



## Minute of Decision

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### **Additional Item: New Zealand Flag Referendums (First Flag Referendum) Amendment Order**

**Portfolio**                      **Deputy Prime Minister**

On 28 September 2015, Cabinet:

- 1        **noted** that two Orders in Council were made on 31 August 2015, prescribing dates for the close of the first and second flag referendums, dates for the close of the rolls for the first and second flag referendums, and prescribing 4 alternative flag designs to appear on the voting paper in the first flag referendum;
- 2        **noted** that on 22 September 2015, the Green Party indicated its intention to introduce a Bill to amend the New Zealand Flag Referendums Act 2015 to allow a fifth design, 'Red Peak', to be added to the voting paper for the first flag referendum;
- 3        **noted** that on 22 September 2015, the Attorney-General directed Parliamentary Counsel to arrange for legislative drafting resources to be made available to James Shaw, Green Party List Member of Parliament, to assist with the drafting of an amendment Bill to the New Zealand Flag Referendums Act 2015;
- 4        **noted** that on 23 September 2015, the Prime Minister, the Leader of the House and the Responsible Minister agreed that the government would introduce the Bill if the Green Party was not successful in introducing it to Parliament;
- 5        **noted** the New Zealand Flag Referendums Amendment Bill 2015 was introduced by the government on 23 September 2015;
- 6        **noted** that the Bill was passed on 24 September 2015 and received Royal Assent the same day, and the New Zealand Flag Referendums Amendment Act 2015 came into effect on 25 September 2015;
- 7        **noted** that the Responsible Minister intends to recommend to the Governor-General that an Order in Council be made, pursuant to the New Zealand Flag Referendums Amendment Act 2015, in order to:
  - 7.1        insert a new clause prescribing the 5 alternative flag designs that are to appear on the voting paper for the first flag referendum; and
  - 7.2        insert a new Schedule , showing and describing the 5 alternative flag designs that are to appear on the voting paper for the first flag referendum (ie the 4 alternative flag designs chosen by the New Zealand Flag Consideration Panel, and 'Red Peak');

- 8 **authorised** the submission to the Executive Council of the New Zealand Flag Referendums (First Flag Referendum) Amendment Order [PCO 194 17/3.0];
- 9 **noted** that a waiver of the 28-day rule is required to allow the administration of the two flag referendums to proceed, on the basis that the Order in Council has little or no effect on the public, or confers only benefits on the public by providing more choice in the first flag referendum;
- 10 **noted** that it is proposed that the Order in Council come into force on 2 October 2015;
- 11 **agreed** to a waiver of the 28-day rule so that the Order in Council can come into force on 2 October 2015.

Michael Webster  
Secretary of the Cabinet

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