CHAPTER 18

Statements

INFORMING THE HOUSE

As well as speaking in debate, members address the House on other occasions, for example asking questions or raising points of order. In particular, there are types of proceedings in which members may make statements to inform the House about matters of particular concern to them. These statements are not debates, although they may arise out of debates. They allow members to claim the attention of the House on subjects of national or personal importance that the regular rules of debate would provide no opportunity to raise.

Procedure

A member can make a statement only by way of a point of order,¹ unless the statement is predetermined by the House or the Business Committee. A member, in making a statement, is not speaking to a question before the House and the rules of debate do not generally apply. However, rules of debate that constrain unparliamentary language are applicable to statements. In fact, these rules may be more strictly applied when members are speaking on a point of order or with the indulgence of the House.² Conversely, interjections regarding a statement are usually disallowed or limited.³

Committee of the whole House

When the House is in committee a statement generally would be permitted only if it related to the business before the committee at the time.⁴ Otherwise, the usual practice would be for the member to wait until the committee reports to the House before making a statement, or for the committee to report progress and sit again presently after the statement is made.⁵

Types of statement

The Standing Orders provide for members to make the following types of statement in the House:

○ ministerial statements
○ correcting misrepresentations in debate

¹ (16 October 2012) 684 NZPD 5795 Smith.
² (1973) 383 NZPD 1494 Whitehead; (10 December 2009) 659 NZPD 8451 Smith.
⁴ SO 175.
⁵ (27 March 2013) 688 NZPD 8973 Carter.
personal explanations
○ responses to misrepresentations during oral questions
○ maiden statements
○ valedictory statements.

**Prime Minister’s statement and Budget statement**
Some statements are made under the Standing Orders in the context of other procedures. The Prime Minister’s statement was previously a verbal statement delivered in the House, but now is presented as a parliamentary paper at the commencement of a debate. Although the Budget statement is formally a speech to move the second reading of the main Appropriation Bill, it is treated as a prepared statement delivered separately from the debate.6

**Statements by the Speaker**
In addition, some statements occur as a matter of practice, rather than under specific provisions of the Standing Orders. The Speaker’s role in maintaining order and facilitating proceedings entails an ability to address the House at any time on a matter of procedure, or to inform the House of some significant occurrence. For example, the Speaker may deliver a prepared ruling on a previous point of order, or may report to the House about interactions with the Governor-General, advise of the death of a member or a former member, or invite the House to welcome distinguished guests. The Speaker also reserves the right to address the House when he or she considers it appropriate; there is an established tradition that the Speaker makes concluding remarks before the adjournment of the House at the end of a year or parliamentary session.

**Business statement**
Another statement that is a regular part of the practice of the House—but not formally recognised under the Standing Orders—is the business statement by the Leader of the House. It provides general information about the Government’s intentions for the next week in the House, and is usually made at the commencement of a sitting on a Thursday. A practice has developed for the shadow Leader of the House to make a further enquiry of the Leader of the House to clarify a matter. This procedure is encouraged by the Speaker as a helpful way to inform members of forthcoming business and sitting arrangements, but it is entirely voluntary.

**PRIME MINISTER’S STATEMENT**
The first Prime Minister’s statement was made in 1996.7 The procedure requires the Prime Minister to present a statement to the House on the first sitting day of each calendar year, reviewing public affairs and outlining the Government’s legislative and other policy intentions for the coming year.8

In establishing this procedure, the House revitalised the earlier practice of commencing each calendar year with an extensive debate of a wide-ranging character. Until 1984, such a debate took place in relation to the annual State Opening of Parliament, when the Governor-General delivered a Speech from the Throne that set out the Government’s policy intentions for the year, followed by an Address in Reply debate. However, annual State Openings were no longer held after 1984, when the practice of proroguing Parliament at the end of annual sessions was discontinued (see Chapter 10). The procedure for the debate on the Prime Minister’s statement allows the House to be informed of, and to judge, the Government’s programme for the year without the need to open a new session of Parliament.

