

MAKING A SUBMISSION TO A PARLIAMENTARY SELECT COMMITTEE



Office of the Clerk of the House of Representatives

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About this guide

New Zealand's system of parliamentary democracy not only provides for citizens to elect their representatives, but also allows citizens to have a say in shaping the laws that affect them. One of the ways this involvement is achieved is by the select committees of the House of Representatives receiving submissions from the public. The system of public input into legislative proposals is an important element in the parliamentary process and in the democratic life of the country. Submissions are also received on parliamentary inquiries and other matters before select committees. This provides the public with an opportunity to put forward its views on issues and may ultimately result in new laws.

For public submissions to be effective, content and format are factors that need to be considered carefully. This guide is designed to help those writing a submission to a select committee to produce it in a form that is easily read and understood. This will enable a submission to be more effective and allow its recommendations or suggestions to have a greater impact on the committee. The guide also covers how to present an oral submission, describes the rights of witnesses, and provides general information on select committees.

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Getting started

What is a submission?

An opportunity to present your views on a matter before a committee

A submission is the presentation of views or opinions on a matter currently under consideration by a select committee. Submissions are normally received in written form, and they can be reinforced through oral presentation to the committee. By writing or presenting a submission, you are providing the committee with your own insights, observations, and opinions. The reasons that you provide for any changes that you believe should be made, or actions you believe should be taken, will give validity to your submission. Submissions may be presented in English, Māori, or sign language.

Calling for submissions

Request for submissions publicly advertised

When a committee decides to seek submissions, it usually places advertisements in the major daily, or relevant local, newspapers, and on the Parliament website. The advertisement will state:

- the name of the bill, inquiry, or matter under consideration for which submissions are sought
- the name of the committee that is considering the matter
- the date by which submissions can be made.

Public access to bills and other government publications

Online access to bills

Information about bills before the House and its committees can be accessed online from the Parliament website www.parliament.nz. All bills are available for download from the New Zealand Legislation website www.legislation.govt.nz.

Some libraries hold bills

Some of the larger libraries hold bills.

Bills can be purchased

Copies of bills can also be purchased at Vicbooks Pipitea (23 Lambton Quay, Wellington) and several other bookshops throughout New Zealand. If you call 04 568 0005, Legislation Direct staff will inform you of the stockist nearest you, or you can place a direct order with Legislation Direct, www.legislationdirect.co.nz.

Preparing your submission

Online submissions

You can submit online

Submissions for items of business can now be made online via a webform on the Parliament website www.parliament.nz.

Making an online submission is a quick and effective way to communicate your views to parliamentary select committees. You will need to follow the instructions on the website for making an online submission to ensure that your submission is received.

You will be able to upload an electronic document you have prepared in accordance with the following guidelines.

How to write a submission

Submissions should be ordered and easy to read

While there is no set format for a submission to a select committee, you should aim to present your submission in a way that is ordered and easy to read. The following are suggestions that will help you achieve this. A suggested format is included as an appendix. You should include the following information.

Heading

Head your submission with the name of the select committee to which it is addressed and the full title of the bill, inquiry, or matter under consideration.

Who is it from?

If you make your submission online using the webform, follow the guidelines for submitting your personal details. It is important that you separate out your personal details from the main body of your submission, otherwise your personal details will not only be released publicly; they will end up being posted on the Parliament website.

If you do not use the online form, you should provide the following information in a covering letter: your name or the name of the organisation you are representing; an email address; a contact address; and a daytime telephone number.

If you provide this information in the submission itself, please be aware that it will be published on the Parliament website.

Do you wish to appear before a committee?

The webform allows you to indicate whether you wish to request an opportunity to speak to the committee in person. If you do not use the online form, please include your request in your covering letter.

If you wish to appear before the committee, include with your name your daytime telephone number and email address. If you wish others to appear in support, include their names and, if representing an organisation, designations.

What are your organisation's aims?

