

Version
as at 28 October 2021



Parliamentary Privilege Act 2014

Public Act 2014 No 58
Date of assent 7 August 2014
Commencement see section 2

Contents

	Page
1 Title	3
2 Commencement	3
Part 1	
General provisions	
3 Purposes of this Act	4
4 Interpretation of this Act	4
5 Interpretation	5
6 Act binds the Crown	8
Part 2	
Parliamentary privilege: fundamental provisions	
Subpart 1—Privileges generally of House, committees, and members	
7 Purpose of parliamentary privilege	8
8 Privileges exercisable and part of laws of New Zealand, journals as evidence	8

Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This Act is administered by the Office of the Clerk of the House of Representatives.

	Subpart 2—Effect of Article 9 of Bill of Rights 1688, and proceedings in Parliament defined	
	<i>Reaffirmation, and clarification of aspects, of Article 9</i>	
9	Article 9 to be taken to have specified effect	9
	<i>Definition</i>	
10	Proceedings in Parliament defined	9
	<i>Scope of prohibited impeaching or questioning, in court or tribunal proceedings, of proceedings in Parliament</i>	
11	Facts, liability, and judgments or orders	10
12	Production or use of documents or oral evidence House or committee received in private, or as secret evidence	10
13	Use of certain documents in interpretation of legislation	11
14	Operation of Parts 3 and 4	11
15	Use of proceedings to establish, without impeaching or questioning, historical events or other facts	12
	<i>Subpart is declaratory, and prospective only</i>	
16	Subpart is for avoidance of doubt, and does not apply to existing court or tribunal proceedings	12
	Part 3	
	Communicating proceedings in Parliament	
	Subpart 1—Stays of court or tribunal proceedings in respect of specified communications	
17	Communications of proceedings in Parliament, related documents, or specified copies	12
	Subpart 2—Qualified immunity from civil or criminal liability	
18	Effect and operation of qualified immunity under this Act	14
19	Delayed communication to public, not under House’s authority, of proceedings in Parliament	14
20	Communication of certain parliamentary documents	14
21	Other laws unaffected	15
	Part 4	
	Parliamentary privilege: other provisions	
	Subpart 1—House’s power to fine for contempt	
22	House may impose fine on person determined by House to have committed contempt of House	15
	Subpart 2—House has no power to expel from membership of House	
23	Members’ seats become vacant only as provided in Electoral Act 1993	16

	Subpart 3—Parliamentary witnesses	
24	House or committee may administer oath or affirmation	16
25	Privileges and immunities of witness giving evidence on oath or affirmation	16
	Subpart 4—Members’ and certain officers’ participation in court or tribunal proceedings	
26	Member or officer may apply to Speaker for certificate exempting from attendance	16
27	Speaker determines application for exemption certificate	17
28	Extent of exemption under certificate granted	17
29	Order or certificate exempting Speaker from attendance	17
30	Effect of certificate or order	18
	Subpart 5—Judicial notice of Speaker’s signature on certificates	
31	Judicial notice must be taken of Speaker’s signature	19
	Subpart 6—Evidence of parliamentary journals	
31A	Copies of parliamentary journals to be evidence	19
	Part 5	
	Savings provision, related amendments, and repeals	
	<i>Savings provision</i>	
32	Existing court or tribunal proceedings	19
	<i>Related amendments</i>	
33	Canterbury Earthquake Recovery Act 2011 amended	19
34	Defamation Act 1992 amended	20
35	Epidemic Preparedness Act 2006 amended	20
36	Imperial Laws Application Act 1988 amended	20
37	Intelligence and Security Committee Act 1996 amended	20
	<i>Repeals</i>	
38	Legislature Act 1908 and Legislature Amendment Act 1992 repealed	21

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Parliamentary Privilege Act 2014.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

