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# Enhancing long-term governance Parliament's vital oversight role

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## Abstract

This article explores how the New Zealand Parliament scrutinises the quality of long-term governance and considers how such scrutiny could be made more systematic, proactive and rigorous. The analysis is based, among other things, on extensive interviews with current and former MPs and other active participants in the policy process. Interviewees were generally critical of the existing system of parliamentary scrutiny: it was variously described as 'weak', 'inadequate', 'cursory', 'patchy' and 'unduly partisan'. Scrutiny of long-term matters – such as governments' strategies, foresight, planning and risk management – was seen as inferior, on average, to other forms of scrutiny, especially the scrutiny of legislation. Drawing on the suggestions of interviewees and the experience of legislatures in several other parliamentary democracies, we outline and assess various options for parliamentary reform.

**Keywords** Parliament, accountability, scrutiny, long-term governance, reform

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Parliament stands at the apex of New Zealand's system of government (Geddis, 2016; Harris and Wilson, 2017). It performs four vital functions: representing citizens, enacting legislation, providing governments, and holding governments to account. This article focuses on the last one of these functions – variously referred to as parliamentary oversight, scrutiny and accountability. Effective scrutiny of the executive branch of government by the legislature is critically important. It serves to incentivise good governance, enhance public trust in governmental institutions, and underwrite the legitimacy of the democratic political system.

Much has been written over the years about how legislatures, both in New Zealand and in other parliamentary democracies, scrutinise the performance of ministers and public agencies (i.e. departments, Crown entities, state-owned enterprises, etc.), the specific parliamentary mechanisms that enable such scrutiny (e.g. oral and written questions of ministers, select committee inquiries and formal debates) and the strengths and weaknesses of these mechanisms (Office of the Auditor-General, 2019; White, 2015). To date, however, most assessments of the quality of parliamentary scrutiny have adopted a backward-looking, rather than a forward-looking, perspective. That is to say, the primary focus has been on how well legislatures hold ministers and public agencies to account for their *past* performance. By contrast, little attention has been given to how legislatures hold ministers and public agencies to account for the quality of their *long-term* governance – or what can be termed 'anticipatory governance' (Boston, 2016; Fuerth and Faber, 2013). For instance, how well are governments planning for the future? Are ministers and their officials exercising sufficient foresight and prudent stewardship (Menzies, 2018)? Are important societal and environmental trends being actively monitored, reported and investigated (Parliamentary Commissioner for the Environment, 2019)? Are known risks and looming problems being effectively mitigated and managed? Is vital public infrastructure sufficiently resilient (e.g. in the face of

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climate change and cascading risks) (Frieling and Warren, 2018)? Is there sufficient public investment in cost-effective preventative measures? More generally, are the interests of future citizens being adequately protected and are governments giving proper consideration to well-established principles of intergenerational justice (Brown Weiss, 1989)? Finally, are such matters being properly monitored and investigated by legislators? If not, what reforms might be needed?

To date, these questions, particularly when viewed through a parliamentary lens, have received remarkably little attention in the relevant international literature. For instance, while the literature on fiscal and environmental sustainability is vast, assessments of how – and the effectiveness with which – legislatures hold governments to account for the sustainability of their strategies and policies are few and far between. The situation in New Zealand is no exception.

The purpose of this article is to help redress the balance. It is a timely exercise, not least because Parliament's Standing Orders Committee is currently undertaking

its triennial review of the standing orders, which provides an opportunity for Parliament to update its rules and practices. Similarly, both the State Sector Act 1988 and the Public Finance Act 1989 have been under review (State Services Commission, 2018; Treasury, 2018) and some of the proposed changes have implications for Parliament's role in scrutinising the quality of long-term governance. These include requirements for:

- Budget policy statements to explain the nature of the 'wellbeing objectives that will guide the Government's Budget decisions' and how those 'objectives are intended to support long-term wellbeing in New Zealand';
- the Treasury to produce periodic reports that provide a comprehensive, balanced and accessible assessment of the state of wellbeing in New Zealand, with indicators being selected and the reports prepared using the Treasury's 'best professional judgements';
- departments to prepare periodic 'long-term insights briefings';
- the public service to support 'the Government to pursue the long-term public interest'; and
- departmental chief executives to support their minister 'to act as a good steward of the public interest', including by 'providing advice on the long-term implications of policies' (see Public Finance (Wellbeing) Amendment Bill and Public Service Legislation Bill).

