

***Chairmanship of Parliamentary Committees
in Some Selected Places***

13 May 2003

Prepared by

CHAU Pak-kwan

**Research and Library Services Division
Legislative Council Secretariat**

5th Floor, Citibank Tower, 3 Garden Road, Central, Hong Kong

Telephone : (852) 2869 9593

Facsimile : (852) 2509 9268

Website : <http://www.legco.gov.hk>

E-mail : library@legco.gov.hk

CONTENTS

	<i>Page</i>
Executive Summary	
Part 1 - Introduction	1
Background	1
Scope of Research	1
Methodology	2
Part 2 - The United Kingdom	3
Background	3
Types and functions of committees	3
Membership of committees	7
Role of chairmen of committees	8
Method of selecting committee chairmen	9
Allocation of committee chairmanships	11
Chairman of the Procedure Committee	11
Restrictions on chairmanship of committees	12
Part 3 - New Zealand	13
Background	13
Types and functions of committees	13
Membership of committees	14
Role of chairmen of committees	15
Method of selecting committee chairmen	15
Allocation of committee chairmanships	16
Chairman of the Standing Orders Committee	16
Restrictions on chairmanship of committees	16
Part 4 - The Province of Ontario in Canada	17
Background	17
Types and functions of committees	17
Membership of committees	18
Role of chairmen of committees	19
Method of selecting committee chairmen	19
Allocation of committee chairmanships	20
Chairman of the Standing Committee on Legislative Assembly	20
Restrictions on chairmanship of committees	20

Part 5 -The State of California in the United States of America	21
Background	21
Types and functions of committees	21
Membership of committees	24
Role of chairmen of committees	25
Method of selecting committee chairmen	26
Allocation of committee chairmanships	26
Chairman of the Committee on Rules	27
Restrictions on chairmanship of committees	27
Part 6 - Comparison of Various Attributes of Chairmanship of Parliamentary Committees	28
Part 7 - Analysis	32
Types and functions of committees	32
Membership of committees	32
Method of selecting committee chairmen	33
Allocation of committee chairmanships	33
Chairmanship of committees concerning rules of procedures	34
Restrictions on chairmanship of committees	35
Appendices	36
References	38

Research reports are compiled for Members and Committees of the Legislative Council. They are not legal or other professional advice and shall not be relied on as such. Research reports are subject to copyright owned by the Legislative Council Commission (the Commission). The Commission permits accurate reproduction of the research reports for non-commercial use in a manner not adversely affecting the Legislative Council, provided that acknowledgement is made stating the Research and Library Services Division of the Legislative Council Secretariat as the source and one copy of the reproduction is sent to the Legislative Council Library.

Executive Summary

1. In the United Kingdom (UK), there are generally two types of committees. The first are Select Committees, whose functions are to inquire into particular departments or subjects, and make recommendations to the House. The second are Standing Committees, which are appointed to consider specific bills.
2. In New Zealand, Select Committees are appointed to consider bills and to inquire into matters related to their subject areas. In Ontario, Standing Committees perform dual functions in that they examine departmental activities and study proposed legislation as well. The Legislative Assembly of Ontario from time to time sets up Select Committees to consider particular policy areas or issues.
3. In California, Standing Committees are appointed to hear bills in both the Senate and the Assembly. Select Committees and Special Committees are created to study policy issues and problems. In the UK and California, where they have a bicameral legislature, Joint Committees are another type of committees.
4. In most of the Parliaments studied, the appointment of members to committees is through a special committee. They are the Committee of Selection in the UK, the Business Committee in New Zealand, and the Committee of Rules in the California State Senate. In Ontario, the appointment of members to committees is by motion in the House. In the California State Assembly, the appointment is by the Speaker.
5. In New Zealand and Ontario, the composition of committees is required under their Standing Orders to be based on the proportional representation of political parties in the House. In the UK House of Commons, the common practice is that the strength of each party is reflected largely in the membership of committees.
6. In all of the places studied, committee chairmen, except those chairman posts specified by relevant Standing Orders or Standing Rules, are selected through one of the three following methods: an election among committee members, an appointment by the Speaker of the House, or a special committee.
7. In a parliamentary system of government, such as the UK, New Zealand and Ontario, there are certain parliamentary committees whose chairmanship is traditionally held by Members of the opposition parties. These committees may have the function of scrutinizing the use of public funding (such as the Public Accounts Committee) or examining delegated legislation.
8. Among the places studied, only Ontario has the requirement under its Standing Orders that the posts of committee chairman should be distributed in proportion to the representation of political parties in the House.

9. Most committee chairmen are undertaken by Members of the governing (majority) parties in all of the places studied. The opposition (minority) parties may be left to chair a few less important committees or certain committees whose chairmanships have traditionally not been held by a Member of the governing (majority) party.
10. In both the UK House of Commons and Ontario, the chairman of the committee concerning rules of procedures is elected by members of the committee.
11. The committee concerning rules of procedures is chaired by one of the House presiding officers in the UK House of Lords, New Zealand and the California State Senate. In the California State Assembly, the Chairman of the Committee on Rules is appointed by the Speaker.
12. In a parliamentary system of government, senior members of Government (Ministers) sit within the legislature. In the UK, New Zealand and Ontario, although there is no written prohibition under the Standing Orders, the usual practice is that Ministers do not chair parliamentary committees. However, the Modernisation Committee in the UK House of Commons has been chaired by the Leader of the House (a Cabinet Minister) since the inception of that committee in 1997.
13. Because of division of government powers in California, senior members of Government (including Cabinet Secretaries) are legally prohibited to be Members of the legislature.

Chairmanship of Parliamentary Committees in Some Selected Places

Part 1 - Introduction

1. Background

1.1 The Legislative Council Panel on Constitutional Affairs, at its meeting on 20 January 2003, requested the Research and Library Services Division (RLSD) to conduct a research on chairmanship of parliamentary committees in some selected places.

2. Scope of Research

2.1 The scope of the research focuses on chairmanship of parliamentary committees. In particular, the research covers:

- (a) types and functions of committees;
- (b) membership in committees;
- (c) role of chairmen of committees;
- (d) method of selecting committee chairmen;
- (e) the allocation of committee chairmanships;
- (f) chairmanship of committees concerning rules of procedures; and
- (g) restrictions on chairmanship of committees.

2.2 This research studies the chairmanship of parliamentary committees in the United Kingdom (UK), New Zealand, the Province of Ontario in Canada (Ontario), and the State of California in the United States of America (California).

2.3 The UK is chosen because it is a typical parliamentary government, with senior members of Government (ministers) being a part of the legislature. New Zealand is chosen because of its experience in coalition governments with the introduction of a proportional representation election system in 1996. Ontario and California are selected because they can be useful references at local government level. In addition, California has a system of government with the executive and the legislature being two separate branches.

3. Methodology

3.1 Information for this report is obtained from the Internet, parliamentary documents and relevant materials. Enquiries were also sent to the relevant authorities in the UK, New Zealand, Ontario and California.

Part 2 - The United Kingdom

4. Background

4.1 The United Kingdom (UK) is a unitary state with a parliamentary system of government. It has a bicameral legislature — the House of Commons and the House of Lords.

4.2 The House of Commons currently has 659 Members of Parliament (MPs), who are elected by universal suffrage. Members of the House of Lords, known as 'peers', consist of Lords Spiritual (senior bishops) and Lords Temporal (lay peers). There were 691 peers in March 2003.

4.3 The Prime Minister leads a Cabinet consisting of members of the legislature. The Cabinet normally comprises about 20 senior Ministers.

5. Types and functions of committees

House of Commons

5.1 Each House of Parliament has a system of committees. In the House of Commons, the types of committees can be categorized as follows:

- (a) Select Committees;
- (b) Standing Committees;
- (c) Committees of the Whole House;
- (d) Private Bill Committees; and
- (e) Joint Committees of both Houses.

5.2 Eighteen Departmental Select Committees¹ are set up under the *Standing Orders of the House of Commons*² (HC Standing Orders) No. 152. Their function is to scrutinize the expenditure, administration and policy of government departments. Departmental Select Committees include the Defence Committee, the Education and Skills Committee, the Home Affairs Committee, and the Treasury Committee.

¹ For details, see "Departmental Select Committees," House of Commons Research Paper 02/35, available at <http://www.parliament.uk/commons/lib/research/rp2002/rp02-035.pdf>.

