



Review of Standing Orders

Report of the Standing Orders Committee

Forty-eighth Parliament
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Review of Standing Orders

Recommendation

The Standing Orders Committee recommends that the House adopt the amendments to the Standing Orders set out in Appendix A of this report, with effect from the day after the dissolution or expiration of the present Parliament.

Introduction

One of the functions of the Standing Orders Committee is to conduct a review of the Standing Orders, procedures and practices of the House.¹ The committee tends to conduct one such review in each parliamentary term.² The current Standing Orders Committee has conducted a general review, particularly in light of issues raised by members, select committees, and the public, during the 48th Parliament. The outcome could not be described as a major overhaul so much as a fine-tuning of procedures that generally appear to operate well. Some of the more significant changes include the following

- provision for emergency situations in relation to suspension or adjournment of sittings, including limited powers to delay sittings (Standing Orders 48, 53, and 178)
- revision of rules for moving and debating amendments to motions (Standing Orders 118 to 131)
- establishment of a generic “negative resolution procedure” for dealing with notices of motion, under any statute, that the House disallow, disapply, or otherwise not approve of regulations or other instruments (aside from notices of motion under the Regulations (Disallowance) Act 1989)(proposed new Standing Orders 317A and 317B)
- institution of a procedure for select committees to review reports on non-departmental appropriations (proposed new Standing Order 336A)
- rearrangement of the procedure for the presentation of, and debate on, the Prime Minister’s statement (Standing Orders 345 to 347)
- alteration of the procedure for the publication of papers presented by the Speaker and by Ministers (Standing Orders 363 and 364, and also Standing Orders 266 and 367)
- provision for documents tabled by leave, including a requirement for them to be tabled if leave has been given (proposed new Standing Order 368A)

¹ Standing Order 7(a).

² The review initiated in the 46th Parliament was completed in the 47th Parliament, in 2003. A further review was conducted in the 47th Parliament, largely on account of the passage of the Public Finance (State Sector Management) Bill.

- incorporation of rules and conditions for television coverage of the House (Standing Order 44 and proposed new Appendix D).

Decision-making process of Standing Orders Committee

One matter that has been raised is the decision-making process of the Standing Orders Committee. It was suggested that the degree of consensus required regarding the Standing Orders Committee's procedures is, in many circumstances, "unattainably high", and this leads to a kind of "entrenchment" of legislative procedures. However, this view is based on a slight misunderstanding of the Standing Orders Committee. Members seek to achieve a good balance of support across the amendments proposed to the Standing Orders, rather than full support for every measure. The current basis for decision-making also recognises that a majoritarian approach would undermine respect for the Standing Orders and thus their standing as part of New Zealand's constitutional framework.

1 General provisions and office-holders

Definition of working day

The definition of **working day** does not recognise Wellington Anniversary Day as a public holiday, except in respect of a particular local bill or private bill that relates to Wellington as a locality. This definition does not reflect the situation of Parliament in Wellington, and could lead to the expectation that parliamentary transactions (such as the presentation of petitions, papers, or select committee reports) could be undertaken on a public holiday.

Amendment 1

Amend the definition of **working day** so that it excludes the day on which Wellington Anniversary is observed.

Last day of limited period of time

Paragraph (3) of Standing Order 3 provides that when the final day for the presentation of a report or paper is not a working day, the report or paper is presented on the next working day. This provision should cater also for other actions that may be required to be performed on or by a certain day.

Amendment 2

Omit paragraph (3) of Standing Order 3 and substitute a new paragraph to provide also for actions other than the presentation of a report or paper that may be required to be performed on or by a certain day.

2 Sittings of the House

Broadcasting

Television coverage of the House

Televising proceedings of the House has now been operating for over a year. Before the service commenced, we recommended a number of rules for filming from the galleries, and conditions to attach to the use of television coverage provided by the House. The House adopted these conditions.³ We subsequently heard evidence from representatives of the Commonwealth Press Union and the Parliamentary Press Gallery. They raised concerns about the rules for taking still photographs from the public gallery; the limits on filming, and particularly the ban on filming members entering and leaving the Chamber and on filming general disorder; and the ban on the use of footage for satire, ridicule, or denigration. The last point appears to have arisen from a misunderstanding of the rules. The rules provide that the official coverage provided by Parliament TV may not be used for satire, ridicule, or denigration. They do not specifically state that the footage that media organisations obtain from their own filming may not be used for these purposes.

We recommend that the rules and conditions for television coverage of the House be included in a new Appendix D to the Standing Orders, but with clarification that the conditions for use of coverage apply only to official television coverage, as provided by Parliament TV. Amendments are also required to Standing Order 44 to refer to the new Appendix D.

Amendment 3

- Incorporate the sessional order of 28 June 2007 relating to television coverage of the House into a new Appendix D to the Standing Orders, with related amendments to Standing Order 44.
- Clarify that the conditions for use of coverage apply only to official television coverage.

Sittings

Display of flag in Chamber and select committee rooms

We received a proposal for the display of the New Zealand Flag in the Chamber and select committee rooms. However, we understand that the display of the New Zealand Flag in the House would be a departure from a long-standing convention of flag etiquette, which has been observed in New Zealand and the United Kingdom, if not always in other countries of a different tradition.

³ Sessional order of 28 June 2007.

Emergency situations

In the event of an emergency such as a fire alert, bomb evacuation, or severe earthquake, there is every expectation that the Speaker or Chairperson would declare that a sitting was suspended, but such a declaration would arguably be ultra vires. We recommend that the power to declare a sitting suspended in such circumstances be clarified.

Amendment 4

Amend Standing Orders 48 and 178 to provide for the Speaker or Chairperson to declare in an emergency situation that a sitting is suspended or adjourned.

Delaying a sitting of the House in exceptional circumstances

After considering the Law Reform (Epidemic Preparedness) Bill, the Government Administration Committee suggested that the Speaker should be able to delay a scheduled sitting of the House during an epidemic on the advice of the Director-General of Health. The committee considered that this matter should be provided for in the House's rules, rather than in statute.

A provision to empower the Speaker to delay a sitting of the House would sit naturally with Standing Order 53, which provides that during an adjournment period the Speaker may determine that the House should sit at an earlier time than that to which it is adjourned. We consider it prudent to provide for the Speaker to postpone sittings of the House in some extreme circumstances, including epidemics and other emergencies, but such a power must be carefully limited. While it is unlikely that a power to postpone sittings would be misused in New Zealand, there has been at least one instance of a similar power apparently being used improperly in another country. During an epidemic or national emergency it would be highly desirable for the House to meet for such purposes as informing members and the public about the situation, and providing an opportunity for scrutiny of the Government's exercise of its statutory powers to manage the epidemic or emergency in question.

We therefore recommend that Standing Order 53 be amended to provide for the Speaker to postpone a scheduled sitting of the House

- 1 in the event of an epidemic notice, provided that
 - a sitting may be postponed only if an epidemic notice given under the Epidemic Preparedness Act 2006 is in force, and only when the Prime Minister, on the written recommendation of the Director-General of Health, considers 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, and
 - the Prime Minister must consult the leaders of all other parties before informing the Speaker that the next sitting of the House should be postponed, and
 - a sitting may not be postponed under this provision beyond one month from the date originally scheduled for the next sitting without the agreement of the leaders of all other parties.

- 2 in the event of an emergency if, on account of that emergency, it is necessary for additional or alternative arrangements to be made for the House to meet, provided that the sitting may not be postponed under this provision for more than seven days after the date originally scheduled for the next sitting.

We consider that these provisions would provide adequate safeguards. An emergency that was sufficiently serious to delay a sitting of the House might well result in the declaration of a state of national emergency, but not necessarily so. For example, a fire or other event confined to the parliamentary precincts might require a short delay to enable emergency services to ascertain that it was safe to meet in the Chamber.

We note that the Epidemic Preparedness Act 2006 requires the Speaker, as soon as practicable after an epidemic notice is given under that Act, to appoint a day for the House to meet not more than seven days after the notice is given.⁴ A similar provision exists in the Civil Defence Emergency Management Act 2002.⁵ These statutory requirements limit the ability to postpone sittings at the outset of an epidemic or national emergency. Our recommended amendments to Standing Order 53 include a paragraph clarifying that the exercise of the proposed new provisions would be subject to these statutory requirements.

Amendment 5

Amend Standing Order 53 to provide for the Speaker to postpone a scheduled sitting of the House for a limited time in the event of an epidemic notice or an emergency, subject to certain conditions.

Business Committee

Representation of parties on Business Committee

The membership of the Business Committee is stipulated in Standing Order 74, with every party of six or more members being entitled to representation by one member at each meeting. Under paragraph (3), parties with fewer members are accorded a single representative for parties in a Government coalition, and one member to represent other small parties and Independent members. In practice, smaller parties have not been required to share their representation on the Business Committee, and paragraph (3) has not been strictly adhered to.

We recommend that paragraphs (2) and (3) be omitted and a new paragraph substituted under which every party is entitled to be represented at the Business Committee. The numerical make-up of the Business Committee is not directly significant, in the light of the Speaker's power to judge near-unanimity on the basis of the size of the parties that members represent. This proposal aligns Standing Order 74 with Standing Order 34, which was re-worked in 2003 to recognise every party in whose interest a member was elected at a general election or by-election, regardless of the size of its parliamentary membership. New parties that are formed from members who leave the parties for which they were elected are recognised only if they have six or more members.

⁴ Epidemic Preparedness Act 2006, section 6.

⁵ Civil Defence Emergency Management Act 2002, section 67.

Amendment 6

Omit paragraphs (2) and (3) from Standing Order 74 and substitute a paragraph stating that every party is entitled to be represented at each meeting of the Business Committee by one member nominated by its leader.

Business Committee—power to determine business of the House

There is no explicit provision for the Business Committee to determine when business will be transacted in the House, although it may determine the order of business and the time to be spent on an item of business. We recommend the inclusion of a provision to this effect, in association with the amendments to Standing Orders 133 and 178 recommended below to permit speeches or debates to be interrupted, or progress reported, in accordance with a Business Committee determination.

We have considered a suggestion that the Standing Orders be amended to state that the Government has control of its business despite any determination of the Business Committee to the contrary. Such an amendment is unnecessary. In respect of any proposed determination (including a determination that affects a Government order of the day), the Speaker must be satisfied that the Government supports the proposed determination, otherwise near-unanimity has not been reached.

Amendment 7

Provide explicitly in Standing Order 76 that the Business Committee may determine when business will be transacted.

Circulation of Business Committee determinations

A sessional order made on 8 November 2005 recognises that determinations of the Business Committee are generally circulated in electronic form. Amending Standing Order 77 to use the term “in writing” would recognise this practice, as the term “in writing” is defined in Standing Order 3 to include electronic communication.

Amendment 8

Amend paragraph (1) of Standing Order 77 to provide that a determination of the Business Committee takes effect when it is notified in writing to all members of Parliament.

3 General procedures

Conduct of members

Some members have responded to public criticism of the behaviour of members by suggesting the adoption of a code of conduct, particularly in relation to conduct in debate. There have been two recent initiatives in this area:

- H V Ross Robertson has been advocating that the House adopt a compulsory code of ethics since 2001. Mr Robertson's proposed code of ethics is modelled on the Code of Conduct of the United Kingdom House of Commons, setting out a purpose statement, the public duty of members, and seven general principles of conduct. The main focus of his proposed code is the behaviour of members in the Chamber.
- On 12 June 2007 a press conference was held by the Green Party, Māori Party, United Future and ACT New Zealand, announcing that they were signing a voluntary Code of Conduct. The code contained broad principles based on the idea of members working for the public good rather than advancing personal interests, but its major focus was the behaviour of members in the Chamber. This arose from behaviour in question time that had frustrated members of minor parties in their attempts to ask questions and hear the answers.

We have asked members whether they would support a voluntary code in the form of guidelines set out in the report of the Standing Orders Committee, but there is insufficient support for the development of such a code. Members' behaviour in the Chamber is covered by Standing Orders and Speakers' rulings and is a matter for the authority and judgment of the Speaker and other presiding officers. If members choose to make further public statements or commitments as to their behaviour, that is their right.

We note that a number of Parliaments in other countries have adopted codes or guidelines to help members make judgments about conflicts of interest, and we have considered such examples. Not all of the matters covered in overseas codes would be necessary or appropriate in the New Zealand environment. The registration of members' pecuniary interests is the backbone of almost all parliamentary codes of conduct. The New Zealand Parliament already has an effective regime for the disclosure of members' interests.

It is central to the democratic idea that the purpose of elected public office is to serve the public, not to enrich the office-holder or his or her personal connections. It is important for members to ensure that they do not use their position to influence the legislative process for their own advantage or that of someone with whom they are connected. The Standing Orders provide some guidance about the sort of behaviour that is unacceptable,⁶ although these provisions are applicable only in respect of conduct in parliamentary proceedings.⁷

⁶ See especially Standing Orders 399 and 400.

