



Review of Standing Orders 2020

Report of the Standing Orders Committee

Fifty-second Parliament
(Rt Hon Trevor Mallard, Chairperson)
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Presented to the House of Representatives

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Review of Standing Orders 2020

Part 1

Recommendation to the House

We recommend to the House that the amendments to the Standing Orders set out in Part 2 of this report be adopted, with effect from the day after the dissolution or expiration of the present Parliament.

Recommendations to the Government

We recommend to the Government as follows:

1. That the presentation of long-term insights briefings, prepared under the Public Service Act 2020, be co-ordinated, and that the briefings be required to be presented to the House no later than 30 June in the second calendar year after each general election.
2. That the three-yearly briefing on the state of the public service, prepared under the Public Service Act 2020, be presented and considered alongside the long-term insights briefings.
3. That a practice be established for a revision bill, on introduction, to be accompanied by a Supplementary Order Paper that sets out any amendments expressly identified as intended to change the effect of the old law, and for the Attorney-General to draw this Supplementary Order Paper to the attention of the Business Committee.

Introduction

The Standing Orders Committee reviews the Standing Orders, procedures, and practices of the House,¹ and this usually happens during each parliamentary term. Regular reviews of the Standing Orders have become an important feature of our parliamentary democracy. They combine the best of our traditions with a spirit of innovation.

This report sets out our unanimously recommended amendments to the Standing Orders. We have also included guidance on the practical operation of some of these amendments, as well as new guidance on the operation of some pre-existing procedures and Standing Orders.

While the COVID-19 pandemic has considerably curtailed the available time and focus for the review of Standing Orders this year, it has resulted in many adaptations and innovations at Parliament, as it has across the community. We have taken this opportunity to consider which changes represent improvements that should be retained.

The pandemic has strengthened the case for democratic institutions to continuously improve and become more effective, responsive, and accountable. Parliaments and Governments

¹ The functions of the committee are set out in Standing Order 7.

must attentively foster their legitimacy in the eyes of the public, so these institutions can appropriately contribute to a national response in times of crisis.

Not every proposal in this report has arisen from the pandemic response. A number of important enhancements are proposed that have been developed in their own right, either from submissions or from members.

Overwhelming support is always the basis of the Standing Orders Committee's decision-making process, in recognition of the constitutional nature of the Standing Orders. From time to time, the committee receives submissions that suggest it should not follow this approach, as they consider it may lead to the entrenchment of rules. Like previous committees, we reject this suggestion. The adoption of a majoritarian attitude towards the House's rules would undermine the very legitimacy that the review of Standing Orders is intended to bolster. As this report shows, substantial change is possible when using a consensus-based approach.

We wish to thank everyone who made a submission on this review. Although not every recommendation can be accepted, submissions inform our discussion and present new ideas for us to consider.

Key recommendations

Our major recommendations include:

- **Enhanced capacity for petitions**—online petitions to be adopted as a permanent feature, with the rules for petitions being rewritten. Petitions will be overseen by a new Petitions Committee chaired by the Deputy Speaker or an Assistant Speaker, with powers to refer petitions to other select committees, seek assistance from the Ombudsman, and require Ministers to respond directly to petitions.
- **More time for non-legislative business**—greater House time to be spent debating non-legislative business, like petitions, regulations, inquiries, or local issues. This generally should happen without reducing the Government's time to advance its business (for example, by holding extended sittings), but we specifically recommend that 7 hours out of the 15 hours currently spent on the Budget debate each year should instead be spent on other, non-legislative business.
- **Smaller select committees**—select committees in the next Parliament should have an average of 7 members, with about 100 committee seats across the 12 subject committees, the Regulations Review Committee, and the new Petitions Committee. However, the Business Committee will still determine committee membership.
- **Remote committee meetings**—select committees to be able to meet remotely, for example using videoconferences or teleconferences, with members generally able to participate remotely even when meetings are taking place in the Parliament Buildings.
- **Joint committee meetings**—we clarify and codify the process by which committees can have joint meetings, consider business together, and make joint reports to the House.
- **Ministers at select committees**—Ministers should attend select committees more often, including to provide initial briefings on Government bills.
- **Law-change engagement plans**—the House should better recognise and encourage Government engagement with the public and stakeholders when developing legislative proposals. A new procedure is set out for Ministers to engage with subject select

committees and the Business Committee to propose law-change engagement plans before bills are introduced. In return, procedural commitments can be made to facilitate the passage of the resulting legislation through the House.

- **Questioning of Ministers during committee stage of bills**—the recently trialled practice of encouraging members to seek information from Ministers in charge of bills, through questions and answers in the committee of the whole House, is to be an ongoing feature of the legislative process.
- **Joint sponsorship of bills**—members to be able to jointly sponsor members' bills.
- **Automatic introduction of members' bills with broad support**—Members' bills that receive the support of at least 61 members, who are not members of the Executive, to be introduced automatically, without needing to win the ballot.
- **Pecuniary interests**—requirements to declare gifts and debts to be clarified to exclude personal interests relating to family members, unless disclosure would further the register's purpose of providing transparency and strengthening public trust.
- **Rules for coverage of the House**—rules for recording and broadcasting proceedings to be made less prescriptive, and updated to include coverage of select committees and be more technology-neutral.

1 General provisions and office-holders

Coverage and availability of proceedings

In 2019, we reviewed the conditions for the use of Parliament TV's official coverage of the House.² As a result, the conditions were amended to allow the use of official coverage for political advertising and election campaigning, with an overall requirement that official coverage must not be used in a way that is misleading. We also recommended a procedure for the Speaker to direct that non-compliant use be taken down, and for such a direction to be considered promptly by the Privileges Committee and either upheld or withdrawn. These rules will now be made permanent in Part 2 (previously Part B) of Appendix D to the Standing Orders.

At the time of our previous report, we noted that submissions sought the liberalisation of rules for filming the House, and indicated that we would consider this during the broader review of the Standing Orders. Having done so, we consider that the rules should be less prescriptive, while still ensuring that footage unrelated to proceedings should not be filmed—see new Part 1 (previously Part A) of Appendix D.

We also propose that rules for broadcasting and coverage be rewritten to be more technology-neutral and to provide for coverage of select committee hearings in public. These new rules are in proposed new Standing Order 7A,³ which replaces previous Standing Order 46.

Amendment 1 Coverage and availability of proceedings

Replace Standing Order 46 with another Standing Order that is technology-neutral and provides for coverage of select committee proceedings, and replace Appendix D with a new Appendix that is less prescriptive in its rules for filming and recording proceedings and incorporates changes previously recommended to the conditions of use of official coverage.

Signatures

A new definition is provided for the giving of signatures by members and by people participating in other procedures such as the signing of petitions. In part, this is the result of adjustments to the House's procedures this year to enable members to continue aspects of parliamentary work even when not able to physically attend the precincts, as well as the permanent adoption of rules for online petitions. The intention is that arrangements for signatures will be sufficiently flexible to ensure there is adequate evidence of a person's approval, without needing to provide separately for people who cannot sign by hand because of "incapacity" (as is currently the case for signing petitions).

² Standing Orders Committee, *Review of the use of Parliament TV Coverage*, November 2019.

³ Note that the Standing Orders will be fully renumbered when the amendments have been adopted by the House and the new edition is published, so proposed new SO 7A will become SO 8.

Amendment 2 Signatures

Include a more flexible definition of **signing** and **signature** that focuses on the provision of adequate evidence of approval.

Delegating authority to Assistant Speakers

It has long been the case that the procedural duties and authority of the Speaker can be exercised by the Deputy Speaker when the Speaker is unavailable.⁴ However, Assistant Speakers have been empowered to exercise the authority of the Speaker only while presiding over the House.⁵

This was amended in a sessional order in response to the threat of COVID-19.⁶ At that time it was felt that the unprecedented risk of COVID-19 increased the likelihood that both the Speaker and Deputy Speaker may be unable to exercise their authority at the same time. As a result, Assistant Speakers were empowered to perform the duties and exercise the authority of the Speaker during an adjournment of the House, if both the Speaker and Deputy Speaker were absent from duty.

While it has not been necessary to invoke this power in response to COVID-19, we think it remains a useful fail-safe in case of future crises. We therefore recommend incorporating this sessional order into the Standing Orders.

Amendment 3 Authority of Assistant Speakers

Permanently incorporate the sessional order of 19 March 2020, concerning Assistant Speakers, into the Standing Orders.

⁴ Standing Order 27.

⁵ Standing Order 28.

⁶ Sessional order of 19 March 2020.

2 Sittings of the House

Adjusting sitting hours

Difficulties in balancing work life and family life are experienced by many people in the workforce and are, to an extent, inherent in the role of members. On the other hand, it is important to remove unnecessary obstacles to the family life of members who are required to travel to Wellington for several weeks each year, in order to improve the diversity of members and attract the range of candidates necessary to ensure Parliament is representative.

A key issue for the members who are not based in Wellington is the ability to return home to their families in a timely way once the sitting week ends. Flight schedules, particularly for smaller centres, have made it difficult for members to get home on Thursday evenings when the House does not adjourn until 6pm. Staff are similarly expected to work later on these days, to service the House and members.

We recommend changing sitting times so that the House adjourns by default at 5pm on Thursdays. To ensure that an hour of sitting time is not lost each week, the dinner breaks on Tuesdays and Wednesdays should be reduced to one hour in length, running from 6pm to 7pm. This will result in a slight increase in the time available for members' bills each year.

This change will require consequential amendments to the Standing Orders relating to extended sittings and urgency. When a Thursday sitting is to be extended into the evening, then the House will continue past 5pm and will suspend between 6pm and 7pm.

Amendment 4 Sitting hours

Modify the standard sitting hours of the House, laid out in Standing Order 45, so that the Tuesday and Wednesday dinner break runs from 6pm to 7pm, and the House rises on Thursday at 5pm, with consequential changes to the rules for extended sittings and urgency.

Variation of sitting calendar by Business Committee

The sitting calendar for each year is decided by the House, on the basis of a recommendation from the Business Committee.⁷ Previously the Business Committee has had the power to determine that a "minor adjustment" be made to the sitting hours on a particular day, but any more substantive alterations to the time and date of sittings have had to be agreed in the House.

In 2017 the House passed a sessional order to confer powers on the Business Committee to alter the sitting calendar.⁸ The Business Committee can make determinations changing the hours of any particular sitting day, and add or remove days from the sitting calendar, including the arrangement of sittings on Mondays and Fridays.

⁷ Standing Order 81.

⁸ Sessional order of 20 December 2017.

Allowing the Business Committee to alter the sitting calendar has improved Parliament's flexibility. This was particularly valuable during the COVID-19 crisis, when the House was unable to meet to alter its own programme, and the ability to respond promptly to the pandemic was essential. The power to alter the sitting programme also fits comfortably alongside the Business Committee's other powers to arrange the business of the House.

We can see considerable potential for the Business Committee to extend sitting hours and to arrange additional sittings, including on Fridays, to deal with non-Government or non-controversial business. This practice should be encouraged. Below we have also recommended that the Business Committee be accorded the authority to adjust or waive the proxy-vote limit for party voting, which would enable such sittings to occur without requiring the great majority of members to stay in Wellington for the purpose.

Amendment 5 Business Committee can alter the sitting calendar

Incorporate the sessional order of 20 December 2017, concerning the variation of the sitting calendar, into the Standing Orders.

Interrupting business at suspension or end of sitting

Voting on a question to continue until completed

When a closure motion is agreed, debate ends and the question under consideration is put to the vote, including any amendments that need to be dealt with first. When voting begins in this way, it continues until it is completed. This can mean that a committee of the whole House dealing with multiple amendments to a bill can sit until well after the House would normally suspend for the dinner break or adjourn for the evening. However, where debate naturally reaches its end, without a closure motion, the practice is for a committee to stop voting part-way through, so the House can suspend or adjourn at the usual time.

We received a submission from the Deputy Speaker and the Assistant Speakers, recommending that the procedures for interrupting business during voting, with or without a closure, be aligned. We agree, and recommend that Standing Order 53 be rewritten so that, once voting starts, whether or not a closure has been agreed, it continues after the scheduled time to interrupt business if that is necessary in order to complete the voting. If it is desired to interrupt business during voting, then this can be achieved by seeking leave.

Standing Order 138, which relates to the effect of a closure motion, will be consequentially amended. A closure motion's effect now will be simply to conclude a debate that is in progress. Standing Order 306 will be amended to express the current practice that amendments to bills can be lodged only until the end of debate on the relevant provision (which previously was explicit only in respect of the acceptance of closure motions).

Amendment 6 Voting on a question to continue until completed

Amend the Standing Orders so that voting continues until completed, regardless of whether or not a closure motion has been agreed, with related amendments relating to closure and the lodging of amendments to bills.

Avoiding interruption of speeches

Current practice of the House when adjourning or suspending, found in Standing Orders 52 and 131, is to interrupt the member speaking at whatever point they were at in their speech. The member then receives the option to take the first call when the debate is resumed, for the balance of their call. This hard deadline for the House to suspend or adjourn often leads to members' speeches being cut off at full steam.

During our consideration of this review, we heard a suggestion that presiding officers be given the discretion to adjourn or suspend the House for up to five minutes before or after the scheduled time. This power would be exercised either to allow a member to finish a speech that is nearly complete, or to prevent members from being required to take calls that are unreasonably short. We consider this a proportionate way to allow members to enjoy the full length of the call when they participate in debate. By lengthening some sittings very slightly, and shortening others by the same amount, overall House hours are unlikely to change.

Amendment 7 Avoid interrupting members who are speaking

Give presiding officers the discretion to suspend or adjourn a sitting either five minutes early or late, to avoid cutting off members' speeches.

3 General procedures

Changes to voting procedures

Voting rules rewritten for clarity

During this review, we noted that many of the provisions in the Standing Orders about voting are not as clear as they could be. In particular, while the rules for the exercise of proxies during party votes and personal votes are entirely different, they are intermingled, which can be confusing. We have therefore agreed to recommend that Standing Orders 141 to 155 be entirely redrafted, to improve their clarity and readability. No further changes to the function of voting provisions have been made, other than those mentioned here.

Amendment 8 Redrafting voting provisions

Redraft the provisions in the Standing Orders concerning voting to improve their clarity and structure, without making further functional changes.

Modification of proxy-vote limit by Business Committee

When social distancing was mandatory during the height of the COVID-19 pandemic, fewer members were able to sit in the Chamber, and travel to Wellington was constrained. With so few members present, parties risked having the number of votes they could exercise limited by Standing Order 155(2), which prevents parties from casting proxies for more than 25 percent of their members. To avoid this situation, the House passed a sessional order to empower the Business Committee to vary or waive the 25 percent limit.⁹ The Business Committee issued a determination allowing parties to exercise proxies for any number of their members for the period in which most members would not be able to attend the House.

We are satisfied with how this power was used, and recommend that this sessional order be made permanent. Aside from urgent situations, an ability to adjust or waive the proxy-vote limit would enable the arrangement of extra sitting hours to consider non-controversial business. This in turn could greatly increase the House's capacity to deal with legislative improvements and non-Government business without unduly preventing members from returning to their home regions. The authority for the Business Committee to adjust or waive the proxy-vote limit is in proposed new Standing Order 143C.

Amendment 9 Modifying proxy-vote limit

Empower the Business Committee to adjust or waive the limit for proxies cast during party votes.

Electronic voting

During this review, we discussed the possibility of introducing systems for electronic voting. We agree that the time-consuming process of members filing into the lobbies during

⁹ Sessional order of 19 March 2020.

personal votes to be ticked off a list is no longer best practice. Time constraints prevented us from considering any particular options for change in this area, or from making any formal recommendations. However, we encourage the Standing Orders Committee of the 53rd Parliament to meet relatively early in the term to consider possible electronic voting systems, with the view to setting up a trial of more modern voting mechanisms.

Giving notice by electronic means

Among the sessional orders put in place in response to the COVID-19 pandemic were several provisions allowing electronic submission of documents that previously had to be lodged in hard copy.¹⁰ Three particular provisions were changed to allow members to sign documents electronically. These include:

- Standing Order 98, concerning giving notice of a motion
- Standing Order 381, concerning the lodging of oral questions
- Standing Order 388, concerning the lodging of urgent questions.

We are satisfied with how these processes have been working, with questions and notices of motion being received and signed electronically without issue. We therefore see no need to return to a more restrictive system requiring members to formally sign hard copies of questions or notices and send them around the parliamentary precinct.

By extension, it is now possible to be more flexible with the time at which these notices or questions can be lodged. Currently, the Standing Orders require notices of motion and oral questions to be lodged within a relatively short timeframe on the morning of a sitting day. This is in part because of the practical requirement for a member of the Clerk's staff to be available to receive them. On the other hand, notices lodged electronically can be accepted any time before the deadline.

Amendment 10 Giving notice by electronic means

Amend Standing Orders 98, 381, and 388 to permit notices of motion and notices of oral questions and urgent questions to be lodged electronically.

Effective use of House time

The question of how to ensure the House's time is used most effectively has been a particular focus for us during this review of the Standing Orders, just as it has been in many reviews previously. Effective use of the House's time should enable all of Parliament's core functions to be performed, encourage members to contribute to a high standard, and promote high quality scrutiny. We believe that changes should be made to how the House's time is distributed, in order to better balance the Government's legislative business with the other business of the House.

According to statistics on the 52nd Parliament, up until 1 September 2019 around 70 percent of the House's time was taken up by legislative debate (not including financial procedures). A further 15 percent was taken up by oral questions, and another 8 percent by appropriations

¹⁰ Sessional order of 19 March 2020.

legislation. General and urgent debates combined received less than 5 percent of the House's time. While legislative debate is the House's central focus, we concur with submitters who expressed a view that the House could spread more time across the range of its business.

Creating more time for non-legislative business

In order to make time available for other business, the House must either sit longer, or reduce some of the time spent on legislation. We recommend doing both.

There is scope to reduce the 15-hour Budget debate, which we recommend be shortened to 8 hours. This will maintain the Budget debate's standing as one of the primary set-piece debates of the parliamentary year, while retaining the time available for the more detailed scrutiny afforded through the Estimates debate, bearing in mind that Votes also receive detailed scrutiny in select committees.¹¹ Other time-savings can be made through adjustments in the way the House operates—for example, the new practice that has emerged for the committee of the whole House stage of bills shows signs that it will have this effect. If this trend continues, we would expect that the time saved would be shared with non-Government business.

Further time should also be made available through limited use of special, pre-arranged extended sittings, or sittings on Friday mornings. These sittings should be arranged by the Business Committee to progress non-Government business, or hold widely agreed debates on set topics. We expect either that there would be agreement that no party votes would be held during these sittings, or that the Business Committee would use its new power to vary the proxy-vote limit so that members could return home if they were not participating during these sittings.

Using non-legislative time for broad range of special debates

The extra House time created by the means above should not simply be allocated to pre-existing debates or scrutiny processes, or to other Government business. Instead, we would like to see that time used for a range of new special debates, or on debates that have not been held regularly for some time. From our discussions, and submissions on this review, we have suggested several types of special debates to add to the House's usual menu:

- regulations
- petitions
- inquiries or briefings reported by select committees
- parliamentary papers¹²
- constituency and local issues
- members' notices of motion
- topics suggested by members in lieu of drafting a bill for the members' bill ballot
- other topics agreed by the Business Committee.

We recommend that the Standing Orders be amended so that at least 7 hours of House time each year must be allocated to debates such as these, reflecting the 7 hours removed from the Budget debate. This would allow time for debate on a number of matters that the House

¹¹ For further detail on this matter, and a formal recommendation, see the discussion in chapter 6, on improving the financial scrutiny debates.

¹² Further discussion on this proposal is available on page 50.

currently considers only rarely. Each such debate could be around 90 minutes, and consist of relatively short speeches to enable broad participation.

Arranging special debates should be a standard item on the Business Committee's agenda.

Amendment 11 Debates on non-legislative business

Require the Business Committee to arrange special debates, for at least 7 hours of House time each year.

Where appropriate, these debates would be informed by select committee reports on relevant issues. Debates on regulations will tend to be based on reports from the Regulations Review Committee, while debates on petitions should focus on petitions selected by the new Petitions Committee.¹³ Major select committee inquiry reports should be debated too. In this way, we hope to better align debate in the House with the scrutiny activities of committees, and matters of public interest that otherwise may not be subject to specific debate.

¹³ Detailed discussion on the Petitions Committee is on page 48.

4 Select committees

Establishing a Petitions Committee

Since the advent of electronic petitions during the current Parliament, the volume of petitions presented to Parliament and referred to committees has grown substantially. To ensure that the committee system deals effectively with the increase in engagement from the public, and that Parliament remains a relevant space for discussion of matters of public interest, we recommend establishing a Petitions Committee. Our proposals for the new Petitions Committee and how it would operate—including how it would interact with the existing committee system—are detailed in chapter 7 of this report.

Membership and participation

Target to decrease overall membership of select committees

The previous Standing Orders Committee concluded that committees are generally larger than is necessary for them to be effective and some members have too many committee commitments. Committees in the current Parliament have not been significantly smaller, with many having 8 or 9 members, and several having more than 10. There would be merit in decreasing the overall number of select committee seats while retaining the proportionality requirement.

We recommend that the Business Committee adopt a target of 98 members across the 12 subject committees plus the Regulations Review Committee and the new Petitions Committee. This would enable an average membership of 7 per committee, with flexibility for a range of 6 to 9 members per committee. The Clerk of the House will repeat the approach adopted in 2017 of obtaining advice from the Government Statistician about each party's proportional allocation of seats in committees, based on its seats in the House.

Greater flexibility for other members to participate

Smaller parties often have only a handful of seats across all subject select committees. If their members wish to participate in a committee's proceedings, they either need to arrange to replace a member from another party, or seek leave from the committee on the day. We think this is unnecessarily restrictive and that the rules should facilitate broad participation for all parties on the issues they wish to prioritise, regardless of formal committee membership arrangements. We recommend that one member from any party not represented in the membership of a committee be allowed to participate in the proceedings of the committee without requiring the leave of the committee, as a non-voting member.

Ministers and members in charge of bills have the right to participate in committee proceedings in respect of their bills. We recommend broadening this right of participation to include members in charge of other types of business too. The purpose of this change is to

facilitate broader participation and more interactive debate on matters before committees, by removing impediments for non-committee members to take part. Our recommended change is intended to facilitate the participation of Ministers who are responsible for appropriations or public entities, members on petitions they have presented to the House, and any other public matter connected with the business of the House of which a member has charge.

Amendment 12 Rights to participate in committee meetings

Amend the Standing Orders to give one member from a party not represented in the membership of a committee the right to participate in proceedings, and to give a member in charge of a piece of business before a committee the right to participate in proceedings.