Part 1

General provisions

3 Purposes of this Act

- (1) The main purposes of this Act are to—
 - (a) reaffirm and clarify the nature, scope, and extent of the privileges, immunities, and powers exercisable by the House of Representatives, its committees, and its members; and
 - (b) ensure adequate protection from civil and criminal legal liability for communication of, and of documents relating to, proceedings in Parliament.
- (2) The subsidiary purposes of this Act, to help it to achieve its main purposes, are to—
 - (a) reaffirm generally in a single Act and clarify the purpose and certain other aspects of, but avoid comprehensive codification of, parliamentary privilege; and
 - (b) provide for Article 9 of the Bill of Rights 1688 to be taken to have, for the avoidance of doubt, a specified effect (in addition to any other operation, and subject to specified overriding offence provisions); and
 - (c) define, for the avoidance of doubt, “proceedings in Parliament” for the purposes of Article 9 of the Bill of Rights 1688, and in particular to alter the law in the decision in *Attorney-General v Leigh* [2011] NZSC 106, [2012] 2 NZLR 713 (SC); and
 - (d) abolish and prohibit evidence being offered or received, questions being asked, or statements, submissions, or comments made, concerning proceedings in Parliament, to inform or support “effective repetition” claims and liabilities in proceedings in a court or tribunal and exemplified by the decision in *Buchanan v Jennings* [2004] UKPC 36, [2005] 2 All ER 273 (PC); and
 - (e) replace with modern legislation the law formerly contained in the Legislature Act 1908, the Legislature Amendment Act 1992, and certain provisions of the Defamation Act 1992.

4 Interpretation of this Act

- (1) This Act must be interpreted in a way that—
 - (a) promotes its main and subsidiary purposes; and
 - (b) promotes the principle of comity that requires the separate and independent legislative and judicial branches of government each to recognise, with the mutual respect and restraint that is essential to their important constitutional relationship, the other’s proper sphere of influence and privileges; and

- (c) ensures privileges, immunities, and powers of the House of Representatives, its committees, and its members are exercisable for the purpose stated in section 7.
- (2) Subsection (1) does not affect the application of Part 2 of the Legislation Act 2019 to this Act.

Section 4(2): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

5 Interpretation

- (1) In this Act, unless the context otherwise requires,—

committee means a committee, or subcommittee of a committee, of the House

communication, of a document or proceedings, includes—

- (a) communication to or for any people, in any form, on any basis, and using any medium or media, of the document or proceedings; and
- (b) live or delayed original communication, and delayed recommunication, of the document or proceedings; and
- (c) live or delayed communication to the public of the document or proceedings

Examples

- Delivery of a printed copy of the document
- Email of an electronic copy of the document
- Internet posting for viewing or downloading of an electronic copy of the document
- Radio broadcast of, or of an audio file or recording of, the proceedings
- Television broadcast (free of charge or by payment) of, or of a video file or recording of, the proceedings
- Internet webcast or podcast (on-demand or scheduled) of, or of an audio or video file or recording of, the proceedings
- Transmission solely as a distributor, a reproducer of content, or a supplier of transmission services, of the document or of, or of an audio or video file or recording of, the proceedings.

communication to the public, of a document or proceedings, means communication of the document or proceedings to or for, or to or for a class of, the public

copy, in relation to a document, includes a copy of a copy and a copy that is not an exact copy of the document but is identical to the document in all relevant respects

court means—

- (a) the Supreme Court, the Court of Appeal, the High Court, or the District Court; or

- (b) any of the following specialist courts: the Court Martial of New Zealand established by section 8 of the Court Martial Act 2007, the Court Martial Appeal Court constituted by the Court Martial Appeals Act 1953, the Employment Court, the Environment Court, the Māori Appellate Court, and the Māori Land Court

District Court includes—

- (a) the Family Court and the Youth Court; and
(b) the District Court sitting in its admiralty jurisdiction

document means any of the following:

- (a) any material, whether or not it is signed or otherwise authenticated, that bears symbols (including words and figures), images, or sounds or from which symbols, images, or sounds can be derived, including (without limitation) material that is any of the following:
- (i) a label, marking, or other writing that identifies or describes a thing of which it forms part, or to which it is attached:
 - (ii) a book, map, plan, graph, or drawing:
 - (iii) a photograph, film, or negative:
- (b) information electronically recorded or stored (including, without limitation, an audio or video file or recording), or information derived from that information:
- (c) a copy of, or part of, a document as defined in paragraph (a) or (b)

exercisable, for privileges, immunities, or powers and for a House, its committees, or its members, means that the privileges, immunities, or powers are held, enjoyed, and exercised by the House, its committees, or its members

