



Weekly Report

Week ending: 2 August 2024

Priority: Medium

Security classification: In confidence

Tracking number: MFR2024-091

Recipient

Action sought

Hon David Seymour
MINISTER FOR REGULATION

Note the contents of this report

Kathryn Rush
Contact: 9(2)(a)
Ministry for Regulation

Minister's comments:

Actions

Action		Due date	Status update
9(2)(f)(iv)	[REDACTED]	[REDACTED]	[REDACTED]
A2024-017	Provide further advice on the proposal for the 'hook' in the plan for early-stage analysis	TBC	In progress
9(2)(f)(iv)	[REDACTED]	[REDACTED]	[REDACTED]

Briefings & Aides-Mémoire

Papers delivered to the Minister for Regulation		Date Delivered
MFR2024-087	Forward plan for the agricultural and horticultural products regulatory review	1 August 2024
MFR2024-081	Early Childhood Education Sector Review: Monthly Update, Issue 2	2 August 2024
MFR2024-088	Approach to engaging in different languages	2 August 2024

Papers under development		Due date
MFR2024-092	Progressing the Regulatory Standards Bill	6 August 2024
MFR2024-090	Approach to economic analysis in the Agricultural and Horticultural Products Regulatory Review	8 August 2024
MFR2024-085	Draft strategic intentions	9 August 2024
MFR2024-084	Approach to Regulatory Response Team interventions and outcome tracking	9 August 2024
MFR2024-089	Reassessment of bids for the 2024 Legislation Programme	9 August 2024

Papers under development		Due date
MFR2024-078	Regulatory Standards Bill: powers and obligations for regulatory reviews	16 August 2024
MFR2024-086	Further advice on improvements to the Regulatory Impact Analysis system	6 Sept 2024
MFR2024-064	Options for engagement on the Regulatory Standards Bill	TBC
MFR2024-079	Streamlining & strengthening timeline options	TBC

Draft Cabinet paper consultations

Draft Cabinet papers that we have been consulted on will appear here. Our intent is to leave papers on this table for your reference until we are confident they have been discussed at Cabinet, after which they will be removed.

Portfolio	Title	Probable Committee	Comment
Infrastructure	Enhancing New Zealand's critical infrastructure resilience – release of discussion document	Cabinet Economic Policy Committee 31 July 2024	<p>Following fulsome commentary in 19 July Weekly Report.</p> <p>Our intention is to stay in close touch with this work, as part of our developing “second opinion” role in relation to significant regulatory systems. That will include meeting with DPMC once consultation is closed (September) and a joint discussion with the Commerce Commission on the interaction with Part 4. We will also consider (when appropriate) whether MFR should be directly involved in the quality assurance of the Regulatory Impact Statement for this proposal, prior to Cabinet decisions (March 2025).</p>
Building and Construction	Building consent authority institutional reform	Cabinet Economic Policy Committee 21 August 2024	<p>This Paper seeks agreement to undertake further work on a proposal to replace the existing Building Consent Authorities (BCAs) with a single national BCA. The next stage of work will include policy analysis, detailed design and targeted engagement. Following this, further Cabinet agreement will be sought for public consultation on proposed changes.</p> <p>We noted that :</p> <ul style="list-style-type: none"> while the further proposed work is targeted at consolidating the BCA,

Portfolio	Title	Probable Committee	Comment
			<p>there is an opportunity to include alternatives to consents e.g. building insurance as part of this work.</p> <ul style="list-style-type: none"> we are interested in the work on costs and benefits of options considered, and the implications for liability. given the range of related work in the building and construction space, that the relationship between workstreams should be set out, including whether there are gaps in terms of known issues.
Agriculture (Animal Welfare, Skills)	Livestock Export Review: Release of Discussion Document: Reinstating livestock export by sea with high animal welfare standards	Cabinet Economic Policy Committee 21 August	We have provided RIA advice that no separate Regulatory Impact Statement is needed to accompany the release of the discussion document, subject to MPI's quality assurance panel confirming that it contains sufficient impact analysis to support Cabinet's decision to release it. We had no further comments from a policy perspective at this stage of the process.
Health	Medicines Amendment Bill for introducing a new, 30-day medicines approval pathway	Social Outcomes Committee 21 August	<p>This paper seeks Cabinet's agreement to amend the Medicines Act 1981 to introduce an alternative, expedited pathway for medicines approvals.</p> <p>We did not have any specific feedback.</p>
Media and Communications	Broadcasting (Repeal of Advertising Restrictions) Amendment Bill: Approval for Introduction	Cabinet Legislation Committee 22 August	MFR has expressed support for this Bill which will remove restrictions on when broadcast TV and Radio can play advertisements.
Food Safety	Health Star Rating: New Zealand position on future implementation	Cabinet Economic Policy Committee 11 September 2024	<p>The Minister for Food Safety is seeking Cabinet agreement for New Zealand to advocate for a voluntary approach to the Health Star Rating at the Food Ministers' Meeting.</p> <p>Our feedback noted that we support the continuation of a voluntary approach to the health star rating system. We would expect that a full cost benefit analysis is undertaken if consideration is to be given to moving to making the system compulsory.</p>

Contact: Melleny Black, Policy Lead. Ph. 9(2)(a)

Upcoming events/announcements

Date	Location	Event	Opportunity
9 August	ECC Conference 2024 Christchurch	Early Childhood Council annual conference – anticipating 300 ECE professional to attend. Note: Ministry officials will host a workshop during conference on 10 August	Speech
29 August	Employers and Manufacturers Association (EMA) Auckland	Guest speaker at a regular EMA Policy Forum event. Note: CE Gráinne Moss will also attend this event as a guest.	Speech
1 September	Wellington (TBC)	Engagement on ECE review has closed – opportunity to acknowledge and thank participation and feedback, and outline anticipated next steps	Event Media opportunity PR

Contact: Denise Mackay, Communications and Engagement Lead. Ph. 9(2)(a)

Updates

Engagements

For information

This week representatives of the Ministry attended various parts of the Animal & Plant Health New Zealand (APHNZ) Conference. The Chief Executive met with the Australian Deputy High Commissioner about possible engagement with Australian counterparts and presented to the Crown Entity Board Chairs about the role of the Ministry. Several Chairs have reached out for a follow up.