⁷ See Speaker's ruling of 26 July 2006, *New Zealand Parliamentary Debates*, Vol. 632, p. 4405.

There is a distinction between a conflict of *interests* and a conflict of *interest*. The interests of parties and members necessarily conflict. These conflicts of interests are inherent to Parliament, where conflicting views are resolved into coherent policy. This process of resolving different interests can be undermined by a member's conflict of interest, where a member's participation in the parliamentary process is biased by private considerations. This behaviour is commonly called "corruption".

It can be difficult for members to recognise precisely what constitutes a conflict of interest. Their role is to represent the people, including particular interest groups, including interest groups to which they themselves belong. Members must recognise conflicts of interest, and make appropriate judgments to align their conduct with their public duty.

Other matters commonly found in overseas codes which are already dealt with in New Zealand are electoral financing, and requests from citizens for a right to respond to comments made about them in the House.

Maintenance of order

Points of order—calling members

A matter was raised about the factors taken into account by the Speaker in calling members for points of order. It was suggested that there is a tendency for speed, as against seniority, to be the prime consideration when a member seeks to take a point of order.

While seniority is a significant factor in choosing which member may raise or speak to a point of order, other factors may be equally important. The Standing Orders do not currently prescribe factors for consideration in deciding who should speak first on points of order, aside from noting that the Speaker may rule without necessarily allowing any discussion of the point by other members.⁸ The factors set out in Standing Order 102 as applicable in determining the order of speakers in a debate may not be suitable for points of order. For example, there is no expectation that a member of each party should participate on a point of order, or that overall participation should be proportional to party membership. On the other hand, if a point of order has been raised concerning a particular member's conduct in the House the Speaker may then give preference to that member or a senior member of his or her party.

Disorderly conduct and withdrawal from House

Representatives of the Green Party, the Māori Party, United Future, and ACT New Zealand suggested that the Speaker be given stronger powers when disciplining members for highly disorderly conduct, particularly during question time. The members considered that an order to withdraw immediately from the House has little or no disciplinary effect, particularly when agreement is subsequently given for an offending member to return to ask a question or for an offending Minister to answer a question. They expressed the view that some members appear to wear short suspensions from the House as a badge of honour, and that punishment for unruly behaviour needs to be meaningful. The members particularly suggested that a member who is ordered to withdraw from the House should

⁸ Standing Order 84(2).

lose the right to have a vote cast on her or his behalf during the period for which the member has been ordered to withdraw.

Under Standing Order 85, the Speaker has discretion to determine how long a member must stay out of the House, up to the remainder of that day's sitting. This provides the Speaker with some flexibility to discipline a member according to the magnitude of the offence. The Speaker has discretion to allow a member to return only for the purpose of asking or answering a question or making an apology, subsequently to withdraw again from the House. However, we recognise that question time is the focus for disorderly conduct, and we recommend that members ordered to withdraw before or during questions for oral answer be automatically excluded from asking or answering a question that day. A member with a question should also be prevented from having another member ask the question on his or her behalf. In the case of a Minister who has been ordered to withdraw, however, another Minister should be allowed to answer a question on his or her behalf. Disorderly conduct by a Minister should not diminish the extent to which the Government is accountable to the House.

The suspension of a member's power to vote when ordered to withdraw would be a significant development, which we do not support. Grossly disorderly conduct should be judged by the House through the naming procedure.

Amendment 9

Provide in Standing Order 85 that a member ordered to withdraw before or during questions for oral answer 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.

Interpretation

Speeches in English or Māori—simultaneous interpretation

The Māori Party proposed the establishment of a simultaneous Māori–English interpretation service in the House. At present, an interpreter is present to provide interpretation when a member addresses the House in Māori, but does so only when the member pauses for this purpose. The Māori Party said that the successful regeneration of te reo Māori will require increasing its usage as an ordinary everyday language by creating opportunities to use te reo and increasing the number of domains where it is used. The party suggested that Parliament should be setting an example by demonstrating frequent use of te reo Māori, and that the provision of a simultaneous interpretation service would help members use and understand the language. While an interpretation service is provided, little use is made of it at present because of the frustration it incurs for speakers, who have to pause frequently during their speeches to wait for interpretation, and for those listening. The Māori Party pointed to Parliaments in a number of other countries that use simultaneous interpretation.

A simultaneous interpretation service in the House would involve interpreters providing an oral interpretation in real time from a soundproof booth while words were being spoken in the House in Māori. Members wishing to hear the interpretation would use earpieces or similar devices at their desks. These devices would also be available in the galleries.

We consider that the establishment of a simultaneous interpretation service is desirable. However, a number of practical matters must be resolved before the service can be developed. The most significant challenge is to decide what will be broadcast. The current radio broadcast is on the AM network and cannot broadcast multiple audio channels. Digital technology is already available to enable viewers of Parliament TV or of webcasts of proceedings to select a preferred audio channel, but we are aware that the AM network is used by many people to listen to the proceedings of the House. The question therefore arises whether the AM network should broadcast the sound from the floor of the House as spoken (with no English interpretation), or overlay the English interpretation when Māori is spoken. We consider that proceedings as spoken on the floor of the House should have priority, giving effect to Standing Order 44(1). A further option would be to broadcast a second audio stream, including the English interpretation, on another radio frequency, but this would effectively require establishing a new nationwide network and costs would be prohibitive at present.

We wish to progress the introduction of a simultaneous interpretation service. Given likely advances in technology, we expect that the eventual transition to digital radio broadcasting will enable provision of a cost-effective second audio stream for listeners to hear an English interpretation. In the meantime, efforts will be made to inform listeners requiring interpretation about the services on which they will be able to select alternative audio, and about how to gain access to the written *Hansard*, where they will be able to read the translation at a later date.

The providers of an interpretation service would ideally have access to a sound-proof booth located with direct sight into the Chamber. We have considered locating such a booth behind the Opposition back benches, mirroring the radio broadcast booth. However, the heritage building issues and other implications in terms of seating members in the Chamber are such that we are unlikely to find a booth in that location acceptable. We consider that technology should enable interpretation to be done from a separate location.

Recommendation

We therefore recommend that a staged implementation of a simultaneous interpretation system commence and, in particular,

- that the current radio broadcast from the floor of the House be maintained until a digital radio broadcast is available and an English interpretation channel can be provided on a cost-effective basis
- that multiple audio channels for television and webcast be developed to carry both the proceedings of the House and a second audio stream including the English interpretation
- that an additional audio channel for the in-house vision system be provided, and that the single-channel in-house audio system be retained.

Rules of debate

Personal reflections—allegations against members

A submitter complained about the practice of making surprise accusations against members in the House, particularly in the context of questions for oral answer. She pointed to an apparently increasing “culture of muckraking and disrespect in Parliament”, and suggested a requirement of notice for such allegations. While we do not wish to encourage the conduct to which this submission refers, such a procedure would be difficult to implement in practical terms and would have implications for freedom of speech in the House.

Time limits of speeches and debates

Determinations of the Business Committee have increased the number of speeches on first readings of Members’ bills, private bills and local bills, to recognise the multiplicity of parties represented in the House under MMP.⁹ However, these determinations did not increase the overall time allowed for these debates.

Amendment 10

In Appendix A, increase the number of speeches on first readings of Members’ bills, private bills and local bills, in line with the Business Committee determinations of 8 November 2005 and 4 March 2008.

Debate on title of bill

The item in Appendix A for the consideration in Committee of “Title of bill” is now redundant. Most bills are drafted in parts with preliminary provisions, and the title clause is not separately debated.

Amendment 11

Omit the item in Appendix A for the consideration in Committee of “Title of bill”.

Rules for moving and speaking to amendments

Simplification of procedures for amendments to motions

Standing Orders 118 to 131 set out general rules relating to moving and speaking to amendments to motions in the House. These Standing Orders create difficulties in terms of members’ understanding of practice in the House. For instance, members generally would not envisage that an amendment to a motion would be separately debatable, with the debate on the main question resuming after the amendment has been dealt with (for example, in the case of an amendment to a motion appointing members to a committee). Moreover, members moving amendments to a motion, such as the motion for the Address in Reply, generally intend to amend the motion itself, rather than amending previous amendments as the Standing Orders require. We consider that these Standing Orders should be simplified and amended to reflect current practice without reducing opportunities for members to move amendments or participate in debate.

⁹ Determinations of the Business Committee dated 8 November 2005 and 4 March 2008.

The effect of current Standing Orders 121 to 131 is that an amendment to a motion is proposed as a separate question. The amendment then becomes the matter for debate, unless it involves the consideration and decision of the main question, in which case both the main question and the amendment are open for discussion (the House then effectively debates two questions at once). Standing Order 123 currently provides that each amendment must be disposed of before another amendment to the same question may be moved. The benefit of this provision is that the House can consider the merits of further amendments, and the main question, in the light of decisions on earlier amendments. However, the committee of the whole House routinely considers all amendments to provisions in bills together at the end; this is the method with which members are most familiar. The enjoyment of separate debates on each amendment in turn followed by a concluding debate on the main question is an unlikely scenario under current practice, particularly as a closure motion cannot be moved in respect of the debate on an amendment only. The passing of a closure motion on an amendment “closes off all further debate on the main question too”.¹⁰

We recommend that a new Standing Order be inserted after Standing Order 121, providing that when the question has been proposed on an amendment, both the main question and the amendment (and any other amendments) are open for debate. This would apply for all amendments, not just those that involved the decision of the main question.

This recommendation would involve omitting Standing Order 122, as it would be redundant if all amendments were put at the end, because there would be no opportunity to move further amendments at that point. However, the principle remains that an amendment (except an amendment to add further words) may not be moved to any words that the House has declined to omit, or which have been inserted or added. This illustrates how an amendment can be inconsistent with a previous decision. Omitting Standing Order 122 would still allow amendments to be ruled out of order as inconsistent, in the light of previous decisions on amendments.

With the omission of Standing Order 123, the order in which amendments should be put would need to be clarified. We recommend that a new provision be inserted in Standing Order 126 to the effect that amendments should be put in the order in which they are moved.

Standing Order 127 states that a member who has spoken to a question may speak to any new question that arises (that is, the member can speak to an amendment that is moved subsequent to the member’s previous speech). We recommend that the effect of this provision be retained in a new Standing Order 125A, which would provide that, after an amendment has been moved, a member who has spoken before the member who moved the amendment may speak a further time, but may not move a further amendment (the latter point reflecting current Standing Order 131).

The proposed new procedure would also result in the omission of Standing Orders 128 and 129, though part of Standing Order 128 (relating to amendments that involve the consideration and decision of the main question) would be reflected in proposed new

¹⁰ McGee, David, *Parliamentary Practice in New Zealand*, Third Edition, 2005, p. 201.

Standing Order 121A. We also recommend that the provision in Standing Order 130 limiting members to moving no more than one amendment on the same question be retained as new Standing Order 125B, though the words “or spoken to” should be omitted.

Amendment 12

- Insert a new Standing Order 121A, providing that when the question has been proposed on an amendment, both the main question and the amendment (and any other amendments) are open for discussion.
- Omit Standing Orders 122 and 123.
- Incorporate Standing Order 125 into a new paragraph in Standing Order 121.
- Insert a new Standing Order 125A, providing that after an amendment has been moved, a member who has spoken prior to the member who moved the amendment may speak a further time, but may not move a further amendment.
- Incorporate into Standing Order 126 new paragraphs that provide that, at the conclusion of the debate on a motion, the question on any amendment that is in order is put, and that amendments are put in the order in which they were moved.
- Omit the heading above Standing Order 127 and Standing Orders 127 to 129 and 131.
- Incorporate the provision in Standing Order 130 limiting members to moving no more than one amendment on the same question into a new Standing Order 125B, omitting the words “or spoken to”.

Interruption of speeches and debates

Interruption of member speaking

We recommend that a provision be added to Standing Order 132 to clarify that a member may be interrupted by the suspension or conclusion of a sitting. This would reflect actual practice.

Amendment 13

Add to Standing Order 132 a provision that a member may be interrupted by the suspension or conclusion of a sitting.

Interruption of debate

The list of circumstances listed in Standing Order 133 in which debate on a question may be interrupted should recognise an interruption for the purpose of conducting other business in accordance with an order of the House or a determination of the Business Committee. A further amendment is suggested to Standing Order 133(c) to recognise that debates are frequently interrupted by the conclusion of a sitting.

Amendment 14

Amend Standing Order 133 by

- providing that a debate may be interrupted “in accordance with an order of the House or a determination of the Business Committee”
- inserting in item (c), after “suspension”, the words “or conclusion”.

