Each week the House sets aside one hour to hold a “general” debate, which gives members free rein to raise matters they consider important. It is known as the general debate, and recurs most Wednesdays automatically in accordance with the Standing Orders. In addition, the House has a procedure whereby an event of particular importance can be raised for debate if the urgency of the situation requires this. This is known as an urgent debate, and takes place as occasion requires, provided that the Speaker agrees that the matter that has arisen is appropriate for debate under this provision. From time to time other special debates are held other than those recognised and regulated by the Standing Orders.

GENERAL DEBATES

The general debate arises at each Wednesday sitting of the House following questions for oral answer and any urgent debate, if one has been allowed on that day. If there is no Wednesday sitting of the House because Tuesday’s sitting has been extended under urgency, then the general debate will be lost, although on occasion the House has, by leave, held a general debate in these circumstances. The roster for the general debate that is lost is carried forward to the next general debate.

The general debate is an opportunity for members to debate miscellaneous topics that would otherwise not, or probably not, come before the House for debate.

The potential width of the general debate is indicated by the wording of the motion that is moved to launch the debate: “That the House take note of miscellaneous business”. During this debate members may raise any matters of concern to them. This gives members an opportunity to refer to replies to questions that have been given, select committee reports, and the Government’s responses to recommendations addressed to it in reports. In many cases the general debate gives members their only realistic opportunity to focus on these matters on the floor of the House. For example, one general debate concentrated on a Member’s notice of motion that censured the Speaker, which would otherwise not have been debated. But such a focus on business on the Order Paper is unusual.

Often, parties will ask their members who are to contribute to the debate to focus on a particular issue of topical concern. However, there is no reason (except

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1 SOs 66(1) and 392(1).
2 SO 392(1).
3 SO 392(2).
coincidence) that members or parties should concentrate on the same subject, and this has led to criticism that the general debate is not one debate but a number. Proposals have been advanced for nominating one or two topics in advance as subject matter for the debate, but no such proposals have been adopted.\(^5\) Holding the general debate every second week only and alternating it with a focused set-topic debate has also been considered. (See p 680.) However, the weekly general debate is valued by members as an opportunity to raise issues of importance to them or their constituents.\(^6\)

**Form of the debate**

Twelve speeches, each of up to five minutes in length, are provided for in the general debate.\(^7\)

In practice, the Business Committee agrees to a roster of speaking slots for general debates. This roster is designed to give each party its appropriate proportion of calls in the debate. In making this calculation Ministers are included in the proportions, unlike the calculation for the questions roster, so that Ministers take part in the general debate on the same basis as other members. The roster also prescribes the order in which parties are called to speak in the debate, so as to give each party a fair placing at or near the top of the list over a period of time, and to provide for the alternation of calls between Opposition parties and parties in Government.

No amendments are permitted to the motion that the House take note of miscellaneous business,\(^8\) and at the conclusion of the debate this motion lapses and no question is put on it.\(^9\)

**No debate held in certain weeks**

The general debate is replaced by a debate on the Budget policy statement on the first Wednesday after the report of the Finance and Expenditure Committee on this statement has been presented.\(^10\) The debate may also be replaced by debates on the Government’s long-term fiscal position or on the Government’s investment statement after the Finance and Expenditure Committee has presented its reports on these statements each year.\(^11\) In addition, on Wednesdays when the debates on the Address in Reply, the Prime Minister’s statement or the Budget are still running, no general debate is held.\(^12\)

**DEBATES ON MATTERS OF URGENT PUBLIC IMPORTANCE**

The House has a procedure whereby its prearranged business may be set aside so it can debate “a matter of urgent public importance”. A debate on a matter of urgent public importance arises on a motion moved by a member to take note of such a matter. Such a motion can be moved only with the Speaker’s permission. A high threshold applies to the granting of an urgent debate and an application must fulfil various criteria. Over the long term, approximately one in seven applications for such a debate is successful. In the 50th Parliament (2011–2014) there were 98 applications on separate subjects, and 18 urgent debates were granted.

