



## COVERSHEET

<b>Minister</b>	Hon Melissa Lee	<b>Portfolio</b>	Economic Development
<b>Title of briefing</b>	Regulatory Systems (Economic Development) Amendment Bill and Regulatory Systems (Immigration and Workforce) Amendment Bill: Approval for Introduction	<b>Date to be published</b>	2 July 2024

<b>List of documents that have been proactively released</b>		
<b>Date</b>	<b>Title</b>	<b>Author</b>
May 2024	Regulatory Systems (Economic Development) Amendment Bill and Regulatory Systems (Immigration and Workforce) Amendment Bill: Approval for Introduction	Office of the Minister for Economic Development
May 2024	Annex One: Previous Cabinet decisions to be rescinded	Papers prepared by MBIE
May 2024	Annex Two: Changes and additions to previous Cabinet decisions	
13 May 2024	Cabinet Business Committee minute CBC-24-MIN-0037	Cabinet Office

### **Information redacted**

**YES**

Any information redacted in this document is redacted in accordance with MBIE's policy on Proactive Release and is labelled with the reason for redaction. This may include information that would be redacted if this information was requested under Official Information Act 1982. Where this is the case, the reasons for withholding information are listed below. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

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In Confidence

Office of the Minister for Economic Development  
Chair, Cabinet Business Committee

## **Regulatory Systems (Economic Development) Amendment Bill and Regulatory Systems (Immigration and Workforce) Amendment Bill: Approval for Introduction**

### **Proposal**

1. I am seeking approval to introduce the Regulatory Systems (Economic Development) Amendment Bill (the Economic Development Bill) and the Regulatory Systems (Immigration and Workforce) Amendment Bill (the Immigration and Workforce Bill) to the House of Representatives.
2. I am also seeking Cabinet agreement to rescind and change some of its previous policy decisions on the content of these Bills, and to include some additional amendments.
3. The parliamentary Business Committee will be asked to approve the introduction of the Bills and to treat them as associated, Confidential advice to Government  
I am seeking authorisation from Cabinet to make any changes required by the Business Committee.

### **Policy**

4. Several government agencies use Regulatory Systems Amendment Bills (RSABs) to make technical and non-contentious amendments to the legislation they administer, which would not warrant stand-alone legislation. These Bills allow agencies to ensure the regulatory systems they administer are effective, efficient, and reflect best regulatory practice. They are consistent with Public Service Chief Executives' legislation stewardship obligations under the Public Service Act 2020. They are also consistent with the Government's expectations that agencies regularly review the legislation they administer and reduce the burden that legislation is imposing.
5. In 2017 and 2019, Parliament passed six RSABs covering the legislation administered by the Ministry of Business, Innovation and Employment (MBIE). Two further MBIE RSABs are now ready for introduction:
  - 5.1. a Regulatory Systems (Economic Development) Amendment Bill, comprising amendments in the Commerce and Consumer Affairs; Media and Communications; Science, Innovation and Technology; Justice; and Energy portfolios;

- 5.2. a Regulatory Systems (Immigration and Workforce) Amendment Bill, comprising amendments in the Immigration; Workplace Relations and Safety; and Energy portfolios.
6. In July 2019 Cabinet agreed to all the amendments proposed for inclusion in the above two Bills at that time [CAB-19-MIN-0362]. Interruptions caused by COVID-19 over 2020 and 2021 delayed progress of the Bills, during which time additional amendments for inclusion were identified. These additional proposals received Cabinet approval to be included and for drafting instructions to be sent to the Parliamentary Counsel Office (PCO) in May 2021 [CAB-21-MIN-0151].
7. In November 2021, the parliamentary Business Committee agreed to the Bills being introduced as omnibus Bills (as per Standing Order 267 (1)(c)), and being considered as cognate at first, second and third readings (as per Standing Order 274(1)).
8. Confidential advice to Government  
[REDACTED]
9. In April 2024, the Government agreed to include the Economic Development Bill and the Immigration and Workforce Bill on the 2024 Legislation Programme as a priority 4 (to be passed by the end of 2024 if possible).