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6 SO 333(3) and App A.
7 (20 February 1996) 553 NZPD 10917.
8 SO 354(1).
Presentation of the statement

The Prime Minister’s statement is made each calendar year, unless the first sitting day marks the opening of a new session of Parliament or the Address in Reply debate has commenced within the previous three months. Until 2008 the Prime Minister’s statement took the form of a speech in the House. Unlike other statements, however, the Prime Minister’s statement is no longer delivered orally in the House, but is presented as a parliamentary paper to allow more detail on the Government’s programme to be included. The statement must be provided to each party leader by 10 am in the morning of the day it is to be presented. When the House sits at 2 pm, the Prime Minister presents the paper in the House. There are no oral questions and no other general business is transacted on that day, although a member may be sworn in, and the Speaker may give a ruling or make an announcement before calling the Prime Minister. The Prime Minister’s statement is published under the authority of the House.

Debate

The Prime Minister initiates the debate on the Prime Minister’s statement by moving a motion relating to it immediately after presenting the paper in the House. The motion is usually expressed as a confidence motion. Even if it were not overtly framed in this way, the motion would be regarded as a test of confidence in the Government, because it effectively seeks the House’s endorsement of the Government’s whole legislative and policy programme. The debate is a wide-ranging debate without constraint, similar to the Address in Reply and Budget debates.

An amendment may be moved to the motion as long as it does not amount to a direct negation of the question. The scope of such an amendment is virtually unlimited as the motion relates to the entire sphere of government activity.

In the debate on the Prime Minister’s statement party leaders are given the right to speak in order of the size of their parties, although they do not have to follow this order if they wish to defer their speaking right to later in the debate. The leaders of parties with six or more members have up to 20 minutes to speak. Other leaders and all other members can speak for up to 10 minutes. Leaders entitled to 20 minutes’ speaking time may authorise other members to use them on their behalf, in this instance these leaders, if they speak later, will have only 10 minutes.

The debate on the Prime Minister’s statement is subject to a time limit of 13 hours. The debate on the statement is a Government order of the day and automatically has precedence over all other Government orders of the day. However, the debate may be adjourned and the House may go on to other orders of the day before it has concluded. No Wednesday general debate is held while the debate on the Prime Minister’s statement is before the House, but on the second and subsequent sitting days of the year general business, including questions, is held. It is possible, if no other business intervenes, for the House to complete

9 SO 354(1), (4).
11 SO 354(2).
12 SO 354(1).
13 SO 354(3).
14 SO 355(1).
17 Sos, App A.
18 Sos, App A, note.
19 Sos, App A. This time limit was reduced in 2014 from 15 hours in return for lengthening the Budget debate and the Estimates debate (Standing Orders Committee Review of Standing Orders (21 July 2014) [2011–2014] AJHR I.18A at 26–27).
20 SO 355(2).
21 SO 392(3).
the debate within the first sitting week. However, the Government tends to move motions to adjourn the debate at some point each day so that it can progress other business. This practice means the debate can run into a second week or beyond, and has led the Business Committee to shift time from the debate to allow extra time for other procedures.  

MINISTERIAL STATEMENTS

From the first session of the New Zealand Parliament, the practice of Ministers of the Crown making statements to the House on matters of public importance has been recognised. The procedure for the making of ministerial statements was expressly recognised in the Standing Orders for the first time in 1979.

**Minister’s right to make statement**

A Minister (including an Associate Minister) has an absolute right to make a statement in the House, but not so as to interrupt a member who is already speaking.  

That is, although a ministerial statement may interrupt a debate, it cannot interrupt a member’s speech. However, this right to make a ministerial statement applies only in the House, and not in a committee of the whole House (see above). When there is a pressing need for the Minister to inform the House of a matter, it may be appropriate for the committee to report progress and ask to sit again presently.

**Circumstances giving rise to a ministerial statement**

A ministerial statement must be for the purpose of informing the House of some matter of significant public importance that should be brought to the House’s immediate attention. Largely, it is for Ministers to judge whether a matter is significant enough to warrant a statement. However, when a statute requires a Minister to inform the House of a matter, this would typically be done by way of a ministerial statement.