Party votes and personal votes

Official parliamentary travel

At the commencement of each of the last three Parliaments, the House has adopted a sessional order providing that members who are absent on official parliamentary travel funded by the Office of the Clerk are regarded as present within the precincts of Parliament for the purposes of casting party votes.¹¹

Amendment 15

Amend Standing Order 144(3) so that members who are absent on official parliamentary travel funded by the Office of the Clerk are regarded as present within the precincts of Parliament for the purposes of casting party votes.

Pecuniary interests

Recommendations from interim report

In an interim report, we recommended a number of alterations to the procedures for the return of pecuniary interests of members of Parliament.¹² These alterations were based on suggestions made by the Registrar of Pecuniary Interests for the improvement of these procedures. We now recommend that these alterations be incorporated into Appendix B of the Standing Orders.

Amendment 16

Incorporate into Appendix B the alterations to the procedures for the return of pecuniary interests recommended in the Standing Orders Committee’s *Interim report on a matter of procedure and practice: pecuniary interests of members of Parliament*.

Committees of the whole House

Acting chairperson

Provision is needed for the appointment of an acting chairperson in a committee of the whole House when the Deputy Speaker or an Assistant Speaker is not available. Until 1996, the Standing Orders provided explicitly for the appointment of an acting chairperson (not being a member taking the chair at the chairperson’s behest as a temporary chairperson), but this provision was discontinued in the 1996 Standing Orders, probably because it was thought to be unnecessary with the establishment of two Assistant Speaker positions. However, on a number of occasions it has proved necessary for the House to make such an appointment.

¹¹ Sessional orders of 2 March 2000, 29 August 2002, and 24 November 2005.

¹² Standing Orders Committee, *Interim report on a matter of procedure and practice: pecuniary interests of members of Parliament*, 18 December 2007.

The previous provision for the appointment of an acting chairperson stipulated that such a motion could be moved only by a Minister, although that requirement itself operated for a relatively short period (1992 to 96). At present, acting chairpersons may be appointed either by leave or by motion without notice, although the latter would potentially be debatable. A provision allowing a member to move in such circumstances, without notice or debate, that an acting chairperson be appointed, would reduce the likelihood of the House being delayed in its proceedings for lack of a presiding officer to take the Chair in the committee.

Amendment 17

Provide in Standing Order 173 for a member to move in a committee of the whole House, without notice or debate, that a member be appointed acting chairperson.

Interruption of proceedings

When the House or the Business Committee has required that business (such as a maiden statement or valedictory statement) be transacted at a certain time, and if the House is in committee when that time arrives, the chairperson should suspend proceedings without requiring a motion or leave to report progress. The Speaker should then automatically declare the House in committee again when the other business is complete. This could be achieved by recasting Standing Order 178 so that, rather than relating only to grave disorder, it set out the situations in which the chairperson may suspend proceedings for the Speaker to resume the Chair (including emergency situations, as above).¹³ Standing Order 180 would be adjusted so that it related to “Resumption of proceedings after suspension”, rather than “Interruption of proceedings”.

Amendment 18

- Substitute a new Standing Order 178 that sets out situations in which the chairperson may suspend proceedings for the Speaker to resume the Chair.
- Amend Standing Order 180 so that it relates to “Resumption of proceedings after suspension”.

¹³ See above, p. 9.

4 Select committees

Changes in membership

Provision for temporary changes in membership involving Independent members

Standing Order 188 provides that the leader or whip of a party may make temporary replacements of committee members. There is no reference to Independent members. Although the practice has been to allow an Independent member to be temporarily replaced by agreement between a party whip and the member concerned, it would be useful to make explicit reference to this in Standing Order 188.

Amendment 19

Insert a new paragraph in Standing Order 188 providing that a temporary replacement 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.

Subject select committees

Changes to subject areas of select committees

We recommend the following changes to the subject areas of the select committees, to align them more closely with the allocation of functions to departments:

- “courts” from the Law and Order Committee to the Justice and Electoral Committee, recognising the incorporation of this area of responsibility in the Ministry of Justice
- “immigration” from the Foreign Affairs, Defence and Trade Committee to the Transport and Industrial Relations Committee, recognising the situation of the Immigration Service within the Department of Labour
- “tourism” from the Government Administration Committee to the Commerce Committee, now that oversight of tourism policy resides with the Ministry of Economic Development
- “veterans’ affairs” from the Social Services Committee to the Foreign Affairs, Defence and Trade Committee, now that responsibility for veterans’ affairs is with the New Zealand Defence Force.
- “youth affairs” to be omitted from the subject area of the Government Administration Committee, and “youth development” to be inserted in the subject area of the Social Services Committee, since policy in this area now is administered in the Ministry of Social Development.

Food safety

The question was raised of whether “food safety” should be specified as one of the subject areas of a subject select committee, in the light of the establishment of the New Zealand Food Safety Authority as a Government department separate from the Ministry of

Agriculture and Forestry. It was suggested that oversight of food safety should be placed with the Health Committee. However, while the health aspect of food safety is very significant, there are also major implications in terms of primary production, and also trade and commerce. Standing Order 189 primarily sets out the subject areas within which select committees may receive briefings or initiate inquiries; specifying “food safety” within the subject area of one select committee could be seen as limiting the ability of other committees to inquire into significant aspects of food safety within their subject areas. For this reason, we do not recommend that “food safety” be specified in the subject area of any single committee. The Finance and Expenditure Committee is not bound by the provisions of Standing Order 189 when allocating financial reviews and Estimates. We note that Vote Food Safety was grouped in the “Primary Sector” for the purposes of the arrangement of Votes for the Estimates of Appropriations this year.¹⁴ When allocating petitions relating to food safety, the Clerk would have regard to the particular aspect of food safety to which each petition was related.

Amendment 20

Amend the subject areas of the subject select committees set out in Standing Order 189 as follows:

- Commerce Committee: add “tourism”
- Foreign Affairs, Defence and Trade Committee: omit “immigration”, and add “veterans’ affairs”
- Government Administration Committee: omit “tourism” and “youth affairs”
- Justice and Electoral Committee: insert “courts”
- Law and Order Committee: omit “courts”
- Social Services Committee: omit “veterans’ affairs”, and add “youth development”
- Transport and Industrial Relations Committee: insert “immigration”.

Meetings of committees

Meetings outside Wellington

When the House has granted authority for a select committee to meet outside New Zealand, it has tended to give the committee permission to adopt such practices and procedures as are considered suitable for the conduct of its meetings overseas. The most common occasion for this has been when committees have travelled to participate in a joint committee exchange with committees of the Parliament of Australia.¹⁵ We recommend that Standing Order 193 be re-drafted to provide such discretion as a matter of course when the House gives authority for a committee to meet overseas.

¹⁴ Estimates of Appropriations for the Government of New Zealand for the year ending 30 June 2009, B.5A, Vol. 9.

¹⁵ For example, see the *Journals* for 11 June 2003 and 25 July 2007.

Amendment 21

Provide in Standing Order 193 that, when the House gives authority for a committee to meet overseas, the committee may adopt such practices and procedures as are considered suitable for the conduct of its meetings overseas.

5 Legislative procedures

Review of legislative process

The Legislation Advisory Committee (LAC) made a submission regarding various aspects of the legislative process. The main issue raised in the LAC submission is “the current scarcity of available legislative time in the House of Representatives and the impacts that this scarcity is having on governments’ ability and inclination to progress technical, administrative or uncontroversial Bills through the legislative process.” The primary proposal submitted by the LAC to address this issue was to amend the Standing Orders to facilitate the Government’s use of omnibus bills, which each amend a number of disparate legislative provisions in different Acts. The LAC particularly suggested that omnibus bills be permitted that affect or concern a single “sector”. The Deputy Clerk at the time (now the Clerk of the House) provided a paper outlining her concerns about this proposal from a parliamentary perspective. While we have not agreed to amendments to the Standing Orders to broaden the definition of omnibus bills, we consider that the current rules allow for an approach that facilitates, for example, the inclusion in a single bill of a number of interrelated amendments that improve the coherence of provisions in different Acts.¹⁶ Proposed amendments must have a common purpose or be linked to some broad policy objective.

The LAC also made proposals regarding a number of other matters, including procedures for the committee of the whole House stage for bills, drafting of non-Government amendments, a proposed 24-hour notice requirement for amendments, the Clerk’s discretion to make verbal or formal amendments to bills prepared for Royal assent, and a proposed three-sitting-day delay before the third reading of bills.

Since the LAC’s submission was made, the Law Commission, in conjunction with the Parliamentary Counsel Office, has commenced an extensive review of the presentation of New Zealand Statute Law, and in particular has investigated ways of making New Zealand Statute Law more accessible. One particular solution that has been closely examined is a systematic revision of New Zealand statutes. Proposals emerging from the project, as well as those put forward by the LAC, have potentially significant implications for New Zealand’s legislative process. We recommend that the Standing Orders Committee in the next parliamentary term consider proposals for the legislative process in the light of the Law Commission’s work.

Recommendation

We recommend that the Standing Orders Committee consider proposals in respect of the legislative process in the next parliamentary term, in the light of the work in progress by the Law Commission on the presentation of New Zealand statute law.

¹⁶ For example, amendments relating to sentencing and parole, electoral matters, communications, aquaculture, judicial matters, criminal justice reform or “harm of alcohol”.

Form of bills

Principal Act clauses

Changes to drafting style adopted by the Parliamentary Counsel Office and presented to the House on 15 March 2006 included the new practice of placing in a separate clause a provision that describes the principal Act being amended by a bill. Such provisions, when applicable, previously tended to be placed in a subclause of the title clause.¹⁷ When the House endorsed the new drafting style by way of a sessional order, it also recognised the new “principal Act clause” as a preliminary clause (the primary effect of which was to ensure the principal Act clause is not separately debatable during the Committee stage).¹⁸ We recommend that this sessional order be incorporated into Standing Order 3 through the addition of a definition of **principal Act clause** and the inclusion of such clauses in the definition of **preliminary clauses**.

Two further amendments flow from this. First, the Parliamentary Counsel Office has advised in its submission that Standing Order 256(2), which provides that the title clause of an amendment bill may state the principal Act to be amended, can “most probably be safely consequentially revoked”. Second, the classification of principal Act clauses as preliminary clauses justifies their inclusion, under Standing Order 305(2), on Supplementary Order Papers showing proposals for the division of bills, as long as their inclusion reflects previous committee decisions to include principal Act clauses.

Amendment 22

- Insert in Standing Order 3(1) a definition of **principal Act clause** as a clause confined to stating that a bill amends an existing Act.
- Amend the definition of **preliminary clauses** in Standing Order 3(1) to include a principal Act clause.

Amendment 23

Omit paragraph (2) of Standing Order 256.

Amendment 24

Amend Standing Order 305(2) to provide that a Supplementary Order Paper showing a motion to divide a bill may set out a principal Act clause for any or all of the new bills.

Omnibus bills

Taxation bills

Omnibus bills that amend more than one Act in respect of taxation matters are a regular occurrence, even though they are not specified as a type of omnibus bill that may be introduced under Standing Order 263. The authority for permitting their introduction has been derived from a reference in the Standing Orders Committee’s report in 1995.¹⁹ The

¹⁷ Standing Order 256(2).

¹⁸ Sessional order of 15 March 2006.

¹⁹ Standing Orders Committee, *Review of Standing Orders*, 1995 (I.18A), p. 51.

committee stated that the provisions for specific types of permissible omnibus bills “are intended to permit the present practice of introducing” Taxation Reform bills, even though such bills were not explicitly permitted in the Standing Orders.

Taxation Reform bills, with varying titles, have therefore been allowed to be introduced, but it would be better for this type of bill to be recognised expressly in the Standing Orders. As is the current practice, such bills would be acceptable for introduction as an omnibus bill provided that they are confined to amendments to Inland Revenue Acts (as currently defined by section 3(1) of the Tax Administration Act 1994) and to amendments to those provisions in other Acts relating to the exercise or performance of powers and functions by the Commissioner of Inland Revenue.

Amendment 25

Provide in Standing Order 263 for the introduction of Taxation bills as a type of omnibus bill, with such bills being defined as above.

Law reform or other omnibus bills

The term “law reform bill” does not carry a different meaning from the term “omnibus bill”, and thus should be omitted from Standing Orders 264 and 304. This would not prevent the use of the words “law reform” in the descriptive title of a bill.

Amendment 26

- Omit from the heading of Standing Order 264 the words “Law reform or”.
- Omit from Standing Order 264 the words “A law reform or other omnibus bill” and substitute the words “An omnibus bill” (with a further consequential amendment to paragraph (c)).
- Omit from Standing Order 304(1) the words “a law reform or other omnibus bill” and substitute the words “an omnibus bill”.