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\(^7\) See SOs, App A.

\(^8\) SO 392(1).

\(^9\) SO 392(2).

\(^10\) SO 332(4).

\(^11\) SO 336(5).

\(^12\) SO 392(3).
Applications for the debate

A member who wishes to move an urgent debate must lodge a written application to do so at least one hour before the House meets, or within such lesser time as the Speaker may permit. The written application must be handed to the Speaker or one of the Speaker’s staff, or to the Clerk or one of the Clerk’s staff, for passing on to the Speaker. When delivered into one of these hands, it is regarded as having been received for the purposes of the Standing Order. It must not merely be left lying on a desk somewhere.

In the written application the member sets out the matter that it proposes should be discussed at the imminent sitting of the House. The statement or letter should deal with only one subject for discussion. If a member wishes to raise two subjects for debate, the member should lodge two applications. In such statements members may explain why they are seeking an urgent debate and why they consider that it falls within the scope of the Standing Order. It is, after all, for members to make out the case for an urgent debate, not for the Speaker to uncover one.

Every statement in a letter seeking an urgent debate must be authenticated in the same way as a statement in a notice of motion. Applications that do not include authenticating material will be disallowed on this ground, whatever their merits.

Unlike the lodging of urgent questions, no notice of the application is given to the Government by the member, and the fact that an application has been made is kept confidential by the Speaker. Nor is the member who has made an application informed of the Speaker’s decision on it before the Speaker formally rules on it in the House. Most of the members of the House will therefore not know that an application has been submitted (although if a matter of some importance has arisen they may surmise that one has been lodged), and those who do know of it do not know whether it has been accepted. Only when the Speaker rules on an application in the House are members fully informed of the position.

An application may be withdrawn at any time before the Speaker rules on it in the House. In these circumstances, no reference is made to it at all by the Speaker.

Two or more applications received on the same day

There can only be one urgent debate on each day, so if two or more applications for an urgent debate are received on the same day it may be necessary for the Speaker to choose between them. However, this will be necessary only if more than one of the applications meets the criteria for acceptance set down in the Standing Orders. If, out of two applications lodged, only one is acceptable to the Speaker as the subject of an urgent debate, the Speaker has no occasion to choose between them.

If two or more applications are considered to meet the criteria set out in the Standing Orders, then the Speaker gives priority to the application that, in his or her opinion, is the most urgent and important. The Speaker makes this decision, not the members submitting the applications. Members may indicate in their applications their views of the relative importance of applications they know are being submitted to the Speaker that day and the Speaker will take heed of such indications, but ultimately the Speaker decides their relative importance in such a case. Thus on one occasion the Speaker gave priority to an application because two earlier urgent debates had been held on the other application and the House had not had an opportunity to debate the former.

13 SO 389(1).
18 SO 391.
19 SO 391.
If two applications meet the criteria for acceptance and the Speaker cannot distinguish between them on the grounds of importance and urgency, the Speaker will give preference to the application that was lodged first. Any rejected application may be resubmitted on the following day but there is no guarantee that it will be accepted for debate on that day, for by that time its relative urgency and importance will have changed.

Late applications
Applications for urgent debates must normally be lodged with the Speaker at least one hour before the House meets, which means by 1 pm on a sitting day. But the Speaker does have authority to allow a lesser period of notice than this, and an application can be lodged for consideration up to the time that the House actually meets. However, an application received within one hour of the House sitting will be accepted only in exceptional circumstances.

An application can be lodged after 1 pm where the event on which the application is based occurs within one hour of the House meeting. Thus when an announcement that an important State enterprise was to be sold was made at 1.30 pm, the Speaker accepted an application lodged shortly before the House met at 2 pm.

Applications that cannot be accepted
Apart from the criteria set out in the Standing Orders against which an application for an urgent debate must be tested, a number of other factors may cause an application to fail at the outset. In addition to these rules specific to urgent debates, they are subject to a background of general rules within which the urgent debate procedure must fit.

