



COVERSHEET

Minister	Hon Dr David Clark	Portfolio	Commerce and Consumer Affairs
Title of Cabinet paper	Temporary Measures to Address COVID-19 Impacts on Commerce and Consumer Affairs Legislation	Date to be published	12 October 2021

List of documents that have been proactively released

Date	Title	Author
Sep 2021	Temporary Measures to Address COVID-19 Impacts on Commerce and Consumer Affairs Legislation	Office of the Minister of Commerce and Consumer Affairs
9 Sep 2021	CMG-21-MIN-0022	Cabinet Office

Information redacted

YES

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Certain information has been withheld to protect the confidentiality of advice given to the Government (legal professional privilege).

In Confidence

Office of the Minister of Commerce and Consumer Affairs

Chair, COVID-19 Ministerial Group

Temporary measures to address COVID-19 impacts on Commerce and Consumer Affairs legislation

Proposal

1. To seek:
 - 1.1. agreement to temporary delays and other measures relating to a range of Commerce and Consumer Affairs legislation in response to recent COVID-19 alert levels; and
 - 1.2. authorisation for submission to the Executive Council of the Credit Contracts Legislation Amendment Act Commencement Amendment Order 2021.

Relation to government priorities

2. This paper is part of the Government's response to the impacts of COVID-19 on businesses and households.

Executive Summary

3. I am proposing to make a number of changes to legislation in the Commerce and Consumer Affairs portfolio to respond to the disruption the re-emergence of COVID-19 in the community has caused.

Credit laws

4. The Credit Contracts Legislation Amendment Act 2019 (**the Credit Amendment Act**) is scheduled to come fully into force on 1 October 2021.
5. The outbreak of COVID-19 in the community in August has disrupted lenders' preparations for the Credit Amendment Act, and they are also seeing an increased number of hardship inquiries from borrowers.
6. To address these issues, I propose to delay implementation of the Credit Amendment Act by two months, to 1 December 2021. Because of the urgency of this issue, I am also asking Cabinet to authorise submission to the Executive Council of the attached Credit Contracts Legislation Amendment Act Commencement Amendment Order 2021, which gives effect to this decision.
7. I am considering reissuing Responsible Lending Code guidance on providing payment relief. I am seeking Cabinet's agreement to a one-week consultation process on a draft addendum, once this has been prepared. I am also seeking to disapply s9H(2) of the Act, which imposes a 28-day period for new Code guidance to come into effect.

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Country of origin disclosure

8. The Consumer Information Standards (Origin of Food) Regulations 2021 will come into force for fresh single-ingredient foods and cured pork products on 12 November 2021, and frozen single-ingredient foods on 12 May 2023.
9. Food retailers and suppliers are facing difficulties preparing for implementation of the country of origin regulations, due to their response to the recent changes in alert levels and the need to reprioritise resources.
10. To address these issues, I propose to delay commencement of the Consumer Information Standards (Origin of Food) Regulations 2021 from 12 November 2021 to 12 February 2022.

Relief from compliance obligations

11. There is a need to temporarily exempt a range of entities from deadlines in corporate governance legislation where their own constitutions or rules prevent them from meeting these deadlines because of lockdown measures.
12. To address this issue I am proposing to reinstate a range of temporary compliance relief that was put in place in response to the 2020 national lockdown. This would involve:
 - 12.1. permitting electronic communications, including electronic meetings, even if the constitution or rules of certain entities do not provide for it; and
 - 12.2. creating a facility in a range of corporate governance legislation for agencies and responsible Ministers to exempt organisations from their obligations where that is necessary or desirable because of the impacts of COVID-19.

Facilitating the use of electronic signatures

13. The Contract and Commercial Law Act 2017 states that a legal requirement for a signature is met by an electronic signature subject to certain conditions. However, those provisions do not apply to powers of attorney. Because powers of attorney are a key part of documents granting lenders recourse over the assets of borrowers (security agreements) those documents need to be physically signed.
14. In order to address this issue and support businesses to continue to transact through lockdown, I am proposing to temporarily remove the restrictions on the use of electronic signatures for entry into security agreements.

