



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).



COVID-19 Ministerial Group

Minute of Decision

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Temporary Measures to Address COVID-19 Impacts on Commerce and Consumer Affairs Legislation

Portfolio Commerce and Consumer Affairs

On 9 September 2021, following discussions with officials and Ministers, the COVID-19 Ministerial Group [CAB-21-MIN-0353]:

Credit Contracts Legislation Amendment Act 2019

- 1 **agreed** 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 **agreed** to any other dates in regulations set relative to 1 October 2021 also being deferred by 2 months;
- 3 **authorised** 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 **agreed** 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 **agreed** 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 **noted** 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;
- 7 **noted** 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 **noted** that a temporary power to provide compliance relief was provided in 2020 in response to the first national COVID-19 lockdown;

- 9 **agreed** 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 **agreed** 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 **noted** 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 **noted** 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;
- 13 **agreed** 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 **agreed** 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 **noted** that the Credit Contracts Legislation Amendment Act Commencement Amendment Order 2021 gives effect to the decisions in paragraphs 1 and 2;

16 **authorised** the submission to the Executive Council of the Credit Contracts Legislation Amendment Act Commencement Amendment Order 2021 [PCO 24114];

17 **noted** 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 **agreed** to a waiver of the 28-day rule so that the regulations can come into force on the day after they are notified in the Gazette;

19 **agreed** to give effect to the decisions in paragraphs 4, 5, 9, 10, 13 and 14 through a forthcoming COVID-19 omnibus bill, if this becomes available;

20 **invited** the Minister of Commerce and Consumer Affairs to issue drafting instructions to the Parliamentary Counsel Office to give effect the above decisions;

21 **authorised** 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.

Gerrard Carter
Cabinet Office
