



CABINET MANUAL

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Cabinet Office
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Parliamentary treaty examination

General

- 7.127 In New Zealand, the power to conclude treaties rests with the Executive. Any proposal to sign a treaty or to take binding treaty action must be submitted to Cabinet for approval (see paragraphs 5.78 – 5.82).
- 7.128 Before the government takes binding treaty action on them, multilateral treaties and major bilateral treaties of particular significance are presented to the House of Representatives for examination. The requirements for parliamentary treaty examination are set out in the *Standing Orders*. The Minister of Foreign Affairs determines whether a bilateral treaty amounts to a major bilateral treaty of particular significance.
- 7.129 The parliamentary treaty examination process takes time, which agencies must factor into their planning. The government may take binding treaty action before parliamentary treaty examination only where this is urgently necessary in the national interest.

National interest analysis

- 7.130 Presenting a treaty to the House requires the preparation of a national interest analysis, addressing such matters as the reasons for becoming a party to the treaty, the advantages and disadvantages to New Zealand, and the means of implementing the treaty.
- 7.131 The agency with the main policy interest in the treaty, in consultation with the legal division of the Ministry of Foreign Affairs and Trade, is responsible for preparing the national interest analysis according to the requirements of the *Standing Orders*. In cases where a treaty has regulatory impacts, an extended national interest analysis, which includes the elements of an impact statement for a regulatory proposal, must be prepared. The national interest analysis must be approved by Cabinet before it is presented to the House.

Select committee consideration

- 7.132 Once a treaty and accompanying national interest analysis have been presented to the House, they are referred to the Foreign Affairs, Defence and Trade Committee. This select committee may examine the treaty itself or refer it to another more appropriate select committee.
- 7.133 The government refrains from taking any binding treaty action in respect of a treaty that has been presented to the House until the relevant select committee has reported, or 15 sitting days have elapsed from the date of presentation, whichever is sooner. The select committee may indicate to the government that it needs more time to consider the treaty, in which case the government may consider deferring binding treaty action.
- 7.134 The select committee may seek public submissions. In addition, the House itself may sometimes wish to give further consideration to the treaty: for example, by way of a debate in the House.
- 7.135 If the select committee report contains recommendations to the government, a government response to those recommendations must be presented within 60 working days of the report (or such other timeframe as specified in the *Standing Orders*). For further information, see paragraphs 7.123 – 7.126, and the section entitled “Reports” in the chapter on select committees in the *Standing Orders*.