***Additional policy decisions***

10. The progress of these Bills has been delayed since 2019 by the need to prioritise other legislation. During this extended period, some of Cabinet's earlier policy decisions have been overtaken by events, necessitating some further policy decisions, notably:
  - 10.1. removal of some amendments that have already been progressed through other Bills, or will be progressed through Bills on the 2024 legislation programme;
  - 10.2. rescinding previous Cabinet decisions where amendments are no longer deemed appropriate;
  - 10.3. modifying previous Cabinet decisions on specific amendments;
  - 10.4. approving new amendments that fit within the scope of these Bills.

*Some amendments are being progressed through other legislation*

11. At the time Cabinet took decisions to include amendments in these Bills, there were no alternative Bills available to make these changes. Confidential advice to Government

[redacted] alternative Bills have been found for the following amendments:

11.1. Four amendments to the Accident Compensation Act 2001 (pages 30-31 of Annex Two of DEV-21-SUB-0088) have now been given effect through the Accident Compensation (Maternal Birth Injury and Other Matters) Amendment Act 2022;

11.2. Confidential advice to Government  
[redacted]  
[redacted]  
[redacted]  
[redacted]

11.3. An amendment proposed to the Credit Contracts and Consumer Finance Act 2003 (pages 13-14 of Annex Two of DEV-21-SUB-0088) has since been given effect through the Credit Contracts Legislation Amendment Act 2019;

11.4. An amendment proposed to the Employment Relations Act 2000 (page 31 of Annex One of DEV-21-SUB-0088) has since been given effect through the Worker Protection (Migrant and Other Employees) Act 2023.

12. Confidential advice to Government  
[redacted]  
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[redacted]

- [redacted] [redacted]
- [redacted] [redacted]
- [redacted] [redacted]
- [redacted] [redacted]
- [redacted] [redacted]
- [redacted] [redacted]

13. Confidential advice to Government  
[redacted]  
[redacted]

*Rescinding previous Cabinet decisions*

14. Officials have identified some amendments that have previously been agreed by Cabinet that should no longer proceed, because:

14.1. they are no longer considered necessary;

- 14.2. they are no longer considered suitable for inclusion in these Bills; or
  - 14.3. the costs of implementation are likely to outweigh the benefits.
15. Annex One lists and briefly describes these amendments and explains why they should no longer proceed. I recommend that Cabinet be asked to rescind its previous decisions to include these amendments in the Economic Development Bill and the Immigration and Workforce Bill.

*Amendments to previous Cabinet decisions and additional inclusions*

16. In some cases, officials have identified the need to amend previous Cabinet decisions during the drafting process, introduce standard provisions, or make clarifications or consequential amendments in related sections to support the changes being sought. Officials and previous portfolio Ministers also identified some amendments that should be implemented but lack an alternative legislative vehicle at this time.
17. Annex Two lists and describes these proposed amendments and explains their intended effect. I recommend that Cabinet agree to amend its previous decisions and to include new amendments in the Economic Development Bill and the Immigration and Workforce Bill as described in Annex Two.
18. The changes and additional amendments include:
- 18.1. Electricity Industry Act 2010 – these amendments would close regulatory gaps inadvertently created by the Electricity Industry Amendment Act 2022. MBIE has identified the need for some consequential changes to the Electricity Industry (Enforcement) Regulations 2010, Confidential advice to Government  
[REDACTED]  
[REDACTED]
  - 18.2. Financial Markets Conduct Act 2013 – this amendment would remove the five-year limit on class exemption notices. This requirement creates additional work, and in practice, exemptions are highly likely to be rolled over. The Financial Markets Authority would still be able to amend or revoke a notice if required.
  - 18.3. Industrial and Provident Societies Act 1908 – this amendment would insert a new requirement that a society provide a full set of its rules if it has amended any of its rules. The previous Cabinet decision incorrectly removed this requirement rather than inserting it.
  - 18.4. Motor Vehicle Sales Act 2003 – this amendment would require a trader to provide their New Zealand Transport Agency customer identification (ID) as part of a renewal of their application for a licence. The original Cabinet decision would have applied this to new applications, but some new applicants may not have a customer ID, which would preclude them from being able to apply.

- 18.5. Plant Variety Rights Act 2022 – this amendment would correct an error that would result in applicants for a plant variety right being considered on commencement of the Act being charged the annual fee prescribed by the previous Act, rather than the new one.
- 18.6. Standards and Accreditation Act 2015 – these amendments would provide for natural justice in the case of the removal of members or chairs of standards and other development committees.
- 18.7. Weights and Measures Act 1987 – these amendments clarify previous Cabinet decisions relating to measurement of goods and renewal of accreditations under the Act.

