

MAKING A SUBMISSION TO A PARLIAMENTARY SELECT COMMITTEE



Office of the Clerk of the House of Representatives

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About this booklet

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. This involvement is achieved 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 the 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 booklet is designed to help those writing a submission to a select committee to produce it in a form that is easily read and understood by members of the committee. This will enable a submission to be more effective and for its recommendations or suggestions to have a greater impact on the committee. The booklet 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 or Māori.

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. The advertisement will state:

- the name of the bill or inquiry for which submissions are sought
- the name of the committee that is considering the matter
- whether submissions can be made online
- where and by what date submissions should be sent
- contact details.

Public access to bills and other government publications

Some libraries hold bills

Some of the larger libraries hold bills. They can also be found at www.parliament.nz.

Bills can be purchased

Bennetts Government Bookshops and several other bookshops throughout New Zealand stock

bills. Legislation Direct staff (☎ 04 568 0024) will be able to 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 may be able to submit online

Submissions for some items of business can now be made online via a webform on the website at www.parliament.nz. Check the website to see if this option is available for the item of business that interests you. If it is available, follow the instructions on the screen.

How to write a submission

Submissions should be ordered and easy to read

While there is no set format that a submission to a select committee should take, you should aim to present your submission in a way that is both 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 or inquiry.

Who is it from?

Clearly state who the submission is from. State your name or give the name of the organisation you are representing. Include a contact address and daytime telephone number. If for privacy reasons you do not wish these details to be publicly released with your submission, you can include this information in a covering letter and leave it off the submission itself.

Do you wish to appear before a committee?

Clearly indicate whether you would like to speak to the committee in person. If you wish to appear before the committee, include with your name your daytime telephone number. 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 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.

Detailed comments

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.

Writing for an inquiry

Address the terms of reference

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.

Layout of your submission

Layout should assist the reader

Layout is very important in assisting the reader. The following guidelines are designed to assist you in preparing a more effective submission. See suggested format in the appendix.

Typed if possible

Where possible, your submission should be typed on one side of white A4 paper. Handwritten submissions are acceptable but may have less impact if they are difficult to read.

Margins and spacing

Provide adequate margins down both sides of the paper and spacing between paragraphs.

Headings and paragraphs

Use headings and group your paragraphs under them. Numbering your paragraphs can be helpful.

Number pages

Number each page clearly.

Staple

Staple the pages together in the top left-hand corner.

Sending your submission

2 copies generally required

Select committees generally require 2 copies of each submission. All copies should be sent together to the clerk of the committee before the closing date for submissions.

Address your submission to:

Clerk of the Committee
_____ Committee
Select Committee Office
Parliament Buildings
WELLINGTON

Some submissions can be sent online

If the online submission option is available for your submission, follow the online instructions on the website at www.parliament.nz. You will be

able to upload an electronic document you have prepared in accordance with the above guidelines.

Late submissions may not be accepted

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

Presenting oral submissions

<i>Your opportunity to present views in person</i>	Appearing before a committee <p>Oral submissions provide you with the opportunity to reinforce what you have said in your written submission. They also allow the committee to clarify points raised in that 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.</p>
<i>It may help to observe other submissions being presented</i>	Before the meeting <p>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.</p>
<i>Prepare your oral presentation</i>	<p>Prior to appearing before the committee, it is a good idea to prepare your presentation so you are able to present all relevant points and leave enough time for questions. Although committees usually work to a timetable, the time to hear a submission will vary.</p>
<i>Introduce yourself to the committee</i>	At the meeting <p>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 those who are appearing with you.</p>

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. Please provide the committee staff with 20 copies of any supplementary submission before the meeting or when you arrive.

After your presentation

You may be asked questions

After your presentation 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. You should forward 2 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.

Separate booklet available

The Office of the Clerk produces a booklet, *Natural Justice Before Select Committees*, setting out procedural protections. It can be obtained from the Select Committee Office or found at 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 do 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 that are appointed at the beginning of the Parliament for its full term. 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:

Officers of Parliament
Regulations Review
Privileges
Standing Orders
Business

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

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 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 hears 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. The written component of an oral submission is normally released at the time of the oral presentation. Committees usually release other submissions when they start hearing evidence. Once released, submissions may be published on the website at www.parliament.nz.

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 in 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

For further information about items of business before select committees, contact the Select Committee Office by telephone on 04 471 9999 or fax on 04 499 0486.

Publications on the website

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

Appendix

Suggested submission format

<i>Date</i>	<i>Page number</i>
SUBMISSION on the XXX Bill/Inquiry	
To the XXX Committee	
Introduction	
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: <i>(List your daytime contact telephone number or the name, address and contact telephone number of the contact person for your organisation if different from above. These details could be included in a covering letter instead for privacy reasons.)</i>	
I/we wish that the following also appear in support of my/our submission: <i>(List names and positions in organisation. 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>	
Summary	
I/we support/oppose the intent of this bill because <i>(state reasons)</i> .	
I/we wish to make the following comments <i>(general views on the inquiry)</i> .	
Clause * <i>(if submitting on a bill)</i>	
I/we support/oppose this clause because <i>(state reasons)</i> .	
Clause * <i>(if submitting on a bill)</i>	
Although I/we agree with the general intent of this clause, I/we feel that <i>(note changes you would like made and suggest new wording)</i> .	
Specific comments <i>(if submitting on an inquiry)</i>	
I/we wish to raise the following matters under term of reference 1, term of reference 2, etc <i>(expand on your views and give reasons)</i> .	
Recommendations	
<i>(List any further recommendations or conclusions you wish the committee to consider. You may wish to restate recommendations mentioned earlier.)</i>	