

Submission

By

**THE
NEW ZEALAND
INITIATIVE**

to the Government and Administration Committee

on the

Severe Weather Emergency Recovery Legislation Bill

29 March 2023

Prepared by:

Dr Eric Crampton, Chief Economist
Dr Oliver Hartwich, Executive Director
Roger Partridge, Chair
Dr Bryce Wilkinson, Senior Fellow
The New Zealand Initiative
PO Box 10147
Wellington 6143
eric.crampton@nzinitiative.org.nz

1 AN ABHORRENT APPROACH TO LEGISLATIVE PROCESS

- 1.1 This submission in response to the Severe Weather Emergency Recovery Legislation Bill is made by The New Zealand Initiative (the **Initiative**), a Wellington-based think tank supported primarily by major New Zealand businesses.
- 1.2 A one-day submission process on legislation granting incredibly broad powers to the Minister over an extended period is repugnant. It is offensive to New Zealand's constitutional traditions unless one wishes to wind the clock back to the reign of King Henry VIII.
- 1.3 Our 2018 report, "Recipe for Disaster: Building Policy on Shaky Ground", which drew lessons from the Christchurch earthquakes, urged that the government prepare for future disasters. It recommended off-the-shelf legislation be prepared well ahead of any disaster, with appropriate deliberation and consideration, so that any legislation passed in the urgency of a disaster would have had appropriate scrutiny ahead of the event.
- 1.4 To the best of our knowledge, this legislation has had no such prior scrutiny, and the farce of a process here being undertaken provides no opportunity for it. It is an insult to the Select Committee process, and to those invited to submit. We received, late last night, an invitation to submit on this legislation – with submissions due today. Given the timelines, there is no chance of our providing appropriate scrutiny, and even less chance that Select Committee would consider any submissions provided.
- 1.5 We note that constitutional expert Dr Dean Knight, on Twitter, said simply "Seriously?" while providing images of the legislation and Bill Progress.¹ His following Twitter thread included some of the more immediately obvious problems with the legislation.
- 1.6 We would urge that the legislation be withdrawn, and that whoever suggested this process revisits the basics of civics with regard to due parliamentary process and open and transparent government.
- 1.7 That said, we recognise that the government cannot undo its prior errors in failing to set a framework to be invoked come the emergency, and that appropriate emergency response will require variation to existing regulatory and legislative frameworks.
- 1.8 We suggest that Part 34 of the Bill be amended such that the entirety of the Bill is repealed on the close of 30 September 2023, rather than just Subparts 1 and 2 of Part 3. We urge that the Committee take up Dr Knight's suggestion² that the Bill be amended to ensure immediate post-enactment scrutiny, with a real submissions process to follow. That process could lead to a revision of the repeal dates for appropriate, and duly scrutinised, parts of the Bill.
- 1.9 Further, we believe this to be a shameful episode in the history of New Zealand's parliamentary democracy.
- 1.10 We do not request an opportunity to provide an oral submission; the process is a disgrace.

¹ [DR DEAN KNIGHT on Twitter: "Seriously? https://t.co/b6nkkjtb1g" / Twitter](https://t.co/b6nkkjtb1g)

² [DR DEAN KNIGHT on Twitter: "I will again be submitting against this Clayton's form of public consultation/select committee scrutiny — and arguing that the Bill be amended to ensure immediate post-enactment scrutiny/public submissions. This is especially critical given the constitutional concerns implicated. https://t.co/vJCXtXFHmz" / Twitter](https://t.co/vJCXtXFHmz)