

Reference: 20230568

27 February 2024

Dear [REDACTED]

Thank you for your Official Information Act request, received on 10 December 2023. You requested the following:

I request the following information concerning the suspension of Regulatory Impact Assessments (RIAs) by the New Zealand government during its terms from 2017 to 2023:

- 1. Details of Occurrences: Specific instances, including dates, when RIAs were suspended for policy decisions or implementations.*
- 2. Ministers Involved: Identification of the minister(s) responsible for the decision to suspend RIAs for each identified instance.*
- 3. Policies Affected: Detailed information about all specific policies for which RIAs were suspended, including the nature of these policies and their intended outcomes.*

This request excludes any information regarding recent leaks about the National Party doing similar actions as that has already been brought to light.

...I am specifically interested in understanding the circumstances and rationale behind these suspensions, as well as their impact on policy formulation and implementation. If some parts of this information are to be withheld, I request that you provide the reasons for the refusal as per the provisions of the Act. Please also note that the use of the term RIA should be considered interchangeable with RIS in cases where they materially mean the same thing.

On 20 January 2024, the timeframe to make a decision on your request was extended by 20 working days.

Context

The RIA requirements are the set of rules that Cabinet has set which apply to proposals which have a regulatory component. [Cabinet circular CO \(20\) 2](#) is the current source of the requirements and outlines which regulatory proposals may be eligible for an exemption under business-as-usual circumstances.

All policy proposals taken to Cabinet for approval that include a "government regulatory proposal" must be accompanied by a Regulatory Impact Statement (RIS) unless an exemption applies. A "government regulatory proposal" is a proposal that will ultimately require amending or repealing primary or secondary legislation.

Specific instances suspending the requirement for RIA

31 October 2017–3 February 2018

Rt Hon Jacinda Ardern

After the 2017 election, the Government decided to allow for flexibility in the regulatory impacts analysis (RIA) process for proposals that were part of the 100 Day Plan and progressing at pace. This was not a complete suspension of the RIA requirements, but a streamlining of what was required to be produced. Streamlining the RIA requirements was intended to account for the time constraints under which policies were developed during the 100 Day period.

Agencies were encouraged to complete full RIA to the extent possible. Where time constraints prevented this, agencies were to focus on particular areas of analysis including key limitations and constraints, implementation, and monitoring or review.

Advice on the application of RIA requirements to 100 Day Plan proposals was provided on a case-by-case basis and the Treasury doesn't hold a record of the level of analysis produced for each individual policy. For the list of policies for which a streamlined approach to RIA was allowed to be used, please refer to item 3.

23 March – 30 June 2020

Hon Grant Robertson

In March 2020, the Government temporarily suspended the RIA requirements for proposals directly relating to the Covid-19 response. This decision was made due to the urgent circumstances under which COVID-19 response policies needed to be developed.

While there was a suspension in place for Covid-19 proposals, permanent exemption grounds were developed that could be used under circumstances of a declared emergency where urgent policy processes were required. These emergency exemption grounds (outlined in [Cabinet circular CO \(20\) 2](#)) were introduced at the same time as the suspension was lifted on 30 June 2020 .

Information being released

Please find enclosed the following documents:

Item	Date	Document Description	Decision
1.		2017 Guidance to departments on the application of Regulatory Impact Analysis requirements to 100 Day Plan priorities	Release in full
2.	31 October 2017	Achieving our 100 Day Plan	Release in full
3.	20 March 2018	Completion of 100 Day Plan and next steps	Release in full
4.	May 2020	Temporary suspension of RIA for direct COVID-19 responses	Release in full
5.		Internal RIA Team tracking document for COVID-19 proposals	Release in full

Note for item 5: This table was an internal Treasury document used for tracking proposals and RIA requirements during the COVID-19 suspension. It may not be an exhaustive list of the policies that were subject to the suspension. The information could be out of date or incorrect. It also does not include the details of proposals where agencies did not engage with the RIA team and the RIA requirements were not met (i.e. the requirements were not suspended for these proposals).

I have decided to release the documents listed above, subject to information being withheld under section 9(2)(k) of the OIA, to prevent the disclosure of information for improper gain or improper advantage.

Direct dial phone numbers of officials have been redacted under section 9(2)(k) in order to reduce the possibility of staff being exposed to phishing and other scams. This is because information released under the OIA may end up in the public domain, for example, on websites including Treasury's website.

Information publicly available

The following information is also covered by your request and is publicly available on the websites of the Treasury and the Department of the Prime Minister and Cabinet:

Item	Date	Type	Title
6.	23 March 2020	Cabinet Minute	Cabinet Minute: CAB-20-MIN-0138: Additional Item: Temporary Suspension of Regulatory Impact Analysis Requirements for Direct COVID-19 Responses (treasury.govt.nz)
7.	23 March 2020	Treasury Report	T2020/719 Oral item for Cabinet 23 March 2020: Temporary suspension of Regulatory Impact Analysis requirements for direct Covid-19 responses.
8.	31 March 2020	Treasury Advice	Agency Guidance: Temporary suspension of RIA requirements for direct COVID-19 responses - 31 March 2020
9.	19 May 2020	Treasury Report	T2020/1540 Treasury Report: Ending the Temporary RIA Suspension for COVID-19 Regulatory Proposals. 19 May 2020. Released 24 February 2021 as part of Official Information Act Response 20200386 - Request for multiple reports to Minister of Finance May 2020 - Received 9 Nov 2020 - Published 12 Nov 2021 - The Treasury
10.	18 June 2020	Cabinet Minute	Cabinet Minute GOV-20-MIN-0017: Ending the Temporary Suspension of Regulatory Impact Analysis (RIA) Requirements, and Introducing New RIA Provisions for Future Emergencies (18 June 2020)
11.	26 June 2020	Cabinet Circular	CO (20) 2: Impact Analysis Requirements - June 2020 - Cabinet Office, Department of the Prime Minister and Cabinet (dpmc.govt.nz)

Item	Date	Type	Title
12.	8 December 2021	Treasury Report	T2021/3044 Treasury Report: Regulatory impact analysis requirements for COVID-19 Policies (8 December 2021) released in response to OIA 20220087 https://www.treasury.govt.nz/sites/default/files/2022-07/oia-20220087.pdf
13.	9 June 2020	Cabinet paper	Ending the Temporary Suspension of RIA Requirements, and Introducing New RIA Provisions for Future Emergencies: Cabinet Paper GOV-20-SUB-0017: Ending the Temporary Suspension of RIA Requirements, and Introducing New RIA Provisions for Future Emergencies The Treasury New Zealand
14.	18 June 2020	Cabinet minute	Cabinet Minute: GOV-20-MIN-0017: Ending the Temporary Suspension of Regulatory Impact Analysis (RIA) Requirements, and Introducing New RIA Provisions for Future Emergencies The Treasury New Zealand

Accordingly, I have refused your request for the documents listed in the above table under section 18(d) of the OIA, as the information requested is or will soon be publicly available.

Some relevant information has been removed from documents listed in the above table and should continue to be withheld under the Official Information Act, on the grounds described in the documents.

Please note that this letter (with your personal details removed) and enclosed documents may be published on the Treasury website.

This reply addresses the information you requested. You have the right to ask the Ombudsman to investigate and review my decision.

Yours sincerely

Erin King
Manager, Regulatory Strategy

20230568

Table of Contents

1.	<u>2017 Guidance to departments on the application of Regulatory Impact Analysis requirements to 100 Day Plan priorities</u>	1
2.	<u>Achieving the 100 Day Plan</u>	4
3.	<u>Completion of 100 Day Plan and next steps</u>	8
4.	<u>Temporary suspension of RIA for direct COVID-19 responses</u>	14
5.	<u>Internal RIA Team tracking document for COVID-19 proposals</u>	17

Guidance to departments on the application of Regulatory Impact Analysis requirements to 100 Day Plan priorities

Purpose

1. This document sets out Treasury guidance on how departments should approach Regulatory Impact Analysis for 100 Day Plan priorities.

