



COVERSHEET

Minister	Hon Stuart Nash	Portfolio	Economic and Regional Development
Title of Cabinet paper	Major Events Management Order Revocation	Date to be published	18 – 22 June 2021

List of documents that have been proactively released		
Date	Title	Author
3 May 2021	Major Events Management Order Revocation	Office of the Minister of Economic and Regional Development
6 May 2021	LEG-21-MIN-0052	Cabinet office

Information redacted

YES / NO

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IN CONFIDENCE

Office of the Minister for Economic and Regional Development
Chair, Cabinet Legislation Committee

MAJOR EVENTS MANAGEMENT ORDER REVOCATION

Proposal

- 1 This paper seeks agreement to recommend that the Governor-General revoke the *Major Events Management (Rugby World Cup 2021) Order 2020* by signing the *Major Events Management (Rugby World Cup 2021) Order Revocation Order 2021*.

Background

- 2 On 7 August 2020 the Rugby World Cup 2021 was declared a 'Major Event' with associated 'Major Event emblems and words', and provided protections under the Major Events Management Act 2007 (the Act), through the *Major Events Management (Rugby World Cup 2021) Order 2020* (the RWC 2021 Order) [CAB-20-MIN-0374 refers]. The RWC 2021 Order is set to commence on 18 May 2021.
- 3 On 8 March 2021, the Rugby World Cup Limited Board endorsed World Rugby's recommendation to postpone the Rugby World Cup 2021 (the Tournament), and subsequently this has been ratified through the Executive Committee. This process formally confirms the postponement of the Tournament from 2021 to 2022.
- 4 My recommendation is that the RWC 2021 Order should be revoked prior to its commencement on 18 May 2021, as the Tournament will not be held in 2021 as planned. As such I am seeking agreement to recommend that the Governor-General sign the *Major Events Management (Rugby World Cup 2021) Order Revocation Order 2021* (the Revocation Order).

Major Events Management Act 2007

- 5 The Act provides protections for declared 'major events' to;
 - a Obtain maximum benefits from the event for New Zealanders;
 - b Prevent unauthorised commercial exploitation at the expense of major event organisers and sponsors; and
- 6 Sections 7 and 8 of the Act establish processes and criteria for events, and their associated emblems and words, to be declared 'major events' and 'major event words and emblems' by Order in Council.

Major Events Management (Rugby World Cup 2021) Order 2020

- 7 The Rugby World Cup is the most significant competition in the world for both the men's and the women's forms of the game. The Tournament is widely recognised and the New Zealand women's team (the Black Ferns) has won five of the past six world cup events. Originally titled the Women's Rugby World Cup, this Tournament will be the first time the gender-neutral title has been applied.
- 8 The event organiser, New Zealand Rugby, submitted an application for the Rugby World Cup 2021 to be declared a 'major event' pursuant to section 7 of the Act. On 7 August 2020 the Tournament was declared and provided protections under the Major Events Management Act [CAB-20-MIN-0374 refers]. The *Major Events Management (Rugby World Cup 2021) Order 2020* commences on the 18 May 2021 with a protection period of 18 May to 15 November 2021.

Revocation

- 9 Under sections 7, 8 and 9 of the Act the Governor-General has the power to declare, by Order in Council, an event to be a 'Major Event', with 'Major Event emblems, words' and protection periods, and the power to amend and revoke these Orders in Council. The power to amend or revoke is reflected in section 15 of the Interpretation Act 1999.
- 10 I am recommending that the Governor-General revoke the RWC 2021 Order rather than amend it. To make an amendment, event organisers would need to complete an assessment of the postponed event to confirm whether the 2022 event meets the criteria under the Act and is intrinsically the same as the 2021 event for which the assessment was conducted and approvals based on. To do this organisers would need to supply a higher level of detail than is currently available. New event dates would also need to be included in an amended Order, however the 2022 dates are yet to be confirmed by World Rugby. Given the RWC 2021 Order comes into force on 18 May 2021 there is not sufficient time for Officials to complete a detailed assessment and for New Zealand Rugby to confirm the new dates.
- 11 Before declaring an event to be a 'Major Event', or declaring words and emblems to be 'Major Event words and emblems', I must undertake consultation with the Minister of Commerce and Consumer Affairs; the Minister for Sport and Recreation and; the event organiser, and must consider various factors and requirements. In relation to the proposed revocation, I have complied with these obligations to the extent they are relevant. I have consulted with the Minister of Commerce and Consumer Affairs and the Minister of Sport and Recreation, and officials have consulted with New Zealand Rugby as the event organiser on my behalf.
- 12 I seek your agreement that the Governor-General revoke the RWC 2021 Order. I have authorised drafting without reference to Cabinet on the basis that this decision is routine, and does not involve new policy.

