



Cabinet Business Committee

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Government Response to the Report of the Regulations Review Committee on the Inquiry into the Parliamentary Scrutiny of Confirmable Instruments

Portfolio Attorney-General

On 10 February 2021, the Cabinet Business Committee:

- 1 **noted** that on 10 August 2020, the Regulations Review Committee presented its report to the House of Representatives entitled *Inquiry into Parliamentary Scrutiny of Confirmable Instruments* (the report);
- 2 **noted** that the Regulations Review Committee recommended that the government:
 - 2.1 take note of the situations when, in the Regulations Review Committee's view, the confirmation process may be inappropriate for secondary legislation;
 - 2.2 consider revoking the special provisions relating to annual confirmable instruments (section 47D of the Legislation Act 2012);
 - 2.3 make greater use of Standing Order 326(2) to refer draft confirmable instruments to the Regulations Review Committee for consideration before they are made;
- 3 **noted** the submission of the Attorney-General and in particular his advice that the government:
 - 3.1 take note of, and agree in principle with, the situations when, in the view of the Regulations Review Committee, the confirmation process may be inappropriate for secondary legislation, and propose to make amendments to the Legislation Act 2019 as suitable legislative opportunities arise to remove the requirement for confirmation in those circumstances;
 - 3.2 agree that the special provisions (section 47D of the Legislation Act 2019) relating to annual confirmable instruments should be repealed because they are no longer needed;
 - 3.3 consider referring draft confirmable instruments under Standing Order 326(2) in appropriate cases;
- 4 **approved** the government response to the report, attached to the paper under CBC-21-SUB-0017;

- 5 **noted** that the government response must be presented to the House of Representatives by 18 February 2021;
- 6 **invited** the Attorney-General to present the government response to the House of Representatives in accordance with Standing Order 256.

Janine Harvey
Committee Secretary

Present:

Rt Hon Jacinda Ardern (Chair)
Hon Grant Robertson
Hon Kelvin Davis
Hon Dr Megan Woods
Hon Chris Hipkins
Hon Carmel Sepuloni
Hon Andrew Little
Hon David Parker
Hon Nanaia Mahuta
Hon Damien O'Connor
Hon Stuart Nash
Hon Kris Faafoi
Hon Michael Wood

Officials present from:

Office of the Prime Minister
Department of the Prime Minister and Cabinet

Hard-copy distribution:

Attorney-General

Proactively released by the Parliamentary Counsel Office