Background

2. Regulatory Impact Analysis (RIA) is a key tool for the provision of free and frank departmental analysis, supporting evidence-based policy development, and supporting transparency and accountability of regulatory decisions. This includes ensuring Ministers (and their colleagues at Cabinet) have the opportunity to consider the full range of options for achieving a policy objective
3. However, the pace at which policy related to priorities in the 100 Day Plan will need to be developed, and the specific nature of some commitments, will likely limit the value to Ministers and departments of applying the usual regulatory impact analysis process. The specific time constraints are likely to impact on the ability of departments to complete the analysis to the normally required standard, which may result in requirements for supplementary analysis that are not relevant given the circumstances.
4. In developing this guidance we have sought to balance the aim of providing Ministers with free and frank analysis to assist them to achieve their goals, with the recognition of the impact of the time constraints on departments' ability to undertake full RIA.
5. The extent to which the available time constrains the advice will vary between the priorities, depending on the nature of that priority and the timing of its consideration. Some 100 Day Plan priorities may be new proposals, whereas others may relate to areas that have previously been the subject of significant analysis which can be drawn on.
6. The scope of this guidance is limited to policies included in the 100 Day Plan. As set out in the Prime Minister's advice to Cabinet, "Achieving our 100 Day Plan" (30 October 2017), the Prime Minister's expectation is that departments will comply with the regulatory impact analysis requirements for all policy proposals not related to the 100 Day Plan. As noted by the Prime Minister, expecting departments generally to meet the regulatory impact analysis requirements is consistent with the Government's commitment to building public confidence in government, to an independent public service, and to be bound by the Cabinet Manual.

Guidance

Preparing RIA

7. For 100 Day Plan priorities, departments should:
 - use the Impact Statement template (not the summary template)
 - use the proposed regulatory change set out in the 100 day plan as the starting point for the analysis, in place of a standard problem definition
 - try to undertake as much of the elements of RIA as they can, including drawing on previous analysis where applicable

- where time constraints preclude full RIA analysis **departments should focus in particular on:**
 - Section 1 (General Information) – this includes using the “Key Limitations or Constraints” section to be as clear as possible about the limitations of their analysis, for example relating to their scoping of the problem, the quality of data used for impact analysis, or the extent to which stakeholder views could be ascertained.
 - Section 6 (Implementation and operation) to provide analysis of design and implementation options for delivery of the proposed change; and
 - Section 7 (Monitoring, evaluation and review)
 - In addition, departments should **also complete, to the extent possible, the following sections:**
 - Section 2 (Problem definition) – fill in with brief details including using the proposed regulatory change set out in the 100 Day Plan in place of a standard problem definition
 - Section 5 (Conclusions) – focus on subsection 5.2 (Summary table of costs and benefits of the preferred approach) in qualitative or (ideally) quantitative terms, of the proposed change
 - Remaining sections only need to be completed if agencies have relevant information readily available.
8. We also encourage departments to recommend where impact analysis of detailed design decisions may still need to be considered before Ministers make final decisions to proceed.

Quality Assurance (QA)

9. QA of RIA relating to 100 Day Plan priorities can be undertaken by agencies’ RIA panels or by Treasury’s Regulatory Quality Team (RQT) in accordance with existing arrangements. We expect that the majority of the regulatory priorities relating to the 100 day priorities will be significant and therefore will be QAd by the Treasury. Where agency QA panels are undertaking QA they should consult with the Manager or Team Leader of RQT before finalising their QA statement (see contact details at the end of the document).
10. QA statements for 100 Day Plan priorities do not need to include a formal rating (“Meets/partially meets/does not meet”) given the rating isn’t particularly informative in this context. However the QA statement should still discuss the strengths and weaknesses of the analysis contained in the RIA, to advise Ministers of the extent to which they should be able to rely on this analysis to inform their decision-making.
11. The wording of the QA statement should be clear (as is the case currently) that the QA relates only to the quality of the analysis summarised in the RIA and whether the RIA clearly acknowledges the constraints and limitations of the advice. The QA statement should also highlight areas where subsequent monitoring and advice to Ministers, to mitigate any gaps in RIA, could be of benefit.
12. QA statements are included in the Impact Statement template and consequently are published as part of the RIA to provide transparency around the quality of the advice that that informed cabinet’s decision. To retain this transparency we do not propose to change this aspect of the RIA process.

Supplementary Analysis Reporting

13. In the absence of a formal rating of the RIA in the QA statement, the current Cabinet requirement for Supplementary Analysis in the event of inadequate RIA would not be formally triggered. As noted above, the QA statement should be used to highlight to Ministers areas where subsequent monitoring and advice to Ministers could be of benefit.
14. Where RIA is required but not provided, the requirement for Supplementary Analysis would be triggered. Treasury will advise the Minister of Finance on a case-by-case basis, on whether there is likely to be value in the provision of additional advice, and the areas that advice could focus on.

For further information please contact the Regulatory Quality Team (contact details below).

**Regulatory Quality Team, Treasury
October 2017**

Contact details:

- Matthew Gilbert - Manager, Regulatory Quality Team s 9(2)(k)
matthew.gilbert@treasury.govt.nz
- Helen McDonald – Team Leader, Regulatory Quality Team s 9(2)(k)
helen.mcdonald@treasury.govt.nz

OFFICE OF THE PRIME MINISTER

CABINET

Achieving our 100 Day Plan

Proposal

1. We have committed to making change across a range of policy areas within our first 100 days in office. This is our opportunity to work together to begin charting a new course for New Zealand. To ensure we meet our commitments, I have asked the Department of the Prime Minister and Cabinet (DPMC) to support Ministers, to co-ordinate across the public sector, and to monitor progress on the actions required to deliver our 100 Day Plan.
2. This paper sets out the arrangements that will be put in place to ensure we meet our commitments.

Comment

3. I am advised that for all areas of the 100 Day Plan, relevant officials have begun work to provide Ministers with options on how to deliver on our commitments. The attached table gives an early indication of the key deliverables that may be required for each.
4. Your officials will discuss with you their recommended approaches to delivering on our commitments. I expect the key deliverables outlined in the attached table to change as you engage with departments and each other, and determine the best way to proceed.

Ensuring effective working arrangements between Ministers and officials

5. We have until 3 February 2018 to deliver our 100 Day Plan. On Thursday I outlined to you my expectations for how we will work together in government. I expect us to be open and frank in our dealings with each other and to abide by collective Cabinet responsibility. Many of our 100 day commitments will require groups of Ministers to work together and commission joint work across agencies. To ensure we have clear leadership on the process for achieving each commitment, I have proposed a lead Minister for each, as set out in the attached table.
6. I intend to establish a Cabinet Business Committee (CBC) to meet weekly until the end of the year. Progress against the 100 day plan will be a standing item on the CBC agenda. As part of this item, I will table a progress report prepared by DPMC in conjunction with affected agencies. This will highlight any risks to meeting our commitments. Papers seeking decisions necessary to deliver on the 100 Day Plan will be prioritised by Cabinet Office on the CBC agendas.
7. To support our discussions at CBC, I have directed the Chief Executive of DPMC to chair a departmental Chief Executives Group. This group will bring

together all departments contributing to delivery of the 100 Day plan and support DPMC in tracking and reporting progress against the plan. It will be responsible for resolving any resourcing pressures or other bottlenecks across the public service that could hinder delivery of our commitments.

8. DPMC's Policy Advisory Group (PAG) will provide co-ordinating policy support to Ministers and Chief Executives. I expect PAG to play a strong co-ordination and oversight role on those aspects of the work programme that involve multiple Ministers and departments, and to lead Central Agency teams' engagements with line agencies. To ensure PAG can do this effectively, I expect Ministers, their offices, and CEs to work with PAG in an open and transparent manner. Likewise, I expect the PAG to be open and transparent with Ministers, their offices, and CEs about any risks to the achievement of our 100 Day Plan, and work with them to help address these.

Consultation

9. In the interests of time, limited consultation has been undertaken on this paper with the Treasury and the Parliamentary Counsel Office.

Financial implications

10. Our Fiscal Plan shows New Zealanders that we will make the investments required to re-build our core public services, reduce inequality and poverty, and invest for the long term benefit of New Zealand, while also responsibly managing our country's finances.
11. Where commitments in our 100 Day Plan have financial implications, the costs of these will impact on the operating balance and net core Crown debt. Most of the estimated costs were included in the Labour Fiscal Plan, so are factored into the Budget Responsibility Rules of delivering a sustainable operating surplus across an economic cycle and reducing the level of net core Crown debt to 20% of GDP within the next five years. Where costs exceed the estimated financial implications, the additional impact on the operating balance before gains and losses (OBEGAL), and net core Crown debt, will need to be managed.

Human rights implications

12. I am advised that the Ministry of Justice will work with the Attorney General to ensure that Bill of Rights Act vetting on draft legislation is undertaken in a co-ordinated and timely manner.

