

Continuity and Change in the

New Zealand Parliament

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Chapter 1

INTRODUCTION

Few legislatures in the world can claim a continuous existence as long as that of the New Zealand House of Representatives. The basic forms and procedures inherited from the House of Commons in the middle of last century have persisted until the present. Formal changes to the rules have occurred intermittently during its history although the content of its work has altered. Because of the centrality of the House to the parliamentary system of government and its adaptability to the needs of successive generations of politicians, it has continued to play an important role in the political system.

During the period of its most extensive institutional change since the nineteenth century, Parliament has been subject to mounting public criticism. Because the continuity in the parliamentary framework is more striking than the changes which have occurred within it, the extent of these latter developments is frequently overlooked. At this point in Parliament's history, it is appropriate to provide an account of institutional developments in its recent history in order to illuminate its functioning and to clarify some of the issues.

Parliament and the Public

New Zealand is a country small in area and population with a simple political structure - a unitary form of government consisting of one small legislature and a concentration

of power in the central government. Few rival sources of power exist; local government (even the largest city councils) provides no real basis for competing with the central government. And there are not the regional tiers of a federal state to provide contenders for power and resources within a complex system of government. Associated with its size and the simple political structure is a homogeneous population and a lack of cultural and political diversity.

There are no other institutions at the national level that have been formally endowed with quite the same general authority and status as the House of Representatives. It is neither a key decision-making body nor is it intrinsically powerful. But the exercise of influence and the making of decisions are associated in one way or another with the House. It is the major arena in which politicians publicly contend for attention and for power. Amongst the membership of Parliament is the entire personnel of cabinet and their "selectorate" is constituted by the same membership. When in session the issues of the day are inevitably debated within its chamber and policy channelled through its procedures. Although it may not possess the autonomous capacity to act in opposition to or in conjunction with, the executive, the work of government is focused in and around Parliament.

A second reason for the unique position of Parliament within the New Zealand system of government relates to its constitutional status. A critical feature of the Westminster form is the idea of ministerial responsibility. This can only be realised in an elected assembly which selects and

holds responsible ministers of a government. Parliament lends legitimacy to the actions of a government by giving the legal imprimatur to its most important actions and in fact providing the basis for its existence. The concept of parliamentary sovereignty extends absolute and exclusive control to Parliament for legislation.

For these reasons Parliament has always been the subject of considerable public interest in New Zealand, but there may never have been great satisfaction with Parliament for as Wheare reminds us:

Public esteem and public interest do not necessarily go together. The activities of a legislature may provide a great deal of news; legislatures may often be in the public eye; their proceedings may be notorious. But they may stand low in public esteem.¹

The observations of visitors to New Zealand in the past have generally been unfavourable. The Webbs, Siegfried and Bryce found the standard of debate to be low and neither edifying nor instructional.² Lipson believed that "the general public do not regard their Parliament highly and tend to look upon it as a kind of national bore effort".³ More recent commentaries by political scientists have tended to be less critical.⁴

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1. K C Wheare, Legislatures, 2nd ed. (London: Oxford University Press, 1968), p.148.
 2. Sidney Webb, quoted by Andre Siegfried, Democracy in New Zealand, (London: Bell, 1914), p.75; Siegfried, Democracy in New Zealand, p.76; J B Bryce, Modern Democracies, Vol II (London: Macmillan, 1921), p.360.
 3. Leslie Lipson, The Politics of Equality: New Zealand's Adventures in Democracy, (Chicago: University of Chicago Press, 1948), p.364.
 4. For example, R G Mulgan, "The Need for More Graduate MPs: A Sceptical Note", Political Science, 29 (July, 1977), pp.66-71.

The impressions of transient or academic observers may not correspond with public opinion, but the full extent of public attitudes to Parliament is still unclear for they do not appear to have been properly surveyed. The results of a 1975 Heylen poll indicated that "only 32 per cent of New Zealanders expressed full trust and confidence in Parliament compared with over twice as many who trusted the medical profession, 63 per cent who trusted the police and even 44 per cent who trusted the legal profession".⁵ Technological developments in the transmission of information of Parliament's proceedings have permitted immediate access to its debates, but two-thirds of the respondents to a 1966 survey had not listened to the broadcast in the preceding three months. The "real listeners" amounted to only 10 per cent of the sample.⁶

In recent years there has been widespread discussion about the functioning of the institution. The main issues have involved either relations between the executive and the legislature deriving from actions of the government, the work of Parliament or the conduct of members during its proceedings. It is necessary to review briefly the main respects in which it is felt by observers that the status of Parliament has been recently undermined.

First, certain types of behaviour in Parliament have been unprecedented (certainly within the memories of New Zealanders). The general tenor of the proceedings has been

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5. W K Jackson, "A Political Scientist Looks at Parliament" in Sir John Marshall, (ed) The Reform of Parliament (Wellington: New Zealand Institute of Public Administration, 1978), p.23.
6. Austin Mitchell, "The People and the System: Some Basic Attitudes", New Zealand Journal of Public Administration 31 (September, 1968), p.29.

affected by particular incidents and the style of some politicians. Two indications of this that reflect most directly upon the standing of the institution are the number of cases referred to the Privileges Committee and the extent to which the authority of the Speaker has been disputed. During the last two parliamentary terms the business of the House has been frequently overshadowed by an exceptional degree of rancorous conflict and personal vilification. To many observers Parliament's reputation appeared to have reached a nadir in recent history.

The sovereignty of Parliament has been more blatantly and more frequently challenged and derided than in the past. It is the extension of executive authority in particular areas that has provoked particular concern. There have been previous instances of executive action that overlooked the necessity for formal endorsement by Parliament. There is, however, an important distinction between oversight and deliberate exhortations to disregard the decisions of the legislature. Before Parliament met in 1976 for the first session of the new National government, ministers advocated that the community should ignore a statute of Parliament until the government was able to repeal it. Since then the executive has disbanded statutory bodies created by acts of Parliament and then sanctioned this action by retrospective legislation. The examples of executive behaviour which subvert the sovereignty of Parliament suggests that these precedents may become the accepted practice of governments in New Zealand.

The publicity accorded these events has increased the attention given to trends in the making of legislation and

regulations. The claim that New Zealand is over-legislated and over-regulated has become a significant issue with the steady rise in the volume of statutes and regulations. Although the government is responsible for initiating legislation, Parliament is where the major rules are publicly considered and legitimated. Responsibility has therefore been attributed to the House for both the volume of legislation and the rate at which it is passed.

Other features of the parliamentary system have also been subjected to criticism. The House may be portrayed as a pliable institution, dominated by the parties and the executive, and manipulated according to their ends. The sittings of Parliament are dependent on the will of the executive which may choose to by-pass it by the use of regulations or supplant it with caucus. While in session the time and other resources of the House are misused by inadequate attention to the organisational requirements of the institution. One other claim is that members of Parliament are inadequately served with information on which to base their decisions. Although most of these issues are not new to New Zealand politics, events in the seventies gave observers good cause for concern about the status of Parliament. The heightened interest in parliamentary reform (described recently by a sitting member as New Zealand's "popular parlour pursuit"),⁷ is evidenced by an unprecedented number of publications on the subject.

7. Dr Martyn Finlay, reported in the New Zealand Herald, March 31, 1977, quoted in Marilyn Waring, "Revitalisation of Cabinet, Parliament, and Parties", in J Stephen Hoadley (ed) Improving New Zealand's Democracy (Auckland: New Zealand Foundation for Peace Studies, 1979), p.50.

While these issues, and the public attitudes they have engendered are not central to this study, they suggest that perspectives on Parliament are needed which will further our understanding of the institution. For as Jackson has observed:

The real problem with Parliament today is not so much the question of any decline in the parliamentary system in any absolute sense, as a rise in our expectations.⁸

While Parliament has not readily adapted to the extensive changes in its political environment, it has not remained static. Before considering the question of institutional change, a review of existing research on Parliament will serve to clarify the existing information available.

Research on Parliament

There have been, broadly speaking, two types of research on Parliament: the reform-orientated papers of academics seeking to influence politicians and the public; and a range of studies on dimensions of the institution.

The academic writers of the post-war period have been more neutral in their judgments than those observers cited earlier, for their commentaries have been largely directed to members of Parliament. The reformist literature may, without undue distortion, be associated largely with each of the last three decades.

8. Keith Jackson, New Zealand: Politics of Change, (Wellington: Reed Education, 1973), p.123.

The abolition of the Legislative Council, following the acquisition by Parliament of the powers to accomplish the reform, was the main factor stimulating concern with constitutional issues in the 1950s. The question of a second chamber was the subject of three parliamentary inquiries in 1950-2, 1961 and 1963-4. Sometimes associated with the issue of a second chamber were proposals for a bill of rights and a written constitution. All three were concerned with providing for some form of constitutional safeguards and were the subject of numerous submissions and papers.⁹

Perhaps recognising the virtue of Austin Mitchell's remark that "the actual necessity appears to be for reform of the House of Representatives rather than changes of the 'constitutional' framework"¹⁰ a second type of reformist paper emerged most clearly in the 1960s. The initial contributions appeared in papers submitted by members of the School of Political Science and Public Administration at Victoria University to parliamentary select committees on other matters: a second chamber (1961), Standing Orders (1962), the term of Parliament (1967).¹¹ A parliamentary research secretariat, changes to the committee system and an increase in the size of the House were among proposals raised in these submissions. The practice of submitting their views was maintained in subsequent investigations, most notably those

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9. See for example, submissions reproduced in L Cleveland and A D Robinson (eds) Readings in New Zealand Government (Wellington: Reed Education, 1972), pp.141-5, 191-248.
 10. Austin Mitchell, Government by Party: Parliament and Politics in New Zealand (Christchurch: Whitcombe & Tombs, 1966), p.85.
 11. Cleveland and Robinson, Readings, pp.137 and 143-5.

by Royal Commissions into parliamentary salaries and allowances. A seminar in 1971 entitled "Can Parliament Survive Without Reform" at Victoria University was one further outcome of the interest in "the working of parliamentary democracy in New Zealand".¹²

In the past decade the concern with improving Parliament has been reflected in the numerous publications on the subject. The range of reforms advocated has become broader and structural and constitutional questions have become more prominent.¹³ The advocates of reform within Parliament have also published their views.¹⁴

The other broad category of research has been primarily concerned with the description and analysis of the institution, although it has shared with the previous category an interest in reform, for it is common for recommendations to be introduced at some point. It has been usual for the more general considerations of Parliament to form part of a broader study of New Zealand politics,¹⁵ although books by Kelson and Mitchell have provided more comprehensive coverages.¹⁶ The House of

12. The conference papers included: Alan Robinson, "Parliamentary Democracy in New Zealand: Some Possible Future Developments".
13. Marshall, Reform of Parliament; Geoffrey Palmer, Unbridled Power: An Interpretation of New Zealand's Constitution and Government (Wellington: Oxford University Press, 1979); Keith Jackson, "Parliamentary Reform in New Zealand", The Parliamentarian, LX (October, 1979), pp.210-15.
14. For example, Michael J Minogue, "Information and Power: Parliamentary Reform and the Right to Know", in Stephen Levine (ed) Politics in New Zealand: A Reader (Sydney: George Allen and Unwin, 1978), pp.78-86, and Waring, "Cabinet, Parliament, and Parties".
15. Leslie Lipson, The Politics of Equality; K J Scott, The New Zealand Constitution (London: Oxford University Press, 1962); R S Milne, Political Parties in New Zealand (London: Oxford University Press, 1966); Alan Robinson, Notes on New Zealand Politics (Wellington: Victoria University of Wellington, n.d.); Jackson, Politics of Change.
16. Robert N Kelson, The Private Member of Parliament and the Formation of Public Policy: A New Zealand Case Study (Toronto: University of Toronto Press, 1964); Austin Mitchell, Government by Party: Parliament and Politics in New Zealand (Christchurch: Whitcombe & Tombs, 1966).

Representatives has yet to receive the exclusive attention of a full-time study such as has been given to the Legislative Council,¹⁷ although an unpublished dissertation by Harrison exists on organisation and procedure.¹⁸

Dimensions of parliamentary activity have received consideration in the published form of essays. Thus parliamentary committees have been examined,¹⁹ and the role of one committee in the field of public expenditure has attracted particular interest.²⁰ The backgrounds of members of Parliament have been the subject of several studies,²¹ as have the parliamentary roles of their parties.²² Other research exists,²³ but focused examinations by political scientists of other facets of Parliament are relatively rare.

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17. W K Jackson, The New Zealand Legislative Council: A Study of the Establishment, Failure and Abolition of the Upper House (Dunedin: University of Otago Press, 1972).
 18. R J Harrison, "Organisation and Procedure in the New Zealand Parliament", (unpublished PhD dissertation, Ohio State University, 1964).
 19. Keith Jackson, "New Zealand Parliamentary Committees: Reality and Reform", The Parliamentarian, LIX (April, 1978), pp.94-101; Frank Wiley, "Legislative Select Committees", Political Science, 21 (December, 1969), pp.3-17; John M Smith, "Statutes Revision: The Lawyers' Committee", in Levine, Politics in New Zealand, pp.131-142.
 20. Alan D McRobie, "Parliamentary 'Control' of Public Expenditure" in Levine, Politics in New Zealand, pp.115-30; Adrienne von Tunzelmann, "Control of Expenditure and the New Zealand Public Expenditure Committee", The Parliamentarian, LIX (October, 1978); A F von Tunzelmann, "The Public Expenditure Committee and Parliamentary Control of Public Expenditure", Victoria University of Wellington Law Review, 10 (February, 1979), pp.19-43.
 21. Austin Mitchell, "The New Zealand Parliaments of 1935-60", Political Science, 13 (March, 1961), pp.31-49; Austin Mitchell, Politics and People in New Zealand, (Christchurch: Whitcombe & Tombs, 1979), Chapter 10.
 22. Therese May, "Parliamentary Discipline in New Zealand Since 1954", in Cleveland and Robinson, Readings, pp.108-121; Austin Mitchell, "Caucus: The New Zealand Parliamentary Parties", Journal of Commonwealth Political Studies, VI (March, 1968), pp.3-33.
 23. For example, Larry B Hill, "Parliamentary Petitions, the Ombudsman and Political Change in New Zealand", Political Studies, XXII, (September, 1974), pp.337-46.

The major lack is an up-to-date and comprehensive account of Parliament (which could well be said of any significant institution in the political system). The post-war period, which is of most relevance to this research, has only been partly covered by most studies of Parliament. The exceptions are three recent papers, one as yet unpublished, which have provided reviews of reforms or developments in particular spheres.²⁴

Institutional Change

The question of institutional changes in legislatures has been treated in several ways of which three warrant mention here. The reform-orientated literature approaches legislative change by advancing proposals for improving the capacity of the institution to deal with demands on it. In New Zealand this research has not usually taken the form of a comprehensive study which systematically relates recommendations to existing practice or to a conception of Parliament's role in the political system. While broad agreement has existed on many of the reforms necessary, it is less apparent what Parliament's functions should be. Part of the difficulty lies, as Jackson has pointed out, in the fact that "to some extent we may be faced with a choice under the parliamentary system between one or other forms of effectiveness".²⁵

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24. Jackson, "Parliamentary Committees"; Jackson, "Parliamentary Reform"; Adrienne von Tunzelmann, "Membership of the New Zealand Parliament: A Study of Conditions 1854-1978", (unpublished research paper for MPP, Victoria University of Wellington, 1979).
25. Jackson, "Political Scientist Looks at Parliament", p.22. In the British context see the criticism of Crick's lack of "awareness of the difficulty of reconciling his twin aims of strong single-party government on the one hand with comprehensive bipartisan investigatory powers for the House on the other" in S A Walkland, "The Politics of Parliamentary Reform", Parliamentary Affairs, 29 (Spring, 1976), p.192. Bernard Crick's views are developed in The Reform of Parliament, rev. 2nd ed, (London: Weidenfeld and Nicolson, 1970).

Over time institutionalisation will occur "the process by which organizations and procedures acquire value and stability".²⁶ Four criteria have been used to define the level of institutionalisation: adaptability (measured by chronological age, generational age and the capacity for functional change); autonomy (the establishment of boundaries which differentiate the organisation from the environment); coherence (the degree of consensus on functional boundaries and procedures for settling disputes); and complexity (the differentiation of subunits functionally and hierarchically).²⁷

Similar measures have been used for the study of legislative institutionalisation with considerable success,²⁸ but appear to be less appropriate for examining British parliamentary systems without further adaptation. For example, a parliament which is highly institutionalised in some respects may score poorly on structural complexity by comparison with a congressional type of legislature. The concept does, nevertheless, draw attention to significant institutional characteristics. The process of institutionalisation, while continuing regardless of the point the institution has reached, is a developmental concept most appropriately applied during the formative stages of its history.²⁹

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26. Samuel P Huntington, Political Order in Changing Societies, (New Haven: Yale University Press, 1968), p.12.
27. Huntington, Political Order, pp.18-22.
28. Nelson W Polsby, "Institutionalization in the US House of Representatives", American Political Science Review, 62 (March, 1968), pp.144-168.
29. A good example is Larry B Hill, The Model Ombudsman: Institutionalizing New Zealand's Democratic Experiment, (New Jersey: Princeton University Press, 1976).

Models of change in legislative systems have been developed which trace the inter-relationships of the various elements. These show the environmental factors exerting an influence on the institution, the effects on its personnel, structure and processes, and the responses made by it in order to adapt to the demands. By incorporating "feedback" between the three "stages" this simple model becomes more meaningful. This approach is possibly most productive when confined to a limited range of reforms which can be directly linked to the other elements in the model.³⁰

The more limited objective here is that of documenting institutional change and its consequences. For this purpose it is necessary to determine the magnitude and type of change.

The structural framework of Parliament is based on principles which pattern relationships and are critical for the maintenance of the system in its present form. These are derived from constitutional tenets which specify Parliament's role and its relationship to the executive, from parliamentary forms and traditions and from the place of political parties in the system. The structure emphasises continuity, and this is partly achieved by limiting the range of alternatives within which it is possible to function.

It is helpful to distinguish also the organisation of Parliament as the "directional activity" which orders

30. See for example, Ronald D Hedlund and Keith E Hamm, "Institutional Development and Legislative Effectiveness: Rule Changes in the Wisconsin Assembly", in Abdo I Baaklini and James J Heaphy, Comparative Legislative Reforms and Innovations, (Albany: Comparative Development Studies Centre, 1977), pp.173-213.

relationships "by acts of choice and decision". "In the aspect of organisation is to be found the variation or change principle - by allowing evaluation of situations and entry of individual choice."³¹ Organisational change involves minor alterations in the system which do not affect the basic relationships or modify the structural framework. It may occur because of procedural reforms or the acceptance of practices which do not require formal endorsement. Other patterns of behaviour are not settled consensually but emerge from the interaction of the actors.

Change or innovation deriving from actions by Parliament are more likely to be directed towards resolving internal stresses. These may either be a product of pressures from the external environment or generated by variations in personnel and the nature of interpersonal relationships. The effect of such change is normally concerned with consolidation; conflict is contained, procedures are improved and the internal equilibrium is maintained.³²

For example, parliamentary responses to an increased workload may involve one or more modes of adjustment.³³ The utilisation of time may be improved by alterations to procedures, organisation of business and the arrangement of

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31. Raymond Firth, Elements of Social Organization, 3rd ed, (London: Watts, 1961), pp.28 and 40.
 32. Compare the discussion in Roger H Davidson and Walter J Oleszeh, "Adaption and Consolidation: Structural Innovation in the US House of Representatives", Legislative Studies Quarterly, 1 (February, 1976), pp.37-65.
 33. Erik Dangaard, "Structural Adjustments of the Danish Parliament in the Twentieth Century", in Baaklini and Heaphey, Comparative Legislative Reforms, p.266.

sittings; or the hours of meeting may simply be extended. The resources of the institution can be expanded by increasing both the number of members and the professional administrative and clerical staff. A third option is to encourage specialisation both of members in their work and by delegating business from the plenary body to specialised groups.

Comprehensive change involves an alteration in the mode of operations which extends to the principles governing the form of relationships. The failure of Parliament to cope with demands from the external environment could result in structural change designed to adapt its roles. It is also possible that incremental changes may cumulatively produce structural change over time.

In practice, major reforms which affect the structural framework and the internal equilibrium it sustains, are unlikely to be initiated. The main constraint lies in the relationship between the executive and the legislature for the control of innovation rests with the government. It is likely to resist proposals designed to enhance Parliament's role in relation to the executive.

Both types of innovation can be recognised in the proposals of Parliament's critics. What is not clear from much of the reform-orientated literature is whether the protagonists had inquired into the practicality of reform and had been aware that unintended consequences might result. Procedural changes made by Parliament may produce behaviour which does not conform with the original intentions. The strength of existing

norms may frustrate the successful incorporation of new modes of operating.³⁴ It is important therefore "to know the kinds of change that are possible and the conditions under which change can occur" and this requires an understanding of the "phenomenon of stability in change": "for stability over time implies a process of reinforcement which may be every bit as dynamic as processes of change".³⁵

Research Objectives

The main purpose of this dissertation is to provide an account of developments in the contemporary parliament. This objective is followed by examining trends in the activities of the House and organisational change, whether originating from the environment or from the responses of Parliament to internal needs. The formal limits of the research are further set by relying on public records and concentrating on the post-war period.

Although other material is drawn upon, the main sources of information are the public records of Parliament. This limitation on the scope of the research design precludes consideration of dimensions which, to be adequately covered, would require other types of data. Some of the difficulties encountered in attempting to reconcile different official summaries of parliamentary business are covered in a methodological note in the Appendix.

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34. A good example is the transplantation of a congressional type of committee system to the Japanese Diet. Malcolm Shaw, "Conclusions", in John D Lees and Malcolm Shaw, (eds) Committees in Legislatures: A Comparative Analysis, (Durham, NC: Duke University Press), p.390.
35. Barbara Hinckley, Stability and Change in Congress, (New York: Harper & Row, 1971), p.2.

There are good reasons for taking the post-war period as a logical time-frame in which to study the House of Representatives, and the Parliaments from the 30th (1951-54) to the 38th (1976-78) as those which feature most prominently in the analysis. By 1951 the effects of war had diminished, Parliament had acquired the powers to amend its constitution in 1947, and having used them to abolish the Legislative Council, became a unicameral legislature in 1950.

The era since 1951 has been "marked by a dominant and astonishing stability"³⁶ in which the term "consensus politics" came to be used to describe the style of political behaviour, and economic prosperity was taken for granted. The experiences of other Commonwealth countries with minority government and parliamentary sessions abridged by early elections, were not encountered in New Zealand. The two parties dominated Parliament, and one party controlled the government for most of the period. Since the early dissolution and election in 1951, triennial elections have been predictable and three year terms regular.

Notwithstanding the stability of the political system it is possible to discern continuing political change,³⁷ much of which affected Parliament. In the latter part of this period, New Zealand experienced an unsettled phase in which two exceptional general elections occurred and five Prime Ministers

36. John Roberts, "Society and its Politics", in Ian Wards (ed) Thirteen Facets: Essays to Celebrate the Silver Jubilee of Queen Elizabeth the Second 1952-1977, (Wellington: Government Printer, 1978), p.70.

37. Alan Robinson, "Continuing Political Change: The New Zealand Case", (paper presented at the Eighth World Congress of the International Political Science Association, Munich, September, 1970; Jackson, Politics of Change).

held office within four years. Economic conditions deteriorated and political relationships became more strained. The two main parties retained their hold on Parliament but their support, both from parliamentary members and the electors (with a decline in the two-party vote), was less secure.

The influence of the environment on Parliament will be readily apparent from the analysis of parliamentary developments. It is beyond the scope of this research to give a systematic consideration of these factors and their relationships to the institution.

The dimensions of Parliament which have been studied, were chosen for one or more of three reasons: they constitute significant elements in the parliamentary framework; they have altered in the post-war period; and they will continue to play an important part in the future development of the institution. They are: the impact of the parliamentary parties on the proceedings of the House; the developments in the organisation of parliamentary time and business; role of the committee system; and the members of Parliament and their resources.

As a preliminary to the consideration of the contemporary institution, the evolution of Parliament is reviewed in order to put the post-war period in historical perspective. The process of institutionalisation has emphasised particular dimensions which are of significance today. While many characteristics of the House were established early in its history, alignments which first allowed governments to be

formed and sustained in office are more recent. The growth of political parties eventually led to the emergence of a highly developed binary system. A number of contrasts can be drawn between the activities of the House in the past and the post-war period which underscore recent developments.

Significant features of the parliamentary framework remained largely unchanged for much of the twentieth century: the size of the House was fixed at 80 for 67 years; the formal rules were relatively undisturbed for 30 years; and the resources available to members were scant.

It is possible to detect a number of trends in parliamentary practice and behaviour which began to emerge most clearly in the 1960s. The institutional response of the House to certain types of demands is usually slow. However, once the external conditions within which Parliament functions began to alter more rapidly, more immediate effects were experienced by the institution. The conjunction of a series of longer-term trends with political developments in the 1970s have been responsible for changing many aspects of parliamentary life.

The outstanding informal norm governing behaviour in the House is that which commits members to the policies and strategies of either of the two parties. The tendency to conform with the party's consensually-reached position on other issues is examined by reference to the voting patterns of members. The cohesion of the parliamentary parties has so instilled habits of conformity that members are disinclined publicly to depart from the modal position even when discipline

is not enforced. Nevertheless, changes have become apparent in the past decade, although members have continued to maintain their allegiances.

The adversary context of the House provides the potential for partisan contentions. Inter-party relationships are investigated by considering the level of conflict over time.

A central problem for leadership in government is the existence of a supply of candidates with the appropriate skills and talents for selection to higher office. A major tenet of the New Zealand form of government is the recruitment of the cabinet solely from members of the legislature. In a small House, the proportion of MPs eligible for executive and other leadership positions is never large. The parliamentary function of providing for leadership is controlled by the parties and permits the distribution of patronage among their members. The processes involved in recruitment, members' opportunities for advancement, their success rate, and the effect on the parties and the organisation of the House, form the basis of the analysis.

In responding to the demands on the House, a succession of procedural reviews have sought to improve the formal rules within which the House operates, and practices occasionally resorted to in the past have become standard. Consideration is given to the more important changes affecting the use of parliamentary time and the conduct of parliamentary business. Parliament spends more time on legislation than any other activity and the bills which pass through the House have more significance for the polity than other types of "output".

The examination of the legislative process concentrates on the impact of the parliamentary stage of the legislative process and in particular on government and opposition roles in relation to public bills.

The committee system gives the appearance of being highly developed for a range of committees have existed since the nineteenth century which have made numerous reports to Parliament. In order to determine their role and relationship to the House, the activities of committees are examined for the post-war period.

The composition of the House is not subject to the exclusive control of the party leadership or the parliamentary party and is determined largely by forces external to the House. Modest increases in the size of the legislature have coincided with substantial exchanges of seats, and introduced a new dynamic element, an unusually high number of new members. The socio-economic composition of the House has altered as new members in recent elections have brought different backgrounds from those which prevailed before.

After a history of neglect, the resources at the disposal of members finally became subject to regular reviews in the post-war period. The changes to members' remuneration and the services and facilities provided by Parliament have complemented other institutional developments.

Chapter Outline

The next chapter concentrates on institutional development prior to the post-war period which are relevant to the

examination of the contemporary Parliament. In the following two chapters, the importance of the parliamentary parties in ordering political relationships in the House and controlling political advancement are discussed. Chapter 3 focuses on the intra-party cohesion and inter-party conflict. The provision of leadership in the House is considered in Chapter 4 in relation to party patronage.

The effect of changes to procedure and practice on parliamentary business are reviewed in Chapter 5 with particular attention to the utilisation of time. The subsequent chapter looks more closely at the main type of business of the House, legislation. The development in the activities and roles of the committee system is considered in Chapter 7.

The members of Parliament and their resources are covered in Chapter 8. In the concluding chapter, an assessment is made of the changes which have been introduced in the post-war period and the prospects for the institution.

Chapter 2

EVOLUTION OF PARLIAMENT

To assist our understanding of the contemporary Parliament it is necessary to place it within the context of its historical development since 1854. This permits the study of institutional trends, whether of continuity or change, thereby clarifying the characteristics exhibited during a particular period.

In providing historical perspectives on the establishment of institutional boundaries, and the members, internal organisation and activities of Parliament, the main purpose is to elucidate the post-war period which is the subject of the following chapters. The patterns of behaviour described there have their antecedents in the earlier history of the House.

In order to provide some reference points to the range of dimensions considered, distinctions are drawn between historical periods, and levels of institutionalisation. The history of the House of Representatives since its inauguration can be divided into three periods of almost equal length: 1854-1890, 1891-1935, and 1936 to the present. That these demarcations, which are usually defined in terms of stages in the development of political parties, are also applicable to Parliament indicates their influence on its institutional evolution. The concluding summary attempts to evaluate the developments discussed in this chapter by applying several measurements of the level of institutionalisation to Parliament.

Establishment of Institutional Boundaries

The New Zealand House of Representatives is one of the few legislatures in the world which can justifiably claim a continuous existence since the middle of the nineteenth century.¹ For most of its history, however, it has been constitutionally linked to other institutions which potentially have been able to provide constraints on its functioning. Gradually it has shed these formal relationships, but it is only in the period since the Second World War that the process has been completed.

Historically, there have been four main factors which have either posed potential or actual limitations on the status and functioning of Parliament. An initial task of the new House of Representatives in the 1850s was to develop a set of privileges which would reinforce its authority and distinguish it from other institutions. The federal elements in the constitution up until 1876, set formal limits on the scope of Parliament's role, and the issues raised by provincial-central relationships often over-shadowed the proceedings. Both of these matters were resolved fairly early in the history of the institution. More enduring questions were raised by what have been argued to be the "two main aspects of parliamentary development since 1852": the successive removal of limitations on the legal powers of Parliament and the general decline of the Legislative Council.² Neither could be regarded as having been settled until after the Second World War. One other development important for

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1. The Canadian and Australian national parliaments date respectively from 1867 and 1901.
 2. R J Harrison, "Government-Parliament", in A H McLintock (ed) An Encyclopedia of New Zealand, Vol. 1 (Wellington: Government Printer, 1966), p.847.

establishing institutional boundaries, the career structures of members of Parliament, was accomplished by the turn of the century.

Parliamentary Privileges

The 1852 Constitution Act, while authorising the House to enact Standing Orders, did not grant the privileges of the House of Commons. As Parliament had no inherent right of privileges (as was found by a select committee in 1854), it was necessary to enact legislation as the basis for this authority. The 1856 Privileges Act conferred certain immunities on members (and witnesses summoned before Parliament) but omitted powers such as the right to discipline newspapers for attacks on members. More comprehensive legislation, the Parliament Privileges Act, was passed in 1865 (now incorporated in the 1908 Legislatures Act) to give the House the privileges, immunities and powers of the House of Commons. Accordingly, members individually and collectively acquired the necessary privileges to differentiate them and the House from the rest of society.³

Provincial System

An important issue in New Zealand politics between 1852 and 1876 was the role of the provinces. The 1852 Constitution Act had created six, each with a council and superintendent elected on the same franchise as the House of Representatives. In many respects the provincial councils resembled legislatures; they chose a speaker, adopted parliamentary procedure and

3. A number of later amendments were passed as the need arose. See C J Littlejohn, "Parliamentary Privilege in New Zealand", (unpublished LL.M thesis, Victoria University of Wellington, 1969).

privileges, and were subject to dissolution. Their powers under the Act were potentially fairly extensive with regard to provincial matters, but specifically excluded a range of functions such as customs, courts and currency.

In effect, the main functions of the provincial councils were to be concerned with colonisation: sale of land, immigration and public works. In practice, the performance of these roles depended on the central government's willingness to leave these responsibilities to the provinces. The central legislature had legislative superiority under the constitution, and the Governor was able to veto provincial legislation.

The system had the appearances of federalism.⁴ But the central legislature's control over the division of functions between the spheres, its right to constitute new provinces, and (after 1868) its power to abolish any province, conflicted with central tenets of the federal principle. Nevertheless the circumstances of New Zealand, the difficult terrain and distances between isolated populations, and the independent colonisation of these dispersed communities, engendered regionalised political sentiments.

So long as the people of New Zealand were ... federally minded, the constitution could be worked as a federal constitution. But the only safeguards of the federal element were opinion and convenience: there was no safeguard in law.⁵

In the initial years of the new system a wide range

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4. A recent example of a study which classifies the system as federal is William H Riker, Federalism: Origin, Operation Significance (Boston and Toronto: Little Brown, 1964), p.32.
 5. W P Morrell, The Provincial System in New Zealand 1852-76, (Christchurch: Whitcombe & Tombs, 1964), p.68.

of matters was left to the provincial councils.⁶ Although the General Assembly gradually extended its influence, the powers of the provinces and their relationship to the central government remained a major issue. The potential remained for the provinces to consolidate and expand their roles through their representatives in the General Assembly, for holding office in the provinces and either house of the central legislature, was not mutually exclusive.

Not all provincial councils were avowedly provincialist but membership of a council was inclined to mean a commitment to provincialism or at least to the particular interests of the province.⁷ Consequently the question of the central-provincial relationship and provincial issues often arose in the General Assembly.⁸ While divisions between provinces or representatives from particular provinces prevented the emergence of permanent alliances, at least two governments were defeated by the provincialists on a motion of want of confidence or provincial issues.⁹ Representatives from individual provinces might vote as a bloc in the interests of their regions, and differences within a provincial council, whether of personality or policy, could be transferred to the General Assembly.¹⁰

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6. "The provinces had passed most of the legislation of New Zealand, administered many of the laws already in force, spent perhaps half of the revenue, and been to all intents and purposes in charge of colonisation."
Morrell, Provincial System, p.92.
 7. For an example see G A Wood, "The Political Structure of New Zealand, 1858 to 1861", (unpublished PhD dissertation, Otago University, 1965), pp.66 and 69.
 8. See for example Morrell, Provincial System, pp.91, 163, 190.
 9. Morrell, Provincial System, pp.121, 162, 178.
 10. D G Herron, "Provincialism and Centralism, 1853-1858", in Robert Chapman and Keith Sinclair (eds), Studies of a Small Democracy (Auckland: Paul, 1963), pp.26-7.

In the longer term provincial rivalries, the poor performance of provinces with fewer resources, and the growing strength of central government worked against the two-tier system. The New Provinces Act of 1858 allowed for the separation of relatively small areas with minimal populations, and several chose to secede thereby weakening the existing provinces. By the beginning of the 1870s "New Zealand ... was emerging from the 'provincial period'" as colonisation by separate provinces gave way to the "policy of national development",¹¹ and the abolition of the provincial system was effected in 1876.

Parliamentary Sovereignty

Until 1947 there existed formal constraints on the powers of Parliament through its dependence for some purposes on either the Governor (from 1917 the Governor-General) or the Imperial Government. After the granting of responsible government in 1856, the Governor, as an Imperial appointee, retained powers to make decisions at his own discretion or in accordance with the wishes of the Imperial Government. The narrowing of his role over time need not be reviewed in detail here.¹² No public cases of a Governor rejecting the advice of a Minister has been known since 1892 (with the partial exception of 1895 when the Governor first declined but then followed ministerial advice). In 1930 the appointment of the Governor-General became dependent on the advice

11. Morrell, Provincial System, pp.108-15 and 214.

12. For details of the developments in parliament's sovereignty see Harrison, "Government-Parliament", pp.847-8; K J Scott, The New Zealand Constitution, (London: Oxford University Press, 1962), Chapters 1 and 3.

of the New Zealand Government and in 1939 the incumbent became solely the representative of the Crown (and not as before the medium for advice from the Government in the United Kingdom).

Three main limitations existed on the legislative and constituent powers of Parliament until 1947.¹³ It was unable to amend certain entrenched clauses in the Constitution Act 1852. There was doubt as to whether Parliament could pass legislation on extra-territorial matters. Thirdly, the Constitution Act prohibited the enactment of legislation repugnant to English law. With the passage through the United Kingdom Parliament in 1947 of amending legislation, the New Zealand Parliament acquired full powers to amend its constitution. Any doubts about Parliament's legislative competence were resolved by the Statute of Westminster Adoption Act 1947.

Legislative Council

The General Assembly, the central legislature created by the 1852 Constitution Act, comprised in addition to the Governor and the House of Representatives an appointed Legislative Council. The Council did not become a formidable competitor to or opponent of the popular chamber. Its relatively limited impact can be indicated by its roles in the legislative process.

The Council did not play a major part in the initiation of legislation although until the 1890s a significant proportion

13. C C Aikman, "Parliament", in J L Robson (ed) New Zealand: The Development of its Laws and Constitution, 2nd ed, (London: Stevens and Sons, 1967), pp.54-5. Two other minor limitations are discussed: the Governor-General's power of reservation and the Crown's power of disallowance.

of government legislation was first introduced into that chamber. The growth in party discipline and electoral accountability led governments to concentrate on the House for the introduction of legislation and a decline is most apparent in the twentieth century in the Council's contribution to this stage of the legislative process. Councillors rarely showed much interest in introducing private members' bills.¹⁴

A more important role was played by the Council in the revision of legislation, particularly between 1854 and 1891, but the proportion of successful bills which it amended tended to diminish over time. Towards the middle of the twentieth century its amending activities became insignificant. The Council's power to reject legislation was not extensively used even in the nineteenth century, and then it was exercised more often with private members' bills. A drop in this activity occurred after 1896 and from 1932 no bills from the House lapsed in the Council.¹⁵

Whatever the deficiencies of the arrangement whereby councillors were nominated for life, the introduction of a seven year term in 1891 increased the control of governments (which retained the power of reappointment) over the Council, and contributed to its decline. Increasingly, it became a means for dispensing patronage.

With its abolition in 1950, New Zealand acquired a unicameral system. The limited immediate effects which its

14. Keith Jackson, The New Zealand Legislative Council: A Study of the Establishment, Failure and Abolition of the Upper House (Dunedin: University of Otago Press, 1972), pp.89-92.

15. ibid., pp.95, 103, 111-2.

demise had for the House of Representatives (procedurally or otherwise), illustrate its minor role (although the lack of broader constitutional changes appear to have reflected the uncertainty of the government as to whether an alternative upper house would be conceived).¹⁶ There was one important consequence for the House. The removal of the Council and the simplification of the legislative process narrowed public attention to the House; consequently "its abolition has contributed directly to a new interest in constitutional improvement and parliamentary efficiency".¹⁷

Membership

A key dimension in the development of a legislature is held to be the emergence of a relatively stable membership. The identity of the institution is more firmly established once it is differentiated from its environment by the existence of a distinctive career structure for its members. Stability in membership is important in parliamentary systems because the executive is drawn from the legislature and the formation of governments and their maintenance in office depend on the existence of support within the legislature. Where membership is fluid, with large proportions of new members at the beginning of a Parliament, or with members resigning from office during the term, the executive may be similarly unstable and stable patterns of parliamentary behaviour may not emerge.

For the first 22 years of the House the provincial system existed as a regional tier of government and pro-

16. ibid, p.199.

17. ibid, p.211.

vincial councillors and superintendents were eligible to sit in the central legislature (although the provinces were not directly represented in the Legislative Council).¹⁸ For this period the House was not clearly differentiated from a subordinate set of institutions because membership of the two levels overlapped.

The inaugural parliamentary session of 1854 included two superintendents and other prominent members of provincial councils, and all six superintendents were members of the House in 1856. All incumbents of the office of superintendent in Auckland and Wellington during the provincial period were members of the General Assembly. Most superintendents of the other provinces were concurrently members of the General Assembly for part of their tenure.¹⁹

Of the 263 members of the House between 1853 and 1876, approaching three-quarters had served on provincial councils. For 62 per cent the joint membership of both a provincial council and the House occurred concurrently for at least part of their term, and another 9 per cent had previously served on a provincial council. For most of the period more than half the members of each Parliament were provincial councillors during at least part of their term,²⁰ and some general elections resulted in much higher proportions of members (for example 78 per cent in 1855 and 67 per cent in 1871). The fluid membership of the House during the provincial period indicates the

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18. The attendance of superintendents during the sessions of the General Assembly was assisted by the passage of an act in 1856 which allowed them to appoint deputies in their absence. Morrell, Provincial System, pp.64 and 66.
19. Wood, "Political Structure", pp.66 and 369-70.
20. The figures for overlapping terms are slightly higher than those above. Members have been excluded who did not have the opportunity to attend Parliament, while provincial councillors, because it was not in session.

low attachment to it of many members. A commitment to the central assembly had to await more widespread support for national policies and development. In the meantime the divided loyalties of a good proportion of members affected the institutionalisation of the House of Representatives.

Another factor influencing the turnover of members has been changes to the size of the House. During periods in which adjustments have been made to its constitution there have also been relatively high proportions of new members. These periods have occurred twice in the history of the House. Between the first election of 1853 and 1900 the size of the House was altered on 10 occasions. For the subsequent 21 elections the membership was fixed at 76 European members and four Maori members. Three of the last four Parliaments have commenced with more members than their predecessors.

Prior to 1887 the House was the subject of successive increases in its size. The original 37 members expanded, following the acquisition by the General Assembly in 1857 of the power to change its constitution, to 41 under 1858 legislation, 53 in 1860, 57 in 1862, and 70 in 1865. In 1867 the size was enlarged by two measures: one raised the European representatives by two; the other created for the first time four Maori seats. The European representation was further increased to 74 in 1870, 84 in 1875 and 91 in 1881.²¹ Each election following these increases in the size of the House produced particularly high proportions of new members (which is not to suggest that other factors did not also contribute to the high turnovers). The size of the House was eventually

21. Guy Scholfield, (ed) New Zealand Parliamentary Record 1840-1949 (Wellington: Government Printer, 1950), p.90.

stabilised at 70 between 1890 and 1900, and at 80 from 1900 until 1969. Another 12 members have since been added by three adjustments to the size.

From the point of view of the institutionalisation of Parliament the most significant period was the nineteenth century decline in the turnover of members.²² The elections of 1855 and 1861 resulted in Parliaments in which more than half the members were new. Turnover declined to about two-fifths at the beginning of the succeeding three Parliaments and subsequently to between one-fifth and one-quarter.

During the provincial period, and while the term of Parliament was fixed at five years, the turnover between general elections was also high because of the tendency for members to resign during their term (possibly having served for only a brief time). In the first three year term (1879-1881) the number of members attaining office, after the general election, dropped abruptly.²³

Because of short term fluctuations it is more appropriate to view turnover in terms of a series of elections. Table 2.1 divides the whole period into a number of phases each consisting of five elections, with the exception of the

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22. These figures differ from those given by Leslie Lipson in The Politics of Equality, (Chicago: University of Chicago Press, 1948), Tables 6 and 17. His data covers all representatives not in the previous Parliament and therefore includes MPs who have previously served in the House.
23. It was not uncommon in the nineteenth century for seats to be vacated for unconventional reasons. The more usual reasons were because an election was declared void or a member was unseated on petition. Three members (including Hone Heke and Reeves) were obliged to vacate their office because they were adjudged bankrupt. There were a few instances in the first part of the twentieth century of unconventional departures from office but the case of the Hunua electorate in 1979 appears to be the first for 50 years.

TABLE 2.1 New Members Elected at General Elections:
By Period 1855 - 1978

Parliaments	Period	Percentage of New Members (Average)
2 - 6	1855 - 1875	48.0
7 - 11	1879 - 1890	30.5
12 - 16	1893 - 1905	22.2
17 - 21	1908 - 1922	24.0
22 - 26	1925 - 1938	22.3
27 - 31	1943 - 1954	17.3
32 - 36	1957 - 1969	15.1
37 - 39*	1972 - 1978	24.2

*. Includes only three general elections

grouping of the last three elections. The average proportion of new members for the first five elections (excepting 1853) was 48 per cent. This percentage dropped to 31 per cent in the succeeding period and to between 22 and 24 per cent in the three periods between 1893 and 1938. In the subsequent two periods there were successive declines in the turnover with a figure of 15 per cent being achieved in the late 1950s and the 1960s. The turnovers of the last three general elections go against the trend for the twentieth century (and particularly the post-war period), and are considered in more detail in Chapter 8.

