



To	Hon David Seymour, Minister for Regulation		
Title	Regulatory Standards Board fees and skills – further advice	Number	MFR2025-304
Date	13 November 2025	Priority:	Medium
Action Sought	Confirm your preferred approach to the Regulatory Standards Board Skills and Fees	Due Date	18 November 2025
Contact Person	Pip van der Scheer, Manager, Regulatory Management System	Phone	s 9(2)(a)
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Attachments	Yes – Annex 1 – Comparison table	Security Level	IN CONFIDENCE

Purpose of Report

- To provide further advice on the appropriate fees and skills for the members and Chair of the Regulatory Standards Board (the Board).

Recommended Action

We recommend that you:

- a agree** that the draft Cabinet Appointments and Honours Committee paper position the Board at either:

- a) Level 1 within Group 4 of the Cabinet Fees Framework *Agree / Disagree*


OR

- b) Level 2 within Group 4 of the Cabinet Fees Framework *Agree / Disagree*



- b** **agree** that a Regulatory Standards Board member is required to have a minimum of 15 years' experience in the field of economics, law, regulatory design, and/or work experience as a regulated party *Agree / Disagree*
- c** **agree** that the Regulatory Standards Board Chair is required to have a minimum of 25 years' experience in the field of economics, law, regulatory design, and/or work experience as a regulated party *Agree / Disagree*
- d** **agree** to recommend that Cabinet sets daily fees at \$800 for Board members and \$1,265 for the Chair *Agree / Disagree*
- e** **agree** that the Ministry for Regulation release this briefing at an appropriate time following Cabinet decisions, with any information needing to be withheld done so in line with provisions of the Official Information Act 1982. *Agree / Disagree*

s 9(2)(a)



Pip van der Scheer
Manager, Regulatory Management System
Ministry for Regulation

Date: 13/11/2025

Hon David Seymour
Minister for Regulation

Date:



Further advice on the Regulatory Standards Board's fees and skills

The approach that the Board may take to performing its role

2. This further advice follows discussions with you and your office around the skills for the Board as well as its position within the Cabinet Fees Framework (the Framework).
3. The Board will have a dual role as set out in the Regulatory Standards Bill (the Bill) of reviewing existing legislation against the principles of responsible regulation and (especially) reviewing consistency accountability statements (CASs) for Government Bills. As such, it is expected that the Board will be able to question Government policy in relation to the principles.
4. The Board will be independent in deciding how to exercise its statutory functions and role, and it will have considerable scope to interpret those functions within its statutory bounds. Therefore, its public profile and impact will be influenced by, for example, the policy areas or proposals on which it chooses to focus, the extent to which it focuses on a particular principle, and the level/depth of its analysis.
5. In particular, the Board might need to consider principles 8(k) (that benefits should outweigh cost) and 8(j) (that legislation is the most effective, efficient, and proportionate response) in the course of considering a CAS for a Government Bill. This could lead it to take a publicly different view to that of a chief executive (and by extension the Government) on the cost benefit analysis (CBA) of a proposal. Similarly, it could take a publicly different view on whether the Government's preferred approach is the most effective, efficient and proportionate response to a policy problem. In short, while it will need to determine how it operates due to its independence, the approach that you described for the Board is within the bounds of the approaches it could take.
6. Given the Board's independence, your primary lever to achieve the outcomes sought is the recommendations you make in the appointment process. Through appointments, you can ensure that the Board is capable of exercising its functions expansively, should there be due cause.

Comparators

7. The Ministry has conducted further research around other bodies to which the Fees Framework applies. This work has highlighted that the Board does not comfortably sit within the Framework. Its functions are advisory in nature, but the manner in which you anticipate it operating and the degree of public profile that may result from scrutinising CASs for current, and potentially contentious, policy areas, is unique. While it has no explicit policy development role, it is arguable that it may want to identify and assess other policy options if it considers that the options analysis and CBA completed by a chief executive and considered by Cabinet is inadequate.



