliament is a multi-party committee which operates under a rule requiring unanimity or near-unanimity as interpreted by the Speaker, its chair. Interviews have shown that the Business Committee is regarded by MPs (inside and outside the political executive) as influential. Its chief accomplishment is to make agreements about the parliamentary process more transparent. It plays an important role in so far as committees are concerned because committees must formally ask its permission if they want more time to consider bills. Note also that it has accrued additional powers since its creation, including the power to make permanent and temporary committee appointments.

The resources of committees

Committees must be able to summon ministers, witnesses and documents in order to perform their legislative, scrutiny and inquiry functions effectively. If committees do not have these powers, then they have a low level of authority. It is not that committees generally have to exercise their powers. Rather, the potential power of committees to do this is important. Having said this, institutional norms and values about agency responsiveness build up through time, and these reinforce the duty of ministers and public servants to comply with committee requests. New Zealand committees can request the Speaker to issue a summons, on behalf of the committee, for persons, paper and records. Ministers can brief committees and hear evidence. They answer for policy. As far as examination of the Estimates is concerned, 'The committees expect Ministers to attend if invited' (New Zealand House of Representatives 1995, 35).

Committees must be able to question civil servants. The informational needs of MPs and the purpose of scrutiny demand this power. In New Zealand, public servants appear as witnesses (as well as advisers) and regularly do so. Their role is to explain existing government policy and to provide factual information. Public servants are not responsible for justifying policy — that is the Minister's responsibility' (State Services Commission 2002, 3). At times public servants face tough questions.

The committee stage must be an obligatory part of the legislative process. This is an obvious requirement. In New Zealand, all bills (except for Appropriations and Imprest Supply) are sent to the relevant subject committee after the First Reading.

The determination of the principles of bills by a plenary session before the bills go to committee weakens committee powers, and the converse is also true.

The ability to initiate legislation is patently a significant power. This is neither specified as a power nor specifically denied in the New Zealand House's *Standing Orders* (2004). There are no recent cases of committees initiating legislation, but government legislation has emerged from committees' reports and inquiries, and individual MPs have taken up issues that have arisen during committee deliberations and proposed appropriate bills.

The ability to rewrite legislation is also obviously a significant power for committees. Legislation in the New Zealand Parliament is routinely substantially rewritten (Ganley 2001, and Tanner 2004). MPs have the power to propose legislative amendments that involve expenditure or taxation but governments can veto such proposals if they consider they will have a more than minor impact on a range of fiscal aggregates.

Whether committees can present minority reports to parliament is important, because such reports provide a way of indicating to parliament and government that there are differing views and arguments apart from those expressed by the majority. Minority views often equate to opposition parties' challenges to government policy. In New Zealand, minority views can be included in committee reports: reports do not have to be unanimously agreed upon.⁹ Many reports now indicate where the lines of difference exist.

The ability of committees independently to institute and conduct inquiries is a significant power in itself. Committees should not have to depend on having inquiries referred to them by the full legislature, given that that body will be dominated by government-supporting MPs. The capacity to establish inquiries is particularly important for effective oversight and scrutiny. Since 1985, all New Zealand committees have had the power to institute their own inquiries on, and receive briefings on, issues relating to their own subject areas. Since the first proportional representation election in 1996, more committees have had the opportunity and the political determination to institute inquiries. Their topics range from the more routine, scrutiny matters to major policy inquiries.

Government responses to reports are mandatory for an effective committee system. The New Zealand government must respond to recommendations made within committee reports within 90 days of reports being presented to the House. Unfortunately, however, committee reports are seldom debated in the House, a problem that the present Clerk of the House has brought to the attention of the Standing Orders Committee (McGee 2003). Responses are not required on bills, estimates and supplementary estimates, and financial reviews of departments, Offices of Parliament, Crown entities, or public organizations or State enterprises.

⁹ 'There is no such thing as a minority report, there is only one report presented to the House by a select committee. The minority or differing views of members may be indicated in a report. These differing views, if accepted by the committee for inclusion in its report, become an integral part of the report.' (New Zealand House of Representatives 2002, 11).

These are debated in the House. The actual quality of the government responses tends to vary.

