



Northern Ireland  
Assembly

## Research and Information Service Research Paper

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# Review of committee structures Comparative information from other legislatures

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This research paper provides information on the committee systems operating in a number of legislatures. It identifies any significant reforms undertaken to the structure of the system and highlights key characteristics, including membership and composition.



## Key Points

- Any consideration of the committee structure of the Northern Ireland Assembly needs to be placed in the unique political context within which the Assembly and its committees operate i.e. the consociational framework designed to allow competing political views in a divided society – this was not a factor in the other legislatures examined for this paper
- There is no standard model of committee structure, although generally legislatures have both departmental/portfolio committees and committees to deal with procedural issues
- It is usual practice to have committees shadow government departments, as in the Northern Ireland Assembly. The Scottish Parliament and Storting (Norway) have policy based committees that do not match directly with government departments, although all areas of government activity are covered
- In the case of Norway, reforms in 1993 ‘emancipated’ committees from their link with departments. This move away from a one-to-one relationship negated the need to restructure the committee system every time the Norwegian Government changed (which was relatively often)
- Of the legislatures examined for the research, the Australian Parliament and Legislative Assembly of Queensland have both recently undergone significant reforms to their committee structures. A key feature of both legislatures was that the committee systems had been perceived as being weak and were in need of reform in order to enhance the scrutiny role of the legislature
- The Northern Ireland Assembly might be said to have a relatively strong committee structure with a statutory committee covering each Government department. Committees have the power to initiate inquiries and legislation, summon witnesses and call for documents. Furthermore, a committee Chair cannot be of the same party as the Minister who answers to that committee and committee members are allocated reasonably strictly in accordance to party strength
- There is a lack of flexibility in relation to number of committee members on NIA committees compared to some other legislatures. Generally, legislatures allow for a range of members per committee. In the Northern Ireland Assembly, both statutory and standing committees must have 11 members each (apart from the Audit Committee which has five). Again, this must be placed in the context of the Belfast (Good Friday) Agreement and subsequent legislation
- The Northern Ireland Assembly does not allow substitute or supplementary members and does not avail of sub-committees (although there is provision for them in Standing Orders), unlike other legislatures

- The Norwegian Parliament is the only Parliament examined that specifies that a member can be a member of one and only one committee. There are no restrictions in the House of Commons or the devolved legislatures. France, Italy, Portugal and Switzerland impose restrictions on the number of committees a member may serve on
- The Scottish Parliament, which is sometimes cited as a model of best practice for committees, is not immune from criticism. Recent research has highlighted committees' lack of willingness to bring forward legislation and commented that they rarely set the agenda for the Government by identifying policy gaps

## Executive Summary

This research paper provides information on committee systems in the:

- Scottish Parliament
- Australian House of Representatives
- Queensland Parliament
- New Zealand House of Representatives
- Canadian House of Commons Swedish Riksdag and
- Norwegian Storting

Any comparison between the Northern Ireland Assembly and legislatures elsewhere must recognise the consociational framework which underpins the workings of the Assembly and the Executive. The architecture of the Belfast (Good Friday) Agreement and subsequent legislation accommodates competing political views in a deeply divided society.

There is no standard model of committee system, with legislatures adapting their committees to meet the needs of the institution or to respond to changes in the structures of Government.

It could be argued that the committee structure within the Northern Ireland Assembly is one that other legislatures have recently moved to, or indeed aspire to. The Assembly's committee system was the result of detailed planning, with precise allocation of membership and appointment of Chairpersons and deputy Chairpersons using the D'Hondt method. Furthermore, the Chair of a statutory committee cannot be from the same party as that which the relevant Minister belongs to. This means, at least in theory, that committees do not become vehicles to rubberstamp decisions taken by the Minister, unlike those in other legislatures where the Executive can exercise significant influence over committee work.

There is perhaps more flexibility built into other committee systems when compared to the Northern Ireland Assembly. The number of members per committee in particular can vary, whereas Assembly committees must have 11 members each, the Audit Committee being the exception. The use of supplementary members is also a feature common to other committee systems, as is the use of sub-committees which are established to look at specific aspects of an issue is under consideration by the parent committee.

The Scottish Parliament and Norwegian Storting provide interesting examples whereby the committee system was restructured (or in the case of Scotland, specifically

designed) to provide committees with a broad policy-based remit, rather than direct correspondence to a government ministry.

The committee system in Norway underwent significant transformation in 1993 when the direct link with ministries was broken. This so-called 'emancipation' of committees was necessitated by the relatively frequent changes of Government that then impacted on committee portfolios.

The Scottish Parliament's subject committees do not directly match to a Government Directorate. Instead, two committees might be responsible for scrutiny of different aspects of the same Directorate. The Scottish committee system is sometimes viewed as a successful example of a modern, flexible system, but it has come in for criticism for allowing too much Executive influence at the expense of committees developing their own agendas.

# 1 Background

This briefing paper provides an overview of the parliamentary committee structures in the Scottish Parliament, Australian House of Representatives, Queensland Parliament, Canadian House of Commons, New Zealand House of Representatives, Swedish Riksdag and Norwegian Storting. It highlights recent changes to committee structures and identifies areas of good practice.

The paper takes the following approach:

- Basic information about the legislature, including current committee structure
- Recent reviews/studies into the legislature's committee system
- Reforms coming out of any such reviews

It also includes some information on liaison groups/committees in other legislatures.

Table 1 provides a summary of the key characteristics of the committee systems in the above legislatures.



**Table 1: Comparison of committee systems**

	<b>Northern Ireland Assembly</b>	<b>Scottish Parliament</b>	<b>Australia House of Representatives</b>	<b>Queensland Parliament</b>	<b>Canada House of Commons</b>	<b>New Zealand</b>	<b>Sweden</b>	<b>Norway</b>
<b>Committee system</b>	12 statutory (departmental); 6 standing. Ad hoc and Joint established as and when necessary	7 subject; 7 mandatory.	9 standing (departmental and procedural); select committees appointed as and when necessary (currently none); 13 Joint committees administered by the House and 6 administered by the Senate	7 portfolio (departmental); 3 other committees are internal/procedural	26 standing (departmental and procedural); 15 legislative committees	13 select (departmental); 5 specialist (procedural)	15 plus Committee on European Union Affairs	12
<b>Number of members per committee</b>	11 statutory; 11 standing (5 for Audit Committee)	Between 5 and 15, most have between 7 and 9 in practice. Parties with 2 or more MSPs can nominate substitutes	7 for standing committees; membership of others can vary (up to 34 <sup>1</sup> )	Committees consist of 7 members unless otherwise directed by statute or Standing Orders	16-18 Members for standing; 16 for legislative committees; membership of joint committees is proportional relative to the size of both Houses	7-12 Members	17	8-18
<b>Composition</b>	Composition based on party balance. Chairs and deputy Chairs appointed using D'Hondt mechanism.	Composition based on party balance	Four government and three non-government members.	Composition based on party balance. Currently, portfolio committees are made up of five Government members and two non-Government members.	Committee membership generally reflects the proportions of the various recognized parties in the House. Where the governing	Proportion to party membership in the House	Proportion to party membership	Proportion to party membership

<sup>1</sup> [http://www.aph.gov.au/about\\_parliament/house\\_of\\_representatives/powers\\_practice\\_and\\_procedure/00\\_-\\_infosheets/infosheet\\_4\\_-\\_committees](http://www.aph.gov.au/about_parliament/house_of_representatives/powers_practice_and_procedure/00_-_infosheets/infosheet_4_-_committees)

					party has a majority in the House, it will also have a majority on every House committee. Independent members have not ordinarily been appointed to committees.			
<b>Sub-committees</b>	Allowed under Standing Orders but not used	Yes and used	Yes and used	Yes and used	Yes and used	Yes and used	N/A	N/A

## 2 Scotland

The Scottish Parliament provides perhaps the most relevant example with which to compare the Northern Ireland Assembly. It is a young, unicameral legislature and significant stock was placed in its committees to hold the Executive to account. The final report of the Scottish Constitutional Convention expected the 'parliament to operate through a system of powerful committees which are able to initiate legislation as well as to scrutinise and amend government proposals, and which have wide-ranging investigative functions'<sup>2</sup>.

