

13 June 2007

Chair  
CABINET ECONOMIC DEVELOPMENT COMMITTEE

## **INSTITUTIONAL ARRANGEMENTS FOR PRUDENTIAL REGULATION**

### **Proposal**

1. This paper seeks the Committee's agreement to changes to the institutional arrangements for the Reserve Bank. These changes support the regulatory regime proposed in the Review of Financial Products and Providers (RFPP). The paper makes recommendations on institutional arrangements that will enable Cabinet to confirm its earlier in-principle decision that the Reserve Bank be the single prudential regulator. This would widen the scope of the Reserve Bank's prudential functions to include the prudential regulation of non-bank deposit takers (NBDTs) and the regulation and supervision of insurance companies.

### **Background Information**

2. In December 2005, Cabinet agreed that prudential supervision for the financial sector be consolidated into a single regulator [CBC Min (05) 18/28 refers]. Cabinet also agreed in principle that this regulator should be the Reserve Bank, subject to officials reporting back on detailed institutional arrangements. Cabinet took decisions in principle to allow more detailed assessment of what additional arrangements would be suitable for the Reserve Bank, given its expanded prudential role, and whether the risk of undermining the independence of the Reserve Bank's monetary policy activities was sufficiently manageable through updated governance and accountability arrangements.

### **Executive Summary**

3. This paper considers how to give effect to the proposal that the Reserve Bank be the single prudential regulator. It sets out a package of changes that:
  - preserve the independence of the Reserve Bank's monetary policy functions; and
  - support the extension of the Reserve Bank's prudential regulation functions.
4. The proposals recognise the Reserve Bank's primary focus on monetary policy and do not undermine its ability to perform this function. None of the proposals

alter the legislated separation of the Reserve Bank's monetary policy and prudential regulation functions. The Reserve Bank cannot use its monetary policy tools for financial sector objectives or vice versa.

5. Changes to institutional arrangements are proposed to support the broader scope of the Reserve Bank's prudential regulation activity. Changes to governance and accountability arrangements increase the Reserve Bank's transparency and responsiveness to Government while maintaining its regulatory independence. They bolster monitoring and reporting requirements for the Reserve Bank's activities in line with its widened prudential responsibilities. New legislative provisions are to be used to reflect the different purposes for which the Reserve Bank is expected to regulate different types of financial institutions.
6. Changes to policy advice responsibilities are also recommended. These reflect the proposed changes in agency responsibilities for regulatory activities. It is proposed that the Reserve Bank provide advice to the Minister of Finance on prudential regulation. While the Ministry of Economic Development (MED) would no longer provide lead prudential policy advice on NBDTs and insurance, Treasury and MED would continue to provide advice to their respective Ministers on the implications of prudential regulation for their areas of focus and on related areas that fall within their responsibilities. The immediate transfer of responsibility for policy advice on prudential regulation to the Reserve Bank is recommended to expedite the RFPP policy process for NBDTs and insurance.
7. New funding is needed to meet the costs of the Reserve Bank's additional regulatory functions. On the basis of Treasury's guidelines on setting charges in the public sector, it is proposed that the costs of Reserve Bank regulation of NBDTs be met by government, in this case through the Funding Agreement between the Minister of Finance and the Reserve Bank. However, it is proposed that the costs of Reserve Bank regulation of insurance companies be met through a levy on companies. Alternatively, the Committee could consider whether it instead wishes to meet the costs for insurance companies through the Funding Agreement, if it is concerned about overall level of costs being imposed by the reforms.

### **Comment**

8. This paper considers the issues raised by the Reserve Bank becoming the single prudential regulator, including:
  - whether current governance and accountability arrangements are sufficient;
  - whether legislative changes are required (including which Acts require amendment and whether a new Act is required);
  - Ministerial portfolio implications and departmental/Reserve Bank responsibilities;
  - funding arrangements; and
  - transitional arrangements and details of functions to be located in the Reserve Bank.

9. Each of these issues is addressed below, except transitional arrangements and details of functions to be located in the Reserve Bank. It is proposed that MED and Reserve Bank officials work together on transitional issues and report to the Ministers of Finance and Commerce on any operational issues that arise, such as the details of the operational functions to be transferred between agencies.