Committees must be well-resourced in order to exercise their powers. They need support from their officers and access to independent (non-government) specialist advice. In New Zealand, however, the committees are relatively frugally resourced. Each committee has its own clerk with an assistant. The Office of the Clerk of the House also holds a budget to be used for paying for specialist advice for committees. The Finance and Expenditure Committee has a specialist tax adviser who may be appointed to advise the committee on a bill-by-bill basis; and an adviser on Monetary Statements who holds a permanent contract for this task. Other advisers are brought in on a case-by-case basis. When asked about the adequacy of resources in the New Zealand committee system in 2004, MPs gave very mixed responses, ranging from criticisms to the lack of independent advice to the observation that not all committees used the budget for expert advice that was available to them.

Committee membership and attendance

Whether or not committee membership is distributed according to the party shares of parliamentary seats indicates how dominant the government is over the committees. Of course the allocation of committee places proportionately can only partly compensate for this problem since much depends on the overall position of the government in the first place. The New Zealand *Standing Orders* (2004) require that parties are represented on the committees (overall) in proportion to their respective shares of parliamentary seats.

When committee members are appointed by parliament rather than by parties, the committees are more powerful. One might challenge this criterion as simply unrealistic where there is cabinet government and cohesive parliamentary parties. It is a criterion more appropriate and achievable for presidential than for parliamentary systems. In New Zealand the Business Committee appoints MPs to the committees and that Committee also decides on changes and replacements. In fact the parties make the decisions, usually after discussion with MPs on their preferences.

Effective committees have limitations on their membership in order that they are not dominated by MPs who are part of the political executive and who therefore have a stake in defending government and its agencies. This can be another problem for small parliaments. In New Zealand, cabinet ministers are excluded from the subject committees but, regrettably, some governments have placed ministers outside cabinet, and under-secretaries, on the subject committees. The problem is that these members of the political executive are bound by cabinet collective responsibility. The trend to place ministers on committees can at least in part be explained by the post-MMP predominance of minority governments in a small parliament, with coalition parties under pressure to provide both ministers and, also, supply enough members to fulfil the requirement of proportionality on the committees.

Governing parties should not hold all or most of the committee chairs in effective committee systems. As explained above, in New Zealand the governing party historically chaired all of the subject committees except for Regulations Review which, since its inception in 1985 has been chaired by a member of the opposition. However, an increasing number of chairs have gone to MPs from non-governing parties since 1996.

An indicator of the independence of committee systems is when MPs want to be on the committees of their choice, and attend regularly. This indicator is not one of the usual institutional factors found in the academic literature. In New Zealand, it is generally but not invariably the case that MPs wish to be involved in the committee process. The evidence of the interviews was that senior MPs tend to be appointed on committees of their choice, and the allocation of committees is closely related to the allocation of areas to party spokespeople.

MPs who are present at committee hearings and deliberations and who are not members of committees tend to weaken the coherence and institutional memory of those committees. MPs relatively frequently attend the New Zealand committees with non-voting rights, and substitutions do occur. This was regarded by those interviewed as sometimes having adverse effects, as stated above, but as also improving the expertise of committees on particular topics and facilitating the flow of information between committees and parliamentary caucuses. Thus the usefulness of this indicator as a viable measure of effectiveness must be questioned.

Where government officials are present, they can inhibit committee independence of scrutiny and oversight. The dependence of committees scrutinising bills on the advice given them by public servants is often criticised in New Zealand, but it should be noted that public servants are only present at committees when requested to do so.

The broader power dynamics

In effective committee systems committees influence the views of the parties, not the other way around (and see Shaw 1990). Much of the legislative studies literature is concerned with the nature of the relationship between parties and committees, seeing party dominance of committee views and decisions as a key indicator of a weak system. Rather, committees should affect the views of the parties. The evidence of the New Zealand interviews was that there is a two-way flow of information: committees are influenced, and are influenced by, party views and policies. Again, it is unrealistic to expect committees in cabinet systems to be completely independent of the parliamentary parties (and see Von Beyme 2000, 71).