Internal Organisation

There exist formal and informal dimensions to the proceedings of Parliament; the first relates to the rules and procedures which regulate business, the second includes the nature of the alignments of members. The three periods distinguished in the introduction to this chapter have particular relevance for the development of political parties and their impact on Parliament. The incipient parties of the years before 1890 became organised and coherent in the second period and took on their modern form early in the third period.

These periods are also serviceable for reviewing the evolution of parliamentary procedures. The development of Standing Orders was relatively static before 1890, but a period of change began shortly after that year. In the third period the procedures were possibly used with greatest effect in the stable two-party conditions of Parliament but towards the end an active phase of reform occurred. The

history of the Speakership may similarly be linked to these temporal divisions for, as with procedural change, the nature of the parliamentary parties was influential in shaping that office.

Parties

It has been argued that:

once responsible government was introduced ... the main line of division in the General Assembly was between those who wanted a tighter control of the provincial governments and those who wished the widest possible extension of their powers - the Centralists and the Provincialists.²⁴

But it would be an over-simplification to represent the House as divided between two enduring alignments.²⁵ Similarly, after the provinces were abolished, the collective labels of "conservatives" and "liberals" distorted the degree of unity which existed. Members were typically loosely aligned and prepared to be opportunistic in order to achieve gains for their localities. As in New South Wales:

the faction system was characterized ... by reference to what it was not: factions were not parties, and so they were not stable, cohesive, principled and enduring parliamentary groupings which reflected real divisions within the community.²⁶

Nevertheless, a trend towards requiring supporters of a ministry to reflect their allegiances in divisions became apparent from the late 1860s. Whips became increasingly active and with considerable success as members, at least on major

24. W P Morrell, "The Colonial Period", in Robert Chapman, (ed) Ends and Means in New Zealand Politics, (Auckland: University of Auckland Bulletin No 60, 1961), p.6.

25. See for example Herron, "Provincialism and Centralism", pp.14-15.

26. G N Hawker, The Parliament of New South Wales 1856-1965, (Sydney: Government Printer, 1971), p.201.

issues, became more likely to adhere to their commitments.²⁷ The convention became established that once elected under a party label, MPs should support the party when confronted with a vote of no-confidence. The last occasion on which a premature dissolution occurred, because of a withdrawal of support by MPs from an elected government, was in 1884.²⁸

The emergence of organised, national parties, which were clearly defined and relatively united, dates from about 1890. In this formative stage, the relative weakness of the Opposition and the size of Liberal majorities did not encourage cohesive parliamentary behaviour. An examination of party voting for selected years during the Liberal hegemony, shows that the Liberals "split" in 34 per cent of divisions and the opposition party in 28 per cent.²⁹

There followed an unstable period in which only two out of seven elections produced parties with clear majorities; governments were otherwise minority or coalitional and three parties were represented in Parliament. From 1890 the number of independents in the House dwindled (with the exception of isolated increases in their number as a result of the major swings in seats in the 1911, 1928 and 1935 elections). The effect of the "triangular" situation on Parliament has been described by one contemporary observer as follows:

27. Lipson, Politics of Equality, p.128.

28. Scott, New Zealand Constitution, p.59.

29. Calculated from details for 1892, 1894, 1896, 1899, 1904, 1907 and 1911 from Table 16 of Lipson, Politics of Equality. A party split was defined as a division in which 25 per cent or more of "declared party members" voted against their colleagues. These percentages include divisions on various types of free vote bills (pp.340 and 342).

A large proportion of nearly every session appears to be taken up by dreary no-confidence debates lasting for weeks on end, when interminable and irrelevant speeches are made, covering the whole gamut of politics.³⁰

With Labour's attainment of office, and the replacement of the coalition of non-Labour parties in 1936 by the National Party, a two-party alignment has existed in the House. Other parties and independents have continued to contest elections, but no party has been able to secure more than one representative in a Parliament. Between the defeat of the last independent member in 1946 and 1966 the membership of the House was shared between the two parties (Table 2.2). In 1966 a Social Credit MP was elected for a single term, and another representative of that party was elected in a by-election in 1978 and returned to office at the following general election.³¹ These exceptions do not affect the two-party system which remains entrenched in the House of Representatives.

It is usual to regard the "classic" two-party systems to be the United States, United Kingdom, New Zealand, Australia and Canada (with Austria as a possible inclusion).³² Of the parliamentary countries, New Zealand has come closest to the pure two-party model in the post-war period. For the years 1945 to 1973 the two main parties gained 93 per cent of the vote and 99 per cent of the seats in Parliament (compared with percentages of 91 per cent and 98 per cent respectively for

30. C J Wray in William Pember Reeves, The Long White Cloud, 3rd ed. (London: George Allen & Unwin, 1924), p.351.

31. There have also been three resignations from the two main parliamentary parties during the present and previous terms. All were subsequently defeated at their next electoral contest.

32. In five of the six (Canada is the exception) the two main parties receive 90 per cent or more of the seats in the legislature, and apart from Austria, more than 90 per cent of the vote. Giovanni Sartori, Parties and Party Systems: A Framework for Analysis, Vol. 1 (Cambridge: Cambridge University Press, 1976), Table 39.

TABLE 2.2 Representation of Parties in the House 1946-78

<u>Election</u>	<u>Size of the House</u>	<u>Labour</u>	<u>National</u>	<u>Social Credit</u>	<u>Majority</u>	<u>Actual Difference</u>
1946	80	42	38	-	4	2
1949	80	34	46	-	12	6
1951	80	30	50	-	20	10
1954	80	35	45	-	10	5
1957	80	41	39	-	2	1
1960	80	34	46	-	12	6
1963	80	35	45	-	10	5
1966	80	35	44	1	8	4
1969	84	39	45	-	6	3
1972	87	55	32	-	23	12
1975	87	32	55	-	23	12
1978	92	40	51	1	10	5

the United Kingdom). Apart from the United States, it is the least "fractionalised" of the two-party countries.³³ One of two parties always formed the Government without requiring the assistance of another party. This stable and rigid dominance of two parties has had important consequences for the proceedings of Parliament.

The party majorities in a House of between 80 and 92 MPs have usually been slim in the post-war period; with an average of 12 resulting from the general elections 1946 to 1978. The actual difference between the parties in terms of voting in the House has averaged half that figure. In several Parliaments the defection of as few as one, two or three members could have resulted in government defeats (Table 2.2).

One final development, which has assumed its greatest significance for the House in the third period, has been the increasing reliance of parliamentary parties on caucus meetings. The use of party meetings has a much longer history, dating from the early years of responsible government in New Zealand. The first meeting was in 1856; the earliest known reference to a caucus meeting in Parliament occurred in 1876; and during the 1880s such meetings became firmly established.³⁴ The role of caucus and the frequency of meetings fluctuated with the party and the circumstances. The growth of the Labour Party, with its commitment to internal democracy based on majority voting and party discipline, was largely responsible for the emergence of the modern caucus system.

33. Sartori, Party Systems, Tables 39 and 43.

34. Lipson, Politics of Equality, pp.123, 125 and 126

With the assumption of the leadership by Fraser in the Labour Party and Holland in the National Party, the modern caucus system with regular meetings became firmly established in both parties during the 1940s.³⁵

Procedural Development

The development of the rules which control the proceedings of Parliament were influenced on the one hand by resistance to reductions in the rights of private members, and on the other hand by the desire of governments to secure the passage of their business. The political party provided the means for obtaining compliance from members in the reform of procedures.

In the history of the House there have been two major periods of procedural review by Standing Orders Committees outstanding both for the number of extensive reports and for the adoption of significant recommendations. It is clear that pressures on the House (deriving either from the volume of business or political contention, or both) prompted these reviews for most were initiated during or following sessions that were unusually arduous in terms of hours.³⁶ The first phase is associated with the Liberal regime; between 1891 and 1910 six reports were produced (not all of which were of equal significance, the 1906 report was mainly confined to the proceedings of select committees). More than 50 years elapsed

35. Lipson, Politics of Equality, pp.336-40; Austin Mitchell, "Caucus: the New Zealand Parliamentary Parties", Journal of Commonwealth Political Studies, VI (March, 1968), pp.6-8.

36. For example, 1903, 1910, 1928-9, 1961-2, 1967-8, 1971-2, 1974, 1978-9. The strain on the health of members was given by Forbes as the reason for amendments to the Standing Orders in 1929, N.Z.P.D., 227 (March 28, 1931), pp.54-6.

before the next phase (although the important review of 1928-9 occurred in the meantime) in which five committees reported eight times on Standing Orders between 1962 and 1979.³⁷

It was only following the Liberals' assumption of power that major changes were introduced. For the previous 15 years procedural development had been stymied by the terms of Standing Order 401 which required that two-thirds of the members should be present and notice of four sitting days should be given. In nine of the 11 years between 1881 and 1891, Standing Orders Committees had made proposals but time had not been made by the House to consider them.³⁸ In the meantime, because of the House's commitment to the rights of members to speak without restrictions, the daily average sitting hours continued to rise as various tactics were used to forestall the passage of legislation. By today's standards the hours were often comparable but devoted to fewer items of business and much of the time was spent after midnight. The distribution of this time was unevenly spread between members. Thus in the 1893 session six members accounted for almost one third of the column inches in Hansard.³⁹

By 1892 some procedures were obsolete, other rules needed to be reconciled with the practices of the House

37. There was also a 1925 Report on local legislation and another report in 1951 which was largely concerned with the consequences for the House of the abolition of the Legislative Council.

38. Report of Standing Orders Committee, A.J.H.R., I.6 (1892), p.1.

39. Report of Reporting Debates and Printing Committee, A.J.H.R., I.10 (1893), p.3. Seddon was responsible for 370.25 inches, 9 per cent of the total. These figures were apparently surpassed in 1895 for McNab comments that he was not a great offender with a total length of 10 yards 10 inches, while another was noted as a "twelve-yard member" with 447.5 inches. The return was apparently not printed in this case because of members' objections. N.Z.P.D., 91 (October 30, 1895), p.895.

while other amendments were required to correct "abuses". The recommendations of the Report by the 1892 Standing Orders Committee were generally directed towards economising of time.⁴⁰ The reforms were eventually passed in 1894 after a means of evading the limitation on procedural reform, short of passing legislation, had been found. Although the provision for amending Standing Orders was strengthened by requiring a vote equal to the absolute majority of the members, the rule which provided for the suspension of Standing Orders was amended to reduce the number of members required to be present from two-thirds to 40. Henceforth the "safeguard" against revision of the procedures was ineffective because it became customary to suspend that Standing Order. In 1929 it was decided that a simple motion should be all that was required to amend the rules.⁴¹

Time limits were also introduced in 1894 but the rules still allowed members generous opportunities to speak. An hour was allocated for each member's speech in the following debates: Address in Reply, Budget, Motion of 'no confidence', Appropriation Bill and second reading of a bill. Contributions to other debates were limited to half an hour (with the exception of those in the Committee of the whole House). That time limits on speeches alone were insufficient where contentious issues were being debated can be seen from the following Parliament in which one quarter of the time was occupied in sittings after midnight.

A debate such as the Address in Reply was still able to last for four weeks (compared with four days in the New

40. A.J.H.R., I.6 (1892), p.1.

41. N.Z.P.D., 227 (March 28, 1931), p.544.

South Wales assembly).⁴² The 1929 changes to the Standing Orders included the halving of the time for members' speeches in this debate and the fixing of 10.30pm as the time at which the House should rise (previously no formal limit had existed although no new business could be taken after 12.30am). One further reform in that year was to make effective the existing provision for urgency. This was accomplished by adding a clause that required an item of business which was accorded urgency to be completed during the same sitting of the House.

The first Standing Orders of the House contained provisions for "abridging or summarily terminating debate". In the 1863 session they were used to curtail a debate on the subject of moving the seat of government, but later that year the House agreed to omit these rules from the Standing Orders.⁴³ Successive Standing Order Committees reviewed the question of whether a closure rule should be re-introduced but declined to favour such a proposal. As late as 1929 a Standing Orders Committee "almost unanimously" agreed that adoption of closure was not advisable.⁴⁴

Two years later, Labour opposition to Forbes' scheme for retrenchment (which was supported by the Reform Party and paved the way to the coalition ministry later in the year) finally saw the introduction of the closure procedure. Forbes argued that the prolonged obstruction to the passing of business in an orderly manner under emergency circumstances

42. N.Z.P.D., 221 (August 2, 1929), p.876. Nevertheless, there has continued to be opposition to shorter Address in Reply speeches. Coates, for example, argued in 1929 against the introduction of a 30 minute limit to members' speeches. N.Z.P.D., 211 (August 2, 1929), p.876. The 1967-8 Standing Orders Committee twice received representation against the 20 minute limit established in 1962. A.J.H.R., I.14 (1967), p.6; A.J.H.R., I.14 (1968), p.15.

43. A.J.H.R., A.6 (1882), p.3.

44. N.Z.P.D., 211 (August 2, 1929), p.878.

necessitated the use of this power, but that it would be "sympathetically applied".⁴⁵ He later agreed to an amendment restricting its application to the present session but the following year the closure principle was permanently incorporated in Standing Orders.⁴⁶ The full range of procedural devices which has served post-war governments now existed and there were to be no further major revisions of the Standing Orders before the 1960s.

Speakership

This "ancient and honourable office ... an essential feature of the parliamentary system" has several distinctive characteristics in the House of Commons.⁴⁷ The prestige of the Speaker is derived from the tradition of removing the office from any association with partisan behaviour. In order to maintain the most essential quality of impartiality, the Speaker retires from the political arena by severing his association with his party, taking no part in debates whether of the House or in Committee,⁴⁸ and by not participating in election campaigning. It is customary for the Speaker to be re-elected while he remains in the House (and usually the election is neither contested nor opposed).

These traditions did not always survive the transference of the office to colonial legislatures. The departures were

45. N.Z.P.D., 227 (March 28, 1931), p.548.

46. N.Z.P.D., 231 (March 1, 1932), pp.114-38.

47. Norman Wilding and Philip Laundy, An Encyclopedia of Parliament revised ed. (London: Cassell, 1961), p.590. Philip Laundy, "The Speakership and His Office in the Twentieth Century" in S A Walkland (ed) The House of Commons in the Twentieth Century: Essays by Members of the Study of Parliament Group, (Oxford University Press, 1979), pp.124-203.

48. Precedents exist for the Speaker to participate in Committee but none have done so since 1870. Wilding and Laundy, Encyclopedia, p.591.

in part due to the fact that the Speakership was still evolving in Britain during the period in which these legislatures were created, and practices which placed the office above party were barely established.⁴⁹ The Speakership in New Zealand did not evolve, as many parliamentary procedures have, by the incorporation of new practices adopted in the House of Commons. In the nineteenth century the small size of the House influenced the development of the office, for it meant that the Speaker might be called upon to vote and it was exceedingly difficult for the incumbent to insulate himself from the intimate atmosphere. With the emergence of political parties, partisan considerations came to be important.

The traditional practice in the House of Commons of casting a vote in order to produce an outcome that would allow further discussion of a matter, has been accepted here,⁵⁰ but there appears to have been numerous departures from it. Speakers were obliged to exercise a casting vote intermittently during the nineteenth century, and the Liberal Ministry. The Speaker's vote could lead to the downfall of a ministry (as in 1862) or preserve a government in office (as for example on no-confidence motions in 1885 and 1912). Since then these occasions have been rare with the exception of the terms 1958-60 and 1970-2. In the highly disciplined context of Parliament since the Second World War the Speaker's first priority has been to support his party in office. It was thought proper for the Speaker to vote frequently with the government during the 1957-60 term because the electorate's

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49. Geoffrey Bolton, "The Choice of the Speaker in Australian Parliaments", in Colin Hughes (ed), Readings in Australian Government (St Lucia: University of Queensland Press, 1968), pp.155-6.
50. Hon Sir Ronald Algie, "The Roles of the Speaker of the House and the Chairman of Committees", Public Administration Newsletter 95 (August 1965), p.1.

verdict had granted the party a majority of only two including the Speaker.

Until the early decades of the twentieth century Speakers were often active as individual members in the Committee proceedings of the House. The reconciliation of a partisan role in those debates with the impartial status of the office was not easy to achieve and Speakers more recently have been inclined to avoid involvement in those debates (although the present speaker voted in one of the divisions of the National Development Bill 1979).

In the nineteenth century cases of partial decisions by Speakers did occur.⁵¹ But the Standing Orders have been revised considerably since then to curtail the unrestricted rights of private members and to recognise the priority accorded to government business. Nevertheless respect for the office may be lost in the heat of adversary debate and members of both parliamentary parties have accused Speakers of partiality during recent Parliaments.⁵²

It was usual for the Speaker's electorate to be contested by individuals, who claimed the constituents were not being properly represented, and then increasingly by parties. Munro's re-election in 1866 appears to be the only exception. Electoral opposition was in fact fairly successful for five of the 19 Speakers experienced an electoral defeat following their elevation to that office.⁵³ Speakers were obliged therefore to campaign

51. See A F Campbell, "The Speakership of the N.Z. House of Representatives 1854-1912", (unpublished MA thesis, Canterbury University, 1952) Chapter V.

52. See the discussion in Chapter 3.

53. They were: Munro in 1871, O'Rorke in 1890, Lang in 1922, Barnard in 1943 and Schramm in 1946.

actively and to make partisan addresses to their constituents. While the House was in session it was necessary to champion the needs of their electorates.⁵⁴

In the nineteenth century it was widely held that a Speaker should not necessarily share the outlook of a government, and be dependent on the government in order to remain in office. For example Munro (Speaker from 1861-1870) served during the terms of a number of ministries. Fitzherbert was nominated by Vogel in 1876 although known to oppose the latter's views.⁵⁵ A major change occurred in 1891 when Steward "a true Liberal" was installed by the majority party following the first contested election for the Speakership, and in which the members voted on party lines.⁵⁶ Because Steward's performance was less than satisfactory another contested election occurred at the beginning of the following Parliament when O'Rorke (previously Speaker from 1879 until his defeat in the 1890 general election) was also nominated. The division was not on party lines, although those voting against O'Rorke were temperance men.⁵⁷ The only other occasion in which the position has been contested was in 1923 when McCombs was defeated by Statham.

While the convention has usually prevailed that one member is unanimously supported, the Labour opposition strongly objected to the election of Sir Roy Jack in 1976, but did not

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54. Guinness (1903-1913) was particularly active because of electoral pressures. Campbell, "Speakership", pp.19-21, 144-5. Barnard promoted two local bills in 1936.
55. It is thought that Vogel wished to neutralise a strong opponent. Campbell, "Speakership", pp.16-7.
56. Campbell, "Speakership", p.18.
57. Campbell, "Speakership", p.19. Cf the Webb's subsequent observation that "the Speaker of the House is constantly absent incapacitated from his duties by drink". D A Hamer (ed), *The Webbs in New Zealand* (Wellington: Price Milburn, 1974), p.42. It should be noted that this observation was made in O'Rorke's final year as Speaker after serving a total of almost 20 years in the office, a record which has never been approached by any other incumbent.

go as far as nominating an alternative candidate.⁵⁸ This particular case illustrates the difficulty a member has in making the transition from a partisan role to that of an impartial chairman. Jack's mastery of parliamentary procedure earned the respect of both parties during his first period as Speaker (1967-72), but it also led him in the adversary atmosphere of the New Zealand Parliament to engage in unruly behaviour and to challenge the rulings of Speakers in both the 1958-60 and the 1973-75 Parliaments. Consequently, his election as Chairman of Committees in 1961 and as Speaker in 1976 were opposed by the Opposition. In the latter case, Jack's defiance of the Speaker's authority and his subsequent expulsion from the Chamber on the last day of the 1975 session, the last sitting day prior to his nomination as Speaker, influenced the Opposition stand.

It was still possible in 1935 to claim that the Speakership in New Zealand maintained the British tradition of continuity of tenure⁵⁹ for Guinness had been re-elected by the Reform Party in 1912 and Statham, as an Independent (1923-35) served during Reform and United ministries. As Statham was not a Member of Parliament in 1936, the new Labour Government elected one of its members and continued to do so while in office. Of the five occasions in the post-war period in which a change of government occurred, the question of continuity of the Speakership did not arise in two cases (in 1958 the Speaker of the previous Parliament, Sir Matthew Oram, had retired, and in 1973 Mr A Allen, the Speaker for the 1972 session, was no

58. N.Z.P.D., 403 (June 22, 1976), pp.2-5.

59. W P Morrell, New Zealand (London: Ernest Benn, 1935), p.217.

longer in Parliament). In 1950, 1961 and 1976 the majority party (in all cases National) chose to elect one of its own members as Speaker. There is little doubt that the office is now a party prize.

The office has become institutionalised to the extent that it is awarded to members with long service in Parliament before their appointment. Table 2.3 divides the time-span of the House into six periods, each of 21 years. With the exception of the early years and the two Speakers first elected in the 1917-38 period, the average parliamentary experiences of Speakers is high. This is particularly the case in the final period in which no Speaker had less than 12 years in the House prior to his attainment of the office.

TABLE 2.3 Parliamentary Experience and Tenure of Speakers
1854-1980

<u>Periods</u>	<u>Number First Elected in Each Period</u>	<u>Mean Tenure of Speaker Prior to First Election</u>	<u>Mean Tenure of Speaker</u>
1854 - 1875	3	8	7
1875 - 1896	3	20	8
1896 - 1917	2	19	9
1917 - 1938	2	9	10
1938 - 1959	4	16	4
1959 - 1980	5	15	4*

* Excludes incumbent

The position has not, however, become stabilised by allowing Speakers, once elected, to remain in office until they retire. The consequence of discontinuity in office-

holding under a system of disciplined parties can be seen in Table 2.3. More Speakers were first elected in the last two periods than previously, and the mean tenure of Speakers, which was slowly climbing between 1854 and 1938, has since dropped to four years for the two most recent periods. While this higher turnover of Speakers is not entirely due to the practice of parties favouring their own nominee,⁶⁰ it is undoubtedly the main factor.

Speakers have continued to attend caucus meetings (although less frequently with National members, the present incumbent does not), and participate as party members both in Parliament and in election campaigns. The disadvantages of a party nominee in a small partisan legislature are clear but neither party appears inclined to change the nature of the office.⁶¹ A former Speaker has observed that it is "symbolically inappropriate" for the Speaker to be nominated and seconded by the Whips, "the tactical battle leaders" of his party (rather than by the British practice of an opposition backbencher seconding the motion where prior agreement has been reached).⁶² It may be inappropriate to the traditional conception of the office but it reflects the reality of parliamentary politics in New Zealand.

60. For example, Schramm was defeated in the 1946 General Election. In the case of Barnard, the party may be held responsible for the termination of his tenure after only two terms. He had resigned from the party in 1940 but continued as Speaker until the 1943 election in which he was defeated by the party's candidate.

61. In his valedictory address to the House, Oram proposed that the Speaker's term should be extended by a decision of Parliament to six years and that his seat should be vacated and a new member elected. *N.Z.P.D.*, 314 (1957) pp.3331-4. More recently, Jack expressed the view that it is unlikely that any steps will be taken to develop the independence and partiality of the Speaker. One minor change which he proposed was for a second deputy speaker to be appointed from the opposition party. Hon Sir Roy Jack, "A Speaker Looks at Parliament", in Sir John Marshall (ed), *The Reform of Parliament*, (Wellington: New Zealand Institute of Public Administration, 1978), p.84. On a number of occasions he took the initiative and invited the Senior Opposition Whip to take the chair.

62. Jack, "A Speaker Looks at Parliament", p.85.

Parliamentary Activities

The legislature showed an early proclivity to engage in a wide variety of parliamentary activities. Notwithstanding the small number of Europeans in its first two decades, the population was growing steadily and the many needs of political development were expressed through Parliament. Two striking indications of the demands on the institution by the early 1870s can be derived from the comparative data presented by two contemporary observers.

Trollope was amazed that a country of less than 300,000 could warrant, as well as the central institutions, eight provinces (each with a superintendent and his cabinet, and a council), and concluded "that New Zealand is over-governed, over-legislated for, over-provided with officials, and over-burdened with national debt". He provided Colonial Office figures for the early 1870s which showed that New Zealand's per capita expenditure was £13.7 compared with £7.2 for New South Wales, £4.5 for Victoria and £1.1 for Canada.⁶³

An early indication of the concern with the increasing amount of work which confronted each session of Parliament was a request for the Clerk of the House of Representatives to investigate the mode of parliamentary business in Victoria. The Australian colony, although experiencing a later start in terms of settlement and development, had grown rapidly in the 1850s with the influx of persons associated with the goldrushes, and its population soon exceeded that of New Zealand. For this reason the comparative information provided by the Clerk in his

63. Anthony Trollope, Australia and New Zealand (Melbourne: George Robertson, 1873), pp.554 and 620. Cf also statistics in Muriel F Lloyd Prichard, An Economic History of New Zealand to 1939 (Auckland: Collins, 1970), p.407.

report to the House is particularly revealing for the differences between the business conducted by the two lower houses.⁶⁴ The data reproduced in Table 2.4 were the averages for the years 1871 to 1874.

TABLE 2.4 Parliamentary Business in the New Zealand House of Representatives and the Victorian Legislative Assembly, 1871 to 1874

	Bills In- troduced	Bills Passed And Assented To	Petitions Received	Select Committees Other Than Ordinary Sessional Committees
Victoria	48	29	103	7
New Zealand	160	83	200	19

Source: A.J.H.R., H.21 (1876), p.2.

For each category of business the amount of work conducted by the New Zealand legislature far exceeded that of its Australian counterpart. Despite a smaller population the House of Representatives received twice the number of petitions of the Victorian Assembly, more than three times the number of the latter's bills were introduced into the New Zealand legislature, and almost the same ratio existed for bills passed and assented to. Of particular concern to the Clerk was the much greater amount of work devolving upon the New Zealand select committees. Even at this early stage the New Zealand House of Representatives had numerous select committees and problems had arisen with their servicing by committee clerks.

64. A.J.H.R., H.21 (1876).

Many of these committees were established for a single task, to be accomplished within a fixed period of limited duration. While most committees were dependent on the House for the referral of business, some came to be included in the Standing Orders (for example, Goldfields, Public Accounts, Public Petitions and Local Bills) and automatically received certain types of business. They were otherwise circumscribed as to meeting times (unless the leave of the House was granted) and because they only had the power to report opinions to the House. Notwithstanding the large number of reports made to Parliament in many sessions (often numbering several hundred), most were concerned with petitions.

The latter part of the nineteenth century witnessed a steady rise in the amount of business conducted by Parliament in each session. This growth was maintained until the two decades before and after the turn of the century. During parliamentary terms at that time the volume of business measured by such activities as legislation and petitions reached a peak, and the sessional hours of the House were also high.

With the nationalisation of politics following the abolition of the provinces, Parliament had become an arena for the allocation of public works to localities. The bargaining processes involved in the pursuit by MPs of public works affected public policy making and often overshadowed the proceedings of the House. Accompanying the expansion of the representative base of Parliament and the wider role of the national institutions, was the growing practice by members of the public of resorting to individual requests

for ventilation and redress of grievances. The number of petitions grew steadily after 1865 until a sessional peak of 1286 was reached in 1901 and a term peak of 2528 between 1903-5. In the 50 or so years between the 6th and 22nd Parliaments, 300 or more petitions were presented on the average during each main session of the parliamentary term (in 21 years of this period the annual number exceeded 500). The number presented each year has since decreased, but they have continued to play an important role in the work of select committees until recently.⁶⁵ A better indication of the changes which have taken place is provided by legislation.

The volume of legislation has fluctuated throughout the history of the House for various reasons: a foreshortened session, crises such as war and depression, unstable parliamentary majorities and the interest of private members in promoting bills. It is possible to discern an increase in the nineteenth century; already by the 4th Parliament over 100 bills were being introduced each session and 88 were being passed on the average. More than 500 bills were shortly being introduced during each three-year parliamentary term. After a peak of 640 bills was reached in the 15th Parliament (1903-5), the volume of new bills is noticeably less until the dramatic increase in the 1950s.

The legislative activities of 35 Parliaments were combined into groups of four in order to show the developments during

65. See Chapter 7.

the last 120 years.⁶⁶ The growth of both disciplined parties and the government's control of the legislative process are reflected in the trends in Table 2.5.

Towards the end of the nineteenth century and in the early part of the twentieth century large numbers of private members' bills were introduced. The decline in the number of bills introduced per day can be largely attributed to the dwindling initiatives of private members faced with the prospect of having their bills "strangled" at the second reading and "thrown into the waste-paper basket".⁶⁷ The last few Parliaments have the highest average for bills introduced per day since the first decade of this century.

Legislative output was fairly stable for the first 20 Parliaments with a rate of about one bill per day on the average. The drop in output between the 21st and 28th Parliaments can be attributed first to the depression and then to the Second World War. Most apparent is the rate at which legislation has been passed in the last three decades; the number of bills passed per day is higher than for any other period in the history of the institution.

In the first few Parliaments, a substantial proportion of legislation introduced was successful. Thereafter a declining proportion was passed by each successive Parliament as members continued to introduce bills which did not have the support of the government (and government legislation failed to pass).

66. The last two Parliaments could not be analysed in the same way because of the practice of holding legislation over to the next session. See Chapter 6.

67. Quoted in Lipson, Politics of Equality, p.318.

TABLE 2.5 Legislation Introduced and Passed 1856-1972

Parliament	Period	Bills Introduced per Sitting Day	Bills Passed per Sitting Day	Ratio of Bills Passed to Bills Introduced
2 - 4*	1856-70	1.53	1.13	0.74
5 - 8	1871-84	2.56	1.43	0.56
9 - 12	1884-96	2.45	1.18	0.48
13 - 16	1897-08	2.51	1.32	0.53
17 - 20	1909-22	1.78	1.16	0.65
21 - 24	1923-35	1.42	0.97	0.68
25 - 28	1936-49	0.91	0.83	0.91
29 - 32	1950-60	1.82	1.67	0.92
33 - 36	1961-72	2.06	1.84	0.89

* The first Parliament is not included

Source: Votes and Proceedings and Journals of the House of Representatives.

Between the 7th Parliament (1879-81) and the 15th Parliament (1903-5), the proportion of legislation which failed to pass was about equal to that which was enacted (Table 2.5). In the following Parliaments about two-thirds or more of introduced legislation was assented to. The return of the Labour Government in 1935 marked an important change in the pattern of legislative activity. A highly disciplined party was able to manage the process in order to secure the passage of its legislation. The pattern set by Labour has been maintained in the post-war period with about 90 per cent of introduced legislation being passed between 1936 and 1972.⁶⁸

Historical Overview

Four major changes have taken place during the last 100 years of Parliament's history. First the growth in the scope and complexity of government has had several implications for Parliament. In Seddon's day it was still possible to govern a relatively simple political system with a handful of ministers. Multiple centres of authority, each with some degree of independence, have since come to exist. The direct involvement of the institution and its members in particularised allocative activities has been largely transferred to agencies in the state apparatus. Government departments attend to welfare needs of the public, agencies such as the National

68. It should be noted that the trends in Table 2.5 are the reverse of those for the Canadian House of Commons. In that legislature the average "relative legislative load" (bills introduced per day) has halved from 2.02 in early parliaments to 0.94 more recently. While the average "relative legislative output" (bills passed per day) has declined from 1.39 to 0.54. No parliament between 1867 and 1968 attained the high ratios (of bills passed to bills introduced) of the New Zealand assembly. Allan Kornberg, "Parliament in Canadian Society", in Allan Kornberg and Lloyd D Musolf (eds) Legislatures in Developmental Perspective (Durham NC: Duke University Press, 1970), pp.107-110.

Roads Board stand between local demands and parliamentarians, and personal grievances may now be catered for by the Ombudsman's office. Parliament is no longer the recipient of particularised demands to the extent that occurred in the past. Organised interest groups now form an integral part of the political system, but their attention is more inclined to be directed towards influencing the government. Parliament may only enter the process if a particular matter is referred to a select committee. The demands on the institution have increased its workload, while expectations of the roles it should adopt in order to scrutinise the administration and "control" the executive exceed its capacity to do so (or the willingness of political leaders to change it).

Secondly as the parochial preoccupations of members came to be leavened by a commitment to national matters there followed a move from individualistic actions to collective behaviour. The independence of the private member which was so fiercely maintained during the nineteenth century became subsumed within the group will of the political party.

A third development has been the shift of the deliberative function (such as it existed) from the public arena of Parliament to the private meetings of the parties. The party most responsible for developing the modern caucus system also exposed the proceedings of Parliament to the fullest publicity by authorising the broadcasting of its proceedings. The House became a medium not only for the ratification of cabinet decisions but also for the registering of the collective views of two cohesive party groups.

Finally, with procedural changes an organisation evolved that did not dissipate its time to the same extent in unproductive debates. Through successive enlargements of government control over the proceedings, the effectiveness of the House was increased with regard to the passing of business. The reduction in the opportunities for obdurate obstruction by minorities was not however counter-balanced by the development of an effective range of mechanisms for scrutiny.

The application of Huntington's concept of institutionalisation to legislatures has been more successful with congressional rather than parliamentary systems.⁶⁹ Notwithstanding the limitations of his four measures of the level of institutionalisation in relation to the New Zealand Parliament, they serve to highlight its significant features.

Since the first session in 1854, the House has met in every year, with the exception of two years of the second Parliament, and these sittings have usually lasted for several months. A succession of generations of political leaders have passed through the Chamber. Parliament retains a central place in the political system and continues to perform a range of functions which cannot be supplanted by other political institutions. The House can therefore be regarded as having met the first criterion of institutionalisation, adaptability.

The House has also been fairly successful, given the nature of the parliamentary system, in achieving autonomy. The differentiation of the institution from its environment was mainly accomplished in the nineteenth century, although vestigial elements of its links with Britain have lingered

69. See the discussion p.12.

until the middle of the twentieth century. The significance of the relatively low turnover of the membership of the House can be more readily appreciated through some comparisons. A stable membership was attained earlier than the US House of Representatives (despite the latter's age), and it has remained relatively constant in contrast to the Canadian House of Commons which has averaged a turnover of 40 per cent since the 1930s. Parliamentary tenure in Canada has been less important for promotion to cabinet office than either New Zealand or Britain.

The limit to further expansion in Parliament's autonomy continues to be set by the degree of independence which the executive is willing to concede to it. As a structural feature of the parliamentary system, the relationship between the executive and the legislature should not detract from the measure of autonomy which the House has attained in other respects.

By coherence, the third criterion, Huntington means "substantial consensus on the functional boundaries of the group and on procedures for resolving disputes which come up within those boundaries".⁷⁰ This consensus has been reflected in the attachment to the forms and procedures of the House, the socialisation processes which have existed for new members, and the irregularity with which reviews of the rules have occurred in the past.

Parliament achieved a modest degree of institutionalisation with regard to the fourth criterion, internal complexity. A range of select committees has existed from the first session and over time some have acquired a permanent status

70. Samuel P Huntington, Political Order in Changing Societies (New Haven: Yale University Press, 1968), p.22.

either by being incorporated in the Standing Orders as a mandatory requirement or by being automatically appointed by custom at the beginning of each session. However, committees have remained creatures of the House without independence or much importance in most cases. The extension of this complexity by the differentiation of further sub-units has been confined to the sub-committees of one committee, and then only very recently in the history of Parliament.

Two further observations need to be made about structural complexity. Within the broader parliamentary context there has been some growth in organisational complexity. The caucus system has become highly developed with the appointment of numerous caucus committees (often more specialised than the committees of the House) and the expansion of their investigatory roles. The offices of the party whip also came to be specialised leadership positions in the House, which more recently received formal recognition by references to them in the Standing Orders and by their inclusion in the Civil List as recipients of parliamentary salaries. Secondly, at the tail-end of the historical time-span of Parliament, recognition was finally being given to the divergence between the relatively simple organisational structure of the House and the complexity of the political environment. The changes to the committee system, administrative resources and other dimensions of Parliament are considered later.

Historically, the post-war period may come to be regarded in the future as another transitional phase in the history of

Parliament. The House exhibits a number of characteristics which are the product of developments described in this chapter. But during this recent period major institutional changes have occurred; they are the subject of later chapters.

Chapter 3

PARLIAMENTARY PARTIES: COHESION AND CONFLICT

Political parties are held to play various roles in legislatures. According to one view they impose the greatest constraint on legislatures by reducing the scope of individual action and imposing alternative demands on members' loyalties.¹ They are also held to be essential in regularising the behaviour of members and facilitating the passage of business.² It is in the structuring of the vote that the influence of parties is most obvious, but the extent of this influence depends upon other factors.

In New Zealand the cast of political relationships is determined by the parliamentary framework. In Parliament a Government and an Opposition are officially designated and the Chamber is arranged so that they confront each other. The development of the two party system, outlined in the previous chapter, has meant that each party adopts one of these roles according to whether it is in the majority or minority in the House. Because of the size of the legislature the parties form relatively small and intimate groups and are frequently separated in numbers of members by a narrow margin. Consequently the preconditions exist for parties to lay heavy claims on the loyalties of their members, but for relationships between them to emphasise their differences as they present themselves to the public.

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1. Jean Blondel, An Introduction to Comparative Government (London: Weidenfeld and Nicolson, 1969), pp.367, 368.
 2. A view which has been reaffirmed for MPs in New Zealand by their experience of free votes in recent Parliaments. See for example Mr J Hunt's remarks on the Hospitals Amendment Bill 1975: N.Z.P.D., 397 (May 23, 1975), p.1375.

This chapter is concerned with the impact of parties on members' behaviour in Parliament. It covers both intra-party behaviour, the extent to which members conform to their parties' positions in the House, and inter-party relationships as measured by the level of conflict. The voting divisions of the House during the post-war period provide the main source of data.

It is easy to disregard voting as a source of information about behaviour in the House, because of the overriding influence of the parties on the proceedings. In other legislatures analysis of voting records is regarded as a productive exercise for a variety of purposes,³ while in other parliamentary systems with strong parties, dissent within parties is the subject of lengthy studies because of the frequency of defections and the numbers of members involved.⁴ Nonetheless, the examination of divisions over time in New Zealand can yield useful information about the role of parties in Parliament.

It is well known that party discipline has been high in Parliament since the mid-1930s, and that relatively few occasions have occurred in which members have been permitted a free vote or exercised a vote against their party majority. The details of the exceptions have been covered in several studies in the post-war period.⁵ Unlike those studies the concern here is not with

3. See the studies cited in Malcolm E Jewell, "Legislative Studies in Western Democracies: A Comparative Perspective", Legislative Studies Quarterly, III (November 1978), pp.541-3.
4. See for example Philip Norton, Conservative Dissidents: Dissent Within the Parliamentary Conservative Party 1970-4, (London: Temple Smith, 1978).
5. Most notably: Robert N Kelson, "Voting in the New Zealand House of Representatives, 1947-54", in L Cleveland and A D Robinson (eds) Readings in New Zealand Government (Wellington: Reed Education, 1972), pp.95-107; Robert N Kelson, The Private Member of Parliament and the Formation of Public Policy: A New Zealand Case Study (Toronto: University of Toronto Press, 1964) Chapter 10; Therese May, "Parliamentary Discipline in New Zealand, 1955-63", in Cleveland and Robinson, Readings, pp.108-21; R S Milne, Political Parties in New Zealand (London: Oxford University Press, pp.136-44; and S P Cottrell, "Parliament and Conscience" (unpublished MA Thesis, University of Canterbury, 1974).

detailing the circumstances of each event, but with the behavioural patterns which emerge from the voting contexts.

The extent of members' conformity and cohesion in Parliament is explored by following a number of steps in the analysis of the voting patterns in the post-war period: the frequency with which formally sanctioned occasions for free votes have occurred; the extent to which MPs have taken advantage of these occasions; the extent to which members vote against the "party position" as represented by a majority of their fellows; and the extent to which members vote against their party on issues which have not been sanctioned as free vote bills.

One other dimension of party cohesion is the types of behaviour undertaken by MPs in order to evade embarrassing the party on an issue. Absenteeism by MPs from the Chamber is one indication of individual opposition to the party line, but its incidence is difficult to establish systematically for disapproval is not always expressly stated.

The complications in analysing free vote bills - the relatively few number of cases, the variations in behaviour towards different issues, and the ambiguities in some voting situations - are not associated with the study of inter-party behaviour in the House. Using divisions as the main basis for measurement, the latter part of the chapter considers the level of conflict between the parties as expressed in their behaviour in Parliament.

Intra-Party Cohesion

Party Voting on Legislation

The most simple measurement of the degree of party cohesion is the frequency with which members of the two parties vote in unison. Much of the day-to-day business of the House does not require voting, but some matters require a voice vote before a decision can be taken or progress made, in the case of a bill, to another stage. As a matter of formality the matter is usually approved without a recorded vote.

The votes of the members are recorded when a division is called for. This occurs when doubt is expressed about the result of a voice vote and more usually because the minority party wishes to register a more tangible expression of its opposition to a government policy or procedural measure. Members of both parties vote strictly according to party lines with the Government securing the majority and endorsement of their action (or rejection of an Opposition motion).

The main departures from this predictable outcome occur either when a free vote is offered to members by one or both parties, or when members cross the floor and vote against their party. The free vote is usually associated with a stage in the passage of a public bill which concerns a question of conscience; occasionally it has arisen with local bills. Departures from party voting do not occur during other aspects of parliamentary proceedings (the last exception occurred in 1947).

For the purposes of demonstrating the extent of party cohesion, attention needs to be given only to public bills. They encompass the legislative policies of the government and account for most of the legislation during the parliamentary session. The non-government public bills, private members' bills, rarely receive a second reading and usually lapse without an opportunity for a vote to occur.⁶ The public bills which pass through the House are therefore almost always government bills.

Between 1950 and 1978 almost 3,000 public bills were introduced, of which only 21 were the subject of at least one division that was not on party lines (Table 3.1). In 15 of those years there were no sanctioned departures from the party line with voting on government legislation. Free vote bills were so rare that their proportion of public bills for the period equalled less than one per cent.

Cross-Voting

The truest test of conformity and cohesion arises when MPs cross the floor on questions of party policy which have not been exempted as matters of conscience. In the 32 years in the period 1947 to 1979, 12 recorded instances of cross-voting have been detected involving 18 divisions and 22 MPs. This fact alone is a sure indication of the extent to which

6. Private members' bills which have been the subject of divisions include: the Hoardings Bill 1948 on which both parties appeared to have voted freely; the Crimes Amendment Bill in 1956, which was decided on party lines; and the Crimes Amendment Bill 1974 and the Hospitals Amendment Bill 1975 on which free voting occurred.

TABLE 3.1 Free Vote Bills 1950-1978

Parliament	Public Bills Introduced*	Party (or Non-) Vote Bills		Free Vote Bills	
	N	N	%	N	%
1950-51	124	122	98.4	2	1.6
1951-54	400	399	99.8	1	.3
1955-57	259	259	100.0	-	-
1958-60	240	239	99.6	1	.4
1961-63	306	301	98.4	5	1.6
1964-66	288	287	99.7	1	.3
1967-69	308	307	99.7	1	.3
1970-72	306	304	99.3	2	.7
1973-75	320	318	99.4	2**	.6
1976-78	420	414	98.6	6	1.4
	2,971	2,950	99.3	21	.7

* Excludes bills derived from Statutes Amendment Bills

** Private Members' Bills

Source: Journals of the House of Representatives

the party lines have been maintained. But these apparent violations of party solidarity can usually be shown to be attenuated by the circumstances of each case.

These circumstances can be summarised as follows: the members involved were always small (a single member in seven of the 12 cases); their action never posed a threat to the outcome of the question before the House (with one possible exception); and it was often acknowledged that there were reasons other than conscience or judgment which motivated members in several cases (a public issue may be a local issue for individual MPs). It is also clear that the party leadership and caucus had usually been advised of these moves before they were affected.

The last occasion in which members appear to have crossed the floor on a government measure, other than legislation, occurred during the estimates in 1947 when five opposition members voted with the Government. Four of the group were in their first year as new members of Parliament (and later became cabinet ministers). The issue was apparently not subject to party policy and could be disregarded as a minor matter.

