

House of Representatives

Supplementary Order Paper

Wednesday, 5 April 2023

Severe Weather Emergency Recovery Legislation Bill

Proposed amendment

Simon Court, in Committee, to move the following amendments:

New clause 7A

After *clause 7* (page 8, after line 5), insert:

Parliamentary approval

- 7A Severe Weather Recovery Order revoked if not approved by House of Representatives**
- (1) An order made under **section 7** is revoked (unless it is earlier revoked) on the expiry of the relevant period if no resolution of the House of Representatives is passed to approve the order within that period.
 - (2) The relevant period is the longer of the following:
 - (a) the period of 10 sitting days of the House of Representatives after the date on which the order is made:
 - (b) the period of 60 days after the date on which the order is made:
 - (c) any other period specified by a resolution of the House of Representatives.
 - (3) An order that is revoked under **subsection (1)** immediately ceases to be of any effect unless a resolution of the House of Representatives provides otherwise.
 - (4) Revocation under **subsection (1)** does not affect the validity of any action taken to give effect to or enforce the order.

- (5) The Clerk of the House of Representatives must lodge a copy of the resolution with the Parliamentary Counsel Office for the purpose of publication under the Legislation Act 2019.
- (6) However, **subsections (1) to (4)** apply even if the copy is not yet published.
- (7) A resolution under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Explanatory note

The Severe Weather Emergency Recovery Legislation Bill is one of the most extreme extensions of executive power over the legislature in New Zealand's history. The Severe Weather Emergency Recovery Legislation Bill has few protections against ministerial favouritism or caprice. It has few protections against misspending or incompetence. There is no protection of property rights. There is only a toothless Severe Weather Events Recovery Review Panel.

The Bill applies to almost all the North Island (except Wellington and Taranaki) – that is, the bulk of New Zealand's population – for many years. Under *section 19* it allows the executive to specify any Act for exemption, modification or extension.

The Bill will allow discretionary authority completely outside of statute and limits the ability of Parliament to do its job of holding the executive to account.

This Supplementary Order Paper is intended to provide a least a back stop to the abuse of executive powers being enabled by this Bill. It is modelled on the COVID-19 Public Health Response legislation (COVID-19 Public Health Response Act 2020, section 16), in which any order made under the Severe Weather Emergency legislation is automatically revoked after a period of time without explicit Parliamentary approval by resolution.