General provisions

New Zealand Bill of Rights Act 1990—Report of Attorney-General

Standing Order 266 requires the Attorney-General to report on any provision in a bill that appears inconsistent with any of the rights and freedoms contained in the New Zealand Bill of Rights Act 1990. Such reports are presented to the House as parliamentary papers. The Parliamentary Counsel Office noted that the wording of Standing Order 266 is inconsistent with that of section 7 of the Act, which similarly requires such a report from the Attorney-General. This inconsistency has arisen from previous amendments to the Standing Orders that altered the procedures for the introduction and first reading of bills. We recommend that Standing Order 266 be amended to provide consistency with section 7.

Amendment 27

Amend Standing Order 266 so that its wording is consistent with section 7 of the New Zealand Bill of Rights Act 1990.

Introduction

Introduction of Members' bills

On 29 March 2006, the House agreed to a new procedure for an extra ballot to be held in the week before a Members' day if (by way of the postponement or discharge of Members' orders of the day) the number of bills available for consideration of their first readings has fallen below four. This procedure was introduced on a one-year trial, but after its expiry a further sessional order extended this provision to the end of the Parliament.²⁰

Amendment 28

Provide in Standing Order 277 for a ballot to be held if it appears that there will be fewer than four orders of the day for the first readings of Members' bills available for consideration at the next Members' day.

First reading

Bills set down for first reading

After introduction a bill is set down for first reading on the third sitting day following. The need to conclude negotiations with support parties prior to the introduction of bills, which tend to be a natural part of a Government's promotion of legislation under MMP, means that it is generally impossible for a bill approved by Cabinet on a Monday to be introduced before 1 pm on a Tuesday. This means that bills tend not to be available for their first reading until the Wednesday or Thursday of the sitting week after the week in which the Government approved their introduction. With recent advances in the electronic publication of legislation it is possible for members to access bills shortly after they are introduced and from any place where internet access is available. We recommend that a Government bill introduced on any sitting day be set down for first reading on the next Tuesday on which the House sits. This relaxation of the three-sitting-day rule should not apply to Members' bills, as the process for their publication commences only after they are introduced, nor to private bills or local bills.

Amendment 29

Amend Standing Order 282 so that a Government bill introduced on any sitting day is set down for first reading on the next Tuesday on which the House sits.

Select committee consideration of bills

Members' bills—order of priority

Gordon Copeland asked for Members' bills to be dealt with by select committees on a "first come, first served" basis, unless a particular bill is deferred for later consideration by agreement with the Member in charge of the bill. He raised this matter after noting that the Justice and Electoral Committee accorded higher priority to a bill referred to the committee six months after one in his own name. Mr Copeland recognised that Government bills normally take priority over Members' bills, but considered that this only serves to reinforce the view that a more orderly process should be adopted for Members'

²⁰ Sessional order of 15 May 2007.

bills. Without such a requirement, there is a potential for such bills to languish for extended periods.

We do not agree with this proposal. It is for select committees to determine the priority of their business, subject to deadlines for report imposed by the House or under the Standing Orders. A member who wishes a bill to progress could opt to refuse to support a request for a reporting date to be extended. A bill discharged from a select committee is accorded a relatively high priority on the Order Paper. It is for the member in charge of a bill in each case to consider whether to resort to such an approach after discussing the matter with the select committee concerned.

Members' bills—conscience issues

The Law and Order Committee expressed interest in receiving general guidance about how select committees should deal with bills that are expected to result in conscience votes in the House. In particular, the committee asked whether, where a conscience vote is expected, a select committee with diverse views should report the bill back with a recommendation that it proceed. In its letter, the Law and Order Committee described how it dealt with such a bill. The committee approached its consideration and deliberation on the bill by recommending amendments that left the policy content of the bill largely intact, and tried to ensure the bill was a coherent and workable piece of legislation, particularly as regards consequential amendments and amendments to related legislation.

The approach of the Law and Order Committee in this case was commendable. Ultimately it is for a select committee to determine a suitable course according to the circumstances of each bill before it. However, we consider it appropriate that select committee members examining a bill involving conscience issues undertake the task with a view to improving the bill in its coherence and workability, so that the House can resolve the broader policy matters with the participation of all members.

Period for submissions

The New Zealand Law Society asked that select committees be asked to consider longer times between bills being referred to a select committee and the closing date for public submissions. The Society stated its belief that its work in reviewing bills and preparing submissions is valuable and respected. However, as the time for preparing submissions becomes shorter, in-depth consideration of the issues is put at risk. The Society particularly cited the six-week period allowed for the preparation of submissions on complex matters contained in the Electoral Finance Bill.

In 2003, the Standing Orders Committee provided the following guidance about the period allowed for submissions:

In setting a closing date for submissions on any matter a committee or chairperson should generally allow a minimum of six weeks. A lesser period may be allowable in exceptional circumstances, but submitters should be given a realistic period to comment on a substantial bill or inquiry.²¹

²¹ Standing Orders Committee, *Review of Standing Orders*, December 2003 (I.18B), p. 39.

When the previous Standing Orders Committee asked for submitters to be given a “realistic period”, it was envisaging situations where less than the usual six-week minimum is being considered. It is for select committees to determine whether more than six weeks should be provided for submissions on large or complex bills.

Recommendation of amendments by select committees—amendments with retrospective effect

The Bus and Coach Association sought restrictions on the ability of select committees to recommend amendments that give retrospective effect to provisions in a bill that were not retrospective when introduced. The association raised this matter subsequent to an amendment recommended by a select committee in 2005 that gave retrospective effect to a provision relating to persons with serious criminal convictions who seek passenger endorsements on their driver licences. The association suggested that the Standing Orders be amended to provide that a select committee may not recommend that a bill be amended with retrospective effect unless the proposal to make the bill retrospective is advertised for public submissions.

We are not prepared to recommend a formal restriction on retrospective amendments, as such amendments may be justified in some circumstances, or may have beneficial implications for those affected. However, we urge select committees and advisers to exercise caution when considering amendments that would cause a provision to have retrospective effect. In particular, we wish to highlight the part of the *Guidelines on Process and Content of Legislation*, issued by the Legislation Advisory Committee (LAC), that deals with retrospective provisions.²²

The LAC advises:

The general principle is that statutes and regulations operate prospectively, that is, they do not affect existing situations. ... The general principle is strongest in the case of criminal liability. ... In any particular case, careful consideration should be given to legislation which might or will have an effect on existing situations.

The LAC’s *Guidelines* set out factors to consider in deciding how legislation should deal with existing rights. The overall question is one of fairness to those affected: will the retrospective provisions be unfair, or will they have only a benign effect? Legislation should not interfere with accrued rights and duties, nor should it create criminal liability or penalty retrospectively. Another question is whether it is necessary for effective administration for the law to affect existing situations. Finally, “legislation should not, in general, deprive individuals of their right to benefit from the judgments they obtain in proceedings brought under earlier law, or to continue proceedings asserting rights and duties under that law.”

The proposal of amendments that have retrospective effect may be motivated by a sense of public interest—as was the case for the amendments that gave rise to the above concerns expressed by the Bus and Coach Association. However, it is important for committees and

²² Legislative Advisory Committee, *Guidelines on Process and Content of Legislation*, 2001 (as amended), Chapter 3, Part 3, pp 55–58.

officials to consider the implications of such proposals in the light of the factors set out in the LAC's *Guidelines*.

Delegated legislation

Affirmative resolution procedure

In its final report on the Inquiry into the affirmative resolution procedure, the Regulations Review Committee reiterated its view that the 28-day deadline for reports under the procedure may prevent effective select committee scrutiny. While the 28-day period might be adequate for non-contentious issues, it was not considered adequate for policy issues on which public submissions would be desirable. The committee agreed with a suggestion from the then Clerk of the House that a select committee should have three months to examine the notice of motion for an affirmative resolution, subject to any further extension by the Business Committee.²³ We have not reached agreement on this proposal.

The Regulations Review Committee also noted that a select committee cannot recommend amendments to an Order in Council when it is subject to the affirmative resolution procedure. To do so would require a new Order in Council, a new notice of motion, and a further referral to the committee. The Regulations Review Committee agreed with a recommendation from the Clerk of the House that Standing Order 317 be amended so that a recommendation for amendment of an affirmative resolution made by a select committee could be adopted by the Minister and incorporated without repeating the select committee process.²⁴ The Government's response to the report of the Regulations Review Committee expressed support for this recommendation.²⁵ We recommend that the Standing Orders be amended accordingly.

Amendment 30

Insert in Standing Order 317 a provision permitting amendments recommended by the select committee, to which a notice of motion has been referred, to be incorporated without repeating the select committee process.

Motions for disallowance or disapplication of instruments

Standing Order 317 sets out an "affirmative resolution procedure". Under this procedure, a notice of motion that the House approve a regulation, proposed regulation, or statutory instruction stands referred to a select committee, which must report on the motion within 28 days. The procedure prevents the motion being moved until the committee has reported or 28 days have elapsed.

There are also a number of particular cases under statute where a subordinate instrument may be disallowed or disapplied. Most notable is the general power for the House, under section 5 of the Regulations (Disallowance) Act 1989, to disallow any regulations by resolution at any time. This statutory mechanism is recognised in Standing Order 96(2),

²³ Regulations Review Committee, final report on the *Inquiry into the affirmative resolution procedure*, May 2007 (I.16I), p. 10.

²⁴ *ibid.*

²⁵ Government response to the final report of the Regulations Review Committee on the *Inquiry into the affirmative resolution procedure*, 28 August 2007 (J.1), p. 2.

which prevents the lapse of a notice of motion to disallow a regulation that is lodged by a member of the Regulations Review Committee. Under section 6 of the Act, the notice of motion takes effect automatically on the expiration of the twenty-first sitting day after it was lodged unless the motion has already been dealt with.

The Standing Orders do not set out procedures recognising other statutory provisions for the disallowance or disapplication of instruments, however. For example:

- The Civil Defence Emergency Management Act 2002 provides that a civil defence emergency management strategy takes effect unless, within 15 sitting days after the strategy is presented to the House of Representatives, the House resolves not to approve the strategy.²⁶ Express approval is not required. If the House resolves not to approve the strategy the Minister of Civil Defence must complete a revised strategy and the process is repeated.
- The Crown Entities Act 2004 provides in section 109 that a whole of Government direction by the Minister of State Services and the Minister of Finance to a category of Crown entities comes into force 15 sitting days after the direction is presented to the House unless the House resolves, in that period, to disapply it.²⁷
- The Sentencing Council Act 2007 provides that sentencing guidelines may be disappplied by resolution of the House of Representatives—the inaugural guidelines by a resolution passed within 30 sitting days after they have been presented to the House; other guidelines by a resolution passed within 15 sitting days after presentation.²⁸

Through these statutory provisions Parliament has retained an impression of oversight over particular subordinate instruments of significant legal effect that are not within the ambit of the general power to disallow regulations. However, these provisions will fail to offer any significant sense of parliamentary control unless the House's procedures provide real opportunities for scrutiny.

A generic procedure has already been set out in the Standing Orders in respect of affirmative resolutions. We recommend that a generic procedure also be established for the scrutiny of a notice of motion for the disallowance or disapplication of a regulation or other instrument not otherwise provided for in the Standing Orders. Such a notice of motion should stand referred to a select committee, with the Clerk allocating it to the most appropriate subject select committee for consideration and report no later than 10 sitting days after the day the notice of motion was lodged. As long as the member had lodged the notice of motion promptly after the regulation or instrument was presented to the House, this 10 sitting-day period would usually provide an opportunity for the House to consider the motion in the light of the committee's report, but still within the periods prescribed in various statutes within which motions for disallowance or disapplication are effective (apart from motions in respect of immediate modification orders—see below).

²⁶ Civil Defence Emergency Management Act 2002, section 35.

²⁷ Crown Entities Act 2004, section 109.

²⁸ Sentencing Council Act 2007, sections 18 and 19.

Two of the above types of statutory instrument already stand referred to select committees for scrutiny, though the Standing Orders do not set out a mechanism for notices of motion in respect of them to be placed before the House for consideration. A national civil defence emergency management strategy or proposed civil defence emergency management plan stands referred to the Government Administration Committee,²⁹ and a whole of Government direction stands referred to the Finance and Expenditure Committee, which may refer it to another committee for examination.³⁰ The provisions for these instruments to stand referred should be retained, as members could, in the context of select committee scrutiny, become aware of issues that might justify the disapplication of an instrument. If an instrument already stands referred to a select committee, then the Clerk is likely to consider it most appropriate for a notice of motion in respect of that instrument to be allocated to the same committee.

