

# House of Representatives

# Supplementary Order Paper

Thursday, 6 April 2023

## Severe Weather Emergency Recovery Legislation Bill

### *Proposed amendment*

Chris Penk, in Committee, to move the following amendment:

#### *Clause 8*

Replace *clause 8(1)(a)(iv)* (page 8, lines 16 and 17) with:

- (iv) the order does not limit or is a justified limit on the rights and freedoms in the New Zealand Bill of Rights Act 1990, having considered the written opinion of the Attorney-General; and

### **Explanatory note**

This Supplementary Order Paper (SOP) amends the Severe Weather Emergency Recovery Legislation Bill. This SOP qualifies the requirement that orders not be made inconsistent with the New Zealand Bill of Rights Act 1990 (“NZBORA”). The Bill as introduced allows that assessment to be made by the relevant Minister. This is problematic for two key reasons. First, it concentrates significant power (which is already being delegated by Parliament from the executive) in the person of a single Minister. Second, it requires nuanced legal judgement to be exercised by a Minister who may have no experience in making such judgements nor knowledge of the factors and processes involved (in accordance with section 5 of NZBORA, for example). Requiring the Attorney General’s involvement in this exercise would assist in both respects, doubling the number of executive members involved in this decision-making process and adding a layer of relevant experience to the NZBORA assessment.