

Proactive Release

Published on or before: 31 January 2025

The following Cabinet paper has been proactively released by the Minister of Foreign Affairs

Title	Reference
<i>Cabinet Minute of Decision: Report of the Cabinet Foreign Policy and National Security Committee: Period Ended 22 November 2024 (Part 1)</i>	CAB-24-MIN-0456
<i>Cabinet Legislation Committee Minute of Decision: Russia Sanctions Amendment Regulations (No 5) 2024</i>	LEG-24-MIN-0232
<i>Russia Sanctions Amendment Regulations (No 5) 2024</i>	

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 Act). Where this is the case, the relevant sections of the Act 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 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; and
- 9(2)(g)(ii): to protect officers and employees from improper pressure or harassment.



Cabinet

Minute of Decision

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.

Report of the Cabinet Foreign Policy and National Security Committee: Period Ended 22 November 2024 (Part 1)

On 25 November 2024, Cabinet made the following decisions on the work of the Cabinet Foreign Policy and National Security Committee for the period ended 22 November 2024:

Out of scope

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FPS-24-MIN-0029 **Extension of Russia Sanctions Regulations**
Portfolio: Foreign Affairs

CONFIRMED

Out of scope

s9(2)(g)(ii)

Secretary of the Cabinet

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Cabinet Legislation Committee

Minute of Decision

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Russia Sanctions Amendment Regulations (No 5) 2024

Portfolio Foreign Affairs

On 21 November 2024, the Cabinet Legislation Committee:

s6(a)

2 **noted** that the Russia Sanctions Amendment Regulations (No 5) 2024 (the Regulations) will give effect to the decision referred to in paragraph 1 above;

3 **noted** that, before recommending that regulations be made under the Act, 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 for Foreign Affairs that this requirement has been met;

s6(a)

6 **authorised** the submission to the Executive Council of the Russia Sanctions Amendment Regulations (No 5) 2024 [PCO 26781/3.0].

s9(2)(g)(ii)

Committee Secretary

Present: (see over)

Present:

Rt Hon Winston Peters
Hon Simeon Brown (Chair)
Hon Brooke van Velden
Hon Casey Costello
Hon Nicole McKee
Hon Penny Simmonds
Hon Andrew Hoggard
Hon Scott Simpson, MP
Todd Stephenson, MP
Jamie Arbuckle, MP

Officials present from:

Officials Committee for LEG
Leader of the House's Office

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~~Restricted~~

Office of the Minister of Foreign Affairs
Chair, Cabinet Legislation Committee

Russia Sanctions Amendment Regulations (No 5) 2024

Proposal

- 1 This paper seeks authorisation for submission to the Executive Council of the Russia Sanctions Amendment Regulations (No 5) 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 Act, designating individuals and entities providing material and/or strategic support for Russia's illegal invasion of Ukraine, with regard to the deployment of chemical weapons or the facilitation of Iranian military assistance.

Timing and 28-day rule

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

Compliance

- 6 The regulations are in line with the intent and purpose of the Act, and comply 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 or 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, including with regard to the designation of each individual and entity as identified in Annex 1 of the submission to the Minister of 22 October 2024, entitled *Russia Sanctions – Tranche 29*.

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 were certified by the Parliamentary Counsel Office as being in order for submission to Cabinet.

Impact Analysis

- 11 s6(a)

Publicity

- 12 The regulations will be publicised through a press release and an update to the New Zealand 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 the developing the draft regulations: Parliamentary Counsel Office, New Zealand Police, Land Information New Zealand, Customs, Immigration, the Reserve Bank, the Financial Markets Authority, and Transport.

Recommendations

The Minister of Foreign Affairs recommend that the Cabinet Legislation Committee:

- 1 s6(a)
- 2 note that the Russia Sanctions Amendment Regulations (No 5) 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 for Foreign Affairs that this requirement has been met;
- 5 s6(a)
- 6 authorise the submission to the Executive Council of the Russia Sanctions Amendment Regulations (No 5) 2024.

Authorised for lodgement

Rt Hon Winston Peters

Minister for Foreign Affairs