



## Regulatory Standards Act: Exempting immaterial Government amendment papers from CAS requirements

<b>Date</b>	18 February 2026	<b>Priority</b>	Medium
<b>Security classification</b>	In confidence	<b>Tracking number</b>	MFR2026-005
<b>Attachments</b>	Annex 1: Table of analysis		

### Action sought

Required from	Action	Deadline
Hon David Seymour <b>Minister for Regulation</b>	<b>Agree</b> to the recommendations in this briefing	26 February 2026

### Contact for discussion if required

Name	Position	Phone number	1 <sup>st</sup> contact
Pip van der Scheer	Manager, Regulatory Management System	s 9(2)(a)	<input type="checkbox"/>
Silvie Zantza	Principal Advisor, Regulatory Management System	s 9(2)(a)	<input checked="" type="checkbox"/>

### Minister's office to complete

- |   |  |
|---|--|
| <input type="checkbox"/> Approved             | <input type="checkbox"/> Declined            |
| <input type="checkbox"/> Noted                | <input type="checkbox"/> Needs change        |
| <input type="checkbox"/> Seen                 | <input type="checkbox"/> Overtaken by events |
| <input type="checkbox"/> See Minister's notes | <input type="checkbox"/> Withdrawn           |

### Comments



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### Purpose

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The purpose of this briefing is to seek your agreement to:

- delegate to the Secretary for Regulation the power to exempt Government amendments that do not materially change a bill from consistency accountability statement (CAS) requirements
- our proposed approach to what qualifies as a material change in this context.

### Executive summary

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Government amendments can significantly change the impacts of a bill. Under section 13(1)(c) of the Regulatory Standards Act 2025 (RSA), a CAS is required for a Government amendment paper, unless you exempt the paper on the basis that, in your opinion, the amendment would not materially change the Bill. You can exercise this power directly, delegate it entirely, or delegate it in part.

We want to establish a process to support decision-making that ensures the transparency objectives of the RSA are met, with the least possible administrative cost. We therefore recommend that you delegate exemption decisions to the Secretary for Regulation.

We propose to communicate to agencies what you consider is the threshold for a ‘material’ change for the purposes of section 13(1)(c) of the RSA. In this context, we consider that a Government amendment should be identified as ‘material’ if the original CAS assessment of a bill against the principles would likely change as a result.

To further support the exemptions process, we will:

- develop and publish relevant guidance, subject to your approval.
- keep track of how well the exemptions regime for immaterial Government amendments is working and update you regularly, so you can make changes if needed.



## Recommended Action

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The Ministry for Regulation recommends that you:

- a **agree** to delegate exemption decisions for Government amendment papers to the Secretary for Regulation *Agree / Disagree*
- b **agree** that a Government amendment paper will be considered material if the original CAS assessment of a bill against the principles would likely change as a result *Agree / Disagree*
- c **note** that we will develop guidance for you to approve, on the materiality of Government amendments in the context of section 13(1)(c) of the RSA *Noted*

Proactive release

- d **agree** that this briefing be released with some information withheld, consistent with the provisions of the Official Information Act 1982. *Agree / Disagree*

s 9(2)(a)



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Pip van der Scheer  
**Manager, Regulatory Management  
System**  
Ministry for Regulation  
Date: 19.02.2026

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Hon David Seymour  
**Minister for Regulation**  
Date:



## Context

1. The Regulatory Standards Act 2025 (RSA) outlines when agencies are not required to prepare a CAS for a Government amendment. Under section 13(1)(c), the CAS requirements “[do] not apply to a Government amendment if, in the opinion of the regulatory standards Minister, the amendment would not materially change the Bill.”
2. As part of implementing the RSA, we need to establish a process that allows agencies to request an exemption from preparing a CAS for Government amendment papers that are immaterial. This process needs to reflect the practical realities of Government amendments – specifically, that they are often developed and pass through Parliament under significant time pressure, sometimes within only a few days or hours.
3. We reviewed Government amendments across three non-election years (2024, 2022, and 2019) to understand the volume that could require exemptions. **Table 1** below summarises our findings and the assumptions we made if RSA rules around CAS requirements for Government amendments were applied:

**Table 1.**

	2024	2022	2019
Amendment papers tabled <sup>1</sup>	229	221	246
Government amendments	27	29	45
Amendments to what is an excluded bill under the RSA	3	1	5
Likely would have been eligible for an exemption from CAS requirements due to no material changes	11	19	24
Unlikely to have been eligible for an exemption from CAS requirements	13	9	16

<sup>1</sup> The number is approximate as we spotted duplication when sifting through the “demo” legislation website to identify which amendment papers were Government amendments.



## Proposed Government amendments exemption process

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### *Choices around the decision maker*

4. The RSA provides for you to be the decision-maker for exemptions from CAS requirements on Government amendments. You may wish to consider delegating this power.<sup>2</sup>
5. We have considered three delegation options. You could:
  - delegate exemption decisions to the Secretary for Regulation
  - issue a standing delegation<sup>3</sup>, so the Minister responsible for a Government amendment would be making the decisions on exemptions from CAS requirements, or
  - delegate exemption decisions to the Chief Parliamentary Counsel.
6. We have also explored a hybrid approach where you would retain authority over exemptions for papers of policy interest to you — such as those restricting property rights or leading to increased burden for the public — while delegating decisions on other papers to a different decision-maker.

