



Intended for	All Ministers All Chief Executives All Senior Private Secretaries Speaker of the House of Representatives Chief Parliamentary Counsel Controller and Auditor-General Chief Ombudsman Official Secretary, Government House
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Management of Parliamentary Business after the Dissolution of Parliament

Key points

- 1 This circular provides guidance on the management of parliamentary business after Parliament has been dissolved. The key points are as follows:
 - 1.1 all parliamentary business will lapse on **Friday 8 September 2023**, when Parliament is dissolved, but may be reinstated in the next Parliament by a resolution of the House of Representatives (the House);
 - 1.2 to assist the government in deciding which bills and other items of business will be proposed for reinstatement, departments should advise incoming Ministers of the implications of reinstating, or not reinstating, particular business;
 - 1.3 during the period between the dissolution of one Parliament and the opening of the next (the interregnum), departments need to be aware of the requirements relating to publishing papers and reports, the release of select committee information, and correspondence to select committees.

Lapse and reinstatement of parliamentary business

Lapse of parliamentary business

- 2 [Section 20 of the Constitution Act 1986](#) provides that all parliamentary business before the House or its committees lapses on the dissolution or expiration of a Parliament but may be reinstated in the next session of Parliament by a resolution of the House. This provision enables the new Parliament to determine which items of business it will consider.
- 3 The 53rd Parliament will be dissolved on **Friday 8 September 2023**. All parliamentary business will then lapse.

- 4 Outstanding written parliamentary questions will also lapse when Parliament is dissolved. New questions may be lodged for Ministers up to 10.30am on the morning of the dissolution on 8 September 2023. Any questions remaining unanswered at the time of the dissolution will lapse permanently and cannot be answered, corrected, or reinstated in the new Parliament. Questions outstanding at this time will be closed with the automated reply “Parliament dissolved: no reply received”. Note that replies which have been lodged immediately before dissolution will still be published after the usual three-day delay, so the last replies may not be published until 11 September 2023.

Items for reinstatement

Prior to the dissolution of Parliament

- 5 Agencies are expected to advise their Ministers of the items of parliamentary business within their portfolio that will lapse on 8 September. The Office of the Clerk will also list the items of parliamentary business that will lapse on dissolution in the Sessional Journals of the House for the 53rd Parliament, which will be available on Parliament’s website.

Following the election

- 6 The Cabinet Office, assisted by the Office of the Clerk, will provide the Leader of the House with a schedule of business that has lapsed and is available for reinstatement.
- 7 To assist with the reinstatement process, departments are expected to advise their incoming Ministers of the items of business within their portfolio that have lapsed, and the implications of reinstating, or not reinstating, each item. Departments may wish to consider including this advice in their briefings for incoming Ministers.

Stage at which parliamentary business is resumed

- 8 The [Standing Orders](#) provide that parliamentary business is resumed at the stage that it had reached in the previous Parliament. Departments may wish to note the following timing guidelines:
- 8.1 *select committee reporting dates*: select committee final reporting dates on Bills that are reinstated in the 54th Parliament will be addressed by the Business Committee in the new Parliament. In 2017 and 2020, at the first meeting of the new Parliament’s Business Committee, the report back date for nearly all reinstated legislation was moved to March or later in the subsequent year;
- 8.2 *government responses to select committee reports and petition referrals*: government responses to select committee reports presented and petition referrals made in the previous Parliament, and which are reinstated in the new Parliament, will still be expected 60 days after the report was presented in the previous Parliament, excluding the days between the dissolution on 8 September 2023 and the date of reinstatement. For example, a response which was to be due 20 working days after the dissolution will, if reinstated, be due 20 working days after the date of reinstatement. The Cabinet Office will discuss approximate due dates for government responses with Ministers’ offices and can advise on the date of the reinstatement motion when it is known.

Issues arising during the interregnum

- 9 The interregnum is the period between the dissolution of one Parliament and the opening of the next. Ministers and departments need to be aware of the process for managing the publication of reports, the confidentiality of lapsed select committee business, and correspondence with select committees during this period.

Publishing papers and reports after the dissolution of Parliament

- 10 Papers can continue to be presented as normal after the House rises, right up until the time of dissolution.
- 11 While papers cannot be presented to the House during the interregnum, Ministers may still be required by statute to publish reports or papers during this period. Departments need to be aware of any statutory requirements of this nature and advise their Minister accordingly. A statutory requirement to publish a document (usually an annual report) by a certain date, or as soon as practicable, supersedes the usual expectation that a document be presented to the House before it is published. If a document is published in this way, the usual arrangements must be made for the document to be presented to the House as soon as practicable when the new Parliament meets.
- 12 Reports or papers that are not required by statute to be published before they can be presented to the new Parliament should be retained by agencies until a government is appointed. When the new Parliament meets, the report or paper can be presented to the House in the usual way.
- 13 Papers may be provided to the House Office during the interregnum so that they are available to be presented as soon as the new Parliament meets. However, the legal protection conferred on parliamentary papers by the Parliamentary Privilege Act 2014 will not apply to such papers until they are presented to the House. There is no opportunity for this to occur before the first meeting of the new Parliament.

Confidentiality of lapsed select committee business

- 14 [Standing Order 245](#) provides that all select committee proceedings remain confidential through the interregnum, until nine sitting days into the new Parliament. This confidentiality ceases after the ninth sitting day of the new Parliament unless the House resolves to reinstate the select committee business or the committee concerned decides to readopt it.
- 15 To avoid being in contempt of the House, departments and other agencies subject to the Official Information Act 1982 that hold or have access to select committee information should refuse, under [section 18\(c\)\(ii\) of the Official Information Act 1982](#), requests for access to this material made after 8 September 2023 and before the ninth sitting day into the 54th Parliament.

Correspondence with select committees

- 16 During the interregnum, agencies should direct any correspondence to select committees, such as outstanding requests for information or advice, to the Clerk of the House of Representatives. This correspondence will be held by the Clerk until the 54th Parliament meets, select committees are established, and the correspondence can be referred to the appropriate committee.

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