



Cabinet Legislation Committee

Minute of Decision

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Implementation of the Legislation Bill

Portfolio **Attorney-General**

On 24 September 2019, the Cabinet Legislation Committee:

- 1 **noted** that the Legislation Bill, which is awaiting its second reading, includes reforms to improve access to secondary legislation by providing that information about secondary legislation currently published by other agencies (and, over time, the full text) be lodged with the Parliamentary Counsel Office (the PCO) for publication on the New Zealand Legislation website;
- 2 **noted** that the PCO is preparing a companion Bill, with the working title of Secondary Legislation (Access) Bill (the SLAB), to amend provisions in legislation that enable secondary legislation to be made to clarify that instruments made under these provisions are secondary legislation (and so must be published in accordance with the Legislation Act);
- 3 **noted** that to implement the publication reforms to secondary legislation drafted by agencies the PCO will have to establish a lodgement service for agencies that make secondary legislation and will need new funding for this;
- 4 **noted** that there are benefits to commencing the Legislation Bill and SLAB to clarify what instruments are secondary legislation and the law that applies to them, even if the changes to the publication of secondary legislation are not triggered right away;
- 5 **agreed** that the Legislation Bill be amended to:
 - 5.1 retain the current publication requirements for agency-drafted secondary legislation, from the Bill's commencement until the lodgement service is available;
 - 5.2 require the PCO to make those saved publication requirements transparent, in a way that makes them easy for users to find;
 - 5.3 provide for a later implementation of the publication requirements set out in Part 3 of the Legislation Bill;
 - 5.4 provide for legislative instruments that do not become secondary legislation to be transitioned, over time, from being published on the New Zealand Legislation website to being published elsewhere;

- 6 **noted** that the changes to the Legislation Bill would be made by way of a Supplementary Order Paper;
- 7 **agreed** that provisions of the Legislation Bill relating to publication of secondary legislation drafted by agencies will commence on the fifth anniversary of Royal assent (unless commenced earlier by Order in Council);
- 8 **agreed** that the Secondary Legislation (Access) Bill, including all the amendments to empowering legislation needed to implement the project, be introduced in the last quarter of 2019.

Gerrard Carter
Committee Secretary

Present:

Rt Hon Winston Peters
Hon Andrew Little
Hon Chris Hipkins (Chair)
Hon David Parker
Hon Stuart Nash
Hon Iain Lees-Galloway (part of item)
Hon Damien O'Connor
Hon Tracey Martin (part of item)
Hon Shane Jones (part of item)
Hon Eugenie Sage
Hon Julie Anne Genter
Michael Wood, MP (Senior Government Whip)

Officials present from:

Office of the Prime Minister
Officials Committee for LEG

Hard-copy distribution:

Attorney-General