If you are writing for an organisation, give brief details of the organisation's aims, membership, and structure. Make sure that you have the authority to represent the organisation and note your position within the organisation.

Who has been consulted?

Note how much support you have and how widely you have consulted while writing the submission.

Content of your submission

Five basic principles

When writing a submission, you will usually be making comments in relation to a bill or inquiry. While there are differences in the way in which a submission is written for a bill or inquiry, there are five basic principles that apply to both.

Relevant

Your submission must be relevant to the matter before the committee. A committee may decide

not to receive a submission it considers not relevant.

Clear

Arrange your sentences and paragraphs in a logical order. Present a clear and logically developed argument. A submission that jumps from one issue to another and back again or jumbles unrelated issues together may confuse members and reduce its impact.

Concise

Be simple and direct. Do not write more than is necessary. An overly long submission may prove too long for members to consider fully. They want to know what you think and the evidence or arguments you have that support your view.

Accurate

Be accurate and complete. Include all relevant information. It will only confuse the committee if, in your submission, you refer to evidence or information that is not included. Make sure your facts are correct. An error-ridden submission will greatly reduce its impact and credibility.

Conclusion

Restate your recommendations in a conclusion at the end of the submission or an executive summary at the beginning. Consider listing your submission's recommendations or summing up its main points.

Writing a submission on a bill

Focus on the bill

When writing a submission on a bill you should have a copy of that bill so you know what is being proposed. You will then be able to focus your submission on what the bill actually contains. Information on public access to bills is contained in the previous section, "Getting started".

General position

First, state your general position on the bill, whether you support or oppose the measure being proposed, and give your reasons.

<i>Detailed comments</i>	Having stated your general position, make more detailed comments on the clauses that are of concern to you. If you feel that certain clauses need to be changed, say so, and give your reasons. You might also like to suggest new wording for the clauses that you feel ought to be changed. Using clauses as numbered in the bill is a good way to organise your submission.
<i>Address the terms of reference</i>	<p>Writing a submission for an inquiry</p> <p>Writing a submission for an inquiry is different from writing a submission on a bill. As there are no specific clauses to comment on, use the terms of reference of the inquiry as a guide to presenting your views. You may then like to list any specific recommendations that you wish the committee to consider. It is essential to have a copy of the inquiry's terms of reference to assist in preparing your submission. These can be found on the Parliament website www.parliament.nz.</p>
<i>Layout and format should assist the reader</i>	<p>Layout and format of your submission</p> <p>Layout and format are very important in assisting the reader. Guidelines are available on the Parliament website www.parliament.nz to assist you to prepare a submission. A suggested format has also been included in the appendix to this guide.</p>
<i>Two copies required</i>	<p>Sending your submission</p> <p>If you do not make your submission online using the webform on the Parliament website www.parliament.nz, select committees require two hard copies of each submission. Both copies should be sent together to the committee secretariat before the closing date for submissions.</p>

Address your submission to:

Secretariat

_____ Committee

Select Committee Services

Parliament Buildings

WELLINGTON 6160

You will need to pay postage to send your submission.

*Late submissions may
not be accepted*

If you have any problems meeting the closing date, telephone the committee secretariat immediately so that alternative arrangements, if possible, can be made. A late submission will not necessarily be accepted by the committee.

Presenting oral submissions

Appearing before a committee

Your opportunity to present views in person

Making an oral submission provides you with the opportunity to reinforce what you have said in your written submission. It also allows the committee to clarify points raised in your submission. If the committee has decided to hear your submission, committee staff will inform you of the time and place of the meeting and the time allocated for your submission. Notification may be at short notice.

Before the meeting

It may help to observe other submissions being presented

The format for the presentation of oral submissions varies between committees and the nature of the business. As the hearing of evidence during a committee meeting is generally open to the public and the news media, you may wish to attend one of these meetings before you give evidence or to arrive early and observe other presentations. It is best to discuss any concerns about giving evidence with committee staff before the meeting commences.

