



24 December 2025

Senator the Hon Jane Hume  
Chair  
Committee of Privileges  
Australian Senate

Dear Senator

**Inquiry into the Department of Parliamentary Services handling of documents and communications**

Thank you for your letter of 19 December inviting me to make a submission to the committee's inquiry into the Department of Parliamentary Services handling of documents and communications. Although I cannot comment specifically on the matter before the Committee, I am able to provide information about how third-party requests for information about members of Parliament are dealt with in New Zealand.

In 2016 the New Zealand Parliament adopted the *Protocol for the release of information from the parliamentary information, communication and security systems* (copy attached). In essence, it prohibits the release of information about members of Parliament unless the relevant member consents, or the release is authorised by law. The protocol also applies to information requests about political parties and about members of the parliamentary press gallery.

The protocol originated from two events. The first was calls for the House of Representatives and its agencies (the Office of the Clerk and the Parliamentary Service) to be made subject to the Official Information Act 1981. The second was an incident that occurred during an inquiry into the unauthorised release of confidential documents in 2013. In that event, the Parliamentary Service released information about a member and a press gallery journalist, without their consent, to a third party. The third party, an official acting for the Executive, had no legal authority to require the provision of the information. The events resulted in the resignation of the General Manager of the Service and an inquiry by the Privileges Committee.

The House had at that time, and still has, protocols guiding the release of information from its information systems to the police and intelligence services. The Privileges

Committee was concerned that information from these systems was more easily accessed through a request from the Executive (which the Parliament is responsible for holding to account), than it would have been had the New Zealand Police been investigating a criminal act. It was also concerned that the Speaker was not consulted about the release of information, as they would have been if the Police had been executing a search warrant.

In recommending the adoption of a protocol to deal with future requests for information, the Committee aimed to protect proceedings in parliament to which privilege attached as well as the other information members generate about their activities with constituents and as party members. The Committee also recommended that the Cabinet Manual be updated to state that where an inquiry is established under the Inquiries Act 2013, the exercise of powers in relation to members of Parliament and the parliamentary agencies will require recognition of parliamentary privilege. It issued guidance to the Ombudsman when undertaking an investigation into a complaint under the Official Information Act 1982 in respect of information held by a Minister of the Crown where the Minister is claiming that the information is not held in his or her official capacity as a Minister and is therefore not subject to that Act.

The *Protocol for the release of information from the parliamentary information, communication and security systems* has been in operation since 2016. Detailed policies about its operation have also been developed. Although the protocol must be reviewed every three years, there have been no changes to it, to date. The Parliamentary Service most commonly makes reference to the Protocol because it manages all of Parliament's information systems. My office also operates under the protocol but receives fewer requests for information, which generally relate to proceedings in Parliament. My office also advises the Parliamentary Service on the application of parliamentary privilege when requested.

I hope this information is of assistance to your Committee. I have included links to the documents mentioned in my submission:

1. *Protocol for the release of information from the parliamentary information, communication and security systems*  
<https://www3.parliament.nz/en/pb/parliamentary-rules/other-rules-and-protocols/protocol-for-the-release-of-information-from-the-parliamentary-information-communication-and-security-systems>
2. The interim report of the Privileges Committee on the *Question of privilege regarding use of intrusive powers within the parliamentary precinct*  
<https://selectcommittees.parliament.nz/v/6/4cfa5600-2ccc-46df-96c7-0b5a4878b676?lang=en>

3. The final report of the Privileges Committee on the *Question of privilege regarding use of intrusive powers within the parliamentary precinct*  
<https://selectcommittees.parliament.nz/v/6/1c28d662-8222-413e-aa1d-0cf077457e6f?lang=en>

If I can be of any further assistance, please feel free to contact me.

Yours sincerely

Dr David Wilson  
**Clerk of the House of Representatives**