Under our proposed negative resolution procedure, if a select committee recommends to the House that a notice of motion referred under the proposed procedure be passed, the notice of motion would be set down for consideration in place of the first general debate after the committee's report on the notice of motion has been presented.

As noted above, some statutes that provide for regulations or instruments to be disallowed stipulate a time within which a resolution must be passed by the House for it to have effect. To ensure consistency with these statutory requirements, we recommend that a notice of motion to which the proposed negative resolution procedure applies lapses and is struck off the Order Paper if not dealt with by the House before the expiry of this time.

It is necessary with the introduction of this new procedure to distinguish it from the provision that recognises notices of motion lodged by members of the Regulations Review Committee under the Regulations (Disallowance) Act 1989. We recommend that the latter provision be shifted from its current location in Standing Order 96(2) to a new, separate Standing Order alongside other delegated legislation provisions.

Amendment 31

Insert a new Standing Order 317A, establishing a generic procedure for the scrutiny of a notice of motion, not otherwise provided for in the Standing Orders, for the House to disallow, disapply, or otherwise not approve of a regulation or other instrument as follows:

- Such a notice of motion stands referred to a select committee, with the Clerk allocating it to the most appropriate subject select committee for consideration and report no later than 10 sitting days after the day the notice of motion was lodged.
- A motion for disallowance or disapplication that a select committee recommends to be passed by the House would be set down on the Order Paper for the next Wednesday sitting as an item of general business in place of the general debate (with further consequential amendments to Standing Orders 251(1)(d) and 383(3)).

²⁹ Standing Order 385. Note that a civil defence emergency management strategy was presented to the House on 11 December 2007, and the Government Administration Committee reported on the strategy on 6 March 2008.

³⁰ Standing Order 384.

- A notice of motion to which the proposed negative resolution procedure 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.

Amendment 32

Transfer the provision relating to notices of motion lodged by members of the Regulations Review Committee under the Regulations (Disallowance) Act 1989 from Standing Order 96(2) to a new, separate Standing Order 316A alongside the other delegated legislation provisions.

Notice of motion for disallowance of immediate modification order

The Epidemic Preparedness Act 2006 provides for the Governor-General, while an epidemic notice is in force, to modify any requirement or restriction imposed by any enactment, on the recommendation of a Minister. After such an order (known as an “immediate modification order”) is made, it must be presented to the House, and may be disallowed if the House agrees to a notice of motion to this effect within six sitting days after the day on which the order was made. The notice of motion lapses if it is not agreed to within those six sitting days.³¹ After considering the Law Reform (Epidemic Preparedness) Bill (from which the Epidemic Preparedness Bill was divided), the Government Administration Committee suggested that the Standing Orders be amended to provide for the debate on notices of motion for disallowance to have priority on the Order Paper in exceptional circumstances.

The Standing Orders should accord high priority to such a notice of motion, which would be lodged only in extremely exceptional situations, particularly given the short time within which a motion must be passed if it is to have effect. During an epidemic, the Government would have very strong powers to make temporary amendments to primary legislation without reference to Parliament, and in such circumstances the usual presumption that Government business has precedence should not necessarily prevail, at least relative to motions to disallow immediate modification orders. We therefore recommend that such a notice of motion should be set down as the first item of business after general business, subject to postponement or adjournment under Standing Orders 71(1) or 134. However, any ministerial statement about the epidemic situation would have precedence, as would the Speech from the Throne or the commencement of the debate on the Prime Minister’s statement.

Since there would be every possibility that, during an epidemic, sittings of the House might be reduced, the usual notice period should be reduced for notices of motion for the disallowance of immediate modification orders. We recommend that such a motion may be delivered to the Clerk on any working day, and that it be set down on the Order Paper for the next sitting day.

³¹ Epidemic Preparedness Act 2006, section 17.

Amendment 33

Insert a new Standing Order 317B, providing that a notice of motion, given under section 17 of the Epidemic Preparedness Act 2006, for the disallowance of an immediate modification order, 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.

6 Financial procedures

Crown's financial veto

Application of financial veto to select committee amendments

Standing Order 321(1) is ambivalent about whether a financial veto certificate in respect of amendments recommended by a select committee can apply to only some of those amendments. The current position is that any certificate “must relate to all of the amendments recommended”.³²

Amendment 34

Amend Standing Order 321(1) so that a financial veto certificate may relate to some or all of the amendments recommended by a select committee.

Estimates

Consultation on format of Estimates

In 2005, the Standing Orders Committee set out the consultation process on proposals to change the content or format of Appropriation bills. This description is included in *Speakers' Rulings*, and refers in particular to section 18 of the Public Finance Act 1989.³³ However, section 18 relates not so much to the content or format of Appropriation bills as to the Estimates (or Supplementary Estimates) and other supporting information.

We therefore set out a proposed process for consultation on proposals to change the content or format of the Estimates (or Supplementary Estimates) and other supporting information as follows:

The process for consultation on proposals to change the content or format of the Estimates (or Supplementary Estimates) and other supporting information is:

- Following presentation to the House by the Speaker, any proposal to change significantly the format or content of the Estimates (or Supplementary Estimates) and other supporting information under section 18 of the Public Finance Act 1989 will be referred to the Finance and Expenditure Committee for consultation.
- The Finance and Expenditure Committee will disseminate the proposal to other subject select committees and coordinate their responses.
- The Finance and Expenditure Committee will communicate its own views, and those of any other subject select committee, directly to the Minister of Finance.

³² McGee, *Op. cit.*, p. 449.

³³ Standing Orders Committee, *Review of Standing Orders*, June 2005 (I.18C), Appendix C, p. 4; *Speakers' Rulings* 117/1 (2005 Edition).

Annual taxing provision

Debate on annual taxing provision

Since income tax was established in 1891, it has been a requirement for the rates of income tax to be set by way of an annual Act. The stipulation that rates of income tax should be confirmed each year reflects the principle of parliamentary control of taxation, a tenet expressed in article 4 of the Bill of Rights 1688.

While in some years the annual taxing provision may be found in a separately debatable Part in a taxation bill, in other years it has been placed within a Part containing other provisions. The importance of the annual taxing provision is such that it should be separately debatable each year. We therefore recommend that a new Standing Order be inserted to stipulate that an annual taxing provision be taken as a separate question no matter how it is drafted.

Amendment 35

Insert a new Standing Order 334A to stipulate that an annual taxing provision is taken as a separate question in a committee of the whole House, no matter how the provision is drafted.

Financial reviews

Allocation of responsibility for conducting financial reviews—splitting of financial reviews

A number of select committees requested that Standing Order 335 be amended to provide for distinct functions of, or entities within, a Government department to be allocated to different committees for review. These requests were forwarded to the Finance and Expenditure Committee with a request for that committee's comment on the proposal regarding the splitting of financial reviews. In reply, the Chairperson of the Finance and Expenditure Committee stated that the committee did not support the proposal, and noted a number of disadvantages that, in the committee's view, outweighed any advantage that might be achieved:

- The public accountability framework is based on financial and service reporting to Parliament at an entity level. Separate financial and service performance information is not necessarily provided at a branch or unit level.
- Considering a discrete area of departmental activity separately from the overall performance of the department itself could provide a skewed (for better or worse) impression of the department's performance.
- "Whole of department" issues such as strategic and management planning, capability management, financial management, and human resource management, which need to be considered at an entity level, would be considered in a piecemeal fashion. This could give rise to unsound conclusions about a department's internal management performance.
- Members necessarily have considerable freedom to examine factors that affect departmental performance, and if several committees are examining parts of the same department, then there will invariably be some overlap.

- Reconciling reports from different committees on the same department could be difficult to manage and time-consuming.
- The provision for temporary changes of committee membership for the consideration of a particular matter already provides sufficient opportunity for members to participate in the financial review examinations of their choice.

We concur with the view expressed by the Finance and Expenditure Committee, and thus do not support the proposal for the splitting of financial reviews.

Scrutiny of reports on non-departmental appropriations presented under section 32A of Public Finance Act 1989

Hon Dr Michael Cullen wrote to the committee as Minister of Finance and Leader of the House, proposing that the Standing Orders provide for parliamentary scrutiny of reports presented under section 32A of the Public Finance Act 1989 (“section 32A reports”). Such a report contains a statement of service performance or statement of results achieved for certain non-departmental appropriations. Currently a separate report is presented every year for each vote that includes relevant non-departmental appropriations,³⁴ but Dr Cullen intends that in future the Minister of Finance will present a single compendium volume of section 32A reports on behalf of all the Ministers responsible for such reports.

Dr Cullen noted that section 32A reports have until now not been subject to any parliamentary scrutiny. In order to facilitate scrutiny of section 32A reports in the financial review process, Dr Cullen suggested that the Standing Orders be amended to provide that the compendium of section 32A reports stands referred to the Finance and Expenditure Committee for review or allocation to other select committees for review.

The Government has some discretion as to which appropriations are subject to the requirements of section 32A but, in practice, has used criteria approved by the Finance and Expenditure Committee in 1991 to determine which appropriations will be reported on.³⁵ At present, section 32A reports are required for non-departmental output appropriations in excess of \$1 million that are not reported on in the annual report of a Crown entity. Dr Cullen noted that he intended to submit a proposal to the Finance and Expenditure Committee for updating the 1991 criteria in the light of the Public Finance Amendment Act 2004.

The scrutiny of section 32A reports would occur at a similar time in the financial cycle to the financial review of departments, and departments tend to be given the task of collecting information for the reports and preparing them for publication.³⁶ We therefore propose that section 32A reports be examined in tandem with the financial reviews of relevant departments. However, while an administering department has some responsibility for reporting on non departmental appropriations,³⁷ the services and outputs covered by section 32A reports are provided by other organisations, and questions regarding them

³⁴ The votes concerned are indicated in a Schedule to the Appropriations Act under which the appropriations are made.

³⁵ The Treasury, *A Guide to the Public Finance Act*, August 2005, p. 65.

³⁶ *ibid.*, p.65.

³⁷ *ibid.*, p.64.

could appropriately be directed to a Minister (either the relevant vote Minister, or the Minister of Finance, who would present the compendium of section 32A reports to the House).

As a consequence, we also propose that provisions relating to the financial review debate be amended to allow for consideration of section 32A reports.

Amendment 36

- Insert a new Standing Order 336A to provide that section 32A reports stand referred to the Finance and Expenditure Committee to review or for allocation to other select committees for review (with further consequential amendments to Standing Orders 190(1) and 251(1)(c)).
- Amend Standing Orders 338 and 341 and Appendix A to provide for the consideration of section 32A reports in the financial review debate.

7 Non-legislative procedures

Statements

Prime Minister's statement

We have reviewed the procedure for the presentation of, and debate on, the Prime Minister's statement at the start of each calendar year. In our view, the requirement for the statement to be read in the House limits the content of the statement, particularly in terms of the level of detail that can be provided of the Government's intentions for the year. We propose that the procedure be revised so that the statement is presented as a parliamentary paper before the House sits for the first time each year. The Prime Minister then would commence the debate by moving a motion relating to the statement. Each year would thus commence with a confidence motion, rather than a motion of no-confidence moved by the Leader of the Opposition (although amendments to the motion could still be moved).

We recommend that a Prime Minister's statement not be presented in years when an Address in Reply debate commences less than three months before the first sitting day of the year.

Amendment 37

Amend Standing Orders 345 to 347 to provide that

- the Prime Minister's statement is presented as a parliamentary paper before the House sits for the first time each year, except when an Address in Reply debate commenced less than three months before the first sitting day of the year
- the Prime Minister commences the debate on the Prime Minister's statement by moving a motion relating to the statement (with further consequential amendment to Appendix A).

Maiden and valedictory statements

Valedictory statements are not currently recognised in the Standing Orders, and maiden speeches are provided for, to the extent that they can be arranged as maiden "statements" if they are not made during an Address in Reply debate (the majority of maiden speeches are delivered during this debate). We recommend that a single Standing Order provide for both forms of statement, allowing them to interrupt a debate at such time that the Speaker or Business Committee determines. This follows from our previous recommendations regarding the power of the Business Committee to arrange the business of the House. A consequential amendment would be required to insert valedictory statements as an item in Appendix A. While the standard time permitted for a valedictory statement would be 15 minutes, we recommend that the Speaker have discretion to vary the time permitted depending on the length of service of the member concerned.

Amendment 38

- Amend Standing Order 351 so that it provides for both maiden statements and valedictory statements, allowing them to interrupt a debate at such time that the Speaker or Business Committee determines.
- Insert valedictory statements as an item in Appendix A.

Papers and publications

Presentation of papers

The presentation of papers is generally an administrative process that occurs outside the House at any time on a working day or before 1 pm on a sitting day.³⁸ When the Clerk reads a list of parliamentary papers at 2 pm on a sitting day, she is announcing the parliamentary papers that have been presented since the previous sitting day.