Ministerial statements were made on the outbreak of war and to keep the House informed of important events during the war. The commitment of substantial forces to peacekeeping duties and important events in other countries have given rise to statements. Ministers have used the procedure to inform the House about responses to natural disasters and civil defence emergencies. When a devastating earthquake struck Canterbury, the Prime Minister and Deputy Prime Minister made ministerial statements to inform the House of the situation, and a separate statement was made by the Minister of Civil Defence to announce the declaration of a state of national emergency. That Minister made further statements when the state of national emergency was extended over the following weeks and on its eventual expiry.

Statements have also been made on other matters less important than these, which Ministers have nevertheless deemed worthy of announcement to the House in this form. There has been criticism of Ministers for making important policy

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22 Order Paper No 19, Tuesday, 10 February 2015: the debate on the Prime Minister’s statement was shortened to 11 hours to allow two hours to be transferred to the annual review debate.
23 SO 356(2).
24 SO 132(g).
25 SO 356(1).
26 Examples of such statutory requirements include: Civil Defence Emergency Management Act 2002, s 66(2); Biosecurity Act 1993, s 147; Defence Act 1990, s 9(7); International Terrorism (Emergency Powers) Act 1987, s 7(1).
27 (22 February 2011) 670 NZPD 16937; (23 February 2011) 670 NZPD 16943; (8 March 2011) 670 NZPD 16948, 16951.
28 (8 March 2011) 670 NZPD 16964; (15 March 2011) 670 NZPD 17170–17171; (22 March 2011) 671 NZPD 17437; (5 April 2011) 671 NZPD 17659; (12 April 2011) 671 NZPD 17877–17878.
29 (3 May 2011) 672 NZPD 18241–18242.
announcements outside the House rather than by way of ministerial statement, but there is no convention in New Zealand that such announcements will always be made in the House. Questions about whether important announcements should be made in the legislature arise in other countries too.

Making the statement

The Minister making the statement is exhorted to provide a copy of it to the leader of each party before making it. However, failure to provide a copy does not prevent a Minister from making the statement, nor is there any rule that a Minister can depart from this practice only in cases of national crisis. Indeed, some statements are not in written form when they are delivered. It is entirely up to the Minister concerned as to how copies of a statement are distributed.

The Minister has up to five minutes to make the statement, although this time may be extended by leave. The leader of each party with six or more members is then entitled to comment on the statement for up to five minutes. The House has on occasion agreed to extend this right to comment to smaller parties and other members, and has considerably extended the total time allowed for comment on some major issues. Any member may be authorised to substitute for the leader in making such comment, regardless of whether the leader is present in the Chamber. Finally, the Minister may reply to any comment for up to two minutes.

MISREPRESENTATIONS IN DEBATE

A member who has spoken in a debate and whose speech is misquoted, misunderstood or misrepresented in some material part by a subsequent speaker in the same debate has the right to be heard again to explain the words used. The member is thus given a second opportunity to address the House in the debate. The second opportunity, however, is very circumscribed. The member is confined to explaining how he or she has been misquoted, misunderstood or misrepresented. No new matter can be brought forward.

This right (a member does not need the leave of the House to exercise it) is often called a point of misrepresentation, and must be distinguished from the making of a personal explanation, to which it is closely related and which is dealt with below. A point of misrepresentation is much narrower than the making of a personal explanation, both in the occasions that give rise to it and in its permissible content. Misrepresentation arises solely out of a debate in the House. It has no relation at all to any statements made outside the House. It arises only in respect of statements made earlier in the same debate by the member who claims to have been misrepresented. A misrepresentation of what the member said in a different debate does not give rise to a point of misrepresentation.

30 For example: Margaret Hayward *Diary of the Kirk Years* (Cape Catley, Queen Charlotte Sound, and AH and AW Reed, Wellington, 1981) at 157 (criticism of announcement of a wage and price freeze on television rather than in the House).
33 SO 356(2).
36 SO 357.
38 (24 February 2015) [2014–2017] 1 JHR 94: a 10-minute statement, 12 comments of 10 minutes each, and a five-minute reply were allowed when the Prime Minister announced the deployment of troops to Iraq.
39 SOs, App A.
40 SO 110(1).
41 SO 110(2).
Time for correcting a misrepresentation

A member who has been misrepresented by a subsequent speaker cannot interrupt that speaker to correct a misrepresentation. The member must wait until the end of the speech. As a point of misrepresentation arises as part of the debate on a question, a member who has not corrected a misrepresentation before the debate concludes will have to seek leave to make a personal explanation. If the debate has been interrupted, the member must wait for the bill to be resumed before correcting a misquotation. A member cannot correct a misrepresentation during consideration of another matter.