Our analysis proceeds as follows. First, we briefly outline the research on which our analysis is based. Second, we comment briefly on the politics of time, noting especially the presentist bias that characterises democratic systems of governance and its implications for parliamentary oversight. Third, we discuss the current methods, and assess the quality, of parliamentary scrutiny in New Zealand, with particular reference to long-term matters of policy and governance. Fourth, we briefly survey how legislatures in several other parliamentary systems scrutinise the quality of long-term governance. Finally, based on our research, we outline how our Parliament's systems, structures and procedures might be amended to ensure better scrutiny of long-term matters and that intergenerational issues are embedded

firmly within Parliament's day-to-day operations.

#### Research methods

This article draws primarily on the findings of a report published in mid-2019 by the Institute for Governance and Policy Studies at Victoria University of Wellington (Boston, Bagnall and Barry, 2019). The report, in turn, was based on a partnership between the Office of the Clerk of the House of Representatives and the institute during 2018–19. In preparing our report, we undertook a thorough review of the relevant international and domestic literature on long-term governance, parliamentary scrutiny and related issues, and conducted close to 60 semi-structured interviews with current and former MPs, government officials, parliamentary staff and other researchers, both in New Zealand and overseas (*ibid.*, pp.28–32). Those interviewed in New Zealand included 14 current MPs (five National, five Labour, three Green and two New Zealand First MPs), and six former MPs from a range of parties, including former ministers and backbenchers. A particular effort was made to secure the views of a representative sample of MPs at different stages of their parliamentary careers, from different ethnic and professional backgrounds, and with experience on a range of select committees. Additionally, we hosted a workshop with government officials and other relevant stakeholders, undertook exploratory case studies, conducted a survey of legislatures in Commonwealth jurisdictions, and received detailed feedback on our initial findings and proposals from numerous people.

#### The politics of time

Any analysis of how legislatures scrutinise the quality of long-term governance raises the question of what the 'long term' means and what constitutes a 'long-term policy matter'. In practice, it is hard to draw tidy lines between different time periods (e.g. short-term, medium-term and long-term). Similarly, it is difficult to divide policy issues neatly according to their temporal relevance or impacts. After all, many policy issues – and their effects – are enduring: think of crime, substance abuse, family

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violence, illnesses and accidents. In other cases, policy problems come and go, or their impacts wax and wane; in some cases their scale or seriousness may diminish, perhaps because policy interventions have become more effective (e.g. due to better treatments for chronic diseases). In yet other cases, policy problems increase over time: so-called 'creeping problems', like climate change, ocean acidification, micro-plastic pollution, and the increasing threats to privacy from public and private surveillance fall into this category. Such problems tend to emerge slowly, incrementally and often imperceptibly; they are thus largely 'out of sight and out of mind' until certain 'tipping points' are reached.

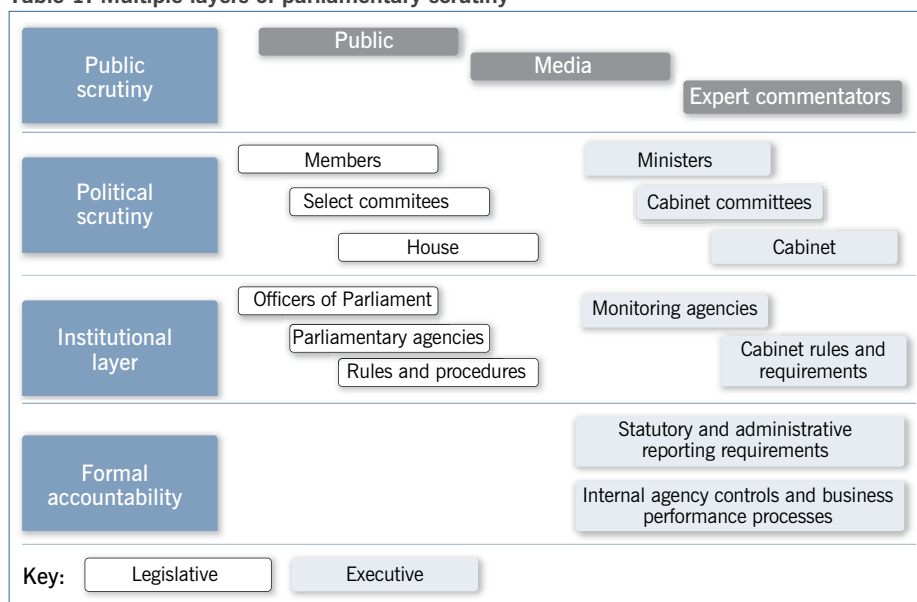
While dividing time into neat bundles or defining 'long term' presents problems, several matters are relatively uncontroversial. To start with, there are strong political pressures for governments and legislatures to focus on urgent issues, notably those which generate significant public concern (e.g. because of their serious near-term economic, social or environmental effects) (Jacobs, 2011, 2016). As a result, policy issues where the main