² *The Standing Orders of the House of Commons - Public Business 2003*, available at <http://www.publications.parliament.uk/pa/cm200203/cmstords/17501.htm>.

5.3 There are also Non-Departmental Select Committees, including the Procedure Committee, the Modernisation Committee, the Committee of Selection, the Liaison Committee, the Committee of Public Accounts, the Select Committee on European Legislation and the Committee on Standards and Privileges.

5.4 Both the Procedure Committee and the Modernisation Committee are appointed to examine the procedures and other aspects of the business of the House. The Procedure Committee is set up by *HC Standing Orders* No. 147, and its terms of reference is "*to consider the practice and procedure of the House in the conduct of public business, and to make recommendations.*" Over the years, the Procedure Committee has made recommendations on a wide variety of issues, from financial procedure or impact of devolution to scrutiny of treaties.³ (See appendix 1 for details.)

5.5 The Modernisation Committee was first appointed in 1997 and was re-appointed for the present Parliament in 2001. The Modernisation Committee is not embodied in the permanent Standing Orders of the House, and its terms of reference is "*to consider how the practices and procedures of the House should be modernised, and to make recommendations thereon.*"⁴ The Modernisation Committee has made wide ranging proposals on subjects ranging from reform of the legislative process and alterations to the format of the Order Paper to the drawing-up illustrative tasks for Select Committees.⁵ (See appendix 2 for details.)

5.6 The terms of reference of the Procedure Committee overlap considerably with those of the Modernisation Committee. In practice, the two committees liaise with each other to avoid duplication of inquiries.⁶

5.7 The Committee of Selection is established under the Standing Orders.⁷ The Committee's principal task is to appoint MPs to Standing Committees and to nominate MPs for appointment to many Select Committees.

³ In 1996, the Procedure Committee, at the Government's invitation, carried out a general review of the Standing Orders. On four other occasions since the Second World War, separate Standing Order Revision Committees had been set up to report on the re-arrangement and re-drafting of the Standing Orders so as to bring them into conformity with the existing practice. (Information provided by the House of Commons).

⁴ Order of the House, 16 July 2001.

⁵ See Robert Blackburn & Andrew Kennon, *Parliament: Functions, Practice and Procedures*, 2nd ed., London: Sweet & Maxwell, 2003, pp. 622-33 and 749-54. In May 2002, the House based on the Modernisation committee's recommendations passed a resolution setting out illustrative tasks for Select Committees to undertake, which include a) to consider major policy initiatives; b) to conduct pre-legislative scrutiny of draft bills; and c) to examine relevant departments' spending plans and resource budgets.

⁶ Information provided by the House of Commons.

⁷ *Erskine May's Treatise on the Law, Privileges, Proceedings, and Usage of Parliament*, 22nd ed., London: Butterworths, 1997, p. 680.

5.8 The Liaison Committee is appointed by the House under *HC Standing Order* No. 145 and considers general matters relating to the work of Select Committees.⁸ The Liaison Committee also makes recommendations to the House as to which Estimates should be debated on Estimates Days. In 2002, the Committee was empowered to hear evidence from the Prime Minister on matters of public policy.⁹

5.9 In addition to the Select Committees, Standing Committees are set up to scrutinize public bills in detail. There are also Standing Committees that study European Community documents and delegated legislation, as well as the Scottish, Welsh and Northern Ireland Grand Committees.

5.10 The House sometimes takes the committee stage of a bill or part of a bill on the floor of the House. In order to do so, it forms itself into a Committee of the Whole House where all Members of the House are automatically members of the committee. All Committees of the Whole House are chaired by the Chairman of Ways and Means, who is the principal Deputy Speaker of the House and is appointed on a motion made by the Prime Minister.

5.11 Private Bill Committees consider private bills which are promoted by people or organizations outside Parliament to give them special legal powers.¹⁰ Typically, these bills provide for the construction of railways, harbours, docks, piers or bridges, or provide local authorities with special powers.

⁸ Much of the work of the committee consists in authorizing expenditure for travel overseas by Select Committees and by individual committee members. It also deals with delays in and the quality of departmental replies to committee reports, leaks of committee proceedings, accommodation for committees, debates of reports, overlap between committees, and many other matters of common concern to Select Committees.

⁹ *HC Standing Order* No. 145(1A).

¹⁰ Private Bill Committees are small bodies — only four members for opposed bill committees (when there are petitions against the bill) and seven for unopposed bill committees. The members and Chairman of an opposed bill committee are chosen by the Committee of Selection. An unopposed bill committee is chaired by one of the Deputy Chairmen of Ways and Means and comprises members selected by the Chairman from a panel appointed by the Committee of Selection.

House of Lords

5.12 The House of Lords has a number of Select Committees appointed to look at particular subjects,¹¹ such as:

- (a) Constitution Committee;
- (b) Economic Affairs Committee;
- (c) European Union Committee (under which six subject-related subcommittees are regularly appointed);
- (d) Religious Offences Committee; and
- (e) Science and Technology Committee (under which two subcommittees are regularly appointed).

5.13 The House also regularly appoints other Select Committees on the following matters:

- (a) domestic affairs of the House (for example, the Procedure Committee and the Committee for Privileges);
- (b) private legislation; and
- (c) certain aspects of public legislation (for example, the Joint Committees on Statutory Instruments and Consolidation Bills).

5.14 In the House of Lords, most public bills are considered on the floor in Committees of the Whole House.

5.15 The Committee of Selection is appointed under *the Standing Orders of the House of Lords*¹² (*HL Standing Orders*) No. 64. Its function is to select Lords to form each Select Committee of the House and the Lords members of Joint Committees.

5.16 At the beginning of every session, or whenever a vacancy occurs, a Member is appointed by the House to fill the salaried office of the Chairman of Committees.¹³ Once appointed, the Chairman of Committees adopts a non-party position and does not speak or vote on matters of political controversy.¹⁴ The Chairman of Committees takes the chair in Committees of the Whole House and is also the Chairman ex-officio of all other committees, unless the House otherwise directs.¹⁵ The Principal Deputy Chairman of Committees is a salaried officer of the House appointed in the same manner as the Chairman of Committees.

¹¹ For details, see *Dod's Parliamentary Companion 2003*, London: Vacher Dod Publishing, 2002, pp. 782-7.

¹² *The Standing Orders of the House of Lords relating to Public Business*, available at <http://www.parliament.the-stationery-office.co.uk/pa/ld/ldstords/ldso.htm>.

¹³ The Chairman of Committees often holds office for a number of years, and is paid in accordance with the recommendations of the Senior Salaries Review Body.

¹⁴ The existing Chairman of Committees is a peer from the Liberal Democrats.

¹⁵ *HL Standing Order* No. 62.

Joint Committees

5.17 Joint Committees, with membership drawn from both Houses, are appointed to deal with consolidation bills and statutory instruments. The two Houses may also agree to set up joint select committees on other subjects. Members of a Joint Committee are usually chosen in equal numbers by the respective Houses.

6. Membership of committees

House of Commons

6.1 The membership of Departmental Select Committees is confined by practice to backbench¹⁶ MPs. Ministers, Opposition frontbench¹⁷ spokesmen, party Whips and Parliamentary Private Secretaries do not normally serve on these committees. Members of these committees are appointed by the House on a motion moved by the Chairman of the Committee of Selection. The common practice is that the strength of each party in the House of Commons is reflected largely in the membership of these committees.¹⁸ Most of these committees have a membership of 11.

6.2 The Procedure Committee has a maximum of 17 members under *HC Standing Order* No. 147. It has been a long-standing practice that the Committee's composition reflects the party balance of the House.

6.3 For the Modernisation Committee, the order of appointment does not specify any maximum number of members. Its membership includes the Leader of the House (a Cabinet Minister), the opposition shadow Minister and other long-standing members of the House, including the current and previous Chairmen of the Procedure Committee.¹⁹

6.4 The Committee of Selection has nine members, including Whips from the Government, the Official Opposition and the third largest party in the House.

¹⁶ The back benches are the places in the Chamber where Members who are neither Ministers nor official Opposition Shadow Ministers sit. Hence, backbencher is a term used to describe a Member who holds no official position in the Government or in his or her party and who is therefore not bound by the convention of collective responsibility.

