



# STANDING ORDERS OF THE HOUSE OF REPRESENTATIVES

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## STANDING ORDERS

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## CHAPTER 1

### GENERAL PROVISIONS AND OFFICE-HOLDERS

#### INTRODUCTION

##### 1 Purpose

These Standing Orders contain rules for the conduct of proceedings in the House of Representatives and for the exercise of powers possessed by the House. They are not intended to diminish or restrict the House's rights, privileges, immunities, and powers.

##### 2 Interpretation

The Speaker (or other member presiding) is responsible for ruling whenever any question arises as to the interpretation or application of a Standing Order and for deciding cases not otherwise provided for. In all cases the Speaker will be guided by previous Speakers' rulings and by the established practices of the House.

##### 3 Definitions

- (1) In these Standing Orders, if not inconsistent with the context,—  
**amendment** includes a new clause

**Clerk** means the Clerk of the House of Representatives or, if the office is vacant or the Clerk is absent from duty, means the Deputy Clerk of the House of Representatives or a person appointed by the Speaker to act as Clerk of the House of Representatives; and includes any person authorised by the Clerk to perform any of the functions or exercise any of the powers of the Clerk under these Standing Orders

**clerk of the committee** means the Clerk of the House of Representatives or a person authorised by the Clerk to be clerk of a committee

**Crown entity** means an entity named or described in Schedule 1 or 2 of the Crown Entities Act 2004 or Schedule 4A of the Public Finance Act 1989, and includes Crown entity subsidiaries

**department** means a department or departmental agency within the meaning of the Public Finance Act 1989

**fiscal aggregates** means the Government's intentions for fiscal policy, in particular, for the following:

- (a) total operating expenses:
- (b) total operating revenues:
- (c) the balance between total operating expenses and total operating revenues:
- (d) the level of total debt:
- (e) the level of total net worth

**Government notice of motion** means a notice of motion given by a Minister

**leave or leave of the House or leave of the committee** means permission to do something that is granted without a dissentient voice

**Member's notice of motion** means a notice of motion given by a member who is not a Minister

**New Zealand court** means the Supreme Court, the Court of Appeal, the High Court, or a District Court; or any of the following specialist courts: the Court Martial of New Zealand established under section 8 of the Court Martial Act 2007, the Court Martial Appeal Court constituted by the Court Martial Appeals Act 1953, the Employment Court, the Environment Court, the Maori Appellate Court, and the Maori Land Court

**Office of Parliament** means an Office of Parliament within the meaning of the Public Finance Act 1989

**order of the day** means a bill or other item of business that has been set down for consideration by the House

**parliamentary precincts** means the parliamentary precincts within the meaning of the Parliamentary Service Act 2000

**party** means the parliamentary membership of a political party that is recognised as a party for parliamentary purposes under the Standing Orders

**person** includes an organisation

**preliminary clauses** means the title clause and the commencement clause and, if applicable, a principal Act clause

**principal Act clause** means a clause confined to stating that a bill amends an existing Act

**public organisation** means any organisation (other than a Crown entity or a State enterprise) that the House resolves to be a public organisation

**regulation** means any delegated legislation, including legislative instruments and disallowable instruments within the meaning of the Legislation Act 2012

**Serjeant-at-Arms** means any officer appointed by the Crown, on the recommendation of the Speaker, to be the Serjeant-at-Arms to the House; and includes any person performing the functions or exercising the powers of Serjeant-at-Arms by direction of the Speaker

**State enterprise** means a State enterprise within the meaning of the State-Owned Enterprises Act 1986

**Wellington area** means the cities of Wellington, Hutt, Upper Hutt, and Porirua, and the Paekakariki/Raumati and Paraparaumu Wards of the Kapiti Coast District

**working day** means any day of the week other than—

- (a) a Saturday, a Sunday, Good Friday, Easter Monday, ANZAC Day, Labour Day, the Sovereign's birthday, Waitangi Day, and the day on which Wellington Anniversary is observed, and
- (b) if ANZAC Day or Waitangi Day falls on a Saturday or Sunday, the following Monday, and
- (c) any anniversary or other day observed as a public holiday in a locality to which a particular local bill or private bill subject to procedures under these Standing Orders relates, and
- (d) a day in the period commencing with 25 December in any year and ending with 15 January in the following year

**written** or **in writing** means written by hand, typewritten, duplicated, or printed, or partly one and partly one or more of the others, and includes a communication transmitted in facsimile or otherwise electronically.

- (2) References in the Standing Orders to the Governor-General, unless the context otherwise requires, are read as necessary as references to the Sovereign, the Administrator of the Government, and Royal commissioners.
- (3) Where a report or paper is to be presented or a thing is to be done by or on a particular day or within a limited period of time, it may, if that day or the last day of that period is not a working day, be presented or done on the next working day.
- (4) Whenever proceedings are published, circulated or made available to the public under the Standing Orders, or otherwise by order of the House, the communication of those proceedings is under the House's or a committee's authority, as applicable.

#### **4 Suspension of Standing Orders**

- (1) A Standing Order or other order of the House may be suspended in whole or in part on motion with or without notice.
- (2) A suspension motion may be moved without notice only if at least 60 members are present when the motion is moved.
- (3) A suspension motion may not interrupt a debate and must state the object of or reason for the proposed suspension.
- (4) An amendment may not be moved to a suspension motion.

#### **5 Limitation on moving suspension**

A member who is not a Minister may move a suspension motion only for the purpose of allowing a bill, provision, or other matter in that member's charge to proceed or be dealt with without compliance with the Standing Order or other order to be suspended.

#### **6 Amendment or revocation of Standing Orders**

A Standing Order may be amended or revoked only by motion with notice.

#### **7 Functions of Standing Orders Committee**

The Standing Orders Committee—

- (a) may conduct a review of the Standing Orders, procedures, and practices of the House:
- (b) may consider and report to the House on any matter relating to the Standing Orders, procedures, and practices of the House:
- (c) may recommend to the House the amendment, revocation, or addition of any Standing Order or the alteration of any procedure or practice of the House:
- (d) considers and reports to the House on any matter referred by the House or otherwise under the Standing Orders.

### **JOURNALS AND RECORDS**

#### **8 Clerk to note proceedings**

The Clerk notes all proceedings of the House. The Clerk's notes are published as the Journals of the House.

#### **9 Official report**

- (1) An official report (known as *Hansard*) is made of those portions of the proceedings of the House as are determined by the House or by the Speaker.
- (2) The report is made in such form and subject to such rules as are approved from time to time by the House or by the Speaker.
- (3) The report is published.

**10 Custody of Journals and records**

The Clerk maintains custody of the Journals and of all petitions and papers presented and records belonging to the House. Such Journals, petitions, papers, and records must not be taken from the House or its offices without an order of the House or the permission of the Speaker.

**11 Disposal of records**

The Clerk may, after consultation with the Chief Archivist, dispose of Journals, petitions, papers, and records that are more than three years old.

**OPENING OF PARLIAMENT****12 Proceedings on meeting of new Parliament**

On the first day of the meeting of a new Parliament the business is as follows:

- (a) the House awaits the arrival of the Royal commissioners:
- (b) after the arrival of the Royal commissioners, the Clerk reads their commission:
- (c) when the Royal commissioners have withdrawn, the Clerk (or other person so authorised) reads the commission authorising the administration of the oath or affirmation required by law:
- (d) the Clerk lays on the Table lists of the names of the members elected to serve in the House:
- (e) members are called in alphabetical order to take the oath or make the affirmation required by law:
- (f) the House then proceeds to the election of a Speaker.

**13 Swearing-in of members**

- (1) A member taking the oath or making the affirmation is called to the Table for only this purpose and must do so using only the words required by law. A member who fails to take the oath or make the affirmation in that manner must withdraw immediately, and may not sit or vote in the House or serve on a committee until that member has taken the oath or made the affirmation required by law.
- (2) Members who are unable to take the oath or make the affirmation at the time appointed by Standing Order 12(e) and persons becoming members of Parliament subsequent to the general election may take the oath or make the affirmation by presenting themselves at the bar of the House.

- (3) The Speaker interrupts the business as convenient and calls the member to the Table for the purpose. If this occurs during the election of the Speaker, the Clerk interrupts the proceedings for the purpose.

#### **14 Proceedings on day of State Opening**

- (1) On the second day of the meeting of a new Parliament and on the first day of each subsequent session of Parliament,—
  - (a) the Speaker reads a prayer to the House and reports the Speaker's confirmation in office and any other communication from the Governor-General;
  - (b) the House awaits a message from the Governor-General requesting its attendance; on receiving such a message, the Speaker and members attend accordingly;
  - (c) the Speaker reports to the House the Governor-General's speech and lays a copy of it on the Table;
  - (d) the announcement of the presentation of petitions and papers or of the introduction of bills may be made;
  - (e) Government orders of the day relating to the appointment of the Deputy Speaker and Assistant Speakers and to the reinstatement of business may be considered.
- (2) The Speaker may then suspend the sitting to permit the moving of the Address in Reply at 2 pm that day, or the House may adjourn.

### **ELECTION OF SPEAKER**

#### **15 Clerk acts as chairperson**

For the purposes of the election of a Speaker, the Clerk acts as chairperson and calls for nominations.

#### **16 Nomination of members**

- (1) Any member may, on being called by the Clerk, nominate another member for election as Speaker. A nomination must be seconded.
- (2) A member who is absent may be nominated for election as Speaker only if that member's absence is on account of extraordinary circumstances beyond his or her control. The Clerk will accept the nomination only if the Clerk has received the absent member's written consent to being nominated.
- (3) No question is proposed on the election of a Speaker and no debate may arise in connection with it.

#### **17 One member nominated**

If only one member is nominated for election as Speaker, the Clerk declares that member elected.

**18 Two members nominated**

If two members are nominated for election as Speaker, the election is decided by a personal vote. In the event of a tie, the Clerk again calls for nominations.

**19 More than two members nominated**

- (1) If more than two members are nominated for election as Speaker,—
  - (a) the bells are rung for seven minutes; after the bells have stopped the doors are closed and locked;
  - (b) the Clerk states the names of the members nominated and calls on each member, in alphabetical order, to vote for one of the candidates;
  - (c) members vote by standing in their places on being called by the Clerk and stating the name of the member for whom they vote; a member may abstain;
  - (d) if a member receives the votes of a majority of the members voting, the Clerk declares that member elected;
  - (e) otherwise, the member with the fewest votes is eliminated and the votes are taken again for the remaining members until their number is reduced to two;
  - (f) when the number of members is reduced to two, the election is decided by a personal vote as provided in Standing Order 18.
- (2) In the event of a tie in any personal vote, the Clerk calls for nominations for election again.
- (3) Where, under paragraph (1)(e), there is more than one member with the fewest votes, that vote is taken again. If, after the vote is retaken, there is still more than one member with the fewest votes, the Clerk must determine by lot which member is to be eliminated.

**20 No proxies permitted**

On the election of a Speaker no vote may be cast, or abstention recorded, by proxy.

**21 Election of Speaker**

A member, on being elected by the House, takes the Chair as Speaker-Elect and the Mace is laid upon the Table.

**22 Adjournment following election of Speaker**

After electing a Speaker, the House adjourns until the time indicated by the Governor-General for the delivery of the Speech from the Throne. The Speaker-Elect seeks the Governor-General's confirmation as Speaker before the next sitting of the House.

**23 Speaker to lay claim to privileges of House**

On being confirmed by the Governor-General as Speaker of a new Parliament, the Speaker, on behalf of the House, lays claim to all the House's privileges; especially to freedom of speech in debate, to free access to the Governor-General whenever occasion may require it, and that the most favourable construction may be put on all the House's proceedings.

**24 Speaker reports to House**

The Speaker must report to the House the Governor-General's decision as to confirmation and the Governor-General's reply to the Speaker's claim to the House's privileges.

**25 Vacancy in Speakership**

- (1) When, during the term of Parliament, the office of Speaker becomes vacant, the Clerk reports the vacancy to the House at its next sitting and the House proceeds to the election of a Speaker as prescribed in Standing Orders 15 to 21.
- (2) After electing a Speaker, the House adjourns until the next sitting day. The Speaker-Elect seeks the Governor-General's confirmation as Speaker before the next sitting of the House.

**OTHER PRESIDING OFFICERS**

**26 Deputy Speaker**

The House appoints a member to be Deputy Speaker.

**27 Powers of Deputy Speaker**

The Deputy Speaker performs the duties and exercises the authority of the Speaker in relation to all proceedings of the House during a sitting and an adjournment of the House and during any recess of Parliament.

**28 Assistant Speakers**

- (1) The House may appoint up to two members to be Assistant Speakers.
- (2) An Assistant Speaker performs the duties and exercises the authority of the Speaker while presiding over the House.

**29 Term of office**

The Deputy Speaker and any Assistant Speaker hold office during the remaining term of Parliament unless the House otherwise directs.

**30 Party leader or whip not to be presiding officer**

No member who is the leader of a party or who holds office as a whip may be appointed Deputy Speaker or Assistant Speaker.



**31 Vacancy in office**

When a vacancy occurs in the office of Deputy Speaker or Assistant Speaker, the House appoints a new Deputy Speaker or Assistant Speaker.

**32 Absence of Speaker**

In the absence of the Speaker, the Deputy Speaker or an Assistant Speaker may take the Chair.

**33 Temporary Speaker**

- (1) The Speaker may, while presiding over the House, ask any member to take the Chair. The member, on being asked, may take the Chair as temporary Speaker.
- (2) A temporary Speaker performs the duties and exercises the authority of the Speaker while presiding over the House.

**PARTIES****34 Recognition of parties**

- (1) Every political party registered under Part 4 of the Electoral Act 1993, and in whose interest a member was elected at the preceding general election or at any subsequent by-election, is entitled to be recognised as a party for parliamentary purposes, subject to paragraph (3).
- (2) Independent members, or members who cease to be members of the party for which they were originally elected, may be recognised, for parliamentary purposes,—
  - (a) as members of an existing recognised party if they inform the Speaker in writing that they have joined that party with the agreement of the leader of that party, or
  - (b) as a new party if they apply to the Speaker and their new party—
    - (i) is registered under Part 4 of the Electoral Act 1993, and
    - (ii) has at least six members of Parliament, or
  - (c) as members of a component party in whose interest those members stood as constituency candidates at the preceding general election if they inform the Speaker in writing that they wish to be so recognised.
- (3) If a party that has been recognised as a party for parliamentary purposes ceases to be registered under Part 4 of the Electoral Act 1993, the Speaker may continue to recognise that party for parliamentary purposes on a temporary basis, for a reasonable

period. A party that ceases to be recognised as a party for parliamentary purposes may subsequently be recognised only as a new party under paragraph (2)(b) or as a component party under paragraph (2)(c).

- (4) A party that has been recognised as a new party under paragraph (2)(b) loses its recognition if its membership falls below six members of Parliament.
- (5) Any member who is not a member of a recognised party is treated as an Independent member for parliamentary purposes.

### **35 Notification of party details**

- (1) A party must inform the Speaker of—
  - (a) the name by which it wishes to be known for parliamentary purposes, and
  - (b) the identity of its leader and other office-holders, such as deputy leader and whips, and
  - (c) its parliamentary membership.The Speaker must be informed of any change in these matters.
- (2) A coalition between two or more parties must be notified to the Speaker, but each party to the coalition remains a separate party for parliamentary purposes.
- (3) In the period between a general election and the House electing a Speaker, the matters specified in this Standing Order may be notified to the Clerk.

### **36 Leader of the Opposition**

The leader of the largest party in terms of its parliamentary membership that is not in Government or in coalition with a Government party is entitled to be recognised as Leader of the Opposition.

## CHAPTER 2

### SITTINGS OF THE HOUSE

#### ATTENDANCE AND ABSENCE

##### 37 Attendance

- (1) A member is recorded by the Clerk as being present in the House on a sitting day if, during that sitting day, the member—
  - (a) attends the House, or
  - (b) attends a meeting of a select committee, or
  - (c) attends other official business approved by the Business Committee, or
  - (d) is participating in the official inter-parliamentary relations programme funded by the Office of the Clerk.
- (2) At the time that a member is outside the parliamentary precincts attending or participating in business under paragraph (1)(a) to (d), that member is regarded as **present within the parliamentary precincts** for the purposes of the Standing Orders.

##### 38 Permission to be absent from the House

- (1) The Speaker may grant a member of a party consisting of one member, an Independent member, or any other member (following a request from a member's party leader or whip) permission to be absent from the House—
  - (a) on account of illness or other family cause of a personal nature:
  - (b) to enable the member to attend to public business (whether in New Zealand or overseas).
- (2) A leader or whip of a party consisting of more than one member may grant any member of that party permission to be absent from the House.

##### 39 Absence from the House

If a member is not recorded as being present in the House on a sitting day and that member did not have permission to be absent on that day, the member's name and the sitting day on which the member was absent are recorded in the Journals.

#### **40 Minister to be present**

A Minister must be present during all sitting hours of the House. If a Minister is not present, the Speaker interrupts proceedings and the bell is rung for up to five minutes. Where no Minister appears, the Speaker adjourns the House until the time for its next sitting.

### **STRANGERS**

#### **41 Strangers may be ordered to withdraw**

- (1) A member may move, without notice, that strangers be ordered to withdraw. In moving the motion, the member informs the House of the circumstances that warrant the order.
- (2) There is no amendment or debate on the question.

#### **42 Effect of order that strangers withdraw**

If the House resolves that strangers be ordered to withdraw,—

- (a) all strangers must leave the galleries, and
- (b) all members of the parliamentary press gallery must leave that gallery, and
- (c) official reporters and attendants must leave the Chamber and no official report of the proceedings is made, and
- (d) no recording, transmission, or broadcast of proceedings may be made.

The Clerk makes a note of proceedings for the Journals of the House.

#### **43 Strangers interrupting proceedings**

The Speaker or the Serjeant-at-Arms may require strangers who interrupt proceedings or who otherwise misconduct themselves to leave the galleries and the parliamentary precincts.

#### **44 Speaker controls admission**

On behalf of the House, the Speaker controls admission to the Chamber, the lobbies, and the galleries, and may from time to time issue rules setting out who may be admitted to those areas and governing their conduct there.

### **SITTINGS**

#### **45 Sittings of the House**

- (1) The House sits as follows:
  - Tuesday and Wednesday: 2 pm to 6 pm and 7.30 pm to 10 pm
  - Thursday: 2 pm to 6 pm.
- (2) On a Tuesday and a Wednesday, the sitting is suspended at 6 pm until 7.30 pm.

**46 Broadcasting**

- (1) The proceedings of the House are broadcast on radio during all hours of sitting and are available for television coverage.
- (2) When the Clerk, or a provider of official radio, television, or other coverage on behalf of the Clerk, broadcasts, transmits, or otherwise makes available either live or recorded coverage of the proceedings of the House or any public proceedings of a select committee, the Clerk or that provider does so under the authority of the House.
- (3) A provider of official television coverage of the House, or any other person filming from the gallery, must comply with the rules set out in Part A of Appendix D.
- (4) Any use of the official television coverage of the House, in any medium, must comply with the conditions set out in Part B of Appendix D.

**47 Appointment of Monday, Friday, or Saturday as sitting day**

Any other day (other than a Sunday) may be ordered by the House to be a sitting day. On such a sitting day, the sitting hours are as for a Tuesday unless the House provides otherwise.

**48 No Sunday sitting**

The House must not sit on a Sunday. Whenever a sitting extends to midnight or, in committee, five minutes before midnight, on a Saturday, proceedings are interrupted as provided in Standing Order 51 or 52 respectively.

**49 Adjournment of the House**

- (1) At the conclusion of each sitting, the House adjourns until its next sitting day.
- (2) Any motion for the adjournment of the House may be moved only by a Minister.

**50 Speaker may suspend sitting or adjourn the House**

- (1) The Speaker may suspend a sitting or adjourn the House if the Speaker thinks it is necessary to do so—
  - (a) to maintain order, or
  - (b) in the event of an emergency situation.
- (2) Whenever the Speaker suspends a sitting, the Speaker decides when the sitting should resume.
- (3) Whenever the Speaker adjourns the House, it stands adjourned until its next sitting day.

**51 Conclusion of sitting**

- (1) Business before the House at the conclusion of each sitting is interrupted by the Speaker and set down for resumption on the next sitting day. Any motion for the adjournment of the House lapses.
- (2) Whenever the next business would require the House to go into committee within five minutes of the time for the conclusion of a sitting, the Speaker adjourns the House until its next sitting day.

**52 Interruption when House in committee**

- (1) Whenever the House is in committee five minutes before the time for the conclusion of a sitting, the chairperson interrupts the business and leaves the Chair.
- (2) On the Speaker resuming the Chair, the chairperson reports to the House the business transacted in committee. After the House deals with the report, the Speaker adjourns the House until its next sitting day.

**53 Interruption deferred when vote in progress**

Whenever, at the time for the Speaker or the chairperson to interrupt business, a question is being put to the House or a vote is in progress or the closure is carried, the interruption of business is deferred until—

- (a) the question (in the case of the closure, the main question) is determined;
- (b) any further question, which is required to be put without debate, is dealt with.

**54 Resumption of business**

Business interrupted by the Speaker or the chairperson for whatever reason is resumed at the point of interruption. A member whose speech was interrupted may speak first on the resumption of the debate. If the member does not exercise the right to speak first when the debate resumes, the member's speech is concluded.

**55 Early sitting or postponement of sitting during adjournment**

- (1) Whenever the House is adjourned and it appears to the Prime Minister desirable in the public interest that the House should sit at an earlier time than that to which it is adjourned, the Prime Minister, after consulting with the leaders of all other parties, may inform the Speaker that the House should sit at an earlier time.
- (2) The Speaker, on being informed under paragraph (1), decides on a day that is appropriate for the House to sit and notifies members accordingly. The House sits on the day determined by the Speaker.

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- (3) If the House is adjourned and—
- (a) an epidemic notice given under the Epidemic Preparedness Act 2006 is in force, and
  - (b) it appears to the Prime Minister, on the written recommendation of the Director-General of Health, that the postponement of the next sitting of the House is necessary for the effective management of a serious outbreak of a disease affecting people,—
- the Prime Minister, after consulting the leaders of all other parties, may inform the Speaker that the next sitting of the House should be postponed to a specified date within one month of the date originally scheduled for the next sitting.
- (4) The Speaker, on being informed under paragraph (3), may postpone the next sitting of the House and notify members accordingly. The House sits on the day determined by the Speaker.
- (5) A sitting of the House—
- (a) may be postponed more than once under paragraph (4), but
  - (b) may not be postponed under paragraph (4) beyond one month from the date originally scheduled for the next sitting without the agreement of the leaders of all other parties.
- (6) If the House is adjourned and an emergency has occurred and, on account of that emergency, it is necessary for additional or alternative arrangements to be made for the House to meet, the Speaker may postpone the next sitting of the House to enable such arrangements to be made, provided that a sitting may not be postponed under this paragraph for more than seven days after the date originally scheduled for the next sitting. The House sits at the time determined by the Speaker.
- (7) This Standing Order is subject to any statute that requires the House to sit within a certain time.

## **56 Extended sitting hours**

- (1) A sitting of the House may be extended—
- (a) on motion without notice, or
  - (b) by determination of the Business Committee.
- (2) Unless the Business Committee determines otherwise, only one motion under paragraph (1)(a) may be moved in any one week, and such a motion—
- (a) may be moved only by a Minister, and
  - (b) is moved without amendment or debate on the question, and
  - (c) must relate to the extension of only one sitting day, being either a Tuesday or a Wednesday, and

- (d) may be moved only if the Government has advised the Business Committee before the week in which it is intended to move for the sitting to be extended, and
  - (e) must specify which orders of the day are intended to be considered during the extended sitting.
- (3) A determination under paragraph (1)(b) may relate to the extension of—
- (a) a sitting on a Tuesday, Wednesday, or Thursday:
  - (b) more than one sitting day in the same week:
  - (c) sittings in more than one week.
- (4) Whenever a sitting has been extended under this Standing Order, the sitting is suspended at the normal time for its conclusion and,—
- (a) if the sitting is on a Tuesday or a Wednesday, resumes at 9 am the following day:
  - (b) if the sitting is on a Thursday, resumes at 7.30 pm, then is suspended at 10 pm, and resumes at 9 am the following day:
  - (c) concludes when the orders of the day (or other business as determined by the Business Committee) intended to be considered during the extended sitting are dealt with, or at a time determined by the Business Committee, or at 1 pm on the day after the sitting commenced, whichever is the earlier.

### **57 Urgency**

- (1) A Minister may move, without notice, a motion to accord urgency to certain business.
- (2) A motion for urgency may not be moved until after the completion of general business.
- (3) There is no amendment or debate on the question, but the Minister must, on moving the motion, inform the House with some particularity of the circumstances that warrant the claim for urgency.

