



Cabinet Legislation Committee

Minute of Decision

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Update to Legislation Guidelines (2018 edition)

Portfolio **Attorney-General**

On 30 September 2021, the Cabinet Legislation Committee:

- 1 **noted** that the *Legislation Guidelines 2018 Edition* (2018 Legislation Guidelines) have been updated to reflect recent changes made by the Legislation Act 2019, the Secondary Legislation Act 2021 and a number of other changes to key pieces of legislation;
- 2 **noted** that the Cabinet Manual requires Ministers to confirm compliance with the 2018 Legislation Guidelines when submitting bids for the legislation programme, submitting Bills for introduction, and submitting regulations to the Executive Council;
- 3 **agreed** that the attached *Legislation Guidelines 2021 Edition* (2021 Legislation Guidelines), replace the 2018 Legislation Guidelines as the Government's key point of reference in the Cabinet Manual for assessing whether draft legislation conforms to accepted legal and constitutional principles;
- 4 **noted** that Chapter 14 of the 2021 Legislation Guidelines contains a new guideline on confirmation of secondary legislation which fulfils in part the Government response to the Regulation Review Committee's Inquiry into Parliamentary Scrutiny of Confirmable Instruments;
- 5 **agreed** that a Cabinet Office circular be issued to notify Chief Executives, Chief Legal Advisers and their agencies of the 2021 Legislation Guidelines and requirements for papers;
- 6 **authorised** the Chair of the Legislation Design and Advisory Committee to approve minor or technical changes to the 2021 Legislation Guidelines to ensure the Guidelines remain up to date and relevant.

Rebecca Davies
Committee Secretary

Present:

Hon Chris Hipkins (Chair)
Hon David Parker
Hon Andrew Little
Hon Nanaia Mahuta
Hon Poto Williams
Hon Kris Faafoi
Hon Michael Wood
Hon Kiri Allan
Hon Dr David Clark
Hon Phil Twyford

Officials present from:

Office of the Prime Minister
Officials Committee for LEG