¹⁷ The front benches are where Ministers and their official Opposition Shadow Ministers sit in the Chamber. These MPs can be referred to as frontbenchers or frontbench spokesmen.

¹⁸ There is no explicit related requirement in the Standing Orders.

¹⁹ Since the Modernisation Committee is chaired by the Leader of the House of Commons, the shadow leader of the House is also a member of the committee so as to keep the balance.

6.5 Although it is not explicitly stated in the Standing Orders, membership of the Liaison Committee in fact comprises the Chairmen of all other Select Committees. A new Standing Order passed in 2001 provides for all Chairmen of specified Select Committees to automatically belong to the Liaison Committee. There is no maximum number of members specified in the Standing Orders for the Committee. Individual Members can also be appointed to the Committee.

6.6 After a bill has been allocated to a Standing Committee, the Committee of Selection meets to consider the number of MPs to serve on the Standing Committee, as well as its party composition. The common practice is that its constitution has to acknowledge the political composition of the House. Membership of a Standing Committee normally includes one or more relevant Ministers, opposition spokesmen and Whips.²⁰

House of Lords

6.7 The membership of Select Committees is selected and proposed to the House by the Committee of Selection.²¹ There is no formal rule on the political balance of committee membership, and in most cases, no fixed number of members. The Chairman of Committees may propose to the House, without reference to the Committee of Selection, Members of the House to fill vacancies on Select Committees.

7. Role of chairmen of committees

House of Commons

7.1 There are few formal procedures on the work of Select Committees. The Chairmen of Select Committees have no explicit powers under the Standing Orders to regulate the proceedings of the committees, and thus must govern by consent. The Chairmen take an active role in leading the committees, and are not under the strict obligations of neutrality.²² When divisions occur in Select Committees and there is a tied vote, the Chairman may cast his or her vote on the basis of personal judgement.²³

²⁰ Normally, only those nominated to a committee can attend as members. However, under *HC Standing Order* No. 87, the Law Officers (the Attorney General, the Advocate General and the Solicitor General) who are Members of the House may attend and speak in any Standing Committee, though they may not vote. Other Ministers, not being on the committee itself, may similarly participate in debate in the Standing Committee on a Finance Bill.

²¹ Except for the Committee of Selection itself, any committee provided for by statute or by order of the House and Select Committees on private business follow this procedure.

²² Paul Evans, *Handbook of House of Commons Procedure*, 3rd ed., London: Vacher Dod Publishing, 2002, pp. 29-30.

²³ *Ibid*, p.30.

7.2 The Chairmen of Standing Committees have a duty of impartiality within the context of proceedings which they chair. They vote only in the event of a tie, and their casting votes are used in accordance with the same principles adopted by the Speaker of the House.²⁴ They do not vote in the House on stages of bills which they have chaired in the Standing Committees. The Chairmen have a responsibility to enforce rules of debate laid down by the Standing Orders.²⁵

House of Lords

7.3 The proceedings of Select Committees are informal. The Chairmen have a vote but not a casting vote.²⁶

8. Method of selecting committee chairmen

House of Commons

8.1 Each Departmental Select Committee chooses its own chairman from among its members at the first meeting of its formation.²⁷ In practice, the chairmanship is usually agreed in advance among the party Whips.

8.2 The Committee of Selection elects its own chairman and largely determines its own methods of proceedings. The Committee is currently being chaired by a senior government backbencher with previous experience in the Whip's Office.

8.3 The Modernisation Committee in the House of Commons has, since the inception of that committee in 1997, been chaired by the Leader of the House of Commons — in other words, by a Cabinet Minister.²⁸

²⁴ The three principles are, in order of application: (i) to provide opportunity for further discussion; (ii) when no further discussion is possible, decisions should not be taken except by a majority; and (iii) a casting vote on an amendment to a bill should leave the bill in its existing form. For details, see *Erskine May's Treatise on the Law, Privileges, Proceedings, and Usage of Parliament*, 22nd ed., London: Butterworths, 1997, p. 358.

²⁵ Paul Evans, *Handbook of House of Commons Procedure*, 3rd ed., London: Vacher Dod Publishing, 2002, pp. 27-8.

²⁶ *Erskine May's Treatise on the Law, Privileges, Proceedings, and Usage of Parliament*, 22nd ed., London: Butterworths, 1997, pp. 617-8.

²⁷ Except in rare cases when the House otherwise orders.

²⁸ The exact reason why the Modernisation Committee has been chaired by a Cabinet Minister is not known. One reason may be that the Labour Government needs a serious political device for driving through procedure and other reforms of the House of Commons. See *Ibid*, p. 749.

8.4 For the Liaison Committee, the existing practice is that an individual Member within the Committee is elected as its Chairman. The Committee is chaired, at present, by a senior Government backbencher.

8.5 The Speaker of the House appoints the Chairman of a Standing Committee from the Chairmen's Panel (a group of some 20 senior backbenchers)²⁹, and the Chairman may be from either the government or opposition sides of the House.

8.6 Following the usual practice, the Chairmen of Standing Committees are appointed with little regard to the nature of the bill. Nonetheless, more experienced Chairmen, of whichever party, are usually given the longer and more controversial bills.³⁰ The Speaker may appoint additional Chairmen to a particular Standing Committee in recognition of the workload of the committee (where work is shared, there is usually one Chairman from each of the government and opposition sides).

8.7 The usual practice is that the Public Accounts Committee, the Select Committee on Statutory Instruments in the House of Commons and the Joint Committee on Statutory Instruments are chaired by Opposition MPs.

House of Lords

8.8 The Chairman of a Select Committee may be appointed by the House on the proposal of the Committee of Selection. In other instances, the Chairman of Committees or, in his absence, a Deputy Chairman takes the chair of a Select Committee.

8.9 *The HL Standing Orders* provide that the Principal Deputy Chairman of Committees be the Chairman of the European Union Committee.

²⁹ The Chairmen's Panel is appointed by the Speaker under *HC Standing Order* No. 4. The principal task of members of the Panel is to chair Standing Committees, but they may also act as the temporary Chairman of the House when it is sitting as a Committee of the Whole House.

³⁰ Robert Blackburn & Andrew Kennon, *Parliament: Functions, Practice and Procedures*, 2nd ed., London: Sweet & Maxwell, 2003, p. 387.

9. Allocation of committee chairmanships

House of Commons

9.1 There is no requirement under the Standing Orders that the allocation of posts of committee chairman should be in proportion to the representation of parties in the House. The respective number of chairmanships taken by the government side of the House and by the opposition is a matter of bargaining between the two sides. MPs of the governing party are currently chairing 13 out of the 18 Departmental Select Committees.³¹

House of Lords

9.2 There is no requirement under the Standing Orders that the allocation of posts of committee chairman should be in proportion to the representation of parties in the House.

10. Chairman of the Procedure Committee

House of Commons

10.1 The Chairman of the Procedure Committee is technically elected by the Committee itself from among its members. Similar to other Select Committees, the chairmanship of the Procedure Committee is usually agreed upon in advance among the party Whips. The Chairman does not necessarily have to be a Member of the governing party.

10.2 The current Chairman of the Procedure Committee is an Opposition backbencher who has served since 1997. The previous Chairman was a Member of the governing party and had served for 15 years.

House of Lords

10.3 The Chairman of Committees is the ex-officio Chairman of the Procedure Committee.³²

³¹ The government side had nine of the chairmanships of the 17 Departmental Select Committees in 1992-97, and 13 of the chairmanships of the 18 Departmental Select Committees in 1997-2001.

³² Under *HL Standing Orders*, the Chairman of Committees is the ex-officio Chairman of all Select Committees, unless the House orders otherwise.

11. Restrictions on chairmanship of committees

11.1 Although there is no written prohibition under the Standing Orders, the usual practice is that Ministers do not chair parliamentary committees. The only Cabinet Minister who has served on Select Committees since 1997 has been the Leader of the House who chairs the Modernisation Committee in the House of Commons.³³

11.2 Under a new Standing Order made in May 2002, the House of Commons Select Committees may not choose a Chairman who has served in that capacity for the two previous Parliaments, or for a continuous period of eight years, whichever is longer.³⁴

³³ In the past, Leaders of the House had chaired the Privileges Committee of the House of Commons, but a decision was taken in 1997 to end this practice. The reason was that the experience at the end of the 1992-97 Parliament had shown how difficult it was for a Cabinet Minister to appear impartial in cases affecting his colleagues.