There are two types of committees in the Scottish Parliament: mandatory and subject. Mandatory committees are established at the beginning of each mandate, with their remits determined by Standing Orders. Subject committees are also usually established at the beginning of each session. The current structure is as follows:

**Table 1: Information on Scottish Parliament committees**

<b>Mandatory Committees</b>	<b>Subject Committees</b>
Equal Opportunities	Economy, Energy and Tourism
European and External Relations	Education and Culture
Finance	Health and Sport
Public Audit	Infrastructure and Capital Investment
Public Petitions	Justice
Standards, Procedures and Public Appointments	Local Government and Regeneration
Subordinate Legislation	Rural Affairs, Climate Change and Environment

A commentator describes the Scottish Parliamentary committee system as one that is associated with relatively strong legislatures:

It has combined standing and select committee functions to help develop expertise within the committees responsible for scrutinising legislation. Most committees are permanent and not subject to government dissolution. They have relatively few members, to allow them to develop a 'businesslike', not partisan, culture. The number of convenors (chairs) is proportional by party and they are selected by each committee. Committee deliberation takes place before the initial and final plenary stages (of legislation)<sup>3</sup>.

However, the same article goes on to describe perceived shortcomings in the Scottish committee system:

<sup>2</sup> [http://www.almac.co.uk/business\\_park/scc/scc-rep.htm](http://www.almac.co.uk/business_park/scc/scc-rep.htm)

<sup>3</sup> <http://paulcairney.blogspot.co.uk/2012/10/how-can-scottish-parliament-be-improved.html>

- From 1997-2007 the Scottish Executive dominated the legislative process and presided over a punishing legislative schedule with committees becoming a legislative ‘sausage machine’
- Several legacy reports of committees bemoaned the lack of time for inquiries because of the amount of legislation
- Scottish Parliament committees rarely set the agenda for future Scottish Government action by, for example, identifying gaps in existing policy and prompting further action
- From 2007 until perhaps 2009 they did not take advantage of low legislative output to assert their position
- The Scottish Government is able to pursue many of its policy aims without particular recourse to Parliament i.e. the minority Government pursued a range of policies (such as introducing a new relationship with local authorities) without the use of primary legislation

The article proposes that one way of enhancing the strength of committees is that they suggest realistic recommendations that will find agreement within the Scottish Government – getting the Government to modify its priorities rather than its policies<sup>4</sup>.

In the early days of the Parliament there was ‘a growing concern that there are insufficient staff and resources in committees, particularly since MSPs sat on more than one committee and the skills of committee staff varied’<sup>5</sup>. Furthermore, the use of substitutes and high membership turnover did not allow MSPs to develop expertise. The early restructuring of the system (which, for example, resulted in two Justice Committees) did not prevent continued problems of overload towards election recess, when committees were expected to process large numbers of Bills<sup>6</sup>.

There are two particular problems highlighted in relation to the scrutiny of finance and Europe.

The Finance Committee established early on its *right* to produce an alternative budget, but did nothing to demonstrate that ability (it has been argued that if such an alternative was ever supported by the Parliament, it would effectively force the resignation of the Government). Instead, most of the Committee’s time was spent trying, unsuccessfully, to get reliable figures from the Scottish Government.

The European Committee was hampered in its work because MSPs were not privy to Scottish Government discussions with the UK Government, which were kept confidential. Therefore, its attempts to emulate Westminster whereby a final position could not be adopted without parliamentary approval were not successful. It was

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<sup>4</sup> <http://paulcairney.blogspot.co.uk/2012/10/how-can-scottish-parliament-be-improved.html>

<sup>5</sup> Paul Cairney, *The Scottish Political System since Devolution*, Imprint Academic, 2011

<sup>6</sup> As above

reduced instead to scrutinising the implementation of EU policies, conducting inquiries into issues that are of strategic interest and making sure that Scottish ministers gave evidence at the start of each EU presidency:

For example, in 2007 it produced a strategic report, calling for earlier Scottish Executive engagement in the ‘upstream’ phase of policy development to address the problems with its obligations when EU policy comes ‘downstream’. In one case, both (the Finance and European) committees suffered the same problem, when (they) could not convince the Scottish Secretary to attend their meetings to explain how EU structural funds would work...the issue was never resolved<sup>7</sup>.

Even from 2007-11 committees did not look to fill the gaps left by a reduction in the volume of legislation with difficulties in agreeing consensus over pursuing longer-term inquiries. In addition, there was a willingness on the part of the Executive to overturn decisions reached in committee when the time came to debate them in plenary<sup>8</sup>.

Research from 2002 provides a useful framework for evaluating the effectiveness of Scottish parliamentary committees with regard, in part, to the structure of the committee system:

**Table 2: Are Scottish parliamentary committees effective? Arguments for and against**

<b>Effective</b>	<b>Ineffective</b>
<ol style="list-style-type: none"> <li>1. Small size will foster an effective collective identity and hence committee autonomy</li> <li>2. The combined roles of standing and select committees will foster policy expertise</li> <li>3. Committees will foster an agenda-setting role through inquiries which are not in the control of party managers</li> <li>4. Working practices will be consensual rather than partisan</li> <li>5. The openness of proceedings will discourage adversarialism</li> </ol>	<ol style="list-style-type: none"> <li>1. The committees will be too small to make scrutiny effective (especially if there are attendance problems)</li> <li>2. High turnover undermines a committee ethos and the combined roles leads to overload</li> <li>3. The legislative load means that committees have no time for agenda setting through inquiry work</li> <li>4. The open process will lead to party posturing (extending to witness examination which is often ritualistic)</li> <li>5. Committee specialisation will fragment the House and undermine collective decision-making</li> <li>6. In effect, there is always a trade-off between broader MSP knowledge, time and turnover</li> </ol>

The above table shows that “there is no agreement on the optimal size of committees, the optimal balance between expertise and workload, or the effect that parties will have on the operation of committees”<sup>9</sup>. Therefore the structure of committees may not be a good predictor of the influence of Parliament<sup>10</sup>.

<sup>7</sup> Paul Cairney, *The Scottish Political System since Devolution*, Imprint Academic, 2011

<sup>8</sup> As above

<sup>9</sup> McGarvey & Cairney, *Scottish Politics: an Introduction*, Palgrave Macmillan, 2008