Mr W H Brown voted against the government on one of numerous divisions on the Transport Amendment Bill 1967. As the automobile associations' representative on the National Roads Board, he strongly opposed a clause which increased the petrol tax, particularly since it was to go to the

Consolidated Revenue Fund rather than the Board.⁷

MPs are more likely to act against the party line when the issue affects their electorate or because of electoral pressure. Thus Kearins supported a government bill in 1953 because it affected the King Country,⁸ and Lapwood, the MP for Rotorua, opposed his party's legislation on the introduction of fish farming (which required the Speaker's casting vote on one of the divisions). The Labour Government received the voting support of three National MPs on a clause of its Land Settlement Promotion Amendment Bill in 1959, reputedly because of electoral pressure.⁹ The most persistent opponent of a party's policy was Begg, who voted against the Wool Marketing Corporation Bill on three occasions during the introductory debate in 1973, and at each of the Second Reading, Committee and Third Reading stages in 1974.

In two cases, the GATT bill of 1948 and the News Media Ownership Bill 1965, the individual conscience of the members was the sole reason for their action. But in both cases a single defection was involved, and in the 1948 example it was an opposition MP voting with the government. In an unusual case the beliefs of two government members led them to move an amendment to the Industrial Conciliation and Arbitration Amendment Bill in 1964 but their action was opposed by the combined vote of all other members in the House. The circum-

7. N.Z.P.D., 350 (May 25, 1967), pp.898-900.

8. There were two divisions on the Licensing Amendment Bill (No 2) in which Kearins voted with the government. In the second division, nine government members voted with the opposition. Their action has been treated elsewhere in this chapter as a free vote, while that of Kearins is regarded as a cross-vote.

9. May, "Parliamentary Discipline", p.109.

stances of another occasion were very similar: Mr N P H Jones moved an amendment to the Industrial Law Reform Bill 1978 but received support from only one other National MP.

The most unusual instances of cross-voting were also the most recent. While party lines may dissolve when free vote bills are under consideration, they are inclined to be maintained on procedural motions prior to the debate. Mr R F Walls voted with the opposition against the motion to take urgency on the Contraception, Sterilisation and Abortion Bill 1977, and was publicly reproved by the Prime Minister as a result. Three National MPs who had already displayed independent views on other matters, supported an opposition amendment to the National Development Bill in 1979. Despite the exceptional circumstances of their action (the government was heavily committed to the legislation and had encountered strong public opposition), the outcome of the vote (46 to 41) does not appear to have been in doubt. The Speaker of the House did, however, make an appearance for the purpose of voting in this particular division in the interests of party solidarity.¹⁰

Since the war two cases of cross-voting have occurred in both the late 1940s and the 1950s, another three in the 1960s and five in the last decade. National members were more prepared to act independently (which lent support to the party's claims as to its members' rights, despite the fact that most of them during the period never took this action). Only two Labour members cross-voted and it has since been suggested that sanctions may have been applied because of the behaviour of one

10. N.Z.P.D., 428 (December 11, 1979), p.4715. The three MPs, all from the Waikato region, were Mr M J H Minogue, Dr I J Shearer and Ms M J Waring. In one other unusual vote in that year Dr Wall voted with the two independent members against the rest of the House during the debate on the Report of the Standing Orders Committee.

of them.¹¹

Party Voting on Free Vote Bills

The tendency to vote according to party may be taken a step further by an examination of the extent to which MPs depart from the majority position in free vote situations. Free votes are usually given on bills (or clauses in bills) about which the parties have no policy which is agreed to by their members. There are two main reasons the parties decline to formulate policy. Some members have particular strong views about particular subjects and to force them to conform would be to invite cross-voting. Secondly, free votes permit governments to escape the electoral consequences of decisions (just as referenda on the sale of liquor shifts the responsibility for the outcome).

Milne has distinguished three different types of free vote situation.¹² The most common grounds for a free vote have been moral or conscience questions such as capital punishment, gambling, abortion, marriage, homosexuality and liquor. A second type involves matters of taste without moral or political significance. The main example is the vote on the title of the parliamentary commissioner. The third type arises when a party has not conceived of a question in terms of a free vote but particular members perceive it as a matter of conscience.

Most bills, which could be the subject of a free vote, were not controversial and did not divide the members during

11. See Kelson, "Voting", pp.102-3; Milne, Political Parties, p.142.

12. Milne, Political Parties, pp.142-3. Further details of some of the free vote issues are in the studies cited in footnote 5.

their passage through the House. Of 46 "potential" free vote bills between 1950 and 1972, only 15 produced divisions and in two of these cases they were resolved on party lines.¹³

Between 1950 and 1978 21 bills have divided the House along lines that were not completely party based. Usually both parties have been prepared to acknowledge a bill as qualifying for a free vote. In two cases dealing with capital punishment, which was the subject of party policy, Labour members do not appear to have been given a free vote.¹⁴

Once a free vote has been granted members may not necessarily take advantage of the option. There have been occasions where the parties appear to have given their members the opportunity to vote independently but none have chosen to do so. An example occurred during the passage of the Licensing Amendment Bill 1976 in which it was made clear by the Deputy Leader that Labour members would oppose the bill on a formal vote at the second reading because of the principles involved, but that members were free to vote during the committee stage on the clauses which affected independent trusts.¹⁵

Considerations which may cast doubt on the freedom of a vote are the use of pairs for the purposes of the division and the choice of tellers. Each departure may increase the party element in the voting context. The retention of pairs by the parties is one possible indication of the maintenance of party

13. Cottrell, "Parliament and Conscience", Table I.

14. Capital Punishment Bill 1950, Crimes Bill 1961. Another example would appear to be the Gaming Amendment Bill of 1950.

15. N.Z.P.D., 408 (December 10, 1976), p.4743.

lines.¹⁶ Despite the defection of 10 MPs (one from Labour and nine from National) on the 1953 Licensing (No 2) Bill, the use of pairs suggests that party lines did prevail for most members and the bill was passed. Where the tellers for either side in divisions are consistently from the same party (and particularly when they are the whips) an element of the usual voting behaviour is still present. For a majority of divisions in the post-war period either three of the four tellers, or all four, were from the same party. But between 1963 and 1971 divisions on free vote bills usually resulted in opposed party majorities with each providing the tellers.

In examining free voting it should be noted that considerable variations may occur between divisions of one bill with regard to the size of majorities, the alignments of members and the couplings of tellers.

There is some doubt about the classification of a few bills, particularly with regard to the Labour Party. There is no difficulty with the two bills on capital punishment; the party's position was decided by its policy. It is sometimes unclear whether a free vote was offered and identity of political interests determined the outcome, or a party vote occurred. The Gaming Bill 1950 has been regarded as a case of the latter while the 1976 Licensing Trusts Bill has been included as an example of the former. The single Labour member who voted with the government on the Licensing Amendment (No 2) Bill 1953 is classified as a cross-voter for it appears

16. Although in two divisions of the Hospitals Amendment Bill 1975 pairs are recorded, but in both cases they were members of the Labour Party.

that the party did not allow a general free vote. Less clear is the National Party's position on the Licensing Trusts Amendment Bill 1976 which affected trusts in some members' electorates. The Labour Party charged, notwithstanding National's claims of a genuine free vote, that the party had determined who would vote against the measure in advance. As the defectors included several members who were not affected electorally by the bill, it has been classified as a free vote.

The party elements were less prominent in the divisions of some bills. The alignments usually showed either a majority of both parties' members confronting a minority of both parties' members or no discernable pattern. This type of free vote situation was more common on the divisions of the following bills: 1960 Licensing Amendment, the 1962 Sale of Liquor, the 1962 Parliamentary Commissioner, the 1970 Sale of Liquor and the 1971 Transport Amendment, the Crimes Amendment 1975, the Hospitals Amendment 1975, the Contraception, Sterilisation and Abortion 1977 and the Contraception, Sterilisation and Abortion Amendment 1978.

With a second type of free voting party considerations appear to have intruded to a greater extent. Tellers are usually based on party lines, divisions are constantly determined by two opposed party majorities and only a few dissenters in each case vote contrary to party majorities. The 1963 Indecent Publications, 1965 Sale of Liquor, 1976 Sale of Liquor Amendment (No 2), and Licensing Trusts Amendment 1976 bills fall into this category. Similarly only one National member voted independently on the 1950 Capital Punishment Bill.

Of the small number of bills which qualified as free vote bills in the period 1950-1978, few were unaffected by the considerations which normally structure voting behaviour. The habits of members and the pressures to conform to majority party opinion reduced the freedom of the voting situations.¹⁷ Members of the same party were inclined to act as tellers for the ayes or noes in voting. On most divisions few members exercised the right of a free vote. Of the 35 occasions between 1950 and 1971 in which all Labour members did not vote together, an average of only six departed from the majority view and 21 divisions involved five or less dissenters. Of the 40 occasions in which all National members did not vote together in those years, an average of four departed from the majority view, and in 27 divisions five or less dissenters were involved. In the two most recent Parliaments slightly more Labour members (an average of seven) and rather more National members (an average of nine) made up the party minorities.

Moreover, the traditional party alignments prevailed on most of the 41 free vote divisions between 1950 and 1971. In 61 per cent of such divisions a majority of members voted with their party in opposition to the other party.¹⁸ This has occurred less frequently in free vote divisions since that time. On only two of the eight free vote bills between 1973 and 1978 (the licensing and liquor bills in 1976) did the divisions usually reflect opposed party majorities.

17. Thus H J Walker describes a free vote he participated in as an occasion in which he "crossed the floor of the House and voted against the Government" (my emphasis) "A Government Back-Bencher", Political Science, 15 (September, 1963), p.46.

18. Includes the four bills in which Labour did not exercise a free vote.

The foregoing discussions can be put in a statistical form by calculating the extent of intra-party unity and inter-party disagreement. Rice's index of cohesion and index of difference have been used for this purpose for bills in Table 3.2 and periods in Table 3.3.¹⁹ Although the behaviour of members varies considerably between bills and divisions of the same bill, and the number of divisions in some bills (for example the Contraception, Sterilisation and Abortion Bill 1977) affect the aggregate indices, variations between parties and over time are still pronounced.

The index of cohesion for the House of Representatives on free vote bills between 1950 and 1978 was 53.3 which means that more than three-quarters of MPs voted with other members of their party on these occasions. The parties' indices of cohesion for bills vary between almost nil to complete unity. They were more cohesive on bills relating to sale of liquor and licensing although the highest indices for both parties were recorded for the Indecent Publications Bill 1963 in which 91.5 of Labour and 94.0 of National members voted together (Table 3.2).

Both parties were more cohesive for the bills occurring in the years between 1960 and 1969. National's index dropped from 74.2 in the 1960s to 55.0 in the 1970s and Labour's fell from 62.8 to 38.5 (Table 3.3). About half of the divisions on free vote bills in the latter period were accounted for by the Contraception, Sterilisation and Abortion Bill 1977, but the indices for other bills were consistently lower than in the previous decade.

19. Stuart A Rice, Quantitative Methods in Politics (New York: Alfred A Knopf, 1928), pp.208-10.

TABLE 3.2 Indices of Cohesion and Difference
for Free Vote Bills, 1950-1978

Year	Bill	Divisions N	Index of Cohesion Labour	National	Index of Difference
<u>1950-59</u>					
1950	Capital Punishment	2	na	94.0	na
1950	Gaming Amendment	1	na	62.0	na
1953	Licensing Amendment (No 2)	1	na	60.0	na
<u>1960-69</u>					
1960	Licensing Amendment	4	36.0	41.0	23.5
1961	Licensing Amendment	5	59.2	91.8	73.0
1961	Crimes (capital punishment)	1	na	50.0	na
1962	Sale of Liquor	11	60.9	62.8	38.7
1962	Parliament Commis- sioner (Ombudsman)	1	22.0	64.0	21.0
1963	Indecent Publications	4	91.5	94.0	92.8
1965	Sale of Liquor Amendment	8	74.0	86.5	82.6
1968	Matrimonial Proceed- ings Amendment	1	26.0	100.0	37.0
<u>1970-79</u>					
1970	Sale of Liquor	1	36.0	88.0	31.0
1971	Transport Amendment (No 2)	1	22.0	90.0	56.0
1975	Hospitals Amendment	10	48.8	57.4	27.7
1975	Crimes Amendment (homosexuality)	2	46.0	19.0	30.5
1976	Health Amendment	3	40.0	46.0	36.3
1976	Sale of Liquor Amendment (No 2)	10	68.0	57.8	62.1
1976	Licensing Trusts Amendment	2	100.0	74.0	87.0
1977	Contraception Sterilisation and Abortion	45	32.9	54.7	24.8
1977	Sale of Liquor Amendment	1	14.0	2.0	6.0
1978	Contraception Sterilisation and Abortion Amendment	11	16.7	55.7	22.5

Source: Journals of the House of Representatives, 1950-1978

TABLE 3.3 Indices of Cohesion and Difference for
Divisions on "Free Vote" Bills 1950-1978

Periods	Index of Cohesion				Index of Difference	
	N	Labour Indices	N	National Indices	N	Indices
1950-59	-	-	4	77.5	na	na
1960-69	34	62.8	35	74.2	34	58.1
1970-78	86	38.5	86	55.0	86	31.4
1950-78	120	45.2	125	61.0	120	38.5

There the similarity between the parties ends because for the whole period National members were much more cohesive than Labour MPs. On the average, about 80 per cent of National MPs voted together on free vote bills and although they were far more inclined to vote independently in the last two Parliaments (compare the index of 90.7 for the five bills between 1963 and 1971), the party remained more cohesive than Labour.

Members of the Labour Party have been more prepared to depart from the majority viewpoint on free vote bills throughout the post-war period. On all but *four* bills, the party's indices are lower than those of National. The *four* exceptions occurred in the years 1975 to 1977. It is possible that National members have remained more cohesive because the party was in office for most of the period and free vote bills during its tenure were (with one exception) introduced by the Government.

The index of difference measures party opposition in voting. In most divisions in Parliament the index equals 100 with all members of each party voting together. On free vote bills the size of the index depends on the extent to which voting produces opposed alignments of party members, and the size of the majorities involved. The highest indices of difference resulted when members of each party were both cohesive and opposed: Indecent Publications Bill 1963, Licensing Trusts Amendment Bill 1976, Sale of Liquor Amendment Bill 1965 and Licensing Amendment 1961. On some bills the differences between the parties are slight and voting patterns typically consist of alignments between majorities of both parties in opposition to minorities from both parties. Examples include the Licensing Amendment Bill 1960, Parliamentary

Commissioner (Ombudsman) Bill 1962 and three of the bills on the question of abortion. In the single division on the Sale of Liquor Amendment Bill 1977, the parties divided fairly evenly and an index of only 6.0 resulted.

The parties have maintained their differences in free votes on bills throughout the post-war period, although the index is not particularly high. This may be largely attributed to the tendency of Labour members to vote against the party majority on many occasions and the general decline of party cohesiveness in the 1970s. The index of difference was much higher for the bills in the 1960s (58.1) than those voted on in the 1970s (31.4).

Inter-Party Conflict

Relations between the two parliamentary parties in the House are influenced by the institutional context which distinguishes a Government and Opposition and accords a position of primacy to the former. There has rarely been doubt that the governing party will be able to achieve its objectives by mobilising the support of its members. Because the Opposition is publicly denied a consistent role in influencing outcomes, inter-party co-operation is not encouraged. The Opposition's role "in the House is to resist or delay, by all means at its command, the passage of legislation its members think harmful to the country".²⁰ Under these circumstances, the potential exists for adversary politics to manufacture conflict where

20. Dr M Finlay, N.Z.P.D., 421 (October 6, 1978), p.4299.

it does not exist and to exacerbate it when genuine conflict is present.²¹

The one respect in which the Opposition can unequivocally register its disapproval of Government actions is by requesting a division. As this course of action may not be denied by the majority party, divisions in the House provide a clear indication of the level of conflict.

During the last three decades the number of divisions has increased in both the Committee of the whole House and in the House (Table 3.4). From a post-war low of 66 divisions in the 1951-4 term, the incidence has risen to a post-war record of 616 during the 1973-5 Parliament.²² As the length of the parliamentary session has increased during this period, it is more meaningful to relate the number of divisions to sitting days. Between 1951-54 and 1967-69, the frequency of divisions was less than one per day on the average. In the 1970-72 term this level was passed, and in the two most recent Parliaments, the ratio has been approaching, on the average, two per day.

Notwithstanding the fluctuations in the number of divisions associated with the loss of office by parties in 1958-60 and 1961-63, the trend towards more frequent divisions in the House is clear, and was only heightened more recently by the loss of office again by each party before the 37th and 38th Parliaments.

Associated with the increased frequency of divisions has been a change in the substance of the measures on which the

21. Nevil Johnson, In Search of the Constitution: Reflections on State and Society in Britain (Oxford: Pergamon Press, 1977), p.67.

22. The immediate post-war term, 1947-49, recorded 177 divisions and the short 29th Parliament, 1950-51, 89 divisions.

TABLE 3.4 Divisions in Parliaments 1951-54 to 1976-78

Parliament	Years	Days of Meeting	Divisions		Total Divisions	Ratio of Divisions to Sitting Days
			In the House	In Committee of Whole House		
30	1951-54	254	19	47	66	.26
31	1955-57	228	21	78	99	.43
32	1958-60	223	79	115	194	.87
33	1961-63	251	76	154	230	.92
34	1964-66	257	51	108	159	.62
35	1967-69	273	67	109	176	.64
36	1970-72	296	106	260	366	1.24
37	1973-75	326	153	463	616	1.89
38	1976-78	302	224	332	556	1.84

Source: Journals of the House of Representatives, 1947-1978.

House divides. In the sessions of 1952, 1953 and 1954 there were few recorded votes but in every case that did occur it concerned a policy proposal. The subjects of the motions were amendments to the Address in Reply and bills, proposals to reduce votes contained in the main and supplementary estimates, and opposition to the inclusion of clauses in bills. In contrast, the divisions during the 38th Parliament were on a wider range of matters, and procedural issues were prominent. For example, 20 per cent of the divisions were on motions for closure, urgency or the reporting of progress by the Committee of the Whole.

Divisions represent more than the inclination of a minority party to oppose a government's policies (for a few bills may account for a large proportion of the divisions within a session); they can also convey something of the atmosphere of party relationships within Parliament. There are other means of examining the nature of inter-party conflict in the House, and the contrast between behaviour in various Parliaments.

A second indication of the increase in the level of conflict in the House is the behaviour of members with regard to their right to raise matters of privilege. Once a member has raised such a matter the Speaker may allow discussion in order to establish the nature of the complaint or alleged breach and will subsequently rule whether a prima facie breach has occurred. The matter may then be referred to the Committee of Privileges for a report.²³

23. Standing Orders 428, 430, 431. The general question of privilege is given a comprehensive treatment in C P Littlejohn "Parliamentary Privilege in New Zealand", (unpublished LL.M thesis, Victoria University of Wellington, 1969).

In most Parliaments questions of privilege have been rare. During the first six Parliaments in the post-war period privilege was not raised in four, while in three Parliaments a single case was brought up.²⁴ Beginning with the 1964-66 Parliament the number of questions of privilege has steadily increased with each Parliament until a total of 16 cases occurred in the most recent (Table 3.5).

Prior to 1970-72 none of the cases involved the conduct of members of Parliament. Seven of the eight cases between 1947 and 1969 concerned possible breaches of privilege by reports or articles in newspapers. In two cases when prima facie cases had been established by the Speaker, the House contented itself with discussion of the issue; in a third case the Speaker concluded that a technical breach had occurred and left it at that.

The referral of questions to the Privileges Committee became more common following two issues in 1967 and 1968 which were thought more seriously to lower the esteem of Parliament: the first because it reflected on the Speaker; the second because of the imputation that statistically four members of Parliament were homosexuals. As part of a code of rules for handling allegations of breaches of privilege and contempts of Parliament, the 1968 Standing Orders Committee recommended that once a prima facie case had been

24. The 1952 instance was not regarded strictly as a breach, the 1955 case was reported as a breach but one that was neither deliberate nor serious, and the 1961 incident was the subject of a motion which described it as a technical breach. According to K J Scott the last previous finding of a breach of privilege prior to that of 1955 was in 1938 when a member had criticised the Speaker and Standing Orders in a letter to a newspaper. The New Zealand Constitution (London: University Press, 1962), p.66.

TABLE 3.5 Cases of Privilege Raised in Parliaments
1947-49 to 1976-78

Parliament	Years	Number of Questions Raised	Prima Facie Breach	Referred to Privileges Committee	Actions of a Member Involved
28	1947-49	-	-	-	-
29	1950-51	-	-	-	-
30	1951-54	1	1	1	-
31	1955-57	1	1	1	-
32	1958-60	-	-	-	-
33	1961-63	1	1	-	-
34	1964-66	2	1	-	-
35	1967-69	3	2	2	-
36	1970-72	4	2	2	3
37	1973-75	7	4	4	2
38	1976-78	16	7	7	14

Source: Journals of the House of Representatives, 1947-1978.

established, the matter should be transferred from the floor of the House to the privileges Committee.²⁵

In the subsequent Parliament (1970-72), three of the four complaints more directly involved the actions of MPs (although one, the case of documents purportedly signed by Mr Tolhurst, MP for Wanganui, was found to be without foundation as far as he was concerned). The last two Parliaments produced a total of 16 questions concerning members' conduct. In the 1976-78 Parliament, 14 of the 16 charges involved individual MPs and it appeared that there was a retaliatory element in the readiness with which members found fault in the action of political opponents.²⁶ Thus in 1976 it was concluded in two cases that the matters were not of sufficient consequence to be breaches of privilege and could have been resolved by points of order (which suggests the process may have been forestalled by the firm hand of the Speaker). Two other cases were reported as technical breaches. Yet in all four instances the questions had been referred to the Privileges Committee. One further case resulted in the suspension of an Opposition member for one day but only by a majority decision of the Committee.²⁷

Six of the seven referrals to the Privileges Committee during the 38th Parliament occurred therefore in 1976 and

25. A.J.H.R., I.14 (1968), pp.12-13.

26. The clearest expression of this was the Hon R D Muldoon's observation that:

in this House there is an unwritten rule that when someone on either side puts the boot in, to use a colloquialism, no matter what happens at the time, sometime before very long someone on the other side will put the boot into him

N.Z.P.D., 397 (May 27, 1975), p.1199.

27. One member who went before the Privileges Committee in 1975 described it as a "Kangaroo Court". Insight programme, Radio New Zealand, August 1975, quoted by Keith Jackson, "New Zealand Parliamentary Committees: Reality and Reform", The Parliamentarian, LIX (April 1978), p.98.

five involved MPs. In the other sessions of that parliamentary term the right to raise questions of privilege continued to be misused, for all nine complaints in 1977 and 1978 involved members' conduct, but a prima facie case was not established by the Speaker in seven cases. One other charge was resolved by the claimant withdrawing his request for a ruling on a matter of privilege.

It would appear that the Speaker may have approached such questions differently in these latter years. This finds support in the observation of the 1979 Standing Orders Committee that the "privilege jurisdiction of the House has been used too readily for trivial matters".²⁸ The Report proposed that the complaint should be considered privately by the Speaker who will decide if a question of privilege is involved before it is raised in the House.²⁹

There have been a number of other highly publicised incidents in the last two terms of Parliament which concerned members of opposing parties. These events need not be recounted here,³⁰ but they indicate the acuteness of the party confrontation in the House. Personal attacks and unparliamentary language are accepted (although not necessarily condoned) as part of parliamentary life but the events of recent sessions have been more serious.

28. A.J.H.R., I.14 (1979), p.16.

29. The Rt Hon Selwyn Lloyd, Speaker of the House of Commons between 1971 and 1976, had made a practice of not ruling that a prima facie case existed (although authority for it could be found in Erskine May) because it implied a judgment. "United Kingdom: Contempt of Parliament", The Parliamentarian LX (July 1974), p.212.

30. One report was as follows:

In an incident apparently without precedent in the NZ Parliament, the entire Labour Opposition walked out of the Chamber during the final stages of the debate on the Supplementary Estimates. "New Zealand: Opposition Walkout", The Parliamentarian, LVIII (January 1977), p.67.

One type of issue is worth mentioning because it has significance for the reputation of the institution. Both in the 37th and the 38th Parliaments the Speaker's authority was thought to have been brought into dispute. In the heat of debate a member may challenge the Speaker, but normally relents and defers to his authority. In both Parliaments, members of the Opposition criticised the type of rulings made by the Speakers.³¹ On one occasion in 1973 the Serjeant-at-Arms was requested by the Chairman of Committees to escort the Member for Tamaki from the Chamber following his refusal to withdraw.³² The Labour Opposition opposed the nomination of Sir Roy Jack as Speaker, on the first day of the 38th Parliament in 1976, on the grounds that he had defied the authority of the previous Speaker on the last sitting day of the House in 1975, and had been obliged to withdraw from the House.³³

The factors which have contributed to the heightened tension in the House - the political and economic climate, new members unwilling to accept the traditional norms of behaviour, loss of office and personalities - are beyond the scope of this review. The general trend has been clear; the party conflict in recent sessions has been greater than in earlier Parliaments and many of the disputations involved neither questions of policy nor matters of substance.

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31. According to the Rt Hon R D Muldoon this behaviour continued in 1979: In this session ... we have seen a contempt for the Speaker and the Chairman of Committees that is unprecedented in my nearly 20 years in the House ... The habit of interrupting Mr Speaker and the Chairman of Committees when they are on their feet, and the open disagreement with their comments, does considerable damage, not only to the House in the eyes of the public, but to the House in the esteem of its own members
N.Z.P.D., 428 (December 13, 1979), p.4814.
32. N.Z.P.D., 384 (July 31, 1973), pp.2816-2820.
33. Sir Roy Jack had previously encountered opposition to his appointment as Chairman of Committees in 1961 which Labour took to a division. In the intervening years he had been accepted unanimously both as Chairman of Committees and as Speaker.

Each recent Parliament has produced observations about the deterioration of behaviour. Sir John Marshall commented in his valedictory address to the House that the 1975 session was the most acrimonious he had experienced in 30 years in Parliament. The Rt Hon W E Rowling observed three years later that in the past term Parliament had been "a sad, and in some cases rather sick, institution. Too often in that period have issues given way to personalities, something that is reflected in the considerable public disillusionment with Parliament". Of the most recent session, the Rt Hon R D Muldoon has stated "the House has run far less smoothly in the past year or so than at any other time since I have been in the House".³⁴

Conclusions

The voting behaviour of members illustrates a major dimension of the impact of the parties on the proceedings of Parliament. MPs have voted with their party on most divisions which have been requested during the period examined. Apart from the officially approved occasions for free voting, most MPs have never voted against their party during the post-war period. Even in the free vote situations the tendency for party members to be aligned was often marked. Government legislation was rarely defeated by the actions of members of its party³⁵ and the behaviour of opposition members never really cast doubt upon their party's policies.

34. N.Z.P.D., 402 (October 10, 1975), p.5470; N.Z.P.D., 421 (October 6, 1978), p.4289; N.Z.P.D., 428 (December 13, 1979), p.4815.

35. Government sponsored bills (or clauses in bills) which were the subject of free votes and not therefore based on agreed party policy, have been defeated. Examples are: the capital punishment clause of the Crimes Amendment Bill 1961 and the Health Amendment Bill 1976. Governments may experience a temporary defeat because of the chance absenteeism of an MP or miscalculations by the whips. Two examples of government defeats occurred with a closure motion in 1949 and the Trustee Savings Bank Bill in 1970. Both outcomes were subsequently reversed by government majorities.

On the rare occasions in which free votes occur it is difficult for members to ignore their usual inclinations to vote with their fellow party members. This is to be expected to a considerable extent for parties are groupings of persons with similar ideological outlooks. Party policy, while not usually explicit on conscience issues, may orientate members towards a position on an issue, but otherwise the party still serves as a reference group to which members defer for voting cues. Independent thinking has not been sufficiently ingrained to activate more dissent in either party. Free votes have frequently served to give the few with strong views on an exceptional issue the chance to follow their conscience.

Notwithstanding the claims of the parties with regard to the rights of their members to exercise a free vote on conscience issues,³⁶ it is clear that National has been more cohesive than Labour. Nevertheless, it is still correct to argue that National has allowed members greater freedom for independent action. National MPs have exercised a free vote on more numerous occasions and they have been prepared to stand against their party and cross-vote on more occasions and in greater numbers than Labour MPs. Once a free vote is allowed, however, Labour members are inclined to display more independence in their voting.

The discussion has not speculated about the frequency of other forms of dissenting behaviour. It should be noted, therefore, that on a number of occasions MPs have expressed their views on legislation before the House, and then either absented themselves from the chamber when it came to a vote,

36. See Milne, Political Parties, pp.137-9.

or declined to force a division.³⁷ A practice, apparently initiated while Sir Keith Holyoake was Prime Minister, was for members to obtain "official leave" on such occasions.³⁸ That this behaviour is far more common than the recorded instances of cross-voting underscores the influence of the party. Kelson claims that "disagreement with the party in speeches reflects only a fraction of the actual disagreement, and even disagreement in speeches ... is more extensive than disagreement in actual votes".³⁹ A few strong-willed members may act in exceptional circumstances, but the majority are unwilling to depart publicly from the unified position of the party.

Both parties have been relatively cohesive on free vote bills but this has become less marked in the 1970s. The solidarity of the parties in other respects has been disturbed in recent parliamentary terms by resignations of members and actions by MPs at variance with party policy or the party leadership. A dynamic element was introduced by the entry of unusually large batches of new members. Their predecessors had normally trickled in smaller numbers into the House and been socialised more gradually into the norms of parliamentary behaviour. The independent attitudes of such newcomers has been reflected in divisions on free vote bills but has rarely extended to cross-voting.

During the same parliaments in which members have been voting more independently the level of conflict has risen.

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37. For example J B Gordon registered a "voice vote" in 1971 against the committal of the Nurses bill because it affected the hospital board in his electorate, but took the matter no further.
38. One member has taken "official leave" on about five occasions during the last few sessions (private communication).
39. Kelson, Private Member of Parliament, p.116.

Divisions have occurred far more frequently than in the past and on a wider range of questions. The relationship between the parties has become more constantly adversary in character.

This is not confined to voting or debates on substantive matters. There is a tendency for partisan differences to exert a more pervasive influence on the proceedings. This may take the form of procedural wrangles and points of order which are peripheral to the business under consideration. Some types of business have had their character transformed from that which was originally intended.

The opportunities provided for private members to raise constituency grievances or other issues may become occasions for attacking or defending the Government. Private members' bills are frequently utilised as a means of questioning the Government's actions (and several in the last Parliament were refused an introduction). Private members' notices of motion have become marked by the inclusion of partisan comment more appropriate for debates on the proposed motions. The 10 pm Adjournment Debate, introduced in 1962, was discontinued in 1967 because it became an occasion for general political debate and did not provide, as was intended, an opportunity for private members to raise matters of a local or special nature.⁴⁰

The purpose of the Committee of the Whole is to discuss in detail the matter under consideration, the clauses of a

40. Report of the Standing Orders Committee, A.J.H.R., 1.14 (1968), p.5; R J Harrison, "Organisation and Procedure in the New Zealand Parliament" (unpublished PhD dissertation, Ohio State University, 1964), p.278. The original change was described as somewhat naive by Mitchell for "in the twentieth century party issues preoccupy private members", Austin Mitchell, Government by Party (Christchurch: Whitcombe & Tombs, 1966), p.66.

bill or the items of expenditure in the Estimates. Frequently the second reading debate is carried on to the Committee stage and the "principles of the Bill are reopened for discussion on a party basis".⁴¹ In 1972 members were permitted to discuss policy when considering the Estimates. What was thought to be a minor change at the time (designed to reduce constant interruption on points of order about the scope of the debate) has led to a change in the nature of the Estimates from a scrutiny of items of expenditure to a general debate.⁴²

The frequency with which Standing Order Committees have been appointed in recent Parliaments reflects in part the level of political contention, but there are limits to the extent to which the House can reduce internal tensions by the use of formal rules. Procedural changes can restrict the occasions for dispute (for example the new method of dealing with matters of privilege), but ultimately it depends on the willingness of the parties and their members to regulate their behaviour.

41. I Marquet, in Presiding Officers and Clerks of the Parliaments of Australia ... Samoa, Tenth Conference, Port Moresby, June 1979, p.101.

42. Standing Orders Committee (Final Report) 1979, A.J.H.R., I.14 (1979) p.10.

Chapter 4

PROVISION OF LEADERSHIP

The parliamentary parties were shown in the last chapter to play a key role in the structuring of voting in Parliament. They are also responsible for supplying the leadership in Parliament. Under the New Zealand system the majority party appoints the members of the executive, who sit in Parliament and provide the focal point for its activities, and the two positions of Speaker and Chairman of Committees. The membership of the House of Representatives must provide both the personnel of the executive as well as the other positions of responsibility in the House.

A number of constraints have operated to limit the degree of choice available to the parties. The pattern of recruitment is also related to the patronage which the parties can offer members. This chapter considers the provision of leadership in the post-war period and the consequences for Parliament of the form it takes.

Provision of Leadership

Most legislatures perform recruitment, socialisation and training functions in the broader sense of preparing politicians "to and for other roles in the political system in which they wield more power than they do as national legislators".¹ In certain types of legislature this function

1. Robert A Pakenham, "Legislatures and Political Development", in Allan Kornberg and Lloyd D Musolf (eds) Legislatures in Developmental Perspective (Durham, N.C.: Duke University Press, 1970), p.530.

assumes greater significance. This occurs when the executive is partly or wholly dependent on the legislature for its personnel, and particularly if skills regarded as important for the performance of ministerial roles can only be acquired through experience in the assembly.

A major tenet of New Zealand's form of government is the recruitment of the executive solely from members of the legislature.² A relatively small number of countries share this convention with New Zealand; most are based on the Westminster model. New Zealand is the only country with a unicameral legislature from which all members of the executive are recruited.

The rule establishing the House of Representatives as the single source of ministers, channels ambitions. Under this system the career paths of individual MPs are quite simple; there is only one route to the highest political office, the legislature. Parliament is not normally a stepping-stone to other elective or appointive positions.³ The ambitious do not wish to stay solely as MPs for the locus of power is certainly cabinet, and Parliament does not present comparable positions of influence.

There is no structured hierarchy of positions through which MPs must pass in order to attain cabinet status, although the post of parliamentary under-secretary has come to resemble

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2. Prior to 1950 when legislative effect was given to this rule it appears to have operated as a convention.
 3. Various forms of patronage are used to reward favoured senior cabinet ministers in the twilight of their careers, and it is conceivable that they may have entertained long-term expectations of attaining a particular office while backbenchers.

a first step for some members and some ministers have served as whips prior to their promotion.

A number of scholars have maintained the importance of recruitment in the parliamentary system including Bagehot who stipulated that the main function of the House of Commons was that of an electoral chamber which chose a "board of control" and Laski who wrote of the "selective function" of bringing to party leadership men with the appropriate qualities to govern.⁴ Alan Robinson has described the House of Representatives as:

the arena in which leaders are found and shaped. Two processes are involved. On the one hand is the individual search for power and responsibility by members. This may take the form of aspiration for public office or merely of the pursuit of influence behind the scenes. On the other hand the various parliamentary processes are moulding political personalities and evolving leaders. It is success in parliamentary activities that brings a man to top leadership positions. It is parliamentary experience that provides the basis of the political skills and habits of co-operation of Cabinet Ministers,⁵ as well as their responsiveness to public opinion.

The importance of Parliament in the making of New Zealand cabinet ministers can be demonstrated by examining their tenure prior to promotion. Table 4.1 presents details for the period 1949-1980 based on the three year term. About one-third had served as an MP for more than three terms prior to their first appointment as ministers; seven of this number were finally rewarded after more than 15 years in the House.

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4. Walter Bagehot, The English Constitution (London: Collins, 1867 1963), pp. 67, 68 and 150; Harold J Laski, Parliamentary Government in England: A Commentary (London: Allen and Unwin, 1938), pp.158-165.
 5. Alan Robinson, Notes on New Zealand Politics (Wellington: Victoria University of Wellington, 1970), p.92.

TABLE 4.1 Tenure in the New Zealand Parliament Before
Attaining Cabinet Office: 1949-1980

<u>Years</u>	<u>N</u>	<u>%</u>
3	15	16.3
4 - 6	28	30.4
7 - 9	20	21.7
10 - 12	15	16.3
13 - 15	7	7.6
Over 15	7	7.6
Totals	92	100.0

Sources: Calculated from information in Guy H Scholefield, New Zealand Parliamentary Record (Wellington: Government Printer, 1950), and J O Wilson, New Zealand Parliamentary Record: Supplement 1950-1969 (Wellington: Government Printer, 1969) and other sources.

The average tenure was approaching eight and a half years.⁶ Political advancement was clearly based on an apprenticeship in Parliament for no member had experience of less than three years and the majority had experienced two or more terms.

In his choice of the 1978 cabinet the Prime Minister departed from the practice of previous years by promoting more relative newcomers to the House. Nevertheless, the five ministers concerned (plus two under-secretaries) had all been in Parliament for three years.

The importance of this convention in New Zealand can be illustrated by comparative figures for the lower houses of Australia, Canada, France and the United Kingdom.⁷ In the exercise of the recruitment function some legislatures provide a government; others produce cabinet ministers. In the former case, talented individuals may be given seats in the legislature and are rapidly promoted.

The "classic view" of parliaments making ministers applies more to Britain and New Zealand. Between 36 per cent and 48 per cent of the ministers in the other three countries became ministers after four or less years in the lower house. Over 50 per cent of British ministers had ten or more years of experience in the House of Commons. The comparable proportion for the New Zealand Parliament of 32 per cent exceeds the experience of ministers in Australia (8 per cent), Canada (22.9) and

6. The average for Labour ministers between 1935 and 1949 was 9.5 years. Peter Campbell, "New Zealand Ministers, 1935-57", Political Science 10 (September, 1958), p.70.

7. The data comes from Joseph A Schlesinger, "Political Careers and Party Leadership", in Lewis J Edinger (ed) Political Leadership in Industrialized Societies (New York: John Wiley, 1967), Table 9.6. It should be noted that Schlesinger's figures only extend up to 1957-60.

France (16.5). The most outstanding contrast was the absence of any ministerial promotions in New Zealand of MPs with up to one year's experience (the range for the other countries was between 4 per cent in Britain to 29 per cent in Canada).

Parliamentary experience is highly valued in the New Zealand system as a prerequisite for executive office. There are relatively few means of evaluating an MP's suitability for ministerial office and their performance in the House over time provides one yardstick, for ministers must spend a good deal of time in the chamber advancing and defending the policies of their departments and government.

Four other types of leadership position exist. Apart from the ministerial positions there is a lower tier of executive posts, the parliamentary under-secretaries. The Speaker and Chairman of Committees form an exclusive category because of their specialised roles as the presiding officers for the meetings of Parliament. A very different type of office is that of the party whip; each party appoints a senior and junior whip with organisational responsibilities covering its tactics in the House and the management of party membership. All these offices (plus those of Leader and Deputy Leader of the Opposition) are recognised in the Civil List and awarded salaries graded according to the status of the positions.

Two further positions have been created in the last six years. A Deputy Chairman of Committees was first appointed following a Standing Orders Committee recommendation in 1974, and the Prime Minister assigned his role as Leader of the House to another member at the beginning of the 1979 Session.

Both positions are occupied by persons who hold other offices (in the first case the Senior Government Whip; and in the second, a cabinet minister).

Members may also be appointed as chairmen of select committees of the House, and to the party roles of spokesperson or chairman of caucus committees. The former office is limited by the restricted powers of select committees and does not carry any emolument, while the latter are more significant within the party.

All positions are controlled by the parliamentary parties. The majority party selects the executive, the Speaker, Chairman of Committees and its whips (and through its majority on select committees, the chairmen). Other than its caucus appointments the opposition party is confined to its Leader and Deputy Leader and the two whips. While the members of both parliamentary parties select the Leader of the Party, the Labour caucus also elects other office holders. In the National Party, this latter responsibility (with the exception of the whips) has rested with the Leader.

By their nature the senior positions require that members should have considerable parliamentary experience before their appointment. The positions of Speaker (as was seen in Chapter 2) and Chairman of Committees are normally awarded to senior members. Organisational abilities may gain a member more rapid promotion to the position of junior whip, and three members (Mr Birch, Mr Prebble and Mr Rodgers) have been assigned this position during their first term. While Mr Lange became Deputy Leader of the Opposition after serving for less than a full term the members of Labour's "shadow cabinet", announced at the beginning of 1980,

had otherwise all been in the House for three years. Nevertheless the convention which held for ministerial appointments also applies to the other posts for no member of a majority party advanced to a senior position without serving a term in Parliament.

Table 4.2 records the status allocated to government members between each general election and the middle of the following year during the period 1949-78. The New Zealand House of Representatives consisted of 80 members for most of the post-war period, and between 84 and 92 members since 1969. While the size of the House was fixed at 80 MPs, the majority party averaged 45 members (57 per cent of the total) but fell as low as 41 (51 per cent) after the 1957 general election. In 1972 and 1975 a larger House existed but electoral swings produced larger than usual government majorities equal to 63 per cent of the total membership.

Between 1949 and 1966 the size of the cabinet was 15 to 17 members; since then both the number of cabinet ministers and total executive positions have increased, reaching 24 for the latter in the current Parliament. Notwithstanding the enlargement of the House in the 1970s, the proportion of Members of Parliament who belong to the executive category increased at a faster rate. During the 1970s they have formed 26 per cent of the membership.

The two right columns indicate the rather small number of backbench MPs remaining in the majority party after the distribution of the various posts. From 1966 to 1978 the number of experienced MPs has never exceeded 14, and dipped as low as three following the 1975 general election.

TABLE 4.2 Status in Parliament of Government MPs
Elected in General Elections 1949-1978^a

Year	Size of House	Government MPs	Cabinet Ministers	Under-Secretaries	House Positions	Whips	MPs Veteran	New
1949	80	46	16 ^b	3	2	2	15	8
1951	80	50	15	3	2	2	23	5
1954	80	45	16	-	2	2	16	9
1957	80	41	16	-	2	2	15	6
1960	80	46	17 ^c	2	2	2	13	10
1963	80	45	16	2	2	2	18	5
1966	80	44	17	1	2	2	14	8
1969	84	45	18	2	2	2	14	7
1972	87	55	20	3 ^d	2	2	12	16
1975	87	55	20	3	2	2	3	25
1978	92	51	19	5	2	2	14	9

a Includes appointments made up till the middle of the year following the general election.

b W J Polson, MLC, is not included.

c W H Gillespie died before the session began; his position was assigned to an existing cabinet minister.

d Appointed after the commencement of an early session.

Sources: As in Table 4.1

Political Advancement: Success Rates of MPs

In determining the rate at which members of Parliament advance to higher office it is necessary to take into account members precluded from the selection process through lack of parliamentary experience. Since no member of Parliament served for less than three years before being appointed to cabinet or to any other position controlled by a majority party, "eligible MPs" are defined as those members with at least one term of parliamentary experience.

In the Parliaments between 1949 and 1978 an average of 37 members of the majority party qualified.⁸ Of those eligible members, almost half received a cabinet position on the average, 53 per cent an executive post, and almost two-thirds an appointment of some sort (Table 4.3).⁹ There is a trend during the period towards the advancement of a higher proportion of experienced MPs during each term. This is most apparent during the last four completed terms as an ever-increasing percentage of members reach higher office. Since 1966 the percentage has risen from 64 per cent to the astounding figure of 90 per cent for the 1975-78 term.

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8. Members elected at by-elections during the previous term are certainly ineligible for the initial selections, but are eligible for cabinet changes. Mr E Holland is an example. Since the whole term is under consideration they have been included as eligible MPs.
9. Cabinet appointments cover all appointments to the cabinet during the term including members of the Executive Council who were not given a ministerial portfolio but functioned as cabinet ministers. See the discussion and conclusion of K J Scott, The New Zealand Constitution (London: Oxford University Press, 1962), p.97. Executive appointments include members of a ministry: cabinet ministers and under-secretaries appointed during the term. The category "total appointments" includes all appointments during a term: cabinet ministers, under-secretaries, speakers, chairmen of committees, and whips. The aggregations include each individual by the highest position attained. For example, an MP who was promoted from the position of Senior Government Whip or Speaker to Cabinet appears once.

