



## COVERSHEET

<b>Minister</b>	Hon Andrew Little	<b>Portfolio</b>	Immigration
<b>Title of Cabinet paper</b>	Immigration (Mass Arrivals) Amendment Bill: Supplementary Order Paper	<b>Date to be published</b>	6 November 2023

### List of documents that have been proactively released

<b>Date</b>	<b>Title</b>	<b>Author</b>
August 2023	Immigration (Mass Arrivals) Amendment Bill: Supplementary Order Paper	Office of the Minister of Immigration
17 August 2023	Immigration (Mass Arrivals) Amendment Bill: Supplementary Order Paper LEG-23-MIN-0141 Minute	Cabinet Office

### Information redacted

**YES /  NO**

Any information redacted in this document is redacted in accordance with MBIE's policy on proactive release and is labelled with the reason for redaction. This may include information that would be redacted if this information was requested under Official Information Act 1982. Where this is the case, the reasons for withholding information are listed below. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

In-Confidence

Office of the Minister of Immigration  
Chair, Cabinet Legislation Committee

## **Immigration (Mass Arrivals) Amendment Bill – Supplementary Order Paper**

### **Proposal**

1. This paper seeks Cabinet's approval to table, at the appropriate time, the attached Supplementary Order Paper (SOP) to the Immigration (Mass Arrivals) Amendment Bill (the Bill), which amends the Immigration Act 2009 (the Act).

### **Why a Supplementary Order Paper is required**

2. On 31 May 2023, Cabinet agreed to incorporate four new safeguards into the Bill [DEV-23-MIN-0098]. An SOP is required to give effect to Cabinet's agreement to make changes to the Bill by incorporating those safeguards. All SOPs that make substantive changes to a bill must first be submitted to the Cabinet Legislation Committee for approval.

### **Impact analysis**

3. The Treasury's Regulatory Impact Analysis team has determined that the proposed amendments are exempt from the requirement to provide a RIS, on the grounds that they have no or only minor impacts on businesses, individuals, and not-for-profit entities.

### **Compliance**

4. The attached SOP complies with each of the following:
  - 4.1. the principles of the Treaty of Waitangi;
  - 4.2. the rights and freedoms contained in the *New Zealand Bill of Rights Act 1990* and the *Human Rights Act 1993* (see paragraph below);
  - 4.3. the disclosure statement requirements (a disclosure statement has been prepared and is attached to this paper);
  - 4.4. the principles and guidelines set out in the *Privacy Act 1993*;
  - 4.5. relevant international standards and obligations;
  - 4.6. the Legislation Guidelines (2021 edition), which are maintained by the Legislation Design and Advisory Committee; and
  - 4.7. New Zealand Bill of Rights Act 1990 (NZBORA).
5. The substantive proposal in the Bill engages section 22 of the NZBORA, which affirms the right of everyone to be free from arbitrary detention.

### **Consultation**

6. The Ministry of Justice and the Office of the Chief Justice were consulted in the development of the policy proposals, and members of the interdepartmental Mass Arrivals Coordination Group and the Parliamentary Counsel Office (PCO) were advised. The Ministry of Justice has been consulted as the SOP has been developed.

### **Binding on the Crown**

7. The Bill that this SOP amends will be binding on the Crown.

### **Creating new agencies or amending law relating to existing agencies.**

8. Not applicable.

### **Allocation of decision making powers**

9. Not applicable.

### **Associated regulations**

10. Regulations are not needed to bring the Bill into operation generally, nor to administer the changes proposed by the SOP.

### **Other instruments**

11. Not applicable.

### **Definition of Minister/department**

12. The Bill, and this SOP, do not contain a definition of Minister, department, or chief executive of a department.

### **Commencement of legislation**

13. The Bill this SOP seeks to amend will come into force on the day after the date of assent.

### **Parliamentary stages**

14. At this stage dates for progressing the Bill are not set, but I intend that the Bill pass through its remaining stages and receive Assent before the House rises.

### **Publicity**

15. I intend to issue a press release when the Bill is passed.

### **Proactive Release**

16. I intend to proactively release this paper, and the associated policy paper, subject to any redactions consistent with the *Official Information Act 1982*.

### **Recommendations**

17. The Minister of Immigration recommends that Cabinet Legislation Committee:

1 **note** that, on 31 May 2023, Cabinet agreed to four new safeguards to be incorporated into the Immigration (Mass Arrivals) Amendment Bill (the Bill) [DEV-23-MIN-0098];

2 **note** that the Supplementary Order Paper attached to this submission amends the Bill to reflect Cabinet's decision to incorporate the additional safeguards;

3 **approve** the Supplementary Order Paper to the Immigration (Mass Arrivals) Amendment Bill, for release for the Committee of the Whole House stage of the Bill, with the timing of the release to be determined by the Minister of Immigration;

4 **agree** that

4.1 the Minister of Immigration may make minor amendments to the Supplementary Order Paper, consistent with the policy intent, prior to its tabling;

4.2 the Parliamentary Counsel Office can make minor proofreading and editorial changes to the Supplementary Order Paper, prior to its tabling.

Authorised for lodgement

Hon Andrew Little  
Minister of Immigration