societal or environmental impacts are relatively hidden or distant (e.g. a decade or more in the future) tend to receive a low political priority. Indeed, sometimes they are ignored altogether until their impacts become so widespread and visible that a governmental response is politically unavoidable.

It is no surprise that governments prioritise matters of immediate public concern, as this reflects the structure of political incentives in contemporary democracies. Human temporal horizons are often limited: voters tend to be impatient, and governments want to be re-elected. Hence, democracies display a short-termist or presentist bias (Healy and Malhorta, 2009; Thompson, 2005, 2010). Democratically elected legislatures are naturally and inescapably influenced by such forces. In seeking to hold governments to account, parliamentarians have strong incentives to focus on governments' recent mistakes and misdemeanours rather than the rigour or adequacy of their strategising, foresight, forward planning or risk assessments. Likewise, MPs have powerful reasons to concentrate on the politically salient matters of today, rather than the critical, but seemingly distant, challenges of tomorrow.

Fortunately, these myopic propensities in democratic processes, along with their causes, are well understood. Knowing of the risks, governments have not been inactive. Indeed, across the OECD multiple remedies have been proposed and many implemented (Boston, 2017a, 2017b; González-Ricoy and Gosseries, 2016). For instance, in some cases important decisions have been deliberately delegated to independent bodies – ones that are expected to be less influenced than elected officials by short-term political pressures. The transfer of key decisions on the implementation of monetary policy to central banks in most OECD countries is a good example. Alternatively, governments have instituted substantive and procedural 'commitment devices' (Reeves, 2015): these aim to protect long-term interests by requiring governments to make decisions that they might otherwise prefer to avoid (e.g. setting long-term targets) or making it harder politically for them to abandon prudent policy settings (e.g. by embodying

**Table 1: Multiple layers of parliamentary scrutiny**



Source: Boston et al., 2019, p.63.

principles of fiscal responsibility or ecological sustainability within legislation).

These efforts are based on a crucial and not unreasonable assumption, namely that political incentives are not immutable; they can be tweaked and redirected. Hence, myopia need not be triumphant: the long term can be brought into sharper political focus and the temporal horizon of decision makers can be stretched. Bear in mind, too, that most citizens and those who represent them care deeply about the future – among other things, they desire a safe prospect for themselves and their offspring. The challenge is how to design our political institutions so that these ethical norms receive the attention they deserve. Our focus in what follows is on the parliamentary dimension of this challenge.

**Parliamentary scrutiny in New Zealand: a brief assessment**

Accountability, in the sense of being answerable to someone for something, takes many forms (Mulgan, 2000; Office of the Auditor-General, 2019). For instance, useful distinctions can be made between political (electoral or democratic) accountability, administrative (bureaucratic or organisational) accountability, legal accountability, financial accountability and professional accountability. In the political arena all these forms of accountability are operative to one degree or another, and with varying levels of effectiveness. Invariably, they overlap and interact, often

reinforcing each other. Collectively, within a parliamentary democracy, they generate multiple layers of scrutiny. In other words, the performance of ministers and their officials is scrutinised through a range of mechanisms. At least four distinct layers can be delineated (see Table 1).

