



New Zealand House of Representatives
Te Whare Māngai o Aotearoa

Privileges Committee

Komiti Whiriwhiri Take Mōtika o te Whare

54th Parliament

May 2025

**Question of privilege concerning the
conduct of four members during
proceedings of the House**

Final report

A handwritten signature in blue ink, which appears to read 'Judith Collins', is written diagonally across the page.

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Question of privilege concerning the conduct of four members during proceedings of the House

Recommendation

The Privileges Committee has considered the question of privilege and makes the following recommendations, by majority:

- That Hana-Rawhiti Maipi-Clarke be suspended from the service of the House for 7 days for acting in a manner that could have the effect of intimidating a member of the House in the discharge of their duty.
- That Debbie Ngarewa-Packer be severely censured by the House and suspended from the service of the House for 21 days for acting in a manner that could have the effect of intimidating a member of the House in the discharge of their duty.
- That Rawiri Waititi be severely censured by the House and suspended from the service of the House for 21 days for acting in a manner that could have the effect of intimidating a member of the House in the discharge of their duty.

Referral of the question of privilege

On 10 December 2024 the Speaker ruled that a question of privilege arose from the actions of Hon Peeni Henare, Hana-Rawhiti Maipi-Clarke, Debbie Ngarewa-Packer, and Rawiri Waititi following the first reading debate on the Principles of the Treaty of Waitangi Bill. The question consequently stood referred to this committee. The ruling is appended to this report as Appendix B.

Interim report

We resolved to consider this question in two parts. The first concerns the conduct of Hon Peeni Henare; the second concerns the conduct of Hana-Rawhiti Maipi-Clarke, Debbie Ngarewa-Packer, and Rawiri Waititi. The first part of the question was examined in our interim report to the House on 25 March 2025. We found that the actions of Mr Henare did not amount to a contempt. We recommended that an apology be made by Mr Henare to the House for acting in a disorderly manner that disrupted a vote being taken and impeded the House in its functions. Mr Henare apologised unreservedly to the House on 25 March 2025 and the House adopted our recommendation.

Description of events

The incident to which this question of privilege relates occurred in the debating chamber following the first reading debate on the Principles of the Treaty of Waitangi Bill on 14 November 2024. The Speaker directed the clerk to conduct a party vote on the question that the bill be read a first time. Te Pāti Māori was invited to cast its vote, and Hana-Rawhiti Maipi-Clarke cast six votes opposed. Ms Maipi-Clarke immediately proceeded to perform a haka. The Speaker told Ms Maipi-Clarke “No, don’t do that”. He then rose to his feet.

Members from Te Pāti Māori, the Labour Party, and the Green Party rose to their feet and joined Ms Maipi-Clarke in performing “Ka mate”. Ms Maipi-Clarke, Hon Peeni Henare, Debbie Ngarewa-Packer, and Rawiri Waititi left their seats to stand on the floor of the House. Ms Maipi-Clarke, Ms Ngarewa-Packer, and Mr Waititi moved across the chamber floor to face members of the ACT Party, who were seated at their desks. Ms Ngarewa-Packer approached the front of the ACT Party desks and, while performing the haka, pointed at ACT Party members using a hand gesture similar to a finger gun. At the conclusion of the haka, Ms Ngarewa-Packer repeated the gesture and, simulating a firing motion, said “e noho” (sit down). The Speaker suspended the sitting of the House and the three members of Te Pāti Māori left the debating chamber.

When the House resumed 28 minutes later, the Speaker ruled that Ms Maipi-Clarke’s conduct was “appallingly disrespectful” and “grossly disorderly”. He moved that Ms Maipi-Clarke be suspended from the service of the House and the motion was agreed to.

Committee process

As the event took place in the debating chamber, it was broadcast live. Footage of the incident is available, and we reviewed two videos of the incident during our consideration. Based on our review of the video footage, we consider that the facts of the matter (as described above) are clear. What was not clear to us was whether the members’ actions were premeditated. We invited Ms Maipi-Clarke, Ms Ngarewa-Packer, and Mr Waititi to provide written evidence on the question of privilege.

Ms Maipi-Clarke, Ms Ngarewa-Packer, and Mr Waititi jointly wrote to us on 31 January 2025, stating:

Our actions in the House were an expression of tikanga, upholding the values and obligations of Te Tiriti o Waitangi and our tino rangatiratanga.