The Speaker will not accept an application for an urgent debate from a Minister. The reason for holding urgent debates is to allow members to raise for discussion actions taken by Ministers; urgent debates are not intended as a means for Ministers to generate discussions on matters of their own choosing. While it is true that Opposition members lodge by far the greater number of applications, any member other than a Minister can do so and Government backbenchers are as entitled to lodge applications as any other member.

An application that otherwise would be acceptable will not be accepted if to do so would inevitably result in a breach of the rule against referring to a matter awaiting adjudication in a court. Most applications involving the courts will fail in any event because there is no ministerial responsibility for judicial decisions. But even a decision with profound effects for the Government cannot be accepted if it is provisional and the matter under dispute is still before the courts. However, this does not mean that all matters that are the subject of legal proceedings are automatically debarred. Thus, the cancellation of an important contract was accepted for debate even though it was known that there was a legal dispute over the propriety of the cancellation. The subject of the debate was the cancellation itself rather than the legal issues it raised.

It is a well-established rule that charges of impropriety against other members must be brought forward in a substantive motion of which notice is given. The Speaker will not permit this rule to be circumvented by allowing an urgent debate.
to be held as a vehicle to raise such allegations.\textsuperscript{30} An urgent debate is not the appropriate means for addressing matters that are the administrative responsibility of the Speaker, such as the use or misuse of parliamentary travel entitlements.\textsuperscript{31} Nor should an urgent debate be used to circumvent the House’s procedures for dealing with issues of judicial conduct or testing confidence in the Government.\textsuperscript{32}

**Rules for acceptance of an application**

An application for an urgent debate must satisfy three substantive criteria: it must relate to a particular case of recent occurrence; the case must involve the administrative or ministerial responsibility of the Government; and it must require the immediate attention of the House and the Government.\textsuperscript{33}

**Particular case of recent occurrence**

In the application, the member must specify a particular matter for debate. It has been repeatedly emphasised that the alleged absence of action on the part of the Government is not a particular case of recent occurrence that can be raised for urgent debate.\textsuperscript{34}

A particular case differs from the announcement of a situation that is the cumulative result of happenings over a period of time, such as unemployment statistics. An announcement of a particular level of unemployment relates to a continuing problem—the statistics being the reflection of a number of occurrences—and does not give grounds for an urgent debate.\textsuperscript{35} The laying-off of particular workers, on the other hand, is a particular case for this purpose and could be ground for a debate, provided the other criteria, particularly ministerial responsibility, are satisfied. Nor does an accumulation of information about a matter constitute a particular case,\textsuperscript{36} whether or not it demonstrates that a situation is deteriorating. Allegations cannot constitute a particular case of recent occurrence.\textsuperscript{37} There must have been some concrete event or announcement and not just newspaper speculation about it.\textsuperscript{38}

The case must have been of recent occurrence. That is, the event must already have happened. The urgent debate procedure is not a means of debating matters that may happen in the future.\textsuperscript{39} The event must have occurred recently. A member cannot sleep upon a matter and raise it weeks or months later. This does not mean, however, that the Speaker will never accept an application that is not raised at the first possible moment. (This contrasts with the requirement for a matter of privilege, which, to gain priority, must be raised at the earliest opportunity, according to a strict definition.\textsuperscript{40}) The fact that a matter is not raised as soon as possible argues against its acceptance, however, by appearing to devalue its importance in the eyes of the member applying for a debate on it.\textsuperscript{41} If it was not important enough to raise at once, how can it be important enough to set the House’s business aside to debate it? But there may be good reasons why a matter was not raised immediately. When a matter arose on Thursday evening, the fact that the member waited until the following Tuesday was not regarded as fatal by the Speaker, who took into consideration the early start to Friday’s sitting (at that

31 (16 November 2010) 668 NZPD 15305 Smith.
33 SO 389(2).
40 SO 402.
time the House sat at 9 am on Fridays) and accepted the application. On the other hand, where a member waited a week before raising a matter based on documents he had received, the Speaker ruled that this was too long for it to be regarded as a case of recent occurrence. The member should have raised the matter when he received the documents.