Risks associated with revoking the RWC 2021 Order

- 13 There is little to no risk in revoking the RWC 2021 Order. New Zealand Rugby is aware that I am recommending that the RWC 2021 Order is revoked and they will be given the opportunity to apply for protection under the Act for the 2022 Tournament when sufficient detail for assessment is available.

Timing and the 28 day rule

- 14 Legislative instruments generally must not come into force until at least 28 days after they have been notified in the Gazette. However the RWC 2021 Order will need to be revoked before it commences on 18 May 2021. To accomplish this, I am seeking a waiver of the 28 day rule on the basis that revoking the RWC 2021 Order will have little or no impact on the public.
- 15 The Revocation Order will come into force on 14 May 2021, approximately one day after being notified in the Gazette.

Compliance

- 16 The Revocation Order will comply with, or have no implications for:
- a The principles of the Treaty of Waitangi;
 - b The rights and freedoms contained within the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993;
 - c The principles and guidelines set out in the Privacy Act 1993;
 - d Relevant international standards and obligations; and
 - e Legislation Advisory Committee Guidelines on Process and Content of Legislation.

Regulations Review Committee

- 17 There do not appear to be grounds for the Regulations Review Committee to draw the revocation Order to the attention of the House under Standing Order 327.

Certification by Parliamentary Counsel

- 18 The revocation Order has been certified by Parliamentary Counsel as in order for submission to Cabinet subject to all the requirements in the empowering provisions having been complied with, to the extent that they are relevant, and accept that the Order will come into force earlier than the 28th day after its notification in the Gazette.
- 19 In relation to the proposed revocation, I have complied with all obligations under the Act to the extent they are relevant. I have consulted with the Minister of Commerce and Consumer Affairs and the Minister for Sport and

Recreation, and officials have consulted with New Zealand Rugby as the event organiser on my behalf.

Regulatory Impact Analysis

- 20 A Regulatory Impact Statement is not required as the proposal is of a minor nature which does not require new policy approvals.

Publicity

- 21 The Revocation Order will be published in the Gazette on the Thursday following the Executive Council approval.

Proactive release

- 22 I propose that this paper is proactively released, subject to redaction as appropriate under the Official Information Act 1982.

Consultation

- 23 I have consulted with the Minister of Commerce and Consumer Affairs, the Minister for Sport and Recreation. Officials have consulted with New Zealand Rugby as the event organiser on my behalf.
- 24 The following agencies have also been consulted on the revocation Order: Sport New Zealand, the New Zealand Customs Services, Treasury, the Ministry for Culture and Heritage, Tourism New Zealand and New Zealand Trade and Enterprise.

Recommendations

The Minister for Economic and Regional Development recommends that the Committee:

- 25 **Note** that the Rugby World Cup 2021 was declared a Major Event with associated Major Event emblems and words and provided protections under the Major Events Management Act 2007 (the Act), through the Major Events Management (Rugby World Cup 2021) Order 2020.
- 26 **Note** the Major Events Management (Rugby World Cup 2021) Order will come into force on 18 May 2021.
- 27 **Note** that on 8 March 2021, the Rugby World Cup was postponed until 2022.
- 28 **Note** that under the Act the Governor-General has the power to amend and revoke Orders in Council and this is reflected in section 15 of the Interpretation Act 1999.
- 29 **Note** that I am recommending that the Major Events Management Act (Rugby World Cup 2021) Order 2020 should be revoked.

- 30 **Note** that Legislative instruments generally must not come into force until at least 28 days after they have been notified in the Gazette. However the Major Events Management (Rugby World Cup 2021) Order 2020 will need to be revoked before it comes into effect on 18 May 2021.
- 31 **Agree** to waive the 28 day rule on the basis that revoking the Major Events Management (Rugby World Cup 2021) Order 2020 is urgent, and will have little or no impact on the public.
- 32 **Authorise** submission of the Major Events Management (Rugby World Cup 2021) Order Revocation Order 2021 to the Executive Council.

Authorised for lodgement

Hon Stuart Nash
Minister for Economic and Regional Development