



# Cabinet Legislation Committee

## Minute of Decision

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### Secondary Legislation Bill: Approval for Introduction

**Portfolio**                      **Attorney-General**

On 3 December 2019, the Cabinet Legislation Committee:

- 1        **noted** that the Secondary Legislation Bill (the Bill) holds a category 5 priority (to be referred to a select committee in the year) on the 2019 Legislation Programme;
- 2        **noted** that the Bill:
  - 2.1      inserts a statement in each relevant provision that the instruments made under it are secondary legislation (and must be published in accordance with the new Legislation Act);
  - 2.2      removes existing publication and notification requirements (e.g. in the Gazette), from empowering provisions for instruments that will become secondary legislation (but those requirements continue to apply until centralised publication starts);
  - 2.3      removes references to the Legislation Act 2012 and the Interpretation Act 1999;
  - 2.4      provides for the exemption of a small number of instruments from the publication, presentation and disallowance requirements of the Legislation Act 2019;
- 3        **agreed** that legislative instruments, and instruments that are disallowable by express statement of an Act, be classed a secondary legislation (even though they may be considered not to have legislative effect), with the following exceptions:
  - 3.1      Orders in Council implementing the overlay arrangements in Treaty Settlement legislation;
  - 3.2      Rules made by racing codes to regulate the conduct of racing by those codes, and to control or prohibit admission to racecourses, under sections 29 and 34 of the Racing Act 2003;
  - 3.3      Commencement proclamations under the Cook Islands Constitution Act 1964 and the Niue Constitution Act 1974;
- 4        **agreed** that secondary legislation made by reserve administering bodies under sections 57(2) and 65 of the Reserves Act 1977 also be excluded from the publication requirements of the Legislation Act 2019;

- 5 **noted** that the Bill will:
- 5.1 amend the new Legislation Act, by inserting a new schedule listing types of prerogative instruments that are secondary legislation, and amend the definition of secondary legislation to refer to that schedule;
  - 5.2 make some additional minor and technical amendments to the new Legislation Act's framework so that it works better with the amendments to empowering provisions across the statute book;
- 6 **approved** the introduction of the Secondary Legislation Bill [PCO 20527/6.0], subject to the approval of the government caucuses and sufficient support in the House of Representatives;
- 7 **agreed** that the government propose that the Bill be referred to the Regulations Review Committee;
- 8 **agreed** that the Bill be introduced by 12 December 2019.

Gerrard Carter  
Committee Secretary

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**Present:**

Hon Chris Hipkins (Chair)  
Hon Stuart Nash  
Hon Iain Lees-Galloway  
Hon Kris Faafoi  
Hon Tracey Martin  
Hon Ron Mark  
Hon Julie Ann Genter  
Hon Eugenie Sage  
Michael Wood MP (Senior Government Whip)

**Officials present from:**

Officials Committee for LEG

**Hard-copy distribution:**

Attorney-General