House means the House of Representatives continued by section 10 of the Constitution Act 1986

member means a member of the House known, in accordance with section 10(4) of the Constitution Act 1986 and section 27 of the Electoral Act 1993, as a member of Parliament

officer,—

- (a) in subpart 4 of Part 4 (members' and certain officers' participation in court or tribunal proceedings), means only an officer of the House who is any of the following:
- (i) the Clerk, or the Deputy Clerk, of the House; or
 - (ii) a Clerk-Assistant of the House; or
 - (iii) the Serjeant-at-Arms; and
- (b) in the rest of this Act, means any officer of the House (including, without limitation, an officer referred to in paragraph (a)(i), (ii), or (iii), or a person authorised by the Clerk of the House to perform or exercise any

of the Clerk's functions or powers under the House's Standing Orders or to be a clerk of a committee)

proceedings in Parliament has the meaning given to it by section 10

report includes—

- (a) a record or transcript; and
- (b) part of a report

Speaker means—

- (a) every person who is the Speaker of the House (as chosen and confirmed, and continuing in office, under sections 12 and 13 of the Constitution Act 1986) or a Deputy Speaker of the House; or
- (b) in relation to the period commencing immediately after the close of any polling day at a general election and ending with the first meeting of the House after the general election, every person who held on that polling day the office of Speaker of the House or Deputy Speaker of the House

summons, of a court or tribunal, includes a writ, subpoena, or other process—

- (a) that is a process of, or issued by or on behalf of, the court or tribunal; and
- (b) that requires attendance at the court or tribunal

tribunal means any person or body (other than the House, a committee, or a court, but including, without limitation, an inquiry to which section 6 of the Inquiries Act 2013 applies) with power to summons witnesses and take evidence on oath or affirmation, or with power to require (by, or without, a summons) the giving or supply (on, or without, oath or affirmation) of any kind or form of evidence or information

under the House's or a committee's authority includes, without limitation, by, or by order of, the House or the committee.

- (2) The examples provided in subsection (1), or in section 14, of the operation of that provision—
 - (a) do not limit that provision; and
 - (b) may extend the operation of that provision.
- (3) A reference in this Act or in an enactment it amends to article 9 of the Bill of Rights 1688 is a reference to the ninth article of section 1 of the Bill of Rights 1688 so far as that article is part of the laws of New Zealand under section 3(1) and Schedule 1 of the Imperial Laws Application Act 1988.

Section 5(1) **court** paragraph (a): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 5(1) **District Court**: replaced, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

6 Act binds the Crown

This Act binds the Crown.

Part 2**Parliamentary privilege: fundamental provisions****Subpart 1—Privileges generally of House, committees, and members****7 Purpose of parliamentary privilege**

The privileges, immunities, and powers exercisable in accordance with the rest of this Act by the House, committees, and members, are exercisable to—

- (a) uphold the integrity of the House as a democratic legislative assembly; and
- (b) secure the independence of the House, committees, and members, in the performance of their functions.

8 Privileges exercisable and part of laws of New Zealand, journals as evidence

Privileges, etc, exercisable

- (1) The privileges, immunities, and powers exercisable by the House, committees, and members are every privilege, immunity, or power that complies with both of the following:
 - (a) it was on 1 January 1865 (by parliamentary custom or practice and rules, statute, or common law) exercisable by the Commons House of Parliament of Great Britain and Ireland, its committees, or its members; and
 - (b) it is not inconsistent with, or repugnant to, the New Zealand Constitution Act 1852 of the Parliament of the United Kingdom as in force on (the date of the coming into operation of the Parliamentary Privileges Act 1865, namely) 26 September 1865.

Privileges, etc, part of laws of New Zealand

- (2) Those privileges, immunities, and powers are part of the laws of New Zealand.

Judicial notice of privileges, etc

- (3) All courts and all persons acting judicially must take judicial notice of those privileges, immunities, and powers.

Use, on privileges, etc, inquiry, of House of Commons Journal

- (4) On any inquiry touching those privileges, immunities, and powers, a copy of the Journals of the Commons House of Parliament that purports to be printed or published by order of the Commons House of Parliament must be admitted as evidence of those journals by all courts, persons acting judicially, and other

persons, without any proof being given that the copy was so printed or published.

Compare: 1865 No 13 ss 4, 5; 1908 No 101 s 242

Subpart 2—Effect of Article 9 of Bill of Rights 1688, and proceedings in Parliament defined

Reaffirmation, and clarification of aspects, of Article 9

9 Article 9 to be taken to have specified effect

Article 9 of the Bill of Rights 1688 must be taken to have, in addition to any other operation, the effect required by this subpart, unless a different effect is required for prosecution of an offence related to proceedings in Parliament and against any of the following provisions of the Crimes Act 1961:

- (a) section 102 (corruption and bribery of Minister of the Crown):
- (b) section 103 (corruption and bribery of member of Parliament):
- (c) section 109 (perjury).