First, governments face ongoing, and often intense, *public scrutiny*. This includes the activities of interest groups, businesses, researchers, think tanks, the courts, the media and social media. Second, there is the *political layer* of scrutiny. This is the persistent – and sometimes merciless – questioning of ministers and their officials by MPs, whether through questions and debate in the House, select committee processes or other forums. Much of this political scrutiny is driven by constant inter-party competition for electoral success. Third, there is an *institutional layer* of scrutiny. This complements and assists the political scrutiny conducted by MPs. It includes the work of: a) the three officers of Parliament (i.e., the Office of the Auditor-General, the parliamentary commissioner for the environment and the ombudsman; b) the two parliamentary agencies (i.e., the Parliamentary Service, which includes the Parliamentary Library, and the Office of the Clerk, which includes Select Committee Services and the Parliamentary Law and Practice team); and c) the formal rules and procedures of the House, which trigger and facilitate scrutiny processes. Finally, there is the *formal*

*accountability system*, which is mandated through the statutory framework for public sector management and provides the vital supply of information that makes scrutiny possible. This includes the various regimes of financial management and performance management, and the related monitoring and reporting requirements, and internal controls within public agencies. The parliamentary commissioner for the environment’s recent (2019) report on New Zealand’s environmental reporting regime has highlighted the critical importance of such mechanisms for good long-term governance.

All four layers of scrutiny are vital for a healthy parliamentary democracy. Overall, our research indicated that while most of these layers in New Zealand are relatively effective, the scrutiny provided by the political layer is generally regarded as superficial or lacking in impact, and rarely engages with long-term matters. Certainly this was the assessment of many, if not most, interviewees. And their views were largely confirmed through our case studies and other investigations. Our findings can be summarised as follows.

First, many interviewees maintained that parliamentary scrutiny in New Zealand compares unfavourably with that in other advanced democracies. The scrutiny of legislation was regarded as a notable exception. Interviewees variously described existing oversight arrangements as ‘weak’, ‘inadequate’, ‘cursory’, ‘patchy’ and ‘unduly partisan’. Such assessments were shared by both current and former MPs, and by MPs from across the House. Their views were also consistent with the evaluations of numerous officials and outside observers. This is not to suggest that the scrutiny activities of select committees (e.g. via their review of the Estimates or the conduct of inquiries) are generally poor. But by comparison with their counterparts in many other jurisdictions (e.g. Australia and Britain), our select committees undertake relatively few substantial inquiries. Landmark investigations which generate strong public interest or significant policy reforms are few and far between.

Second, and related to this, we undertook a review of 30 select committee inquiries conducted between late 2011 and late 2018. A key aim was to investigate the

extent to which such inquiries gave substantive consideration to *long-term* policy issues, including assessments of major government strategies, significant societal or environmental trends, or the mitigation and management of risks. The results were unambiguous: consideration of such matters was limited, ad hoc and unsystematic. Equally, the use of foresight techniques (e.g. horizon scanning and scenario analyses) by select committees has been rare, and questions of inter-generational fairness typically receive little attention.

Third, we undertook several case studies to investigate how much attention select committees give to major long-term government strategies (e.g. protecting biodiversity) and future-focused reports (e.g. dealing with fiscal, demographic and environmental trends). Again, the results indicated a lack of ongoing and rigorous parliamentary scrutiny of ministerial decisions and agency performance. Matters are not helped by the fact that, unlike in some other jurisdictions, governments are not legally obliged to produce regular reports on future societal trends (see Welsh Government, 2018), national risk assessments or social outcomes. Significant long-term strategies, such as the Sustainable Development Goals, receive only perfunctory attention by Parliament.

Overall, the incentives for, and capacity of, our parliamentarians to undertake systematic, rigorous and effective oversight of the executive branch are significantly constrained. Notable limitations include:

- the relatively small size of the House of Representatives by comparison with legislatures in most other OECD countries, which restricts the availability of MPs to sit on select committees and encourages strong party discipline;
- the absence of a second chamber, such as the Australian Senate or the British House of Lords, with a particular focus on scrutiny activities;
- the relatively short parliamentary term (among the shortest in the democratic world, where the average electoral cycle for unicameral and lower houses is 4.7 years);
- the political dominance of the House by the executive, even in the context of minority governments;

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- the high workload of select committees and the tendency for urgent and higher-priority business, most notably the scrutiny of legislation, to crowd out other scrutiny functions, such as the conduct of in-depth inquiries into the performance of government agencies and the effectiveness of current policies;
- the lack of procedural triggers to ensure that systematic scrutiny of long-term matters takes place;
- the absence of one or more permanent select committees with a primary mandate to scrutinise governmental performance, including in relation to long-term matters; and
- select committees' modest use of independent expert advice, including that available via the officers of Parliament and the academic community.

