

# Proactive Release

Published on or before: 25/06/2024

The following Cabinet papers and related Cabinet minutes have been proactively released by the Minister of Foreign Affairs

Title	Reference
<b><i>Cabinet Minute of Decision – Report of the Cabinet Legislation Committee: Period Ended 10 May 2024</i></b>	CAB-24-MIN-0160
<b><i>Cabinet Legislation Committee – Minute of Decision – Russia Sanctions Amendment Regulations (No 2) 2024</i></b>	LEG-24-MIN-0082
<b><i>Russia Sanctions Amendment Regulations</i></b>	

Some parts of this information release would not be appropriate to release and, if requested, would be withheld under the Official Information Act 1982 (the OIA). Where this is the case, the relevant sections of the OIA that would apply have been identified. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

Key to OIA redaction codes:

- 6(a): to avoid prejudicing the security or defence of New Zealand or the international relations of the New Zealand Government;
- 9(2)(g)(i): to protect the free and frank expression of opinions by departments;
- 9(2)(g)(ii): to protect officers and employees from improper pressure or harassment and,
- 9(2)(h): to maintain legal professional privilege.



# Cabinet Legislation Committee

## Minute of Decision

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*This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.*

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### Russia Sanctions Amendment Regulations (No 2) 2024

Portfolio                      Foreign Affairs

On 9 May 2024, the Cabinet Legislation Committee:

- 1            s6(a)
- 2            **noted** that the Russia Sanctions Regulations (No 2) 2024 (the Regulations) fall within scope of the decision referred to in paragraph 1 above;
- 3            **noted** that, before recommending that regulations be made under the Russia Sanctions Act 2022, the responsible Minister must be satisfied that:
  - 3.1        the regulations are appropriate to respond to threats to the sovereignty or territorial integrity of Ukraine or another country;
  - 3.2        the United Nations Security Council is unlikely to act or has acted insufficiently;
- 4            **noted** the advice of the Minister of Foreign Affairs that this requirement has been met;
- 5            s6(a), s9(2)(g)(i)
- 6            **authorised** the submission to the Executive Council of the Russia Sanctions Regulations (No 2) 2024 [PCO 26324/8.0].

s9(2)(g)(ii)

Committee Secretary

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Attendance (see over)

**Present:**

Rt Hon Winston Peters  
Hon Nicola Willis  
Hon Dr Shane Reti  
Hon Simeon Brown (Chair)  
Hon Erica Stanford  
Hon Paul Goldsmith  
Hon Judith Collins  
Hon Tama Potaka  
Hon Simon Watts  
Hon Casey Costello  
Hon Andrew Bayly  
Hon Karen Chhour  
Hon Scott Simpson  
Todd Stevenson, MP  
Jamie Arbuckle, MP

**Officials present from:**

Officials Committee for LEG

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# Cabinet

## Minute of Decision

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### Report of the Cabinet Legislation Committee: Period Ended 10 May 2024

On 13 May 2024, Cabinet made the following decisions on the work of the Cabinet Legislation Committee for the period ended 10 May 2024:

LEG-24-MIN-0082     **Russia Sanctions Amendment Regulations (No 2) 2024**     CONFIRMED  
Portfolio: Foreign Affairs

Proactively Released by the Minister of Foreign Affairs

s9(2)(g)(ii)

Secretary of the Cabinet

Proactively Released by the Minister of Foreign Affairs

Office of the Minister of Foreign Affairs

Chair, Cabinet Legislation Committee

## Russia Sanctions Amendment Regulations 2024

### Proposal

- 1 This paper seeks authorisation for submission to the Executive Council of the Russia Sanctions Regulations (No 2) 2024 (the Regulations).

### Policy

- 2 The Minister of Foreign Affairs is the Responsible Minister under the Russia Sanctions Act 2022 (the Act) and therefore has discretion to decide whether to recommend that sanctions regulations be made under the Act.
- 3 s6(a)
- 4 The Regulations will implement sanctions measures under the Russia Sanctions Act 2022, designating individuals and entities providing material and/or strategic support for Russia's illegal invasion of Ukraine. Those designated are involved in: (a) Russia's military-industrial complex, and the provision of support to the Russian military, including the transfer of weapons to Russia from the DPRK and from Iran; and (b) the forced transfer of Ukrainian children. The Regulations will also provide for the replacement of the Customs Harmonised System codes relevant to the recently adopted G7 plus oil price cap on Russian origin oil, with the codes in New Zealand's Working Tariff Document.

s6(a), s9(2)(g)(i)

### Compliance

- 6 The Regulations are in line with the intent and purpose of the Act and compliant with each of the following:
  - 6.1 the principles of the Treaty of Waitangi;
  - 6.2 the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993;
  - 6.3 the principles and guidelines set out in the Privacy Act 2020;
  - 6.4 relevant international standards and obligations;
  - 6.5 the Legislation Guidelines (2021 edition), which are maintained by the Legislation Design and Advisory Committee.



- 7 Section 8 of the Act sets out a threshold which the responsible Minister must be satisfied has been met before recommending that an Order in Council be made with regard to sanctions under section 9 of the Act. The Section 8 threshold is that: (i) the regulations are appropriate to respond to threats to the sovereignty or territorial integrity of Ukraine or another country; and (ii) the United Nations Security Council is unlikely to act or has acted insufficiently.
- 8 The Minister is satisfied that the threshold in section 8 has been met for the sanctions measures in the recommended Regulations,<sup>s6(a)</sup>

### **Regulations Review Committee**

- 9 There are no grounds for the Regulations Review Committee to draw the Regulations to the attention of the House of Representatives under Standing Order 327.

### **Certification by Parliamentary Counsel**

- 10 The draft Regulations have been certified by the PCO as being in order for submission to Cabinet.

### **Impact Analysis**

- 11 s6(a), s9(2)(g)(i)

### **Publicity**

- 12 The new regulations will be publicised through a press release and an update to the Sanctions Register (as required by section 14 of the Act). The Ministry will also email information to those who subscribe to its Russia Sanctions Updates service.

### **Proactive release**

- 13 This paper will be released proactively with appropriate redactions within 30 business days of the decisions being confirmed by Cabinet. It is expected that the announcement will have been made within this period.

### **Consultation**

- 14 The Ministry of Foreign Affairs and Trade has consulted the following agencies in developing the draft regulations: Parliamentary Counsel Office, Crown Law Office, Customs New Zealand, Department of Internal Affairs, Financial Markets Authority, Immigration New Zealand, New Zealand Police, Ministry of Justice, Ministry of Transport, Reserve Bank, Oranga Tamariki - Ministry for Children and Treasury.

## Recommendations

The Minister of Foreign Affairs recommends that the Cabinet Legislative Committee:

- 1 s6(a), s9(2)(g)(i)
- 2 note that Russia Sanctions Regulations (No 2) 2024 will give effect to the decision referred to in paragraph 1 above;
- 3 note that, before recommending that regulations be made under the Act, the responsible Minister must be satisfied that: (i) the regulations are appropriate to respond to threats to the sovereignty or territorial integrity of Ukraine or another country; and (ii) the United Nations Security Council is unlikely to act or has acted insufficiently;
- 4 note the advice of the Minister of Foreign Affairs that this requirement has been met;
- 5 s6(a), s9(2)(g)(i)
- 6 authorise the submission to the Executive Council of the Russia Sanctions Regulations (No 2) 2024.

Authorised for lodgement

Rt Hon Winston Peters

Minister for Foreign Affairs

Please note one draft document 'Russia Sanctions Amendment Regulations (No 2) 2024 is withheld in full under section 9(2)(h) of the OIA