Although a point of misrepresentation is primarily designed to give a member who cannot speak again in the debate an opportunity to clear up a misunderstanding concerning his or her speech, a member who has already spoken and has subsequently been misrepresented may have the opportunity to speak for a second time in the debate, and so could deal with the point in the second speech. This will be the case in committee. In these circumstances the member can choose whether to take a point of misrepresentation or to seek a second call and deal with the point that way. The right to take a point of order to correct a misrepresentation promptly cannot be taken away from a member merely because he or she has the right to speak again.

Misrepresented interjections

The right to take a point of misrepresentation applies in respect of a misrepresentation of a material part of a member’s speech. An interjector whose interjection is taken up by the member speaking and is misquoted has no right to correct the misquotation, for the interjector has not been misquoted as to a part of a speech, only as to an interjection. Members interject at their peril; misrepresentation of what they have said by way of interjection is a risk that all interjectors run. They have no absolute right to correct a misrepresentation; all they can do is take the call and speak in the debate (if this is still open to them), or consider making a personal explanation.

How a point is corrected

What a member may say in explaining words that have been misrepresented is very circumscribed. Basically, the member may state what was misrepresented and then repeat the actual words used in the speech, and leave it at that. It is helpful to support a point of misrepresentation by citing the relevant Hansard transcript, if one is available. If a member adds anything to a juxtaposition of the two statements—the misrepresentor’s and his or her own—debatable material is being introduced, and the member will be called to order by the Chair.

PERSONAL EXPLANATIONS

A personal explanation is a statement by a member explaining a matter of a personal nature. A personal explanation is not part of the debate on a question, although it may arise out of matters raised or mentioned in a debate. It is designed to enable a member to explain to the House matters of a personal nature that reflect on the honour or integrity of the member, or are otherwise of some emotional

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44 (1901) 118 NZPD 171 Guinness (Deputy Speaker); (1913) 162 NZPD 243 Lang.
45 (1987) 484 NZPD 1268 Burke.
46 (1973) 383 NZPD 1809 Whitehead.
48 (1987) 480 NZPD 9265 Wall.
49 (1966) 347 NZPD 1087 Algic.
50 (1960) 323 NZPD 1180 Macfarlane.
51 (1926) 209 NZPD 559–560 Statham.
52 SO 358.
import to the member. It is not designed merely as another channel to enable a
member to take issue with a statement made in debate or outside the House on the
grounds that it is mistaken or wilfully wrong. To use a personal explanation solely
for the purpose of correcting a statement in this way is to come close to abusing
the privilege and, as its use depends on the unanimous consent of the House, will
prejudice its use by other members in the future.\(^\text{53}\)

A personal explanation is not made as of right; it is made only with the leave of
the House.\(^\text{54}\) In order that members can judge the merits of the request when they
are asked to grant leave to a member to make a personal explanation, a member
is expected to indicate broadly to the House, when seeking its authority, what the
personal explanation concerns.\(^\text{55}\) While any member can deny leave for a personal
explanation, it is unusual to do so.\(^\text{56}\) Once leave has been granted, the privilege
cannot be withdrawn by motion in the House.\(^\text{57}\) Having been granted by the
House unanimously, it would have to be taken away unanimously too. But if a
member makes comments in the statement that are impermissible, the Speaker
will intervene; and ultimately, if the member misuses the privilege, the Speaker can
terminate the statement.\(^\text{58}\)

**Time for making a personal explanation**

There is no prescribed time at which a personal explanation must be made, for the
House itself must decide unanimously in every instance in which a member seeks
to make a personal explanation whether the member is to be granted permission
to do so. It can therefore interrupt a debate,\(^\text{59}\) although a member should not
seek to make a personal explanation in a committee of the whole House unless
the explanation is relevant to the committee’s business. For example, a Minister
should not interrupt a committee’s business to seek to make a personal explanation
correcting a reply to an oral question.\(^\text{60}\) Interrupting the speech of another member
to seek leave to make a personal explanation is strongly deprecated and members
will often be told to wait until a speech ends.\(^\text{61}\)