On 20 February 2025 we wrote to the members inviting them each to attend a 30-minute hearing of evidence on 25 March 2025. Ms Ngarewa-Packer and Mr Waititi wrote to us on 14 March 2025, stating that the three members would attend together rather than individually, and that they would confirm a date for their hearing after we confirmed their ability to attend together. We considered their request on 25 March 2025 and the hearing did not proceed.

We considered that holding hearings of evidence with each member separately would be of the most assistance to us in considering this question of privilege. We therefore declined the members’ request to appear together, although we clarified that each member was permitted to be in attendance, with counsel, in the public gallery during the other members’ hearings of evidence. We sought twice more to arrange hearings of evidence with the members; they declined to attend on both occasions.

It is important to note that members are not obligated to appear before us when invited to do so. Although the Privileges Committee has the power to send for persons, papers, and records, it does not have the power to send for members of Parliament. Only the House can order a member to attend and give evidence to a committee. We did not contemplate requesting that the House exercise this power.

The members' decision not to appear before us has not influenced our findings and recommendations on this question of privilege. However, it has meant that we have not been able to ask questions of the members. Their answers might have changed our view of the matter.

Members' response

We offered Ms Maipi-Clarke, Ms Ngarewa-Packer, and Mr Waititi a final opportunity to provide oral evidence at hearings scheduled for 23 April 2025. They were also offered the opportunity to provide written evidence instead, which they did on 23 April 2025.

Response from Rawiri Waititi

Mr Waititi explained that Te Pāti Māori performed a haka in Parliament because the Government was interfering with te Tiriti o Waitangi. He said that it is appropriate to rise and haka to express anger and opposition to a subject that is abusive and denigrating. He stated that he would not apologise for the haka. Mr Waititi referred to previous occasions in the House when he had performed haka, including: when he was sworn in as a member of Parliament in 2020 and in 2023; after his maiden statement in 2020; in response to "racist statements" from the then-leader of the Opposition in 2021; and when Hon Meka Whaitiri crossed the floor to join Te Pāti Māori in 2023. He requested that:

- haka be permitted within Parliament
- tikanga Māori be included in the Standing Orders and Speakers' Rulings
- members of Parliament be trained in te Tiriti o Waitangi before taking the Oath of Allegiance or making the affirmation
- a new Oath of Allegiance be composed that honours te Tiriti o Waitangi.

Response from Debbie Ngarewa-Packer

Ms Ngarewa-Packer described her experience of the debate on the Principles of the Treaty of Waitangi Bill as being "under siege" politically, spiritually, culturally, and generationally. She said that to haka was her deepest response to injustice, a declaration of her identity, and her expression of political debate. Ms Ngarewa-Packer said that "in a space debating our rights and interests as tangata whenua, haka was the only way to respond for the hundreds of thousands of our people being harmed".

Response from Hana-Rawhiti Maipi-Clarke

Ms Maipi-Clarke informed us that she met with the Speaker the day following her suspension from the House. She accepted the consequences of her actions and apologised to the Speaker for "putting him in a predicament by disrupting the processes he had to conduct that day".

In her response, Ms Maipi-Clarke stated that she will not apologise for her actions, and will not justify her forms of expression in the House. She explained that she understands and acknowledges the rules of the House. However, she submitted her view that on the day of the first reading debate, the House did not acknowledge tikanga and te Tiriti o Waitangi.

Ms Maipi-Clarke told us that tikanga Māori and haka are not matters for the Privileges Committee to consider. Her evidence to us was that she believes that the real issue is not

the bill itself, or haka, but how the House “picks and chooses” when it wants to acknowledge tikanga Māori, te reo Māori, and te Tiriti o Waitangi. It is her view that these taonga are not welcome within Parliament and that this is a problem.

Relevant rules

Standing Order 417 sets out that the House may treat as a contempt any act or omission that obstructs or impedes the House in the performance of its functions, or which obstructs or impedes any of its members or officers in the discharge of their duties, or which has a tendency, directly or indirectly, to produce such a result.

Standing Order 418 contains a non-exhaustive list of examples of acts and omissions that may be treated as contempts. This list includes “assaulting, threatening, or intimidating a member or an officer of the House acting in the discharge of the member’s or the officer’s duty”. This is the ground of contempt we consider most relevant to this case.