Contact: Gráinne Moss, Secretary for Regulation and Chief Executive. Ph. 9(2)(a)

MBIE/Business NZ round table events on regulatory compliance

For information

The five roundtable events are complete. MBIE and Business NZ are compiling the feedback to develop an initial report. They anticipate the report will be finished within the next 6-8 weeks. Ministry for Regulation officials supported the events as facilitators alongside MBIE, Business NZ, and IR. Feedback was constructive and positive. Subject matter expert attendees were appreciative of the opportunity to engage in a two-way conversation with government officials, and showed a

healthy anticipation of outcomes to address some of the issues they identified. We will keep your office updated on the report's progress.

Contact: Denise Mackay, Communications and Engagement Lead. Ph: 9(2)(a)

Early Childhood Education Regulatory Review

For information

We provided the second monthly update A3 your office to share with other Ministers this week.

Feedback and submissions received into the engagement hub (at 11:30 am on 31 July 2024)

Parents and caregivers	480
People who work in ECE	500
Service providers	51
Other interested people (for example peak bodies, ex-teachers, academics, members of the public)	32
Total	1063

At least five submissions from parents and caregivers have come from every area of the country, apart from the Chatham Islands which have had no responses thus far. Fifteen percent of submitters live in a rural area (this is proportionate to people who live rurally in New Zealand).

Nine percent of feedback from parents and caregivers is from people whose children are disabled, medically vulnerable, or have other specific needs.

Ninety-two percent of submissions from parents and caregivers are from people who primarily speak English at home. We have also received feedback from families and whānau that primarily speak te reo Māori, Samoan, Fijian, Tongan, Mandarin, Hindi, Spanish, Italian, French, Gujarati, German, Japanese, Dutch, Korean, Assamese, Sinhala, Afrikaans and Hausa at home.

Contact: David Wansbrough, Sector Reviews Lead. Ph: 9(2)(a)

Agricultural and Horticultural Products Regulatory Review

For information

On 29 July, Cabinet approved the terms of reference and launch of the review. Minister Hoggard and yourself announced the launch of the review at the Animal and Plant Health New Zealand Annual Conference on 1 August, followed shortly after by a joint press release from Minister Simmonds, Minister Hoggard and yourself. The Ministry also posted the announcement on the LinkedIn page and sent emails about the announcement to a range of stakeholders.

The review's engagement hub went live on the Ministry for Regulation website following these announcements. Submissions will be received on the review until 8 September. The review team is working on the engagement plan anticipating stakeholder meetings being set up for the last two weeks of August.

Gráinne Moss and members of the review team attended different portions of the Animal and Plant Health New Zealand Annual Conference. Attendees expressed enthusiasm for the review and many offered to provide information they had available that may help support analysis.

On 1 August we provided joint ministers an aide mémoire that sets out the forward plan for the review including where we intend to engage with ministers throughout the project (MFR2024-087).

On 25 July Ministers Simonds, Hoggard and yourself received a letter from the New Zealand Grain and Seed Trade Association requesting the Environmental Protection Authority cease consultation on a group standard for treated seats while the review is underway. On 1 August we met with the Environmental Protection Authority to discuss the matter and are now seeking a follow-up conversation with the Ministry for the Environment to confirm some details.

Contact: David Wansbrough, Sector Reviews Lead. Ph: 9(2)(a)

Regulatory Response Team

For information

There are three new matters that the team is investigating.

Source	Issue
Referred by Minister van Velden's office (individual correspondence)	This concern is regarding the compliance costs of the energy efficiency regulation of motors that fit in large industrial fans. The writer alleges that the worldwide energy efficiency for these motors make the New Zealand regulations redundant. This is being looked into by the Ministry to understand the issue and we will contact the writer directly to get more information or provide an update.
Media	Costs incurred due to re-registration requirements for incorporated societies under the Incorporated Societies Act 2022
Individual	Wastage incurred due to the bureaucratic overreach required by the Land Transport Act 2023 for roading or capital projects, including administrative burdens and uncertainty of funding models.

Contact: Andrew Royle, Legal Lead. Ph: 9(2)(a)

Performance Plans

For information

On Thursday 1 August, the Minister of Finance wrote to all Ministers to outline Cabinet's decisions on Performance Plans as part of Phase Two of the Fiscal Sustainability Programme.

The Ministry for Regulation will be required to produce a Performance Plan. It is intended that Performance Plans will give Ministers assurance that each department has a plan in place to deliver within set baselines. They will also transparently surface performance and delivery risks to Ministers.

The Performance Plans are intended to inform the Budget process: however, they are considered separate to a Budget initiative and fiscal decisions arising from Performance Plans will need to be actioned through the main Budget process. The information contained within them is also designed to improve fiscal sustainability over the medium-term.

Cabinet and The Treasury will be releasing further information on the templates, requirements, and guidance for the preparation of these plans in coming weeks.

Contact: Aisling Risdon, Ministerial Lead. Ph: 9(2)(a)