



Cabinet Business Committee

Minute of Decision

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Government Response to the Report of the Regulations Review Committee on the Review of Secondary Legislation Made in Response to COVID-19

Portfolio Attorney-General

On 10 February 2021, the Cabinet Business Committee:

- 1 **noted** that on 7 August 2020, the Regulations Review Committee presented to the House of Representatives a final report providing its briefing entitled *Review of Secondary Legislation Made in Response to COVID-19* (the report);
- 2 **noted** that the Regulations Review Committee recommended that the government:
 - 2.1 consider that all departments with responsibility for secondary legislation should involve experts in legislative drafting and the constitutional principles underpinning the design of secondary legislation when designing secondary legislation;
 - 2.2 make greater use of Standing Order 326(2) to refer draft secondary legislation to the Regulations Review Committee for consideration;
 - 2.3 facilitate an all-of-government examination of COVID-19 secondary legislation (and powers to make that legislation) to seek ways of improving the quality of secondary legislation in future emergencies;
- 3 **noted** the submission of the Attorney-General and in particular his advice that the government:
 - 3.1 support the use of experts in legislative drafting and agree that relevant constitutional principles should be considered in the design of secondary legislation;
 - 3.2 consider referring draft instruments under Standing Order 326(2) in appropriate cases;
 - 3.3 note that work is underway to learn from the use of legislation to respond to the COVID-19 emergency, and that further preparation work and guidance to support the quality of the future response is being carried out;
- 4 **approved** the government response to the report, attached to the paper under CBC-21-SUB-0016;
- 5 **noted** that the government response must be presented to the House of Representatives by 15 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

Hard-copy distribution:

Attorney-General

Officials present from:

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

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