### **58 Effect of urgency**

- (1) If the House agrees to accord urgency to business, that business may be proceeded with to a completion at that sitting of the House, and the sitting is extended accordingly.
- (2) Whenever urgency has been accorded,—
  - (a) the sitting is suspended at the normal time for its conclusion and the House resumes at 9 am on the following day, and
  - (b) despite paragraph (a), if the Government has advised the Business Committee of the intention to move on a Thursday to accord urgency to business, the sitting on that Thursday



is suspended between 6 pm and 7.30 pm and between 10 pm and 9 am, and

- (c) a sitting that has been extended is suspended between midnight and 9 am, 1 pm and 2 pm, and 6 pm and 7 pm, and
- (d) on a Saturday, the provisions of Standing Order 48 apply.

### **59 Business transacted after urgency accorded**

- (1) After urgency has been accorded, the House may transact only the business to which urgency was accorded, except by leave, and subject to any Standing Order that provides otherwise.
- (2) The Business Committee may determine that oral questions be taken at any time during a sitting that is extended by urgency.

### **60 Extraordinary urgency**

- (1) An urgency motion may be moved as a motion for extraordinary urgency or, after the House has accorded urgency, a Minister may move, without notice, a motion to accord extraordinary urgency to some or all of the business being considered under urgency.
- (2) There is no amendment or debate on the question, but the Minister must, on moving the motion, inform the House of the nature of the business and the circumstances that warrant the claim for extraordinary urgency.
- (3) Extraordinary urgency may be claimed only if the Speaker agrees that the business to be taken justifies it.

### **61 Effect of extraordinary urgency**

- (1) If the House agrees to accord extraordinary urgency to business, that business may be proceeded with to a completion at that sitting of the House, and the sitting is extended accordingly.
- (2) Whenever extraordinary urgency has been accorded,—
  - (a) a sitting which has been extended is suspended between 8 am and 9 am, 1 pm and 2 pm, and 6 pm and 7 pm, and
  - (b) on a Saturday, the provisions of Standing Order 48 apply, and
  - (c) the transaction of business is subject to Standing Order 59.

## **BUSINESS OF THE HOUSE**

### **62 Prayers and Mace**

On taking the Chair at the commencement of each sitting the Speaker reads a prayer to the House and the Mace is placed upon the Table.

### **63 Order of business**

At each sitting the House transacts its business in the order shown on the Order Paper.

**64 Order Paper**

- (1) The Clerk must prepare an Order Paper for each sitting day showing the business of the House in the order in which it is to be transacted.
- (2) The Order Paper is prepared in accordance with the provisions of the Standing Orders as to the order in which business is to be transacted and in accordance with any determination of the Business Committee.
- (3) The Order Paper is circulated as early as possible before the House sits. Two or more versions of the Order Paper may be circulated.

**65 Types of business**

The business of the House consists of the following:

- (a) general business:
- (b) Government orders of the day:
- (c) private and local orders of the day:
- (d) Members' orders of the day.

**66 General business**

- (1) General business is taken in the following order:
  1. announcement of the presentation of petitions, papers, and reports of select committees, and the introduction of bills
  2. oral questions (including urgent questions)
  3. debate on a matter of urgent public importance (if allowed by the Speaker)
  4. a general debate (on Wednesdays only)
  5. consideration of reports of the Privileges Committee.
- (2) General business is held at 2 pm on each sitting day.

**67 Government orders of the day**

Government orders of the day consist of Government bills, the Address in Reply debate, the debate on the Prime Minister's statement, consideration of the performance and current operations of Crown entities, public organisations, and State enterprises, and Government notices of motion.

**68 Arrangement of Government orders of the day**

The Government decides the order in which Government orders of the day are arranged on the Order Paper, subject to any requirements in the Standing Orders that a particular debate be taken ahead of other Government orders of the day.

**69 Private and local orders of the day**

Private and local orders of the day consist of private bills and local bills.

**70 Arrangement of private and local orders of the day**

- (1) Private and local orders of the day are arranged in the following order:
  1. third reading of bills
  2. committee stage of bills
  3. second reading of bills
  4. first reading of bills.
- (2) Where the debate on a bill has been interrupted or adjourned, the bill is taken ahead of other bills at the same stage.

**71 Members' orders of the day**

Members' orders of the day consist of Members' bills, the consideration of reports of committees (other than those of the Privileges Committee), and Members' notices of motion.

**72 Arrangement of Members' orders of the day**

- (1) Members' orders of the day are arranged in the following order:
  1. third reading of bills
  2. committee stage of bills
  3. second reading of bills
  4. first reading of bills
  5. consideration of reports of committees
  6. notices of motion.
- (2) Where the debate on a bill has been interrupted or adjourned, the bill is taken ahead of other bills at the same stage.

**73 Orders of the day not reached**

Orders of the day that are not reached are, subject to the Standing Orders, automatically set down on the following day's Order Paper.

**74 Discharge or postponement of order of the day**

- (1) An order of the day may be discharged or postponed—
  - (a) on motion without notice, or
  - (b) by the member in whose name the order stands informing the Clerk accordingly, or
  - (c) by determination of the Business Committee.
- (2) There is no amendment or debate on the question to discharge or postpone an order of the day.
- (3) An order of the day for the first reading of a Member's bill—
  - (a) may not be postponed under paragraph (1)(b):
  - (b) if postponed under paragraph (1)(c), is arranged on the Order Paper as determined by the Business Committee.

- (4) Subject to paragraph (5), the order of the day for consideration of the report of a select committee is discharged if not dealt with within 15 sitting days or within 15 sitting days of the presentation of a Government response that relates to it, as the case may be.
- (5) A select committee report that is selected for debate under Standing Order 250(4) is not discharged under paragraph (4), and bills that subsequently become available for first reading are arranged on the Order Paper after that report unless the Business Committee determines otherwise.

#### **75 Tuesdays and Thursdays**

At a Tuesday and a Thursday sitting (and on any other day specially appointed by the House to be a sitting day) Government orders of the day are taken ahead of private and local orders of the day and Members' orders of the day.

#### **76 Wednesdays**

- (1) At a Wednesday sitting private and local orders of the day and Members' orders of the day alternate with Government orders of the day as to precedence.
- (2) Government orders of the day are always taken first on a Wednesday if the Address in Reply debate, the debate on the Prime Minister's statement, or the Budget debate is before the House. In these circumstances private and local orders of the day and Members' orders of the day are taken first on the next Wednesday.

### **BUSINESS COMMITTEE**

#### **77 Business Committee**

- (1) The Speaker convenes a Business Committee at the commencement of each Parliament. The Speaker chairs the Business Committee.
- (2) Every party is entitled to be represented at each meeting of the committee by one member nominated by its leader.
- (3) The names of the members nominated are given to the Speaker.

#### **78 Basis of making decisions in Business Committee**

- (1) The committee reaches decisions on the basis of unanimity or, if this is not possible, near-unanimity having regard to the numbers in the House represented by each of the members of the committee.  
**Near-unanimity** means agreement has been given on behalf of the overwhelming majority of members of Parliament.

- (2) The Speaker is the judge of whether unanimity is possible and, if it is not, whether a sufficient degree of near-unanimity has been reached for there to be an effective determination by the committee.
- (3) Before determining that near-unanimity has been reached, the Speaker must be satisfied that, having regard to the party membership in the House, the proposed determination is fair to all parties and does not discriminate against or oppress a minority party or minority parties.

#### **79 Business of the House**

The Business Committee may determine—

- (a) that a minor adjustment is to be made to the hours of a specified sitting day:
- (b) the order of business to be transacted in the House:
- (c) when business will be transacted in the House:
- (d) the time to be spent on an item of business:
- (e) that any two or more items of business may be taken together for the purpose of debate:
- (f) how time on an item of business is to be allocated among the parties represented in the House:
- (g) the speaking times of individual members on an item of business:
- (h) any other matters delegated to the committee under the Standing Orders.

#### **80 Determination of Business Committee**

- (1) A determination of the Business Committee takes effect when it is notified in writing to all members of Parliament. A determination must be published and circulated on the Order Paper before any sitting of the House at which it is to apply.
- (2) A determination of the Business Committee applies despite any other Standing Order to the contrary.

#### **81 Sitting programme**

- (1) The Business Committee must recommend to the House a programme of sittings for each calendar year.
- (2) The recommended programme of sittings is to be made to the House not later than the third sitting day in the preceding December or, if the House does not sit in December, not later than the sitting day before the House is due to adjourn.
- (3) The recommended programme must require the House to sit first no later than the last Tuesday in February and to sit in total on about 90 days in the calendar year.
- (4) On being adopted by the House, the sitting programme operates subject to any decision by the House to the contrary.

**82 State occasions**

- (1) After receiving a proposal from the Prime Minister, the Business Committee may determine arrangements for a State occasion.
- (2) A State occasion may include an address from a foreign leader.
- (3) Proceedings during a State occasion are reported in *Hansard*.
- (4) The Speaker maintains order during a State opening or a State occasion.

**REINSTATEMENT OF BUSINESS**

**83 Reinstatement of business**

Business that had lapsed with the dissolution or expiration of Parliament and which is reinstated by resolution of the House in the next Parliament is resumed in that Parliament at the stage it had reached in the previous Parliament.

## CHAPTER 3

### GENERAL PROCEDURES

#### **MAINTENANCE OF ORDER**

##### **84 Speaker maintains order**

- (1) The Speaker maintains order and decorum in the House.
- (2) Whenever the Speaker rises during a sitting, members must sit down and be silent so that the Speaker can be heard without interruption.

##### **85 Members to acknowledge Chair**

Except when voting, members must make an acknowledgement to the Chair on entering and leaving the Chamber.

##### **86 Members to be seated**

- (1) Members must be seated when they are in the Chamber except when speaking in debate or voting.
- (2) As far as practicable, each party occupies a block of seats in the Chamber.
- (3) The Speaker decides any dispute as to the seats to be occupied.

##### **87 Members to stand as Speaker leaves Chamber**

When the Speaker is about to leave the Chamber at the conclusion of a sitting, members rise in their places and remain standing until the Speaker has left the Chamber.

##### **88 Points of order**

- (1) Any member may raise a point of order. A point of order takes precedence of other business until ruled on by the Speaker.
- (2) The Speaker may rule on a point of order when it is raised without allowing any discussion apart from that of the member raising the point.
- (3) A member raising a point of order and any member permitted by the Speaker to speak to a point of order must put the point succinctly and speak only to the point of order raised. A point of order is heard in silence by the House.

**89 Disorderly conduct**

- (1) The Speaker may order any member whose conduct is highly disorderly to withdraw immediately from the House during the period (up to the remainder of that day's sitting) that the Speaker decides, except that a member ordered to withdraw before or during oral questions may not return to the Chamber to ask or answer a question and no other member may ask a question on that member's behalf.
- (2) Any member ordered to withdraw from the House may not enter the Chamber but may vote.

**90 Naming of member**

The Speaker may name any member whose conduct is grossly disorderly and call on the House to judge the conduct of the member.

**91 Member may be suspended**

Whenever a member has been named, the Speaker forthwith puts a question, "That [*such member*] be suspended from the service of the House". There is no amendment or debate on this question.

**92 Naming in committee of the whole House**

If a member is named in a committee of the whole House, the committee is suspended and the chairperson reports the matter to the House. The Speaker then puts the question for the member's suspension as provided in Standing Order 91.

**93 Time during which member is suspended**

If any member is suspended under Standing Order 91, the suspension—

- (a) on the first occasion is for 24 hours:
- (b) on the second occasion during the same Parliament is for seven days, excluding the day of suspension:
- (c) on the third or any subsequent occasion during the same Parliament is for 28 days, excluding the day of suspension.

**94 Refusal to obey Speaker's direction**

If any member who is suspended under Standing Order 91 refuses to obey a direction of the Speaker to leave the Chamber, that member is, without any further question being put, suspended from the service of the House for the remainder of the calendar year.



**95 Effect of suspension**

- (1) A member who is suspended from the service of the House may not enter the Chamber, vote, serve on a committee, or lodge questions or notices of motion.
- (2) The Journals record the suspension of a member from the service of the House, and state the day or days on which the member is suspended from the service of the House.

**96 House's right to hold in contempt**

The fact that a member has been suspended under Standing Order 91 or 94 does not prevent the House from also holding the member's conduct to be a contempt.

**MOTIONS****97 Notice necessary before motion moved**

A motion may be moved only after notice of it is given and the notice appears on the Order Paper, unless a Standing Order or the practice of the House provides to the contrary.

**98 Giving of notice of motion**

- (1) Subject to paragraph (2), notice of a motion a member intends to move may be given by any member by delivering a signed copy to the Clerk between 9 am and 10 am on any sitting day.
- (2) Notice of a motion relating to a particular Supplementary Order Paper cannot be given unless that Supplementary Order Paper has been circulated to members.

**99 Examination of notices**

The Speaker examines all notices of motion that have been given, and those that are accepted as being in order are made available at the Table when the House meets and are set down as Government or Members' orders of the day according to whether they are Government notices of motion or Members' notices of motion.

**100 Disposal of Members' notices of motion**

Subject to Standing Orders 321, 323, and 324, all Members' notices of motion that have not been dealt with within one week of their first appearance on the Order Paper lapse and are struck off the Order Paper.

**101 Form and content of notices**

- (1) A notice of motion must be expressed in a form and with content appropriate for a resolution of the House. It must clearly indicate the issue to be raised for debate and include only such material as may be necessary to identify the facts or matter to which the motion relates.

- (2) Notices of motion must not contain—
  - (a) unbecoming or offensive expressions, or expressions or words that would not be permitted in debate:
  - (b) statements of fact or the names of persons unless they are strictly necessary to render the notice intelligible and can be authenticated.

**102 No seconder required**

A seconder is not required for a motion.

**103 Question proposed on motion**

- (1) When a motion has been moved, the Speaker proposes the question, “That the motion be agreed to”.
- (2) After the Speaker has proposed the question on the motion, the motion cannot be withdrawn without leave.

**104 Rescission of resolution**

A resolution of the House may be rescinded on motion with notice.

**RULES OF DEBATE**

**105 Speaker calls upon member to speak**

When two or more members rise together, the member called upon by the Speaker is entitled to speak.

**106 Factors to be taken into account by Speaker in calling members**

In deciding whom to call, the Speaker takes account of the following factors:

- (a) if possible, a member of each party should be able to speak in each debate:
- (b) overall participation in a debate should be approximately proportional to party membership in the House:
- (c) priority should be given to party spokespersons in order of size of party membership in the House:
- (d) the seniority of members and the interests and expertise of individual members who wish to speak.

**107 Members to address Speaker**

A member on being called to speak addresses the Speaker and, through the Speaker, the House.

**108 Languages**

A member may address the Speaker in English, Māori or New Zealand Sign Language.

**109 Member may speak only once to question**

Except as otherwise provided, a member may speak only once to a question before the House.

**110 Misrepresentation**

- (1) A member who has spoken to a question may speak again to explain some material part of the member's speech which has been misquoted, misunderstood, or misrepresented in the same debate.
- (2) A member may not introduce any new matter or interrupt any member to explain a misquotation, misunderstanding, or misrepresentation.

**111 Relevancy**

- (1) All debate must be relevant to the question before the House.
- (2) After having called the attention of the House to the conduct of a member who persists in irrelevance or tedious repetition either of the member's own arguments or of the arguments used by other members in debate, the Speaker may terminate that member's speech.

**112 Visual aids**

- (1) A member may use an appropriate visual aid to illustrate a point being made during the member's speech, provided that the aid does not inconvenience other members or obstruct the proceedings of the House.
- (2) Such an aid may be displayed only when the member is speaking to a question before the House and must be removed from the Chamber at the conclusion of the member's speech.

**113 Anticipating discussion**

- (1) A member may not anticipate discussion of any general business or order of the day.
- (2) In determining whether a discussion is out of order, the Speaker has regard to the probability of the matter anticipated being brought before the House within a reasonable time.

**114 Proceedings of committees not to be referred to**

A member may not refer to confidential proceedings of a select committee until those proceedings are reported to the House.

### **115 Matters subject to judicial decision**

- (1) Matters awaiting or under adjudication in, or suppressed by an order of, any New Zealand court may not be referred to in any motion, debate, or question, including a supplementary question, subject always to the discretion of the Speaker and to the right of the House to legislate on any matter or to consider delegated legislation.
- (2) To enable the exercise of the Speaker's discretion under paragraph (1), a member who intends to refer to such a matter must give written notice to the Speaker of this intention.
- (3) In determining whether to exercise discretion under paragraph (1), the Speaker has regard to the written notice given by the member under paragraph (2), and—
  - (a) balances the privilege of freedom of speech against the public interest in maintaining confidence in the judicial resolution of disputes, and
  - (b) takes into account the constitutional relationship of mutual respect that exists between the legislative and judicial branches of government, and the risk of prejudicing a matter awaiting or under adjudication in any New Zealand court, including one awaiting sentencing.

### **116 Application of prohibition of reference to matters awaiting judicial decision**

- (1) Standing Order 115 has effect,—
  - (a) in relation to a criminal case, from the moment the law is set in motion by a charge being made;
  - (b) in relation to cases other than criminal, from the time when proceedings have been initiated by the filing of the appropriate document in the registry or office of the court.
- (2) Standing Order 115 ceases to have effect in any case when the verdict and sentence have been announced or judgment given.
- (3) In any case where notice of appeal is given, Standing Order 115 has effect from the time when the notice is given until the appeal has been decided.

### **117 Offensive references to House or judiciary**

A member may not use offensive words against the House or against any member of the judiciary.

### **118 References to Sovereign or Governor-General**

A member may not refer to the Sovereign or the Governor-General disrespectfully in debate or for the purpose of influencing the House in its deliberations.

**119 Offensive or disorderly words**

If any offensive or disorderly words are used, whether by a member who is speaking or by a member who is present, the Speaker intervenes.

**120 Personal reflections**

A member may not make an imputation of improper motives against a member, an offensive reference to a member's private affairs, or a personal reflection against a member.

**121 Time limits of speeches and debates**

- (1) The time limits for speeches and debates are set out in Appendix A.
- (2) An individual speaking time may be shared between two members of the same party or between two members of different parties if both parties agree.

**RULES FOR AMENDMENTS****122 General rules**

The general rules relating to amendments set out in Standing Orders 123 to 130 apply subject to any provision in the Standing Orders to the contrary.

**123 Amendment to be relevant**

An amendment must be relevant to the question that it proposes to amend.

**124 Amendment to be in writing**

An amendment must be put into writing, signed by the mover, and delivered to the Clerk at the Table.

**125 Question proposed on amendment**

- (1) When an amendment has been moved, the Speaker proposes the question, "That the amendment be agreed to".
- (2) After the Speaker has proposed the question on an amendment, the amendment cannot be withdrawn without leave.

**126 Debate on main question and amendment**

After the question has been proposed on an amendment, both the main question and the amendment (and any other amendments already moved) are open for debate.

**127 Amendment to amendment**

An amendment may be moved to a proposed amendment.

**128 Member who has already spoken may speak to new amendment**

After an amendment has been moved, a member who has spoken prior to the member who moved the amendment—

- (a) may speak a further time, but
- (b) may not move a further amendment.

**129 Member who has moved amendment may not move further amendment**

A member who has moved an amendment may not move a further amendment to the same question.

**130 Questions put**

- (1) At the conclusion of the debate on a motion, the question on any amendment that is in order is put.
- (2) Amendments are put in the order in which they were moved.
- (3) When amendments are agreed to, the question, as amended, is put.
- (4) When amendments are not agreed to, the question is put as originally proposed.

**INTERRUPTION OF DEBATE**

**131 Interruption of member speaking**

A member speaking may be interrupted—

- (a) by a point of order:
- (b) by the raising of a matter of privilege relating to the conduct of strangers present:
- (c) by the suspension or conclusion of a sitting.

**132 Interruption of debate**

The debate on a question may be interrupted—

- (a) by a point of order:
- (b) by the raising of a matter of privilege relating to the conduct of strangers present:
- (c) by the suspension or conclusion of a sitting:
- (d) by a message from the Governor-General:
- (e) by a member taking the oath or making the affirmation:
- (f) by a motion that strangers be ordered to withdraw:
- (g) by the making of a ministerial statement, a personal explanation, a maiden statement, or a valedictory statement:
- (h) in accordance with a decision of the House or a determination of the Business Committee.

## **ADJOURNMENT OF DEBATE**

### **133 Adjournment of debate**

- (1) After a question has been proposed, any member, on being called to speak to that question, may move “That this debate be now adjourned” either to a later hour on the same day or to any other day. There is no amendment or debate on this question.
- (2) On the adjournment of the House, any debate in progress is adjourned and set down for resumption on the next sitting day.

### **134 Member entitled to speak first on resumption**

The member upon whose motion a debate is adjourned or who was speaking when the House adjourned may speak first on the resumption of the debate if the member claims that right.

### **135 If motion negated mover may speak**

If a motion for the adjournment of the debate is negated, the member moving the motion for the adjournment may speak, otherwise the member’s speech lapses.

## **CLOSURE OF DEBATE**

### **136 Closure**

- (1) After a question has been proposed, any member, on being called to speak to that question, may move “That the question be now put”. In all cases the speech of the member lapses on the moving of the closure motion.
- (2) The Speaker may not accept a closure motion if the time for the debate is prescribed by the Standing Orders or by a determination of the Business Committee.
- (3) The Speaker may accept a closure motion if, in the Speaker’s opinion, it is reasonable to do so.
- (4) A temporary Speaker or, in committee, a temporary chairperson may not accept a closure motion.

### **137 Acceptance of closure motion**

If the Speaker accepts a closure motion, a question is put on the closure and decided without amendment or debate.

### **138 Effect of carrying of closure**

- (1) When the question for the closure is agreed to, the question under debate is put without further amendment or debate.

- (2) Any other question (including any proposed amendment that has been properly notified on a Supplementary Order Paper or handed in to the Table before the closure motion was accepted and that relates to the matter under consideration) is then put to allow the main question itself to be decided without further amendment or debate.

## **PUTTING THE QUESTION**

### **139 Question is put when debate concluded**

- (1) Except where otherwise provided, as soon as the debate upon a question is concluded the Speaker puts the question to the House.
- (2) Questions are determined by a majority of votes Aye or No. Every member is entitled to one vote or to abstain.

### **140 Voice vote**

The Speaker asks members to answer “Aye” or “No” to the question and states the result of the voice vote. Any member present may then call for a further vote to be held.

### **141 Party vote**

Where a further vote is called for, a party vote is held unless the subject of the vote is to be treated as a conscience issue.

### **142 Personal vote on conscience issue**

Where the Speaker considers that the subject of a vote is to be treated as a conscience issue, the Speaker will permit a personal vote to be held instead of a party vote.

### **143 Procedure for party vote**

- (1) In a party vote,—
  - (a) the Clerk asks the leader of each party or a member authorised by the leader to cast the party’s votes; parties are asked to vote in the order of the size of their parliamentary membership;
  - (b) a party’s votes may be cast for the Ayes or for the Noes or recorded as an abstention, and a party may cast some of its votes in one of these categories and some in another or others (a **split-party** vote);
  - (c) the total number of votes cast for each party may include only those members present within the parliamentary precincts together with any properly authorised proxy votes;
  - (d) after votes have been cast by parties, any Independent member and any member who is voting contrary to his or her party’s vote may cast a vote; finally, any proxy vote for a member who is voting contrary to his or her party may be cast;
  - (e) the Speaker declares the result to the House.



- (2) If a party casts a split-party vote, the member casting the vote must deliver to the Clerk at the Table, immediately after the vote, a list showing the names of the members of that party voting in the various categories.
- (3) Subject to Standing Order 155, any party consisting of five or fewer members, and any Independent member, may cast their votes by proxy, otherwise a party may have votes cast on its behalf only if it has a member in the House at the time of the vote.
- (4) The number of votes cast for each party and the names of the members of a party voting in each category on a split-party vote are recorded in the Journals of the House and in *Hansard*.

#### **144 Personal vote following party vote**

A personal vote may be held following a party vote if a member requests one and the Speaker considers that the decision on the party vote is so close that a personal vote may make a material difference to the result.

#### **145 Procedure for personal vote**

- (1) In a personal vote,—
  - (a) the bells are rung for seven minutes:
  - (b) the Speaker directs the Ayes to pass to the right, the Noes to the left, and abstentions to the centre, and appoints a teller for the Ayes and one for the Noes:
  - (c) the doors are closed and locked as soon after the bells have stopped as the Speaker directs, and the Speaker then restates the question:
  - (d) all members present within the Chamber or the lobbies when the doors are locked must vote or record their abstentions:
  - (e) members' votes are counted by the tellers and their names recorded; members abstaining have their abstentions recorded by the Clerk at the Table:
  - (f) the personal vote lists are signed by the tellers and returned to the Speaker, and the Speaker declares the result to the House.
- (2) Members may observe the voting in any part of the Chamber and in the lobbies.

