



New Zealand House of Representatives
Te Whare Māngai o Aotearoa

Privileges Committee

Komiti Whiriwhiri Take Mōtika o te Whare

54th Parliament

August 2024

Question of privilege concerning the conduct of a member during the committee of the whole House

A handwritten signature in black ink, appearing to read 'Judith Collins'.

Presented to the House of Representatives
by Hon Judith Collins KC, Chairperson

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Question of privilege concerning the conduct of a member during the committee of the whole House

Recommendation

The Privileges Committee has considered the question of privilege and recommends that Hon Julie Anne Genter be censured by the House for acting in a manner that could have the effect of intimidating a member of the House acting in the discharge of their duty.

Referral of the question of privilege

On 7 May 2024, the Speaker ruled that concerns raised by Hon Scott Simpson and Todd Stephenson about Hon Julie Anne Genter's conduct toward Hon Matt Doocey in the debating chamber on 1 May 2024 gave rise to a question of privilege.

The Speaker ruled that the behaviour in question could amount to threatening or intimidating a member acting in the discharge of their duty, or threatening a member on account of their conduct in Parliament, contrary to Standing Orders. Noting that it is the role of this committee to conduct an inquiry into such allegations, he 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 incident to which this question of privilege relates occurred in the debating chamber during the committee stage of the Appropriation (2022/23 Confirmation and Validation) Bill on 1 May 2024.

During Rachel Boyack's speech, Hon Matt Doocey interjected that the previous Government had "cancelled all the roads for six years". Hon Julie Anne Genter interjected that Mr Doocey was "wrong", and that she was "going to come show [him]".

Ms Genter then crossed the chamber floor with a copy of a report. She approached Mr Doocey, who was sitting behind a desk, and spoke to him in a raised voice. Ms Genter leant over the front of Mr Doocey's desk and showed him the contents of the report, which she then placed on his desk. Ms Genter moved to stand to the side of Mr Doocey, who was still seated, and raised her hands, while continuing to speak in a raised voice. During the exchange, the debate was interrupted while the chairperson of the committee sought Ms Genter's attention and asked her to resume her seat. Ms Genter subsequently returned to her seat with the report.

The chairperson noted that it was inappropriate to "get out of one's seat to go and have an argument with somebody on the other side".

Following the incident, the Speaker was recalled and the House resumed. Several members spoke about what they had witnessed, and Ms Genter made the following comments:

If I could apologise for my actions, Mr Speaker. It was the last thing I wanted to do to intimidate anyone in this House. What has absolutely motivated me is a desire to share information that I believe would be of benefit to everyone in this House, and I'm very sorry that if in my passion to do so, I was intimidating. That was not my intention.

Committee process

As the exchange happened in the debating chamber, it was broadcast live. Footage of the incident is available. We reviewed the video of the incident during our consideration. We requested that a verbatim transcript of the exchange be produced, and we also requested that audio from different microphones in the chamber be provided so that we could examine the incident and determine what exactly had occurred.

Based on our review of the video and audio footage, and the transcripts of the debate on 1 May 2024, we consider that the facts of the matter (as described above) are clear. We therefore do not think there is further value in holding an oral hearing of evidence with Ms Genter about the incident. We asked Ms Genter to provide written comment about the question of privilege, which she has done.

Member's response

Ms Genter wrote to us on 16 May 2024, apologising for her actions in the chamber. She acknowledged that the behaviour was unparliamentary, and disruptive to proceedings in the House. She stated that it was not her intention to be intimidating or threatening, but rather that she wished to present a written report to Mr Doocey on the topic of the debate. Ms Genter acknowledged that her manner of doing so was not appropriate. She told us that she has committed to undertake professional development to ensure this does not occur again. Ms Genter wrote that she takes full responsibility for the situation.