Meetings

Remote meetings and participation

Parliament adopted a number of temporary measures in response to the disruptions caused by COVID-19. One of the most significant of these was enabling select committees to conduct their proceedings remotely, including by video-conference and by phone. Conducting proceedings without members being physically present in one location has been discussed for at least two decades, but change has not been widely supported. Following recent experiences with remote meetings and member participation, however, we believe that the time is right for Parliament to modernise its ways of working and take advantage of the new opportunities this presents. We therefore recommend providing permanently for remote meetings and member participation in the Standing Orders.

Our changes would make permanent the arrangements that committees have been operating under since the end of March 2020. They would enable chairpersons to call remote meetings, and individual committee members to decide to participate remotely even if the meeting is intended to be held primarily in a physical location such as the select committee meeting rooms at Parliament. In effect, this means that any meeting could be a “hybrid” meeting, with some members in the same physical location and some members participating remotely.

Past Standing Orders Committees have frequently encouraged committees to meet more in the weeks that the House is not sitting. Indeed, the adoption of the current sitting pattern in 1985 was premised in part on committees meeting in non-sitting weeks. We have observed that the ability to meet without needing to physically convene in Wellington has facilitated a much greater willingness to meet in non-sitting weeks. We hope to see this trend continue in the next term of Parliament.

Amendment 13 Allow committees to meet remotely

Allow chairs to call remote meetings, and allow individual committee members to participate remotely even when a meeting is held primarily in a physical location.

Member participation and presence

All members participating remotely will be counted as attending for the purpose of Standing Order 37, and committee members participating remotely will count for the purposes of

maintaining a quorum, voting, and making a decision by leave. Committee minutes should indicate that a member participated remotely.

We have heard that it can be difficult to ascertain whether a member is actually “present” if they have their camera and audio switched off during a video-conference meeting. Our changes provide a high degree of flexibility to members to decide how to participate in proceedings, and we are reluctant to create rules to regulate the details of these sorts of challenges. However, members must keep in mind that, despite the removal of the requirement to be physically present at a committee meeting, their duty to the House and its work remains undiluted. Members attending committee meetings must still be present and are expected to contribute to the work of the committee. If there is doubt over whether a member is present, it is reasonable for committee members to seek confirmation during a meeting that another member is indeed present.

A specific question has arisen about whether or not a member who is physically present within the parliamentary precincts during a committee meeting, which is taking place primarily in a select committee meeting room, should be allowed to participate remotely. While there may be circumstances in which this is legitimate and we do not wish to regulate the flexibility being granted to members in such detail, there is an expectation that members who are within the precincts will attend meetings in person. This is particularly true for members who plan to be present for the entire scheduled meeting time.

Similarly, we expect that, in general, members will attend in person for meetings where the committee is meeting outside Parliament. Visits to other areas of the country are arranged so that committees can speak to people outside Wellington, to better connect with other parts of the country, and so that members can visit places related to their work. The benefits of these meetings may be lost if members do not attend them physically. We are also aware that video- and tele-conferencing facilities can be poorer away from select committee rooms, which may reduce the quality of the public’s interaction with proceedings.

Confidentiality of proceedings

Members have also raised the issue of maintaining the strict confidentiality of proceedings that are closed to the public. This has arisen as members have joined video-conference meetings from a variety of locations including personal vehicles and their homes. It is each member’s individual responsibility to ensure that the location from which they participate remotely in committee proceedings is appropriate for the conduct of parliamentary business and ensures compliance with the Standing Orders. In particular, members must not permit confidential proceedings to be observed by another person.

Technology problems

During the trial of remote meetings, some members were concerned that their participation could be affected by technology problems outside their control, such as internet connectivity issues. The inclusion of the ability to participate by phone in the temporary procedures was partly intended to address this, by enabling members to phone in to a video-conference meeting if needed. This will remain the first port of call for members who have trouble participating in a video-conference meeting due to technology problems. We discuss technology problems and voting below.

We encourage any member who has ongoing connectivity issues to work with the Parliamentary Service to find an enduring solution that enables consistent remote participation.

Voting

Chairpersons should ensure that all members are able to participate before proceeding to a vote. Where a member is unable to participate remotely because of a technology problem, voting should, if possible, be deferred until later in the meeting when the member is able to participate, including by phone if necessary. This could include a member phoning a colleague and relaying their vote through them if necessary. In presiding over a vote where some or all members are participating remotely, chairpersons have a responsibility to ensure that it is clear who has voted and how they have cast their vote. This may require a more formal casting of votes than often occurs in traditional meetings held in person.

Secret evidence

A particularly high degree of confidentiality attaches to secret evidence. It remains perpetually confidential, unless its release is ordered by the House. At a practical level written secret evidence is provided to a committee by the clerk of the committee only in hardcopy at a physical meeting of the committee. Copies are returned to the clerk after the secret evidence has been considered, and remain in the custody of the Clerk of the House. We believe this level of rigour in maintaining confidentiality remains appropriate, and recommend that, despite the provision for remote meetings and participation, secret evidence be received and heard by committees in person only.

Amendment 14 Secret evidence only heard in person

Provide that secret evidence may be received or heard only by members attending a committee meeting in person.

Novel procedural issues and Business Committee power to make rules

Select committee meetings are less formal than proceedings in the House, and this is an important aspect of how they conduct their business. In providing for remote meetings and participation we have sought to provide a clear framework to enable them to occur, without creating elaborate rules for the various new scenarios that could emerge. We encourage committee members to work constructively together to resolve novel procedural issues that arise as a result of the new ways of working. Ultimately, chairpersons rule on the interpretation of existing rules and decide cases not otherwise provided for. In doing so, chairpersons should be guided by the expectations for the role that were set out by the previous Standing Orders Committee, such as the facilitation of meetings to encourage collaboration and the fair and respectful treatment of all participants.¹⁴ Remote and hybrid meetings should be treated as regular select committee meetings and all normal procedures and practices apply, except where variation is specifically provided for.

To cater for the possibility that novel procedural issues may arise that would benefit from clear resolution applying to all committees, we recommend the Business Committee have the power to determine rules for the conduct of remote meetings and participation. Rules

¹⁴ Standing Orders Committee, *Review of Standing Orders*, I.18A, July 2017, p. 20.

determined under this provision will have effect despite any Standing Orders to the contrary. The purpose of this power is to enable the Business Committee to make rules where necessary to adapt to meeting and participating electronically, including using new technologies.

Amendment 15 Business Committee to make further rules

Empower the Business Committee to determine rules regarding the conduct of select committee proceedings by electronic means.

Joint committee meetings

While select committees are currently able to hold joint meetings, such meetings are not provided for in the Standing Orders. We want committees to consider working together collaboratively to facilitate a more cross-sector approach to complex issues and make better use of the varied perspectives of members. We therefore recommend setting out explicit rules for joint meetings.

Under our proposed new rules, committees can resolve to meet jointly at a particular time, or they could authorise their respective chairpersons to call a joint meeting. A chairperson cannot arrange a joint meeting without such authority. It is important that each committee agrees to the joint meeting, particularly because the committees, when meeting jointly, will be treated as a single committee during that meeting for the purposes of conducting proceedings, maintaining a quorum, voting, and making decisions by leave. Committees will also be able to consider and adopt a joint report to the House.

Committees meeting jointly will be able to consider business that is before any of the participating committees. For example, two or more committees could hold a joint meeting to hear evidence on a Vote allocated, or a bill referred, to one of the participating committees. Committees meeting jointly do not constitute a joint committee, however, and cannot jointly initiate an item of business.

Under Standing Order 198(2), the same rules of procedure apply to subcommittees as to full select committees. Accordingly, subcommittees will also be able to participate in joint meetings. In fact, we see significant opportunities in committees appointing subcommittees for the purpose of considering business jointly with another subcommittee or full committee. We encourage committees to consider this option when dealing with cross-sector issues.

Amendment 16 Specifying procedures for joint committee meetings

Specify procedures by which select committees may meet, vote, and consider business jointly.

Chairing of joint meetings

We have opted not to regulate the chairing of joint meetings in the Standing Orders. While committees meeting jointly constitute a single entity for the conduct of proceedings, we encourage participating chairpersons to either co-chair meetings, or decide among themselves who will chair particular portions of a meeting. If there is disagreement between participating chairs on a matter of procedure that requires resolution, the joint meeting

should be suspended until such a time that the chairs can find a way forward. We expect constructive co-operation to be the norm during joint meetings.

Minutes of joint meetings

Committees may at times wish to hold a single joint meeting for a specific purpose, such as a particular hearing of evidence. If the committees do not intend to re-convene, the minutes for a joint meeting can be agreed individually by each participating committee at separate meetings. However, if any one of the participating committees cannot agree on the minutes of the joint meeting, the committees should jointly re-convene to resolve the matter. In such an event, the chairpersons should agree a time to meet without requiring express authorisation under proposed Standing Order 194A(2).

Quorum

Members occasionally need to take short breaks, particularly during long committee meetings. This can occasionally lead to a committee having less than half of its membership present, particularly for smaller committees or subcommittees. We recommend amending the quorum requirement to clarify that a committee meeting need not be suspended if it temporarily has fewer than half of its members present on account of a member being temporarily absent. We have also specified, however, that committees cannot make decisions of any kind when there is no quorum present.

It is important to note that “temporarily absent” means that it is expected that the member will return. Our proposed change is not intended to allow a committee meeting to be inquorate for its final 10 minutes. We also encourage members to use this provision only as genuinely needed.

Amendment 17 Allow members to briefly leave a meeting

Allow members to be temporarily absent from a select committee meeting without affecting quorum, except for the purposes of voting.

Greater emphasis on inquiries and briefings

Since 1985, when the current subject select committee structure was established, subject-aligned committees have held a broad range of functions involving a combination of legislative, financial scrutiny, and other roles, along with powers to self-initiate inquiries and briefings.¹⁵ The primary purpose of setting out committee subject-areas in the Standing Orders was to demarcate each committee’s remit for inquiries. It was felt at the time that committees were too heavily focused on legislative work, at the expense of effective scrutiny of the Government. It remains the view of this committee that subject select committees should initiate more of their own investigations, and be more proactive in scrutinising both the Government, and the broader issues facing New Zealanders. It is fair to say that the autonomy for committees to initiate such investigations was intended as an essential feature of the subject select committee system.

¹⁵ Inquiries and briefings were separated into two distinct items of business following the *Review of Standing Orders 2003*.

Inquiries and briefings initiated by select committees could focus on:

- reviewing aspects of public administration that could be improved
- identifying policy areas where legislative change should be considered
- carrying out post-legislative review
- considering long-term trends and issues, and scrutinising long-term governance, within committees' subject areas
- following up on the Government's response to previous committee recommendations, and on the implementation of those recommendations.

Data we have received as part of our consideration of this review suggest that the number of inquiries initiated by committees has been trending downwards for at least the last 10 years, as has the number of briefings reported back to the House. We accept that this is not necessarily due to a lack of interest in investigation and scrutiny; rather, many committees have substantial other business taking up their time. Whatever the reason, subject select committees are not scrutinising the Government to the extent expected, and thus are not entirely fulfilling their purpose.

As part of this review, we have made several recommendations intended to address this. The new Petitions Committee should reduce the number of petitions subject select committees would have to consider, giving them more time to consider other business. Greater scope for debates in the House on non-legislative business would also add an incentive to conduct investigations, by providing an additional outlet to draw attention to this work.

We also wish to give greater emphasis to committees' power to initiate briefings and inquiries, and recommend setting out this power in a separate Standing Order. The power of committees to conduct inquiries and briefings is to be broadened by lifting the ban, set out in Standing Order 189(3), on the examination by a select committee of bills that have not been referred to it, and Supplementary Order Papers relating to bills not currently before it.¹⁶

Amendment 18 Inquiries and briefings

Make a separate Standing Order that sets out committee powers to initiate their own inquiries and briefings.

Scrutiny of long-term issues

We received submissions, including from Professor Jonathan Boston of the Victoria University of Wellington School of Government, suggesting improvements in how Parliament examines long-term issues. A common view was that select committees tend to be too busy with a cycle of short-term business to look at broader, more complex issues. This is manifest in the trend, noted above, for committees not to make extensive use of their power to conduct inquiries. The establishment of the Petitions Committee is in part intended to relieve some of these workload pressures. We received submissions suggesting the establishment of a specialist Public Governance Committee to provide system-wide oversight and impetus

¹⁶ This change is discussed further on page 39.

for the scrutiny of the quality of governance, including the examination of long-term issues. We have not agreed to do so, on the basis that this sort of scrutiny is the responsibility of all committees. Instead we recommend that the Governance and Administration Committee's subject area be amended by the addition of "public governance". In this way, we hope to encourage this committee to lead the scrutiny of the Government's system-wide quality of governance, particularly for the long term.

Amendment 19 Changing committee subject area responsibilities

Amend the subject area of the Governance and Administration Committee by adding "public governance".

The House has just passed the Public Service Act 2020, which includes a requirement for departments to prepare long-term insights briefings at least once every three years, and for these briefings to be presented to the House.¹⁷ The Act stipulates that these briefings be prepared independently of Ministers and provide information about medium and long-term trends that may affect New Zealand society. Detailed scrutiny of these briefings by select committees, led and co-ordinated by the Governance and Administration Committee, would result in long-term issues being brought to the fore during each term of Parliament.

We recommend amending the Standing Orders so that the long-term insights briefings stand referred to the Governance and Administration Committee immediately after being presented to the House, for the committee then to refer these briefings on to other committees. Committees then would be expected to report their findings to the House within 90 working days, which should enable them to hear evidence from departments and give consideration to the matters that they wish to draw to the House's attention. These recommendations are reflected in proposed new Appendix E.¹⁸ While the preparation of long-term insights briefings under the Act must include a public consultation process, select committees will be encouraged to receive their own public input. This would need to be relatively targeted, given the proposed timeframe for considering the briefings, and could be focused on people or organisations who contributed to the initial departmental process.

While the Act does not require the long-term insights briefings to be presented at a particular time, we understand that the Government intends for them to be co-ordinated so they are prepared and presented at roughly the same time as each other. We recommend that the Government co-ordinate long-term insights briefings so they are presented to the House no later than 30 June in the second calendar year after each general election, which will tend to be roughly the mid-point in the parliamentary term. This timing would ensure that consideration of the briefings does not occur during the post- and pre-election months, as well as provide enough time for committees to subsequently initiate further, more focused inquiries if desired. It may also provide a useful basis of evidence for political parties to employ when considering their manifestos for the following general election.

The Public Service Act 2020 also requires the Public Service Commissioner to prepare a three-yearly briefing on the state of the public service, and for the briefing to be presented to

¹⁷ Public Service Act 2020, Schedule 6, clauses 8 and 9.

¹⁸ Further discussion on this proposal can be found on page 50.

the House.¹⁹ We recommend that this briefing should be considered together with the long-term insights briefings.

Amendment 20 Scrutiny of long-term insights briefings

Incorporate long-term insights briefings into the Standing Orders, and provide that they stand referred to the Governance and Administration Committee upon presentation.

Recommendations to the Government—briefings under Public Service Act 2020

- That the presentation of long-term insights briefings, prepared under the Public Service Act 2020, be co-ordinated, and that the briefings be required to be presented to the House no later than 30 June in the second calendar year after each general election.
- That the three-yearly briefing on the state of the public service, prepared under the Public Service Act 2020, be presented and considered alongside the long-term insights briefings.

More involvement from Ministers in committee business

Ministers rarely attend committee meetings, with appearances by Ministers generally confined to hearings of evidence on the Votes for which they are responsible in the annual Budget process. We think this should change.

We strongly encourage committees to invite Ministers to participate in initial briefings on Government bills and to attend to discuss significant policy changes. We expect Ministers to make themselves available for these purposes. While departments are well placed to brief committees on underlying policy problems and the design and implications of proposed solutions, Ministers are responsible for policy objectives and choices, and for overseeing the pre-introductory process. The legislative process would be enhanced if committees had more opportunity to discuss these matters with responsible Ministers.

The rule enabling Ministers to participate in committee proceedings without leave was recommended by the Standing Orders Committee in 1985 for such a purpose. We will follow the take-up of this recommendation with interest, and assess at the next review whether amendments to the Standing Orders are required to better facilitate Ministers' involvement in the select committee stage of the legislative process.

There are other instances where effective scrutiny would be well served by direct interaction between committees and Ministers. Ministers are accountable to Parliament for the results of spending, and there is opportunity for committees to hold general question and answer sessions with Ministers much like the Epidemic Response Committee did during its existence. That model of more conversational scrutiny was widely seen as successful and there would be great merit in subject select committees conducting such sessions in future. Again, we encourage Ministers to respond positively to such invitations.

¹⁹ Public Service Act 2020, section 15.

Evidence

Sensitive personal information in evidence

Committees may, at times, deal with issues that by their nature involve sensitive personal information. During the current Parliament, for example, committees have considered legislation about abortion, sexual violence, medicinal cannabis, and end of life choice, to name a few. Evidence on these topics can raise nuanced issues concerning the sensitive personal information of submitters, as well as that of named or identifiable third parties. This may include information relating to an individual's health, finances, or family life. Rather than set out an exhaustive definition, however, we encourage committees to exercise judgement in evaluating what qualifies as sensitive personal information in any given case, and how best to manage it.

Such issues are not explicitly catered for in the Standing Orders. Although we do not think it is desirable to set out specific rules for dealing with such issues, given their often complex and context-specific nature, there are certain practices and principles that have emerged over the current Parliament that we wish to endorse.

All evidence, other than secret evidence, is eventually publicly released and, as a matter of course, is published on the Parliament website. Committees should take care when dealing with submissions containing sensitive personal information to consider whether eventual disclosure of the evidence may create a risk of harm to any individual, or frustrate a third party's reasonable expectations of privacy and fairness. As a general principle, sensitive personal information should only be disclosed and made publicly available with that individual's informed consent.

When making a submission via the Parliament website, submitters are notified that their submission will become public. However, this should not prevent a committee from double-checking that a submitter understands what will happen with their evidence if it contains sensitive information. Similarly, if it is not clear whether or not a named or identifiable individual has consented to the inclusion of their sensitive personal information in a submission, the committee should consider taking remedial steps.

There are a number of options available to committees in dealing with such issues. A committee may request that a submitter re-submit their evidence with certain information or the identity of third parties removed, or it may suggest to the submitter that their identity be anonymised to protect their privacy or that of a family member or other third party. In some cases, a committee may itself wish to anonymise the identity of the submitter, if it judges this necessary to protect an individual's reasonable expectations of privacy and fairness or to prevent harm. The latter may be particularly applicable where a submitter does not respond to a committee's communications. Committees also have the standard provisions for private and secret evidence at their disposal.

During the current Parliament, the Abortion Legislation Committee and Justice Committee both proactively offered submitters the option of submitting anonymously on bills in certain circumstances related to sensitive personal information. We encourage committees to consider these issues proactively when calling for submissions, to help ensure that those

interacting with Parliament have a positive experience, and the supply of relevant information to the committee is facilitated.

Committees should also keep in mind, however, that there is a strong presumption of transparency in parliamentary proceedings. The public has a right to know who has sought to influence a committee's consideration, and how they have sought to do so. Expressing strong opinions on contentious topics does not qualify as sensitive personal information, for example. Committees should take care to apply the above guidance only in circumstances that genuinely warrant a deviation from the normal level of transparency.

Third-party analysis of submissions

During this Parliament there have been a number of occasions when committees considering legislation have received such a large volume of submissions that their analysis presented considerable challenges for departmental advisers. In this situation, a practice has been evolving for advisers to employ the services of third parties who specialise in processing large amounts of material. Data analysis of submissions by these third parties has then fed into the provision of advice to select committees.

We wish to record our support for this practice, which can improve the quality and timeliness of the advice committees receive on bills. However, advisers who wish to refer submissions to a third party for analysis must first obtain permission from the relevant select committee. Submissions form part of proceedings for which committees are ultimately responsible, and it would be inappropriate for advisers to decide unilaterally to share them more widely without the knowledge and endorsement of the committee. We expect that committees will, in turn, accept such requests from advisers unless they have a particular reason not to. If a committee has concerns or questions about the sharing of submissions, these should be raised with advisers at the earliest possible opportunity.

High numbers of requests for oral submissions

Recently, many select committees have also received substantial numbers of requests from submitters to make oral submissions. Committees have handled these requests in a number of ways: some have held limited hearings from umbrella groups and a selection of submitters across a range of viewpoints and interests, while others have heard from large numbers of submitters over a long period of time, sometimes using subcommittees.

We received submissions expressing strong views that committees should be required to hear from all submitters who wish to appear. We disagree. While committees usually hear evidence from all submitters who request to make an oral submission, this is not possible or practicable in all cases. The expectation that committees will receive and hear evidence from the public on legislation and other business is a valued and central feature of New Zealand's parliamentary system, but that does not mean committees are always required to hear every submission. Ultimately, it is up to committees to manage their competing priorities and workloads.

In the instances where not every submission can be heard, we encourage committees to consider a broad range and balance of views when arranging hearings. We also encourage committees to communicate openly about the basis for their selection of submissions to hear. Another factor is the information needs of the committee—for example, when considering legislation, committees may prioritise submissions that make substantive

proposals for amendments, which represent particular sectors, or present particularly relevant expertise or experience.

The allocation of time for oral submissions is ultimately up to committees. Our expectation is that, on most items of business, all submitters will be able to be heard. When this is not practical or reasonable, members should come to an agreement on how submissions will be heard. We also encourage committees to provide as much information as practicable to prospective submitters on whatever submission process is agreed.

Differing views in reports

There has long been debate over whether members who do not command a majority on a committee should have a right to include their differing views in the committee's report. Previous reviews of Standing Orders have strengthened the expectation that differing views should be excluded only in exceptional circumstances, but have stopped short of creating a requirement for differing views to be included. We believe, however, that the right of the minority—or, on an evenly split committee, one half of the committee—to have its voice heard should now be recognised in the Standing Orders.

We recommend amending Standing Order 245 to state that a select committee must include differing views in a report when one or more participating members indicate a wish to do so, subject to the grounds set out in new paragraph (2) of that Standing Order.

It is important to recognise that, in tempering the control a committee has over the content of its report, there is still a need for certain standards and rules to be observed. Chairpersons rule on matters of order, and this includes the admissibility of differing views. Possible grounds for ruling on the inadmissibility of differing views are set out. Views must be relevant and succinct; they must meet the accepted standards for parliamentary language; and they cannot include material that raises natural justice issues unless there is an opportunity to follow them up, amongst other requirements. It is not the role of chairpersons to rule on the factual accuracy of a differing view—that is a matter of political rather than procedural judgement. Members expressing differing views in committee reports are politically accountable for their content.

Where there may be contention over whether or not a differing view is in order, a solution should ideally be found that enables it to be included in compliance with the Standing Orders. The timeliness with which a differing view is provided to a committee may affect the extent to which this is possible, and members should take this into account when submitting differing views for committee consideration. The general right to have differing views included should not encourage members to deliver those views without notice on the day a committee is scheduled to adopt its report.