8. The Board's origins were in a declaratory power of the High Court. One comparator we have identified is that, in cases involving complex economic issues particularly under the Commerce Act 1986, the High Court can appoint expert lay members to assist the judge. These expert appointees are rated as Group 4 Level 1 under the Fees Framework. Another Group 4, Level 1 body is the Reserve Bank's Monetary Policy Committee, which is clearly a preeminent body exercising a critical function and requires deep expertise. Other examples of Level 1 bodies and their functions can be found at **Annex 1**.
9. Operating at its most expansive, and based on comparators like the Monetary Policy Committee and expert High Court appointments, a case could be made to your Cabinet colleagues that the Board sits at Group 4, Level 1 with 24-25 points. This would position the Board at the following levels on the Fees Framework:
 - a. *“Outstanding and authoritative knowledge, recognised nationally and internationally for expertise in a particular field”*, i.e. in economics, law or directly in relation to a regulated field (e.g. business or industry) **[12 points]**;
This is different to our previous positioning of the Board members needing to have *“substantial range of knowledge and experience in a field or professional discipline sometimes associated with senior level functional or technical leadership, executive management or governance roles”* [8 points];
 - b. *“Provides expert counsel and advice directly to Ministers....on technical or major policy issues, where issues are of strategic importance”*. This is the same as the previous assessment **[4 points]**;
 - c. *“The development of new policy or advice is required where the issues are complex, multi- dimensional, and involve substantial research, consideration of possible alternatives and their consequences”* **[4 points]**, or at least *“analytical thinking and evaluative judgement will be required to identify realistic alternatives”*, which aligns with the previous assessment [3 points];
 - d. *“Widespread public interest in outcomes would be expected. Members will attract strong media interest. Potential risk to personal and/or the body's reputation is high”*. This remains the same as the previous assessment. **[5 points]**.
10. If the Board was not positioned at this level on any one of these dimensions, the Board would technically rate at Level 2. Instead of positioning the Board at Level 1, you may choose to position the Board at Level 2 but set the rates at the top end of that range. As there is considerable overlap in the pay bands, a rate at the top end of Level 2 would be within the rates of a Level 1 body.



Skills

11. The Board will need to bring the experience of regulated parties (for example, business or industry representation). Technically, the Board would also benefit from regulatory economic and legal skills. Some Board members may bring more than one of these attributes (for example, a career of legal representation in a regulated industry). Based on your description of your intentions, we now recommend at least 15 years of relevant professional experience for Board members and at least 25 years for the Chair.
12. Based on the above skillset and experience, we suggest setting the daily fee at \$800 for Board members and \$1,265 for the Chair. Note that this means that the Board would be paid above the midpoint of the Level 1 Band.

Note on resourcing

13. Cabinet decisions on the Board's functions were made on the basis that the Board offers a relatively low-cost, agile way to respond to complaints and assess consistency of legislation with the principles. As such, we planned to support the Board within existing baseline (especially in 2026) by repurposing some of our existing second opinion function (for new regulatory proposals) and our RRT function (for the complaints function we are required to provide to the Board). The more expansive role described above would require further resourcing through reprioritisation, particularly if the Board commissions new or in-depth policy analysis from us.

Next Steps

14. Subject to your decisions in this briefing, we will:
 - a. develop the position description for the members and the Chair accordingly;
 - b. advertise using different channels and look at databases for candidates; and
 - c. draft a Cabinet paper for the Cabinet Appointments and Honours Committee (APH).
15. You may wish to have relevant discussions with your Cabinet colleagues and particularly the Minister for the Public Service. This will ensure that you will have the necessary support at the time of APH appointments. s 9(2)(g)(i)



ANNEX 1: Comparison table with the Regulatory Standards Board and current Level 1 Group 4 bodies

Body	Regulatory Standards Board	Ministerial Advisory Group for Victims of Retail Crime	Lay members of the High Court for Commerce Act cases	Minister's Arms Advisory Group (MAAG)
Responsibilities	<p>The Board will be:</p> <p>Considering Consistency Accountability Statements (CASs) of Government Bills, and providing reports to relevant select committees, and</p> <p>Carrying out inquiries into whether Acts or secondary legislation are inconsistent with the principles of responsible regulation, and reporting on its findings to the Minister for Regulation.</p>	<p>This Ministerial Advisory Group provides Ministers with independent advice, develops practical, evidence-based proposals, policies, and legislative recommendations to tackle urgent issues related to retail crime.</p>	<p>In cases involving complex economic issues, particularly under the Commerce Act 1986, the High Court can appoint expert lay members to assist the judge.</p> <p>These individuals help the court to properly understand, test, and assess expert evidence on complex competition or regulation issues so the judges can reach an informed decision.</p>	<p>The MAAG is a statutory advisory body established under the Arms Act 1983 to provide independent advice to the Minister of Police.</p> <p>Its purpose is to advise the Minister on matters related to achieving the objectives of the Arms Act, particularly the safe use and control of firearms.</p> <p>This includes legislative proposals, regulatory policies, and promoting firearms safety.</p>
Core function	<p>Advisory body on consistency of legislation with the principles of responsible regulation</p>	<p>Advisory body developing government regulatory policy</p>	<p>Individual advisors to New Zealand courts judges' decision-making regarding individual cases</p>	<p>Advisory body developing government regulatory policy</p>