Prepare your oral presentation

Prior to appearing before the committee, it is a good idea to prepare your submission so you are able to present all relevant points and leave enough time for questions. Although committees usually work to a timetable, the time allocated to hear a submission will vary.

At the meeting

Introduce yourself to the committee

At the meeting, when the committee is ready to hear your submission, the chairperson will invite you to sit at the table. At this stage, you should introduce yourself and anyone who may be appearing with you.

Summarise the main points

Following the introductions, the chairperson will ask you to speak to your submission. Briefly summarise the main points of your submission along with any recommendations. All communication with the committee should be addressed through the chairperson. Because of time constraints and the fact that the committee will have already studied your submission, you should not read it out. If there is any new information that has become available you may wish to inform the committee of it. Bear in mind that committee members may wish to ask you questions to clarify matters and discuss issues raised by your submission, so it is important to leave time for them to do so.

Please provide any supplementary submission electronically to committee staff prior to the meeting or bring 15 copies of any supplementary submission to the meeting.

After presentation of your submission

You may be asked questions

After the presentation of your submission the members of the committee will usually question you to clarify points they are uncertain about or that they feel require further examination. If there are any other people appearing with you, you may wish to call on them to answer questions.

Further information may be requested

Sometimes the committee will ask for additional information during the hearing. If you agree to provide the information, you should forward two copies of each item of information requested to the clerk of the committee by an agreed date.

Your rights as a witness

Some procedural protections for witnesses

The Standing Orders (procedural rules of the House and its committees) provide some protection to you when you appear as a witness

before a select committee. Your rights as a witness allow you to:

- apply to have some or all of your evidence heard in private or secret, giving reasons for such an application
- raise matters of concern with the clerk of the committee relating to evidence you are to give
- make a written submission before appearing to give evidence
- be accompanied by and consult counsel
- object to a question on the grounds of relevance
- object on any grounds to answering a relevant question and state grounds for objection
- have the opportunity to correct errors in any transcriptions of your evidence
- complain of apparent bias on the part of a member.

Apparent bias occurs where a member of the committee has made an allegation of crime or expressed a concluded view on any conduct or activity of a criminal nature, identifying by name or otherwise a person as being responsible for or associated with that crime, conduct, or activity.

Right of reply to allegations

People who are the subject of allegations have right of reply

Standing Orders provide protections for people where allegations made in select committee proceedings may seriously damage their reputation, whether or not that person appears as a witness. If your evidence contains allegations, such a person will be informed of the allegations and may:

- make a written submission to the committee and appear to respond to allegations
- ask that further witnesses give evidence in his or her interest

- request a copy of all information (except secret evidence) a committee possesses concerning him or her
- respond to proposed committee findings where his or her reputation would be seriously damaged by those findings, before a committee reports to the House.

Return of evidence

You need to be aware that a select committee may return, or expunge from any transcript of proceedings, any evidence or statement that it considers to be irrelevant to its proceedings, offensive, or possibly defamatory.

If you wish to include any reference to matters awaiting judicial decision, you must contact the clerk of the committee before doing so.

Separate guide available

The Office of the Clerk produces a guide, *Natural Justice Before Select Committees*, setting out procedural protections. It is available on the Parliament website www.parliament.nz. If you wish to raise any of the matters outlined above, contact the clerk of the committee.

About select committees

What is a select committee?

Select committees undertake detailed work of the House

Select committees are appointed by the House of Representatives to undertake much of its detailed work. They are groups of members of Parliament deriving their powers from the House and reporting their findings to it. Membership reflects the balance of parties in the House.

Public input is through the submission process

Select committee consideration allows detailed examination in a manner that would not be possible in the House. This also allows members of the public to have a direct input into the parliamentary process by making written and oral submissions. Select committees may travel within New Zealand to obtain evidence.

Subject committees

Most committee work is done by subject committees

Most select committee work is carried out by 13 subject committees, which are established at the commencement of each Parliament and continue in existence for the duration of that Parliament. The overall membership of committees must be proportional to party membership in the House.