<sup>10</sup> As above

### 3 Australia

#### Australian House of Representatives

**Table 3: Information on Australian Parliament**

<b>Bicameral or unicameral</b>	Bicameral – House of Representatives and Senate	
<b>Number of Members</b>	150 House, 76 Senators	
<b>Current committee structure (as of February 2013)</b>	<p><b>House</b></p> <ul style="list-style-type: none"> <li>• Aboriginal and Torres Strait Islander Affairs</li> <li>• Agriculture, Resources, Fisheries and Forestry</li> <li>• Appropriations and Administration</li> <li>• Climate Change, Environment and the Arts</li> <li>• Economics</li> <li>• Education and Employment</li> <li>• Health and Ageing</li> <li>• Infrastructure and Communications</li> <li>• Petitions</li> <li>• Privileges and Members' Interest</li> <li>• Procedure</li> <li>• Publications</li> <li>• Regional Australia</li> <li>• Selection</li> <li>• Social Policy and Legal Affairs</li> </ul> <p><b>Joint Committees administered by the House</b></p> <ul style="list-style-type: none"> <li>• Broadcasting of Parliamentary Proceedings</li> <li>• Constitutional Recognition of Local Government (Select)</li> <li>• Cyber-Safety (Select)</li> <li>• Electoral Matters</li> <li>• Foreign Affairs, Defence and Trade</li> <li>• Intelligence and Security</li> <li>• Migration</li> <li>• National Broadband Network</li> <li>• National Capital and External Territories</li> <li>• Public Accounts and Audit</li> <li>• Public Works</li> <li>• Publications</li> <li>• Treaties</li> </ul>	<p><b>Senate</b></p> <ul style="list-style-type: none"> <li>• Appropriations and Staffing</li> <li>• Community Affairs</li> <li>• Economics</li> <li>• Education, Employment and Workplace Relations</li> <li>• Environment and Communications</li> <li>• Finance and Public Administration</li> <li>• Foreign Affairs, Defence and Trade</li> <li>• Legal and Constitutional Affairs</li> <li>• Privileges</li> <li>• Procedure</li> <li>• Publications</li> <li>• Regulations and Ordinances</li> <li>• Rural and Regional Affairs and Transport</li> <li>• Scrutiny of Bills</li> <li>• Selection of Bills</li> <li>• Senators' Interests</li> </ul> <p><b>Joint Committees administered by the Senate</b></p> <ul style="list-style-type: none"> <li>• Australian Commission for Law Enforcement Integrity</li> <li>• Law Enforcement (Formerly Australian Crime Commission)</li> <li>• Corporations and Financial Services</li> <li>• Human Rights</li> </ul> <p><b>Joint Select Committees Administered by the Senate</b></p> <ul style="list-style-type: none"> <li>• Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples</li> <li>• Gambling Reform</li> </ul>

## Development of the Committee system

Parliamentary committees have been a feature of the Australian Parliament since the 1920s, when committees were appointed to investigate issues as they arose. This *ad hoc* approach continued until the 1970s, when an increase in committee activity led to a reappraisal of the system.

A joint committee was established in 1974 to inquire into a permanent committee system that would be integrated into the procedures of the Parliament. The Joint Committee on the Parliamentary Committee System presented its report in May 1976, but despite recommendations for change, committees continued to be established on an *ad hoc* basis for a further 10 years. It wasn't until 1987 that the House committee system was restructured to provide a comprehensive system of general purpose committees that ensured all government departments and agencies were monitored.

A further review was carried out in 1998 by the Procedures Committee which made the following reforms:

- A reduction in the number of positions on general standing committees (equivalent of the Northern Ireland Assembly's statutory committees)
- A greater role for general purpose standing committees in examining audit reports
- Changes to the scheduling of committee business in the Chamber and Main Committee
- Changes to the process for appointing Members to committees; and
- Committees having more flexibility in their use of electronic communication devices

The next major review was undertaken by the Procedures Committee in 2010: *Building a Modern Committee System*<sup>11</sup>. This detailed report looked at a range of issues relating to the committee system, including the structure of the committee system, powers and operations of committees, their engagement with the public and the type of work undertaken by committees.

Many of the report's recommendations were adopted in the *Agreement for a Better Parliament: Parliamentary Reform*, which was negotiated between the political parties and independent Members in the period between the 2010 federal election and the formation of government. A key outcome of this was the establishment of committees to cover most areas of federal government activity. The changes were implemented in amendments to Standing Orders at the beginning of the 43<sup>rd</sup> Parliament and included:

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<sup>11</sup>[http://www.aph.gov.au/Parliamentary\\_Business/Committees/House\\_of\\_Representatives\\_Committees?url=proc/committees2/report/front.pdf](http://www.aph.gov.au/Parliamentary_Business/Committees/House_of_Representatives_Committees?url=proc/committees2/report/front.pdf)

**Table 4: Overview of changes to committee system in Australian House of Representatives**

<p><b>Rationalisation of general purpose standing committees</b></p>	<p>House standing committees reduced from 12 to nine. Permanent positions per committee reduced from 10 to seven, with four government and three non-government members.</p> <p>Rationale for having fewer and smaller House Standing committees was to alleviate time pressures on Members and to allow them to dedicate more time to the committee or committees which they serve. However, subsequent establishment of six joint select committees has meant that in reality there has been little change.</p> <p>At November 2011 there were 247 positions on House and joint committees being filled by 116 eligible Members – an average of 2.1 positions per eligible Member. There are more Members serving on one committee compared to previous parliaments; fewer Members serving on two and three committees; number of Members serving on four or more committees has increased by one.</p>
<p><b>Supplementary Members</b></p>	<p>Although the permanent membership of general purpose House standing committees has been reduced, the standing orders now provide for up to four supplementary members (with a maximum of two government and two non-government members) to be appointed for a particular inquiry. Supplementary members share the same participatory rights as permanent committee members but they cannot vote. In the current Parliament, regular use has been made of the provision to appoint supplementary members.</p>
<p><b>Statements on inquiries by committee chairs and deputy chairs</b></p>	<p>Standing Orders were amended to allow committee chairs and deputy chairs to make announcements in the House in relation to committee inquiries during periods for committee and delegation business on Mondays.</p>
<p><b>Government responses to committee reports</b></p>	<p>Early in the current Parliament, the House resolved to impose a six-month limit for government responses to reports by House and joint committees. If a response is not presented within six months, the relevant Minister must present a statement to the House explaining the reasons for the delay.</p>
<p><b>Referral of bills to committees by the House Selection Committee</b></p>	<p>A significant procedural reform foreshadowed in the Agreement was the re-establishment of a House Selection Committee that would have a new power to refer bills regarded as 'controversial or requiring further consultation or debate' directly to House or joint committees for advisory report. That power has been exercised regularly and has increased the pressure on committees. For example, by November 2011 68 bills had been referred to committees, including 16 to the Committee on Economics.</p>

The review concluded that the changes to the House committee system had generally been enthusiastically embraced by Members. It recognised that the rationalisation in numbers of committees and committee places had been undermined somewhat by the establishment of new joint select committees and the Procedures Committee agreed to monitor this situation.

The ability for committees to have their membership supplemented by up to four members for specific inquiries has increased flexibility for Members to participate in

inquiries relevant to them and their constituents. This new provision is used consistently.

Since the House resolved that ministerial explanations are required if government responses to reports are not received within six months, the six month period has elapsed for 14 committee reports. Of these, five remain outstanding.

## Legislative Assembly of Queensland

**Table 5: Information on Legislative Assembly of Queensland**

<b>Bicameral or unicameral</b>	Unicameral – the Upper House (Legislative Council) was abolished in 1922
<b>Number of Members</b>	89, elected every three years
<b>Current committee structure (as of February 2013)</b>	<ul style="list-style-type: none"> <li>• Agriculture, Resources and Environment</li> <li>• Committee of the Legislative Assembly</li> <li>• Education and Innovation</li> <li>• Ethics</li> <li>• Finance and Administration</li> <li>• Health and Community Services</li> <li>• Legal Affairs and Community Safety</li> <li>• Parliamentary Crime and Misconduct Committee</li> <li>• State Development, Infrastructure and Industry</li> <li>• Transport, Housing and Local Government</li> </ul>

The Assembly website provides the following information on the evolution of the Queensland committee system:

The committee system in Queensland went into decline during the course of the 20th century. By the early 1980s there were only a few domestic committees (Privileges Committee, Printing Committee and the Subordinate Legislation Committee established in 1975). However, in the late 1980s a new invigorated committee system began to develop. Legislation was enacted in 1988 to establish the Parliamentary Committee of Public Accounts. Other committees were subsequently established by legislation or appointed by resolution of the House to scrutinise various aspects of Government policy and administration.