Amendment 21 Differing views

Require committees to include differing views in their reports when members indicate a wish that they do so.

Views of members who are not committee members

We have already recommended a broadening of the criteria for non-committee members to participate in committee business. When a member who is not a member of a committee participates for a significant portion of the committee's consideration of an item of business—for example under new Standing Order 210(4)—they should be able to record their views in the committee's report too. We encourage committees to facilitate the inclusion of participating members' views in a constructive fashion.

Chairpersons

Better training and development

Chairpersons play an essential role in ensuring select committees are effective and discharge the duties delegated to them by the House. The role is not an easy one. Among other duties, chairpersons must maintain order,²⁰ direct the process of questioning witnesses and hearing submissions,²¹ ensure questions are relevant,²² lead committee deliberations, and decide the agenda of the committee. Perhaps most importantly, chairpersons are responsible for leadership, and maintaining the respectful and constructive culture that has made our select committee system so successful.

Many select committee chairpersons do an excellent job of facilitating the effective conduct of business, despite the difficulties inherent in working in a politically charged environment. However, we are aware that a number of chairpersons feel that they would benefit from more training in some of the particular skills their role requires.

We recommend that more such training be made available, through a programme prepared by the Office of the Clerk in consultation with chairpersons. Members who have already had substantial experience as chairpersons are best placed to know what sort of skills new chairpersons are likely to need, and what the challenges of the role are. We hope that a programme will be available for the chairpersons elected by committees in the next Parliament to participate in it within the first six months of their tenure.

We also consider that, once this training is available, all chairpersons should take advantage of it, to ensure they are taking every opportunity to discharge their duties in the best way possible, for the House's benefit.

Ability to close the room for procedural issues

Sometimes, matters of process, procedure, and order arise during public hearings of evidence. Many, but not all, chairpersons and committees have a practice for the public to be asked to leave the room in such situations, for the committee to go into closed session to resolve such matters.

We wish to reaffirm that chairpersons can require committees to go into closed session to resolve matters of process, procedure, and order. In fact, a committee's substantive consideration of such issues cannot be described as "evidence", and so should not take

²⁰ Standing Order 214.

²¹ Standing Order 224.

²² Standing Order 225.

place in a public hearing. When a chairperson judges that a committee has effectively interrupted a hearing of evidence to discuss and make decisions about how to proceed, then at that point the meeting should move into a closed session.

Encouraging alternative engagement by select committees

Most public engagement with the business of Parliament occurs through select committee processes. Presently, the main formal avenue for engagement about business before committees is through the traditional method of receiving written and oral submissions.

Although submissions are an effective form of engagement, and look likely to remain so, we believe that committees can do more to reach a wider range of New Zealanders. We are concerned that the perceived formality of submitting to a select committee may be a barrier to people who want to make their voices heard on matters that are of particular interest to them. Select committees should be more innovative in trying out alternative forms of engagement with the public. For example, committees could engage expert assistance to prepare relatively simple and robust surveys that could be used to gather information from people who may, for a variety of reasons, be put off by the traditional submissions process.

This could include a “guided” submission process, where submitters are given the option of answering some high-level questions instead of being given a blank page to record their views. Questions could include whether they support the bill, what relevant personal experiences they would like to share with the committee, and what they would like to see happen on the issue at hand. As well as generally facilitating more engagement by making it easier for the public to express their views, this approach may be particularly helpful for committees considering items of business with a high volume of public engagement, by better structuring the information the committee receives.

Technological changes and digital innovations constantly generate new ways to connect, and inventive ways to implement more traditional engagement methods should not be neglected. We cannot create an exhaustive list of alternative engagement methods that committees could use. Instead, we encourage members, committees, and staff to consider ways of better engaging with the public. To support this, and to ensure that alternative engagement is effective and well considered, we wish to recommend four principles for committees to keep in mind when considering how best to engage with the public.

Principles for alternative engagement

Target engagement efforts at groups whose interests are most relevant to the business at hand, or who tend to be overlooked by traditional engagement.

Currently, formal information-gathering suits the interests of organised groups and experts with the time and resources to prepare detailed submissions. Alternative engagement would be most effective where committees target their efforts at groups that are not traditionally as engaged with current processes, such as children and young people, or people with disabilities.

Make it easier for people to submit in the way that best suits their needs.

Increasing engagement can best be accomplished by allowing people to engage on their own terms. For some people, being asked to prepare a formal submission is intimidating.

Others may simply want to register their approval or disapproval of a piece of legislation, without making a detailed comment.

Gather information in order to add value to consideration, not just for its own sake.

Members considering committee business already receive very large amounts of information. Simply broadening engagement and giving members thousands of extra submissions will not necessarily provide information that adds value for a committee. Members should consider in advance what information is likely to assist their consideration, and how it could best be presented.

Provide updates or feedback to people who submit, so they know that their information was considered, and their contribution mattered.

Often members of the public who submit to committees do not understand exactly what happens to their submission, and may feel as though there was no point in making a contribution. No matter how committees choose to engage with people, they should make efforts to keep their processes transparent, and to tell submitters what will happen with their information.

5 Legislative procedures

Recognition by the House of pre-legislative engagement

Many of the House's procedures have been designed to encourage detailed, formal scrutiny of the Government, particularly in terms of the Government's legislation. The legislative process provides for bills to be tested repeatedly through debate and reflection, including (usually) a substantial examination by select committees with the help of public submissions.

While these processes provide effective scrutiny, they do not in themselves give the Government any incentive to engage in broad consultation to develop legislation before it is introduced to the House. On the contrary, the time that needs to be allowed for legislative scrutiny in Parliament can reduce the amount of pre-legislative consultation that occurs. Governments are keenly aware of the three-year parliamentary term, and may sometimes introduce legislation that could benefit from further engagement and consultation.

Governments, of course, already engage in pre-legislative consultation and engagement, and extensive policy development and Cabinet approval processes. Despite this, substantial policy development and change often continues to occur after legislation is introduced, taking up House and select committee time, and, where changes are made quickly, potentially compromising legislative quality. We believe that a key issue is that the legislative process does not formally distinguish between legislation on policy that has been considered in great detail, with broad consultation and engagement before it is introduced, and legislation that is brought to the House before its policy is settled.

Encouraging and recognising pre-legislative engagement

We suggest a process through which the House can better encourage Governments to follow effective pre-legislative engagement processes.

- Firstly, there should be a recognised process through which Ministers can inform select committees of the Government's intention to develop legislation. To this end, we have recommended a procedure for law-change engagement plans to be developed through a co-operative process between Ministers and committees.
- We expect that a law-change engagement plan would include, at least, information about the policy objectives or issues to be addressed in the proposed legislation, how the Government intends to engage with relevant groups during its development, and a timeline for the process to follow.
- As part of developing a law-change engagement plan, the Minister and select committee could consider options for facilitating the subsequent legislative process, to recognise the pre-legislative engagement efforts.
- The law-change engagement plan would then be recommended to the Business Committee, for it to determine the arrangements for the consideration of the legislation after it is introduced.

- The select committee could then continue to review the Government's progress in carrying out the agreed plan. If the committee agreed unanimously, the plan could be changed. The committee also could recommend to the Business Committee that it make further or alternative arrangements for the consideration of legislation arising from the process. Throughout this period, the law-change engagement plan would be available on the Parliament website, with the relevant Business Committee determinations.
- Once legislation arising from this process is ready to be introduced, the Clerk would confirm that no provisions unrelated to the policy objectives identified in the plan are included. The Clerk would also be provided with sufficient evidence to certify that the legislation was developed in accordance with the plan.
- The legislation would then proceed through the legislative process as pre-arranged by the Business Committee.

This process is intended to give Governments tangible incentives for consulting widely and engaging in effective policy and legislation development processes. It also gives the Opposition and non-Government parties a chance to have input in legislation and policy at a much earlier stage. We also expect that this could make the use of House time more efficient, as legislation that was widely agreed or effectively consulted upon before introduction would be able to proceed more rapidly through the House.

Options that may be available for Ministers and committees to consider

We heard a range of proposals for possible procedural incentives to recognise good pre-legislative engagement, such as:

- more flexible use of omnibus or cognate bills, to have a series of bills implementing a broadly connected proposal considered more efficiently
- taking the first reading or third reading without debate
- shortening the select committee process where there is cross-party agreement that extensive engagement has occurred, and policy on a matter is settled
- arranging the committee stage as a time-limited debate, limiting amendments in the committee stage to those lodged by the Minister, or foregoing the committee stage altogether
- holding the committee stage in parallel with a normal sitting of the House, in a separate chamber
- agreement that particular stages of the legislation will be taken during extended sittings agreed in advance.

Amendment 22 Encouraging pre-legislative engagement

Insert procedures to encourage and recognise pre-legislative engagement into the Standing Orders.

Revision bills

Revision bills are a mechanism for updating and improving the law without making changes in its substance, apart from a few, tightly prescribed powers to include minor amendments,

which are set out in section 96 of the Legislation Act 2019. This process requires considerable time and resources to undertake, and it is fair to say that the use of this mechanism has been underwhelming. We agree that greater use of revision bills to improve the law should be encouraged.

We agree with the submissions of the Parliamentary Counsel Office and the Office of the Clerk that the procedure for revision bills should be adjusted to allow amendments to be made during the legislative process that alter the substance of the law. It is to be expected that the exhaustive process of consolidating, revising, updating, and improving laws is almost inevitably going to result in legislative inconsistencies, imperfections, and minor policy issues being identified, including matters that cannot be included under section 96.

Although revision bills must be prepared in accordance with the Legislation Act 2019 (or rather, the 2012 Act, while it is still in force), the House is not prevented from amending a revision bill, for any purpose, during its passage.²³ Ordinarily, it would be inadmissible for a committee to adopt amendments to a revision bill that would alter the meaning of the law (except in accordance with permitted revision powers), because such amendments would be inconsistent with the principles and objects of a revision bill. However, we have recommended elsewhere in this report that the Business Committee be able to extend or restrict the powers of select committees to consider amendments. This power could be used to authorise a select committee that is considering a revision bill to consider and adopt amendments to improve the law. The proviso would be that any such amendments should be expressly identified within the bill as intended to change the effect of the old law.²⁴

A recommended process would be for revision bills, on introduction, to be accompanied by a Supplementary Order Paper that sets out amendments expressly identified as intended to change the effect of the old law. The Business Committee could then authorise the select committee considering the bill to have the power to consider and, if it thinks fit, adopt the amendments set out on the Supplementary Order Paper. The committee then could call for submissions on the Supplementary Order Paper and consider it alongside the bill.

Recommendation to the Government—revision bills

We recommend to the Government that a practice be established for a revision bill, on introduction, to be accompanied by a Supplementary Order Paper that sets out any amendments expressly identified as intended to change the effect of the old law, and for the Attorney-General to draw this Supplementary Order Paper to the attention of the Business Committee.

Classification of bills

Single subject-area requirement for bills

One of the key challenges for any legislature is to find the best balance between facilitating the continuous improvement and updating of the statute book on one hand, and constraining the extent of legislative upheaval that can occur within a single parliamentary term on the other hand. Parliament is most effective when this balance is achieved. Since 1996, an

²³ Legislation Act 2019, section 99(2).

²⁴ See Legislation Act 2019, section 62.

important tool for Parliament has been the rule that limits each bill to a single subject area.²⁵ The rule generally constrains the use of “omnibus bills”, which are bills that combine amendments to different Acts, but a number of exemptions allow omnibus bills to be introduced in some cases:

- if a bill falls into one of a number of specified categories of omnibus bills (Standing Order 262)
- if an omnibus bill deals with a single subject area spread over more than one Act or makes similar amendments to a number of Acts (Standing Order 263(a) and (b))
- if an omnibus bill has cross-party support, as expressed in the Business Committee (Standing Order 263(c)).

These exemptions are used quite frequently—about a quarter of bills are omnibus bills.

Consequential amendments

While many bills amend particular principal Acts, they can make consequential amendments to other Acts without needing to be classified as omnibus bills.²⁶ The interpretation of the term “consequential” is relatively narrow, and generally connotes amendments to Acts that follow necessarily from the drafting of the amendments to the principal Act. The Parliamentary Counsel Office submitted that the interpretation of this provision could be broadened, so such bills could include amendments to other Acts that ensure legislation is fit for purpose. We consider that the approach to consequential amendments could be loosened slightly.

Consequential amendments to Acts can be included in a bill, while still meeting the single subject-area rule in Standing Order 260, if those amendments are necessary to implement the bill’s main legislative proposals. Necessity would arise, for example, from situations where other Acts needed to be amended so they were coherent and consistent with the amendments to the principal Act. But such amendments would still need to be consequential in nature—where amendments to other Acts are substantial in size, or substantive in their own right, then the bill should instead be considered for approval as an omnibus bill.

Converting bills into omnibus bills after introduction

The rules for permitting some types of omnibus bills apply when they are introduced, but after that a bill can become an omnibus bill only by leave or through the suspension of Standing Orders. We consider that this situation is too restrictive, and that bills should be permitted to be converted into omnibus bills after they are introduced if, once converted, they would meet one of the criteria in Standing Order 263(a) and (b). Permitting bills to be converted into omnibus bills on this basis would maintain the firm principle that each bill must deal with only one subject area. This is because the criteria in Standing Order 263(a) and (b) are intended to allow bills to proceed, even when they contain amendments to more than one Act, only if those amendments are strongly connected with each other. For instance, the Business Committee could permit a bill implementing a single broad policy to

²⁵ Standing Order 260. The rule was established in 1996 as then Standing Order 254. It resurrected a principle that different matters should be dealt with in different laws, which was conveyed in Royal instructions to Governors from 1855 to 1907. (M Harris and D Wilson (Eds), *McGee—Parliamentary Practice in New Zealand*, 4th ed, 2017, Oratia Books, p. 370.)

²⁶ Standing Order 260(2).

be amended so that it included an amendment to a second principal Act if it did so in a way that was interrelated with the topic already in the bill.

Amendment 23 Conversion of bills into omnibus bills

Empower the Business Committee to determine that a bill may be amended in a way that would convert it into an omnibus bill if, once amended, the bill would meet one of the criteria in Standing Order 263(a) and (b).

Making the members' bills process more flexible

During this Parliament, there have been situations in which member's bills have acquired support from a number of members, across a number of parties. However, at the moment, while members can formally express their support for each other's proposed bills, they rarely do so, because doing so has no procedural effect. There is also no process for multiple members to share responsibility for a bill equally. We have recommended changes to address both of these issues.

Joint sponsorship of members' bills

We recommend the creation of a formal process for multiple members to jointly sponsor members' bills. Before a bill is formally proposed and entered into the ballot, or while it is in the ballot waiting to be drawn, the member or members responsible for the bill may, by consensus, accept other interested members as joint sponsors. All sponsors of a bill will have the same powers to take any action relating to the bill. The Clerk will not be required to check that any other sponsoring member agrees with an action. Joint sponsorship of a bill requires the exercise of good faith, which is the responsibility of the members concerned.

A member who jointly sponsors a proposed member's bill cannot simultaneously propose another member's bill. We also note that a jointly sponsored bill will not have any greater chance of being selected in the ballot by dint of having more sponsors than another bill. Joint sponsorship is intended to be a way for members to work together on legislation, and particularly to build cross-party support for legislative initiatives, not as a way to improve the odds for a bill to be drawn from the ballot for consideration. However, we are proposing a separate process by which members' bills with broad support may circumvent the ballot, and be introduced to the House.

Amendment 24 Joint sponsorship

Provide for the joint sponsorship of members' bills.

Introduction by majority support

We recommend establishing a process to enable the introduction of non-Government bills that have broad support. Members' bills that receive broad support in the House should be able to bypass the member's bill ballot, and be introduced directly into the House to be considered on members' days. Members who support the introduction of another member's bill should be able to formally indicate as such, and any bill that has the formal support of at least 61 non-executive members should be automatically introduced on the next sitting day. This threshold was selected because it ensures that bills introduced in this way have the support of a majority in the House, while also protecting the process from becoming merely

an alternative way to consider Government business. Ministers and Parliamentary Under-Secretaries should still be permitted to formally express support, but these expressions will not count towards the 61 expressions of support bills will require.

Amendment 25 Introduction by majority support

Amend the Standing Orders to allow for the automatic introduction of member's bills which receive formal expressions of support from at least 61 non-executive members.

New Zealand Bill of Rights Act 1990

Section 7 reports referred after first reading

Under section 7 of the New Zealand Bill of Rights Act 1990, the Attorney-General is required to report to the House whenever a bill is introduced that contains a provision that appears to them to be inconsistent with the rights contained in that Act. This is mirrored in the Standing Orders, which state that such a notification "stands referred to a select committee for consideration".²⁷ Because this happens before the bill receives its first reading, it has occasionally occurred that a section 7 report is referred to a select committee for consideration, even though the bill to which it relates has been defeated at first reading.

We recommend amending the Standing Orders so that a section 7 report stands referred to the relevant select committee once the bill to which it pertains passes its first reading. This would achieve the objective of having a select committee consider the bill and the section 7 report in parallel, while ensuring select committees are not asked to consider the rights implications of bills that no longer exist.

A section 7 report will ordinarily be allocated to the same committee as is considering the bill concerned. If a bill has been passed without proceeding to a select committee, the Clerk will still allocate the section 7 report to the most appropriate committee. The use by a Government of urgency should not absolve it of accountability for promoting legislation despite an apparent inconsistency with the New Zealand Bill of Rights Act 1990.

Amendment 26 Refer section 7 reports after first reading

Refer any report from the Attorney-General that provisions of a bill may be inconsistent with the New Zealand Bill of Rights Act 1990 to a select committee only after the bill passes its first reading.

Increasing the quality of legislative debate

Tabling formal legislative statements

As part of their first, second, or third reading speeches, Ministers in charge of legislation often provide substantial background material on what their legislation does, or is intended to do. These speeches are an important element of the process through which legislation is brought to the House.

²⁷ Standing Order 265(5).

The importance of these statements, and the need for detail about the intent of the legislation to be stated clearly, often means that Ministers read their pre-prepared notes closely. Ministers thus are often given a dispensation from the usual rule that speeches should not be read. However, this can diminish the spontaneity and quality of debate in the House.

We therefore recommend allowing a Minister, immediately before moving the first, second, or third reading of a bill, to present a legislative statement setting out detailed information instead of delivering that same material in their speech. A proviso would be included that the legislative statement must be circulated beforehand to the Clerk and other party spokespeople.

The presentation of a legislative statement would allow the Minister to engage in relatively free-flowing debate, encouraging them to take full ownership of the content of the legislation. The corollary would be that Ministers will be expected not to read speeches aloud at the first, second, or third reading. Some leeway may be given when a Minister acts on behalf of another when moving a complex or technical bill.

Legislative statements will supplement the explanatory notes on the introductory copy of a bill, and will be presented as parliamentary papers, enabling greater flexibility for providing detailed information in an accessible way. Unlike most parliamentary papers, though, the Minister will present legislative statements in the House, which will alert readers of the *Hansard* transcript to the existence of legislative statements as separate documents.

Amendment 27 Legislative statements

Permit a Minister, immediately before moving the first, second, or third reading of a bill, to present a legislative statement to the House providing formal remarks on the details of their legislation.

Business Committee to determine select committee powers

In 2011, the Standing Orders Committee agreed to empower the Business Committee to alter the powers of the committee of the whole House, with regard to its consideration of bills. The Business Committee has mainly used this power to allow the committee of the whole House to consider legislative amendments that would otherwise be out of scope. We were satisfied that putting this decision in the hands of the Business Committee would ensure that the legislative process could still be flexible, but that flexibility would require broad agreement and cross-party consultation.

This change has worked well since it was first made, and we now wish to extend it further, to select committees. Some of the amendments that are considered by the committee of the whole House under expanded powers handed down by the Business Committee are substantial ones, with policy implications that could benefit from select committee consideration. By allowing the Business Committee to alter select committees' powers to consider bills and amendments, major amendments such as these will be able to receive the more substantive consideration that the select committee process entails.

If amendments are only proposed after the select committee stage is completed, this power will also enable the bill with the relevant amendment to be referred back to select committee solely for consideration of the amendment. Committees in this situation may be restricted

from reconsidering the entire bill again, in order to ensure consideration is focused, and completed within a relatively short timeframe. This will streamline the process for substantive amendments to be considered in detail by select committees. We expect the result of this to be that such amendments will be considered by select committees more often than they are now.

Amendment 28 Business Committee to alter select committee powers

Empower the Business Committee to expand or restrict select committees' powers with respect to the consideration of a bill.

Enhancing scrutiny of legislative quality

Currently, much of the focus of the legislative process is on scrutinising the policy behind legislation. While this is as it should be, we also believe that there should be more examination of the quality of legislation than often occurs. In many cases, parties will not be able to agree on the policy behind legislation, because of the differing views of members and their constituents. However, we expect that all members will agree that, regardless of the policy it is enacting, the legislation passed by Parliament should be of the highest possible quality. Therefore, members—as legislators—should always support Parliament to enact legislation that is well drafted and reflects important principles of good law-making.

Most of the substantive and detailed scrutiny of legislative quality can best be carried out at the select committee stage. Previous Standing Orders Committees have recognised that the Office of the Clerk will support select committees by scrutinising bills and providing committees with advice about legislative quality matters. This advice is based on the legislative quality guidelines laid down by the Legislation Design and Advisory Committee. While this advice can be useful to committees, it is not always provided, often because scrutiny by the Office of the Clerk has not brought to light to any substantial questions about legislative quality.

We received a substantial submission from Professor Judy McGregor and Professor Margaret Wilson, which set out the result of their research about the effectiveness of select committee scrutiny, especially in relation to human rights. The submission made many recommendations, some of which align with our own recommendations in this report.²⁸ While their various recommendations for specific scrutiny activities and requirements for select committees considering bills are not reflected in our proposed amendments to the Standing Orders, we agree that legislative quality should be a primary focus for this aspect of select committee work.

When we discussed the submission of Professors McGregor and Wilson, while we did not reach agreement on any specific reporting requirements, we reflected on the advice provided by the Office of the Clerk on legislative quality matters. The Clerk of the House indicated that his Office's practice could change so that staff always report their advice to

²⁸ For example, recognition of by the House of pre-legislative engagement, the revocation of Standing Order 189(3) to enable select committees to consider substantive Supplementary Order Papers that are to be proposed in a committee of the whole House, and better training for select committee chairpersons.

committees, even when no legislative quality issues are to be noted. We support this approach.

In turn, we expect committees to consider any advice on legislative quality that they receive, and follow up on suggested lines of questioning. It should be standard practice for select committee commentaries to note their consideration of legislative quality issues.