#### **146 Members to remain in Chamber**

Members voting or abstaining on a personal vote must remain in the Chamber or in the lobbies until the declaration of the result by the Speaker; the vote or abstention of any member who does not remain in the Chamber or in the lobbies until the declaration of the result is disallowed.

**147 One-minute bell for personal votes in certain cases**

In respect of any personal vote that is held without any debate or other proceeding occurring since the immediately preceding personal vote, the bells may be rung for one minute only.

**148 Member acting as teller must continue to act unless excused by Speaker**

A member who has begun to act as a teller must continue to act in that capacity unless excused by the Speaker.

**149 If no teller no personal vote allowed**

If there is no teller for the Ayes or for the Noes, the Speaker immediately declares the result for the other side.

**150 Records of personal votes**

- (1) The names of members who have voted or abstained on a personal vote are recorded in the Journals.
- (2) The personal vote lists show where an individual's vote or abstention is by proxy.

**151 Fewer than 20 members participating**

Where fewer than 20 members vote or abstain on a personal vote, that vote is of no effect.

**152 Errors and mistakes**

- (1) In the case of confusion or error concerning the result of a vote, the House, unless any error can be otherwise corrected, proceeds to a second vote.
- (2) If the result of a vote has been inaccurately reported, the Speaker may correct it.

**153 Ties**

In the case of a tie on a vote, the question is lost.

**154 Proxy voting**

- (1) A member may give authority for a proxy vote to be cast in the member's name or for an abstention to be recorded.
- (2) A proxy must state the name of the member who is giving the authority, the date it is given, and the period or business for which the authority is valid. It must be signed by the member giving it and indicate the member who is given authority to exercise it.
- (3) A member who has given a proxy may revoke or amend that proxy at any time before its exercise.

- (4) The leader or senior whip of each party, or a member acting as the leader or senior whip of the party in the House for the time being, may exercise a proxy vote for any member of the party, subject to any express direction from a member to the contrary.

### **155 Casting of proxy vote**

- (1) A proxy vote may be cast or an abstention recorded on a party or personal vote only by the person who has authority to exercise it. In the case of any dispute, the member exercising a proxy must produce the authority to the Speaker.
- (2) In the case of a party vote, proxies may be exercised for a number equal to no more than 25 percent of a party's membership in the House, rounded upwards where applicable.
- (3) A proxy may be exercised for a member, in addition to the number of proxies that may be exercised under paragraph (2), while that member is absent from the House with the permission of the Speaker granted under Standing Order 38(1).
- (4) In the case of a party vote, proxy votes may be exercised for a party consisting of up to five members, or an Independent member, only if at least one of the members of that party or that Independent member is—
  - (a) present within the parliamentary precincts at the time, or
  - (b) absent from the House with the permission of the Speaker granted under Standing Order 38(1).
- (5) Despite paragraph (2), there is no limit on the number of proxy votes that may be exercised in the period from the declaration of a state of national emergency until that state of national emergency is terminated or expires.

## **EXAMINATION BY ORDER OF THE HOUSE**

### **156 Issue and service of summons**

- (1) The House may order that a summons be issued to any person—
  - (a) to attend at the bar of the House or before any committee of the House to be examined and give evidence:
  - (b) to produce papers and records in that person's possession, custody, or control to the House or a committee.
- (2) Every summons issued at the direction of the House or a committee—
  - (a) must state the time and place at which it is to be complied with by the person to whom it is addressed, and
  - (b) is signed by the Speaker and served upon the person concerned under the Speaker's direction.

**157 Examination on oath**

- (1) The House may, on motion without notice, order that any person giving evidence before it be examined after taking an oath or making an affirmation.
- (2) When a person is examined on oath or affirmation, the oath or affirmation is administered by the Clerk.

**158 Conduct of examination**

- (1) The examination of witnesses before the House is conducted as the Speaker, with the approval of the House, directs.
- (2) The Speaker, and every member through the Speaker, may put questions to a witness.

**RESPONSES**

**159 Application for response**

- (1) A person (not a member) who has been referred to in the House by name, or in such a way as to be readily identifiable, may apply to the Speaker in writing—
  - (a) claiming to have been adversely affected by the reference or to have suffered damage to that person's reputation as a result of the reference, and
  - (b) submitting a response to the reference, and
  - (c) requesting that the response be incorporated in the parliamentary record.
- (2) An application must be made within three months of the reference having been made.
- (3) Any response must be succinct and strictly relevant to the reference that was made. It must not contain anything offensive in character.

**160 Consideration by Speaker**

- (1) The Speaker considers whether in all the circumstances of the case the response should be incorporated in the parliamentary record.
- (2) In that consideration, the Speaker—
  - (a) may confer with the person who made the application and with the member who referred to that person in the House, and
  - (b) takes account of the extent to which the reference is capable of adversely affecting, or damaging the reputation of, the person making the application.
- (3) The Speaker is not to consider or judge the truth of the reference made in the House or of the response to it.

**161 Speaker decides against incorporation**

If the Speaker decides that the response should not be incorporated in the parliamentary record, the Speaker must inform the person concerned that no further action will be taken.

**162 Speaker decides response should be incorporated**

- (1) A response that the Speaker determines should be incorporated in the parliamentary record is presented to the House and is published under the authority of the House.
- (2) The Speaker may decide that a response should be incorporated in the parliamentary record after the person has amended it in a manner approved by the Speaker.

**PECUNIARY AND OTHER SPECIFIED INTERESTS****163 Pecuniary and other specified interests**

- (1) Members must make returns of pecuniary and other specified interests in accordance with the provisions of Part 1 of Appendix B.
- (2) Returns of members' pecuniary and other specified interests are to be maintained in a register in accordance with the provisions of Part 2 of Appendix B.

**DECLARATION OF FINANCIAL INTEREST****164 Financial interest**

- (1) A financial interest is a direct financial benefit that might accrue to a member personally, or to any trust, company, or other business entity in which the member holds an appreciable interest, as a result of the outcome of the House's consideration of a particular item of business.
- (2) A financial interest—
  - (a) includes a financial interest held by a member's spouse or partner or by any child of the member who is wholly or mainly dependent on the member for support, but
  - (b) does not include any interest held by a member or any other person as one of a class of persons who belong to a profession, vocation, or other calling, or who hold public offices or an interest held in common with the public.

**165 Declaration of financial interest**

- (1) A member must, before participating in the consideration of any item of business, declare any financial interest that the member has in that business.

- (2) Nothing in this Standing Order requires a member to declare an interest that is contained in the Register of Pecuniary and Other Specified Interests of Members of Parliament.

**166 Speaker decides if interest held**

If any dispute arises as to whether a member has a financial interest, the matter is referred to the Speaker, whose decision is final.

**MESSAGES AND ADDRESSES**

**167 Message from Governor-General**

- (1) The Speaker announces to the House a message from the Governor-General.
- (2) The announcement of a message may interrupt a debate but may not interrupt a member who is speaking.
- (3) When the Speaker announces the receipt of a message from the Governor-General, members rise in their places in acknowledgement.

**168 Preparation and adoption of address**

- (1) The Speaker prepares any address agreed to by the House.
- (2) An address must contain any words ordered by the House to be part of the address. Otherwise an Address in Reply must not be controversial.
- (3) The Speaker reads any proposed address to the House and puts the question for its adoption forthwith. There is no amendment or debate on the question.

**169 Presentation of address**

- (1) The Speaker presents or transmits to the Governor-General all addresses adopted by the House.
- (2) An address is presented or transmitted in such manner as the Governor-General approves.
- (3) The Speaker reports to the House the Governor-General's answer to an address.
- (4) An address to the Sovereign may be presented or transmitted to the Governor-General for transmission to the Sovereign.

## **COMMITTEES OF THE WHOLE HOUSE**

### **170 House resolves itself into committee**

On the order of the day being called for going into committee for any purpose, the Speaker declares the House in committee and leaves the Chair without putting any question.

### **171 Mace placed under Table**

When the Speaker has left the Chair, the Mace is placed under the Table.

### **172 Presiding officers**

- (1) The Deputy Speaker or, in the Deputy Speaker's absence, an Assistant Speaker acts as chairperson in a committee of the whole House.
- (2) If neither the Deputy Speaker nor an Assistant Speaker is present or able to take the Chair, the House may appoint another member to be acting chairperson. A motion for this purpose may be moved without notice, and there is no amendment or debate on the question.
- (3) At any time during a sitting of a committee of the whole House, and without any formal communication to the committee, any member may, at the request of the chairperson, take the Chair as temporary chairperson.

### **173 Conduct of proceedings**

Subject to the express provisions of the Standing Orders, the same rules for the conduct of proceedings are followed in a committee of the whole House as apply to the conduct of proceedings in the House itself.

### **174 Conduct of examination**

- (1) The examination of witnesses is conducted before a committee of the whole House as the chairperson, with the approval of the committee, directs.
- (2) The chairperson, and every member through the chairperson, may put questions to a witness.

### **175 Committee to consider only matter referred**

A committee of the whole House may consider only those matters referred to it by the House.

**176 Instruction to committee of the whole House**

- (1) An instruction may be given to a committee of the whole House extending or restricting its powers in regard to consideration of the bill or other matter referred to it or requiring it to carry out that consideration in a particular manner.
- (2) An instruction is moved immediately after the order of the day for consideration in committee has been called.
- (3) An instruction relating to a Supplementary Order Paper or amendment may not be moved unless the Supplementary Order Paper has been printed and circulated to members, or the amendment has been delivered to the Clerk at the Table.
- (4) An instruction may not be moved that is the same in substance as an instruction that was agreed to or defeated in the same calendar year.
- (5) Any debate on the question for an instruction is restricted to the subject-matter of the motion. It may not extend to the principles, objects, or provisions of the bill or other matter to which the motion relates.
- (6) There is no amendment or debate on the question for an instruction to a committee requiring it to consider a bill clause by clause.
- (7) A committee may, by leave, vary the terms of any instruction that has been given to it.

**177 Chairperson may suspend proceedings in certain situations**

- (1) The chairperson may temporarily suspend the proceedings of the committee—
  - (a) in the case of any grave disorder arising in committee, or
  - (b) in accordance with a decision of the House or a determination of the Business Committee, or
  - (c) in the event of an emergency situation.
- (2) Where the proceedings of a committee are temporarily suspended under paragraph (1)(a) or (b), the Speaker automatically resumes the Chair.
- (3) Where the proceedings of a committee are temporarily suspended under paragraph (1)(c), the Speaker—
  - (a) resumes the Chair immediately, or
  - (b) decides when the sitting should resume, in which case the Speaker resumes the Chair at that time, or
  - (c) may decide that the sitting is adjourned.



**178 Report to take Speaker's ruling**

A motion may be moved that the chairperson obtain the Speaker's ruling on a matter of procedure. There is no amendment or debate on the question.

**179 Resumption of proceedings after suspension**

Whenever the proceedings of a committee are suspended under Standing Order 177 or 178, the Speaker may, after dealing with such matters as are necessary, declare the House in committee again and leave the Chair. In committee, business is resumed at the point of interruption.

**180 Committee may not adjourn**

A committee of the whole House may not adjourn its own sitting or the consideration of any matter to a future sitting.

**181 Motion to report progress**

- (1) A member may move "That the committee report progress". On the report being agreed to by the House, the bill or other matter is set down for further consideration in committee on the next sitting day.
- (2) The member in charge of a bill may move "That the committee report progress and sit again presently". On the report being agreed to by the House, the bill is set down for further consideration in committee later in the sitting.
- (3) There is no amendment or debate on a question to report progress.

**182 Report**

- (1) When all the matters referred to a committee of the whole House have been considered, the chairperson reports them to the House.
- (2) When all such matters have not been considered, the chairperson reports progress, or no progress, as the case may be.

**183 Adoption of report**

In reporting to the House, the chairperson moves that the report be adopted. There is no amendment or debate on the question.

## **CHAPTER 4**

### **SELECT COMMITTEES**

#### **ESTABLISHMENT OF COMMITTEES**

##### **184 Establishment and life of select committees**

- (1) The following select committees are established at the commencement of each Parliament:
  - (a) the subject select committees specified in Standing Order 188, and
  - (b) the Officers of Parliament Committee, the Privileges Committee, the Regulations Review Committee, and the Standing Orders Committee.
- (2) The House may establish other select committees.
- (3) A select committee continues in existence for the duration of the Parliament unless the House provides otherwise or, in the case of a committee established for a particular purpose, until the committee makes its final report.

##### **185 Membership of committees**

- (1) The overall membership of select committees must, so far as reasonably practicable, be proportional to party membership in the House.
- (2) The Business Committee may determine the size of each committee.
- (3) The Business Committee may appoint members to serve on each committee and may fill a vacancy in the membership of a committee.

##### **186 Non-voting members**

- (1) The Business Committee may appoint a member to serve on a select committee but without the right to vote on any question put to the committee or participate in any decision taken by leave of the committee.
- (2) Such membership may be permanent, for a limited time, or for consideration of a particular matter.
- (3) The Business Committee may end such an appointment.

**187 Changes in membership**

- (1) A change in the membership of a select committee may be a permanent change for the life of the committee or a temporary change for a limited time or for consideration of a particular matter.
- (2) Permanent changes in the membership of committees may be made by the Business Committee.
- (3) A temporary change in the membership of a committee may be made by the leader or a whip of the party or parties to which each member involved belongs. A temporary change involving an Independent member may be made by agreement between the Independent member and the leader or a whip of the party to which the other member belongs.
- (4) A member may not be replaced on a committee during any period in which the member is suspended from the service of the House.

**SUBJECT SELECT COMMITTEES****188 Subject select committees**

The subject select committees and their subject areas are—

**Commerce Committee:** business development, commerce, communications, consumer affairs, energy, information technology, insurance, superannuation, and tourism

**Education and Science Committee:** education, education review, industry training, research, science, and technology

**Finance and Expenditure Committee:** audit of the financial statements of the Government and departments, Government finance, revenue, and taxation

**Foreign Affairs, Defence and Trade Committee:** customs, defence, disarmament and arms control, foreign affairs, trade, and veterans' affairs

**Government Administration Committee:** civil defence, cultural affairs, fitness, sport and leisure, internal affairs, Pacific Island affairs, Prime Minister and Cabinet, racing, services to Parliament, State services, statistics, and women's affairs

**Health Committee:** health

**Justice and Electoral Committee:** courts, Crown legal and drafting services, electoral matters, human rights, and justice

**Law and Order Committee:** corrections, criminal law, police, and serious fraud

**Local Government and Environment Committee:** conservation, environment, and local government

**Māori Affairs Committee:** Māori affairs

**Primary Production Committee:** agriculture, biosecurity, fisheries, forestry, lands, and land information

**Social Services Committee:** housing, senior citizens, social development, work and income support, and youth development

**Transport and Industrial Relations Committee:** accident compensation, immigration, industrial relations, labour, occupational health and safety, transport, and transport safety.

### **189 Functions of subject select committees**

- (1) The subject select committees specified in Standing Order 188 consider and report to the House on the following types of business referred by the House or otherwise under the Standing Orders:
  - (a) bills:
  - (b) petitions:
  - (c) annual reviews:
  - (d) Estimates:
  - (e) Supplementary Estimates:
  - (f) international treaty examinations:
  - (g) reports of Officers of Parliament:
  - (h) any other matters.
- (2) The subject select committees may receive briefings on, or initiate inquiries into, matters related to their respective subject areas as specified in Standing Order 188.
- (3) Paragraph (2) does not allow a subject select committee to consider—
  - (a) a bill that has not been referred to it, except as provided in the Standing Orders, or
  - (b) a Supplementary Order Paper relating to a bill that is not before the committee—without the approval of the House or the Business Committee.

## **MEETINGS OF COMMITTEES**

### **190 Time for meetings**

- (1) The first meeting of a select committee is held at a time appointed by the Speaker.
- (2) A committee adjourns until the time it decides that it should next meet. In the absence of a time decided by the committee for its next meeting, the chairperson, by notice in writing, decides when it should next meet.
- (3) If there is no chairperson or deputy chairperson or if they are both absent from New Zealand, the Speaker may exercise the chairperson's power to decide when the committee should meet.

- (4) The Business Committee may determine that a select committee may meet at a time otherwise prohibited under Standing Order 191 or 194(1)(b) or (c).

### **191 Meetings on Fridays**

Except by leave of the committee, a select committee may not meet on a Friday in a week in which there has been a sitting of the House.

### **192 Place of meeting**

- (1) A select committee may meet at any place within New Zealand.
- (2) A committee must be authorised by the House before it can meet outside New Zealand.
- (3) Where a committee is authorised to meet outside New Zealand it may adopt such practices and procedures that it sees fit for its meetings overseas.

### **193 Meetings outside Wellington area**

A committee may meet outside the Wellington area—

- (a) during a sitting of the House only with the agreement of the Business Committee, and
- (b) otherwise than during a sitting of the House only if the committee has itself agreed to the place for its meeting.

### **194 Meetings within Wellington area**

- (1) When meeting within the Wellington area, a select committee may not meet—
  - (a) during oral questions:
  - (b) during a sitting of the House except by leave of the committee:
  - (c) during an evening (after 6 pm) on a day on which there has been a sitting of the House.
- (2) When a meeting within the Wellington area is in progress at 6 pm on a day on which there has been a sitting of the House, it may be continued while the leave of the committee is forthcoming in order to conclude business before the committee.

## **POWERS OF COMMITTEES**

### **195 Seeking evidence**

- (1) The chairperson of a select committee may, on behalf of the committee, request any person to attend and give evidence before the committee.
- (2) The chairperson may, on behalf of the committee, request that papers and records that are relevant to its proceedings be produced.

**196 Exercise of power to send for persons, papers, and records**

- (1) A committee with the power to send for persons, papers, and records may order that a summons be issued to any person—
  - (a) to attend before that committee to be examined and give evidence:
  - (b) to produce papers and records in that person's possession, custody or control to that committee.
- (2) Every summons issued under this Standing Order—
  - (a) must state the time and place at which it is to be complied with by the person to whom it is addressed, and
  - (b) is signed by the Speaker and served upon the person concerned under the Speaker's direction.

**197 Application to Speaker for summons**

- (1) A select committee without the power to send for persons, papers, and records may apply to the Speaker, in writing, seeking the issue of a summons to any person—
  - (a) to attend and be examined and give evidence before the committee:
  - (b) to produce papers and records in that person's possession, custody, or control to the committee.
- (2) When an application is received, a summons may be issued if the Speaker is satisfied that—
  - (a) the evidence, papers, or records sought by the committee are necessary to its proceedings, and
  - (b) the committee has taken all reasonable steps to obtain the evidence, papers, or records.
- (3) Every summons issued under this Standing Order—
  - (a) must state the time and place at which it is to be complied with by the person to whom it is addressed, and
  - (b) is signed by the Speaker and served upon the person concerned under the Speaker's direction.

**198 Subcommittees**

- (1) A select committee may appoint a subcommittee.
- (2) Committees may prescribe rules for the conduct of subcommittee proceedings provided that these rules are consistent with the Standing Orders. Subject to any such rules, the same rules for the conduct of proceedings in a subcommittee apply as apply to a select committee.

**199 Criminal wrongdoing**

- (1) Without the express authority of the House, a select committee may not inquire into, or make findings in respect of, allegations of crime by persons who are named or otherwise identifiable.
- (2) A select committee is not prevented, by reason of paragraph (1), from conducting inquiries, and making findings, of a general nature into alleged criminal wrongdoing by persons who are not named or otherwise identifiable.

**200 Charges against members**

- (1) A select committee (except the Privileges Committee) may not enquire into, or make findings in respect of, the private conduct of any member of the House, unless it is specially directed by the House to do so.
- (2) If any information comes before a select committee or any allegation is made to a select committee (except the Privileges Committee) charging any member with reprehensible conduct, the committee must inform the member concerned of the details of the charge and give the member a reasonable opportunity to make any statement to it bearing on the matter. Otherwise the committee may not proceed further on that information or allegation without being specially directed by the House to do so.

**CHAIRPERSON AND DEPUTY CHAIRPERSON****201 Chairperson and deputy chairperson**

- (1) At its first meeting, or at its first meeting after a vacancy occurs in the office, a select committee must proceed to the election of a chairperson and the appointment of a deputy chairperson.
- (2) The chairperson and the deputy chairperson may be removed from office by the committee only at a meeting of which at least seven days' notice is given of a member's intention to move for such a removal.
- (3) The Speaker is the chairperson of the Officers of Parliament Committee.

**202 Absence of chairperson**

- (1) In the absence of the chairperson—
  - (a) during a meeting, or
  - (b) from New Zealand,—and during a vacancy in the office, the deputy chairperson may perform the duties and exercise the authority of the chairperson.

- (2) If the chairperson and the deputy chairperson are not present at the commencement of a meeting, the committee may elect a member of the committee to chair that meeting and perform the duties and exercise the authority of the chairperson in respect of the meeting.
- (3) The chairperson or the deputy chairperson may, while chairing a meeting, ask any member of the committee to chair the meeting while the chairperson or deputy chairperson is absent. Any such member performs the duties and exercises the authority of the chairperson while chairing the meeting.

### **203 Transfer of powers of chairperson during meeting**

- (1) The chairperson of a select committee may invite the committee to authorise the deputy chairperson or, in the absence of the deputy chairperson, any other member of the committee to chair meetings while a particular item of business is considered.
- (2) The chairperson may participate as a committee member when the deputy chairperson or another member is authorised to chair a meeting under this Standing Order.
- (3) A member who chairs a meeting under this Standing Order performs the duties and exercises the authority of the chairperson while chairing the meeting.

## **CONDUCT OF PROCEEDINGS**

### **204 Conduct of proceedings**

Subject to the express provisions of the Standing Orders or any practice of the House to the contrary, the same rules for the conduct of proceedings are followed by select committees as apply to the conduct of proceedings in a committee of the whole House.

### **205 Notice of meeting**

- (1) A written notice informing members of the committee of a meeting of the committee is to be circulated by the clerk of the committee no later than the day before the meeting. The notice must contain a summary of the items of business proposed to be dealt with at the meeting.
- (2) The requirement for a written notice to be circulated may be waived if all members of the committee, or the leaders or whips of their respective parties, agree. When a meeting has lapsed or been adjourned for lack of a quorum, agreement is required under this paragraph only from those members who were expected to attend that meeting. Agreement from non-voting members is not required under this paragraph.



**206 Giving notice of business**

- (1) Members of a committee may give notice of business or motions to be considered by the committee either orally at a meeting of the committee or in writing to the clerk of the committee.
- (2) Notices given at a meeting and notices given to the clerk of the committee before 2 pm on the day before a meeting are placed on the agenda for the next meeting of the committee or, where the Standing Orders prescribe a longer period of notice, for the first meeting at which the notice may be considered.
- (3) Nothing in this Standing Order affects the chairperson's power to rule on whether a proposed notice is in order.

**207 Question previously decided**

A motion or an amendment that is the same in substance as a motion or amendment that was agreed to or defeated in a select committee may be proposed again in that committee in the same calendar year only by leave or if notice has been given.

**208 Names of members present**

The names of the members of a select committee present at a meeting are recorded in the committee's minutes.

**209 Quorum**

- (1) The quorum of a select committee is half of the membership of the committee (rounded upwards where applicable).
- (2) A non-voting member is not counted as part of the membership of a committee for the purposes of determining the quorum.
- (3) If there is no quorum present within 10 minutes of the time for a meeting to commence, the meeting is adjourned. If there is no quorum present during a meeting, the meeting is suspended for up to 10 minutes and, if no quorum is formed, the meeting is adjourned.

**210 Members may be present**

- (1) Subject to this Standing Order, any member of the House (not being a member of the committee) may attend any meeting of a select committee but can participate in the proceedings only by leave of the committee.
- (2) The Minister or member in charge of a bill may take part in the proceedings of the committee even though not a member of the committee but may not vote on any question put to the committee.
- (3) Except by leave of the committee, only members of the Privileges Committee may attend any meeting of that committee while the committee is deliberating.

**211 Advisers**

- (1) A select committee may seek the assistance of persons as advisers to the committee during its consideration of a matter.
- (2) Advisers may remain present during relevant proceedings that are not open to the public, unless excluded by the committee.

**212 Attendance by strangers**

A select committee may—

- (a) invite any person to be present during relevant proceedings that are not open to the public to assist it in its consideration of any matter:
- (b) by leave, allow a stranger (not present to assist the committee) to be present during proceedings that are not open to the public.

**213 Voting**

A member may require that the respective votes or abstentions of each member present on a question put to a select committee be recorded in the committee's minutes.

