



COVERSHEET

Minister	Hon Simeon Brown	Portfolio	Energy
Title of Cabinet paper	Offshore Renewable Energy Regulatory Regime Offshore Renewable Energy Bill: Approval for Introduction	Date to be published	20 December 2024

List of documents that have been proactively released		
Date	Title	Author
November 2024	Offshore Renewable Energy Bill: Approval for Introduction	Office of the Minister for Energy
November 2024	Offshore Renewable Energy Bill: Approval for Introduction LEG-24-MIN-0235	Cabinet Office
13 June 2024	2324-3049 Offshore renewable energy regime – offences, penalties, powers and appeals	MBIE
20 June 2024	2324-3446 Offshore Renewable Energy regulatory regime – permit variations	MBIE
25 July 2024	2324-4013 Offshore renewable energy - update on progress and establishment of a developer working group	MBIE
8 August 2024	2425-0577 Accelerated timing for Offshore Renewable Energy Bill and Hydrogen Action Plan	MBIE
19 August 2024	2425-0725 Engagement with iwi on the offshore renewable energy regulatory regime	MBIE
23 August 2024	2425-0230 Offshore renewable energy regulatory regime – decommissioning obligations	MBIE
23 August 2024	2324-3448 Offshore renewable energy regulatory regime – transmission infrastructure	MBIE
18 October 2024	BRIEFING-REQ-0004369 Offshore Renewable Energy Bill – draft Cabinet paper seeking approval for introduction and agreement to related policies	MBIE
7 November 2024	BRIEFING-REQ-0005576 Offshore Renewable Energy Bill – updated Cabinet paper seeking approval for introduction	MBIE
June 2024	Offshore Renewable Energy Regulatory Regime: Policy Decisions	Office of the Minister for Energy
June 2024	Offshore Renewable Energy Regulatory Regime: Policy Decisions Minute of Decision CBC-24-MIN-0041	Cabinet Office

May 2024	Offshore Renewable Energy Regulatory Regime	Office of the Minister for Energy
May 2024	Offshore Renewable Energy Regulatory Regime Minute of Decision ECO-24-MIN-0062	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.

- a. Privacy of natural persons
- b. Confidential advice to Government



Cabinet Legislation Committee

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Offshore Renewable Energy Bill: Approval for Introduction

Portfolio **Energy**

On 21 November 2024, the Cabinet Legislation Committee:

- 1 **noted** that the Offshore Renewable Energy Bill (the Bill) holds a category 5 priority on the 2024 Legislation Programme (to proceed to a select committee by the end of 2024);
- 2 **noted** that the purpose of the Bill is to:
 - 2.1 give greater certainty for developers to invest in offshore renewable energy developments;
 - 2.2 allow the selection of offshore renewable energy developments that best meets New Zealand's national interests;
 - 2.3 manage the risks to the Crown and the public from offshore renewable energy developments;
- 3 **agreed** to the following changes relating to details of permits, as set out in Appendix One (Table 1) of the paper under LEG-24-SUB-0235, that align with the intent of previous Cabinet decisions [CBC-24-MIN-0041] and are reflected in the draft Bill:
 - 3.1 all the functions and decisions in relation to the allocation and variation of permits (other than maintaining the permit register) and safety zones will be undertaken by the Minister for Energy (or their delegate);
 - 3.2 require that, when considering a commercial permit application, the Minister for Energy has regard to any changes to the proposed development that are material to the benefits assessed at the feasibility permit application stage;
 - 3.3 permit holders must be a single entity that is incorporated in New Zealand or an overseas company that is registered under Part 18 of the Companies Act 1993;
 - 3.4 the Bill will not require that feasibility permit applications are for a single continuous area, but Ministerial guidance on permit rounds may set this out as a preference;
 - 3.5 enable the chief executive to publish feasibility data when a commercial permit takes effect or one year after a feasibility permit ends;

- 3.6 a permit vests in the liquidator on the liquidation of the permit holder, or in the Crown in the event of removal from the Companies Register;
 - 3.7 the chief executive may amend a permit to correct any minor omissions, errors, or other defects in permits;
 - 3.8 a general power to seek additional information from permit applicants;
- 4 **agreed** to a change in approach to previous in-principle decisions, as set out in Appendix One (Table 2) of the paper under LEG-24-SUB-0235, which is reflected in the draft Bill, following further policy work on transmission infrastructure:
- 4.1 where the offshore renewable energy transmission infrastructure is owned by someone other than a permit holder, the owner:
 - 4.1.1 must be a single entity that is either a body corporate that is incorporated in New Zealand or an overseas company that is registered under Part 18 of the Companies Act 1993;
 - 4.1.2 will have an obligation to decommission transmission infrastructure and meet the associated costs;
 - 4.1.3 will (with the exception of Transpower) have an obligation to put in place financial security to cover decommissioning costs;
 - 4.1.4 must provide reports about the infrastructure and related activities to the chief executive;
 - 4.2 transmission infrastructure owners or commercial permit holders must inform the regulator of any commercial arrangements to acquire or transfer offshore renewable energy infrastructure within 30 days of entering into the arrangement;
 - 4.3 any person who builds, owns, or operates an offshore renewable energy substation may apply for a safety zone around it;
 - 4.4 enable the recovery of fees and levies from transmission infrastructure owners for monitoring and enforcing decommissioning obligations;
- 5 **noted** the decisions made by the Minister for Energy, set out in Appendix Two to the paper under LEG-24-SUB-0235, as authorised by Cabinet [CBC-24-MIN-0041];
- 6 **noted** that work to develop national direction on offshore wind energy is expected to begin in the second half of 2025 and will be led by the Parliamentary Under-Secretary to the Minister Responsible for RMA Reform;
- 7 **approved** the Offshore Renewable Energy Bill [PCO 26193/10.0] for introduction, subject to the final approval of the Government caucuses and sufficient support in the House of Representatives;
- 8 **agreed** that the Bill be introduced by 25 November 2024;

9 **agreed** that the Government propose that the Bill be:

9.1 referred to the Transport and Infrastructure Committee for consideration;

9.2 enacted by mid-2025.

Janine Harvey
Committee Secretary

Present:

Rt Hon Winston Peters
Hon Chris Bishop
Hon Simeon Brown (Chair)
Hon Erica Stanford
Hon Paul Goldsmith
Hon Brooke van Velden
Hon Casey Costello
Hon Nicole McKee
Hon Penny Simmonds
Hon Andrew Hoggard
Hon Scott Simpson, MP
Todd Stephenson, MP
Jamie Arbuckle, MP

Officials present from:

Officials Committee for LEG
Leader of the House's Office