### **Impact analysis**

19. When Cabinet made policy decisions in 2021, a Regulatory Impact Statement was provided for amendments to the Heavy Engineering Research Levy Act 1978.
20. Treasury's Regulatory Impact Analysis team determined that all other amendments to be included in these Bills, including the changes sought in Annexes One and Two, were exempt from the requirement to provide a Regulatory Impact Statement on the grounds that they have no or only minor impacts on businesses, individuals, and not-for-profit entities.
21. Decisions taken by Cabinet in 2019 pre-dated the introduction of the Climate Implications of Policy Assessment (CIPA) requirements. The CIPA requirements were in place when subsequent decisions were taken. The CIPA team in the Ministry for the Environment has been consulted and confirms that the CIPA requirements do not apply to this proposal, as the threshold for significance is not met.

### **Compliance**

22. The Bills comply with each of the following:
  - 22.1. the principles of the Treaty of Waitangi;
  - 22.2. the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993;
  - 22.3. the Disclosure Statement requirements - Disclosure Statements for each Bill are attached to this paper;
  - 22.4. the principles and guidelines set out in the Privacy Act 2020;
  - 22.5. relevant international standards and obligations; and
  - 22.6. the Legislation Guidelines (2021 edition), which are maintained by the Legislation Design and Advisory Committee.

## Consultation

23. The following agencies have been consulted on this Cabinet paper and draft Bills: The Treasury, Public Service Commission, Ministry for Regulation, Ministry for the Environment, Office of the Privacy Commissioner. The Department of Prime Minister and Cabinet was informed.
24. In addition to consultation on consistency with the New Zealand Bill of Rights Act, the Ministry of Justice was consulted on drafting of the amendments to the Charitable Trusts Act, and on amendments relating to offences, penalties and jurisdiction. The following agencies were consulted as appropriate in the drafting of amendments relevant to them: New Zealand Customs Service; Ministry for Primary Industries; Ministry of Foreign Affairs and Trade; Ministry of Transport; New Zealand Transport Agency; WorkSafe; Accident Compensation Corporation; Electricity Authority; Financial Markets Authority; Commerce Commission; and the Takeovers Panel.
25. Due to the minor and technical nature of the content, specific public consultation has not been undertaken on the Bills. Some of the issues being addressed have been raised by stakeholders, and in some cases, these stakeholders have been involved in the policy development process. The public will have the opportunity to review and make submissions on the Bills through the select committee process.

## Binding on the Crown

26. The Acts will be binding on the Crown.

## Creating new agencies or amending law relating to existing agencies.

27. The Bills do not contain any proposals to create new agencies or amend the law relating to existing agencies.

## Allocation of decision-making powers

28. The Bills in general do not affect the allocation of decision-making powers between the Executive, the courts, and tribunals. The Immigration Advisers Licensing Act 2007 is amended to slightly extend both the range of decisions that the Immigration Advisers Complaints and Disciplinary Tribunal can make (to the length of time that licenses can be suspended for, and disciplinary sanctions) and the range of decisions that advisers can appeal to the District Court. The framework for decision making remains the same, and the changes are within the purpose of the Act.

## Associated regulations

29. Regulations will not be needed to bring the Bills into operation.
30. A number of consequential amendments to regulations have been included in the Bills. In addition, officials have identified the need for some consequential changes to the Electricity Industry (Enforcement) Regulations 2010, Confidential advice to Government

[Redacted text]

31. The Bills include a small number of provisions empowering the making of regulations. Any regulations and other secondary legislation that are needed because of amendments proposed in the Bills will be developed separately under the direction of the relevant portfolio Minister.

### **Other instruments**

32. The Immigration and Workforce Bill amends the Electricity Act and Gas Act to allow the creation of electricity and gas safety instruments. This provides an efficient legislative mechanism for the energy safety regulator (WorkSafe New Zealand) to develop, modify, update or add detail to technical matters or standards in regulations, that require frequent updating, under the Electricity Act and Gas Act, but only to the extent that regulations permit these instruments to be used.
33. These legislative instruments are modelled on Safe Work Instruments available under the Health and Safety at Work Act 2015 and will be approved by the Minister for Energy, who may delegate this to the regulator (WorkSafe New Zealand).