The Standing Orders do not require that all acts or omissions that meet the criteria above be treated as contempts. The Privileges Committee must consider each case on its own merits, taking into account the seriousness, impact, and level of culpability involved. In doing so, the committee is guided by the precedents established by previous Privileges Committee findings, Speakers’ rulings on matters of privilege, and, where appropriate, examples from relevant overseas jurisdictions.

House’s right to hold in contempt

The double jeopardy rule applying to courts of law does not apply to the House. The fact that a member has been suspended under Standing Order 92 or 95 does not prevent the House from also holding the member’s conduct to be a contempt.¹ However, it may be considered by the Speaker when determining whether a question of privilege was involved, and by the Privileges Committee and the House when determining any punishment for the contempt.

Speaker’s comments on haka and tikanga

In referring this matter to the committee, the Speaker advised: “I do not make any ruling in this decision about the appropriateness of haka and its place inside the tikanga of this House. That is a matter for the Standing Orders Committee [...]”. We concur with the Speaker’s assessment. It is not for this committee to determine the role of tikanga Māori within the rules and established practices of the House, or to consider whether rules and established practices should change. Our duty is to consider matters of privilege within the rules and established practices of the House as they currently exist.

Haka, as well as waiata, are not uncommon occurrences in the House. Haka have been performed during speeches, in response to maiden statements by members of Parliament, and to celebrate the passing of Treaty settlement legislation. Except if performed during a member’s speech, prior permission from the Speaker is always required. Based on the written statement provided by the members, we have concluded that they knew that the Speaker’s permission was needed to perform a haka and that they did not have it.

¹ Standing Order 97.

The Speaker is responsible for maintaining order and decorum in the chamber. The Speaker allocates the call to members and by doing so upholds the right of members to be heard and freely express themselves. He has a duty to protect the rights of members on all sides of the House, and members are expected to treat the Speaker with respect. We cannot speculate as to whether the Speaker might have granted the members permission, had they sought it. There is a scenario where the members' actions could have taken place in a manner that was approved by the Speaker. We find it very disappointing that the members likely knew this, and deliberately acted to the contrary.

Finding of contempt

Parliament is a place of debate. Matters considered by the House can strike at the heart of a member's values and belief systems. Members have the opportunity to express their views, opinions, and beliefs during debate when they have the call. At all times, members are expected to conduct themselves appropriately and in a way that is befitting of elected representatives.

We have been tasked with determining whether the conduct of Ms Maipi-Clarke, Ms Ngarewa-Packer, and Mr Waititi in the chamber on 14 November 2024 amounts to a contempt of the House.

We find that the members' behaviour in the chamber on 14 November 2024 was such that it could have the effect of intimidating other members of the House acting in the discharge of their duties. We find that, in acting in this way, Ms Maipi-Clarke, Ms Ngarewa-Packer, and Mr Waititi have each committed a contempt of the House.

It is highly disorderly for members to interrupt a vote while it is being conducted. The right to cast one's vote without impediment goes to the heart of being a member of Parliament. The threshold at which an interjection during a vote may be considered a contempt is where the interruption could be considered intimidatory.

There is no question that the behaviour of Ms Maipi-Clarke, Ms Ngarewa-Packer, and Mr Waititi could have the effect of intimidating other members. It is not acceptable to physically approach another member on the floor of the debating chamber. It is particularly unacceptable for Ms Ngarewa-Packer to appear to simulate firing a gun at another member of Parliament. If there was another view of what that was, we were not afforded the opportunity to hear it.

Proposed penalty

Our consideration of this question of privilege has not centred on the performance of a haka, but on the time at and manner in which it was performed: directed at other members of the House during the conducting of a vote. Acting in a manner that could have the effect of intimidating a member of the House in the discharge of their duty is a serious matter. Our recommended penalties reflect this.

In her written statement, Ms Maipi-Clarke has demonstrated some level of contrition toward the Speaker for the effect that her actions had on the House. We therefore recommend that Ms Maipi-Clarke be suspended from the service of the House for 7 days.