Encouraging select committee scrutiny of Supplementary Order Papers

We also recommend an amendment to the Standing Orders to broaden the power of select committees to scrutinise Supplementary Order Papers. Standing Order 189(3) currently prevents select committees from using their broad power to initiate inquiries into any matter within their subject area to examine bills, and Supplementary Order Papers relating to bills not currently considered by the committee. To do so, a committee must seek permission either from the Business Committee, or the House.

We do not believe that this restriction is necessary, and recommend that it be removed. Committees should be encouraged to scrutinise legislation, not prevented from doing so, particularly in situations where bills or amendments have not been considered by a select committee.

This amendment opens the prospect of Ministers, who wish to propose substantial amendments during the committee of the whole House stage, to forward a Supplementary Order Paper containing the proposed amendments to the select committee that considered the bill. The committee could then receive advice from relevant officials, and potentially obtain limited evidence from particular stakeholders or experts. This would represent a best-practice approach. This amendment is not intended to permit committees to consider bills already referred to another committee.

Amendment 29 Use of inquiry power to consider bills and amendments

Revoke Standing Order 189(3), to enable subject select committees to consider bills that have not been referred to them, and Supplementary Order Papers relating to bills not being considered by the committee.

Second readings after three working days, not sitting days

After select committee consideration of a bill is completed, and the bill is reported back to the House, it is set down for second reading on the third sitting day following. We think that this is too long, and does not accurately reflect members' ability to grasp the content of a select committee report within a week. At no other stage in the legislative process after introduction is a period of several sitting days required before legislation is considered further.

We recommend changing this, so that the bill is set down for second reading after three working days, rather than three sitting days. This ensures that enough time is available for members to understand the recommendations of select committees, without preventing the House from considering bills just reported by select committees for up to a week.

Amendment 30 Make bills available for second reading sooner

Amend Standing Order 296 so that bills are set down for second reading after three working days, not three sitting days.

Transforming the committee stage

Early during this review, we discussed options for improving the quality of debate on bills at the committee of the whole House stage. We agreed that changes to the process to encourage a genuine back-and-forth between members giving speeches, and members in charge of business, was needed.

Ministers have engaged more in answering questions since a ruling in 2015 that a positive approach by Ministers would be a factor to take into account when considering the closure of a debate.²⁹ But this approach by Ministers is not uniform, and members are also deterred from asking brief, focused questions when limited to four calls for each debatable provision. This four-call limit is set out in Appendix A of the Standing Orders, and means that Opposition members are encouraged to make each speech last for the full five minutes. In particular, the limit inhibits party spokespeople with expertise on a bill from both outlining their views on policy matters and following a sustained line of questioning.

Following a discussion about these issues in the Standing Orders Committee earlier this year, a sessional order was passed by the House to suspend the four-call limit.³⁰ This enabled very focused and productive questioning of Ministers about legislation related to the COVID-19 response. We are pleased that this mode of operating in the committee of the whole House has quickly become established practice. It is fair to say that the nature of the committee stage for bills has transformed very suddenly, and is much more satisfactory and enlightening in the way it enables members to tease out the meaning of legislation, and test its quality.

We therefore recommend that the four-call limit for the committee stage be revoked permanently. This would encourage members to ask questions for Ministers, or other members in charge of business, to respond. Such discussion should focus on particular provisions, with a line of questioning to elicit further information. If the questioning becomes repetitive, chairpersons could suggest that members move to other provisions or topics.

Because of this greater focus on the detail and implications of legislation, Ministers may need to seek more advice from officials. The Chamber and Lobby Rules have been adjusted during this Parliament to allow departmental advisers to step onto the floor next to the Table,³¹ which makes it easier for them to provide assistance. However, in some instances, advisers may need more time to consider answers to technical or detailed questions about the text of provisions. In that scenario, a short pause may be acceptable, or the Minister could indicate that they will come back to the committee with the information sought.

Our experience following this change has been that productive interaction between members and Ministers has become the norm, and we expect that this will continue in future. However, members will still be able to take full five minute calls as they have done previously, in which case the practice that has applied until recently, of a member having no more than two consecutive five-minute calls, will be used.

Amendment 31 Removing limit on calls in committee of whole House

Revoke the four-call limit for speaking on each debatable provision during the committee stage of bills.

²⁹ 709 NZPD 7664, 2015 (current SR 61/7), Mallard (Chairperson).

³⁰ Sessional order of 28 April 2020.

³¹ Chamber and Lobby Rules 2017, [rule 5\(3\)](#), Rt Hon Trevor Mallard, Speaker, 5 December 2017.

6 Financial procedures

Improving the financial scrutiny debates

Adjusting the Estimates process

For the last two years the House has been experimenting with a slightly restructured Estimates process,³² which makes several changes to the process laid down in the Standing Orders. The features of this process are that:

- Budget Day no longer needs to be a Thursday, giving the Government more flexibility in introducing the Budget and structuring the subsequent debate
- the Business Committee is empowered to nominate weeks as “Estimates weeks”, in which select committees can meet while the House is sitting, or on Fridays, in order to consider the Estimates
- select committees are given 10 weeks, rather than two months, to examine the Estimates in detail and report back to the House
- the overall Budget process has been extended to a maximum of four months, rather than three. This reduces the pressure on both committees and the House to scrutinise the Budget in a relatively short timeframe, and allows for more considered debate.

We are satisfied that these adjustments to the Estimates procedure promote better consideration of the Government’s spending proposals. The result is a less rushed Estimates process, with more chance to scrutinise the Budget effectively, and more flexibility for the Government to schedule the introduction of the Budget. We recommend that these changes be incorporated into the Standing Orders.

Estimates week is developing as a feature of the annual parliamentary calendar. There is a very strong expectation that, during an Estimates week, Ministers will prioritise their duty to attend select committees to account for the Votes for which they are responsible.

Amendment 32 Adjusting the Estimates process

Permanently incorporate the sessional order of 8 November 2018, concerning the consideration of the Budget and the examination of the Estimates, into the Standing Orders.

Shortening the Budget debate

Currently, Appendix A to the Standing Orders sets the length of the Budget debate at 15 hours. These 15 hours are often adjourned repeatedly and spread out into smaller periods over a number of weeks. This often means that the debate is no longer timely by the time it reaches its final hours, and also results in a number of members’ days being missed. The length and breadth of the debate does not encourage high quality contributions from members.

³² Sessional order of 8 November 2018.

We think that the Budget debate is too long, and the House's time could be better spent on other business. We recommend shortening the Budget debate to eight hours, from 15 hours. We also recommend that the debate be adjourned only once after Budget Day. In this way, the shortened debate will also be completed relatively quickly, while it is still timely, and will only displace other business for a short period.

The House hours saved in this way should be used for the debates on targeted non-legislative business that we discussed earlier in this report.³³ Our expectation is that shifting time from the broad Budget debate to the more targeted debates we have already described will improve the quality of debate in the House, while also leading to debate on a wider range of topics.

Amendment 33 Shorten the Budget debate

Reduce the length of the Budget debate, as laid out in Appendix A to the Standing Orders, to eight hours.

Restructure the annual review debate

Standing Orders set out a particular arrangement in which the annual reviews of public agencies are debated.³⁴ Generally, the reviews have been grouped and reviewed by sector, following the standard committee of the whole House process. The reports on each sector are agreed, and then the next sector is debated.

This year a different process was followed, partly due to the changes in the committee of the whole House, as discussed earlier, and partly due to the effects of COVID-19 restrictions. The result was that the debate was not broken formally into different sectors to be debated discretely. Instead, the annual review reports were considered as a whole, so members could speak about any of the sectors at any point in the debate. The theme of each portion of the debate was decided through an arrangement with the Government to have particular Ministers available for particular parts of the debate. At the start of the debate, for example, the Minister of Finance and the Minister of Health were present, and so the debate on that day focused on these sectors.

Members were able to take advantage of the reorganised committee of the whole House³⁵ to engage in relatively substantive question and answer sessions with Ministers. The Ministers were also better able to contribute and answer questions, because the topics of each session of debate were better aligned to their ministerial portfolios. The debate was also reduced to only five hours, rather than the usual 10 hours. We think that this structure led to a more engaging and effective debate. Members were better able to engage in real debate with Ministers, rather than simply delivering speeches. This is similar to the improvements we have seen in debate and engagement more generally at the committee of the whole House stage.

We recommend that future annual review debates are structured in the same way, with a greater focus on engagement with Ministers. The Opposition parties should be encouraged

³³ See "Creating more time for non-legislative business", page 14.

³⁴ Standing Order 349.

³⁵ Further discussion on "Transforming the committee stage" is on page 40.

to nominate Ministers they wish to be present during the debate at least two weeks in advance, and the Business Committee should then structure the debate so that it is held in line with Ministers' availability.

Reporting across sectors, as well as agencies

Currently, select committees consider agencies individually for annual reviews. This is effective in terms of scrutinising the activity of each agency, but does not lead to efficient scrutiny of broad political themes or inter-agency programmes.

We therefore encourage committees to make overall sector reports when reporting annual reviews to the House, as well as reports on individual agencies. These reports should include commentary on committees' findings pertaining to a range of agencies, or themes that encompass entire sectors under review. Reports on individual agencies can then remain focused on the scrutiny of the work of the particular agency. Preparation of sector reports would also provide an opportunity for Ministers to give evidence directly to select committees on the results of appropriations for the sectors they are charged with overseeing.³⁶

We also consider that the subject matter of sector-focused annual review reports would line up more closely with the subject matter of Estimates reports. Currently, annual reviews look at the performance of agencies, while Estimates reports examine the appropriations relating to a particular Vote or sector. The introduction of sector reports as part of the annual review process would improve the ability for members and the public to track how the expectations the Government sets out during Estimates align with the results achieved in each sector.

We also recommend that committees that are allocated particular agencies for review during annual reviews also be allocated the corresponding appropriations during the Estimates process, and vice versa. Better alignment of the scrutiny of agencies and Votes would contribute to improving the overall quality of scrutiny, with the same committees responsible for both the forward- and backward-looking scrutiny of Government. This will complement the introduction of sector-wide reporting by committees.

³⁶ Further discussion on "More involvement from Ministers in committee business" is on page 24.

7 Non-legislative procedures

Questions and answers on ministerial statements

A theme of this review has been encouraging flexibility and real debate. We wish to apply such an approach to ministerial statements too. At the moment, the current process for statements, and comments on statements, provides members with opportunities to make short comments, but not engage in meaningful exchanges with a Minister on what may well be a matter of considerable public importance.

We recommend allowing members to engage in a short question and answer session with the Minister giving a ministerial statement. Ministers would be required to address questions in much the same way as they are during oral questions, and questions would need to relate to the content of the ministerial statement. After asking questions, members could conclude with some short comments. We expect that this format will be more engaging for the public, elicit better information from Ministers, and be more effective in scrutinising the Government.

We also recommend that the Speaker be given the discretion to briefly extend the time available to a member questioning the Minister.

Amendment 34 Questions and answers on ministerial statements

Allow members commenting on a ministerial statement to use their five-minute call to question the Minister giving the statement, and give the Speaker discretion to briefly extend the time available to a member for this purpose.

Modernising the petitions process

Formalising procedures for e-petitions

The procedures in the Standing Orders regarding the preparation, presentation, and consideration of petitions have been in place for some time, and were drafted with only petitions which are signed and presented in hard copy in mind. Previous attempts to incorporate e-petitions into these procedures have been made, but have not aligned the two types of petitions perfectly.

A sessional order³⁷ is currently in place which allows for e-petitions to be created, and many have been hosted on the Parliament website before being presented to the House. However, procedural anomalies have emerged, due in part to the ad hoc nature of processes for e-petitions. Petitions for which signatures are collected both online and in hard copy, for example, are presented as two individual petitions with the same petitioner details and request.

We recommend that the Standing Orders related to petitions be redrafted to account for e-petitions. This would involve formally incorporating the sessional order on e-petitions into the

³⁷ Sessional order of 1 March 2018.

Standing Orders, and ensuring that hard copy petitions, e-petitions, and petitions which are a hybrid of those two types, are treated the same.

Amendment 35 Equal treatment for hard copy and electronic petitions

Permanently incorporate the sessional order of 1 March 2018, concerning electronic petitions, into the Standing Orders, and make any other changes necessary to ensure the Standing Orders treat hard copy and e-petitions, and hybrid petitions, in the same way.

We are not looking to make substantial changes to the requirements for presenting a petition in this review. However, some further procedural changes should be made to allow e-petitions to function effectively.

Currently almost three-quarters of all petitions that close for signatures are never presented. We recommend setting a deadline for an e-petition to be presented, before it is archived. If this is not done, the Parliament website would be required to host abandoned or unsuccessful petitions indefinitely. A petition should be archived if it remains unpresented for more than six months after it closes for signatures.

We have also noted situations where members of the public who have presented controversial petitions have been targeted for harassment online. In situations like this, where there is demonstrable risk to someone's safety, we believe that the Clerk should be permitted not to publish the name of the petitioner. We recommend that the Standing Orders be amended in a way that provides flexibility for the Clerk to consider this in extraordinary circumstances.

Amendment 36 Updating Standing Orders to account for e-petitions

Empower the Clerk to archive petitions that are not presented within six months after closing for signatures, and to refrain from publishing the name of a petitioner whose safety may thereby be put at risk.

Clarifying the requirements for presenting a petition

Although we do not intend to make substantial changes to the requirements for presenting a petition, we have received advice about some requirements that are not as clear as they could be. In reviewing the Standing Orders concerning petitions, we have recommended several amendments to clarify these matters.

Rejecting petitions regarding matters before the courts, or where appeal rights exist

Currently, there is a practice that petition requests are rejected when they make requests regarding a matter that is currently before the courts. However, this requirement is not expressly incorporated in the Standing Orders concerning petitions, and is instead based on the wider rule against consideration in the House of matters before the courts.³⁸

We recommend adding this restriction to the Standing Orders explicitly in reference to petitions. We also recommend expanding it, to include tribunals as well as courts, and also to restrict petitions on any matters that have been suppressed by a court order. Finally, we

³⁸ Standing Order 115.

recommend using a more specific phrase in reference to the requirement that a petitioner exhaust their legal rights of appeal. Instead of requiring a petitioner to exhaust “legal remedies”, we recommend mandating that no “statutory appeal right” remain available to a petitioner.

Amendment 37 Petitions relating to matters before the courts

Amend Standing Orders to require that petitions concerning matters before a court or tribunal, matters suppressed by a court order, or matters where a statutory right of appeal remains available, be rejected.

Petitions must be made seriously and in good faith

It is standard practice for petitions that are clearly jokes, or which obviously do not have serious intent, to be rejected. We support this practice, and recommend that it formally be included in the Standing Orders. Petitioning Parliament should be a serious undertaking. While it should not be unnecessarily difficult to do, we do not believe that petitions are the correct forum for satire or jokes.

Amendment 38 Petitions to have serious intent

Make serious intent a requirement for petitions.

Authentication of statements made in petitions

As proceedings of Parliament, petitions are covered by the protection of parliamentary privilege. This is important, as it protects both petitioners promoting legitimate petitions, and the House’s consideration of such petitions. However, it also opens up the possibility for petitioners to use the petitions process to make damaging allegations under the protection of privilege. For that reason, statements made in petitions, which are covered by privilege, must be able to be authenticated.

Amendment 39 Statements in petitions must be authenticated

Require petitioners to authenticate statements included in a petition.

Meaning of a “final determination” by Ombudsman

A petition cannot be accepted when it is within the jurisdiction of the Ombudsman, and the Ombudsman has not made a “final determination” on the matter. We want to clarify that, for the purposes of this requirement, a “final determination” can include refusal to investigate a complaint, or referral to another body for investigation, such as the Privacy Commissioner, or the Health and Disability Commissioner. No amendment to the Standing Orders is required.

Speaker to have discretion to accept a petition despite restrictions

It may be the case that a petition should be considered by the House, despite either the restrictions outlined above, or the longstanding restriction on petitions substantially the same as an earlier petition. We recommend giving the Speaker discretion to accept any petition that would otherwise not be accepted, after consulting with the Petitions Committee. This will ensure that the House is not restricted from considering a particularly meritorious petition, or one where substantial new evidence has come to light since it was previously considered.

Amendment 40 Speaker's discretion to accept petitions

Give the Speaker the discretion to accept any petition, after consulting with the Petitions Committee, despite the restrictions on the subject matter of petitions.

Signatures on petitions

We have already recommended an amendment to Standing Order 3 to insert a definition of "sign" and "signature" that includes electronic signatures. This change will affect signatures on petitions. This definition is discussed in greater detail earlier in this report,³⁹ and is fully applicable to petitions. We have, however, recommended that anyone signing an electronic petition be required to provide their email address as well, for the purposes of verification.

Signatories to petitions are required to provide their full name. We wish to clarify that this refers to any first names and surnames, and not any middle names.

Amendment 41 Signatories to provide email addresses

Require signatories to e-petitions to provide their email addresses.

Petitions from organisations

Petitions can currently be presented either by named persons, or corporations. As a result, many organisations that are not corporations, but are leading work on a petition, are only named in the petition request, or the explanatory text that often accompanies petitions. We recommend allowing any organisation to present a petition formally in its own name, as long as the person who actually presents it is authorised to use that name, and act on behalf of the organisation.

Amendment 42 Petitions from organisations

Allow any organisation to present a petition in its own name.

More petitions are being presented to the House

While the substantial growth in e-petitions has had some unforeseen procedural implications, the most notable effect has been the large increase in the number of petitions presented in the House. From the commencement of the 52nd Parliament until 20 July 2020, around 360 petitions were presented to the House. This is more than twice as many as were presented during any of the last four Parliaments. Around half of these were on paper, and half were electronic. We also received advice that there were approximately another 700 petitions hosted on the Parliament website that were never presented, either because the petitioners did not want to proceed, or because no members wished to present them.

Hard copy petitions have a relatively higher barrier to entry than e-petitions, meaning that when only hard copy petitions could be made, fewer were actually presented. Pre-existing processes and procedures for considering petitions, which proved effective at dealing with the relatively low number of petitions being presented at the time, are no longer fit for purpose. However, we have received data showing that fewer petitions are being reported back to the House in this Parliament than in previous Parliaments, those petitions that are

³⁹ Further discussion on changes to the Standing Orders concerning signatures can be found on page 7.

being reported back are being reported back more slowly, and more pro forma petition reports are being reported back than previously.

We are pleased to see that people are becoming more engaged with Parliament, and presenting more petitions for consideration. At the same time, we are concerned at feedback that we have had from members that the sheer number of petitions is making it harder for committees to give petitions all the consideration they deserve. This also has a substantial impact on the capacity for committees to consider their other business.

Establishing a Petitions Committee

Because petitions are becoming a major source of business for committees, we recommend the creation of a Petitions Committee to oversee and coordinate the petitions process, to be the first point of consideration for any petitions presented to the House, and to consider any matter relating to petitions. The committee and its secretariat should also act as the first point of contact for prospective petitioners looking to petition Parliament. Staff should help to provide them with information and updates about the petition process, and communicate their wishes to the committee. We expect that the wishes of a petitioner will be taken into account by the committee throughout the consideration of a petition.

This committee should be a specialist function committee, like the Regulations Review Committee. It would be chaired by the Deputy Speaker or an Assistant Speaker, ideally with an even balance between Government and Opposition members. Members of the committee should also act, as much as possible, in a non-partisan way and in good faith, in light of the fact that they are dealing with New Zealanders asking for Parliament's consideration of matters that are important to them.

When a petition is first presented to the House, it would automatically be referred to the Petitions Committee. At this stage, the committee would be able to decide how it wished to have the petition considered. Our expectation is that the committee would itself consider petitions that raise individual grievances or relatively minor policy matters, or any matters that merited particularly prompt consideration.

The committee would also be empowered to refer petitions raising more substantive policy issues to the relevant subject select committee, or to another relevant committee such as the Regulations Review Committee. The committee considering the petition would then be required to report back to the House within a reasonable timeframe.

The Petitions Committee could also group the petitions that it receives, either before referring them to another committee, or before considering them itself. For example, if the committee received a number of petitions requesting funding for particular medications, it might wish to check whether further similar petitions were available for signatures or likely to be presented, before either referring or considering the petitions in a group.

Amendment 43 Establish a Petitions Committee

Establish a Petitions Committee as a specialist function committee, to be chaired by the Deputy Speaker or an Assistant Speaker, with oversight of and responsibility for petitions.

Extended powers to consider petitions

Whether petitions are considered by the Petitions Committee or a subject select committee, we expect consideration and reporting will occur in broadly the same way as it does currently. However, some aspects of consideration should be different, and the Petitions Committee should be granted powers to ensure that these new forms of consideration can occur.

We expect that some petitions the Petitions Committee receives will raise issues that are best responded to by a Minister. The Petitions Committee should therefore be empowered to refer a petition directly to a Minister for a response, either under its own initiative, or after a recommendation from a subject select committee considering a petition. The Minister should be required to respond to the petition, and present their response to the House, within 60 working days. If the Petitions Committee wishes to consider the adequacy of the Minister's response, it could do this using its general power to consider and report to the House on any matter relating to petitions.

The Petitions Committee should also be specifically empowered to request the assistance of the Ombudsman for the consideration of a petition. The Ombudsmen Act 1975 already allows select committees to request the assistance of the Ombudsman for this purpose, but this statutory power does not appear to have been invoked, at least in recent times. Petitions that raise individual grievances are most likely to benefit from the assistance of the Ombudsman.

We suggest that the Petitions Committee should work with the Officers of Parliament Committee in the next Parliament to develop a code of practice for the provision of assistance by the Ombudsman for the consideration of petitions.

We recommend that the Petitions Committee also be empowered to monitor the overall progress of committees' consideration of petitions. Petitioners have a right to expect that their petitions will be considered in a timely manner. As the link between petitioners and the House, the Petitions Committee is the appropriate body to write to other committees to enquire about their progress in considering petitions.

Earlier in this report we recommended that the Business Committee arrange more debates on non-legislative business, including petitions. Where a debate on petitions is arranged, we recommend that the Petitions Committee be asked to nominate the particular petitions that should be debated. Having oversight of petitions across all the committees, it would be best placed to recommend petitions for debate.

Amendment 44 Petitions Committee powers to consider petitions

Empower the Petitions Committee to refer petitions directly to a Minister, request assistance of the Ombudsman, monitor the progress of petitions considered by other committees, and advise the Business Committee on the subject matter of any petition debates.

Examining important parliamentary papers

Standardised approach to select committee examination of parliamentary papers

There is a growing list of important parliamentary papers that will stand referred for select committee examination. Already, the Standing Orders provide for the examination of the national civil defence emergency management strategy (the most recent iteration of which was titled the National Disaster Resilience Strategy) and a proposed national civil defence emergency management plan, as well any whole of government direction issued under the Crown Entities Act 2004. Our report also recommends the examination of the long-term insights briefings and the briefing on the state of the public service, which are both presented under the new Public Service Act 2020, as well as further documents arising from the Climate Change Response Act 2002 (see below).