### **Definition of Minister/department**

34. The Bill does not contain a definition of Minister, department (or equivalent government agency), or chief executive of a department (or equivalent position).

### **Commencement of legislation**

35. The Bills will come into force on the day after Royal assent, with the exceptions listed in Clause 2 of the two Bills:
  - 35.1. amendments to Schedule 2 of the Heavy Engineering Research Levy Act 1978 come into force three months after Royal Assent;
  - 35.2. amendments to the Plant Variety Rights Act 2022 come into force four months after Royal Assent;
  - 35.3. amendments relating to the funding levy under the Health and Safety at Work Act 2015 come into force on 1 April 2025;
  - 35.4. amendments to the Parental Leave and Employment Protection Act 1987 come into force on 1 July 2025;
36. The following provisions listed in Clause 2 of the Economic Development Bill come into force by Order in Council:
  - 36.1. amendments to the Fair Trading Act 1986 and the Financial Markets Conduct Act 2013 relating to unfair contract terms. Commencement by Order in Council is desirable to enable alignment of these changes with the extension of the Financial Markets Authority's remit over insurance contracts under the Contracts of Insurance Bill;



- 36.2. amendments to the Motor Vehicles Sales Act 2003. Commencement by Order in Council will ensure that there is an appropriate amount of time for the Registrar of Motor Vehicle Traders to prepare for the changes.
37. Any part of the Economic Development Bill that has not come into force on the third anniversary of Royal assent comes into force then.

### **Parliamentary stages**

38. I expect the Bills to be ready for introduction by May 2024 and passed by the end of 2024.
39. I propose that the Bills be referred to the following select committees:
- 39.1. Regulatory Systems (Economic Development) Amendment Bill - Economic Development, Science and Innovation; and
- 39.2. Regulatory Systems (Immigration and Workforce) Amendment Bill - Education and Workforce.
40. As noted in paragraph 7, these Bills require the agreement of the parliamentary Business Committee for introduction and to be treated as associated. While the Business Committee agreed to this in November 2021, it is usual that Bills are introduced shortly after Business Committee approval. Because this did not happen, it is appropriate to seek a reconfirmation of the Committee's earlier decisions.
41. I propose that Cabinet authorise me to make any changes required by the Business Committee as a condition for approving the introduction of these Bills and treating them as associated.

### **Proactive Release**

42. If approved by Cabinet, MBIE will publish this paper on its website, subject to any redactions that may be necessary and in line with the appropriate expectations under the Official Information Act 1982.

### **Recommendations**

43. The Minister for Economic Development recommends the Committee:
- 1 **note** that the Regulatory Systems (Economic Development) Amendment Bill and the Regulatory Systems (Immigration and Workforce) Amendment Bill hold a category 4 priority (to be passed by the end of 2024 if possible) on the 2024 Legislation Programme;
- 2 **note** that these Bills provide a legislative vehicle for making minor and technical amendments to various Acts administered by the Ministry of Business, Innovation and Employment (MBIE), consistent with MBIE's legislative stewardship responsibilities and the Government's expectations that agencies regularly review the legislation they administer and reduce the burden that legislation is imposing;

- 3 **note** that the Business Committee agreed in November 2021 that the Bills be introduced as omnibus Bills, and be considered cognate at first, second and third readings, but that this will be reconfirmed after Cabinet approval in view of the time that has elapsed since;
- 4 **note** that Cabinet agreed in July 2019 and May 2021 to two sets of amendments to be included in these Bills [CAB-19-MIN-0362 and CAB-21-MIN-0151 refer];

*Additional policy decisions*

- 5 **note** that Cabinet previously agreed to include in these Bills some amendments to the Accident Compensation Act 2001, Confidential advice to Government [redacted] the Credit Contracts and Consumer Finance Act 2003, and the Employment Relations Act 2000, but these are now being progressed through other Bills;
- 6 Confidential advice to Government [redacted]  
[redacted]  
[redacted]  
[redacted]  
[redacted]
- 7 Confidential advice to Government [redacted]  
[redacted]  
[redacted]
- 8 **note** that officials have advised that some of the amendments contained in Annexes One and Two of DEV-21-SUB-0088 and previously agreed by Cabinet [CAB-21-MIN-0151] should not proceed (Annex One), because they are no longer required, are considered unsuitable for inclusion, or the costs of implementing them outweigh the benefits;
- 9 **agree** to recommend that Cabinet rescind its previous agreement to include the amendments in Annex One in the Regulatory Systems (Economic Development) Amendment Bill and the Regulatory Systems (Immigration and Workforce) Amendment Bill;
- 10 **note** that officials have identified a small number of changes that are required to earlier Cabinet decisions, and that officials and previous Ministers identified some additional amendments to include in the Regulatory Systems (Economic Development) Amendment Bill and the Regulatory Systems (Immigration and Workforce) Amendment Bill (Annex Two);
- 11 **agree** to include in these Bills the proposed changes and new amendments listed in Annex Two;
- 12 **note** that consequential amendments to the Electricity Industry (Enforcement) Regulations 2010 that are not currently in the Regulatory Systems (Economic Development) Amendment Bill will be required as a result of the proposed changes to the Electricity Industry Act 2010;

