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## Powerful or powerless? What can the Epidemic Response Committee do?

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For weeks the Epidemic Response Committee

(<https://www.parliament.nz/en/pb/sc/scl/epidemic-response/>) has been grilling Ministers and Officials on their response to Covid-19. But how much power do they actually have?

The Clerk of the House David Wilson answers that question and others about the Committee.



Clerk of the House David Wilson Photo: VNP / Daniela Maoate-Cox





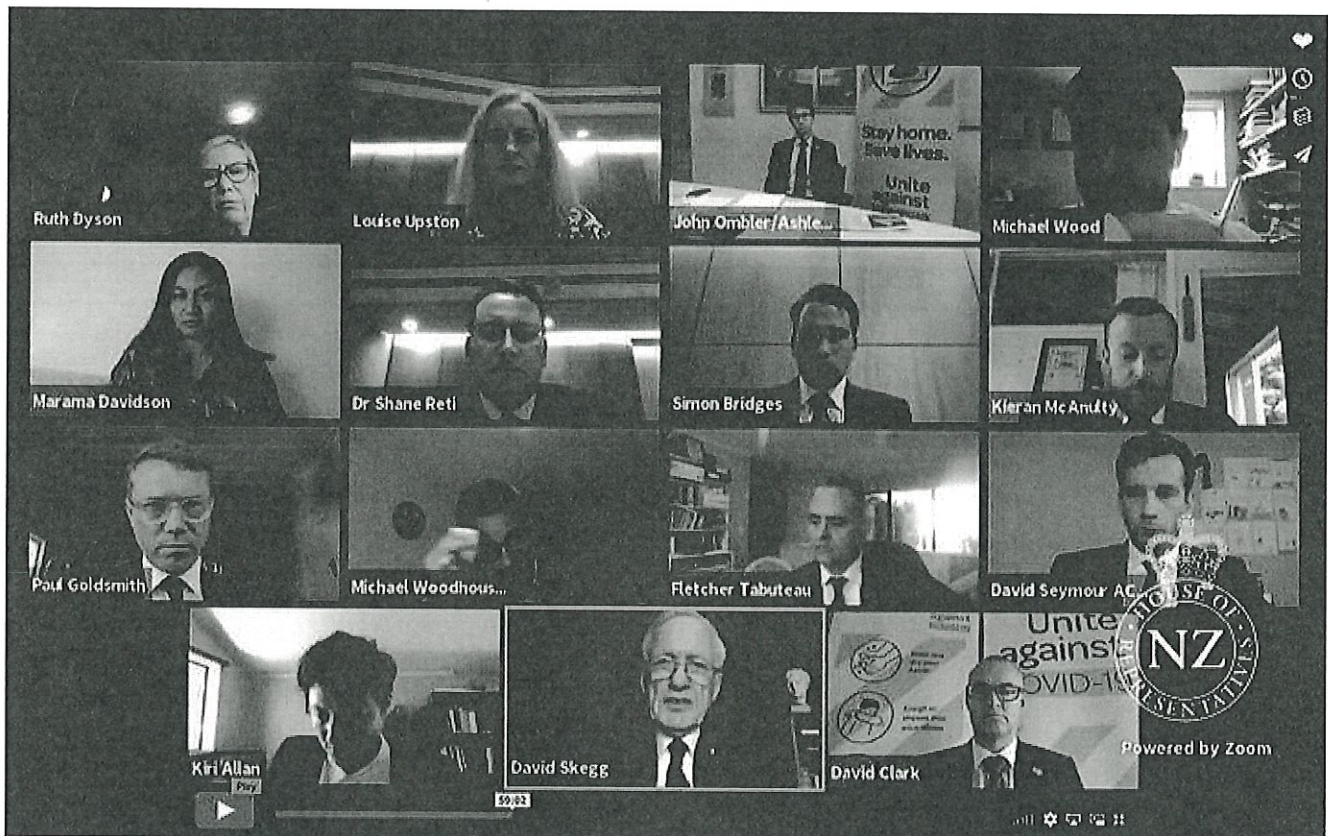
**What powers does the committee actually have to make things happen? Can they say to the Government 'you have to do this'?**

It's an interesting question, the short answer to it is no.

All select committees (<https://www.parliament.nz/en/pb/sc/>) have the power to inquire into things, and to make findings and recommendations and then report them to the House, to Parliament.