Legislative implications

13. House time will be at a premium, particularly as we move towards the end of the sitting year. Early policy decisions will be crucial to ensure sufficient time for instructions to be provided to the Parliamentary Counsel Office and legislation drafted. The Leader of the House will have a key role to play by determining the order in which legislation must progress through the House.
14. DPMC and the Parliamentary Counsel Office are working with the Leader of the House to develop the legislative programme and will help to ensure

Ministers' offices are aware of the timelines in which the legislation they are responsible for must be prepared.

15. Decisions will need to be made on how each priority that requires legislation will be advanced through the House. This is likely to include short or no Select Committee consideration (for example, where an issue such as Paid Parental Leave has already been before a Select Committee in a similar form). Some may be introduced by way of Supplementary Order Paper. Lead Ministers should discuss their proposed legislation, and options for how to progress it, with the Leader of the House at the earliest opportunity in order to assist in firming up the legislative programme for the end of the year.

Regulatory impact analysis

16. In the normal course, regulatory impact analysis is a useful tool for helping maintain the quality of policy advice tendered by departments to Ministers. This includes ensuring Ministers (and their colleagues at Cabinet) have the opportunity to consider the full range of options for achieving a policy objective. However, because of the pace at which policy related to the 100 Day Plan will need to be developed, and the specific nature of some commitments, Ministers and departments are unlikely to realise value from the usual regulatory impact analysis process. In addition, time pressures will likely impact on the ability of departments to complete the analysis to the normally required standard, which may result in requirements for supplementary analysis that are not relevant given the circumstances.
17. Treasury will work with the Chief Executives Group to identify arrangements that are cognisant of the current circumstances and provide for variation from the normal requirements where warranted. While I am comfortable with this as a temporary measure, I expect departments to comply with the regulatory impact analysis requirements for all policy proposals not related to the 100 Day Plan. Expecting departments generally to meet the regulatory impact analysis requirements is consistent with our commitment to building public confidence in government, to an independent public service, and to be bound by the Cabinet Manual.

Gender implications

18. Our 100 Day Plan will have positive impacts for women, particularly the Families Package and Paid Parental Leave provisions.

Disability perspective

19. It is not expected that our 100 Day Plan will have specific impacts from a disability perspective.

Publicity

20. My intention is to outline how we are implementing our 100 Day Plan in the Speech from the Throne. This paper will be proactively released at an appropriate time subsequent to the Speech from the Throne, and within our first 100 days in office.

Recommendations

21. It is recommended that Ministers:

21.2 **note** that our first 100 days in office will conclude on Saturday 3 February 2018;

21.2 **note** that the attached table sets out the commitments that we will deliver on during those first 100 days (our 100 Day Plan);

21.3 **agree** to the lead Ministers for each commitment, as set out in the attached table;

21.4 **note** that to support the Government in delivering on its commitments, I have directed the Department of the Prime Minister and Cabinet to:

21.4.2 provide a report on progress towards achieving the 100 Day Plan for each Cabinet Business Committee meeting;

21.4.3 chair a departmental Chief Executives Group focused on delivery of the 100 Day Plan, responsible for resolving any issues across the public sector that might hinder delivery of that Plan;

21.4.4 provide co-ordinating policy support to Ministers and departmental Chief Executives, including coordination between Ministers and departments, and lead Central Agency teams' engagements with line agencies;

21.5 **note** that the Leader of the House will determine the legislative programme, and advise Ministers of the implications for when legislation they are responsible for must be ready for introduction into the House.

Authorised for lodgement.

Rt Hon Jacinda Ardern
PRIME MINISTER

Office of the Prime Minister

Chair, Cabinet Priorities Committee

Completion of 100 Day Plan and next steps

Proposal

- 1 Having successfully completed our 100 Day Plan, I seek Cabinet agreement that Cabinet Committees be assigned responsibility for monitoring the related ongoing work programmes established under that Plan. I also want Cabinet to note the resumption of the full Regulatory Impact Analysis requirements, consistent with the Cabinet Manual and existing Cabinet Office Circular.

Background

- 2 On 31 October 2017, Cabinet:
 - noted that the Government's first 100 days in office would conclude on Saturday, 3 February 2018;
 - noted the commitments that the Government intended to deliver on during those first 100 days (the 100 Day Plan); and
 - agreed the lead Ministers for each commitment [CAB-17-MIN-0486].
- 3 The Cabinet Business Committee maintained a standing item on its agenda during the 100 Day period to give oversight of progress against our commitments.

Comment

We successfully completed our 100 Day Plan

- 4 Over our first 100 days in office we successfully:
 - 4.1 Made the first year of tertiary education or training fees free. Around 80,000 people are expected to be eligible for fees free post-school education and training in 2018. Further work to strengthen the delivery model for the fees-free policy delivery model, to ensure it is robust and efficient, is underway.
 - 4.2 Increased student allowances and living cost loans by \$50 a week. This is expected to make more than 130,000 students better off.
 - 4.3 Began work to establish the Housing Commission and the KiwiBuild programme. We have established a KiwiBuild Unit in MBIE, the work of which includes identifying 10-15 large-scale development opportunities for the Housing Commission to commence work on when it is operating. Further work is underway on the proposed form and powers of the Housing Commission [CAB-18-MIN-0001].
 - 4.4 Passed the Healthy Homes Guarantee Bill, which requires all rentals to be warm and dry. The development of Regulations has commenced to set the standards and

timeframes for compliance. The majority of renters across New Zealand are expected to benefit.

- 4.5 Introduced legislation to ban overseas speculators from buying existing houses, and found a way to do this while remaining in the Comprehensive Progressive Trans Pacific Partnership. The Overseas Investment Amendment Bill has been referred to the Finance and Expenditure Select Committee, which is due to report back by 31 May 2018.
- 4.6 Instructed Housing New Zealand to stop the large-scale sale of state housing. Potential transactions in Christchurch and Invercargill have been cancelled.
- 4.7 Passed the Families Package and extension of paid parental leave from 18 to 26 weeks. The Families Package includes a new Winter Energy Payment, the Best Start payment to help families with the cost of a child in their early years, changes to the Accommodation Supplement, and changes to Working for Families tax credits. When the Families Package is fully rolled out by 2021, 384,000 families with children will be better off by an average of \$75 a week, with many lower-income families receiving more.
- 4.8 Established an inquiry to fix our mental health crisis. The inquiry Chair is Ron Paterson who will report back to the Minister of Health by October 2018.
- 4.9 Introduced legislation to make medicinal cannabis available for people with terminal illnesses, with the Bill referred to the Health Select Committee and scheduled for report back by 1 October 2018.
- 4.10 Resumed contributions to the NZ Super Fund, with the first payment being made on 15 December 2017 and regular payments now occurring on the last working day of each month.
- 4.11 Introduced legislation requiring governments to set child poverty reduction targets, and changing the Public Finance Act so the Budget reports progress on reducing child poverty. We have announced our ten year targets, to roughly halve child poverty within ten years, and have begun work to determine our medium term targets and develop a Child Wellbeing Strategy.
- 4.12 Amended regulation to increase the minimum wage to \$16.50/hr from 1 April 2018, and introduced legislation to improve fairness in the workplace. The Employment Relations Amendment Bill has been referred to the Education and Workforce Select Committee, which is due to report back by 1 August 2018.
- 4.13 Established the Tax Working Group, chaired by Sir Michael Cullen, which is due to issue an interim report to the Minister of Finance and the Minister of Revenue by September 2018, and a final report no later than February 2019.
- 4.14 Established the Pike River Recovery Agency, based in Greymouth, and assigned Andrew Little as the responsible Minister. Dave Gawn has been appointed as the CE.
- 4.15 Established an inquiry into the historical abuse of children in state care, with the appointment of Sir Anand Satyanand as Chair, who as a first step will undertake consultation on the draft Terms of Reference.
- 4.16 The timetable and process for setting the zero carbon emissions goal has been determined and publicised, along with important steps that will lead to the creation of

the independent Climate Commission.

- 4.17 Introduced new electoral integrity legislation (“waka jumping” legislation). The Electoral (Integrity) Amendment Bill has been referred to the Justice Select Committee, which is due to report back by 30 July 2018.

Ongoing monitoring of the work programmes established under the 100 Day Plan

- 5 Many of our 100 Day priorities have established work programmes that will take time to finalise. To ensure that we maintain our focus on delivering these commitments, I propose that the relevant Cabinet Committees will be responsible for ongoing monitoring of the 100 Day priorities, and will schedule report backs with the relevant Ministers.
- 6 For those work programmes with a particularly long tail, I propose that the responsible Ministers be invited to provide an update to the relevant Cabinet Committee every 6 months. Where there are specific timeframe pressures related to policy implementation, an update providing assurance that implementation is on track ahead of key dates might be preferable. Consequently, I intend to direct DPMC to work with the relevant Cabinet Committee chairs and relevant Ministers to schedule the report backs.
- 7 The proposed allocation of 100 Day Plan priorities to Cabinet Committees is set out in the table below.