Compare: 1908 No 101 ss 252, 253(4); Parliamentary Privileges Act 1987 s 16(1) and (6) (Aust)

Definition

10 Proceedings in Parliament defined

- (1) **Proceedings in Parliament**, for the purposes of Article 9 of the Bill of Rights 1688, and for the purposes of this Act, means all words spoken and acts done in the course of, or for purposes of or incidental to, the transacting of the business of the House or of a committee.
- (2) The definition in subsection (1) must be taken to include the following:
 - (a) the giving of evidence (and the evidence so given) before the House or a committee:
 - (b) the presentation or submission of a document to the House or a committee:
 - (c) the preparation of a document for purposes of or incidental to the transacting of any business of the House or of a committee:
 - (d) the formulation, making, or communication of a document, under the House's or a committee's authority (and the document so formulated, made, or communicated):
 - (e) any proceedings deemed by an enactment to be (or a thing said or produced, or information supplied, in an inquiry or proceedings, if an enactment provides the thing or information is privileged in the same way as if the inquiry or proceedings were) for those purposes proceedings in Parliament.

- (3) In determining under subsection (1) whether words are spoken or acts are done for purposes of or incidental to the transacting of the business of the House or of a committee, words spoken or acts done for purposes of or incidental to the transacting of reasonably apprehended business of the House or of a committee must be taken to fall within subsection (1).
- (4) In determining under subsection (1) whether words are spoken or acts are done for purposes of or incidental to the transacting of the business of the House or of a committee, no necessity test is required or permitted to be used.
- (5) **Necessity test** includes, but is not limited to, a test based on or involving whether the words or acts are or may be (absolutely, or to any lesser degree or standard) necessary for transaction of the business.
- (6) Subsections (2) and (3) do not limit subsection (1).
- (7) This section applies despite any contrary law (including, without limitation, every enactment or other law in the decision in *Attorney-General v Leigh* [2011] NZSC 106, [2012] 2 NZLR 713 (SC)).

Compare: Parliamentary Privileges Act 1987 s 16(2) (Aust)

Scope of prohibited impeaching or questioning, in court or tribunal proceedings, of proceedings in Parliament

11 Facts, liability, and judgments or orders

In proceedings in a court or tribunal, evidence must not be offered or received, and questions must not be asked or statements, submissions, or comments made, concerning proceedings in Parliament, by way of, or for the purpose of, all or any of the following:

- (a) questioning or relying on the truth, motive, intention, or good faith of anything forming part of those proceedings in Parliament:
- (b) otherwise questioning or establishing the credibility, motive, intention, or good faith of any person:
- (c) drawing, or inviting the drawing of, inferences or conclusions wholly or partly from anything forming part of those proceedings in Parliament:
- (d) proving or disproving, or tending to prove or disprove, any fact necessary for, or incidental to, establishing any liability:
- (e) resolving any matter, or supporting or resisting any judgment, order, remedy, or relief, arising or sought in the court or tribunal proceedings.

Compare: Parliamentary Privileges Act 1987 s 16(3) (Aust)

12 Production or use of documents or oral evidence House or committee received in private, or as secret evidence

- (1) This subsection applies to a document that has been prepared for the purpose of submission, and submitted, to the House or a committee, and that—

- (a) was received (as advice, evidence, or otherwise) in private by, and so is confidential to, the House or the committee; or
 - (b) was received as secret evidence by the House or the committee, and so generally cannot be disclosed.
- (2) A court or tribunal must not require to be produced, or admit into evidence, or admit evidence relating to, a document to which subsection (1) applies, unless the House or the committee has communicated to the public, or authorised the communication to the public of, that document.
- (3) This subsection applies to oral evidence taken by the House or a committee, and that—
- (a) was received (as advice, evidence, or otherwise) in private by, and so is confidential to, the House or the committee; or
 - (b) was heard as secret evidence by the House or the committee, and so generally cannot be disclosed.
- (4) A court or tribunal must not admit evidence concerning, or require to be produced or admit into evidence a document recording or reporting, oral evidence to which subsection (3) applies, unless the House or the committee has communicated to the public, or authorised the communication to the public of, that oral evidence.

Compare: Parliamentary Privileges Act 1987 s 16(4) (Aust)

13 Use of certain documents in interpretation of legislation

- (1) This section applies to proceedings in a court or tribunal so far as those proceedings are for the purpose of ascertaining the meaning of, or the meaning that can be given to, an enactment.
- (2) Neither this subpart nor the Bill of Rights 1688 prevents or restricts the court or tribunal only for that purpose—
- (a) admitting in evidence (or taking judicial notice of) a document relating to proceedings in Parliament communicated under the House's or a committee's authority; or
 - (b) allowing the making of statements, submissions, or comments based on that document.

