In Confidence

Office of the Minister [of/for xx]

## Government Examples Bill: Request for priority in the 2024 Legislation Programme

**Summary information**

1. Give the following details about the bid for legislation:
   1. the portfolio of sponsoring Minister;
   2. the department responsible (include a departmental contact name and phone number);
   3. the title of the proposed Bill (or the Bill in which these legislative changes are to be included);
   4. the proposed ranking of Bill within the bids from this portfolio; and
   5. whether the Bill is estimated to be small/medium/large and whether of low/medium/high complexity;
   6. the proposed priority category (more information about this is in the ‘need for legislation’ section below); and
   7. an explanation for why the proposed priority is being sought, including, if the proposed priority is 2 or 3, a reason why the Bill must or should be passed before the end of 2024 (for example, meeting a commitment made in the National-ACT coalition agreement, meeting a commitment made in the National-New Zealand First coalition agreement, or fulfilling a legal or other mandatory requirement that must be met before the end of 2024).
2. The summary information is required for bids prepared in response to the [annual request](https://www.dpmc.govt.nz/publications/general-process-development-and-approval-bills) for bids. For papers to LEG seeking a priority outside this process, the "summary information" section should be replaced with a "proposal" section that succinctly states what Ministers are being asked to decide.

## Policy

1. Briefly summarise the policy to be implemented by the Bill, giving the Cabinet or Cabinet committee minute references and dates of relevant Cabinet and Cabinet committee decisions (i.e. Cabinet agreed to the policy on 15 October 2023 [CAB-23-MIN-1234]).
2. Explain how the bid aligns with the Government’s priorities, enables the Government to meet its election and coalition commitments, and/or contributes to the efficient and effective operation of the relevant regulatory system.
3. Indicate any aspects of the Bill that are likely to be contentious.
4. Note any policy issues that have not yet been agreed and the dates by which these are expected to be resolved by Cabinet.

## Need for legislation

1. Why is legislative action needed to implement the policy? Please attach or refer to legal advice.
2. Indicate the suggested priority (the priority categories are outlined in the [CabGuide](https://www.dpmc.govt.nz/publications/about-legislation-programme)). Is it essential that legislation be enacted in the period under consideration, or simply desirable? If it is essential, explain why, drawing a direct link to the applicable Cabinet decision or government commitment.
3. If the proposal is for amending legislation, has the principal Act been amended in the last year or will it be amended in the near future? If so, explain why this amendment is needed now, why it was not made as part of the previous legislation, and what consideration has been given to undertaking a broader review or rewrite of the legislation.

## Compliance

1. Indicate whether the Bill is likely to comply with each of the following, with reasons if the Bill is not expected to comply:
   1. the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993;
   2. the principles and guidelines set out in the [Privacy Act 2020](https://www.legislation.govt.nz/act/public/2020/0031/latest/LMS23223.html) (if the legislation raises privacy issues, indicate whether the [Privacy Commissioner](http://www.privacy.org.nz/about-us/) agrees that it complies with all relevant principles);
   3. the principles of the Treaty of Waitangi;
   4. the relevant international standards and obligations; and
   5. the [Legislation Guidelines (2021 edition)](http://www.lac.org.nz/guidelines/legislation-guidelines-2021-edition/),which are maintained by the Legislation Design and Advisory Committee.

## Binding on the Crown

1. At the policy development stage a Cabinet committee must decide whether the Bill should bind the Crown. Provide advice, if possible, on what is likely to be recommended. See the Cabinet Office circular [Acts Binding the Crown: Procedures for Cabinet Decision](https://dpmc.govt.nz/publications/co-02-4-acts-binding-crown-procedures-cabinet-decision) [CO (02) 4] for further guidance.

## Consultation

1. Summarise the [consultation on policy issues](https://www.dpmc.govt.nz/publications/why-when-and-who-cabinet-paper-consultation) that has already taken place or will be needed with each of the following groups, as well as the results of any consultation that has already taken place:
   1. [relevant government departments or other public bodies](https://www.dpmc.govt.nz/publications/cabinet-paper-consultation-departments); and
   2. [relevant private sector organisations](https://www.dpmc.govt.nz/publications/cabinet-paper-consultation-interest-groups) and public consultation processes.
2. If consultation on policy issues has not yet been completed, indicate the date by which it is expected to be completed.
3. Indicate whether the proposed Bill will be referred to the Legislation Design and Advisory Committee for advice and, if not, explain why. If consultation is indicated, this should be factored into the legislative timeline.
4. Indicate whether an exposure draft of the Bill will be released for consultation before the Bill is introduced and, if so, provide details about why, when, how, and who to.
5. Summarise the consultation that has already taken place or will be needed with Ministers, Government parties, and other parties represented in Parliament.

## Secondary legislation

1. Is secondary legislation likely to be needed within 12 months of the Bill being enacted to give effect to the provisions in the Bill? If so, summarise briefly the secondary legislation that will be needed, its likely timing (taking into account the [28-day rule](https://dpmc.govt.nz/publications/how-submit-regulations-executive-council)), and the likely size of the drafting task involved to develop it.

