



Review of Standing Orders

Report of the Standing Orders Committee

Fiftieth Parliament
(Rt Hon David Carter, Chairperson)
July 2014

Presented to the House of Representatives

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Review of Standing Orders

Part 1

Summary of recommendations

The Standing Orders Committee makes the following recommendations.

Recommendations 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.

We recommend to the House that it refer to a select committee an inquiry into Parliament's legislative response to future national emergencies.

Recommendation to the Government

We recommend to the Government that financial provision be considered for full implementation of webcasting of hearings of evidence from any select committee meeting room in the parliamentary precincts.

Introduction

One of the functions of the Standing Orders Committee is to conduct a review of the Standing Orders, procedures, and practices of the House.¹ The committee typically conducts one such review in each parliamentary term. In Part 1 of this report, we discuss the issues that have arisen in the review of the 50th Parliament, clarify a number of matters of practice and procedure, and explain our recommended amendments to the Standing Orders. Part 2 sets out these recommended amendments, which are to come into force before the opening of the 51st Parliament.

A regular review of the rules and practices of the House is essential to ensure the House and its committees continue to operate effectively, and Parliament remains relevant. We recognise that the Standing Orders are akin to constitutional rules, and seek to arrive at a package of proposals that enjoys the overwhelming support of members around the House, even if unanimity cannot always be reached. This process involves “give and take” among parties, to ensure that changes do not confer unfair advantage.

We would like to record our appreciation of the thought-provoking submissions we received from the public and members.

¹ Standing Order 7(a).

Summary of recommended amendments

Our more significant recommendations include the following:

- Enabling the Business Committee to make arrangements for State occasions, including provision for foreign leaders to address the House, and exploring ways in which to enhance the visibility of the relationship between the Sovereign and the House.
- Incorporating provisions regarding the attendance and absence of members.
- Recognising the proposed provisions in the Parliamentary Privilege Bill regarding communications of proceedings in Parliament.
- Rationalising the financial review process (to be known as “annual review”) to enhance overall scrutiny and accountability within sectors.
- Acknowledging the right of members to address the House in New Zealand Sign Language.
- Promoting select committee scrutiny of apparent inconsistencies with the New Zealand Bill of Rights Act 1990.
- Streamlining the procedure for Revision Bills.
- Clarifying the purpose of and the expectations on members regarding the Register of Pecuniary and Other Specified Interests.

1 General provisions and office-holders

Definitions

Working day

We recommend modifying the definition of **working day** to reflect the Holidays (Full Recognition of Waitangi Day and ANZAC Day) Amendment Act 2013.

Amendment 1

Modify the definition of **working day** in the Standing Orders so that if ANZAC Day or Waitangi Day falls on a Saturday or Sunday, the following Monday is not a working day.

State occasions

The separation between the Governor-General and the House of Representatives signals the appropriate restraint exercised by the Sovereign in our modern constitutional monarchy. However, there is scope for more engagement in some special instances. We note that until 1984, each annual session was opened with a speech from the Throne, but each term of Parliament now tends to consist of a single session.²

In light of upcoming events, such as the ANZAC Centenary and the 150th celebration of Wellington as the capital, we looked at State occasions and how foreign leaders who visit New Zealand, on the invitation of the Government, might address the House, where appropriate. In 2011, the Hon Julia Gillard, Prime Minister of Australia, addressed members in the Chamber, but not during a sitting of the House. The Clerk's submission discussed how such addresses might become part of the proceedings of Parliament and in some contexts might also involve the Governor-General. This would enhance the visibility of the relationship between the Sovereign and the House, which since 1984 has become largely limited to a State opening every three years.

We believe that the Business Committee is well placed to consider arrangements for such occasions, which would be initiated by a proposal from the Prime Minister. Depending on the nature of each occasion, it may be appropriate for it to occur either in the Chamber, or in the Legislative Council Chamber with members being summoned from the Chamber to attend. In any event, we believe that the Standing Orders should provide for the arrangement of such occasions, and for the Speaker to maintain order when they are taking place. We do not propose setting out specific procedures, but rather to leave matters such as the location and the arrangements for participation by members to the Business Committee to determine.

The Governor-General does not enter the House; when he or she attends for the State opening to deliver the speech from the Throne, this occurs in the Legislative Council Chamber. This demonstrates the appropriate separation between the two component parts

² The 41st, 42nd and 43rd Parliaments (1984–1993) each consisted of two sessions. In the last case, the second session was precipitated by the prorogation of the Parliament to allow the House to be recalled early, on the outbreak of the first Gulf War in January 1991.

of Parliament and we do not wish to unsettle this tradition. However, the Governor-General could be involved in State occasions, for instance if a special message from the Queen were to be delivered to her subjects in New Zealand through her representative, or if a non-political Head of State, such as another monarch, were to visit New Zealand. On other occasions, such as when a visiting leader has a political role, the Governor-General's involvement might not be appropriate. The nature of any participation by the Governor-General in such occasions needs further consideration and we recommend that the Clerk and the Secretary to the Cabinet discuss these matters further.

Amendment 2

Amend the Standing Orders to enable the Business Committee, after receiving a proposal from the Prime Minister, to arrange a State occasion, which could include a speech from a foreign leader, and to provide that such an occasion is reported in *Hansard* and is subject to the maintenance of order by the Speaker.

Communication of proceedings

The recommended amendments to the Parliamentary Privilege Bill, which has recently been reported to the House, would alter the language for legal protection of parliamentary publication: the phrase “by order or under the authority of the House of Representatives” would no longer be used. Instead, the amended bill refers to “communicating proceedings in Parliament”.³ Therefore, for the communication of proceedings to be protected, it will need to be published “under the House’s or a committee’s authority”.

For this reason, we recommend amending Standing Order 3 to include a general definition that clarifies that all provisions in the Standing Orders that authorise or require the publication or circulation of proceedings, or the making of proceedings available to the public, are to be read as authorising the communication of those proceedings.⁴ Any direction by the House or a committee for its proceedings to be communicated must be implemented without fear of civil or criminal action.

Select committee evidence, advice, and other proceedings

Standing Order 236(1) provides that select committee proceedings, other than submissions, are not open to the public and remain strictly confidential to the committee until it reports to the House. This does not amount to an explicit authority to publish such proceedings once they cease to be strictly confidential.

We consider that there is a strong public interest in advice being published as it enhances the transparency of select committee decisions, and we recommend that once proceedings cease to be confidential they are made available to the public. It is important to note that secret evidence would never become available to the public unless ordered by the House.

Oral questions

Oral questions are posted to the Parliament website and there is high demand for this, yet no provision in the Standing Orders requires or authorises this. Consequently, we

³ Parliamentary Privilege Bill (179–2) (5 June 2014), Part 1B.

⁴ Ibid, cl. 15(1) and (2).

recommend amending Standing Order 378 to require the circulation of oral questions once they are accepted.

Amendment 3

Amend Standing Order 3 to include a general definition that provides that, whenever proceedings are published, circulated or made available to the public under the Standing Orders, or otherwise by order of the House, this is to be regarded as a communication of those proceedings under the House's or a committee's authority.

Amend Standing Order 239 by adding a paragraph providing that select committee proceedings become available to the public when they cease to be confidential under Standing Order 236.

Amend Standing Order 378 to require the circulation of oral questions once they are accepted.

Recognition of parties

Concern was raised regarding the application of Standing Order 34, after a party had ceased to be registered under Part 4 of the Electoral Act 1993 and was later recognised again for parliamentary purposes following its re-registration.

The recognition of parties is a mechanism for reflecting the results of elections in the proportional basis of House and committee procedures, and in the allocation of funding and services. It therefore has a different emphasis from the registration of parties by the Electoral Commission, which anticipates future electoral processes. We note that the House concerns itself only with membership of the parliamentary party, and not with the general membership of political parties.

It is important for parties to attest their continuing representative capacity by registering under the Electoral Act 1993, but a reasonable opportunity should be given for parties to register if seats have been won in their interest but their registration subsequently ceases. This approach is consistent with the principle that the results of an election should be reflected in the procedures and administration of Parliament where possible.

To balance these interests we suggest providing in Standing Order 34 for the Speaker to permit a party that has won seats in an election, but subsequently ceased to be registered under Part 4 of the Electoral Act 1993, to be recognised on a temporary basis while an application by the party to be registered again is being dealt with. In these circumstances, temporary recognition would be for a reasonable time to allow an application to be made to the Electoral Commission and for the commission to consider it. This proposal reflects the way the Speaker dealt with the lapse in registration of United Future in 2013.

Parties registered after election

This temporary recognition should not be applicable to parties that had been formed after an election by members defecting or being expelled from other parties. We suggest such parties not be recognised until they are registered with the Electoral Commission, and then only if they have six or more members. This would ensure they met the criteria for recognition as a new party under Standing Order 34(2)(b), or as a component party if they were elected as such. Similarly, parties formed before an election but unable to obtain

registration before the election takes place should not be recognised unless they meet the criteria for a new party.

Amendment 4

Amend Standing Order 34 to give the Speaker the authority to continue to recognise a party for parliamentary purposes on a temporary basis, for a reasonable period; but, once a party has ceased to be recognised, to recognise it again only if it meets the criteria for recognition as a new party or a component party.

2 Sittings of the House

Members' attendance

On 10 December 2013, the House adopted a sessional order regarding the attendance and absence of members. The order requires the Clerk to record the attendance of members at parliamentary business, and has been operating since the first sitting day of 2014. It is used for determining when members have been absent without permission and thus potentially liable under the Members of Parliament (Remuneration and Services) Act 2013. The sessional orders were adopted following the passage of the Act, which established significant penalties for members who do not attend the House. Given the penalties they face, members require certainty about the way attendance is recorded and the penalties that may be applied.

The adoption of the new rules for attendance and absence by way of a sessional order means that they have been subject to a trial period lasting until the election. Over the last five months, no issues have been raised about the system's operation and only one member has been recorded in the Journals as not attending. We consider that the sessional order regarding the attendance and absence of members should be incorporated into the Standing Orders.

It is intended that the Speaker may grant members permission to be absent for compassionate reasons, or for a family purpose, such as parental leave. Discretion may also be used to allow a member to be absent for all or part of a day to breastfeed or care for an infant or child.

Amendment 5

Incorporate the rules and procedures for members' attendance in the Standing Orders.

Urgency

It was suggested that question time should be held automatically when the House is under urgency. Most of us do not support this proposal, as the holding of question time is a significant element of negotiations about the expected progress of business under urgency. In recent times, the Business Committee has regularly supported the granting of the leave of the House for question time to be held during urgency. We believe that the Business Committee should be empowered to determine whether question time will be held during urgency without the leave of the House having to be sought. We note that Standing Order 378 allows the acceptance of oral questions for this purpose.