**214 Disorder**

- (1) The chairperson may order any stranger to withdraw from a meeting if that person's conduct is disorderly.
- (2) The chairperson may order any member (not being a member of the committee) to withdraw from a meeting if that member's conduct is disorderly.
- (3) A select committee may resolve to exclude a member of the committee from its meeting if that member's conduct is highly disorderly. The member may be excluded for up to the remainder of the meeting held on that day.

**GENERAL PROVISIONS FOR EVIDENCE**

**215 Written submissions**

A witness will be given the opportunity to make a submission in writing before appearing to give oral evidence.

**216 Return of evidence**

A select committee may return or expunge any evidence or statement that it considers to be irrelevant to its proceedings, offensive, possibly defamatory, or suppressed by an order of a New Zealand court.

**217 Release of submissions**

- (1) A select committee may make a written submission to it available to the public at any time after receiving it.
- (2) A submission (if not already made available) becomes available to the public on the committee hearing oral evidence from the witness who made the submission.
- (3) This Standing Order does not prevent the release of a submission by the person who submitted it.

**218 Private evidence**

- (1) Some or all of the evidence to be given to a select committee may, by leave, be heard or received in private.
- (2) The committee may require all strangers or any stranger to withdraw from a meeting while evidence is being heard in private.
- (3) Evidence heard or received in private is confidential to the committee until it reports to the House or otherwise concludes its consideration of the item of business to which the private evidence relates.

**219 Secret evidence**

- (1) A select committee may, by leave, declare evidence to be secret evidence where—
  - (a) information that it wishes to obtain can be obtained only if it can assure a witness, or other person in possession of that information, that evidence given to it will remain confidential, or
  - (b) it is satisfied that it is necessary to do so to protect the reputation of any person.
- (2) All strangers must withdraw from a meeting while secret evidence is being heard, unless leave is given for them to remain present.
- (3) Except to give effect to Standing Order 237, secret evidence may not be disclosed to any other person by the committee or by any member of the committee or by any other person, unless the House expressly authorises such disclosure. Following the committee's report to the House, secret evidence is delivered into the custody of the Clerk.

**220 Application for evidence to be private or secret**

- (1) Before providing written evidence to a select committee, a person may apply for that evidence to be received in private or in secret. Where practicable, witnesses are informed before providing written evidence that such an application may be made.
- (2) Before giving evidence, or at any time while being heard, a witness may apply for any or all of the evidence of that witness to be heard in private or in secret. All witnesses are informed before giving evidence that such an application may be made.

- (3) A witness must give reasons for any such application.
- (4) Before giving evidence in private, a witness will be informed that the evidence will become available when the committee reports to the House or, if it may seriously damage the reputation of any person, will be made available to that person. Before giving evidence in secret, a witness will be informed that secret evidence may be disclosed to give effect to Standing Order 237 and that the House has the power to order the disclosure of such evidence.

**221 Access to information**

A select committee will give a witness reasonable access to any material or other information that the witness has produced to the committee.

**HEARING OF EVIDENCE**

**222 Public attendance at hearings**

- (1) The proceedings of any select committee during the hearing of evidence are open to the public, unless the evidence is private or secret.
- (2) A committee may require all strangers or any stranger to withdraw from a meeting while the committee is formally receiving a delegation that includes a member, or members, of another Parliament.

**223 Matters of concern before giving evidence**

A person who is to appear before a committee may raise any matters of concern relating to that evidence with the clerk of the committee before appearing before the committee. Any such matters will be brought to the attention of the committee.

**224 Conduct of examination**

- (1) The examination of witnesses is conducted as the chairperson, with the approval of the select committee, directs.
- (2) The chairperson, and every member through the chairperson, may put questions to a witness.

**225 Relevance of questions**

- (1) The chairperson will take care to ensure that all questions put to a witness are relevant to the committee's proceedings and that the information sought by those questions is necessary for the purpose of those proceedings.
- (2) A witness may object to a question on the ground that it is not relevant. The chairperson will then determine whether it is relevant to the committee's proceedings.

**226 Objection to answering**

Where a witness objects on any ground to answering a relevant question put to the witness, the witness will be invited to state the ground upon which objection to answering the question is taken.

**227 Committee consideration of objection**

- (1) Where a witness objects to answering a question on any ground, the select committee, unless it decides immediately that the question should not be pressed, will then consider in private whether it will insist upon an answer to the question, having regard to the importance to the proceedings of the information sought by the question.
- (2) If the committee decides that it requires an answer to the question, the witness will be informed of that decision, and is required to answer the question.
- (3) The committee may decide that the public interest would best be served by hearing the answer in private or secret.
- (4) Where a witness declines to answer a question to which the committee has required an answer, the committee may report this fact to the House.

**228 Counsel**

- (1) A witness may be accompanied by counsel (of the witness's choice) and may consult counsel in the course of a meeting at which the witness appears.
- (2) Counsel may—
  - (a) make written submissions to the committee on the procedure to be followed by the committee:
  - (b) with the committee's agreement, address the committee on the procedure to be followed by the committee before counsel's client is heard:
  - (c) object to a question to counsel's client on the ground that it is not relevant:
  - (d) object to counsel's client answering a question:
  - (e) when the client's reputation may be seriously damaged by proceedings of a committee, ask that further witnesses give evidence in the client's interest.

**229 Witnesses' expenses**

- (1) No expenses may be paid to any witness or proposed witness except with the permission of the Speaker.
- (2) No select committee, chairperson, member or other person may give any undertaking, promise or assurance to any person that any expenses of a witness or proposed witness will be paid out of public money without first obtaining the authority of the Speaker.

**230 Evidence on oath**

- (1) A select committee may order any person to take an oath or make an affirmation before giving evidence to it.
- (2) When a person gives evidence on oath or affirmation, the oath or affirmation is administered by the clerk of the committee.

**231 Transcripts of evidence**

- (1) A select committee may decide to record and, if it thinks fit, transcribe evidence given to it.
- (2) Reasonable opportunity will be afforded to witnesses to make corrections of errors of transcription in any transcript of their evidence.

**NATURAL JUSTICE**

**232 Disqualification for apparent bias**

A member who has (whether in the House or outside the House) made an allegation of crime or expressed a concluded view on any conduct or activity of a criminal nature, identifying by name or otherwise a person as being responsible for or associated with that crime, conduct, or activity (referred to as **apparent bias**), may not participate—

- (a) in any select committee inquiry into that person's responsibility for or association with that crime, conduct, or activity, or
- (b) in any other proceedings in a select committee that may seriously damage the reputation of that person.

**233 Complaints of apparent bias**

- (1) A complaint of apparent bias on the part of a member of a select committee may be made by any member (whether or not a member of the committee) or by any person appearing or about to appear before the committee whose reputation may be seriously damaged by proceedings of the committee.
- (2) A complaint of apparent bias must be made, in writing, to the chairperson.
- (3) The chairperson, after considering any information or comment from the member against whom the complaint is made, decides whether the member is disqualified by reason of apparent bias.
- (4) Any member of a committee who is dissatisfied with the chairperson's decision on a complaint of apparent bias may refer the matter to the Speaker for decision. The Speaker's decision is final.

**234 Evidence containing allegations**

- (1) At any stage during a select committee's proceedings, the committee may consider hearing in private evidence that contains an allegation that may seriously damage the reputation of a person. The committee may also invite that person to be present during the hearing of such evidence.

- (2) A person who is to appear before a committee will be informed of or given a copy of any evidence (other than secret evidence) or material in the committee's possession that contains an allegation that may seriously damage the reputation of that person.

**235 Access to information by person whose reputation may be seriously damaged**

- (1) Any person whose reputation may be seriously damaged by proceedings of a select committee may request from the clerk of the committee a copy of all material, evidence (except secret evidence), records, or other information that the committee possesses concerning that person.
- (2) The committee considers any such request and may, if it considers it to be necessary to prevent serious damage to that person's reputation, furnish such material.
- (3) The committee may furnish such material in a form different from that requested if to provide it in the form requested would impose undue difficulty, expense, or delay.

**236 Irrelevant or unjustified allegations**

When a witness gives evidence that contains an allegation that may seriously damage the reputation of a person and the select committee is not satisfied that that evidence is relevant to its proceedings or is satisfied that the evidence creates a risk of harm to that person, which risk exceeds the benefit of the evidence, the committee will give consideration—

- (a) to returning any written evidence and requesting that it be resubmitted without the offending material;
- (b) to expunging that evidence from any transcript of evidence;
- (c) to seeking an order of the House preventing the disclosure of that evidence.

**237 Information about allegation that may seriously damage reputation**

- (1) When, in evidence heard or received in public or in private, an allegation is made against a person that may seriously damage the reputation of that person, the committee will—
  - (a) apply Standing Order 236, and
  - (b) if the evidence is not to be returned, resubmitted or expunged under that Standing Order, inform that person of the allegation.
- (2) When, in evidence heard or received in secret, an allegation is made against a person that may seriously damage the reputation of that person, the committee will—

- (a) apply Standing Order 236, and
  - (b) if the evidence is not to be returned, resubmitted, or expunged under that Standing Order, inform that person of the allegation if it appears to the committee that the possible damage to that person's reputation outweighs any detriment to the witness who gave the secret evidence.
- (3) When, in advice provided to a committee, an allegation is made against a person that may seriously damage the reputation of that person, the committee will—
- (a) return the advice (if it is in writing) after considering whether to request that it be provided again without the allegation, or
  - (b) inform that person of the allegation.

**238 Responding where allegation may seriously damage reputation**

- (1) Any person against whom an allegation has been made that may seriously damage the reputation of that person, and who has been informed of that allegation under Standing Order 237—
- (a) will be given a reasonable opportunity to respond to the allegation by written submission and appearance before the committee, and
  - (b) may ask that further witnesses give evidence to the committee in that person's interest.
- (2) A response made or further evidence given under this Standing Order is received or heard—
- (a) in private, if the allegation was made in private evidence or in advice:
  - (b) in secret, if the allegation was made in secret evidence.

**INFORMATION ON PROCEEDINGS**

**239 Confidentiality of proceedings**

- (1) The proceedings of a select committee or a subcommittee other than during the hearing of evidence are not open to the public and remain strictly confidential to the committee until it reports to the House.
- (2) Paragraph (1) does not prevent—
- (a) the disclosure, by the committee or by a member of the committee, of proceedings to a member of Parliament or to the Clerk or another officer of the House in the course of their duties:
  - (b) the disclosure of proceedings in accordance with the Standing Orders.



- (3) The following proceedings may be disclosed:
  - (a) those proceedings that do not relate to any business or decision still before the committee:
  - (b) those proceedings in respect of matters of process or procedure that do not—
    - (i) relate to decisions on matters of process or procedure that are still before the committee, or
    - (ii) include any substantive proceedings relating to business before the committee, or
    - (iii) reflect, or divulge the content of, a report or draft report or the committee's potential findings.
- (4) A committee making an interim report or a special report to the House may resolve that some or all proceedings relating to the report remain confidential to the committee until it reports finally to the House.

#### **240 Confidentiality of reports**

- (1) A report or a draft of the report of a select committee or a subcommittee is strictly confidential to the committee until it reports to the House.
- (2) Paragraph (1) does not prevent—
  - (a) the disclosure, by the committee or by a member of the committee, of a report or a draft report to a member of Parliament or to the Clerk or another officer of the House in the course of their duties:
  - (b) the disclosure of a report or a draft report in accordance with the Standing Orders.

#### **241 Confidentiality of lapsed business**

- (1) Any proceedings of a select committee or draft report that are confidential to the committee on the dissolution or expiration of Parliament remain confidential for nine sitting days in the new Parliament.
- (2) If the business to which proceedings or a draft report relate is reinstated by the House or is readopted by the committee concerned within nine sitting days of the opening of the new Parliament, those proceedings or the draft report continue to remain confidential in accordance with Standing Orders 239 and 240.

#### **242 Information on committee's proceedings**

- (1) The chairperson of a select committee or a subcommittee may, with the agreement of the committee, make a public statement to inform the public of the nature of the committee's consideration of a matter.

- (2) The committee or subcommittee may make its proceedings available to any person for the purpose of assisting in the committee's consideration of a matter. When proceedings have been disclosed under this paragraph, any evidence provided in response to those proceedings is received in private, unless it is received in secret.
- (3) Select committee proceedings that cease to be confidential under Standing Order 239 become available to the public.

## **REPORTS**

### **243 Interim reports**

A select committee may from time to time make an interim report informing the House of some only of its conclusions on a bill or other matter before it or of the progress of its investigation into a bill or other matter.

### **244 Special reports**

A select committee may from time to time make a special report to the House seeking authority from the House to do something, or seeking guidance from the House on some procedural question which has occurred in the committee, or informing the House of some other matter connected with its proceedings which it considers should be reported to the House.

### **245 Minority views**

A select committee may, in its report, indicate the differing views of its members.

### **246 Findings**

- (1) As soon as practicable after a select committee has determined any findings to be included in a report to the House, and prior to the presentation of the report, any person named in the report whose reputation may be seriously damaged by those findings must be acquainted with any such findings and afforded a reasonable opportunity to respond to the committee on them. The committee will take such a response into account before making its report to the House.
- (2) Any response made under this Standing Order is strictly confidential to the committee until it reports to the House.

### **247 Reports to be signed**

When a select committee has adopted a report, the report is signed by the chairperson on behalf of the committee, or by some other member of the committee authorised to do so by the committee, and is presented to the House.

**248 Day fixed for presentation of reports**

When a day is fixed for the presentation of a select committee's report, the final report must be made on or before that day, unless the House or the Business Committee grants further time.

**249 Presentation of reports**

- (1) A report of a select committee is presented by delivering it to the Clerk on any working day but no later than 1 pm on a day on which the House sits.
- (2) Once a report has been presented it is published under the authority of the House.
- (3) The Clerk announces the presentation of reports of select committees at the time appointed by Standing Order 66.

**250 Reports set down**

- (1) Following their presentation, reports of select committees are set down as follows:
  - (a) a report from the Privileges Committee, except a report on a bill or a petition, is set down for consideration as general business:
  - (b) a report on a bill is set down as prescribed in Standing Order 296:
  - (c) reports on the Budget policy statement, the fiscal strategy report, the economic and fiscal update, the statement on the long-term fiscal position, the investment statement, the financial statements of the Government, Estimates, Supplementary Estimates, and annual reviews are considered as set out in Standing Orders 332, 336, 340, 347, and 349 or as determined under Standing Order 350:
  - (d) a report on a notice of motion under Standing Order 322 or 323 is set down for consideration together with that notice of motion.
- (2) The Business Committee may direct that a report on a petition be set down as a Members' order of the day.
- (3) A report on a briefing, inquiry, international treaty examination or other matter, or a report of the Regulations Review Committee, is set down as a Members' order of the day.
- (4) A report set down under paragraph (2) or (3) may be selected by the Business Committee for debate.

**251 Consideration of reports**

- (1) On the consideration of any select committee report (other than a report on a bill or a report to which paragraph (2) applies), the chairperson or a member of the select committee moves a motion to take note of the report.

- (2) On the consideration of a report of the Privileges Committee containing a recommendation to the House, the chairperson or a member of that committee may move a motion that reflects that recommendation.

**252 Government responses to select committee reports**

- (1) The Government must, not more than 60 working days after a select committee report has been presented, present a paper to the House responding to any recommendations of the committee which are addressed to it.
- (2) No response under this Standing Order is required in respect of select committee reports on bills, Supplementary Order Papers, questions of privilege, Estimates, Supplementary Estimates, and annual reviews of departments, Offices of Parliament, Crown entities, public organisations, or State enterprises.

## CHAPTER 5

### LEGISLATIVE PROCEDURES

#### FORM OF BILLS

##### 253 Classification of bills

- (1) A bill may be introduced as—
  - (a) a Government bill—a bill dealing with a matter of public policy introduced by a Minister, or
  - (b) a Member's bill—a bill dealing with a matter of public policy introduced by a member who is not a Minister, or
  - (c) a local bill—a bill promoted by a local authority, which affects a particular locality only, or
  - (d) a private bill—a bill promoted by a person or body of persons (whether incorporated or not) for the particular interest or benefit of that person or body of persons,—and a bill must show on its face which of these types it is.
- (2) If any question arises as to the classification of a bill, the Speaker decides the matter.

##### 254 Enacting formula in bills

The enacting formula in bills introduced into the House is in the following form:

**“The Parliament of New Zealand enacts as follows:”**

or, in the case of bills containing a preamble:

**“The Parliament of New Zealand therefore enacts as follows:”.**

##### 255 Title

The first clause of each bill is confined to stating the title by which the Act is to be known.

##### 256 Date of commencement

- (1) A bill must include a distinct clause stating when the bill comes into force.
- (2) If different provisions of a bill are to come into force on different dates, the distinct clause may refer to separate clauses or subclauses that state when each of those provisions comes into force.

**257 Explanatory notes**

Every bill as introduced must have an explanatory note that states the policy that the bill seeks to achieve, and may also explain the provisions of the bill.

**258 Private bills**

Every private bill must contain a preamble, setting out the facts on which the bill is founded and the circumstances giving rise to the necessity for it. If the objects of the bill could be attained otherwise than by legislation, the preamble must state why legislation is preferred.

**259 Temporary law**

- (1) If a bill for an Act provides that the whole of the Act itself is to be repealed or is to expire, that repeal or expiry must be provided for in a distinct clause in the bill.
- (2) If a bill for an Act provides that a provision of the Act is to be repealed or is to expire, that repeal or expiry must be provided for in a distinct clause or a distinct subclause in the bill.
- (3) This Standing Order does not apply in relation to a provision of a bill that is to be incorporated into another enactment, for example, a new section inserted into a principal Act.

**260 Bills to relate to one subject area**

- (1) Except as otherwise permitted by the Standing Orders, a bill must relate to one subject area only.
- (2) A bill may make consequential amendments to a number of Acts affected by its provisions.

**261 Speaker to scrutinise bills**

The Speaker scrutinises each bill on its introduction to ensure that it complies with Standing Order 260. Any bill that does not comply is discharged or allowed to proceed with such amendments as the Speaker directs.

**OMNIBUS BILLS**

**262 Types of omnibus bills that may be introduced**

- (1) The following types of bills may be introduced although they are omnibus in nature:
  - (a) Finance bills or confirmation bills that validate or authorise action otherwise illegal or validate and confirm regulations:
  - (b) Taxation bills:
  - (c) Local Legislation bills that contain provisions affecting particular localities, which otherwise would have been introduced as local bills:

- (d) Māori Purposes bills that—
    - (i) amend one or more Acts relating to Māori affairs, or
    - (ii) deal with authorisations, transfers, and validations in respect of Māori land and property:
  - (e) Reserves and Other Lands Disposal bills that—
    - (i) deal only with authorisations, transfers and validations of matters relating to Crown land, reserves and other land held for public or private purposes, or
    - (ii) amend a Reserves and Other Lands Disposal Act:
  - (f) Statutes Amendment bills that consist entirely of amendments to Acts.
- (2) Matter more appropriate for inclusion in a Local Legislation Bill, a Māori Purposes Bill, or a Reserves and Other Lands Disposal Bill is to be included in one of those types of bills rather than a Finance Bill.

### **263 Other omnibus bills**

An omnibus bill to amend more than one Act may be introduced if—

- (a) the amendments deal with an interrelated topic that can be regarded as implementing a single broad policy, or
- (b) the amendments to be effected to each Act are of a similar nature in each case, or
- (c) the Business Committee has agreed to the bill's introduction as an omnibus bill.

## **GENERAL PROVISIONS**

### **264 Same bill or amendment not to be proposed**

The following may not be proposed in the same calendar year:

- (a) a bill that is the same in substance as a bill that received, or was defeated on, a first, second, or third reading:
- (b) an amendment to a bill that is the same in substance as an amendment that was agreed to or defeated in a committee of the whole House.

### **265 New Zealand Bill of Rights**

- (1) Whenever a bill contains any provision which appears to the Attorney-General to be inconsistent with any of the rights and freedoms contained in the New Zealand Bill of Rights Act 1990, the Attorney-General must indicate to the House what that provision is and how it appears to be inconsistent with the New Zealand Bill of Rights Act 1990.
- (2) An indication by the Attorney-General to the House concerning the

New Zealand Bill of Rights Act 1990 is made by the presentation of a paper,—

- (a) in the case of a Government bill, on the introduction of that bill, or
  - (b) in any other case, as soon as practicable after the introduction of the bill.
- (3) Where the House has accorded urgency to the introduction of a bill, the Attorney-General may, on the bill's introduction, present a paper under this Standing Order in the House.
  - (4) A paper presented under this Standing Order is published under the authority of the House.
  - (5) When a paper is presented under this Standing Order, it stands referred to a select committee for consideration. The paper is allocated by the Clerk to the most appropriate select committee.

#### **266 Entrenched provisions**

- (1) A proposal for entrenchment must itself be carried in a committee of the whole House by the majority that it would require for the amendment or repeal of the provision to be entrenched.
- (2) A **proposal for entrenchment** is any provision in a bill or amendment to a bill that would require that that provision or amendment or any other provision can be amended or repealed only by a majority of more than 50 percent plus one of all the members of the House.

#### **267 Copies of bills**

- (1) On the introduction of a bill, the member in charge must provide printed copies of the bill to the Clerk for circulation.
- (2) A bill must be reprinted when it is reported by a select committee or committee of the whole House if it is reported with amendment or is divided by the committee, except—
  - (a) a bill passed under urgency, or
  - (b) a bill that is set down for third reading forthwith, or
  - (c) as approved by the Speaker in respect of any minor textual amendment.
- (3) A bill must be reprinted when it is divided by the Clerk following a determination of the Business Committee, except when the bill is set down for third reading forthwith.
- (4) If a bill is reprinted,—
  - (a) the member in charge must provide printed copies of the reprinted bill to the Clerk for circulation, and
  - (b) the bill is not available for debate until copies of it, as reprinted, have been circulated to members.



**268 Passing of bills**

- (1) A bill must be read three times by order of the House to be passed by the House.
- (2) On every order for the reading of a bill the title only is read.

**269 Cognate bills**

- (1) The House or the Business Committee may determine that any two or more bills are **cognate bills**. Such a determination may be made in respect of bills before or after their introduction, and may relate to any or all of the first, second, and third readings of the bills concerned.
- (2) Cognate bills that are set down on the Order Paper for the same stage are taken as one question for the purpose of debate, provided that the member in charge of a cognate bill or bills may require the bill or bills to be set down separately.
- (3) Unless the House or the Business Committee determines otherwise, if one or more of the cognate bills to be taken as one question under paragraph (2) is a Government bill, the time for debate on the cognate bills is the same as would apply for Government bills.

**270 Special rules in respect of Appropriation and Imprest Supply bills**

The procedures for passing Appropriation bills and Imprest Supply bills are subject to the special rules set out in Chapter 6.

**271 Revision bills**

- (1) A **Revision Bill** is a bill that is certified under section 33 of the Legislation Act 2012. When a certificate given under that section is presented to the House on the introduction of a bill, the procedures set out in this Standing Order apply to the bill.
- (2) There is no amendment or debate on the question for the first reading.
- (3) Following the bill's first reading, the question is put, without amendment or debate, that the bill be considered by a subject select committee nominated in the explanatory note to the bill.
- (4) Following the presentation of the committee's final report on the bill, the Business Committee determines arrangements for the passage of the bill.
- (5) Following the bill's second reading, the House proceeds to the third reading forthwith, unless—
  - (a) the Business Committee determines otherwise:
  - (b) the Minister in charge requires the House to resolve itself into committee to consider an amendment:

- (c) an amendment has been circulated on a Supplementary Order Paper, or has been lodged with the Clerk, at least 24 hours before the House meets on the day on which the bill is read a second time, and the amendment is in order, in which case the House resolves itself into committee to consider that amendment.
- (6) There is no amendment or debate on the question for the third reading.

**272 Member's bill may be adopted by Government**

- (1) The Government may, with the agreement of the member in charge, adopt a Member's bill.
- (2) The Minister adopting a bill for the Government must notify the Speaker in writing that the bill has been adopted by the Government.
- (3) A bill adopted by the Government is thereafter treated as a Government bill.

**273 Private bills**

Before a private bill is introduced it must be endorsed as complying with the Standing Orders as provided in Appendix C.

**274 Local bills and Local Legislation bills**

- (1) Legislation that would otherwise require to be introduced by means of a local bill may be included in a Local Legislation Bill.
- (2) Before a local bill or a Local Legislation Bill is introduced it must be endorsed as complying with the Standing Orders as provided in Appendix C.

**275 Withdrawal of local bills and private bills**

- (1) The promoter of a local bill or a private bill may, in writing, notify the Speaker that the promoter withdraws the bill. The Speaker informs the House of any such notification.
- (2) A bill that has been withdrawn is discharged from further consideration by the House.