They can't force the Government to do anything. What they do have though is quite a high profile and significant moral persuasion as well, if there's a view that most of the parties in Parliament take on something, that's going to have quite a lot of weight with the Government and also with the public.

So while they can't force the Government, they can certainly critique what it's doing, could highlight things that could be done better, and make suggestions.



The Epidemic Response Committee meets via video-conference three times a week at 10am on Tuesdays, Wednesdays, and Thursdays Photo: Parliament

**Can you describe the purpose of a select committee in one word?**

**Scrutiny.**

**What does scrutiny entail? What does that mean they do?**



Committees can drill into things in detail on behalf of the whole House in a way that 120 MPs couldn't but 7, or 10 can.

They look at legislation, the performance of the Government and its departments, they look at how it spends the money that Parliament has given it and check that the Government is doing what they said they'd do. They look at documents, and they really test the Government.

**What is the purpose of the Epidemic Response Committee, they've been set up to do one job right?**

Yeah that's right, I think it's got two parts.

One is that the epidemic is a massive event and the Government has huge powers that it doesn't normally have, including the power to override some laws without Parliament (temporarily); so I think that by itself would warrant additional scrutiny from Parliament.

But add to that the fact that Parliament is adjourned and not sitting at the moment and the Committee is really the only body that's doing a job that otherwise might be done in the House, say during Question Time (<https://www.parliament.nz/en/visit-and-learn/how-parliament-works/fact-sheets/question-time-how-do-oral-questions-work/>), of really questioning ministers and senior officials about how they're handling Covid-19 and whether the things they're doing are appropriate.

Clerk of the House David Wilson sits at the table in front of the Speaker while the House sits. Clerks keep tabs on questions asked, votes cast, and rules followed or broken so they can advise the Speaker.  
Photo: VNP / Phil Smith

**The point of Question Time is to have public scrutiny of the Ministers and how they're doing, is that what the Epidemic Committee is replacing now?**

It's not formally replacing it but it is in a sense in that it is asking public questions of Ministers (<https://www.parliament.nz/en/get-involved/features-pre-2016/document/00NZPHomeNews201310151/written-and-oral-parliamentary-questions>) and their answers are public.

I think one thing that might be better is that they're doing it for a lot longer. Oral questions last about an hour each day, the question itself has to be short and the answer is pretty short as well. There's no room for speeches and there's a limited amount of room for follow up or supplementary questions.

In this case, Ministers are being questioned for up to an hour with numerous

follow up questions from a wide variety of MPs so they're probably getting more thorough scrutiny than they would if they were being asked oral questions in the House.

### **More of an endurance test?**

Exactly, but I think appropriate in a time where the Government is making really important decisions, doing something really difficult but also wielding extraordinary powers.

The Government enabled powers under the Epidemic Preparedness Act 2006 which requires it publish a notice in the Gazette. Photo: Screenshot

**But committees don't normally just pull people in for questioning with no purpose so what are they actually doing? What are the technical terms for the items of business they've got before them?**

They're inquiring into the Government's response to the Covid-19 epidemic. Committees can initiate their own inquiries as this one has done, it was set up for this particular purpose.

It could look at other matters [beyond] the Covid-19 response as well, but primarily it's carrying out this inquiry.

Committees can decide themselves how they do their inquiries and in this case it

seems the most significant thing to focus on is public questioning and getting answers. They may choose to write a report on that or make some recommendations at some point but at the moment it seems the public hearing and putting questions to people is the primary focus.



**They tend to have an independent witness first and they've structured each day. They've been meeting Tuesdays, Wednesdays, and Thursdays, some days it's all health, or economic, or media. Can you tell me about how this committee is structuring the way it's working?**

They are having a different theme each day, focusing on the economy, or the health response, or the welfare response, or on particular sectors that are especially hard hit by what's happening at the moment.

One of the things the committee decided it wanted was some independent information, so as well as questioning ministers and senior public servants they wanted to get outside, independent perspectives as well.

So yeah, their approach is to have that person present to the Committee, to answer questions, and then to listen in to the rest of the meeting with the possibility of then providing some commentary on the information the Committee was given and some of the answers it was given.

Collecting expert commentary and using that to inform questions isn't unusual for a committee, doing it all in public probably is.

**Sometimes when a committee conducts an inquiry they call for submissions and people are invited to put forward their view. Is that happening in this case? Can anyone contact the committee?**

They haven't put out a formal call for submissions but anyone is always free to contact any MP on the Committee (<https://www.parliament.nz/en/pb/sc/scl/epidemic-response/>) or the Committee secretariat if they're wanting to provide information to the committee.

