*This is an instructional Cabinet paper template prepared by the Cabinet Office.*

**[Security classification – minimum of In Confidence required]**

Office of the Minister for x

Chair, Cabinet Legislation Committee

**TITLE** - use the full title of the regulations as the title of the paper, unless the paper deals with several sets of regulations

## Proposal

1. Briefly state the intention of the paper (e.g. This paper seeks authorisation for submission to the Executive Council of the [name of regulations]).

## Executive Summary

1. An executive summary must be provided if the paper is more than four pages long, or if the paper is particularly complex. An executive summary should be a few paragraphs in length and succinctly explain the main issues.

## Policy

1. Give a succinct statement of the policy or proposal to be implemented by the regulations. Summarise any significant background information, including any relevant financial matters, and give references to previous Cabinet and Cabinet committee decisions.
2. If the regulations are entirely routine, and do not require any new policy decisions, include a clear statement to that effect.
3. If changes to fees are proposed, give the following information:
	1. the current and proposed fees (including GST), and the percentage change;
	2. the date on which the fee was last changed;
	3. justification for the new figure, including reference to the Cabinet minute approving the change (e.g. DEV-23-MIN-0123).
4. If the regulations have the effect of amending, suspending or otherwise altering a provision in any statute, explain the effect on the statute and why the amendment is necessary.

## Timing and 28-day rule

1. Set out the timing for the making and coming into force of the regulations. If a waiver of the 28-day rule, which requires that regulations must not come into force until at least 28 days after they have been notified in the New Zealand Gazette, is sought, briefly explain the appropriate grounds upon which the waiver is sought (i.e. why the breach of the requirement is acceptable).

## Compliance

1. Indicate whether the regulations comply with each of the following, with reasons if the regulations do not comply (list each subheading):
	1. the principles of the Treaty of Waitangi;
	2. advice from the Treaty Provisions Officials Group on any Treaty of Waitangi provisions (include a summary of any concerns raised);
	3. the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 or the Human Rights Act 1993;
	4. the principles and guidelines set out in the Privacy Act 2020 (if the regulations raise privacy issues, indicate whether the Privacy Commissioner agrees that they comply with all relevant principles);
	5. relevant international standards and obligations;
	6. the Legislation Guidelines (2021 edition), which are maintained by the Legislation Design and Advisory Committee.
2. Refer to any statutory prerequisites that may exist for the making of the regulations. Briefly describe the requirements and confirm that they have been met.

## Regulations Review Committee

1. Indicate whether there may be grounds for the Regulations Review Committee to draw the disallowable instrument or regulations to the attention of the House of Representatives as a Standing Order requirement.

## Certification by Parliamentary Counsel

1. State that the draft regulations were certified by the Parliamentary Counsel Office (PCO) as being in order for submission to Cabinet. If PCO have noted any reservations, set these out.

## Impact Analysis

1. State whether a Regulatory Impact Assessment was prepared in accordance with the necessary requirements, and was submitted at the time that Cabinet approval was sought of the policy relating to the regulations. 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 the 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.

## Publicity

1. Briefly set out what steps, if any, are to be taken to publicise the new regulations.

## 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](http://www.legislation.govt.nz/act/public/1982/0156/latest/DLM64785.html). Refer to the [CabGuide page on proactive release for more information](https://www.dpmc.govt.nz/publications/proactive-release-cabinet-material). Note that there is no need to include a recommendation noting or seeking agreement to the proactive release of a paper.

## Consultation

1. Briefly set out the consultation that has taken place in the course of developing the policy and draft regulations. Papers on regulations must comply with the standard consultation requirements for all Cabinet papers.
2. In particular:
	1. the Treasury must be consulted if changes to fees are proposed;
	2. the Audit Office’s Guidelines to Costing and Charging for Public Sector Goods and Services should be consulted if cost recovery is involved;
	3. the Ministry of Justice must be consulted on proposals to create new or alter existing criminal offences and penalties;
	4. the Ministry of Justice must be consulted on proposals that raise issues of compliance with the New Zealand Bill of Rights Act 1990. (Recommendations next)

## Recommendations

1. The standard wording for recommendations is as follows:

I recommend that the [name of Cabinet committee]:

1. note that on [date] the [name of Cabinet committee] agreed to [brief summary of policy decisions] [Cabinet or Cabinet committee minute reference e.g. DEV-23-MIN-0123];
2. note that the [title of regulations] will give effect to the decision referred to in paragraph 1 above;
3. authorise the submission to the Executive Council of the [title of regulations];
4. note that the [title of regulations] come into force on [date];

*If a waiver of the 28-day rule is sought, include the following recommendations below paragraph 2 above (recommendation 4 will then no longer be required):*

1. note that a waiver of the 28-day rule is sought:
	1. so that the regulations can come into force... (include information about timing, for example "as soon as possible");
	2. on the grounds that (set out the grounds for the waiver of the 28-day rule, i.e. why a breach of the 28-day rule is acceptable);
2. agree to waive the 28-day rule so that the regulations can come into force on [date];

*If the regulations can only be made once a statutory prerequisite has been met, include these recommendations after recommendation 2 above:*

1. note that (describe the statutory prerequisite, e.g. section x of the x Act requires that the responsible Minister be satisfied that consultation with x has occurred before recommending the making of an Order in Council under section x);
2. note the advice of the Minister for x that this requirement has been met.

Authorised for lodgement

Hon Jane Jones

Minister for X