



Presiding Officers and Clerks Conference, New South Wales, July 2017

Innovation in the New Zealand Parliament

Hon Chester Borrows, Deputy Speaker of the New Zealand House of Representatives

E ngā mana
E ngā reo
E ngā hapu Gadigal o ngā iwi Eora

Karanga mai, mihi mai
aku rangatira

Tēnā koutou, tēnā koutou, tēnā tatou katoa

I greet you in te reo Māori, and note the dignity and respect we have for the land. I recognise the Gadigal clan of the Eora Nation and its elders. I invite people to come together and talk.

As Presiding Officers and clerks, we all have an interest in the health of parliamentary democracy. At times we are faced with issues or opportunities that cause us to think about changing the way Parliament works.

In an institution that values tradition as much as Parliament, this can feel uncomfortable. I acknowledge there are risks in changing procedures and processes. Some people are wedded to the conventions. Some people were there when the rules were made and getting rid of them is like doing away with things that are very precious to them. But changes that favour one party over another or that create unintended consequences will make a bad situation worse.

New Zealand's experience shows that if you put in place a good culture, innovation in Parliament can strengthen the House of Representatives and make Parliament more accessible to our citizens and more relevant to their lives.

Towards the end of each parliamentary term, the New Zealand House of Representatives reviews its Standing Orders to ensure its rules and practices are fit for purpose. The review is undertaken by the Standing Orders Committee, which consists of members from each parliamentary party and is chaired by the Speaker. During the review, members and the public are encouraged to put forward potential improvements for consideration. The committee will consider suggestions, and if consensus can be found amongst all parties, will recommend changes be made to our rules and practices. The review regularly results in

iterative or incremental adaptations to existing procedures and sometimes in more substantial changes.

If the Standing Orders Committee is the forum where innovations can be given the green light, our Business Committee is the engine room where procedural innovations can be trialled. The Business Committee is a forum for parties in the House to discuss the organisation of business to be transacted. The Business Committee will make determinations based on the principle of near unanimity, and parties are encouraged to be imaginative in their negotiations. It is chaired by the Speaker, *ex officio*.

The Business Committee powers were widened for the start of the 50th Parliament to provide incentives for more engagement between parties on the way business would be dealt with by the House. The aim being to use the House's time more effectively on the scrutiny and passage of legislation, and to provide opportunities for members to debate matters of importance to them.

The Business Committee has trialled a number of exciting innovations over the last two parliamentary terms. Time permits me to mention only a few examples, so I will highlight changes that I have found most satisfying.

Our Parliament has only one debating Chamber, and the Standing Orders prescribe a total of 17 hours of House time each sitting week. Prior to the 50th Parliament this created a bottleneck in the timely progression of non-urgent legislation. Governments often resorted to putting the House into urgency to extend the available sitting hours of the House. This bottleneck had an unfortunate effect on the progression of Treaty of Waitangi settlement bills; important legislation that gives effect to the Crown's deeds of settlement with local iwi—or tribes—to give redress for claims relating to Crown actions which breach or breached the Treaty of Waitangi. Settlement bills often had unanimous support across the House, but competed with other bills for that precious commodity of time on the floor of the House. This left iwi waiting longer than they rightfully should have to see these bills passed into law.

Bear in mind, that the breaches may date back 100 or 150 years and that the Select Committee for Māori Affairs, which transacts the bills before they come back to the House, works on the basis of consensus. That is why those bills are rarely contested and rarely voted against. The bottleneck, which slowed the progress of dealing with the bills, really only protracted the breach. It was realised that we needed to move the bills more quickly. Using urgency as a time-management technique was not in the best interests of the House.

From the 50th Parliament, the House has been able to extend its regular sittings on Wednesday and Thursday mornings to progress business—giving the House extra time to debate legislation without using urgency. These sittings are regularly arranged by the Business Committee, and because there is frequently cross-party support for settlement bills, they are often candidates. As a result we are passing a great deal more Treaty settlement bills in a timely manner.