100 Day Plan Priority	Lead Minister	Proposed Cabinet Committee for report backs
Make the first year of tertiary education or training fees free from January 1 2018	Hon Chris Hipkins	Social Wellbeing
Increase student allowances and living cost loans by \$50 a week from 1 January 2018	Hon Chris Hipkins	No report backs required
Begin work to establish the Housing Commission and begin the KiwiBuild programme	Hon Phil Twyford	Economic Development
Pass the Healthy Homes Guarantee Bill	Hon Phil Twyford	Social Wellbeing
Ban overseas speculators from buying existing homes	Hon David Parker	Economic Development
Issue an instruction to Housing NZ to stop the state house sell-off	Hon Phil Twyford	No report backs required
Legislate to pass the Families Package, to take effect from 1 July 2018	Hon Grant Robertson	Social Wellbeing
Set up a Ministerial Inquiry in order to fix our mental health crisis	Hon David Clark	Social Wellbeing
Introduce legislation to make medicinal cannabis available for people with terminal illnesses or in chronic pain	Hon David Clark	Social Wellbeing
Resume contributions to the NZ Superannuation Fund	Hon Grant Robertson	No report backs required
Introduce legislation to set a child poverty reduction target and to change the Public Finance Act so the Budget reports on progress on reducing	Prime Minister	Social Wellbeing

Child Poverty		
Increase the minimum wage to \$16.50 an hour from 1 April 2018, and introduce legislation to improve fairness in the workplace	Hon Iain Lees-Galloway	Economic Development
Establish the Tax Working Group	Hon Grant Robertson	Economic Development
Establish the Pike River Recovery Agency and assign a responsible Minister	Hon Andrew Little	Government Administration
Set up an inquiry into the abuse of children in state care	Hon Tracey Martin	Social Wellbeing
Set the zero carbon emissions goal and begin setting up the independent Climate Commission	Hon James Shaw	Environment, Energy and Climate Committee
Introduce waka jumping legislation	Hon Andrew Little	Government Administration and Expenditure Review

Full Regulatory Impact Analysis requirements now resume

- 8 Regulatory impact analysis (RIA) is a useful tool for helping maintain the quality of policy advice tendered by departments to Ministers. RIA ensures Ministers (and their Cabinet colleagues) have the opportunity to consider the full range of options for achieving a policy objective. It also supports the tendering of full and frank advice by the public service to Ministers. Regulatory impact assessments for regulatory policy proposals are a requirement of the Cabinet Manual.
- 9 Because of the pace at which policy related to the 100 Day Plan needed to be developed, the Cabinet paper establishing the 100 Day Plan acknowledged that Ministers and departments were unlikely to realise value from the usual regulatory impact analysis process. In addition, the time pressures under which work was occurring were expected to impact on the ability of departments to complete the analysis to the normally required standard, which could have resulted in requirements for supplementary analysis, which would not be relevant given the circumstances.
- 10 Reflecting this situation, Treasury developed RIA expectations that were cognisant of the circumstances of the 100 Day Plan priorities, and provided for variation from the normal requirements where warranted.
- 11 While I am comfortable that Treasury did this as a temporary measure, with the completion of the 100 days period, my expectation is that departments will have returned to complying with the regulatory impact analysis requirements for all regulatory policy proposals. Expecting departments generally to meet the regulatory impact analysis requirements is consistent with our commitment to building public confidence in government, to an independent public service, and to be bound by the Cabinet Manual.

Consultation

- 12 The Treasury was consulted on this paper.

Financial Implications

- 13 This paper has no financial implications.

Human Rights

- 14 This paper does not contain policy proposals. The individual policy components of the 100 day plan were assessed against the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993 as required.

Legislative Implications

- 15 The legislative components of the 100 day plan have been included in bids for the 2018 Legislation Programme.

Regulatory Impact Analysis

- 16 The RIA requirements do not apply to this paper as it does not seek agreement to policy proposals that will have a regulatory impact.

Gender Implications

- 17 This paper does not seek agreement to any proposals that have gender implications.

Publicity

- 18 My intention is to pro-actively release this paper at an appropriate time as a record of our achievements during the 100 day period.

Recommendations

- 19 The Prime Minister recommends that Cabinet:
- 1 note that on 31 October 2017, Cabinet:
 - 1.1 noted that the government's first 100 days in office would conclude on Saturday, 3 February 2018;
 - 1.2 noted the commitments that the government intended to deliver on during those first 100 days (the 100 Day Plan); and
 - 1.3 agreed the lead Ministers for each commitment [CAB-17-MIN-0486];
 - 2 note that the Government has successfully delivered on each of the 100 Day Plan commitments, many of which involved the establishment of ongoing work programmes;
 - 3 agree that the relevant Cabinet Committees will be responsible for ongoing monitoring of continuing work programmes associated with the 100 Day priorities, as set out in the table at paragraph 7 of this paper;
 - 4 direct the Department of the Prime Minister and Cabinet work with the Cabinet Committee Chairs and relevant Ministers to schedule those report backs;
 - 5 note that during the 100 day period Treasury allowed for variation in the Regulatory Impact Analysis requirements on Departments, as a temporary measure;
 - 6 note that with the completion of our 100 Day Plan period, all policy proposals with a regulatory impact will be expected to have an accompanying Regulatory Impact Analysis developed by the relevant government agency that complies with the Regulatory Impact Analysis requirements;

7 note that this paper will be proactively be released at a date to be determined.

Authorised for lodgement

Rt Hon Jacinda Ardern

Prime Minister

Temporary suspension of RIA for direct Covid-19 responses

Key messages

- The temporary suspension was introduced so Government could act quickly to address the evolving pandemic.
- RIA requirements did not provide for emergency exemptions.
- It is not an automatic suspension. Treasury decides whether each regulatory proposal is a direct Covid-19 response or not.
- If the suspension is granted, Treasury supports the department to include relevant analysis in the Cabinet paper to inform ministers' decisions.
- Analysis of Government spending proposals has **not** been affected by the suspension: RIA relates to regulatory proposals.

How does it support other initiatives? What has been achieved so far?

- **Not public:** To date RIA has been suspended for 47 regulatory proposals.
- Treasury has determined that these proposals were direct responses to Covid-19 and provided comments to help departments include available relevant analysis in the Cabinet paper.
- In general, the proposals involved changes that were limited to 2 years or less.
- Some proposals included longer-term changes. The Treasury recommended these be separated from the Covid-19 proposals, which is what has occurred.
- **Not public:** The RIA was suspended for faster consenting under the RMA, which included impacts beyond 3 years, but only after 3 weeks of consultations that approximated a simplified RIA process on key aspects.

What is happening now?

- We continue to get requests to suspend RIA at a rate of about 3 per week (down from about 6 per week last month).
- Consultations with departments indicate this is likely to continue as they are still discovering necessary adaptations to the new normal, such as functioning digitally.
- **Not public** Examples requiring quick decisions from the last seven days include:
 - Request to defer payment of export education levy by universities.
 - Amendment to electoral regulations to close off rolls while communicating digitally.
 - Housing insulation deadline postponed.

Where to next?

- We are preparing advice to MoF to end the RIA suspension early and replace it with a permanent standing exemption from RIA so we won't again need temporary responses of this nature.
- This work is being informed by our experience of the temporary COVID-19 suspension, and drawing on examples from other countries.
- Any such exemption would require Cabinet decisions.

Q and A

Topical

Have other countries suspended RIA?

Twelve OECD countries have a RIA exemption for regulation introduced in response to an emergency.

In March 2020, the Australian Prime Minister granted an exemption from RISs for all Federal Government measures made in response to COVID-19. The Office of Best Practice Regulation in DPMC decides whether a measure is Covid-related.

Victoria and ACT both have provisions that allow for a RIS not to be done if it is not in the 'public interest'.

NSW's regulatory responses were implemented rapidly without RIA using existing provisions for Ministers to grant exemptions from RIA.

Black hat

Why have the Cabinet paper and minute not yet been released?

The documents are expected to be proactively released on the Treasury website later this week.

Why has the proactive release taken so long?

It's important to recognise that during that period there was an extraordinary response underway to protect New Zealand from COVID-19. This includes COVID-19 responses through Alert Levels 4 and 3 and the 2020 Budget.

The Treasury is working hard to release Covid-19 related documents as soon as possible. A first tranche of documents was published as part of the all-of-Government release on 8 May. We are now progressing the release of remaining Cabinet material from the Finance portfolio.