TABLE 4.3 Appointments of Eligible Members of Parliament:
By Terms for 1949-1978

Term	Eligible MPs	Total Cabinet Appointments		Total Executive Appointments		Total Appointments	
		N	%	N	%	N	%
1949-1951 ¹	38	16	42	19	50	23	60
1951-1954	45	16	36	19	42	23	51
1954-1957 ²	36	18	50	18	50	21	58
1957-1960	35	16	46	16	46	20	57
1960-1963	36	19	53	19	53	23	64
1963-1966	40	16	40	18	45	22	55
1966-1969	36	18	50	19	53	23	64
1969-1972 ²	38	23	61	24	63	28	74
1972-1975 ²	39	21	54	24	62	27	69
1975-1978	30	20	67	23	77	27	90
Average 1949-76	37		49		53		64

Notes:

1. Polson MLC, a member of the Executive Council in 1950, is not included.
2. The terms 1954-7, 1969-72 and 1972-75 had two ministries: Holland 1954-7 and Holyoake 1957; Holyoake 1969-72 and Marshall 1972; Kirk 1972-4 and Rowling 1974-5

The initial appointments for the present Parliament have produced percentages in each category which are lower than those for the previous term because of the large number of eligible MPs (42). Nevertheless 57 per cent gained ministerial positions and 67 per cent senior appointments, proportions which compare favourably with the results for the latter half of the period.

The higher percentages for the recent years are partly a result of an increase in the size of cabinet, the reappearance of under-secretaries to assist ministers and higher turnovers of members. New governments in 1949, 1960, 1972 and 1975 (but not in 1957 when the Labour Government had a slim majority) are the main occasions for a high incidence of appointments. Other contributing factors have been: the death of two ministers in 1961-62 resulting in three additions to the cabinet; and the dropping of three ministers in early 1972 following Mr Marshall's succession to the leadership.

A systematic examination of the factors determining the selection of particular cabinets are beyond the scope of this chapter,¹⁰ but a further range of factors needs to be introduced into the calculations. A proportion of members are disqualified for various reasons. The ages of young (under 30) and old (over 65) MPs may rule them out. In the case of the Labour Party, caucus members have been known to withdraw their names from the ballot for cabinet ministers.

10. For details about the selection of senior office-holders see: R S Milne, *Political Parties in New Zealand* (London: Oxford University Press, 1966), pp.144-56; Keith Jackson, "Political Leadership and Succession in the New Zealand National Party", *Political Science*, 27 (July-December 1975), pp.1-24; and Keith Jackson, "Cabinet and the Prime Minister", in Stephen Levine, (ed), *Politics in New Zealand: A Reader* (Sydney: George Allen & Unwin, 1978) pp.64-8.

Rose has put an approximate figure of 5 per cent upon personal grounds for MPs, 5 per cent on those not administratively competent and 10 per cent on those who do not desire office.¹¹ He calculates that between one-third and two-fifths of all MPs in the majority party in Britain are "de facto" ineligible for ministerial positions. If this factor is introduced into the calculations at the rate of either 10 per cent or 15 per cent of eligible members, figures of 71 per cent and 75 per cent respectively are derived for total appointments 1949-78. In those parliamentary terms in which the "eligible" MPs were low relative to the number of positions to be filled, more than 80 per cent of eligible members were allocated a position. For 1975-8 100 per cent of "eligible" members received a post if the 10 per cent factor is applied.

Another way of depicting the extent to which New Zealand MPs attain higher office is to follow their careers over a period of time sufficient to give them a reasonable opportunity for advancement. The highest offices reached by MPs who first entered Parliament during the period 1946-72 are shown in Table 4.4. Of the 132 members, 52 per cent became cabinet ministers and 66 per cent gained at least one formal position.¹² Because their party was in office for most of the period, National Party members were more successful than Labour MPs; 71 per cent held an office other than that of private member.

11. Richard Rose, The Problem of Party Government (London: MacMillan, 1974), pp.369-70.

12. These figures may be compared with a British calculation for MPs 1918-1955: 25 per cent had held an official position, while 74 per cent had remained as backbenchers. P W Buck, Amateurs and Professionals in British Politics 1918-59 (Chicago: University of Chicago Press, 1963), p.47.

TABLE 4.4 Highest Office Reached by MPs Who Entered Parliament 1946 - 1972

Position	Labour Party		National Party		Parliament	
	N	%	N	%	N	%
Ministers	26	42.6	42	60.0	68	51.5
Under-secretaries	3	4.9	3	4.3	6	4.5
Other positions ^a	7	11.5	5	7.1	12	9.1
MPs (of more than one term)	20	32.8	14	20.0	34	25.8
MPs (of one term)	5 ^b	8.2	6	8.6	12 ^c	9.1
Total	61	100.0	70	100.0	132	100.0

Notes:

- a. Other positions: Speakers, Chairmen of Committees and Whips.
- b. Includes McLagon, a Member of the Legislative Council and cabinet minister before taking a seat in the House of Representatives.
- c. Includes Mr Cracknell of the Social Credit Party.

A small proportion of New Zealand MPs were ineligible for consideration for higher office because they were defeated after serving a single term. By subtracting their number (plus McLagan, a Labour cabinet minister at the time of his election, and Cracknell who was never a member of a majority party), a more realistic calculation is possible. A total of 57 per cent were appointed as ministers during the period and 72 per cent gained at least one of the organisational or executive positions. The distribution of leadership positions among members of the National Party was particularly wide for 78 per cent of its members received at least one post.

Leaders and Parliament

New Zealand politicians have been extraordinarily successful in achieving higher office. For most MPs in the post-war period their election to Parliament was tantamount to further political advancement (conditional upon retention of their seats). "Far from being difficult for an MP to get into cabinet in New Zealand it is almost impossible for an MP who has served more than one or two terms to keep out of cabinet if he happens to be in the winning party."¹³ The small size of the House is undoubtedly the main contributing factor, but it is necessary to take into account the demand for, as well as the supply of, manpower. It is the low ratio between the number of MPs and the number of positions which is responsible for the high success rate.

13. W K Jackson, The New Zealand Legislative Council: A Study of the Establishment, Failure and Abolition of the Upper House (Dunedin: University of Otago Press, 1972), p.214.

The maintenance of an executive system consisting of a large cabinet, involving a large number of portfolios (between 55 and 60 since cabinet membership increased to 20) plus associated under-secretary positions, has allowed the parties to distribute patronage widely to MPs. Once in cabinet, ministers were unlikely to be removed; ministerial turnover has been lower in New Zealand than other Commonwealth countries.¹⁴ "This reflects the reality that there are only a few able men in any party and to fill a Cabinet ... really exhausts the available supply."¹⁵ It has also allowed the preservation of an incentive structure which rewards those who have served the party and acquired seniority.

The other remunerative positions also offer to incumbents status within Parliament and the party. Other claimants for higher office can be recognised in the short term with the chairmanship of a select committee. While the "domestic" committees (House, Library and Privileges), plus Selection (Private Bills) are usually chaired by the Speaker, the Chairman of Committees or a senior minister, and whips or under-secretaries may chair other committees, this has still left nine or ten of the permanent committees for backbenchers in recent Parliaments.

The nexus between party and member is preserved by this ability to reward members. A small Parliament offers the promise of upward mobility for a high proportion of members.

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14. Valentine Herman, "Comparative Perspectives on Ministerial Stability in Britain", in V Herman and J E Alt (eds) Cabinet Studies: A Reader (London: MacMillan, 1975), p.64. For details see Campbell, "New Zealand Ministers", p.70 and Milne, Political Parties, p.156.
 15. John Roberts, "Cabinet", in Alan Robinson, Notes on New Zealand Politics (Wellington: Victoria University of Wellington, n.d.), p.103.

Consequently, the MP's career and much of his behaviour is a response to this structure and the opportunities for success within it. There is a strong inducement for the ambitious MPs to act in conformity with the party's objectives in their parliamentary conduct, reserving dissent for behind the closed doors of caucus.

The main consequence for the House of Representatives of this pattern of recruitment is that about half of the members of the majority party have as a first commitment a role other than that of parliamentarian. Once those positions have been allocated, there has usually remained a relatively small number of experienced MPs who serve purely as backbenchers, and the more talented members have generally been recruited to cabinet.

The select committee work of the House has been particularly affected in the past by the shortage of personnel. Government members with other commitments have not always been able to maintain regular attendances at committee meetings, while those without other roles may be overloaded with committee memberships. Members have been obliged to show their face at several meetings of different committees in order to make a quorum or maintain the government's majority in voting.¹⁶

A lack of role specialisation has also been apparent with members of the executive chairing parliamentary select committees concerned with public policy. In recent Parliaments

16. Keith Jackson, New Zealand: Politics of Change (Wellington: Reed Education, 1973), pp.127-8; Austin Mitchell, Government by Party: Parliament and Politics in New Zealand (Christchurch: Whitcombe & Tombs, 1966), p.159.

this has involved two or three of the under-secretaries and in one case a cabinet minister. The whips have concurrently held the chairmanship of a committee, most notably the Public Expenditure Committee, during the 37th and 38th Parliaments. The most intriguing example of contrary roles held by one individual has been the combination of the partisan office of Senior Government Whip with that of Deputy Chairman of Committees.

The executive presence in the House has become more prominent in the post-war period. A majority of the experienced MPs in government caucuses are members of the executive and they may collectively hold the balance of power. Caucus affords a number of opportunities for the centralised and hierarchical management of the parliamentary party. The leader of the party as chairman of the meetings can act as gatekeeper on the content of the meetings and determine the selection of speakers. Senior members of the party may dominate the proceedings on particular matters.¹⁷

Nevertheless, a variety of modes of influence exist in the relationship between caucus and the executive,¹⁸ and backbenchers may countervail the decisions of the party leadership. Austin Mitchell has outlined the reasons for this:

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17. See Keith Jackson, "Caucus - The Anti-Parliament System?" The Parliamentarian, LIX (July 1978), p.161.
 18. Roderic M Alley, "Parliamentary Parties in Office: Government-Backbench Relations", in Stephen Levine(ed) Politics in New Zealand (Sydney: George Allen & Unwin, 1978), pp.96-112.

The uniform and integrated nature of New Zealand society makes caucus a more united body. ... New Zealand's parties are not only smaller than most comparable overseas units but the New Zealand parliament is unicameral so that caucus is not swollen by upper house members. A small size can, within certain limits, be equated with more real power because of the intimacy of the institution, the absence of any distance or barrier between backbenchers and ministers, and the lack of a management group or executive. Small size makes for integration and effective secrecy where large numbers lead to a formalisation of relationships. Finally in a more complex and sophisticated society no one institution could be regarded as a guide to both public and party mood as caucus can in New Zealand. For all these reasons the New Zealand caucus in both parties can probably be regarded as the most continuous influence on the leadership and government of any comparable type.¹⁹

The team ethos which prevails in the parliamentary parties encourages the diffusion of responsibility among their members. At the very least the role of caucus usually extends to the approval of bills proposed by Cabinet. In this respect it has acted as "a clearly defined stage in the process of legislation".²⁰ Caucus committees may have a prominent role, depending on the priority given by the Government to its policy area, and the attitude of ministers. The committees may derive their authority more from ministers rather than caucus, but as many ministers have been prepared to share decision-making with enthusiastic members, active committees may exercise an important influence on policy outcomes.²¹

The sharing of responsibility between members of a parliamentary party has been given its most fullest expression

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19. Austin Mitchell, "Caucus: The New Zealand Parliamentary Parties", Journal of Commonwealth Political Studies, VI (March 1968), pp.24-25.
 20. Austin Mitchell, Government by Party p.59. See also Mitchell, "Caucus", p.11.
 21. Neil Scott, "The Caucus Committee in the Decision-Making Process", (unpublished constitutional law seminar paper, Victoria University of Wellington, March 22 1977), pp.2-4.

by National and Labour Oppositions in recent years. In 1974 the new Leader of the National Party Opposition assigned direct responsibility for some area of policy to all members of the Opposition (with the exception of the Whips). Each member became a spokesman for his area, supported by a small caucus committee and the party's research unit. At the time, Mr Muldoon made it clear the appointments were not shadow cabinet ministers - "their performance until election time will determine what happens afterwards".²²

With the largest Opposition caucus in the post-war period, the Labour Party has taken this sort of arrangement a step further in 1980 by introducing a two-tier system. It consists of a shadow cabinet of 16 members, each with one or more "portfolios", which meets as a group, and eight caucus committees each with a convenor. Most members who neither belong to the shadow cabinet nor chair a caucus committee, have the status of spokesperson for a special subject.

In the later years of the 1970s a number of exceptions emerged to some of the observations made so far in this concluding section. Party cohesion, while preserved in the adversary context of the House, has been challenged in the last three years by a number of events: the resignations of members and public differences between members and the leadership. It is no longer true that filling a cabinet absorbs the available talent within a party for the recent intakes of new MPs include many of great ability. It is also thought

22. Evening Post, November 23, 1974, p.4.

that caucus committees have become more influential. Indeed, one experienced observer has stated that the growing power of the caucus committees, "particularly in relation to Ministers, bureaucrats and parliamentary committees, has been one of the principal constitutional features of the decade".²³

Leadership circulation has been higher than usual for some senior positions. While inter-party turnover, occasioned by the results of the 1972 and 1975 elections, was comparable with that for 1957 and 1960, the retirement of one incumbent and the death of another meant that five members came to be Prime Minister within a four year period. Similarly, more members have held the office of Speaker than in any comparable period of New Zealand history.²⁴ Both parties have demonstrated their willingness to remove persons from leadership positions while in opposition (although party leaders have previously been deposed) and cabinet ministers have been dropped by National Prime Ministers. The 1978 Cabinet was notable for the number of relative newcomers; five members had served for only one term.

The opportunities for political advancement have not been reduced by successive increments to the size of the House because additional executive appointments have been made and the traditional emphasis on seniority and security of tenure of leaders has been somewhat relaxed. It is unlikely, however, that the system will be able to reward all members of talent;

23. Colin James, "The Year the 'Idea' Came Back into Politics", National Business Review, 17 December 1979, p.2.

24. See Chapter 2.

the "caucus centred" groups which have been prominent in recent years can be expected to continue playing active roles.

Although the number of chairmanships of committees has declined in the last 18 years as a result of successive revisions to the system, the committee system has been developed. It is too soon to judge the effect of one potential gain for parliamentary scrutiny, the 1979 decision to refer all non-financial bills to select committees, but backbenchers' energies will certainly be more heavily occupied by committee work. Although the individual actions of the Waikato trio suggest the possibilities for members who may not expect promotion to Cabinet,²⁵ it is unlikely that a "parliament centred" group will emerge among MPs.

25. Three MPs from the Waikato area have acquired reputations for their outspokenness. Mr Minogue, for example, has been highly critical of the lack of accountability of the executive to Parliament.

Chapter 5

PARLIAMENTARY BUSINESS

The purpose of this chapter is to provide an overview of parliamentary business and the utilisation of time. It sketches some of the main responses of Parliament to the demands made on it in the post-war period. These have taken the form of procedural changes and the adoption of new practices.

Some dimensions are only touched on in this chapter. The following chapters examine legislation, committees and resources.

Demands and Responses

Growth in Parliamentary Business

The official summaries of sessional business record a variety of activities including legislation, petitions, questions, papers tabled, notices of motion and select committee reports. These statistical details do not provide a complete synopsis of the full range of parliamentary activities for omitted are details of debates which occupy significant portions of the session but are not appropriately quantifiable. The advantages of using these statistics are that they allow comparisons over time from which can be determined trends in the workload of Parliament. They therefore provide a convenient starting point for this review.

Table 5.1 records the volume of business for each Parliament from the 30th (with the exception of the first

TABLE 5.1 Parliamentary Business 1952-1978

	<u>Years</u>	<u>Legislation Introduced*</u>	<u>Petitions Presented</u>	<u>Papers Tabled</u>	<u>Questions: Oral and Written**</u>	<u>Notices of Motion**</u>	
<u>A. Volume per Parliament</u>							
	30	1952-54	383	167	697	-	-
	31	1955-57	405	142	790	-	-
	32	1958-60	432	114	639	-	-
	33	1961-63	523	208	674	1226	30
	34	1964-66	510	143	781	3086	115
	35	1967-69	584	137	893	3680	149
	36	1970-72	603	212	992	4808	298
	37	1973-75	626	161	1178	7617	1164
	38	1976-78	707	112	1360	7672	1534
<u>B. Average per Session</u>							
	30-32	1952-60	136	47	236	-	-
	33-35	1961-69	181	54	261	888	33
	36-38	1970-78	215	54	392	2255	333

*. Includes all legislation before Parliament in a given session including bills held over from a previous session.

** . Questions and notice of motion are recorded from the changes in 1962. Supplementary questions are not included.

Source: Schedules of Business, Journals of the House of Representatives.

of the four sessions)¹ to the 38th. The main types of parliamentary activities have either increased in the last three decades or maintained a fairly constant level. Those which have rapidly increased fill the extra time that is increasingly devoted to the sittings of the House.

The frequency with which petitions are presented to Parliament has fluctuated over time. That the most recent Parliament had received the lowest number for the period does not indicate an absolute decline for it will be seen from Table 5.1 that within each decade the number of petitions is highest in the first Parliament and decreases with each succeeding Parliament only to rise again at the beginning of the next decade. Notwithstanding the existence of an alternative agency in the Ombudsman's office from which to seek redress of grievance since 1962, the number of petitions has remained fairly constant largely because petitions have been used more frequently by individuals and groups wishing to influence public policy.² The number of petitions presented per session for the middle three Parliaments was, on the average, identical to that for the last three in the 1970s.

The most spectacular increase in business has occurred with activities which allow the individual member scope for initiative. Since the introduction of the new procedures for asking questions and moving private members' notices of motion, their number has multiplied with each successive Parliament.

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1. The first session of the 30th Parliament is excluded because 1951 was broken by a general election. As the term lasts for four years data for 1952, 1953, and 1954 are used. Unless otherwise stated, that year will not be included in subsequent data.
 2. See Larry Hill, "Parliamentary Petitions, the Ombudsman and Political Change in New Zealand", Political Studies, XXII (September, 1974), pp.337-46.

Almost 8,000 oral and written questions (not including supplementary questions to the oral questions) were asked between 1962 and 1969. In the following three Parliaments a total of 20,097 questions were asked in the House (again excluding supplementaries). The greatest increase in the number of questions occurred between the 36th and 37th Parliaments.

Both the volume of legislation and papers tabled have come close to doubling between the 30th and 38th Parliaments. In recent Parliaments members have had more than 1,000 papers to scrutinise. Legislation is the most important item of business shown in Table 5.1, for consideration of bills occupies more of Parliament's time than any other activity. The volume of legislation increased by 85 per cent between 1952-54 and 1976-79.

Select committees are not part of the formal proceedings of the Chamber, and usually depend on decisions of Government as to whether or not matters are referred to them (with some exceptions as specified in the Standing Orders). They are closely linked to the work of the House and have been increasingly used for business which might otherwise be conducted in the Chamber. The growth in the workload of committees is discussed in Chapter 7.

Detailed statistics of the distribution of the House's time to various activities are not available but a recent analysis of space in the New Zealand Parliamentary Debates provides a guide.³ The average time devoted to legislation

3. The percentages are averages for the years 1966-7 and 1976-7 in Table 2 of Geoffrey Palmer, Unbridled Power? An Interpretation of New Zealand's Constitution and Government (Wellington: Oxford University Press, 1979).

(including private members' bills) in the last decade or so was about 42 per cent. Debates on government policy (other than legislation, but including the budget and imprest supply debates) occupied approximately 22 per cent of the House's time. Question time and discussion of the Government's estimates of expenditure took respectively 18 per cent and 9 per cent of the session. Other business (including select committee reports and notices of motion) filled the remaining 10 per cent.

Procedural Change

The procedures of the House are the rules which govern the proceedings and regulate behaviour. Informal rules and conventions also exist but their unwritten character precludes their consideration here. Changes to procedures are usually designed to facilitate the business of the House (more usually the government's business) or to protect the rights of the minority and private members, particularly with regard to scrutiny of the government. The task of general reviews of procedures should be to maintain a balance between the two in the effects of their recommendations.

Frequent procedural changes can be regarded as both a symptom of the demands on a legislature and one form of response to those demands. Reforms may generate more work and have unintended as well as intended consequences. The increasing demands on the New Zealand Parliament can be shown by the activities of Standing Orders Committees in revising the rules governing the proceedings of the House.

The last major period of procedural review by Standing Orders Committees until recently occurred in the 20 years between 1890 and 1910. Subsequent to that period such committees were appointed at irregular intervals, usually well spread in time. There were reports in 1925 and 1929, another review 21 years later in 1950 and two reports after the elapse of another 11 years in 1962.

Since then there has been a flurry of reports. In the 14 years between 1966 and 1979 four different Standing Orders Committees have been appointed at approximately four-year intervals, held meetings in eight of those years, and produced six reports. In addition, a special committee on parliamentary control of delegated legislation reported in 1962. That each committee produced substantial reports can be seen from the list below:

TABLE 5.2 Reports of Standing Orders Committees

<u>Year</u> <u>Established</u>	<u>Reports</u>	<u>Length</u> <u>in Pages</u>
1961	1962	27
	1962 (second)	4
1961*	1962	13
1966	1967 (interim)	16
	1968 (final)	22
1971	1972	18
1974	1974	23
1978	1979 (interim)	4
	1979 (final)	28

* Delegated Legislation Committee

The reviews were not all of equal significance. One view of the 1974 report was that "the amendments proposed ... are for the most part minor in nature, tidying up anomalies and difficulties that have arisen in the course of the conduct of the House".⁴ Nevertheless, the frequency with which it became necessary for the House to redefine its procedures, in such a limited period of time, is a clear indication of the pressures it was subject to particularly because of the volume of business.

A special committee of the House is not the only source of change. Standing Orders have been amended by the government majority without a committee report (for example, the introduction of closure in 1931). A practice may be introduced and later supported by a Standing Order (for example, the formalisation in 1974 of the practice of holding bills over from one session to another).

The review of procedural reform in the subsequent sections will concentrate on the formal changes which have resulted from the work of Standing Order Committees. Of the six such committees in the post-war period, attention is mainly confined to the main recommendations of the reports produced between 1962 and 1979. The 1950 Standing Orders Committee was prompted by the need to recast the procedures for a unicameral legislature following the abolition of the Legislative Council. Most amendments were inconsequential (such as the deletion of redundant rules) and one potentially more substantial change, the interposition of a delay on public bills between the Committee and Third Reading Stage, was revoked following the next committee's report.⁵

4. N.Z.P.D., 395 (November 8, 1974), p.5748.

5. A.J.H.R., I.17 (1951), p.3.

Parliamentary Time

The most direct response to the pressures of business is the adaptation of the time framework within which Parliament operates. This may take several forms such as an expansion of the number of formal sitting days, regulation of the form of the annual session, and the extension of parliamentary work into the recess. Within the session a range of options also exists for managing time or reducing the time occupied by particular items of business.

Sitting Days and Hours

Several forms of measurement show an increase in the amount of time occupied by meetings of the House between the 30th Parliament (1952-4) and the 38th Parliament (1976-8). There was a steady expansion in the number of sitting days from 209 for 1952-4 to 302 in 1976-8, with a peak of 326 in the 1973-5 term (Table 5.3). The proportions of each year taken by parliamentary sessions rose to 30 per cent in the latter term from 19 per cent in the 30th Parliament. Similarly the average number of hours in each session increased from 402 hours 1952-4 to a peak of 652 hours in the 1973-5 term of Parliament. The other two columns in Table 5.3 show fluctuations between Parliaments without an obvious trend being apparent, although by chance the first and the last Parliaments record the lowest and the highest figures, respectively, for the hours of sitting after midnight.

The general trends in the statistics can be clarified by combining the nine Parliaments into three groupings: 1952-60, 1961-69 and 1970-78 (Table 5.4). Notwithstanding the increase

TABLE 5.3 Days and Hours of Meeting for Parliaments
1952-54 to 1976-78

Parliament	Years	Total Days of Meeting (per Parliament)	Total Hours of Meeting (Average per Session)	Hours per Meeting (Average)	Hours after Midnight N
30	1952-54	209	402	5.77	25
31	1955-57	228	466	6.14	74
32	1958-60	223	470	6.32	80
33	1961-63	251	513	6.13	36
34	1964-66	257	544	6.36	66
35	1967-69	273	544	5.98	35
36	1970-72	296	608	6.17	83
37	1973-75	326	652	6.00	75
38	1976-78	302	620	6.16	153

TABLE 5.4 Sitting Hours for Three Periods 1952-78

Parliament	Period	Average Hours per Member in Each Session	Average Hours per Meeting	Hours After Midnight as a Proportion of Total Hours
30-32	1952-1960	5.58	6.08	4.4
33-35	1961-1969	6.67	6.15	2.8
36-38	1970-1978	7.29	6.10	5.5

in the size of the House, the hours per member (that is, total sitting hours divided by the number of members) in each session increased at a more rapid rate. The average was 5.58 for the first period and 7.29 for the third period. A clear picture is given in Table 5.4 of the data which fluctuated over time in Table 5.3. The average hours per meeting is fairly consistent with only a few minutes separating each of the periods. The hours spent in sittings after midnight have increased in the third period with each of the three Parliaments recording high averages. The most recent Parliament, 1976-8, sat after midnight for the highest number of hours since the 1920s.

Sessions and Extra-Sessional Activities

The growth in the number of sitting days has meant that successive sessions have occupied more of each year. The summary in Table 5.5 of days occupied and sitting days, as a percentage of days in the year, shows the extent to which this has occurred.

TABLE 5.5 Length of Sessions for Three Periods 1952-1978

Parliaments	Total Days Occupied*		Total Days Occupied Excluding Adjournments		Total Sitting Days**	
	Average per Session	Proportion of Days in Year	Average per Session	Proportion of Days in Year	Average per Session	Proportion of Days in Year
30 - 32	156	42.6	126	34.5	73	20.1
33 - 35	169	46.4	144	39.5	87	23.8
36 - 68	223	61.0	177	48.5	103	28.1

* Days occupied in the period between the opening and dissolution of Parliament. Three special sessions opened by the Queen in 1954, 1963 and 1977 are not included.

** The days on which Parliament met.

Parliamentary business in the 1950s was contained within the formal session which occupied about two-fifths of the year. Most bills introduced into the House, whether government, local or private, were passed during the parliamentary year. Governments were, however, prepared to call early Parliaments in order to obtain endorsements for their policies.

The Standing Order Committees in the 1960s considered the question of the sessional period because of the demands of committee work, congestion before particular committees, and the needs of ministers in relation to administrative work and members in relation to their constituents. The reports reviewed the sessional pattern of the Federal Parliament in Australia but restricted their recommendations to suggestions to the Government that adjournments for one week could occur at intervals and early commencements to the session "might be advantageous".⁶ Short adjournments subsequently increased and there was a tendency for sessions to begin earlier.

Increasingly in the 1960s and 1970s parliamentary business has been formally extended into the recess. In 1962 the new Public Expenditure Committee was empowered to sit during the recess, primarily to survey the public accounts, and the Statutes Revision Committee was given a similar power for the consideration of regulations. Following a sharp increase in the number of local bills in 1966 the Local Bills Committee was established for the term of a Parliament (rather than the annual sessional period) and received the authority to sit during the recess. Local bills received outside the session were referred to the committee prior to consideration

6. A.J.H.R., I.17 (1962), p.6; and A.J.H.R., I.14 (1967), pp.10-11.

in the House.⁷ All select committees came to be established for the duration of a Parliament rather than each session following a recommendation of the 1972 Standing Orders Committee.⁸

The holding over of bills from one session to the next was already common before the practice was utilised for another reason:

A perennial criticism of Parliament has been the rush of legislation at the end of the session. This criticism has been largely overcome by the introduction last year [1973] of the procedure whereby Bills not passed during the session were held over until the following session and proceeded with then at⁹ the same stage they had reached previously.

The 1974 Standing Orders Committee lent support to the procedure in the form of a Standing Order.

A constitutional issue arose in 1976 out of a 1975 resolution of the House to hold bills over to the following session. With an election in between the House was carrying forward bills not from one session to the next but from one Parliament to another.¹⁰ Two questions raised by this action were the legal right of the House to transfer business from one Parliament to the next when prorogation or dissolution had occurred, and the legality of select committee meetings held between dissolution

7. A.J.H.R., I.14 (1967), p.8.

8. A.J.H.R., I.19 (1972), p.11.

9. A.J.H.R., I.14 (1974), p.6.

10. Bills had also been carried over between the 1970-2 and 1973-5 Parliaments. In 1976 the Opposition chose to dispute the constitutional validity of select committee meetings as a reaction to the length of the recess. Parliament was eventually summoned almost seven months after the election, the latest commencement date for the first session of a Parliament since 1950. In this respect the National Government was consistent with the other two occasions in which it had won office from the Labour party. The dates of commencement for 1950, 1961 and 1976 were respectively, 27 June, 20 June and 22 June.

and convention which included new members yet to be sworn in.¹¹ Consequently, the Legislature Amendment Act was passed in 1977 to enable the House to carry over business from one session to another, whether of the same Parliament or not. It also permits select committees to function after dissolution and unsworn MPs to sit and vote as members of the committees.¹²

Having gradually breached the constraint of the formal session, recesses have been increasingly used for parliamentary business. A number of bills are held over each session, indeed some are introduced in the final days of the session in order that they may be referred to recess committees. The magnitude of the extra-session select committee work can be gauged from the frequency of their meetings. In the last two Parliaments totals of 50 and 194 meetings were respectively recorded for recess meetings prior to the opening of Parliament.¹³

There has also been considerable experimentation with the form and length of sessions in the last three decades. Despite the stereotyping of parliamentary sessions as five months between June and October,¹⁴ the sessional patterns are much more

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11. L B Marquet, "New Zealand: The Effects of Prorogation and Dissolution on Parliamentary Business and the Legislature Amendment Act 1977", The Table: The Journal of the Society of Clerks-at-the-House in Commonwealth Parliaments, XLVI (1978), p.24.
 12. The 1979 Standing Orders Committee recommended amendments to Standing Orders to enable the Statutes Revision Committee to deal with referrals of regulations when the House is "not in session" and to broaden the references for the Local Bills and Public Expenditure Committees. A.J.H.R., I.14 (1973), pp.13-14.
 13. Obtained from the Committee Clerk's record of committee meetings. Figures do not include the odd meeting held after Parliament has risen for the year.
 14. The Public Revenues Act 1953 enables the Government to spend up to one-quarter of the sum appropriated by Parliament in the previous year. As the financial year ends on 31 March governments are not obliged to convene Parliament in order to vote further supply before late June. For details on the historical reasons for the sessional period and comparisons with Britain see: T D H Hall, "Public Administration and Parliamentary Procedure in New Zealand", Journal of Society of Clerks-at-the-Table in Empire Parliaments, X (1941), pp.127-9.

complex.¹⁵ At least four patterns can be discerned during this period, each associated with a particular ministry (Table 5.6).

Five of the nine sessions in the first three Parliaments were without adjournments. The Holland Ministry resorted to two forms: no adjournments (1952 and the election years of 1954 and 1957) or early segments to the sessions (1953, 1955 and 1956) followed by a long break of two months or more and resumption in July or August. During the term of the Labour Ministry 1958-60, the sessions occupied fewer days and there were no adjournments within a session, although it convened a short session in January of 1958, and a second session in June of that year.

The pattern under Holyoake's Ministry for the Parliaments 1961-3 to 1967-9 was for May or June commencements in eight of nine sessions, which were broken by relatively short adjournments. Table 5.6 shows that the frequency of these adjournments increased during these years.

In the following term (1970-2) the Government departed from this pattern by calling Parliament in February or March in two of the years. The Labour Government also opted for February or March starts in all three sessions of the 37th Parliament, and combined long and short adjournments in two of those years.

The Muldoon administration adopted a hybrid pattern for the 38th Parliament consisting of later dates of commencement (May or June), no adjournment in the election year, and only a

15. Parliament was convened in June in every year 1945-51, on 10 occasions between 1951 and 1969 (ignoring special sessions opened by the Queen), and in two years in the 1970s. Since 1959 the few sessions lasting from June to October have been in election years.

TABLE 5.6 Sessional Patterns 1952-1954 to 1976-1978*

Parliament	Years	Total Days Occupied (Average per Session)	Total Days Occupied Excluding Adjournments		Adjournments Within Sessions N	Months of Commencement
			(Average per Session)	(As a % of Total Days Occupied)		
30	1952-54	153	118	78	1	June, April, June
31	1955-57	188	135	72	2	March, April, June
32	1958-60**	126	NA	NA	NA	January, June, June, June
33	1961-63	162	141	87	4	June, June, June
34	1964-66	162	143	88	5	June, May, June
35	1967-69	185	149	80	7	April, June, May
36	1970-72	227	169	74	8	March, February, June
37	1973-75	254	186	73	6	February, February, March
38	1976-78	182	175	96	2	June, May, May

* Three special sessions opened by the Queen in 1954, 1963 and 1977 are not included.

** There were no intra-sessional adjournments in the Parliament 1958-60, but two sessions were convened in 1958. The sitting days for the early session are included in days occupied but not the period between sessions.

single brief adjournment in each of the other two years. In this latter respect the figures for these years differ from other Parliaments because the adjournments were so brief they equalled only 4 per cent of total days occupied.

Utilisation of Time

Blondel's impression, derived from his comparative legislative data, was that "where participation is highest, about a quarter of the members or even fewer do not participate at all".¹⁶ In New Zealand it has usually been the case that all members participate. What appears to be the only published analysis of Hansard, that for the 1893 session, shows that all 73 members present recorded speeches with only seven occupying less than 10 inches of space.¹⁷

The main types of activity allow a variety of opportunities for members to participate: short speeches on the introduction of bills, the more substantial contributions at the second reading stage, question time, main and supplementary estimates, and the set debates.

The full membership of the House not only participates in its proceedings but normally in a range of activities. Kelson observed in the 1950s that:

unlike Great Britain, where there is a tendency for the leaders to make the longer speeches and the members to keep their remarks brief, New Zealand members tend to show little hesitancy in speaking for as long as possible.¹⁸

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16. J Blondel, Comparative Legislatures, (Englewood Cliffs, NJ: Prentice-Hall, 1973), p.71.
 17. Reporting of Debates and Printing Committee, A.J.H.R., I.10 (1893), p.3.
 18. Robert N Kelson, The Private Member of Parliament and the Formation of Public Policy: A New Zealand Case Study (Toronto: University of Toronto Press, 1964), p.73.

In the following decade Harrison commented that:

members seemed to feel it incumbent on them to speak to the maximum of their time limit ... Paradoxically the small size of the House is partly responsible for the circumstances necessitating this limitation. The non-participant is more conspicuous in a small House and the tendency in New Zealand, unlike that in Britain in the House of Commons, where no time limits have been found necessary, is for every Member to speak on every important occasion and to make his speech at least as weighty as every other Member's.¹⁹

The broadcasting of debates is an important inducement for members to be heard to participate for:

it is still the belief of Members that Parliament retains a wide audience and they are often surprised on returning to their electorates at the weekend to be questioned by their constituents about statements they have made in Parliament during the week.²⁰

While the more able and experienced debaters are more likely to speak at peak listening hours "the Whip must do what he can to give all his members a fair share of these hours".²¹

In a typical session all members (the Speaker excepted) may participate both in question time and in debates on bills, and most will contribute to discussions on the Estimates. Nearly all members will speak in both the Address in Reply Debate and the Budget Debate (although exceptions have possibly increased among senior government members anxious to move on to other business, but who usually participate widely in other aspects of the proceedings).²²

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19. R J Harrison, "Organisation and Procedure in the New Zealand Parliament", (unpublished PhD dissertation, Ohio State University, 1964), pp.189-90.
20. H N Dollimore, "Parliamentary Broadcasting in New Zealand", The Table: Journal of the Society of Clerks-at-the-Table in Commonwealth Parliaments, XXXV (1966), p.91.
21. H J L May, "The Role of the Whips", Political Science, 15 (September 1963) p.50.
22. Figures obtained from a record of the then Senior Opposition Whip show that only seven Labour members spoke on fewer than six occasions in the 1962 session on second readings, notices of motion and adjournment debates. Harrison, "Organisation and Procedure", p.377.

Procedural amendments designed to make more effective use of time have taken several forms: limits on debates, limits on speeches, devices to foreclose debates, and the streamlining of procedures for stages in the legislative process or other types of debate. Of the significant changes introduced in the past, the House was still using in the post-war period time limits dating from 1894 and 1929.

Restrictions had been considered by the 1950-1 Committee but it had not been prepared to recommend reductions in time limits on either debates or extensions of time to members' speeches, although it did suggest that set times for debates should be arranged between party leaders. By 1962 it was thought necessary to propose amendments (to be balanced by creating additional opportunities for members to address the House so that there was not an excessive reduction in rights of speech). Major cuts in the length of a range of speeches were made, usually involving a decrease in time of one third. Of significance were the restrictions on the two set debates: the budget address of each member was cut from 60 to 30 minutes and the Address in Reply speeches from 30 to 20 minutes. Extension of members' time limits were not to exceed the original period allotted (unless otherwise granted by the House).²³

The objectives of the 1962 Report in reducing time limits are not entirely clear. If they included a desire to hold the growth in sitting days and hours, it was not successful for both continued to rise in the next Parliament. It would appear that an effort was being made to raise the standard of debate, by

23. A.J.H.R., I.17 (1962), pp.11-12. The restoration of the 30 minute time limit on Address in Reply speeches was rejected by both the 1967 and 1968 reports.

encouraging members to present more cogent speeches in shorter times. Immediate effects of the change, observed by Harrison, were improvements in the quality of debates and reductions in the tedious repetition.²⁴

Subsequent reports have given more emphasis to limiting the time allocated for debates. Two changes introduced in 1967 were designed to reduce time "wasted" on discussion of select committee reports on petitions. In future only petitions which were reported with no recommendation were to be discussed in the House, and the debate was to be limited to one hour.²⁵

In 1967 it was also recommended that discussion of private members' notices of motion be confined to one hour with individual contributions reduced from 15 to 10 minutes in order that two motions could be considered in one day, a greater number of members could participate and more motions could be dealt with in a session. The length of the debate, and the speeches of members other than the mover and next speaker, were halved in 1974.²⁶

The 1972 Committee approached the question of saving time by reviewing the allocation of time to types of business. The number of days for discussing the Main Estimates was fixed at 16. It also proposed the overall control of each stage of debate rather than further reductions in members' individual

24. Harrison, "Organisation and Procedure", p.190.

25. "Parliamentary Time: New Zealand", The Table: the Journal of the Society of Clerks-at-the-Table in Commonwealth Parliaments, XXXVII (1968), p.109; A.J.H.R., I.14 (1967), p.9.

26. A.J.H.R., I.14 (1967), pp.6-7; A.J.H.R., I.14 (1974), p.7.

time, and suggested a Whips Committee which would allocate the time spent on each debate (thereby supplanting the normal time limits) with the details being stated on the order paper.²⁷

According to the 1979 report this arrangement worked until 1974 but had rarely been used since; it extended an invitation for this function to be resumed.²⁸

The distribution of time for the introduction of government bills was considered by several committees in order to simplify the procedures and improve the debates. These reviews led to the fixing of a time-limit of two hours for the debate in 1974 and the reintroduction of specific time-limits for categories of speaker in 1979.²⁹ Third reading debates have also been problematical because of the

tendency for members to stray widely over the subject matter of the Bill, covering the principles of the Bill and matters raised in the Committee of the whole House more comprehensively than is appropriate for a third reading debate.³⁰

By cutting the time limit of members' speeches from 15 to 10 minutes, their length in 1980 became one-third of that which prevailed before the reduction made in 1962.

A number of other alterations have been made to stages in the legislative process in order to streamline the procedures. When select committee reports or bills do not recommend major amendments, the bills are now considered in toto by the Committee of the whole House. The report stage has become a

27. A.J.H.R., I.19 (1972), pp.10-11.

28. A.J.H.R., I.14 (1979), p.14.

29. A.J.H.R., I.14 (1974), p.7; A.J.H.R., I.14 (1979), p.5.

30. A.J.H.R., I.14 (1979), p.8.

formality with the abolition of delay in 1962 and of debate in 1972. The latter change was made because of the overlap between this stage and the third reading.³¹ Other time-saving changes have involved the procedures for considering financial proposals.³²

One other means of saving time has been raised in the discussions of Standing Order Committees, the recording of votes by a facility other than divisions. The 1951 and 1967 Reports rejected proposals for mechanical recording of voting (the latter was influenced by the possible cost of installing the equipment). The Interim Report of the 1978-9 Committee recommended an increase in the period for which division bells ring in order to allow ministers to proceed from their offices in the Beehive to the Chamber, but declined to support the use of an electronic voting method.³³

One respect in which the House has yet to set limits is on the lengths of the set debates on the Address in Reply and the Budget. They deserve more attention because of the time they have occupied in the session.

The Address in Reply debate, as the response to the Governor-General's (or the Queen's) speech at the beginning of each session has two distinctive characteristics. First it provides members with the first opportunity to address the House in the new session. Secondly, the Governor-General's speech on behalf of the Government reviews the domestic and

31. A.J.H.R., I.17 (1962), p.14; A.J.H.R., I.19 (1972), p.10.

32. A.J.H.R., I.14 (1968), pp.8-10.

33. A.J.H.R., I.14A (1979), p.3. In sessions with numerous divisions, it is possible that the equivalent of several days might be saved.

international situation, Government attitudes towards various matters, and foreshadows its intentions to introduce bills as part of the legislative programme. As this speech may range widely, so may members cover any matter in their speeches, whether it pertains to their constituencies, the nation or international questions. The content of their speech may not relate to the speech from the throne, supposedly the rationale for the replies from members.³⁴

There are certain matters common to most speeches. It is usual to pay homage to certain persons - the Governor-General, the Speaker, another member's speech, the initial mover and seconder of the Address in Reply (often new members delivering their maiden speeches in the first session of a new Parliament). Members have not been inclined to heed the advice of the 1967 Standing Orders Committee that:

the traditional repetition of congratulatory references made at the commencement of speeches in this debate tended to eat into the members' time and to become tedious and ... might well be confined to the Leaders.³⁵

More experienced members may structure their contributions by maintaining a theme or returning to debate the virtues or defects of the Government's past actions or proposed policies,

34. In this respect the debate departs from the traditional nature of debate as it occurs in the United Kingdom. The pattern there is for a general debate on the Government's programme to be followed by debates on Opposition amendments to the proposals. Robert Borthwick, "Questions and Debates", in S A Walkland (ed) The House of Commons in the Twentieth Century: Essays by Members of the Study of Parliament Group (Oxford: Clarendon Press, 1979), pp.511-2. It is possible in New Zealand to move an amendment for the addition of words to the proposed address, but this course of action is not always resorted to. H N Dollimore, The Parliament of New Zealand and Parliament House revised ed (Wellington: Government Printer, 1973), p.27; and Harrison "Organisation and Procedure", p.363. The moving of the amendment may encourage members to address themselves to the reasons for the lack of confidence in the Government but does not really affect the free-ranging nature of the debate.

35. A.J.H.R., I.14 (1967), p.6.

but more usually the debate degenerates into a wearying repetition of the same formalities, details about constituencies and multifarious meanderings across policies, issues and other matters.

The debate used to continue over six or seven sitting days,³⁶ but in 1971 and 1973 it ranged respectively over 9 and 11 sitting days in early segments of the session. In 1979 13 days were spent on the Address in Reply debate. Its length has been extended in part by the increase in the size of the House. In some sessions all members present, with the exception of the Speaker, speak at length within their time limits in the debate.

The other set debate is regarded as the main debate of parliamentary session. Following the presentation of the budget address, the second reading on the Appropriation Bill takes place in which each member has the opportunity to speak for 30 minutes. The broad nature of the financial questions and policies raised in the Budget permits members a wide scope in their speeches. It is possible to touch on almost any aspect of the Government's administration, although items on the Estimates cannot be discussed.³⁷ In the 1973 session the Speaker disallowed two motions by the Opposition for the adjournment of the House in order to discuss matters of urgent public importance, because the Budget debate (to be continued on the same days) offered members the opportunities to raise the issues.³⁸

36. H N Dollimore, The Parliament of New Zealand and Parliament House (Wellington: Government Printer, 1973), p.27.

37. N.Z.P.D. 383 (June 26, 1973), pp.1635-6.

38. N.Z.P.D. 383 (June 26, 1973), pp.1631-2; and 384 (July 10, 1973), p.2120.

Amendments may be moved during the debate but unlike amendments which are proposed in the Address in Reply debates, they have the effect of limiting the debate to the provisions of the amendment. Until the motion is resolved by a decision of the House members would be expected to address themselves to it, and then return to the general debate.