In order to be effective, committees should not be numerically dominated by the governing party or parties. Plainly, 'The biggest weakness of scrutiny committees (and arguably the biggest weakness of responsible government as a whole) is that government parliamentarians, who are meant to participate in the scrutiny process,

have a stake in the success of the bodies subject to scrutiny' (Curtis and Marinac 2005, 13). Nevertheless, it is difficult to imagine a situation in which a government that held a majority of parliamentary seats would not also choose to dominate the committees. Since the impact of MMP in New Zealand, it has become much more difficult for governing parties to dominate the committees. There has been a wider divergence of views brought to the committee table, and this has affected what happens. Further, because since 1997 New Zealand has had minority governments, governments have not had a majority in all committees.

Up until this point, the indicators discussed have related to their formal resources, other institutional factors, and the dynamics of the relationship between government and opposition. In particular, the thinking behind the indicators is that 'strength' and 'effectiveness' are assessed in terms of the power relationship between the political executive and parliament. But there is another, under-researched and under-emphasised dimension to how parliamentary committees function: their democratic attributes (and for a broader approach see Uhr 2005). The underlying assumption is that a democratic committee system will have a greater capacity to scrutinise governments than will an undemocratic one, as indicated below.

Democracy and Accountability

In this section, rather than dealing with each indicator one-by-one, I have grouped them under three headings. These are: the involvement of citizens in the committee process; the openness and transparency of committee proceedings; and public access to the information laid before the committee members. These indicators are clearly important in assessing how well committees can perform their oversight and scrutiny tasks. Publicity and transparency, it has been frequently observed, are vital aspects in ensuring accountability of public institutions.

Public involvement is generally ignored in assessments of the capacity of committees to scrutinise and supervise the executive, but it actually enhances the process through involving people with new ideas and through exposing committee activities to public appraisal. In New Zealand there is extensive public involvement in the committee process, and publicity for its activities, although the media coverage of committees needs to be improved and expanded. Committees advertise for written and oral submissions as well as invite expert individuals and interest groups to present evidence. This process occurs for legislation and generally for inquiries, although it was suggested to me in interview that it might be extended to the scrutiny of estimates and departmental and ministry financial reviews and annual reports. Another democratic attribute is that public access to hearings should be facilitated: in New Zealand, the committees travel beyond the capital city and also increasingly use video-conferencing.

Transparency of committee proceedings heightens public and elite awareness of the scrutiny process. The New Zealand committees generally hear submissions, hear

evidence from ministers and public servants, and ask questions of witnesses, in public sessions. Committee deliberative proceedings are closed to the public however, which has the advantage of preventing 'grandstanding by MPs and facilitating the frank exchange of views and cross-party consensus: transparency is not always advisable in democratic processes.

Ready access to information generated by committees is also plainly important for an informed and questioning citizenry, an area rapidly being opened up by electronic communications. All New Zealand committee reports are now online, as are government responses to them and some submissions. New Zealand was lagged somewhat behind other parliaments such as the Scottish Parliament, but an ongoing project is placing all submissions and, also, advice to the committees, on line. Unfortunately, however, transcripts of committee proceedings are rarely made, although the PEC does transcribe certain of its scrutiny proceedings.

Another gap in the international indicators that relates to the democratic performance of parliaments concerns the extent to which committees are broadly representative of society's groups. Do committees fairly represent social interests as well as political ones? Are political minorities, including women, indigenous groups, and members of other ethnic minorities, represented on committees? Of course committees are creatures of their larger institutions and thus any distribution of places relies essentially on other mechanisms, such as the preferences manifested through different electoral rules and the party gatekeepers in the candidate selection process. Nevertheless, one measure of an institution's democratic attributes might be whether or not members of political minorities have proportionate shares in terms of the distribution of committee chairs. In New Zealand, after the 2005 general election, 32 per cent of MPs were women. Excluding the Standing Orders and Officers of Parliament committees (with their *ex officio*, Speaker chairs), and the Privileges Committee, but including the thirteen subject committee and the Regulations Review committee, women chaired six out of the total of fourteen. So women were taking senior positions in approximate proportion to their parliamentary representation overall. But recent history has shown that this depends on which parties are in government, because of the discrepancies in how adequately the different parties represent women. As for members of ethnic minorities, after the 2005 general election three Maori MPs chaired committees. Whether or not committee style and performance — rather than composition — is sensitive to gender and ethnic difference is the topic of another paper.