Compare: Parliamentary Privileges Act 1987 s 16(5)(b) (Aust)

14 Operation of Parts 3 and 4

Neither this subpart nor the Bill of Rights 1688 prevents or restricts proceedings in Parliament being used for the purposes of Parts 3 and 4.

Examples

A court's or tribunal's presiding judicial officer under section 17(4) determining whether a Speaker's certificate granted under section 17 (and to which section 31

applies) covers communications related to claims or charges in civil or criminal proceedings in the court or tribunal.

A court or tribunal under section 30, if the certificate or order is presented to it, giving effect to a Speaker's certificate granted under section 27 or 29 (and to which section 31 applies) or an order of the House made under section 29.

15 Use of proceedings to establish, without impeaching or questioning, historical events or other facts

- (1) In relation to proceedings in a court or tribunal, neither this subpart nor the Bill of Rights 1688 prevents or restricts evidence being offered or received, questions being asked, or statements, submissions, or comments made, concerning proceedings in Parliament, by way of, or for the purpose of, establishing with no impeaching or questioning of the proceedings in Parliament a relevant historical event or other fact.
- (2) This section is explanatory only, and does not limit or affect the prohibition in Article 9 of the Bill of Rights 1688 (operating as this subpart requires, or independently) on impeaching or questioning proceedings in Parliament.

Subpart is declaratory, and prospective only

16 Subpart is for avoidance of doubt, and does not apply to existing court or tribunal proceedings

- (1) This subpart declares and enacts, for the avoidance of doubt, the effect that Article 9 of the Bill of Rights 1688 had, on its true construction, before this Act's commencement.
- (2) However (in accordance with section 32) this subpart does not apply to proceedings—
 - (a) in a court or a tribunal; and
 - (b) that commenced before this Act's commencement.

Compare: Parliamentary Privileges Act 1987 s 16(7) (Aust)

Part 3

Communicating proceedings in Parliament

Subpart 1—Stays of court or tribunal proceedings in respect of specified communications

17 Communications of proceedings in Parliament, related documents, or specified copies

- (1) This section applies if civil or criminal proceedings in a court or tribunal are commenced against a person in respect of either or both of the following:

- (a) the communication, by the person or the person's agent or employee, and under the House's or a committee's authority, of either or both of the following:
 - (i) proceedings in Parliament;
 - (ii) a document relating to proceedings in Parliament;
 - (b) the communication, by the person or the person's agent or employee, of a copy of a document (an **authorised parliamentary communication**)—
 - (i) relating to proceedings in Parliament; and
 - (ii) communicated under the House's or a committee's authority.
- (2) The Speaker may, on an application for the purpose made to the Speaker by or on behalf of the person, grant the person a certificate—
- (a) stating that the person, or the person's agent or employee did (as the case may be) all or any of the following:
 - (i) communicated, under the House's or a committee's authority, the proceedings in Parliament, the document relating to proceedings in Parliament, or both;
 - (ii) communicated the authorised parliamentary communication; and
 - (b) appending copies of each document relating to proceedings in Parliament or authorised parliamentary communication communicated, and stating that true copies of them were communicated; and
 - (c) signed by the Speaker.
- (3) The person may, by doing both of the following, apply for a stay of the proceedings in the court or tribunal:
- (a) filing in, or lodging with, the court or tribunal (without fee) a notice of application for the purpose appending the certificate (and that may, but need not, include or append a draft order staying the proceedings); and
 - (b) serving (or taking all reasonable steps to serve) copies on, or on counsel for, all other parties to the proceedings (including, without limitation, the plaintiff or prosecutor in the proceedings).
- (4) The court's or tribunal's registrar must, if satisfied (on any evidence the registrar requires) the person has applied for a stay of the proceedings in accordance with subsection (3), refer the file to the court's or tribunal's presiding judicial officer, who must immediately stay the proceedings (except claims or charges unrelated to communications the certificate covers).
- (5) The order staying the proceedings must (without fee) be sealed, dated, and served, and entered in the court's or tribunal's formal or permanent record, in accordance with its practice and procedure.
- (6) The stayed proceedings are required by this section to be taken to be finally determined.

- (7) This section does not prevent or restrict the plaintiff's or prosecutor's discontinuing or withdrawing the proceedings.