We recommend that a single procedure be established for referring parliamentary papers that warrant select committee examination. This is to be achieved through new Standing Order 373A,⁴⁰ which standardises the process for papers to be examined and reported. A list of parliamentary papers that stand referred to committees for examination will be set out in proposed Appendix E, including timeframes for the committees to report back to the House. Appendix E also includes suggested times for debates on the papers, which the Business Committee may wish to consider when arranging debates on non-legislative business. The House will be able to resolve that additional parliamentary papers be subject to the same procedure.

This procedure does not affect the many other parliamentary papers that are referred to select committees under the Standing Orders, such as the budget policy statement, Estimates, Supplementary Estimates, economic and fiscal updates, annual reports, and reports under section 7 of the New Zealand Bill of Rights Act 1990. Those papers will continue to be treated in accordance with their existing procedures.

Reports presented under Climate Change Response Act

We received a submission from the Environment Committee, which raised an issue that emerged from its consideration of the Climate Change Response (Zero Carbon) Amendment Bill last year. The committee drew attention to the bill's provision for emissions budgets, which will state the amount of total emissions that will be permitted for 5-year periods until 2050. We agree with the Environment Committee that emissions budgets will be significant policy documents that will warrant systematic and ongoing parliamentary scrutiny. Moreover, there are many other reports and documents required, under the Climate Change Response Act, to be prepared and presented to the House to enable it to hold Governments to account for progress towards the 2050 target.

In our view, a suitable framework for the ongoing examination of the country's climate change response involves the examination of both the emissions budgets, and of the reporting that occurs at the end of each emissions budget period. However, those

⁴⁰ Note that this Standing Order will be renumbered when the new edition of the Standing Orders is published.

documents generally will be produced with five-yearly intervals in each case, and not until about 2027 or 2028, in the case of the ex-post reporting.

Regular parliamentary discussion of this topic is justified, and this should take the format of an annual select committee process. A suitable trigger for this discussion is the report presented to the House each year under section 5ZK of the Climate Change Response Act by the Minister responsible for that Act. That report, in turn, provides the Government's response to the annual report of the Climate Change Commission on the results of monitoring, and includes a description of the progress in implementing the current emissions reduction plan.

We therefore recommend that the Minister's report on the Climate Change Commission's annual report on the results of monitoring stand referred to the Environment Committee. The committee will be required to examine the report within 60 working days. In doing so, the committee would be free to take account of any other planning and monitoring documents that have been presented to the House under the Act in the period since the previous examination took place. Such documents could, for instance, include emissions reduction plans, the national climate change risk assessment, the national adaptation plan, and progress reports on implementing the adaptation plan.

The committee's report will be considered by the Business Committee for debate as an item of non-legislative business.

Amendment 45 Select committee examination of parliamentary papers

Set out a standardised procedure for select committees to examine and report to the House on particular parliamentary papers listed in a new Appendix E to the Standing Orders.

Establish procedures for examining reports presented to the House under the Climate Change Response Act 2002.

8 Pecuniary and other specified interests

Amending reporting requirements for interests

Reporting the country in which a trust has been settled

We received a submission from the Parliamentary Caucus of the Green Party of Aotearoa New Zealand suggesting that the requirements for declaring a trust be amended so that the country in which the trust is settled is reported. The Green Party submitted that this would improve the transparency of the Register of Pecuniary and Other Specified Interests, in the interests of democracy.

We are happy to recommend this change. In future, members who report an interest in a trust should be required to declare the country in which the trust was settled, if this is not New Zealand.

Amendment 46 Reporting the location of a trust subject to an interest

Require members declaring an interest in a trust to declare the country in which that trust was settled, if the trust was not settled in New Zealand.

Clarifying the status of financial relationships with family members

We also received a submission from the Registrar of Pecuniary and Other Specified Interests, proposing changes to the definition of a family member used in Appendix B to the Standing Orders. The Registrar suggested that the list of people who qualify as family members is too narrow, and simply listing categories of relatives who are considered family members is unnecessarily restrictive. He recommended expanding the list of people who qualify as family to include siblings and grandparents. The Registrar also suggested redrafting the relevant provisions to include a catch-all provision allowing members to use their judgement as to whether or not a gift or loan from a family member is a purely personal interest.

We agree with the Registrar. Allowing a broader range of people to be considered family for the purposes of Appendix B would better reflect the more dynamic nature of family relations in today's world. A provision allowing members to exercise judgement would allow genuinely personal interests relating to extended family to remain private.

Amendment 47 Clarifying the meaning of "family member"

Amend references to family members in Appendix B to include the siblings and grandparents of members, and add a provision for members to use their judgement with regard to pecuniary relationships with other relatives.

The Registrar has also suggested including family members who are creditors, as well as debtors, in clause 6(b) of Appendix B. We agree that this would correct an apparent anomaly in the current reporting requirements.

Amendment 48 Creditors who are family members

Include creditors in clause 6(b) of Appendix B.

Updates to the Registrar's Explanatory Notes

The Registrar has drawn our attention to some amendments he proposes to make to next year's edition of the Explanatory Notes for members. We have noted the amendments he wishes to make, and have no further changes to recommend.

9 Rules for filming and conditions for use of official television coverage

We have described above, under General provisions and office-holders, our proposal to replace Standing Order 46 (Broadcasting) with a new Standing Order 7A that is technology-neutral and provides for coverage of select committee proceedings. Below we describe our proposal to replace Appendix D with a new appendix that is less prescriptive in its rules for filming and recording proceedings. It also makes permanent the changes that were adopted to the conditions of use of official coverage in 2019 following our separate review of those conditions.

New rules for making images and recordings of proceedings

We propose replacing Part A of Appendix D with a new Part 1. This new part, titled “Making images and recordings of proceedings”, shifts away from a narrow focus on television coverage of the House and prescriptive regulation of what can and cannot be filmed. This reflects our view that the way Parliament is communicated to the public should be modernised to allow for more engaging coverage, while retaining and codifying some key principles that ensure the focus remains on communicating Parliament’s proceedings. Under our proposed Standing Order 7A, these new rules apply to making images and recordings of proceedings in both the House and in select committees.

The new rules set out a definition of permitted person to make clear who the rules apply to. This includes the Clerk of the House (and therefore any person authorised by the Clerk), the official provider of Parliament TV, and members of the Press Gallery. The Speaker may authorise any other person to be permitted to make images and recordings.

It is widely accepted practice that during public hearings of evidence, the media and members of the public may make images and recordings of select committee proceedings, subject to the committee’s ability to prohibit the making of images and recordings by resolving to do so. Such exclusions should be rare, but may be appropriate where a submitter expressly requests that they not be recorded, among other circumstances. We have made explicit this existing power of committees to regulate when images and recording may be made in clause 2 of new Part 1.

New clause 3 covers how images and recordings may be made, and represents a significant shift away from the highly prescriptive approach to regulating which camera angles or shots are permitted at particular times. We have opted instead for a principles-based approach. Images and recordings should only be made of the business being considered at the time by the House or committees, and images and recordings must not be made of activities that are not part of the House or a select committee’s consideration of its business. Our expectation is that the removal of the detailed restrictions will encourage those making images and recordings of proceedings to use their judgement to present the business of the House and select committees in an engaging manner.

We also propose that the Speaker or presiding officer may allow coverage of the public gallery. This reflects current practice and enables coverage of waiata, karakia, and other appropriate interactions with the proceedings of the House. Disturbances in the gallery remain prohibited from coverage.

We have specified that images and recordings should not be made of members' papers and devices such as laptops and phones, unless they appear incidentally in images or recordings and are not the focus of those images and recordings. Parliament is also a place of work, and while members are appropriately subject to high expectations of transparency and accountability, it would be both undesirable and impractical for members' privacy to be curtailed to such an extent. Members must be free to operate during proceedings without the chilling effect that such telescopic surveillance would likely have.

We have also specified that the rules in clause 3 are subject to any operational rules made by the Clerk of the House as part of the contractual arrangements for providing official coverage of the House.

Amendment 49 Rules for making images and recordings of proceedings

Replace Part A of Appendix D with new Part 1 to provide for a principles-based approach to regulating the making of images and recordings of proceedings, while codifying some key principles that ensure the focus remains on communicating proceedings.

Confirming changes to the conditions for use of coverage

In 2019, we conducted a separate review of the use of Parliament TV and the House subsequently adopted a sessional order to replace Part B of Appendix D with new rules covering the use of official coverage.⁴¹ We noted in our report that the adoption of our recommendations as temporary rules would allow for a trial period. We now recommend making those changes permanent.⁴²

The issue of improper use of Parliament TV has not arisen since our review in 2019, and so the temporary rules have not been practically tested. However, the reasoning detailed in our 2019 report remains valid. Members featured in official coverage should not have the right to veto political advertising in which they are shown, but use of official coverage should not be misleading. Where the Speaker directs that the use of coverage be altered or stopped, the Privileges Committee should consider the relevant use of coverage at the earliest opportunity and either accept the Speaker's initial direction, or recommend that it be revoked. Further elaboration on these changes can be found in our 2019 report.

Amendment 50 Conditions for use of Parliament TV coverage

Replace Part B of Appendix D with new Part 2 to incorporate the sessional order made by the House on 19 November 2019 regarding conditions for the use of official coverage of the House.

⁴¹ Sessional order of 19 November 2019.

⁴² Standing Orders Committee, *Review of the use of Parliament TV coverage* (November 2019).

Part 2—Recommended amendments to the Standing Orders



STANDING ORDERS OF THE HOUSE OF REPRESENTATIVES

Amendments recommended by the
Standing Orders Committee

July 2020

NOTES: References are to numbered amendments as set out in Part 1 of the report.

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

 Recommended amendments are shown as follows: ~~struck out~~ and inserted text.

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

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

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

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

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

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

Members' day means a sitting for which private and local orders of the day and Members' orders of the day take precedence over Government orders of the day

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

New Zealand court means the Supreme Court, the Court of Appeal, the High Court, or the District Court; or any of the following specialist courts: the Court Martial of New Zealand established under section 8 of the Court Martial Act 2007, the Court Martial

Appeal Court constituted by the Court Martial Appeals Act 1953, the Employment Court, the Environment Court, the Māori Appellate Court, and the Māori Land Court

official coverage has the meaning set out in **Standing Order 7A(1)**

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

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

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

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

person includes an organisation

preliminary clauses means the title clause and the commencement clause and, if applicable, a principal Act clause and a temporary law clause that is not in a Part

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

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

regulation means any delegated legislation, including secondary legislation within the meaning of the Legislation Act 2019

Serjeant-at-Arms means the person directed and authorised by the Speaker to be the Serjeant-at-Arms, and includes any other person directed and authorised by the Speaker to perform the functions or exercise the powers of the Serjeant-at-Arms

sign or **signature** means a method used to identify a person and to indicate that person's approval, and includes the provision by a person of a signature in hard copy or an electronic signature

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

subject select committee means a select committee specified in Standing Order 188

temporary law clause means a clause that is required under Standing Order 259

~~**Wellington area** means the cities of Wellington, Hutt, Upper Hutt, and Porirua, and the Paekākāriki/Raumati and Paraparaumu Wards of the Kāpiti Coast District~~

Wellington area means the districts of Wellington City Council, Hutt City Council, Upper Hutt City Council, and Porirua City Council, and the Paekākāriki/Raumati and Paraparaumu Wards of the Kāpiti Coast District Council

working day means any day of the week other than—

- (a) a Saturday, a Sunday, Good Friday, Easter Monday, ANZAC Day, Labour Day, the Sovereign's birthday, Waitangi Day, and the day on which Wellington Anniversary is observed, and

Amendment 1

—Coverage and availability of proceedings

Amendment 2

—Signatures

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

written or in writing means written by hand, printed, typewritten, or otherwise visibly represented, copied, or reproduced, including by email, ~~fax~~, or other electronic means.

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

...

JOURNALS, ~~HANSARD~~, AND RECORDS OF THE HOUSE

CUSTODY AND AVAILABILITY OF PROCEEDINGS AND RECORDS

7A Coverage and availability of proceedings

- (1) In the Standing Orders, **official coverage** means coverage of proceedings that is broadcast, transmitted, or otherwise made available, either live or on demand, by the Clerk or by a provider on behalf of the Clerk.
- (2) Official coverage of the House is broadcast live during all hours of sitting, and is made available on demand.
- (3) Where practicable, official coverage of evidence heard in public by select committees is made available, subject to any select committee decision to the contrary.
- (4) Official coverage is communicated under the House's authority.
- (5) Any person who makes images or recordings of the proceedings of the House or a select committee must comply with the rules in Part 1 of Appendix D.
- (6) Any use of official coverage must comply with the conditions set out in Part 2 of Appendix D.

...

Amendment 1
—Coverage and
availability of
proceedings

ELECTION OF SPEAKER

...

16 Nomination of members

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

...

OTHER PRESIDING OFFICERS**26 Deputy Speaker**

The House appoints a member to be Deputy Speaker.

27 Powers of Deputy Speaker

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

28 Assistant Speakers

- (1) The House may appoint up to two members to be Assistant Speakers.
- (2) An Assistant Speaker performs the duties and exercises the authority of the Speaker while presiding over the House.
- (3) An Assistant Speaker may perform all duties and exercise the authority of the Speaker during an adjournment of the House, if both the Speaker and the Deputy Speaker are absent from duty (for whatever reason).

...

Amendment 3
—Authority of Assistant
Speakers

CHAPTER 2

SITTINGS OF THE HOUSE

SITTINGS

...

45 **Sittings of the House**

- (1) The House sits as follows:

~~Tuesday and Wednesday: 2 pm to 6 pm and 7.30 pm to 10 pm~~

Amendment 4

Tuesday and Wednesday: 2 pm to 6 pm and 7 pm to 10 pm

—Sitting hours

Thursday: 2 pm to ~~6 pm~~ 5 pm.

- (2) On a Tuesday and a Wednesday, the sitting is suspended at 6 pm until ~~7.30 pm~~ 7 pm.

~~46~~ **Broadcasting**

- ~~(1) The proceedings of the House are broadcast on radio during all hours of sitting and are available for television coverage.~~

Amendment 1

- ~~(2) When the Clerk, or a provider of official radio, television, or other coverage on behalf of the Clerk, broadcasts, transmits, or otherwise makes available either live or recorded coverage of the proceedings of the House or any public proceedings of a select committee, the Clerk or that provider does so under the authority of the House.~~

—Coverage and availability of proceedings

- ~~(3) A provider of official television coverage of the House, or any other person filming from the gallery, must comply with the rules set out in Part A of Appendix D.~~

- ~~(4) Any use of the official television coverage of the House, in any medium, must comply with the conditions set out in Part B of Appendix D.~~

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

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

47 Appointment of Monday, Friday or Saturday as sitting day

- (1) The House may order that a sitting day be held on a Monday, Friday or Saturday.

Amendment 5

- (2) The Business Committee may—

—Business Committee can alter the sitting calendar

(a) include a Monday or a Friday in a recommended sitting programme;

(b) determine that a Monday or a Friday is to be a sitting day when determining a variation of the sitting programme.

- (3) On a sitting day held on a Monday, a Friday or a Saturday, the sitting hours are as for a Tuesday, unless the House or the Business Committee decides otherwise.

...

52 Interruption when House in committee

- (1) ~~Whenever Subject to Standing Order 53, whenever~~ the House is in committee five minutes before the time for the conclusion of a sitting, the chairperson interrupts the business and leaves the Chair.
- (2) On the Speaker resuming the Chair, the chairperson reports to the House the business transacted in committee. After the House deals with the report, the Speaker adjourns the House until its next sitting day.

~~53 Interruption deferred when vote in progress~~

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

- ~~(a) the question is determined;~~
- ~~(b) any further question, which is required to be put without debate, is dealt with.~~

53 Variation in timing of interruption of business

- (1) The Speaker or the chairperson may interrupt business up to five minutes before or after the scheduled time, to avoid interrupting a member's speech.
- (2) At the time for the Speaker or the chairperson to interrupt business, if a question is being put to the House or a vote is in progress, the interruption of business is deferred until—
 - (a) the question is determined, along with any amendments that need to be dealt with before the question is determined;
 - (b) any further question, which is required to be put without debate, is dealt with.
- (3) The House or a committee of the whole House may, by leave, interrupt business despite paragraph (2).

Amendment 7
—Avoiding interruption of speeches

Amendment 6
—Voting on a question to continue until completed

...

56 Extended sitting hours

- (1) A sitting of the House may be extended—
 - (a) on motion without notice, or
 - (b) by determination of the Business Committee.
- (2) Unless the Business Committee determines otherwise, only one motion under paragraph (1)(a) may be moved in any one week, and such a motion—
 - (a) may be moved only by a Minister, and
 - (b) is moved without amendment or debate on the question, and
 - (c) must relate to the extension of only one sitting day, being either a Tuesday or a Wednesday, and
 - (d) may be moved only if the Government has advised the Business Committee before the week in which it is intended to move for the sitting to be extended, and
 - (e) must specify which orders of the day are intended to be considered during the extended sitting.

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

- (4) Whenever a sitting has been extended under this Standing Order,—
- (a) if the sitting is on a Tuesday or a Wednesday, the sitting is suspended at 10 pm and resumes at 9 am the following day:
 - (b) if the sitting is on a Thursday, the sitting continues to 6 pm, is suspended from 6 pm to 7 pm, is suspended at 10 pm, and resumes at 9 am the following day:
 - (c) the sitting concludes when the orders of the day (or other business as determined by the Business Committee) intended to be considered during the extended sitting are dealt with, or at a time determined by the Business Committee, or at 1 pm on the day after the sitting commenced, whichever is the earlier.

Amendment 4
—Sitting hours

57 Urgency

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

58 Effect of urgency

- (1) If the House agrees to accord urgency to business, that business may be proceeded with to a completion at that sitting of the House, and the sitting is extended accordingly.
- (2) Whenever urgency has been accorded,—
 - (a) the sitting is suspended at the normal time for its conclusion and the House resumes at 9 am on the following day, and
 - (b) despite paragraph (a), if the Government has advised the Business Committee of the intention to move on a Thursday to accord urgency to business, the sitting on that Thursday continues to 6 pm, and then is suspended between 6 pm and 7.30 pm 7 pm and between 10 pm and 9 am, and

Amendment 4
—Sitting hours

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

...

BUSINESS OF THE HOUSE

...

75 Tuesdays and Thursdays

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

Amendment 5
—Business Committee
can alter the sitting
calendar

...

BUSINESS COMMITTEE

77 Business Committee

- (1) The Speaker convenes a Business Committee at the commencement of each Parliament. The Speaker chairs the Business Committee.
- (2) Every party is entitled to be represented at each meeting of the committee by one member nominated by its leader.
- (3) The names of the members nominated are given to the Speaker.
- (4) The Business Committee may meet, and make determinations, by electronic means, including remote participation.

Amendment 14
—Allow committees to
meet remotely

...

79 Business of the House

The Business Committee may determine—

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

Amendment 5
—Business Committee
can alter the sitting
calendar

79A Arrangement of special debates

- (1) The Business Committee may arrange special debates on any of the following:
- (a) regulations (informed by reports of the Regulations Review Committee):
 - (b) petitions, as selected by the Petitions Committee:
 - (c) inquiries, briefings, international treaties, or other matters, as reported by select committees:
 - (d) parliamentary papers examined under **Standing Order 373A and Appendix E:**
 - (e) constituency and local issues:
 - (f) Members' notices of motion:
 - (g) topics set by the Business Committee.
- (2) The Business Committee must arrange debates under **paragraph (1)** that total at least seven hours in each calendar year.
- (3) Debates arranged under **paragraph (1)** may be set down as Government, Members', private or local orders of the day, or as general business, as the Business Committee thinks fit.
- (4) This Standing Order does not affect the Business Committee's powers to arrange business under any other Standing Order.

Amendment 11
—Debates on non-legislative business

...

81 Sitting programme

- (1) The Business Committee must recommend to the House a programme of sittings for each calendar year.
- (2) The recommended programme of sittings is to be made to the House not later than the third sitting day in the preceding December or, if the House does not sit in December, not later than the sitting day before the House is due to adjourn.
- (3) The recommended programme must require the House to sit first no later than the last Tuesday in February and to sit in total on about 90 days in the calendar year.
- ~~(4) On being adopted by the House, the sitting programme operates subject to any decision by the House to the contrary.~~
- (4) After being adopted by the House, the sitting programme operates subject to—
- (a) any decision by the House to the contrary:
 - (b) any variation of the sitting programme determined by the Business Committee under paragraph (5).
- (5) The Business Committee may determine that the sitting programme is to be varied by the addition or omission of one or more sitting days.

Amendment 5
—Business Committee can alter the sitting calendar

...

CHAPTER 3

GENERAL PROCEDURES

MOTIONS

97 Notice necessary before motion moved

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

98 Giving of notice of motion

- (1) Subject to paragraph (2), notice of a motion a member intends to move may be given by any member by either—

(a) delivering a signed hard copy to the Clerk between 9 am and 10 am on any sitting day, or

(b) lodging the notice of motion with the Clerk, in electronic form and with an electronic signature, by 10 am on any sitting day.

- (2) Notice of a motion relating to a particular Supplementary Order Paper cannot be given unless that Supplementary Order Paper has been circulated to members.

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Amendment 10
—Giving notice by
electronic means

CLOSURE OF DEBATE

136 Closure

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

137 Acceptance of closure motion

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

~~138 Effect of carrying of closure~~

- ~~(1) When the question for the closure is agreed to, the question under debate is put without further amendment or debate.~~
- ~~(2) Any other question (including any proposed amendment that has been properly notified on a Supplementary Order Paper or handed in to the Table before the closure motion was accepted and that relates to the matter under consideration) is then put to allow the main question itself to be decided without further amendment or debate.~~

Amendment 6
—Voting on a question
to continue until
completed

138 Effect of carrying closure motion

If a closure motion is agreed to, the debate then in progress concludes.

~~PUTTING THE QUESTION-VOTING~~**139 Question is put when debate concluded**

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

140 Voice vote

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

~~141 Party vote~~

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

~~142 Personal vote on conscience issue~~

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

141 Call for party vote, or personal vote for conscience issue

- (1) Where a further vote is called for, a party vote is held unless the subject of the vote is to be treated as a conscience issue.
- (2) Where the Speaker considers that the subject of a vote is to be treated as a conscience issue, the Speaker will permit a personal vote to be held instead of a party vote.