Amendment 6

Amend the Standing Orders to provide that the Business Committee may determine that oral questions or other business are to be taken at any time during a sitting that is extended by urgency.

Prayers

We acknowledge that not all members identify with the practice of reading a Christian prayer at the opening of a sitting of the House, although it is a tradition of very long standing. The prayer itself is not set out in the Standing Orders; Standing Order 60 simply requires the Speaker, on taking the Chair, to read a prayer to the House. The current prayer was adopted by the House in 1962. However, at the time it was recognised that its wording is not binding on the Speaker.⁵ We consider that the Speaker should consult members in the new Parliament about the prayer.

⁵ (1962) 330 NZPD 337 (Rt Hon Keith Holyoake, Prime Minister).

3 General procedures

Arrangement of sittings by Business Committee

The Business Committee plays a fundamental role in constructive negotiations about arrangements for the sittings and business of the House. We suggest that the Business Committee be provided with the authority to make minor adjustments to the timing of particular sittings. Examples of such minor adjustments include delaying the dinner break until completion of maiden or valedictory statements, adjusting times for an extended sitting, or starting a sitting on the ringing of the bells following a State banquet.

Provided that such decisions are fair and not oppressive to minor parties this would facilitate the committee's broad negotiations about the arrangement of business. For example, the determination of a time for the suspension or adjournment of the House could form part of a political solution for the arrangement of business. We note that the Business Committee reaches decisions on the basis of near-unanimity as determined by the Speaker.

Amendment 7

Amend the Standing Orders to provide for the Business Committee to make minor adjustments to the timing of particular sittings.

Anticipating discussion

The long-standing anticipation rule is derived from the United Kingdom's House of Commons, where the rule still applies though it is not always strictly enforced. Over time the rules of the House have changed considerably, bringing the rules regarding relevance into question. For example, the length of most debates is now tightly constrained, with a set time or number of speeches. Therefore the anticipation of other business does not offer a means to stonewall progress. We note that members are not prevented from asking questions about legislation currently before the House, and regularly do so.

We consider that there should be further discussion in the new Parliament regarding whether it is time to abolish Standing Order 110, as there are limited opportunities for back-bench members to contribute, and if they wish to use the general debate for this purpose then there should be no obstacle to their doing so. The requirement that all contributions should be relevant to the question before the House would still apply to other debates.

New Zealand Sign Language

New Zealand Sign Language (NZSL) is an official language of New Zealand, and we support the idea of members being able to use the language to address the House. However, a number of practical considerations must be taken into account: advance notice would be needed to allow the provision of a simultaneous interpretation service so other members and the public could understand what was being signed. We believe that, as no member has yet sought to address the House extensively in NZSL, it would not be cost-effective to have

such an interpretation service always at the ready. This position would need to be reconsidered if a member were elected for whom NZSL was the preferred language.

In the meantime, the Speaker could permit a member to have extra time to give a spoken translation from NZSL if prior arrangement had not been made for a simultaneous interpretation service. In this case, it would be helpful if the Speaker knew in advance that a member intended to use NZSL extensively and then to give a spoken translation, so that extra time could be allowed.

Amendment 8

Amend Standing Order 105 to recognise that a member may address the House in New Zealand Sign Language.

Parliament's legislative response to national emergency

A reasonable time has now elapsed since the Canterbury earthquakes, the most destructive February earthquake occurring more than three years ago. It is now timely for the House to refer to a select committee an inquiry into Parliament's future legislative response to a national emergency.

New Zealand is vulnerable to several kinds of natural disaster and it is important that Parliament is prepared for a timely legislative response to disasters. The inquiry report should essentially provide a framework for legislating for the powers necessary for recovery after the lifting of a state of national emergency. In the aftermath of the Canterbury earthquakes, legislation was passed that raised some significant issues in terms of parliamentary oversight and constitutional matters. It would be preferable for such high-level considerations to be settled before they need to be reflected in legislation in the wake of the next national emergency.

Recommendation to the House

We recommend to the House that it refer to a select committee an inquiry into Parliament's legislative response to future national emergencies.

Proxy votes

Problems with infrastructure and members attending to the welfare of themselves, their families, and their constituents following a major disaster will affect the ability of members to get to Wellington, or if necessary to an alternative place of meeting. Therefore, to ensure the effective functioning of the House it would be prudent to waive the limit on proxy votes when a state of national emergency has been declared. We note that after the February 2011 earthquake all members from the affected area were regarded as present for all parliamentary business.

Amendment 9

Amend the Standing Orders to waive the limit on proxy votes when a state of national emergency has been declared.

Election of Speaker

A few submitters suggested that the Speaker should be elected by way of a secret ballot, as occurs in some other Westminster Parliaments, to ensure that the Speaker has the confidence of the House. The Green Party also proposed a review of the process for electing the Speaker, to reflect the Mixed Member Proportional (MMP) environment. It was suggested that the review should draw upon examples from overseas parliaments, such as a secret ballot, and fair representation of parties in candidacy for the positions of Deputy and Assistant Speakers.

It is not unusual for the election of a Speaker to be a party-political process, because of natural tensions arising from the re-allocation of power in the wake of a general election. There is a strong tradition in New Zealand that, once he or she is elected, the impartiality of the Speaker is not questioned by members except through a formal motion, with the corollary that the Speaker earns such a reputation from the way he or she chairs proceedings. Over the last one hundred years there has never been a successful vote of no confidence in the Speaker.

Moving to a secret ballot system would not necessarily have a radical effect on the political character of the process for electing a Speaker. The benefit of doing so would not seem to outweigh the value of transparency and the public's right to know how members have voted. We also note that since the inception of MMP it has not been unusual for an Opposition member to be appointed as the Deputy Speaker or an Assistant Speaker, as has been the case in this Parliament.

4 Select Committees

Human rights committee

A number of submissions sought the establishment of a human rights committee as a way to strengthen parliamentary oversight of human rights, with functions including human rights analysis of primary and secondary legislation, and advocacy on human rights matters, especially women's rights and gender equality. It could be difficult to maintain the membership of such a committee, and, in principle, this proposal could potentially marginalise important matters that already seem to be too confined to legal and academic circles.

Later in this report, we propose that papers raising matters relating to the New Zealand Bill of Rights Act 1990 (NZBORA) stand referred to select committees, which should promote better engagement by members of Parliament. However, there is another part of the equation: as well as drawing the attention of members to Bill of Rights matters, there should be an increased emphasis on expressing these issues in ways that are comprehensible, not only for members, but for the public in general. The answer is not to shut NZBORA matters away in a specialist committee, as that could in fact be counter-productive.

New Zealand has a well-regarded system of subject select committees that have multiple functions and exercise general oversight of policy, legislative, and administrative matters within their subject areas. Bill of Rights scrutiny should be part of a mainstream discussion about legislative quality that takes place in all subject select committees and is applied in all policy contexts. The challenge for the legal community, and for relevant non-governmental organisations, is to express these ideas more accessibly.

Select committee subject areas

The 13 subject areas of committees are designed to broadly reflect ministerial portfolios, and allow a fair and sensible division of workload between committees. The grouping of subject areas also helps to ensure that committees have a complete view of the scrutiny cycle for appropriations. The aim, as far as possible, is for the committee responsible for examining a Vote also to be responsible for the financial review of the department administering it.

The Government has adopted a sector approach to defining desired outcomes and measuring their achievement. Ten sectors have been identified to provide a subject grouping of Votes and departments that reflect broad Government intentions.

We believe that some consideration of the sector groupings and the committees' subject areas is now warranted to improve the match between sectors, departments, and Votes to align the examination of Votes and financial reviews more consistently, and to address any imbalances between committees' workloads. Therefore, during the next Parliament we expect detailed consideration to be given to revising the subject areas, with the option of adopting a sessional order to implement any changes that are decided upon before the next Review of Standing Orders.

Members' access to committee proceedings

We believe that every member of Parliament and immediate support staff should be given access to all select committee papers in the electronic committee system, with the exception of secret evidence. This would improve members' ability to perform their representative roles, by allowing members to inform themselves more readily about matters to be considered in advance of meetings and hearings of evidence.

Additional benefits of widening access to the electronic system include allowing smaller parties, with limited committee membership, to engage more fully on issues as they arise, and making it easier for whips and party leaders to plan cover for meetings, as they would have continuous access to committee timetables and agendas.

We caution members and staff that committee proceedings, other than public hearings of evidence and released submissions, are confidential until committees report back to the House, and unauthorised disclosure to any person could result in a charge of contempt. Therefore, all immediate support staff must be thoroughly briefed on the confidential nature of the documents and the serious repercussions of unauthorised disclosure.

Webcasting

Pilot

In 2012, we asked the Office of the Clerk to implement a pilot for the webcasting of select committee proceedings. The pilot began on 6 November 2013 and is still operating successfully; it comprises the live webcasting, on the Parliament website, of public hearings of evidence from two select committee meeting rooms equipped for this purpose. On a few occasions, committees have specifically chosen not to webcast public hearings, mostly because of the sensitive nature of the topic under discussion. Only one witness at a hearing that would otherwise have been webcast has signalled a strong preference not to be webcast, and no confidential proceedings have inadvertently been webcast.

We consider that webcasting makes the hearings of evidence by select committees more accessible to the public, and makes parliamentary processes more transparent. During the pilot, streamed content has been accessed 6,765 times, and public feedback has indicated support for webcasting, and a strong desire for the rolling out of webcasting to the other select committees.

Future implementation

The Office of the Clerk informed us that webcasting does not seem to have had a chilling effect on witnesses as feared, and it has helped select committee hearings to flow smoothly, by allowing submitters appearing via teleconference to keep abreast of the discussion. Departmental advisers also commented that it allows them to continue to work while listening to hearings, and to keep abreast of submissions related to their particular area of expertise.

The pilot indicated that a full roll-out of webcasting to all committees will require

- significant capital investment for cameras, encoding equipment, servers, and control panels (in the committee room and outside it)
- website development work
- changes to network capability and capacity
- establishment of a test environment
- changes to the audio system for select committees (to respond to members' feedback)
- development of audio or visual signals to indicate when webcasting is taking place.

We were advised that developing a system will require significant resources and time, and the cost of a full roll-out would be beyond the current funding of the Office of the Clerk and the Parliamentary Service. In the interim, the Office of the Clerk intends to carry on with the pilot, making improvements wherever possible, and collecting data and information to support the development of a robust system. We support the commencement of work to develop a webcasting system that will allow multiple committees to webcast hearings at the same time from any select committee meeting room in the parliamentary precincts.