Although not part of the debate on a question, a personal explanation may be
closely tied up with a debate currently in progress, and the fact that a member still
has a right to speak in the debate is a relevant consideration when members are
asked to allow a personal explanation to be made.\(^\text{62}\) It may be that members will
feel that in these circumstances the member concerned should seek the call and
make the personal explanation in the course of a speech, but this is entirely for the
House to decide when the member seeks leave for the personal explanation. There
is no time limit within which a personal explanation must be made; it may refer to
a statement or incident months or years beforehand.\(^\text{63}\)

**Explanation must be personal to the member**

The matter to be explained must be personal to the member seeking leave. A
member cannot make a personal explanation on behalf of another member.\(^\text{64}\)
Personal explanations are used by Ministers when they have discovered an error
in a reply that they have made to a question,\(^\text{65}\) or by members in respect of any

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\(^{53}\) (1977) 413 NZPD 2438 Jack.
\(^{54}\) SO 358.
\(^{56}\) (15 August 2012) 682 NZPD 4391–4392 Smith.
\(^{57}\) (1976) 407 NZPD 3682 Jack.
\(^{58}\) (1997) 563 NZPD 4285 Kidd.
\(^{59}\) SO 132(g).
\(^{60}\) (27 March 2013) 688 NZPD 8973 Carter.
\(^{61}\) (1997) 560 NZPD 1763 Revell (Chairperson).
\(^{62}\) (1978) 417 NZPD 844 Harrison.
\(^{63}\) (1973) 386 NZPD 3756–3757 Whitehead.
\(^{64}\) Ibid, at 3756.
\(^{65}\) (29 April 2003) 608 NZPD 5093 Hunt.
misleading statement they subsequently discover they have made to the House. Personal explanations may also be made by members who have been accused inside or outside the House of criminal conduct or improper practices, or where a member’s word has been doubted or impugned. A member has made a personal explanation before resigning as a member, instead of a formal valedictory statement.66

As a personal explanation must be confined to matters personal to the member, a Minister or member cannot use this means to correct an answer or statement made by another member.67 Nor can a personal explanation be used to attack, criticise—or defend—other members or anyone outside the House.68 The Speaker will police the making of the statement to ensure that the member making the personal explanation does not go too far and strain the leave granted by the House.69

**Effect of explanation**

A member’s personal explanation cannot itself be debated.70 Furthermore, it is an axiom of the House that a member’s word must be accepted without question, and the most formal way a member can give an assurance to the House is by making a personal explanation on a matter. Greater weight is, therefore, put upon assurances given to the House by way of personal explanation than upon remarks made in the course of debate.71 A statement made to the House in a personal explanation is a formal statement and, if it is misleading, can lead to a more ready presumption that the member intended to mislead the House.72 A member who, in a personal explanation, denies making a statement or refutes an accusation, must have that denial or refutation accepted and cannot be challenged on the assurance that has been given.73 This position obtains for as long as the member remains a member of the House, even if the denial was made in a previous Parliament.74

If a statement made by way of personal explanation is not true, it could constitute a contempt. Therefore, any questioning of a statement made in a personal explanation is, in effect, an accusation that the member has committed a contempt. It should therefore be brought forward as a matter of privilege. On the other hand, a member who states something in the course of debate is engaging in the debate, and the statement can be contested by another member, as long as the latter does not engage in a personal reflection.

Although members cannot impugn the reliability of a member’s statement and cannot discuss any personal explanation once it has been made, they are not precluded from discussing the matter that was the subject of the personal explanation, providing that this is not done in such a way as to challenge the member’s veracity.75 No question can be lodged to a member about a member’s personal explanation, although a personal explanation may be referred to in another question.