Background

15. The re-emergence of COVID-19 and associated alert level changes have impacted businesses and other entities operating under Commerce and Consumer Affairs legislation.
16. COVID-19 alert level changes have caused issues for lenders and borrowers:
 - 16.1. disruptions to the implementation of the Credit Amendment Act, which is due to come fully into force on 1 October 2021; and

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- 16.2. increased concerns about payment difficulties, with uncertainty as to the likely duration and impact of lockdowns.
17. Food retailers and suppliers are also facing difficulties dealing with implementation of the Consumer Information Standards (Origin of Food) Regulations 2021, which will come into force for fresh single-ingredient foods and cured pork products on 12 November 2021.
18. Ministry of Business, Innovation and Employment (**MBIE**) officials have also been contacted by representatives of a number of organisations concerned about their ability to (i) meet their corporate governance and legislative obligations, and (ii) enter into security agreements with powers of attorney, in a way that is consistent with public health advice.
19. Businesses and other organisations have sought urgent legislative changes to help address these issues, set out below.

Delaying implementation of the Credit Amendment Act

20. The Credit Amendment Act significantly strengthens the Credit Contracts and Consumer Finance Act 2003 (**CCCFA**) to better protect consumers from irresponsible lending and debt spirals.
21. While many provisions of the Credit Amendment Act are already in force (e.g. protections relating to high-cost consumer credit contracts and mobile traders, and increased penalties), lenders are currently implementing the remaining provisions, including:
 - 21.1. regulations that set minimum requirements for a lender's assessment that a loan is suitable and affordable for the borrower;
 - 21.2. requirements that lenders keep records of their inquiries that substantiate that loans are affordable and suitable for borrowers and fees are not unreasonable;
 - 21.3. requirements that directors and senior managers of consumer lenders meet a 'fit and proper person' test, and duties on directors and senior managers to ensure that lenders comply with their obligations;
 - 21.4. minimum advertising standards for lender advertising. In addition, if a lender advertises credit in a language, they will also have to offer to provide the borrower with information about the loan in that language; and
 - 21.5. requirements that creditors and debt collectors disclose specific information to debtors before starting debt collection activity.
22. Before the August 2021 COVID-19 outbreak, lenders had been undertaking large scale changes to systems and processes. These include significant investments in IT systems and training of staff and agents such as brokers and retailers.
23. Their ability to continue making these changes has been hampered by current lockdowns. These impacts include deferral of training, loss of productivity, and

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diversion of resources to supporting existing customers. This makes implementation of the Credit Amendment Act by 1 October 2021 extremely difficult for many lenders.

24. To address these issues, I propose to delay implementation of the Credit Amendment Act by two months, to 1 December 2021.
25. In the absence of a delay, some lenders may need to pause new consumer lending until their compliance systems are fully implemented. This would be highly disruptive, and would be likely to have economic costs.
26. This delay would exclude a new requirement for directors and senior managers of creditors to be assessed as fit and proper persons by the Commerce Commission, which would continue to come into force on 1 October. COVID-19 does not impact certification applications to the same extent as other issues, as it is a one-time event that is largely desk-based and does not involve IT changes or training. Banks and many finance companies are already exempt from certification as they are licensed by other regulators. Shifting the date would interfere with Commerce Commission's current certification plans and staff arrangements.