Recommendation to the Government

That financial provision be considered for full implementation of webcasting of hearings of evidence from any select committee meeting room in the parliamentary precincts.

5 Legislative procedures

Legislative quality

Parliament is the supreme law-making body in New Zealand, but it operates within a larger constitutional framework. Our democracy requires respect for the rule of law and avoiding the arbitrary deprivation of rights and freedoms. Care should be taken to ensure that proposed legislation passed by the House is appropriate in this context. Since 1987, principles for good legislation-making have been expounded by the Legislation Advisory Committee (LAC) in the form of *Guidelines on Process and Content of Legislation*. These guidelines have been applied, in varying degrees, in the formulation of policy and legislation. In the guidelines, the LAC observed that

Parliamentary democracy is not simply the proposition that anything a majority decides must be always right and good. Rather it proceeds upon a presumption that when the majority vote for a law which constrains individuals or takes away any of their freedom of person or property it will only be for a good reason.⁶

Cabinet procedures require consideration of legislative quality matters in the context of regulatory impact analysis to ensure the costs and benefits of proposals are properly weighted.⁷ Explanatory notes for bills now include information about how regulatory impact statements may be obtained.

The Government has also directed that disclosure statements be prepared for all Government bills, Supplementary Order Papers, and disallowable instruments to help ensure the production of legislation that is robust and consistent with good legislative practice.⁸ Disclosure statements must cover the quality assurance work undertaken to test the content of the legislation, and any significant or unusual provisions in the legislation.⁹ The Government announced last year that it intended to introduce a bill to establish disclosure statements as a legislative requirement, and this policy was reflected in the Legislation Amendment Bill introduced on 20 May 2014.¹⁰

We consider that disclosure statements provide an initial basis for select committees, when examining bills, to consider whether principles of good legislative practice have been followed in the drafting. We encourage select committees to examine legislative quality issues, with a particular focus on matters of constitutional and administrative law, when preparing their reports on bills. This would encourage policy-makers to give more thought to legislative quality during the policy development process, and would align with the Government's proposal in the Legislation Amendment Bill for more disclosure of legislative quality matters.

⁶ Legislation Advisory Committee, *Guidelines on Process and Content of Legislation* (2001 edition and amendments <www.justice.govt.nz/lac/> accessed 20 May 2014), p. 46.

⁷ Cabinet Office, *Cabinet Manual 2008* (as amended), para. [7.23]; *CabGuide* <http://cabguide.cabinetoffice.govt.nz/procedures/regulatory-impact-analysis>.

⁸ Cabinet Office Circular, "Disclosure Requirements for Government Legislation"(4 July 2013) CO (13)3, para. [2].

⁹ *Ibid.*, para. [8].

¹⁰ *Ibid.*; Legislation Amendment Bill (213–1) (20 May 2014), Part 2.

We note that the Office of the Clerk has advised us that it is working to enhance its support for scrutiny to improve legislative outcomes, and will provide more analytical support to members in carrying out this work.

New Zealand Bill of Rights

We considered advice and a number of submissions on the House's responsibility to consider matters with Bill of Rights implications during the legislative process. A distinctive feature of the New Zealand Bill of Rights Act 1990 (NZBORA) is that it imposes a statutory obligation on the House. Section 3(a) of the NZBORA declares that the Bill of Rights applies to acts done "by the legislative, executive, or judicial branches of the Government of New Zealand". The legislature is enjoined by section 5 of the NZBORA to subject the rights and freedoms in the Bill of Rights "only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society". To facilitate the legislature's consideration of such matters, section 7 of the NZBORA requires the Attorney-General to indicate to the House when a bill is introduced that appears to be inconsistent with the Bill of Rights.

Disclosure statements

Notably, the previous Standing Orders Committee recommended to the Government that Cabinet guidelines should require Bill of Rights reporting on substantive Supplementary Order Papers.¹¹ We are pleased that this has been reflected in the development of requirements for disclosure statements on Government amendments that involve material policy changes.¹²

Some disclosure statements include information about whether advice has been provided to the Attorney-General about the limitation of rights under the NZBORA. Amendments that are judged not to be material policy changes, but which have particular legislative features, require the provision of "short-form" disclosure statements.

We note that short-form disclosure statements do not directly address the question of whether advice has been provided about possible inconsistencies with the NZBORA. We suggest that the committee examining the Legislation Amendment Bill should consider whether NZBORA matters should be addressed as a standard feature of all disclosure statements.

Disclosure statements are made available on the Legislation website¹³ and we encourage committees and members to utilise the material provided, both in committee consideration and in debate. We recommend that the Clerk of the House ensure that this material is available to members in the Chamber and through the electronic committee information system. We will watch these developments with interest.

Enabling members to judge whether limitations are justified

In 1999, two bills were passed that gave rise to criticisms by the courts of the inadequacy of Parliament's scrutiny of amendments for consistency with the NZBORA.¹⁴ In particular,

¹¹ Standing Orders Committee, *Review of Standing Orders* (27 September 2011), [2008–2011] AJHR I.18B, p. 37.

¹² Cabinet Office Circular, "Disclosure Requirements for Government Legislation", (4 July 2013) CO (13)3.

¹³ www.legislation.govt.nz.

¹⁴ The Crimes (Home Invasion) Amendment Bill and the Criminal Justice Amendment Bill (No 6) included provisions to implement the "home invasion" amendments to the Crimes Act 1961 and the Criminal Justice Act 1985.

the Chief Justice expressed concern about the passage of the amendments, stating that “It is inconceivable that Parliament would have acted so casually had it appreciated the implications”.¹⁵

Such cases demonstrate the risk to the relationship between Parliament and the courts that can arise if legislation is passed without the House being informed of Bill of Rights matters at different stages of the parliamentary process. However, it should be noted that the amendment that gave rise to the above inconsistency was not a Government amendment, and therefore would not have been subject to a disclosure statement.

The ordering of civil society requires Parliament to enact legislation that limits or affects rights, and the New Zealand Bill of Rights Act 1990 does not prevent this. However, the legislature is obliged by section 5 of the Act to make rights subject “only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society”. To meet this obligation, the House should ensure that members are equipped to make an informed judgment when a question arises as to whether a limitation of rights meets this important test.

We consider that papers presented by the Attorney-General under section 7 of the NZBORA should receive detailed consideration by being referred automatically to select committees. We encourage committees to invite officials or Ministers to assist them in their consideration of these issues. As discussed previously, we also urge committees to address broader legislative quality matters that are drawn to their attention.

The increased emphasis on legislative quality matters that is manifest in the Legislation Amendment Bill and the publication of disclosure statements on substantive Government amendments will facilitate the provision of information to members about potential rights implications of Supplementary Order Papers.

Some of us consider that the Attorney-General should examine amendments proposed to be moved in a committee of the whole House, and present papers where it appears that amendments raise inconsistencies with the NZBORA. Others of us are concerned about the implications that further reporting requirements for the Attorney-General could have in terms of the collective responsibility of Ministers.

We acknowledge that there is no guarantee that committees will address inconsistencies identified by the Attorney-General, or that inconsistencies would be dealt with even if raised later in the legislative process. We suggest that future reviews of the Standing Orders consider how developments have contributed to the House’s scrutiny of legislation. The House should provide mechanisms for these issues to be duly considered, so that the decision as to whether a limitation of rights is demonstrably justified is taken as a conscious exercise of the collective political and moral judgment of members.

Amendment 10

Amend the Standing Orders to provide that a paper presented by the Attorney-General about the inconsistency of a provision with the New Zealand Bill of Rights Act 1990 stands referred to a select committee for consideration.

¹⁵ *R v Pora* [2001] 2 NZLR 37.

Revision bills

The Legislation Act 2012 empowers the Parliamentary Counsel Office to prepare revision bills that “revise the whole or part of one or more Acts, and for that purpose combine or divide Acts or parts of Acts”. While revision bills will usually create new principal Acts, there is some limited potential for them to make amendments to adjust the wording of other principal Acts, and therefore to become in effect omnibus bills. In this instance, they could potentially be introduced under Standing Order 260(a), as they could be regarded as implementing a single broad policy (the revision of the statutes concerned).

House procedure

We consider that the narrow purpose of revision bills and the restrained pre-introductory process justifies a procedure to ensure that revision bills do not unduly occupy the Government’s time in the House. However, this consideration must be balanced by regard for proper process and scrutiny.

We endorse a streamlined procedure to enable the House to pass revision bills more quickly. Under this procedure, a certified revision bill would

- be read a first time without debate and stand referred to a select committee nominated in the explanatory note
- be considered by a subject select committee
- be debated only at the second reading
- have a committee stage only when the Minister in charge of the bill required an amendment to be considered or a member gave notice of an admissible amendment, and only for the consideration of that amendment
- be read a third time without debate.

Once a revision bill was reported from a select committee, the Business Committee would consider its passage, determining

- the number and length of calls for the second reading debate
- whether the order of the day for the second reading should be considered during an extended sitting
- if necessary, how the committee of the whole House would consider any proposed amendments, the length of time for the committee stage, or the number of calls and their allocation
- whether the third reading should be held forthwith, following the second reading or the committee stage, or should be delayed to take account of other bills requiring assent and the time necessary to prepare the assent copies of the bill.

Such a procedure would facilitate the passage of a revision bill, as it would allow amendments recommended by a select committee to be properly adopted, and provide a safety net should further amendments seem necessary. The procedure would allow the Government to retain its control over the sequence of Government orders of the day on the Order Paper. It would also provide for agreement to be reached, by near unanimity, on the use of extended sittings for the consideration of revision bills, and on the time to be spent on any debates.

We acknowledge concern expressed by the Parliamentary Counsel Office that delays arising from the debate of revision bills could affect the timely passage of the legislation, and thus

the delivery of the revision bill programme. However, the use of extended sittings for the consideration of non-controversial bills has proved particularly successful. We encourage the Business Committee to take a constructive approach to ensuring revision bills are passed in good time, because of the public interests that they serve.

Scope of revision bills

At the point of introduction the content of a revision bill is tightly constrained under the Legislation Act 2012, but the House may nevertheless amend a revision bill for any purpose.¹⁶ However, the previous Standing Orders Committee expressed a strong view that the scope of revision bills should be very narrow:

While the House is not prevented from amending a revision bill in any way, amendments proposed will need to be relevant to the bill. A revision bill is one that restates the existing law and may clarify its intent. Its scope is limited to that purpose. Amendments that are relevant to that purpose would be admissible, but amendments that go beyond that purpose, for instance, that significantly change the effect of the law, may be outside the scope of a revision bill. Such an amendment would require an instruction from the House. This would effectively limit the nature of amendments that committees could make and militate against the temptation to bring in new policy considerations.¹⁷

We would like to reiterate this view; adopting this rule would prevent committees, of their own initiative, recommending or adopting amendments that would stray significantly from the revision powers set out in section 31 of the Act. The restricted remit of this process should be explained in advertisements calling for submissions to reduce the prospect of attracting substantive proposals about policy matters that committees would be powerless to implement.