### **Governance**

10. Some degree of power is delegated to a regulatory agency that acts on behalf of the government. For the delegation of power to be effective, legislation needs to be clear about the objectives the regulator is intended to pursue and clear about the functions and powers of the regulator and the Minister. Amendments are proposed to the purposes and functions of the Reserve Bank and the respective roles of the Reserve Bank and the Minister in regard to prudential regulation.

### ***Purpose and functions of the Reserve Bank***

11. Banks, NBDTs and insurance companies are to be prudentially regulated for different purposes, as follows:
  - Banks: the promotion of a sound and efficient financial system and avoidance of significant damage to the financial system that could result from the failure of a bank;
  - NBDTs: the promotion of a sound and efficient financial system and confidence in the financial sector that encourages participation by providers and consumers; and
  - Insurance: the promotion of policyholder protection.
12. The regulatory functions the Reserve Bank would perform to achieve these purposes also differ:
  - Banks: to license and undertake prudential supervision of banks;
  - NBDTs: to license NBDTs, be responsible for various obligations upon NBDTs to be included in regulations (eg relating to capital and governance) with frontline supervision of NBDTs to be undertaken by trustees; and
  - Insurance: to license and undertake prudential supervision of insurance companies.
13. There are key differences with NBDTs and insurance that would make it difficult to formulate functions and purposes that are broad enough to satisfactorily cover all entity/industry types within the prudential purposes and functions currently set out in the Reserve Bank Act. Therefore, it would be more effective to have separate purposes and functions for each entity type.
14. It is proposed that separate legislative provisions be developed for the purposes and functions related to the regulation of NBDTs and insurance. These would be administered by the Reserve Bank. As the single prudential regulator, the

Reserve Bank would still make judgements across the financial sector. Its prudential regulation of all entity types is relevant to its broad focus on financial system stability.

### ***The role of the Reserve Bank and the Minister***

15. Government should have the opportunity to be involved in issues that raise policy considerations, to ensure that the value judgements underpinning policy reflect those of society at large, that policy in specific areas supports the government's wider strategic objectives and that priorities and policy are coherent and consistent across government. At the same time, government involvement in regulatory functions raises a number of risks that need to be guarded against:
  - the risk of a perception of government endorsement of regulation and thereby an implied guarantee of regulated entities;
  - the risk of poorer quality regulation, if political concerns lead to inconsistency in regulatory approach over time and reduced regulatory certainty, or to regulation that is short-term in focus;
  - more opportunity for lobbying by industry, and associated political risks;
  - in the case of financial sector regulation, risks to New Zealand's international reputation, given the weight put on independence of regulation in this sector.
16. The Reserve Bank has independence in setting prudential rules and applying them to banks. It also has independence in determining the outcomes it seeks to achieve, based on the objectives set out in statute. To guard against the risks identified above, the government's engagement with the Reserve Bank should not extend to involvement in these regulatory decisions.
17. It is proposed that the government have a greater ability to engage with the Reserve Bank in its development of prudential regulation objectives, to ensure they are aligned with (or not inconsistent with) government's objectives for the financial sector. It is proposed that engagement on prudential regulation objectives be facilitated through giving the Minister of Finance the authority to:
  - require the Reserve Bank to provide a response through the Statement of Intent process to any comments made by the Minister on the financial sector outcomes set out in the Reserve Bank's draft Statement of Intent, demonstrating how it has taken comments into account in the formulation of its objectives and, if not, why not; and
  - direct the Reserve Bank to have regard to a statement of Government policy objectives relating to the financial sector functions and objectives of the Reserve Bank and to demonstrate in its Statement of Intent how it has done so.
18. These changes would enable the Minister to engage with the Reserve Bank on the outcomes it is seeking to achieve, but would maintain the Reserve Bank's independence in its regulatory functions. This engagement would be further

supported by introducing greater specificity on the content of the Statement of Intent (as is proposed below).

### **Accountability**

19. Accountability arrangements provide the system of oversight that supports governance arrangements, by determining how the agency can be held to account for the use of its powers. Formalisation of some reporting arrangements and a greater statutory focus on financial sector functions are recommended to enable better assessment of the Reserve Bank's performance and the performance of the new regulatory regime.