The subject committees are:

Commerce

Education and Science

Finance and Expenditure

Foreign Affairs, Defence and Trade

Government Administration

Health

Justice and Electoral

Law and Order

Local Government and Environment

Māori Affairs

Primary Production

Social Services
Transport and Industrial Relations.

Other committees

*Specialist committees
are also appointed*

In addition to the subject committees, five specialist committees are established or convened by Standing Orders. These are:

Business
Officers of Parliament
Privileges
Regulations Review
Standing Orders.

Ad hoc committees can also be appointed for a specific purpose such as a bill or an inquiry.

Refer to the Parliament website for more information about select committees
www.parliament.nz.

Calling for evidence

*Witnesses can be
required to attend or
produce documents*

Select committees may request that people attend meetings to give evidence and that documents and records be produced. They can apply to the Speaker to issue a summons, if necessary, to obtain the evidence or to require a witness to attend.

Hearing of submissions

*Submissions are
usually heard in
public*

It is normal for committees to receive and consider submissions but they are not required to. Submissions are usually heard in public. However, depending on the nature of the submission, committees can also hear evidence in private or in secret. Evidence heard in private will remain confidential until the item (bill or inquiry) to which it relates is reported to the House. Secret evidence, on the other hand, remains secret unless the House chooses to disclose it.

Status of submissions

Submissions are generally released when a committee starts to hear evidence

While submissions can be discussed freely during their preparation, once a submission has been sent to a committee it becomes the property of that committee. Committees usually release submissions when they start hearing evidence.

Once released, submissions are published on the Parliament website

Once released, submissions are published on the Parliament website www.parliament.nz.

Those wishing to include any information of a private or personal nature in a submission should first discuss this with the clerk of the committee.

You are not prevented from releasing your own submission

It is not a contempt of the House for you to release your submission before the committee has received it. However, if you decide to do this, you will not have the protection of parliamentary privilege for any statements made in your submission.

“Effective repetition” of defamatory statements

Further to this, a recent court ruling has held that a person may be liable for defamation if that person makes a defamatory statement in a situation that is protected by parliamentary privilege (such as an oral presentation to a select committee) and later affirms that statement (without actually repeating it) on an occasion that is not protected by parliamentary privilege.

Costs

You meet your own costs

You are responsible for paying your own travel expenses to meeting venues and all other personal costs associated with presenting your submission.

Further information

Further information available

Information about items of business before select committees can be accessed either online from the Parliament website www.parliament.nz, or by contacting Select Committee Services by

telephone on 04 817 9520 or fax on
04 499 0486.

*Publications on the
Parliament website*

The Office of the Clerk publishes a range of material about Parliament, including select committees. This can be found on the Parliament website www.parliament.nz.

Appendix: Suggested submission format

Covering letter

Date

Page number

Submission on the XXX Bill/Inquiry

To the (name of Committee) Committee

Personal details

This submission is from (name of individual/organisation and address).

I/we wish to appear before the committee to speak to my/our submission.

I can be contacted at: (*List your daytime contact telephone number and email address or the name, address, contact telephone number; and email address of the contact person for your organisation if different from above*).

I/we wish that the following also appear in support of my/our submission: (*list names and positions in organisation*).

Submission

I/we support/oppose the intent of this bill because (*state reasons*). *If an organisation, give brief details of your organisation's aims, membership and structure and the people consulted in the preparation of the submission.*

I/we wish to make the following comments (*general views*).

Clause 1 (*if submitting on a bill*)

I/we support/oppose this clause because (*state reasons*).

Clause 2 (*if submitting on a bill*)

Although I/we agree with the general intent of this clause, I/we consider that (*note changes you would like made and suggest new wording*).

Specific comments (*if submitting on an inquiry*)

I/we wish to raise the following matters under term of reference 1, term of reference 2, etc (*expand on your views and give reasons*).

Recommendations

(*List any further recommendations or conclusions you wish the committee to consider. You may wish to restate recommendations mentioned earlier.*)