The Opposition in 1973 (and also in 1974) chose to move an amendment when about three-quarters of the debate was completed and nearly all Opposition members had spoken. This permitted members who had already contributed to the Budget debate to speak for another 30 minutes on the subject of the amendment. As one Government member noted on the penultimate day of the 1973 debate, the Opposition extended the potential time of the debate from the possible 43 hours or so if the 86 members spoke, to a possible 86 hours. The Speaker reported to the House that 121 speeches were delivered during the debate.³⁹

The debate was normally conducted over two weeks on seven or eight sitting days. In this respect the 1973 debate differed for the bill was finally read a second time after being debated on 18 different days. Of the 86 members in 1973 eligible to speak nearly all chose to do so. In 1979 the Budget debate was continued on 17 sitting days during a five-week period.⁴⁰

Private Members and Scrutiny

Of all the post-war committees on Standing Orders the Algie Committee (1962) gave most attention to the private

39. N.Z.P.D., 384 (July 17, 1973), pp.2350 and 2392.

40. See discussion N.Z.P.D., 425 (September 6, 1979), pp.2798-9.

member. To a considerable extent subsequent reports have modified procedures first introduced then. Its report expresses the desire of the committee "to extend the rights of the private member" because

the gradual extension of State activities and the ever increasing volume and complexity of parliamentary business has made it necessary for more and more time to be taken by the Government for the introduction of its business at the expense of the legitimate claims of the private member.⁴¹

The wide scope of its recommendations covered question time, debate on private members' motions, private members' bills, discussion of papers and adjournment debates. The last two can be dealt with briefly because they were not successful.

The Committee urged the Government to provide more frequent opportunities to discuss parliamentary papers, particularly those published in the Appendices to the Journals. Governments since then have rarely allowed occasions to debate parliamentary papers, and the Committee's wish that greater interest in government departments should be promoted was not fulfilled through this means.⁴²

"One of the most valued rights of private members" in other Commonwealth parliaments was, according to the Algie Committee, the daily half-hour adjournment.⁴³ This opportunity provided a safety valve for members dissatisfied with ministerial replies or wishing to call for the redress of a grievance. A 10 o'clock adjournment debate, a modification of the British practice, was subsequently introduced on Tuesdays and Thursdays.

41. A.J.H.R., I.17 (1962), p.18.

42. ibid., p.10.

43. ibid., p.18.

Notwithstanding the virtues which these occasions had elsewhere, they did not work in the New Zealand context. In the first session of its operation, Harrison observes that deficiencies were already apparent for "in contrast with British practice most of the matters raised are general political rather than local or personal" and the debates were frequently poor.⁴⁴ The 1968 Report observed that the debate had not fulfilled the intentions of the 1962 Committee by being used to discuss questions of local and topical interest; on the basis of a recommendation in its Interim Report these special debates were abolished.⁴⁵

Prior to 1962 questions were delivered orally without being subject to the screening of the Speaker and notice was not given to the minister of their content. Written replies were made available on Supplementary Order Papers on Wednesdays and could be discussed by members following the adjournment of the House. The procedures provided for all questions to be open for debate at the same time. Members were able to speak for five minutes without the option of supplementary questions or the expectation that the minister would respond.⁴⁶ The 1962 Standing Orders Committee concluded that this system was unsatisfactory and recommended a new system modelled on that of the House of Commons.

Under the revised procedures there are four types of questions: questions for oral answer, questions for written

44. Harrison, "Organisation and Procedure", pp.278 and 284.

45. A.J.H.R., I.14 (1967), p.4; A.J.H.R., I.14 (1968), p.5.

46. The pre-1962 question time is discussed in more detail by: Kelson, Private Member, pp.69-70; Harrison, "Organisation and Procedure", pp.252-262; and Neil Dollimore, "Parliamentary Questions", The Parliamentarian, L (July 1969), pp.241-3. See also Robyn Frontin-Rollet, "Questions in the House of Representatives", (unpublished Political Science research paper, Victoria University of Wellington, 1967).

answer, urgent questions and questions addressed to a private member. A daily question period was introduced which was thought:

would increase the accountability of Ministers to Parliament ... and with the introduction of limited supplementary Questions would ensure a much more effective means of seeking information or pressing for Ministerial action in relation to public matters for which Ministers were administratively responsible.⁴⁷

Notice is now given of oral questions which allows ministers to prepare replies and the Speaker to scrutinise their content. The period for question time was set at 30 minutes and they became a regular feature by occurring on most days of the parliamentary session. The system was extended in 1967 to incorporate an element of the former question procedure. Written questions and answers, and such oral and urgent questions as ordered by the House, were transferred to a supplementary order paper and discussed for one hour on alternate Wednesday afternoons.

Supplementary questions from any member are permitted during question time. For the initial months of the new system the number of supplementary questions was approximately equal to the number of questions.⁴⁸ An average of two supplementary questions were asked for each original question in 1970 and a figure of 2.7 supplementaries per question was derived for 1973.⁴⁹ If it can be assumed that these averages prevailed for all question times in those years about 4398 questions were asked in 1970 and about 5554 in 1973.

47. Report, A.J.H.R., I.17 (1962), p.8.

48. Harrison, "Organisation and Procedure", p.266.

49. Based on the first seven question times in each of those years.

Supplementary questions continued to present difficulties as successive committees sought to devise guidelines for the Speaker in an area where discretion rather than rule was thought necessary. The 1967 Standing Orders Committee suggested that three supplementaries should be sufficient for important questions. But as the practice developed of each question being followed by three supplementaries, the 1974 Committee recommended that numerous additional questions should be allowed on a question of major importance in the hope that minor questions would not attract a supplementary.⁵⁰

Because of the interest in asking questions extensions to the time available became common. In both the 1970 and 1971 sessions a motion to this effect was moved on about 40 occasions.⁵¹ The House finally acknowledged the demands on question time by extending the period to 40 minutes in 1974.

Question time has been a success; since 1962 the number of written and oral questions asked in Parliament has increased dramatically. In the first two years of the new system an average of 613 questions was asked. During the term 1975 to 1978 a total of 7690 oral and written questions was asked. For oral questions this represents an increase from 545 in 1962 to a mid-term peak of 1819 in 1977. Increasingly oral questions have had to be transferred for written answers because they could not be asked in question time (they numbered 471 in 1979).

In the use they make of question time members' behaviour varies between those who ask no questions to those who ask more than 100 in a session. It is not always clear what motivates members to participate in question time. The "King of Quiz" has been a "title

50. A.J.H.R., I.14 (1967), p.5; I.19 (1972), p.7; I.14 (1974), p.6.

51. N.Z.P.D., 382 (March 7, 1973), p.543.

unofficially awarded by the press and fellow members to the MP asking the most questions in a session. Mr P Blanchfield was reported as producing eight questions on the last day of Parliament in 1972 in order to win the "title" with 73 questions from his colleague Mr J Hunt with 70. Dr I Shearer claimed a "hat trick" for asking the most questions in three successive sessions including 158 in 1979.⁵²

There is some doubt as to whether the best use is being made of this time. Government backbenchers have made increasing use of their right to ask questions; in fact the most frequent questioners of recent years have been Government MPs. There is a tendency, particularly with supplementary questions, for the period to be used for attacks on and defences of the Government rather than effective scrutiny. A former senior Member of Parliament has criticised question time for providing "a platform for departmental platitudes" rather "than subjecting Ministers to searching scrutiny of their competence and grasp of their job". He attributes this in part to the failure of oppositions "to come to grips with the tactic of supplementary questions" but mainly to restrictions imposed by the Speaker on the relationship of the content of the supplementary to the original answer.⁵³

Following the introduction of a discussion in 1962 of private members' notices of motion a massive increase in the number of motions has occurred. Successive Standing Orders

52. Otago Daily Times, October 23, 1972, p.4; Otago Daily Times, December 18, 1979, p.10.

53. Hon Dr A M Finlay, submission to the 1979 Standing Orders Committee, pp.5-6. The Report of the Publicity Division Committee of Inquiry observed that the "inspired question", "the preparation by departments of Questions and Answers for use in the House is an established practice, both in our Parliament and in the House of Commons". A.J.H.R., I.14 (1969), p.6.

Committees have been exercised by both the form of the debate and the nature of the motions moved. It became necessary to impose restrictions on the debate, a limit of one hour per motion (and a reduction in the length of members' speeches), which had the advantage of allowing discussion of two motions on Wednesdays and 14 (rather than seven) during each session. In 1974 it was recommended that debate on each motion be halved, and the time of members (other than the mover and the next speaker) was cut to five minutes.⁵⁴

The content of the motions has posed a more intractable problem for reviewing committees. Already by 1967 the order paper had "become overloaded with a large number of motions which, though they might have a publicity or propaganda value, could never in fact be reached for discussion".⁵⁵ The 1979 Report reaffirms the importance of the notices of motion as a "vehicle for critical examination by the private member of the actions and decisions of the Executive" and for the opportunity it provides for a short debate, but criticised the content of notices. A set of rules drawn up by the 1974 Committee was amended with respect to the form and content of the notices.⁵⁶ It remains to be seen whether regulation by Standing Orders (rather than self-regulation by MPs) can improve the motions. In the view of many observers the right has been misused; according to one they have become a "grotesque burlesque".⁵⁷

54. A.J.H.R., I.14 (1967), p.6; A.J.H.R., I.14 (1974), p.7.

55. A.J.H.R., I.14 (1967), p.6.

56. A.J.H.R., I.14 (1979), p.15.

57. Hon Dr A M Finlay, submission to the 1979 Standing Orders Committee.

Private members' business is given precedence on Wednesdays and Thursdays until the Government takes precedence for its business. Members have been inclined to use these limited opportunities for continuing the partisan debate (with some notable exceptions in relation to private members' bills). The present arrangement whereby two types of private members' debates - on ministerial replies to questions, and on notices of motion - are held on alternate Wednesday afternoons, was endorsed by the latest Standing Orders Committee. Private members bills have more recently increased in number, and the 1979 Report recommended changes in order to provide for a "concentrated" debate on their introduction.⁵⁸

Prior to 1962 there was no provision for regular parliamentary scrutiny of delegated legislation by select committees, although a special recess committee had been appointed in 1947 to examine the retention of wartime regulations,⁵⁹ and the Goldfields and Mines Committee occasionally reported on mining or petroleum regulations.

In 1962 the House accepted recommendations of a Delegated Legislation Committee, established for the purpose of introducing some form of parliamentary control. Although select committees in the United Kingdom and Australia had been empowered to examine delegated legislation, the committee rejected the necessity for this in New Zealand because of its satisfaction with the staff concerned with the drafting of regulations. The

58. A.J.H.R., I.14 (1979), p.5. Private members' bills are considered in Chapter 6.

59. John E Kersall, Parliamentary Scrutiny of Delegated Legislation (London: Stevens and Sons, 1960), p.68.

Committee acknowledged the desirability of making regulations available for debate and proposed that they should be tabled in the House, and that the Statutes Revision Committee should assume the role of scrutinising delegated legislation referred by the House during the recess.⁶⁰

The extraordinary aspect of these provisions is that virtually no use has been made of them; between 1962 and 1976 this procedure was used on only one occasion.⁶¹ This is not solely a question of laxity on the part of governments for the procedures governing referral of regulations provide possibly the only opportunity for oppositions to formally initiate public business for a select committee. Standing Order 379 requires the Committee to meet if a regulation is referred to it with the support of five members.

Public concern with the growing use of regulations by governments⁶² has created more awareness on the part of members of the need for scrutiny. The Statutes Revision Committee reported to the House on two regulations in both 1977 and 1979. The Road Safety Committee has given some attention to regulations as part of its policy reviews. The role of the Statutes Revision Committee has been enlarged to allow it to initiate its own inquiries,⁶³ and already in 1980 the Committee has reported twice.

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60. The Report failed to note that by convention the Statutory Instruments Committee of the House of Commons in the United Kingdom has an Opposition member as Chairman. Harrison, "Organisation and Procedure", p.305.
61. In the meantime the successor to Goldfields and Mines, the Labour and Mining Committee, continued to receive regulations for consideration, but at a rate of less than one per session.
62. For details about the use of regulations in New Zealand see Palmer, Unbridled Power, Chapter 8.
63. A.J.H.R., I.14 (1979), p.13. The Prime Minister recently observed that "a conscious effort has been made this year by the Attorney-General to remove the dead wood among regulations". N.Z.P.D., 428 (December 14, 1979), p.4837.

The procedure for discussing the Estimates has regularly been the subject of reviews by Standing Orders Committees. Apart from giving the Government the right to take precedence for the Estimates twice a week, the main changes have been directed towards improving the debate by fixing the number of days allocated for this purpose and expanding its scope. The 1967 Standing Orders Committee noted the differences between the House of Commons and the House of Representatives. In the former House members were permitted to discuss matters of policy and a fixed period was allotted for the discussion (although not all classes of Estimates could be discussed within the allotted time). The Committee favoured continuing the New Zealand practices of allowing every class of Estimate to be discussed and excluding policy matters with the exception of references to the annual reports of government departments where relevant.⁶⁴

The subsequent Standing Orders Committee adopted the procedures its predecessor had rejected. Sixteen days were allotted for discussion of the Main Estimates and the Opposition was given the right to choose the classes of Estimates it wished to discuss; those classes not covered in the debate were to be passed at the end of the allotted time. The Committee also recommended that members should be permitted to discuss policy during the Estimates debate.⁶⁵

This latter change has, according to the 1979 Standing Orders Committee, transformed the debate:

64. A.J.H.R., I.14 (1967), p.7.

65. A.J.H.R., I.19 (1972), p.11.

It was thought at the time that this was a relatively minor change which would enable Committees of the whole House to carry out their examination of the Estimates without continual interruptions for points of order on the scope of the debate, but the effect of the change has been more marked. It has changed the whole character of the Estimates debate from an examination of items of expenditure to a general discussion, ranging from items of detail to broad policy.⁶⁶

The Committee declined to revert to the more restricted debate because it would reintroduce disputes on points of order. In proposing the continuance of the present procedures (apart from confirming the right of the Opposition to terminate the debate on each vote) it exhorted members to give proper attention to expenditure and departmental work.

Conclusions

The main emphasis of the procedural changes reviewed in this chapter has been on adjustments to parliamentary time. The growth in the business of the House, particularly legislation, has been at a faster rate than could be accommodated by streamlining measures. For this reason the length of the session will continue to expand and the extra-session work of members will increase.

A number of reforms had unintended consequences largely because members are primarily concerned with debating differences between the Government and the Opposition. Items of business (such as parliamentary papers or regulations) which have not provided means of continuing this debate, have been ignored. Private members' time has been utilised for party strategies

66. A.J.H.R., I.14 (1979), p.10. Cf also N.Z.P.D., 421 (October 6, 1978), p.4285.

in the House. The detailed scrutiny of Estimates votes becomes an occasion for debating policy.

One major effect of developments in parliamentary business in the post-war period can be seen in Table 5.7. Between 1956-7 and 1976-7 Parliament's time, in percentage terms, has been re-distributed from some types of business to others. It would appear that the absolute time devoted to some forms of business has not changed much. The extra time available in the longer sessions of recent Parliaments has been taken by the growth areas.

The most significant trend has been the rise in the amount of time spent on legislation from 27 per cent (1956-7) to 45 per cent (1976-7). The time limits on members' contributions to the two fixed debates have contributed to the declining proportion of the category "general government policy" as the length of the session has expanded. According to Palmer's classification, the time spent on questions and answers doubled, and, after legislation, was the most important business of the House. With the fixing of a time limit on the days allotted to Estimates, the expenditure category has fallen between 1966-7 and 1976-7.

The figures for private members' bills are probably atypical for the last two Parliaments.⁶⁷ Palmer notes that preliminary figures for 1978 indicate "a reduction in the amount of time spent on legislation, but a corresponding increase in time devoted to private members' bills".⁶⁸

67. See Chapter 6.

68. Palmer, Unbridled Power, p.47.

TABLE 5.7 Parliamentary Time Spent on Categories of Business According to Space in New Zealand Parliamentary Debates

	<u>Percentage of Space</u>		
	<u>1956-7</u>	<u>1966-7</u>	<u>1976-7</u>
Legislation	27.1	34.0	44.6
Questions and Answers*	10.0	15.9	19.6
General Government Policy	41.4	24.2	19.1
Expenditure	9.3	11.7	6.8
Notices of Motion	2.4	6.1	4.1
Private Members' Bills	4.4	2.9	1.9
Select Committee Reports**	4.0	3.4	0.8
Miscellaneous	1.4	1.8	3.1
	<u>100.0</u>	<u>100.0</u>	<u>100.0</u>

* Excludes those dealt with by written reply

** Excludes those dealing with legislation

Source: Palmer, Unbridled Power, Table 2.

There is every reason to assume that the trends discussed so far will continue. In the first session of the 39th Parliament (1979), the House recorded the largest number of meeting days (113) of any first session in the post-war period. New records for questions and notices of motion should be established for already in 1979 3381 oral and written questions have been asked and members have moved 780 notices of motion. The highest number of petitions since 1970 was presented during the year (although this may reflect the nine-yearly peak previously noted). Somewhat fewer government bills were introduced and passed than in 1976 but with the relatively high number of local and private bills, a record number of bills was before the House in 1979 for a first session in the post-war period.

The length of the session is unexceptional in itself, but when placed in relation to the size of the legislature it assumes a special significance. This can be shown by relating the number of members to the hours of the session in comparison with other legislatures. It would seem apparent from the length of sessions in post-war Parliaments, that between 400 and 650 hours would allow members a reasonable opportunity to take part in the proceedings.

The extent to which these opportunities exist in New Zealand was first suggested by a comparative survey of 24 legislatures which calculated the amount of time per member. Countries with the British parliamentary system formed the group with the highest amount of time per member. Jamaica and New Zealand were distinguished within this group as the two which gave more than four hours per member. New Zealand's

position at the top of the list was more exceptional because the figure which the average member would have at his disposal if the total time of the House was evenly divided, amounted to almost seven hours.⁶⁹

The more recent details shown in Table 5.8 show that New Zealand is still well ahead of the field. The legislatures based on the British parliamentary system have longer sessions in relation to the number of members than do the other assemblies. The rank order for sessional time in the parliamentary system conforms with that for their relative sizes, with the New Zealand session (using Herman's figures in Table 5.8) equalling 82 per cent of the Australian, 62 per cent of the Canadian and 38 per cent of the British legislatures. The average time per member exceeds that for Australian MPs by 1.1 hours, Canadian MPs by 3.3 hours and British MPs by 4.4 hours. Notwithstanding the increase in the number of members to 87 in the New Zealand Parliament the total session time averaged per member was still close to seven hours.⁷⁰

The most conspicuous failure in relation to the utilisation of time has been in the management of the flow of business during the parliamentary session. The sessional pattern is first for the Address in Reply debate and then the Budget debate to be disposed of, leaving the remainder of the year largely for the Government's legislative programme.

69. J Blondel, Comparative Legislatures, p.59. About half the total time in parliamentary systems appears to be taken by ministers (p.70).

70. The figure for New Zealand in the Table appears to be the average for the years 1969-1973 and therefore includes two election year sessions, traditionally the shortest in the parliamentary cycle. The average length of the sessions for the 1970-72 term was 608 hours and for the 1973-75 term was 652 hours or per capita averages for members respectively of 7.25 and 7.5 hours. Cf also the post-war figures in Table 5.4.

TABLE 5.8 Time Per Member in Selected Legislatures

	Number of Members	Length of Session (Hours) *	Time per Member (Hours) *
Australia	127	720	5.7
Belgium	212	307	1.4
Canada	264	942	3.6
Denmark	179	300	1.7
Finland	200	307	1.5
France	490	510	1.0
Germany	518	313	0.6
Israel	120	425	3.5
New Zealand	87	588	6.8
Sweden	350	504	1.4
United Kingdom	635	1528	2.4
United States	435	766	1.8

* Based on average number of hours of meetings in each of last five years as at September 1, 1974.

Source: Membership and length of session, derived from Parliaments of the World: A Reference Compendium, prepared by Valentine Herman for the Inter-Parliamentary Union, (London: MacMillan, 1976), Tables 1 and 24.

Considerable emphasis is placed in parliamentary politics on making things difficult for opponents. Governments withhold information about their plans for parliamentary business and introduce bills at short notice. With scant resources, the minority party must employ tactics designed to delay a bill or to spring a debate on the Government. The poor relationship between the party leaders during the last six years has not encouraged co-operation. While the planning of governments can be upset by oppositions' utilisation of their rights to oppose, governments have not been committed to the proper management of sessions. As Jackson observes:

The real difficulty is that it may suit a government to let Parliament fritter away time in the early stages of the session and then have less time to attack controversial legislation later on. It is not that governments cannot plan parliamentary timetables, better, it is that it does not suit them to do so.⁷¹

The end-of-session rush continues to be a feature of most parliamentary years. The Government pushes through its legislation by taking urgency and extending the sitting hours after 10.30 pm. While hours sat after midnight have normally fluctuated between sessions, the last six have all recorded consistently high figures. Late sittings are particularly apparent in the closing days of sessions.

It is too soon to evaluate the effects of one positive step undertaken by the National Government: the assignment of the role of Leader of the House to a member other than the Prime Minister.

71. Keith Jackson, *New Zealand: Politics of Change* (Wellington: Reed Education, 1973), p.130. Recent examples of such legislation include the Contraception, Sterilisation and Abortion Bill 1977 and the National Development Bill, 1979.

The parliamentary parties now diverge markedly in their views as to the form the session should take. The National Government has reverted to what the Prime Minister calls the traditional arrangements in which select committees are able to meet and ministers and departments prepare legislation in the first part of the year. He argues that inter-party arrangements, such as limited-time debates, would produce improvements in the schedule of work.⁷² The Labour Party favours a "balanced session" as the first step towards an improvement in the transaction of business, which involves the House sitting on three days in a week for three weeks in a month and nine or 10 months of the year.⁷³

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72. N.Z.P.D., 428 (December 13, 1979), p.4813 and 428 (December 14, 1979), p.4838. The views of a National MP who supports changes to the type of parliamentary session favoured by her party are expressed in: Marilyn Waring, "Revitalisation of Cabinet, Parliament and Parties" in J Stephen Hoadley (ed) Improving New Zealand's Democracy (Auckland: New Zealand Foundation for Peace Studies, 1979), pp.52-3.
73. N.Z.P.D., 428 (December 14, 1979), p.4839. See also 428 (December 13, 1979), pp.4811 and 4821.

Chapter 6

LEGISLATION

The government's domination of the legislative process has been an established fact since the grip of the political parties on the proceedings of the House was strengthened earlier this century. While it can be held that the legislative function today departs from traditional conceptions of this role, legislation remains central to the work of the House. Parliament continues to provide a medium for publicly testing government legislative proposals. For these reasons the legislative process warrants more attention than it has hitherto received from political scientists.

Several opportunities exist for Opposition MPs (and Government backbenchers), either in select committees or in the House, to scrutinise legislation, but there are difficulties in determining the extent to which their behaviour influences outcomes during the legislative process. The contributions of backbenchers in select committees may directly lead to the amendment of legislation or their actions in debates may indirectly produce amendments to a bill at a later date. It is difficult to evaluate systematically the relative roles of Government and Opposition (and other participants) in the proceedings of meetings whose deliberations are private or not recorded in detail (although this information can frequently be obtained for particular bills through the case study approach to the

legislative process).¹ Three dimensions of the legislative process which are amenable to systematic analysis are the initiation, modification and the passage of public bills.

Public bills may be introduced by the Government and private members. The frequency with which private members have sought to initiate legislation forms the first part of the chapter.

Secondly, it is possible to consider the Opposition's role in relation to each bill by measuring the extent to which it seeks to amend Government measures. These actions are unequivocal; they are recorded in the parliamentary records. The central part of this chapter examines the pattern of Government and Opposition behaviour towards public bills in the Committee of the whole House. Because of the size of the task it was necessary to limit the analysis to two Parliaments. The six sessions of the 1970-2 and 1973-5 Parliaments were chosen because both parties had the roles of Government and Opposition during those terms. In the first Parliament the National Government was in its final term of a continuous tenure in power since 1960, while the Labour party had become the "institutionalised" Opposition. The 37th Parliament had a new Government and Opposition, which offered the possibility of variations in behaviour from their predecessors. From the pattern of responses of the two Opposition parties to Government bills, it is possible to

1. Frank Wiley has studied the relationship between evidence presented to 10 committees and the amendments which resulted: "Legislative Select Committees", *Political Science*, 21 (December, 1969), pp.3-17. See also Margaret Lee, "The Human Rights Commission - A Case Study in Legislative Influence", (unpublished research paper for Administrative Law, LL.M, Victoria University of Wellington, 1978).

assess their roles in relation to the modification of legislative outcomes, and to comment on the nature of the legislation introduced for consideration in the House.

While the minority party may not be able to prevent the passage of a bill, it is possible for parliamentary and public opposition to force a Government to drop or postpone a legislative proposal. Alternatively, the Government may have second thoughts about a bill following its introduction. The analysis is concluded by reviewing the fate of legislation introduced by the Government.

Initiation of Legislation

The initiatives of private members in introducing legislation, which had been so prominent earlier in the history of the House, had dwindled in frequency prior to the post-war period. Governments' control of the legislative process and their unwillingness to allow these bills to progress, acted as a disincentive to backbenchers.

Time has continued to be allocated to private members by the Standing Orders of the House but the extent to which this is utilised depends on the three factors. The Government may choose to appropriate private members' time with the leave of the House. The leadership of the Opposition may prefer to occupy this time with other types of business. A third factor is the interest of private members in promoting bills. Kelson's analysis of private members' days from 1950 to 1956 shows that of the 33.5 days available most of the time was either taken by the Government or used for questions :

and special debates; only 3.75 days were used for debates on private members' bills and they were confined to three of the seven years. Much of this time available to private members was lost because they did not have bills on the order paper.²

In the 30th and 31st Parliaments 10 and 11 private members' bills respectively were introduced (Table 6.1). But for the actions of Mason, who was responsible for eight bills during the 30th Parliament, the Opposition members would not have made use of this mechanism (and six of his bills introduced between 1951 and 1956 were on the subject of Decimal Coinage). A Government MP, Duncan Rae, reintroduced his Historic Places Trust Bill of 1952 in 1953 and Anderton's Crimes Amendment Bill of 1955 reappeared in 1956.

Between 1958 and 1963 the private members' bill seemed to be on the verge of disappearing for only seven were introduced. A revival of interest has occurred since and their number has increased up to the 39th Parliament (although the figures include several which were introduced in more than one session).³ It is also apparent that Government backbenchers have made more use of their opportunities to introduce bills; new members from the Government parties contributed eight of the 12 bills in the 38th Parliament, and all six in the sessions 1976-78.

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2. Robert N Kelson, The Private Member of Parliament and the Formation of Public Policy, (Toronto: University of Toronto Press, 1964), pp.64-7.
 3. Most notably, Mr MacDonnell's Clean Air Bill.

TABLE 6.1 Public Bills Introduced 1951-54 to 1976-78

Parliament	Years	Government Bills ^a	Private Members' Bills		Total	Public Bills
			Government Members	Opposition Members		
30	1951-54	390	2	8	10	400
31	1955-57	248	-	11	11	259
32	1958-60	236	-	4	4	240
33	1961-63	303	-	3	3	306
34	1964-66	272	-	16	16	288
35	1967-69	287	5	16	21	308
36	1970-72	272	2	32	34	306
37	1973-75	273	12	35	47	320
38	1976-78	327	6	19 ^b	25	352

a. Excludes bills derived from Statute Amendment Bills 1955-7 to 1976-8 and other bills derived by the same process for 1973-5 to 1976-8.

b. Includes three introduced by the Social Credit MP.

Source: Journals of the House of Representatives

Opposition parties are making more use of private members' bills as a means of debating policy differences to the Government. Such "Opposition" measures are not new to the House; the Labour party made use of them prior to 1935, and in 1964 and 1965 reverted to this earlier practice by promoting bills which "were integrated into a party campaign rather than remaining as genuine individual initiatives".⁴ That fewer private members' bills are recorded for the 38th Parliament is partly because two in 1976, and five in 1978, were not formally introduced (although a debate occurred in several cases on whether they should be introduced). The Government refused to support their introduction on the grounds that it opposed their content. The subjects of the bills covered such matters as Foreign Travel Tax Repeal (1976), Nuclear Free Zone (1976), Election and Polls (1978), General Wage Order Amendment (1978) and Voting Rights Amendment (1978).

Private members' bills have become more common and been assigned a more prominent place in the business of the House. They may be referred to select committees and receive a second reading debate. In view of the time taken by debates on motions to introduce private members' bills, revisions to the Standing Orders were introduced in 1979 to limit the debate on the introduction to two hours.

A limited number of private members' bills on uncontentious subjects have influenced Governments. The link between a private member's actions and legislation subsequently introduced by the Government is not always clear for the latter may

4. Austin Mitchell, Government by Party: Parliament and Politics in New Zealand (Christchurch: Whitcombe & Tombs, 1966), p.65.

not give full recognition to the background reasons, while the former may introduce a bill in anticipation of Government legislation. Rae's Historical Places Trust Bill is a good example of a bill which caused the Government to produce legislation. More recent examples of private members' initiatives which were acknowledged to have had some effect by ministers were Mr Downie's Door to Door Sales Amendment Bill 1973 and Dr Bassett's Motor Vehicle Dealers Amendment Bill 1973. Mr East's Criminal Justice Amendment Bill of 1979 was discharged but then incorporated as a clause in Government legislation. It is rare for a Government to adopt a private member's bill as its own legislation, but a recent case has occurred: Mr McLay's Evidence Amendment Bill introduced in 1976 was passed the following year by the Government. In each of these cases the member belonged to the majority party.

Only two private members' bills have been enacted in the last 40 years, and both were exceptional. The Property Law Amendment Bill was introduced by Mason in 1950, referred to the Statutes Revision Committee, and then passed in 1951 with the support of the Government. It was described as a technical legal bill concerned with the machinery of government and having as a main purpose the restatement of the law contained in two acts so as to make them more accessible and comprehensible.⁵ The second successful bill, Dr Wall's Hospitals Amendment Bill of 1975, was on a question of conscience; while it was not adopted by the Government, it was allowed to proceed through the legislative process. The procedural problems which arose from "a situation almost

5. N.Z.P.D., 296 (December 6, 1951), p.14.

unique in our history, in that a private member's bill is receiving the serious attention of the committee with a view to its ultimate passage into law",⁶ make it unlikely that this will occur again on such an issue.

Notwithstanding the increase in the number of private bills in recent Parliaments, the introduction of legislation continues to be predominantly a Government role. In most Parliaments the initiation of legislation which can be expected to pass through the House is an exclusive function of the Government.

Modification of Legislation

Procedures for Amending Legislation

The provisions for proposing amendments during the plenary stages of the legislative process vary between parliaments based on the British model. In Australia members are able to propose amendments at any stage during the passage of legislation. In the House of Commons (and also the Canadian Parliament), members may propose amendments on the details of government bills during the report stage, and amendments to defeat bills during the second and third readings. New Zealand appears to have more restrictive provisions governing amendments for they can only be moved at the committee stage of the proceedings in the House.⁷

The differences between the House of Commons and the House of Representatives derive in part from different pro-

6. N.Z.P.D., 397 (May 1, 1975), p.1082.

7. Details of other legislatures come from Herman, Parliaments of the World, (London: MacMillan, 1976), Table 52.

cedures adopted for bills in the middle stages of the legislative process. In the House of Commons public bills are committed to a standing committee unless the House decides otherwise (in which case it is committed to a committee of the whole House, a select committee or a joint committee of the House and the Lords). At the report stage bills that were amended in the committee of the whole House, and bills from standing committees, regardless of whether they were amended or not, may be the subject of debate, although there are procedural differences between the stages. In the first case it is felt that if the opportunity to amend the bill was not taken in the Committee of the whole House, it is unnecessary for the House to reconsider the bill at the report stage. In the latter case, the report stage gives members who were not a party to the proceedings of a standing committee the opportunity of participating in the debate, and all members have the chance to reconsider the bill and to move amendments.⁸ A significant difference between the stages underlies the amendments moved. A far greater proportion of amendments proposed at the report stage come from the Government. According to Griffith, a broad distinction is that "In committee the Government is very much on the defensive, countering arguments, giving explanations, sometimes meeting points. On report the Government puts forward its proposals for change".⁹

In the New Zealand House of Representatives there is only one stage in the legislative process during which substantive amendments may be proposed to public bills. In the

8. J A G Griffith, Parliamentary Scrutiny of Government Bills (London: George Allen & Unwin, 1974), pp.31 and 145-7.

9. Griffith, Parliamentary Scrutiny, p.146.

second reading the question put is "That this Bill be now read a second time" and amendments must relate to this motion, such as the omission of "now" and the addition of "this day 3 months" or another specified time. Any other amendment must be "strictly relevant to the Bill".¹⁰ Prior to 1972 members could propose and discuss amendments at the report stage but the current Standing Orders now specifically preclude amendments or debate on the motion that the report be adopted.¹¹ The Standing Orders covering amendments at the Third Reading are similar to those of the Second and are determined by the question under consideration: "That the Bill be now read a third time". This question may only be amended by the omission of the word "now" and the addition of a specified time such as "this day 6 months". At this point the bill can still be recommitted, amendments of a verbal or formal nature can be made, and clerical or graphical errors can be corrected by the Chairman of Committees.¹² The Government has one final opportunity to amend the Bill before it receives the Royal Assent. A Governor-General's message can be sent to the House in order to obtain its agreement to the amendments before the Bill is "printed fair".

Bills may be referred to select committees but they cannot amend them or delay their passage by failing to report. The powers of committees are limited to reporting their opinions to

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10. Standing Orders 226, 227 and 228. An exception exists for the Imprest Supply Bill and the Main Appropriation Bill which provides that amendments relating to public affairs may be moved to the question for the second reading.
 11. Standing Order 245. In any case the report on a Bill to the House was normally taken following its delivery to the House. According to R J Harrison the "future day" provision was not used in 1960: "Organisation and Procedure in the New Zealand Parliament", (unpublished PhD dissertation, Ohio State University, 1964), p.226.
 12. Standing Orders 247, 248, 250 and 253. The last Appropriation Bill of the session is excepted as stated in footnote 10.

the House which may include instructions to the Chairman to move in accordance with their report. The amendments that they bring forward for consideration in the Committee of the whole House are grouped (although they may be taken separately if the consent of the House is not given for their incorporation into a bill). Moreover, select committees have received less than half of the bills introduced: 41 per cent between 1970-72 and 48 per cent during the 37th Parliament (Table 6.2).¹³ Smaller proportions of bills were reported on to the House, and fewer still were passed.

In effect, it is only in the Committee of the Whole that amendments may be formally made to a Bill. There is no record kept of the discussion that takes place during the proceedings of the Committee of the Whole, but the amendments moved plus the proposer and the outcome, are recorded in the Parliamentary Debates and the Journals of the House of Representatives. All bills are committed to a Committee of the Whole after they have been read a second time or following the report of a select committee. Any clause may be altered in the Committee provided the amendment is relevant to the subject matter of the bill. According to Harrison, "within this limit of relevancy they may extend the scope of the Bill, even, if it is auxiliary legislation, amending the main Act".¹⁴

Amendments to Government Bills: 1970-1975

There are three forms amendments can take; they may propose omitting certain words, omitting certain words in

13. See Chapter 7 for developments since then.

14. Harrison, "Organisation and Procedure", p.221.

TABLE 6.2 Government Bills Referred to Select Committees and their Outcome : 1970-1975

	Bills Introduced ^a	Bills Referred to Select Committees ^a		Bills Reported on ^b		Bills Passed	
		N	% ^c	N	% ^c	N	% ^c
1970	97	38	39.2	28	28.9	26	26.8
1971	108	46	42.6	38	35.2	36	33.3
1972	81	33	40.7	25	30.9	24	29.6
Average for 36th Parliament			40.9		31.8		30.1
1973	100	52	52.0	41	41.0	28	28.0
1974	114	47	41.2	31	27.2	28	24.6
1975	106	53	50.0	34	32.1	32	30.2
Average for 37th Parliament			47.5		33.1		27.5

- a. Includes bills carried over from previous sessions. Excludes private members' bills and the bills derived from Statute Amendment Bills.
- b. Bills not reported on were held over to the next session or lapsed.
- c. Percentages of bills introduced.

Source: Journals of the House of Representatives

order to insert or add others, or inserting or adding words.¹⁵ Providing the amendments fulfil the conditions prescribed in the Standing Orders as to form and relevancy, are made in writing (unless the Chairman agrees that they are "simple amendments or amendments of established formula"¹⁶), and are seconded there appears to be no restrictions upon the moving of amendments.

An amendment proposal in the Committee of the Whole reaches a resolution in one of several ways. The amendment may be withdrawn by the mover with the leave of the House. The Chairman of Committees may rule an amendment out of order, more usually on the grounds that it involves an appropriation. Other reasons for ruling out of order a proposed amendment include that it was: not competent for such an amendment to be moved in a Committee of the Whole; outside the power of the Committee; in conflict with the provisions of the bill; or simply in the words of the Chairman, "irregular", "trifling", "impractical", "vexatious", "redundant" or "frivolous". Otherwise the question is put, usually in the form "that the amendment be agreed to",¹⁷ and is resolved in the affirmative or the negative by a voice vote, or by a division if the minority does not agree with the Chairman's opinion of the outcome.

Amendments moved in the Committee of the Whole on public bills can be distinguished according to whether they are moved as a group or individually. Most grouped amendments are

15. Standing Order 124.

16. Standing Order 125.

17. Standing Order 132.

incorporated into a bill without being moved by a member, and without discussion of the amendments together or separately.¹⁸ A statement is recorded that: "With the unanimous consent of the Committee the amendments made by the [select committee concerned] were read into and deemed part of the bill". No further information is recorded in the Journals or Parliamentary Debates about the details of the amendments agreed upon by members in a select committee. If the recommendations of a select committee are not unanimously accepted by the Committee, they may be accepted with exceptions noted, or they may be formally taken separately by the reading of the clause number but not the amendment itself.

Occasionally the Committee unanimously consented to amendments contained in a Supplementary Order Paper. In the few cases where Supplementary Order Papers contained amendments proposed by ministers, they were changes that did not warrant separate discussion in the Committee of the Whole. In the six years between 1970 and 1975, groups of amendments were accepted by the House on respectively 21, 30, 27, 20, 36 and 29 occasions.

A perennial case which falls into this category is the Statutes Amendment Bill. This annual "washing-up" bill, which has been described as "a unique New Zealand institution",¹⁹ consists of clauses which are subdivided during the committee

18. A procedure adopted in 1972 authorises the Chairman to take a bill in toto instead of by individual clauses if, after consideration by a select committee, it has been reported back to the House without major amendment, and no member objects to the procedure.

19. Geoffrey Palmer, Unbridled Power: An Interpretation of New Zealand's Constitution and Government (Wellington: Oxford University Press, 1979), p.89; H N Dollimore "New Zealand 'Washing-Up' Bills", The Table: Journal of the Society of Clerks-at-the-Table in Commonwealth Parliaments, XXXVII (1968), pp.27-9.

stage into numerous separate bills. The resultant bills must amend statutes, be non-controversial and contain only two-clause amendments. Should any member have an objection of substance to a clause, it will be deleted at the committee stage.²⁰ The six Statute Amendment Bills for the sessions between 1970 and 1975 produced an average of 62 bills. The relative unimportance of this legislation can be gauged by the amount of time devoted to the bill by select committees in 1979. The Statutes Revision Committee spent one and a half hours on it while the Lands and Agriculture Committee disposed of it in 15 minutes.²¹

The bill is annually the subject of two or three amendments, one of which is procedural (and divides the Bill into numerous other bills). The other two propose grouped amendments, the second of which introduces new clauses (but is not moved in every year). They are moved by the Minister of Justice and unanimously accepted by the Committee of the Whole. In 1974, a similar procedure was adopted for the Finance Bill No 2.

The discussion about amendments at the Committee stage will relate to the amendments that are moved separately for it is here that the bare details are recorded about the proceedings of the Committee of the Whole.

A total of 366 amendments were proposed on public bills in the Committee of the Whole by members during the 36th Parliament, and 605 during the 37th Parliament. The fate of

20. N.Z.P.D., 380 (September 13, 1972), p.2547; N.Z.P.D., 388 (November 20, 1973), p.5231.

21. N.Z.P.D., 428 (December 14, 1979), p.4868-9. See also Palmer's discussion in Unbridled Power, pp.89-91.

amendments moved in the Committee for the 36th and 37th Parliaments are shown in Table 6.3. Only one amendment was withdrawn during the first three years, and eight in the second Parliament. About 9 per cent of amendments were ruled out of order in both Parliaments by the Chairmen of Committees, the proportion rising in 1970 and 1974. A slightly larger percentage (12 per cent of amendments) were negatived by the House in the 36th Parliament and more than double that proportion in the following Parliament. Most outcomes were settled by a voice vote. Divisions were more common in 1970 when the House divided on 29 occasions (although they were mainly confined to a few bills), and in 1974 when 73 divisions occurred.

Most amendments were agreed to: 80 per cent for the 36th Parliament and 65 per cent in the 37th Parliament.²² The Opposition won a division in the 1970 session by a majority of one on the Trustee Savings Bank Bill when by chance government members were absent. This amendment was later recommitted by the Government and negatived with its majority on another division. The lower proportion of successful amendments in the second term under consideration reflects the greater number of Opposition amendments.

The movers of the amendments are distinguished according to whether they are ministers, Government private members or Opposition members. The extent to which they proposed amendments is shown in Table 6.4. During both terms of Parliament,

22. The grouped amendments based on recommendations either of select committees or ministers in Supplementary Order Papers, would if included, increase the proportion of amendments agreed to in Table 6.3.

TABLE 6.3 Amendments Moved in the Committee
of the Whole House

36th Parliament

Amendments	1970		1971		1972		Total	
	N	%	N	%	N	%	N	%
Agreed to	90	71.4	163	84.9	39	81.3	292	79.8
Withdrawn	-	-	1	.5	-	-	1	.3
Ruled out	21	16.7	9	4.7	1	2.1	31	8.5
Negatived	15	11.9	19	9.9	8	16.7	42	11.5
Amendments moved	126	100.0	192	100.0	48	100.0	366	100.0

37th Parliament

Amendments	1973		1974		1975		Total	
	N	%	N	%	N	%	N	%
Agreed to	134	83.8	147	54.2	110	63.2	391	64.6
Withdrawn	-	-	2	.7	6*	3.4	8	1.3
Ruled out	10	6.3	35	12.9	8	4.6	53	8.8
Negatived	16	10.0	87	32.1	50	28.7	153	25.3
Amendments moved	160	100.0	271	100.0	174	100.0	605	100.0

* Includes two which lapsed.

Source: Journals of the House of Representatives

most of the amendments were moved by ministers (78 per cent in the 36th Parliament and 61 per cent in the 37th Parliament). Government backbenchers (or ministers acting as private members) proposed only 12 amendments in the six years. Eight of these amendments were moved on "free vote" bills. Of the remaining four Mr O'Flynn has the distinction of moving three, all successful. Opposition members moved 77 amendments (21 per cent of the total amendments) in the 36th Parliament and 226 (37 per cent) in the 37th Parliament.

