



Cabinet Legislation Committee

Minute of Decision

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Legislation Act 2019: Regulations and Commencement Orders

Portfolio **Attorney-General**

On 9 September 2021, the Cabinet Legislation Committee:

- 1 **noted** that on 20 May 2021, the Cabinet Legislation Committee agreed to the drafting of regulations and commencement orders to:
 - 1.1 prescribe publication and notification requirements for secondary legislation drafted by agencies under new empowering provisions;
 - 1.2 consequentially amend secondary legislation that sub-delegates powers to make legislation to state that sub-delegated instruments are secondary legislation;
 - 1.3 provide for other minor matters to support the Legislation Act's operation;
 - 1.4 bring the main part of the Legislation Act 2019, Secondary Legislation Act 2021, and Legislation (Repeals and Amendments) Act 2019 into force.

[LEG-21-MIN-0072]

- 2 **noted** that the Legislation (Publication) Regulations 2021, Legislation Act (Amendments to Legislation) Regulations 2021, Legislation Act (Sub-delegated Secondary Legislation) Regulations 2021, Legislation Act 2019 Commencement Order 2021, Secondary Legislation Act Commencement Order 2021, and the Legislation (Repeals and Amendments) Act Commencement Order 2021 give effect to the decision referred to in paragraph 1 above;
- 3 **noted** that section 147 of the Legislation Act 2019 requires that the Legislation (Publication) Regulations 2021 must be made on the Attorney-General's recommendation;
- 4 **noted** that the Attorney-General recommends that the Legislation (Publication) Regulations 2021 are made by Order in Council;
- 5 **noted** that clause 19 of Schedule 1 of the Legislation Act 2019 requires that the Legislation Act (Amendments to Legislation) Regulations 2021 must be made on the Attorney-General's recommendation only after consulting the Regulations Review Committee and having regard to the purpose of clause 19 to enable amendments to facilitate an orderly implementation of the Legislation Act 2019;

- 6 **noted** that these requirements have been met, the Attorney-General has consulted the Regulations Review Committee and, after having regard to the purpose of clause 19, recommends that the Legislation Act (Amendments to Legislation) Regulations 2021 is made by Order in Council;
- 7 **authorised** the submission to the Executive Council of the:
- 7.1 Legislation (Publication) Regulations 2021 [PCO 23652/10.0];
 - 7.2 Legislation Act (Amendments to Legislation) Regulations 2021 [PCO 23724/13.0];
 - 7.3 Legislation Act (Sub-delegated Secondary Legislation) Regulations 2021 [PCO 23653];
 - 7.4 Legislation Act 2019 Commencement Order 2021 [PCO 23654/8.0];
 - 7.5 Secondary Legislation Act Commencement Order 2021 [PCO 23656/9.0];
 - 7.6 Legislation (Repeals and Amendments) Act Commencement Order 2021 [PCO 23655/7.0];
- 8 **noted** that the Legislation (Publication) Regulations 2021, Legislation Act (Amendments to Legislation) Regulations 2021, and Legislation Act (Sub-delegated Secondary Legislation) Regulations 2021 will come into force on 28 October;
- 9 **noted** that the 3 commencement orders will bring the main part of the Legislation Act 2019, Secondary Legislation Act 2021, and Legislation (Repeals and Amendments) Act 2019 into force on 28 October 2021, and that Part 4 (Disclosure requirements for Government-initiated legislation) of the Legislation Act 2019 will commence at a later time.

Rebecca Davies
Committee Secretary

Present:

Hon Chris Hipkins (Chair)
Hon Andrew Little
Hon Nanaia Mahuta
Hon Poto Williams
Hon Kris Faafoi
Hon Michael Wood
Hon Dr David Clark
Hon Meka Whaitiri
Keiran McAnulty, MP (Senior Government Whip)

Officials present from:

Office of the Prime Minister
Officials Committee for LEG