Amendment 8
—Redrafting voting provisions

~~143 Procedure for party vote~~

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

~~showing the names of the members of that party voting in the various categories.~~

- ~~(3) Subject to Standing Order 155, any party consisting of five or fewer members, and any Independent member, may cast their votes by proxy, otherwise a party may have votes cast on its behalf only if it has a member in the House at the time of the vote.~~
- ~~(4) The number of votes cast for each party and the names of the members of a party voting in each category on a split party vote are recorded in the Journals of the House and in *Hansard*.~~

143 Procedure for party vote

- ~~(1) In a party vote, —~~
 - ~~(a) the Clerk asks all parties to vote, in the order of the size of their parliamentary membership;~~
 - ~~(b) a leader or whip casts each party's votes;~~
 - ~~(c) the Clerk asks for the votes of any Independent member and any member who is voting differently from their party's vote, and the votes of those members are cast;~~
 - ~~(d) the Speaker declares the result to the House.~~
- ~~(2) The result of the vote, the number of votes cast for each party, and, where applicable, the names of members voting in each category are recorded in the Journals and in *Hansard*.~~

143A How votes are cast by parties during party votes

- ~~(1) For the purposes of **Standing Orders 143 to 143C**, leader or whip includes any member of the party to whom the leader or a whip delegates authority to cast the party's votes.~~
- ~~(2) During a party vote, the leader or whip of a party has general authority to cast votes on behalf of members of that party, subject to **Standing Order 143B**.~~
- ~~(3) A party's votes may be cast for the Ayes or for the Noes, or recorded as abstentions.~~
- ~~(4) The total number of votes cast for each party may include only—~~
 - ~~(a) the votes of members who, at the time of the vote, are present within the parliamentary precincts, including members who are regarded as present under Standing Order 37(2);~~
 - ~~(b) proxy votes, subject to **Standing Order 143C**;~~
- ~~(5) A party may have votes cast on its behalf only if it has a member in the House at the time of the vote, except as provided in **paragraph (6)**.~~
- ~~(6) A party that consists of five or fewer members, or an Independent member, if not present in the Chamber, can have votes cast on that party's or that Independent member's behalf by the leader or whip of another party. However, this paragraph applies only if at least one of the members of the party whose votes are being cast, or that Independent member, is—~~
 - ~~(a) present within the parliamentary precincts at the time, including being regarded as present under Standing Order 37(2), or~~
 - ~~(b) absent from the House with the permission of the Speaker granted under Standing Order 38(1).~~

143B Split-party votes and separate votes

- (1) The general authority for a leader or whip to cast votes on behalf of their party's members during a party vote is subject to any express direction from a member to the contrary.
- (2) A party's votes may be cast as a **split-party vote** where its votes are cast in any combination of the Ayes, the Noes, or abstentions.
- (3) The member who casts a split-party vote for a party must, immediately after the vote, deliver to the Clerk at the Table a list showing how the vote of each member of that party was cast in the split-party vote.
- (4) If, during a party vote, a member wishes to cast a vote that differs from the votes cast by that member's party, then the member may cast their vote separately.
- (5) In the case of a split-party vote or a separate vote, the names of the members, and their votes, are recorded in the Journals and in *Hansard*.

143C Proxy votes cast during party vote

- (1) During a party vote, the leader or whip of a party may cast proxy votes for members of that party who are not present within the parliamentary precincts, but a party's proxy votes must not exceed the limit set out in **paragraph (2)**.
- (2) The limit on proxy votes for each party is the number equal to 25 percent of that party's membership in the House, or another limit determined by the Business Committee, rounded upwards where applicable.
- (3) A member's proxy vote is not counted towards the limit on proxy votes under **paragraph (2)** if, at the time the proxy vote is cast, the member is absent from the House with the permission of the Speaker granted under Standing Order 38(1).
- (4) The limit on proxy votes under **paragraph (2)** does not apply—
 - (a) at any time determined by the Business Committee for this purpose, or
 - (b) in the period from the declaration of a state of national emergency until that state of national emergency is terminated or expires.

Amendment 9

—Modifying proxy-vote limit

144 Personal vote following party vote

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

145 Procedure for personal vote

- (1) In a personal vote,—
 - (a) the bells are rung for ~~seven minutes~~ for the period set out in **Standing Order 145A**:
 - (b) the Speaker directs the Ayes to ~~pass go~~ to the right, the Noes to the left, and abstentions to the centre, and appoints ~~a teller for the Ayes and one for the Noes~~ the tellers:

Amendment 8

—Redrafting voting provisions

- (c) the doors are closed and locked as soon after the bells have stopped as the Speaker directs, and the Speaker then restates the question:
 - (d) all members present within the Chamber or the lobbies when the doors are locked must vote or record their abstentions:
 - (e) members' votes are counted by the tellers and their names recorded; members abstaining have their abstentions recorded by the Clerk at the Table:
 - (f) the personal vote lists are signed by the tellers and returned to the Speaker, and the Speaker declares the result to the House.
- (2) Members may observe the voting in any part of the Chamber and in the lobbies.

145A Ringing of bells for vote

- (1) During a personal vote, the bells are rung under Standing Order 145(a) for the following periods:
- (a) for the first personal vote in a series of personal votes, 7 minutes:
 - (b) for the second and each subsequent personal vote in a series of personal votes, 1 minute.
- (2) For the purposes of paragraph (1), a **series of personal votes** is two or more personal votes that are held without any debate or other proceedings occurring between them.

145B Tellers

- (1) One teller is appointed for the Ayes and one teller for the Noes.
- (2) If no teller is found for either the Ayes or the Noes, the Speaker immediately declares the result for the other side.
- (3) A member who has begun to act as a teller must continue to act in that capacity unless excused by the Speaker.

146 Members to remain in Chamber

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

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

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

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

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

~~149 If no teller no personal vote allowed~~

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

149A Proxy votes cast during personal vote

- (1) During a personal vote, any member may cast a proxy vote on behalf of another member, as long as the member has been given authority to do so, in accordance with **paragraph (2)**.
- (2) A proxy must include—
 - (a) the name of the member who is giving the authority,
 - (b) the date the authority is given,
 - (c) the period or business for which the authority is valid,
 - (d) the member who is given authority to exercise the proxy, and
 - (e) the signature of the member who is giving the authority.
- (3) A member who has given a proxy may revoke or amend that proxy at any time before its exercise.
- (4) There is no limit on the number of proxy votes that may be cast during personal votes, subject to **Standing Order 151**.

150 Records of personal votes

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

151 ~~Fewer than 20 members participating~~ Minimum attendance for personal vote

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

152 Errors and mistakes

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

153 Ties

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

154 ~~Proxy voting~~

- ~~(1) A member may give authority for a proxy vote to be cast in the member's name or for an abstention to be recorded.~~
- ~~(2) A proxy must state the name of the member who is giving the authority, the date it is given, and the period or business for which the authority is valid. It must be signed by the member giving it and indicate the member who is given authority to exercise it.~~
- ~~(3) A member who has given a proxy may revoke or amend that proxy at any time before its exercise.~~
- ~~(4) The leader or senior whip of each party, or a member acting as the leader or senior whip of the party in the House for the time being,~~

~~may exercise a proxy vote for any member of the party, subject to any express direction from a member to the contrary.~~

~~155~~ Casting of proxy vote

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

...

COMMITTEES OF THE WHOLE HOUSE

170 House ~~resolves itself~~ goes into committee

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

...

CHAPTER 4

SELECT COMMITTEES

ESTABLISHMENT OF COMMITTEES

184 Establishment and life of select committees

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

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Amendment 43
—Establish a Petitions Committee

SUBJECT SELECT COMMITTEES

188 Subject select committees

The subject select committees and their subject areas are—

Economic Development, Science and Innovation Committee: business development, tourism, Crown minerals, commerce, consumer protection and trading standards, research, science, innovation, intellectual property, broadcasting, communications, information technology

Education and Workforce Committee: education, training, employment, immigration, industrial relations, health and safety, accident compensation

Environment Committee: conservation, environment, climate change

Finance and Expenditure Committee: economic and fiscal policy, taxation, revenue, banking and finance, superannuation, insurance, Government expenditure and financial performance, public audit

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

Governance and Administration Committee: public governance, parliamentary and legislative services, Prime Minister and Cabinet, State services, statistics, internal affairs, civil defence and emergency management, local government

Health Committee: health

Justice Committee: constitutional and electoral matters, human rights, justice, courts, crime and criminal law, police, corrections, Crown legal services

Amendment 19
—Changing committee subject area responsibilities

Māori Affairs Committee: Māori affairs, Treaty of Waitangi negotiations

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

Social Services and Community Committee: social development, social housing, income support, women, children, young people, seniors, Pacific peoples, ethnic communities, arts, culture and heritage, sport and recreation, voluntary sector

Transport and Infrastructure Committee: transport, transport safety, infrastructure, energy, building and construction.

189 Functions of subject select committees

- (1) The subject select committees ~~specified in Standing Order 188~~ consider and report to the House on the following types of business referred ~~by the House or otherwise~~ or initiated under the Standing Orders:

- (a) bills:
- (ab) inquiries and briefings:
- (b) petitions:
- (c) annual reviews:
- (d) Estimates:
- (e) Supplementary Estimates:
- (f) international treaty examinations:
- (g) reports of Officers of Parliament:
- (h) any other matters.

- ~~(2) The subject select committees may receive briefings on, or initiate inquiries into, matters related to their respective subject areas as specified in Standing Order 188.~~

- ~~(3) Paragraph (2) does not allow a subject select committee to consider—~~

- ~~(a) a bill that has not been referred to it, except as provided in the Standing Orders, or~~
 - ~~(b) a Supplementary Order Paper relating to a bill that is not before the committee—~~
- ~~without the approval of the House or the Business Committee.~~

Amendment 29

—Use of inquiry power to consider bills and amendments

189A Inquiries and briefings

A subject select committee may initiate inquiries into, or receive briefings on, matters related to its subject area as specified in Standing Order 188.

Amendment 18

—Inquiries and briefings

...

192 ~~Place-Venue~~ of meeting

- (1) A select committee may meet at any place within New Zealand.

- (1A) A committee may meet by electronic means, with some or all members participating remotely, subject to any rules issued under Standing Order 204A.

Amendment 13

—Allow committees to meet remotely

- (2) A committee must be authorised by the House before it can meet outside New Zealand.

- (3) Where a committee is authorised to meet outside New Zealand it may adopt such practices and procedures that it sees fit for its meetings overseas.

193 Meetings outside Wellington area during sittings

A committee may meet outside the Wellington area during a sitting of the House only with the agreement of the Business Committee.

194 Meetings within Wellington area on sitting days

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

194A Joint meetings

- (1) Two or more select committees may hold a joint meeting.
- (2) The chairpersons of the committees involved may arrange a joint meeting, if each has been authorised by their respective committee to do so.
- (3) Two or more committees meeting jointly—
- (a) are treated as a single committee during that meeting, for the purposes of conducting proceedings, maintaining a quorum, voting, and making decisions by leave:
 - (b) may consider any item of business before any one of the committees participating in the joint meeting:
 - (c) may consider and adopt a joint report to the House.

Amendment 16
—Specifying procedures
for joint meetings

...

CHAIRPERSON AND DEPUTY CHAIRPERSON

201 Chairperson and deputy chairperson

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

- (4) The Deputy Speaker or an Assistant Speaker is the chairperson of the Petitions Committee.

...

CONDUCT OF PROCEEDINGS

204 Conduct of proceedings

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

204A Rules for conduct of proceedings by electronic means

- (1) The Business Committee may determine rules regarding the conduct of select committee proceedings by electronic means.
- (2) Rules determined under **paragraph (1)** have effect despite any other Standing Order to the contrary.

Amendment 15
—Business Committee
to make further rules

...

~~208 Names of members present~~

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

208 Presence of committee members

- (1) The names of the members of a select committee present at a meeting are recorded in the committee's minutes.
- (2) A member may participate in proceedings remotely, by electronic means.
- (3) A member participating remotely—
 (a) is recorded as present under **paragraph (1)**,
 (b) is regarded as present for the conduct of the committee's proceedings, and
 (c) is regarded as attending the meeting for the purpose of Standing Order 37(1)(b).

Amendment 13
—Allow committees to
meet remotely

209 Quorum

- (1) The quorum of a select committee is half of the membership of the committee, rounded upwards where applicable.
- (2) ~~A non-voting member is not~~ No member who is a non-voting member, or who is present or participating under Standing Order 210, is counted as part of the membership of a committee for the purposes of determining the quorum.
- (3) If there is no quorum present within 10 minutes of the time for a meeting to commence, the meeting is adjourned.
- (4) If there is no quorum present during a meeting, the meeting is suspended for up to 10 minutes and, if no quorum is formed, the meeting is adjourned.
- (5) A member may be temporarily absent from a meeting for up to 10 minutes before the member's absence requires the suspension of the meeting under **paragraph (4)**, but the committee may make a decision only when a quorum is present.

Amendment 17
—Allow members to
briefly leave a meeting

210 — ~~Members may be present~~

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

210 Presence and participation of members other than committee members

- (1) This Standing Order applies to any member of the House who wishes to attend or participate at a meeting of a select committee but is not a member of that committee.
- (2) Subject to this Standing Order, any member may attend any meeting of a select committee but may participate in the proceedings only by leave of the committee.
- (3) The Minister or member in charge of a bill or other item of business may participate in a committee's proceedings relating to that bill or item of business.
- (4) One member from any party not represented in the membership of a committee may participate in the proceedings of the committee.
- (5) A member participating in a committee's proceedings under this Standing Order may not vote on any question put to the committee or participate in any decision taken by leave of the committee.
- (6) Except by leave of the committee, only members of the Privileges Committee may attend any meeting of that committee that is not open to the public.

...

GENERAL PROVISIONS FOR EVIDENCE

...

219 Secret evidence

- (1) A select committee may, by leave, declare evidence to be secret evidence where—
 - (a) information that it wishes to obtain can be obtained only if it can assure a witness, or other person in possession of that information, that evidence given to it will remain confidential, or
 - (b) it is satisfied that it is necessary to do so to protect the reputation of any person.
- (2) All strangers must withdraw from a meeting while secret evidence is being heard, unless leave is given for them to remain present.
- (2A) Secret evidence may be received and heard only in person, despite Standing Orders 192(1A) and 208(2) and (3).

Amendment 12
—Rights to participate in
committee meetings

Amendment 14
—Secret evidence only
heard in person

- (3) Except to give effect to Standing Order 237, secret evidence may not be disclosed to any other person by the committee or by any member of the committee or by any other person, unless the House expressly authorises such disclosure. Following the committee's report to the House, secret evidence is delivered into the custody of the Clerk.

...

REPORTS

...

245—Minority views

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

245 Differing views

- (1) Subject to paragraph (2), a select committee must, in its report, include differing views when one or more members indicate a wish to do so.
- (2) Differing views must—
- (a) be relevant and succinct,
 - (b) not include an allegation against a person that may seriously damage the reputation of that person, if no reasonable opportunity has been provided for that person to respond,
 - (c) not include any attachment or appendix unless the committee agrees, and
 - (d) comply with the Standing Orders and practices of the House.

Amendment 21

—Differing views

246 Findings—Adverse findings

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

247 Reports to be signed—Adoption and signing of report

- (1) A select committee decides when it is ready to adopt a report, subject to any time for the presentation of a report that is fixed by the House, the Business Committee, or otherwise under the Standing Orders.
- (2) A joint report is a report that is adopted by two or more committees at a joint meeting.
- (3) When a select committee has adopted a report, the report is signed by the chairperson on behalf of the committee, or by some other member of the committee authorised to do so by the committee, and is presented to the House.

Amendment 16

—Specifying procedures for joint committee meetings

- (4) A joint report may be signed by any one or more of the chairpersons of the committees that adopted the report, or other committee members as authorised by their respective committees.
- (5) After a report is signed under this Standing Order, it is presented to the House.

...

250 Reports set down

- (1) Following their presentation, reports of select committees are set down as follows:
- (a) a report from the Privileges Committee, except a report on a bill or a petition, is set down for consideration as general business:
 - (b) a report on a bill is set down as prescribed in Standing Order 296:
 - (c) reports on the Budget policy statement, the fiscal strategy report, the economic and fiscal update, the statement on the long-term fiscal position, the investment statement, the financial statements of the Government, Estimates, Supplementary Estimates, and annual reviews are considered as set out in Standing Orders 332, 336, 340, 341, 348, and 349:
 - (d) a report on a notice of motion under Standing Order 322 or 323 is set down for consideration together with that notice of motion.
- (2) A report on an international treaty examination is set down as follows:
- (a) if the Government has indicated that it intends for the treaty to be implemented through a bill, as a Government order of the day, or
 - (b) otherwise, as a Members' order of the day.
- ~~(3) The Business Committee may direct that a report on a petition be set down as a Members' order of the day.~~
- (3) The Petitions Committee may select petitions that have been reported by a select committee, or referred to a Minister for response, and recommend them to the Business Committee to be set down for debate.
- (4) A report on a briefing, inquiry, parliamentary paper, or other matter, or a report of the Regulations Review Committee, is set down as a Members' order of the day, unless the Business Committee determines otherwise.
- ~~(5) A report set down under paragraph (2)(b), (3) or (4) may be selected by the Business Committee for debate.~~
- (5) A report or petition set down under paragraph (2)(b), (3) or (4) may be arranged by the Business Committee for debate, under Standing Order 79A.

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Amendment 11
—Debates on non-legislative business

CHAPTER 5

LEGISLATIVE PROCEDURES

FORM OF BILLS

253 Classification of bills

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

Amendment 24
—Provide for the joint sponsorship of members' bills

...

OMNIBUS BILLS

262 Types of omnibus bills that may be introduced

- (1) The following types of bills may be introduced although they are omnibus in nature:
- (a) Finance bills or confirmation bills that validate or authorise action otherwise illegal or validate and confirm regulations:
 - (b) Taxation bills:
 - (c) Local Legislation bills that contain provisions affecting particular localities, which otherwise would have been introduced as local bills:
 - (d) Māori Purposes bills that—
 - (i) amend one or more Acts relating to Māori affairs, or
 - (ii) deal with authorisations, transfers, and validations in respect of Māori land and property:
 - (e) Reserves and Other Lands Disposal bills that—
 - (i) deal only with authorisations, transfers and validations of matters relating to Crown land, reserves, and other land held for public or private purposes, or
 - (ii) amend a Reserves and Other Lands Disposal Act:
 - (f) Statutes Amendment bills that consist entirely of amendments to Acts.
- (2) Matter more appropriate for inclusion in a Local Legislation Bill, a Māori Purposes Bill, or a Reserves and Other Lands Disposal Bill is to be included in one of those types of bills rather than a Finance Bill.

263 Other omnibus bills

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

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

(2) The Business Committee may determine that a committee has the power to amend a bill in a manner that causes it to become an omnibus bill, if the bill, as amended, meets one or both of the criteria in paragraph (1)(a) and (b).

Amendment 23
—Conversion of bills
into omnibus bills

GENERAL PROVISIONS

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265 New Zealand Bill of Rights

- (1) Whenever a bill contains any provision which appears to the Attorney-General to be inconsistent with any of the rights and freedoms contained in the New Zealand Bill of Rights Act 1990, the Attorney-General must indicate to the House what that provision is and how it appears to be inconsistent with the New Zealand Bill of Rights Act 1990.
- (2) An indication by the Attorney-General to the House concerning the New Zealand Bill of Rights Act 1990 is made by the presentation of a paper,—
 - (a) in the case of a Government bill, on the introduction of that bill, or
 - (b) in any other case, as soon as practicable after the introduction of the bill.
- (3) Where the House has accorded urgency to the introduction of a bill, the Attorney-General may, on the bill's introduction, present a paper under this Standing Order in the House.
- (4) A paper presented under this Standing Order is published under the authority of the House.
- (5) ~~When a paper is presented under this Standing Order it~~ When a paper has been presented under this Standing Order and the bill to which it relates is read a first time, the paper stands referred to a select committee for consideration. The paper is allocated by the Clerk to the most appropriate select committee.

Amendment 26
—Refer section 7
reports after first
reading

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267A Legislative statements

- (1) A **legislative statement** is a paper, presented by a Minister in charge of a bill, which includes information that the Minister considers important to inform the House about that bill.
- (2) Subject to **paragraph (3)**, a Minister may present a legislative statement in the House immediately before moving the first, second, or third reading of the bill.
- (3) A legislative statement may be presented under **paragraph (2)** only if the statement has been circulated to the Clerk, and to the leader, whip, or relevant spokesperson of each party, no later than 11 am on the sitting day on which the first, second, or third reading of the bill (as the case may be) is to be moved, unless **paragraph (4)** applies.
- (4) If urgency has been accorded to a bill, a legislative statement for that bill may be presented only if it has first been circulated to the Clerk, and to the leader, whip, or relevant spokesperson of each party.
- (5) A legislative statement is published under the authority of the House.

...

271 Revision bills

- (1) A **Revision Bill** is a bill that is certified under section 33 of the Legislation Act 2012. When a certificate given under that section is presented to the House on the introduction of a bill, the procedures set out in this Standing Order apply to the bill.
- (2) There is no amendment or debate on the question for the first reading.
- (3) Following the bill's first reading, the question is put, without amendment or debate, that the bill be considered by a subject select committee nominated in the explanatory note to the bill.
- (4) Following the presentation of the committee's final report on the bill, the Business Committee determines arrangements for the passage of the bill.
- (5) Following the bill's second reading, the House proceeds to the third reading forthwith, unless—
 - (a) the Business Committee determines otherwise:
 - (b) the Minister in charge requires the House to ~~resolve itself~~ go into committee to consider an amendment:
 - (c) an amendment has been circulated on a Supplementary Order Paper, or has been lodged with the Clerk, at least 24 hours before the House meets on the day on which the bill is read a second time, and the amendment is in order, in which case the House ~~resolves itself~~ goes into committee to consider that amendment.
- (6) There is no amendment or debate on the question for the third reading.

Amendment 27

—Legislative statements

Shifted from SO 271

271A Joint sponsorship of Member's bill

- (1) Two or more members, by consensus, may jointly sponsor a Member's bill.
- (2) If a Member's bill is jointly sponsored, any one of the sponsoring members may take any action, in respect of the bill, that may be taken by a member in charge of a bill.

Amendment 24
—Joint sponsorship

272 Member's bill may be adopted by Government

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

~~273~~—Private bills [*shifted to 275C*]**~~274~~—Local bills and Local Legislation bills [*shifted to 275D*]****275 Withdrawal of local bills and private bills**

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

PRE-LEGISLATIVE ENGAGEMENT AND DEVELOPMENT**275A Law-change engagement plan**

- (1) A Minister may write to the appropriate select committee to—
 - (a) inform the committee of the Government's intention to develop legislation, and
 - (b) propose a law-change engagement plan for that legislation.
- (2) The law-change engagement plan must include—
 - (a) proposed policy objectives of the legislation, or the issues that the legislation is intended to address, and
 - (b) information about how the Government proposes to engage with relevant groups and the public during the development of the legislation, and
 - (c) a proposed timeline for the development of the legislation.
- (3) The committee may amend the plan, with the Minister's agreement, and may endorse the plan and propose to the Business Committee that it determine arrangements for any stage or stages of the passing of a bill or bills arising from the plan.
- (4) The committee that endorsed the plan may, at any time,—
 - (a) review the Government's progress in carrying out the plan and developing the bill or bills that arise from it:
 - (b) by unanimous agreement of the committee, update the plan:
 - (b) propose that the Business Committee determine further or alternative arrangements for the bill or bills that arise from the plan.

