



Cabinet

Summary

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Regulatory Standards Bill: Consideration of Departmental Report

Portfolio

Regulation

On 21 July 2025, Cabinet discussed an earlier version of this paper and referred further consideration of the item to a future meeting [CAB-25-MIN-0243].

The updated paper, attached, includes a proposal to amend the takings principles in the Regulatory Standards Bill to refer to 'severe impairment' of property, and changes to provisions relating to the appointment and independence of members of the proposed Regulatory Standards Board.

The Minister for Regulation recommends that Cabinet:

- 1 note that on 5 May 2025, Cabinet agreed to a number of policy matters for inclusion in the Regulatory Standards Bill (the Bill), and agreed that it would consider the Departmental Report before it was submitted to Select Committee [CAB-25-MIN-0148];
- 2 note that Annex 1 to the paper under CAB-25-SUB-0248 provides a copy of the departmental report on the Bill;
- 3 note that the Minister for Regulation has considered the feedback from the submissions analysed to date, and his view in most cases is that the current drafting reflects the objectives and intent of the Bill, and amendments are not warranted;
- 4 note that there are several areas where the Minister for Regulation is proposing changes to the Bill in response to submitter feedback:
 - 4.1 aligning the coming into force of the provisions for establishing the Regulatory Standards Board (the Board) with the coming into force of Consistency Accountability Statement requirements in clause 2;
 - 4.2 amending references in clause 8(c) to 'severe impairment' of property, rather than 'impairment';
 - 4.3 limiting the reference in clause 8(d) to section 22(a) of the Constitution Act 1986, rather than the whole of section 22;
 - 4.4 adding a principle relating to the importance of the responsible agency identifying and developing effective arrangements for implementing legislation, and making subsequent provision in clauses 20 and 34 to disapply this principle in relation to reviews of existing legislation by the agency and the Board (the Board);

- 4.5 simplifying the approach used to give effect to exclusions for classes of primary and secondary legislation provided for in the Bill, to reflect the intent that these matters are excluded entirely from the scope of the Bill;
- 4.6 excluding any Bill that brings into effect recognition agreements under the Marine and Coastal Area (Takutai Moana) Act 2011, and any associated secondary legislation;
- 4.7 clarifying that the use of 'Chief Executive' in the Bill applies to whoever occupies the position of Chief Executive, even where that is not the specific job title;
- 4.8 adding provisions to require the Board to act independently when performing its functions as set out in the Bill;
- 4.9 providing that appointments would be made by the Governor-General, on the recommendation of the responsible Minister;
- 4.10 providing that removals will be made for just cause by the Governor-General, on the recommendation of the Minister made after consultation with the Attorney-General, and state the reasons for the removal;
- 4.11 providing that members are appointed for a term set out in a notice of appointment, but which is no longer than five years, with the possibility of renewal;
- 5 note that these proposed changes are reflected in the Departmental Report to the Finance and Expenditure Committee;
- 6 agree that, given the taking of property principle has been specifically considered in the paper under CAB-25-SUB-0248, there is no need for Cabinet to further consider the Bill as reported back from select committee;
- 7 agree that the paper under CAB-25-SUB-0248 be proactively released as soon as possible after the select committee has reported the Bill back to the House.

Sam Moffett
for Secretary of the Cabinet

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The Cabinet