“Parliamentary papers” are papers presented by Ministers or the Speaker that are published by order or under the authority of the House. At present, the procedure is that a list of parliamentary papers presented by Ministers is read by the Clerk at the start of the sitting day, sometimes followed by the presentation of other parliamentary papers by the Speaker, and then a Minister (usually the Leader of the House) moves that those papers be published. This means the papers are “ordered to be published”.³⁹

There are two main effects of the order. First, a paper that is ordered or authorised to be published is incorporated into the permanent record of the proceedings of the House, in the volumes of *Parliamentary Papers*.⁴⁰ The second effect is that the publication of the paper is accorded statutory protection.⁴¹

It is ultimately for Ministers to indicate whether it is intended for a paper to be published as a parliamentary paper. However, in practice it is generally clear that parliamentary papers will include, for example, the Government’s financial statements and Budget papers, annual reports and statements of intent of departments and Offices of Parliament and certain Crown entities (though not all Crown entities), international treaties for examination, reports from the Law Commission and Commissions of Inquiry, Government responses to select committee reports, and responses to statements in the House under Standing Orders 160–163.

Other papers are presented to the House, by the Speaker and by Ministers, which are not ordered or authorised to be published by the House. These are known as “non-parliamentary papers”, and their publication or use outside parliamentary proceedings is not legally protected by virtue of their presentation to the House. These include the annual reports and statements of intent of many other public agencies, regulations and other

³⁸ Standing Order 363(1).

³⁹ Standing Order 364.

⁴⁰ Formerly the *Appendices to the Journals of the House of Representatives*.

⁴¹ For example, the publication of the paper is protected from any legal action under section 2 of the Legislature Amendment Act 1992, and the publication of a fair and accurate extract from, or summary of, the paper has qualified legal privilege under the Defamation Act 1992 (section 16(1) and First Schedule). Papers published by order or under the authority of the House are also recognised in the Evidence Act 2006 (sections 141–2).

forms of delegated legislation, ministerial directions, and inquiry reports from Officers of Parliament.

It therefore is important that any procedure relating to the presentation of papers distinguishes between “parliamentary papers” (which are ordered or authorised to be published) and “non-parliamentary papers” (which are not). Currently this distinction turns on the fact that parliamentary papers are announced to the House and subsequently ordered to be published.

We consider that the current procedure for the publication of papers should be revised so that it is no longer necessary for a Minister to move that papers be published. We propose that the House’s authority to publish a paper should be conferred automatically when the Speaker or a Minister presents a paper and indicates that it is intended to be published as a parliamentary paper. This would mean that legal protection would apply as soon as the paper was presented, and it would also enable the paper to be published immediately to the Parliament website.

Amendment 39

Amend Standing Orders 363 and 364 so that the House’s authority to publish a paper is conferred automatically when the Speaker or a Minister presents a paper and indicates that it is intended to be published as a parliamentary paper (with further consequential amendments to Standing Orders 266 and 367).

Documents tabled by leave

The tabling of documents by leave is a frequent practice, although it currently is not recognised in the Standing Orders. We propose that a new Standing Order be inserted to reflect this practice, with the proviso that, when a member has been granted leave to table a document, then the document must be tabled. This would reduce the tendency of members to use the procedure for the tabling of documents to make additional debating points. The Speaker would determine the time within which documents should be tabled.

The primary purpose of the procedure for seeking leave to table documents is to inform debate by making available to members documents that otherwise would not be available. It is not desirable for members to seek to table documents that already are available as part of the House’s proceedings, such as replies to questions for written answer, parliamentary papers, select committee reports, *Hansard*, or the Standing Orders.

Amendment 40

Insert a new Standing Order 368A providing that a member may table a document by leave, but that if leave is granted the document must be tabled within a reasonable period, as determined by the Speaker.

Officers of Parliament

Reports from Officers of Parliament

The Offices of Parliament Committee expressed concern that, upon being presented to Parliament, reports from the Controller and Auditor-General, the Ombudsmen, and the Parliamentary Commissioner for the Environment do not stand referred to any particular

subject select committee for consideration. Any select committee examination of these reports therefore appears to be ad hoc, and, because committees have to invoke their inquiry function to examine an Officer of Parliament report, scrutiny of them has become infrequent.

We recommend that a new Standing Order 386A be inserted, providing that reports of reports from Officers of Parliament (other than annual reports) stand referred as applicable to the Finance and Expenditure Committee, the Government Administration Committee, or the Local Government and Environment Committee, and that the committee may examine the report itself or, if it considers that the subject area of the report is primarily within the terms of reference of another select committee, refer the report to that committee for examination.

A committee to which a report stands referred under this new provision should consider requesting a briefing from the Officer of Parliament and, if applicable, from Government officials or spokespeople from a local authority. There is no statutory or formal requirement for the Government or any other public authority to respond to recommendations set out in reports from the Controller and Auditor-General and the Parliamentary Commissioner for the Environment, although the Ombudsmen do have the power to request a response.⁴² The involvement of a select committee may promote efforts to engage in implementing or responding to recommendations. The select committee may itself make recommendations in the light of the report, and recommendations addressed to the Government would require a response.⁴³

Amendment 41

Insert a new Standing Order 386A, providing that reports from Officers of Parliament (other than annual reports) stand referred as applicable to the Finance and Expenditure Committee, the Government Administration Committee, or the Local Government and Environment Committee, and that the committee may examine the report itself or, if it considers that the subject area of the report is primarily within the terms of reference of another select committee, refer the report to that committee for examination (with a further consequential amendment to Standing Order 190).

⁴² An Ombudsman may request that a department or organisation, to which she or he has made recommendations following an investigation, respond within a specified time with details of the steps (if any) that it proposes to take to give effect to the recommendations (Ombudsmen Act 1975, section 22(3)).

⁴³ Standing Order 253.

8 Parliamentary privilege

Contempt of House—relevant considerations

In 2006, the Privileges Committee was referred a Question of privilege on the action taken by Television New Zealand Limited in relation to its chief executive, following evidence he gave to the Finance and Expenditure Committee. In its interim report, the committee dealt with the particular incident that gave rise to the Question of privilege, and the House followed the committee's recommendation to punish the contempt by fining and requiring a formal written apology from Television New Zealand Limited.⁴⁴ The committee then took the opportunity to consider the more general issue of the protection of witnesses appearing before parliamentary select committees, and the outcome of this consideration was presented in the committee's final report on the Question of privilege.⁴⁵

In preparing its final report, the Privileges Committee reviewed a number of privileges reports about the disadvantaging of witnesses in the United Kingdom, Canada, and Australia, which expressed a number of common themes emphasising the importance of protecting witnesses who appear before parliamentary committees. The Privileges Committee endorsed these themes, and reiterated the principles that “the privilege of free speech is one of the cornerstones of parliamentary democracy”, and that “the protection accorded by this privilege is not restricted to members of Parliament and is equally available to other people who participate in parliamentary proceedings”.⁴⁶

On the other hand, the committee recognised that each question of privilege is considered on its own merits, and that whether to intervene on behalf of a witness is a matter of discretion. However, the extent of this discretion is not clearly stated in the Standing Orders, and the Privileges Committee considered that general terms should be set out for considering whether it is justifiable to invoke the power to hold conduct in contempt. The committee proposed that two factors be specified for consideration: the conduct of any person in parliamentary proceedings, and the nature of the action taken against any person on account of that person's parliamentary action.

The committee observed:

Thus a person who acts irresponsibly in their parliamentary evidence by making extravagant or unjustifiable assertions cannot expect to be defended by the House if this leads to action outside the House. The rule of law preventing the calling into question of their evidence would still operate, but the House may take no affirmative action to protect the witness by using its power to punish for contempt.⁴⁷

⁴⁴ Privileges Committee, Interim report on the *Question of privilege on the action taken by TVNZ in relation to its chief executive, following evidence he gave to the Finance and Expenditure Committee*, 6 April 2006 (I.17A).

⁴⁵ Privileges Committee, Final report on the *Question of privilege on the action taken by TVNZ in relation to its chief executive, following evidence he gave to the Finance and Expenditure Committee*, 17 October 2006 (I.17B).

⁴⁶ *ibid.*, p. 5.

⁴⁷ *ibid.*, p. 6.

Examples were given of instances where the House might decide not to use its power to punish for contempt, particularly in relation to public servants. The committee noted that “Parliamentary processes should not be used to encourage witnesses to disclose information when other more appropriate means can be used (such as the Protected Disclosures Act 2000).”

Amendment 42

Adopt the amendment to Standing Order 399 recommended by the Privileges Committee in its final report on the *Question of privilege on the action taken by TVNZ in relation to its chief executive, following evidence he gave to the Finance and Expenditure Committee.*

Appendix A**Recommended amendments to the Standing Orders****Standing Orders
of the
House of Representatives**

Amendments recommended by the Standing Orders Committee

August 2008

Notes: References are to numbered amendments as set out in the report.

The Standing Orders will be fully renumbered when they are reprinted to incorporate the amendments as agreed by the House.

CHAPTER 1

GENERAL PROVISIONS AND OFFICE-HOLDERS

INTRODUCTION

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 a statutory entity or a Crown entity company named or described in Schedules 1 or 2 of the Crown Entities Act 2004, and includes Crown entity subsidiaries

department means a department 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

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 a party recognised for parliamentary purposes in accordance with the Standing Orders

person includes an organisation

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

Amendment 22

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 a regulation within the meaning of the Regulations (Disallowance) Act 1989

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 ~~and Waitangi Day~~, Waitangi Day and the day on which Wellington Anniversary is observed, and
- (b) 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
- (c) a day in the period commencing with 25 December in any year and ending with 15 January in the following year

Amendment 1

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 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 on the next working day.~~

Amendment 2

- (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. Amendment 2

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, ~~clause~~ 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.

CHAPTER 2

SITTINGS OF THE HOUSE

SITTINGS

44 Broadcasting

- (1) The proceedings of the House are broadcast on radio during all hours of sitting and are available for television coverage.
- ~~(2) Any broadcast of the televised proceedings of the House must maintain such standards of fairness as are adopted, from time to time, by 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.

Amendment 3

48 Speaker may suspend sitting or adjourn House

- ~~(1) The Speaker may suspend a sitting or adjourn the House if the Speaker thinks it is necessary to do so to maintain order.~~
- (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.

Amendment 4

53 Early sitting or postponement of sitting during adjournment

Amendment 5

- (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 ~~so informed~~ 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.
- (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,—

Amendment 5

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.

BUSINESS COMMITTEE

74 Business Committee

- (1) The Speaker convenes a Business Committee at the commencement of each Parliament. The Speaker chairs the Business Committee.
- (2) ~~Every party with six or more members is entitled to be represented at each meeting of the committee by one member nominated by its leader. Every party is entitled to be represented at each meeting of the committee by one member nominated by its leader.~~
- (3) ~~Parties with fewer than six members, and which are in a Government coalition, are entitled to choose one member between them to represent them on the committee. Other parties with fewer than six members and Independent members are entitled to choose one member between them to represent them on the committee.~~
- (4) The names of the members nominated are to be given to the Speaker.

Amendment 6

76 Business of House

The Business Committee may determine—

- (a) the order of business to be transacted in the House:
- (ab) when business will be transacted in the House:
- (b) the time to be spent on an item of business:
- (c) how time on an item of business is to be allocated among the parties represented in the House:
- (d) the speaking times of individual members on an item of business.

Amendment 7

77 Determination of Business Committee

- (1) A determination of the Business Committee takes effect ~~by its publication and circulation 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 ~~notwithstanding~~ despite any other Standing Order to the contrary.

Amendment 8

CHAPTER 3

GENERAL PROCEDURES

MAINTENANCE OF ORDER

85 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 questions for oral answer 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.

Amendment 9

MOTIONS

96 Disposal of Members' notices of motion

- ~~(1) Subject to paragraph (2) Standing Orders 316A, 317A and 317B,~~ 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.
- ~~(2) A notice of motion for the disallowance of a regulation given by a member who is, at the time of the giving of the notice, a member of the Regulations Review Committee does not lapse and is retained on the Order Paper until dealt with by the House.~~

Amendments 31–32

Amendment 32

99 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.

RULES FOR AMENDMENTS

121 ~~Form of question on amendment~~ Question proposed on amendment

- (1) When an amendment has been moved, the Speaker proposes ~~a 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.

Amendment 12

121A 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.

~~122 No amendment to be made to words already agreed to~~

Amendment 12

~~An amendment (except an amendment to add further words) may not be moved to any words that the House has declined to omit, or which have been inserted in or added to a question.~~

~~123 Order of moving amendments~~

~~Each amendment is disposed of before another amendment to the same question may be moved.~~

124 Amendment to amendment

An amendment may be moved to a proposed amendment.