A further indicator has not been explicitly addressed in either the institutional or the democratic analyses of this article, although it has recurred as an intervening variable. This is the issue of the size of parliaments. Plainly, this is an area that needs much more work from legislative scholars, particularly in an era when voters are demanding that parliaments be reduced in size. Without a sufficiently large legislature, an effective committee system, and hence effective scrutiny of the executive, simply cannot be developed (Herr 2005). Further, there are consequences for the quality of representation when parliaments are too small. But what

comprises the minimum of MPs required for an effective committee system needs further research.

Thus there are other sorts of indicators that should be considered when assessing committees, all of which affect their legitimacy and how effectively they can scrutinise the executive.

Scrutiny Considered

This article has discussed the complexities of defining parliaments' scrutiny roles. It has also identified a number of criteria for an effective committee system that provide useful indicators when assessing how parliaments can scrutinise the executive. Further, it has argued that, when assessed against those criteria, the New Zealand Parliament demonstrates a high capacity for scrutiny through its multi-functional subject committees. In addition, the New Zealand House has two committees with particular oversight functions: the Finance and Expenditure Committee and the even more specialised Officers of Parliament Committee. The multi-purpose committee system however has one disadvantage, in that committees can become overwhelmed with legislation at the expense of their scrutiny and inquiry roles. There are also gaps in Parliament's jurisdiction, as has been explained. But overall the committees have formidable formal powers and operate in democratically acceptable ways, and have been strengthened by the development of a multi-party Parliament after the introduction of the proportional electoral system.

The case study of the scrutiny capacity of the committee system of the New Zealand Parliament shows how formal powers need to be reinforced by political power, in particular an effective opposition with some veto powers over government action. This is more important than expecting committees to become completely independent of the parliamentary parties, an unrealistic and probably undesirable development. Committees constitute the best chance to strengthen parliaments' capacities to supervise and scrutinise governmental agencies. They need to be judged against realistic and helpful indicators; and democratic criteria of committee effectiveness also need to be developed and employed. Effective parliamentary scrutiny rests on rather more than developing particular committees with expressly designed oversight and scrutiny functions.

References

- Beattie, Andrew (2005). 'Officers of Parliament — the New Zealand Model', p. 143 this volume.
- Boston, Jonathan, Stephen Levine, Elizabeth Mcleay and Nigel S. Roberts (1996). *New Zealand under MMP*. Auckland, Auckland University Press.

- Curtis, Jonathan and Anthony Marinac (2005). 'The Scrutiny of Government Agencies by Parliamentary Joint Committees', p. 118 this volume.
- Controller and Auditor-General (2002). *Annual Report of the Controller and Auditor-General for year ending 30 June 2002*. Wellington.
- Ganley, Marcus (2001). 'Select Committees and their Role in Keeping Parliament Relevant. Do New Zealand Select Committees Make a Difference?' *Australasian Parliamentary Review*, 16(2): 140–50.
- Goff, Phil (1993). 'Reform of Parliamentary Select Committees in Britain and New Zealand: A Comparative Analysis'. *The Parliamentarian*, 74(3): 165–8.
- Griffith, Gareth (2005). 'Parliament and Accountability: The Role of Parliamentary Oversight Committees', p. 7 this volume.
- Herr, Richard (2005). 'Democracy and Small Parliaments: Some Diseconomies of Scale'. Democratic Audit of Australia, Australian National University. http://democratic.audit.anu.edu.au/papers/200512_herr_smallparls.pdf.
- Jones, Kate and Kerry Jacobs (2005). 'Governing the Government: The Paradoxical Place of the Public Accounts Committee', p. 63 this volume.
- Lewis, Colleen and Ken Coghill (2005). 'Surveying Research on Parliament and Parliamentary Oversight of the Public Sector'. *Australian Journal of Public Administration*, 64:1, 62–67.
- McGee, David (2003). *Review of Standing Orders: Submission of the Clerk of the House of Representatives*. Wellington.
- McGee, David (2005). *Parliamentary Practice in New Zealand*. 3rd edn, Wellington, Dunmore Press.
- McLeay, Elizabeth (2001). 'Parliamentary Committees in New Zealand: A House Continuously Reforming Itself'. *Australasian Parliamentary Review*, 16(2): 121–39.
- McLeay, Elizabeth and John Uhr (2006). 'The Australian and New Zealand Parliaments: Context, Response and Capacity'. *Australian Journal of Political Science*, 41(2): 1–16.
- Mattson, Ingraw and Kaare Strom (1995). 'Parliamentary Committees', in Herbert Doring, ed., *Parliaments and Majority Rule in Western Europe*. Frankfurt, Campus; New York, St. Martin's Press.
- Marsh, Ian (1995). *Beyond the Two-Party System: Political Representation, Economic Competitiveness and Australian Politics*. Cambridge, Cambridge University Press.
- Mulgan, Richard (1996). 'The Australian Senate as a "House of Review"', *Australian Journal of Political Science*, 31(2): 191–204.
- Mulgan, Richard (2003). *Holding Power to Account: Accountability in Modern Democracies*. Houndmills, Basingstoke, Palgrave MacMillan.
- New Zealand House of Representatives (1995, 2004). *Standing Orders*. Wellington.
- Officers of Parliament Committee (2002). Code of practice for the provision of assistance by the Auditor-General to select committees and members of Parliament. Report of the Officers of Parliament Committee. Wellington, NZ House of Representatives, Wellington.