Amendment 11

Amend the Standing Orders to set out a streamlined procedure for revision bills.

Confirmation and validation bills

Towards the end of each calendar year, the House considers a Subordinate Legislation (Confirmation and Validation) Bill. The main purpose of these bills is to confirm, or in some cases confirm and validate, certain pieces of subordinate legislation that, by virtue of the Acts under which they are made, will lapse unless confirmed or validated by an Act of Parliament.

The Regulations Review Committee noted that the time available for the committee to consider Subordinate Legislation (Confirmation and Validation) bills each year is problematic. The bills must, under the statutory deadlines, be passed before the end of the calendar year, otherwise a number of instruments could lapse. The timing of the introduction of Subordinate Legislation (Confirmation and Validation) bills, combined with the end-of-year deadline, results in a limited time for select committee consideration. In particular, the Regulations Review Committee considers that the tight timeframe restricts its ability to obtain evidence or to seek opinions from other select committees.

¹⁶ Legislation Act 2012, section 34(2).

¹⁷ Standing Orders Committee *Review of Standing Orders* (27 September 2011) [2008–2011] AJHR I18A at 39.

Streamlining of House procedure

The Regulations Review Committee suggested establishing a streamlined procedure for the House's consideration of Subordinate Legislation (Confirmation and Validation) bills, along similar lines to the procedure proposed for revision bills. The rationale for this suggestion is that as much of the time as possible should be devoted to select committee consideration, as it is the more effective means of scrutinising this type of legislation.

We agree with the committee's views, but consider that the streamlined process should not be triggered if a bill includes provisions that make substantial validations of illegal regulations and related actions. Instead of precluding Subordinate Legislation (Confirmation and Validation) bills from incorporating substantial validations of this sort, we suggest that the streamlined procedure be associated with a **confirmation and validation bill**. This term would be defined in descriptive terms as any bill whose purpose is limited to the confirmation or validation of regulations that will lapse unless confirmed or validated by an Act of Parliament. In this context, "confirmation" and "validation" are largely synonymous, but the phrase "confirm and validate" is used in some older statutes and it is intended that the word "validate" should be covered when used in this limited sense.

We suggest the following procedure for a confirmation and validation bill:

- Set the bill down for its first reading without debate.
- When the bill is read a first time, it automatically stands referred to the Regulations Review Committee.
- Debate the bill's second reading in the usual way.
- Set the bill down for consideration in a committee of the whole House only if the Minister in charge requires an amendment to be considered, or if a member lodges an amendment with at least 24 hours' notice before the time that the House meets on the day on which the bill is read a second time.
- The bill is taken for its third reading without debate.

Like revision bills, confirmation and validation bills would be appropriate business for consideration during extended sittings. We expect members to work cooperatively and constructively to ensure that these bills do not remain on the Order Paper unduly or take up too much House time.

Amendment 12

Adopt a new Standing Order to permit a streamlined legislative process for confirmation and validation bills.

Define a **confirmation and validation bill** as any bill whose purpose is limited to the confirmation or validation of regulations that will lapse unless confirmed or validated by an Act of Parliament.

Delegated legislation

At present, Standing Order 3 defines regulations by reference to the Regulations (Disallowance) Act 1989. However that Act was repealed by the Legislation Act 2012. The Legislation Act 2012 does not include a definition of "regulations", but instead refers to "disallowable instruments" and "legislative instruments".

We consider that the term “regulations” is the term best understood by the public to refer to such instruments, and should therefore be retained in the Standing Orders. Regulations should be defined broadly to mean any delegated legislation, including legislative instruments and disallowable instruments within the meaning of the Legislation Act 2012.¹⁸ Such a definition would provide the Regulations Review Committee with a broad jurisdiction that would be consistent with its existing discretion to decide the precise boundaries of its jurisdiction case by case.

However, any motion by a member of the Regulations Review Committee to disallow an instrument may be lodged only in respect of a “disallowable instrument” as referred to in section 43(1) of the Legislation Act 2012. The Act’s provisions are referred to in this situation because the process of disallowance has legal effect only by virtue of the law.¹⁹

Amendment 13

Continue to refer to “regulations” in the Standing Orders.

Define **regulations** broadly as meaning any delegated legislation, including legislative instruments and disallowable instruments within the meaning of the Legislation Act 2012.

Omit Standing Order 314(3)(b).

Update Standing Order 317 to refer to any notice of a motion to which section 43(1) of the Legislation Act 2012 applies.

Amend Standing Order 315(2) by replacing “statute” with “enactment” wherever it occurs.

Introduction under urgency

The Māori Party proposed amending Standing Order 281(3), which allows urgency to be accorded to the first reading of a bill despite the bill not being available to be set down for first reading. The Māori Party recognises that some circumstances will require an urgent legislative response, but it believes the provision raises serious concerns as parties are not given the opportunity for an informed and adequate response to the proposed legislation.

This provision was added following a recommendation by the Standing Orders Committee in 2011, to encourage the Government to release bills before they are presented under urgency for their first reading. Before this provision was introduced the Government would be penalised for introducing a bill ahead of time by not being able to include it in an urgency motion until the normal stand-down period had elapsed. This usually resulted in the Government not introducing the bill until urgency had been accorded.

We note that the use of urgency has evolved over recent years, and the element of surprise features less prominently, with the exception of Budget legislation and a few other bills. In some cases the nature of the business to be accorded urgency is also set out, and urgency is often signalled in advance. For these reasons, we wish to retain Standing Order 281(3), so that urgency may be accorded to the first reading of a bill despite the bill not being available to be set down for first reading.

¹⁸ Some legislative instruments are made without requiring a delegation, such as instruments made by Royal prerogative. However, the intention is that only legislation made under powers delegated by Parliament are scrutinised on behalf of the House.

¹⁹ Legislation Act 2012, s 42.

6 Financial procedures

Financial veto

It has been suggested that the Government's financial veto be abolished. The Crown's financial veto was introduced in 1996, with the intention of replacing a number of procedural rules that prevented proposals for taxation or increases in expenditure unless they were initiated or recommended by the Crown. The change resulted from dissatisfaction that these rules were inconsistent, did not protect the Crown's overall financial position, and operated unfairly in preventing members from moving proposals that, even incidentally, involved the smallest amount of expenditure.²⁰

The financial veto procedure enables the Government to veto proposals that it considers would have "more than a minor impact" on the fiscal aggregates.²¹ The Standing Orders Committee, in recommending the procedure, recognised that the Government is responsible for the Crown's financial performance and position, and therefore needs to have control over the fiscal aggregates.

From the outset it was recognised that the financial veto procedure was "not consistent" with section 21 of the Constitution Act 1986, which required bills involving appropriations or charges on the public revenue to have the consent of the Crown. The Standing Orders Committee proposed remedying this inconsistency by repealing or modifying section 21;²² this recommendation was reiterated in 2003,²³ and section 21 was repealed in 2005.²⁴ However, this repeal does not justify the removal of the financial veto procedure—it was predicated on the procedure remaining intact.

We consider that the financial veto procedure is highly important. It recognises that Parliament, whilst being the supreme legislative body in New Zealand, exists within a constitutional framework that charges the Government of the day with the administration of the country. The Government has ultimate responsibility for the Crown's financial performance and position, and could not maintain this responsibility if fiscal decisions were to be foisted upon it. If the legislature wished to change an important aspect of government policy, without agreement from the Executive, the alternative for the House would be to change the Government, rather than attempt to force the Executive to carry out, and thus accept responsibility for, policies it does not agree with.

Use of the procedure has in fact been relatively restrained, and Governments have generally sought to muster the numbers to vote down proposals with financial implications in preference to vetoing them. For all these reasons, abolishing the veto would be highly undesirable.

²⁰ Standing Orders Committee, *Review of Standing Orders* (1995), [1993–96] AJHR I.18A, p. 61–62.

²¹ SO 321(2) and (3).

²² Standing Orders Committee, *Review of Standing Orders* (1995), [1993–96] AJHR I.18A, p. 64.

²³ Standing Orders Committee, *Review of Standing Orders* (2003), [2002–05] AJHR I.18B, p. 67.

²⁴ Constitution Amendment Act 2005, s 5.

Financial scrutiny

Changes to Public Finance Act 1989

In 2013, amendments were passed to the State Sector Act 1988 and the Public Finance Act 1989, to improve financial flexibility and performance reporting, and to facilitate innovation and different ways of working in government. The amendments specify the information that is required to be presented to Parliament regarding state-sector spending and performance. The proposed amendments to the Standing Orders take into account the following specific changes:

- The introduction of multi-category appropriations so that an entity can use an appropriation, or a category of a multi-category appropriation, administered by another department.
- A new requirement making most appropriations subject to end-of-year reporting on what has been achieved with them, rather than simply reporting what services have been provided from output expense appropriations.
- The ability to establish departmental agencies, which will produce their own reports.
- The flexibility for a number of agencies to present annual reports and statements of intent in the same document as long as each annual report is distinct.

We recommend shortening the Appropriation (Supplementary Estimates) Bill and Imprest Supply Bill debates and the debate on the Prime Minister's statement, and redirecting the time to the Budget debate and the Estimates debate, allowing more in-depth discussions of Votes. This would also enable members to participate in the debates with the benefit of their prior participation in detailed select committee scrutiny.

Improving financial scrutiny

As the changes to the Public Finance Act did not come into force until 1 July 2014, their impact is being anticipated, and a reasonably flexible approach is being suggested. We encourage members to reflect on the impact of the Act's changes on financial scrutiny during the next Parliament and, if necessary, consider future amendments to the Standing Orders.

How select committees and the House conduct financial scrutiny should be a specific focus of any future consideration. Committees already review a considerable number of entities and the changes to the Public Finance Act have the potential to result in a growth in entity reporting. There is a challenge in ensuring that the many reports of committees are adequately reflected in financial review debates. One possible measure to address this concern would be to group entities by sectors or themes to provide more focus to committee and House consideration. We consider that the Finance and Expenditure Committee's general power to allocate and group scrutiny activities is sufficient to enable the allocation of standalone reports on appropriations. We therefore recommend that Standing Order 341 be deleted.