~~125 Withdrawal of amendment~~

~~After the Speaker has proposed the question on an amendment, the amendment cannot be withdrawn without leave.~~

125A 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.

125B 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.

126 Questions put

(1AA) At the conclusion of the debate on a motion, the question on any amendment that is in order is put.

(1AB) Amendments are put in the order in which they were moved.

- (1) When amendments are agreed to, the question, as amended, is put.
- (2) When amendments are not agreed to, the question is put as originally proposed.

~~LIMITATIONS ON SPEAKING TO AND MOVING AMENDMENTS~~**~~127 Member who has spoken on main question may speak to new question arising~~**

~~A member who has spoken to a question may speak to any new question that arises.~~

~~128 Debate on amendment confined to amendment~~

~~When an amendment is moved the debate must be confined to the amendment, unless it involves the consideration and decision of the main question, in which case both the main question and the amendment are open for discussion.~~

~~129 Member who has spoken to amendment involving main question may not speak to main question~~

Amendment 12

~~A member who has spoken to any amendment that involves the consideration and decision of the main question may not subsequently speak to the main question, either as originally proposed or as amended.~~

~~130 Member who has moved or spoken to amendment may not move further amendment~~

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

~~131 Member who has spoken to main question may not move amendment~~

~~A member who has spoken to the main question, or to any amendment that involves the consideration and decision of the main question, may not move an amendment, but may speak to any such amendment when moved by another member.~~

INTERRUPTION OF DEBATE**132 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.

Amendment 13

133 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 ~~or a maiden statement~~, a maiden statement or a valedictory statement:
- (h) in accordance with a decision of the House or a determination of the Business Committee.

Amendment 14

Amendment 38

Amendment 14

144 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) Any member absent from the parliamentary precincts—
- (a) attending a meeting of a select committee held outside the Wellington area with the agreement of the House or the Business Committee, or
 - (ab) on official parliamentary travel funded by the Office of the Clerk, or
 - (b) attending other official business approved by the Business Committee—
- is regarded as present for the purposes of paragraph (1)(c).
- (4) Subject to Standing Order 156, any party consisting of three 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.
- (5) 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*.

Amendment 15

COMMITTEES OF THE WHOLE HOUSE

173 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.
- (1A) 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.
- (2) 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.

Amendment 17

177 Instructions to a 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) ~~There is no amendment or debate on the question for an instruction to a committee requiring it to consider a bill clause by clause. Any debate on the question for any other 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.~~
- (3) 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.
- (3A) There is no amendment or debate on the question for an instruction to a committee requiring it to consider a bill clause by clause.
- (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) A committee may, by leave, vary the terms of any instruction that has been given to it.

178 ~~Disorder in committee~~ Chairperson may suspend proceedings in certain situations

- ~~(1) In the case of any grave disorder arising in committee, the chairperson may temporarily suspend the proceedings of the committee.~~
- (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.

Amendment 18

Amendment 4

180 ~~Interruption of proceedings~~ Resumption of proceedings after suspension

Amendment 18

Whenever the proceedings of a committee are suspended ~~on account of disorder or for a Speaker's ruling to be taken under Standing Order 178 or 179~~, 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.

CHAPTER 4

SELECT COMMITTEES

ESTABLISHMENT OF COMMITTEES

188 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) ~~Changes which are in the nature of permanent replacements~~ Permanent changes in the membership of a ~~select committee~~ committees may be made by the Business Committee ~~and temporary replacements by the leader or a whip of the party or parties to which each member involved belongs.~~
- (2A) 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.
- (3) A member may not be replaced on a committee during any period in which the member is suspended from the service of the House.

Amendment 19

SUBJECT SELECT COMMITTEES

189 Subject select committees

The subject select committees and their subject areas are—

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

Amendment 20

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, ~~immigration and trade~~, trade and veterans' affairs

Amendment 20

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, ~~tourism~~, and women's affairs and youth 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, ~~courts~~, 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, ~~veterans' affairs~~ and 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.

190 Functions of subject select committees

- (1) The subject select committees specified in Standing Order 189 consider and report to the House on the following types of business referred by the House or otherwise under Standing Orders:
 - (a) bills:
 - (b) petitions:
 - (c) financial reviews and reviews of reports on non-departmental appropriations: Amendment 36
 - (d) Estimates:
 - (e) Supplementary Estimates:
 - (f) international treaty examinations:
 - (fa) reports of Officers of Parliament: Amendment 41
 - (g) 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 189.
- (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 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

193 Place of meeting

~~A select committee may meet at any place within New Zealand. It must be authorised by the House before it can meet outside New Zealand.~~

- (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.

Amendment 21

REPORTS

251 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 292:
 - (c) reports on the Budget policy statement, the fiscal strategy report and the economic and fiscal update, the financial statements of the Government, Estimates, Supplementary Estimates ~~and financial reviews~~, financial reviews and reviews of reports on non-departmental appropriations are considered ~~as determined under Standing Orders 324, 332, 338 and 341~~ as set out in Standing Orders 324, 332, 338 and 340 or as determined under Standing Order 341:
 - (d) a report on a notice of motion under Standing Order 317 or 317A 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.

Amendment 36

Amendment 31

CHAPTER 5

LEGISLATIVE PROCEDURES

FORM OF BILLS

256 Title

- (+) The first clause of each bill is confined to stating the title by which the Act is to be known.
- ~~(2) If the Act is to be part of another Act, the clause may also state that fact, and how that other Act is to be referred to.~~

Amendment 23

OMNIBUS BILLS

263 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:
 - (ab) Taxation bills:
 - (b) Local Legislation bills that contain provisions affecting particular localities that otherwise would have been introduced as local bills:
 - (c) 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:
 - (d) 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:
 - (e) 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.

Amendment 25

264 ~~Law reform or Other omnibus bills~~

~~A law reform or other omnibus bill~~ 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

Amendment 26

- (c) the Business Committee has agreed to the bill's introduction as ~~a law reform or an~~ omnibus bill.

Amendment 26

GENERAL PROVISIONS

266 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, ~~before a motion for the bill's first reading is moved,~~ 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 ~~for publication by order of the House, —~~
- (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 and move, without notice, that the paper be published. There is no debate or amendment on the question.~~
- (4) A paper presented under this Standing Order is published under the authority of the House.

Amendment 27

Amendment 39

INTRODUCTION

277 Ballot for Members' bills

- (1) There may not be more than four orders of the day for the first readings of Members' bills before the House at any one time. The Clerk rejects any notices that would lead to more than this number.
- (2) If two or more notices of intention to introduce Members' bills are given on the same day, the Clerk conducts a ballot at midday on that day to determine which bills are to be introduced and the order in which they are to be introduced.
- (3) No member is to be entered in a ballot in respect of more than one notice and only one notice is to be entered in respect of any bills that are the same or substantially the same in substance. When members have, on the same day, given notices in respect of 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 ballot conducted by the Clerk.

- (4) Despite paragraph (1), if,— Amendment 28
- (a) whenever the Clerk is to conduct a ballot under paragraph (2), or
- (b) on a Wednesday on which Government orders of the day take precedence,—
- it appears that there will not be four orders of the day for the first readings of Members' bills available for consideration at the next Wednesday's sitting at which Members' orders of the day take precedence, the Clerk may accept notices of intention to introduce bills so as to bring the number of orders of the day for the first readings of members' bills available that day up to four.

FIRST READING

~~282 Bills set down for first reading~~

~~After its introduction a bill is set down for first reading on the third sitting day following.~~

282 Bills set down for first reading

- (1) After its introduction a Government bill is set down for first reading,— Amendment 29
- (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.

COMMITTEE STAGE

~~304 Amendment of law reform or other omnibus bill~~

- (1) ~~In considering a law reform or other omnibus bill an omnibus bill,~~ Amendment 26
no substantive amendment to an Act not amended by the bill as originally introduced may be moved without the leave of the committee.
- (2) A consequential amendment to an Act not amended by the bill as originally introduced may be made.

305 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 Amendment 24

Order Paper may also set out a principal Act clause for any or all of the new bills.

Amendment 24

- (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.

DELEGATED LEGISLATION

316A Disallowance motion does not lapse

Amendment 32

~~A notice of motion for the disallowance of a regulation given by a member who is, at the time of the giving of the notice, a member of the Regulations Review Committee does not lapse and is retained on the Order Paper until dealt with by the House.~~

Any notice of a motion to which section 6(1) of the Regulations (Disallowance) Act 1989 applies (being a motion for the disallowance of a regulation under that Act given by a member who is, at the time of the giving of the notice, a member of the Regulations Review Committee) does not lapse and is retained on the Order Paper until dealt with by the House.

317 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, which 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 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).

Amendment 30

317A Negative resolution procedure

- (1) Any notice of a motion that the House, under any statute, disallow, disapply, or otherwise not approve of a regulation or other instrument, other than a notice of motion to which Standing Order 316A or 317B 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 3 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.

37B Procedure for disallowance of immediate modification order

Amendment 33

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.

CHAPTER 6

FINANCIAL PROCEDURES

CROWN'S GOVERNMENT'S FINANCIAL VETO

321 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.

Amendment 34

THE BUDGET

325 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. ~~There is no amendment or debate on the question for its first reading and the House proceeds to the second reading forthwith.~~
- (1A) 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.
- (2) A Minister delivers the Budget statement in moving the second reading of the main Appropriation Bill.

ESTIMATES

329 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 examine a Vote itself or refer it or some of the appropriations contained in the Vote to any subject select committee for examination.~~
- (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.

332 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 ~~laid before the House 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.

ANNUAL TAXING PROVISION

Amendment 35

334A 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, unless the committee, by leave, decides otherwise.
- (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.

FINANCIAL REVIEW

336A Review of reports on non-departmental appropriations

Amendment 36

- (1) When reports on non-departmental appropriations are presented to the House, the reports stand referred to the Finance and Expenditure Committee.
- (2) The Finance and Expenditure Committee may review a report itself or refer it to any subject select committee for review.
- (3) Each select committee must, within one week of the first sitting day of each year, report to the House on every report on non-departmental appropriations referred to it.

337 Appropriation (Financial Review) Bill

- (1) An Appropriation (Financial Review) Bill is an Appropriation Bill containing provisions solely concerned with the ~~sanctioning~~, 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.

338 Financial review debate

- (1) The consideration in committee of the Appropriation (Financial Review) Bill is the financial review debate. The financial 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 financial reviews of the performance in the previous financial year and the current operations of individual departments and Offices of Parliament, and
 - (c) reviews of reports on non-departmental appropriations.
- (2) When the financial 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 financial reviews and reviews of reports on non-departmental appropriations as determined under Standing Order 341. As each financial review report is reached, the question is proposed that the report ~~of the select committee on the financial review~~ be noted.
- (4) At the conclusion of the total time for the financial 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 financial review debate must be held no later than 31 March.

Amendment 36

340 ~~Debate on financial review~~ Consideration of financial reviews of Crown entities, public organisations and State enterprises

- ~~(1) The debate on the financial review 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. This debate is the consideration in committee of the performance in the previous financial year and the current operations of Crown entities, public organisations and State enterprises.~~
- ~~(1)~~ Consideration of the financial 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 financial reviews of Crown entities, public organisations and State enterprises as determined under Standing Order 341.

- (3) As each financial review is reached, the question is proposed that the report of the select committee on the financial review be noted.

DETERMINATION OF VOTES AND FINANCIAL REVIEWS FOR DEBATE

341 Determination of Votes and financial 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 financial review debate or the debate on the financial review of Crown entities, public organisations and State enterprises.
- (2) The Government determines which ~~Votes or financial reviews,~~ financial reviews or reports on non-departmental appropriations 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 financial reviews,~~ financial reviews or reports on non-departmental appropriations are to be considered on a particular day and how long is available for considering each or any ~~Vote or financial review~~ of them.

Amendment 36

CHAPTER 7

NON-LEGISLATIVE PROCEDURES

STATEMENTS DEBATE ON PRIME MINISTER'S STATEMENT

Amendment 37

345 Prime Minister's statement

- (1) ~~On~~ Before the House meets on the first sitting day of each year, the Prime Minister must ~~make a statement to the House~~ present to the House a statement reviewing public affairs and outlining the Government's legislative and other policy intentions for the next 12 months.
- (1A) The Prime Minister's statement must be provided to each party leader no later than 10 am on the first sitting day of the year.
- (1B) The Prime Minister's statement is published under the authority of the House.
- (2) ~~No Prime Minister's statement is made~~ Despite paragraphs (1), (1A) and (1B), 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) ~~when the Address in Reply debate is in progress on the first sitting day of the year.~~
 - (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.

