

## Preparing Secondary Legislation (including notices and bylaws) which will not go to Cabinet

This document provides a summary of the key steps agencies need to take to meet obligations under the Regulatory Standards Act when preparing new secondary legislation which does not go to Cabinet (including bylaws). Visit [Making Secondary Legislation | Parliamentary Counsel Office](#) for other information and requirements for secondary legislation.

Where decisions are delegated to a group of two or more ministers, instead use the guide “Preparing Secondary Legislation which will go to Cabinet (or a group of ministers)”.

### Policy or legislation development: CAS Process

- Check if the Secondary Legislation is [excluded](#) from the Regulatory Standards Act.
  - If the Secondary Legislation is excluded, you do not need to produce a Consistency Accountability Statement (CAS), and no further action is required.
- Prepare a [CAS](#) and Summary of Underpinning Analysis using the [s26 Guidance](#) and the [templates](#).
  - A Summary of Underpinning Analysis must be produced by agencies subject to Cabinet direction. For agencies not subject to Cabinet direction, producing a Summary of Underpinning Analysis is recommended best practice. See the [Cabinet Circular](#) for details.
- If an inconsistency is identified in the CAS, the maker (usually your Chief Executive or their delegate, examine your own empowering legislation to check) must prepare a Statement of Reasons. Optional [templates](#) can be used for this.

### When made: Publication

- Include or link to the CAS, Summary of Underpinning Analysis and Statement of Reasons (as applicable) from the [explanatory note](#).
  - The legislation must have an explanatory note to meet the requirements of the Regulatory Standards Act.
  - Ensure that any links in the explanatory note are live and working before the secondary legislation is issued.
- Publish the CAS, Summary of Underpinning Analysis and Statement of Reasons (as applicable), according to the [Publication Requirements](#).
- The Publication Requirements apply to agencies subject to Cabinet direction. For agencies not subject to Cabinet direction, following the Publication Requirements is recommended best practice.
- Ensure that the secondary legislation is included in your agency’s Regulatory Standards Act Section 17 review plans ([see Part 3 of the Guidance](#)), and any other regulatory stewardship activity.