



New Zealand House of Representatives
Te Whare Māngai o Aotearoa

Privileges Committee

Komiti Whiriwhiri Take Mōtika o te Whare

54th Parliament

February 2025

Question of privilege concerning a member's denial that he made a particular statement in debate

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Question of privilege concerning a member's denial that he made a particular statement in debate

Recommendation

The Privileges Committee has considered a question of privilege concerning a member's denial that he made a particular statement in debate, and recommends that Tākuta Ferris be required to apologise for deliberately misleading the House.

Referral of the question of privilege

On 24 September 2024, the Speaker ruled that concerns raised by Jamie Arbuckle gave rise to a question of privilege. The concerns related to Tākuta Ferris's denial that he made a particular statement during the general debate on 18 September 2024.

The Speaker ruled that Mr Ferris, by denying he made the statement complained about, may have deliberately misled the House. Noting that it is the role of this committee to judge such a matter, the Speaker referred the question of privilege to us for consideration.

The Speaker's ruling is appended to this report as Appendix B.

Description of events

The statement to which this question of privilege relates was made during the general debate on Wednesday, 18 September 2024. In his speech, Mr Ferris said:

A knowledge gap is a dangerous thing. It allows lies to be presented as truths. Politicians call this obfuscation—the art of making something unclear, intentionally vague, ambiguous, to conceal or obscure the truth, to confuse others. Lies, in other words. Many in this House are masters of it [...]

Rt Hon Winston Peters raised a point of order that “[Mr Ferris] made the allegation that members of this Parliament are liars”. It has long been considered an offence against the House to call another member a liar. The House operates on the basis that members behave truthfully and honourably. The Speaker noted that he did not hear the statement in question, and told Mr Ferris that if he did make the statement, then he should withdraw and apologise. To this, Mr Ferris responded, “I haven't made that statement”.

Committee process

The exchange occurred in the debating chamber, so it was broadcast live. We reviewed the *Hansard* transcript of the exchange. Based on our review of the transcript, we considered that the facts of the matter (as described above) are clear. However, we considered that further evidence was needed to understand why Mr Ferris denied making the statement.

We asked Mr Ferris to provide written comment about the question of privilege, which he has done. We then invited Mr Ferris to a hearing of evidence to elucidate some of those comments. Mr Ferris declined our invitation.

Member's response

Mr Ferris wrote to us on 4 November 2024, denying that he called members of Parliament liars and “utterly reject[ing]” that he intentionally misled the House. Mr Ferris noted that the topic of his speech during the general debate was obfuscation. He argued that any “average, normal person” after listening to the dictionary definition of the word obfuscation would agree with also defining obfuscation as “Lies, in other words”. He explained that this does not mean that “lies, lying, or liars” were the topics being presented in his general debate speech. Mr Ferris reiterated that he described many members of the House as “masters of [obfuscation]”.

Mr Ferris told us that unless the Speaker has come to the conclusion that obfuscation “actually” means lying, then there is no “quote, statement or inference” of members of Parliament being called liars.

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
- obstructs or impedes any of its members or officers in the discharge of its functions, or
- has a tendency, directly or indirectly, to produce such a result.

Standing Order 418 sets out a non-exhaustive list of examples of acts and omissions that may be treated as contempts. This list includes “deliberately attempting to mislead the House or a committee (by way of statement, evidence, or petition)”.¹ We discuss this further below. In the Speaker's referral of this question of privilege, he noted that the conduct complained of could amount to deliberately misleading the House.

Deliberately attempting to mislead the House as a ground of contempt

Deliberately attempting to mislead the House or a committee (by way of statement, evidence, or petition) is an established example of contempt in the Standing Orders, and in previous questions of privilege. To be considered a contempt in this example, there is a requirement that the attempt to mislead be deliberate. This requires a level of intent.

Making an inaccurate statement in the House is likely to involve a single temporal moment in the charged atmosphere of the debating chamber, and it is appropriate that inadvertent misleading without intent should not be judged too harshly. Denying that a misleading statement was made may be quite different—it may involve a sustained course of action and judgement, rather than a single moment.