~~346~~ Timing of Prime Minister's statement

~~The Prime Minister's statement is made at 2 pm. The text of the statement that the Prime Minister is to make must be made available to each party leader no later than 10 am that day.~~

347 Debate on Prime Minister's statement

~~A debate is held immediately following the Prime Minister's statement on a motion moved by the Leader of the Opposition. The debate on the Prime Minister's statement is taken ahead of all other Government orders of the day.~~

- (1) When the House meets following the presentation of the Prime Minister's statement, the Prime Minister, at 2 pm, 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

351 Maiden and valedictory statements

Amendment 38

~~A member who has not made a maiden speech during an Address in Reply debate may make a maiden statement. The maiden statement may interrupt a debate and is made at a time that the Speaker agrees is convenient.~~

- (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.

PAPERS AND PUBLICATIONS

363 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) ~~Notwithstanding~~ Despite paragraph (1), the Speaker may present a paper ~~to~~ in the House.

364 Publication of papers

- (1) In presenting a paper under Standing Order 363(1), the Speaker or the Minister may indicate that it is intended that it be published by order of the House. The Clerk announces the presentation of such papers at the time appointed by Standing Order 63.
- (1A) In presenting a paper in the House under Standing Order 363(2), the Speaker may indicate that it is intended that it be published.
- ~~(2) Following the announcement of papers and the presentation of those papers the Speaker wishes to present, a Minister may move, without notice, that that paper or those papers be published. There is no debate or amendment on the question.~~
- ~~(2)~~ A paper that is indicated for publication under paragraph (1) or paragraph (1A) is published under the authority of the House.

Amendment 39

367 Budget papers and Estimates

After delivering the Budget or introducing an Appropriation Bill, a Minister may present any papers relating to the Budget or the bill ~~and move, without notice, that those papers be published. There is no debate or amendment on the question.~~ Such papers are published under the authority of the House.

Amendment 39

368 ~~Quoting documents~~ 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 ~~lay the document on the Table~~ table the document. The Minister must then ~~lay the document on the Table~~ table the document unless it is of a confidential nature.

368A Documents tabled by leave

Amendment 40

- (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.~~

GENERAL DEBATE**383 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 317A(4).

Amendment 31

OFFICERS OF PARLIAMENT**386A Reports of Officers of Parliament**

Amendment 41

- (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.~~

CHAPTER 8
PARLIAMENTARY PRIVILEGE

399 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.

Amendment 42

Appendix A

TIME LIMITS OF SPEECHES AND DEBATES

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

LEGISLATIVE PROCEDURES

First reading of Members' bills, private bills and local bills

Each member <u>First two members speaking</u>	10 minutes	Amendment 10
<u>Other members</u>	<u>5 minutes</u>	
Member <u>in charge of bill</u> in reply	5 minutes	
Whole debate (including reply)	7-11 speeches	

Committee of the whole House

Title of bill		Amendment 11
— 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 3 speeches of 5 minutes each	
Other clause or other provision <u>Each Part or provision</u>		
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	

FINANCIAL PROCEDURES

Financial review debate (committee of the whole House stage of Appropriation (Financial Review) 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 <u>or non-departmental appropriation(s)</u>	Multiple speeches of 5 minutes each, but normally not more than 2 consecutive speeches	
Other members speaking on each financial review	Not more than 2 speeches of 5 minutes each	Amendment 36
Whole debate	4 hours	

~~Debate on performance and current operations~~ Consideration of financial 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 financial review	Not more than 2 speeches of 5 minutes each	
Whole debate	3 hours	

NON-LEGISLATIVE PROCEDURES

Debate on Prime Minister's statement and debate

<u>Prime Minister</u>	Unlimited	Amendment 37
<u>Specified party leaders</u>	20 minutes each	
<u>Prime Minister and specified party leaders</u>		
Other members	10 minutes each	
Whole debate (excluding delivery of the Prime Minister's statement)	14-15 hours	

Item of business and member speaking
Times for speeches or debates
Maiden statement

~~A member who has not made a~~ 15 minutes

~~maiden speech during the~~

~~Address in Reply debate~~

Member making maiden statement

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

Amendment 38

Appendix B

PECUNIARY INTERESTS

DEFINITIONS

PART 1

3 Duty to make annual return of pecuniary interests

- (1) Every member must make an annual return of pecuniary interests in each year as at 31 January.
- (2) The annual return must be transmitted by the member to the registrar by ~~28 February~~ the last day of February in each year in which an annual return must be made.

Amendment 16

4 Contents of return relating to member's position as at effective date of return

- (1) Every return of pecuniary interests 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 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 each trust in which the member has a beneficial interest, except as disclosed under subclause (1)(g), 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 each parcel of real property in which the member has a pecuniary interest, unless the member has no beneficial interest in the real property, and
 - (g) the name of each registered superannuation scheme in

- which the member has a pecuniary interest, and
- (h) the name of each debtor of the member who owes more than \$50,000 to the member and a description of each of the debts that are owed to the member by those debtors, and
 - (i) the name of each creditor of the member to whom the member owes more than \$50,000 and a description 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) The description of a debt under subclause (1)(h) and (i) must include disclosure of the rate of interest payable in relation to the debt if that rate of interest is less than the most recent rate of interest prescribed by regulations made under section ND 1F of the Income Tax Act 2004 (or any successor to that provision) as at the effective date of the return.

5 ~~Debts~~ Relationship property settlements and debts owed by certain family members do not have to be disclosed

Amendment 16

~~A member does not have to disclose 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 domestic partner or any parent, child, step-child, foster-child, or grandchild of the member.~~

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 domestic partner or any parent, child, step-child, foster-child, or grandchild of the member.

7 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 8:
 - (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 ~~(including hospitality and donations in cash or kind but excluding any donation made to cover expenses in an electoral campaign)~~ received by the member that has an estimated market value in New Zealand of more than \$500 and the name of the donor of each of those gifts (if known or reasonably ascertainable by the member), 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 by the member for activities in which the member is involved (other than the salary and allowances paid to that person under the Civil List Act 1979 and the Remuneration Authority Act 1977), including the source of each payment.
- (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 ~~in full~~ by the following or any combination of the following:
- (a) the member:
 - (b) the member's spouse or domestic partner:
 - (c) any parent, child, step-child, foster-child, or grandchild of the member:
 - (d) the Crown:
 - (e) any State government or international parliamentary organisation, if the primary purpose of the travel was in connection with an official parliamentary visit.
- ~~(3) For the purposes of subclause (1)(b), **gift**—~~
- ~~(a) includes hospitality and donations in cash or kind other than donations made to cover expenses in an electoral campaign:~~
 - ~~(b) excludes gifts received from family members (that is, any of the following: the member's spouse or domestic partner or any parent, child, step-child, foster-child, or grandchild of the member).~~

Amendment 16

PART 2

14 Registrar must supply returns to Auditor-General

The registrar must supply to the Controller and Auditor-General a copy of every return ~~within 14 days of the date on which that return is received by the registrar~~ within 21 days of the date by which all returns are due.

18 Information about register

- (1) The registrar must disclose any information relating to the register that the Auditor-General requires for the purposes of reviewing and inquiring into the returns under clause 15.
- (2) Subject to subclause (1), all returns and information held by the registrar relating to an individual member (other than information that is required to be disclosed under clause 16) are confidential until the dissolution or expiration of Parliament.
- (3) On the dissolution or expiration of Parliament all returns and information held by the registrar or by the Auditor-General relating to individual members are to be destroyed, except in respect of the return of any individual member which the Auditor-General requires to be retained for the purposes of a review or inquiry under clause 15.

Amendment 16

Appendix C

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

PRIVATE BILLS AND LOCAL BILLS

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 ~~involve an appropriation~~ or 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.

LOCAL LEGISLATION BILLS

20 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) ~~sending as~~ an electronic communication (for example, by facsimile or e-mail message) to the member.

Appendix BD

Amendment 3

**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.
 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. Sound from the Speaker or ambient noise microphones can be added to this shot.
 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, interpreters, Serjeant-at-Arms) should be shown when they are participating in the business of the House by making announcements, calling party votes, interpreting speeches, or carrying the mace.
 7. While a personal vote is in progress a graphic to this effect should be shown in place of live coverage. This graphic would be shown from the time the Speaker directs the Ayes to the right, the Noes to the left and appoints the tellers, until the announcement of the result.
 8. Shots unrelated to the proceedings are not permitted, that is, interruptions from the gallery and business occurring outside the House.
 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 prolonged disturbance from the gallery, the coverage will be of the Speaker or presiding officer, with sound from only the

Speaker's and ambient noise microphones. Coverage from the Chamber should continue, unless the Speaker or presiding officer indicates otherwise, either by 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 Broadcasting Standards Authority rules.

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.

Appendix B

Committee procedure

On 18 June 2008, the Standing Orders Committee formally resolved to conduct a review of the Standing Orders, procedures and practices of the House, under Standing Order 7(a). However, the committee had already received a number of submissions and items of correspondence prior to this date.

The committee received advice from the Clerk of the House and staff of the Office of the Clerk, and from Dame Margaret Bazley DNZM, Registrar of Pecuniary Interests.

Committee members

Hon Margaret Wilson (Chairperson)
Hon Dr Michael Cullen (Deputy Chairperson)
Tim Barnett
Peter Brown
Gerry Brownlee
Hon Peter Dunne
Te Ururoa Flavell
Nathan Guy
Rodney Hide
Sue Kedgley
Hon Clem Simich

Committee advisers and staff

Mary Harris, Clerk of the House
David Bagnall, Clerk of the Committee
Helena Strange, Parliamentary Officer (Committee Support)

Appendix C

List of submissions

Number	Submitter	Subject area
1	Constitutional Arrangements Committee [47th Parliament]	Establishment of committee with constitutional focus.
2	Transport and Industrial Relations Committee	Allocation of financial reviews: splitting.
3	Regulations Review Committee	Affirmative resolution procedure; wider legislative process.
4	Local Government and Environment Committee	Allocation of financial reviews: splitting.
5	Gordon Copeland	Display of flag.
6	Felicity Bond	Notice of allegations to be made under parliamentary privilege.
7	Hon Lianne Dalziel	Omnibus bills; affirmative resolution procedure.
8	Māori Affairs Committee	Allocation of financial reviews: splitting.
9	Te Ururoa Flavell, Whip, Māori Party	Simultaneous interpretation service.
10	H V Ross Robertson	Code of Ethics for members of Parliament.
11	Bus and Coach Association: John Collins	Select committee consideration of bills: recommendation of amendments with retrospective effect.
12	Gordon Copeland	Select committee consideration of Members' bills: order of priority.
13	Finance and Expenditure Committee	Allocation of financial reviews: splitting.
14	Legislation Advisory Committee	Omnibus bills, recommendation of amendments to omnibus bills, time for committee of whole House stage for bills, drafting of non-government amendments, 24 hour notice requirement for amendments, Clerk's discretion to make verbal or formal amendments to bills prepared for Royal assent, 3 sitting day delay before 3rd reading.
15	Law and Order Committee	Select committee consideration of Members' bills: approach to conscience issues.
16	Government Administration Committee	Emergency situations: Members' notices of motion for disallowance of immediate modification orders; delay of sitting of House.
17	Justice and Electoral Committee	Subject select committees, allocation of financial reviews.
18	Peter Brown, Deputy Leader and Whip, New Zealand First	Points of order: factors taken into account when calling members raising points; questions to other members: supplementary questions.

19	Te Ururoa Flavell, Whip, Māori Party	Party voting: exercise of proxy votes for party without a member in the Chamber.
20	Dame Margaret Bazley, Registrar of Pecuniary Interests	Pecuniary interests.
21	Gordon Copeland	Select committee consideration of Members' bills: order of priority.
22	Hon Peter Dunne, Leader, United Future	Lodging of oral questions: allocation.
23	Hon Dr Michael Cullen, Minister of Finance	Financial review: referral and allocation of compendium of reports under section 32A of the Public Finance Act 1989.
24	Local Government and Environment Committee	Allocation of financial reviews: splitting.
25	New Zealand Law Society	Select committee consideration of bills: time for submissions.
26	Regulations Review Committee	Affirmative resolution procedure.
27	Green Party, Māori Party, United Future, ACT New Zealand	Code of conduct for members; disorderly conduct: effect of order to withdraw from House; questions: contents of replies.
28	Officers of Parliament Committee	Officers of Parliament: referral of reports (other than annual reports).
29	Anne Tolley, Senior Whip, National Party	Select committees: confidentiality of proceedings.
30	Health Committee	International treaty examinations.
31	Clerk of the House of Representatives	General.
32	Parliamentary Counsel Office	Legislative procedures: preliminary clauses, Bill of Rights reports, reprinting of bills, select committee consideration of bills, recommendation of amendments by select committees, Crown's financial veto.