³⁴ *HC Standing Order* No. 122A.

Part 3 - New Zealand

12. Background

12.1 New Zealand is a unitary state with a parliamentary system of government. It has a unicameral legislature — the House of Representatives. New Zealand is part of the Commonwealth, and the Queen, who is the head of the state, is represented by the Governor General.

12.2 The Parliament comprises 120 Members of Parliament (MPs), who are elected through the mixed member proportional representation electoral system (MMP) introduced in 1996. The leader of the winning party in an election becomes the Prime Minister. The Cabinet consists of 20 Ministers (including the Prime Minister).

12.3 In New Zealand, the Executive Council is formally constituted under the *Letters Patent* issued by the Queen. It is a formal constitutional body comprising all Ministers inside and outside the Cabinet. The Executive Council is presided over by the Governor General and exercises delegated power to make regulation, notices or orders by means of Order in Council.

13. Types and functions of committees

13.1 In New Zealand, Select Committees are set up when Parliament first starts its term following a general election. The following are 13 subject Select Committees, with their subject areas set out in the *Standing Orders of the House of Representatives (NZ Standing Orders)*³⁵:

- (a) Commerce Committee;
- (b) Education and Science Committee;
- (c) Finance and Expenditure Committee;
- (d) Foreign Affairs, Defence and Trade Committee;
- (e) Government Administration Committee;
- (f) Health Committee;
- (g) Justice and Electoral Committee;
- (h) Law and Order Committee;
- (i) Local Government and Environment Committee;
- (j) Maori Affairs Committee;
- (k) Primary Production Committee;
- (l) Social Services Committee; and
- (m) Transport and Industrial Relations Committee.

³⁵ *New Zealand Standing Orders 1999: Standings Orders of the House of Representatives*, available at <http://www.clerk.parliament.govt.nz/Publications/Other/>.

13.2 The subject Select Committees consider bills, petitions and other matters referred to them by the House or under *NZ Standing Orders*, and may inquire into matters related to their subject areas.³⁶

13.3 Four other Select Committees are appointed in this parliamentary term. They are:

- (a) Officers of Parliament Committee;
- (b) Privileges Committee;
- (c) Standing Orders Committee; and
- (d) Regulations Review Committee.

13.4 The Officers of Parliament Committee provides for parliamentary control of the funding of Offices of Parliament. The Privileges Committee considers matters relating to parliamentary privilege. The Standing Orders Committee considers matters concerning the Standing Orders of the House.³⁷ The Regulations Review Committee has the responsibility for examining delegated legislation.

13.5 The Business Committee determines business arrangements of the House.³⁸ The Business Committee is a direct product of MMP, and is an organizing committee for directing parliamentary workflow under a multiparty system.

13.6 The House may form itself into a Committee of the Whole House, which comprises all Members of the House and is presided over by the Deputy Speaker of the House.

14. Membership of committees

14.1 Each Select Committee consists of eight Members unless the House otherwise orders. Members to serve on each Select Committee are appointed by the Business Committee. The usual practice is that they are nominated by their parties. The overall membership of Select Committees is required, so far as reasonably practicable, to be proportional to party membership in the House.³⁹

14.2 The composition of the Business Committee is broadly representative of all parties in the House. Its membership comprises one Member from each party in the House having six or more Members, together with one Member from each party in a Government coalition having fewer than six Members, and one Member representing other parties with fewer than six Members and independent Members.

³⁶ In New Zealand, there is no distinction between 'Standing Committees' and 'Select Committees'.

³⁷ It is not a committee provided by the Standing Orders.

³⁸ *NZ Standing Order* 74.

³⁹ *NZ Standing Order* 187(1).

15. Role of chairmen of committees

15.1 The Chairman of a Select Committee is responsible for chairing committee meetings and ruling on procedural and relevance issues. Most committee decisions are made by consensus in a fairly informal manner. There is no casting vote and a tied vote is lost.⁴⁰ There are some powers conferred on the Chairman by *NZ Standing Orders*, including:⁴¹

- (a) setting a meeting in the absence of a committee decision;
- (b) requesting the appearance of witnesses or the production of papers;
- (c) deciding if a committee member should be disqualified from participation in proceedings due to apparent bias; and
- (d) ruling on the relevance of questions to witnesses.

16. Method of selecting committee chairmen

16.1 At its first meeting, a Select Committee is required to elect a Chairman and appoint a Deputy Chairman.⁴² The Chairman and the Deputy Chairman may be removed from office by the Committee by a Member's motion for which at least seven days' notice is given.

16.2 The Speaker of the House convenes the Business Committee at the commencement of each Parliament and chairs the Business Committee. Under *NZ Standing Order* 191(1), the Speaker is also the Chairman of the Officers of Parliament Committee.

16.3 The usual practice is that a Member of the Opposition party⁴³ is elected to be the Chairman of the Regulations Review Committee.

⁴⁰ See Philip A Joseph, *Constitutional and Administrative Law in New Zealand*, 2nd ed., Wellington: Brokers, 2001, pp. 353-4. Prior to 1996, the Chairman of a Select Committee had a deliberative vote, a casting vote if the votes were tied.

⁴¹ For details, see Office of the Clerk of the House of Representatives, *Effective Select Committee Membership: A Guide for Members of Parliament*, 2000, available at <http://www.clerk.parliament.govt.nz/>.

⁴² *NZ Standing Order* 203(1).

⁴³ The largest non-government party in the House is known as the Opposition party.

17. Allocation of committee chairmanships

17.1 There is no requirement under the Standing Orders that the allocation of posts of committee chairman should be in proportion to the representation of parties in the House.

17.2 Since the introduction of MMP, the membership of Select Committees is required under the Standing Orders to be in proportion to party representation in the House. In the circumstances, government Members are not entitled to have a majority on any committee and the outcome of elections for the position of chairmanship is not certain.

17.3 At the outset of MMP, government Members chaired 11 out of the 12 subject Select Committees. Under the previous coalition Government, government Members chaired 12 out of the 13 subject Select Committees. Under the present coalition Government led by the Labour Party⁴⁴, government Members⁴⁵ chair 10 out of the 13 subject Select Committees.

18. Chairman of the Standing Orders Committee

18.1 The usual practice is that the Chairman of the Standing Orders Committee is the Speaker of the House, who is elected by Members of the House. The Speaker is required to be impartial and not to be drawn on party political issues.

19. Restrictions on chairmanship of committees

19.1 Although there is no written prohibition under the Standing Orders, the usual practice is that Ministers do not chair parliamentary committees.

⁴⁴ Following the general election on 27 July 2002, the House of Representatives comprises 52 MPs from the Labour Party (the main government party), 27 MPs from the National Party (the main Opposition party), 13 MPs from New Zealand First; nine MPs from ACT, nine MPs from the Green Party, eight MPs from the United Future New Zealand party (agrees to support the Government on crucial money supply and confidence votes) and two MPs from the Progressive Coalition (a junior party in the coalition Government).

⁴⁵ Members of the Labour Party chair eight out of the 13 subject Select Committees.

Part 4 - The Province of Ontario in Canada

20. Background

20.1 Ontario is one of the provinces of Canada with a parliamentary system of government. The province's head of state is the Lieutenant Governor. Ontario's Parliament, which is called the Legislative Assembly, has 103 seats.

20.2 After a general election, the Lieutenant Governor asks the leader of the party that wins a majority of seats in the Legislative Assembly to become the Premier and form a Government. The Premier chooses members of the Executive Council (Ministers), which is also known as the Cabinet of the Ontario Government.

21. Types and functions of committees

21.1 Eight permanent Standing Committees are appointed for the life of a Parliament with terms of reference set out in the *Standing Orders of the Legislative Assembly of Ontario (Ontario Standing Orders)*⁴⁶. They are:

- (a) Estimates;
- (b) Finance and Economic Affairs;
- (c) General Government;
- (d) Government Agencies;
- (e) Justice and Social Policy;
- (f) Legislative Assembly;
- (g) Public Accounts; and
- (h) Regulations and Private Bills.

21.2 A Standing Committee examines and reports on the general conduct of activities by government departments and agencies, and reports on matters referred to it by the House, including proposed legislation.