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*Introduction*

15 **authorise** the Minister for Economic Development to make:

15.1 minor and technical changes to the Regulatory Systems (Economic Development) Amendment Bill and the Regulatory Systems (Immigration and Workforce) Amendment Bill in line with Cabinet policy decisions, prior to introduction;

15.2 any changes required by the Business Committee, Confidential advice to Government

16 **approve** the introduction of the Regulatory Systems (Economic Development) Amendment Bill and the Regulatory Systems (Immigration and Workforce) Amendment Bill, subject to the final approval by the government caucuses and sufficient support in the House of Representatives;

17 **agree** that the Bills be introduced in May 2024;

18 **agree** that the government propose that the Bills be referred to the following select committees for consideration:

18.1 Regulatory Systems (Economic Development) Amendment Bill - Economic Development, Science and Innovation; and

18.2 Regulatory Systems (Immigration and Workforce) Amendment Bill - Education and Workforce;

19 **agree** that the Bills be enacted by December 2024.

Authorised for lodgement

Hon Melissa Lee  
Minister for Economic Development

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Annex One: Previous Cabinet decisions to be rescinded

All the decisions listed below were originally made by Cabinet in July 2019 [CAB-19-MIN-0362] and May 2021 [CAB-21-MIN-0151]. Details of all these decisions were contained in Annexes 1 and 2 of DEV-21-SUB-0088.

<b>Amendment</b>	<b>Location of original Cabinet decision in DEV-21-SUB-0088</b>	<b>Effect of proposed amendment</b>	<b>Why it should not proceed</b>
<i>Auditor Regulation Act 2011</i>			
Section 69: Offence to hinder, obstruct or delay Financial Markets Authority (FMA)	Annex 2, page 3, line 3	Extend the ambit of the provision beyond circumstances where the relevant conduct occurs in the course of the FMA carrying out a quality review	It is now considered that the FMA has sufficient powers under the Financial Markets Authority Act 2011 to deal with this situation.
<i>Auditor Regulations 2012</i>			
Clause 5A: prescribed requirements for authorisation of registration of corporate audit firms	Annex 1, page 4, line 6	Enable the FMA to prescribe minimum standards for registration for companies as well as partnerships	Regulations are only amended through primary legislation where the amendment is consequential on that primary legislation. That is not the case with this proposal and so it has been determined that this change is not suitable for inclusion.
<i>Financial Markets Conduct Act 2013</i>			
Section 216: Manner of keeping registers  Section 222: Manner of inspection	Annex 2, pages 14-15, line 28	Provide that registers of holders of financial products kept by issuers must be kept in New Zealand, Australia or any other country prescribed	Since the previous decision was made a consultation was held on whether similar provisions should be adopted under the Climate-Related Disclosures regime. This consultation raised a number of technical

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		in regulations, and available for inspection at a place notified by the Registrar.	issues, many of which would apply to these provisions too. In light of these issues we consider such a provision should be progressed at a later date, once the technical issues are better understood.
Schedule 4	Annex 1, page 13, line 29	Requiring authorised financial advisers and qualifying financial entities under the former financial advice regulatory regime to retain records for seven years despite the repeal of the former regime.	A transitional regulation that requires advisers and entities to retain records until 14 March 2024 will expire before this Bill is passed. This amendment will no longer be appropriate given advisers and entities would not have had obligations to retain records from 14 March 2024.
<i>Financial Reporting Act 2013</i>			
Section 36A: Power of Registrar of Companies to approve associations and auditors  Section 36B: Approved associations and persons must report to Registrar	Annex 2, page 16, line 32	Allow the Registrar to approve overseas firms (rather than individual auditors) as qualified auditors under the Act. This would enable an overseas firm to file one annual report each year rather than individual partners filing their own report each year.	The team responsible for processing audit reports does not consider the current level of audits being received to be a problem. MBIE also considered: <ul style="list-style-type: none"> <li>• unexpected complexity around the amendment</li> <li>• the fact that auditors and associations are now well versed in filing their annual reports each year</li> <li>• internal processes for administration of the register would need to be revised to support the amendment.</li> </ul>