Compare: 1954 No 46 ss 18, 19; 1992 No 106 ss 2, 4, 5; Parliamentary Papers Act 1840 ss 1, 2 (UK)

Subpart 2—Qualified immunity from civil or criminal liability

18 Effect and operation of qualified immunity under this Act

- (1) Qualified immunity under this Act is an immunity from any civil or criminal liability for the relevant communication.
- (2) The immunity is a defence to liability, but the defence is available to the defendant only if—
- (a) the defence is pleaded, or otherwise raised as a defence, by or on behalf of the defendant; and
 - (b) the defence is not made unavailable by subsection (3).
- (3) The defence is unavailable if, in proceedings against the defendant that relate to the relevant communication, the plaintiff or prosecutor proves that, in communicating the matter that is the subject of the proceedings, the defendant abused the occasion of communication.
- (4) The defendant abused the occasion of communication if the plaintiff or prosecutor proves that, in communicating the matter that is the subject of the proceedings, the defendant did either or both of the following:
- (a) acted in bad faith;
 - (b) acted with a predominant motive of ill will.
- (5) Subsection (4) does not limit subsection (3).

Compare: 1992 No 105 ss 16(1), (3), 17, 19, Schedule 1 Part 1 cl 1

19 Delayed communication to public, not under House's authority, of proceedings in Parliament

A delayed communication to the public, by any communicator, of proceedings in Parliament, if not made under the House's or a committee's authority, is protected by qualified immunity.

Compare: 1992 No 105 ss 16(1), (3), 17, 19, Schedule 1 Part 1 cl 1

20 Communication of certain parliamentary documents

The following communications are protected by qualified immunity:

- (a) the communication of a fair and accurate report of proceedings in Parliament;
- (b) the communication of a fair and accurate extract from, or summary of,—
 - (i) a document communicated under the House's or a committee's authority; or

- (ii) a document relating to proceedings in Parliament, and communicated under—
 - (A) the House's or a committee's authority; or
 - (B) the authority of any enactment.

Compare: 1992 No 105 ss 16(1), 17, 19, Schedule 1 Part 1 cls 2, 3

21 Other laws unaffected

- (1) This Act does not limit or affect any laws relating to absolute privilege or qualified privilege.
- (2) Those laws include, without limitation, sections 13 to 19 of the Defamation Act 1992.

Compare: 1992 No 105 ss 15, 16(3)

Part 4

Parliamentary privilege: other provisions

Subpart 1—House's power to fine for contempt

22 House may impose fine on person determined by House to have committed contempt of House

Power to fine for contempt of House

- (1) The House may by resolution impose on a person, for a contempt of the House determined by the House to have been committed by that person, a fine not exceeding \$1,000.

Enforcement

- (2) A fine imposed on a person under subsection (1) is payable and enforceable under Part 3 (and all other relevant provisions) of the Summary Proceedings Act 1957 as if it were a fine (as defined in section 79(1) of that Act) that is, or is a part of, an amount of money that the person is obliged to pay under an order imposed by a court for a contempt of court.
- (3) The Clerk of the House must ensure a copy of a resolution under subsection (1) is sent to the Registrar of the District Court at Wellington—
 - (a) for service on the person under the Summary Proceedings Act 1957 (as if it contained the same information, except appeals information, as a notice of fine under section 84(2) of that Act); and
 - (b) for enforcement against the person under that Act.

Power to fine is exclusive, but other penalty powers unaffected

- (4) This section replaces all other powers, if any, of the House, under any other laws, to impose a fine on a person for a contempt of the House determined by the House to have been committed by that person, but does not limit or affect the House's powers to penalise the person for the contempt otherwise than by

imposing a fine on the person (whether the other penalty is instead of, or as well as, the imposition of a fine).

Power to fine is for avoidance of doubt

- (5) Subsection (1) (except for the \$1,000 maximum) declares and enacts, for the avoidance of doubt, part of the effect that section 242 of the Legislature Act 1908 had, on its true construction, before this Act's commencement.

Compare: Parliamentary Privileges Act 1987 s 7(5)–(8) (Aust)

Subpart 2—House has no power to expel from membership of House

23 Members' seats become vacant only as provided in Electoral Act 1993

- (1) The House has no power to make a member's seat become vacant by expelling the member (whether to discipline or punish the member, to protect the House by removing an unfit member, or for any reason or purpose) from membership of the House.
- (2) Subsection (1) overrides any law to the contrary.

