

New Zealand Flag Referendums Amendment Bill

Government Bill

Explanatory note

General policy statement

This Bill amends the New Zealand Flag Referendums Act 2015 (the **principal Act**) to provide for 5 alternative flag designs to be included in the first flag referendum, rather than 4. The purpose of this change is so that the flag design commonly known as Red Peak can be added to the voting paper for the first flag referendum, in addition to the 4 alternative flag designs selected by the Flag Consideration Panel and already prescribed in the New Zealand Flag Referendums (First Flag Referendum) Order 2015 (the **principal order**).

The Bill revokes the relevant provision (and the related schedule) of the principal order that prescribes 4 alternative flag designs. It is envisaged that once the Bill is enacted, the Governor-General will make a new Order in Council under section 13 of the principal Act as amended. That order will prescribe 5 alternative flag designs, being the Red Peak design and the 4 alternative flag designs originally prescribed in the principal order.

The Bill will enable New Zealanders to be given a broader range of options in the first flag referendum.

Departmental disclosure statement

A departmental disclosure statement has not been prepared for this Bill.

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 is the commencement clause. It provides for the Bill to come into force on the day after the date on which it receives the Royal assent.

Clause 3 identifies the principal Act that is amended by the provisions in *Part 1* of the Bill: the New Zealand Flag Referendums Act 2015.

Clause 4 amends section 5 of the principal Act, the interpretation section, by changing the definition of option so that it refers to 5 alternative flag designs instead of 4.

Clause 5 amends section 13 of the principal Act so that the Governor-General is required to prescribe by Order in Council 5 alternative flag designs (rather than 4). *Clause 5* also changes the date by which the alternative flag designs must be prescribed, from 60 days before the commencement of the voting period for the first flag referendum, to 40 days before.

Clause 6 replaces Schedule 1 of the principal Act in order to substitute a new voting paper for the first flag referendum that provides for 5 options (rather than 4).

Clause 7 amends Schedule 4 of the principal Act so that the examples set out in clauses 12 and 13 of that schedule reflect 5 options (rather than 4). This clause also changes from 9 to 10 the value of x in the formula set out in clause 16 of Schedule 4 (because, in line with the formula set out in clause 42 of Schedule 1A of the Local Electoral Regulations 2001, the value of x is the number of options plus 5).

Clause 8 identifies the principal order that is amended by the provisions in *Part 2* of the Bill: the New Zealand Flag Referendums (First Flag Referendum) Order 2015.

Clause 9 revokes clause 5 of the principal order (alternative flag designs).

Clause 10 revokes the Schedule of the principal order, which sets out the images, descriptions, and technical specifications of the alternative flag designs. This amendment and the amendment made by *clause 9* of the Bill (*see above*) are a consequence of the amendments to the principal Act in *Part 1* of the Bill, which will require 5 alternative flag designs to be prescribed by Order in Council, rather than 4.

Hon Bill English

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the New Zealand Flag Referendums Amendment Act **2015**.

Second preference	None
Third preference	None
Fourth preference	None
Fifth preference	None

Example 2: not consecutive

13 A voting paper that expresses these preferences—

Option A	1	
Option B	4	Not consecutive
Option C	5	
Option D	2	
Option E	6	

generates the following preferences for the purposes of counting votes:

First preference	Option A
Second preference	Option D
Third preference	None
Fourth preference	None
Fifth preference	None

(2) In Schedule 4, clause 16, replace “x = 9” with “x = 10”. 5

Part 2**Amendments to New Zealand Flag Referendums (First Flag Referendum) Order 2015****8 Principal order**

This Part amends the New Zealand Flag Referendums (First Flag Referendum) Order 2015 (the **principal order**). 10

9 Clause 5 revoked

Revoke clause 5.

10 Schedule revoked

Revoke the Schedule. 15

Schedule
Replacement of Schedule 1

s 6

Schedule 1
Voting paper for first flag referendum

5

s 10(1)

Voting Paper for the 1st Referendum on the New Zealand Flag

QUESTION:
If the New Zealand flag changes, which flag would you prefer?
Rank flags using the instructions above.

INSERT QR CODE and NO.

Option A Option B Option C Option D Option E

WRITE NUMBER(S) HERE