These limitations signal that several approaches can be taken to improve parliamentary scrutiny. It would be misguided to try to moderate the political nature of parliamentary life directly, because political motivations are inherent in representative democracy and provide its fundamental driving force. Instead, the

approach should be to shape the institutional layer that provides opportunities for and supports political scrutiny, so that expectations of good scrutiny can influence and improve governance.

In all likelihood, the political layer of scrutiny in our governmental system would be stronger if there were significantly more MPs (e.g. 150+ rather than 120), an influential upper house, and a longer parliamentary term (e.g. four or five years). But constitutional reforms of this nature are not possible without the support of the majority of voters (e.g. via a referendum). Currently, the prospects of such support are low. Realistically, therefore, any reforms to improve parliamentary scrutiny of the quality of long-term governance must occur within the bounds of existing constitutional arrangements.

#### Lessons from other parliamentary systems

With that in mind, how do other parliaments scrutinise the quality of long-term governance within their respective jurisdictions and what lessons are there for New Zealand?

To investigate such questions we conducted a survey of parliaments in other Commonwealth countries and reviewed the available academic and other literature on scrutiny arrangements. The results were not unexpected: overall, parliamentary systems do not address matters of long-term governance in a comprehensive, systematic and rigorous manner. While scrutiny arrangements differ across the Commonwealth (and beyond), it is hard to identify what might be called 'best practice', particularly in relation to long-term matters. Equally important, the evidence suggests that many factors affect the quality of parliamentary scrutiny that have little to do with specific legislative structures, procedures or support services. These include the nature of a country's party system, political culture, civil society institutions, quasi-governmental institutions, public management systems and regulatory frameworks.

Be that as it may, various parliamentary systems have sought over the years to improve the institutional settings that underpin political scrutiny, including in relation to long-term governance. Four

Table 2: Indicators for evaluating parliamentary scrutiny of long-term governance

Type of indicator	Indicator	Example of measure
<b>Political and public engagement</b> <i>Connection of MPs and the public with long-term issues</i>	1. Active committee scrutiny of long-term issues	Select committee meeting hours spent on long-term scrutiny Number of substantive select committee reports
	2. Inquiries into long-term issues	Number of inquiries initiated
	3. Regular plenary debate of long-term issues	Number of debates
	4. Public awareness of parliamentary scrutiny of long-term issues	Parliamentary engagement data
	5. Public participation in framing long-term issues and outcomes	Number of participation opportunities
<b>Robustness</b> <i>Empowerment of effective scrutiny through opportunities and capability</i>	6. Parliamentary rules embedding procedural triggers for scrutiny of long-term issues	Parliamentary rules adopted
	7. Parliamentary rules requiring regular cycles for scrutiny of progress against long-term objectives	Parliamentary rules adopted
	8. Work programmes of committees include in-depth inquiry into long-term issues	Committee work programmes
	9. Adequate workload capacity of committees or other scrutiny bodies	Overall committee meeting hours
	10. Use of criteria for assessing anticipatory governance	Accessible set of criteria for parliamentary use
	11. Dedicated research and advisory support for MPs and committees	Data about support provided by Officers of Parliament and parliamentary agencies
	12. Ready access to, or ongoing partnership with, independent expert advice about long-term issues	Availability of independent advisors Established partnerships
<b>Impact</b> <i>Effect on quality of long-term governance</i>	13. Strong government expectation of parliamentary scrutiny	Parliamentary rules adopted
	14. Coherent statutory commitment devices	Statutory commitment devices in place
	15. Measurable long-term policy objectives, targets and monitoring, reported to House	Framework adopted for setting objectives and targets, and reporting
	16. Clear accountability for stewardship	Identifiable accountability mechanism
	17. Impact on policy outcomes	Evidence of impact
	18. Follow-up mechanisms as part of scrutiny model	Follow-up mechanisms in place
<b>Durability</b> <i>Continued effectiveness of scrutiny model</i>	19. Broad political support for scrutiny model	Explicit cross-party support for scrutiny model
	20. Scrutiny without frustration of governance	Analysis of parliamentary rules
	21. Public confidence in scrutiny model	Public engagement data
	22. Certainty of resources for scrutiny model	Funding decision-making process
	23. Ongoing relevance of scrutiny model	Mechanism to review and update scrutiny model

main approaches are evident, none of which are mutually exclusive:

- the implementation of new procedural triggers (and other kinds of commitment devices) that require legislatures to undertake specific forms of long-term scrutiny;
- the establishment of permanent or ad hoc parliamentary committees with a mandate to address long-term matters;
- the establishment of future-focused bodies that include parliamentary representation; and
- efforts to enhance the independent analytical resources available to MPs and parliamentary committees.