**INTRODUCTION**

**276 Introduction of Government bills**

A Government bill is introduced by the Leader of the House informing the Clerk on any working day, or by 1 pm on any sitting day, of the Government's intention to introduce the bill.

**277 Introduction of Members' bills**

A Member's bill is introduced when its introduction is announced to the House by the Clerk.

**278 Notice of proposal of Members' bills**

- (1) Notice of a member's proposal to introduce a Member's bill (**notice of proposal**) may be given by delivering a signed copy of the notice to the Clerk on any working day.
- (2) A notice of proposal, if in order, is held by the Clerk until the bill is introduced, unless the member in whose name the notice stands withdraws it.
- (3) A member may not, at the same time, propose more than one Member's bill for introduction.

**279 Fair copies of proposed Members' bills**

- (1) A fair copy of each proposed Member's bill must be delivered to the Clerk no later than the time at which the member gives notice of proposal to introduce it.
- (2) The Clerk provides access through a website to fair copies of proposed Members' bills for which the Clerk holds notices of proposal.
- (3) A fair copy of a proposed Member's bill may be withdrawn and replaced only if the member gives a new notice of proposal at the same time.

**280 Support for proposed Members' bills**

Any member may indicate support for the introduction of a proposed Member's bill for which the Clerk holds a notice of proposal.

**281 Ballot for Members' bills**

- (1) Eight orders of the day for the first readings of Members' bills are available for consideration at each sitting at which Members' orders of the day take precedence. When it appears to the Clerk that fewer than eight such orders of the day will be available, the Clerk conducts a ballot to select which proposed Members' bills are to be introduced and the order in which they are to be introduced. Such a ballot is conducted at midday on a sitting day. All notices of proposal that are held by the Clerk at 10 am that day are entered in the ballot.
- (2) Only one notice of proposal is to be entered in respect of any bills that are the same or substantially the same in substance. When the Clerk holds notices of proposal for two or more bills that are the same or substantially the same in substance, the notice that is to be entered in the ballot is (in the absence of agreement among the members concerned) determined by a preliminary ballot conducted by the Clerk.
- (3) The Clerk announces the introduction of the bill or bills selected in a ballot under paragraph (1).

**282 Introduction of local bills and private bills**

A local bill or a private bill is introduced when notice of intention to introduce it is given by any member by delivering a signed copy to the Clerk on any working day or by 1 pm on any sitting day.

**283 Announcement of introduction of bills**

The Clerk announces the introduction of bills at the time appointed by Standing Order 66.

**284 Introduction of Appropriation bills, Imprest Supply bills, and bills under urgency**

An Appropriation Bill, an Imprest Supply Bill, and any bill to which the House has accorded urgency may be introduced and proceeded with at any time but not so as to interrupt a debate.

**FIRST READING**

**285 Bills set down for first reading**

- (1) After its introduction a Government bill is set down for first reading,—
  - (a) in the case of a bill introduced on any sitting day, on the next Tuesday on which the House sits, or
  - (b) in the case of a bill introduced on any working day that is not a sitting day, on the third sitting day following.
- (2) A private bill, local bill, or Member's bill is set down for first reading on the third sitting day following its introduction.
- (3) Urgency may be accorded to the first reading of a bill despite the bill not being available to be set down for first reading under paragraph (1) or (2).

**286 First reading**

The motion on the order of the day for the first reading of a bill is that the bill be now read a first time.

**287 Speech of member moving first reading**

- (1) The member moving the bill's first reading must, on the commencement of that member's speech,—
  - (a) nominate the select committee to consider the bill, and
  - (b) if it is proposed to move for any special powers or instruction in respect of the committee's consideration of the bill, indicate the terms of that proposed motion.
- (2) Following the member's speech, written notice of any special powers or instruction to be moved must be delivered to the Clerk at the Table.
- (3) This Standing Order does not apply in respect of a bill that is not to stand referred to a select committee under Standing Order 288.

**288 Referral to select committee**

- (1) A bill stands referred to a select committee for consideration after its first reading unless the House has otherwise accorded urgency to it.
- (2) An Appropriation Bill and an Imprest Supply Bill do not stand referred to a committee.

**289 Determination of committee to consider bill**

- (1) At any time before the question is put on a bill's first reading, a member may deliver to the Clerk at the Table a nomination of a select committee, other than the committee nominated under Standing Order 287(1)(a), to consider the bill.
- (2) Following the bill's first reading, the question is put that the bill be considered by the committee nominated under Standing Order 287(1)(a). If the question is lost, the question is put on any nomination of another select committee made under paragraph (1). There is no amendment or debate on a question for the nomination of a committee to consider the bill.
- (3) The committee to consider the bill may be a committee to be specially established by motion with notice.

**290 Instruction to select committee**

- (1) When the House has determined the committee to consider the bill, and if the terms of a motion for any special powers or instruction in respect of the committee's consideration of the bill have been indicated under Standing Order 287(1)(b), the member in charge may move that motion.
- (2) If an instruction relates only to the time for report on the bill, and provides for the time for report on the bill to be between four and six months, there is no debate on the question or on any amendment to the question.
- (3) Any debate on the question for a motion under this Standing Order is restricted to the special powers or instruction set out in the motion. It may not extend to the principles, objects, or provisions of the bill to which the motion relates.

**SELECT COMMITTEE CONSIDERATION****291 Select committee consideration of bills**

- (1) Each select committee to which a bill is referred examines the bill and—
  - (a) determines whether to recommend that the bill be passed, and
  - (b) may recommend amendments in accordance with Standing Order 292.
- (2) In the case of a private bill, the committee also determines whether or not the statements in the preamble have been proved to the satisfaction of the committee.

- (3) In the case of a Local Legislation Bill, the committee also determines whether, in the committee's opinion, any clause or clauses should more properly be the subject of a local bill.
- (4) A report by a select committee on a bill indicates the committee's determinations on the matters set out in this Standing Order.

### **292 Recommendation of amendments**

- (1) Except as otherwise provided in this Standing Order, a select committee may recommend only amendments that are relevant to the subject-matter of the bill, are consistent with the principles and objects of the bill, and otherwise conform to the Standing Orders and the practices of the House.
- (2) Further to paragraph (1), a committee may not recommend an amendment to a local bill or a private bill that is outside the scope of the notices advertising the intention to introduce or promote the bill.
- (3) Despite paragraph (1), a committee may, in the case of a Statutes Amendment Bill, recommend, by leave, a substantive amendment to an Act not amended by the bill as originally introduced.
- (4) In its report to the House recommending amendments to a bill, a committee must distinguish between those amendments adopted unanimously by the committee and those adopted by a majority of the committee.

### **293 Opinions from other committees**

- (1) The select committee to which a bill is referred may ask any other committee for its opinion on the bill or on a part, clause, schedule, or other provision of the bill.
- (2) For the purposes of giving its opinion, the other committee may call for submissions, hear evidence, and generally consider the part, clause, schedule, or other provision. In giving its opinion to the select committee on the bill, it may, if it thinks fit, recommend amendments to the part, clause, schedule, or other provision.

### **294 Select committee may divide bill**

- (1) A select committee may divide into two or more separate bills any bill which—
  - (a) is drafted in parts, or
  - (b) lends itself to division because it comprises more than one subject-matter,—and report such bills separately to the House.
- (2) A new bill must have inserted into it an enacting formula, title, and commencement provision.

## **SELECT COMMITTEE REPORTS**

### **295 Time for report**

- (1) A select committee must finally report to the House on a bill within six months of the bill being referred to it or by such other time as fixed by the House or the Business Committee.
- (2) The Business Committee may extend the time for report for any bill.
- (3) If the committee has not reported within the time for report, the bill is discharged from further consideration by the committee and set down for its next stage in the House on the third sitting day following.

### **296 Select committee reports**

Following the presentation of a select committee report on a bill,—

- (a) in the case of a report other than an interim report or a special report, the bill is set down for second reading, or
- (b) in the case of an interim report or a special report, the report is set down for consideration—

on the third sitting day following, according to whether the bill is a Government bill, a Member's bill, a local bill, or a private bill.

## **SECOND READING**

### **297 Second reading**

The motion on the order of the day for the second reading of a bill is that the bill be now read a second time.

### **298 Questions put at conclusion of debate**

- (1) At the conclusion of the debate on the second reading of a bill, the Speaker puts a question that the amendments recommended by the committee by majority be agreed to. There is no amendment or further debate on the question.
- (2) When this question is determined, the Speaker puts a further question, that the bill be now read a second time.

### **299 Next stage of bill**

A bill that has been read a second time is set down for consideration in committee next sitting day. The Business Committee may determine that the bill does not require consideration in committee, in which case the order of the day is altered and the bill is set down for third reading.

### **300 Adoption of amendments**

Amendments recommended by a committee by majority that are agreed to by the House and amendments recommended by the committee unanimously are adopted as part of the bill when the bill is read a second time.

## **COMMITTEE STAGE**

### **301 Arrangements for consideration in committee**

- (1) The Business Committee may, in relation to a bill's consideration by a committee of the whole House, determine—
  - (a) how the committee will consider the bill:
  - (b) that the committee's powers are to be extended or restricted in regard to its consideration of the bill.
- (2) A determination under paragraph (1) may be made in respect of a bill before or after its introduction, and may be varied by—
  - (a) a further determination of the Business Committee, or
  - (b) a decision of the committee of the whole House, or
  - (c) an instruction under Standing Order 176, or
  - (d) postponement by the member in charge of the bill under Standing Order 303(1)(d).
- (3) Where practicable, the Government advises the Business Committee which bills are intended by the Government to be considered in committee in the next week in which the House will sit. Such advice is noted on the Order Paper unless the Business Committee agrees otherwise.

### **302 Consideration in committee**

- (1) A committee of the whole House considers a bill to determine whether the bill properly incorporates the principles or objects of the bill as read a second time by the House.
- (2) The committee may make amendments that are relevant to the subject-matter of the bill, are consistent with the principles and objects of the bill, and otherwise conform to the Standing Orders and the practices of the House.
- (3) No amendment may be made to a local bill or a private bill that is outside the scope of the notices advertising the intention to introduce or promote the bill.

### **303 Order of considering bill**

- (1) Subject to this Standing Order, the committee considers a bill as set out in paragraph (2) unless—
  - (a) the bill is not drafted in parts, or
  - (b) the committee decides otherwise, or
  - (c) the Business Committee has determined otherwise, or
  - (d) the member in charge of the bill requires that consideration or further consideration of a part or other provision be postponed.



- (2) When the committee considers a bill part by part, the committee considers the provisions of the bill as follows:
  - (a) any preamble;
  - (b) provisions contained in parts and other provisions that are not preliminary clauses;
  - (c) for the purposes of debate, any schedules are considered together with the parts to which they principally relate;
  - (d) questions on any schedules, which are put separately without further debate;
  - (e) any preliminary clauses not in a part, which are considered together for the purposes of debate, and the questions on which are put separately without further debate.
- (3) Where a bill is not drafted in parts,—
  - (a) the committee considers its provisions in sequence, and
  - (b) for the purposes of debate, any schedules are considered along with the clauses to which they relate, and
  - (c) questions on any schedules are put separately without further debate.
- (4) Unless otherwise specified, consideration or further consideration of—
  - (a) any postponed clause or part is taken when all other clauses or parts have been dealt with, other than preliminary clauses that are considered together, and
  - (b) any other postponed provision is taken when all other provisions have been dealt with.

### **304 Numbers only read**

In reading the clauses or other provisions of a bill it is sufficient to read the numbers only.

### **305 Questions to be proposed in committee**

- (1) A question is proposed that each provision stand part of the bill or as amended stand part of the bill. In the case of a tie, the provision stands part of the bill.
- (2) If any member objects to a clause standing part of a Statutes Amendment Bill (or of a bill that was formerly part of a Statutes Amendment Bill), the clause is struck out of the bill.

### **306 Amendments may be placed on Supplementary Order Paper**

Any member intending to move an amendment to a bill may lodge a written copy of the amendment with the Clerk in time for the amendment to be printed on a Supplementary Order Paper and circulated to members.

### **307 Consideration of amendments**

- (1) Any relevant amendment that is on a Supplementary Order Paper that has been circulated to members, or that is delivered to the Clerk at the Table, can be referred to in the course of the debate on the provision proposed to be amended.
- (2) If an amendment is not on a Supplementary Order Paper, six copies of the amendment must be delivered to the Clerk at the Table.
- (3) At the conclusion of the debate on a provision, the question on any amendment or motion to change a Vote that is in order is put.
- (4) The chairperson, at his or her discretion, may put a single question on a group of amendments if—
  - (a) the amendments stand in the name of the same member;
  - (b) the amendments lend themselves to being grouped on account of their content or subject-matter, or because they form a single alternative proposition;
  - (c) grouping of the amendments is necessary to enable the committee's effective consideration of the bill.
- (5) Where amendments are proposed that, in the opinion of the chairperson, are the same in substance, the chairperson may select amendments on which to put a question, in order to test the will of the committee.

### **308 Amendments of member in charge**

- (1) The member in charge of a bill can require that any or all amendments in that member's name to a provision be put as one question.
- (2) If two or more amendments occur at the same place in the bill, then, subject to paragraph (3),—
  - (a) an amendment proposed by the member in charge of the bill is taken ahead of an amendment proposed by another member, and
  - (b) amendments (not being amendments of the member in charge of the bill) are put in the order in which they were lodged with, or delivered to, the Clerk.
- (3) Amendments put as one question under paragraph (1) are taken after other amendments to the provision unless the member in charge of the bill requires otherwise.

### **309 Committee may divide bill**

- (1) A committee of the whole House may divide into two or more separate bills any bill that—
  - (a) is drafted in parts, or
  - (b) lends itself to division because it comprises more than one subject-matter—

and in respect of which a Supplementary Order Paper notifying the intention to move for division of the bill into separate bills has been circulated.

- (2) The Supplementary Order Paper must show how it is proposed to divide the bill, setting out the enacting formula, title, and commencement provision for each new bill. The Supplementary Order Paper may also set out a principal Act clause for any or all of the new bills.
- (3) A motion to divide a bill into separate bills, as set out on the Supplementary Order Paper, is moved after the bill has been fully considered by the committee.
- (4) On determining that a bill does not require consideration in committee, the Business Committee may also determine that the Clerk divide the bill in the manner set out on a Supplementary Order Paper under this Standing Order. The bills so divided are set down for third reading.

### **310 Adoption of report on bill**

If the report on a bill is adopted, the bill is set down for third reading or for further consideration in committee next sitting day, as the case may be.

## **THIRD READING AND PASSING**

### **311 Recommittal**

A motion to recommit a bill to a committee of the whole House may be moved after the order of the day for the third reading of the bill has been called. There is no amendment or debate on the question.

### **312 Third reading**

- (1) The motion on the order of the day for the third reading of a bill is that the bill be now read a third time.
- (2) At the option of the member in charge, the third readings of each bill divided out of a bill during the committee stage, or by determination of the Business Committee, may be taken together.

### **313 Members' bills, local bills, and private bills affecting rights or prerogatives**

No Member's bill, local bill, or private bill that contains any provision affecting the rights or prerogatives of the Crown may be passed unless the Crown has, by message, indicated its consent to that provision.

**314 Bill passed**

When a bill has been read a third time, it has been passed by the House.

**315 Bills passed to be printed fair, authenticated, and presented for Royal assent**

When a bill has been passed it is printed fair, by direction of the Clerk, who authenticates two prints of it and presents them for the Royal assent.

**316 Verbal or formal amendments**

In preparing the bill for the Royal assent, amendments of a verbal or formal nature may be made and clerical or typographical errors may be corrected in any part of the bill by the Clerk.

**317 After Royal assent given**

When the Royal assent to a bill has been given, the Clerk deposits one of the fair prints of the bill with the Registrar of the High Court at Wellington, and retains the second.

**DELEGATED LEGISLATION**

**318 Functions of Regulations Review Committee**

- (1) The Regulations Review Committee examines all regulations.
- (2) A Minister may refer draft regulations to the committee for consideration and the committee may report on the draft regulations to the Minister.
- (3) In respect of a bill before another committee, the committee may consider—
  - (a) any regulation-making power, and
  - (b) any matter relating to regulations,—and report on it to the committee that is considering the bill.
- (4) The committee may consider any matter relating to regulations and report on it to the House.
- (5) The committee investigates complaints about the operation of regulations, in accordance with Standing Order 320, and may report on the complaints to the House.

**319 Drawing attention to regulation**

- (1) In examining a regulation, the committee considers whether it ought to be drawn to the special attention of the House on one or more of the grounds set out in paragraph (2).

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- (2) The grounds are, that the regulation—
- (a) is not in accordance with the general objects and intentions of the enactment under which it is made:
  - (b) trespasses unduly on personal rights and liberties:
  - (c) appears to make some unusual or unexpected use of the powers conferred by the enactment under which it is made:
  - (d) unduly makes the rights and liberties of persons dependent upon administrative decisions which are not subject to review on their merits by a judicial or other independent tribunal:
  - (e) excludes the jurisdiction of the courts without explicit authorisation in the enactment under which it is made:
  - (f) contains matter more appropriate for parliamentary enactment:
  - (g) is retrospective where this is not expressly authorised by the enactment under which it is made:
  - (h) was not made in compliance with particular notice and consultation procedures prescribed by applicable enactments:
  - (i) for any other reason concerning its form or purport, calls for elucidation.

### **320 Procedure where complaint made concerning regulation**

- (1) Where a complaint is made to the committee or to the chairperson of the committee by a person or organisation aggrieved at the operation of a regulation, the complaint must be placed before the committee at its next meeting for the committee to consider whether, on the face of it, the complaint relates to one of the grounds on which the committee may draw a regulation to the special attention of the House.
- (2) The person or organisation making the complaint is given an opportunity to address the committee on the regulation unless the committee agrees by unanimous resolution not to proceed with the complaint.

### **321 Disallowance motion does not lapse**

- (1) A notice of a motion for the disallowance of a disallowable instrument or any provisions of a disallowable instrument, as referred to in section 43(1) of the Legislation Act 2012, does not lapse and is retained on the Order Paper until dealt with by the House.
- (2) This Standing Order applies only to a notice of motion given by a member who, when giving the notice, is a member of the Regulations Review Committee.

### **322 Affirmative resolution procedure**

- (1) Any notice of a motion that the House approve a regulation, a proposed regulation, or an instruction under any statute stands referred to a select committee. The notice of motion is allocated by the Clerk to the most appropriate select committee for consideration.
- (2) The committee must report to the House on any notice of motion that has been referred under this Standing Order, no later than the first working day 28 days after the day on which the notice of motion was lodged.
- (3) No motion to approve a regulation, a proposed regulation, or an instruction may be moved until—
  - (a) after the committee to which the notice of motion was referred reports, or
  - (b) the first working day after 28 days have passed since the day on which the notice of motion was lodged,—whichever is the earlier.
- (4) If the committee to which the notice of motion was referred recommends to the Government that the regulation, proposed regulation, or instruction to which the notice of motion relates be amended, a further notice of motion for the approval of a regulation, proposed regulation, or instruction that incorporates the amendment or amendments recommended by the committee, and only that amendment or those amendments, does not stand referred to a select committee under paragraph (1).

### **323 Negative resolution procedure**

- (1) Any notice of a motion that the House, under any statute, disallow, disapply, revoke, or otherwise not approve of a regulation or other instrument, other than a notice of motion to which Standing Order 321 or 324 applies, stands referred to a select committee. The notice of motion is allocated by the Clerk to the most appropriate select committee for consideration.
- (2) A committee to which a notice of motion has been referred under this Standing Order—
  - (a) examines the notice of motion and may determine whether to recommend that the motion be passed, and
  - (b) must report to the House on the notice of motion no later than 10 sitting days after the day on which the notice of motion was lodged, unless paragraph (3) applies.
- (3) A member who has lodged a notice of motion that has been referred to a committee under this Standing Order is not prevented

from moving the motion before the committee has presented its report to the House on the notice of motion. If a member moves a motion under this paragraph, the committee is not required to report to the House on the notice of motion.

- (4) Subject to paragraph (6), a notice of motion in respect of which a committee has recommended that the motion be passed is set down for consideration in place of the first general debate after the committee's report on the notice of motion has been presented.
- (5) Subject to paragraph (6), a notice of motion to which this Standing Order applies—
  - (a) lapses and is struck off the Order Paper if not dealt with by the House within three sitting days after the committee's report on the notice of motion has been presented and the committee has not recommended that the motion be passed:
  - (b) does not lapse and is retained on the Order Paper until dealt with by the House if the committee to which the notice of motion has been referred has recommended that the motion be passed.
- (6) A notice of motion to which this Standing Order applies lapses and is struck off the Order Paper if not dealt with by the House before the expiry of any time specified in an Act within which a resolution to disallow, disapply, or otherwise not approve of the regulation or other instrument to which the notice of motion relates must be passed by the House for the resolution to have effect.

### **324 Procedure for disallowance of immediate modification order**

Any notice of a motion for the disallowance of an immediate modification order under the Epidemic Preparedness Act 2006 may be delivered to the Clerk on any working day and is set down on the Order Paper for the next sitting day as the first item of business after general business.

### **325 Confirmation and validation bills**

- (1) Where the purpose of a bill is limited to the confirmation and validation of regulations that otherwise would lapse, the procedures set out in this Standing Order apply to the bill.
- (2) There is no amendment or debate on the question for the first reading. Following its first reading, the bill stands referred to the Regulations Review Committee.

- (3) Following the bill's second reading, the House proceeds to the third reading forthwith, unless—
  - (a) the Minister in charge requires the House to resolve itself into committee to consider an amendment:
  - (b) an amendment has been circulated on a Supplementary Order Paper, or has been lodged with the Clerk, at least 24 hours before the House meets on the day on which the bill is read a second time, and the amendment is in order, in which case the House resolves itself into committee to consider that amendment.
- (4) There is no amendment or debate on the question for the third reading.



## CHAPTER 6

### FINANCIAL PROCEDURES

#### GOVERNMENT'S FINANCIAL VETO

##### 326 Financial veto

- (1) The House will not pass a bill, amendment, or motion that the Government certifies it does not concur in because, in its view, the bill, amendment, or motion would have more than a minor impact on the Government's fiscal aggregates if it became law.
- (2) In addition, the House will not make a change to a Vote that the Government certifies it does not concur in because, in its view, the change would, if made, have more than a minor impact on the composition of the Vote.
- (3) In this Standing Order, and in Standing Orders 327 and 328, **motion** means a motion that, if passed as a resolution of the House of Representatives, would have the force of law.

##### 327 Financial veto certificate

- (1) A certificate by the Government not concurring in a bill, amendment, or motion on the ground that, in its view, the bill, amendment, or motion would have more than a minor impact on the Government's fiscal aggregates must state with some particularity the nature of the impact on the fiscal aggregate or aggregates concerned and the reason why the Government does not concur in the bill, amendment, or motion.
- (2) A certificate by the Government not concurring in a change to a Vote on the ground that, in its view, the change would have more than a minor impact on the composition of the Vote must state with some particularity the nature of the impact on the composition of the Vote and the reason why the Government does not concur in the change.
- (3) A certificate is given by delivering it to the Clerk.
- (4) Any certificate may be debated on the House's next consideration of the bill, amendment, motion, or Vote.
- (5) The Government may withdraw a certificate at any time by notifying the Clerk in writing.

**328 Application of financial veto rule to bills and motions**

- (1) A certificate relating to a bill may be given only when the bill is awaiting its third reading.
- (2) The certificate may relate to the bill as a whole or to a particular provision or provisions of the bill.
- (3) The Speaker will not put any question for the third reading of a bill to which such a certificate relates unless the House has first amended the bill to remove any provision that the Government has certified that it does not concur in.
- (4) A certificate relating to a motion may be given before the motion is moved. Where a certificate is given, the motion is out of order and no question is put on it.

**329 Application of financial veto rule to amendments to bills and changes to Votes**

- (1) A certificate relating to any or all of the amendments recommended to a bill by a select committee may be given before the House agrees to those amendments. Where a certificate is given, those amendments are omitted from the bill.
- (2) A certificate relating to an amendment to a bill or a change to a Vote to be proposed by a member in a committee of the whole House may be given before the question on the amendment or change is put. Where a certificate is given, the amendment or change is out of order and no question is put on it.
- (3) A certificate relating to amendments recommended to a bill by a select committee also applies to those amendments if proposed in a committee of the whole House.

**330 Notice of amendment to bill or change to Vote**

- (1) Any member intending to propose an amendment which may have an impact on the Government's fiscal aggregates, or to move a change to a Vote, must give notice of the amendment or change by lodging it with the Clerk at least 24 hours before the House meets on the day on which the amendment is to be proposed or the change is to be moved. In the case of a motion to change a Vote, 24 hours' notice is not required where the proposed change was recommended in the report of the select committee that examined the Vote.
- (2) If a member seeks to propose an amendment or move a change to a Vote without having given the required notice of it, the amendment or change is out of order and no question is put on it.