Ms Ngarewa-Packer and Mr Waititi are experienced members of Parliament. Their actions demonstrate a significant lack of respect for the rules of the House and the responsibilities bestowed on them as members of Parliament. We recommend that Ms Ngarewa-Packer be severely censured and suspended from the service of the House for 21 days. We recommend that Mr Waititi be severely censured and suspended from the service of the House for 21 days. A member being suspended from the service of the House means that they will not receive a salary for the relevant period.

We acknowledge the severity of the penalties proposed for Ms Ngarewa-Packer and Mr Waititi. Suspension from the House deprives the members' constituencies of a voice in Parliament. However, we intend to leave members in no doubt that the behaviour discussed is not acceptable, and that the intimidation of other members of the House is treated with utmost seriousness. We expect that future breaches of privilege or contempt of this nature will be met with similar severity.

New Zealand Labour Party differing view

The Labour Party agrees that the conduct of Ms Maipi-Clarke, Ms Ngarewa-Packer and Mr Waititi constitutes a contempt of the House. We consider this to be the case primarily because it was in breach of Standing Order 417(1)(a) in that it was conduct that "obstructs or impedes the House in the performance of its functions". We consider the question of intimidation a secondary matter.

However, we are concerned that the penalties proposed are unduly severe. We see the right of a member to attend Parliament and represent their constituency as going to the very heart of our democracy and that it should be curtailed with the utmost caution.

We observe that Ms Maipi-Clarke was named and therefore suspended from the service of the House on the day that she performed the haka. She has also indicated some regret to the Speaker in respect of her conduct. We do not consider that further suspension is appropriate.

We agree that some sanction in respect of Ms Ngarewa-Packer and Mr Waititi is appropriate. However we consider that the length of the proposed suspension is disproportionate and does not place sufficient weight on the fundamental nature of the right (and duty) of a member to attend the House. We also observe that sanctions of the severity imposed are unprecedented in the New Zealand House of Representatives. We consider that one, or at most two days suspension would be appropriate.

Green Party of Aotearoa New Zealand differing view

The Green Party opposes the suspension of Ms Ngarewa-Packer, Mr Waititi and Ms Maipi-Clarke. The level of punishment being imposed is unprecedented and completely out of proportion to the breach of Standing Orders, particularly when the action is considered in full context.

The proposed suspension period for the TPM coleaders could cover the whole sitting block, which means they would miss out on being there for Budget Day. This means that Te Pāti

Māori voters will not have adequate representation in the House for one of the most important events in the Parliamentary calendar: responding to the Government's budget.

The committee could have chosen to pause proceedings until the work to change the tikanga of the House could have been finalised. This would have allowed us to evaluate the actions under any new rulings.

Significantly, the punishment of 21 days for the coleaders is severe and unprecedented.

Hana-Rawhiti Maipi-Clarke has already made an apology to the Speaker directly. While Parliament has unique privileges that do not align with how double jeopardy is applied in courts, that does not justify compromising fundamental principles of justice. In a mature democracy, even Parliament must consider the precedent being set when punishing members twice for the same misconduct.

While it is noted that members were intimidated by the movements and actions of the haka, this reflects the ignorance within our society when it comes to Māori traditional practices. The haka "Ka mate" is a well-known haka receiving an international platform after being performed by the All Blacks since the 1800s and is celebrated by most populations when being performed rather than being perceived as threatening or intimidating. If we look to the origins of "Ka mate", composed by Te Rauparaha of Ngāti Toarangatira, who was expressing his uncertainty of if he would die (Ka mate) or if he would live (Ka ora) through an experience with another party that was pursuing him to end his life. It is of our opinion that Te Pāti Māori utilising this haka as a representation to express their, and the wider public's, resonance with Te Rauparaha, as the discussed bill created uncertainty on whether Te Tiriti and all it encompasses would live or die. Focusing on intimidation rather than the disruption of parliamentary procedures speaks of a lack of understanding of the complex purpose of the haka, despite commentary stating that the consideration of privilege has not centred on the performance of a haka, but rather on the time at, and manner in which, it was performed.

However, the recommendations for Ms Maipi-Clarke, Ms Ngarewa-Packer, and Mr Waititi have resulted out of practising tikanga and haka in the House and will be setting a precedent that future breaches of privilege or contempt of this nature will be met with similar severity. This raises serious concerns of if this is a precedent that will only be applied to haka, waiata, and tikanga Māori being exercised in the House going forward.