Examples of such approaches include:

- requirements for legislatures to review governmental reports on long-term policy issues (e.g. in Finland) or for legislatures to approve the long-term plans and strategies of governments;
- the creation of permanent parliamentary committees to conduct major policy inquiries, some of which have significant long-term implications;
- the creation of parliamentary committees specifically dedicated to exploring long-term or future-focused matters, including the conduct of foresight exercises or the scrutiny of governments’ long-term strategies (e.g. the Committee for the Future in Finland and the House of Lords ad hoc Committee on Intergenerational Fairness and Provision);
- the creation of future-focused bodies bringing together legislators and representatives of major civil society organisations and research institutions, such as Scotland’s Futures Forum (Wilson, 2016); and
- the creation or strengthening of independent institutional arrangements to provide advice to legislators on major policy issues or help legislators to undertake their long-term scrutiny functions. These arrangements include providing additional analytical and research support for parliamentary committees (e.g. via the Parliamentary Office for Science and Technology in the UK Parliament) and establishing new parliamentary institutions dedicated to future-oriented issues (e.g. the Office

of Budget Responsibility at Westminster and the Commissioner for Future Generations in Wales) (Davies, 2016).

It is difficult to assess the relative merits of these different approaches. For one thing, detailed independent analyses of the various approaches are few and far between, and the methodological issues surrounding attribution and causality are formidable. For another, while a specific approach might be relatively effective in a particular parliamentary system, its applicability elsewhere might be limited by contextual factors.

For instance, the creation of the Committee for the Future in the Finnish Parliament in the early 1990s is often cited as an example of a successful reform. It is claimed, among other things, to have enhanced the quality of debate in Finland on major long-term policy issues, encouraged the use of foresight in governmental policymaking, and ensured that the Finnish government's periodic reports on the future are properly scrutinised (Boston, 2017a, pp.401–17; Groombridge, 2006; Tiihonen, 2011). But to the extent that the committee has been effective, part of the reason probably lies in a strong multiparty commitment to evidence-informed decision making and a political culture that values scientific inquiry and the exercise of foresight. Without these ingredients, the committee may well have struggled to gain traction.

Nevertheless, based on the available international evidence, several conclusions can be proffered. First, there are no 'silver bullets' for improving the quality of scrutiny provided by the political layer. This applies equally to scrutiny in general and to the scrutiny of long-term governance. Second, and related to this, an integrated package of reforms is likely to be best. Ideally, this should include structural changes, new procedural triggers (i.e. commitment devices), and the provision of additional analytical resources and independent advice for select committees (i.e. advice that is independent of the executive branch). Third, a key goal must be to integrate and embed long-term matters in normal day-to-day parliamentary routines and practices. Intergenerational issues, creeping problems and long-term risks must be constantly and

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automatically brought to the fore; they must no longer be treated as optional extras, or nice-to-have, but non-essential, appendages.

Finally, there is merit in devising criteria to assess any new framework for parliamentary scrutiny of long-term governance. Table 2 outlines four such criteria – political and public engagement, robustness, impact and durability – together with a series of performance indicators and possible ways to measure impacts. Plainly, some of the suggested indicators will be difficult to evaluate, partly because of data gaps. Nonetheless, the proposed framework represents a good place to start.

#### **Bringing the long term into short-term parliamentary focus**

Given these considerations, what reforms should our Parliament consider in the interests of better scrutiny, and especially better oversight of long-term matters? Our report canvassed a wide range of options. Most, but not all, were concerned with the structure, role, conduct and resourcing of select committees, and most of our suggestions will entail changes to the standing orders – some minor, but others more significant.

#### *Select committee structures*

By comparison with many other legislatures, the New Zealand Parliament lacks select committees that are dedicated primarily or exclusively to the scrutiny of governmental policies, activities and performance. There is, for instance, no Public Accounts Committee or specialist Governance Committee. Instead, most committees have multiple roles and spend much of their time on scrutinising government bills. Without creating one or more specialist committees with a strong focus on non-legislative scrutiny (or allocating specialist scrutiny functions to particular committees), it will be difficult to enhance the quality of non-legislative scrutiny.