The Finance and Expenditure Committee may consider this approach in its allocation of Votes and entities to subject select committees, while the Business Committee may arrange debates in the House along these lines. We encourage the Finance and Expenditure and Business Committees to use their existing powers in a concerted effort to improve parliamentary financial scrutiny.

Amendment 14

Increase the Budget debate from 14 hours to 15 hours.

Increase the Estimates debate from eight hours to 11 hours.

Shorten debates on the second reading of an Appropriation (Supplementary Estimates) Bill and on the second reading of an Imprest Supply Bill from three hours to two hours.

Reduce the debate on the Prime Minister's statement from 15 hours to 13 hours.

Change "financial review" to "annual review" everywhere the term occurs in the Standing Orders.

Delete Standing Order 341.

Statement on long-term fiscal position

The statement on the long-term fiscal position is a significant accountability document, addressing the fiscal position over the next 40 years. While the statement stands referred to the Finance and Expenditure Committee, the committee is not required to report on it. Nor is there provision for an automatic debate on any committee report on the statement.

Financial scrutiny at present focuses on just one year's activities. A committee report, and debate, focused on the statement would encourage consideration of the long-term economic picture, and members would be able to take the knowledge they gain from such a debate into account during annually-focused scrutiny. As the statement is produced only once in each term of Parliament, allowing a committee report on the statement to be debated in a similar way to the report on the Budget policy statement would not significantly affect House time. This procedure would improve the House's scrutiny of the Government's long-term approach.

Amendment 15

Require the Finance and Expenditure Committee to report on the Statement on long-term fiscal position (with a report date of six months from referral of the statement), and for the statement to be debated in the House in a similar way to the Budget policy statement.

Investment statement

In 2010, the Government produced an *Investment Statement of the Government of New Zealand*.²⁵ The investment statement describes and states the value of the Crown's significant assets, changes to them, and forecast changes over the next two years. The Finance and Expenditure Committee of the 49th Parliament, using its inquiry function, examined the investment statement and reported on it to the House. In its report, the committee noted that

We consider this new document an important addition to the Government's disclosure documents. It contributes usefully to a clearer picture of the country's financial position, and of the thinking underlying the Government's strategy for Budget 2011 and beyond.²⁶

²⁵ [2008–2011] Parliamentary Papers B.8.

²⁶ Finance and Expenditure Committee, *Budget policy statement 2011, Half-year economic and fiscal update 2010, and Inquiry into the 2010 Investment Statement of the Government of New Zealand* (1 March 2011), [2008–2011] AJHR I.3Q, p. 6.

The Public Finance Act 1989 now requires the Government to present an investment statement to the House from 2017, and at least once every four years thereafter.²⁷ Given the important role the investment statement plays in providing a complete picture of the financial position, it would be desirable to formalise its examination by the Finance and Expenditure Committee. As the investment statement is expected to be produced only once each Parliament, towards the end of its duration, a report date of two months from presentation should enable the committee to report within the same Parliament.

The important long-term implications of the investment statement would justify the setting aside of House time to debate the statement once each term of Parliament, as proposed for the statement on the long-term fiscal position.

Amendment 16

Provide for the investment statement to stand referred to the Finance and Expenditure Committee for examination and report within two months of the date of presentation, and for the investment statement to be debated in the House in a similar way to the Budget policy statement.

Entities eligible for review

The State Sector Act 1988 and Public Finance Act 1989 were amended during the 50th term of Parliament, providing for the establishment of a new type of entity, a departmental agency. Departmental agencies would typically undertake operational functions on behalf of a host government department and are subject to similar reporting requirements to departments. While none have yet been established, a new agency should be subject to the same parliamentary scrutiny as departments; for example, it should become eligible for annual review on presentation of its annual report to the House, and its annual review allocated to a subject select committee by the Finance and Expenditure Committee. We therefore recommend a minor amendment to the definition of **department** in the Standing Orders to bring departmental agencies within the scope of annual reviews by select committees.

Select committees also conduct annual reviews of Crown entities, public organisations, and State enterprises under Standing Order 339. Schedule 4A of the Public Finance Act lists a number of non-listed companies in which the Crown is a majority or sole shareholder. Examples include Crown Asset Management Limited and Health Benefits Limited. Although many of the powers and obligations of Crown entities apply to these companies, they are not currently eligible for annual review as they are not listed in Schedule 1 or 2 of the Crown Entities Act 2004. Consequently, we recommend a minor amendment to the definition of **Crown entity** in the Standing Orders to bring Schedule 4A entities within the scope of annual reviews by select committees.

Emphasis on coherent grouping of reviews

We recommend that the approach to conducting annual reviews should be to group reviews where possible, so that committees are not overwhelmed by a vast plethora of organisations to scrutinise. For example, a departmental agency should not necessarily be subject to the same accountability arrangements as its host department. While a departmental agency might be separately allocated, it is just as likely that a departmental

²⁷ Public Finance Act 1989, s 26NA.

agency will be allocated with its host department as part of a package of reviews that will be reported together and potentially debated together. Similarly, reports on appropriations may well also be included in groupings to provide a coherent picture of the results of spending within a sector.

We consider that this is a matter for the Finance and Expenditure Committee to decide on a case-by-case basis when it allocates reviews. The committee to which each group of entities is allocated also has discretion about how it should target its efforts, and committees will continue to receive advice in this regard from the Office of the Controller and Auditor-General.

Amendment 17

Amend the definition of **department** in Standing Order 3 to read, “means a department or departmental agency within the meaning of the Public Finance Act 1989”.

Amend the definition of **Crown entity** in Standing Order 3 to read, “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”.

Appropriation (Financial Review) Bill

Standing Orders 342 to 344 and Appendix A currently refer to the Appropriation (Financial Review) Bill. This bill is the House’s vehicle to consider the results of select committee scrutiny of the performance and current operations of the Government and departments.²⁸ It has been proposed that the bill be renamed the “Appropriation (Annual Review) Bill” to align with the change in terminology from “financial review” to “annual review” elsewhere in the Standing Orders.

The Treasury has suggested that a more appropriate and accurate name would be the “Appropriation (Confirmation and Validation) Bill”. This would reflect more clearly the intent and scope of the bill, as set out in Standing Order 342(1), which states that it contains “provisions solely concerned with the confirming or validating of expenditure incurred in respect of any previous financial year.”

Amendment 18

Replace “Appropriation (Financial Review) Bill” with “Appropriation (Confirmation and Validation) Bill” in all places in which the term appears in the Standing Orders.

²⁸ David McGee, *Parliamentary Practice in New Zealand* (3rd edition, Dunmore, Wellington, 2005), p. 514.

7 Non-legislative procedures

Petitions and online engagement

Submissions proposed detailing in the Standing Orders the procedure for select committees to follow when considering petitions. In particular it was suggested that petitioners automatically be required to make submissions, without selective individual invitation from committees. An automatic process for seeking submissions and hearing petitioners could be considered, but this should be done cautiously as trends in petitioning behaviour can change dramatically. For example, whilst so far in the 50th term of Parliament fewer than 150 petitions have been lodged; during the 43rd Parliament 3,670 petitions were lodged.

We believe that the presumption should be that principal petitioners will be invited to make written submissions on their petitions; but if a committee is dealing with a large number of petitions it is up to the committee to determine whether to invite written submissions and whether to hear from each petitioner. It could also revive the practice of promoting many petitions on the same topic, rather than obtaining as many signatures as possible for a single petition. Ideally, committees should include some reasoning in their reports on petitions; presenting pro-forma reports with little content should be uncommon.

e-Petitions

We were advised that the electronic submission of petitions has been implemented in other jurisdictions with varying success, and in some cases the subject matter of popular petitions has been trivial or a matter over which a legislature has no influence. Concern has been raised that e-petitions create expectations of action that is unlikely to eventuate, leading to disenchantment with the process.

We understand that the immediacy of social media campaigns and petitions can have a powerful impact on policy debates, and we see merit in considering how e-petitions might work effectively in the New Zealand context. At present we have a paper-based petition system, and an electronic system that mirrors the existing system would improve the accessibility of this particular parliamentary process. Clear guidelines would still be needed as to the topics a petition could cover, and each petition would still require sponsorship by a member of Parliament, to guard against the risk of frivolous or vexatious petitions.

Most of us do not favour a signature threshold to trigger special consideration of a petition, as the subject matter of a petition signed by a few people may be just as worthy of the House's consideration as one signed by many thousands. We therefore propose maintaining the existing system, while investigating how the process for submitting a petition might be made more accessible for people. A useful comparison could be made with the Queensland Parliament, which operates parallel paper and electronic petition systems.

Promoting online engagement with representative democracy

Public engagement is crucial to keeping Parliament relevant. We acknowledge that tensions between representative democracy and direct democracy have emerged, particularly

regarding the considerable potential offered by technology and social media to harness direct popular engagement in public policy.

New Zealand has a statutory process for the public to have its say on certain issues—the Citizens Initiated Referenda Act 1993. However, the procedure for triggering a referendum is time-consuming and costly, and the threshold is difficult to achieve. The end result of a successful petition is a referendum that is non-binding on the Government and involves electors simply answering “yes” or “no” to a specific question.

A referendum on a specific question may provide a broad indication of how the public feels on a particular issue, but it limits the opportunity for nuanced debate and the balancing of competing interests. We envisage that in the future the public could be able to engage with their representatives via electronic channels, with controls in place to ensure systems were not open to manipulation. An online petition process might support the introduction of a bill, or the holding of a debate on a particular matter sponsored by a member.

Written questions

We note that frequently Ministers do not meet the sixth-working-day deadline in responding to written questions; when this happens, the practice is for interim replies to be given stating that the question will be answered as soon as possible.

The Green Party’s submission included examples of substantive answers not being received for many questions, or being unacceptably delayed, after interim replies were received. The Green Party argued that this process has been abused, and proposed tighter rules to ensure Ministers respond substantively to written questions in the allocated time.

Interim replies

Interim replies can be used when considerable research needs to be undertaken to prepare an answer, but should not be used simply because the Minister’s office has a large number of replies to deal with on the same day.²⁹ If an interim reply is lodged, Ministers are obliged to follow up with a full reply as soon as possible thereafter.³⁰ Technically, interim replies are the replies in terms of the Standing Orders, and the full reply is a direct communication between the Minister and member concerned.³¹ The Speaker will not intervene regarding the content of replies, except in some cases when a point of order is raised about compliance with the Standing Orders.³²

We suggest an alternative approach to increase the accountability of Ministers. The practice for replies would be adjusted so that an interim reply is provided when a question cannot be answered on time; the interim reply is not regarded as meeting the requirements of the Standing Orders, and in effect the question remains unanswered. An interim reply should include a reason for an answer not being available and be published in the Questions for Written Answer system. The final reply is then lodged and made available through the system in the normal way, including the dates on which the question was asked and answered, and the reason for the delay, as stated in the interim reply.