### **Enhanced reporting**

20. The Reserve Bank's Statement of Intent and Annual Report describe the issues being faced by the Reserve Bank and the initiatives and strategies it is undertaking to address them. These documents do not currently provide much information on the Reserve Bank's prudential functions. It is proposed that the Reserve Bank's Statement of Intent be required to contain information that is required of a Statement of Intent under the Crown Entities Act. This would mean it provides more ex ante information about the specific impacts, outcomes or objectives the Reserve Bank seeks to achieve or contribute to through prudential regulation, its intended actions and the main measures and standards by which its future performance may be judged.
21. The Annual Report contains information needed to enable an informed assessment of the effectiveness of the Reserve Bank in the exercise of its functions. It is proposed that this include an assessment against the intentions, measures, and standards set out in the Statement of Intent, as is required of an Annual Report under the Crown Entities Act. The Reserve Bank (in consultation with the Treasury) will develop measures that enable users of the report to assess the Reserve Bank's performance. Of particular interest in the next few years will be the effectiveness of the Reserve Bank's regulation of NBDTs and insurance companies.
22. It is proposed that the Reserve Bank's *Financial Stability Report* contain detailed reporting on the soundness and efficiency of the financial sector and macro-economy, and the performance of the prudential regulation regime and its implications for the financial sector. Of particular interest in the next few years will be an assessment of the impacts of the new regulatory regime on regulated entities. It is recommended the preparation of the *Financial Stability Report* become a statutory requirement on the Reserve Bank.
23. As well as improving reporting, the Reserve Bank could increase transparency around its policy making process, to give the public a greater understanding of how it determines its principles and its regulatory approach. This is important where the Reserve Bank's policies do not require government decisions and so are not subject to the same transparency requirements associated with departmental policy processes. The Reserve Bank of New Zealand Act 1989 (RBA) requires the Reserve Bank to publish the principles on which it bases its regulatory decisions. It is proposed that the Reserve Bank also be required to produce more assessment of the expected net benefits of its policies.

### **Enhance monitoring**

24. With the proposed increase in resources to be devoted to prudential activity within the Reserve Bank, it is proposed that those bodies responsible for monitoring the Reserve Bank increase their focus on its financial sector functions. The Reserve Bank's Board, the Treasury and Parliament's Finance and Expenditure Select Committee currently assess the Reserve Bank's activities and performance, but their focus is largely on monetary policy.
25. To reflect the increase in financial sector activities, it is proposed that a new purpose statement be introduced at the beginning of the Reserve Bank Act that sets out the Reserve Bank's key functions – monetary policy and the promotion of a sound and efficient financial system. It is also proposed that s53 of the Act, which outlines the functions of the Board, be amended to increase the Board's focus on prudential functions when reviewing the performance of the Reserve Bank and the Governor. Neither measure would alter the Reserve Bank's primary focus on monetary policy.
26. It is proposed that the *Financial Stability Report* be provided to the Minister of Finance six monthly and that s/he be required to present it to the House of Representatives, to enhance Parliamentary scrutiny of prudential functions.

### **Policy Responsibilities**

27. With the proposal that the Reserve Bank become responsible for prudential regulation of NBDTs and insurance as well as banks, it is necessary to determine the policy advice responsibilities of the Reserve Bank, Treasury and the Ministry of Economic Development (MED). It is recommended that responsibility for policy issues be based on their fit with an agency's business and strategic direction and the capacity of an agency to provide the advice needed, when requested by the responsible Minister.
28. On the basis of business fit, it is proposed the Reserve Bank be responsible for providing policy advice on prudential regulation and the operation of the financial system. However, by virtue of not being a state sector department, the Reserve Bank has a relationship with its Minister that is formally more arms-length than that of a department. This may create uncertainties about the Minister's ability to seek advice from the Reserve Bank. It is proposed that s33 of the Reserve Bank Act, under which the Reserve Bank provides advice to the Minister, be amended to allow the Minister to require the Reserve Bank to provide advice and information in relation to any areas in which it has the lead role.
29. The Minister of Finance may wish to regularly agree with the Reserve Bank a policy programme on prudential regulation and the operation of the financial system, and a process for assessing the Reserve Bank's policy activities. This will be developed in 2007/08, in parallel with discussions with Treasury on the monitoring of the Reserve Bank's performance.
30. It is proposed that other agencies continue to provide advice when prudential regulation raises implications for their areas of responsibility. While MED would no longer provide lead prudential policy advice on NBDTs and insurance, both