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<i>Health and Safety at Work Act 2015</i>			
Schedule 3, clause 1	Annex 2, page 32, line 13	Amend the definitions of mining and quarrying operators to clarify that they are “persons conducting a business or undertaking” (PCBUs) in terms of the principal Act. There was some confusion about the relationship between the legal concepts of “PCBU” and “mine operator” in relation to clause 6.	<p>MBIE considers this change is no longer necessary because</p> <ul style="list-style-type: none"> <li>• WorkSafe has informed MBIE that mine operators and workers are now much more familiar with the legal concept of the PCBU, and the definitions are no longer causing confusion</li> <li>• options for redrafting the provision either potentially undermined the application of the rest of the Act to mining operations, or required significantly re-writing the clause.</li> </ul>
<i>Personal Property Securities Act 1999</i>			
New: Registrar discretion to waive fees	Annex 2, page 27, line 62	Provide the Registrar of Personal Property Securities discretion to waive a payment of fees in exceptional circumstances	There is no current way to implement this change through the IT system, and the expense of making IT changes would outweigh the benefit of the amendment.
<i>Takeovers Act 1993</i>			
New power for the Takeovers Panel to publish documents on their website.	Annex 2, page 28, line 63	Provide the Panel with the power to publish documents it receives under the Takeovers Code on its website	Implementing this new power appears to require a new exception under the Copyright Act 1994 to be created for the benefit of the Panel. There are strict rules under international law on the creation of new copyright exceptions. We therefore suggest that this matter should be considered again when the Copyright Act is reviewed.

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<i>Weights and Measures Act 1987</i>			
Section 28	Annex 1, page 23, line 53	Clarify that inspectors' powers to request documents apply to digital records	Further analysis suggests that digital records are already captured by the term "document", and that copies can be taken and retained under the Act.
Section 41	Annex 2, page 29, line 65	Clarify what information can be required from people accredited to undertake specific functions under the Act	It has been confirmed that no specific information held in the New Zealand Business Number register is needed to undertake specific functions under the Act.
General amendments	Annex 1, page 24, line 55	Clarify that the Act applies to services as well as goods	<p>This change should not proceed, as it is more significant and complex than originally envisaged.</p> <p>Different approaches would need to be taken across each different provision, and every addition would need to be properly considered to ensure it was in line with the original intent of the Act and would not have any adverse effects. This amendment is therefore not suitable for inclusion.</p>

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Annex Two: Changes and additions to previous Cabinet decisions

All the decisions listed in the following table were originally made by Cabinet in July 2019 [CAB-19-MIN-0362] and May 2021 [CAB-21-MIN-0151]. Details of all these decisions were contained in Annexes 1 and 2 of DEV-21-SUB-0088.

**Changes to previous Cabinet decisions**

Amendment	Location of original Cabinet decision in DEV-21-SUB-0088	Effect of proposed amendment and change proposed
<i>Industrial and Provident Societies Act 1908</i>		
Section 7: Rules and amendments	Annex 2, page 20, line 41	<p>Cabinet agreed to remove the requirements for:</p> <ul style="list-style-type: none"> <li>• The Registrar of Industrial and Provident Societies to confirm that they accept any amendments to the rules</li> <li>• A society to provide a copy of the rules on demand by any person (these are available on the public register)</li> <li>• A society to provide a full set of its rules (not just the rule that has been amended) where there has been an amendment to the rules.</li> </ul> <p>The third of these requirements is not contained in section 7, and the intention was to insert such a requirement, rather than remove it.</p>
<i>Motor Vehicle Sales Act 2003</i>		
Section 32	Annex 1, page 17, line 37	<p>Cabinet agreed to amend the Act to require a trader to provide their New Zealand Transport Agency customer identification (ID) as part of their application, making it easier to identify the trader. However, new applicants may not necessarily have a customer ID, which would preclude them from being able to apply. It is proposed that this is corrected by amending section 39 to apply this requirement to renewals of registration only.</p>