²⁹ (2000) 582 NZPD 1162 (Hunt) (SR 180/2).

³⁰ (1995) 547 NZPD 7195 (Tapsell) (SR 180/1(2)).

³¹ (1995) 546 NZPD 6366–67 (Tapsell) (SR 180/1(1)).

³² (1983) 450 NZPD 388 (Harrison) (SR 181/3(1)).

This practice would mean the actual time taken to reply to questions would be public knowledge, along with the Minister's explanation; this would enable the public to judge the performance of Ministers in answering questions.

Amendment 19

Adjust the practice for written questions so that interim replies may be received, but are not regarded as replies for the purposes of the Standing Orders, and the time taken for final replies, and the reasons for delay, are made public.

Set-topic debates

Submitters felt that the general debate serves little parliamentary purpose, and proposed retaining it in every second sitting week, with the alternate time slots allocated to a debate on a specific issue or policy area. It was suggested that the Business Committee could determine the topics, or this could be done proportionally by parties or select committees.

We would welcome opportunities to debate select committee inquiry reports or topics of special interest to members. However, we value the general debate as an opportunity for members to raise issues of importance to them and their constituents. The Business Committee can already arrange set-topic debates, as occurred, for example, in the case of a report on an inquiry by the Health Committee that garnered cross-party support.³³ A three-hour debate was also held to mark a Pacific Parliamentary Forum being held in Wellington.³⁴

While it is pleasing to see the Business Committee using its powers to arrange such debates, we believe that it could make greater use of them. The debate on the Pacific Parliamentary Forum was determined by the committee as part of cross-party negotiations required for an extended sitting. Extended sittings provide good opportunities for extra House time, some of which could be accorded to set-topic debates, rather than their taking place instead of the general debate. We encourage the Business Committee to be creative in how it arranges debates and sittings. We also encourage members to write to the committee with proposals for suitable set-topic debates, for example select committee chairpersons suggesting a debate on an inquiry report.

³³ Health Committee, *Inquiry into improving child health outcomes and preventing child abuse, with a focus from preconception until three years of age* (18 November 2013), [2011–2014] AJHR I.6A; debated at the extended sitting of 10 December 2013 ([2011–2014] JHR 748) following a determination of the Business Committee (4 December 2013).

³⁴ (18 April 2013)[2011–2014] JHR 461. The debate was held on a Thursday afternoon after an extended sitting that morning to progress Government business, following determinations of the Business Committee (13 February and 10 April 2013).

8 Appendices to the Standing Orders

Appendix B—Pecuniary and Other Specified Interests

We were pleased to receive a submission from Sir Maarten Wevers, Registrar of Pecuniary and Other Specified Interests of Members of Parliament. Sir Maarten recommended replacing clause 1 with a detailed clause setting out the purpose of the register, to provide valuable guidance to electors, members, and the Registrar as new or unforeseen situations might arise. Sir Maarten believed that it would also highlight the role of the register in building public trust and confidence in the conduct of members, parliamentary processes, and decision-making by promoting transparency and accountability, while encouraging high standards of behaviour by members.

Amendment 20

Replace clause 1 with a new clause setting out that the purpose of the register is to facilitate the transaction of business by the House by promoting the highest standards of behaviour and conduct by members, and thereby strengthening public trust and confidence in parliamentary processes and decision-making.

Trustee relationships

At present, clause 5(1)(d) of Appendix B requires members to declare the name of any trust of which they are a trustee or beneficiary. Members are not required to specify whether they are a trustee, beneficiary, or both. There is a substantial difference between a member's being a trustee or a beneficiary, as a trustee is the holder of property at law, but cannot benefit from the trust property unless he or she is a beneficiary.

Amendment 21

Require members to specify whether they are a beneficiary or trustee (or both) of any trust they have declared in the register.

Real property held in personal superannuation schemes

Sir Maarten drew our attention to the inconsistency in the way the Standing Orders currently treat property held in trusts, which must be declared, and property held by superannuation trusts, which is not required to be declared. We consider that members belonging to large-scale public superannuation schemes should be required to declare the names of the schemes, but not the real property or other assets held in such schemes. This is because members could not be expected to know precisely the property held in large, diverse superannuation portfolios, and to collate such information would be burdensome. Further, members of such schemes have no decision-making powers or influence over investment decisions such as the purchase of real property by the schemes.

On the other hand a superannuation scheme that is not open to the general public and that has been established as a trust particularly for the benefit of the member of Parliament should be treated differently; a member should be required to declare in the register their beneficial interest in the real property held by the scheme.

Amendment 22

Amend clause 5(1) to require any member who belongs to a registered superannuation scheme established for his or her benefit to declare any real property held in that superannuation scheme.

Unit trusts

The Registrar sought external legal advice on the need to disclose interests in unit trusts and their assets. The advice stated that the law does not differentiate between a unit trust and any other trust. Therefore, it is our view that holders of units in a unit trust are beneficiaries of the unit trust, and the name of the trust should be declared in the register.

On a similar note, holding an interest in a unit trust should not require real property held by a unit trust to be declared, as holders of interests in unit trusts delegate investment decisions to the managers of such trusts.

Amendment 23

Amend the definition of **business entity** in clause 2, and amend clause 5(1), to clarify that members declaring an interest in a unit trust do not have to declare the real property or other property of the unit trust.

Description of real property

Sir Maarten noted that the current requirement for each parcel of land to be identified can be unduly onerous in cases where a piece of land comprises several different titles. He proposed that members should be required to declare the description and location of any real property in which a member has a beneficial interest and the description and location of any trust-owned real property in which a member has a beneficial interest, except for real property held by a unit trust, or by a registered superannuation scheme that is open to the public.

Amendment 24

Amend clause 5(1) to simplify the wording for the declaration of real property.

Definition of “gift”

Recently the matter of funding pledges offered to members who are seeking political office within their party has arisen. We consider it desirable to amend the definition of **gift** to make it clear that members must declare any donation received unless it has already been declared under the provisions of the Electoral Act 1993.

We also consider that the threshold, currently \$500, should be automatically reviewed every three years, as part of the Review of Standing Orders.

Amendment 25

Amend the definition of **gift** in clause 8(3) to clarify that it includes donations in cash or kind, other than donations disclosed under Part 6A of the Electoral Act 1993.

Multiple gifts from the same donor

Sir Maarten was concerned that the \$500 threshold for the declaration of gifts may not deal adequately with a series of gifts of lesser monetary value, such as a number of dinners or cases or bottles of wine, which cumulatively provide a benefit to the member, or may be perceived as intended to gain influence. To alleviate this concern, we agree that members should be required to declare any gifts below the \$500 threshold that have been received from the same donor over the period covered by the return, if the cumulative value of the gifts exceeds \$500.

The intention is for members to declare gifts that cumulatively have a value of more than \$500 while each having a value of less than that amount. Individual gifts with a value of more than \$500 are declared separately.

Amendment 26

Amend clause 8(1)(b) to require members to declare the gifts and the name of the donor, when gifts are received from the same donor in the same year that cumulatively exceed the \$500 threshold, excluding the value of gifts worth more than \$500, which are declared separately.

Overseas travel costs

Clause 8(2)(e) of Appendix B states that travel contributions do not need to be declared if the primary purpose of the travel was in connection with an official parliamentary visit, and the contribution was received from any government, parliament, or international parliamentary organisation. However, if a third party, such as a foreign national, sub-national government, international organisation, educational or research institution, private entity, labour union, media organisation, or non-governmental organisation contributes to a Minister's travel or accommodation expenses, this should be declared in the register.

We believe the provision for the declaration of overseas travel costs, and what is meant by "official parliamentary visit", needs clarifying—only members participating in the official inter-parliamentary relations programme are exempt from the disclosure requirements. This programme is approved by the Speaker and is for members, rather than Ministers.

Amendment 27

Amend clause 8(2)(e) to clarify that members must declare contributors to overseas travel unless they are participating in the official inter-parliamentary relations programme funded by the Office of the Clerk.

Discharged debts

We were made aware of a present inconsistency whereby members do not have to disclose gifts over \$500 from close family members, but if a close family member discharges a debt of over \$500 for a member, for example by paying off a credit card balance, then this is declarable under the current rules. We consider that there is little public interest served by requiring members to declare debts discharged by close family members.

Amendment 28

Amend Appendix B by inserting a new clause 8(3A) to provide that, 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).

Report of Registrar of Pecuniary and Other Specified Interests

The Registrar of Pecuniary and Other Specified Interests may report to the House under the Registrar's inquiry function, but the mechanism for such a report is not specified. In particular, the Standing Orders do not explicitly state that a report of the Registrar is published under the authority of the House, meaning that it would require an order of the House to obtain the legal protection that applies to parliamentary papers. The Registrar recently presented the first inquiry report to the House and the Speaker designated it a parliamentary paper under the authority provided for in Standing Order 369. It would be desirable for Appendix B to explicitly state that a report of the Registrar is published under the authority of the House.

Amendment 29

Amend Appendix B by inserting a new clause 16(9) stating that a report by the Registrar is presented by the Speaker to the House and published under the authority of the House.

Updating reference to legislation

Clause 8(1)(d) currently refers to the Civil List Act 1979, which has now been repealed and replaced with the Members of Parliament (Remuneration and Services) Act 2013. Therefore, the Standing Orders need to be updated to reflect this change in legislation.

Amendment 30

Amend clause 8(1)(d) of Appendix B to reflect the passage of the Members of Parliament (Remuneration and Services) Act 2013 and the repeal of the Civil List Act 1979.

Part 2—Recommended amendments to the Standing Orders



STANDING ORDERS OF THE HOUSE OF REPRESENTATIVES

Amendments recommended by the
Standing Orders Committee

July 2014

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

The Standing Orders will be fully 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,—

...

Crown entity means ~~a statutory entity or a Crown entity company~~ 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

Amendment 17

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

Amendment 17

...

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

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

Amendment 13

...

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
- (ab) if ANZAC Day or Waitangi Day falls on a Saturday or Sunday, the following Monday, and

Amendment 1

...

- (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.

Amendment 3

...

OPENING OF PARLIAMENT

...

13 ~~Further provision for Swearing-in of members~~

...

PARTIES**34 Recognition of parties**

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

Amendment 4

- (2A) If a party that has been recognised as a party for parliamentary purposes ceases to be registered under Part 4 of the Electoral Act 1993, the Speaker may continue to recognise that party for parliamentary purposes on a temporary basis, for a reasonable period. A party that ceases to be recognised as a party for parliamentary purposes may subsequently be recognised only as a new party under paragraph (2)(b) or as a component party under paragraph (2)(c).