Treasury and MED would provide advice to their respective Ministers on the implications of prudential regulation for their areas of focus and on related areas that fall within their responsibilities, such as market conduct regulation. Proposed agency responsibilities are as follows:

|              |   |
|--------------|---|
| Reserve Bank | <ul style="list-style-type: none"> <li>• Prudential regulation: legislation, principles, rules and international agreements for banks, NBDTs and insurance companies</li> <li>• Financial sector developments and financial stability</li> </ul>  |
| MED          | <ul style="list-style-type: none"> <li>• Economic development: implications of financial market regulation, quality of regulation and consistency of regulation frameworks</li> <li>• Business/commercial law: financial sector matters, such as market conduct regulation (incl. NBDTs and insurance), changes in disclosure requirements</li> </ul>   |
| Treasury     | <ul style="list-style-type: none"> <li>• Economic and strategic advice: affects of legislation and regulations, impact of financial sector regulation on broader government objectives such as economic growth and international connectedness</li> <li>• Central agency role: advice on institutional design, whole-of-government policy coherence</li> <li>• Ownership role: advice on Reserve Bank accountability and performance</li> </ul> |

### ***Immediate Handover of Policy and Portfolio Responsibilities***

31. If Cabinet agrees to the Reserve Bank becoming responsible for policy advice on the prudential regulation of NBDTs and insurance companies, it is proposed that the transfer of policy responsibilities happen as soon as possible. This would increase the resources available for RFPP policy development for NBDTs and insurance. It would also ensure the policy settings developed are appropriate for the Reserve Bank in its future role as prudential regulator.
32. Changes in policy responsibilities imply some changes to Ministerial portfolios, although these are not significant. As with a single prudential regulator, there would be advantages in having one Minister responsible for all prudential regulation. This Minister would be in a position to consider the broader implications of approaches taken in particular parts of the sector. With the proposal to give the Reserve Bank responsibility for prudential policy advice, the Minister of Finance may be best placed to take on these portfolio responsibilities, given responsibility for the Reserve Bank currently falls within the Finance portfolio.

### **Funding Arrangements**

33. The Reserve Bank will need additional resources to undertake prudential regulation of NBDTs and insurance companies. Funding for the new activities could come through public sources (the Reserve Bank's Funding Agreement or a Parliamentary appropriation) or charges on market participants (through levies and/or fees).
34. Companies may be required to pay a charge to the government where their actions generate a need for regulation and where they or their customers receive the benefits of that regulation (in accordance with Treasury's Guidelines on Setting Charges in the Public Sector). On these grounds, a fee could be charged to both insurance companies and NBDTs: insurance companies because it is their policyholders that benefit from the regulation and NBDTs because the actions of some companies have created a need for regulation. However, in the

case of NBDTs, these costs are offset by the significant public benefits associated with greater stability in the NBDT sector and the charges they already pay to trustees for prudential regulation (although this is not paid to government). It is therefore proposed that the cost of prudential regulation of NBDTs be met from public funding and that the cost of regulation of insurance companies be met through a levy.

35. The Committee could consider whether it wishes to also meet the costs of regulating insurance companies through public funding, if it is concerned about overall level of costs being imposed by the reforms. While there are sound reasons for charging a levy, insurance companies will face increased costs through complying with the regulatory changes (such as meeting prudential standards, preparing information for disclosure audit requirements, providing credit ratings).
36. If the Committee does not choose to waive the levy, officials will report back on options for charging in the forthcoming paper on insurance regulation. With approximately 155 insurance providers, the average annual amount levied would be roughly \$12,000 per company, but a levy may be charged on the basis of company size or regulatory activity rather than average costs. Officials will consult with industry on the nature of the levy.
37. The Funding Agreement between the Reserve Bank and the Minister of Finance is the mechanism that is currently used to fund the Reserve Bank's activities. It is recommended that the Funding Agreement remain the basis for public funding rather than Parliamentary appropriation and that additional funding requirements be met out of a renegotiated Funding Agreement.
38. The Funding Agreement is consistent with international principles on banking supervision that require the supervisor to be financed in a manner that does not undermine its regulatory independence. To move to an appropriation for these functions could imply a closer relationship between the Crown and the Reserve Bank in terms of regulation of NBDTs and insurance companies than is the case with its other functions. This may have unintended implications for the degree of Reserve Bank regulatory independence (or perceptions of this) in this area.