Responsible Lending Code

27. In 2020, one of the steps the Government took to address borrower payment difficulties was the issuance of new Responsible Lending Code guidance.
28. This guidance set out how lenders could meet their responsible lending obligations when amending loan terms to alleviate payment difficulties, e.g. reducing or deferring payments and providing interest-only periods. Lenders are required under the CCCFA to:
 - 28.1. exercise the care, diligence and skill of a responsible lender in all dealings with a borrower; and
 - 28.2. when replacing a credit contract, make reasonable inquiries so as to be satisfied that the new contract is likely to be affordable and suitable.
29. The guidance expired on 1 March 2021.
30. So far, lenders are not reporting the same level of payment difficulties and concerns that were seen in 2020. However, some lenders are reporting a 50 per cent increase in these inquiries from borrowers, and there are concerns that these issues will grow as lockdowns are extended.
31. I am considering reissuing a version of the addendum that provides similar guidance on payment relief to the expired version. The new version would expire on 1 February 2022. From this date, a new hardship chapter of the Responsible Lending Code, finalised in February 2021, will take effect. I am seeking Cabinet's agreement to a one-week consultation process on a draft addendum, once this has been prepared.
32. Under section 9H(2) of the Act, an addendum would not have legal effect until 28 days after it was gazetted. In 2020, Parliament temporarily removed the 28-day

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restriction through the COVID-19 Response (Further Management Measures) Legislation Act 2020 to allow the addendum to take effect immediately.

33. I propose that section 9H(2) again be temporarily disapplied to enable any addendum to come into force immediately. This will ensure that lenders can immediately begin to provide a more streamlined process to assist borrowers facing payment difficulties.

Delaying implementation of the Consumer Information Standards (Origin of Food) Regulations 2021

34. The Consumers' Right to Know (Country of Origin of Food) Act 2018 required the Minister of Commerce and Consumer Affairs to recommend the making of regulations under section 27 of the Fair Trading Act 1986 prescribing a consumer information standard for the disclosure of the country of origin of certain foods.
35. On 10 May 2021 the Consumer Information Standards (Origin of Food) Regulations 2021 (**the Regulations**) were made. As was required by the Consumers' Right to Know (Country of Origin of Food) Act, the Regulations:
 - 35.1. require the disclosure of the country of origin of certain foods at the point of sale and when they are advertised for sale;
 - 35.2. come into force on 12 November 2021, but will not apply to frozen food until 12 May 2023, which recognises the longer shelf life of frozen food.
36. COVID-19 has significantly impacted retailers' and suppliers' implementation of the Regulations. Businesses have made numerous changes to implement social distancing, and in some cases staff have been required to self-isolate. There have also been ongoing logistical challenges with freight and disruptions to supply chains. These are having a significant impact on supermarkets, smaller retailers and food producers alike. Supermarkets are also required to put in place systems to ensure that accurate information is provided throughout its supply chains to ensure that they can pass this on to their customers. The development and implementation of these processes and systems has been impacted by the recent changes in alert levels.
37. I propose that the commencement of the Regulations be delayed by three months to 12 February 2022. This will provide sufficient time for businesses to implement the Regulations while also responding to the disruption caused by COVID-19.

Temporary relief from corporate governance compliance obligations

38. There is a need to exempt a range of entities from deadlines in corporate governance legislation or in their own constitutions or rules. It is clear that many entities are unable to comply with some obligations, or are finding it burdensome to comply because of the recent outbreak of COVID-19. Temporary relief is needed. This issue is particularly pressing in the community and voluntary sector where the rules of many organisations do not permit governance functions to be performed electronically. I note that this issue also arose in 2020 where such relief was granted through the COVID-19 Response (Requirements For Entities—Modifications and

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Exemptions) Act 2020. This Act no longer has effect. This proposal effectively reactivates that relief to address the disruption caused by the recent outbreak.