- New Zealand House of Representatives (2002). *Supplement to Speakers' Rulings*, Wellington.
- Palmer, Geoffrey (1987). *Unbridled Power*. 2nd edn., Auckland, Oxford University Press.
- Palmer, Matthew and Geoffrey Palmer (2004). *Bridled Power: New Zealand's Constitution and Government*, 4th edn., Melbourne, Oxford University Press.
- Sandford, Mark and Lucinda Maer (2003). *Scrutiny under Devolution—Committees in Scotland, Wales and Northern Ireland*. London, The Constitution Unit, University College London.
- Shaw, Malcolm (1990). 'Committees in Legislatures', in Philip Norton (ed.), *Legislatures*. Oxford, Oxford University Press.
- Siaroff, Alan (2003). 'Varieties of Parliamentarianism in the Advanced Industrial Democracies', *International Political Science Review*, 24(4): 445–64.
- Skene, Geoff (1990). *New Zealand Parliamentary Committees: An Analysis*. Wellington, Institute of Policy Studies, Victoria University of Wellington.
- Smith, Rodney (2005). 'New South Wales Parliamentary Committees and Integrity Oversight: Comparing Public Sector Agency, News Media and NGO Perspectives', p. 47 this volume.
- Standing Orders Committee (1995). *Review of Standing Orders. Report of the Standing Orders Committee*. New Zealand House of Representatives, Wellington.
- State Services Commission (2002, updated in 2004). *Public Servants and Select Committees*. Wellington.
- Strom, Kaare (1995). 'Parliamentary Committees in European Democracies', in L. Longley and R.H. Davidson (eds), *The New Roles of Parliamentary Committees*. London, Frank Cass.
- Strom, Kaare (1997). 'Rules, Reasons and Routines: Legislative Roles in Parliamentary Democracies'. *Journal of Legislative Studies*, 3(1): 155–74.
- Tanner, George (2004). 'The Legislative Process: Observations'. Paper presented at the Second Annual Conference on the Primary Functions of Government: Parliament. Wellington.
- Uhr, John (2002). 'How Democratic is Parliament? A Case Study in Auditing the Performance of Parliaments', Australian Democratic Audit. http://democratic.audit.anu.edu.au/papers/20050630_uhr.pdf.
- Von Beyme (2000). *Parliamentary Democracy: Democratization, Destabilization, Reconsolidation*. Houndmills, Basingstoke, Palgrave Macmillan.