Compare: Parliamentary Privileges Act 1987 s 8 (Aust)

Subpart 3—Parliamentary witnesses

24 House or committee may administer oath or affirmation

The House or a committee respectively may, for the purpose of taking evidence on oath or affirmation from a witness examined before the House or that committee, administer an oath or affirmation to the witness.

Compare: 1908 No 101 s 252

25 Privileges and immunities of witness giving evidence on oath or affirmation

- (1) A witness examined before the House or a committee and giving evidence on oath or affirmation has, in respect of that evidence, the same privileges and immunities as has a witness giving evidence on oath or affirmation in a court.
- (2) This section is subject to any contrary enactment.

Compare: 1875 No 20 s 2; 1908 No 101 s 253(5)

Subpart 4—Members' and certain officers' participation in court or tribunal proceedings

26 Member or officer may apply to Speaker for certificate exempting from attendance

A member (other than the Speaker) or officer may apply to the Speaker to be exempted from attendance if the member or officer is required by a court's or tribunal's summons to attend personally at the court or tribunal—

- (a) as a party or witness in a civil proceeding; or

- (b) as a witness in a criminal proceeding.

Compare: 1908 No 101 ss 257, 261

27 Speaker determines application for exemption certificate

- (1) The Speaker must, on an application under section 26, grant the member or officer an exemption certificate unless satisfied, after any inquiry the Speaker thinks fit to make, that non-compliance with the summons would—
 - (a) delay injuriously, or defeat, the interests of justice; or
 - (b) cause irreparable injury to a party to the proceeding.
- (2) The certificate must be signed by the Speaker, attach a copy of the summons, and identify the attendance concerned.

Compare: 1908 No 101 s 263

28 Extent of exemption under certificate granted

An exemption certificate granted to a member or an officer under section 27 exempts the member or officer from attendance (whether in compliance with the summons, or otherwise) until the earlier of the following times:

- (a) the end of the session during which the certificate was granted:
- (b) the end of the calendar year after the calendar year during which the certificate was granted.

Compare: 1908 No 101 s 264

29 Order or certificate exempting Speaker from attendance

When and how House to consider making exempting order

- (1) This subsection applies if the Speaker—
 - (a) is required by a court's or tribunal's summons to attend personally at the court or tribunal—
 - (i) as a party or witness in a civil proceeding; or
 - (ii) as a witness in a criminal proceeding; and
 - (b) either has already acted under subsection (5) but can now submit the matter to the House without delay because the House has since ceased to be adjourned, or cannot act under subsection (5) because—
 - (i) the House is not adjourned; or
 - (ii) the House is adjourned but the Speaker is not satisfied that it is necessary to act without delay.
- (2) The Speaker must if subsection (1) applies submit the matter to the House at the first convenient opportunity.
- (3) The House may, on a matter submitted under subsection (2), make any order the House thinks fit, but an order of the House that the Speaker be exempted

from attendance exempts the Speaker from attendance (whether in compliance with the summons, or otherwise) until the earlier of the following times:

- (a) the end of the session during which the order was made;
- (b) the end of the calendar year after the calendar year during which the order was made.

Speaker to grant temporary exempting certificate if House adjourned, etc

- (4) This subsection applies if the Speaker—
 - (a) is required by a court's or tribunal's summons to attend personally at the court or tribunal—
 - (i) as a party or witness in a civil proceeding; or
 - (ii) as a witness in a criminal proceeding; and
 - (b) cannot submit the matter to the House without delay because the House is adjourned; and
 - (c) is satisfied that it is necessary to act without delay; and
 - (d) is not satisfied, after any inquiry the Speaker thinks fit to make, that non-compliance with the summons would—
 - (i) delay injuriously, or defeat, the interests of justice; or
 - (ii) cause irreparable injury to a party to the proceeding.
- (5) The Speaker must if subsection (4) applies grant to the Speaker an exemption certificate.
- (6) The certificate must be signed by the Speaker, attach a copy of the summons, and identify the attendance concerned.
- (7) An exemption certificate granted under subsection (5) exempts the Speaker from attendance (whether in compliance with the summons, or otherwise) until both of the following have occurred:
 - (a) the matter is submitted at the first convenient opportunity to the House, under subsection (2); and
 - (b) the House has made an order on the matter, under subsection (3).

Compare: 1908 No 101 s 260

30 Effect of certificate or order

If a certificate granted, or order made, under section 27 or 29, is presented to the court or tribunal,—

- (a) the member, officer, or Speaker is exempted from attendance as provided in (as the case requires) section 28 or 29(3) or (7); and
- (b) no proceedings (civil or criminal) may be commenced or continued against the member, officer, or Speaker in respect of his or her non-compliance with the summons, or other non-attendance during his or her exemption; and

- (c) the court or tribunal may adjourn the proceeding on any terms it thinks convenient and just in light of that exemption.

