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[Security classification – minimum of In Confidence required]

Office of the Minister for X

Chair, Cabinet Legislation Committee

# **Government Examples Bill: Approval for Introduction**

## **Proposal**

1. Briefly state what is proposed in the paper.

## **Policy**

1. Briefly summarise the policy to be implemented by the bill (give references and dates of relevant Cabinet and Cabinet committee decisions).
2. Indicate any aspects of the bill that are likely to be contentious.
3. Explain why a bill is required.
4. Indicate any outstanding policy issues, and explain why these have not yet been resolved.

## **Impact analysis**

1. State whether a [regulatory impact assessment](https://dpmc.govt.nz/publications/impact-analysis-and-regulatory-impact-assessments) was prepared in accordance with the necessary requirements, and was submitted at the time that Cabinet or Cabinet committee approval of the policy relating to the bill was sought (include references to the minutes of previous consideration by Cabinet).
2. In the unlikely event that a regulatory impact assessment is required for the proposal and has not previously been submitted to Cabinet or a Cabinet committee at the policy approval stage, it should be attached to the paper.  The paper should provide an agency opinion on the quality of the impact analysis, which is a statement on whether the reviewer considers that the information and analysis summarised in regulatory impact assessment meets/does not meet/partially meets the quality assurance criteria.  The paper should also comment on any issues that have been identified in relation to any of the dimensions of quality set out in the quality assurance guidance.
3. If a regulatory impact assessment is not required because an exemption applies, specify why the exemption applies.
4. If a regulatory impact assessment is required but has not been developed, specify the reason why.

## **Compliance**

1. Indicate whether the bill complies with each of the following, with reasons if the bill does not comply (list each sub-heading):
   1. the principles of the Treaty of Waitangi;
   2. the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993 (state the nature of any potential inconsistencies identified/state that there are none, note the steps taken to address any issues, or include information on any justifications for the bill infringing a right or freedom);
   3. the disclosure statement requirements (indicate that a disclosure statement has been prepared and is attached to the paper (if not, give a reason). Highlight any issues in the disclosure statement that may be of interest to Ministers);
   4. the principles and guidelines set out in the Privacy Act 1993 (if the bill raises privacy issues, indicate whether the Privacy Commissioner agrees that it complies with all relevant principles);
   5. relevant international standards and obligations;
   6. the [Legislation Guidelines](http://www.ldac.org.nz/guidelines/legislation-guidelines-2018-edition/http:/www.ldac.org.nz/guidelines/legislation-guidelines-2018-edition/http:/www.ldac.org.nz/guidelines/legislation-guidelines-2018-edition/) (2018 edition), which are maintained by the Legislation Design and Advisory Committee (state whether there are any aspects of the legislation that depart from the default approach in the Guidelines, and provide justification for any variation).

## **Consultation**

1. Summarise the consultation that has taken place, under the following categories, and the results of that consultation:
   1. relevant government departments or other public bodies;
   2. relevant private sector organisations and public consultation processes;
   3. the government caucus and other parties represented in Parliament.

## **Binding on the Crown**

1. At the policy development stage, a decision should have been made by a Cabinet committee on whether the bill should state that the Act will be binding on the Crown. State what the decision was, giving the reference number of the minute.
2. Creating new agencies or amending law relating to existing agencies.
3. If the legislation will create a new agency, will the Ombudsmen Act 1975 and the Official Information Act 1982 apply? If not, why not? (Consult the Office of the Ombudsman on this issue and summarise its views.)
4. If the legislation will create a new agency that is legally separate from the Crown, will it be a Crown entity? If not, why not? What governance and accountability requirements will apply to the entity? (Consult the State Services Commission and the Treasury on these issues and summarise their views.)
5. If the legislation will amend the existing coverage of the Ombudsmen Act 1975, the Official Information Act 1982, or the Local Government Official Information and Meetings Act 1987, explain why. (Consult the Office of the Ombudsman on this issue and summarise its views.)

## **Allocation of decision making powers**

1. Does the draft legislation involve the allocation of decision making powers between the executive, the courts, and tribunals?
2. Have the criteria relating to the qualifications and responsibilities of decision makers and the procedures that they follow been applied?
3. If the criteria and procedures have not been followed, state departures from the criteria and reasons for these.

## **Associated regulations**

1. Will regulations be needed to bring the bill into operation? If so, summarise the regulations needed, their likely timing (taking into account the 28-day rule), and the likely size of the drafting task involved to develop them.

## **Other instruments**

1. State whether or not the proposed bill includes any provision empowering the making of other instruments that are deemed to be legislative instruments or disallowable instruments (or both).
2. If the bill includes such a provision:
   1. state the reason for the provision, taking into account the principles identified in the Deemed Regulations Report of the Regulations Review Committee;
   2. confirm that the explanatory note to the bill sets out the reasons.

## **Definition of Minister/department**

1. Does the bill contain a definition of Minister, department (or equivalent government agency), or chief executive of a department (or equivalent position)? Consult the Cabinet Office on this issue and summarise its views (link only available to people with access to the Public Sector Intranet).

## **Commencement of legislation**

1. When will the bill come into force? Ensure that the following matters are covered:
   1. if there is a specific commencement date, state the date;
   2. if there is no specific commencement date, the bill will come into force on the day after the date of Royal assent;
   3. if the bill provides for a commencement date to be appointed by Order in Council:
      1. state why (1) or (2) is inappropriate;
      2. give details of the expected timetable for commencement and the basis on which this has been calculated;
      3. confirm that the explanatory note to the bill sets out the reasons for commencement by Order in Council.

## **Parliamentary stages**

1. Indicate the date by which the bill should be introduced, and the date by which it should be passed.
2. Indicate the select committee to which it is proposed that the bill be referred.

**Proactive Release**

1. This section should include a statement on whether the Minister proposes to release the paper proactively in whole or in part, or to delay the release beyond 30 business days. Proactive release is subject to redaction as appropriate under the Official Information Act 1982. Refer to the [CabGuide page on proactive release](https://www.dpmc.govt.nz/publications/proactive-release-cabinet-material) for more information. Note that there is no need to include a recommendation noting or seeking agreement to release a paper.

## **Recommendations**

The Minister for x recommends that the Committee:

1. note that the [title] Bill holds a category [x] priority on the [year] Legislation Programme (give the priority category number and the brief description of the priority);
2. note that the Bill [briefly summarise the main purpose of the bill];
3. approve the [xx] Bill for introduction, subject to the final approval of the government caucus and sufficient support in the House of Representatives;
4. agree that the Bill be introduced on [date];
5. agree that the government propose that the Bill be:
   1. referred to the [xx] committee for consideration;
   2. enacted by [date].

Authorised for lodgement

Hon John Jones

Minister for X