The Green Party would have preferred to see a pause in the proceedings of the Privileges Committee to incorporate the outcomes of whatever comes out of the newly established committee that is tasked to evaluate the incorporation of tikanga in Parliament and to evaluate the actions of the TPM MPs under any potential new Standing Orders that come out of it.

Te Pāti Māori differing view

Te Pāti Māori strongly opposes the findings and penalties recommended by the Privileges Committee. We reject both the characterisation of our actions, and the severity of the proposed sanctions.

Characterisation of Māori cultural expression as “intimidating”

The finding that our actions constituted “intimidation” sets a dangerous precedent for Aotearoa. It frames Māori protest, haka, and the assertion of rangatiratanga as inherently threatening. This interpretation risks criminalising future Māori expression in defence of Te Tiriti o Waitangi.

Such a characterisation reinforces institutional racism within the highest body of our democratic system. It sends a message to our mokopuna and our constituents that their Māori identity is a threat to New Zealand’s democracy.

Characterising haka as intimidating and not fit for parliamentary expression should mean it is inappropriate to accompany any Government business, both domestic and international.

We reject the misrepresentation of Debbie Ngarewa-Packer’s gesture as simulating a firearm. The motion in question was a *wiri*—a trembling, deliberate expression of emotional intensity rooted in haka and Māori oratory. The word she expressed at the conclusion of the haka was “kino”, not “e noho” as the committee has reported.

Interpreting a haka performed by elected members of Parliament as a potential threat of violence reflects personal prejudice and ignorance of tikanga Māori, not reality.

Failure of the committee to engage in tikanga Māori

The appropriate or inappropriate use of haka, including whether the expression of haka amounts to intimidation, can only be assessed and decided upon by tikanga Māori experts. Hence, Te Pāti Māori provided an opportunity for the committee to hear evidence from a nationally recognised expert of tikanga Māori, Sir Pou Temara. The committee rejected this opportunity without providing reason.

The mischaracterisation of our actions could have been avoided, had the committee made a genuine effort to understand tikanga before making a ruling on it.

By treating tikanga as irrelevant, the committee is upholding a monocultural view of acceptable conduct that marginalises Māori values and ways of being and speaking.

The refusal to account for tikanga Māori or Te Tiriti o Waitangi in its deliberations represents a fundamental failure to reflect the constitutional status of Māori as tangata whenua and Treaty partners.

Haka is a legitimate and constitutionally recognised form of Māori political and cultural expression. Punishing indigenous forms of cultural expression for refusing to show obedience to the transgression of the mana and tapu of Te Tiriti o Waitangi reaffirms the message that Māori people and all things Māori do not have a place in Parliament, and therefore this country.

Haka has always been the voice of Te Tiriti, and in the House Māori electorate MPs are the māngai of Te Tiriti. It is completely appropriate that the disdain of the people whom Te Tiriti represents was heard through haka.

Disproportionate penalties

The suspensions being imposed by the committee: 21 days for MPs Debbie Ngarewa-Packer and Rawiri Waititi, and 7 days for MP Hana-Rāwhiti Maipi-Clarke, are excessive, punitive, and without precedent in recent New Zealand parliamentary history.

We note that Hana-Rawhiti Maipi-Clarke has already been suspended for the haka on 14 November 2024. To suspend her twice for the same incident is unjustifiable.

To put it plainly: two party leaders are being suspended for 21 days, while the youngest MP in Parliament is being suspended twice, simply for performing a haka.

These suspensions will have the effect of silencing three Māori MPs (50 percent of our caucus) during a critical period, disenfranchising tens of thousands of voters on the most important day of the parliamentary calendar: Budget Day 2025.

The committee created a precedent in their judgement of Hon Peeni Henare, who was required to apologise for participating in the same haka. The suspension of Te Pāti Māori MPs for a collective 49 days for the same act is inconsistent and disproportionate to this precedent. It is unclear how a haka should be perceived as “threatening, or intimidating” when performed by MPs from Te Pāti Māori, but not so when performed by MPs from other parties.

This ruling sets a double standard and precedent. It opens the door for uneven or politically motivated interpretations of Māori expression. This is especially concerning considering the committee refused expert advice in appropriately interpreting tikanga Māori in the House.