Compare: 1908 No 101 s 264

Subpart 5—Judicial notice of Speaker’s signature on certificates

31 Judicial notice must be taken of Speaker’s signature

All courts and all persons acting judicially must take judicial notice of the Speaker’s signature on a certificate granted under section 17, 27, or 29.

Compare: 1908 No 101 s 268

Subpart 6—Evidence of parliamentary journals

Subpart 6: inserted, on 28 October 2021, by section 16 of the Legislation (Repeals and Amendments) Act 2019 (2019 No 59).

31A Copies of parliamentary journals to be evidence

- (1) This section applies to copies of the Journals of the Legislative Council or the House of Representatives of New Zealand that purport to be printed by the Government Printer or published under the House’s authority.
- (2) All courts and all persons acting judicially must admit those copies as evidence of the matters stated in them, without further proof that they were so printed or published.

Compare: 2012 No 119 s 19

Section 31A: inserted, on 28 October 2021, by section 16 of the Legislation (Repeals and Amendments) Act 2019 (2019 No 59).

Part 5

Savings provision, related amendments, and repeals

Savings provision

32 Existing court or tribunal proceedings

This Act’s provisions (other than this section) do not apply to proceedings—

- (a) in a court or a tribunal; and
- (b) that commenced before this Act’s commencement.

Compare: Parliamentary Privileges Act 1987 s 16(7) (Aust)

Related amendments

33 Canterbury Earthquake Recovery Act 2011 amended

- (1) This section amends the Canterbury Earthquake Recovery Act 2011.

- (2) In section 71(6)(c), replace “or the New Zealand Bill of Rights Act 1990” with “the New Zealand Bill of Rights Act 1990, or the Parliamentary Privilege Act 2014”.

34 Defamation Act 1992 amended

- (1) This section amends the Defamation Act 1992.
- (2) In the heading to section 13, replace “**Parliamentary proceedings**” with “**proceedings in Parliament**”.
- (3) In section 13(1) and (2), replace “the House of Representatives” with “Parliament”.
- (4) In section 13(3)(c), replace “record of the proceedings of the House of Representatives” with “report of proceedings in Parliament”.
- (5) After section 13(3), insert:
 - (4) **Proceedings in Parliament**, in this section, has the same meaning as in section 10 of the Parliamentary Privilege Act 2014.
- (6) In Schedule 1, Part 1, repeal clauses 1 to 3.

35 Epidemic Preparedness Act 2006 amended

- (1) This section amends the Epidemic Preparedness Act 2006.
- (2) In section 12(3)(c), replace “or the New Zealand Bill of Rights Act 1990,” with “the New Zealand Bill of Rights Act 1990, or the Parliamentary Privilege Act 2014,”.
- (3) In section 15(3)(c), replace “or the New Zealand Bill of Rights Act 1990,” with “the New Zealand Bill of Rights Act 1990, or the Parliamentary Privilege Act 2014,”.

36 Imperial Laws Application Act 1988 amended

- (1) This section amends the Imperial Laws Application Act 1988.
- (2) In Schedule 1, in the item relating to the Bill of Rights 1688, after “section 1 [”, insert “the ninth article of which must be taken to have, in addition to any other operation, the effect specified in section 9 of the Parliamentary Privilege Act 2014, and”.

37 Intelligence and Security Committee Act 1996 amended

- (1) This section amends the Intelligence and Security Committee Act 1996.
- (2) In section 16(1), after “Article 9 of the Bill of Rights 1688”, insert “and the Parliamentary Privilege Act 2014”.
- (3) In section 16(2), replace “of the House of Representatives” with “in Parliament (as defined in section 10 of the Parliamentary Privilege Act 2014)”.

Repeals

38 Legislature Act 1908 and Legislature Amendment Act 1992 repealed

- (1) The Legislature Act 1908 (1908 No 101) is repealed.
- (2) The Legislature Amendment Act 1992 (1992 No 106) is repealed.

Notes**1 *General***

This is a consolidation of the Parliamentary Privilege Act 2014 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 *Amendments incorporated in this consolidation*

Secondary Legislation Act 2021 (2021 No 7): section 3

Legislation (Repeals and Amendments) Act 2019 (2019 No 59): section 16

District Court Act 2016 (2016 No 49): section 261