### **Assessment of Package as a Whole**

39. Overall, the package of proposals in this paper provides sufficient confidence in the Reserve Bank's suitability for the role of single prudential regulator and therefore it is proposed that Cabinet confirm its earlier in-principle decision. The package ensures the Reserve Bank can regulate NBDTs and insurance companies for the purposes identified by government and ensures the government is able to continue to engage with the Reserve Bank on objectives for prudential regulation. It ensures good quality policy advice and information are available to inform judgements about the performance of the sector and the Reserve Bank. It preserves the Reserve Bank's regulatory independence and does not compromise its primary focus on monetary policy.

## **Financial Implications**

40. Once the framework for regulation of NBDTs and insurance is fully implemented (within 3–4 years), the required level of funding for the additional regulatory functions is estimated to be in the order of \$3–5 million per annum: approximately \$1.3 million for regulation of NBDTs and \$1.8 million for insurance companies. The Funding Agreement with the Reserve Bank covers the period to 30 June 2010 but does not account for the new prudential responsibilities.
41. Over the transition phase (the next 2–3 years) additional funding will be needed, but this is likely to be more modest (current estimates are for around \$2 million in 07/08, just over \$1 million in 08/09 and around \$3 million in 09/10). The Reserve Bank will seek the agreement of the Minister of Finance (for subsequent ratification by Parliament) for supplementary funding for its new prudential responsibilities for NBDTs and insurance.
42. The transfer of functions from MED to the Reserve Bank implies only a minimal reduction in MED's funding requirements and only in relation to insurance. Current regulation of insurance and superannuation costs \$0.147 million under the Vote Commerce appropriation. MED will transfer the funding currently used for insurance to other parts of MED (i.e. additional Companies Office functions, dispute resolution monitoring and advice) and will seek additional funding to the degree that these funds are insufficient for new functions. This issue will be addressed in the RFPP report back on funding implications in November.

## **Legislative Implications**

43. Two sets of legislative changes are proposed to reflect the Reserve Bank's new role as the single prudential regulator – changes to governance and accountability arrangements in the Reserve Bank of New Zealand Act and new legislative provisions setting out its new regulatory functions and powers.

### ***Legislative changes to governance and accountability provisions***

44. Changes to the Reserve Bank of New Zealand Act are proposed to implement the governance and accountability proposals in this paper. A slot on the 2007 legislative programme is sought for a Reserve Bank of New Zealand Amendment Bill in Category 4: To proceed to select committee in 2007. Drafting instructions are to be provided to Parliamentary Counsel in August 2007 and the Bill is to be introduced in November/December 2007. The timing of enactment will be tied to the enactment of related Bills in the Review of Financial Products and Providers.
45. The Minister of Finance is to be the Minister in charge of the Bill and the Reserve Bank is the responsible department, in consultation with the Treasury. The amendments are expected to involve 20 clauses of low to medium complexity. The Reserve Bank may seek to include further amendments to the Reserve Bank of New Zealand Act in the Bill. These amendments relate to other matters, on which policy decisions are expected in July 2007.

### ***Legislative provisions for new regulatory functions and powers***

46. As noted earlier, it is proposed that separate legislative provisions be developed for the regulation of NBDTs and insurance. The legislative arrangements (or

legislative architecture) need to support the objectives for which financial institutions are to be regulated. This includes both the objectives for each class of financial institution and the systemic objectives of soundness and efficiency. Options for legislative architecture are:

- including provisions on the prudential regulation of NBDTs and/or insurance companies in the Reserve Bank Act as separate Parts of the Act;
- developing stand alone Acts on NBDTs and/or insurance; and
- bringing prudential regulation of NBDTs, insurance companies and banks together in a new Prudential Regulation Act.

