

Commission on Parliamentary Reform

17 January 2017

Meeting with the Speaker and Clerk of NZ Parliament

Rt Hon David Carter MP, Speaker and David Wilson, Clerk of the House

Following introductions, John McCormick provided information about the Commission and its work before discussing issues of mutual interest.

To what extent does the New Zealand public distinguish the Parliament from the Government?

It is a continuing challenge as it is for most Parliaments – MPs can work long hours on Bills (on one occasion through the weekend) and the public wouldn't know about it.

Committees have become more well-known as a result of more effective consideration of public submissions (75% of which are submitted electronically), using media and social media but there remains room for improvement. There is variation as to the number of submissions Committees receive depending upon the issue, each Committee's approach and how proactively each seeks submissions.

During consideration of a Bill on Assisted Dying, the Committee travelled the country using open mike events.

Committees are also helped by there not being too many standing order rules about how Committee operate which gives flexibility for them to adopt a range of approaches, providing the Committee agrees.

How is Committee membership decided?

Committee membership is proportionate to the party balance. Chairs are elected by committees but usually belong to the major governing party, since it will have a majority on most committees. There are 121 members of the NZ Parliament with constituents having two votes – one for their constituency MP and the other for the Party. The party votes then determine how many MPs from a national list each party then gets. This election system was brought in in 1996. As a result since then no single party has held a majority and all Governments have been some form of coalition (or confidence and supply).

Used to have elected conveners but this was changed in 1985 when another tranche of significant changes were introduced. [A copy of the report which proposed this change will be forwarded to us]

What actions can Committees take?

Committees undertake about 50% legislation, 20-30% financial scrutiny (twice a year – once with the budget and the other is yearend expenditure) with the rest of the time

spent on inquiries and petitions. These percentages may vary according to the Committee (mainly as a result of the legislative programme). The Petitions Committee was abolished as part of the significant reforms in 1985.

Committees have both select and standing Committee functions and are responsible for considering all matters in their subject area including agencies and legislation (1st priority).

In relation to amendments to legislation, where these are agreed unanimously by the Committee they are automatically agreed to by the Parliament – where they are voted through by a majority of the Committee then they are put to the vote in the Parliament. There are approximately 60 bills passed every 3 years session.

All opposition parties put their spokespeople on the Committee for the Ministerial remit they represent and Committee membership ranges between 7 – 12 MPs but more likely to have 8-9 MPs. Members can be on one or two Committees.

When does Parliament meet?

Monday is typically for Government meetings (Cabinet)

Tuesday Am is party caucus meetings,

Tues PM Chamber business is 2-6 pm, and then 7.30-10 pm.

Wednesday AM Committees,

Wednesday PM Chamber business is 2-6 pm, and then 7.30-10 pm.

Thursday AM Committee business,

Thursday PM Chamber 2-6 pm.

Committees require special permission to meet at the same time as Parliament.

How does proxy voting work and how did it arise?

Originally there was the pairing mechanism (where if one member cannot vote then a counterpart in an opposing party also doesn't vote) but with the change of the electoral system in 1996 it was recognised that this would not be feasible. Proxy voting enables each party to cast proxy votes for up to 25% of their members. These votes are held by the party whips and based on honesty. Parliament Officials monitor it with Parties and confirm those members they have been included in the proxy vote. There is a monetary penalty for any MP who is absent without leave.

At decision time (held at the end of the debate on each item of business) the Party whip says how many votes they are casting as proxy votes (reducing it for any absent members which would take the total to above 25%) and after all parties have declared, the numbers are added and the decision announced. Question time is the busiest time when there may be 110-120 MPs in the Chamber.

The proxy system also provides for the Speaker to give members permission to cast their votes by proxy because of compassionate reasons (illness or maternity leave for example) and this doesn't count as part of the 25% nor does proxy votes for members absent because of Parliamentary Committee business.

The Business Committee also can also agree to request for a proxy vote in relation to significant celebrations.

There is little media coverage of this approach – it is seen as a pragmatic response.

Very infrequently there are votes which are conducted using the aye and no lobby doors.

How diverse are MPs?

Parties use the National List to deliver diversity including gender balance or to ensure the election of candidates representing specific communities. As a national List MP they can then represent that community.

List members base their offices in a constituency (and some do in the more marginal seats of opposing MPs). There is the perception that constituency members are seen as 'better' than list members but equally some constituency members will then decide to seek election by the list when they are looking to wind down (such as before retiring). There is little media coverage of this aspect.

Demographics for current parliament:

Gender

- Male, 68%
- Female, 32%

Ethnicity

- Pakeha/European, 69%
- Maori, 21%
- Pacific, 6%

Age

- 20s, 2%
- 30s, 17%
- 40s, 37%
- 50s, 36%
- 60s, 8%
- 70s, 1%

Area

- Auckland, 30%
- Wellington, 14%
- Christchurch, 12%
- Provincial Cities, 21%
- Rural, 24%

How does citizen initiated referenda work?

This approach has been less successful (it is where more than 10% of the population support a question). It is the role of the Clerk to agree the question to be put and the promoter then meets the costs for promoting it (there is a spending cap of £25,000 approximately). If 10% support is reached the Government then meets the cost of holding a referendum.

No referenda have yet been successful, and in one case it has been used as device to drive pay negotiations. On balance this approach was not recommended for the Scottish Parliament because it requires the public to answer yes or no to complex public policy matters with little information available to them.

How does the Legislative Standards Committee work?

This independent Committee was formed recently when two bodies merged. Before that time there was a mix of membership between public and private drafters and lawyers headed by the attorney general. Now the Committee is headed by the Attorney General and its members are all government drafters/legal advisors. This has reduced the ability of this Committee to provide responses to Parliamentary Committee requests given they are government lawyers.

It has three key purposes – setting standards for legislation, advising on good legislative design and promoting the design standards for legislation.

Not all departments adhere to the standards but there is now an increased focus on pre legislative work following focus by the State Services Minister.

How is the Parliament's work publicised?

All public meetings are broadcast online and on television with 1 in 5 in New Zealand reporting to watch proceedings (principally Question time).

It was highlighted that the Parliament's rule book is revised every three years (NZ Parliament has a 3 year session). This approach was commended as very successful in ensuring that rule changes occur incrementally rather than being brought in quickly as a result of a crisis.

The rules review is launched after the election of MPs and the conclusion brought into force before the next election. The Parliament has trialled rules before implementing them. Whilst the benefits are not seen immediately, 20 years on it has become a very effective way of looking at how well the Parliament is working on a regular basis.

The Business Committee has also begun refocusing on how Parliamentary time is used by focussing on areas of debate rather than consensus.