Does the lack of RIA mean proposals and actions aren't sound?

No, Treasury officials continued to provide scrutiny and advice alongside inputs from departments and agencies who worked incredibly quickly and cohesively.

What are the risks to the taxpayer of suspension of the RIA?

There are no specific additional risks to the taxpayer – this is a temporary measure that was designed to allow the much-needed COVID-19 response to happen.

When any COVID-19 suspension of the RIA was confirmed, Treasury officials discussed the proposal with agencies to ensure that all available and relevant analysis was included in the Cabinet paper in lieu of a RIA.

Has spending gone without scrutiny?

No, analysis of Government spending proposals has not been affected. The RIA relates to regulatory proposals.

Is Treasury an appropriate decision-maker – shouldn't this be a Ministerial/Cabinet decision?

Treasury operates the RIA system, including deciding when RIA is needed or not, on the basis of rules set by Cabinet. The suspension follows the same model – Cabinet decides the rule and the Treasury applies it.

Māori, Pacifica, women – no mention of how the suspension would affect them.

The Treasury recognises that the impacts will be different for Māori and other groups and analysis is needed to address these differences.

This consideration is generally part of any advice provided, and is not specific to RIA, nor necessarily limited by an absence of RIA.

Living Standards Framework – no mention of consideration/impacts.

This consideration is generally part of any advice provided, and is not specific to RIA, nor necessarily limited by an absence of RIA.

Database for recording regulatory proposals responding to Covid-19 and proposals applying for the Covid-19 RIA suspension

This database is used to capture information for monitoring purposes to help RQT use and refine the suspension and to contribute to development of a standing RIA suspension for emergencies.

Date received by RQT/CVD team	Department	Policy Proposal	Area	Legislation being changed	Sunset clause?	COVID-19 suspension granted Y N P (partial)	RQT comment for Cabinet paper	Proposal bypassed RQT/CVD	Estimated processing time [days]	Proactive Release	Comment	Cab Minute	Announced?	Title of Cab minute	Agreed recs
24/03/2020	NZ Customs	Levy rate review changes for Customs	Customs	Customs and Excise (Border Processing Levy) Order 2015.		Yes	The Treasury has determined that this is a direct Covid-19 response for which the RIA requirement is being suspended. The Treasury has worked with the agency to ensure that available relevant analysis has been included in the Cabinet paper to help inform Ministers' decisions.	no		https://uniteforrecover.govt.nz/assets/resources/proactive-release-2020-june/Financial-Implications-of-COVID-19-on-Border-and-Transport-Agencies.pdf	Agreed by Cabinet 06/04/2020	CAB-20-MIN-0148		Financial implications of COVID-19 on Border and Transport Agencies	*
27/03/2020	MoT	Extend expiry dates of Wof/Cof/Licenses during lock down	Road Use	Road User Rule 2004	yes - one month post end of lvl 4	Yes	The Treasury has determined that this is a direct Covid-19 response and has suspended the RIA requirements in accordance with (CAB-20-MIN-0138). The Treasury has worked with the Ministry of Transport to ensure relevant analysis is included in the Cabinet Paper.			https://covid19.govt.nz/assets/resources/proactive-release/Temporary-Extension-of-Expired-Driver-Licenses-and-Vehicle-Certification-Documents-During-COVID-19-Lockdown-Period-Paper.pdf	Agreed CVD 07/04/2020		Y	Temporary Extension of Expired Driver Licences and Vehicle Certification Documents During COVID-19 Lockdown Period	

Date received by RQT/CVD team	Department	Policy Proposal	Area	Legislation being changed	Sunset clause?	COVID-19 suspension granted Y N P (partial)	RQT comment for Cabinet paper	Proposal bypassed RQT/CVD	Estimated processing time [days]	Proactive Release	Comment	Cab Minute	Announced?	Title of Cab minute	Agreed recs	
28/03/2020	MBIE	Mortgage repayment relief	consumer credit	Credit Contracts and Consumer Finance Act 2003		Yes	The Treasury has determined that this is a direct Covid-19 response and has suspended the RIA requirements in accordance with (CAB-20-MIN-0138). The Treasury has worked with the Ministry of Business, Innovation and Employment to ensure relevant analysis is included in the Cabinet Paper.									agreed that non-bank lenders (except in relation to high-cost consumer credit contracts and mobile traders) be similarly exempt from the timing aspects of disclosure requirements in respect of borrowers affected by COVID-19, on the condition that disclosures are made as soon as practicable;
30/03/2020	DIA	Amend Local Government Act to allow individuals to take position without witnessed signature	LG rules for taking post	Local Government Act 2002		Yes	The Treasury has determined that this is a direct Covid-19 response and has suspended the RIA requirements in accordance with ((CAB-20-MIN-0138). The Treasury has discussed the proposal with the Agency and concluded that the regulatory impacts of this action are minor.			https://covid19.govt.nz/assets/resources/proactive-release/Epidemic-Preparedness-Local-Government-Act-2002-Immediate-Modification-Order-2020-Paper.pdf	COVID Leg bill approved for introduction 4 May 2020					Local Government Act 2002 (and cuts across other Acts). Amend the mode by which local authorities must deliver public notices

Date received by RQT/CVD team	Department	Policy Proposal	Area	Legislation being changed	Sunset clause?	COVID-19 suspension granted Y N P (partial)	RQT comment for Cabinet paper	Proposal bypassed RQT/CVD	Estimated processing time [days]	Proactive Release	Comment	Cab Minute	Announced?	Title of Cab minute	Agreed recs		
31/03/2020	MoE	Roll over of temporary Pastoral Care scheme	education care	The Education Act 2019	yes - one year	Yes	The Treasury has determined that this is a direct Covid-19 response and has suspended the RIA requirements in accordance with (CAB-20-MIN-0138). The Treasury has worked with the Ministry of Education to ensure that relevant analysis is included in this Cabinet Paper.				Cabinet agreed 14 April 2020	CAB-20-MIN-0164		COVID-19: Ensuring Continuity and Adequacy of Student Support	agreed that MSD be given discretion to continue paying student loans for a study break of up to eight weeks for students who remain enrolled in study, in line with the arrangements in place for student allowances during the COVID-19 outbreak;	agreed that students receiving partial tuition fee refunds (from providers or through fee-protection mechanisms) due to discontinued study in 2020 as a result of COVID-19 will not have the EFTS of this study count towards their student loan EFTS life-time limits;	
1/04/2020	MBIE	Amend legislation relating to insolvency	Credit/Business Management	Companies Act 1993, Insolvency Practitioners Act 2019,		Yes	The Treasury has determined that this is a direct Covid-19 response and has suspended the RIA requirements in accordance with ((CAB-20-MIN-0138). The Treasury has worked with MBIE to ensure relevant analysis is included in this paper.				Agreed 3 April 2020	CAB-20-MIN-0190		COVID-19 Response (Further Management Measures) Legislation Bill: Approval for Introduction			
3/04/2020	MoE	Early learning services	Education/early learning	Education Regulation 2008		Yes	The Treasury has determined that this is a direct Covid-19 response and has suspended the RIA requirements in accordance with (CAB-20-MIN-0138).				CVD agreed 21 April 2020	no minute #		Changes to the Education (Early Childhood Services) Regulations to respond to COVID 19			

Date received by RQT/CVD team	Department	Policy Proposal	Area	Legislation being changed	Sunset clause?	COVID-19 suspension granted Y N P (partial)	RQT comment for Cabinet paper	Proposal bypassed RQT/CVD	Estimated processing time [days]	Proactive Release	Comment	Cab Minute	Announced?	Title of Cab minute	Agreed recs	
3/04/2020	MoJ	legislative amendments to allow continuation of court processes during lockdown	court proceedings	Mulitple		Yes	The Treasury has determined that this is a direct Covid-19 response and has suspended the RIA requirements in accordance with ((CAB-20-MIN-0138).			https://covid19.govt.nz/assets/resources/proactive-release/Proposals-for-justice-related-modification-orders-under-the-Epidemic-Preparedness-Act-2006.pdf	COVID Leg bill approved for introduction 4 May 2020	CAB-20-MIN-0190		COVID-19 Response (Further Management Measures) Legislation Bill: Approval for Introduction	Epidemic Preparedness Act 2006. Amend to enable the courts and tribunals to modify a wide-range of statutory timeframes to address the current and downstream implications of the epidemic for compliance with those timeframes.	
3/04/2020	MoJ	Rules Committee ammendments					The Treasury has determined that this is a direct Covid-19 response and has suspended the RIA requirements in accordance with (CAB-20-MIN-0138).				COVID Leg bill approved for introduction 4 May 2020	CAB-20-MIN-0190		COVID-19 Response (Further Management Measures) Legislation Bill: Approval for Introduction		