The outcome of amendments moved by members of Parliament is also shown in Table 6.4. All ministerial amendments were approved by the Committee of the Whole. Half of the amendments moved by private members on the Government side were successful including four by Labour backbenchers on Government bills in the 1973, 1974 and 1975 sessions. Approximately the same proportion of amendments proposed by Opposition members were successful in both Parliaments (7 per cent). But amendments moved by Opposition members as a proportion of total amendments passed was double in 1973-75 (4 per cent) the percentage for 1970-72 (2 per cent). Four of the 21 successful Opposition amendments (plus two by Government MPs) during the six sessions were in "free vote" contexts; in the other cases the Government accepted the proposals of Opposition members. Amendments moved by Opposition members accounted for nearly all those listed in Table 6.3 that were not agreed to; they were usually negatived, sometimes ruled out by the Chairman, and occasionally withdrawn.

TABLE 6.4 Amendments Agreed to in the Committee of the Whole House

	1970		1971		1972		Total	
	Moved to	% Agreed to	Moved to	% Agreed to	Moved to	% Agreed to	Moved to	% Agreed to
<u>36th Parliament</u>								
Minister	90	100.0	159	100.0	38	100.0	287	100.0
Government Member	-	-	2	-	-	-	2	-
Opposition Member	36	-	31	12.9	10	20.0	77	6.5
Total	126	71.4	192	84.9	48	81.3	366	79.8
<u>37th Parliament</u>								
Minister	131	100.0	135	100.0	103	100.0	369	100.0
Government Member	1	100.0	2	100.0	7	42.9	10	60.0
Opposition Member	28	7.1	134	7.5	64	6.3	226	7.1
Total	160	83.8	271	50.6	173	63.2	605	64.6

a. An Opposition amendment, passed by chance on a division but later negatived, has been included once according to the eventual outcome.

b. In one case the Journal and Hansard differ, but the authority of the former has been accepted.

Source: Journals of the House of Representatives

Amendments varied considerably in their length and significance. They ranged in substance from minor changes in the wording of bills (sometimes involving only a single word) to the addition of lengthy clauses. The few successful amendments proposed by Opposition members (other than those on free vote bills) included: the insertion of the words "to Her Majesty", the substitution of "greater" for "other", and the substitution of the expression "2 months" for "6 months". One Opposition member did succeed in having a clause dropped from the Statutes Amendment Bill 1973 under the convention which obliges a minister to withdraw any clause to which a member has an objection of substance.²³

During the two Parliaments a total of 258 bills were amended during the Committee stage in the House. Amended bills formed 48 per cent of bills passed in the 36th Parliament and 56 per cent of bills passed in the succeeding Parliament.²⁴

The Opposition's Role

It is extremely difficult, without an exhaustive study of the details of each amendment in relation to its context, to determine the impact of the process on the legislation. It is however possible to comment indirectly upon the nature of legislation introduced into the House by examining the behaviour of members in New Zealand in comparison with other countries. There are obvious difficulties in making comparisons between

23. N.Z.P.D., 388 (November 20, 1973), p.5234.

24. These calculations include the six Statutes Amendment Bills and the 370 bills into which they were subdivided.

the activities of legislatures. The size and importance of bills may vary considerably. Nevertheless a number of studies have found it profitable to draw comparisons by replicating the approach used here.²⁵

With respect to clauses in Government bills, New Zealand has the second highest average of the six countries with a figure comparable to that for the United Kingdom (Table 6.5). Opposition MPs in New Zealand are more successful in achieving acceptance of their amendments than three of the five countries including the United Kingdom.²⁶

Two sets of figures are presented for bills and Opposition amendments. The figures in brackets exclude the bills derived from the subdivision of the Statutes Amendments Bills for the six sessions in order that a more realistic appraisal may be made of Opposition initiatives in relation to bills. It will be seen from Table 6.5 that their exclusion does not make much difference in New Zealand's position relative to the other legislatures.

Opposition members moved an average of .35 amendments to Government bills in the House between 1970 and 1975, and were successful in .02 cases. These figures provide a striking contrast with those from the other countries: Opposition amendments were far more numerous in their legislatures.

A number of interpretations could be offered to explain the contrast. It is possible that many Opposition objections

25. The method was first used by J Blondel, *et al*, "Legislative Behaviour: Some Steps Towards a Cross-National Measurement", *Government and Opposition*, 5 (Winter, 1969-70), pp.67-85; and later by Guiseppa Di Palma, *Surviving Without Governing: the Italian Parties in Parliament* (Berkeley: University of California Press, 1977), pp.63-4.

26. The New Zealand figures include two successful Opposition amendments moved in a free vote on a Government bill.

TABLE 6.5 Opposition Amendments to Government Bills,
Proposed and Approved in Selected Legislatures

	United Kingdom (1966-67)	Ireland (1965)	Sweden (1966)	France (1966)	India (1966)	New Zealand (1970-75)
Bills passed ^a	49	28	26	41	15	863 (493) ^b
Average number of clauses ^c	19	35	16	7	15	20
Opposition amendments per bill	4.4	3.0	3.3	3.6	10.1	0.35 ^d (0.61)
Percentage of amendments passed	3.9	7.0	2.9	13.6	3.1	6.3
Opposition amendments passed per bill	0.18	0.20	0.10	0.49	0.31	0.02 ^d (0.04)

- a. The figures for countries other than New Zealand are derived from samples.
- b. The total public bills passed 1970-75 minus a private member's bill. The subdivided Statute Amendment Bills have been subtracted from that total to give the figures in brackets.
- c. The New Zealand figures are calculated from bills passed in 1971.
- d. The number of Opposition amendments moved and passed is less three proposed on a private member's bill, two of which were successful.

Source: Blondel, "Legislative Behaviour", Tables 1 and 4; and data in Table 6.3.

to legislation are resolved in the more consensual atmosphere of select committees and are incorporated in the grouped amendments contained in the committee reports to the Committee of the Whole. This may account to some small extent for the relatively low number of amendments, but given the adversary nature of the New Zealand Parliament, it is unlikely that the Opposition would forego opportunities to question Government policy by moving amendments.

A second possibility is that the sheer volume of legislation and the demands on members' time prevents them from formulating more amendments. The average number of amendments per Opposition member would certainly appear to be higher in New Zealand than the other legislatures. But an average of about eight amendments per Opposition member spread over six sessions is still not particularly high.

The explanation which most plausibly accounts for much of the difference would appear to be the nature of the legislation passed by the New Zealand Parliament. Legislation which reflected policy differences between the parties could be expected to attract amendment proposals from the Opposition as would other bills on which the Opposition could hope to project its role of scrutinising and opposing Government measures. The comparisons in Table 6.5 suggest that not only does such legislation arise proportionately less frequently in New Zealand but that most bills are of such marginal significance that they do not attract the interest of the Opposition.

The analysis can be taken one step further by examining all public bills passed during the period under review, and the activities of the Opposition in relation to them. The Opposition

moved amendments on 70 of the bills passed between 1970 and 1975 (including amendments on nine bills during the 36th Parliament and on three bills during the 37th Parliament which were not the subject of amendments by the Government). This behaviour of the two Oppositions affected only 8 per cent of all bills passed during the period (Table 6.6). The Government amended a majority of those bills and also a further 24 per cent of public bills passed. The six amended Statute Amendment Bills accounted for a further 43 per cent of enacted legislation. One quarter of bills passed was not the subject of amendments by either the Government or the Opposition.

Prima facie, three hypotheses can be tested. First, the new Labour Government would introduce more bills which reflected policy changes (and therefore differences between the parties), and these would attract more amendments by the Opposition than in the previous session. Secondly, the Labour Government, because of its relative inexperience in office and with major legislation to introduce, would be obliged to amend bills during their passage more frequently than its predecessor. Thirdly, because Opposition behaviour in both Parliaments was confined to a small number of bills, it must be focusing on legislation which they were actively opposing by moving numerous amendments.

The first hypothesis cannot be supported by data in Table 6.6. The Opposition moved amendments on only a slightly higher proportion of bills between 1973 and 1975 compared with the previous term. However, there was some support for the second hypothesis. The Labour Government amended 34 per cent of bills (excluding the bills derived from Statute Amendment Bills) compared with 27 per cent for the National Government.

TABLE 6.6 Public Bills Passed 1970-72 and 1973-75: According to Opposition Behaviour

Parliamentary Behaviour With Bills	1970		1971		1972		1973		1974		1975		Average 1970-75				
	N	%	N	%	N	%	N	%	N	%	N	%	N	%			
Bills in which the Opposition moved amendments in the Committee of the Whole	14	9.2	13	8.3	7	4.9	11	7.5	12	9.8	16	10.7	8	5.7	12	8.7	8.1
Bills in which the Government moved amendments in the Committee of the Whole but not the Opposition	29	19.0	43	27.4	27	19.0	33	21.9	31	25.5	41	27.5	35	25.0	36	26.0	23.8
Bills derived from Statutes Amendment Bills	69	45.1	60	38.2	73	51.4	67	44.7	57	46.3	55	36.9	56	40.0	56	40.8	42.8
Bills not subject to amendments by Government or Opposition	41	26.8	41	26.1	35	24.6	39	25.9	23	18.7	37	24.8	41	29.3	34	24.5	25.2
Bills Passed	153	100.0	157	100.0	142	100.0	151	100.0	123	100.0	149	100.0	140	100.0	137	100.0	100.0

The behaviour of the Labour Opposition between 1970 and 1972 would lead to a rejection of the third hypothesis: 74 per cent of the 34 bills in Table 6.6 were the subject of a single amendment and a further 18 per cent received only two, three or four amendments. A larger number of amendments were moved on only three bills: seven on the Racing Bill 1971, 10 on the Stabilisation of Remuneration 1971 and 19 on the Payroll Tax Bill 1970. Partial support for the hypothesis can be derived from the activities of the National Opposition between 1973 and 1976. Five bills were the subject of numerous amendments: 12 on the Private Schools Conditional Integration Bill 1975, 22 on the Local Amendment Bill 1974, 30 on the New Zealand Export-Import Corporation Bill 1974, 41 on the Commerce Bill 1975 and 46 on the New Zealand Superannuation Corporation Bill 1974. But these five bills only accounted for 14 per cent of the bills which the Opposition sought to amend. With 42 per cent of the bills only one amendment was moved. Of the remaining 16 bills (44 per cent) between two and six amendments were moved.

To summarise then, Governments amended 264 bills, plus the clauses of the Statute Amendment Bills, in all 73 per cent of legislation passed. The two Opposition parties in the respective Parliaments confined their amendment initiatives to either 11 or 12 bills on the average each session. It is difficult to imagine an Opposition party not taking advantage of opportunities to disagree with the Government on policy legislation. The most obvious conclusion is that most legislation was not worth their attention.

But 8 per cent still appears to be an extraordinary low proportion (bearing in mind that 57 per cent of the bills on which Oppositions moved amendments were the subject of only a single - often perfunctory - amendment attempt). It

may well be the case that the Opposition discounts the value of the Committee of the Whole. The outcome of the proceedings must favour the Government which as a rule prefers not to accept Opposition amendments. The deliberations of the Committee are not recorded in the Parliamentary Debates or the Journals, but evaluations of the proceedings have been published. The 1979 Standing Orders Committee observes that the "debate during this stage of a Bill's passage through the House has tended to become less relevant to the purposes of the committee stage".²⁷ That the Committee found it necessary to propound in detail the form which the debate should take suggests that members have been inclined to depart from examining the details of bills in their contributions to the committee stage. For the Opposition, therefore, the only stage in which substantive amendments may be proposed has become a ritualised phase in the legislative process. In each session, on the average, less than 1 per cent of legislation passed was the subject of concerted opposition by the minority party.

It has been apparent that the legislative behaviour of the Government and Opposition parties diverges markedly at the Committee stage. The Government in fact gives the appearance of undertaking the scrutiny function itself at this stage. Most of its legislation is amended between introduction and enactment.

Rejection of Legislation

There are two possible outcomes for legislation introduced into the House: it is either passed in an amended or unamended form or it lapses at some stage in the process (either because

27. A.J.H.R., I.14 (1979), p.6.

it has been withdrawn or the Government has decided not to proceed with it). A short term option is to hold legislation over from one session to another. Indeed bills may be introduced late in the session in order that they may be considered by recess committees of the House.

The data in Table 6.7 indicates the extraordinary high success rate of Government legislation. About 95 per cent of Government bills was passed in most Parliaments during the post-war period. In view of the unlikelihood of Government legislation being rejected by a vote in the House, these figures may seem unexceptional. But the legislative process also involves the exposure of proposals to the community and the potential exists for Governments to accede to public opposition to a measure. That few bills are actually dropped reflects two factors. In the pre-legislative stage, consultations with groups and other persons and agencies affected have already resolved many potential problems. Secondly, much legislation is inconsequential because it is concerned with amendment to the details in existing statutes.²⁸

The figures in Table 6.7 overstate the number of legislative proposals which actually lapsed, for some bills are not designed to be enacted but serve as means to other ends. From 1955 a Statutes Amendment Bill has been used annually as a vehicle for introducing to the House minor, non-controversial amendments to statutes.²⁹ As many as 73 bills

28. For the views of constitutional lawyers on the quality and quantity of legislation produced in New Zealand see Geoffrey Palmer, "The Fastest Lawmakers in the West", *NZ Listener*, May 28, 1977, pp.13-15; Palmer, *Unbridled Power*, Chapter 7; and K J Keith, "A Lawyer Looks at Parliament", in Sir John Marshall (ed) *The Reform of Parliament* (Wellington: New Zealand Institute of Public Administration, 1978), pp.26-47.

29. A Statutes Amendment Bill was used in 1951 and earlier, but not in the form it subsequently took. See Dollimore "New Zealand 'Washing-up' Bills", pp.27-9.

TABLE 6.7 Outcomes of Government Bills

Parliament	Years	Introduced ^a	Lapsed		Held Over ^b		Passed	
			N	%	N	%	N	%
30	1951-54	390 (-)	18	(4.6)	-	-	372	(95.4)
31	1955-57	343 (95)	14	(4.1)	-	-	329	(95.9)
32	1958-60	364 (128)	24	(6.6)	-	-	340	(93.4)
33	1961-63	447 (144)	24	(5.4)	-	-	423	(94.6)
34	1964-66	402 (130)	17	(4.2)	3	(0.7)	382	(95.0)
35	1967-69	470 (183)	20	(4.3)	2	(0.5)	448	(95.3)
36	1970-72	474 (202)	14	(3.0)	8	(1.7)	452	(95.4)
37	1973-75	446 (173)	13	(2.9)	22	(4.9)	411	(92.2)
38	1976-78	521 (194)	23	(4.4)	9	(1.7) ^c	489	(93.9)

a The figures in brackets show the number of introduced bills which are derived from subdividing Statutes Amendment bills. For 1973-75 the Finance Bill (No 2), which was subdivided into five bills, is also included. For 1976-78 six other bills similarly divided are included.

b From 1967-69 to 1976-78 figures include bills held over from previous Parliaments; bills held over between sessions within a Parliament are counted once.

c Includes two bills withdrawn, and one (the Health Amendment Bill on which there was a free vote) deferred for 12 months.

Source: Journals of the House of Representatives

have resulted from the subdivision of a Statutes Amendment Bill (the numbers for each Parliament are enclosed in brackets in the column for introduced bills). Also included is the Expiring Laws Continuance Bill which is read pro forma a first time at the beginning of each session (and is therefore counted twice in 1954, 1958, 1963 and 1977 when there are two sessions).

Once these bills are excluded an average of about four bills per session remain that were actually dropped. The main departures from this figure have occurred because bills carried over from one session to another have lapsed following a change of Government.

It has been possible to sustain this low rate of rejection (and in fact to reduce it) by the increasing use of the procedure of holding bills over between sessions. In the earlier part of the period all bills not passed automatically lapsed, although they were referred to select committees and reappeared in the parliamentary records for the following session. From the mid-1960s such bills have been recorded in the Journals as having been held over. In 1973 a procedure was adopted that bills not passed during a session would be held over and proceed in the next session at the stage they had previously reached. It was designed to overcome the "perennial criticism of Parliament" about "the rush of legislation at the end of the session".³⁰ The frequency with which bills are carried over between sessions within a Parliament is not shown in Table 6.7, but has involved as many as 28 bills.³¹

30. The practice was confirmed by a Standing Order in 1974. A.J.H.R., I.14 (1974), p.6.

31. The figure of 29 reported in the Schedules of Business for 1974 is not corroborated by other Schedules in the Journals.

Conclusions

The analysis in this chapter has attempted to provide a clearer picture of Government and Opposition roles in the introduction, modification and rejection of legislation. Apart from the established fact of the Government's domination of the legislative process, three general observations can be made. While Parliament's role in the legislative process is dominated by the Government, it has continued to provide a means for testing legislative proposals. Secondly, Opposition initiatives have not been substantial, although they have increased in some respects. Thirdly, private members' bills and the discussion in the Committee of the whole House have often been occasions for debating policy differences between the parties rather than the purposes for which they were designed.

Parliament clearly does modify legislative outcomes. It provides the arena in which the Opposition may scrutinise legislation introduced by the Government, and the latter may, after assessing public responses to proposals, amend bills, delay their passage or allow them to lapse.

The Opposition has been seen to play a minor role in the modification of legislation. It was anticipated that the minority party would be unsuccessful in having most of its amendments accepted. More unexpected was the limited initiatives of the Opposition in relation to most bills during the Committee stage in the House. The moving of amendments to Government bills does at least provide tangible evidence of Opposition disagreements with their provisions. The similarities between the behaviour of the two Oppositions acting under the different circumstances of the 36th and 37th Parliaments lead to the

conclusion that most legislation was not sufficiently important enough to warrant responses in the form of amendment proposals. Largely by default then this stage of the legislative process for most bills becomes an occasion for the Government to amend its own voluminous measures.

The Committee of the whole House which has featured prominently in the analysis of the 36th and 37th Parliaments, has since had its role called into question. This is partly because the "nuts and bolts" work has been increasingly undertaken by select committees, but also because the debate in the committee stage has been more partisan and less concerned with the detailed examination of bills. (Similarly, bills introduced by the members of the minority party have been inclined to be "Opposition" measures.) With continuing expansion of the work of select committees, the role of the Committee of the Whole may well be further diminished.

Chapter 7

THE COMMITTEE SYSTEM

The House has appointed numerous committees to assist with its activities since the first session in 1854. For this reason the committee system has given the appearance of being fairly developed (certainly by comparison with the British House of Commons),¹ with a range of permanent committees for different purposes, and an annual output which has in the past numbered several hundred reports to Parliament. Nevertheless, in comparative terms, New Zealand has "weak committees" so defined because of the structural characteristics of the parliamentary system, the role of political parties, and the position of committees in the legislative process.² They form only part of the network of small group contexts in which members participate, for caucus committees play a prominent role in the work of a parliamentarian and matters are usually debated there prior to their consideration in select committees.

During the post-war period there have been a number of changes in the roles and activities of the committee system. This review covers the structural changes introduced as a consequence of reviews by the House, the "output" of committees during phases of the years 1952-8, and other developments during this period. The main concern is with the committee system

1. For example, R J Harrison, "Organisation and Procedure in the New Zealand Parliament", (unpublished PhD dissertation, Ohio State University, 1964), p.234; Austin Mitchell, Government by Party (Christchurch: Whitcombe & Tombs, 1966), p.72. These authors were writing before the more recent changes to the committee system in the United Kingdom.
2. Malcolm Shaw, "Conclusion", in Committees in Legislatures: A Comparative Analysis, John D Lees and Malcolm Shaw (eds), (Durham, NC: Duke University Press, 1979), p.417; and Keith Jackson, "New Zealand Parliamentary Committees: Reality and Reform", The Parliamentarian, LIX (April 1978), p.94.

rather than individual committees although some attention is given to the latter particularly those which are exceptional for the orientation of their work.

Six types of committee have existed: Committees of the whole House, select committees, ad hoc committees, joint committees, caucus committees and sub-committees. Committees of the whole House (that is the Committee of the Whole, and until their abolition in 1968, the Committee of Supply and Committee of Ways and Means) comprise the full membership of the House and are excluded from the analysis because they do not constitute small task-orientated groups. Joint committees with the Legislative Council were appointed until its abolition just before the beginning of the period considered here. Sub-committees are not included in this survey for only the Public Expenditure Committee has had the power to establish them and this review of the committee system does not extend to such details. The party caucus committees fall outside the committee system of the House, although their importance in policy-making processes is considerable.³

The analysis concentrates on the committee system, the permanent select committees appointed at the beginning of each session (or more recently each Parliament) and within that group more interest is expressed in the committees concerned with either public policy-making or specific types of committee business. The ad hoc committees are also considered because of the special roles they have performed.

3. An inter-caucus group, the Members Services Committee, has also functioned but has no formal parliamentary status.

Structure

The traditional committee system has comprised three types of committee which are permanent and have been automatically appointed at the beginning of each session (or Parliament).⁴ Between nine and 12 committees have been concerned with spheres of public policy of which two have had a "horizontal" terms of reference covering either financial matters (Public Accounts and its successor Public Expenditure), or matters of a "technical legal character" (Statutes Revision Committee). The others deal with specialised areas of public policy which have covered inter alia foreign affairs, education, labour, mining, defence, lands, agriculture, commerce, Maori affairs and social services. These committees may have a variety of matters referred to them including local as well as public bills, petitions, regulations, parliamentary papers, estimates and specific questions for investigation.

A second group of committees concentrates on particular types of business, Local Bills (although the committee also receives public bills), Private Bills or Petitions. Domestic or household matters are attended to by the House Committee (charged with the "comfort of members") and the Library Committee. To this latter group may be added the committee concerned with the privileges of the House, although its role is rather different.

4. Committees required to be appointed under Standing Orders at the commencement of each session (or Parliament) have included: Committee on Bills, Lands and Agriculture, Local Bills, Privileges, Public Expenditure and Statutes Revision.

In addition to those which form the permanent committee system, ad hoc committees are frequently appointed to consider a bill or undertake an extensive inquiry into a question of public importance. Their existence terminates once they have reported to the House (unless their term is extended). Apart from the Standing Orders Committee which has reappeared on a number of occasions, these committees are defined in terms of the matters referred to them. Some examples taken from the last 30 years will illustrate the range of their subjects: Constitutional Reform, Ministers' Private Interests, Wine Making Industry, Decimal Currency Bill, New Zealand Superannuation Bill and Violent Offending. Until they were discontinued in 1980, the Island Affairs and Road Safety Committees had acquired the character of permanent committees because they had come to be regularly appointed along with the others at the beginning of each session or Parliament, but they were not part of the original committee structure.

The committee system has not remained constant in the post-war period; changes to the structure have come in three waves - 1962, 1972 and 1979 - in each case after a review by a Standing Orders Committee.

In the 10 years prior to 1962 there were 21 committees with workloads which ranged from appointing a chairman to the consideration of numerous bills (Table 7.1). All committees had 10 members with the exception of Bills, Selection (Private Bills), Privileges and Standing Orders on Private Bills (five), and External Affairs (12), a total of 192 positions, not including the ad hoc committees.

TABLE 7.1 Structure of Committee System 1952-1979

<u>Pre-1962</u>	<u>1962-71</u>	<u>1971-79</u>	<u>Post 1979</u>
External Affairs	External Affairs Island Territories*	Foreign Affairs Island Affairs))) Foreign Affairs
Education	Education	Education)) Labour and Education
Labour Bills	Labour and Mining	Labour Commerce and Mining))) Commerce and Energy
Goldfields and Mines)))
Industries and Commerce)))
Agriculture & Pastoral	Commerce	Commerce and Mining	Commerce and Energy
Lands	Lands and Agriculture	Lands and Agriculture	Lands and Agriculture
Public Health	Social Services	Social Services	Health and Welfare
Defence	Defence	Defence	Defence
Maori Affairs	Maori Affairs	Maori Affairs	Maori Affairs
Public Accounts	Public Expenditure	Public Expenditure	Public Expenditure
Statutes Revision	Statutes Revision	Statutes Revision	Statutes Revision
	Road Safety**	Road Safety**	
Public Petitions A to L)	Public Petitions	Petitions	Petitions
Public Petitions M to Z)	Local Bills	Local Bills	Local Bills
Local Bills	Selection (Private Bills)	Selection (Private Bills)	Selection (Private Bills)
Selection (Private Bills)			
Standing Orders on Private Bills			
House	House	House	House
Library	Library	Library	Library
Privileges	Privileges	Privileges	Privileges

* Appointed first in 1964 and then as a permanent committee from 1967.

** Road Safety became a permanent committee in 1973.

Source: Schedules of Select Committees, Journals of the House of Representatives.

The 1962 report of the Standing Orders Committee attempted to rationalise the system by recommending that as a general rule each member should serve on only one select committee, the committee membership should be reduced, and "some measure of amalgamation" should occur to reduce the number of committees. Its proposal to reduce the number of policy committees from 12 to eight was not accepted by the House and the result was the merger only of Agriculture and Pastoral with Lands, and Labour Bills with Goldfields and Mines (Table 7.1).⁵

Its most important proposal was to convert the role of the Public Accounts Committee, "merely an ineffective Estimates Committee", into a new committee which would also examine the public accounts.⁶ The report envisaged that its sessional function would be to consider the main and supplementary estimates while its recess function would be to examine the audited accounts and to make other inquiries as it saw fit. The new Public Expenditure Committee was given the power to sit during the recess and appoint sub-committees.

One other structural change was the amalgamation of the Public Petitions A to L and M to Z Committees into one.⁷ Two committees acquired new titles: Public Health became Social Services and its terms of reference were changed to include both health and social matters; Industries and Commerce was renamed Commerce, and overseas trade was specified as one of

5. Not implemented were its recommendations that External Affairs and Defence be amalgamated and a Social Services Committee be created to cover education, public health, social security and war pensions. A.J.H.R., I.17 (1962), p.17.

6. A.J.H.R., I.17 (1962), pp.20-22.

7. In addition, Bills Committee and Standing Orders on Private Members Bills were no longer automatically appointed at the beginning of each session, although the former continued to be required by a Standing Order.

its subjects in addition to those contained in its original title.

There was one other innovation at this time resulting from the recommendations of a special Committee on Delegated Legislation.⁸ The terms of reference of the Statutes Revision Committee, previously confined to the technical legal provisions of bills, were enlarged to cover regulations. In order to give effect to this change, the Committee's powers were incorporated in the Standing Orders, and included the powers to sit during an adjournment or recess and to require departments to submit memoranda and provide witnesses to assist in elucidating regulations under consideration.

No alterations were made by the 1962 Standing Orders Committee to the size of committees; the existing range of five to 10 members was retained. The actual reduction in the total number of committee positions was partly offset by making an exception of the Public Expenditure Committee by allowing it 12 members, and by extending the practice of enlarging committees with the leave of the House to 12. Previously only External Affairs was fixed at that size; that committee, plus Maori Affairs,⁹ continued to have 12 members, and Statutes Revision acquired an extra two members in 1967. They were shortly to be joined by another 12-member committee, because Island Territories, first appointed in 1964 during the session as a special committee with the power to sit during the recess, subsequently reappeared in 1967 as a committee regularly ap-

8. A.J.H.R., I.18 (1962).

9. The Maori Affairs Committee had previously been regarded as a special case but in 1951 the government had insisted on 10 members. See E M McLeay, "Political Argument About Representation: The Case of the Maori Seats", Political Studies, XXVIII (March, 1980), pp.52-3.

pointed at the beginning of each session.

The number of committee positions (not counting ad hoc committees) were initially reduced by 36 to 156, but with these additions, the number of positions on public policy committees was by 1967 equal to that prior to the changes. This ensured that the objective of the Standing Orders Committee of one position per member could not be met, although the effect in practice was reduced by the irregularity of some committees' meetings.

A different approach was adopted by the 1972 Standing Orders Committee which "decided that no worth-while amalgamation was practical, but that a reduction in the size of existing committees should result in the more effective functioning of the committee system".¹⁰ The only adjustment was the coupling of mining with commerce, leaving the labour sphere as the sole concern of one committee.

The main contribution of the Committee's review was the reduction in the size of existing select committees. A majority of the committees had their membership set at seven, Selection and Privileges continued with five, and the more popular or important committees were assigned 10 (Local Bills, Lands and Agriculture, Public Expenditure and Statutes Revision), or 11 (Foreign Affairs and Maori Affairs) members. One other minor variation in procedure was the decision to appoint committees for the duration of a Parliament rather than at the beginning of each session.

10. A.J.H.R., I.19 (1972), p.11.

The 1979 Standing Orders Committee gave the most attention in its report to the select committee system of any of the reviews but concluded that "fundamental changes to the present select committee structure are not needed".¹¹ The changes implemented at the end of the 1979 session were as follows: Education and Labour were amalgamated with the size of the new committee set at 10; Island Affairs disappeared, such matters now being referred to Foreign Affairs; Road Safety was dropped from the list of permanently constituted select committees; and Statutes Revision was empowered to initiate its own enquiries into regulations, and to establish sub-committees.¹² Other adjustments included a change in the title of Social Services to Health and Welfare, an enlargement of the terms of reference of Commerce and Mining to include energy, with recognition given to the change by the substitution of that word for mining in the title, and an increase in the membership of the Public Expenditure Committee to 12 members.

During the last 20 years the committee system has been rationalised by changes which have reduced their number and size. The housekeeping and specialised committees have been least affected apart from the merger of the two original petitions committees into one. The changes to the structure have been concentrated on six of the original policy committees, four of which, after various functional shuffles, eventually became the Labour and Education, and Commerce and Energy Committees in 1979. The Road Safety and Island Territories/

11. A.J.H.R., I.14 (1979), p.12.

12. It thereby joins the Public Expenditure Committee as the only committee with powers to set up sub-committees. The technical nature of its work was the reason given for creating a second exception.

Affairs Committee were introduced as the need arose and have since disappeared.

Of the public policy committees, Defence, Foreign Affairs and Maori Affairs remained almost unchanged for the period. Their policy spheres, plus those of Lands and Agriculture and Labour and Education were not formally increased. The Commerce and Energy, and Health and Welfare Committees have experienced minor additions to the scope of their work. The Statutes Revision Committee acquired one additional role which was not utilised for most of the period. The most significant innovation was the conversion of the Public Accounts Committee into the Public Expenditure Committee.

A lack of specialisation has been apparent in the distribution of committee positions among members. In 1971, 40 per cent of the MPs were assigned to three or four committees.¹³ For much of the session this was not necessarily a problem, for some committees met rarely, if at all. But because of the tendency to fit committee work in between the sitting hours of the House, members inevitably encountered conflicts in the scheduling of meetings.¹⁴ This was symptomatic of the status of committees in the parliamentary system.

The 21 committees of the pre-1962 period have now become 15 while the number of committee positions has been whittled from 192 to 126. With 12 more members in the House, it could be argued that the 1980 committee system was approaching the goal of one committee per member espoused by the 1962 report.

13. R M Alley, "Committees of the House" Seminar Paper, Can Parliament Survive Without Reform, Department of University Extension, Victoria University of Wellington, October 1971, p.4.

14. Austin Mitchell, Government by Party, p.78; Keith Jackson, New Zealand: Politics of Change (Wellington: Reed Education, 1973), p.127-8; Larry B Hill, "Parliamentary Petitions, the Ombudsman and Political Change in New Zealand", Political Studies, XXII (September 1974), pp.338-9.

Business

The measurable output of the committee system is the reports made to the House. Of the various matters referred to select committees - public, private and local bills, petitions, regulations and parliamentary papers, and tasks for special investigation - no committee receives the full range; most do not constantly receive more than two types of business.

By their order of reference, based on a standing order or tradition, a committee may concentrate either on a particular policy sphere or a particular type of business, or both. Petitions, Selection and Local Bills specialise in types of business, but the latter committee is not exclusively concerned with local bills; it has also considered petitions (which may have been a preliminary step to introducing a local bill) or public legislation affecting local government. Lands (later Lands and Agriculture) reports on policy matters coming under those heads, but it has also been required to examine local bills affecting Crown Lands.

The majority of petitions have been referred to the Petitions Committee (or, prior to 1962, the two committees on petitions) but public policy committees have also considered a good proportion of them. Private Bills are confined to the Selection (Private Bills) Committee and special committees on bills. All local bills have been referred only to the committee of that name, with some also going to the Lands and Agriculture Committee. Regulations and parliamentary papers have been considered by only a small number of committees.

Few committees have engaged in special investigations; they are usually left to specially constituted committees. Most public policy committees have received both petitions and bills for consideration.

Over the last three decades a series of changes has taken place in the work of the committee system and the distribution of business. The business of committees may fluctuate between sessions or Parliaments, but there are nonetheless clear trends over the period. These can be shown by considering the reports of committees for the phases between each review of the committee system.¹⁵

In the 1950s, 21 select committees were regularly established each year at the beginning of the session. The existence of many of these committees was based more on the possibility that matters might be referred to them rather than a predictable demand for their services. The workload was concentrated in particular committees which consistently received numerous referrals of business. The committees specialising in non-public matters were responsible for more than half the reports made to the House. The Local Bills Committee made 249 and the petitions committees a total of 203 (Table 7.2). The more heavily utilised public policy committees for 1952-61 were Maori Affairs (107 reports), Statutes Revision (97) and Lands (71). Only one committee could be regarded as having a relatively heavy commitment to public legislation; the Statutes Revision Committee reported on public bills on 95 occasions during the period and produced 45

15. Reports by committees concerning either access of the news media to meetings or expressions of appreciation for services rendered, are excluded from the analysis below. See Appendix for further details. The details for 1979 are not included because they could not be checked until the Journal for that year was published.

TABLE 7.2 Committee Reports 1952-61

	<u>Petitions</u>	<u>Public Bills</u>	<u>Non-Public Bills</u>	<u>Other Public</u>	<u>Miscellaneous</u>	<u>Total</u>
<u>Public Policy</u>						
Agricultural and Pastoral	12	7	-	-	-	19
Defence	17	-	-	-	-	17
Education	10	15	-	-	-	25
External Affairs	1	3	-	-	-	4
Goldfields & Mines	1	7	-	4	-	12
Industries & Commerce	1	1	-	-	-	2
Labour Bills	18	13	-	-	-	31
Lands	10	34	27	-	-	71
Maori Affairs	80	21	-	6	-	107
Public Accounts	-	-	-	1	-	1
Public Health	17	13	-	-	-	30
Statutes Revision	2	95	-	-	-	97
<u>Specialised</u>						
Local Bills	48	32	169	-	-	249
Public Petitions A to L	100	-	-	-	-	100
Public Petitions M to Z	103	-	-	-	-	103
Selection (private bills)	-	-	31	-	-	31
Standing Orders on Private Bills	-	-	-	-	1	1
<u>Domestic</u>						
House	-	-	-	-	-	-
Library	-	-	-	-	11	11
Privileges	-	-	-	-	3	3
<u>Ad Hoc</u> (16)	-	6	-	9	1	16

per cent of the total reports by the policy committees on such matters. That committee plus Lands and Maori Affairs accounted for 72 per cent of the reports on public bills.

Of the other nine public policy committees, two averaged three reports per year for the period, four averaged one or two reports per session, while three committees, External Affairs, Industries and Commerce and Public Accounts, made a total of only seven reports to the House in the 10 year period. Only five of the 12 (Labour Bills, Lands, Maori Affairs, Public Health and Statutes Revision) reported to the House in every session of the period, while at the other extreme, Public Accounts reported in only one out of 10 sessions.

Reports do not provide a full indication of committee activity (although they are the only tangible measure of output) for a few serve different functions and report rarely (External Affairs Committee) or never (House Committee). Frequency of meetings gives an indication of unreported activities and some idea of whether number of reports and type of business reflects the actual distribution of workload. In 1956, for example, of 72 meetings held by the public policy committees, 40 were concentrated in three committees (Public Accounts, Education and Labour Bills). The other nine committees averaged 3.6 meetings, and in one of these cases the only item of business conducted at the single meeting of the committee was the election of a chairman.

For the 1952-61 period, petitions were not only considered by more committees than any other type of business, but overall comprised the major type of business transacted.

Between 1962 and 1971 the pattern of activity of the previous 10 years was maintained but there were two major changes. There was a substantial growth in the number of reports to the House, with the increase involving legislation referred to committees. Secondly, the number of reports on petitions dropped substantially with much of the decline being accounted for by the Maori Affairs Committee.

Public bills continued to be sent in a similar proportion to the Statutes Revision Committee as in the previous period, although their number had increased by about 50 per cent.¹⁶ But with the greater volume of legislation being referred to select committees, other committees were handling more bills. Nevertheless the workload of the committee system remained unevenly distributed with Local Bills (329 reports in the 10 year period), Statutes Revision, Lands and Agriculture and Petitions bearing much of the burden (Table 7.3).

The number of reports understates the work of committees such as Public Expenditure, which was producing comprehensive annual reports covering a range of matters, or External Affairs, which often met frequently (on 18 occasions in 1965) to receive briefings but did not produce any reports.¹⁷ Committee records for 1965 indicate that frequency of meetings was otherwise

16. The possibility of establishing a second Statutes Revision Committee was contemplated in 1966. N.Z.P.D., 346 (June 10, 1966), pp.396-7.

17. The Foreign Affairs Committee has functioned as a medium for communicating information to its members which is not for public consumption. The committee presumably would have considered the petition and bills referred to the Island Territories Committee if the latter had not been established. For the role of the committee, see James L Kember, "Foreign Policy and the Legislature: Select Committees on Foreign Affairs", in Stephen Levine (ed), Politics in New Zealand (Sydney: George Allen & Unwin, 1978), pp.143-148; and Peter Wilkinson, "Foreign Affairs and Parliament", New Zealand International Review, IV (September 1979), pp.5-6.

TABLE 7.3 Distribution of Business 1962-1971

	Petitions	Public Bills	Non-Public Bills	Other Public	Miscellaneous	Total
<u>Public Policy</u>						
Commerce	2	13	-	1	-	16
Defence	23	3	-	-	4	30
Education	13	11	-	-	-	24
External Affairs	-	-	-	-	-	-
Island Territories* Affairs		5	-	-	-	5
Labour and Mining	9	30	-	7	-	46
Lands & Agriculture	16	53	44	-	-	113
Maori Affairs	25	22	-	-	-	47
Public Expenditure	-	3	-	11	-	14
Social Services	28	19	-	-	-	47
Statutes Revision	5	142	-	4	-	151
<u>Specialised</u>						
Local Bills	33	54	240	2	-	329
Petitions	165	-	-	-	-	165
Selection (Private Bills) Bills	-	-	45 1	-	-	45 1
<u>Domestic</u>						
House	-	-	-	-	-	-
Library	-	-	-	-	5	5
Privileges	-	-	-	-	3	3
<u>Ad Hoc</u> (16)	3	9	-	10	5	27

* The special committee appointed in 1964 is included under ad hocs.

related to the level of business. The total number of meetings (196) was approaching twice that for 1956.

In the third period, 1972-78, the Statutes Revision Committee continued to receive the most public bills of the public policy committees but proportionately fewer than 1962-71 because the spread of business among committees was greater (Table 7.4). A number of committees continue to show very little visible output. The three committees associated with external relationships, Defence, Foreign Affairs and Island Affairs, were not actively engaged during this period with matters referred by the House.

More ad hoc committees were appointed in this shorter period and produced 20 reports. Petitions were reported on at about the same rate as in the previous period.

The changes in type of business conducted by committees during the years 1952-78 are summarised in Table 7.5. During the earlier sessions more reports were produced by select committees on petitions received from individuals and groups, than any other type of business. Public and non-public bills accounted for similar proportions of reports, but other public questions were the subject of relatively few reports. Most committee work was concerned with matters emanating directly from the community; 70 per cent of reports concerned petitions, local bills and private bills.

TABLE 7.4 Distribution of Business 1972-78

	<u>Petitions</u>	<u>Public Bills</u>	<u>Non-Public Bills</u>	<u>Other Public</u>	<u>Miscellaneous</u>	<u>Total</u>
<u>Public Policy</u>						
Commerce & Mining	1	22	-	-	-	23
Defence	1	1	-	-	-	2
Education	7	8	-	-	-	15
Foreign Affairs	-	1	-	-	-	1
Island Affairs	-	4	-	-	-	4
Labour	5	20	-	-	-	25
Lands & Agriculture	24	54	7	-	-	85
Maori Affairs	6	15	-	-	-	21
Public Expenditure	-	-	-	10	-	10
Road Safety (1973-79)	-	2	-	8	-	10
Social Services	29	16	-	1	-	46
Statutes Revision	1	82	-	4	-	87
<u>Specialised</u>						
Local Bills	8	40	103	-	1	152
Petitions	118	-	-	-	-	118
Selection (Private Bills)*	-	-	25	-	-	25
Bills	-	-	2	-	-	2
<u>Domestic</u>						
House	-	-	-	-	-	-
Library	-	-	-	-	-	-
Privileges	-	-	-	-	12	12
<u>Ad Hoc</u> (21)	-	9	-	8	3	20

* Special committees appointed by the Committee of Selection to deal with Private Bills made 20 reports. Although these details are now included in the Journals they were not for earlier periods, and the reports are therefore omitted from the table.

TABLE 7.5 Distribution of Committee Business by Period
1952-78

Period	Petitions	Public Bills	Non-Public Bills	Other Public	Miscellaneous	Total
	%	%	%	%	%	%
1952-61	45.2 (420)	26.6 (247)	24.4 (227)	2.2 (20)	1.7 (16)	100.0 (930)
1962-71	30.1 (322)	34.1 (364)	30.9 (330)	3.3 (35)	1.6 (17)	100.0 (1068)
1972-78	30.4 (200)	41.6 (274)	20.8 (137)	4.7 (31)	2.4 (16)	100.0 (658)

In the following decade a larger number of reports emerged from the committee system with the increase involving legislation. The highest rise of any category of business was public bills although local bills were also reported on in greater numbers. The number of reports on the subject of petitions dropped sharply. This may be only partly attributed to the establishment of the Ombudsman's Office at the beginning of this period for the Maori Affairs Committee experienced the main decrease in petitions.

A change was also apparent in the nature of petitions. According to Hill, two-thirds of the petitions reported on by the Petitions Committee(s) for 1957-67 were from individuals while for 1968-72 they accounted for one-quarter of the total. In the latter period the mean number of multiple-signature petitions increased and petitions were more concerned with public policy.¹⁸

18. Hill, "Parliamentary Petitions", p.341-2.

During the last eight years, public bills have come to be more prominent in the work of the committee system with their reports accounting for 42 per cent of the total. Reports on petitions have continued at the same rate as in the previous period, while those on local bills have dropped sharply. Comparing the first and third periods, it is evident that reports on "other public matters" have increased although continuing to form a small proportion of the overall output.

Ad Hoc Committees

Special committees have played an important role in supplementing the work done by the permanent committee system. Between 1952 and 1979 52 ad hoc committees were appointed and all but one (the Meremere Power Station Coal Supply Committee met on at least one occasion but no report resulted), reported to the House. Included in this number are three permanent select committees which were delegated special recess functions: Statutes Revision Committee (1951-2), Local Bills (1959-60) and Lands and Agriculture (1963-5). Since the latter occasion permanent committees have not been distinguished for this purpose, although they may still undertake inquiries in the recess. The Public Expenditure Committee is the best example, but its recess work is part of its order of reference. Island Territories has been included for 1964 despite the generality of its terms of reference and the Road Safety Committees appointed in 1965-6 and 1967-8 are also regarded as special committees.