39. These obligations appear in the Companies Act 1993, Limited Partnerships Act 2008, Incorporated Societies Act 1908, Charitable Trusts Act 1957 and a number of other Acts that provide for the incorporation and/or regulation of small numbers of entities (e.g. the Building Societies Act 1965). The obligations relate to such matters as:
 - 39.1. deadlines for holding annual general meetings (**AGMs**);
 - 39.2. deadlines in relation to filing requirements and audited financial statements; and
 - 39.3. requirements to appoint auditors.
40. I am now proposing that exemption making powers granted to various Registrars in 2020 be reactivated. This will provide Registrars (and where there is no Registrar, the relevant Minister) with the flexibility to provide exemptions as necessary as well as vary them as circumstances change. I am also proposing that the Chief Judge of the Māori Court's powers to grant relief under section 30 of the Act be reactivated. This approach is consistent with that successfully taken in 2020 to resolve this issue and will allow retrospective relief to be granted back to the date when the provisions come into force. The key difference between what is proposed in this paper and what was done in 2020, is that I am not proposing that this relief be made retrospective to the date of the current lockdown. When the decision was made to grant significant retrospective relief in 2020 there was a much greater level of uncertainty as to how organisations could continue to operate in a lockdown. I do not consider that this same level of fundamental uncertainty exists in the current environment.
41. For completeness, I note that while these issues arose in the last national lockdown, and entities have since had the opportunity to amend their rules to permit electronic governance processes, I still consider it appropriate to grant this relief. Many of the entities impacted by this issue are voluntary organisations and have limited resources to devote to such governance matters.

Obligations under constitutions

42. Some entities, particularly incorporated societies and charitable trusts, are having similar compliance issues under their constitutions or rules. For example, some societies are unable to meet deadlines for holding AGMs within constitutional deadlines because their constitutions do not provide for them to be held electronically.
43. Consistent with the approach taken to resolving this issue in 2020, I am recommending reactivating provisions to the effect that an entity:
 - 43.1. can do certain matters – including holding meetings, signing instruments, and voting on certain matters – electronically even if their constitutions or rules do not provide for it; and

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- 43.2. can more easily modify certain requirements or restrictions in its constitution or rules (for example, can defer financial reporting, or waive members' fees).
44. As was the case in 2020, I do not see a role for MBIE registry staff in this regard because it is up to individual entities to manage their own affairs. There would also be moral hazard risks if the Registrar was required to exercise such powers.

Application to Māori governance organisations

45. In 2020 the same compliance relief that was granted to corporate entities was also granted to Māori governance bodies. In particular, the ability to perform obligations under constitutions by electronic means was extended to Post-settlement Governance Entities recognised under Te Tiriti o Waitangi settlement legislation.
46. Both the ability to delay obligations under constitutions and the ability to hold electronic meetings was extended to:
- 46.1. Māori land trusts, Māori incorporations, Māori reservations and assembled owners constituted under Te Ture Whenua Māori Act 1993;
 - 46.2. Māori Trust Boards established under the Māori Trust Boards Act 1955;
 - 46.3. Māori Associations established under the Māori Community Development Act 1962; and
 - 46.4. entities established under the Māori Fisheries Act 2004 as well as Mandated Iwi Organisations recognised under the Māori Fisheries Act 2004.

Flexibility with temporary deadlines

47. As was the case with the equivalent relief provided in 2020, I am proposing that this compliance relief last for an initial fixed period of six months. This time period is based on assumptions around the current scale of disruption lasting for a relatively short amount of time. However, no one knows whether this assumption is correct, and deadlines might have to be extended. I am therefore proposing that a power be included that would provide for this relief to be extended for a further six months by Order in Council. This power will be subject to a requirement that the Minister of Commerce and Consumer Affairs is satisfied:
- 47.1. the extension is necessary or desirable to address the effects of COVID-19; and
 - 47.2. the period of the extension is no longer than is reasonably necessary to address the matters that gave rise to it.

Electronic signatures

48. The Contract and Commercial Law Act 2017 states that a legal requirement for a signature is met by an electronic signature subject to certain conditions. However, those provisions do not apply to powers of attorney. As noted above, powers of attorney are a key part of a lenders contractual right to take possession of a borrowers assets if they default. The inability to sign these key credit documents electronically is creating a technical barrier to businesses being able to borrow

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money. This is in turn preventing businesses from being able to transact in as close to normal a fashion in the current environment.