## Timeline

1. If the Bill must come into force by a particular date, give the date and explain why. If it is proposed that the Bill be expedited faster than standard timelines (see below) explain why.
2. Summarise the proposed timing for the legislation in chronological order, with as much specificity as possible, as follows (providing Cabinet or Cabinet committee references where any deadlines have been established by Cabinet or Cabinet committee decision):

| *Step* | *Proposed date* | *Consistency assurance* |
| --- | --- | --- |
| Date on which final policy approvals were, or will be, obtained from Cabinet |  | Describe process before or since this date (e.g. consultation, discussion documents).  If a Bill had a place on an earlier Legislation Programme but did not proceed, explain why the bill did not proceed as planned and why the proposed new timeline can be met. |
| Date on which complete drafting instructions were or will be sent to PCO |  | Note the period between submission of instructions and approval for introduction that is provided for drafting and consultation on the draft Bill – relate your estimate for this phase to the expected length and complexity of the Bill. PCO gives advice on how to estimate these matters.  This date should be at least three months (depending on expected length and complexity of the Bill) before the date on which the Bill will go to Justice (or Crown Law if applicable) (see below). If there will be an exposure draft, at least two additional months are needed between these dates. If not, give reasons.  Note any concerns expressed by PCO. |
| Date by which the Bill will be released for exposure draft (if an exposure draft is planned) |  | Allow enough time to amend the Bill in response to comments from the exposure draft before the Bill goes to Justice (or Crown Law if applicable). |
| Date by which the Bill will go to the Ministry of Justice (or Crown Law if applicable) for an assessment of consistency with the New Zealand Bill of Rights Act 1990 |  | This date must be at least two weeks prior to the paper being considered by LEG. |
| Dates on which the Bill will be before LEG and Cabinet for approval for introduction |  |  |
| Date by which any policy decisions for associated secondary legislation will be before Cabinet |  | This date should be before the first reading of the Bill. Give reasons if not. |
| Date requested for introduction of the Bill |  |  |
| Date of report back from select committee |  | Allow six months for the select committee process (or, at a minimum, four months).  Give reasons if a period of less than six months is proposed, and consult the office of the Leader of the House and record the outcome of the consultation.  If new policy is proposed to be added to a Bill at select committee, this date should be no less than six months from the first reading of the Bill, and a select committee extension should be sought if it has an earlier report back date set at present. |
| Date on which final policy approvals will be obtained from Cabinet for any substantive Amendment Paper (AP) to Bill (if already introduced) |  | Describe the process before or since this date (e.g. consultation, discussion documents). |
| Date on which final drafting instructions were or will be sent to PCO for any substantive AP to Bill (if already introduced) |  | This date should be at least 2 months (depending on expected length and complexity of the AP) before the date on which the substantive AP will be submitted to Cabinet for approval.  Note any concerns expressed by PCO. |
| Date by which final drafting instructions for any associated secondary legislation will be sent to PCO |  | This date should be before the committee of the whole House stage of the Bill. Give reasons if not. |
| Date of enactment |  |  |
| Date of commencement |  |  |

## Recommendations

1. The Minister [of/for xx] recommends that the Committee:
   1. note that the [title] Bill will [briefly summarise the policy to be implemented by the Bill];
   2. note that the [title] Bill ranks [xx] within the bids from my [name of portfolio] portfolio;
   3. approve the inclusion of the [title] Bill in the 2024 Legislation Programme, with a priority [xx] (give the proposed priority number and brief description of priority);
   4. (for priority 2 or 3 Bills only) note that the recommended priority is sought to [set out reason why the Bill must or should be passed in 2024 here];
   5. note that drafting instructions will be provided to the Parliamentary Counsel Office by [date];
   6. note that the Bill should be introduced no later than [date];
   7. note that the Bill should be passed no later than [date].

Authorised for lodgement

Hon Jane Smith  
Minister of Examples

# Annex One

## Summary of priority categories

## Category 1 – must be passed in 2024 as a matter of law

## This category is reserved for legally mandated legislation, such as appropriation bills, or secondary legislation confirmation bills.

## Category 2 – must be passed by the end of 2024

## This category is for legislation that must be passed in 2024, due to either a Government commitment or other deadline.

## Category 3 – a priority to be passed by the end of 2024

## This category is for legislation for which passage in 2024 is a Government priority, but there is no mandatory deadline.

## Category 4 – to be passed by the end of 2024 if possible

## This category is for legislation which is able to be passed within 2024, but which does not fit into either of the above categories.

## Category 5 – to proceed to select committee by the end of 2024

## This category is for legislation which, for reasons of size, complexity, timing, or priority, is intended to be referred to a select committee in 2024, but not be enacted within the year.

## Category 6 – drafting instructions to be issued by the end of 2024

## This category is for legislation for which drafting instructions will be issued to PCO within the year, but the legislation is not expected to be ready for introduction.

## Category 7 – policy development to continue in or beyond 2024

## This category is for legislation for which policy development is either ongoing, or expected to commence, in or beyond 2024, but no drafting instructions are expected to be issued by the end of 2024.

## Category 8 – on hold

## This category is for legislation which is at any stage in the legislative or policy development process, but is currently paused and not expected to advance within 2024.

## Category 9 – to be withdrawn

## This category is for legislation which has not yet been fully drafted or introduced, and is no longer going to proceed.