21.3 According to *Ontario Standing Order* 106(f), the Standing Committee on the Legislative Assembly is empowered, among other things, "to review on its own initiative or at the request of the Speaker or the direction of the House and to report to the House its observations, opinions and recommendations on the Standing Orders of the House and the procedures in the House and its Committees."

⁴⁶ *Standing Orders of the Legislative Assembly of Ontario*, available at http://www.ontla.on.ca/documents/standing_orders/out/index.htm.

21.4 From time to time, the Legislative Assembly may create one or more Select Committees. A Select Committee is appointed, not for the life of a Parliament, but for a specified period of time with a defined mandate to consider a particular policy area or issue.

21.5 The House may form itself into a Committee of the Whole House, which comprises all Members of the House and is presided over by the Chair of the Committee of the Whole House.

22. Membership of committees

22.1 The membership of a committee is determined at the start of each session and reflects the representation of the parties in the House. *Ontario Standing Order 111* provides that "[n]o Standing or Select Committee shall consist of more than 9 members and membership must be in proportion to the representation the recognized Parties⁴⁷ in the House." An independent Member must be appointed to at least one Standing Committee, in which case the Party with a majority of seats in the House is entitled to an additional member, for a total membership of 11 on that particular committee.

22.2 The Legislative Assembly appoints Members to committees, whether Standing or Select, upon passage of a motion moved in the House by the Government House Leader. Each of the recognized political party represented in the House has informal input in the selection of their particular party Members to serve on committees before the motion is formally moved in the House.

22.3 A committee's permanent membership may only be changed by an Order of the House. However, temporary substitutions are permissible if written notice from the Whip, or a Member acting as the Whip of a recognized party, is filed with the Committee Clerk either before the committee meeting or within 30 minutes after the meeting has been called to order.

22.4 Although there is no written prohibition under the Standing Orders, the usual practice is that Cabinet Ministers do not serve as permanent members of a committee.⁴⁸

⁴⁷ Under *Ontario Standing Orders*, a recognized party means a party caucus of eight or more Members of the Legislative Assembly.

⁴⁸ Information provided by the Legislative Assembly of Ontario. In rare circumstances, a Cabinet Minister may serve as a temporary substitute member of a committee. For example, if during clause by clause consideration of a bill in a committee, the Government wishes to move an amendment to the bill that is a "money amendment", then that amendment can only be moved by a Cabinet Minister and so the government Whip can choose to substitute a Minister onto the committee for that purpose.

23. Role of chairmen of committees

23.1 The role of chairmen of committees is to maintain order and decorum, and to decide on all questions of order and procedure. The Chairman's decision is not debatable, but an appeal against the decision may be lodged with the Speaker by a majority of the members of the committee.

23.2 The Chairman only has a vote in the case of a tie, which is cast in accordance with rules which preclude an expression of opinion upon the merits of a question. The Chairman has the following powers, including:

- (a) presiding at meetings;
- (b) calling meetings when authorized by the committee or when required to do so;
- (c) administering the oath or affirmation, as required, to a witness appearing before the committee;
- (d) signing all reports and presenting them to the House; and
- (e) directing the preparation of a committee budget.

24. Method of selecting committee chairmen

24.1 Within 10 sitting days following the appointment of the membership of Standing Committees, the Clerk of the House is required to convene a meeting of each Standing Committee for the purpose of electing a Chairman and a Vice-chairman.⁴⁹

24.2 *Ontario Standing Order* 115(b) provides that the Chairman of the Standing Committee on Estimates should be a Member of a recognized party in opposition to the Government, the Chairman of the Standing Committee on Finance and Economic Affairs should be a Member of the party forming the Government and the Chairman of the Standing Committee on Public Accounts should be a Member of the party forming the Official Opposition⁵⁰.

24.3 Chairmen and Vice-chairmen of Select Committees are normally appointed when their memberships are established by Order of the House. Each of the recognized political parties in the House has informal input in the appointment of these Chairmen and Vice-chairmen.

⁴⁹ *Ontario Standing Order* 113.

⁵⁰ The party with the second highest number of Members elected in the Parliament.

25. Allocation of committee chairmanships

25.1 The chairmanship of committees is required under the Standing Orders to be distributed in proportion to the representation of recognized parties in the House.⁵¹

25.2 When there is a lack of consensus on the distribution of chairmanship of the Standing Committees, recognized parties in the House will choose the committees they wish to be chaired by one of their own members in rounds, through the House Leaders. The order is as follows: the government party first, followed by the Official Opposition, the other recognized opposition parties in order of the size of their membership in the House, and then in rotation until the distribution is completed according to the requirement that the distribution of chairmanship is in proportion to party representation in the House.⁵²

26. Chairman of the Standing Committee on Legislative Assembly

26.1 The Chairman of the Standing Committee on Legislative Assembly, similar to Chairmen of other Standing Committees, is elected by members of the committee. Both the present Chairman and Vice-chairman of the Standing Committee on Legislative Assembly are Members of the governing party.

27. Restrictions on chairmanship of committees

27.1 Although there is no written prohibition under the Standing Orders, the usual practice is that Ministers do not chair Standing or Select Committees.⁵³

⁵¹ *Ontario Standing Order 115(a).*

⁵² *Ontario Standing Order 115(c).*

⁵³ Information provided by the Legislative Assembly of Ontario.

Part 5 - The State of California in the United States of America

28. Background

28.1 The political structure of California resembles that of the federal government, with the Governor as the head of the executive, a bicameral state legislature (the Senate and the Assembly) and a judiciary. The Governor's Cabinet consists of Secretaries of the 10 major state agencies, plus the Director of Finance, the Director of Industrial Relations, and the Director of Information Technology.

28.2 The California Constitution specifically provides that the powers of government be divided into three departments —the executive, the legislative and the judicial, and that no person charged with the exercise of powers properly belonging to one of these departments shall exercise any functions appertaining to either of the others except as the Constitution expressly directs or permits.⁵⁴

28.3 The California State Senate has 40 Members elected to a four-year term. The California State Assembly has 80 Members elected to a two-year term.

29. Types and functions of committees

Senate

29.1 Twenty-four Standing Committees are created with terms of reference set out in the *Standing Rules of the Senate*⁵⁵. They are:

- (a) Agriculture and Water Resources;
- (b) Appropriations;
- (c) Banking, Commerce and International Trade;
- (d) Budget and Fiscal Review;
- (e) Business and Professions;
- (f) Constitutional Amendments;
- (g) Education;
- (h) Elections and Reapportionment;
- (i) Energy, Utilities and Communications;
- (j) Environmental Quality;
- (k) Governmental Organization;
- (l) Health and Human Services;
- (m) Housing and Community Development;
- (n) Insurance;

⁵⁴ The California Constitution, Article III, Section 3.

⁵⁵ *Standing Rules of the Senate*, available at http://www.leginfo.ca.gov/rules/senate_rules.html.

-
-
- (o) Judiciary;
 - (p) Labor and Industrial Relations;
 - (q) Local Government;
 - (r) Natural Resources and Wildlife;
 - (s) Public Employment and Retirement;
 - (t) Public Safety;
 - (u) Rules;
 - (v) Revenue and Taxation;
 - (w) Transportation; and
 - (x) Veterans Affairs.

29.2 Bills are heard in Standing Committees which meet on a regular basis throughout the year. Standing Committees can establish subcommittees to examine particular issues in details. The Committee on Rules considers proposed amendments to the rules and other matters relating to the business of the Senate.

29.3 The *Standing Rules of the Senate* also create the Committee on Legislative Ethics and the General Research Committee. The Committee on Legislative Ethics is responsible for handling matters relating to standards of conducts for Senators and officers and employees of the Senate. The General Research Committee is responsible for ascertaining facts and making recommendations to the Senate on a subject within its scope of control.

29.4 Select Committees and Special Committees are created to study policy issues and problems so as to develop longer range solutions.

29.5 The Senate may resolve itself into a Committee of the Whole so that persons other than Senators may address the Senate while it is in session.

