



New Zealand House of Representatives
Te Whare Māngai o Aotearoa

Privileges Committee

Komiti Whiriwhiri Take Mōtika o te Whare

54th Parliament

March 2025

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

Interim report

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

Recommendation

The Privileges Committee is considering this question of privilege and recommends in this interim report that Hon Peeni Henare be required to apologise for acting in a disorderly manner that disrupted a vote being taken and impeded the House in its functions.

Referral of the question of privilege

On 10 December 2024, the Speaker ruled that concerns raised by three members (Hon Shane Jones, Suze Redmayne, and Todd Stephenson) about the conduct 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 gave rise to a question of privilege.

During the vote, Ms Maipi-Clarke began performing a haka. Several members from Te Pāti Māori, the Labour Party, and the Green Party rose to their feet and joined in. The members whose conduct is at issue in this question of privilege left their seats to stand on the floor of the House. The Speaker ruled that “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.” His ruling is appended to this report as Appendix B.

This interim report focuses on the conduct of Hon Peeni Henare relating to the question of privilege.

Our discussions with Mr Henare

We received a written explanation from Mr Henare on 29 January 2025. He appeared before our committee to answer further questions on 12 March 2025.

While participating in the haka, Mr Henare left his seat and advanced on to the floor in front of the Labour Party seats. In his written response to us, Mr Henare stated that his conduct did not reach the threshold of previous Privileges complaints where contempt was found, as he was across the floor of the House from other members.

He stated that “if there was disrespect, I apologise unreservedly.” In his hearing with us, he again apologised for “breaking the rule of stepping away from my seat and onto the floor of the debating chamber. I know the rule with respect to that, and I knew that in doing so I would be breaking that rule.”

Our findings

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. In the Speaker’s

referral he noted two examples of contempt detailed under Standing Order 418: “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]”. The Standing Orders do not require that all acts that meet the criteria outlined under Standing Order 417(1) be treated as contempts. Following the referral of a question of privilege concerning a possible contempt, it is for the Privileges Committee, in the first instance, and the House, ultimately, to judge whether a particular act should be considered a contempt.

Mr Henare’s conduct in stepping on to the floor of the chamber to participate in the haka while a vote was being taken did obstruct or impede the business of the House, as the vote was not able to continue. Our view is that this is undoubtedly disorderly behaviour. However, we find that Mr Henare’s actions do not amount to a contempt.

We recommend that Mr Henare be required to apologise to the House for acting in a disorderly manner that disrupted a vote being taken and impeded the House in its functions.

Appendix A—Committee procedure

This question of privilege was referred to us on 10 December 2024 and we are continuing to consider it. We have received advice from the Office of the Clerk.

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 Casey Costello and Hon Louise Upston participated in some of our consideration of this question of privilege.

Evidence received

The documents we received as evidence are available on the [Parliament website](#). A recording of our hearing with Hon Peeni Henare on 12 March 2025 is [available on Vimeo](#).

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.