In 1989, the Fitzgerald Report (Commission of Inquiry into Possible Illegal Activities and Associated Police Misconduct) looked at systems in place in the Federal Parliament of Australia and the House of Commons in the UK and recommended that Queensland introduce "a comprehensive system of Parliamentary Committees to enhance the ability of Parliament to monitor the efficiency of Government".

A period of review followed from the Fitzgerald Inquiry. The Fitzgerald recommendations were referred to the Electoral and Administrative Review Commission (EARC) which reported in favour of a portfolio-based system of committees. EARC's recommendations were referred to a Parliamentary Committee the Parliamentary Committee for Electoral and Administrative Review (PCEAR). This

committee did not opt for a portfolio-based system but made recommendation to enhance the current system.

Minor changes to committees occurred in 2009 with the passing of the Parliament of Queensland Amendment Act 2009. The Act established the Law, Justice and Safety Committee as a standing committee replacing the Legal Constitutional and Administrative Review Committee. In addition, the Act merged the Public Accounts Committee and the Public Works Committee into a single committee entitled the Public Accounts and Public Works Committee. On 23 April 2009 the Legislative Assembly established by resolution three new committees, the Economic Development Committee, the Environment and Resources Committee and the Social Development Committee. These reforms saw a shift towards a subject based committee system<sup>12</sup>.

On 25 February 2010 the Assembly established the Committee System Review Committee to undertake a review of Queensland's parliamentary committees. The focus of the review was on how the parliamentary oversight of legislation could be enhanced and how the existing parliamentary committee system could be strengthened to enhance accountability. The Committee reported in December 2010 and made 55 recommendations including:

- Establishment of nine portfolio-based committees which would examine policy and legislation in their dedicated policy areas. Each committee to have the ability to report on all aspects of government activities, including investigating and reporting on events, incidents and operational matters of the government. All new bills to be referred to a committee for consideration before proceeding through the House. Each portfolio committee to examine the Budget estimates for their portfolio.
- Bipartisan support of a committee would be required before the government could make any appointment to a range of sensitive public offices, including the Ombudsman, the Information Commissioner and the Auditor-General.
- Establishment of a Committee of the Legislative Assembly which would coordinate the business of the parliament as well as taking on the functions of the Standing Orders Committee and the Integrity, Ethics and Parliamentary Privileges Committee without the oversight function of the Integrity Commissioner. Membership of this committee would comprise the Leader of the House, the Premier (or nominee), Deputy Premier (or nominee), Leader of Opposition Business, Leader of the opposition (or nominee) and Deputy Leader of the Opposition (or nominee).

The government's response was tabled in March 2011 during the motion to debate the Committee's report. On completion of the debate the House established the Committee

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<sup>12</sup> <http://www.parliament.qld.gov.au/work-of-committees/introduction/history>

of the Legislative Assembly to take forward issues relating to the report. On 5 April 2011 the Parliament of Queensland (Reform and Modernisation) Amendment Bill was introduced to enact the first stage of the government's response to the work undertaken by the Committee. The Bill was passed in May 2012.

### **Overview of the changes**

The majority of the previous parliamentary committees have been replaced with seven portfolio committees, with responsibility for scrutinising all ministerial portfolios and Government departments.

The size of membership of portfolio committees and the balance of Government and non-Government Members is based on a formula contained in the Parliament of Queensland Act 2001. Its specific application depends on the composition of the Legislative Assembly at any given time. Currently, these committees are made up of five Government members and two non-Government members. In practice, this means that the Chair is a Government member. For their respective portfolios, each committee will examine legislation. They will also conduct the budget estimates inquiries and examine public accounts and public works matters associated with the portfolio.

The Public Accounts and Public Works Committee no longer exist. Instead, all of its functions have been given to the portfolio committees. Therefore, the portfolio committees are able to review reports by the Auditor-General and examine major capital works within their portfolio areas.

The portfolio committees also serve as the Estimates Committees and examine in detail the budgets of their departments in a public hearing. As a result of the reforms, the budget accounts, capital works and legislation for portfolio areas are all examined by one committee.

In addition to portfolio committees, there are three other parliamentary committees: the Ethics Committee, the Parliamentary Crime and Misconduct Committee and the Committee of the Legislative Assembly:

- **Ethics Committee:** examines matters in respect of complaints about the ethical conduct of particular members or alleged breaches of privilege by Members or other persons
- **Committee of the Legislative Assembly:** has oversight and responsibility of the business of the Assembly. This includes the ethical conduct of Members such as the Register of Members' Interests and the Code of Conduct (but the Ethics Committee deals with complaints). The Committee also has responsibility for parliamentary powers, rights and immunities; Standing Orders and procedures
- **Parliamentary Crime and Misconduct Committee:** monitors and reviews the Crime and Misconduct Commission

### Criticism

The reforms introduced in the Queensland Assembly were not without controversy. In August 2011 then Speaker John Mickel announced he would not be seeking re-election at the next election. Explaining his decision, Mr. Mickel said he was concerned at some of the reforms to the committee process, in particular around the handing of control of the parliamentary precinct to the government and the exclusion of the speaker from the main rule-making management committee of the parliament. Mr. Mickel argued that this was a serious violation of the separation of powers<sup>13</sup>.

## 4 Canada

### Canadian House of Commons

**Table 6: Information on Parliament of Canada**

<b>Bicameral or unicameral?</b>	Bicameral	
<b>Number of members</b>	308 House of Commons, 105 Senate	
<b>Current committee structure (as of February 2013)</b>	<p><b>House</b></p> <ul style="list-style-type: none"> <li>• Aboriginal Affairs and Northern Development</li> <li>• Access to Information, Privacy and Ethics</li> <li>• Agriculture and Agri-Food</li> <li>• Canadian Heritage</li> <li>• Citizenship and Immigration</li> <li>• Environment and Sustainable Development</li> <li>• Finance</li> <li>• Fisheries and Oceans</li> <li>• Foreign Affairs and International Development</li> <li>• Government Operations and Estimates</li> <li>• Health</li> <li>• Human Resources, Skills and Social Development and the Status of Persons with Disabilities</li> <li>• Industry, Science and Technology</li> <li>• International Trade</li> <li>• Justice and Human Rights</li> <li>• Liaison</li> <li>• National Defence</li> <li>• Natural Resources</li> <li>• Official Languages</li> <li>• Procedure and House Affairs</li> </ul>	<p><b>Senate</b></p> <ul style="list-style-type: none"> <li>• Aboriginal Peoples</li> <li>• Agriculture and Forestry</li> <li>• Anti-terrorism (Special)</li> <li>• Banking, Trade and Commerce</li> <li>• Conflict of Interest for Senators</li> <li>• Energy, the Environment and Natural Resources</li> <li>• Fisheries and Oceans</li> <li>• Foreign Affairs and International Trade</li> <li>• Human Rights</li> <li>• Internal Economy, Budgets and Administration</li> <li>• Legal and Constitutional Affairs</li> <li>• National Finance</li> <li>• National Security and Defence</li> <li>• Subcommittee on Veterans Affairs</li> <li>• Official Languages</li> <li>• Rules, Procedures and the Rights of Parliament</li> <li>• Selection Committee</li> <li>• Social Affairs, Science and Technology</li> <li>• Transport and Communications</li> </ul>

<sup>13</sup> <http://www.theaustralian.com.au/national-affairs/state-politics/queenslands-speaker-john-mickel-to-retire-in-protest-over-parliamentary-reforms/story-e6frqczx-1226112550339>

	<ul style="list-style-type: none"> <li>• Public Accounts</li> <li>• Public Safety and National Security</li> <li>• Special Committee on Co-operatives</li> <li>• Status of Women</li> <li>• Transport, Infrastructure and Communities</li> <li>• Veterans Affairs</li> </ul>	
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## Overview of the Committee system