The requirement of “recent occurrence” relates to when the member became aware (or should have become aware) of the facts on which the application is based. When the event to which certain documents related occurred some time in the past and the member discovered it only when receiving the documents, that was the point at which time began to run. But by definition a member can only become aware of something when it becomes public. Time does not run against members when an event occurs in secret and no public announcement is made. In this case, the public announcement is the particular case of recent occurrence for the purposes of an application for an urgent debate.

The matter for debate must occur before the House meets at the sitting at which the debate is to take place. A ministerial statement made at the commencement of a sitting does not give grounds for an urgent debate at that sitting (though it might justify such a debate at the next sitting).

Members who expect an event to occur before the House meets may anticipate that event and lodge an application for a debate. Provided that the event does actually occur before the sitting it can be considered for debate. Where an anticipated event does not occur, members usually withdraw the application. In those circumstances the application will inevitably fail since there has been no case of recent occurrence.

Involves the administrative or ministerial responsibility of the Government

An urgent debate is a way of holding the Government accountable for an action for which it is responsible; it is not a general debate. There must be distinct governmental responsibility for the particular case it is sought to debate. The concept of ministerial responsibility for a matter qualifying for an urgent debate is narrower than for oral questions, which may encompass any matter relating to public affairs with which a Minister has an official connection. The fact that there are implications for Government policy in what has occurred (which there will be in many instances) is not enough. Though there must be responsibility for what has happened, this does not mean that the actor in the particular case that has occurred is necessarily a Minister or even an established entity.

Where decision-making has taken place independently of Ministers, there can be no ministerial responsibility. The exercise of statutory powers by the Meat Producers Board to refuse to allow the export of certain meat, although of obvious significance to the Government, was held not to involve ministerial responsibility, as the Minister had no power to direct the board in this regard. The exercise of powers by any statutory officer, where the powers are not subject to ministerial control, falls outside the scope of an urgent debate. The actions, inquiries or

42 (1977) 413 NZPD 2715 Harrison (Acting Speaker).
43 (1979) 422 NZPD 596 Harrison.
44 Ibid.
48 (13 September 2011) 675 NZPD 21193 Smith.
49 (2002) 600 NZPD 15819 Hunt (Maori Television Service not yet established).
50 (1979) 425 NZPD 2568–2569 Harrison.
51 (2001) 591 NZPD 8659 Hunt (Registrar of Electors).
52 (2 July 2013) 691 NZPD 11424 Carter; (13 May 2014) 698 NZPD 17749 Carter (no ministerial responsibility for decisions of the Christchurch City Council).
53 (13 June 2012) 680 NZPD 2905 Roy (Deputy Speaker) (no ministerial responsibility for the Auditor-General’s decision to conduct an inquiry).
reports\textsuperscript{54} of other bodies cannot themselves be the subject of an urgent debate, except in exceptional circumstances.\textsuperscript{55} The Government’s response to such actions, inquiries or reports would generally be the potential trigger for an urgent debate. Ministers have no responsibility for the decisions of courts. So an application to debate a High Court decision to grant an interim injunction effectively preventing the 1985 All Blacks’ tour to South Africa was rejected on this ground.\textsuperscript{56} Other applications to debate judicial decisions have also been rejected.\textsuperscript{57} Nor can occurrences in respect of purely party matters, such as a manifesto commitment,\textsuperscript{58} or a decision of caucus\textsuperscript{59} be the subject of an urgent debate.

