



CABINET OFFICE

23 March 2026

Marcus
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Ref: OIA OIA-2025/26-0529

Tēnā koe Marcus

Official Information Act request: Compliance with the 28-day rule

Thank you for your Official Information Act (the Act) request received on 23 February 2026:

I was having a browse of the Cabinet Manual (2023) and I was specifically having a read about the 28-day Rule.

Section 7.103 states

The Cabinet Office also collects information on compliance with the 28-day rule.

As such, I have a few questions

1) Are these rule exemptions published anywhere? This may cancel out 2 and/or 3 if true

2) How much secondary legislation has not required compliance and/or has been granted a waiver?

3) Which pieces of legislation have been granted a waiver where "the secondary legislation has little or no effect on the public, or confers only benefits on the public". If there are numerous examples that would cause fulfilling this OIA to become too excessive, I would be fine with a handful of examples.

Response to your request

The 28-day rule reflects the principle that the law should be available and capable of being understood before it comes into force (see [paragraphs 7.100 to 7.103 of the Cabinet Manual](#)).

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DEPARTMENT OF THE PRIME MINISTER AND CABINET

Te Tari o te Pirimia me te Komiti Matua

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There are some instances where secondary legislation does not require compliance on the part of the public, or where it is otherwise appropriate to seek a waiver of the 28-day rule. Some examples are:

- a. where the secondary legislation has little or no effect on the public, or confers only benefits on the public;
- b. where the secondary legislation is made in response to an emergency;
- c. where early commencement is necessary for compliance with statutory or international obligations;
- d. where early commencement is necessary to avoid unfair commercial advantage being taken, or the purpose of the secondary legislation being defeated; or
- e. where irregularities need to be validated.

Waivers of the 28-day rule are not published in a collated format, however, much of this information is publicly available in an uncollated format through proactively released Cabinet material. Cabinet material is usually proactively released within 30 days of final decisions being made by Cabinet. This material includes any request to waive the 28-day rule and decisions on those requests.

The Cabinet Office's records show that the 28-day rule was waived for the following number of pieces of secondary legislation (listed by financial year):

2013/14	82
2014/15	69
2015/16	65
2016/17	41
2017/18	30
2018/19	45
2019/20	60
2020/21	70
2021/22	111
2022/23	85
2023/24	56
2024/25	52
July to Dec 2025	42

The Cabinet Office does not separately record the reasons for each waiver being granted. These are recorded individually in Cabinet papers where the waivers are sought. I am therefore unable to provide you with the full information you requested in part 3 of your request and accordingly I refuse this part of your request under section 18(e) of the Act.

I can however provide some examples of situations where a waiver has been granted on the grounds the secondary legislation has little or no effect on the public or confers only benefits on the public. These include administrative orders relating to the internal functioning of the government (e.g. those establishing new agencies or bringing them within the ambit of the Official Information Act), and orders made in response to severe weather events (e.g. orders extending out tax payment deadlines or temporarily reducing compliance burdens on councils). Examples of a waiver where an order had little or no effect on the public include the Immigration (Certificate, Warrant and Other

Forms) Amendment Regulations 2026 (Cabinet paper [here](#)) and the Medicines Amendment Regulations (No 2) 2021 (Cabinet minute [here](#))

You have the right to ask the Ombudsman to investigate and review my decision under section 28(3) of the Act.

This response will be published on the Department of the Prime Minister and Cabinet's website during our regular publication cycle. Typically, information is released monthly, or as otherwise determined. Your personal information including name and contact details will be removed for publication.

Nāku noa, nā



Rachel Hayward
Secretary of the Cabinet