- (3) This Standing Order applies in respect of an amendment to a bill only when the bill is set down for consideration in committee on the next sitting day.

## **IMPREST SUPPLY**

### **331 Imprest Supply bills**

- (1) All stages of an Imprest Supply Bill may be taken on the same day, and may be included in a motion for an extended sitting if the bill is to be taken together with an order of the day for an Appropriation Bill.
- (2) There is no amendment or debate on the question for the first reading.
- (3) An amendment to the question for the second reading of the bill may relate to any matter concerning public affairs and is not required to be strictly relevant.
- (4) After the second reading of the bill, the House proceeds to the third reading forthwith, unless the Minister in charge of the bill requires the House to resolve itself into committee to consider an amendment.
- (5) There is no amendment or debate on the question for the third reading.

## **THE BUDGET**

### **332 Budget policy statement**

- (1) The Budget policy statement stands referred to the Finance and Expenditure Committee.
- (2) The Finance and Expenditure Committee must report on the Budget policy statement within 40 working days of the presentation of that statement to the House.
- (3) The Minister of the Crown responsible for presenting the Budget policy statement to the House will attend the committee for consideration of the statement, if requested.
- (4) In place of the first general debate after the report of the Finance and Expenditure Committee on the Budget policy statement has been presented, a debate is held on the Budget policy statement and on the report of the Finance and Expenditure Committee on that statement. The chairperson of the Finance and Expenditure Committee (or, in the chairperson's absence, another member of the committee) may move a motion relevant to the report and speak first.

### **333 Delivery of the Budget**

- (1) The main Appropriation Bill may be introduced only after the announcement of the introduction of bills on a Thursday on a day previously notified to the House by the Government.
- (2) There is no amendment or debate on the question for the first reading of the Appropriation Bill and the House proceeds to the second reading forthwith.
- (3) A Minister delivers the Budget statement in moving the second reading of the main Appropriation Bill.

### **334 Budget debate**

- (1) The debate on the Budget is taken ahead of all other Government orders of the day.
- (2) An amendment to the question for the second reading of the bill may relate to any matter concerning public affairs and is not required to be strictly relevant.

### **335 Budget papers and Estimates**

- (1) After delivering the Budget or introducing an Appropriation Bill, or at any time prior to that time on the same day, a Minister may present the Estimates or any other papers relating to the Budget or the bill.
- (2) Such papers are published under the authority of the House.

### **336 Economic and fiscal reports**

- (1) The following reports stand referred to the Finance and Expenditure Committee:
  - (a) fiscal strategy report:
  - (b) economic and fiscal update:
  - (c) half-year economic and fiscal update:
  - (d) statement on the long-term fiscal position:
  - (e) investment statement.
- (2) The committee must, within two months of the delivery of the Budget, report on the fiscal strategy report and the economic and fiscal update presented to the House on the day the Budget was delivered.
- (3) The committee must report on the statement on the long-term fiscal position within six months of the presentation of that statement.
- (4) The committee must report on the investment statement within two months of the presentation of that statement.
- (5) A debate on the statement on the long-term fiscal position, or on the investment statement, is held in place of the first general

debate after the committee's report on that statement is presented. The chairperson of the Finance and Expenditure Committee (or, in the chairperson's absence, another member of the committee) may move a motion relevant to the report and speak first.

## **ESTIMATES**

### **337 Referral of Estimates**

- (1) Following delivery of the Budget, the Estimates stand referred to the Finance and Expenditure Committee.
- (2) The Finance and Expenditure Committee may—
  - (a) examine a Vote itself, or
  - (b) refer a Vote to any subject select committee, or
  - (c) examine some of the appropriations contained in a Vote itself and refer the remainder to any subject select committee, or
  - (d) refer the appropriations contained in a Vote to two or more subject select committees.

### **338 Examination of Estimates**

- (1) Each select committee to which a Vote is referred examines the Vote and—
  - (a) determines whether to recommend that the appropriations in respect of the Vote be accepted, and
  - (b) may recommend a change to the Vote.
- (2) All committees must report to the House on their examinations of the Estimates within two months of the delivery of the Budget.

### **339 Estimates debate**

- (1) The consideration in committee of the main Appropriation Bill is the Estimates debate. The Estimates debate is a consideration of the appropriations being sought by the Government in each Vote in the main Appropriation Bill.
- (2) During the Estimates debate, Votes are considered as determined under Standing Order 350. As each Vote is reached, the question is proposed that the Vote stand part.
- (3) A motion may be moved to change a Vote. Such a motion must specify the appropriation or appropriations within the Vote that it proposes to alter.
- (4) At the conclusion of the total time for the Estimates debate the remaining Votes and provisions of the main Appropriation Bill and any amendments proposed by the Minister in charge of the bill that are notified on a Supplementary Order Paper are put as one question. There is no amendment or debate on the question.

### **340 Third reading of main Appropriation Bill**

- (1) The debate on the question for the third reading of the main Appropriation Bill must be completed within three months of the delivery of the Budget.
- (2) The debate on the third reading of the main Appropriation Bill may include reference to the content of the fiscal strategy report and the economic and fiscal update presented to the House on the day when the Budget was delivered and the report of the Finance and Expenditure Committee on those documents.
- (3) The debate on the third reading of the main Appropriation Bill may be taken together with the debate on the second reading of an Imprest Supply Bill.

## **SUPPLEMENTARY ESTIMATES**

### **341 Examination of Supplementary Estimates**

- (1) Following the introduction of an Appropriation (Supplementary Estimates) Bill, any associated Supplementary Estimates stand referred to the Finance and Expenditure Committee. The committee may examine a Vote itself or refer it to any subject select committee for examination.
- (2) Each select committee to which a Vote is referred examines the Vote and—
  - (a) determines whether to recommend that the appropriations in respect of the Vote be accepted, and
  - (b) may recommend a change to the Vote.

### **342 Passing of bill**

- (1) There is no amendment or debate on the question for the first reading of an Appropriation (Supplementary Estimates) Bill.
- (2) The debate on the second reading of an Appropriation (Supplementary Estimates) Bill may be taken together with the debate on the second reading of an Imprest Supply Bill.
- (3) After the second reading of an Appropriation (Supplementary Estimates) Bill, the House proceeds to the third reading forthwith, unless—
  - (a) the Minister in charge requires the House to resolve itself into committee to consider an amendment, or
  - (b) a change to a Vote has been recommended by a select committee and is in order, in which case the House resolves itself into committee to consider that change.
- (4) There is no amendment or debate on the question for the third reading.

## **ANNUAL TAXING PROVISION**

### **343 Debate on annual taxing provision**

- (1) When a committee of the whole House considers a bill that includes an annual taxing provision, the committee considers the annual taxing provision as a separately debatable provision.
- (2) In this Standing Order, **annual taxing provision** means a clause or provision, or group of clauses or provisions, that sets or confirms rates of income tax in respect of a specified tax year or other period.

## **ANNUAL REVIEW**

### **344 Allocation of responsibility for conducting annual reviews**

- (1) As soon after the commencement of the financial year as it thinks fit, the Finance and Expenditure Committee allocates to a subject select committee (or retains for itself) the task of conducting an annual review of the performance in the previous financial year and the current operations of each department, Office of Parliament, Crown entity, public organisation or State enterprise.
- (2) When the annual report of each department, Office of Parliament, Crown entity, public organisation or State enterprise is presented to the House, its annual review stands referred to a select committee as allocated by the Finance and Expenditure Committee.

### **345 Select committees to conduct annual reviews**

- (1) The Finance and Expenditure Committee must, within one week of the first sitting day in each year, report to the House on the annual financial statements of the Government as at the end of the previous financial year.
- (2) Each select committee must, within one week of the first sitting day in each year, conduct and finally report to the House on an annual review of the performance and current operations of every department and Office of Parliament allocated to it.
- (3) Each select committee must, within six months of the relevant annual report having been presented, conduct and finally report to the House on an annual review of the performance and current operations of every Crown entity, public organisation or State enterprise allocated to it.

**346 Appropriation (Confirmation and Validation) Bill**

- (1) An Appropriation (Confirmation and Validation) Bill is an Appropriation Bill containing provisions solely concerned with the confirming or validating of expenditure incurred in respect of any previous financial year.
- (2) There is no amendment or debate on the question for the first reading or the second reading of the bill.

**347 Annual review debate**

- (1) The consideration in committee of the Appropriation (Confirmation and Validation) Bill is the **annual review debate**. The annual review debate is the consideration of—
  - (a) the financial position as reflected in the report of the Finance and Expenditure Committee on the annual financial statements of the Government for the previous financial year, and
  - (b) the annual reviews of the performance in the previous financial year and the current operations of departments and Offices of Parliament.
- (2) When the annual review debate commences, the question is proposed that the report of the Finance and Expenditure Committee on the annual financial statements of the Government for the previous financial year be noted.
- (3) The committee then proceeds to consider reports of select committees on annual reviews as determined under Standing Order 350. As each report is reached, the question is proposed that the report be noted.
- (4) At the conclusion of the total time for the annual review debate, the provisions of the bill and any amendments proposed by the Minister in charge of the bill that are notified on a Supplementary Order Paper are put as one question. There is no amendment or debate on the question.
- (5) The annual review debate must be held no later than 31 March.

**348 Passing of Appropriation (Confirmation and Validation) Bill**

- (1) When the report of the committee of the whole House on the Appropriation (Confirmation and Validation) Bill is adopted, the bill is set down for third reading forthwith.
- (2) There is no amendment or debate on the question for the third reading.



**349 Consideration of annual reviews of Crown entities, public organisations, and State enterprises**

- (1) Consideration of the annual reviews of Crown entities, public organisations, and State enterprises may be set down as a Government order of the day in the charge of a Minister. Consideration is given in committee to the performance in the previous financial year and the current operations of Crown entities, public organisations and State enterprises.
- (2) When the order of the day is reached, the House resolves itself into committee, and the committee considers annual reviews of Crown entities, public organisations, and State enterprises as determined under Standing Order 350.
- (3) As each annual review is reached, the question is proposed that the report of the select committee on the annual review be noted.

**DETERMINATION OF VOTES AND ANNUAL REVIEWS FOR DEBATE****350 Determination of Votes and annual reviews for debate**

- (1) The Government may select any day (other than a Wednesday on which Members' orders of the day take precedence) for the Estimates debate, the annual review debate, or the debate on the annual review of Crown entities, public organisations and State enterprises.
- (2) The Government determines which Votes or annual reviews are available for debate on a particular day and how long in total is to be spent on the debate that day. This information is to be included on the Order Paper.
- (3) The Business Committee may determine the order in which the Votes or annual reviews are to be considered on a particular day and how long is available for considering each or any of them.

## CHAPTER 7

### NON-LEGISLATIVE PROCEDURES

#### ADDRESS IN REPLY

##### **351 Motion for Address in Reply**

- (1) The motion for an Address in Reply is in the following form:  
“That a respectful Address be presented to [*His or Her*]  
Excellency the Governor-General in reply to [*His or Her*]  
Excellency’s Speech.”
- (2) Such a motion may be seconded.

##### **352 Amendment to motion**

Any amendment to the motion for an Address in Reply may propose only to add words to the motion.

##### **353 Debate takes precedence**

The Address in Reply debate is taken ahead of all other Government orders of the day.

#### DEBATE ON PRIME MINISTER’S STATEMENT

##### **354 Prime Minister’s statement**

- (1) At 2 pm on the first sitting day of each year, the Prime Minister must present in the House a statement reviewing public affairs and outlining the Government’s legislative and other policy intentions for the next 12 months (the **Prime Minister’s statement**).
- (2) The Prime Minister’s statement must be provided to each party leader no later than 10 am on the day the statement is to be presented.
- (3) The Prime Minister’s statement is published under the authority of the House.
- (4) Despite paragraph (1), no Prime Minister’s statement is presented—
  - (a) when the first sitting day of the year is the first day of the meeting of a new Parliament, or
  - (b) when the first sitting day of the year is the first day of a session of Parliament, or
  - (c) if the motion for an Address in Reply was moved within a period of three months before the first sitting day of the year.

**355 Debate on Prime Minister's statement**

- (1) Immediately after presenting the Prime Minister's statement, the Prime Minister moves a motion relating to the statement.
- (2) The debate on the Prime Minister's statement is taken ahead of all other Government orders of the day.

**STATEMENTS IN THE HOUSE****356 Ministerial statements**

- (1) A Minister may make a statement informing the House of some matter of significant public importance which requires to be brought to the House's attention immediately.
- (2) A ministerial statement may be made at any time, but not so as to interrupt a member who is speaking. If possible, a copy of the statement should be delivered to the leader of each party before it is made.

**357 Comment on ministerial statement**

The leader of each party with six members or a member authorised by the leader may comment on a ministerial statement. Following their comments, the Minister may reply.

**358 Personal explanation**

A member may explain matters of a personal nature with the leave of the House. A personal explanation may not be debated.

**359 Response to misrepresentation during time for oral questions**

- (1) A member may apply to the Speaker,—
  - (a) claiming to have been misrepresented during the time for oral questions, and that that misrepresentation may adversely affect the member or damage the member's reputation, and
  - (b) requesting to respond to that claimed misrepresentation.
- (2) An application under paragraph (1) must be made in writing at the earliest opportunity. The Speaker may treat a matter of privilege as an application for this purpose.
- (3) The Speaker may allow a member who has made an application under paragraph (1) to respond to the misrepresentation in the House. Any response must be succinct and strictly relevant to the reference that was made, and must not contain any discreditable reference to a member, or an offensive or unparliamentary expression.

### **360 Maiden and valedictory statements**

- (1) A member who has not made a maiden speech during an Address in Reply debate or has not already made a maiden statement may make a maiden statement.
- (2) A member who is about to retire or resign from the House may make a valedictory statement.
- (3) A maiden or valedictory statement may interrupt a debate, and is made at such time that the Speaker or the Business Committee determines.

## **PETITIONS**

### **361 Addressed to the House and contain request for action**

A petition must be addressed to the House of Representatives and ask the House to take some action in respect of the subject-matter of the petition.

### **362 To be in English or Māori**

A petition must be in English or in Māori.

### **363 Communications concerning petition**

A petition must identify by name and address the person to whom communications concerning the petition should be addressed.

### **364 Signatures**

A signatory to a petition must sign by his or her own hand except in the case of incapacity. A person signing on behalf of a person incapacitated must state this fact alongside the signature.

### **365 Signatures to be on sheet containing request**

Every signature must be written upon the petition or upon pages on which the request to the House to take action is written in full. A signature may not be pasted upon or otherwise transferred to such a petition or pages.

### **366 Petitions of corporations**

A petition from a corporation must be signed by a duly authorised officer of the corporation. In the case of a body incorporated outside New Zealand, it may be signed by an authorised attorney.

### **367 Form of petition**

- (1) A petition must be respectful and moderate in its language.
- (2) A petition must not contain irrelevant statements.

**368 Members to examine and certify petitions**

- (1) A member presenting a petition must take care that it conforms with the Standing Orders and must certify that the member is presenting it.
- (2) A member may not present a petition from himself or herself or a petition to which the member is a party.

**369 Petitions to be delivered to Clerk**

- (1) A petition is presented to the House by a member delivering it to the Clerk on any working day but not later than 1 pm on a sitting day.
- (2) The Clerk announces the presentation of petitions at the time appointed by Standing Order 66.

**370 Petitions referred to select committees**

When a petition that conforms with the Standing Orders is presented, it stands referred to a select committee. The petition is allocated by the Clerk to the most appropriate select committee for consideration and report.

**371 Petitions not in order**

The following are not in order:

- (a) a petition in respect of a matter for which legal remedies have not been exhausted:
- (b) a petition on a matter within the competence of the Ombudsmen, if application has not been made to an Ombudsman:
- (c) a petition on the same matter as an earlier petition which was finally dealt with by the House during the term of that Parliament, unless substantial and material new evidence is available that was not available when the earlier petition was considered.

**PAPERS AND PUBLICATIONS****372 Presentation of papers**

- (1) A paper may be presented to the House by the Speaker or by a Minister by delivering it to the Clerk on any working day but not later than 1 pm on a sitting day.
- (2) Despite paragraph (1), the Speaker may present a paper in the House.

### **373 Parliamentary papers**

- (1) The Speaker designates certain papers presented by Ministers or by the Speaker as **parliamentary papers**.
- (2) The Clerk announces the presentation of parliamentary papers at the time appointed by Standing Order 66.
- (3) In presenting a paper in the House under Standing Order 372(2), the Speaker may indicate that it is a parliamentary paper.
- (4) Parliamentary papers are published under the authority of the House.

### **374 Speaker controls publication**

The Speaker has control and direction of all matters which relate to printing and publication executed by order or under the authority of the House.

### **375 Translation of documents**

The Speaker may order that bills introduced into the House and reports, petitions and papers presented to it are to be translated and printed in another language.

### **376 Documents quoted by Minister**

Whenever a Minister quotes from a document relating to public affairs a member may, on a point of order, require the Minister to table the document. The Minister must then table the document unless it is of a confidential nature.

### **377 Documents tabled by leave**

- (1) A member may table a document by leave of the House or a committee of the whole House.
- (2) If leave has been given for a document to be tabled, the document must be tabled within a reasonable period, as determined by the Speaker.

## **QUESTIONS TO MINISTERS AND MEMBERS**

### **378 Questions to Ministers**

Questions may be put to a Minister relating to—

- (a) public affairs with which the Minister is officially connected, or
- (b) proceedings in the House or any matter of administration for which the Minister is responsible.

**379 Questions to other members**

- (1) Questions may be put to a member (not being a Minister or the Speaker) relating to any bill, motion or public matter connected with the business of the House, of which the member has charge.
- (2) Written questions may be put to the Speaker relating to any matter of administration for which the Speaker is responsible.
- (3) Questions to other members are dealt with following questions addressed to Ministers and urgent questions.

**380 Content of questions**

- (1) Questions must be concise and not contain—
  - (a) statements of facts and names of persons unless they are strictly necessary to render the question intelligible and can be authenticated, or
  - (b) arguments, inferences, imputations, epithets, ironical expressions, or expressions of opinion, or
  - (c) discreditable references to the House or any member of Parliament or any offensive or unparliamentary expression.
- (2) Questions must not seek a legal opinion.
- (3) A written question must not repeat the substance of a question already lodged in the same calendar year.
- (4) Questions must not refer to proceedings in committee at meetings closed to the public until those proceedings are reported to the House or (subject to Standing Order 115) to a matter awaiting or under adjudication in, or suppressed by an order of, any New Zealand court.
- (5) Where the notice of a question does not comply with the provisions of the Standing Orders, it is not accepted. If, by inadvertence, such a notice is accepted it may be subsequently disallowed by the Speaker unless it is amended or revised so as to comply with the Standing Orders.

**381 Lodging of oral questions**

- (1) Notices of oral questions are lodged by members in writing to the Clerk. A notice of an oral question must be—
  - (a) signed by the member or by another member on the member's behalf, and
  - (b) delivered to the Clerk between 10 am and 10.30 am on the day the question is to be asked.

- (2) Twelve oral questions to Ministers may be accepted each day. Questions will be allocated on a basis that is proportional to party membership in the House. The Business Committee decides the weekly allocation and rotation of questions.
- (3) Oral questions that have been accepted are circulated.

**382 Lodging and publication of written questions and replies**

- (1) Subject to paragraph (2), during a session of Parliament notices of written questions may be lodged no later than 10.30 am on any working day.
- (2) Notices of written questions may not be lodged after the last day on which the House sits in any calendar year or before the first day on which the House sits in the following year.
- (3) Notices of written questions and replies to them—
  - (a) may be lodged with the Clerk only in electronic form, and
  - (b) must be signed by way of an electronic signature by a member of Parliament or by another member on the member's behalf, and
  - (c) are published electronically,—
    - (i) in the case of questions, on the day they are accepted:
    - (ii) in the case of replies, on the third working day following the day on which they are lodged.
- (4) The reply to a written question must be lodged no later than the sixth working day following the day on which the question is published.
- (5) The Speaker may, in exceptional circumstances arising from the operation of the electronic system for written questions, authorise the lodging or publication of questions or replies in a form or within a time other than that specified in this Standing Order.

**383 Time for oral questions**

- (1) Subject to the Standing Orders, oral questions are taken at the time appointed by Standing Order 66.
- (2) The House deals with all oral questions lodged each day.

**384 Asking oral question**

- (1) When an oral question is called by the Speaker, the member in whose name it stands indicates the Minister or member to whom it is addressed and reads it to the House.
- (2) A member may ask an oral question on behalf of a member who is absent when authorised by that member to do so.



**385 Replying to oral question**

- (1) When an oral question has been asked, the Speaker then calls upon the Minister or member to give a reply.
- (2) A Minister or Parliamentary Under-Secretary may answer a question on behalf of another Minister who is not present when a question addressed to the Minister is asked.

**386 Content of replies**

- (1) An answer that seeks to address the question asked must be given if it can be given consistently with the public interest.
- (2) The reply to any question must be concise and confined to the subject-matter of the question asked, and not contain—
  - (a) statements of facts and the names of any persons unless they are strictly necessary to answer the question, or
  - (b) arguments, inferences, imputations, epithets, or ironical expressions, or
  - (c) discreditable references to the House or any member of Parliament or any offensive or unparliamentary expression.
- (3) Replies shall not refer to proceedings in committee at meetings closed to the public that have not yet been reported to the House or (subject to Standing Order 115) to a matter awaiting or under adjudication in, or suppressed by an order of, any New Zealand court.

**387 Supplementary questions**

- (1) At the discretion of the Speaker, a supplementary question may be asked by any member to elucidate or clarify a matter raised in an oral question or in an answer given to a question.
- (2) Supplementary questions cannot be asked on behalf of another member.

**388 Urgent questions**

- (1) Any member desiring to ask a question on the ground of urgency in the public interest may give to the Clerk a copy of the proposed question marked “urgent question”. The member must also give a copy to the Minister to whom it is intended to address the question.
- (2) After oral questions addressed to Ministers have been taken, the Speaker (if the proposed question is one which in the public interest the Speaker considers should be answered immediately) may call upon the member to ask the question.
- (3) The Speaker may permit the member asking an urgent question to ask one supplementary question.

## **DEBATE ON MATTER OF URGENT PUBLIC IMPORTANCE**

### **389 Application for debate**

- (1) A member who wishes the House to debate a matter of urgent public importance must give the Speaker a written statement of the matter proposed to be debated. The written statement must be provided at least one hour before the time fixed for the House to sit or such lesser time as may be allowed by the Speaker.
- (2) The Speaker may allow the debate to be held if, in the Speaker's opinion, the matter—
  - (a) is a particular case of recent occurrence, and
  - (b) involves the administrative or ministerial responsibility of the Government, and
  - (c) requires the immediate attention of the House and the Government.

### **390 Announcement and debate**

- (1) Immediately after oral questions and before the next business of the day is entered upon, the Speaker announces what applications for debate that day have been received.
- (2) In announcing that a debate has been allowed, the Speaker calls on the member who submitted it to move that the House take note of the matter of urgent public importance. There is no amendment on the question. At the conclusion of the debate the motion lapses without any question being put.

### **391 Only one debate on same day**

Only one debate on a matter of urgent public importance may be held on the same day. If more than one written statement is given for the same day and the Speaker considers that each would otherwise justify a debate, the Speaker gives priority to the matter which, in the Speaker's opinion, is the most urgent and important.

## **GENERAL DEBATE**

### **392 General debate each Wednesday**

- (1) Each Wednesday, after questions for oral answer, a general debate is held on a motion that the House take note of miscellaneous business. There is no amendment on the question.
- (2) During a general debate members may raise matters of concern to them. At the conclusion of the debate the motion lapses without any question being put.

- (3) No general debate is held in a week in which the debates on the Address in Reply, the Prime Minister's statement, the Budget, or the Budget policy statement are held, or when the House considers a notice of motion under Standing Order 323(4).

## **WHOLE OF GOVERNMENT DIRECTIONS**

### **393 Whole of government directions**

- (1) Any whole of government direction stands referred to the Finance and Expenditure Committee.
- (2) The Finance and Expenditure Committee will consider the subject area of the direction and,—
- (a) if the direction's subject area is primarily within the committee's own terms of reference, retain it for examination, or
  - (b) if the direction's subject area is primarily within the terms of reference of another select committee, refer it to that committee for examination.
- (3) The Finance and Expenditure Committee, or any committee to which it has referred a direction for examination, must report to the House on the direction no later than 12 sitting days after its referral to the committee.

## **CIVIL DEFENCE**

### **394 Civil defence**

- (1) Any national civil defence emergency management strategy and any proposed civil defence emergency management plan stand referred to the Government Administration Committee.
- (2) The Government Administration Committee must report to the House on a national civil defence emergency management strategy no later than 12 sitting days after its referral to the committee.