An urgent debate cannot be held on action taken by a select committee for the very reason that there is no ministerial responsibility for such a committee. Therefore, when an application was made to discuss the proceedings of a committee that was considering a bill, it was rejected on this ground.\textsuperscript{60}

The concept of ministerial responsibility for a matter qualifying for an urgent debate is narrower than it is for questions for oral or written answer; such questions may encompass any matter relating to public affairs with which the Minister has an official connection. The fact that a question may be addressed to a Minister about a matter does not necessarily mean that the matter involves ministerial responsibility on which an urgent debate about it can be founded.

\textbf{Requires the immediate attention of the House and the Government}

The matter raised for debate must require the immediate attention of the House and the Government. This criterion creates a hurdle designed to ensure that the matter is of such substance that it justifies the House spending a substantial part of its sitting in debating it. Many recent occurrences will involve ministerial responsibility; the Government is continually making statements and taking action in one field or another. Without a requirement that the matter be sufficiently important to require it to be debated immediately, the scope for urgent debates would be enormous. There must always be such an element of urgency as would warrant precedence being given to a debate on the matter.\textsuperscript{61}

Inevitably, the Speaker’s decision on whether a matter requires an immediate debate is liable to be somewhat impressionistic and any guidance that may be drawn from past decisions of limited value. Thus, while the release of a report has been accepted for debate,\textsuperscript{62} this will be exceptional, especially if it will take time for the Government to work through the report’s recommendations and make decisions on follow-up action.\textsuperscript{63} Even where the event involves a new policy announcement, not every such announcement can give grounds for a debate. One that was held to satisfy the criterion was the announcement of a general policy on the sale of State enterprises. This related to an important aspect of policy towards all State enterprises and foreshadowed a possible future development of considerable interest. Consequently it met the test for an urgent debate.\textsuperscript{64} By way of illustration, the urgent debates allowed in the 50th Parliament included the following subjects: an inquiry into the actions of the Government Communications

\begin{thebibliography}{99}
\bibitem{54} (31 July 2012) 682 NZPD 4076 Smith (no ministerial responsibility for an interim report of the Waitangi Tribunal).
\bibitem{55} (22 July 2003) 630 NZPD 7149 Hunt.
\bibitem{56} (1985) 464 NZPD 594 Wall.
\bibitem{57} (21 March 2007) 638 NZPD 8191 Wilson (High Court judgment on a district health board contract); (9 May 2012) 679 NZPD 2085 Smith (High Court judgment on a marine reserve decision).
\bibitem{58} (1987) 482 NZPD 10238–10239 Wall.
\bibitem{59} (1992) 532 NZPD 13272 Gray.
\bibitem{60} (1977) 414 NZPD 3846–3847 Harrison (Acting Speaker); (1998) 573 NZPD 13404 Kidd.
\bibitem{62} (1998) 567 NZPD 8210 Kidd.
\bibitem{63} (2003) 610 NZPD 7149 Hunt.
\bibitem{64} (1988) 486 NZPD 2235 Burke.
\end{thebibliography}
Security Bureau;\(^\text{65}\) contamination of dairy products;\(^\text{66}\) ministerial compliance with the Cabinet Manual;\(^\text{67}\) the resignation of a Minister (though not all dismissals or resignations will justify such a debate);\(^\text{68}\) and negotiations regarding an incident involving the waiver of diplomatic immunity.\(^\text{69}\)

The Speaker takes account of attendant parliamentary circumstances in deciding whether an urgent debate is warranted. If there is another convenient parliamentary means available for debating the subject of the application, the Speaker takes that fact into account in deciding whether to accept the application.\(^\text{70}\) In particular, if a wide-ranging debate such as the debate on the Address in Reply, the Prime Minister's statement or the Budget is before the House, this will count against an application for an urgent debate, though it does not in all circumstances preclude one being allowed.\(^\text{71}\)

Previous consideration by the House may also have a bearing. Thus when an issue had already been recently considered in principle by the House, the Speaker was not persuaded that every subsequent decision made under the legislation warranted an urgent debate.\(^\text{72}\) When the House had given leave for an extended Ministerial statement, the Speaker decided that the business of the House should not be further set aside that day for an urgent debate.\(^\text{73}\)