### *Analysis*

7. We have evaluated the options identified against speed of decision-making and upholding the integrity of the system. **Annex 1** contains an overview of this analysis. On balance, we recommend that all exemption decisions be delegated to the Secretary for Regulation.
8. We do not recommend the hybrid approach as it would introduce a layer of uncertainty and complexity to the system. This is because the Ministry or the agency responsible for the Government amendment would first need to decide who would be the appropriate decision-maker, before the Government amendment can be considered for exemption.
9. You will still retain visibility over how the system operates if you decide to delegate decision-making to the Secretary for Regulation. We will regularly update you on exemption decisions to ensure that you are comfortable with the interpretation of “material change” and confirm the delegation is working as intended.

### *Risk mitigation*

10. The potential for insufficient time for exemption decisions can be partially managed by communicating the threshold of what constitutes a material change with agencies prior to RSA requirements coming into force. A clear understanding of the threshold will help agencies make fast decisions on whether an exemption request is likely to be successful and ensure there is consistency in the approach taken to assessing requests.

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<sup>2</sup> Schedule 6 of the Public Service Act 2020 (PSA) and section 7 of the Constitution Act 1986 covers the delegation of functions or powers of Ministers.

<sup>3</sup> Note this would technically be enabling the responsible Minister to exercise the power of the Minister for Regulation under s 7 of the Constitution Act 1986: “Any function, duty, or power exercisable by or conferred on any Minister...may, unless the context otherwise requires, be exercised or performed by any member of the Executive Council.”. It would not be a delegation per se, as you would remain responsible for the decision. The Public Service Act 2020 empowers Ministers to delegate to the public service, not to other Ministers. For the purposes of this briefing, we have referred to it as a ‘delegation’ for the sake of simplicity.



11. We recommend that a Government amendment to a bill should be considered material – and therefore require a CAS – if it would be likely to result in a different assessment against any of the principles from the original CAS that accompanied the bill at introduction. The central premise of the Act is transparency and support for Parliamentary processes, so if the change proposed in an amendment paper would likely render the existing CAS out of date, then those objectives are no longer being met.
12. To further mitigate the risk of insufficient time for exemption decisions, we will develop guidance on materiality to include examples and specify what information agencies need to provide to support timely decisions. This guidance will be issued following your agreement.
13. We plan to update you regularly on exemption decisions, and conduct a compliance audit 12-18 months after the system is implemented to allow for process adjustment. If the audit reveals widespread non-compliance, or other issues, we will consider revising the exemption system for Government amendment papers.

## **Next steps**

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14. If you agree with our proposed approach, we will prepare:
  - an Instrument of Delegation, for you to delegate to the Secretary for Regulation decisions on exemptions from CAS requirements regarding Government amendments, and;
  - guidance around materiality.
15. Both the Instrument of Delegation and the draft guidance will come to you for approval before the remaining parts of the RSA come into force by Order in Council.

## **Proactive release**

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16. With your agreement, we will proactively release this paper at the appropriate time, consistent with Official Information Act 1982 and Privacy Act 2020 requirements to support transparency and public trust in decision-making processes.



## Annex 1: Table of analysis

Criteria	Decision maker			
	Minister for Regulation	Secretary for Regulation	Government Minister responsible	Chief Parliamentary Counsel
<b>Upholding system integrity</b>	<p>This is the RSA's default setting</p> <p>The Minister for Regulation has full control of all Government amendments exemption decisions</p>	<p>Delegation to the Secretary for Regulation sits comfortably with the Parliamentary intent of section 13 of the RSA</p> <p>The Secretary reports directly to the Minister for Regulation and therefore has strong incentives to uphold the integrity of the system</p>	<p>Empowering responsible Ministers to make exemption decisions in the stead of the Minister for Regulation may not sit comfortably with the Parliamentary intent of section 13 of the RSA</p> <p>There might be an incentive for responsible Ministers to have a lower threshold for granting exemptions compared to the Minister or the Secretary for Regulation. That said, Ministerial accountability can prove an incentive to uphold the system</p>	<p>The power in schedule 6 of the Public Service Act does not apply because the CPC is not a public service chief executive. This means that delegating decision making to the CPC could prove less than straightforward</p> <p>If the CPC has delegated authority from the AG as an associate for the Minister for Regulation, there will be strong incentives to uphold the integrity of the system</p>



Criteria	Decision maker			
	Minister for Regulation	Secretary for Regulation	Government Minister responsible	Chief Parliamentary Counsel
<b>Decision-making speed</b>	<p>It could be challenging to secure exemption decisions in a timely manner because:</p> <ul style="list-style-type: none"> <li>Government amendments are developed and pass through Cabinet at considerable speed</li> <li>Ministerial workload is heavy</li> </ul> <p>We would need time to understand the impact of a proposal before providing you with informed advice so this could adversely impact timely decision making</p>	<p>Faster process from an administrative perspective compared to the Minister for Regulation being the decision-maker</p> <p>The Ministry may not have thorough understanding of the impacts of each Government amendment and how it might affect the CAS of the bill as introduced. However, agencies requesting an exemption would be incentivised to provide MfR all the necessary information to make a timely decision</p>	<p>Likely the fastest process from an administrative perspective. The responsible agency can seek decisions from the responsible Minister at the same time as seeking decisions on Amendment papers. Agencies advising their Ministers are the ones that best understand the impact and in turn the materiality of any proposed Government amendment.</p>	<p>PCO has visibility of all Government amendments at the earliest stage possible and the administrative ease if they were in charge of the system would be high.</p> <p>However, PCO drafters may not have in-depth understanding and would need to interact with responsible agencies. This means that there will be a degree of delay in exemption decisions.</p>