Assembly

29.6 Twenty-nine Standing Committees are created by the *Standing Rules of the Assembly*⁵⁶. They are:

- (a) Aging and Long-Term Care;
- (b) Agriculture;
- (c) Appropriations;
- (d) Arts, Entertainment, Sports, Tourism, and Internet Media;
- (e) Banking and Finance;
- (f) Budget;
- (g) Business and Professions;
- (h) Education;
- (i) Elections, Redistricting, and Constitutional Amendments;
- (j) Environmental Safety and Toxic Materials;

⁵⁶ *Standing Rules of the Assembly*, available at http://www.leginfo.ca.gov/rules/assembly_rules.html.

-
-
- (k) Governmental Organization;
 - (l) Health;
 - (m) Higher Education;
 - (n) Housing and Community Development;
 - (o) Human Services;
 - (p) Insurance;
 - (q) Jobs, Economic Development, and the Economy;
 - (r) Judiciary;
 - (s) Labor and Employment;
 - (t) Local Government;
 - (u) Natural Resources;
 - (v) Public Employees, Retirement and Social Security;
 - (w) Public Safety;
 - (x) Revenue and Taxation;
 - (y) Rules;
 - (z) Transportation;
 - (aa) Utilities and Commerce;
 - (bb) Veterans Affairs; and
 - (cc) Water, Parks and Wildlife.

29.7 Similar to the Senate, bills are heard in Standing Committees of the Assembly which meet on a regular basis throughout the year. Standing Committees can establish subcommittees to study particular issues in detail.

29.8 With the exception of the Committee on Rules, Standing Committees created under the *Standing Rules of the Assembly* also constitute Assembly Investigating Committees which are authorized and directed to ascertain, study, and analyze all facts relating to any subjects or matters which the Committee of Rules assigns to them upon request of the Assembly or upon its own initiative.⁵⁷

29.9 The Committee on Rules acts as the executive committee of the Assembly and serves a variety of functions.⁵⁸ Its primary functions are to propose amendments to the rules of the Assembly and to deal with other matters relating to the business of the Assembly.

29.10 The *Standing Rules of the Assembly* also create the Assembly Committee on Legislative Ethics and the Assembly General Research Committee. The functions of these committees are similar to their Senate counterparts.

⁵⁷ Each of the Assembly Investigating Committees consists of the same members, Chairman, Vice-chairman of the corresponding Standing Committee on the same subject.

⁵⁸ *Standing Rules of the Assembly*, Rule 14.

29.11 The Assembly may resolve itself into a Committee of the Whole at any time by a majority vote of the Members present and voting. While sitting as that committee, persons other than Members may address the committee. The Speaker of the Assembly, or any Member named by the Speaker, can preside as the Chairperson of the Committee of the Whole.

Joint Committees

29.12 In addition to Standing Committees of each House, the California legislature also forms Joint Committees. Joint Committees, composed of an equal number of Senators and Assembly Members, study subjects of mutual interest to both Houses. These committees are established by statute, concurrent resolution, or the Joint Rules, and the memberships and chairpersons are appointed by the Speaker of the Assembly and the Senate Rules Committee respectively, unless the statute or resolution creating the committee provides for a different manner of selection.

30. Membership of committees

Senate

30.1 The Committee on Rules has the power to appoint all other committees of the Senate. The *Standing Rules of the Senate* set out the number of members of each Standing Committee. In making committee appointments, the Committee on Rules is required to give consideration to seniority, preference, and experience, and to give equal representation to all parts of the state.⁵⁹

30.2 The Committee on Rules consists of the President pro Tempore⁶⁰ of the Senate and four other Senators selected by the Senate.

30.3 The Committee on Legislative Ethics consists of six Senators, at least two of whom being members of the political party having the largest number of Senators and at least two of whom being members of the political party having the second largest number of Senators. The President pro Tempore and the Minority Floor Leader are ex-officio, non-voting members of the committee.⁶¹

⁵⁹ *Standing Rules of the Senate*, Rule 11.

⁶⁰ The California Constitution designates the Lieutenant Governor as the President of the Senate. The Senators do, however, elect a President pro Tempore from their membership to preside in the absence or disability of the Lieutenant Governor. The President pro Tempore is almost always a member of the party with the largest number of Senators.

⁶¹ *Standing Rules of the Senate*, Rule 12.3.

Assembly

30.4 The Speaker, who is elected by Members of the Assembly, has the power to determine the size of membership and appoint members of all Standing Committees and subcommittees, except the Committee on Rules. In appointing Members to serve on committees, the Speaker is required to consider the preferences of the Members.⁶²

30.5 The Committee on Rules consists of eight members, five selected by the Speaker and three selected by the Minority Floor Leader.⁶³ The Speaker may also serve on the committee.

30.6 The Assembly Legislative Ethics Committee consists of six members appointed by the Speaker. The *Standing Rules of the Assembly* provide that three members be from the political party having the largest number of Members in the Assembly and three members be from the political party having the second largest number of Members.⁶⁴

31. Role of chairmen of committees

Senate

31.1 There are certain powers conferred on the Chairmen of Standing Committees by the *Standing Rules of the Senate*, including:

- (a) presiding at meetings;
- (b) setting the hearings of bills and arranging the calendar for hearings;
- (c) directing the order of presentation of the arguments for and against matters for consideration; and
- (d) appointing, with the permission of the Committee on Rules, subcommittees.

Assembly

31.2 The role of chairman of a Standing Committee is to consider all legislation that the Committee on Rules refers to his or her particular policy committee. The Chairman is expected to run a fair hearing process and keep decorum in all hearings.

⁶² *Standing Rules of the Assembly*, Rule 12.

⁶³ *Standing Rules of the Assembly*, Rule 13.

⁶⁴ *Standing Rules of the Assembly*, Rule 22.5.

32. Method of selecting committee chairmen

Senate

32.1 Under the *Standing Rules of the Senate*, the Committee on Rules is empowered to designate a Chairman and a Vice-chairman of each committee.⁶⁵

32.2 The *Standing Rules of the Senate* provide that the President pro Tempore of the Senate should be the Chairman of the Committee on Rules and the Chairman of the General Research Committee.

32.3 The usual practice is that the Veterans Affairs Committee and the Constitutional Amendments Committee are chaired by Senators of the Minority party.

Assembly

32.4 Under the *Standing Rules of the Assembly*, the Speaker is empowered to appoint the Chairmen and Vice-chairmen of all Standing Committees and subcommittees.⁶⁶

32.5 For the Assembly Legislative Ethics Committee, the Speaker is required to designate one member of the committee from the political party having the largest number of Members in the Assembly and one member of the committee from the political party having the second largest number of Members to serve as the co-chairman of the committee.⁶⁷

32.6 The *Standing Rules of the Assembly* provide that the Speaker should be the Chairman of the Assembly General Research Committee.

33. Allocation of committee chairmanships

Senate

33.1 There is no requirement under the Standing Rules that the allocation of posts of committee chairman should be in proportion to the representation of parties in the Senate. The usual practice is that Standing Committees are chaired by Senators of the Majority party, with Senators of the Minority party serving as Vice-chairmen.

⁶⁵ *Standing Rules of the Senate*, Rule 11.

⁶⁶ *Standing Rules of the Assembly*, Rule 12.

⁶⁷ *Standing Rules of the Assembly*, Rule 22.5.

33.2 In the current term, 21 out of the 24 Standing Committees are chaired by Senators of the Majority party.

Assembly

33.3 There is no requirement under the Standing Rules that the allocation of posts of committee chairman should be in proportion to the representation of parties in the Assembly. The usual practice is that Standing Committees are chaired by Members of the Majority party, with Members of the Minority party serving as Vice-chairmen.

33.4 In the current term, 28 out of the 29 Standing Committees are chaired by Members of the Majority party.

34. Chairman of the Committee on Rules

Senate

34.1 The *Standing Rules of the Senate* provide that the President pro Tempore of the Senate should be the Chairman of the Committee on Rules.⁶⁸

Assembly

34.2 The Chairman of the Committee on Rules is appointed by the Speaker under the *Standing Rules of the Assembly*.⁶⁹

35. Restrictions on chairmanship of committees

35.1 Because of the division of government powers specified in the state constitution, persons who hold executive powers cannot be Members of the legislature.

⁶⁸ *Standing Rules of the Senate*, Rule 11.

⁶⁹ *Standing Rules of the Assembly*, Rule 13.