Amendment 4

...

CHAPTER 2

SITTINGS OF THE HOUSE

SEATING AND ATTENDANCE AND ABSENCE

37 Seating

Amendment 5

- (1) ~~As far as practicable, each party occupies a block of seats in the Chamber.~~
- (2) ~~The Speaker decides any dispute as to the seats to be occupied.~~

37A Attendance

Amendment 5

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

37B Permission to be absent from the House

Amendment 5

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

37C Absence from the House

Amendment 5

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

...

SITTINGS

...

51 Interruption deferred when vote in progress

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

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

...

56A Business transacted after urgency accorded

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

(Shifted from
SO 59)

Amendment 6

...

58 Effect of extraordinary urgency

...

- (2) Whenever extraordinary urgency has been accorded,—
 - (a) a sitting which has been extended is suspended between 8 am and 9 am, 1 pm and 2 pm, and 6 pm and 7 pm, and
 - (b) on a Saturday, the provisions of Standing Order 46 apply, and
 - (c) the transaction of business is subject to Standing Order 56A.

~~59 No other business except with leave~~

~~Except where otherwise provided, whenever urgency or extraordinary urgency has been entered upon, no business, other than the business for which the urgency was accorded, may be transacted by the House except with leave.~~

(Shifted to
SO 56A)

BUSINESS OF THE HOUSE

...

64 General business

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

...

BUSINESS COMMITTEE

...

77 Business of House

The Business Committee may determine—

- (aa) that a minor adjustment is to be made to the hours of a specified sitting day;

Amendment 7

...

STATE OCCASIONS

79A State occasions

Amendment 2

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

CHAPTER 3 GENERAL PROCEDURES

MAINTENANCE OF ORDER

...

83 Members to be seated

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

Amendment 5

...

86 Disorderly conduct

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

...

92 ~~Rights forfeited by suspended member~~ Effect of suspension

Amendment 5

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

...

RULES OF DEBATE

...

105 ~~Speeches in English or Māori Languages~~

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

Amendment 8

...

PUTTING THE QUESTION

...

140 Procedure for party vote

...

- ~~(3) Any member absent from the parliamentary precincts—~~
- ~~(a) attending a meeting of a select committee held outside the Wellington area with the agreement of the House or the Business Committee, or~~
 - ~~(b) on official parliamentary travel funded by the Office of the Clerk, or~~
 - ~~(c) attending other official business approved by the Business Committee—~~
- ~~is regarded as present for the purposes of paragraph (1)(c).~~

Amendment 5

...

152 Casting of proxy vote

...

- (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, ~~but at least one proxy may be exercised for a party.~~
- (2A) 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 37B(1).
- (3) In the case of a party vote, proxy votes may be exercised for a party consisting of ~~two to~~ 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 37B(1).
- ~~(4) In the case of a party vote, a proxy may be exercised for a party consisting of one member and for any Independent member only if the member concerned is—~~
- ~~(a) present within the parliamentary precincts, or~~
 - ~~(b) absent from the parliamentary precincts attending a meeting of a select committee held outside the Wellington area with the agreement of the House or the Business Committee, or~~
 - ~~(c) absent from the parliamentary precincts attending other official business approved by the Business Committee, or~~
 - ~~(d) absent from the parliamentary precincts with the permission of the Speaker granted—~~
 - ~~(i) for illness or other family cause of a personal nature, or~~
 - ~~(ii) to enable the member to attend to other public business (whether in New Zealand or overseas).~~
- (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.

Amendment 5

Amendment 5

Amendment 9

...

RESPONSES

156 Application for response

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

...

157 Consideration by Speaker

...

- (2) In that consideration, the Speaker—
- (a) may confer with the person who made the ~~submission~~ application and with the member who referred to that person in the House, and
 - (b) takes account of the extent to which the reference is capable of adversely affecting, or damaging the reputation of, the person making the ~~submission~~ application.

...

CHAPTER 4

SELECT COMMITTEES

...

SUBJECT SELECT COMMITTEES

186 Functions of subject select committees

- (1) The subject select committees specified in Standing Order 185 consider and report to the House on the following types of business referred by the House or otherwise under the Standing Orders:
- (a) bills:
 - (b) petitions:
 - (c) ~~financial reviews and reviews of reports on non-departmental appropriations~~ annual reviews:
 - (d) Estimates:
 - (e) Supplementary Estimates:

Amendment 14

...

MEETINGS OF COMMITTEES

...

191 Meetings within Wellington area

- (1) When meeting within the Wellington area, a select committee may not meet—
- (a) ~~during questions for oral answer~~ 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.

...

GENERAL PROVISIONS FOR EVIDENCE

213 Return of evidence

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

...

215 Private evidence

...

- (3) Evidence heard or received in private is confidential to the committee until it reports to the House or otherwise concludes its consideration of the item of business to which the private evidence relates.

...

HEARING OF EVIDENCE**219 Public attendance at hearings**

- (1) The proceedings of any select committee during the hearing of evidence ~~on a bill or other matter, which is the subject of consideration by the committee,~~ are open to the public, unless the evidence is private or secret.

...

INFORMATION ON PROCEEDINGS

...

239 Information on committee's proceedings

...

- (3) Select committee proceedings that cease to be confidential under Standing Order 236 become available to the public.

Amendment 3**REPORTS**

...

247 Reports set down

- (1) Following their presentation, reports of select committees are set down as follows:

...

- (c) reports on the Budget policy statement, the fiscal strategy report, ~~and 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, ~~financial reviews, and reviews of reports on non-departmental appropriations and annual reviews~~ are considered as set out in Standing Orders 327, 330, 335, 343, and 345 or as determined under Standing Order 346:

**Amendment 15
and
Amendment 16****Amendment 14**

...

249 Government responses to select committee reports

...

- (2) No response under this Standing Order is required in respect of select committee reports on bills, Supplementary Order Papers, questions of privilege, Estimates, Supplementary Estimates, and ~~financial annual~~ reviews of departments, Offices of Parliament, Crown entities, public organisations, or State enterprises.

CHAPTER 5

LEGISLATIVE PROCEDURES

...

GENERAL PROVISIONS

...

262 New Zealand Bill of Rights

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

Amendment 10

...

267A 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—

Amendment 11

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

Amendment 11

...

DELEGATED LEGISLATION

314 Functions of Regulations Review Committee

...

- (3) In respect of a bill before another committee, the committee may consider—
- (a) any regulation-making power, and
- (b) ~~any provision that contains a delegated power to make instruments of a legislative character, and~~
- (c) any matter relating to regulations,—
- and report on it to the committee that is considering the bill.

Amendment 13

...

315 Drawing attention to a regulation

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

Amendment 13

...

317 Disallowance motion does not lapse

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

- (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.

Amendment 13

...

320A Confirmation and validation bills

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

Amendment 12

CHAPTER 6

FINANCIAL PROCEDURES

...

IMPREST SUPPLY

326 Imprest Supply bills

- (1) All stages of an Imprest Supply Bill may be taken on the same day ~~within the normal hours of sitting, 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.~~

...

THE BUDGET

...

329A Budget papers and Estimates

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

(Shifted from
SO 372)

~~330 Fiscal strategy report and economic and fiscal update~~

- (1) ~~The fiscal strategy report and the economic and fiscal update stand referred to the Finance and Expenditure Committee.~~
- (2) ~~The Finance and Expenditure Committee must, within 2 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.~~

(See new SO 330)

~~331 Half-year economic and fiscal updates and statement on long-term fiscal position~~

~~Half-year economic and fiscal updates and the statement on the long-term fiscal position stand referred to the Finance and Expenditure Committee.~~

(See new SO 330)

330 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 2 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.

Amendment 15
Amendment 16

- (3) The committee must report on the statement on the long-term fiscal position within 6 months of the presentation of that statement.
- (4) The committee must report on the investment statement within 2 months of the presentation of that statement.
- (5) A debate on the statement on the long-term fiscal position, or on the investment statement, is held in place of the first general debate after the committee's report on that statement is presented. The chairperson of the Finance and Expenditure Committee (or, in the chairperson's absence, another member of the committee) may move a motion relevant to the report and speak first.

**Amendment 15
and
Amendment 16**

...

SUPPLEMENTARY ESTIMATES

336 Examination of Supplementary Estimates

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

...

FINANCIAL ANNUAL REVIEW

339 Allocation of responsibility for conducting financial annual reviews

Amendment 14

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

340 Select committees to conduct financial annual reviews

Amendment 14

...

- (2) Each select committee must, within one week of the first sitting day in each year, conduct and finally report to the House on ~~a financial~~ an annual review of the performance and current operations of every department and Office of Parliament allocated to it.

- (3) Each select committee must, within six months of the relevant annual report having been presented, conduct and finally report to the House on a ~~financial~~ annual review of the performance and current operations of every Crown entity, public organisation or State enterprise allocated to it.

Amendment 14

~~341~~ Review of reports on non departmental appropriations

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

Amendment 14

~~342~~ Appropriation (Financial Review Confirmation and Validation) Bill

Amendment 18

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

~~343~~ Financial Annual review debate

- (1) The consideration in committee of the Appropriation (~~Financial Review Confirmation and Validation~~) Bill is the ~~financial~~ annual review debate. The ~~financial~~ annual review debate is the consideration of—
- (a) the financial position as reflected in the report of the Finance and Expenditure Committee on the annual financial statements of the Government for the previous financial year, and
- (b) the ~~financial~~ annual reviews of the performance in the previous financial year and the current operations of individual departments and Offices of Parliament, ~~and~~
- (c) ~~reviews of reports on non departmental appropriations.~~
- (2) When the ~~financial~~ annual review debate commences, the question is proposed that the report of the Finance and Expenditure Committee on the annual financial statements of the Government for the previous financial year be noted.
- (3) The committee then proceeds to consider reports of select committees on ~~financial~~ annual reviews ~~and reviews of reports on non departmental appropriations~~ as determined under Standing Order 346. As each report is reached, the question is proposed that the report be noted.
- (4) At the conclusion of the total time for the ~~financial~~ annual review debate, the provisions of the bill and any amendments proposed by the Minister in charge of the bill that are notified on a Supplementary Order Paper are put as one question. There is no amendment or debate on the question.
- (5) The ~~financial~~ annual review debate must be held no later than 31 March.