The committee’s judgments are culturally uninformed, unsubstantiated, and demonstrate a level of ignorance that has no place in our democracy in 2025.

Constitutional and democratic implications

The ruling upholds a colonial standard of decorum that does not recognise Māori authority or expression as legitimate within Parliament. It diminishes the status of Māori electorate MPs as Treaty partners and elected representatives, and suppresses fundamental rights of expression, identity, and political debate within the nation’s highest forum.

Conclusion

Te Pāti Māori stands firmly on the promise we made to the 100,000 who marched for Te Tiriti and the 290,000 who kept marching into the Justice Select Committee to make submissions.

We will never recoil from our fundamental oath to uphold Te Tiriti o Waitangi.

This expression of Te Ao Māori in Parliament follows in the tradition of tupuna such as Tāreha of Ngāti Rehia, who performed the first protest haka at the signing in Waitangi.

The nature of haka, consistent with tikanga and appropriately applied that day, was performed through the collective power of community. When our MPs rose to speak power to the words of Te Rauparaha, a signatory to Te Tiriti o Waitangi himself, and were joined by others inside and outside the House, *history* spoke again.

They spoke, and together, we all spoke again.

Mana and tapu does not lend itself toward nor forgive transgressions against it, regardless of whether the committee considers tikanga to be within scope and reach of its deliberations.

We reject the mischaracterisation of our actions as contempt and intimidation. Our MPs acted with integrity, on behalf of our people and in defence of Te Tiriti o Waitangi. We assert our right as Māori, as Māori electorate MPs, to challenge legislation that undermines our people. Tikanga has a rightful place in Parliament.

Our enduring message to this committee, to the world, and most importantly our mokopuna is:

"Ka mate, ka mate, ka ora, ka ora!"

Appendix A—Committee procedure

Committee procedure

This question of privilege was referred to us on 10 December 2024. We met between 10 December 2024 and 14 May 2025 to consider it. We received advice from the Office of the Clerk.

We provided Hana-Rawhiti Maipi-Clarke, Debbie Ngarewa-Packer, and Rawiri Waititi with an opportunity to respond to our findings under Standing Order 250 (Adverse findings).

Committee members

Hon Judith Collins KC (Chairperson)

Glen Bennett (from 12 March 2025)

Hon Chris Bishop

Mariameno Kapa-Kingi

Ricardo Menéndez March

Dr Parmjeet Parmar

Rt Hon Winston Peters

Hon Scott Simpson

Tangi Utikere (until 12 March 2025)

Hon Dr Duncan Webb

Hon Louise Upston replaced Hon Chris Bishop for this question of privilege. Hon Casey Costello participated in some of our consideration of this question of privilege.

Appendix B—Speaker's ruling

10 December 2024

Members, I've received letters from the Hon Shane Jones, Suze Redmayne, and Todd Stephenson asking that I consider actions that may be considered a breach of privilege that took place following the debate on the Treaty principles bill on 14 November. I previously named Hana-Rawhiti Maipi-Clarke for interrupting a vote, which should be considered a serious matter by every member of this House. Taking an action to prevent votes being completed is completely unacceptable. At this point, however, naming has been the only action I've chosen to take on that matter. The letters I've received name a number of members who participated in a haka in the House, and, in particular, four members who left their seats to stand on the floor of the House, with three of those members advancing towards the seats of another party. That is disorderly and cannot be considered anything other than disorderly. I do not make any ruling in this decision about the appropriateness of haka and its place inside the tikanga of this House. That is a matter for the Standing Orders Committee and will be discussed in a meeting later today.

However, the issue of members leaving their seats to participate in an activity that was disorderly and disruptive to the procedure of the House is something that should be considered further. The House may treat as contempt an act, or any act, which obstructs or impedes the House in the performance of its functions. Standing Order 418 lists "Examples of contempts", which include "threatening, or intimidating a member ... in the discharge of [their duties]" and "threatening, or disadvantaging a member on account of [their] conduct in [the House]". It is my decision, therefore, that this is a matter the Privileges Committee should consider. I have determined that the actions of the Hon Peeni Henare, Debbie Ngarewa Packer, Rawiri Waititi, and Hana-Rawhiti Maipi-Clarke, in participating in disruptive activity on the floor of the House on 14 November, gave rise to a question of privilege which stands referred to the Privileges Committee.