Our report outlines various options for establishing one or more committees with the specialist function of scrutinising long-term governance. One of these would be to create a Committee for the Future – fashioned, at least in part, on the Finnish model. Other options would involve creating a specialist function of long-term governance and/or requiring select committees to undertake designated tasks, such as outcome reviews, wellbeing reviews, stewardship reviews or sustainability reviews in their specific areas of responsibility.

Creating new committees poses a problem. As it stands, there are barely enough MPs to service the existing structure of select committees. The current system can only operate because some MPs (especially government backbenchers) serve on two or even three committees. On the other hand, most select committees are now larger than was envisaged when the Parliament first adapted to the MMP electoral system. In 1996, the rules indicated that committees should have eight members. But in the present term of Parliament the committees generally have between eight and 11 members, with one (the Finance and Expenditure Committee) that has 13 members. There is scope for reducing the average size of select committees, thereby freeing up capacity for a specialist-function committee dedicated to governmental and/or long-term scrutiny.

A further issue with the current structure and functions of select committees is that, while the subject select

committee structure was designed in 1985 to enable the robust examination of government policies and performance through inquiries, this has not been a strong feature of committee work in recent times. This is partly because committees are generally preoccupied with considering legislation, annual financial cycles and petitions, and also perhaps because committees no longer place great priority on inquiry work. A rejig of the committee structure to reduce competing demands on the time and attention of subject select committees could provide renewed impetus to carry out inquiries into long-term matters.

#### *Select committee processes and procedural triggers*

Aside from issues of structure, long-term matters will receive systematic parliamentary attention only if specific requirements to this effect are incorporated into the standing orders. Rules that trigger specific procedures are already dotted throughout the standing orders in respect of, say, financial scrutiny, and these could be augmented with provisions that generate examinations of long-term governance. There are two such triggers already – the presentation of the government's statement on the long-term fiscal position and the investment statement – but each of these is activated very infrequently: only once every four years. Effective scrutiny requires a more regular regimen of reporting and parliamentary examination.

Our report therefore suggested introducing new procedural triggers to ensure that select committees give greater attention to particular oversight functions, such as the scrutiny of government strategies and issues with major long-term implications. Ideally, such procedures would be based on formal accountability requirements set out in statutes. A proposed requirement along these lines has been included in the recently introduced Public Service Legislation Bill, in the form of long-term insights briefings prepared by departmental chief executives (see schedule 6, clause 8). Clearly, if the bill were passed with the provision for long-term insights briefings retained, then the House's procedures should be updated to

Given the many serious global and local threats to the wellbeing of future generations, better parliamentary scrutiny of long-term matters is vital.

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take advantage of this new mechanism by placing the briefings before select committees for consideration. The proposal is for the briefings to be relatively intermittent – that is, at least once every three years – but they could provide a valuable basis for select committees to consider possible forward-looking inquiries. This would especially be the case if the briefings were available during the first year of each term of Parliament. A further potential statutory mechanism could be the proposed provision for four-yearly wellbeing reports to be prepared by the Treasury, under the Public Finance (Wellbeing) Amendment Bill.

The House can adopt scrutiny procedures without needing them to be based on statutory reports. For example, a new specialist-function committee could be given an explicit remit to examine the government's progress in relation to long-term strategies, plans and targets. Objectives for long-term outcomes are signalled in a number of laws and public undertakings – for example, targets relating to child poverty reduction, the protection of biodiversity and the Sustainable Development Goals. The specialist-function committee could be given responsibility for examining such

commitments, and progress towards them, and generally for reviewing the government's approach to the prudent management of the country's long-term interests.

While a specialist-function select committee would be a useful addition to the House's capacity for examining long-term issues, other options are available. For instance, existing financial scrutiny procedures could be adjusted to include specific reference to the alignment of government spending and performance with long-term outcomes. Committees could also be given the task of reviewing the stewardship of the public service as a whole, and of particular departments, based on the proposed stewardship responsibilities set out in the Public Service Legislation Bill (see clauses 10 and 50).