47. The first two approaches have the advantage of reflecting that the new functions have many common elements with the Reserve Bank's existing functions. They would require a slightly lower level of legislative change as they do not require re-enactment of existing provisions relating to banking. The third approach has the advantage of drawing together the prudential regulation functions and would set out a framework for prudential regulation as a whole. It has the advantage of separating provisions dealing with prudential regulation functions from those dealing with monetary policy, but could also separate it from other financial sector functions, such as the payment systems. It would also require existing banking provisions to be re-enacted. In all cases, there will need to be coordination between the Reserve Bank Act and any new Acts, in terms of the provisions related to the operation of the Reserve Bank.

48. It is proposed that officials report back on legislative arrangements for the new regulatory functions and powers when they report back on the NBDT regulatory model in July. At that stage, officials will be in a better position to assess the coherence of its purposes and functions across entity types and assess whether there are sufficient commonalities to develop an overarching legislative framework for prudential regulation.

### **Regulatory Impact Statement**

49. Regulatory impact statement attached.

### **Treaty Implications**

50. No implications.

### **Human Rights Act**

51. No implications.

### **Publicity**

52. Reference to the Reserve Bank's role as the single prudential regulator will be included in the announcements discussed in the overview paper.

## **Consultation**

53. The proposals in this paper have been developed in consultation with the Reserve Bank, the Ministry of Economic Development, the State Service Commission, the Securities Commission and the Ministry of Justice. The Cabinet Office has also been consulted and their views incorporated. The Department of Prime Minister and Cabinet has been informed of the proposals.

## **Recommendations**

54. It is recommended that the Committee:
- 1 note that in December 2005 Cabinet agreed in principle that the Reserve Bank be the prudential regulator for the financial sector;
  - 2 agree to confirm the in principle decision that the Reserve Bank be the prudential regulator for the financial sector;

### ***Governance and accountability***

- 3 agree that the Reserve Bank be required to provide a response to any comments made by the Minister of Finance on the prudential regulation outcomes set out in the Reserve Bank's draft Statement of Intent, demonstrating how it has taken comments into account in the formulation of its objectives;
- 4 agree to introduce an authority for the Minister of Finance to direct the Reserve Bank to have regard to a Statement of Government Policy Objectives relating to the prudential regulation functions and objectives of the Reserve Bank, based on the model that applies to Autonomous Crown entities under the Crown Entities Act 2003, and to demonstrate how it has done so in its Statement of Intent;
- 5 agree that the Reserve Bank's Statement of Intent requirements be amended so that it contains the information that is required of a Statement of Intent under the Crown Entities Act and that the Reserve Bank's Annual Report requirements be amended so that it reports on the information set out in the Statement of Intent;
- 6 agree that the Reserve Bank be required to publish the *Financial Stability Report* six monthly and provide it to the Minister of Finance, who is to present it to the House of Representatives, and that the report contain the information necessary to allow assessments to be made of the activities undertaken by the Reserve Bank to achieve its statutory prudential regulation purposes;
- 7 agree to amend the Reserve Bank of New Zealand Act to include a purpose statement that reflects the increase in prominence of the Reserve Bank's prudential functions and to increase the Reserve Bank Board's monitoring of these functions;
- 8 agree that the Reserve Bank be required to produce more assessment of the expected net benefits of its policies;

- 9 invite the Reserve Bank (in consultation with the Treasury) to develop measures of performance for the Reserve Bank's prudential functions and for the financial sector in 07/08 to be included in its Statement of Intent;

### ***Policy responsibilities***

- 10 agree that the Reserve Bank be responsible for the provision of policy advice on prudential regulation to the Minister of Finance;
- 11 agree to amend the Reserve Bank of New Zealand Act to allow the Minister of Finance to require the Reserve Bank to provide advice and information in relation to any areas in which it has the lead role;
- 12 agree that the transfer of responsibility for policy advice from MED to the Reserve Bank be effective immediately to expedite the completion of the policy development for non-bank deposit takers and insurance companies;