Date received by RQT/CVD team	Department	Policy Proposal	Area	Legislation being changed	Sunset clause?	COVID-19 suspension granted Y N P (partial)	RQT comment for Cabinet paper	Proposal bypassed RQT/CVD	Estimated processing time [days]	Proactive Release	Comment	Cab Minute	Announced?	Title of Cab minute	Agreed recs		
6/04/2020	MBIE	ACC levy rate change	ACC	Accident Compensation (Experience Rating) Regulations 2019		Yes	The Treasury has determined that this proposal is a direct Covid-19 response and has suspended the RIA requirements in accordance with Cabinet decision (CAB-20-MIN-0138)					CBC-20-MIN-0034			agreed that the Property Law Act 2007 be amended to extend timeframes for the cancellation of commercial leases, from 10 to 30 days for both the period the lessee must be in arrears before notice can be given, and for the period to remedy a breach of the covenant to pay rent. These periods would continue to be able to be concurrent	agreed that the Property Law Act 2007 be amended to restrict the exercise of mortgagees' powers by extending the period of notice in sections 120 and 129 from 20 to 40 working days for mortgaged land, and from 10 to 30 working days for mortgaged goods;	
6/04/2020	MoJ	Amendments to Property Law Act	Legal	Property Law Act		Yes. No	[not from Treasury] The Treasury has determined that this paper and its proposals are a direct COVID-19 response and that the Regulatory Impact Analysis requirements have been suspended. An impact analysis for these proposals has not been done.				Agency did not consult with Treasury on this proposal. Included own wording under Impact Assessment section of Cabinet paper			COVID 19: Hardship assistance for Duty Payments			

Date received by RQT/CVD team	Department	Policy Proposal	Area	Legislation being changed	Sunset clause?	COVID-19 suspension granted Y N P (partial)	RQT comment for Cabinet paper	Proposal bypassed RQT/CVD	Estimated processing time [days]	Proactive Release	Comment	Cab Minute	Announced?	Title of Cab minute	Agreed recs	
6/04/2020	NZ Customs	Regulations made under the Customs and Excise Act 2018	Customs duties holiday	Customs and Excise Act 2018		Yes	The Treasury has determined that this is a direct Covid-19 response and has suspended the RIA requirements in accordance with (CAB-20-MIN-0138). The Treasury has worked with the agency to ensure appropriate available analysis is included in this paper			http://https://uniteforrecovery.govt.nz/assets/resources/proactive-release-2020-june/COVID-19-Hardship-Assistance-for-Duty-Payments.pdf	CVD agreed 23 April 2020					
7/04/2020	DPMC	NCCM Law Reform	Legal	Epidemic Preparedness Act		Yes	The Treasury has determined that this is a direct Covid-19 response and has suspended the RIA requirements in accordance with (CAB-20-MIN-0138). The paper makes reference to impacts and mitigations for the proposal.				Don't have access on CABnet					

Date received by RQT/CVD team	Department	Policy Proposal	Area	Legislation being changed	Sunset clause?	COVID-19 suspension granted Y N P (partial)	RQT comment for Cabinet paper	Proposal bypassed RQT/CVD	Estimated processing time [days]	Proactive Release	Comment	Cab Minute	Announced?	Title of Cab minute	Agreed recs	
8/04/2020	DIA	Charities gambling rules amendment	Charity/Gambling	Gambling Act 2003		Yes	The Treasury has determined that this is a direct Covid-19 response and has suspended the RIA requirements in accordance with Cabinet decision (CAB-20-MIN-0138). The Treasury has worked with the agency to ensure appropriate analysis is included in this paper.									agreed that non-bank lenders (except in relation to high-cost consumer credit contracts and mobile traders) be similarly exempt from the timing aspects of disclosure requirements in respect of borrowers affected by COVID-19, on the condition that disclosures are made as soon as practicable; agreed to a waiver of the 28-day rule so that the regulations can come into force on 13 May 2020;
8/04/2020	MBIE	Competition and Consumer	consumer credit/lending	Credit Contracts and Consumer Finance Act 2003		Yes	The Treasury has determined that this is a direct Covid-19 response and has suspended the RIA requirements in accordance with (CAB-20-MIN-0138). The Treasury has not been able to work with MBIE to ensure relevant analysis is included in the Cabinet Paper.				in an omnibus / response bill?	DEV-20-MIN-0067				Agreed at DEV 6 May

Date received by RQT/CVD team	Department	Policy Proposal	Area	Legislation being changed	Sunset clause?	COVID-19 suspension granted Y N P (partial)	RQT comment for Cabinet paper	Proposal bypassed RQT/CVD	Estimated processing time [days]	Proactive Release	Comment	Cab Minute	Announced?	Title of Cab minute	Agreed recs	
14/04/2020	DIA	Changing local by-election timing rules	local government	Local electoral Act			The Treasury has determined that this is a direct Covid-19 response and has suspended the RIA requirements in accordance with Cabinet decision (CAB-20-MIN-0138). Due to time constraints, the Treasury has not been able to work with the agency to ensure relevant and available analysis has been included.			https://uniteforrecovery.govt.nz/assets/resources/proactive-release-2020-june/Managing-by-election-timing-during-the-COVID-19-response-redacted.pdf	in COVID response bill?	DEV-20-MIN-0060		Immigration (COVID-19) Amendment Bill: Approval for Introduction		
14/04/2020	MBIE	Amending immigration rules to change Visa expiry dates	Immigration	Immigration act 2009			The Treasury has determined that this proposal is a direct Covid-19 response and has suspended the RIA requirements in accordance with Cabinet decision (CAB-20-MIN-0138).				Agreed at DEV 29 April 2020	CBC-20-MIN-0043		Pay Restraint in the Public Sector		
14/04/2020	SSC	Public Sector pay restraint	Public sector pay	Remuneration Authority Act		Yes	The Treasury has determined that this proposal is a direct Covid-19 response and has suspended the RIA requirements in accordance with Cabinet decision (CAB-20-MIN-0138)				CBC 15 April 2020	CAB-20-MIN-0190		COVID-19 Response (Further Management Measures) Legislation Bill: Approval for Introduction		
15/04/2020	DIA	Fire Safety	Fire Safety	Fire and Emergency New Zealand Act 2017		Yes	The Treasury has determined that this proposal is a direct Covid-19 response and has suspended the RIA requirements in accordance with Cabinet decision (CAB-20-MIN-0138). The Treasury has worked with the Department to ensure available analysis has been included in this paper.				COVID Leg bill approved for introduction 4 May 2020					

Date received by RQT/CVD team	Department	Policy Proposal	Area	Legislation being changed	Sunset clause?	COVID-19 suspension granted Y N P (partial)	RQT comment for Cabinet paper	Proposal bypassed RQT/CVD	Estimated processing time [days]	Proactive Release	Comment	Cab Minute	Announced?	Title of Cab minute	Agreed recs		
15/04/2020	MfE	NZ Emmissions Trading Scheme	Climate Change			Yes										<p>agreed</p> <p>that the legislation, to be called the COVID-19 Recovery (Fast-Track Consenting)</p> <p>agreed that special legislation (the legislation) be enacted with the purpose of assisting the economic recovery from the effects of COVID-19 by fast-tracking consenting and designation s for specified developmen t and infrastru ctur e projects;</p>	<p>that the legislation, to be called the COVID-19 Recovery (Fast-Track Consenting)</p> <p>Bill 2020, will provide a fast-track consenting and designation process in order to meet the above purpose, while ensuring that the principles of the Treaty of Waitangi (Treaty) are taken into account, Treaty settlements are upheld, and the environmen t is not sacrificed;</p>