The ad hoc committees have been grouped in Table 7.6 according to the nature of their work. The parliamentary

TABLE 7.6 Ad Hoc Committees 1952-1979

Inquiries

Ministerial & Procedural

1952-60

Historic Places Bill (Recess) (1953-4)
 Shipping and Seaman Bill (1952)
 Companies Bill (1952-3)
 Companies Bill (1955)
 Electoral Bill (1956)

Constitutional Reform (1950-2)
 Juvenile Delinquency (1954-5)
 Soil Conservation (1956-7)
 Wine Making Industry (1956-7)
 National Library (1957-8)
 Irrigation (1957-9)
 Meremere Power Station Coal Supply
 (1958) (No Report)
 Licensing (1959-60)
 Local Bills (Recess) (1959-60)
 (Inquiry into Structure of
 Local Government)

Statutes Revision (Recess) (1951-2)
 (Parliamentary Papers in H.13)
 Ministers' Private Interests (1956)

1961-69

Fishing Bills (1963)
 Decimal Currency Bill (1964)
 Island Territories (1964)

Fishing Industry (1961-2)
 Constitutional Reform (1963-4)
 Lands and Agriculture (1963-5)
 (Noxious Animals Act 1956)
 Road Safety (1965-6)
 Road Safety (1967-8)
 Personal Injury Compensation
 (1969-70)

Standing Orders (1961-2)
 Delegated Legislation (1961-2)
 Standing Orders (1967-8)
 Publicity Division Committee
 of Inquiry (1969)

1970-78

Racing Bill (1971)
 Accident Compensation Bill (1971-2)
 Broadcasting Bill (1973)
 Marine Pollution Bill (1973)
 NZ Superannuation Bill (1973-4)
 Queen Elizabeth II Arts Council of
 NZ Bill (1973-4)
 Crimes Amendment Bill (1974-5)
 Drugs (Prevention of Misuse Bill) (1974-5)
 Broadcasting Bill (1976)
 Human Rights Commission Bill (1976-7)
 Town & Country Planning Bill (1977)

Standing Orders (1971-2)
 Standing Orders (1974)
 Alleged Budget Leak (1977)
 Standing Orders (1978-9)

Fishing Industry (1969-72)
 Manapouri Petition (1970-1)
 Road Safety (1971-2)
 Electoral Act (1973-5)
 Womens Rights (1973-5)
 Violent Offending (1977-8)
 Ancillary Licenses and other
 related matters (1978-9)
 Electoral Act (1979-80)

Source: Journals of the House of Representatives

and procedural category covers the five Standing Orders Committees constituted during this period (with the exception of one limited to private bills) plus two committees concerned with either parliamentary papers or Parliament's role in delegated legislation. Also included are three committees established to inquire into questions relating to ministerial responsibilities.

More than one-third of the committees were constituted to examine a public bill referred by the House (although several committees also reported on related bills). This function has become more important; such special committees in the 1970s were solely concerned with a single bill, often a major and complex piece of legislation.

The most important function, in terms of the number of reports, has been the inquiries of special committees. Their investigations normally spanned two sessions and in some cases three or four. The scope of their briefs often involved a comprehensive review of a sphere of policy; for example, the wine-making industry, irrigation, national library, road safety and women's rights. They often resulted in impressive reports (for example the Inquiry into the Structure of Local Government) or sometimes a series of reports (the voluminous output of the Fishing Industry Committee between 1969 and 1972).

A significant dimension of many of these inquiries was the review of a particular policy sphere in conjunction with existing legislation with a view to generating proposals for government action. As a part of the investigative process the views of persons affected were received and taken into account. Special committees have consequently played a pre-

legislative role in the policy-making process which has influenced bills eventually introduced into the House.

Other Developments

A series of other developments in procedure and practice has occurred in the past two decades as the work of the committee system has expanded. As a consequence of the relaxation of some of the limitations on committees and the introduction of other changes, their role in the parliamentary system has been enhanced.

One convention has been more closely adhered to: the House has maintained the rule that select committees should not meet during sittings of the House (Standing Order 351). While exceptions were not frequent there were more occasions in which committees were granted leave to sit while the House was meeting prior to 1962. During the last two Parliaments, leave was given to only one committee (in 1976) and the Opposition opposed the motion.¹⁹

It is also necessary under the Standing Order for the House to give leave for committees to meet on days the House is not sitting. During the 1950s the committees given such permission were usually undertaking a specific inquiry. Since then the permanent select committees have been given leave more frequently and a larger number of committees have met in the recess. In 1970, for example, 10 of these select committees were granted leave to sit during that period.

19. The Hon Dr A M Finlay argued, in opposition to the motion, that such meetings of committees interfere with the running of the House and have previously been disrupted because members have been obliged to return to the chamber. N.Z.P.D., 408 (November 17, 1976), p.3973.

Committees might also meet during adjournments of the House after the opening of Parliament. To enable this, the House would pass a motion suspending the Standing Order which prohibited such meetings. This practice became more common, and during the 1960s short adjournments of the House were often arranged in order that committees might catch up with their work.

In the 1973-5 and 1976-8 Parliaments, respectively 26 per cent and 22 per cent of committee meetings, were held either during recesses or adjournments. These figures may well understate the actual hours spent in these meetings for when the House is not sitting more time is available.

During the last two parliamentary terms, committees have held, on the average, more than 300 meetings each year (Table 7.7). Two dimensions of committee work which are not reflected in the number of reports made to the House is the involvement of the policy committees in the estimates and the time spent in hearing representations on matters before committees.

Since 1972 select committees other than the Public Expenditure Committee have been assigned the role of examining the estimate votes related to their terms of reference. Of the total time occupied by select committees' consideration of the estimates in the last two Parliaments, 42 per cent was spent by these committees.²⁰ In 1979 11 committees, other than Public Expenditure, examined 23 of 45 votes,²¹ which

20. Calculated from figures in A F von Tunzelmann, "The Public Expenditure Committee and Parliamentary Control of Public Expenditure", Victoria University of Wellington Law Review, 10 (February 1979), p.30.

21. A.J.H.R., 1.12 (1979), p.6.

TABLE 7.7 Committee Activity in Sessions 1973-79

Parliament	Session	Total Meetings	Public Bills Referred	Hearings Open to News Media	Submissions Made on all Bills Reported to House	
					<u>Oral</u>	<u>Written</u>
37	1973	313	54	35	na	na
	1974	358	51	28	na	na
	1975	255	44	37	na	na
38	1976	324	52	39	295*	385*
	1977	385	43	37	408	752
	1978	278	26	18	193	290
39	1979	422	66	60	343	1590

* The figures do not include details for the last three weeks of the sessions.

Sources: Journals 1973-1979; N.Z.P.D. 1973-1979 (Works Statistics of Committees); Records of Select Committee Meetings.

meant that all permanent public policy committees other than Island Affairs participated in the work.

There is a long tradition of committees receiving representations on the subject of matters before select committees. Major activities of committees in the past, petitions and local bills, have been inspired by individuals and groups in the community who may wish to submit their views either in writing or in person. Committees have also conducted hearings in relation to special inquiries. The incidence of submissions in past sessions is not known but it can be assumed that the number has grown with the increase in legislation. Most bills considered by select committees during the last four sessions were the subject of submissions (the exceptions including "washing-up bills"). An indication of the interest in legislation is shown by the number of oral and written submissions made in relation to bills before select committees during those years (Table 7.7). The number of submissions varied greatly between bills with the Town and Country Planning Bill 1977 (253), the National Development Bill (335) and the Family Proceedings Bill (861) both in 1979, accounting for a large proportion of the written submissions in those years.²²

A further development has been the opening of the proceedings of select committees, other than deliberations, to accredited members of the news media. In the 1950s access was given to the press on only one occasion after 1951, the

22. The information on submissions is derived from the answers to a composite written question asked annually by Mr C R Marshall for the years 1976-9. The Family Proceedings Bill, first introduced in 1978, was "scrapped" and replaced by a "family law package" consisting of four bills. According to the committee chairman "since the first bill was introduced, the committee had spent nearly 150 hours hearing submissions and deliberating on them". The Dominion, August 8, 1980, p.1.

hearing of a petition by the Education Committee in 1956. The House granted the petitions committee the right in 1960 and 1961 to admit the press for hearings on three petitions. The practice was then extended to local bills (the two bills on the proposed Auckland Regional Authority) and public bills in 1962, and to other matters of public interest in the succeeding years (for example Constitutional Reform 1963, News Media Ownership Bill 1965, Road Safety 1966, Sale of Liquor Bill 1967, Personal Injury Compensation 1969, Manapouri Petition 1970 and Equal Pay Bill 1972). Although it became usual for at least one committee to have open proceedings each session, most committee business was not affected: by 1972 only four committees had their proceedings open in relation to five matters.

A major change occurred the following year when the Labour Party extended the frequency of open meetings. The effect of this change can be seen from the figures in Table 7.7. In the 1973-5 Parliament the meetings on 67 per cent of public bills referred to select committees were open to the news media. In the following Parliament, the proportion climbed to 78 per cent and in the first session of the present Parliament to 91 per cent.

In the meantime the powers of the Local Bills Committee had been enlarged to allow it a measure of independence from the House in its functioning. An increase in the number of local bills appears to have been the reason for granting the Committee the right to sit during any adjournment or recess

and to receive bills when the House was not in session. The Committee's consideration of bills between sessions, which attracted local interest, led in 1974 to a departure from the normal practice of requesting the approval of the House before admitting the news media. It became the only committee with the power under Standing Orders to order that its proceedings, other than deliberations, be open to the news media.²³

One other innovation of importance for the development of the committee system was the appointment of permanent professional officers to advise and assist committees. The organisational arrangements and clerical services for each committee had been provided by a committee clerk (usually a retired public servant). Government departments supplied advice and assistance, and frequently one of their officers was attached to the committee for an investigation. With the acceptance in the 1970s of the need to improve members' services and facilities,²⁴ and the initiation of a number of extensive investigations (including the work undertaken by the Public Expenditure Committee), attention was given to augmenting the resources of committees.²⁵ An advisory service for select committees was created in the Clerk's Office consisting of two officers, with the provision for the appointment as the need arose of special advisors.

23. The changes resulted from recommendations of Standing Orders Committees in 1967 (A.J.H.R., I.14, p.8) and 1974 (A.J.H.R., I.14, p.8).

24. See Chapter 8.

25. An experiment with a special advisor, appointed to take an active role in the investigation of a special committee into personal accident compensation, had already established the value of such assistance. See "New Zealand: Notes on the Establishment of an Advisory Service for Select Committees", The Parliamentarian, LV (July 1974), pp.208-9.

Since then the service has not expanded in order to meet the needs of the committee system. A recent report by a sub-committee of the Public Expenditure Committee observes that its present staffing is inadequate in relation to the work it should be undertaking. It proposes the appointment of two full-time support staff in addition to the present two (a part-time advisory officer from the Legislative Department and a full-time person seconded from the Audit Office).²⁶

The procedure for referring bills to select committees has been the subject of two changes. The first was not one of substance although it can be regarded as a symbolic gain for the committee system. Prior to 1972 the formal rules required bills (with some exceptions stated in Standing Orders) to be read a second time before being sent to a select committee. The usual practice followed was for bills to be given a pro forma second reading and then to be referred to a committee. The second reading debate subsequently occurred on the formal motion for committal. The procedure was thought to be confusing and a simple adjustment to Standing Orders allowed bills to be referred by a resolution of the House, once they had been read a first time.²⁷

The second change had more significance for the status of the committee system. Consideration of legislation has always been an important role of a few committees, but in the last few Parliaments public bills have become the main pre-

26. A.J.H.R., I.12 (1979) pp.16-17.

27. A.J.H.R., I.19 (1972), pp.9-10. See also A.J.H.R., I.14 (1968) p.13.

occupation of the committee system. During the 37th Parliament an average of 50 public bills were referred to committees in each session. The number dropped in the following Parliament to 40 but rose to 66 in the first session of the present Parliament. The legislative orientation of committee work was confirmed by the decisions in 1979 to refer automatically all Government bills (other than those either of a financial or budgetary nature, or of an emergency or urgent nature) to select committees following their first reading.²⁸ Committees can be expected to play an increasing part in the parliamentary work as a result, and already in 1980 the effects of the innovation are being experienced.

There has also been a move towards a greater recognition of the reports made by committees to the House. The procedure in the Committee of the Whole has been to discuss the original bill in conjunction with the amendments recommended by a select committee (rather than a draft resulting from the committee's deliberations as is the practice in other parliaments based on the Westminster model).²⁹ The work of committees was acknowledged in 1972 by a "streamlining" measure whereby bills reported without major amendment could be taken in toto in the Committee of the Whole House if there were no objections from members. Otherwise the committee's "opinions" would continue to be considered as clauses were discussed individually. Amendments to bills recommended by select committees continued to remain as proposals until moved in the Committee of the Whole. The 1979 Standing Orders Committee decided that for

28. A.J.H.R., I.14 (1979), pp.7-8.

29. Valentine Herman, Parliaments of the World: A Reference Compendium (London: MacMillan Press, 1976), p.664.

government legislation such amendments should be deemed to have been made by the second reading of the bill. Deletions from a bill made by a select committee would only be debated if moved as amendments in the Committee stage.³⁰

The present committees with their jurisdictions are shown in Table 7.8; an ad hoc committee on Electoral Law was also functioning in mid-1980. While the spheres of the policy committees coincide with or cover the responsibilities of some departments, there are a number of important omissions. The estimates retained by the Public Expenditure Committee for its consideration because no appropriate committee existed, provide one indication of the gaps. In 1979 they included Broadcasting, Housing, Railways, Tourist and Publicity and Works and Development.³¹ The 1979 Standing Orders Committee considered converting the Road Safety Committee into a Transport Committee but rejected that option because it felt insufficient legislative work would be available.³² With the extension of the roles of committees to include both estimates and most legislation, the potential work for extra policy committees is growing.

Roles of Committees

Committees have played six main roles in the New Zealand parliamentary system. These roles have not been of equal importance, involved all committees, or been constant over time.

30. A.J.H.R., I.19 (1972), p.10; A.J.H.R., I.14 (1979), p.8.

31. A.J.H.R., I.12 (1979), p.6.

32. A.J.H.R., I.14 (1979), p.13.

TABLE 7.8 Select Committees of the House
of Representatives in 1980

<u>Committee</u>	<u>Subjects</u>	<u>Size</u>
<u>a. Public Policy</u>		
Commerce and Energy	industries, commerce, overseas trade, energy and mining	7
Defence	defence and war pensions	7
Foreign Affairs	external and Commonwealth affairs	11
Health and Welfare	health and welfare	7
Labour and Education	labour and education	10
Lands and Agriculture	agriculture and forestry industries, Crown lands	10
Maori Affairs	Maori race	11
Public Expenditure	estimates, public accounts and accounts of other public corporations, undertakings and organisations	12
Statutes Revision	bills of technical legal nature, regulations	10
<u>b. Specialised</u>		
Local Bills	local bills	10
Petitions	petitions	7
Selection	private bills	5
<u>c. Domestic</u>		
House	comfort of members	7
Library	General Assembly Library	7
Privileges	privileges of members and House	5

The committee system for much of the post-war period has acted largely as a recipient of demands and requests made by members of the community for the satisfaction of what were mainly specific interests. Most committee reports were on the subjects of either local and private bills or petitions. The House played a relatively minor role in initiating work for specialised consideration of committees. In two of the three post-war periods non-public bills were the subject of almost as many reports as public bills.

The historical role of committees in considering petitions was maintained in the post-war Parliaments. That there had been a decline in this activity since the early part of the century is solely because fewer petitions were received. If the House had not continued to refer petitions to select committees there would have been little reason to retain several of the public policy committees for much of the post-war period. This function is now apparently unique to the New Zealand parliamentary system for:

It is not the custom of other Commonwealth legislatures to refer petitions to Select Committees for investigation and to empower them to secure departmental reports, to hear evidence, or to make recommendations to parliament concerning them.³³

Scrutiny of legislation has been a major role of committees. Bills can be polished and sometimes amended in content. With the increasing number of public bills referred to committees,

33. Report of the Standing Orders Committee 1967, A.J.H.R., I.14 (1967) p.9. A parliamentarian's case for the role is presented by the Rt Hon J R Marshall in "The Individual and Government: The Role of Parliamentary Committees", Public Lecture Series, 1973, Faculty of Law, Victoria University of Wellington, 12 June 1973.

government legislation has become more prominent in their work. Decisions taken in 1979 will ensure that this function predominates in the future.

Local bills are the only category of legislation which may be referred to a select committee when the House is not in session. Public legislation, in conformity with the "weak committee system" used in New Zealand, is referred to the select committee after the first reading stage in the House. The opportunity may now exist for departures from this rule. The Public Finance Bill passed in 1977 was referred to the Public Expenditure Committee prior to its formal introduction in the chamber. The success of this experiment led the 1979 Standing Orders Committee to commend pre-legislative consideration of draft bills where they are of a technical nature.³⁴

Governments had made the practice of withholding bills from select committees which in the Opposition's view warrant such consideration.³⁵ Three reasons for non-referral of bills in the past, "lack of an appropriate committee ... lack of legal complexity ... [and] lack of outside interests anxious to testify",³⁶ served to limit the role of the committee system. Another proposal, which was implemented in 1980, was to refer all bills (with the exception of "money bills" and bills of an urgent nature) automatically to select committees. The work of committees will not increase in the same proportion as the higher percentage of bills referred, for many whose

34. A.J.H.R., I.14 (1979), p.5.

35. For example, the New Zealand Security Intelligence Service Amendment Bill 1977. According to a submission made by the Clerk's Office to the 1979 Standing Orders Committee, five of the bills not referred to select committees in 1978 involved significant expenditures.

36. Robert N Kelson, The Private Member of Parliament and the Formation of Public Policy: A New Zealand Case Study (Toronto: University of Toronto Press, 1964), p.89.

passage has been confined to the House have been insubstantial in content. Nevertheless, this decision will undoubtedly broaden the role of committees in the legislative process.

An important role of committees in relation to legislation was often an extension of the pre-occupation with relationships with the community, which characterised non-public business. Committees have served as a mechanism for receiving and hearing representations from individuals and groups on government bills which attracted public interest.³⁷ In this respect they may act as a thermometer for gauging public reactions to policy changes. This role was not confined to legislation; committees have received submissions on a range of matters on which a government has been contemplating action.

A fourth function of committees has been that of task groups for undertaking investigations on public policy questions. This activity has been mainly undertaken by specially appointed committees (although the recent reports of the Road Safety Committee indicate one significant exception), but proportionately fewer such committees have been appointed in the last few Parliaments. The increasing use of the periods when Parliament is not meeting, for consideration of bills held over from one session to another, may well have contributed to this decline. The manpower resources which once were committed to consideration of policy problems as a preliminary step towards producing legislation may now be channelled, following the adoption of the recommendation of the 1979 Standing Orders Committee, into examining proposals already introduced into

37. See for example, Austin Mitchell, Government by Party: Parliament and Politics in New Zealand (Christchurch: Whitcombe & Tombs, 1966), p.73.

the House. The recommendation of that Report for committees to examine draft bills involves a later pre-legislative stage than that of the ad hoc investigations, and is confined to technical matters. If this proves to be the case, the modest role of committees in generating public policy may well be diminished.

Investigations may form part of another role, that of administrative oversight. This function has been mainly confined to the Public Expenditure Committee and within that committee's orbit, has emphasised financial management. While this committee provides a continuous investigative capacity which was lacking in the committee system prior to 1962, its operations are circumscribed by its resources. In effect, 10 members are responsible for this function within the committee system, and while specialised sub-committees have been used, there are limits to the investigatory work that can be achieved by a few members, particularly when staffing resources are inadequate.

It is difficult to evaluate the impact of the committee system with regard to its financial role of examining the estimates for no records are maintained. The Public Expenditure Committee has clearly performed better in this respect than its predecessor.³⁸ The practice of referring estimates to specialised public policy committees is an important step in the development of this function (although it has not always been successful).³⁹ But the impression remains that it was designed

38. See Alan McRobie, "Parliamentary 'Control' of Public Expenditure", in Stephen Levine (ed) Politics in New Zealand (Sydney: George Allen & Unwin, 1978), pp.115-130; and von Tunzelmann, "Public Expenditure Committee", pp.19-43.

39. McRobie, "Parliamentary Control", p.120.

to relieve the pressure on the Public Expenditure Committee rather than to foster specialised scrutiny by committees. In 1979 for example, the Social Services Committee considered the Social Welfare Vote but not that of Health. Land and Agriculture received the Land and Survey Vote plus three other minor votes, but not that for Agriculture and Fisheries. The terms of reference of the Commerce and Mining Committee explicitly cover the Trade and Industry Vote but the Votes of the Post Office, State Insurance and Energy and Earthquake and War Damage were considered instead. The spheres covered by the committee system in 1980 can be seen in Table 7.8.

Committees also perform other functions of which two should be mentioned here. They are a means of reducing the demands on the House; the collective membership splits into small groups to consider specialised areas of business. The work of committees, particularly in relation to bills, saves the time of the House which might otherwise be occupied in the Committee of the Whole.

Secondly, committees provide an informal and bipartisan context for members of both parties to work together. Members have frequently commented upon the satisfaction they receive from committee work, or as one commented: "a spirit of meeting and working as a Committee of Parliament rather than as members representing either the Government or Opposition".⁴⁰ In this context, the Opposition member should, according to the Hon Dr A M Finlay:

(June 11,

40. Hon R D Muldoon, N.Z.P.D., 342, (1965), p.366. According to one survey members preferred committee work to other aspects of parliamentary work. Austin Mitchell, Politics and People in New Zealand (Christchurch: Whitcombe & Tombs, 1969), p.268.

reconcile himself to the fact that the Government will ultimately prevail, and that the Bill will be enacted. His responsibility, behind the closed doors of a committee's deliberations, should be to make the best of a bad bargain, and co-operate to produce legislation that will work in practice, however offensive in principle it may be.⁴¹

Conclusions

A number of conclusions may be drawn from this survey of the committee system in the last three decades. Although the composition of committee work has changed and committee work has increased enormously, relatively little use has been made of the committee system for much of this period. There are several reasons for this.

First, the parties, when in office, have frequently used caucus committees for considering policy problems and undertaking reviews of policy spheres.⁴² These committees may report to the minister rather than caucus and receive the assistance of departmental officials. An extension of this role is the elevation of the status of the committee to that of an official inquiry into a public question. The National Government appointed a Fishing Committee in the 1950s whose report appeared in the Appendices of the Journals of the House of Representatives.⁴³ During the last two Parliaments a series of caucus committees has conducted inquiries and their reports have usually been tabled in the House and published.⁴⁴

41. N.Z.P.D., 417 (May 30, 1978), p.391. See also N.Z.P.D., 421 (October 6, 1978), p.4299.

42. See Austin Mitchell, "Caucus: The New Zealand Parliamentary Parties", Journal of Commonwealth Political Studies, VI (March 1968), pp.11-12.

43. Report of the Caucus Fisheries Committee, A.J.H.R., H.15A (1956).

44. Some examples are: Proposed Law Enforcement, 1973; Noxious Animals Control and Related Matters, 1974; Transport, 1974; Misuse of Drugs, 1978; Review of the Administrative Structure of National Parks and Reserves Administration by the Department of Lands and Survey, 1979; Accident Compensation, 1980.

Secondly, members have more usually been concerned with the particularised interests of individuals, groups or localities because Parliament has preferred to confine public deliberation on policy to the chamber. The consideration of the details of bills has been reserved for the plenary meetings of Parliament in the Committee of the Whole. Rather than delegate responsibilities to an agency of the House, the collectivity has been occupied with the clause by clause examination of legislation by members who might otherwise have considered these bills in a select committee.

Thirdly, the executive may prefer to handle a question without utilising Parliament's committees. Kelson notes that only a small proportion of bills introduced between 1946 and 1955 by Mr Holyoake, the Minister of Agriculture, were referred to the Agricultural and Pastoral Committee.

There is a tendency for the Minister to feel that, if he can get the Department and the pressure groups to agree on a particular piece of legislation, there is no need for any further consideration of the matter.⁴⁵

Notwithstanding the changes described above the general rules governing the powers and constitution of committees as a whole have remained largely the same. They continue to be appointed by the House and to exist for the duration of a Parliament. A committee may adjourn from place to place, meet during the sittings of the House, and admit the news media to its proceedings, only with the leave of the House. Committees may only report their opinions to the House, and

45. Kelson, Private Member, p.86.

these cannot take the form of a minority report. The governing party nominates the majority of each committee's members and its chairman,⁴⁶ although about half the committees can be regarded as predominantly non-partisan.⁴⁷ While the number of committee positions per member has been substantially reduced, continuity of personnel between meetings of a committee can still be lacking.⁴⁸

A striking example of the status of select committees was recently provided by the fate of the State Service Conditions of Employment Bill 1980. In what was described as a "political somersault" the bill was reported back to the House without amendment by the Labour and Education Committee (after considering evidence on the subject) and immediately discharged by the Government.⁴⁹

The investigation of spheres of public policy has been largely confined to the occasional ad hoc committee and to the Public Expenditure Committee. The opportunities for specialised consideration in a less partisan context of public matters, whether controversial or not, was largely foregone.

The relationship which the House has maintained towards the committee system as a whole has also prevailed in relation to the single committee with the potential to investigate

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46. The only departures, the sub-committees of the Public Expenditure Committee, must receive endorsement for their reports from the full committee.
47. Jackson, "Parliamentary Committees", p.98.
48. Note for example the number of changes to the membership of: the 1979 Standing Orders Committee, A.J.H.R., I.14 (1979), p.3; and the Committee on the Electoral Law, A.J.H.R., I.17 (1980), pp.41-2. See also N.Z.P.D., 421 (October 6 1978), p.4299.
49. Evening Post, August 20, 1980, p.8.

public expenditure. The House did not refer any matters to the committee between 1973 and 1978 and has chosen to debate only one of its reports between 1968 and 1978.⁵⁰

Nevertheless, the powers gained by individual committees have conferred on them a measure of independence. A number of practices which were once exceptional have become the rule, and select committee consideration of bills has become "a normal stage in the passage of Government legislation" which is prescribed by standing orders.⁵¹

Austin Mitchell observed in 1966 that

perhaps the most convincing testimony to the importance of [some] committees is the fact that pressure groups, instead of largely bypassing Parliament, or working through individual members as they have in Britain, are anxious to go before committees whenever their interests are concerned.⁵²

This is even more true today, particularly when the government foregoes the consensual approach of the past. The National Development Bill emerged from the National Party caucus without prior consultation with the wide range of interests affected by its provisions. Consequently, the select committee stage of its passage through the House, was a focal point for opponents to the legislation.

A problem now being encountered with complex or controversial legislation is that many persons or groups wishing to

50. Von Tunzelmann, "The Public Expenditure Committee", pp.28, 30 and 38.

51. A.J.H.R., I.14 (1979), p.14. Standing Order 221, Standing Orders of the House of Representatives (Wellington: Government Printer, 1979).

52. Mitchell, Government by Party, p.73.

make oral submissions have been unable to do so. Thus 34 of the submissions originally intended as oral on the 1977 Town and Country Planning Bill, and 27 of those on the National Development, were taken as written submissions.⁵³

One limit to the further development of the committee system is the possibility that the meetings will become more politicised. When one member entered the House 30 years ago:

Voting in committees was rare. Unhappily, it is becoming more common, but it is still the exception rather than the rule. My experience is that there is still some degree of voting across party lines in committees, even on non-conscience issues.⁵⁴

One indication of party differences in committee deliberations is the appearance of references to the majority view in the reports of select committees.⁵⁵

The 1979 Standing Orders Committee was mindful of the possible consequences of altering "too radically" the "balance of work between the House and the committees".⁵⁶ In its report the Committee observed that the role of Committees of the whole House had been called into question to some extent because of "the increasing amount of work being channelled through select committees in recent years".

53. N.Z.P.D., 416 (December 16, 1977), p.5483; N.Z.P.D., 428 (December 14, 1979), p.4868.

54. N.Z.P.D., 417 (May 30, 1978), p.391.

55. See for example the report of the Committee on Electoral Law A.J.H.R., I.17 (1980), pp.29 and 30. It should be noted that the fuller discussion of committees' deliberations in their reports is one reason this information is now available.

56. A.J.H.R., I.14 (1979), p.7.

The careful scrutiny of the "nuts and bolts" of legislation in a largely non-partisan atmosphere is nowadays less likely to be experienced in Committees of the whole House than in a select committee. This Committee nevertheless remains firmly of the view that to abolish Committees of the Whole House would do Parliament a grave disservice by shifting vehement political and policy debates from the floor of the House to select committees.⁵⁸

The considerations rejected (or not proceeded with) by various Standing Orders Committees are as revealing about the nature of the committee system in the New Zealand Parliament as the developments reviewed above. The 1968 report noted the interest of some members in the recently established "specialist" committees in the United Kingdom which held public meetings and took evidence from ministers and public officials, and the suggestions of members of the Public Expenditure Committee that its order of reference be extended to allow parliamentary scrutiny of bodies such as the marketing boards and the Wool Commission. The Committee declined to make recommendations on these matters, preferring to leave them for further consideration.⁵⁹

The most comprehensive statement of the views of a Standing Orders Committee (from which Opposition members later dissented in the House) was that contained in the 1979 report. The two major questions discussed were the extension of the scope of committee work and the enlargement of the powers of select committees. Two proposals made to the committee which involved significant departures from the present arrangements were: a system of departmental select committees (such as had

58. ibid., p.6.

59. A.J.H.R., I.14 (1968), p.12.

been recently introduced in the United Kingdom) each with the "power to examine all aspects of the policy, administration, and expenditure of the departments 'allocated' to it"; and the extension of the present scope of committee work to include government administration and expenditure and powers to initiate investigation, while retaining the "subject" orientation of the system.

The Committee concluded that "fundamental changes" to the structure were not necessary and rejected both options for change. Instead, committees should continue to look at legislation or specific problems, and remain "strictly creatures of the House" without the power to initiate inquiries. Nor should committees have the right to appoint sub-committees (with the exception of the Public Expenditure and, since 1979, Statutes Revision) for that power "is not one to be conceded lightly".⁶⁰

The length at which the Report reviewed issues upon which it did not intend making recommendations suggests that it felt obliged to defend the acceptance of the status quo in the face of submissions made to it and trends in other Commonwealth legislatures. The arguments in defence of its conclusions read rather unconvincingly in the light of developments elsewhere.⁶¹

60. A.J.H.R., I.14 (1979), p.13.

61. See "United Kingdom: Watchdog Committees", The Parliamentarian, LX (October 1979), pp.248-9; and the discussion in Jackson, "Parliamentary Committees", pp.99-100.

Chapter 8

MEMBERS OF PARLIAMENT AND THEIR RESOURCES

The functioning of an institution depends in large part on the nature of its personnel and resources. The recruitment of members is not controlled by Parliament or solely by the parliamentary parties. The rate at which new members enter the House is largely a result of electoral contests, while the type of member elected depends on broader recruitment processes. Variations in the turnover and changes to the backgrounds of members have had important consequences for the institution; they are considered in the first part of this chapter.

The growth in the volume and complexity of members' work has, in the past, produced heavy demands on the limited resources of the House. A number of important decisions have been taken which have altered the level of services and facilities and the personal resources at the disposal of members. Important changes affecting members' remuneration date from the end of the Second World War, but the main developments in both salaries and services have taken place in the past decade.

Members of Parliament

Turnover and Backgrounds

The membership of the House has been relatively stable; most MPs had been in a previous Parliament. In recent terms members' tenures have been less secure and the influx of new members has added a dynamic element to the institution.

The size of Parliament has been increased three times within a ten year period. The first change in the number of members since 1900 occurred at the 1969 general election when 84 seats were contested. The membership was subsequently increased to 87 in 1972 and 92 in 1978. These increases, though small, have been more significant because of their association with major oscillations in the political fortunes of the parties. The tendency of the electoral system to inflate small changes in voting preferences into significant exchanges of seats has resulted, in a period in which the electorate's behaviour has been more volatile, in large gains and losses by both parties in several elections.

Two consequences have followed from the adjustments to the size of the House and electoral behaviour. First, the intimacy of the House has been reduced somewhat and the party groups have been enlarged. In the 37th (1973-75) and 38th (1976-78) Parliaments the effect was lopsided, for the opposition parties, in both cases with 32 members, were the smallest since 1951, while the government parties, both with 55 members, were the largest since 1935. The situation was somewhat redressed by the results of the 1978 election which produced the largest opposition in the twentieth century, and a government caucus of 51.

The second consequence has been the effect of the turnover of members on Parliament. It is difficult to extract any short term patterns from the data for turnover discussed in Chapter 2, except that it normally fluctuates and a high turnover occurs every few elections. By taking general election results in groups of five, a decrease in the turnover is

apparent during this century. The proportions of new members elected at the general elections of 1908-1922 averaged 24.0 per cent, and for 1925-1938, 22.3 per cent. The decline continued into the post-war period with percentages of 17.3 for 1943-1954 and 15.1 for 1957-1969. The results of the last three elections produced a reversal to this trend, with an average turnover of 24.2.

While a large renewal of the membership of the House has normally been followed by a small turnover, in the five elections between 1963 and 1975 the turnover increased at each election, the only period in which this has occurred during its history. This (and also the relatively high turnover in 1978) can be attributed to both the enlargements in the size of the House and volatile electorates. Between 1966 and 1978 the number of new members elected at general elections equalled the size of the House in the latter year. The combined turnover for the two elections 1972 and 1975 was the highest for any other pair of elections for more than 60 years.

Associated with these higher turnovers have been changes in the demographic composition of the House. The changes appear to be part of longer-term trends which have received an impetus by the recent high renewals of the membership. It is beyond the scope of this chapter to account for these trends, although it should be noted that in the recruitment process rather different types of persons have been seeking nominations, and the approaches of the party organisations to the selection of candidates have emphasised individuals with particular

attributes.¹ It is necessary to document the major changes in the characteristics of MPs for the members concerned are having an increasing impact on the proceedings of Parliament.

The average age of Members of Parliament tended to increase in the nineteenth and early twentieth centuries until a peak was reached in the 1925, 1928 and 1931 Parliaments. An over-50 plateau was maintained in all parliaments until 1960. But since 1951 a decline in the average age has occurred; the mean for members elected at general elections in the 1950s was 54, for the 1960s 49 and for the last decade 48.²

The reason for this trend is, of course, the lower average age of new members. With the exception of the 1957 election, the mean ages of new members remained constant at 44 or 45 between 1951 and 1969. In the three subsequent elections during the 1970s, the average ages dropped respectively to 41, 40 and 39.³ These new members differed from those elected in the previous decade in that their average ages departed more from the mean for the House (40 compared with 48, as opposed to 44 compared with 49).

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1. For example, Alan Robinson observed that Labour responded to the 1966 election results by "increasingly vigorous parliamentary activity and the selection of younger candidates, including a number of professional men, for the 1969 election ...". "Continuing Political Change: the New Zealand Case", (paper presented at the Eighth World Congress of the International Political Science Association, Munich, September 1970), p. 16. See also Douglas C Webber, "Trade Unions and the Labour Party: The Death of Working-Class Politics in New Zealand", in Stephen Levine (ed) *Politics in New Zealand: A Reader* (Sydney, George Allen & Unwin, 1978), pp.182-195.
 2. Leicester Webb, *Government in New Zealand* (Wellington: Department of Internal Affairs, 1940), pp.41, 43 and 46; Austin Mitchell, "The New Zealand Parliaments of 1935-60", *Political Science*, 13 (March, 1961) pp. 40-41; and Adrienne von Tunzelmann, "Membership of the New Zealand Parliament: A Study of Conditions 1854-1978", (unpublished research paper for Master of Public Policy, Victoria University of Wellington, 1979), Table 7.
 3. Von Tunzelmann, "New Zealand Parliament", Table 7.

There has also been a tendency for members to have reached a higher educational level. The proportion who have not progressed beyond primary school has declined from 41 per cent (1935-49) to 26 per cent (1949-60), and to 6 per cent on the average for members elected in the general elections 1969 to 1978.⁴ In the latter year just two MPs were known to have received only a primary school education. The proportion not progressing beyond a secondary school education would appear to have risen from 31 per cent (1935-49) to 42 per cent (the average for the last four general elections), but this latter figure obscures the actual decline in this category which has occurred with members returned at each of these latter elections (from 52 per cent in 1969 to 30 per cent in 1978).

The university or tertiary category has been constantly rising from 22 per cent (1935-49), to 31 per cent (1949-60) and more recently to 51 per cent (the general elections 1969-78). That each of the last four elections has shown an increasing proportion of tertiary educated MPs (from 41 per cent in 1969 to 62 per cent in 1978) indicates that this category has gained at the expense of the others. The higher education of MPs is particularly marked in the backgrounds of members first elected in one of the last two elections; 67 per cent of MPs elected in 1975 and 69 per cent in 1978 had a tertiary education.

The third background characteristic, which in some respects is the most significant, is MPs' occupations prior to entering Parliament. Persons from the farming and business sectors have

4. The data on educational backgrounds comes from Mitchell, "New Zealand Parliaments" for the two periods 1935-49 and 1949-60 (Table V) and from von Tunzelmann, "New Zealand Parliament", for recent general elections (Table 4). Included in the percentage calculations are MPs for whom there was no information.

continued to form approximately half of the members, although since the 1969 general election their relative proportions have declined respectively from 27 per cent to 22 per cent and from 32 per cent to 26 per cent.⁵

The gains have been made by a single occupation and an occupational category. Lawyers composed 17 per cent of members following the 1978 general election, compared with 8 per cent in 1969. Professionals are now represented by 22 per cent of MPs compared with 17 per cent in 1969 (and a mere 8 per cent in the 1935 Parliament).⁶ Lawyers are commonly regarded as professional persons and can therefore be grouped with the other professional occupations. This produces a combined total for professionals of 31 per cent in the 1975 Parliament and 39 per cent in the 1978 Parliament. Since the latter election three further professionals, including an academic lawyer, have entered parliament via by-elections.

Von Tunzelmann also comments that:

an equally significant trend is the 'professionalism' of other occupation groups represented in the House, that is, an appreciating sophistication in the nature of the job applying to even the more traditional of members' occupations.⁷

Consequently, the personnel of Parliament are now younger, more educated and more professionally orientated than at any other time in the twentieth century.⁸ Parliament has become stratified to some extent between older veteran members representing the traditional occupations and more usually with

5. Von Tunzelmann, "New Zealand Parliament", Table 2.

6. ibid.

7. ibid, pp.34-5.

8. Von Tunzelmann observes that the Parliament elected in 1978 has an occupational structure comparable to that for the period 1854-71. ibid, p.34.

secondary education, and younger trained professionals who have recently entered the House.

These new members have not trickled into the House at the rates of the past to be socialised in small batches into the mores of parliamentary life. They have entered in large numbers and upset the stability of Parliament's socialisation processes because they have constituted groups without the same pressures to conform to the traditional modes of behaviour. In the 1973-75 parliamentary term, the Labour government had 16 members elected in the previous general election. The succeeding Parliament included 25 new National members, which together with the five elected in 1972 constituted 55 per cent of the caucus.

The members in these Parliaments have been more active in the proceedings and in some cases less deferential to codes of behaviour and the party leaders. They have been less disposed to remaining as spectators while senior members of both parties debate the issues of the day. Their scope for participating has been limited (particularly when they formed part of a large government majority) by the structuring of parliamentary proceedings in terms of government business and the roles allocated to experienced members. Nevertheless, where it has been possible for them to display independent initiatives, they have taken advantages of these opportunities. The statistics on parliamentary business for these years, presented in the previous chapters, reflect in part their behaviour.⁹

The emergence of groups prepared to assert their views, is more likely in a larger caucus. Labels have been assigned

9. Examples previously cited are private members' bills and questions to ministers.

to informal groups of MPs within each party; a left-wing group in the Labour Party was referred to during the third Labour Government, and more recently an active "free enterprise" group has asserted an influence on National policy.¹⁰

In one respect, Parliament has not changed; it has remained a male-dominated House. From a total of three women MPs in the 1950s their numbers grew to six in the latter part of the following decade, but dropped to four in the present Parliament.

Remuneration of Members

Until recently, the salary of a member of Parliament was neither an incentive nor an adequate recompense for his work. The profession was afflicted by an ethos that sanctified service to the nation as a sacrifice which should be reflected in their "honorarium". This attitude could only be associated with a view of politics as a gentlemanly avocation for persons with alternative means and time to attend to private occupations, but was certainly inappropriate for parliamentarians as a whole by the 1960s. Some members chose to maintain outside interests to keep their hands in or through force of financial circumstances, but the job was increasingly requiring a full-time commitment. Austin Mitchell observed at this time that "the New Zealand MP is poised uneasily between the professional politician common in more complex societies and the part-time

10. It may not be a coincidence that the largest number of new members experienced by any party in the post-war period prior to 1972 produced the "Young Turks" in 1961. R D Muldoon, The Rise and Fall of a Young Turk (Wellington: Reed, 1974), p.45.

amateur of the nineteenth century colony".¹¹

Fear of public reaction was a factor which reinforced members' reluctance to accept meagre increments from successive Royal Commissions. Many members subsisted, never free from an overdraft or financial difficulties, and frequently on a salary below that of their previous occupations, or in the case of ministers, their administrative counterparts.¹²

Until 1950 salaries were determined by Parliament and no allowances were paid, but under the Civil List Act for that year a Royal Commission was to be established from time to time for this purpose.¹³ Following two Commission reports the Act was amended in 1955 to provide for triennial reviews by Royal Commissions following each general election. The review process was only partially removed from the political sphere for though the Royal Commission would make recommendations, their implementation was still dependent upon approval by Parliament, and for statutory effect, an order in council.

The process was still not sufficiently insulated from what the 1973 Royal Commission described as "transitory pressures". Thus in 1958 and 1967 Commissions deferred their reports for 12 months because of the prevailing economic con-

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11. Austin Mitchell, Politics and People in New Zealand, (Christchurch: Whitcombe & Tombs, 1969), p.251.
 12. The 1968 Royal Commission observed that "more than half of all members have virtually no income other than their parliamentary salary", that the largest group with alternative sources (farmers) must employ a manager or other staff and that those with a profession could devote minimal time to their practices. Cf Mitchell, Politics and People, p.25. For examples of members' difficulties see Neale McMillan, "Parliamentary Salaries in New Zealand", The Parliamentarian L11 (January 1971), pp.39-42.
 13. A contributory superannuation scheme for members had been introduced in 1947.

ditions. Parliament in 1971 and 1972 declined to accept proposed increases without first submitting the recommendations to the Remuneration Authority, which led to reductions in the salaries awarded. In 1973 Parliament postponed the implementation of the recommendations of the Commission until 1974.

As early as 1951 a Commission had recognised that the job was "full-time professional work" but until 1968 reports maintained the need for a measure of self-sacrifice and the rewards of political life.¹⁴ By 1973 Royal Commissions had established four fundamental propositions:

- (a) that the occupation of a member of Parliament should be regarded as virtually full-time and professional in nature;
- (b) that it should be assumed that a member of Parliament has no other income;
- (c) that it should be accepted that members are married with family commitments;
- (d) that regard should be had to the sacrifices of a member and his wife (or husband) in respect of their enjoyment of leisure and family life.¹⁵

One observer has described 1970 as the year of the "break-through" in which parliamentarians attained a salary formula more comparable with other employees after almost 21 years.¹⁶ The House approved substantial increases and passed the Civil List Amendment Act to allow annual reviews of parliamentary salaries.

14. The 1968 Royal Commission also claimed to represent the community, and took into account the public resentment which it believed would result from substantial increases. A.J.H.R., H.50 (1968), pp.13 and 15.

15. A.J.H.R., H.2 (1973), p.6.

16. McMillan, "Parliamentary Salaries", p.39.

The Royal Commission of 1973 broke most unequivocally from its predecessors in its stance towards remuneration. The Commission observed (as had previous inquiries) that there had been a substantial increase in the members' workload especially with regard to select committees and caucus committees, but further commented that there was:

a growing tendency towards a new approach in determining the salaries of parliamentarians. The old attitude that there should be an element of sacrifice inherent in the discharge of public duty and service is, in our view, no longer acceptable in view of the long hours of work and the pressures and strains to¹⁷ which a member of Parliament is now subjected.

The Commission concluded that MPs were entitled to a fair remuneration for the job and recommended a 45 per cent increase for ordinary members, the largest in the history of the Royal Commissions. It was observed at the time that with salaries ranging from \$11,000 for MPs to \$27,500 for the Prime Minister, "parliamentarians joined doctors and lawyers as the highest paid in the community".¹⁸

However, the government through a miscalculation managed to discredit the increases. It first postponed the increases in 1973 in deference to its Economic Stabilisation Regulations but then granted the increases before the expiry of the restrictions in 1974, and backdated them for a period which more than covered that of the wage-freeze.¹⁹

The stage was then set for the final step in removing parliamentary salaries from the control or influence of politicians. Later the same year a Higher Salaries Commission

17. A.J.H.R., H.2 (1973), p.7.

18. Editorial, The Dominion, August 5 1974, p.4.

19. For public reaction see The Evening Post, March 3 1974, pp.1 and 2.

was established to determine and give effect to salaries and allowances of parliamentarians (along with other senior government officials). In 1977 the Commission was given a statutory basis and its reference was altered to take into account "the need to achieve and maintain fair relativity with the private sector in the levels of rates of salaries".²⁰

Services and Facilities

Working Conditions

A similar tardiness has characterised the development of the services and facilities of the legislature. The working conditions of members, outside the Chamber, were inadequate largely because of the limitations of the assortment of buildings used for parliamentary purposes. As late as 1948 one member entering Parliament "had shared an office containing two desks and one telephone, and the only piece of equipment he personally had possessed had been a telephone directory".²¹

Over the succeeding decades the facilities have gradually improved. But it was only in recent years that each MP acquired a separate room and the physical location and quality of this accommodation improved. The pressures on the present Parliament Buildings have been relieved by the movement of government departments to other accommodation and the recent shift of ministers and the Prime Minister's Department to the new executive wing.