49. A number of stakeholders, including the New Zealand Law Society, the Auckland District Law Society and the Asia Pacific Loan Markets Association have contacted officials with concerns about this issue and the impact it is having.
50. In order to remove this barrier, and support businesses to keep transacting with confidence I am proposing that the electronic transaction provisions in the Contract and Commercial Law Act 2017 temporarily be applied to the entry into security agreements containing powers of attorney. This approach is consistent with that taken to addressing this issue in 2020. This modification will have effect for six months from commencement, unless that period is extended by Order in Council for up to another six months.
51. The existing protections in the Contract and Commercial Law Act relating to the reliability of electronic signatures will continue to apply. This will guard against the potential abuse of this change.

Financial Implications

52. There are no financial implications from the proposals in this paper other than the provision of compliance relief for entities.
53. If the exemption powers contemplated by this paper were used to allow entities to delay filing obligations for which fees and levies are collected, then that revenue will no longer be collected while organisations are able to defer their filings. Those fees and levies are used for a range of purposes, including funding statutory functions carried out by the Companies Office and contributing to non-departmental funding provided to the Financial Markets Authority and the External Reporting Board.
54. In most cases this will only result in a short term delay in the collection of the relevant amounts. There is, however, a possibility that organisations will have ceased to trade in the period that filing is delayed. This can be expected to reduce the amount of revenue collected to contribute to the funding of the statutory functions. The memorandum account managed by the Companies Office is currently in surplus and could absorb a degree of revenue reduction.

Legislative Implications

55. Most of the decisions being sought above will be implemented through a forthcoming COVID-19 omnibus bill. The delay to country of origin disclosure may be implemented through amendment regulations.
56. Because of the urgency of delaying the Credit Amendment Act (which otherwise comes into force on 1 October), I am asking Cabinet to authorise submission to the Executive Council of the attached Credit Contracts Legislation Amendment Act Commencement Amendment Order 2021. This gives effect to this decision.

Impact Analysis

57. Treasury's Regulatory Impact Analysis team has determined that the proposals in this Cabinet paper are exempt from the requirement to provide a Regulatory Impact Statement as they are temporary measures exercised under the declared emergency of the COVID-19 pandemic:
- 57.1. The proposals to defer the commencement date of the Credit Contracts Legislation Amendment Act 2019 to 1 December 2021 and to defer the commencement date of the Consumer Information Standards (Origin of Food) Regulations 2021 are exempt on the grounds that they are intended to temporarily defer the start date of legislative requirements not yet in force, in order to reduce burdens or where the Government or affected entities will no longer be ready by the planned start date, as a result of an emergency.
- 57.2. The proposals to temporarily disable section 9H(2) of the Credit Contracts and Consumer Finance Act 2003 to allow new Responsible Lending code guidance on COVID-19 related borrower hardship to come into force more quickly and to provide a modification or an exemption facility for certain compliance obligations are exempt on the grounds that it is intended to provide limited temporary exemptions or modifications to existing legislative requirements in situations where a declared emergency has made compliance with existing legislative requirements impossible, impractical or unreasonably burdensome.
- 57.3. The proposal to facilitate the use of electronic signatures in commercial contracts is exempt on the grounds that it is intended to temporarily enable alternative methods of legislative compliance in situations where a declared emergency has made compliance with the existing legislative requirements impossible, impractical or unreasonably burdensome.
58. The Climate Implications of Policy Assessment (CIPA) team has been consulted and confirms that the CIPA requirements do not apply to:
- 58.1. the proposal to provide a modification or an exemption facility for certain compliance obligations; or
- 58.2. the proposal to facilitate the use of electronic signatures in commercial contracts,
- as the threshold for significance is not met.

Population Implications

59. No specific population implications have been identified.

Human Rights

60. The proposals in this paper are consistent with the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993.

Timing and 28-day rule

61. The Credit Contracts Legislation Amendment Act Commencement Amendment Order 2021 will come into force the day after it is published in the *Gazette*.
62. A waiver of the 28-day rule is sought on the grounds that:
 - 62.1. the regulations are being made in response to an emergency; and
 - 62.2. it is necessary for the regulations to have the intended legal effect.