¹ Standing Order 418(b).

Finding of contempt

We have been tasked with determining whether Tākuta Ferris' denial that he made a statement during the general debate on 18 September 2024 amounts to a contempt of the House.

It is clear from Mr Ferris' written response to us on 4 November 2024 that he remains of the view that he did not make the statement complained of. In his written response, he confirms he stated that many members of the House are masters of obfuscation, and that obfuscation is commonly understood to mean lying. We find the content of his letter contradictory and his argument confusing. Mr Ferris' response ultimately suggests that he is aware that the ordinary meaning of his statement can be understood to mean that many members of the House are masters of lying.

We invited Mr Ferris to attend a hearing of evidence to answer questions we had about his letter. In our invitation, we informed him that we sought to understand his decision not to address the matter (by withdrawing and apologising) before it gave rise to a question of privilege being referred to this committee. We also asked Mr Ferris whether he had considered addressing the matter by making a personal explanation to the House.

Mr Ferris' decision to decline our invitation to attend a hearing of evidence made it difficult for us to understand his view that he did not mislead the House. Mr Ferris took a sustained course of action in denying he made the statement, both in response to a point of order at the time, and again in his written response to this committee.

We find that Mr Ferris deliberately misled the House. It is evident to us that Mr Ferris believes that obfuscation is synonymous with the act of lying. We agree. To call members of Parliament masters of obfuscation is an allegation that members of Parliament are liars.

We reiterate that the House operates on the basis that members are assumed to behave truthfully and honourably. The House must be able to rely on the truthfulness of its members in order to operate. In deliberately misleading the House, Mr Ferris has impeded the House in its ability to do so. For this reason, we find that Mr Ferris committed a contempt.

Proposed penalty

Causing the House to be misled is a serious matter. To find no fault in this case would risk undermining a fundamental principle of the House: that its members behave truthfully and honourably. Members of Parliament, and indeed the public, must be able to trust in the truthfulness of members for the House to operate effectively. We therefore recommend that Mr Ferris be required to apologise to the House.

Appendix A—Committee procedure

Committee procedure

This question of privilege was referred to us on 24 September 2024. We met between 23 October 2024 and 11 February 2025 to consider it. We received advice from the Office of the Clerk.

We provided Tākuta Ferris with an opportunity to respond to our findings under Standing Order 250 (Adverse findings).

Committee members

Hon Judith Collins KC (Chairperson)

Hon Chris Bishop

Mariameno Kapa-Kingi

Ricardo Menéndez March

Dr Parmjeet Parmar

Rt Hon Winston Peters

Hon Scott Simpson

Tangi Utikere

Hon Dr Duncan Webb

Hon Simeon Brown, Hon Casey Costello, Hon Chris Penk, and Dr Lawrence Xu-Nan also participated in our consideration of this item of business.

Appendix B—Speaker's ruling

24 September 2024

Members, I have received a letter from Jamie Arbuckle raising a matter of privilege about a statement made by Tākuta Ferris during the general debate last week. In the debate, Mr Ferris said, "A knowledge gap is a dangerous thing. It allows lies to be presented as truths. Politicians call this obfuscation—the art of making something unclear, intentionally vague, ambiguous, to conceal or obscure the truth, to confuse others. Lies, in other words. Many in this House are masters of it."

Following a point of order, alleging that he had called members liars, Mr Ferris replied "I haven't made that statement". There is an apparent inconsistency between Mr Ferris' speech and his response to the point of order about it. The offence of calling another member a liar has long been regarded as an offence against the House, which operates on the basis that members behave truthfully and honourably. That would normally be dealt with as a matter of order. However, in denying that he made the statement, it is possible that Mr Ferris has, himself, deliberately misled the House. That is a matter for the Privileges Committee to judge. Accordingly, I find that a question of privilege arises and stands referred to the Privileges Committee.