

CABINET SUBMISSION CHECKLIST - REGULATIONS TWO-STEP PROCESS

Regulations are presented to Cabinet in one of two ways, depending on their sensitivity. Where regulations are likely to be contentious, represent a change in government policy, or will have an impact on a number of different ministerial portfolios, a two-step process is followed; in all other cases, a one-step process is followed. Determining which process to follow should be done in consultation with the Minister's office, Parliamentary Counsel, and Cabinet Office.

The two-step process requires a full Cabinet submission to seek approval to **draft** regulations and a Sub-committee submission to **make** regulations. If the regulations vary significantly from the instructions previously approved by Cabinet, approval to recommend that the Governor make the regulations needs to be sought from full Cabinet.

Submission for approval to draft regulations

Content

The body of the submission must include details on the following:

Submission details	Y/N
Which Act the regulations will be made under	
Summary of the main aim of the regulations	
Describe the context of the proposed new regulations and any other necessary background information	
Who has been consulted about the making of the regulations and what have they said about their being made	
Summarise the positive and any negative impacts of the new regulations on the community and the environment: summarising or referencing the explanatory material contained in the report to the Legislative Review Committee or in the submission requesting approval to draft	
Outline the resources required to support the new regulations and where they will come from	
What steps will be taken to support the regulations' effective implementation and ongoing operation? If appropriate, give details of the implementation strategy. Who is responsible for the implementation strategy?	
The date on which the regulations will come into operation, or that they will come into operation 'on the day on which they are made'	

Recommendation

The recommendation must make reference to:

Submission details	Y/N
Cabinet approving the drafting of regulations by Parliamentary Counsel	
The full name and year of the Act that the regulations will be made under	
The purpose of the regulations	
The proposed date of operation	

Example recommendation:

That Cabinet approve the drafting of regulations under the (insert full title and year of the enabling Act) to (insert a brief description of the purpose of the regulations), noting that the regulations will come into operation on (insert date).

Attachments

The following attachments must be included, and must be listed in the following order:

Submission details	Y/N
Public Value Account	
Costing comment from the Department of Treasury and Finance	
Cabinet Office comment	
Any other documentation relevant to the proposal	

Submission for approval to make regulations

The submission to make the regulations must contain the same level of detail as the submission for approval to draft, as well as the following additional information:

Submission details	Y/N
State when Cabinet approved the drafting of the regulations	
State whether the regulations have been drafted according to the instructions previously approved by Cabinet or detail what the changes are	
That Parliamentary Counsel have issued a Certificate of Validity	
If applicable, that Parliamentary Counsel have issued a Certificate of Early Commencement that the Minister has signed to enable the regulations to come into operation early	
Statement that the regulations will be published in the Government Gazette on the day that they are made by the Governor in Executive Council What other steps will be taken to publicise the new regulations	
Details on when the new regulations should be made by the Governor in Executive Council Any special processing requirements should be fully explained	
Note: the name of the regulations detailed in the submission must be identical to what appears on the regulations settled by Parliamentary Counsel	

Recommendations

Only one recommendation is required and must make reference to:

Submission details	Y/N
His Excellency the Governor in Executive Council making the regulations	
The full name and year of the regulations being made	
The full name and year of the Act that the regulations are made under	
The purpose of the regulations	
The proposed date of operation	

Example recommendation:

That Cabinet recommend that His Excellency the Governor in Executive Council make the (insert full title and year of the regulations) made under the (insert full title and year of the enabling Act), to (insert a brief description of the purpose of the regulations), noting that the regulations come into operation on (insert date).

Attachments

The following attachments must be included, and must be listed in the following order:

Submission details	Y/N
Report addressed to the Legislative Review Committee	
Certificate of Validity	
Certificate of Early Commencement	
Regulations	
Any other documentation relevant to the proposal	
Note: Each set of documents should be attached in the order that the regulations are listed in the recommendation section of the submission (for example, Certificate of Validity, Certificate of Early Commencement, one copy of regulation, then repeat order for each set of regulations)	

Legislative Review Committee Report

The report to the Legislative Review Committee should address the following matters:

Submission details	Y/N
The policy considerations which resulted in the development of the regulatory or deregulatory proposal	
A summary of any administrative, legal or other arrangements established under the proposed regulations	
If available, appropriate information on the financial impact of the proposal (keeping in mind that this report is to a Standing Committee of the Parliament and not a report to Cabinet)	
An outline of the process of consultation leading to the formulation of the policy position and the preparation of the regulations	
If a Ministerial certificate for early commencement of the regulations has been issued and the reasons for the issue of the certificate	
The name and telephone number of an officer who can be contacted about the regulations	