### The website of the Parliament provides the following overview in relation to the development of the committee system since the 1980s:

In 1982, the House appointed a special committee to review the Standing Orders and proceeded to implement several of its recommendations on a provisional basis. Among the most significant changes were those automatically referring the annual reports of departments, agencies and Crown corporations to standing committees and empowering the committees to initiate their own studies or investigations based on the information in those reports. Early in the subsequent Parliament the House agreed to retain the provisional changes and struck yet another special committee to inquire into the efficacy of all aspects of House procedure and administration. This committee made recommendations to enlarge the scope of committee mandates to give standing committees “broad authority” to look into and report to the House on any matter which was relevant to the departments for which they were responsible; to create a committee structure which reflected, as much as practicable, the organization of government; and to establish a Liaison Committee, consisting of the Chairs of all standing committees and appropriate Chairs or Vice-Chairs of joint committees, charged with the allocation of committee budgets. Provisional changes to the Standing Orders in 1986 incorporated the majority of the Committee’s recommendations relating to committees; these changes were made permanent the following year. The House’s standing committee structure was readjusted in 1991 and 1994, reflecting changes in government organization<sup>14</sup>.

There are several distinct types of committees: standing, legislative, special, joint and sub-committees. Standing committees are provided for in the Standing Orders; permanent changes to the list of these committees can only be made by amending the Standing Orders. Legislative and special committees are appointed by motion on an ad hoc basis to carry out specific tasks and cease to exist when they have tabled their final reports. Joint committees are composed of members from both the House and Senate; they may be either standing or special<sup>15</sup>.

<sup>14</sup> <http://www.parl.gc.ca/MarleauMontpetit/DocumentViewer.aspx?DocId=1001&Sec=Ch20&Seq=0&Language=E&Print=2>

<sup>15</sup> [http://www.parl.gc.ca/About/House/compendium/web-content/c\\_g\\_committees-e.htm](http://www.parl.gc.ca/About/House/compendium/web-content/c_g_committees-e.htm)

**Table 7: Overview of committee structure in Canadian House of Commons<sup>16</sup>**

<b>Standing Committees</b>	<p>Standing committees are permanent committees established by Standing Order. They are mandated by the House to oversee a government department or departments, to review particular areas of federal policy or to exercise procedural and administrative responsibilities related to Parliament. Some committees may have both departmental and policy-area responsibilities. As well as the permanent mandates provided to standing committees by the Standing Orders, other matters are routinely referred to them by the House for examination: bills, Estimates, Order-in-Council appointments, [56] documents tabled in the House pursuant to statute, and specific matters which the House wishes to have studied. The House refers specific studies to committees by adopting a motion to that effect. The motion, once adopted, becomes an order of the House to a committee, known as an order of reference. In addition to the subject matter of the study, the order of reference may also contain conditions that the committee must comply with in carrying out the study or additional powers which it may require for that purpose.</p> <p>The majority of standing committees are established to oversee a government department or departments. These committees are charged with the review of the relevant statute law, departmental operations and expenditures, and the effectiveness of the policies and programs of the department. The House adjusts the number and responsibilities of departmental standing committees to reflect changes in the structure of government administration.</p>
<b>Liaison Committee</b>	<p>The Liaison Committee is a permanent committee, established pursuant to the Standing Orders, but is not a standing committee. It is made up ex officio of the Chairs of all the standing committees and the House Chairs of the standing joint committees. The Liaison Committee is responsible for apportioning funds to standing committees from the money allocated for that purpose by the Board of Internal Economy. It meets in camera to deliberate on administrative matters relating to the standing committee system and has a quorum of seven members. It is empowered to report to the House from time to time and has also carried out studies on the effectiveness of the committees of the House.</p>
<b>Legislative Committee</b>	<p>Legislative committees are a distinct type of committee intended expressly to undertake the consideration of legislation. They were created by amendment to the Standing Orders in 1985 in response to recommendations of the Lefebvre and McGrath Committees. It was felt at the time that standing committees, with an expanded mandate to initiate studies without a specific reference from the House, would not also be able to readily deal with legislation. The solution proposed to this difficulty was the creation of legislative committees appointed solely to deal with bills. They are appointed by the House on an ad hoc basis to deal with particular bills and cease to exist upon the presentation of their report to the House.</p> <p>A legislative committee is required to be struck once second reading debate has begun on a bill which is to be referred to such a committee, or once debate has begun on a motion to appoint a legislative committee. The Procedure and House Affairs Committee must present a report containing a list of members within five sitting days of the beginning of the debate. The report is deemed adopted the moment it is presented in the House. The Speaker then appoints a Chair for the committee from the Panel of Chairmen. The legislative committee meets for the purpose of organization once the bill has been referred to it by the House. The organization meeting must take place within two days of the naming of the Chair and the adoption of the motion referring the bill to committee or appointing the committee.</p>

<sup>16</sup> <http://www.parl.gc.ca/MarleauMontpetit/DocumentViewer.aspx?Sec=Ch20&Seq=4&Language=E>

<b>Special Committees</b>	Special committees are appointed by the House to carry out specific inquiries, studies or other tasks which the House judges of special importance. Each special committee is created by means of a motion agreed to by the House (in the case of special joint committees, by both Houses). This motion defines the committee's mandate and usually enumerates other provisions: its powers, its membership and the deadline for submitting its final report. The actual terms of the motion vary from case to case, to suit the specific task for which the committee is being established by the House.
<b>Joint Committees</b>	Joint committees are composed of members of both the House of Commons and the Senate, and may be standing or special. Standing joint committees are permanent committees established pursuant to the Standing Orders of the House of Commons and the Rules of the Senate. They deal either with administrative matters related to both Houses or with matters having application throughout the federal sphere.

### Report on reforming committees

A 2008 report<sup>17</sup> laid out a series of recommendations on how to improve the system of government in Canada, with a particular focus on parliamentary committees. Some of the recommendations included:

- The stature of the positions of House of Commons and Senate Chairs of committees should be raised with their salaries comparable to ministers.
- Members and Senators should be assigned to committees for the full term of Parliament.
- The Liaison Committees of the House of Commons and the Senate (made up of the Chairs of the standing committees) should assess and respond to the specialized research needs of every committee, with every committee having a core of 4-5 researchers.
- Parliamentary committees require more well-appointed technologically proficient committee rooms.
- Chairs of committees must balance the interests of their party against the primary need to have committees operating fairly and effectively. Committees making special inquiries need flexibility to allow coherent and sustained questioning of witnesses. If partisan disputes completely stymie a committee, the dispute should be adjudicated by the Speaker.
- The Auditor General, the Public Accounts Committee of the House of Commons and the Senate National Finance Committee should oversee the government's large expenditure on public opinion research.

<sup>17</sup> *Everything Old is New Again: Observations on Parliamentary Reform*, Queen's University, Ontario, 2008

## Criticism of the Canadian committee system<sup>18</sup>

In 2012 a public row broke out over the perceived ineffectiveness of the Canadian parliamentary committee system. Opposition MPs and some members of the governing Conservative Party agreed that the system was in need of reform, but differed on where the fault lay. Some of the discussion is relevant in the context of the Northern Ireland Assembly, especially around membership of multiple committees.

The Liberal and New Democrats opposition accused the Conservatives of using the committees to rubberstamp and 'cheerlead' government legislation. However, Conservatives refute the charges of partisanship and say that there are too few government backbenchers stretched too thinly across too many committees to do effective work.

A Canadian parliamentary procedures expert has said that there is probably some truth in both arguments. He said that despite the criticism there had been considerable improvement over the years, but recognised that compared to Britain and Australia, Canada had a weak system.