Part 6 - Comparison of Various Attributes of Chairmanship of Parliamentary Committees**Table 1 - Types of Committees and Membership of Committees**

Places	Number of Seats in the Legislature	Types of Committees	Membership of Committees	Requirement for Membership in proportion to party representation
The UK	House of Commons 659	Select Committees, Standing Committees, Joint Committees and Committees of the Whole House.	(a) Departmental Select Committees — nominated by the Committee of Selection. (para. 6.1) (b) Standing Committees — appointed by the Committee of Selection. (para. 6.6)	No, but the common practice is that the strength of each party is reflected largely in the membership of committees.
	House of Lords 691	Select Committees, Joint Committees and Committees of the Whole House.	Select Committees — selected and proposed by the Committee of Selection. (para. 6.7)	No
New Zealand	House of Representatives 120	Select Committees and Committees of the Whole House.	Select Committees — appointed by the Business Committee. (para. 14.1)	Yes, by Standing Orders.
Ontario	Legislative Assembly 103	Standing Committees, Select Committees and Committees of the Whole House.	Standing Committees and Select Committees — by motion in the House. (para. 22.2)	Yes, by Standing Orders.
California	Senate 40	Standing Committees, Select Committees, Joint Committees and Committees of the Whole.	Standing Committees, Select Committees and Joint Committees — appointed by the Committee on Rules. (para. 30.1)	No
	Assembly 80	Standing Committees, Select Committees, Joint Committees and Committees of the Whole.	Standing Committees, Select Committees and Joint Committees — appointed by the Speaker. (para. 30.4)	No

Table 2 - Chairmanship of Parliamentary Committees

Places	Method of Selecting Committee Chairmen	Allocation of Committee Chairmanships	Requirement for Chairmanship in proportion to party representation
The UK House of Commons	(a) Select Committees — chosen among committee members. In practice, the chairmanship is agreed in advance among party Whips. (para. 8.1) (b) Standing Committees — appointed by the Speaker from the Chairmen's Panel. (para. 8.5)	(a) Select Committees — mostly chaired by Members of the governing party. (para. 9.1) (b) Standing Committees — may be a Member of the government party or an Opposition party. (para. 8.5)	No
House of Lords	Select Committees — may be appointed on the proposal of the Committee of Selection. Otherwise, the Chairman of Committees takes the Chair. (para. 8.7)	NA	No
New Zealand House of Representatives	Select Committees — elected among committee members. (para. 16.1)	Select Committees — mostly chaired by Members of the governing party. (para. 17.1-17.3)	No
Ontario Legislative Assembly	Standing Committees — elected among committee members, certain posts of committee chairman are provided by the Standing Orders. (para. 24.1-24.3)	Standing Committees — through consensus among parties or by a contingency selection procedure based on party strength. (para. 25.1-25.2)	Yes, by Standing Orders.
California Senate	Standing Committees — mostly appointed by the Committee on Rules, except the Committee on Rules and the General Research Committee. (para. 32.1-32.2)	Standing Committees — mostly chaired by Senators of the Majority party. (para. 33.1-33.2)	No
Assembly	Standing Committees — mostly appointed by the Speaker, except the Assembly General Research Committee. (para. 32.4 & 32.6)	Standing Committees — mostly chaired by Members of the Majority party. (para. 33.3-33.4)	No

Table 3 - Committees concerning Rules of Procedures

Places	Committees concerning Rules of Procedures	Chairmanship of Committees concerning Rules of Procedures
The UK House of Commons	The Procedure Committee	Elected by members of the committee, does not necessarily have to be a Member of the governing party. (para. 10.1)
House of Lords	The Procedure Committee	The Chairman of Committees (appointed by the House). (para. 10.3)
New Zealand House of Representatives	The Standing Orders Committee	Usually the Speaker of the House. (para. 18.1)
Ontario Legislative Assembly	The Standing Committee of the Legislative Assembly	Elected by members of the committee. (para. 26.1)
California Senate	The Committee on Rules	President pro Tempore (elected by Senators, always a member of the party with the greatest number of Senators). (para. 34.1)
Assembly	The Committee on Rules	Appointed by the Speaker. (para. 34.2)

Table 4 - Restrictions on Chairmanship of Committees

Places	Restrictions on Chairmanship of Committees
The UK	<p>Although there is no written prohibition under the Standing Orders, the usual practice is that Ministers do not chair parliamentary committees. However, the Modernisation Committee in the UK House of Commons has been chaired by the Leader of the House (a Cabinet Minister) since the inception of that committee in 1997. (para. 11.1)</p> <p>House of Commons Select Committees may not choose a Chairman who has served in that capacity for the two previous Parliaments, or for a continuous period of eight years, whichever is longer. (para. 11.2)</p>
New Zealand	<p>Although there is no written prohibition under the Standing Orders, the usual practice is that Ministers do not chair parliamentary committees. (para. 19.1)</p>
Ontario	<p>Although there is no written prohibition under the Standing Orders, the usual practice is that Ministers do not chair parliamentary committees. (para. 27.1)</p>
California	<p>Because of the division of government powers specified in the state constitution, persons who hold executive powers cannot be members of the legislature. (para. 35.1)</p>

Part 7 - Analysis

36. Types and functions of committees

36.1 Committees are considered as an important structural element in all of the Parliaments studied in this research. In the UK, there are generally two types of committees. The first are Select Committees, whose functions are to inquire into particular departments or subjects, and make recommendations to the House. The second are Standing Committees, which are appointed to consider specific bills.

36.2 In New Zealand, there is no distinction between 'Standing Committees' and 'Select Committees'. Select Committees are appointed to consider bills and to inquire into matters related to their subject areas. In Ontario, Standing Committees perform dual functions in that they examine departmental activities and study proposed legislation as well. The Legislative Assembly of Ontario from time to time sets up Select Committees to consider particular policy areas or issues.

36.3 In California, Standing Committees are appointed to hear bills in both the Senate and the Assembly. Select Committees and Special Committees are created to study policy issues and problems.

36.4 In the UK and California, where they have a bicameral legislature, Joint Committees are another type of committees. Joint Committees, composed of members from both Houses, are established to consider questions of common interest to Members of both Houses.

36.5 In the four places studied, various types of committees are set up to consider parliamentary domestic affairs, including making appointment of members to committees and reviewing Standing Orders of the Houses.

37. Membership of committees

37.1 In most of the Parliaments studied, the appointment of members to committees is through a special committee. They are the Committee of Selection⁷⁰ in the UK, the Business Committee in New Zealand, and the Committee of Rules in the California State Senate. In Ontario, the appointment of members to committees is by motion in the House. In the California State Assembly, the appointment is by the Speaker.

⁷⁰ In both the House of Commons and the House of Lords. The principal task of the Committee of Selection in the House of Commons is to appoint MPs to Standing Committees and to nominate MPs for appointment to many Select Committees.

37.2 In New Zealand and Ontario, the composition of committees is required under their Standing Orders to be based on the proportional representation of political parties in the House. In the UK House of Commons, the common practice is that the strength of each party is reflected largely in the membership of committees.

38. Method of selecting committee chairmen

38.1 In all of the places studied, committee chairmen, except those chairman posts specified by relevant Standing Orders or Standing Rules, are selected through one of the three following methods. One method is through an election among committee members, such as the House of Commons Select Committees of the UK, the Select Committees of New Zealand, and the Standing Committees of Ontario. The second method is through an appointment by the Speaker of the House, such as the House of Commons Standing Committees of the UK and the Standing Committees of the California State Assembly. The third method is through a special committee, such as the House of Lords Select Committees of the UK, and the Standing Committees of the California State Senate.

38.2 In a parliamentary system of government, such as the UK, New Zealand and Ontario, senior members of Government being a part of the legislature. In a system of government with division of powers, such as California, the executive and the legislature are two separate branches. In this study, no major difference is found in the ways of selecting committee chairmen between a parliamentary system and a system with division of powers.

38.3 In a parliamentary system of government, such as the UK, New Zealand and Ontario, there are certain parliamentary committees whose chairmanship is traditionally held by Members of the opposition parties. These committees may have the function of scrutinizing the use of public funding (such as the Public Accounts Committee) or examining delegated legislation.

39. Allocation of committee chairmanships

39.1 Among the places studied, only Ontario has the requirement under its Standing Orders that the posts of committee chairman should be distributed in proportion to the representation of political parties in the House.