Table 1: Committees of the New Zealand Parliament, December 2005

| <i>Subject Committees</i> | <i>Specialist Committees</i> |
|------------------------------------|------------------------------|
| Commerce | Business |
| Education and Science | Officers of Parliament |
| Finance and Expenditure | Privileges |
| Foreign Affairs, Defence and Trade | Standing Orders |
| Government Administration | Regulations Review |
| Health | |
| Justice and Electoral | |
| Law and Order | |
| Local Government and Environment | |
| Maori Affairs | |
| Primary Production | |
| Social Services | |
| Transport and Industrial Relations | |

Table 2: Select Committee Activities, 1990–2002

| <i>Committee business</i> | <i>1990–93 (average)*</i> | <i>1993–96 (average)*</i> | <i>1996–99 (average)*</i> | <i>1999–2002 (average)*</i> |
|---------------------------|-------------------------------|-------------------------------|-------------------------------|---------------------------------|
| Meetings held | 587 | 553 | 535 | 588 |
| Petitions referred | 1062 | 258 | 661 | 139 |
| Petitions reported | 900 | 272 | 191 | 260 |
| Bills Referred | 66 | 60 | 65 | 70 |
| Bills considered | 115 | 120 | 105 | 106 |
| Bills reported | 58 | 61 | 64 | 69 |
| Estimates reported | 103 | 70 | 62 | 67 |
| Dept. fin. Revs. rep. | 51** | 17 | 47 | 47 |
| CE's, SOEs. etc. rep. | 32** | 43 | 95 | 92 |
| Inquiries reported | 6 | 6 | 10 | 14 |
| Inquiries on Int. | -- | -- | -- | 22 |
| Treaties reported | | | | |
| Other matters rep. | | 15 | 23 | 8 |

Notes: * Rounded to the nearest whole number.

** 1991–92 and 1992–93 only.

Source: Report of the Office of the House of Representatives, Wellington, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002.

Table 3: Indicators of the Effectiveness of the New Zealand Parliamentary Committee System, 2005*

| <i>Indicators of Effectiveness</i> | <i>NZ</i> |
|---|---|
| <i>Basic Design and Permanence</i> | |
| A medium-to-large number of committees | Yes |
| Permanence | Yes |
| Committees must not be large | Yes |
| Committees shadow govt. agencies | Yes |
| Business Committee control of parliamentary business | Yes, but executive influential |
| <i>Powers and Resources</i> | |
| Power to summon ministers, witnesses and documents | Yes, through the Speaker |
| Ability to question civil servants | Yes |
| Committee stages an obligatory stage of legislation | Yes |
| Principles of bills are not first determined by a plenary session | No |
| Capacity to initiate legislation | Perhaps |
| Capacity to rewrite legislation | Yes |
| Minority reports can be presented to Parliament | No, but minority views in reports |
| Committees can initiate inquiries | Yes |
| Government must respond to reports | Yes |
| Committees are well-resourced | Moderately resourced |
| <i>Membership and Attendance</i> | |
| Membership distributed according to party shares of parliamentary seats | Yes |
| Parliament, not parties, determines membership | No |
| Ministers excluded from committees | Mostly |
| Parliament, not government, determines committee chairs | Overall allocation determined during govt formation |
| Regular attendance of MPs | Yes |
| Non-committee members absent | No |
| Government advisers excluded from committees | Yes, during deliberation |
| <i>Power Dynamics</i> | |
| Committees independent of views of parties | No |
| Committees not dominated by members of governing parties | Yes |

*After Siaroff (2003), 445–64.

Table 4: Indicators of the Effectiveness of the New Zealand Parliamentary Committee System, 2005

| <i>Indicators of Effectiveness</i> | <i>NZ</i> |
|--|-----------|
| <i>Citizen Involvement</i> | |
| Public participation in legislative and inquiry processes: interest group involvement (invited) | Yes |
| Public participation in legislative and inquiry processes: interest group and citizen involvement (self-initiated) | Yes |
| Committees travel beyond capital city | Yes |
| Committees use video-conferencing | Yes |
| <i>Transparency of Processes</i> | |
| Public meetings: oral submissions and questioning | Yes |
| Public meetings: deliberative stage | No |
| <i>Access to Information (beyond written record)</i> | |
| Submissions available online | Not yet |
| Reports available online | Yes |
| Public access to advice received by committees | Not yet |
| Written transcripts of proceedings available | Seldom |