A Liberal MP quit the Official Languages Committee on which he'd served for 17 years stating that the committee had become a waste of time in which the Conservatives summarily reject every proposal from an opposition member and kill-off almost-completed studies that don't suit their agenda.

The Conservative MP who chairs the language committee (Michael Chong) refutes the claim about Conservative bias, but agrees that committees are less effective than they once were. He said that there are too many committees and backbench members are stretched too thin.

There are 25 Commons committees, which typically meet twice a week, at least two hours at a time, when Parliament is sitting. The schedule is hardest on the governing party, which is entitled to seven members on each committee, compared to four for the Liberals and one for the NDP. So the Conservatives have roughly 125 to fill 175 committee slots; many sit on two committees or are drafted as substitutes on a variety of committees.

Mr. Chong says that because they are under pressure, Conservative MPs arrive at committee meetings unprepared. Under the circumstances, he believes it's understandable that they may end up deferring to the judgment of parliamentary secretaries, who would be more knowledgeable about the issues at hand. He also contends that committees undertake too many studies, essentially to fill in time when there is no legislation requiring their attention. He questioned the impact these studies have.

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<sup>18</sup> Information in this section is taken from various newspaper reports: <http://www.cbc.ca/news/canada/story/2012/05/07/pol-cp-parliamentary-committees-partisanship.html> and <http://m.theglobeandmail.com/news/politics/mps-bicker-over-whos-to-blame-for-broken-commons-committee-system/article4105301/?service=mobile>

## 5 New Zealand

**Table 8: Information on New Zealand Parliament**

<b>Bicameral or unicameral?</b>	Unicameral	
<b>Number of members</b>	121	
<b>Current committee structure (as of February 2013)</b>	<b>Subject select committees</b> <ul style="list-style-type: none"> <li>• Commerce</li> <li>• Education and Science</li> <li>• Finance and Expenditure</li> <li>• Foreign Affairs, Defence and Trade</li> <li>• Government Administration</li> <li>• Health</li> <li>• Justice and Electoral</li> <li>• Law and Order</li> <li>• Local Government and Environment</li> <li>• Maori Affairs</li> <li>• Primary Production</li> <li>• Social Services</li> <li>• Transport and Industrial Relations</li> </ul>	<b>Specialist Committees</b> <ul style="list-style-type: none"> <li>• Business Committee</li> <li>• Officers of Parliament Committee</li> <li>• Privileges Committee</li> <li>• Regulations Review Committee</li> <li>• Standing Orders Committee</li> </ul>

### Overview of committees

Standing Orders provide for the establishment of 13 subject committees and five other specialist committees (listed above). The Officers of Parliament Committee recommends the appropriations for Offices of Parliament (Auditor-General, Ombudsmen, and Parliamentary Commissioner for the Environment) so they can operate independently of government. The committee acts as the principal contact for the Officers of the Parliament in their relations with the House<sup>19</sup>.

The Regulations Review Committee (chaired by a member of the Opposition) principally carries out technical scrutiny of regulations on behalf of the House<sup>20</sup>.

An interesting innovation in relation to New Zealand committees is the 'eCommittee' service, which is the electronic information system for select committees. It is used to distribute papers to committee members electronically, allowing them to access their papers quickly in their parliamentary offices, at committee meetings, and from locations outside Wellington<sup>21</sup>.

<sup>19</sup> Parliamentary Practice in New Zealand, 2005

<sup>20</sup> Regulations are reviewed on the following grounds: is not in accordance with the general objects and intentions of the statute under which it is made; trespasses unduly on personal rights and liberties; appears to make some unusual or unexpected use of the powers conferred by the statute under which it is made; unduly makes the rights and liberties of persons dependent upon administrative decisions which are not subject to review on their merits by a judicial or other independent tribunal; excludes the jurisdiction of the courts without explicit authorisation in the enabling statute; contains matter more appropriate for parliamentary enactment; is retrospective where this is not expressly authorised by the empowering statute; was not made in compliance with particular notice and consultation procedures prescribed by statute; for any other reason concerning its form or purport, calls for elucidation.

<sup>21</sup> <http://www.parliament.nz/en-NZ/AboutParl/HowPWorks/FactSheets/3/f/a/00HOOCPubResAboutFactSheetsSelect1-Parliament-Brief-Select-committees.htm>

## Reforms to the committee structure

The NZ committee system underwent significant change in 1985 ‘to strengthen the accountability of government to Parliament by more systematic, comprehensive scrutiny of government activity’<sup>22</sup>. Thirteen new subject committees with wide terms of reference and open to the public and media were aligned to ministerial portfolios, with almost all legislation sent to committees for scrutiny. This contrasted to the situation that had pertained until then, whereby little legislation was sent to committee. Furthermore, ministers were no longer allowed to serve on committees covering their portfolios and committees were able to scrutinise government departments and initiate their own inquiries.

From 1996 aggregate membership across select committees was made proportional to party numbers in the House, with Governments losing their automatic majority on almost all select committees, although understandings with minor parties allowed negotiated majorities to be created<sup>23</sup>.

The committees were also instrumental in enhancing the effectiveness of financial scrutiny within Parliament. Select committees examined the estimates and undertook financial reviews to assess whether the expenditure would contribute to the outcomes sought by government. The Finance and Expenditure Committee, in addition, audited government finance, revenue and taxation.

An article published in 2001<sup>24</sup> examined the evolution of the parliamentary committee system in New Zealand. The central theme of the article was that although the House of Representatives had to change due to a new electoral system, nevertheless to a considerable extent the New Zealand system of select committees was the product of internally-generated initiatives. According to the author, the result was an established and influential albeit flawed committee system.

- Two major rounds of reform to the NZ committee system: during the 1984-90 Labour Government and during the review of the Standing Orders in the transition to the multi-party Parliament that was the consequence of change to the electoral system
- **Committee system before 1985:** significant change occurred in 1962 when the Public Accounts Committee was replaced by the Public Expenditure Committee, whose activities set a broad template for subsequent committee reform:

The Public Expenditure Committee rapidly established a strong reputation for itself, principally because it enjoyed powers of investigation not granted to other committees and because it attracted able and ambitious members. It was the only committee able to set up its own inquiries (without reference from the

<sup>22</sup> <http://www.parliament.nz/NR/rdonlyres/4F2311F0-99F1-485B-B767-CBDF627974CD/211099/ProceduralchangeintheNZParliament2.pdf>

<sup>23</sup> As above

<sup>24</sup> *Parliamentary Committees in New Zealand: A House Continuously Reforming Itself?* Dr. Elizabeth McLeay, New Zealand Political Change Project, School of Political Science and International Relations, Victoria University of Wellington, 2001

House) had subcommittees chaired by opposition members, and enjoyed the support of staff from the Legislative department (now the Office of the Clerk) as well as the Audit Office. Public Expenditure maintained a watching brief over the departmental estimates and conducted numerous, often highly political, investigations into public service efficiency and economy.

