



To	Hon David Seymour, Minister for Regulation		
Title	Regulatory Standards Bill: Options for next steps following public consultation	Number	MFR2025-042
Date	24 February 2025	Priority:	High
Action Sought	Direct the Ministry on your preferred approach	Due Date	24 February 2025
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Attachments	No	Security	IN CONFIDENCE

## Executive summary

1. We are continuing to analyse submissions on the discussion document *Have your say on the proposed Regulatory Standards Bill* to ensure we have captured, and are able to consider, the full range of submitters' views.
2. There are two broad options for next steps:
  - *Proceed with a substantially similar approach to the discussion document proposal* - we understand from our discussion with you at today's meeting that this is your preferred option. Given your intention to seek Cabinet decisions by April and introduce a Bill in May, this would require us to provide initial advice and a Cabinet paper to you by 28 February.
  - *Provide advice on how feedback raised by submitters could be addressed* – as discussed, the Ministry recommends this option. This would involve delaying provision of further advice until after the summary of submissions is complete, to enable us to more fully consider the full range of feedback from the consultation process and provide further advice on options that could address some of this feedback.
3. s 9(2)(h)  
The second of these options would not carry these risks, but would not be consistent with the intended timeframes for introduction of a Bill.
4. We will proceed to develop further thinking and advice based on your preferred way forward. In either case, we will continue to work through the submissions with the aim of providing you with a final summary of submissions by 19 March.



## Recommended action

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5. We recommend that you:

### EITHER

- |   |  |                         |
|---|--|-------------------------|
| a | <b>direct</b> the Ministry to proceed with development of a Cabinet paper on the basis of a substantively similar proposal to the one in the discussion document | <i>Agree / Disagree</i> |
|---|--|-------------------------|

### OR [Recommended]

- |   |  |                         |
|---|--|-------------------------|
| b | <b>direct</b> the Ministry to complete the full submissions analysis prior to providing you with further advice addressing the full range of feedback from the public consultation process | <i>Agree / Disagree</i> |
| c | <b>note</b> that we will proceed to develop further thinking and advice based on your preferred way forward  | <i>Noted</i>            |
| d | <b>note</b> that, in either case, we will continue to work through the submissions to provide you with a final summary of submissions by 19 March.   | <i>Noted</i>            |

s 9(2)(a)

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**Andrew Royle**

Deputy Chief Executive, Policy

**Ministry for Regulation**

Date: 24 February 2025

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Hon David Seymour

**Minister for Regulation**

Date:



## Purpose of report

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6. This briefing follows up on the early draft summary of submissions on the discussion document *Have your say on the proposed Regulatory Standards Bill* that we provided to you on Friday 21 February, and your meeting with officials on Monday 24 February.
7. It provides you our initial advice in response to analysing some of the submissions, and seeks your formal direction on next steps on the Regulatory Standards Bill.

## Context

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8. As we discussed with you, the feedback that we have identified so far through the consultation process focuses on concerns raised by submitters about:
  - the use of legislation to establish and enforce regulatory standards
  - lack of provision for te Tiriti/the Treaty and/or Māori rights and interests
  - the scope and nature of the regulatory responsibility principles
  - assessments of consistency for new regulatory proposals and existing regulation
  - the establishment of a new Regulatory Standards Board
  - new roles and powers for the Ministry and the Minister for Regulation
  - the costs associated with the proposal.
9. We are continuing to analyse submissions to ensure we have captured, and are able to consider, the full range of submitters' views. We are aiming to complete this process by 19 March.
10. As you noted in your meeting with officials, many of the matters raised in submissions have been previously raised in relation to the Bill, and would likely be raised again in select committee hearings.

## Options for next steps

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11. There are two broad options for next steps.

### Proceed with a substantially similar approach to the discussion document proposal

12. The first option is to proceed to further detailed design and advice based on a substantially similar approach to the proposal in the discussion document. We understand from our discussion with you at today's meeting that this is your preferred option.
13. Under this option, we would seek decisions from you to enable us to draft a Cabinet paper, and enable the Parliamentary Counsel Office to develop a draft Bill for Ministerial consultation, based on the current approach. This approach could include advice based on feedback through the consultation that suggests minor amendments or improvements to the current proposal – although this would be dependent on progress with the analysis of submissions.
14. Given your intention to seek Cabinet decisions by April and introduce a Bill in May, this would require us to provide initial advice and a Cabinet paper to you by 28 February.
15. We note that there are some risks associated with proceeding with further work prior to full completion of the submissions analysis:



- it could be considered inconsistent with best practice guidelines for consultation (for instance in the Legislation Guidelines)

- **[LEGALLY-PRIVILEGED]**

s 9(2)(h)

16. We note that there are some risks associated with proceeding with further work prior to full completion of the submissions analysis:

### **Provide advice on how feedback raised by submitters could be addressed**

17. The second option is to delay provision of further advice until after the summary of submissions is complete, to enable us to more fully consider the full range of feedback from the consultation process and provide further advice on options that could address some of this feedback. This is the Ministry's recommended option.
18. We note that the Ministry has already provided advice in relation to many of the areas of concern identified by submitters, and this work could be built on in any future work.
19. While this option would address the risks identified above, it would not enable the intended timelines to be achieved.

### **Next steps**

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20. We will proceed to develop further thinking and advice based on your preferred way forward.
21. In either case, we will continue to work through the submissions to provide you with a final summary of submissions by 19 March.