In all cases, if the matter in question must soon come before the House in the form of legislation, this will tell against a special debate being held immediately.\(^\text{74}\) But if there is no reasonably foreseeable opportunity for an important and controversial happening to be debated in the near future, this will weigh in favour of its being accepted for debate,\(^\text{75}\) especially if legislative action is likely to be delayed by a lengthy adjournment.\(^\text{76}\)

An application that is lodged before an adjournment but cannot be dealt with at that time (because the House was sitting under urgency) will be automatically considered by the Speaker when the House resumes, though it may in these circumstances have lost any intrinsic urgency by the delay. However, even in this case if the application relates to an important enough subject it may qualify for an urgent debate when the House resumes.\(^\text{77}\)

**Ruling by Speaker**

The time at which a motion to take note of a definite matter of urgent public importance is moved is immediately after questions for oral answer have been disposed of and before the next business is embarked upon.\(^\text{78}\) It is not possible to hold an urgent debate on the day of the State Opening of Parliament, as the Standing Orders prescribe specifically what items of business may be taken on that day.\(^\text{79}\)

The Speaker rules on applications that have been lodged by informing the House what applications have been received and whether each application has been accepted or rejected.\(^\text{80}\) In all cases the Speaker summarises the application in ruling on it, and does not read out the application in full.

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\(^{65}\) (27 September 2012) 684 NZPD 5757.

\(^{66}\) (6 August 2013) 692 NZPD 12327.

\(^{67}\) (12 March 2014) 697 NZPD 16563.

\(^{68}\) (4 May 2004) 617 NZPD 12554 Hunt (debate declined).

\(^{69}\) (2 July 2014) 700 NZPD 19129.


\(^{72}\) (20 April 2010) 662 NZPD 10251 Smith; (12 March 2013) 688 NZPD 8395–8396 Carter (no debate on the commissioning of a new prison under legislation passed five months earlier).

\(^{73}\) (7 September 2010) 666 NZPD 13684 Smith.

\(^{74}\) (1973) 382 NZPD 212–213 Whitehead.

\(^{75}\) (1973) 386 NZPD 3834 Whitehead.

\(^{76}\) (1991) 513 NZPD 1012 Gray.

\(^{77}\) See, for example: (1998) 567 NZPD 8210 Kidd.

\(^{78}\) SO 390(1).

\(^{79}\) SO 14.

\(^{80}\) SO 390(1).
Debate

Having ruled favourably on an application, the Speaker calls on the member to move that the House take note of the matter of urgent public importance. The member moving the motion has 15 minutes to speak, and so does the first member to speak to it. A further six members have 10 minutes each, making the total time available for the debate one and a half hours. The second speaker in the debate is a Minister, regardless of who initiates the debate. An urgent debate is designed to examine a matter of ministerial responsibility and, hopefully, elicit an explanation or response from the Government. A Minister is therefore given the opportunity to respond first in the debate. There is no amendment permitted to the question. At the conclusion of the speeches allowed for, the motion lapses and no question is put on it.

SPECIAL DEBATES

Occasionally, the House holds special or “set-topic” debates not contemplated by any of its regular procedures, such as a debate on a major select committee inquiry report or other significant parliamentary event. These types of debates are set down under the Business Committee’s authority to arrange House business, and will often require cross-party negotiation and the creative use of House time (such as employing extended sittings).

81 See SOs, App A.
83 SO 390(2).
84 (10 December 2013) 695 NZPD 15457–15470 (debate on Health Committee Inquiry into improving child health outcomes and preventing child abuse, with a focus on preconception until three years of age (17 November 2013) [2011–2014] AJHR I.6A).
85 (18 April 2013) 689 NZPD 9554–9588 (debate to mark a Pacific Parliamentary Forum being held at Parliament).
86 SO 79.