I regularly Chair such proceedings, and I can tell you all how incredibly rewarding it is to see long held grievance finally dealt with. It is rewarding to welcome iwi into the Galleries and acknowledge the privilege to be there as a settlement bill is passed into law. These debates and the progress of these bills have been truly educative to the wider public, but especially to

Members of Parliament as to those breaches and what they amounted to. If you are travelling around your country sitting and listening to smaller and sometimes larger groups of people talking about those historic grievances, these are things were never taught in school, these are things that are nonetheless history, but it has not been part of Pākeha, white man's history, because we were never told about it. So we are in complete ignorance until we are hearing from the children, grandchildren and great grandchildren of the people who were offended against.

As an aside, the increase in the number of settlement bills being progressed using extended sittings has resulted in the House relaxing some of its rules in order to observe some aspects of Tikanga Māori, or Māori culture. Examples include permitting waiata—that is, songs or hymns—to be sung from the Galleries at the end of a debate, and the saying of a karakia—a prayer—by a member at the start of each sitting. These additions are not only respectful to Māori; they increase the relevance of the House of Representatives to all New Zealander's lives and now we see it as normal process of the running of Parliament.

During this term of Parliament, we have also successfully trialled a new way of arranging our Estimates Debate. The prior approach saw individual votes come up for debate one-by-one, but because the debates were time limited and parties only had a certain number of calls, the Estimates Debate ended well before the final Votes could be debated.

The new approach recommended by the Standing Orders Committee was to encourage the Business Committee to arrange financial scrutiny debates. The Business Committee has done so by grouping similar votes together into the sectors set out in the annual appropriations, and dividing the debate into sectors. So, for example, every Vote in the justice sector – be it Vote Police, Vote Justice, Vote Corrections—can be debated under the one question. The Business Committee also provides a fixed set of calls for Ministers, select committee chairpersons and major parties for each theme, and giving each party an allocation of calls that it can use across the whole debate. We have made similar changes to our financial review debates. These changes have vastly improved the quality of the Estimates debate. Members are happier being able to make comments on related votes within a sector, rather than having to focus on one Vote at a time. The changes have also meant that each sector has been debated—a major improvement. Overall, these changes has resulted in more effective financial scrutiny in the House, and are likely to become permanent.

We have also trialled set-topic debates. Outside of our general debate held each Wednesday, the rare occasions where the Speaker allows for an urgent debate on a matter of public importance, and the debates associated with opening and adjourning or dissolving Parliament, it was very rare for the House to hold debates on anything other than legislation and Budget matters.

This Parliament, at the request of members, the Business Committee has arranged debates on Pacific issues, which coincided with the Pacific Parliamentary Forum, and the GLOBE New Zealand report on ways to reduce New Zealand's climate emissions. The report was commissioned by a cross-party group of interested members.

Members have really valued the opportunity to debate in the House matters of importance to them. The debates are some of the most watched videos on the Parliament website, indicating

a wide public interest in the House debating topical matters. I think we will see more set-topic debates in future.

Alongside innovations in procedure, in my time as a Member of Parliament I have seen a large shift towards making Parliament more accessible to the public. When I first arrived in Parliament following the 2005 election, there was no Parliament TV, the Parliament website was largely impenetrable to the public, the precincts were not particularly accessible, and there was only occasional communication from Parliament about what was happening in the House and about the work and the role of Parliament.

In the past twelve years, we have seen the launch of Parliament TV, a new strategy for communicating information about Parliament, the creation of a new more publicly focused Parliament website, improvements to the physical accessibility of the parliamentary precincts, and captioning on Parliament TV. Parliament has become a more inviting place for the public to visit and engage with. While there is still more to do in this space, we hope that people's knowledge of and respect for Parliament is growing as a result.

We are in a unique position as Presiding Officers and clerks to advocate for innovation at our Parliaments. Our duty is to act in a politically non-partisan way in the best interests of parliamentary democracy. We should ensure we have the right structures in place to discuss and act on issues and opportunities. We should embrace a culture where trialling new ideas is encouraged.

We should all be open to considering potential innovations on their merits. Where new ideas are good ideas we need to champion them. This will at times require us to challenge the hesitancy, complacency or opposition of our colleagues—no one said that innovating is easy. We may not always succeed at the first try. But we need to keep on advocating for improvements and bringing people onside with us, to make our Parliaments more effective institutions with more credibility and integrity for the people we are elected to serve.