## **OFFICERS OF PARLIAMENT**

### **395 Functions of Officers of Parliament Committee**

- (1) The Officers of Parliament Committee considers and recommends to the House,—
- (a) in respect of each Office of Parliament, an estimate of appropriations for inclusion as a Vote in an Appropriation Bill, and any alteration to such a Vote:
  - (b) an auditor to be appointed by the House to audit the financial statements of each Office of Parliament:

- (c) any proposal referred to it by a Minister for the creation of an Officer of Parliament:
  - (d) the appointment of persons as Officers of Parliament.
- (2) The committee may develop or review a code of practice applicable to any or all Officers of Parliament.

### **396 Reports of Officers of Parliament**

- (1) A report from an Officer of Parliament, other than an annual report, stands referred,—
- (a) in the case of a report of the Controller and Auditor-General, to the Finance and Expenditure Committee:
  - (b) in the case of a report of the Ombudsmen or an Ombudsman, to the Government Administration Committee:
  - (c) in the case of a report of the Parliamentary Commissioner for the Environment, to the Local Government and Environment Committee.
- (2) The committee to which a report stands referred under paragraph (1) may consider the report itself or, if the report is primarily within the terms of reference of another select committee, refer the report to that committee for consideration.

## **INTERNATIONAL TREATIES**

### **397 Presentation and referral of treaties**

- (1) The Government will present the following international treaties to the House:
- (a) any treaty that is to be subject to ratification, accession, acceptance, or approval by New Zealand:
  - (b) any treaty that has been subject to ratification, accession, acceptance, or approval on an urgent basis in the national interest:
  - (c) any treaty that has been subject to ratification, accession, acceptance, or approval and that is to be subject to withdrawal or denunciation by New Zealand:
  - (d) any major bilateral treaty of particular significance, not otherwise covered by subparagraph (a), that the Minister of Foreign Affairs and Trade decides to present to the House.
- (2) A national interest analysis for the treaty, which addresses all the matters set out in Standing Order 398, will be presented at the same time as the treaty.
- (3) Both the treaty and the national interest analysis stand referred to the Foreign Affairs, Defence and Trade Committee.

**398 National interest analysis**

- (1) A national interest analysis must address the following matters:
  - (a) the reasons for New Zealand becoming party to the treaty:
  - (b) the advantages and disadvantages to New Zealand of the treaty entering into force for New Zealand:
  - (c) the obligations which would be imposed on New Zealand by the treaty, and the position in respect of reservations to the treaty:
  - (d) the economic, social, cultural, and environmental effects of the treaty entering into force for New Zealand, and of the treaty not entering into force for New Zealand:
  - (e) the costs to New Zealand of compliance with the treaty:
  - (f) the possibility of any subsequent protocols (or other amendments) to the treaty, and of their likely effects:
  - (g) the measures which could or should be adopted to implement the treaty, and the intentions of the Government in relation to such measures, including legislation:
  - (h) a statement setting out the consultations which have been undertaken or are proposed with the community and interested parties in respect of the treaty:
  - (i) whether the treaty provides for withdrawal or denunciation.
- (2) In the case of a treaty that has been subject to ratification, accession, acceptance, or approval on an urgent basis in the national interest, the national interest analysis must also explain the reasons for the urgent action taken.
- (3) In the case of a treaty that has been subject to ratification, accession, acceptance, or approval and that is to be subject to withdrawal or denunciation by New Zealand, the national interest analysis must address the matters set out in paragraph (1) to the full extent applicable to that proposed action.

**399 Select committee consideration of treaties**

- (1) The Foreign Affairs, Defence and Trade Committee considers the subject area of the treaty and,—
  - (a) if that subject area is primarily within the committee's own terms of reference, retains the treaty for examination, or
  - (b) if that subject area is primarily within the terms of reference of another select committee, refers the treaty to that committee for examination.
- (2) If the Foreign Affairs, Defence and Trade Committee is not due to meet within seven days of the presentation of a treaty, and the

subject area of the treaty is clearly within the terms of reference of another select committee, the chairperson may refer the treaty to that committee for examination.

**400 Reports by select committees on treaties**

- (1) A select committee must report to the House on any treaty that has been referred to it.
- (2) In examining a treaty and the accompanying national interest analysis, the committee considers whether the treaty ought to be drawn to the attention of the House—
  - (a) on any of the grounds covered by the national interest analysis, or
  - (b) for any other reason.
- (3) The committee must include the national interest analysis as an appendix to its report.

## CHAPTER 8

### PARLIAMENTARY PRIVILEGE

#### **401 Privileges Committee**

- (1) The Privileges Committee considers and reports on any matter referred to it by the House relating to or concerning parliamentary privilege.
- (2) The committee has the power to send for persons, papers, and records.

#### **402 Raising a matter of privilege**

- (1) A member may raise a matter of privilege with the Speaker in writing at the earliest opportunity.
- (2) In any case a matter of privilege must be raised before the next sitting of the House or, if the matter relates to the proceedings of a select committee, before the commencement of the sitting of the House following the day of the next meeting of the committee concerned.
- (3) If, in the Speaker's opinion, a matter of privilege is raised that should be treated as a request that the Registrar of Pecuniary and Other Specified Interests of Members of Parliament conduct an inquiry under clause 16 of Appendix B, the Speaker forwards the matter to the Registrar without considering it further.
- (4) A matter of privilege relating to the conduct of strangers present may be raised forthwith in the House and dealt with in such way as the Speaker determines.

#### **403 Allegation of breach of privilege or contempt**

An allegation of breach of privilege or of contempt must be formulated as precisely as possible so as to give any person against whom it is made a full opportunity to respond to it.

#### **404 Consideration by Speaker**

- (1) The Speaker considers a matter of privilege and determines if a question of privilege is involved.
- (2) In considering if a question of privilege is involved, the Speaker takes account of the degree of importance of the matter which has been raised.
- (3) No question of privilege is involved if the matter is technical or trivial and does not warrant the further attention of the House.

**405 Members to be informed of allegations against them**

Any member raising a matter of privilege which involves another member of the House must, as soon as reasonably practicable after raising the matter, forward to that other member a copy of the matter that has been raised with the Speaker.

**406 Speaker's ruling**

- (1) If the Speaker considers that a matter involves a question of privilege, this is reported to the House at the first opportunity.
- (2) The Speaker will not report to the House that a matter involving another member involves a question of privilege without first informing that member that it is intended to do so.

**407 Question of privilege stands referred to Privileges Committee**

Any matter reported to the House by the Speaker, or by the Registrar of Pecuniary and Other Specified Interests of Members of Parliament under Appendix B, as involving a question of privilege stands referred to the Privileges Committee.

**408 Maker of allegation not to serve on inquiry**

A member who makes an allegation of breach of privilege or of contempt may not serve on an inquiry into that allegation.

**409 Contempt of House**

- (1) The House may treat as a contempt any act or omission which—
  - (a) obstructs or impedes the House in the performance of its functions, or
  - (b) obstructs or impedes any member or officer of the House in the discharge of the member's or officer's duty, or
  - (c) has a tendency, directly or indirectly, to produce such a result.
- (2) In deciding whether or not to treat any act or omission as a contempt, the House may consider—
  - (a) the conduct of any person taking part in parliamentary proceedings:
  - (b) the nature of any action taken against any person on account of that person's actions when taking part in parliamentary proceedings.

**410 Examples of contempts**

Without limiting the generality of Standing Order 409, the House may treat as a contempt any of the following:

- (a) the breach of one of the privileges of the House:
- (b) deliberately attempting to mislead the House or a committee (by way of statement, evidence, or petition):



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- (c) serving legal process or causing legal process to be served within the parliamentary precincts, without the authority of the House or the Speaker, on any day on which the House sits or a committee meets:
  - (d) removing, without authority, any papers or records belonging to the House:
  - (e) falsifying or altering any papers or records belonging to the House:
  - (f) as a member, failing to declare, before participating in the consideration of any item of business, any financial interest that the member has in that business:
  - (g) as a member, knowingly failing to make a return of pecuniary and other specified interests by the due date:
  - (h) as a member, knowingly providing false or misleading information in a return of pecuniary and other specified interests:
  - (i) as a member, requesting without any reasonable grounds that the Registrar of Pecuniary and Other Specified Interests of Members of Parliament conduct an inquiry into another member under clause 16 of Appendix B:
  - (j) as a member, receiving or soliciting a bribe to influence the member's conduct in respect of proceedings in the House or at a committee:
  - (k) as a member, accepting fees for professional services rendered by the member in connection with proceedings in the House or at a committee:
  - (l) offering or attempting to bribe a member to influence the member's conduct in respect of proceedings in the House or at a committee:
  - (m) assaulting, threatening, or intimidating a member or an officer of the House acting in the discharge of the member's or the officer's duty:
  - (n) obstructing or molesting a member or an officer of the House in the discharge of the member's or the officer's duty:
  - (o) reflecting on the character or conduct of the House or of a member in the member's capacity as a member of the House:
  - (p) misconducting oneself in the presence of the House or a committee:
  - (q) divulging the proceedings or the report of a select committee or a subcommittee contrary to the Standing Orders:
  - (r) publishing a false or misleading account of proceedings before the House or a committee:

- (s) failing to attend before the House or a committee after being ordered to do so:
- (t) failing to obey an order of the House or a summons issued by order of the House or by the Speaker:
- (u) intimidating, preventing, or hindering a witness from giving evidence, or giving evidence in full, to the House or a committee:
- (v) refusing to answer a question as ordered by the House or a committee:
- (w) assaulting, threatening, or disadvantaging a member on account of the member's conduct in Parliament:
- (x) assaulting, threatening, or disadvantaging a person on account of evidence given by that person to the House or a committee:
- (y) knowingly making reference to a matter that is suppressed by an order of a New Zealand court, contrary to the Standing Orders, in any proceedings of the House or of a committee.

**411 Reference to parliamentary proceedings before court**

- (1) Subject to this Standing Order, permission of the House is not required for reference to be made to proceedings in Parliament in any proceedings before a court.
- (2) Reference to proceedings in Parliament is subject always to article 9 of section 1 of the Bill of Rights 1688, which prohibits the impeaching or calling into question in a court of such proceedings. Nothing in paragraph (1) is intended to derogate from the operation of article 9.
- (3) Paragraph (1) does not authorise reference to proceedings in Parliament contrary to any Standing Order or other order of the House relating to the disclosure of proceedings of the House or of a committee of the House.

**412 Evidence of proceedings not to be given**

The Clerk and other officers of the House and any other person employed to make a transcript of proceedings of the House or of a committee may not give evidence of proceedings in Parliament without the authority of the House.

## APPENDIX A

### TIME LIMITS OF SPEECHES AND DEBATES

<i>Item of business and member speaking</i>	<i>Times for speeches or debates</i>
<b>GENERAL PROCEDURES</b>	
<b>Debates not otherwise provided for</b>	
Each member	10 minutes
<b>Amendments</b>	
Each member	Same as on the original motion
<b>Committees of the whole House</b>	
On questions not otherwise provided for—	
Minister or member in charge of business	Multiple speeches of 5 minutes each, but normally not more than 2 consecutive speeches
Other members	Not more than 4 speeches of 5 minutes each
<b>LEGISLATIVE PROCEDURES</b>	
<b>First reading of Government bills</b>	
Each member	10 minutes
Whole debate	12 speeches
<b>First reading of Members' bills, private bills, and local bills</b>	
First two members speaking	10 minutes
Other members	5 minutes
Member in charge of bill in reply	5 minutes
Whole debate (including reply)	11 speeches
<b>Second reading of bills</b>	
Each member	10 minutes
Whole debate	12 speeches
<b>Committee of the whole House</b>	
Each Part or provision—	
Minister or member in charge of bill	Multiple speeches of 5 minutes each, but normally not more than 2 consecutive speeches
Other members	Not more than 4 speeches of 5 minutes each
<b>Third reading of bills</b>	
Each member	10 minutes
Whole debate	12 speeches

*Item of business and member speaking*      *Times for speeches or debates*

## **FINANCIAL PROCEDURES**

### **Imprest Supply Bill**

On second reading—	
Each member	10 minutes
Whole debate	2 hours

### **Debates on Budget policy statement debate, statement on long-term fiscal position, and investment statement**

Each member	10 minutes
Whole debate	12 speeches

### **Budget debate (second reading of main Appropriation Bill)**

Minister in charge of bill, on first speaking	Unlimited
Specified party leaders	20 minutes each
Other members	10 minutes each
Minister in reply	10 minutes
Whole debate (excluding delivery of the Budget statement)	15 hours

### **Estimates debate (committee of the whole House stage of main Appropriation Bill)**

Minister in charge of the Vote	Multiple speeches of 5 minutes each, but normally not more than 2 consecutive speeches
Other members speaking on each Vote	Not more than 2 speeches of 5 minutes each
Whole debate	11 hours

### **Third reading of main Appropriation Bill (including with second reading of Imprest Supply Bill)**

Each member	10 minutes
Whole debate	3 hours

### **Appropriation (Supplementary Estimates) Bill (including with second reading of Imprest Supply Bill)**

On second reading—	
Each member	10 minutes
Whole debate	2 hours

### **Annual review debate (committee of the whole House stage of Appropriation (Confirmation and Validation) Bill)**

Minister in charge of the annual financial statements of the Government for the previous financial year, or Minister responsible for department or Office of Parliament	Multiple speeches of 5 minutes each, but normally not more than 2 consecutive speeches
Other members speaking on each annual review	Not more than 2 speeches of 5 minutes each
Whole debate	4 hours

*Item of business and member speaking*      *Times for speeches or debates*

**Consideration of annual reviews of Crown entities, public organisations, and State enterprises**

Minister responsible for Crown entity, public organisation, or State enterprise	Multiple speeches of 5 minutes each, but normally not more than 2 consecutive speeches
Other members speaking on each annual review	Not more than 2 speeches of 5 minutes each
Whole debate	3 hours

**NON-LEGISLATIVE PROCEDURES**

**Address in Reply**

Specified party leaders	30 minutes each
Members making maiden speeches	15 minutes each
Other members	10 minutes each
Whole debate	19 hours

**Debate on Prime Minister's statement**

Prime Minister and specified party leaders	20 minutes each
Other members	10 minutes each
Whole debate	13 hours

**Ministerial statement and comment on it**

Minister making statement and specified party leaders	5 minutes each
Minister in reply	2 minutes

**Maiden statement**

Member making maiden statement	15 minutes
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**Valedictory statement**

Member making valedictory statement	15 minutes, subject to the discretion of the Speaker taking into account the length of service of the member
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**Debate on motion to take note of matter of urgent public importance**

Mover and next speaker	15 minutes each
Subsequent six members	10 minutes each

**General debate each Wednesday**

Each member	5 minutes each
Whole debate	12 speeches

**NOTE:**

The term **specified party leader** means a member who is the leader of a party represented in the House by six or more members (inclusive of the leader) or a member authorised by that leader.

## APPENDIX B

### PECUNIARY AND OTHER SPECIFIED INTERESTS

#### INTRODUCTION

##### 1 Introduction

- (1) This Appendix establishes the Register of Members' Pecuniary and Other Specified Interests.
- (2) The Appendix sets out requirements for members to make returns declaring interests that—
  - (a) are financial, business, or personal, and
  - (b) are specified in this Appendix, and
  - (c) are held by a member at the effective date of the return or have been received by a member in the period covered by the return, as appropriate.
- (3) The purpose of the register is to facilitate the transaction of business by the House by promoting the highest standards of behaviour and conduct by members, and thereby strengthening public trust and confidence in parliamentary processes and decision-making.
- (4) A person making a decision in the course of complying with this Appendix must be guided by the register's purpose.

#### PART 1

##### 2 Definitions

- (1) For the purposes of the return and registration of pecuniary and other specified interests, unless the context otherwise requires,—

**business entity**—

  - (a) means any body or organisation, whether incorporated or unincorporated, that carries on any profession, trade, manufacture, or undertaking for pecuniary profit, and
  - (b) includes a business activity carried on by a sole proprietor, and
  - (c) does not include a unit trust

**company** means—

  - (a) a company registered under Part 2 of the Companies Act 1993:
  - (b) a body corporate that is incorporated outside New Zealand

**effective date of the return** means the date as at which the return is effective as required by clause 3(1) or clause 4(1) (as the case may be)

**employed**—

- (a) means employed under a contract of service, but
- (b) does not include holding the position of a member of Parliament or any other position for which the person in question would not be qualified unless he or she had been elected a member of Parliament (for example, the position of Minister of the Crown, Parliamentary Under-Secretary, Leader of the Opposition, or Whip)

**general election** means the election that takes place after the dissolution or expiration of Parliament

**Government funding** means funding from any one or more of the following:

- (a) the Crown;
- (b) any Crown entity;
- (c) any State enterprise

**other specified interest** means a matter or activity that may not be of financial benefit to the member and that is required to be declared under clause 5 or clause 8

**pecuniary interest** means a matter or activity of financial benefit to the member that is required to be declared under clause 5 or clause 8

**polling day**, in relation to any election, means the day appointed in the writ for that election for the polling to take place if a poll is required

**register** means the Register of Pecuniary and Other Specified Interests of Members of Parliament established by clause 12

**registered superannuation scheme** means any superannuation scheme that is registered under the Superannuation Schemes Act 1989 (including any scheme referred to in section 19H of the Government Superannuation Fund Act 1956)

**Registrar** means the Registrar of Pecuniary and Other Specified Interests of Members of Parliament, and—

- (a) is the Deputy Clerk or a person appointed under clause 13 to act as Registrar;
- (b) includes every person who has been authorised by the Registrar to act on his or her behalf under the Standing Orders

**return** means a return of pecuniary and other specified interests required to be made under this Appendix

**voting right** means a currently exercisable right to cast a vote at meetings of the owners or proprietors of a business entity, not being a right to vote that is exercisable only in relation to a special, immaterial, or remote matter that is inconsequential to control of the entity.

- (2) Every amount specified in this Appendix is inclusive of goods and services tax (if any).
- (3) Every reference in this Appendix to a person elected at an election includes a person elected as a consequence of a recount or an election petition relating to that election.

### **3 Duty to make initial return**

- (1) Every member must make an initial return as at the day that is 90 days after the date that the member takes the oath or makes the affirmation required by section 11(1) of the Constitution Act 1986.
- (2) Subclause (1) does not apply if,—
  - (a) in the case of a member who is elected at an election, polling day for the election is after 1 July in the year of the election, or
  - (b) in the case of a member who is declared to be elected under section 137 of the Electoral Act 1993, the date that the member's election is notified in the *Gazette* is after 1 July in the year that the member is declared to be elected.
- (3) An initial return must be transmitted by the member to the Registrar within 30 days of the effective date of the return.

### **4 Duty to make annual return**

- (1) Every member must make an annual return in each year as at 31 January.
- (2) The annual return must be transmitted by the member to the Registrar by the last day of February in each year in which an annual return must be made.

### **5 Contents of return relating to member's position as at effective date of return**

- (1) Every return must contain the following information as at the effective date of the return:
  - (a) the name of each company of which the member is a director or holds or controls more than 5 percent of the voting rights and a description of the main business activities of each of those companies, and
  - (b) the name of every other company or business entity in which the member has a pecuniary interest, other than an interest as a unit holder in a unit trust, and a description of



- the main business activities of each of those companies or entities, and
- (c) if the member is employed, the name of each employer of the member and a description of the main business activities of each of those employers, and
  - (d) the name of the trust, and whether the member is a trustee, a beneficiary, or both, for each trust to which the following apply:
    - (i) the member knows or ought reasonably to know that the member is a beneficiary or a trustee or both of it, and
    - (ii) it is not a trust whose name is disclosed under subclause (1)(e), and
    - (iii) it is not a registered superannuation scheme whose name is disclosed under subclause (1)(h), and
  - (e) if the member is a member of the governing body of an organisation or a trustee of a trust that receives, or has applied to receive, Government funding, the name of that organisation or trust and a description of the main activities of that organisation or trust, unless the organisation or trust is a Government department, a Crown entity, or a State enterprise, and
  - (f) the location of real property in which the member has a legal interest, other than an interest as a trustee, and a description of the nature of the real property, and
  - (g) the location of real property, and a description of the nature of the real property, held by a trust to which the following apply:
    - (i) the member is a beneficiary of it, and
    - (ii) the member knows or ought reasonably to know that the member is a beneficiary of it, and
    - (iii) it is not a unit trust whose name is disclosed under subclause (1)(d), and
    - (iv) it is not a registered superannuation scheme whose membership is open to the public and whose name is disclosed under subclause (1)(h), and
  - (h) the name of each registered superannuation scheme in which the member has a pecuniary interest, and
  - (i) the name of each debtor of the member who owes more than \$50,000 to the member and a description, but not the amount, of each of the debts that are owed to the member by those debtors, and

- (j) the name of each creditor of the member to whom the member owes more than \$50,000 and a description, but not the amount, of each of the debts that are owed by the member to those creditors.
- (2) For the purposes of subclause (1)(b), a member does not have a pecuniary interest in a company or business entity (entity A) merely because the member has a pecuniary interest in another company or business entity that has a pecuniary interest in entity A.
- (3) For the purposes of subclause (1)(e), a member who is patron or vice-patron of an organisation that receives, or has applied to receive, Government funding, and who is not also a member of its governing body, does not have to name the organisation, unless the member has been actively involved in seeking such funding during the period specified in clause 9.
- (4) For the purposes of subclause (1)(i) and (j), a member must also declare if the rate of interest payable in relation to any debt owed to a person other than a registered bank as defined in section 2(1) of the Reserve Bank of New Zealand Act 1989, or a building society as defined in section 2 of the Building Societies Act 1965, is less than the normal market interest rate that applied at the time the debt was incurred or, if the terms of the debt are amended, at the time of that amendment.

**6 Relationship property settlements and debts owed by certain family members do not have to be disclosed**

A member does not have to disclose—

- (a) a relationship property settlement, whether the member is a debtor or creditor in respect of the settlement, or
- (b) the name of any debtor of the member and a description of the debt owed by that debtor if the debtor is the member's spouse or partner or any parent, child, stepchild, foster-child, or grandchild of the member.

**7 Short-term debts for supply of goods or services do not have to be disclosed**

A member does not have to disclose the name of any debtor or creditor of the member and a description of the debt owed by that debtor or to that creditor if the debt is for the supply of goods or services and payment is required—

- (a) within 90 days after the supply of the goods or services, or
- (b) because the supply of the goods or services is continuous and periodic invoices are rendered for the goods or services, within 90 days after the date of an invoice rendered for those goods or services.

## **8 Contents of return relating to member's activities for period ending on effective date of return**

- (1) Every return must contain the following information for the period specified in clause 9:
  - (a) for each country (other than New Zealand) that the member travelled to,—
    - (i) the name of the country, and
    - (ii) the purpose of travelling to the country, and
    - (iii) the name of each person who contributed (in whole or in part) to the costs of the travel to and from the country, and
    - (iv) the name of each person who contributed (in whole or in part) to the accommodation costs incurred by the member while in the country, and
  - (b) a description of each gift, and the name of its donor if the member knows the name or can reasonably ascertain it, that the member receives in the period covered by the return and—
    - (i) that has an estimated market value in New Zealand of more than \$500, or
    - (ii) that has an estimated market value in New Zealand of \$500 or less, is given by a donor who gives the member more than one gift in the period, and contributes to a total value of gifts to the member from the donor in the period of more than \$500 not counting a gift declared under subparagraph (i), and
  - (c) a description of all debts of more than \$500 that were owing by the member that were discharged or paid (in whole or in part) by any other person and the names of each of those persons, and
  - (d) a description of each payment received, and not previously declared, by the member for activities in which the member was involved, including the source of each payment, except that a description is not required of any payment that is—
    - (i) paid as salary or allowances under the Members of Parliament (Remuneration and Services) Act 2013 or the Remuneration Authority Act 1977, or as a funding entitlement for parliamentary purposes under the Parliamentary Service Act 2000:

- (ii) paid in respect of any activity in which the member concluded his or her involvement prior to becoming a member (that is, before the commencement of a period set out in clause 9(2)(b) or (d), as applicable).
- (2) The information referred to in subclause (1)(a) does not have to be included in the return if the travel costs or accommodation costs (as the case may be) were paid by the following or any combination of the following:
  - (a) the member:
  - (b) the member's spouse or partner:
  - (c) any parent, child, stepchild, foster-child, or grandchild of the member:
  - (d) the Crown:
  - (e) any government, parliament, or international parliamentary organisation that paid the travel costs or accommodation costs because the member was participating in the official inter-parliamentary relations programme funded by the Office of the Clerk.
- (3) For the purposes of subclause (1)(b), **gift**—
  - (a) includes hospitality and donations in cash or kind other than donations disclosed under Part 6A of the Electoral Act 1993:
  - (b) excludes gifts received from family members (that is, any of the following: the member's spouse or partner or any parent, child, stepchild, foster-child, or grandchild of the member).
- (4) For the purposes of subclause (1)(c), **debt** excludes debts discharged by family members (that is, any of the following: the member's spouse or partner or any parent, child, stepchild, foster-child, or grandchild of the member).
- (5) For the purposes of subclause (1)(d), a description of a payment is required if the terms of the payment have been agreed in the period specified in clause 9, even if the payment has not been received during that period.