I guess again because they're meeting remotely and focusing on public Q&A sessions I don't think the Committee has decided at this stage it wants to call for public submissions but there's no time limit on its work except that it will end when the Parliament ends [in August]; so that might be something that happens in the future.

A select committee taking place pre-lockdown at Bowen House in Wellington. There's a mix of media, MPs, submitters, and members of the public watching as the Minister of Education Chris Hipkins is questioned. Photo: VNP / Phil Smith

**Normally when a committee makes recommendations they are adopted by the House, but is the Committee's real power here not a power to compel the Government but to create pressure?**

I think so and that's unusual and I suppose the Committee is unusual in that it has an Opposition chair and an Opposition majority and so it may be less likely to agree with the Government than most other committees would be.

I think you're right that its primary power is one of influence rather than compulsion.

**What are they doing differently from normal? They're meeting via Zoom for one.**

There're a few things, one is that they're having three meetings a week which committees very rarely do and almost the entire meeting each time consists of public hearings. They do also discuss some things behind the scenes before and after (as all committees do) but there are a lot of public sessions.

They're hearing from a wide range of different witnesses on a pretty broad topic, probably one that's more broad than what they'd usually look at in an inquiry.

The fact that it's happening in real time as well is unusual. Often a committee will be looking at legislation which is a proposal for the future or they might be reviewing the performance of something that's happened in the past. In this case they're actually reviewing the Government's performance and critiquing it if you like, day by day as it's happening.

As you say they're meeting over Zoom, other committees are doing that as well but this is the only one that's being transmitted over so many channels including being broadcast on Parliament TV (<https://www.parliament.nz/en/footer/website-help/the-parliament-tv-and-radio-page-explained/>?

Criteria.Timeframe=range&Criteria.DateFrom=2020-03-

25&Criteria.DateTo=2020-03-25), RNZ (<https://www.rnz.co.nz/>) and I think TV networks are carrying it as well. That's pretty unusual for committee proceedings.

Chair of the Epidemic Response Committee and Leader of the Opposition Simon Bridges questions a Minister. Photo: Parliament

**Are there any questions or comments you've noticed coming up alongside the livestream that you'd like to answer?**

There are a few misconceptions about what the committee is or who runs it.

Either that it's a government committee which clearly it isn't. I think if it was, it wouldn't have the Leader of the Opposition in charge of it.

Or that it's moderated by the Government or suppressing views that are against the Government. It doesn't do any of those things. It's moderated by parliamentary staff who work for the Clerk of the House.

**That distinction between Parliament and Government is a good point, this Committee doesn't work for the Government does it, despite having members on it from Government parties?**



No it certainly doesn't. It has members from all parties on it but the Government ones are in a minority. It's a parliamentary committee as are all select committees.

This one is unique in that the Leader of the Opposition chairs it. He isn't normally on a regular select committee at all.

They're certainly bringing a critical parliamentary perspective to things and a different lens on it, not just rubber-stamping what the Government might want to do.

I should add that it was a committee set up by all of Parliament as well. It wasn't a Government initiative or an Opposition initiative, it was something that everyone agreed should happen particularly because Parliament wasn't going to sit ...during the lockdown.

**The Committee has been working and meeting several days a week, talking to a lot of different Ministers, experts, and officials, but they don't really have any power to make the Government do anything. What is the point of having the Committee?**

There are a few things, one is simply being able to ask those questions. While they can't make the Government do anything, they can require answers and require people to provide information.

Committees can't normally do that, they can apply some pressure to public servants if they don't want to provide information but this Committee has actually got the power to summon people to produce if necessary.

They haven't had to do that but I think that reflects they've got a serious job to do in terms of asking difficult questions of the Government and scrutinising its activity.

In our system of Government you'd never have a committee that dictated what a Government could and couldn't do but it can certainly ask the difficult questions about what the Government is doing, and it can make its own commentary and reach its own conclusions about whether it's doing a good job or not.

I think in a free and open democracy that's pretty important.

***Other select committees are continuing to meet remotely and some are calling for public submissions. Details can be found online here (<https://www.parliament.nz/en/pb/sc/make-a-submission/>).***

*The Epidemic Response Committee can be watched live on Parliament's website (<https://www.parliament.nz/en/watch-parliament/>) here or on its Facebook page (<https://www.facebook.com/NZParliament/>), or via the Virtual Parliament app.*