Amendment 22
—Encouraging pre-legislative engagement

- (5) The law-change engagement plan is published on the Parliament website, together with any Business Committee determination relating to the plan.

275B Introduction of bill arising from law-change engagement plan

- (1) A bill arising from a law-change engagement plan may be introduced and passed in accordance with the arrangements determined by the Business Committee under **Standing Order 275A**, if the Clerk is satisfied that the bill—
- (b) contains no provisions that are inconsistent with, or unrelated to, the policy objectives or issues that were identified in the plan, and
- (a) was developed in accordance with the plan.
- (2) This Standing Order and **Standing Order 275A** do not limit any power of the Business Committee to determine arrangements.

~~273-275C~~ Private bills

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

~~274-275D~~ Local bills and Local Legislation bills

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

INTRODUCTION

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278 Notice of proposal of Members' bills

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

279 Fair copies of proposed Members' bills

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

- (3) A fair copy of a proposed Member's bill may be withdrawn and replaced only if the member gives a new notice of proposal at the same time.

280 Support for proposed Members' bills

- (1) Any member may indicate to the Clerk that they support ~~for the~~ introduction of a proposed Member's bill for which the Clerk holds a notice of proposal.
- (2) Indications of support for proposed Members' bills are published on the Parliament website.
- (3) Subject to **paragraph (5)**, if 61 or more members indicate support for a proposed Member's bill, the Clerk notifies all members of Parliament that the bill is to be introduced on the next sitting day.
- (4) A member may withdraw support for a Member's bill at any time until 1 pm on the sitting day on which the bill is to be introduced. If the number of indications of support for the bill falls below 61, the bill is not introduced.
- (5) Indications of support by Ministers and Parliamentary Under-Secretaries are not counted for the purposes of **paragraphs (3) and (4)**.

Amendment 25
—Introduction by
majority support

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FIRST READING

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290 Instruction to select committee

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

SELECT COMMITTEE CONSIDERATION

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292 Recommendation of amendments

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

Amendment 28
—Business Committee
to alter select
committee powers

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296 Select committee reports

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

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

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

Amendment 30
—Make bills available for
second reading sooner

...

COMMITTEE STAGE

...

~~306 Amendments may be placed on Supplementary Order Paper~~

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

306 Lodging of amendment

- (1) An amendment to a bill is lodged by a member by either:
- (a) providing a written copy of the amendment to the Clerk in time for the amendment to be printed on a Supplementary Order Paper and circulated to members, or

- (b) signing the amendment and delivering six hard copies of the signed amendment to the Clerk at the Table.
- (2) An amendment may be lodged no later than the conclusion of the debate on the provision to which the amendment relates.

Amendment 6
—Voting on a question to continue until completed

307 Consideration of amendments

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

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309 Committee may divide bill

- (1) A committee of the whole House may divide into two or more separate bills any bill that—
- is drafted in parts, or
 - lends itself to division because it comprises more than one subject-matter—
- and in respect of which a Supplementary Order Paper notifying the intention to move for division of the bill into separate bills has been circulated.
- (2) The Supplementary Order Paper must show how it is proposed to divide the bill, setting out the enacting formula, title, and commencement provision for each new bill. The Supplementary Order Paper may also set out a principal Act clause and a temporary law clause for any or all of the new bills.
- (3) A motion to divide a bill into separate bills, as set out on the Supplementary Order Paper, is moved after the bill has been fully considered by the committee.
- (4) On determining that a bill does not require consideration in committee, the Business Committee may also determine that the Clerk divide the bill in the manner set out on a Supplementary Order

Paper under this Standing Order. The bills so divided are set down for third reading.

...

DELEGATED LEGISLATION

318 Functions of Regulations Review Committee

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

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~~321 Disallowance motion does not lapse~~

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

321 Disallowance motion does not lapse

- (1) A notice of a motion given by a member of the Regulations Review Committee for the disallowance of a regulation or any provisions of a regulation does not lapse and is retained on the Order Paper until dealt with by the House.
- (2) Paragraph (1) applies only to regulations that may be disallowed in accordance with any statute.

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323 Negative resolution procedure

- (1) Any notice of a motion that the House, under any statute, disallow, amend, substitute, disapply, revoke, or otherwise not approve of a regulation or other instrument, other than a notice of motion to which Standing Order 321 or 324 applies, stands referred to a select committee. The notice of motion is allocated by the Clerk to the most appropriate select committee for consideration.
- (2) A committee to which a notice of motion has been referred under this Standing Order—

- (a) examines the notice of motion and may determine whether to recommend that the motion be passed, and
 - (b) must report to the House on the notice of motion no later than 10 sitting days after the day on which the notice of motion was lodged, unless paragraph (3) applies.
- (3) A member who has lodged a notice of motion that has been referred to a committee under this Standing Order is not prevented from moving the motion before the committee has presented its report to the House on the notice of motion. If a member moves a motion under this paragraph, the committee is not required to report to the House on the notice of motion.
- (4) Subject to paragraph (6), a notice of motion in respect of which a committee has recommended that the motion be passed is set down for consideration in place of the first general debate after the committee's report on the notice of motion has been presented.
- (5) Subject to paragraph (6), a notice of motion to which this Standing Order applies—
- (a) lapses and is struck off the Order Paper if not dealt with by the House within three sitting days after the committee's report on the notice of motion has been presented and the committee has not recommended that the motion be passed:
 - (b) does not lapse and is retained on the Order Paper until dealt with by the House if the committee to which the notice of motion has been referred has recommended that the motion be passed.
- (6) A notice of motion to which this Standing Order applies lapses and is struck off the Order Paper if not dealt with by the House before the expiry of any time specified in an Act within which a resolution to disallow, disapply, or otherwise not approve of the regulation or other instrument to which the notice of motion relates must be passed by the House for the resolution to have effect.

...

325 Confirmation bills

- (1) Where the purpose of a bill is limited to the confirmation of regulations that otherwise would lapse, the procedures set out in this Standing Order apply to the bill.
- (2) There is no amendment or debate on the question for the first reading. Following its first reading, the bill stands referred to the Regulations Review Committee.
- (3) Following the bill's second reading, the House proceeds to the third reading forthwith, unless—
 - (a) the Minister in charge requires the House to ~~resolve itself~~ go into committee to consider an amendment:
 - (b) an amendment has been circulated on a Supplementary Order Paper, or has been lodged with the Clerk, at least 24 hours before the House meets on the day on which the bill is read a second time, and the amendment is in order, in which case

the House ~~resolves itself~~ goes into committee to consider that amendment.

- (4) There is no amendment or debate on the question for the third reading.

CHAPTER 6

FINANCIAL PROCEDURES

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IMPREST SUPPLY

331 Imprest Supply bills

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

THE BUDGET

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333 Delivery of the Budget

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

Amendment 32
—Adjusting the
Estimates process

334 Budget debate

- (1) The debate on the Budget is taken ahead of all other Government orders of the day.
- (1A) No motion to adjourn the Budget debate may be moved if the Budget debate has previously been adjourned by motion, apart from any adjournment on the day the Budget statement was delivered.
- (2) An amendment to the question for the second reading of the bill may relate to any matter concerning public affairs and is not required to be strictly relevant.

Amendment 33
—Shorten the Budget
debate

...

336 Economic and fiscal reports

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

Amendment 32
—Adjusting the
Estimates process

ESTIMATES**337 Referral of Estimates**

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

338 Examination of Estimates

- (1) Each select committee to which a Vote is referred examines the Vote and—
 - (a) determines whether to recommend that the appropriations in respect of the Vote be accepted, and
 - (b) may recommend a change to the Vote.
- (1A) The Business Committee may determine that a week (or more than one week) is an **Estimates week**, in order to facilitate the examination of the Estimates.
- (1B) During an Estimates week, any select committee may meet for the purpose of examining the Estimates during a sitting of the House (except during oral questions), during an evening (after 6 pm) on a

Amendment 32
—Adjusting the
Estimates process

day on which there has been a sitting of the House, and on the Friday of that week, despite any Standing Order to the contrary.

- (2) All committees must report to the House on their examinations of the Estimates within ~~two months~~ ten weeks of the delivery of the Budget.

339 Estimates debate

- (1) The consideration in committee of the main Appropriation Bill is the Estimates debate. The Estimates debate is a consideration of the appropriations being sought by the Government in the main Appropriation Bill.
- (2) During the Estimates debate, Votes are considered as arranged under Standing Order 340.
- (3) A motion may be moved to change a Vote. Such a motion must specify the appropriation or appropriations within the Vote that it proposes to alter.
- (4) At the conclusion of the total time for the Estimates debate the remaining Votes and provisions of the main Appropriation Bill and any amendments proposed by the Minister in charge of the bill that are notified on a Supplementary Order Paper are put as one question. There is no amendment or debate on the question.

340 Arrangement of Estimates debate

- (1) The Government may select any day, other than a Members' day, for the Estimates debate.
- (2) Votes are grouped according to the sectors within which they were presented in the Estimates.
- (3) As the debate on each sector is reached, the question is proposed that the Votes within that sector stand part. The chairperson or a member of a select committee that considered Estimates within that sector commences the debate, in order to set out the major findings of the committee. Other speeches are allocated to parties on a proportional basis across the whole Estimates debate.
- (4) The Business Committee can determine any additional or alternative arrangements for the Estimates debate.

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

Amendment 32
—Adjusting the
Estimates process

SUPPLEMENTARY ESTIMATES

...

343 Passing of bill

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

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CHAPTER 7

NON-LEGISLATIVE PROCEDURES

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STATEMENTS IN THE HOUSE

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~~357—Comment on ministerial statement~~

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

357 Comments and questioning about ministerial statement

(1) Following a ministerial statement, the leader of each party with six or more members, or a member authorised by the leader, may—

(a) comment on the ministerial statement;

(b) ask questions to the Minister who made the ministerial statement, to elucidate more information about it.

(2) Following the comments and questioning under paragraph (1), the Minister may reply.

...

PETITIONS

~~361—Addressed to the House and contain request for action~~

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

361 Request to the House

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

362 To be in English or Māori

A petition must be in English or in Māori.

~~363—Communications concerning petition~~

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

~~364—Signatures~~

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

~~365—Signatures to be on sheet containing request~~

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

~~366—Petitions of corporations~~

Amendment 34

—Questions and answers on ministerial statements

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

~~367 Form of petition~~

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

~~368 Members to examine and certify petitions~~

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

~~369 Petitions to be delivered to Clerk~~

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

~~370 Petitions referred to select committees~~

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

~~371 Petitions not in order~~

~~The following are not in order:~~

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

363 Types of petition

- (1) A petition may be a paper petition, an electronic petition, or a hybrid petition.
- (2) A **paper petition** is a petition in hard-copy form.
- (3) An **electronic petition** is a petition that is hosted on the Parliament website and meets the requirements of that website.
- (4) A **hybrid petition** is a petition that is both a paper petition and an electronic petition, which complies with the requirements of both types of petition, and that—
 - (a) has the same petitioner, request and related information, as applicable, and

Amendment 35

—Equal treatment for hard copy and electronic petitions

Amendment 36

—Updating Standing Orders to account for e-petitions

- (b) is presented as a single petition on the same day and by the same member.

364 Restrictions on petitions

- (1) A petition will not be accepted if the subject matter of the petition is—
- (a) currently before a court or tribunal (including proceedings that are about to be commenced, are on-going, or are awaiting adjudication), or where a statutory appeal right remains available to the petitioner:
 - (b) suppressed by an order of any New Zealand court:
 - (c) within the jurisdiction of the Ombudsmen, and the matter has not been finally determined by the Ombudsmen:
 - (d) substantially the same as an earlier petition that has been reported to the House, or referred to a Minister for response under **Standing Order 371A**, during the current term of Parliament.
- (2) The Speaker, after consulting the Petitions Committee, may allow a petition to be accepted despite **paragraph (1)**.

Amendment 37

—Petitions relating to matters before the courts

Amendment 40

—Speaker's discretion to accept petitions

365 Content of petition

- (1) A petition must include:
- (a) a request that complies with **Standing Order 361**:
 - (b) a title that fairly describes the petition's request.
- (2) A petition may include a reason.
- (3) A petition must:
- (a) be respectful, moderate in its language, and of serious intent,
 - (b) be succinct and free of material that is irrelevant or extraneous, and
 - (c) not include statements that are unable to be authenticated.

Amendment 38

—Petitions to have serious intent

Amendment 39

—Statements in petitions must be authenticated

366 Petitioner

- (1) For each petition, the Clerk must be informed of the name and contact details of the person who is the petitioner.
- (2) Where the petitioner is an organisation, the Clerk must be informed of the name and contact details of a person who is authorised by the organisation to represent it.
- (3) The petitioner, or the person who represents the petitioner under **paragraph (2)**, must,—
- (a) if the petition is a paper petition, sign a cover page for the petition, or
 - (b) if the petition is an electronic petition, submit the petition.
- (4) The petitioner, or the person who represents the petitioner under **paragraph (2)**, must be available to respond, within a reasonable time, to communications about the petition.

Amendment 42

—Petitions from organisations

367 Signatures

- (1) Any person may sign a petition to indicate that person's own approval of the petition's request.
- (2) When signing a petition, a person must provide their full name.

- (3) When signing an electronic petition, a person must also provide their email address.

Amendment 41
—Signatories to provide email addresses

368 Collection of signatures

- (1) For a paper petition, before any signatures are received on a page of that petition, that page must include, in full,—
 (a) the petition’s request, and
 (b) the reason for the petition, if a reason has been given.
- (2) For an electronic petition,—
 (a) the petitioner must set a closing date for signatures, and
 (b) signatures are accepted until the closing date for signatures.
- (3) No signatures may be copied or otherwise transferred to a petition.

369 Presentation of petition

- (1) Subject to **paragraph (2)**, any member may present a petition to the House.
- (2) A member may not present a petition for which the member is the petitioner or a signatory.
- (3) Subject to **paragraph (4)**, the petition is presented to the House,—
 (a) if the petition is a paper petition, by the member certifying the petition and delivering it to the Clerk:
 (b) if the petition is an electronic petition, by the member informing the Clerk in writing that the member wishes to present the petition.
- (4) The petition is accepted by the Clerk only if the petition complies with the Standing Orders and practices of the House.
- (5) The presentation of a petition may occur on any working day, but not later than 1 pm on a sitting day.
- (6) The Clerk announces the presentation of petitions at the time appointed by Standing Order 66.
- (7) An electronic petition can be presented only if it is presented within 6 months of the closing date for signatures.

Amendment 36
—Updating Standing Orders to account for e-petitions

370 Functions of Petitions Committee

- (1) The Petitions Committee—
 (a) may transfer a petition to another select committee under **Standing Order 371**:
 (b) may refer a petition to a Minister for response under **Standing Order 371A**:
 (c) considers and reports on every petition that the committee does not transfer to another select committee or refer to a Minister for response:
 (d) may group petitions about similar topics:
 (e) recommends petitions to the Business Committee for debate in the House:
 (f) oversees the timely consideration of petitions by select committees and presentation of responses by Ministers:

Amendment 43
—Establish a Petitions Committee

- (g) may consider and report to the House on any matter relating to petitions.
- (2) The Petitions Committee may request assistance from the Ombudsmen for the consideration of a petition (whether the petition is before the Petitions Committee or another select committee).

371 Referral and transfer of petition to select committee

- (1) When a petition is presented, it stands referred to the Petitions Committee.
- (2) The Petitions Committee may consider a petition or transfer the petition to another select committee to consider.
- (3) The transfer of a petition does not prevent the Petitions Committee from considering the petition jointly with the select committee to which the petition is transferred.
- (4) The select committee that is considering a petition must report to the House on that petition within a reasonable time.

Amendment 44
—Petitions Committee powers to consider petitions

371A Referral of petition to Minister for response

- (1) The Petitions Committee may refer a petition to a Minister for response.
- (2) If a petition has been transferred to another select committee, that committee may request that the Petitions Committee refer the petition to a Minister for response.
- (3) In referring a petition to a Minister for response, the Petitions Committee may draw attention to any matters arising from the petition that the committee considers should be addressed in the Minister's response.
- (4) When a petition is referred to a Minister for response,—
 (a) the petition is discharged from the committee that was considering it;
 (b) the Minister must respond to the petition within 60 working days;
 (c) the Minister's response is presented to the House by the Minister as a parliamentary paper.

.Amendment 44
—Petitions Committee powers to consider petitions

PAPERS AND PUBLICATIONS

...

373A Select committee examination of parliamentary papers

- (1) Parliamentary papers stand referred to select committees to examine and report to the House—
 (a) as set out in **Appendix E**, or
 (b) in accordance with any resolution of the House.
- (2) A select committee to which a parliamentary paper stands referred may, if the paper relates primarily to the subject area or functions of another committee, refer the paper to that other committee.
- (3) A select committee examining a parliamentary paper must report to the House within any time for report specified for that paper—
 (a) in **Appendix E**, or

Amendment 45
—Select committee examination of parliamentary papers

(b) by the House or the Business Committee.

- (4) This Standing Order does not affect the referral to a select committee of a parliamentary paper, or its consideration and report, under any other Standing Order or rule of the House.

...

QUESTIONS TO MINISTERS AND MEMBERS

...

381 Lodging of oral questions

- (1) ~~Notices of oral questions are lodged by members in writing to the Clerk. A notice of an oral question must be—~~

- (a) ~~signed by the member or by another member on the member's behalf, and~~
 (b) ~~delivered to the Clerk between 10 am and 10.30 am on the day the question is to be asked.~~

- (1) A notice of an oral question must be lodged in writing and signed by the member or by another member on the member's behalf, and

- (a) delivered by hand to the Clerk between 10 am and 10.30 am on the day the question is to be asked, or
 (b) received by the Clerk, in electronic form and with an electronic signature, no later than 10.30 am on the day the question is to be asked.

Amendment 10
 —Giving notice by
 electronic means

- (2) Twelve oral questions to Ministers may be accepted each day. Questions will be allocated on a basis that is proportional to party membership in the House, excluding Ministers and Parliamentary Under-Secretaries. The Business Committee decides the weekly allocation and rotation of questions.

- (3) Oral questions that have been accepted are circulated.

...

~~388 Urgent questions~~

- (1) ~~Any member desiring to ask a question on the ground of urgency in the public interest may give to the Clerk a copy of the proposed question marked "urgent question". The member must also give a copy to the Minister to whom it is intended to address the question.~~

- (2) ~~After oral questions addressed to Ministers have been taken, the Speaker (if the proposed question is one which in the public interest the Speaker considers should be answered immediately) may call upon the member to ask the question.~~

- (3) ~~The Speaker may permit the member asking an urgent question to ask one supplementary question.~~

388 Urgent questions

- (1) An urgent question is a question to a Minister that, in the Speaker's opinion, should be answered immediately in the public interest.

- (2) A member who wishes to ask an urgent question must ensure that a notice of the question is—

- (a) clearly labelled as an urgent question,
 (b) signed by the member and given to the Clerk, and

Amendment 10
 —Giving notice by
 electronic means

- (c) copied to the Minister concerned.
- (3) If the Speaker accepts an urgent question, the member who lodged the question is called to ask it after oral questions to Ministers have been dealt with.
- (4) The Speaker may permit the member asking an urgent question to ask one supplementary question.

...

WHOLE OF GOVERNMENT DIRECTIONS

~~393~~ Whole of government directions

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

Amendment 45
—Select committee examination of parliamentary papers

CIVIL DEFENCE

~~394~~ Civil defence

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

...

Amendment 45
—Select committee examination of parliamentary papers

APPENDIX A

TIME LIMITS OF SPEECHES AND DEBATES

<i>Item of business and member speaking</i>	<i>Times for speeches or debates</i>	
GENERAL PROCEDURES		
Debates not otherwise provided for		
Each member	10 minutes	
Committees of the whole House		
On questions not otherwise provided for—		
Minister or member in charge of business	Multiple speeches of 5 minutes each, but normally not more than 2 consecutive speeches	
Other members	Not more than 4 speeches of 5 minutes each	
<u>Each member</u>	<u>Multiple speeches of up to 5 minutes each, but not normally more than 2 consecutive speeches</u>	Amendment 31 —Removing limit on calls in committee of whole House
LEGISLATIVE PROCEDURES		
First reading of Government bills		
Each member	10 minutes	
Whole debate	12 speeches	
First reading of Members' bills, private bills, and local bills		
First two members speaking	10 minutes	
Other members	5 minutes	
Member in charge of bill in reply	5 minutes	
Whole debate (including reply)	11 speeches	
Second reading of bills		
Each member	10 minutes	
Whole debate	12 speeches	
Committee of the whole House		
Each Part or provision—		
Minister or member in charge of bill	Multiple speeches of 5 minutes each, but normally not more than 2 consecutive speeches	
Other members	Not more than 4 speeches of 5 minutes each	
<u>Each member</u>	<u>Multiple speeches of up to 5 minutes each, but not normally more than 2 consecutive speeches</u>	
Third reading of bills		
Each member	10 minutes	
Whole debate	12 speeches	
FINANCIAL PROCEDURES		
Imprest Supply Bill		
On second reading—		
Each member	10 minutes	
Whole debate	2 hours	

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

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

Each member	10 minutes
Whole debate	12 speeches

Budget debate (second reading of main Appropriation Bill)

Minister in charge of bill, on first speaking	Unlimited
Specified party leaders	20 minutes each
Other members	10 minutes each
Minister in reply	10 minutes
Whole debate (excluding delivery of the Budget statement)	15 hours <u>8 hours</u>

Amendment 33

—Shorten the Budget debate

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

Whole debate	11 hours
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Third reading of main Appropriation Bill (including with second reading of Imprest Supply Bill)

Each member	10 minutes
Whole debate	3 hours

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

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

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

Whole debate	10 hours
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*Item of business and member speaking**Times for speeches or debates***NON-LEGISLATIVE PROCEDURES****Address in Reply**

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

Debate on Prime Minister's statement

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

Ministerial statement and comment on it

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

Ministerial statement

<u>Minister making statement</u>	<u>5 minutes</u>	
<u>Specified party leaders</u>	<u>5 minutes each, subject to the discretion of the Speaker to allow more time for questioning</u>	Amendment 34 —Questions and answers on ministerial statements
<u>Minister in reply</u>	<u>2 minutes</u>	

Maiden statement

Member making maiden statement	15 minutes
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Valedictory statement

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

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

General debate each Wednesday

Each member	5 minutes each
Whole debate	12 speeches

Debate on international treaty

Whole debate	Not more than 2 hours
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NOTE:

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

APPENDIX B

PECUNIARY AND OTHER SPECIFIED INTERESTS

...