### ***Funding approach***

- 13 agree that the costs of regulating non-bank deposit takers be met through a renegotiation of the Reserve Bank's Funding Agreement, to be ratified by Parliament;
- 14 EITHER
  - 14.1 agree in principle that the costs of regulating insurance companies be met through a levy and that, after consulting with industry, officials report back on options for charging a levy when reporting back to EDC on insurance regulation in November 2007;
  - OR
  - 14.2 agree that, in recognition of the additional costs to be met by companies as a consequence of the reforms, the costs of regulating insurance companies be met through a renegotiation of the Reserve Bank's Funding Agreement, to be ratified by Parliament;
- 15 direct officials to address the financial implications associated with transferring functions between MED and the Reserve Bank when reporting back to EDC on detailed costings and funding options in November 2007;

### ***Legislative changes***

- 16 agree to add a Reserve Bank of New Zealand Amendment Bill to the 2007 legislative programme in Category 4: To proceed to select committee in 2007, to give effect to the decisions related to governance and accountability arrangements in recommendations 3 – 8 and 11;
- 17 invite the Minister of Finance to issue drafting instructions to Parliamentary Counsel accordingly;

- 18 agree that the purposes and functions related to the regulation of non-bank deposit takers and insurance companies be set out in separate legislative provisions rather than included in the provisions of the Reserve Bank of New Zealand Act that relate to the regulation of registered banks; and
- 19 direct officials to report back on which Acts require amendment and whether new Acts are required to house the purposes and functions related to the regulation of non-bank deposit takers, insurance companies and banks as part of further advice on the regulation of non-bank deposit takers in July 2007.

Hon Dr Michael Cullen  
Minister of Finance

Hon Lianne Dalziel  
Minister of Commerce

## Consultation on Cabinet and Cabinet Committee Submissions

### Certification by Department

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|---|---|-------------|
| <p>Guidance on the consultation requirements for Cabinet and Cabinet committee papers is provided in chapter 11 of the Step by Step Guide: Cabinet and Cabinet Committee Processes, available at <a href="http://www.dPMC.govt.nz/cabinet/guide/11.html">http://www.dPMC.govt.nz/cabinet/guide/11.html</a>.</p>   |   |             |
| <p><b>Departments/agencies consulted:</b> The attached submission has implications for the following departments/agencies whose views have been sought and are accurately reflected in the submission:</p> <p>Reserve Bank, Ministry of Economic Development, State Services Commission, Securities Commission, Ministry of Justice, Ministry of Social Development, Cabinet Office</p> |   |             |
| <p><b>Departments/agencies informed:</b> In addition, the following departments/agencies have an interest in the submission and have been informed:</p> <p>Department of Prime Minister and Cabinet</p>   |   |             |
| <p><b>Others consulted:</b> Other interested groups have been consulted as follows:</p> <p>.....</p>  |   |             |
| <b>Signature</b>  | <b>Name, Title, Department</b>                | <b>Date</b> |
|   | Pauline Nesdale, Manager, Business Regulation | / /         |

### Certification by Minister

|   |   |             |
|---|---|-------------|
| <p>Ministers should be prepared to update and amplify the advice below when the submission is discussed at Cabinet/Cabinet committee. The attached submission/proposal:</p> |   |             |
| <b>Consultation at Ministerial level</b>  | <input type="checkbox"/> did not need consultation with other Ministers<br><input type="checkbox"/> has been consulted with the Minister of Finance<br><i>[required for all submissions seeking new funding]</i><br><input type="checkbox"/> has been consulted with the following Minister(s) .....<br>.....   |             |
| <b>Consultation with Labour/ Progressive caucuses</b>   | <input type="checkbox"/> does not need consultation with the government caucuses<br><input type="checkbox"/> <b>has been</b> or <input type="checkbox"/> <b>will be</b> consulted with the government caucuses  |             |
| <b>Consultation with other parties</b>  | <input type="checkbox"/> does not need consultation at parliamentary level<br><input type="checkbox"/> <b>has been</b> consulted with the following other parties represented in Parliament:<br><input type="checkbox"/> New Zealand First <input type="checkbox"/> United Future <input type="checkbox"/> Green Party <input type="checkbox"/> Other [specify].....<br><input type="checkbox"/> <b>will be</b> consulted with the following other parties represented in Parliament:<br><input type="checkbox"/> New Zealand First <input type="checkbox"/> United Future <input type="checkbox"/> Green Party <input type="checkbox"/> Other [specify]..... |             |
| <b>Signature</b>  | <b>Portfolio</b>  | <b>Date</b> |
|   |   | / /         |