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 their duties, or
- 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" (SO 418(m)) and "assaulting, threatening, or disadvantaging a member on account of the member's conduct in Parliament" (SO 418(w)). In the Speaker's referral of this question of privilege, he noted that the behaviour complained of could amount to threatening or intimidating a member acting in the discharge of their duty or threatening a member on account of their conduct in Parliament.

The Standing Orders do not require that all acts or omissions described in Standing Order 418 be treated as contempts. The Privileges Committee considers each case on its own merits, taking into account the seriousness, impact, and level of culpability involved in the act or omission.

Finding of contempt

We have been tasked with determining whether Hon Julie Anne Genter's behaviour in the chamber on 1 May 2024 amounts to a contempt of the House.

We find that Ms Genter's behaviour in the chamber on 1 May 2024 was such that it could have the effect of intimidating a member of the House acting in the discharge of their duty (participating in a debate in the House). We find that, in acting in this way, Ms Genter committed a contempt of the House.

Members must be free to participate in debate freely, in line with the rules of debate and established practices of the House. It is not acceptable to physically approach another member in order to engage them in a separate debate on the floor of the debating chamber. It is particularly unacceptable to do so while leaning over another member in a way that could intimidate that member, regardless of whether that is the intention.

The definition of contempt includes an act that impedes a member of the House in the discharge of the member's duties, or has a tendency, directly or indirectly, to produce such a result. We consider that a member physically approaching another member and standing over them to engage in a separate debate to that taking place in the House, would have the result of impeding that member's ability to participate in the debate in the House. This is clearly unacceptable. Members participating in a debate in the debating chamber are self-evidently acting in the discharge of their duties as members of Parliament.

We want Parliament to be a safe working environment for everyone, but we do recognise that the parliamentary environment is different from other contexts. Parliament is a place of debate, and this means that sometimes members exhibit behaviour that would not be acceptable in other workplaces. For example, in the debating chamber, members often engage in vigorous exchanges of ideas and interject while other members are speaking. We have carefully considered whether Ms Genter's behaviour could fit within the bounds of acceptable parliamentary behaviour. We find that even in the context of a vigorous debate, her behaviour was unprofessional and unacceptable.

Proposed penalty

We consider that it is important for Parliament to be aware of how the public expects elected members to behave, and to uphold generally accepted standards of behaviour. We also consider it important for all members to recognise that the behaviour discussed in our report is not acceptable, and that this is a serious matter. We therefore recommend that Ms Genter be censured by the House for acting in a manner that could have the effect of intimidating a member of the House acting in the discharge of their duty. We recommend that Ms Genter apologise to the House unreservedly and without qualification.

Appendix A

Committee procedure

We met between 8 May and 27 June 2024 to consider this question of privilege. We received advice from the Office of the Clerk.

We provided Hon Julie Anne Genter 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 Scott Simpson was replaced by Hon Simeon Brown, Hon Paul Goldsmith, and Sam Uffindell during our consideration of this item of business.

Camilla Belich, Hon Casey Costello, Hon Jenny Salesa, Hon Chris Penk, and Dr Lawrence Xu-Nan also participated in our consideration of this item of business.

Appendix B—Speaker’s Ruling

7 May 2024

As notified to the House last Thursday, I have received letters from the Hon Scott Simpson and Todd Stephenson raising a matter of privilege relating to the Julie Anne Genter conduct towards Matt Doocey during the committee stage of the Appropriation (2022/23 Confirmation and Validation) Bill on 1 May 2024. The conduct complained of could amount to threatening or intimidating a member acting in the discharge of their duty, or threatening a member on account of their conduct in Parliament—see Standing Orders 418(m) and (w), and McGee, section 59.9. The Speaker does not inquire into the veracity of the evidence presented or conduct an inquiry into the allegations. That’s the role of the Privileges Committee. The Speaker’s role in such matters is to determine whether the facts alleged could amount to a breach of privilege or a contempt of the House. Accordingly, I find that a question of privilege does arise, and that question stands referred to the Privileges Committee.