PART 1

2 Definitions

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

business entity—

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

company means—

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

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

employed—

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

family member, in relation to a member, means the spouse or partner, or any parent, grandparent, child, stepchild, foster-child, grandchild, or sibling, of that member

Amendment 47

—Clarifying the meaning of “family member”

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

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

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

managed investment scheme has the same meaning as in section 9 of the Financial Markets Conduct Act 2013

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

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

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

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

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

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

retirement scheme includes—

- (a) a retirement scheme within the meaning of section 6(1) of the Financial Markets Conduct Act 2013, and
- (b) any trust or other arrangement established in New Zealand or any other country with a purpose of providing retirement benefits to individuals; for example, a private superannuation scheme

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

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

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

...

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

- (1) Every return must contain the following information as at the effective date of the return:
 - (a) the name of each company of which the member is a director or holds or controls more than 5 percent of the voting rights and a description of the main business activities of each of those companies, and
 - (b) the name of every other company or business entity in which the member has a pecuniary interest, other than as an investor in a managed investment scheme, and a description of the main business activities of each of those companies or entities, and
 - (c) if the member is employed, the name of each employer of the member and a description of the main business activities of each of those employers, and
 - (d) the name of the trust, ~~and~~ whether the member is a trustee, a beneficiary, or both, and the country in which the trust was

Amendment 46

—Reporting the location of a trust subject to an interest

settled (other than New Zealand), for each trust to which the following apply:

- (i) the member knows or ought reasonably to know that the member is a beneficiary or a trustee or both of it, and
 - (ii) it is not a trust whose name is disclosed under subclause (1)(e), and
 - (iii) it is not a retirement scheme whose name is disclosed under subclause (1)(h), and
 - (iv) it is not a managed investment scheme whose name is disclosed under subclause (1)(i), and
- (e) if the member is a member of the governing body of an organisation or a trustee of a trust that receives, or has applied to receive, Government funding, the name of that organisation or trust and a description of the main activities of that organisation or trust, unless the organisation or trust is a Government department, a Crown entity, or a State enterprise, and
- (f) the location of real property in which the member has a legal interest, other than an interest as a trustee, and a description of the nature of the real property, and
- (g) the location of real property, and a description of the nature of the real property, held by a trust to which the following apply:
- (i) the member is a beneficiary of it, and
 - (ii) the member knows or ought reasonably to know that the member is a beneficiary of it, and
 - (iii) it is not a unit trust whose name is disclosed under subclause (1)(d), and
 - (iv) it is not a retirement scheme whose membership is open to the public and whose name is disclosed under subclause (1)(h), and
- (h) the name of each retirement scheme and the manager of each retirement scheme in which the member has a pecuniary interest, and
- (i) the name of each managed investment scheme and the manager of each managed investment scheme in which the member has a pecuniary interest and which is not a retirement scheme whose name is disclosed under subclause (1)(h), and
- (j) the name of each debtor of the member who owes more than \$50,000 to the member and a description, but not the amount, of each of the debts that are owed to the member by those debtors, and
- (k) the name of each creditor of the member to whom the member owes more than \$50,000 and a description, but not the amount, of each of the debts that are owed by the member to those creditors.
- (2) For the purposes of subclause (1)(b), a member does not have a pecuniary interest in a company or business entity (entity A) merely

because the member has a pecuniary interest in another company or business entity that has a pecuniary interest in entity A.

- (3) For the purposes of subclause (1)(e), a member who is patron or vice-patron of an organisation that receives, or has applied to receive, Government funding, and who is not also a member of its governing body, does not have to name the organisation, unless the member has been actively involved in seeking such funding during the period specified in clause 9.
- (4) For the purposes of subclause (1)(j) and (k), a member must also declare if the rate of interest payable in relation to any debt owed to a person other than a registered bank as defined in section 2(1) of the Reserve Bank of New Zealand Act 1989, or a building society as defined in section 2 of the Building Societies Act 1965, is less than the normal market interest rate that applied at the time the debt was incurred or, if the terms of the debt are amended, at the time of that amendment.

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

~~A member does not have to disclose—~~

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

6 Interests involving family members

- (1) A member is not required to disclose any interest involving a family member unless, guided by the register's purpose (in clause 1(3)), they consider the interest should be disclosed.
- (2) To avoid doubt, a member is not required to disclose—
 - (a) the name of any debtor or creditor of the member, or any description of the debt owed by that debtor or to that creditor, if the debt is solely between the member and a family member and has been entered into in a purely personal capacity, or
 - (b) a relationship property settlement, whether the member is a debtor or creditor in respect of the settlement.

...

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

- (1) Every return must contain the following information for the period specified in clause 9:
 - (a) for each country (other than New Zealand) that the member travelled to,—
 - (i) the name of the country, and
 - (ii) the purpose of travelling to the country, and

Amendment 48
—Creditors who are family members

- (iii) the name of each person who contributed (in whole or in part) to the costs of the travel to and from the country, and
 - (iv) the name of each person who contributed (in whole or in part) to the accommodation costs incurred by the member while in the country, and
 - (b) a description of each gift, and the name of its donor if the member knows the name or can reasonably ascertain it, that the member receives in the period covered by the return and—
 - (i) that has an estimated market value in New Zealand of more than \$500, or
 - (ii) that has an estimated market value in New Zealand of \$500 or less, is given by a donor who gives the member more than one gift in the period, and contributes to a total value of gifts to the member from the donor in the period of more than \$500 not counting a gift declared under subparagraph (i), and
 - (c) a description of all debts of more than \$500 that were owing by the member that were discharged or paid (in whole or in part) by any other person and the names of each of those persons, and
 - (d) a description of each payment received, and not previously declared, by the member for activities in which the member was involved, including the source of each payment, except that a description is not required of any payment that is—
 - (i) paid as salary or allowances under the Members of Parliament (Remuneration and Services) Act 2013 or the Remuneration Authority Act 1977, or as a funding entitlement for parliamentary purposes under the Parliamentary Service Act 2000:
 - (ii) paid in respect of any activity in which the member concluded ~~his or her~~ their involvement prior to becoming a member (that is, before the commencement of a period set out in clause 9(2)(b) or (d), as applicable).
- (2) The information referred to in subclause (1)(a) does not have to be included in the return if the travel costs or accommodation costs (as the case may be) were paid by the following or any combination of the following:
- (a) the member:
 - ~~(b) the member's spouse or partner:~~
 - ~~(c) any parent, child, stepchild, foster child, or grandchild of the member:~~
 - (b) a family member of the member, subject to clause 6(1):
 - (d) the Crown:
 - (e) any entity that paid the travel costs or accommodation costs because the member was participating in the official inter-parliamentary relations programme approved by the Speaker of the House.

- (3) For the purposes of subclause (1)(b), **gift**—
 - (a) includes hospitality and donations in cash or kind other than donations disclosed under Part 6A of the Electoral Act 1993:
 - ~~(b) excludes gifts received from family members (that is, any of the following: the member's spouse or partner or any parent, child, stepchild, foster child, or grandchild of the member).~~
 - (b) excludes a gift received from a family member, subject to clause 6(1).
- ~~(4) For the purposes of subclause (1)(c), **debt** excludes debts discharged by family members (that is, any of the following: the member's spouse or partner or any parent, child, stepchild, foster child, or grandchild of the member).~~
- (4) For the purposes of subclause (1)(c), **debt** excludes a debt discharged by a family member of the member, subject to clause 6(1).
- (5) For the purposes of subclause (1)(d), a description of a payment is required if the terms of the payment have been agreed in the period specified in clause 9, even if the payment has not been received during that period.

...

PART 2

...

16 Registrar's inquiry

- (1) A member who has reasonable grounds to believe that another member has not complied with ~~his or her~~ their obligations to make a return may request that the Registrar conduct an inquiry into the matter.
- (2) The request must be in writing, signed, and set out—
 - (a) the specific matter that the member believes to be a failure to comply, and
 - (b) the reasonable grounds for that belief.
- (3) A member who makes a request for an inquiry under this clause must, as soon as reasonably practicable, forward a copy of the request to the member who is the subject of the request.
- (4) On receiving a request, the Registrar conducts a preliminary review of the request to determine if, in the Registrar's opinion, an inquiry is warranted. In making a determination under this subclause, the Registrar takes account of the degree of importance of the matter under inquiry, and whether the matter—
 - (a) may involve a breach of the obligations to make a return:
 - (b) is technical or trivial.
- (5) On determining whether an inquiry is warranted, the Registrar must inform the member who made the request of this determination, and must also inform the member who was the subject of the request.
- (6) If the Registrar determines that an inquiry is warranted, the Registrar conducts an inquiry.
- (7) In conducting the inquiry, the Registrar—

- (a) must invite the member who is the subject of the inquiry to provide a response to the matter under inquiry within 10 working days (provided that the Registrar and the member may agree on a different period of time for the member's response);
 - (b) may seek further information from the member who made the request for an inquiry, from the member who is the subject of the inquiry, and from any other person that the Registrar considers may have relevant information;
 - (c) may seek assistance or advice from the Auditor-General or from any other person, as the Registrar sees fit;
 - (d) may disclose any return or returns and information relevant to the inquiry to a person providing assistance or advice under paragraph (c).
- (8) The Registrar may,—
- (a) if the Registrar considers that the matter under inquiry does not involve a breach of the obligations to make a return, or is so minor as not to warrant the further attention of the House, determine that no further action is required;
 - (b) if the Registrar considers that the matter under inquiry involves an inadvertent or minor breach of the obligations to make a return, advise the member who is the subject of the inquiry to submit an amendment to the member's return or returns to remedy the breach;
 - (c) determine that the matter under inquiry involves a question of privilege, and report this to the House at the first opportunity;
 - (d) report to the House on any other matter that may warrant the further attention of the House.
- (9) Any report of the Registrar is presented by the Speaker to the House and published under the authority of the House.

...

APPENDIX C

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

PRIVATE BILLS AND LOCAL BILLS

...

8 Certification of deposit of bill

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

...

APPENDIX D

~~RULES FOR FILMING AND CONDITIONS FOR USE OF OFFICIAL TELEVISION COVERAGE~~

COVERAGE OF PROCEEDINGS

~~PART A: RULES FOR FILMING~~

(1) ~~A provider of official television coverage of the House must comply with the following rules:~~

- ~~1. The cameras will cover the member who has been called to speak until the member's speech is finished or the member's call is terminated by the Speaker. Coverage will normally be medium range, head and shoulders. The director may choose to vary the camera angle to add interest to the coverage. Switching between such shots should be done at an appropriate point in the speech.~~
- ~~2. The default shot will be on the Speaker or presiding officer, including the arrival of the Speaker's procession, or a wide-angle shot of the Chamber.~~
- ~~3. The television director may choose other shots to reflect the business transacted, such as a wide angle shot of the Chamber or, during oral questions, a reaction shot of the Minister being asked a question or of a member listening to the reply to a question.~~
- ~~4. The television director may use a wide-angle shot of the Chamber as a continuity shot, for instance, at the end of oral questions or when the House is going into committee.~~
- ~~5. Generally, interjections are not covered. But if the member speaking engages with the interjector, the interjector's reaction can be filmed.~~
- ~~6. Officials (Clerks, Serjeant-at-Arms) should be shown when they are participating in the business of the House by making announcements, calling party votes, or carrying the Mace.~~
- ~~7. While a personal vote is in progress, a graphic to this effect may be shown in place of live coverage, or a static wide angle shot of the Chamber may be used, provided that this coverage does not seek to identify how individual members are voting. Any spoken proceedings that occur during a personal vote (such as a point of order) will be covered, subject to the usual rules.~~
- ~~8. Shots unrelated to the proceedings are not permitted, that is, interruptions from the gallery and business occurring outside the House. No close-up shots are permitted of members' actions and interactions that are unrelated to proceedings.~~
- ~~9. In case of general disorder on the floor of the House, coverage will revert to the Speaker or presiding officer.~~

Amendment 49
—Rules for making
images and recordings
of proceedings

- ~~10. During an interruption to proceedings such as a prolonged disturbance from the gallery, the coverage will be of the Speaker or presiding officer, with sound from only the Speaker's microphone. Coverage from the Chamber should continue, unless the Speaker or presiding officer indicates otherwise, by either suspending or adjourning the House, or specifically directing that coverage should cease. Television coverage recommences when the House resumes or at the direction of the Speaker or presiding officer.~~
- ~~11. Coverage ceases as soon as the Speaker or presiding officer announces that the House stands adjourned or the Speaker or presiding officer leaves the chair for the suspension of a sitting.~~
- ~~(2) These rules apply also to any other filming from the gallery.~~
- ~~(3) The Serjeant at Arms will intervene if it becomes apparent that cameras are filming matters not within the rules. Broadcasters who offend the rules may have their privilege of filming in the Chamber withdrawn.~~

PART 1: MAKING IMAGES AND RECORDINGS OF PROCEEDINGS

1 Permission to make images and recordings

- ~~(1) Only a **permitted person** may make images, sound recordings and video recordings of the proceedings of the House, or of evidence heard in public by any select committee.~~
- ~~(2) The following are **permitted persons**:~~
- ~~(a) the Clerk;~~
 - ~~(b) the official provider of Parliament TV (PTV);~~
 - ~~(c) the radio provider contracted by the Clerk to provide coverage of proceedings;~~
 - ~~(d) members of the Press Gallery (including associate members and temporary members);~~
 - ~~(e) any other person authorised by the Speaker.~~
- ~~(5) This clause is subject to—~~
- ~~(a) all other Standing Orders, rules and practices of the House, and~~
 - ~~(b) any directions, protocols, rules and guidelines made by the Speaker.~~

2 Select committee may authorise or prohibit recording of hearings of evidence

- ~~(1) Despite **clause 1**, a select committee may prohibit the making of images or recordings during particular proceedings of that committee.~~

- (2) A select committee may permit a person to make images and recordings when it is hearing evidence in public, despite that person not being a permitted person under **clause 1**.

3 How images and recordings may be made

- (1) A permitted person must only make images and recordings—
- (a) in the case of the House’s proceedings, from the galleries, unless the Speaker approves otherwise;
 - (b) in the case of a select committee’s proceedings, from a suitable place that does not impede or disrupt the committee, and subject to direction from the chairperson.
- (2) Where the Speaker or presiding officer indicates, appropriate coverage of the gallery is allowed.
- (3) Images and recordings may be made only of the business being considered at the time by the House or the select committee.
- (4) Images and recordings must not be made of activities that are not part of the consideration by the House, or the select committee, of its business.
- (5) Without limiting **paragraph (3)**, images and recordings may not be made of any devices, papers, or objects that are used, held, or set down by a member in the House or in a select committee meeting.
- (6) **Paragraphs (4) and (5)** do not apply to activities, devices, papers or objects that are—
- (a) seen incidentally in, and without being the focus of, images and recordings made in compliance with **paragraphs (1) to (3)**, or
 - (b) part of proceedings, such as objects used as visual aids.
- (7) The application of this clause to the provider of official coverage is subject to operational rules made by the Clerk.

4 Failure to comply

- (1) In the case of any failure to comply with the rules in this Part, or any other rule of the House,—
- (a) the Speaker may revoke or suspend a person’s permission to make images and recordings of proceedings, or take action in accordance with the Press Gallery Rules, if applicable;
 - (b) that failure may be treated as a contempt.
- (2) Nothing in this Part prevents the Speaker from taking any action as occupier of the parliamentary precincts.

PART B: CONDITIONS FOR USE OF OFFICIAL TELEVISION COVERAGE

- ~~(1) Official television coverage of the House is made available on the following conditions:~~
- ~~1. Any broadcast or rebroadcast of coverage must comply with the broadcaster’s legal obligations.~~

- ~~2. Coverage of proceedings must not be used in any medium for—~~
 - ~~(a) political advertising or election campaigning (except with the permission of all members shown);~~
 - ~~(b) 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.~~

PART 2: USE OF OFFICIAL COVERAGE

5 Conditions for use of official coverage

- (1) Official coverage of the House and committees is made available subject to the conditions set out in **paragraphs (2) and (3)**.
- (2) Any broadcast or rebroadcast of official coverage must comply with the broadcaster's legal obligations.
- (3) Excerpts of official coverage must not be used—
 - (a) for commercial sponsorship or commercial advertising, or
 - (b) in a way that is misleading.

Amendment 50
—Conditions for use of
Parliament TV coverage

6 Breaches of conditions

If the Speaker considers that official coverage has been used in a manner that breaches any of the conditions in clause 1, the Speaker may—

- (a) make a direction that the use of official coverage be stopped, or altered to ensure that the use complies with the conditions; and
- (b) determine that the use of official coverage involves a question of privilege.

7 Consideration by Privileges Committee

- (1) When the Speaker determines that a question of privilege is involved under **clause 6**, the Speaker reports the determination to the House and the question of privilege is referred to the Privileges Committee. The Speaker may report the determination through the presentation of a paper on any working day.
- (2) Subject to any special arrangements made under **paragraph (5)**, when a question of privilege is referred under this clause, the Privileges Committee's consideration of that question must commence within 2 working days of the question being referred.
- (3) The Privileges Committee, when reporting on a question of privilege referred under this clause, may:
 - (a) recommend that the direction made under **clause 6(a)** be revoked;
 - (b) recommend that the direction made under **clause 6(a)** remain in effect:

- (c) make any other recommendation in respect of the question of privilege.
- (4) Unless the Business Committee determines otherwise, a report of the Privileges Committee on a question of privilege referred under this clause is not set down under Standing Order 250(1)(a) if it only makes a recommendation under **paragraph (3)(a) or (b)**.
- (5) Subject to the approval of the Speaker, the Privileges Committee may make special arrangements that are necessary for its prompt consideration of questions of privilege referred under this clause. Special arrangements made under this paragraph have effect despite any Standing Order or practice of the House to the contrary.

8 Effect and revocation of direction

- (1) A direction made under **clause 6(a)** has effect unless and until it is revoked or ceases to have effect under **paragraph (2)**.
- (2) A direction made under **clause 6(a)**—
 - (a) may be revoked by the Speaker, either in response to a recommendation under **clause 7(3)(a)** or at any other time, or by the House:
 - (b) ceases to have effect if the Privileges Committee's consideration of the question of privilege referred in relation to that direction has not commenced within the time set out in **clause 7(2)**.

-

9 House's right to hold in contempt

- (1) Failure to comply with a direction made under **clause 6(a)** may be treated as a contempt and proceeded against accordingly.
- (2) Nothing in this Appendix prevents the House from treating a use of official coverage as a contempt.

APPENDIX E

SELECT COMMITTEE EXAMINATION OF PARLIAMENTARY PAPERS

Amendment 45

—Select committee
examination of
parliamentary papers

<u>Relevant legislation</u>	<u>Paper</u>	<u>Select committee</u>	<u>Time for report</u>	<u>Debate</u>	
<u>Civil Defence Emergency Management Act 2002</u>	<u>National Civil Defence Emergency Management Strategy</u>	<u>Governance and Administration Committee</u>	<u>12 sitting days</u>	<u>Consider 60-min debate</u>	
<u>Civil Defence Emergency Management Act 2002</u>	<u>Proposed National Civil Defence Emergency Management Plan</u>	<u>Governance and Administration Committee</u>	<u>60 working days</u>	<u>Consider debate</u>	
<u>Climate Change Response Act 2002</u>	<u>Emissions budget, and any revised emissions budget</u>	<u>Environment Committee</u>	<u>90 working days</u>	<u>Consider 90-min debate</u>	
<u>Climate Change Response Act 2002</u>	<u>Minister's report on Climate Change Commission's annual report on results of monitoring</u>	<u>Environment Committee</u>	<u>60 working days</u>	<u>Consider annual debate about emissions progress</u>	
<u>Climate Change Response Act 2002</u>	<u>Minister's report on Climate Change Commission's report at end of emissions budget period</u>	<u>Environment Committee</u>	<u>60 working days</u>	<u>Consider 90-min debate</u>	
<u>Crown Entities Act 2004</u>	<u>Whole of government direction</u>	<u>Governance and Administration Committee</u>	<u>12 sitting days</u>	<u>Consider debate</u>	
<u>Public Service Act 2020</u>	<u>Long-term insights briefings</u>	<u>Subject select committees, as referred by Governance and Administration Committee</u>	<u>90 working days</u>	<u>Consider 3-hour debate</u>	Amendment 20 —Scrutiny of long-term insights briefings
<u>Public Service Act 2020</u>	<u>Briefing on state of the public service</u>	<u>Governance and Administration Committee</u>	<u>90 working days</u>	<u>Consider debate, together with debate on long- term insights briefings</u>	

Appendix A—Committee procedure and membership

Committee procedure

At its meeting on 29 August 2019, the Standing Orders Committee resolved to commence a review of the Standing Orders. The conduct of a review of the Standing Orders, procedures, and practices of the House is a function of the committee under Standing Order 7(a). The committee invited public submissions on the review, with a closing date of 31 October 2019. Submissions were received from 31 people, organisations, and select committees, as listed in Appendix B of this report. Evidence from submitters was heard in public in the Parliament Buildings.

David Wilson, Clerk of the House of Representatives, and David Bagnall, Principal Clerk (Procedure), were our primary advisers on the review.

Committee members

Rt Hon Trevor Mallard (Chairperson)
Chris Bishop (from 22 July 2020)
Hon Gerry Brownlee (until 22 July 2020)
Hon Chris Hipkins
Gareth Hughes
Barbara Kuriger
Clayton Mitchell
Chris Penk
David Seymour
Hon Anne Tolley
Michael Wood
Hon Michael Woodhouse

Kieran McAnulty and Mark Patterson participated in this item of business.

Appendix B—List of submitters

Abortion Legislation Committee
Andrews, Ian
Axford, Graeme
Buckingham, James
Clerk of the House of Representatives
Economic Development, Science and Innovation Committee
Environment Committee
Foreign Affairs Defence and Trade Committee
G S
Green Party of Aotearoa New Zealand Parliamentary Caucus
Health Committee
Kirkley, Tracy
McAuley, Nathan
McGee, David
New Zealand Law Society
NZ Institute of Surveyors (trading as Survey and Spatial New Zealand)
Parlane, James (Jim)
Parliamentary Counsel Office
Presiding Officers
Primary Production Committee
Pro Life Hawke's Bay
Professor Jonathan Boston
Professor Margaret Wilson and Professor Judy McGregor
PYLAT - Pacific Youth Leadership and Transformation Trust
Reddy, Rahul
Registrar of Pecuniary and Other Specified Interests of Members of Parliament
Reitano, Steven
Smith, Gordon L
Social Services and Community Committee
van Helsdingen, Alec
Voyagers