39.2 In other places, the allocation of posts of committee chairman between the governing (majority) parties and the opposition (minority) parties is a matter of negotiation between the parties.

39.3 Most committee chairmen are undertaken by Members of the governing (majority) parties in all of the places studied.⁷¹ The opposition (minority) parties may be left to chair a few less important committees or certain committees whose chairmanships have traditionally not been held by a Member of the governing (majority) party.

40. Chairmanship of committees concerning rules of procedures

40.1 In all of the Parliaments studied, a committee is usually set up to consider matters relating to the practice and procedure of the House. The committee is called the Procedure Committee⁷² in the UK, the Standing Order Committee in New Zealand, the Standing Committee of the Legislative Assembly in Ontario, and the Committee on Rules⁷³ in California.

40.2 In both the UK House of Commons and Ontario, the chairman of the committee concerning rules of procedures is elected by members of the committee. The current Chairman of the Procedure Committee in the UK House of Commons is an Opposition MP who has served since 1997. In Ontario, the current Chairman of the Standing Committee on Legislative Assembly is a Member of the governing party.

40.3 The committee concerning rules of procedures is chaired by one of the House presiding officers chairs in the UK House of Lords, New Zealand and the California State Senate. The Procedure Committee in the UK House of Lords is chaired by the Chairman of Committees. In New Zealand, the Standing Orders Committee is usually chaired by the Speaker of the House. In the California State Senate, the Committee on Rules is chaired by the President pro Tempore.

40.4 In the California State Assembly, the Chairman of the Committee on Rules is appointed by the Speaker.

⁷¹ The only exception is the House of Lords of the UK.

⁷² In both the House of Commons and the House of Lords.

⁷³ In both the California Senate and the California Assembly.

41. Restrictions on chairmanship of committees

41.1 In a parliamentary system of government, senior members of Government (Ministers) sit within the legislature. In the UK, New Zealand and Ontario, although there is no written prohibition under the Standing Orders, the usual practice is that Ministers do not chair parliamentary committees. However, the Modernisation Committee in the UK House of Commons has been chaired by the Leader of the House (a Cabinet Minister) since the inception of that committee in 1997.

41.2 Because of division of government powers in California, senior members of Government (including Cabinet Secretaries) are legally prohibited to be Members of the legislature.

Appendix I

Subjects reported by the Procedure Committee since 1992 - 93*

Parliamentary questions	1992-93 , 1993-94, 1999-2000, 2001-02
Financial procedure	1992-93 , 1993-94, 1997-98, 1998-99
Private Members' bills	1992-93, 1993-94, 1994-95
Divisions	1992-93, 1994-95
Northern Ireland Select Committee	1993-94
New procedure for deregulation orders	1993-94
Statements (advance notice)	1993-94, 1998-99
Internet publication of <i>Hansard</i>	1994-95
Evidence by video conferencing	1994-95
Voting by sick Members	1994-95
Suspension of Members	1994-95
Prime Minister's Question	1994-95
Sitting hours reform	1994-95
Election of Speaker, Choice of Deputy Speaker and proceedings at start of Parliament	1995-1996, 2000-01 , 2001-02
<i>Sub judice</i> (injunctions)	1995-96
Use of Welsh in Parliament	1995-96, 1997-98, 2000-01
Delegated legislation	1995-96 , 1999-2000
Names of standing committees	1995-96
Standing orders revision	1996-97
New procedure for tax simplification bills	1996-97
European business	1996-97
Objections to questions in select committees	1997-98
Consequences of devolution	1998-99
Early day motions	1998-99
Scrutiny of treaties	1999-2000
Ministerial undertakings following debate	1999-2000

* Some subjects are chosen by the committee itself; others are referred to it by the Speaker or by Ministers. Some subjects recur frequently over the years. The dates in bold show the sessions in which the Procedure Committee conducted a major review of the subjects.

Source: extracted from Robert Blackburn & Andrew Kennon, *Parliament: Functions, Practice and Procedures*, 2nd ed., London: Sweet & Maxwell, 2003, p. 620.

Appendix II

Reports published by the Modernisation Committee

	Subject	Notes
1997-98		
1.	Legislative process	partially put into effect
2.	Explanatory material for bills	implemented
3.	Carry-over of public bills	used once
4.	Conduct in the chamber	implemented
5 & 6	Voting methods	no major change recommended
7.	Scrutiny of European business	implemented
1998-99		
1.	Parliamentary calendar	implemented
2.	Sittings in Westminster Hall	experiment made permanent
3.	Thursday sitting	experiment made permanent
1999-2000		
1.	Facilities of the press	administrative action
2.	Programming legislation	experiment agreed
3.	Thursday sittings	experiment made permanent
4.	Sittings in Westminster Hall	experiment made permanent
2000-01		
1.	Programming legislation	experiment renewed in modified form
2001-02		
1.	Select committees	partially implemented on 14 May 2002
2.	Reform programme	implemented from January 2003

Source: extracted from Robert Blackburn & Andrew Kennon, *Parliament: Functions, Practice and Procedures*, 2nd ed., London: Sweet & Maxwell, 2003, p. 623.

References

Books & Articles

1. Barnhart, Gordon. *Parliamentary Committees: Enhancing Democratic Governance*, London: Cavendish Publishing Ltd., 1999.
2. Blackburn, Robert & Kennon, Andrew. *Parliament: Functions, Practice and Procedures*, 2nd ed., London: Sweet & Maxwell, 2003.
3. Butler, David & Butler, Gareth, *Twentieth-century British Political Facts: 1900-2000*, 8th ed., London: Macmillan Press Ltd., 2000.
4. *Dod's Parliamentary Companion*, London: Vacher Dod Publishing, various years.
5. *Erskine May's Treatise on the Law, Privileges, Proceedings, and Usage of Parliament*, 22nd ed., London : Butterworths, 1997.
6. Evans, Paul. *Handbook of House of Commons Procedure*, 3rd ed., London: Vacher Dod Publishing, 2002.
7. Field, Mona & Sohner, Charles P. *California Government and Politics Today*, 8th ed., New York: Longman, 1999.
8. Inter-Parliamentary Union, *Parliaments of the World: A Comparative Reference Compendium*, 2nd ed., England: Goser Publishing Co., 1986.
9. Joseph, Philip A. *Constitutional and Administrative Law in New Zealand*, 2nd ed., Wellington: Brokers, 2001.
10. Levine, Stephen. ed., *The New Zealand Politics Source Book*, 3rd ed., New Zealand: the Dunmore Press Ltd., 1999.
11. Longley, Lawrence D. & Davidson, Roger H. eds. *The New Roles of Parliamentary Committees*, London: Frank Cass, 1998.
12. McGee, David, *Parliamentary Practice in New Zealand*, 2nd ed., Wellington: GP Publications, 1994.

Other Materials

UK

1. Committee Office of the House of Commons, "The Committee System of the House of Commons", 2001, available at <http://www.parliament.uk/commons/selcom/ctteesys.htm>.
2. "Departmental Select Committees," House of Commons Research Paper 02/35, available at <http://www.parliament.uk/commons/lib/research/rp2002/rp02-035.pdf>.
3. *The Standing Orders of the House of Commons - Public Business 2003*, available at <http://www.publications.parliament.uk/pa/cm200203/cmstords/17501.htm>.
4. *The Standing Orders of the House of Lords relating to Public Business*, available at <http://www.parliament.the-stationery-office.co.uk/pa/ld/ldstords/ldso.htm>.

New Zealand

1. Office of the Clerk of the House of Representatives, *Effective Select Committee Membership: A Guide for Members of Parliament*, 2000, available at <http://www.clerk.parliament.govt.nz/>.
2. *New Zealand Standing Orders 1999: Standings Orders of the House of Representatives*, available at <http://www.clerk.parliament.govt.nz/Publications/Other/>.

Ontario

1. *Standing Orders of the Legislative Assembly of Ontario*, available at http://www.ontla.on.ca/documents/standing_orders/out/index.htm.

California

1. "California's Legislature," 2000, available at <http://www.leginfo.ca.gov/pdf/caleg-pref.pdf>.
2. *Standing Rules of the Senate*, available at http://www.leginfo.ca.gov/rules/senate_rules.html.
3. *Standing Rules of the Assembly*, available at http://www.leginfo.ca.gov/rules/assembly_rules.html.