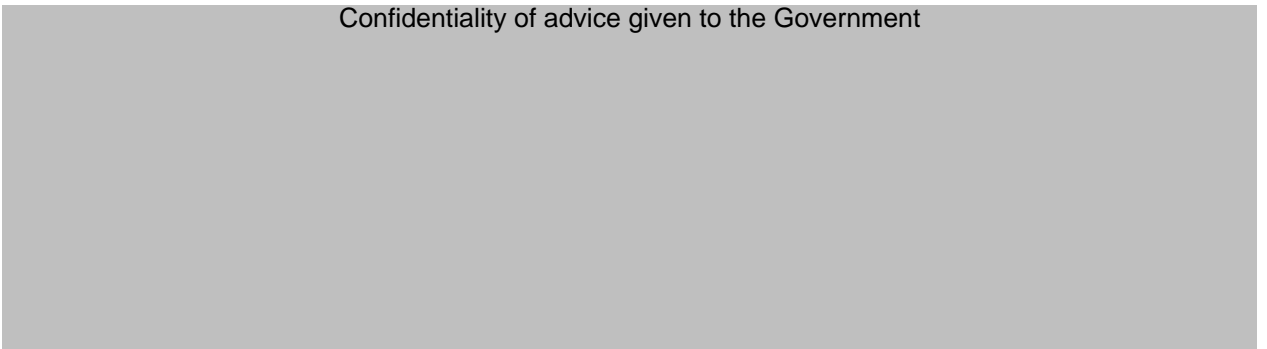
Compliance

63. The Credit Contracts Legislation Amendment Act Commencement Amendment Order 2021 is compliant with:
 - 63.1. the principles of the Treaty of Waitangi;
 - 63.2. the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 or the Human Rights Act 1993;
 - 63.3. 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);
 - 63.4. relevant international standards and obligations;
 - 63.5. the Legislation Guidelines (2018 edition), which are maintained by the Legislation Design and Advisory Committee.

Regulations Review Committee

64. The Credit Contracts Legislation Amendment Act Commencement Amendment Order 2021 is legally permissible. However, there is a small risk the Regulations Review Committee may draw it to the attention of the House of Representatives under Standing Order 327.

65. Confidentiality of advice given to the Government



Certification by Parliamentary Counsel

66. The Credit Contracts Legislation Amendment Act Commencement Amendment Order 2021 was certified by the Parliamentary Counsel Office (PCO) as being in

order for submission to Cabinet. Confidentiality of advice given to the Government

Consultation

67. The Department of Prime Minister and Cabinet, Treasury, Ministry of Justice, Te Puni Kōkiri, Te Arawhiti, Ministry for Primary Industries and PCO have been consulted on this paper.

Communications

68. Affected stakeholders will be informed of the decisions made in this paper and MBIE's website will be updated.

Proactive Release

69. This paper will be published on MBIE's website, subject to withholdings as appropriate under the Official Information Act 1982.

Recommendations

The Minister of Commerce and Consumer Affairs recommends that the Committee:

Credit Contracts Legislation Amendment Act 2019

1. **agree** to defer the remaining commencement dates for the Credit Contracts Legislation Amendment Act 2019 and associated regulations from 1 October 2021 to 1 December 2021, with the exception of the requirement for creditors to be certified by the Commerce Commission by 1 October 2021;
2. **agree** to any other dates in regulations set relative to 1 October 2021 also being deferred by 2 months;
3. **authorise** the Minister of Commerce and Consumer Affairs to publicly consult on temporary Responsible Lending Code guidance on dealing with financial difficulties caused by COVID-19, once this is prepared;
4. **agree** to temporarily disapply section 9H(2) of the Credit Contracts and Consumer Finance Act 2003, to allow new Responsible Lending Code guidance to take effect immediately;

Consumer Information Standards (Origin of Food) Regulations 2021

5. **agree** to delay commencement of the Consumer Information Standards (Origin of Food) Regulations 2021 from 12 November 2021 to 12 February 2022;