Date received by RQT/CVD team	Department	Policy Proposal	Area	Legislation being changed	Sunset clause?	COVID-19 suspension granted Y N P (partial)	RQT comment for Cabinet paper	Proposal bypassed RQT/CVD	Estimated processing time [days]	Proactive Release	Comment	Cab Minute	Announced?	Title of Cab minute	Agreed recs		
15/04/2020	MfE	Resource Consent process	Construction	Multiple	yes - 3 years		The Treasury has determined that this proposal is a direct Covid-19 response and has suspended the RIA requirements in accordance with Cabinet decision (CAB-20-MIN-0138). The proposal represents a significant change from the status quo and the Treasury has worked intensively with the Agency to ensure all available relevant analysis is included in this paper. The monitoring and evaluation measures covered in this proposal should be strictly adhered to in order to prevent unintended consequences that could not have been assessed systematically due to time constants.				Agreed 28 April 2020	CAB-20-MIN-0190		COVID-19 Response (Further Management Measures) Legislation Bill: Approval for Introduction	Amend to allow for registrations of food control plans, national programmes and importers to be renewed if they expire during or shortly after a lockdown period.		
16/04/2020	MPI	Verification of Food Businesses	Food Safety	Food Act 2014/Food Regulations 2015		Yes	The Treasury has determined that this proposal is a direct Covid-19 response and has suspended the RIA requirements in accordance with Cabinet decision (CAB-20-MIN-0138). The Treasury has worked with the Ministry to ensure available analysis has been included in this paper.				COVID Leg bill approved for introduction 4 May 2020	DEV-20-MIN-0066		COVID-19 Economic Response: Reform of the Overseas Investment Act 2005	Emergency notification		

Date received by RQT/CVD team	Department	Policy Proposal	Area	Legislation being changed	Sunset clause?	COVID-19 suspension granted Y N P (partial)	RQT comment for Cabinet paper	Proposal bypassed RQT/CVD	Estimated processing time [days]	Proactive Release	Comment	Cab Minute	Announced?	Title of Cab minute	Agreed recs	
17/04/2020	TSY	Reform of Overseas Investment Act	Investment	Overseas Investment Act 2005		Yes	The Treasury has determined that this proposal is a direct Covid-19 response and has suspended the RIA requirements in accordance with Cabinet decision (CAB-20-MIN-0138). The Treasury has included all available analysis in this paper.				DEV agreed 6 May 2020					
23/04/2020	TSY	Introducing a small business cashflow scheme	Small business	Tax		Yes	The Treasury has determined that this proposal is a direct Covid-19 response and has suspended the RIA requirements in accordance with Cabinet decision (CAB-20-MIN-0138).				The proposal has been changed from a grant scheme to a loan scheme	CAB-20-MIN-0196; CAB-20-MIN-0217				
30/04/2020	MoE	COVID-19: Time-limited changes to allow the provision of schooling and NCEA offshore	School	Education Act 1989; Education and Training Bill		Yes	The Treasury has determined that this proposal is a direct Covid-19 response and has suspended the RIA requirements in accordance with Cabinet decision (CAB-20-MIN-0138).					SWC-20-MIN-0054				
30/04/2020	MoJ	COVID-19: Amendments to the property law Act 2007 relating to commercial leases	Commercial leases	Property Law Act 2007		Yes	The Treasury has determined that this proposal is a direct Covid-19 response and has suspended the RIA requirements in accordance with Cabinet decision (CAB-20-MIN-0138). The Treasury has worked with Ministry of Justice to ensure available relevant analysis is included in this paper. The decision about permanent application of the proposal should be supported by RIA.				Approved bill for introduction 5 May 2020 (agreed notice periods for commercial leases apply from 1 April 2020)	Going to Cabinet 3 June				

Date received by RQT/CVD team	Department	Policy Proposal	Area	Legislation being changed	Sunset clause?	COVID-19 suspension granted Y N P (partial)	RQT comment for Cabinet paper	Proposal bypassed RQT/CVD	Estimated processing time [days]	Proactive Release	Comment	Cab Minute	Announced?	Title of Cab minute	Agreed recs			
7/05/2020	MoJ	Electoral Amendment Regulations and Order for closing off the roll		Electoral Regulations 1996			"The Treasury has determined that this proposal is a direct Covid-19 response and has suspended the RIA requirements in accordance with Cabinet decision (CAB-20-MIN-0138). Treasury has worked with the agency to ensure available relevant analysis is included in this paper."											
7/05/2020	MoJ	Family Court Amendment	Legal	Family Court Act 1989			The Treasury has determined that this proposal is a direct Covid-19 response and has suspended the RIA requirements in accordance with Cabinet decision (CAB-20-MIN-0138).			https://uniteforrecovery.govt.nz/assets/resources/proactive-release-2020-june/Paper-and-Minute-Family-Court-Emergency-Amendment-Rules-2020-26-May-2020.pdf								
12/05/2020	HUD	Healthy Homes Standards	Residential Tenancies	Residential Tenancies (Healthy Homes Standards) Regulations 2019			"The Treasury has determined that this proposal is a direct Covid-19 response and has suspended the RIA requirements in accordance with Cabinet decision (CAB-20-MIN-0138). Treasury has worked with the agency to ensure available relevant analysis is included in this paper."			https://uniteforrecovery.govt.nz/assets/resources/proactive-release-2020-june/Minute-and-paper-Residential-Tenancies-Healthy-Homes-Standards-Amendment.pdf								
26/05/2020	MBIE	Building Levy Holiday	Government payment	Building Act 2004		Yes	The Treasury has determined that this proposal is a direct Covid-19 response and has suspended the RIA requirements in accordance with Cabinet decision (CAB-20-MIN-0138).											

Date received by RQT/CVD team	Department	Policy Proposal	Area	Legislation being changed	Sunset clause?	COVID-19 suspension granted Y N P (partial)	RQT comment for Cabinet paper	Proposal bypassed RQT/CVD	Estimated processing time [days]	Proactive Release	Comment	Cab Minute	Announced?	Title of Cab minute	Agreed recs	
27/05/2020	MoH	Quarantine cost recovery	Health	Health Act 1956		Yes	N/A cost recovery elements removed and no regulatory change suggested at this time.				See row 50 for revived proposal from MBIE	DEV-20-MIN-0095		COVID-19: Short-Term Loan Scheme to Support R&D-Performing Businesses	agreed to introduce a R&D loan scheme for R&D-performing businesses that have suffered a significant loss in revenue or lack of access to finance as the result of COVID-19;	agreed to a legislative change to ensure that R&D expenditure covered by the loans will still be eligible for the R&D Tax Incentive;
3/06/2020	Treasury	Amending financial reporting date	financial reporting	Public Finance Act, Crown Entities Act and State-Owned Enterprises act		yes	The Treasury has determined that this proposal is a direct Covid-19 response and has suspended the RIA requirements in accordance with Cabinet decision (CAB-20-MIN-0138)									
9/06/2020	MBIE	Immigraton rules changes	Immigration	Immigration (COVID-19 response) Amendment Act 2020		Yes	See row 64			https://uniteforrecovery.govt.nz/assets/resources/proactive-release-2020-june/PAPER-Immigration-COVID-19-Amendment-Bill-Approval-for-Introduction.pdf	Further papers incl. cost recovery elements have now been received and will need further consideration					

Date received by RQT/CVD team	Department	Policy Proposal	Area	Legislation being changed	Sunset clause?	COVID-19 suspension granted Y N P (partial)	RQT comment for Cabinet paper	Proposal bypassed RQT/CVD	Estimated processing time [days]	Proactive Release	Comment	Cab Minute	Announced?	Title of Cab minute	Agreed recs		
11/06/2020	MoT	Wof/Cof rules amendment	Road Use	Road User Rule 2004		Yes	The Treasury has determined that the regulatory proposals in this paper are exempt from the requirement to provide a Regulatory Impact Statement (RIS) because they are intended to manage the direct actions taken to protect the public in response to the declared emergency event of the COVID-19 outbreak. The amendment is required urgently to implement changes recommended by the Regulations Review Committee, and to clarify the end of the temporary extension of licencing and certification documents.										
15/06/2020	DIA	Racing board rules amendment	RITA governance	Racing Industry Bill SOP		Yes	The Treasury has determined that this proposal is a direct Covid-19 response and has suspended the RIA requirements in accordance with Cabinet decision (CAB-20-MIN-0138).										