## **9 Period covered by return**

- (1) The period for which the information specified in clause 8 must be provided is the 12-month period ending on the effective date of the return.
- (2) However,—
  - (a) a member does not have to include any information specified in clause 8 that has been included in a previous return:

- (b) if the member is elected at an election and the member was not also a member of Parliament immediately before that election and the return is the first return required to be made by the member after that election, the period for which the information specified in clause 8 must be provided is the period beginning on polling day for that election and ending on the effective date of that return:
  - (c) if an initial return is required to be made by a member elected at a general election who was also a member of Parliament immediately before that general election, the period for which the information specified in clause 8 must be provided is the period beginning on 1 February in the year in which the general election is held and ending on the effective date of that return:
  - (d) if the member is declared to be elected under section 137 of the Electoral Act 1993 and the return is the first return required to be made by the member after being elected, the period for which the information specified in clause 8 must be provided is the period beginning on the date that the member's election is notified in the *Gazette* and ending on the effective date of that return:
  - (e) if the previous return that the member had a duty to make was an initial return, the period for which the information specified in clause 8 must be provided is the period beginning on the day after the effective date of that initial return and ending on the effective date of the return that must be made.
- (3) For the purposes of subclause (2)(b) and (d), the first return required to be made by a member may be either an initial return or an annual return.

#### **10 Actual value, amount, or extent not required**

Nothing in this Appendix requires the disclosure of the actual value, amount, or extent of any asset, payment, interest, gift, contribution, or debt.

#### **11 Form of returns**

Returns must be either—

- (a) in a form specifically prescribed by the House, or
- (b) in a form approved by the Registrar.

## **PART 2**

### **12 Register of Pecuniary and Other Specified Interests of Members of Parliament**

- (1) A register called the Register of Pecuniary and Other Specified Interests of Members of Parliament is established.
- (2) The register comprises all returns transmitted by members under this Appendix.

### **13 Office of Registrar**

The office of Registrar of Pecuniary and Other Specified Interests of Members of Parliament is held by the Deputy Clerk or a person appointed by the Clerk, with the agreement of the Speaker, to act as Registrar.

### **14 Functions of Registrar**

The functions of the Registrar are to—

- (a) compile and maintain the register;
- (b) provide advice and guidance to members in connection with their obligations under this Appendix;
- (c) receive and determine requests for an inquiry under clause 16, and, if the Registrar thinks fit, conduct and report to the House on any such inquiry.

### **15 Auditor-General's review**

- (1) The Registrar must supply to the Controller and Auditor-General a copy of every return within 21 days of the date by which all returns are due. The Registrar may, as the Registrar thinks fit, supply to the Auditor-General any other information relating to a return.
- (2) The Auditor-General will review the returns provided under subclause (1) as soon as is reasonably practicable, and will advise the Registrar of any matters arising from the review.

### **16 Registrar's inquiry**

- (1) A member who has reasonable grounds to believe that another member has not complied with his or her obligations to make a return may request that the Registrar conduct an inquiry into the matter.
- (2) The request must be in writing, signed, and set out—
  - (a) the specific matter that the member believes to be a failure to comply, and
  - (b) the reasonable grounds for that belief.

- (3) A member who makes a request for an inquiry under this clause must, as soon as reasonably practicable, forward a copy of the request to the member who is the subject of the request.
- (4) On receiving a request, the Registrar conducts a preliminary review of the request to determine if, in the Registrar's opinion, an inquiry is warranted. In making a determination under this subclause, the Registrar takes account of the degree of importance of the matter under inquiry, and whether the matter—
  - (a) may involve a breach of the obligations to make a return:
  - (b) is technical or trivial.
- (5) On determining whether an inquiry is warranted, the Registrar must inform the member who made the request of this determination, and must also inform the member who was the subject of the request.
- (6) If the Registrar determines that an inquiry is warranted, the Registrar conducts an inquiry.
- (7) In conducting the inquiry, the Registrar—
  - (a) must invite the member who is the subject of the inquiry to provide a response to the matter under inquiry within 10 working days (provided that the Registrar and the member may agree on a different period of time for the member's response):
  - (b) may seek further information from the member who made the request for an inquiry, from the member who is the subject of the inquiry, and from any other person that the Registrar considers may have relevant information:
  - (c) may seek assistance or advice from the Auditor-General or from any other person, as the Registrar sees fit:
  - (d) may disclose any return or returns and information relevant to the inquiry to a person providing assistance or advice under paragraph (c).
- (8) The Registrar may,—
  - (a) if the Registrar considers that the matter under inquiry does not involve a breach of the obligations to make a return, or is so minor as not to warrant the further attention of the House, determine that no further action is required:
  - (b) if the Registrar considers that the matter under inquiry involves an inadvertent or minor breach of the obligations to make a return, advise the member who is the subject of the inquiry to submit an amendment to the member's return or returns to remedy the breach:

- (c) determine that the matter under inquiry involves a question of privilege, and report this to the House at the first opportunity;
  - (d) report to the House on any other matter that may warrant the further attention of the House.
- (9) Any report of the Registrar is presented by the Speaker to the House and published under the authority of the House.

**17 Information on Registrar's inquiry**

- (1) A request under clause 16 and all information relating to the Registrar's consideration of that request are confidential until the Registrar determines whether to conduct an inquiry in respect of the request.
- (2) After determining whether an inquiry is warranted under clause 16, and after informing members under clause 16(5), the Registrar may, at the Registrar's discretion, disclose any or all of the following information:
- (a) the name of the member who made the request;
  - (b) the date on which the request was received;
  - (c) the name of the member who was the subject of the request;
  - (d) the particular requirement or requirements in this Appendix to which the request relates.
- (3) The proceedings of the conduct of an inquiry are strictly confidential, subject to clause 16(7) and (8).
- (4) All returns and information disclosed to a person by the Registrar under clause 16(7)(d) are confidential and must be returned to the Registrar or destroyed when that person's involvement in the inquiry is concluded.
- (5) If the Registrar completes an inquiry under clause 16 without making a report to the House, the Registrar—
- (a) must communicate the result of the inquiry to the member who requested the inquiry and the member who was the subject of the inquiry;
  - (b) publishes the result of the inquiry to the Parliament website.
- (6) If the Registrar reports to the House that the matter under inquiry involves a question of privilege, the Registrar—
- (a) must, before reporting to the House, inform the member that is the subject of the inquiry that it is intended to do so, and
  - (b) includes in the report any information relating to the inquiry that the Registrar considers is necessary to inform the House of the matter, and



- (c) forwards to the Privileges Committee any information relating to the inquiry that the Registrar considers is necessary for the committee's consideration of the report.
- (7) In considering a question of privilege determined by the Registrar, the Privileges Committee may request from the Registrar information that it considers is necessary for the committee's consideration. The Registrar decides whether to provide the information requested.
- (8) Information provided by the Registrar to the Privileges Committee under subclauses (6)(c) or (7) is received by the committee as evidence in private, unless it is received in secret.

## **18 Registrar must publish summary of returns of current members of Parliament**

- (1) The Registrar must, within 90 days of the due date for transmitting any initial returns that are required to be made following a general election, publish on a website and in booklet form a summary containing a fair and accurate description of the information contained in those initial returns that has been transmitted by persons who, at the date of publication, are members of Parliament.
- (2) The Registrar must, within 90 days of the due date for transmitting annual returns, publish on a website and in booklet form a summary containing a fair and accurate description of the information contained in those annual returns that has been transmitted by persons who, at the date of publication, are members of Parliament.
- (3) The Registrar must promptly provide a copy of the booklet to the Speaker.
- (4) The Registrar must ensure that a summary containing a fair and accurate description of information contained in all returns is—
  - (a) maintained on a website:
  - (b) available for inspection by any person at Parliament Buildings in Wellington on every working day between the hours of 10 am and 4 pm.
- (5) Subclause (4) does not apply in respect of information contained in the annual return of any member who has ceased to be a member of Parliament after submitting a return and before the information is published under subclause (4).
- (6) A person may take a copy of any part of the summary referred to in subclause (4)(b) on the payment of a fee (if any) specified by the House.

**19 Speaker must present copy of booklet to House of Representatives**

The Speaker must, as soon as practicable after receipt of a copy of a booklet under clause 18(3), present a copy of the booklet to the House.

**20 Errors or omissions**

- (1) Any member who becomes aware of an error or omission in any return previously made by that member must advise the Registrar of that error or omission as soon as practicable after becoming aware of it.
- (2) The Registrar may, at the Registrar's own discretion, publish amendments on a website to correct errors or omissions advised under subclause (1).
- (3) Nothing in this Appendix requires members to advise the Registrar of changes to their interests that have occurred since the effective date of their last return.

**21 Information about register**

- (1) Subject to clauses 15, 16, and 17, all returns and information held by the Registrar or by the Auditor-General relating to an individual member are confidential until destroyed under subclause (2).
- (2) On the dissolution or expiration of Parliament, all returns and information that have been held for three complete terms of Parliament by the Registrar or by the Auditor-General relating to individual members must be destroyed.

**22 Responsibilities of members and Registrar**

- (1) It is the responsibility of each member to ensure that he or she fulfils the obligations imposed on the member by this Appendix.
- (2) The Registrar is not required to—
  - (a) notify any member of that member's failure to transmit a return by the due date or of any error or omission in that member's return, or
  - (b) obtain any return from a member.

## APPENDIX C

### PRELIMINARY PROCEDURES FOR PRIVATE BILLS AND LOCAL BILLS AND LOCAL LEGISLATION BILLS

#### PRIVATE BILLS AND LOCAL BILLS

##### 1 Notice to be given

The promoter of a private bill or a local bill must give written notice of the intention to introduce the bill before the bill can be introduced.

##### 2 Form and content of notice

- (1) Every notice must be headed with the title by which the Act is to be known.
- (2) The notice must state—
  - (a) that it is the intention of the promoter to promote the bill, and
  - (b) the objects of the bill, and
  - (c) the postal address of the promoter, or the promoter's solicitor or agent, to which communications may be sent, and
  - (d) the address of the promoter, or other place specified in clause 7, at which a copy of the bill may be inspected, and
  - (e) the website on which a copy of the bill is publicly available, and
  - (f) the dates of the period during which the bill will be available for inspection.

##### 3 Publication of notice

- (1) A notice must be published at least once in each of two consecutive calendar weeks,—
  - (a) if for a private bill, in a daily newspaper circulating in each of the cities of Auckland, Hamilton, Wellington, Christchurch, and Dunedin:
  - (b) if for a private bill affecting any land or if for a local bill—
    - (i) in one or more daily newspapers circulating in the locality in which the land is situated or the region or district of the local authority, or

- (ii) in one or more other newspapers that have at least an equivalent circulation in that locality or region or district to the daily newspapers circulating in that region or district.
- (2) The promoter or the promoter's solicitor or agent must ensure that the notice is publicly available on a website that is maintained by or on behalf of the promoter or the promoter's solicitor or agent, for at least two calendar weeks after the day on which the notice is first published under paragraph (1).

#### **4 Notice to persons with direct interest**

- (1) The promoter of a private bill or local bill must give notice to every person who, to the knowledge of the promoter, has a direct interest in the subject-matter of the bill or in the exercise of any power proposed to be given by the bill.
- (2) Without limiting the generality of paragraph (1), notice must be given,—
  - (a) if the bill may affect the public revenues or the rights and prerogatives of the Crown, to the Secretary to the Treasury and the Solicitor-General:
  - (b) if the bill proposes to modify, restrict, repeal, or amend the provisions of an Act of Parliament, to the chief executive of the Government department or agency charged with the administration of that Act:
  - (c) if the bill may affect liability under an Inland Revenue Act, to the Commissioner of Inland Revenue:
  - (d) if the bill may affect liability to excise duty or a related duty, to the chief executive of the New Zealand Customs Service:
  - (e) if the bill involves the alienation or disposal of Crown land or the exchange of Crown land for other land, to the Commissioner of Crown Lands:
  - (f) if the bill affects land administered under enactments for the time being relating to reserves, national parks, conservation areas, or otherwise for conservation purposes, to the chief executive of the responsible department:
  - (g) if the bill relates to the transfer of title to land, to the Registrar-General of Land:
  - (h) if the bill affects a charitable trust, to the Solicitor-General:
  - (i) if the bill affects the incorporation or registration of any body corporate, to the relevant registering authority.

## **5 Notice to constituency members of Parliament**

- (1) The promoter of a local bill must give notice to every member of Parliament for a General or Māori electoral district whose constituents may be affected by the provisions of the bill.
- (2) The chief executive of the promoter of a local bill must certify that each such member, by name, has been given notice, and the certificate must—
  - (a) specify the date on which notice was given, and
  - (b) be signed by the chief executive, and
  - (c) be dated.

## **6 Delivery of notices**

- (1) Notice is given under clause 4 or 5 by—
  - (a) having it delivered to the person or the office of the department or agency concerned, or
  - (b) posting it, or delivering it by courier, to that person's last known address or address for service or to the chief executive of that department or agency at the department's or agency's official address, or delivering it to a document exchange which that person or department or agency uses, or
  - (c) sending it as an electronic communication (for example, by facsimile or email message) to that person or the chief executive of that department or agency.
- (2) Any notice delivered or sent may be included in or with any other document provided that it is given reasonable prominence.

## **7 Deposit and inspection of bill**

- (1) At the time of the first publication of notice of a bill, a copy of the bill must be deposited,—
  - (a) in the case of a private bill, in the office of the promoter or the promoter's solicitor or agent, or
  - (b) in the case of a local bill, in a public library or a service centre.
- (2) Each copy of the bill must be open to public inspection during the usual business hours of the place of deposit, without fee, for a period of not less than 15 whole working days.
- (3) The promoter or the promoter's solicitor or agent must also ensure that a copy of the bill is publicly available on a website that is maintained by or on behalf of the promoter or the promoter's solicitor or agent for the period specified in subclause (2).

## **8 Certification of deposit of bill**

- (1) The fact that a copy of the bill was deposited and remained open for public inspection must be certified by—
  - (a) the promoter, or
  - (b) the promoter's solicitor or agent, or
  - (c) the promoter's chief executive.
- (2) Each certificate must—
  - (a) state the first and last whole days on which the copy of the bill was open for public inspection, and
  - (b) be written directly on the copy of the bill and may not be separate from it, and
  - (c) be signed by the relevant person over his or her designation, and
  - (d) be dated.

## **9 Bills dealing with land**

- (1) Where it is intended in any private bill or local bill to take power to deal with any land, a description of the land together with a true copy of the plan of the affected land must be prepared. Both the description and any true copy of the plan of the land must be certified as correct by the chief executive of the department of State responsible for the administration of the Cadastral Survey Act 2002 (the **chief executive**) or by any other person to whom that power has been delegated by the chief executive.
- (2) A true copy of the plan is not required if the chief executive or delegate certifies that the bill proposes to deal—
  - (a) with the whole or the residue of the land comprised in any certificate of title issued under the Land Transfer Act 1952 or any computer register created under that Act:
  - (b) with land previously dealt with and separately described in any statute, ordinance, Proclamation, declaration, notice, or Order in Council:
  - (c) with the whole of the land comprised in a separate lot or other surveyed subdivision which is shown on a plan deposited in the relevant Land Information New Zealand office in accordance with the provisions of the Land Transfer Act 1952 or lodged with the chief executive or with any other person to whom the power to receive such a lodgement has been delegated by the chief executive.
- (3) The plan is to be—
  - (a) in a form specified in rules made under the Cadastral Survey Act 2002:

- (b) lodged in the relevant Land Information New Zealand office and endorsed by the chief executive, or by a person to whom that power has been delegated by the chief executive, with the words “approved for parliamentary purposes”.
- (4) All copies of the certified descriptions and plans must be made available for inspection with the deposited copies of the bill.

#### **10 Certification of deposit of plans**

All deposited descriptions and plans of the land dealt with in the bill must be certified in the same manner as for each deposited copy of the bill.

#### **11 Forwarding of bills, plans, and other documents**

- (1) Each deposited copy of the bill as certified, together with copies of any descriptions of land and plans, as required, copies of notices, and certificates are forwarded to the Clerk.
- (2) The documents are attached to the declaration for the bill.

#### **12 Currency of proposed bill**

The copies of the bills and other documents referred to in clause 11 must be lodged with the Clerk within six months of the first publication of the notice of the bill.

#### **13 Fees**

- (1) The fee payable by the promoter of a bill is \$2,000 (including goods and services tax) and accompanies the documents forwarded under clause 11.
- (2) The fee is made payable to the Clerk of the House of Representatives, and applied to defraying general administrative expenses incurred in respect of the promotion and printing of private bills and local bills.

#### **14 Refunds**

- (1) If the select committee which considers a private bill recommends to the House that a refund be made on the ground of hardship, the House may direct that the whole or any part of the fee be refunded to the promoter.
- (2) Every refund directed by the House is made accordingly by the Clerk.

#### **15 Declaration for private bill or local bill**

The promoter of a private bill or a local bill must make a declaration to the House relating to the bill for introduction.

## **16 Form and content of declaration for private bill or local bill**

The declaration must conform, in general, to the following form and contain all matters specified in it, and have attached to it the relevant notices:

### **DECLARATION FOR A PRIVATE BILL OR LOCAL BILL**

To the House of Representatives

I, *[full name of representative, and position]* declare that—

1 The *[name of promoter or local authority]* respectfully requests that *[title of bill]* (the deposited copies of which are attached) be introduced into the House.

2 The reasons for the bill are—  
*[list the reasons]*.

3 The objects of the bill are—  
*[list the objects, including any in a preamble or purpose clause]*.

4 The objects of the bill cannot be attained otherwise than by legislation because *[give reasons]*.

*or*

The objects of the bill can be attained otherwise than by legislation but *[give reasons why legislation sought]*.

5 Notice of the bill has been published in two consecutive calendar weeks in issues of *[name(s) of newspaper(s)]* on *[dates]* on page(s) *[give numbers]* (copies of which notices are attached). A copy of the bill was publicly available at *[name of website]* for the same period.

6 Notice of the bill was given to the following persons who have a direct interest in the subject-matter of the bill or in the exercise of a power proposed to be given by the bill:

*[name and address of natural or legal person, including person specified in clause 4(2) of this Appendix]*, who is affected by clause *[give reference]* of the bill because *[give reason]*.

*[etc.]*

(copies of which notices are attached).

*[Signature]*

*[Name of signatory]*

*[Date]*

## **17 Examination and endorsement of bills and documents**

(1) The Clerk examines the bill and other documents required to be forwarded to the Clerk to ensure that the Standing Orders have been complied with.



- (2) If the Standing Orders appear to have been complied with, the Clerk—
  - (a) endorses the declaration for a private bill or a local bill “Standing Orders complied with”, and
  - (b) signs and dates that endorsement.
- (3) If the Standing Orders appear not to have been complied with, the Clerk returns the documents and the fee to the promoter.

## **LOCAL LEGISLATION BILLS**

### **18 Initiation of clauses in Local Legislation bills**

- (1) Any local authority may apply to the Minister of Local Government for preliminary consideration and provisional approval of a clause or clauses to be included in a Local Legislation Bill.
- (2) Every application must be accompanied—
  - (a) by a draft of the proposed clause or clauses, and
  - (b) by a certificate signed by the chief executive of the local authority certifying that every member of Parliament, by name, for a General or Māori electoral district whose constituents may be affected by the proposed legislation, has been provided with a copy of the proposed clause or clauses, together with a notice in writing stating that it is the intention to apply for their inclusion in a Local Legislation Bill.
- (3) The certificate must—
  - (a) specify the date on which notice was given, and
  - (b) be signed by the chief executive, and
  - (c) be dated.
- (4) A copy of the proposed clause or clauses and the notice is given to such a member by—
  - (a) personal delivery, or
  - (b) post, or delivery by couriers, or delivery to a document exchange which the member uses, or
  - (c) an electronic communication (for example, by facsimile or email message) to the member.

### **19 Repeal of spent local legislation**

The Minister may also include in a Local Legislation Bill a clause or clauses repealing any spent local Act, any spent Local Legislation Act, or any spent provisions contained in a Local Legislation Act.

**20 Objections**

The Minister must transmit to the select committee that considers a Local Legislation Bill a copy of any objection received by the Minister to any clause included in the bill.

**21 Clauses provisionally approved by Minister may be included in bill**

When the Minister has provisionally approved a clause or clauses, these may be included in a Local Legislation Bill.

**22 How further clauses dealt with**

If a Local Legislation Bill is already before the House, a further clause or clauses for inclusion in the bill may, after being provisionally approved by the Minister, be placed upon a Supplementary Order Paper by the Minister, and may be considered by the select committee that is considering the bill.

**23 Provisional approval by Minister and report by committee essential**

- (1) No Local Legislation Bill may be passed by the House and no clause or clauses added to any Local Legislation Bill unless they have been provisionally approved by the Minister and reported on by a select committee.
- (2) Despite paragraph (1), a new clause may be inserted that is in substitution for, incidental to, or consequential upon a clause which has been provisionally approved by the Minister and reported on by a select committee.

## APPENDIX D

### RULES FOR FILMING AND CONDITIONS FOR USE OF OFFICIAL TELEVISION COVERAGE

#### PART A: RULES FOR FILMING

- (1) A provider of official television coverage of the House must comply with the following rules:
  1. The cameras will cover the member who has been called to speak until the member's speech is finished or the member's call is terminated by the Speaker. Coverage will normally be medium range, head and shoulders. The director may choose to vary the camera angle to add interest to the coverage. Switching between such shots should be done at an appropriate point in the speech.
  2. The default shot will be on the Speaker or presiding officer, including the arrival of the Speaker's procession, or a wide-angle shot of the Chamber.
  3. The television director may choose other shots to reflect the business transacted, such as a wide-angle shot of the Chamber or, during oral questions, a reaction shot of the Minister being asked a question or of a member listening to the reply to a question.
  4. The television director may use a wide-angle shot of the Chamber as a continuity shot, for instance, at the end of oral questions or when the House is going into committee.
  5. Generally, interjections are not covered. But if the member speaking engages with the interjector, the interjector's reaction can be filmed.
  6. Officials (Clerks, Serjeant-at-Arms) should be shown when they are participating in the business of the House by making announcements, calling party votes, or carrying the Mace.
  7. While a personal vote is in progress, a graphic to this effect may be shown in place of live coverage, or a static wide-angle shot of the Chamber may be used, provided that this coverage does not seek to identify how individual members are voting. Any spoken proceedings that occur during a personal vote (such as a point of order) will be covered, subject to the usual rules.

8. Shots unrelated to the proceedings are not permitted, that is, interruptions from the gallery and business occurring outside the House. No close-up shots are permitted of members' actions and interactions that are unrelated to proceedings.
  9. In case of general disorder on the floor of the House, coverage will revert to the Speaker or presiding officer.
  10. During an interruption to proceedings such as a prolonged disturbance from the gallery, the coverage will be of the Speaker or presiding officer, with sound from only the Speaker's microphone. Coverage from the Chamber should continue, unless the Speaker or presiding officer indicates otherwise, by either suspending or adjourning the House, or specifically directing that coverage should cease. Television coverage recommences when the House resumes or at the direction of the Speaker or presiding officer.
  11. Coverage ceases as soon as the Speaker or presiding officer announces that the House stands adjourned or the Speaker or presiding officer leaves the chair for the suspension of a sitting.
- (2) These rules apply also to any other filming from the gallery.
  - (3) The Serjeant-at-Arms will intervene if it becomes apparent that cameras are filming matters not within the rules. Broadcasters who offend the rules may have their privilege of filming in the Chamber withdrawn.

## **PART B: CONDITIONS FOR USE OF OFFICIAL TELEVISION COVERAGE**

- (1) Official television coverage of the House is made available on the following conditions:
  1. Any broadcast or rebroadcast of coverage must comply with the broadcaster's legal obligations.
  2. Coverage of proceedings must not be used in any medium for—
    - (a) political advertising or election campaigning (except with the permission of all members shown):
    - (b) satire, ridicule, or denigration:
    - (c) commercial sponsorship or commercial advertising.
  3. Reports that use extracts of coverage of proceedings and purport to be summaries must be fair and accurate.
- (2) Breach of these conditions may result in a loss of access to official television coverage, and may be treated as a contempt and proceeded against accordingly.

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