Finally, committees could find ways to improve the effectiveness of their practices aside from making changes to the standing orders. Committees could focus the terms of reference for inquiries on long-term matters, and could form a strong convention of following up on the recommendations in their reports. Another mechanism would be to ensure that long-term issues raised in reports of officers of Parliament – that is, the Office of the Auditor-General, parliamentary commissioner for the environment and the ombudsman – are vigorously pursued and, where appropriate, result in committee recommendations to the government. Other changes to practice could include the allocation of more time for financial scrutiny hearings, to enable more in-depth exploration of targets and performance. Committees could combine for joint consideration of cross-sector programmes. And when considering legislation, committees could make a point of reviewing the long-term implications of bills. These are just a few ways committees could more actively scrutinise the detail and outcomes of the government's actions, especially in relation to long-term matters.

#### *Select committee resources*

Select committees have ready access to advice from the officers of Parliament, especially the Office of the Auditor-General and parliamentary commissioner for the environment, but do not seek this



very frequently, except during the financial scrutiny procedures. Also, committees can seek advice from other independent experts, which would usually be funded by the Office of the Clerk on request; again, this avenue of support is underutilised. There is undoubtedly scope for select committees to make greater use of such independent advice, and it would be useful to find ways to facilitate such input.

Another issue relates to scientific advice. A high proportion of policy issues, especially those of a long-term nature, have a scientific dimension and thus require a good understanding of the latest scientific evidence. Currently, few staff in the Office of the Clerk, Parliamentary Library or Office of the Auditor-General have scientific training. Likewise, relatively few MPs have postgraduate qualifications (or even undergraduate degrees) in a scientific discipline, and at any rate the robustness of scrutiny should not depend on the technical qualifications that happen to be held by people elected to Parliament. There is no equivalent in the New Zealand Parliament of the Parliamentary Office of Science and Technology (POST) in the UK (Clark and Morton, 2008; Kenny et al., 2017; Kumar and Cope, 2008). For such reasons, our MPs and select committees are heavily dependent for their scientific advice on scientists employed by government departments and agencies. While there is no reason to question the capability, expertise or professionalism of such staff, the fact that they are employed to serve the elected government is bound to affect the nature, range and independence of the advice they offer to MPs, not to mention their being made available to committees in the first place. Our report notes that the prime minister and many government departments now have their own designated chief science advisors. Arguably, there is a case for the appointment of a chief *parliamentary* science advisor, as well as fostering much stronger links

between Parliament and the wider scientific community (e.g. via the Royal Society of New Zealand) (Jeffares et al., 2019). Our report offers a number of options for progressing such arrangements.

#### *Enhancing consideration of long-term matters by the House*

Aside from changes to the structure, operations and resourcing of select committees, there are various ways to ensure that long-term matters are considered more systematically by the House. One option would be to require the prime minister's statement on the first sitting day of each calendar year (except at the beginning of a term of Parliament) to include information about long-term matters (e.g., the government's strategies for addressing major long-term challenges). Additionally, standing order 354 could be amended so that the statements are referred to the Governance and Administration Committee (or a Governance Committee) for consideration of the long-term aspects.

Another option would be to revise the current arrangements for oral questions in the House to provide for periodic, additional question sessions focusing on long-term matters. Potentially, this question session could be followed by a debate on an issue with significant long-term implications. Yet another possibility would be to require additional debates on government reports that focus on long-term matters. Currently, standing order 336(5) requires a debate on the statement on the long-term fiscal position and on the investment statement, each of which occurs at four-yearly intervals. Other current or future documents, such as the proposed long-term insights briefings and wellbeing reports, could be added to this list.

Establishing a procedure for regular debates on major issues would provide a mechanism for matters of long-term importance to be discussed in the House.

Such special debates would be similar to adjournment debates in the British House of Commons. The timing of these special debates could be stipulated in the standing orders, as occurring on a periodic basis, or left to the discretion of the Business Committee. While it is already within the gift of the Business Committee to arrange such debates, this does not happen often because there is no expectation that such debates will be held with any regularity.

#### **Conclusion**

Robust and systematic parliamentary scrutiny of the executive is critically important for ensuring good governance and protecting the public interest. But current arrangements in New Zealand are unsatisfactory. This applies particularly to the scrutiny of *long-term* governance: oversight of such matters is generally ad hoc, limited, reactive and unsystematic. Given the many serious global and local threats to the wellbeing of future generations, better parliamentary scrutiny of long-term matters is vital. The quest, in other words, must be for more forward-looking, systematic and proactive legislative oversight. This article has outlined some of the ways that such oversight might be secured. A wider range of options is canvassed in our report.

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