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66 (14 May 2013) 690 NZPD 9855 (Aaron Gilmore).
67 (21 February 2013) 687 NZPD 8108 Carter.
68 (1997) 563 NZPD 4285 Kidd; (1892) 78 NZPD 2 Steward; (8 November 2012) 685 NZPD 6441 Smith (regarding a member’s staff).
70 SO 358.
72 (1986) 476 NZPD 5961 Wall.
73 (1881) 39 NZPD 100 O’Rorke; (1969) 360 NZPD 886 Jack.
74 (2000) 584 NZPD 3051 Hunt.
MISREPRESENTATIONS DURING ORAL QUESTIONS

In 2011 a procedure was introduced to enable members to apply to the Speaker for permission to respond to misrepresentations made during question time. The intention was primarily to provide members with a remedy when misrepresented in an answer to an oral question, as an alternative to seeking leave to make a personal explanation (for example, when leave was denied).

Despite the similarity of its name, this procedure is entirely distinct from the procedure for correcting misrepresentations in debate. Question time, by its nature, requires a different type of procedure. Responding to misrepresentations during oral questions involves a written application to the Speaker, rather than the raising of a point of misrepresentation in the House. It can also relate to any misrepresentation that may adversely affect the member or damage the member’s reputation, and is not restricted to correcting misrepresentations or misquotations of a member’s speech in the House.

Procedure for application

A member who applies to the Speaker claiming to have been misrepresented during the time for oral questions must do so in writing at the earliest opportunity. The Speaker may treat a matter of privilege as an application for this purpose. This may enable the Speaker to provide a remedy for members who feel that they have been unjustly denigrated in answers to oral questions but whose concerns do not meet the high test for determining a question of privilege. The Speaker will consider whether the member was misrepresented in a material way, and whether the misrepresentation could adversely affect the member or damage his or her reputation. If the matter has been dealt with in the House, for example, through a personal explanation, the Speaker would take this into account.

Response

Before allowing a member to respond to a misrepresentation, the Speaker may allow the member who made the misrepresentation an opportunity to withdraw it by way of a personal explanation. Otherwise, the Speaker can allow the misrepresented member to respond in the House on a subsequent day, usually immediately after question time. When considering the application, the Speaker may wish to see the response that the member intends to deliver. The response must be succinct and strictly relevant to the misrepresentation, and consistent with the rules of parliamentary language.

MAIDEN STATEMENTS

Most newly elected members make their first or “maiden” speech during the Address in Reply debate following the opening of Parliament. However, a member may occasionally be prevented from participating in this debate (because of illness, for example); and members elected to fill vacancies arising during the course of a Parliament do not have any convenient debate in which to deliver the personal and
wide-ranging address that is normally expected as a maiden speech. (See Chapter 12 for maiden speeches.)

For this purpose, a member who has not (for whatever reason) made his or her maiden speech during an Address in Reply debate is permitted to make the equivalent address to the House as a maiden statement.86 The statement may not be made during the course of another debate. Subject to this limitation, it is made at a time determined by the Speaker or the Business Committee.87 Notice of the time for a maiden statement is given on the Order Paper.

A member has up to 15 minutes for the maiden statement, the same amount of time the member would have had for a maiden speech in the Address in Reply debate.88

VALEDICTORY STATEMENTS

It is traditional for each resigning or retiring member to be given an opportunity to make a farewell address on or near their last day of service in the House. Until recently, the practice was for most members retiring at a general election to make valedictory speeches during the adjournment debate on the last sitting day of a Parliament. Those who could not do so, either because they were to be absent on the day the House finally adjourned or because they resigned earlier in the course of a Parliament, were usually permitted to make separate valedictory statements. Now, however, it has become the general practice to make such addresses as separate valedictory statements, and not as speeches in the adjournment debate.

Any member who is about to retire or resign is entitled to make a valedictory statement.89 Although they were previously regulated solely by leave, valedictory statements are now arranged in advance by the Speaker or the Business Committee,90 and are shown as items of business on the Order Paper. A time of 15 minutes is specified for each valedictory statement, although the Speaker has discretion to vary this time according to the length of service of a retiring member.91 The Business Committee also has the power to vary the length of a valedictory statement.92

During valedictory statements, members may reflect on their participation and achievements during their time in the House, express views on the direction of the country, make observations about parliamentary life, and thank or pay tribute to family, friends, staff, colleagues, and even political foes. They may describe significant events or recount illustrative encounters, often with a touch of humour or poignancy. Valedictory statements tend to be insightful, thoughtful contributions by members making their parting remarks to the institution of Parliament.