20. Evening Post, November 18 1977, p.9. Details of the Commission's role are in Higher Salaries Commission, General Review as at 1 April 1978, (Wellington, 1979).

21. McMillan, "Parliamentary Salaries", p.42. See also N E Kirk, "The Member of Parliament", Public Administration Newsletter, 81 (October 1962), p.1; and H J Walker, "A Government Backbencher", Political Science, 15 (September 1963), p.44.

Following the 1955 Royal Commission a single typist was assigned to each party. In the early 1960s, when this number had been doubled, members were still obliged to type or write most of their letters because of the demands on the typists' services.²² The number was raised eventually to five per party and then determined on the basis of a ratio of members. The current allocation is one typist for two members plus five more for each party, and the role of such assistance has been enlarged to that of "secretary-typist".²³

Party Research Units

Until 1970 research for MPs was undertaken on a limited basis by party-appointed research officers. The National Party developed a modest research capability earlier than Labour because of its long years in opposition during the 1930s and 1940s. Martin Nestor took on a research function following his appointment as Private Secretary to the Leader of the Opposition in 1943, and became the Chief Research Officer of the Research Department established the following year. At the time of his initial appointment he found that the National opposition suffered from a double disadvantage. It was hopelessly outnumbered and while:

It would be untrue to say that the National MPs were invariably inferior to Labour Members in debates, ... the occasions on which they gained an upper hand were few and far between, and this was solely due to the lack of information about matters which came before the House.²⁴

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22. R J Harrison, "Organisation and Procedure in the New Zealand Parliament", (unpublished Ph.D. dissertation, Ohio State University, 1964), p.75.
23. Von Tunzelmann, "Membership of the New Zealand Parliament", pp.110-111.
24. Martin Nestor, "The Role of Research in New Zealand Politics", Political Science, 15 (September, 1963), p.55.

Nestor remained in his position for 30 years, supported usually by one other research officer (although at its peak, the last year of National's long period in opposition, the department had four research officers).

The Labour Party's research capacity was never developed even to the modest extent of National's, despite spending most of the 1950s and 1960s in opposition. A research staff of two existed in the 1950s, one of whom was the party's Assistant-Secretary. With the departure of the full-time research officer in 1960 the responsibility for research was assigned to a single individual who also had other demanding functions and no research qualifications. It tended to rely on people within the party who emphasised research for the movement rather than for MPs.²⁵

The research services provided for MPs in the 1950s and 1960s were relatively limited (notwithstanding the productivity of Nestor on the National side), were funded by the party organisations and were based at the party headquarters (although the National research officers moved to Parliament Buildings during the session).²⁶ The Labour Party was particularly concerned about its weak position, compared with the governing party, at the time of the 1970 Royal Commission on Parliamentary Salaries and Allowances for it had been in opposition for 10 years and did not have the funds to establish a proper research capacity.

25. Kent M Weeks, "Political Party Personnel in New Zealand" (unpublished MA thesis, Victoria University of Wellington, 1961), pp.24 and 146; Harrison, "Organisation and Procedure", p.77.

26. Weeks, "Political Party Personnel", pp.26 and 82.

The 1970 Commission responded to the representations made to it with a typically New Zealand solution to the needs of private members. It recommended: "two separate full-time research units, one for the Government party and one for the Opposition party" funded by the public but under the control of the senior whips. The General Assembly Library reference service was not thought suitable for assisting with the preparation of material for partisan debates: "Members need background material on legislation seen through political eyes ... The work needs to reflect the members' political interest and not be confined to an anti-septic gathering of facts".²⁷

The party research units were established with an initial staff of six, which was later increased to ten (following another Royal Commission but by a decision of a joint-caucuses committee). Their size has remained at that level despite proposals for appointing additional staff.

Of the ten, seven of Labour's and eight of National's staff are research officers, usually with academic qualifications. The research officers have specialised responsibilities, but the degree of specialisation is reduced by the need to cover a range of policy spheres, and one member of the National unit is on first call to the Leader of the Party.

The main concern of the units is the production of information for the use of all MPs. The first priority during

27. A.J.H.R., H.50 (1970), p.13.

the parliamentary session is the servicing of members' requirements for the debates in the House, but other types of background papers are also prepared. The difference between parliamentary work and the development of party policy is sometimes blurred, particularly in election years when the units are more likely to depart from their originally designated functions.²⁸ The function of the units depend partly upon whether their party is in opposition or government. In the 1973-75 session, the depleted parliamentary membership of the National Party was particularly reliant on the services of their unit. At such times the research officers may be most influential as extensions of the party's limited manpower resources in the House.

Another major function (possibly the key role in the case of the National Research Unit) is the serving of caucus committees. While in opposition, each member of the small National caucus was assigned the role of spokesman for a sphere of policy, and research officers were allocated policy areas and worked closely with spokesmen and caucus committees.²⁹ The role of caucus committees has since become more significant (a development which was encouraged by the large numbers of new members elected in the last two elections) although the party again provided the government. The Government Research Unit provides both research and secretarial support to caucus committees and acts as the co-ordinator of their activities.

28. See for example, National Business Review, January 29 1975, p.6; and transcript of Checkpoint, February 11 1975.

29. National Business Review, January 29 1975, p.6. Further details of the roles of the units at this time are in this article and The Evening Post, December 3 1974, p.8.

The Labour Party Research Unit has become most effective in its operation in 1980. This is attributed to the new caucus structure (described in Chapter 4) and the ability of members (particularly the newer MPs) to utilise research services. A new director with a background in political research was also appointed this year.

It is only in the last decade therefore that the parties have developed proper information services for members. Notwithstanding the existence of this capacity, the private member has not necessarily benefited. The trend noted by the 1973 Royal Commission that "there is an increasing tendency for the main efforts of the units to be directed towards the needs of the party rather than towards those of the private member for whom they were established" has continued.³⁰ The order of priorities in the National Party Research Unit has been the Leader of the Party, Whips (for information to be generally circulated), caucus committees and finally individual members.³¹ Although subject to limitations as a basis for generalisations, a recent survey of a small number of MPs indicates that some find the research units inadequate (younger, more highly educated new members) and prefer to use the services of the library.³²

In summary, the contrast between the nature of research assistance provided today and that supplied prior to 1970 is marked, particularly in the case of the Labour Party. Party funded research assistance based in the organisation has been

30. A.J.H.R., H.2 (1973), p.15.

31. R C W Stewart, "The Parliamentary Research Officer: A Personal Assessment" (unpublished LLM thesis, Victoria University of Wellington, Wellington, 1976), p.18.

32. Von Tunzelmann, "New Zealand Parliament", Table 17 and pp.116-7.

replaced by publicly financed services consisting of a range of relatively specialised, full-time staff located in Parliament Buildings. It was a logical extension of the New Zealand parliamentary system that research units should be under the control of the respective parties and have a partisan orientation. The emphasis in New Zealand has been on servicing caucus rather than the private member. The individual MP is more likely to use the service as part of a team, whether of caucus or caucus committees.

General Assembly Library

Since the General Assembly Library was absorbed into the National Library of New Zealand 1966, the library services of the legislature have been a responsibility of the executive although their administration has remained with the Library Committee of the House of Representatives. The primary purpose of the Library is that of an information, reference and research service for the House, although non-parliamentary roles have prevented a full commitment to the development of this objective.³³

The 1970 Royal Commission opted for party research units rather than expanding the non-partisan research capability of the library, or developing a general information system, although it did foreshadow the possibility of an increase in the reference staff. The limited service that could be provided in the early 1970s (a reference staff of seven including one person with specialist training) was acknowledged by the Chief Librarian in his annual report of 1973 when he observed "that until there is a massive increase in staff New Zealand

33. The Library has housed collections of national importance much of which cannot be transferred until the National Library building is completed.

members of Parliament will not get anything like the service their Commonwealth counterparts receive from their libraries".³⁴ In his following report, Mr MacLean advocated a selective dissemination of information (S.D.I.) service "which would analyse and summarise material coming into the library, according to individual users' specified subject interests". He concluded that "without such a scheme, the great bulk of the library's information resources will continue to have little or no impact on Parliament's deliberations at all". One further proposal was for an independent non-partisan research service to be developed by the library for the needs of private members and select committees. This would ensure that the backbencher had access to research resources which were not subject to party priorities.³⁵

These objectives (and also that of an integrated information system discussed later) are still far from being realised. The 1973 Royal Commission supported the need for an improvement in the research and information services of the library, but only recommended further investigation by some form of committee.³⁶ An inter-party committee approved two extra positions solely for the purpose of assisting the party research units. Their role was limited to that of a traditional reference service and did not involve processing the information. An incipient S.D.I. service was also introduced "insofar as any one person can be said to provide such a service".³⁷

34. A.J.H.R., G.13 (1973), p.14 .

35. A.J.H.R., G.13 (1974), p.9.

36. A.J.H.R., H.2 (1973), p.15.

37. H de S C MacLean, "Services in the General Assembly Library (New Zealand)", The Australian Library Journal, 24 (June 1975), p.198.

During 1976 the Library Committee finally committed itself to the development of "a modern and efficient legislative information service", and a reduction in the non-parliamentary use of the library. Two new services were introduced in 1977: a computer service with access to the data base in the Statistics Department; and facilities for the recording and playback of radio and television programmes. The latter service does not extend to the transcribing and filing of recorded material.

The administrative difficulties arising from the library's status are illustrated by the delay between the approval by the Library Committee of proposals for a current information service (the term now used for S.D.I.) in September 1975 and the appointment of the first staff member five years later.³⁸ The service is designed to notify members of new publications (articles, reports and books) pertaining to their interests. A pilot project, involving two new positions, is at present testing the use to which members and parliamentary staff might make of the service.

The reference staff is still only nine in number (a growth of two in the past decade) and only one of these positions (a statistician who also operates the computer terminal) is for a specialist who can provide research assistance.

38. The proposal was first presented to the Committee in 1973 but it declined to act on a favourable recommendation from the joint-caucuses committee on the grounds that the party research units would be undermined. H de S C MacLean "Research Assistance to Parliamentarians: Individual and Party Research Aides on Centralised Library Information Services", in Proceedings of the Fourth Conference of Parliamentary Librarians, 15-17th June, 1977, (Brisbane: Queensland Parliamentary Library, 1978), p.94. Subsequent delays arose from the circuitous policy-making process involving the National Library and various ministers. See the annual reports of the General Assembly Library, A.J.H.R., G.13 (1976), pp.17-18 and A.J.H.R., G.13 (1977) pp.17-18.

Information Services

Important developments have occurred in the services provided to members during the last decade which make it possible to refer to an information capability.³⁹ Their significance lies in that members have moved from a heavy reliance on their own resources to the extensive use of professional services provided in the House. Nevertheless, one hesitates to talk of information systems in relation to the New Zealand House of Representatives for the utilisation of modern technology and professional staff has barely begun.⁴⁰

Much of the work undertaken by the library and party units could not be termed research. The work of the units remains orientated toward fulfilling a range of roles: the immediate needs of members for the House, caucus committees, monitoring of debates and the media, and preparing background papers and speeches. Notwithstanding their titles, the units are not able to devote much time to proper research (although this is beginning to receive a greater emphasis in the Labour Party unit). A handful of research officers is unable to give adequate attention to the range of policy areas. The deficiencies in staff numbers are particularly felt by a party in opposition for it lacks the information resources of the government.

39. Another innovation, the provision of an advisory service for select committees is discussed in Chapter 7.

40. See for example, John A Worthley, "Legislatures and Information Systems: Challenges and Responses in the States", in Abdo I Baaklini and James J Heaphey (eds) Comparative Legislative Reforms and Innovations (Albany: State University of New York at Albany, 1977), pp. 154-72.

The pattern of usage of both the party research units and the library cannot be fully determined for no records have been kept by the units and the published statistics of the library are not particularly revealing. Some indication of library usage can be derived from the annual reports. Between 1976-7 and 1979-80 the number of reference enquiries increased from 3529 to 4804,⁴¹ but beyond a break-down in terms of time required to answer requests, no details of the users are published. The library has, however, prepared information for the last two sessions from the job sheets for the more time-consuming jobs (Table 8.1). No other systematic information yet exists for either the research units or the library.⁴² There is little doubt that these services are fully utilised and undermanned, and that the more leisurely atmosphere which existed a few years ago has disappeared.

TABLE 8.1 Distribution of Work of Library Reference Staff

<u>Job Sheet Totals</u>	<u>1978-79</u>	<u>1979-80</u>
Members of Parliament	546	863
Private Secretaries, etc.	72	111
Research Units	203	275
Parliament Building Staff	26	36
Other	57	76
	<u>904</u>	<u>1,361</u>

41. Compare figures for the reference service reported by Austin Mitchell of 1295 inquiries in 1961-2, 1601 in 1962-3 and 1704 in 1963-4. Government by Party: Parliament and Politics in New Zealand (Christchurch: Whitcombe & Tombs, 1966), p.89.

42. A questionnaire survey was conducted by the library in 1977 but apparently does not provide a basis from which to make generalisations. Similarly, von Tunzelmann's sample (see footnote 32) is limited in size and the scope of the research is not broad enough. It is expected that information will shortly be available on the types of work undertaken by opposition research officers.

Notwithstanding the high demand for the services it is uncertain how effective the three operations have been. The former Chief Librarian has, in a series of articles, presented the difficulties arising from introducing arrangements that were not properly conceived in terms of the relationship between the party units and the library services. For example, he observed in 1973 that "unless the units themselves are provided with a service from the Library they cannot deliver the goods to the members" for:

it turns out that with a significant number of the questions put to the Library by the units, the units are in fact simply acting as messengers for the members with no intention of processing the information provided in any way before passing it on.⁴³

With improvements in both the calibre of staff in the units and the working relationships between the library and the units, the arrangements are certainly more effective than in the early years of the experiment. But it still falls far short of MacLean's conception of an "objective system" consisting of a range of qualified specialists who would undertake research for both party teams and private members, and a "partisan system" composed of generalists orientated toward party objectives.⁴⁴

43. H de S C MacLean, "The General Assembly Library, New Zealand", in Proceedings of the Second Conference of Australian Parliamentary Librarians (Sydney: NSW Parliamentary Library, 1974), p.57; and MacLean, "Services in the General Assembly Library", p.199.

44. MacLean, "Centralised Library Information Services", p.99. Compare also the views of the Director of the Government Research Unit, David Lloyd, "Taxpayer Funded Support Services for Members of Parliament at State and Federal Level in Australia", Mimeo, 1980. An advocate of an information service centred upon the parliamentary library and independent of the party research units is M J Minogue MP: "Parliamentary Reforms", Address to the Stoke Branch of New Zealand National Party, 17 November 1976, p.9. See also his other views about the availability of information in "Information and Power: Parliamentary Reform and the Right to Know", in Stephen Levine (ed) Politics in New Zealand (Sydney: George Allen & Unwin, 1978), pp.78-85.

The main decisions have been taken. The increasing demands made by members will generate further resources and a proper research-based information system may yet evolve. In the short-term it would appear to be necessary to determine systematically the needs of members and parliamentary personnel.⁴⁵

Resources

An overview of the responses to the demands on the institution can be derived by examining the resources allocated to it over time. The main expenditures on the House of Representatives are those incurred by the Legislative Department and the salaries and allowances of the members. The Legislative Department vote covers several facilities and services: Bellamys, buildings, General Assembly Library (until 1966), grounds, Hansard, House of Representatives, Parliamentary Counsel Office (previously entitled Law Drafting Office), and the Ombudsman's Office (since 1962-3). The expenditures for the period 1952-78 are shown in Table 8.2.

The expenditures on both salaries and allowances and the Legislative Department have increased one thousand-fold during the last three decades. Both grew slowly in the 1950s, at a faster rate in the 1960s, and rapidly during the last three Parliaments (with inflation accounting for much of the increase). The growth sequence otherwise differs for salaries and allowances rise more rapidly in the first and second decades, assisted in the latter by a jump in 1965, and then

45. Cf Anthony Barker and Michael Rush, The Member of Parliament and His Information (London: George Allen & Unwin, 1974).

TABLE 8.2 Expenditure on Parliament 1952-78

<u>Year Ended</u> <u>31 March</u>	<u>Members' Salaries</u> <u>and Allowances^a</u>		<u>Legislative</u> <u>Department^b</u>		<u>Total Expenditure</u> <u>on Parliament</u>	
	(\$000)	% of 1952 figure	(\$000)	% of 1952 figure	(\$000)	% of 1952 figure
1952	134	(100)	366	(100)	500	(100)
1953	173	(129)	397	(108)	569	(114)
1954	169	(126)	427	(116)	595	(119)
1955	172	(129)	432	(118)	605	(121)
1956	198	(148)	491	(134)	689	(138)
1957	208	(155)	493	(135)	700	(140)
1958	210	(157)	561	(153)	771	(154)
1959	211	(157)	529	(145)	740	(148)
1960	240	(179)	539	(147)	779	(156)
1961	249	(186)	568	(155)	816	(163)
1962	276	(206)	602	(164)	878	(176)
1963	281	(210)	638	(174)	919	(184)
1964	280	(209)	626	(171)	906	(181)
1965	350	(261)	729	(199)	1079	(216)
1966	374	(279)	793	(217)	1167	(233)
1967	371	(277)	762	(208)	1133	(227)
1968	375	(280)	891	(243)	1266	(253)
1969	426	(318)	890	(243)	1316	(263)
1970	434	(324)	968	(265)	1403	(281)
1971	581	(434)	1208	(330)	1789	(358)
1972	633	(472)	1473	(402)	2105	(421)
1973	693	(517)	1628	(445)	2321	(464)
1974	1021	(761)	2068	(565)	3089	(618)
1975	1034	(762)	2323	(634)	3357	(671)
1976	1148	(857)	2836	(775)	3984	(797)
1977	1220	(911)	3758	(1026)	4978	(996)
1978	1473	(1099)	4627	(1264)	6100	(1220)

a. Includes annuities to a former Governor-General, former Prime Ministers and former widows of Prime Ministers from 1965 to 1978. The sum usually involved several thousand dollars.

b. Includes Ombudsman's office from 1963. The General Assembly Library became part of the National Library of New Zealand in 1966; expenditure on the library is included up to 1966.

Source: Estimates, A.J.H.R., 1952 to 1978.

later jumps in 1971 and 1974, while the Legislative Department's allocation does not receive a substantial increment until 1971, after which its growth rate is sufficiently high (particularly during the last Parliament in which expenditure doubles) to pass that of members' remuneration. It is not therefore until the 1970s that proper attention is finally given to both the needs of Parliament and its personnel.

Previously it has been found that "between 1939 and 1971 the expenditure on government operations (excluding transfer payments and subsidies) increased more than twice as fast as the expenditure on parliament".⁴⁶ A comparison of total parliamentary expenditure and central government expenditure⁴⁷ indicates that over the 1952-77 period Parliament has almost kept pace with the latter (a growth of 996 compared with 1154 on the base-year of 1952). Expenditure on Parliament formed the same proportion of central government expenditure (.34 per cent) in 1952 as in 1977 (although variations had occurred in the intervening years).

Conclusions

Members of Parliament have become professionalised in two senses of the concept.⁴⁸ It is no longer possible for members, in Weber's terms, to contemplate an avocation rather than a vocation of politics. While some members have had alternative means and have retained occupational interests, the demands of

46. Submission of R H Brookes, J L Roberts and A D Robinson to Royal Commission on Parliamentary Salaries and Allowances 1973, p.2.

47. The data used for central government expenditure were those for current expenditure on goods and services. This information was supplied by the Statistics Department.

48. Kjell A Eliassen and Mogens N Pedersen "Professionalization of Legislatures: Long-Term Change in Political Recruitment in Denmark and Norway", Comparative Studies in Society and History, 20 (April 1978), pp.290-1.

parliamentary duties have usually obliged them to live on their parliamentary salary. The growth in the workload of members in the post-war period and the increasing use of recess time has meant that members have few opportunities to attend to other occupations. Their remuneration has come in the post-war period, to reflect this reality.

A second interpretation of professionalisation is "that the legislative role has tended to converge over time with the role of the professional, i.e. the generalized role of members of the liberal professions, most notably that of lawyers".⁴⁹ The greater emphasis now given to legislation in the House and in select committees may attract more lawyers to the House. The composition of the House is likely to include increasing numbers of professionals for candidates already nominated for the 1981 general election show an endorsement by the parties of persons with such backgrounds.⁵⁰

Professionalisation has also proceeded to some extent at the level of the parliamentary staff who service members. The potential exists for expanding both the partisan and non-partisan resources of the institution, but this is not a question which the members are able to settle themselves.

With the replacement of Royal Commissions by the Higher Salaries Commission, a Members' Service Committee has existed for the purposes of considering services and facilities other than those within the ambit of the House and Library Committees. However, the Prime Minister is responsible for the Legislative

49. ibid., p.290.

50. See for example Colin James, "Labour's Emerging 'New Breed' Class of '81", National Business Review, May 5 1980, p.9.

Department and it is ultimately the Government which determines the level of services. As staff ceilings exist for the public service, it is unlikely that further staff will be appointed in the immediate future. In the longer term the prospects for further institutional change may depend on pressures from one particular source, the newer members.

TABLE 8.3 Parliamentary Service of MPs in July 1980

	Labour %	National %	Social Credit %	Total
Prior to 1960	12.5 (5)	3.9 (2)	-	7.6 (7)
1960-1969	37.5 (15)	31.4 (16)	-	33.7 (31)
1970 or later	50.0 (20)	64.7 (33)	100.0 (1)	58.7 (54)
	100.0 (40)	100.0 (51)	100.0 (1)	100.0 (92)

In 1980 the House is dominated by members elected in the previous decade; 59 per cent of members entered the House after 1970 (Table 8.3). Only seven members remain with experience of the House in the earlier part of the post-war period. The newer members have expectations unaffected by the conditions under which MPs have operated in the past, and which frequently exceed the level of services and facilities which they have encountered in the 1970s. Their role in influencing the development of the infrastructure will therefore be significant.

Chapter 9

CONCLUSIONS

This study has focused more on changing than stable features of Parliament. By taking the time-span of the post-war years for examining Parliament it has been possible to place the pattern of its activities in a clearer perspective. There have been some important developments in its modes of operating during this period; in fact it can be argued that there has been a minor transformation in many aspects of parliamentary life. It has also been apparent that the maintenance of existing forms has been the purpose of many (if not most) of the procedural adjustments.

These adjustments appear to be significant when viewed in the context of an historical review. The responses to demands on the institution appear to be less substantial when assessed in relation to normative expectations of Parliament today. While many of the proposals advocated in the past have been adopted in some form, the continuing agitation for reform of Parliament is a clear indication that the changes have been insufficient to satisfy many of the critics. This final chapter reviews institutional changes covered in this study and discusses directions reform might take in the future.

Continuity and Change

Broadly speaking there have been three types of development in the post-war period, only one of which, organisational and procedural change, has been exclusively

within the control of Parliament. The workload depends to a considerable extent on inputs from the political system while the membership of Parliament is affected by other factors.

The parliamentary work of members has changed in two respects. The quantitative changes to their workload need only be recalled at this point by some examples: sessions have become longer, the business of the House has increased in volume and committees meet more frequently. The content of parliamentary business has also varied. Apart from the prominence now accorded to question time the most important development has been the more conspicuous part which legislation has come to play in parliamentary work. Approaching half the House's time is now devoted to legislation, and the consideration of bills occupies most of the time of select committees and accounts for a majority of their reports.

The influx of new members at recent elections and the backgrounds and expectations they have brought to the House, have produced something of a renaissance in the role of the private member. This impression needs to be qualified by specifying the forms of behaviour involved. Several Standing Orders Committees gave more attention to the private member, and new procedures provided means of channelling the energies of backbenchers. The opportunities provided by question time, notices of motion and private members' bills have been increasingly utilised, and members have become more reliant on the administrative resources which have been added during the past decade. One recent indication of the roles of new

members is the fact that the most important and controversial legislation of the 1979 session, the National Development Bill, originated with two M.P.'s in their first year in Parliament.

Members have been outspoken on issues which did not accord with the positions of their party and in a number of instances have challenged the party leadership. Parliament-centred rather than party-centred behaviour has sometimes been apparent in members' actions inside and outside the House. The permanent defections from the parties have, however, stemmed from issues concerning members' careers. Where policy differences are at stake members have normally expressed their views but not engaged in other overt forms of behaviour.

While members are more inclined to vote independently of their fellows on free votes, they are still not, as a rule, prepared to stand against their party in voting divisions in the House. The parliamentary party continues to provide the only means for political advancement and if members entertain hopes for promotion to leadership positions, the range of tolerated behaviour (if broader now) sets limits to their actions.¹

The responses to the increasing demands on Parliament have taken various forms. They have frequently involved

1. Geoffrey Palmer observes that "nothing so destroys the independence of the New Zealand House of Representatives" as the expectation that "most members aspire to be in cabinet." Unbridled Power? An interpretation of New Zealand's Constitution and Government (Wellington: Oxford University Press, 1979), p.45.

adjustments to procedures in order to alleviate pressures on parliamentary time. Change also resulted from precedents set in particular contexts which were later extended to become the general practice. Not all problems were amenable to resolution simply by altering the Standing Orders; in some cases procedural amendments were neither desirable nor practical.

The deliberations of Standing Orders Committees did not produce decisions on some questions. It was not usually possible to ascertain the extent of non-decision making, but options rejected or deferred were sometimes stated or could be detected. In the pattern of responses to the demands on the institution such conclusions can be as important as the decisions leading to change for understanding the nature of the parliamentary system.

A range of committees and individuals were involved in the process, but the participants and pivotal actors varied over time. Inter-party committees were responsible for some innovations, and public servants played a role in some cases. New practices were sometimes introduced first by the majority party, but formal changes were normally recommended by an agency of the House. Senior members of both parties exerted the major influence on decisions for they dominated all the Standing Orders Committees. Ultimately the approval of the majority party (or the minister responsible for the Legislative Department in the case of parliamentary resources) was necessary for any proposal to be implemented.

The final decisions were usually arrived at by a consensual process involving members of both parties.

As a general rule, major decisions touching the institution or procedures of Parliament are not imposed by the majority party. They are usually bi-partisan decisions reached after much discussion and often by way of compromise.²

The differences which remained might be aired by individual members in the debates on Standing Orders but they usually involved minor points (with the notable exception of the debate on the 1979 report, parts of which were dissented from by members of the Opposition). It is not surprising therefore that incremental changes designed to consolidate the existing forms were prevalent in the outcomes of the reviews.

The chapter on legislation concentrated mainly on one dimension of the legislative process because of the attention given to legislation in other recent publications. The impact of the House on public bills was mainly confined to amendments by the Government of its own bills; the minority party had so divested its opposition role of formal acts that relatively few amendments were proposed. This undoubtedly reflected the lack of substance in much of the legislation which passed through the House. But for the desire to maintain the supremacy of the House, the Committee of the Whole could have been dispensed with for many bills in favour of select committees.

The development of the committee system in the post-war

2. Sir John Marshall, "Introduction", in Sir John Marshall (ed), The Reform of Parliament (Wellington: New Zealand Institute of Public Administration, 1978), p.7.

period can be regarded largely as a means of relieving the workload of the House. But changes to the structure, and the devolving of powers to particular committees, has produced a more effective mechanism for undertaking parliamentary functions. There have been two important departures from earlier procedures. First, two committees have been granted powers to initiate investigations of their own and the restrictions on their meetings (and those on the Local Bills Committee) have been relaxed. For different reasons the potential of the Public Expenditure Committee and the Statutes Revision Committee has not been achieved. Secondly, the decision to refer all legislation to committees (with the exception of specified categories) has confirmed the emphasis now given to public bills in their work and provided recognition of the select committee stage in the legislative process.

While a progression can be seen in the changes to the committee system, the roles of most committees remain circumscribed. They do not have the powers to undertake any form of business on their own initiatives. The committee system's coverage of policy spheres is far from complete and it is not orientated towards scrutiny of government departments. Committees continue therefore to offer one of the more promising areas for further institutional development.

Notwithstanding the extensive changes which have occurred, the emphasis has been on continuity. The parliamentary framework has not been threatened by procedural adjustments or the provision of extra resources. Indeed, the

adaptability of the institution has been demonstrated. The organisational changes have been mainly concerned with consolidating the existing system. The streamlining of procedures and other time-saving devices have been designed to improve the ability of the institution to cope with its workload.

Some innovations were either unsuccessful or under-utilised. In both cases the main reason was the concern of members with pursuing party differences in the House. Consequently, occasions for private members to press the claims of individuals, communities and groups or for detailed scrutiny of government administration were inclined to be used for partisan debate, while those which were less productive for this purpose were neglected. It has also not been possible to contain inter-party conflict within the formal rules of the House, particularly when conventions which complement such rules, have been ignored.

The magnitude of the reforms was not sufficient to produce structural changes. While comprehensive or radical reform was not contemplated, incremental adjustments have not led to structural change over time. The basic forms continue as before within a framework determined by the relationships between the two parties and the subservience of Parliament to the executive.

Attitudes to Parliament

The Labour and National parties have differed in their attitudes towards Parliament for many years although the contrast in some of their views is possibly more pronounced

today. These attitudes have been influenced by the institutional status of the parties as either the Government or the Opposition.

The Labour Party, as the Opposition for most of the post-war period, can be expected to have found fault with the management of Parliament more frequently than the party in power. But there has been considerable continuity in the types of changes advocated by the Party. The Leader of the Opposition argued in 1968 that "the standing of Parliament is at a low ebb"; the cause of its lack of status and ineffectiveness was attributed to "the abrogation of Parliament's authority by Cabinet".³ The length of the recess and the issues which arose when Parliament was not meeting prompted support for longer sittings and the division of the parliamentary year into two main sessions, the first to begin early in the year. Also recommended were committees to review the operations of departments and the opening of committee meetings to the public and press.⁴

The Labour Party experimented with early sessions after it became the Government in 1972. Open meetings became an accepted feature of the committee system. The Party also attempted to implement a major change to the size of the House. In 1975 the select committee on the Electoral Act recommended (by a majority decision) a House of 121

3. N J Kirk, Towards Nationhood (Palmerston North: New Zealand Books, 1969), p.33.

4. ibid, pp.34-5. See also Mr Nordmeyer's views, The Evening Post, May 12, 1964, p.11.

members, but failed to secure the requisite 75 per cent vote required by the entrenched provisions of the act.⁵

Labour's 1978 election manifesto reaffirms its commitment to these principles and to the general goals of strengthening "Parliament's control over government action", and regaining respect for Parliament by restoring order and decency. Apart from promising a Freedom of Information Act, the party continues to support open committee meetings and a House of 121 members "so that members of Parliament are able to specialise and give more detailed study to laws they are debating." The form which the session should take has now been redefined as "three days a week, three weeks a month, up to a maximum of 10 months a year." Sittings after midnight would be prohibited. A number of the party's recommendations were incorporated in a private members' Reform of Parliament Bill 1979 which inter alia provided for "a framework for a modern calendar in the parliamentary year."⁶

As the party in power for most of the post-war period, National has controlled Parliament during a period when the volume of its business has increased enormously. The party

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5. Sir John Marshall observes that, unlike the "unanimity with which the Electoral Act 1956 was accepted and passed" "no serious effort was made to reach a consensus" on amendments to the electoral laws. Consequently they were changed by the National Party when it became the government. "Introduction", Reform of Parliament, p.10.
 6. N.Z.P.D., 425 (September 6, 1979), p.2791. The Leader of the Opposition, Mr Rowling, has also advocated the automatic expiration of acts after 40 years and regulations after 20 years, and the appointment of a special select committee to examine systematically the work of all government departments. The Evening Post, February 14, 1978, p.2.

has supported procedural change for all but one Standing Orders Committee were convened while it was the majority party. But the impact of the reforms has been diminished because they have been introduced incrementally over the last twenty years, while in the same period the role of the executive under the National Party has continued to expand.⁷

Under the leadership of Mr Muldoon the party has favoured a strong executive approach which appears to regard Parliament as a hindrance to actions by cabinet. It is consistent with this view that Parliament should revert to the "traditional" late session allowing the Government to act without distractions for the first half of the year. During that period select committees meet and ministers and their departments prepare legislation.⁸ Once Parliament is convened the session is not prolonged by lengthy adjournments.

The party believes improvements in the effectiveness of Parliament can be achieved by making better use of the time available. Limited time debates have been suggested by the Rt Hon R D Muldoon as "the key to a schedule of work that would enable us to work more effectively inside the Chamber and outside it. One hour of hard debate is worth three hours of repetitive argument."⁹

The National Party did not include proposals for reforming Parliament in its 1978 election manifesto. It

7. For example, 1979 has been described as "a land-mark year in the relentless advance of state power" because of the legislation passed. Colin James, "The State shall be Mightier than the Sword," National Business Review, October 17, 1979, p.2.

8. N.Z.P.D., 428 (December 13, 1979), p.4813.

9. N.Z.P.D., 428 (December 14, 1979), p.4838.

would appear to be committed to the status quo (bearing in mind that a few significant changes were introduced following the adoption of the recommendations of the 1979 Standing Orders Committee) and gradualism in its approach to reform (for example increases in the size of the House).

Apart from the party positions on parliamentary reform, a number of members have expressed their own preferences. National members typically have not moved beyond their party's stance, and have articulated proposals such as the imposition of a time limit on fixed debates or a change to the size of the quorum necessary for meetings of the House.¹⁰ The main exceptions have been Marilyn Waring and Michael Minogue who have spoken frequently on the question of parliamentary reform, and to some extent have acquired the image of Parliament-centred M.P.'s. Similarly a number of Labour members have actively advocated reforms, but the most extensive catalogue of recommendations was produced by a Labour member prior to his entry into Parliament.¹¹ A review of some of the suggestions of incumbents, former members and other observers will serve to illustrate the limits of the parties' positions on reform.

Political argument is central to parliamentary processes in New Zealand, but few dimensions of the institution remain unaffected by adversary politics. One means of mitigating the influence of the parties is by designating non-partisan

10. N.Z.P.D., 425 (September 6, 1979), pp.2795 and 2798.

11. Geoffrey Palmer, Unbridled Power? An Interpretation of New Zealand's Constitution and Government (Wellington: Oxford University Press, 1979). Cf also N.Z.P.D., 428 (December 13, 1979), pp.4819-21.

parliamentary positions. Dr Finlay has argued that the main problems in relation to the manipulation of procedures and the abuse of Standing Orders relate to the weakness of the Speaker, and that a reassessment of the office is the primary step in approaching the "mounting criticism of the condition of Parliament."¹² However, since Oram suggested extending the Speaker's term of office to six years and electing another member to his seat, specific proposals do not appear to have been forthcoming from members with the notable exception of Palmer, who favours an independent Speaker chosen on a free vote for a five year term.¹³ Sir Roy Jack would appear to be correct in his view that it is unlikely that any step "to build or reinforce the independence and impartiality of the Speaker" will occur "for some time to come."¹⁴

A second sphere is the chairmanship of select committees of the House. While Opposition members may chair minor sub-committees of the Public Expenditure Committee, they have not been permitted, as in other Commonwealth

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12. Dr A M Finlay, speech to the Fourteenth Australasian Regional Conference, South Australian Branch, Commonwealth Parliamentary Association, 8 February 1977. Quoted in Keith Jackson "Parliamentary Reform in New Zealand", The Parliamentarian, LX (October, 1979), pp.212-3.
 13. N.Z.P.D., 314 (1957), pp.3331-4; Geoffrey Palmer, Unbridled Power, pp.64 and 169. Palmer rejects the Social Credit Party's proposal for the appointment of "a member of the high judiciary" as Speaker on the grounds that parliamentary experience is necessary.
 14. Hon Sir Roy Jack "A Speaker looks at Parliament", in Marshall, Reform of Parliament, p.84. New Zealand Speakers have not been prepared, while in office, to mount a campaign for moving the status of the position more towards the British model, such as that presently being undertaken in Australia. Unlike New Zealand Speakers Sir Billy Sneddon, Speaker of the Australian House of Representatives, has previously been a Leader of the Opposition.

Parliaments, to chair select committees. One suggestion is that Opposition members should chair a few, possibly the less important committees.¹⁵

The committee system has featured prominently in lists of reforms for Parliament. According to one view "any effective reform of Parliament to meet today's needs" is "... intimately bound up with greater effective use of parliamentary committees."¹⁶ Among the suggestions for select committees are powers to initiate inquiries and appoint specialised staff, development of continuity in the memberships of committees and the specialisation of members, and the transference of work from plenary meetings of the House to committees.¹⁷ Some of these proposals could produce a diminution of the emphasis on ritualistic confrontation in the House and a strengthening of committees' independence. But, as Walkland has pointed out in Britain, such reforms may be incompatible with a political structure based on an executive-dominated legislature organised on an adversary basis.¹⁸

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15. W K Jackson, "A Political Scientist Looks at Parliament", in Marshall, Reform of Parliament, p.24; Palmer, Unbridled Power, p.169.
 16. Keith Jackson, "New Zealand Parliamentary Committees: Reality and Reform", The Parliamentarian, LIX (April 1978), p.99.
 17. Palmer, Unbridled Power, p.169; Peter Aimer, "Scandinavian Parliaments: Models for New Zealand?", in J Stephen Hoadley (ed), Improving New Zealand's Democracy (Auckland: New Zealand Foundation for Peace Studies, 1979), pp.34-5. Jackson, "Parliamentary Reform", p.215. Cf also the roles envisaged for the new Director of Research of the Public Accounts and Expenditure Review Committee of the Victorian Parliament: professional support into the design and conduct of studies and investigations, the selection and commissioning of consultants, liaison with public agencies, and the development of the data base the Committee will require for its work.
 18. S A Walkland, "The Politics of Parliamentary Reform", Parliamentary Affairs, XXIX (Spring 1976), pp.193-5.

A range of other questions have received varying degrees of attention. Mr Minogue has campaigned against the lack of executive accountability to Parliament and the limitations on information available to members. His early advocacy of freedom of information legislation as a means for improving Parliament's investigatory role has been influential in the public debate on the issue. Although the main parliamentary advocate of redressing the balance between the executive and the legislature, it is by no means certain that Minogue's objective could be attained through the proposals he advocates.¹⁹

The term of Parliament rates an occasional mention.²⁰ In-service training for M.P.'s, earlier suggested by Alan Robinson, has been taken up by one member of Parliament.²¹ But it has only been academics (and minority parties) who have been prepared to contemplate a different electoral system as a means of improving the performance of political institutions.²²

Unless these views of parliamentarians and academics

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19. See Minogue, "Information and Power: Parliamentary Reform and the Right to Know", in Stephen Levine (ed), Politics in New Zealand (Sydney: George Allen and Unwin, 1978), p.85.
20. For example, Sir John Marshall, "Introduction", in Marshall, Reform of Parliament, pp.11-12. Cf R H Brookes, J L Roberts and A D Robinson, "The Term of Parliament", in Marshall, Reform of Parliament, pp.116-120.
21. Waring, "Revitalisation of Cabinet, Parliament and Parties", in J Stephen Hoadley (ed) Improving New Zealand's Democracy (Auckland: New Zealand Foundation for Peace Studies, 1979), p.52; A D Robinson "Parliamentary Democracy in New Zealand: Some Possible Future Developments", in Marshall, Reform of Parliament, pp.100-1.
22. See for example Nigel Roberts, "Proportional Representation: Lessons from Abroad", in Hoadley, pp.73-81, and Jackson, "Parliamentary Reform", p.215.

are accepted by the party leadership they are unlikely to receive serious consideration. The Leader of the National Party has stated that he believes it is impossible to reform Parliament "because of the nature of the institution."²³ Nevertheless, these opinions, particularly those of members, have performed the valuable role of focusing attention on the need for reviewing the functioning of Parliament. The Government's decision in 1979 to drop its proposal for a "fiscal regulator" in the face of backbench opposition within its own party indicates that members' views can be influential on the question of Parliament's status.²⁴

Prospects

Further procedural changes are inevitable for the demands on Parliament cannot be expected to abate and there is considerable scope for adjustments within the existing framework. The prospects for major reforms remain fair.

The Labour Party is committed to a limited range of changes that would nevertheless enhance the institution. While it is not unusual for out-of-office innovators to become attached to the status quo once they attain power, influential and senior members of the Labour caucus appear to be convinced of the necessity for reform. Innovations from this source are dependent on the party regaining power

23. Quoted in Minogue, "Information and Power", p.85.

24. The proposed fiscal regulator would have allowed the Cabinet to reduce income tax rates when Parliament was not in session, thereby violating the tradition that such decisions should be made by the House.

(and, in the case of its proposal for a larger House, attracting the support of the National Party).

Under the present National regime, the process of change can be expected to proceed incrementally. While more than half National's members were first elected to Parliament during the last five years, the caucus system, by providing opportunities for them to become involved in policy making, serves to channel interests which might otherwise become centred on Parliament.

Neither party appears to have conceived of reform within a general review which has inter-linked changes to Parliament to its relationships to government and the political system. Nor have they entertained significant departures from the parliamentary framework or accepted the necessity for moderating the partisan character of some dimensions of the institution. The two-party system has been taken for granted as a permanent feature of the institution, although it has become doubtful that the main parties will be able to regain their exclusive representation in Parliament.

To achieve a proper balance between the needs of the executive and a legislature with the independent capacity to scrutinise effectively its actions, involves reforms which the main parties are not yet prepared to contemplate. To do so would require a re-definition of the traditional conception of the British parliamentary model.

APPENDIXNote on Methodology

A number of problems were encountered in using the records of the House of Representatives. Apart from lack of information (for example on the proceedings of the Committee of the whole House) the main difficulty was obtaining accurate information. While the standard of the records was normally high, a lack of consistency between different summaries was not unusual.

For example, it is possible to obtain three different figures for public bills passed from the details in the Schedule of Business and Schedule of Public Bills of the Journal for 1977. While useful new categories of information for bills were introduced into the Schedule of Business in 1973, they have not always been consistently applied (for example with private members' bills).

The information on select committee reports had to be compiled from several sources because none was complete. The list of reports contained in the annual summary, the Schedule of Business, was found to be misleading on a number of occasions. The starting point was the committee reports contained in the Appendices, the only source which consistently recorded reports on petitions. This data was cross-checked against the Schedule of Business, which also included reports on Selection (Private Bills) and Privileges, and occasionally produced a report omitted from the Appendices. A third step was to check the collected data against the

Schedule of Committees (which normally only included information about reports on bills and other matters, but not petitions). If necessary the schedules for items of business, for example Petitions or Private Bills, would be examined. If doubt still existed the final authority was the contents of the Journals detailing each report made by a committee to the House.

All reports of substance relating to business whether public, non-public or House matters were included in Tables 7.2-7.5. Two types of report made to the House were excluded - reports on decisions to allow the news media to be present during hearings of committees, and reports recording appreciation for services. Until the General Assembly Library was absorbed by the National Library the report by its Chief Librarian was recorded by the Library Committee as a report to Parliament and is so listed in the records (but not included in the Appendices). For that reason they are included but under the miscellaneous category in Tables 7.2-7.5.

A report does not necessarily equal a single item of business, a bill or a petition. It is quite common for separate petitions on the same subject to be considered together and to become the subject of a single report. A majority of the petition reports concerned a single petition. Most reports on bills concerned a single bill, but some are referred to more than one committee. The best examples are local bills, which are referred to Lands and Agriculture as well as Local Bills. Occasionally a local or public bill

is the subject of a second report. For the purposes of the analysis in Chapter 7, all reports made to the House (with the exception of those noted above) were included.

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