- Bills were not routinely referred to committees and whether they were or not depended on the whim of the Government themselves and committees did not have the power to conduct inquiries unless instructed to do so by the Parliament
- From 1979, Bills were routinely referred to the appropriate committee after first reading. There were up to 20 select committees at this time which limited informed participation by MPs due to multiple committee sponsorship
- The 1985 reforms enhanced the powers of committees, although only relative to what they had been. Compared to the current structure in the NIA, they appear unremarkable. The reforms included provisions for most legislation to go through the committee process; the committees were specialised bodies that tracked (broadly) the functions of government; anyone could make a submission to a committee and hearings were in public
- The work of the committees was dominated by their legislative function and they were still subject to the dominance of the executive in terms of number of seats taken by Government MPs on committees

**Table 9: The powers and functions of the committee systems, 1985-1995**

Committee structure and powers	Committees and the legislative process
<ul style="list-style-type: none"> <li>• 13 subject committees plus ad hoc committees; memberships of five and quorums of three</li> <li>• Combination of legislative, inquiry and scrutiny functions</li> <li>• Continued to have the power to send for persons, papers and records</li> <li>• Abstention votes not recorded</li> <li>• Ministers no longer committee members</li> <li>• Chairperson had casting vote (as had always been the case)</li> <li>• Appropriation rule continued preventing MP from moving any expenditure proposal, unless government agrees</li> <li>• No role in international treaties</li> </ul>	<ul style="list-style-type: none"> <li>• Debate in House followed introduction of bill</li> <li>• No limit on committee time to consider bills</li> <li>• After consideration, bills reported to House with recommendations for change</li> <li>• 2<sup>nd</sup> reading debate followed by a stage where the committee of the whole House considers the bill clause by clause. After the 3<sup>rd</sup> reading debate the bill is enacted.</li> </ul>

- **Changes made in preparation for MMP:** reforms made allowances for predicted multi-party government: minority reports were allowed, and the Chair lost their casting vote (to recognise proportionality and the shifting balance of power)

- Eight member committees were to reflect the party shares in the House. In 1997 committee places were distributed in proportion to parties' strength in the House (there was no requirement in Standing Orders for this to happen). Due to the electoral make-up of the House at the time, the Government ended up with a majority on only one Committee, with half the seats in the rest

**Table 10: The Powers and Functions of the Committee System, 1995-1996**

<p><b>Committee structure and powers</b></p> <ul style="list-style-type: none"> <li>• 12 subject committees plus ad hoc committees; memberships of 8 (app. By House); quorums of 4</li> <li>• Ministers can brief committees, hear evidence, and answer for policy, but do not have voting powers</li> <li>• Retain power to send for persons, papers and records</li> <li>• Committee reports more significant and may give differing (or "minority") views</li> <li>• Government to respond to committee recommendations (excluding bills and some other reports) within 90 days after report is presented.</li> <li>• Greater access to independent advice</li> <li>• Abstention votes recorded</li> <li>• Chairperson has no casting vote</li> <li>• Financial veto procedure: MPs can propose expenditure or taxation but Government can veto proposal if it thinks it will have a more than minor impact on a range of fiscal aggregates.</li> <li>• Introduction of a set of natural justice procedures</li> <li>• No role in international treaties</li> </ul>	<p><b>Committees and the legislative process</b></p> <ul style="list-style-type: none"> <li>• No House debate following introduction of bills</li> <li>• Main debate at 2<sup>nd</sup> reading, after which bills are referred to committees</li> <li>• Limit of 6 months for consideration of bills</li> <li>• Committees can now divide bills</li> <li>• Debate on consideration of reports from committees by committee of whole House.</li> <li>• Consider bills clause and bills enacted after 3<sup>rd</sup> reading</li> </ul>
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- A new Business Committee was established which would determine the order of business; recommend to the House a programme of sitting s for each calendar year; operate as a committee of selection in respect of recommending the personnel to serve on select on committees and other duties as the House decides from time to time

**Table 11: The Powers and Functions of the Committee System: the post-1996 changes**

<p><b>Committee structure and powers</b></p> <ul style="list-style-type: none"> <li>• Committees no longer to have automatic power to send for persons, papers and records (1999 Report)</li> <li>• Business Committee to assign MPs to select committees (1999 Report)</li> <li>• Procedures for parliamentary scrutiny of treaties adopted. A treaty, with a national interest analysis, presented to Parliament by Government and referred to the Foreign Affairs, Defence and Trade Committee. The Committee may examine a treaty referred to it itself, or it may refer the task to any other select committee. A select committee reports back to the House on any treaty referred to it (1999 Report).</li> </ul>	<p><b>Committees and the legislative process</b></p> <ul style="list-style-type: none"> <li>• introduction of bills separated from 1<sup>st</sup> readings</li> <li>• bills referred to select committees before, rather than after, the 2<sup>nd</sup> reading</li> </ul>
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- An interesting development occurred in 1999 when it was recommended by the Standing Order Committee that committees should lose a significant power: this was their authority to summon persons, papers and records. This had only been exercised once in living memory (June 1996 by the Justice and Law Reform Committee). The SO Committee argued that the power to order someone to attend a committee might be challenged under the NZ Bill of Rights Act 1990.

The paper also makes a number of useful general observations about the NZ committee system:

- Question of why the New Zealand Parliament has acquired an established committee system is a particularly interesting one given that, from the beginning of the modern party system until 1993, Parliament was dominated by the executive
- A major characteristic of the history of New Zealand's parliamentary committee system has been the growing assertiveness in monitoring and challenging the actions of the executive
- Committees have gradually separated themselves from the Government. This tendency really began with the creation of the Public Expenditure Committee and was accelerated by the 1985 stipulation that ministers no longer sit on the committees (they are not prohibited from doing so in the Northern Ireland Assembly but by convention do not) and further, that multi-functional subject committees be created
- Since introduction of Mixed-Member Proportional Representation (MMP) there has been a wider agenda in the committees with more policy perspectives coming through in the questioning and discussions
- Committee system has also become more open to media coverage and public participation since 1985
- There are also less successful features: small size of NZ Parliament led to multiple committee membership and too many substitutions. Increased membership since 1996 (now 120 MPs) reduced the scale of the problem but small size remains an obstacle in the way of MP specialisation
- Continuing struggle to align the different functions of the subject committees – another complicating factor has been the rapid pace of change in the state and public sectors, which has affected the capacity of the committees to scrutinise agency activities effectively. Although committees now have more access to independent expert advice than previously, they are still overly dependent on information from the public sector. This means, for example, that financial scrutiny in particular is not always as informed as it might be

- Political balance between Government and legislature is of course crucial. The dominance of chairs held by Government MPs has not helped committee independence. A minority Government affords more scope and incentives to exercise muscle.

## 6 Sweden/Norway

### Sweden

A 2008 article in Parliamentary Affairs looked at the changing landscape with regard to committees of the Swedish Parliament. The article is summarised below:

The move to a unicameral legislature witnessed the creation of multi-purpose standing committees in the Riksdag. These committees have combined legislative, deliberative and inquiry functions. There are currently 15 committees each with a membership of 17 and the committees shadow their respective government departments. Newer parliamentarians serve an 'apprenticeship' as a substitute member of a committee as there are 349 MPs to fill only 255 committee slots.

The Swedish constitution states that all matters in the Riksdag must be prepared in a parliamentary standing committee before a definitive decision can be taken in the chamber. Bills go directly to one of the standing committees and there is no equivalent of a Second Reading as at Westminster. The deliberation of government bills takes place behind closed doors.

One interesting development occurred in 1993 when it was recommended that committees should carry out 'follow-up and evaluation' work in their area of jurisdiction. It was not until 2001 that the Riksdag Act was amended to require standing committees to engage in follow-up and evaluation.

A number of other initiatives in the 2002-2006 Riksdag were designed to encourage committees to take a more pro-active rather than reactive approach to their work: to plan ahead, focus on selected themes and generally become more independent policy actors. Therefore 15-17 March 2005 were designated as 'future days', following a recommendation<sup>25</sup> that committees needed to plan their work more thematically and adopt a longer-term perspective.