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<i>Standards and Accreditation Act 2015</i>		
Section 15(2)	Annex 1, page 21, line 48	<p>Cabinet agreed to amend the Act to clarify that the NZ Standards Executive may remove members or chairpersons of standards development committees subject to the Board's approval.</p> <p>In order to support a removal process that would follow natural justice considerations, supporting amendments were required to set out the circumstances in which a person can cease to be a member of a standards development committee, or requires removal. This includes the insertion of new sections 24A to 24F</p>
Section 25(1)	Annex 1, page 21, line 48	<p>As above, in order to support a removal process that would follow natural justice considerations, supporting amendments were also required in relation to other development committees. This includes the insertion of new sections 25A and 25B.</p>
<i>Weights and Measures Act 1987</i>		
Section 17	Annex 1, page 22, line 52	<p>Section 15A provides that when goods are weighed/measured at the request of the purchaser, the purchaser must be able to see the instrument and the weight/measurement. Section 15A does not require the seller to be able to see these things. This creates an operational problem where sellers may not have full visibility and fail to notice when machines have been incorrectly calibrated, contributing to consumers being charged incorrectly.</p> <p>Cabinet agreed to amend section 17, which relates to purchasers who are in business. This would not address the problem and instead an amendment is required to section 15A to specify that the seller must be able to see the instrument and the weight/measurement.</p>
Section 30	Annex 1, page 23, line 54	<p>Section 30C(5) provides that letters of accreditation continue in force if an application for renewal has been made, but not dealt with. In practice, this means renewals are applied for close to the date of</p>

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		<p>expiry, and with missing information, as there is no incentive to apply with sufficient time for the renewal to be processed. To encourage applications to be made earlier, it was proposed that section 30 be amended so that only applications received at least three months before the expiration date continue in force until approval.</p> <p>Cabinet agreed to repeal section 30C(5) and amend section 30C(3) to clarify that an application needs to be in writing and the supporting information needs to be provided. It has now been determined that the intended outcome can be achieved by amending section 30C(5) to provide that if the renewal application is received three months before the accreditation is due to expire, but has not yet been processed by the expiry date, the accreditation continues until the application is dealt with by the Secretary.</p>
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The following table lists some additional amendments that portfolio Ministers have approved for inclusion in the Regulatory Systems (Economic Development) Amendment Bill.

**Additional amendments to include**

<b>Amendment</b>	<b>Effect of proposed amendment</b>
<i>Electricity Industry Act 2010</i>	
Sections 5, 9, 11, 16, 32, 46-48, 51, 54-57, 63, 65 and 112	The Electricity Industry Amendment Act 2022 inadvertently created gaps relating to the ability to regulate “specified persons”. The intention was to allow the Electricity Authority to exempt a specified person from the Electricity Industry Participation Code and to allow the Rulings Panel to make enforcement orders against specified persons.
<i>Financial Markets Conduct Act 2013</i>	
Section 558	Some of the Financial Markets Authority (FMA) class exemption notices (notices providing relief for existing securities that were offered under the now repealed Securities Act 1978) have transitioned into the Financial Markets Conduct Act 2013. The effect of these exemptions is to

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	<p>continue the relief granted under the Securities Act, or provide new relief that is equivalent to that granted for new financial products, under section 561 of the Financial Markets Conduct Act 2013.</p> <p>The FMA can only currently grant these exemptions for five years. This means they need to review, consult publicly and seek approval from, their Board to rollover these notices every five years for an indefinite period to come. Parliamentary Counsel Office (PCO) then drafts these new exemption notices.</p> <p>This five-year exemption is deemed unnecessary by both the FMA and PCO, as it is unlikely this relief will cease to be required or need to be changed over this period. It is therefore recommended that the five-year time limit be removed, and that the FMA be able to amend or revoke notices as required.</p>
<i>Plant Variety Rights Act 2022</i>	
Schedule 1	<p>The Plant Variety Rights Act was passed in November 2022. Since then, officials have discovered a small error in the Act. The way the Act has been drafted has the unintended effect that applicants for a plant variety right being considered on commencement of the Act (24 January 2023) would be liable for the lower annual fee prescribed by the old 1987 Act, rather than the new fee.</p>

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