Date received by RQT/CVD team	Department	Policy Proposal	Area	Legislation being changed	Sunset clause?	COVID-19 suspension granted Y N P (partial)	RQT comment for Cabinet paper	Proposal bypassed RQT/CVD	Estimated processing time [days]	Proactive Release	Comment	Cab Minute	Announced?	Title of Cab minute	Agreed recs		
23/06/2020	MBIE	R&D loan scheme technical change	loan	Income Tax Act and the Tax Administration Act		Yes	The Treasury has determined that the regulatory proposals in this paper are exempt from the requirement to provide a Regulatory Impact Statement (RIS) because they are intended to manage the direct actions taken to protect the public in response to the declared emergency event of the COVID-19 outbreak. The amendment will introduce wording intended to be included in the initial introduction of the bill.										
23/06/2020	MBIE	Ensuring new arrivals must have booked MIQ before they come into NZ	visa/immigration			Yes	The Treasury has determined that this proposal is a direct Covid-19 response and has suspended the RIA requirements in accordance with Cabinet decision (CAB-20-MIN-0138)										

Date received by RQT/CVD team	Department	Policy Proposal	Area	Legislation being changed	Sunset clause?	COVID-19 suspension granted Y N P (partial)	RQT comment for Cabinet paper	Proposal bypassed RQT/CVD	Estimated processing time [days]	Proactive Release	Comment	Cab Minute	Announced?	Title of Cab minute	Agreed recs		
24/06/2020	MBIE	Cost Recovery for MiQ	visa/immigration			Yes	<p>The Treasury has determined that this proposal is a direct Covid-19 response and has suspended the RIA requirements in accordance with Cabinet decision (CAB-20-MIN-0138).</p> <p>This was then updated to the wording in the comments section.</p> <p>We recommend that this case be followed by a post implementation assessment. MBIE appear to be willing to work on this with us.</p>				<p>The Treasury has determined that the regulatory proposals in this paper are exempt from the requirement to provide a Regulatory Impact Statement (RIS) because they are intended to alleviate the short term impacts of a declared emergency event of COVID-19 outbreak. These proposals are required urgently to be effective, making a complete, robust and timely impact analysis unfeasible. Given these proposals have developed at pace in response to a fast changing environment, and in lieu of a RIS, the Treasury recommends a the department make plans for a Post Implementation Assessment that addresses interactions, trade-offs and implementation issues of the overall border management package.</p>						

Date received by RQT/CVD team	Department	Policy Proposal	Area	Legislation being changed	Sunset clause?	COVID-19 suspension granted Y N P (partial)	RQT comment for Cabinet paper	Proposal bypassed RQT/CVD	Estimated processing time [days]	Proactive Release	Comment	Cab Minute	Announced?	Title of Cab minute	Agreed recs		
24/06/2020	TSY	Ammending small business cash flow				Yes	The Treasury has determined that the regulatory proposals in this paper are exempt from the requirement to provide a Regulatory Impact Statement (RIS) because they are intended to alleviate the short term impacts of a declared emergency event of the COVID-19 pandemic. They introduce an urgent change and the exemption has been granted on the understanding the agency have included in the proposal's design a sunset clause limiting the duration of emergency response to December 2020, and that available analysis is included in this paper to support the policy decision making.										

Date received by RQT/CVD team	Department	Policy Proposal	Area	Legislation being changed	Sunset clause?	COVID-19 suspension granted Y N P (partial)	RQT comment for Cabinet paper	Proposal bypassed RQT/CVD	Estimated processing time [days]	Proactive Release	Comment	Cab Minute	Announced?	Title of Cab minute	Agreed recs		
29/06/2020	HUD	Early commencement of tenancy rule changes	housing	Residential Tenancies Amendment Bill		Yes	The Treasury has determined that the regulatory proposals in this paper are exempt from the requirement to provide a Regulatory Impact Statement (RIS) because they are intended to alleviate the short term impacts of the declared emergency event of the COVID-19 pandemic. This change is required urgently to prevent tenants and landlords experiencing a 'cliff-edge' when measures introduced during New Zealand's Lock-down reach their agreed expiry date.										
29/06/2020	MBIE	Temporary halting visa applications and increasing volume of online applications	visa/immigration	Immigration (Visa, Entry Permission and Related Matters) Regulations 2010 (Visa Regulations) and Immigration Act 2009		Yes	The Treasury has determined that the regulatory proposals in this paper are exempt from the requirement to provide a Regulatory Impact Statement (RIS) because they are intended to alleviate the short term impacts of the declared emergency event of the COVID-19 outbreak. The Treasury recommends a Supplementary Analysis Report or plans for a Post Implementation Assessment (in lieu of RIA) that addresses interactions, trade-offs and implementation issues related to numerous proposals in the border package										

Date received by RQT/CVD team	Department	Policy Proposal	Area	Legislation being changed	Sunset clause?	COVID-19 suspension granted Y N P (partial)	RQT comment for Cabinet paper	Proposal bypassed RQT/CVD	Estimated processing time [days]	Proactive Release	Comment	Cab Minute	Announced?	Title of Cab minute	Agreed recs		
1/07/2020	IRD	UOMI amendment	Taxation			Yes	The Treasury has determined that the regulatory proposals in this paper are exempt from the requirement to provide a Regulatory Impact Statement (RIS) because they are intended to alleviate the short term impacts of a declared emergency event of COVID-19 outbreak. These proposals are required urgently to be effective, making a complete, robust and timely impact analysis unfeasible.										
1/07/2020	IRD	AMMENDMENT TO COMMISSIONERS POWERS	Taxation			Yes	The Treasury has determined that the regulatory proposals in this paper are exempt from the requirement to provide a Regulatory Impact Statement (RIS) because they are intended to alleviate the short term impacts of a declared emergency event of COVID-19 outbreak. These proposals are required urgently to be effective, making a complete, robust and timely impact analysis unfeasible.										

Date received by RQT/CVD team	Department	Policy Proposal	Area	Legislation being changed	Sunset clause?	COVID-19 suspension granted Y N P (partial)	RQT comment for Cabinet paper	Proposal bypassed RQT/CVD	Estimated processing time [days]	Proactive Release	Comment	Cab Minute	Announced?	Title of Cab minute	Agreed recs		
1/07/2020	MSD	Extending suspension of reapplications , and stand down periods	Social support			Yes	The Treasury has determined that the regulatory proposals in this paper are exempt from the requirement to provide a Regulatory Impact Statement (RIS) because they are intended to alleviate the short term impacts of a declared emergency event of COVID-19 outbreak. These proposals are required urgently to be effective, making a complete, robust and timely impact analysis unfeasible.										
6/08/2020	TSY	Amendment to the Overseas Investment Act	Overseas Investment	Overseas Investment Act 2005		Yes	The Treasury has determined that this proposal is a direct Covid-19 response and has suspended the RIA requirements in accordance with Cabinet decision (CAB-20-MIN-0138)										

Date received by RQT/CVD team	Department	Policy Proposal	Area	Legislation being changed	Sunset clause?	COVID-19 suspension granted Y N P (partial)	RQT comment for Cabinet paper	Proposal bypassed RQT/CVD	Estimated processing time [days]	Proactive Release	Comment	Cab Minute	Announced?	Title of Cab minute	Agreed recs		
18/5/2020	MBIE	R&D loan scheme		Income Tax Act 2007			The Treasury has determined that this proposal is a direct Covid-19 response and has suspended the RIA requirements in accordance with Cabinet decision (CAB-20-MIN-0138). Treasury has worked with the agency to ensure available relevant analysis is included in this paper. To help achieve the primary objective of maintaining as much of business R&D investment as possible over the short-to-medium term, it would be critical for Callaghan Innovation to secure sufficient operational capability and capacity to monitor financial needs of businesses, assess their applications for the loan, and take appropriate steps to ensure the loan is spent on R&D activity."										
21/04/2020	IR	In-work tax credit Grace-Periods	Taxation			Yes					Waiting for Cabinet paper to comment on						
26/06/2020	The Office for Māori Crown Relations	Te Pu Tupua appointments amendment				Yes	The Regulatory Quality Team at the Treasury has determined that the regulatory proposal in this paper are exempt from the requirement to provide a Regulatory Impact Statement on the basis that they have no or minor impacts on businesses, individuals or not for profit entities.										

Date received by RQT/CVD team	Department	Policy Proposal	Area	Legislation being changed	Sunset clause?	COVID-19 suspension granted Y N P (partial)	RQT comment for Cabinet paper	Proposal bypassed RQT/CVD	Estimated processing time [days]	Proactive Release	Comment	Cab Minute	Announced?	Title of Cab minute	Agreed recs		
27/4/2020	IR	Redundancy tax credit initiative	Taxation			Yes	The Treasury has determined that this proposal is a direct Covid-19 response and has suspended the RIA requirements in accordance with Cabinet decision (CAB-20-MIN-0138).				Waiting for Cabinet paper to comment on						
19/11/2020	Customs	Carry-over of Customs border clearance levy rates	Levies	Customs and Excise (Border Processing Levy) Amendment Order 2020		Yes	The Regulatory Quality Team at the Treasury has determined that this policy is exempt from providing a Regulatory Impact Statement (RIS) as it is intended to alleviate the short term impacts of the declared emergency event of the COVID-19 outbreak. The proposal would also be exempt from the requirement to provide a RIS on the basis that it has minor impacts on individuals, businesses and not-for-profits.										