Amendment 18
and
Amendment 14

**344 Passing of Appropriation ~~(Financial Review)~~
(Confirmation and Validation) Bill**

Amendment 18

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

345 Consideration of ~~financial annual~~ reviews of Crown entities, public organisations, and State enterprises

Amendment 14

- (1) Consideration of the ~~financial annual~~ reviews of Crown entities, public organisations, and State enterprises may be set down as a Government order of the day in the charge of a Minister. Consideration is given in committee to the performance in the previous financial year and the current operations of Crown entities, public organisations and State enterprises.
- (2) When the order of the day is reached, the House resolves itself into committee, and the committee considers ~~financial annual~~ reviews of Crown entities, public organisations, and State enterprises as determined under Standing Order 346.
- (3) As each ~~financial annual~~ review is reached, the question is proposed that the report of the select committee on the ~~financial annual~~ review be noted.

**DETERMINATION OF VOTES AND ~~FINANCIAL ANNUAL~~
REVIEWS FOR DEBATE**

Amendment 14

346 Determination of Votes and ~~financial annual~~ reviews for debate

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

CHAPTER 7

NON-LEGISLATIVE PROCEDURES

...

STATEMENTS IN THE HOUSE

...

355 Response to misrepresentation during time for oral questions

- (1) A member may apply to the Speaker,—
- (a) claiming to have been misrepresented during the time for ~~questions for oral answer~~ oral questions, and that that misrepresentation may adversely affect the member or damage the member's reputation, and
 - (b) requesting to respond to that claimed misrepresentation.

...

PAPERS AND PUBLICATIONS

...

~~372 Budget papers and Estimates~~

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

(See SO 329A)

...

QUESTIONS TO MINISTERS AND MEMBERS

...

376 Questions to other members

...

- (2) ~~Questions for written answer~~ Written questions may be put to the Speaker relating to any matter of administration for which the Speaker is responsible.

...

377 Content of questions

...

- (3) ~~A question for written answer~~ written question must not repeat the substance of a question already lodged in the same calendar year.
- (4) Questions must not refer to proceedings in committee at meetings closed to the public until those proceedings are reported to the House or (subject to Standing Order 112) to ~~a case pending adjudication by a court~~ matter awaiting or under adjudication in, or suppressed by an order of, any New Zealand court.

...

378 Lodging of oral questions

- (1) Notices of ~~questions for oral answer~~ oral questions are lodged by members in writing to the Clerk. A notice of ~~a question for oral answer~~ an oral question must be—
 - (a) signed by the member or by another member on the member's behalf, and
 - (b) delivered to the Clerk between 10 am and 10.30 am on the day the question is to be asked.
- (2) Twelve oral questions to Ministers may be accepted ~~for oral answer~~ each day. Questions will be allocated on a basis that is proportional to party membership in the House. The Business Committee decides the weekly allocation and rotation of questions.
- (3) Oral questions that have been accepted are circulated.

Amendment 3**379 Lodging and publication of written questions and replies**

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

Amendment 19**380 Time for oral questions**

- (1) Subject to the Standing Orders, oral questions are taken at the time appointed by Standing Order 64.
- (2) The House deals with all ~~questions for oral answer~~ oral questions lodged each day.

381 ~~Asking question for oral answer~~ oral questions

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

382 ~~Replying to question for oral answer~~ oral questions

- (1) When ~~a question for oral answer~~ an oral question has been asked, the Speaker then calls upon the Minister or member to give a reply.

...

383 Content of replies

...

- (3) Replies shall not refer to proceedings in committee at meetings closed to the public that have not yet been reported to the House or (subject to Standing Order 112) to ~~a case pending adjudication by a court~~ matter awaiting or under adjudication in, or suppressed by an order of, any New Zealand court.

384 Supplementary questions

- (1) At the discretion of the Speaker, a supplementary question may be asked by any member to elucidate or clarify a matter raised in ~~a question for oral answer~~ an oral question or in an answer given to a question.

...

385 Urgent questions

...

- (2) After ~~questions for oral answer~~ 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.

...

DEBATE ON MATTER OF URGENT PUBLIC IMPORTANCE**387 Announcement and debate**

- (1) Immediately after ~~questions for oral answer~~ oral questions and before the next business of the day is entered upon, the Speaker announces what applications for debate that day have been received.

...

APPENDIX A

TIME LIMITS OF SPEECHES AND DEBATES

<i>Item of business and member speaking</i>	<i>Times for speeches or debates</i>	
...		
FINANCIAL PROCEDURES		
Imprest Supply Bill		
On second reading—		
Each member	10 minutes	
Whole debate	3 hours <u>2 hours</u>	Amendment 14
Budget policy statement debate Debates on Budget policy statement, statement on long-term fiscal position, and investment statement		
Each member	10 minutes	
Whole debate	12 speeches	Amendment 15 and Amendment 16
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 <u>each</u>	
Minister in reply	10 minutes	
Whole debate (excluding delivery of the Budget statement)	4 hours <u>15 hours</u>	Amendment 14
Estimates debate (committee of the whole House stage of main Appropriation Bill)		
Minister in charge of the Vote	Multiple speeches of 5 minutes each, but normally not more than 2 consecutive speeches	
Other members speaking on each Vote	Not more than 2 speeches of 5 minutes each	
Whole debate	8 hours <u>11 hours</u>	Amendment 14
Third reading of main Appropriation Bill (including with second reading of an Imprest Supply Bill)		
Each member	10 minutes	
Whole debate	3 hours	
Appropriation (Supplementary Estimates) Bill (including with second reading of an Imprest Supply Bill)		
On second reading—		
Each member	10 minutes	
Whole debate	3 hours <u>2 hours</u>	Amendment 14
Financial Annual review debate (committee of the whole House stage of Appropriation (Financial Review Confirmation and Validation) Bill)		
Minister in charge of the annual financial statements of the Government for the previous financial year, or Minister responsible for department or Office of Parliament— or non departmental appropriation(s)	Multiple speeches of 5 minutes each, but normally not more than 2 consecutive speeches	
Other members speaking on each financial annual review	Not more than 2 speeches of 5 minutes each	Amendment 14 and Amendment 18
Whole debate	4 hours	

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

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

Amendment 14

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

NON-LEGISLATIVE PROCEDURES

...

Debate on Prime Minister's statement

Prime Minister and specified party leaders	20 minutes each
Other members	10 minutes each
Whole debate	15 hours 13 hours

Amendment 14

...

APPENDIX B

PECUNIARY AND OTHER SPECIFIED INTERESTS

1 ~~Introduction~~

~~This Appendix establishes the Register of Pecuniary and Other Specified Interests, and sets out requirements and arrangements for members to make returns declaring specified financial, business and personal interests.~~

1 Introduction

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

Amendment 20

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

Amendment 23

...

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:

...

(b) the name of every other company or business entity in which the member has a pecuniary interest, other than an interest as a unit holder in a unit trust, and a description of the main business activities of each of those companies or entities, and

Amendment 23

...

~~(d) the name of each trust of which the member is aware, or ought reasonably be aware, that he or she is a beneficiary or a trustee, except trusts disclosed under subclause (1)(e) where the member is a trustee and registered superannuation schemes disclosed under subclause (1)(g), and~~

(d) the name of the trust, and whether the member is a trustee, a beneficiary, or both, for each trust to which the following apply:

Amendment 21

(i) the member knows or ought reasonably to know that the member is a beneficiary or a trustee or both of it, and

(ii) it is not a trust whose name is disclosed under subclause (1)(e), and

(iii) it is not a registered superannuation scheme whose name is disclosed under subclause (1)(g), and

...

~~(f) the location of each parcel of real property in which the member has a legal interest in the fee simple or leasehold or stratum estate, or in which any such interest is held by a trust that the member knows (or ought reasonably to know) he or she is a beneficiary of, but does not include land held by a member as a trustee only or property held by a superannuation scheme disclosed under subclause (1)(g), 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

Amendment 24

(fa) 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

Amendment 23

(iii) it is not a unit trust whose name is disclosed under subclause (1)(d), and

Amendment 22

(iv) it is not a registered superannuation scheme whose membership is open to the public and whose name is disclosed under subclause (1)(g), and

...

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

...

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:

...

~~(b) a description of each gift received by the member that has an estimated market value in New Zealand of more than \$500 and the name of the donor of each of those gifts (if known or reasonably ascertainable by the member), and~~

(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

Amendment 26

...

(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 Civil List Act 1979~~ 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:

Amendment 30

(ii) paid in respect of any activity in which the member concluded his or her involvement prior to becoming a member (that is, before the commencement of a period set out in clause 9(2)(b) or (d), as applicable).

- (2) The information referred to in subclause (1)(a) does not have to be included in the return if the travel costs or accommodation costs (as the case may be) were paid by the following or any

combination of the following:

- (a) the member:
- (b) the member’s spouse or domestic partner:
- (c) any parent, child, stepchild, foster-child, or grandchild of the member:
- (d) the Crown:
- ~~(e) any government, parliament, or international parliamentary organisation, if the primary purpose of the travel was in connection with an official parliamentary visit.~~

(e) any government, parliament, or international parliamentary organisation that paid the travel costs or accommodation costs because the member was participating in the official inter-parliamentary relations programme funded by the Office of the Clerk.

Amendment 27

(3) For the purposes of subclause (1)(b), gift—

- (a) includes hospitality and donations in cash or kind other than donations ~~made to cover expenses in an electoral campaign~~ 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 domestic partner or any parent, child, stepchild, foster-child, or grandchild of the member).

Amendment 25

(3A) 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).

Amendment 28

...

PART 2

...

16 Registrar’s inquiry

...

(8) The Registrar may,—

...

- (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.

Amendment 29

...

Appendix A

Committee procedure

At its meeting held on 8 August 2013, 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 for submissions of 10 October 2013. Submissions were received from 18 people or organisations, as listed in Appendix B. Evidence from submitters was heard in public in the Parliament Buildings.

Mary Harris, Clerk of the House of Representatives, was our principal adviser on the review.

Committee members

Rt Hon David Carter (Chairperson)

Hon Gerry Brownlee

Hon Peter Dunne

Te Ururoa Flavell

Hone Harawira

Gareth Hughes

Sue Moroney

Denis O'Rourke

Grant Robertson

Hon Anne Tolley

Appendix B**List of submitters**

ACT New Zealand
Amnesty International Aotearoa New Zealand
CEDAW Coalition of NGOs Aotearoa New Zealand
Clerk of the House of Representatives
David Farrar
Graeme Edgeler
Graham Hill
Green Party of Aotearoa New Zealand
Human Rights Foundation of Aotearoa New Zealand
Jack Cowie
Lindsay Tisch
Malcolm Harbrow
Māori Party
Neale McMillan
New Economics Party
New Zealand First
Regulations Review Committee
Republican Movement of Aotearoa New Zealand