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<sup>25</sup> Recommendation from the commission *'The Riksdag on the Threshold of the New Millennium'*

## Norway

**Table 12: Information on the Storting**

<b>Bicameral or unicameral?</b>	Unicameral
<b>Number of members</b>	169
<b>Current committee structure (as of February 2013)</b>	<ul style="list-style-type: none"> <li>• Business and Industry</li> <li>• Education, Research and Church Affairs</li> <li>• Energy and the Environment</li> <li>• Family and Cultural Affairs</li> <li>• Finance and Economic Affairs</li> <li>• Foreign Affairs and Defence</li> <li>• Health and Care Services</li> <li>• Justice</li> <li>• Labour and Social Affairs</li> <li>• Local Government and Public Administration</li> <li>• Scrutiny and Constitutional Affairs</li> <li>• Transport and Communications</li> </ul>

The website of the Norwegian parliament provides the following information on its committees:

The composition of the Standing Committees is decided by an Election Committee of 37 members. The parties are proportionally represented as far as possible on this committee, with geographical distribution also being taken into account. In practice, however, the preparatory work is done in the parliamentary party groups, which determine how their members are allocated among the various committees, and by contact between the party groups. The matter is then dealt with by the Election Committee, which usually approves the proposals made by the party groups.

The provisions concerning the composition and duties of the committees are laid down in the Storting's Rules of Procedure. It is not always possible to achieve the same party political distribution in all of the committees as is found in the Storting as a whole due to the fact that not every party group has enough members to be represented on all 12 committees.

Once the committees have been appointed, each committee elects a chair, first deputy chair and second deputy chair. The committees vary in size, but normally have from 8 to 18 members.

The committees are supported by a secretariat. Each committee has a committee secretary (the Standing Committee on Finance and the Standing Committee on Scrutiny and Constitutional Affairs have two), employed by the Storting to assist members in performing the work of the committee.

Most of the matters deliberated by the Storting are first prepared by one of the Standing Committees. Matters are usually prepared by the committee whose remit most closely reflects that of the Ministry responsible for the matter. For example, the

Standing Committee on Transport and Communications deals with matters within the remit of the Ministry of Transport and Communications.

Normally, the committees may only consider matters referred to them by the Storting. The Standing Committee on Scrutiny and Constitutional Affairs is an exception in this respect. This committee has the power to raise issue on its own initiative, the Rules of Procedure stating that it is free to “make any further inquiries within the administration deemed necessary for the Storting’s scrutiny of the public administration”.

Apart from the President and Vice President of the Storting for whom it is optional, all MPs must be members of one (and only one) of the standing committees. There are 13 such committees, each covering an area of government responsibility (e.g. Defence, Health and Care Services). The membership of each committee has to represent party proportionality; and an attempt is also made to ensure a degree of geographical balance. Each committee has between 8 and 20 members. There is a permanent secretary (clerk) for each committee, plus a pool of other staff available to all committees on demand<sup>26</sup>.

### **Reforms to committee structure**

The present structure can be traced to reforms implemented in 1993, the most significant structural change since 1949. The key change was a move away from the rule that parliamentary committees should correspond to the jurisdictions of government ministries. In the new rule governing the division of labour between the standing committees, all references to ministries were omitted. Matters to be dealt with by each committee are specified with reference to policy areas and specific issues only. The main arguments in favour of the restructuring were:

- Equalisation of workload between committees
- Parliamentary ‘emancipation’ from the structure of government ministries
- De-segmentation and co-ordination of policy areas
- Symbolic effects with respect to policy priorities

#### *Separation from government ministries*

The frequent changes of government experienced in Norway meant the Parliament had to rewrite the Rules of Procedure concerning the division of labour between standing committees. Therefore, a break from the relationship with a ministry avoided this practical problem and allowed the Parliament to focus on the structure that best suited it’s, rather than the Government’s, requirements.

Previous research looked at the impact this separation had on the relationship between committees and ministries. It examined ‘budget connections before and after the reforms took place. The budget proposal from the government is divided into several

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<sup>26</sup> <http://www.stortinget.no/en/In-English/Standing-Committees/>

budget chapters, and each ministry is responsible for a set of budget chapters related to the ministry's policy area. The proposal is then considered by the committees. The research defined that a 'budget connection' is established when a specific committee is dealing with a budget chapter under the jurisdiction of a specific ministry:

**Table 13: Relationships between committees and ministries in relation to the budget before and after structural reforms**

	1980-81	1992-93	1993-94	1994-95
<b>Total number of committees</b>	12	12	12	12
<b>Total number of ministries</b>	15	16	15	15
<b>Connections between committees and ministries</b>	26	36	39	39

The research highlighted the fact that the process of so-called 'emancipation' was beginning as far back as 1980-81, but the 1993 reforms increased the pace of change.

## 7 Liaison Groups/Committees in other legislatures

### House of Commons – Westminster

The Committee is appointed to consider general matters relating to the work of select committees; to advise the House of Commons Commission on select committees; to choose select committee reports for debate in the House and, by a decision of the House on 14 May 2002, to hear evidence from the Prime Minister on matters of public policy.

The National Policy Statements Sub-Committee comprises the Chairs of the Communities & Local Government, Energy & Climate Change, Environment, Food & Rural Affairs, Transport and Welsh Affairs committees and two other members of the Liaison Committee. Its role is to decide which committee should scrutinise each proposal for a National Policy Statement made by the government under the Planning Act 2008.

In November 2012 the Committee published a significant report: *Select committee effectiveness, resources and powers*<sup>27</sup>.

### Canadian House of Commons

The Liaison Committee is a permanent committee, but not a standing committee, established pursuant to Standing Order 107(1). It is made up of the Chairs of all the standing committees and the House Chairs of standing joint committees.

<sup>27</sup> <http://www.publications.parliament.uk/pa/cm201213/cmselect/cmliaisn/697/69702.htm>

The Liaison Committee has the authority to disperse funds to standing committees from the money allocated to it for that purpose by the Board of Internal Economy. It usually meets in camera to deliberate on administrative and financial matters relating to standing committees and has a quorum of seven members, as set out in Standing Order 107(4). It is empowered, pursuant to Standing Order 107(3), to report to the House from time to time and has occasionally carried out studies on the effectiveness of the committees of the House.

The Vice-Chairs of standing committees and the House Vice-Chairs of standing joint committees are deemed associate members of the Liaison committee. The Procedure and House Affairs Committee may also prepare lists of additional associate members for the Liaison Committee.

Liaison Committee members and associate members may serve as members of subcommittees, as provided for in Standing Order 107(6). The Liaison Committee usually establishes a Budget Subcommittee charged with apportioning the funds provided by the Board of Internal Economy to the various standing committees<sup>28</sup>.

## Scottish Parliament

The Conveners Group is chaired by the Presiding Officer or a Deputy Presiding Officer and is a forum where Committee Conveners meet to take a strategic view on the operation of committees and to facilitate liaison between the Committees, the Parliamentary Bureau and the Scottish Parliament Corporate Body. The Group handles a range of matters, for example:

- promotion of practices to improve the performance of committees, in particular their scrutiny function
- making recommendations to the Bureau on Committee business to be scheduled in the Chamber
- approval of meetings of Committees outside Edinburgh
- approval of travel by Committees or Committee members outside the UK

The Conveners' Group (CG) - formerly the Conveners Liaison Group - was initially an informal but regular (fortnightly) meeting of Parliamentary committee conveners. It was chaired formally by the Presiding Officer but in practice by a Deputy Presiding Officer. On 19 December 2002, the Group was formally constituted and given a remit and powers under Standing Orders. Agendas and meeting papers of the Group are available on the Scottish Parliament website. This followed a 2003 recommendation that the transparency of the Group's work should be increased<sup>29</sup>.

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<sup>28</sup> [http://www.parl.gc.ca/About/House/compendium/web-content/c\\_d\\_liaisoncommittee-e.htm](http://www.parl.gc.ca/About/House/compendium/web-content/c_d_liaisoncommittee-e.htm)

<sup>29</sup> <http://archive.scottish.parliament.uk/business/committees/historic/procedures/reports-03/prr03-03-vol01-04.htm>