Providing temporary compliance relief from corporate governance legislation

6. **note** that many statutory deadlines in corporate governance legislation, relating to such matters as holding annual general meetings and filing annual returns, should be relaxed because they are unachievable or are relatively unimportant in the current circumstances;

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7. **note** that there are powers to make exemption notices in relation to statutory obligations under some Acts (e.g. the Financial Markets Conduct Act 2013 and the Charities Act 2005) but not others (e.g. the Companies Act 1993);
8. **note** that a temporary power to provide compliance relief was provided in 2020 in response to the first national COVID-19 lockdown;
9. **agree** to provide the Registrars and responsible Ministers, under each of the following statutes, with a temporary power to issue exemption notices relating to compliance with statutory obligations, consistent with that provided for under the COVID-19 Response (Requirements For Entities—Modifications and Exemptions) Act 2020:
 - 9.1. Building Societies Act 1965;
 - 9.2. Charitable Trusts Act 1957;
 - 9.3. Companies Act 1993;
 - 9.4. Friendly Societies and Credit Unions Act 1982;
 - 9.5. Incorporated Societies Act 1908;
 - 9.6. Industrial and Provident Societies Act 1908;
 - 9.7. Limited Partnerships Act 2008;
 - 9.8. Maori Community Development Act 1962;
 - 9.9. Maori Fisheries Act 2004;
 - 9.10. Maori Trust Boards Act 1955;
 - 9.11. Partnership Law Act 2019; and
 - 9.12. Te Ture Whenua Maori Act 1993;
10. **agree** to provide the Chief Judge of the Māori Land Court the temporary power to grant relief for certain matters under the Te Ture Whenua Māori Act 1993, consistent with that provided under the COVID-19 Response (Requirements For Entities—Modifications and Exemptions) Act 2020;
11. **note** that any relief from obligations with associated fees or levies, such as lodging annual returns, will have short term adverse financial implications;

Non-compliance with entity constitutions

12. **note** that some incorporated societies, charitable trusts, unincorporated associations and other entities are unable to comply with obligations in their constitutions or rules in relation to such matters as appointing auditors and holding annual general meetings;

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13. **agree** to provide temporary relief, consistent with that provided under the COVID-19 Response (Requirements For Entities—Modifications and Exemptions) Act 2020, to allow entities to:
 - 13.1. do certain matters electronically even if their constitutions or rules do not provide for it; and
 - 13.2. more easily modify certain requirements or restrictions in their constitution or rules;
14. **agree** to amend the Contract and Commercial Law Act 2017 so that the provisions in that Act relating to electronic signatures apply to security agreements containing powers of attorney, consistent with amendments made by the COVID-19 Response (Further Management Measures) Legislation Act 2020;

Legislative implications

15. **note** that the Credit Contracts Legislation Amendment Act Commencement Amendment Order 2021 gives effect to the decisions in paragraphs 1 and 2;
16. **authorise** submission to the Executive Council of the Credit Contracts Legislation Amendment Act Commencement Amendment Order 2021;
17. **note** that a waiver of the 28-day rule is sought:
 - 17.1. so that the Credit Contracts Legislation Amendment Act Commencement Amendment Order 2021 can come into force as soon as possible;
 - 17.2. on the grounds that:
 - 17.2.1. the regulations are being made in response to an emergency; and
 - 17.2.2. it is necessary for the regulations to have the intended legal effect;
18. **agree** to waive the 28-day rule so that the regulations can come into force on the day after they are notified in the Gazette;
19. **agree** to give effect to the proposals in paragraphs 4, 5, 9, 10, 13 and 14 through a forthcoming COVID-19 omnibus bill, if this becomes available;
20. **invite** the Minister of Commerce and Consumer Affairs to issue drafting instructions to the Parliamentary Counsel Office to give effect the above proposals;
21. **authorise** the Minister of Commerce and Consumer Affairs to make decisions on minor or technical matters, consistent with the policy in this paper, on any issues that arise during drafting and passage through the House.

Authorised for lodgement

Hon Dr David Clark

Minister of Commerce and Consumer Affairs