

Hon Chris Hipkins

Minister for the Public Service

Public Service (Strategic Planning Reform Board) Order 2021 and
Ombudsmen (Strategic Planning Reform Board) Order 2021

Date of Issue: 8 July 2021

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Title: Public Service (Strategic Planning Reform Board) Order 2021 and
Ombudsmen (Strategic Planning Reform Board) Order 2021

Cabinet Paper – Public Service (Strategic Planning Reform Board)
Order 2021 and Ombudsmen (Strategic Planning Reform Board)
Order 2021

LEG-21-MIN-0029 Minute
LEG-21-SUB-0029 Summary

Author: Te Kawa Mataaho Public Service Commission

This is a suite of documents released in part by the Hon Chris Hipkins, Minister for the Public Service that has informed the Government's proactive release of information policy.

In Confidence

Office of the Minister for the Public Service
Chair, Cabinet Legislation Committee

PUBLIC SERVICE (STRATEGIC PLANNING REFORM BOARD) ORDER 2021 AND OMBUDSMEN (STRATEGIC PLANNING REFORM BOARD) ORDER 2021

Proposal

- 1 I propose that Cabinet authorise the submission to the Executive Council of the following Orders in Council:
 - 1.1 Public Service (Strategic Planning Reform Board) Order 2021; and
 - 1.2 Ombudsmen (Strategic Planning Reform Board) Order 2021.

Policy

Background

- 2 On 14 December 2020, Cabinet agreed to repeal the Resource Management Act 1991 and replace it with three new pieces of legislation – a Natural and Built Environments Act, a Strategic Planning Act, and a Managed Retreat and Climate Change Adaptation Act [CAB-20-MIN-0522 refers], as recommended by the Resource Management Review Panel.
- 3 Cabinet noted that due to the connections of the proposed Strategic Planning Act with other legislation, including the Local Government Act 2002, the Land Transport Management Act 2003 and the Climate Change Response Act 2002, a more formal cross-agency structure may be needed to progress this piece of legislation.
- 4 Subsequently, on 15 March 2021, Cabinet agreed to establish the Strategic Planning Reform Board; an interdepartmental executive board which will ensure a cross-agency approach is taken in developing the Strategic Planning Act [CAB-21-MIN-0063 refers]. The Board members will be jointly accountable for developing this legislation.
- 5 Interdepartmental executive boards are a new organisational model for cross-agency working enabled by the Public Service Act 2020. This model has already been used to establish the Border Executive Board, which commenced on 11 January 2021.

Strategic Planning Reform Board

- 6 The Public Service (Strategic Planning Reform Board) Order 2021 sets out the name of the board, the agencies within its remit, and the servicing department.

- 7 Cabinet agreed the remit for the Strategic Planning Reform Board should comprise the Ministry for the Environment, Ministry of Housing and Urban Development, Ministry of Transport, Department of Internal Affairs, Department of Conservation, The Treasury, Te Arawhiti, Te Puni Kōkiri, Ministry of Primary Industries, Ministry of Business, Innovation and Employment, and Ministry for Culture and Heritage.
- 8 The membership and chairperson of the board are designated by the Public Service Commissioner, and are drawn from the chief executives of the departments that are included in the board's remit.
- 9 Cabinet agreed the servicing department will be the Ministry for the Environment, which will provide corporate support for the board and assistance with administrative activities. The support unit for the new board and its substantive work will be provided through a mix of secondments and co-locations from relevant agencies, with dedicated funding being sought through Budget 2021.

Orders in Council

- 10 I now seek Cabinet's authorisation to submit to the Executive Council the Public Service (Strategic Planning Reform Board) Order 2021 and the Ombudsmen (Strategic Planning Reform Board) Order 2021.
- 11 By inserting a reference to the new board into Schedule 2 of the Public Service Act 2020, the Public Service (Strategic Planning Reform Board) Order 2021 will make the Strategic Planning Reform Board an interdepartmental executive board to which the provisions of that Act apply.
- 12 The Board will be added to Part 1B of Schedule 1 of the Ombudsmen Act 1975. This Order is made under section 32(1) and 1(A) of the Act and ensures that Act and the Official Information Act 1982 will apply to the new interdepartmental executive board.
- 13 These Orders are an entirely routine administrative step to give effect to Cabinet's decision to establish a new interdepartmental executive board. No new policy decisions are required.

Timing and 28-day rule

- 14 The Orders in Council are intended to come into force on 29 April 2021, allowing compliance with the 28-day rule.

Compliance

- 15 The Orders in Council comply with each of the following:
 - 15.1 the principles of the Treaty of Waitangi;
 - 15.2 the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 or the Human Rights Act 1993;

15.3 the principles and guidelines set out in the Privacy Act 2020;

15.4 relevant international standards and obligations;

15.5 the Legislation Guidelines (2018 edition).

Regulations Review Committee

16 There are no grounds for the Regulations Review Committee to draw the Orders in Council to the attention of the House under Standing Order 327.

Certification by Parliamentary Counsel

17 The draft regulations have been certified by the Parliamentary Counsel Office (PCO) as being in order for submission to Cabinet.

Impact Analysis

18 Proposals to establish an interdepartmental executive board involve adjusting internal governance arrangements and are expected to have no or minor impacts on businesses, individuals or not-for-profit entities, and consequently do not require a regulatory impact assessment.

19 The Ministry for the Environment and the Treasury have agreed on an approach to meeting Cabinet's impact analysis requirements at later stages of the resource management reform process. In line with that approach, a regulatory impact assessment will be completed at the time policy decisions are sought on the SPA.

Publicity and Proactive Release

20 The Minister for the Environment intends to make public announcements regarding the establishment of the Strategic Planning Reform Board. I propose to proactively release this paper at the time of those announcements.

Consultation

21 The following agencies have been consulted on this paper: the Treasury; Ministry for the Environment; Ministry of Housing and Urban Development; Department of Internal Affairs; Ministry of Transport; Department of Conservation; Te Puni Kōkiri; Office for Māori Crown Relations - Te Arawhiti; Ministry for Primary Industries; Ministry of Health, Ministry of Business, Innovation and Employment; and Ministry for Culture and Heritage. The Department of the Prime Minister and Cabinet (Policy Advisory Group) and the Ministry of Justice have been informed.

Recommendations

I recommend that the Cabinet Legislation Committee:

1 **note** that on 14 December 2020 the Cabinet agreed to adopt the Resource Management Review Panel's recommendation that the Resource

Management Act be repealed and replaced with three new pieces of legislation – a Natural and Built Environments Act, a Strategic Planning Act, and a Managed Retreat and Climate Change Adaptation Act [CAB-20-MIN-0522 refers].

- 2 **note** that on 15 March 2021 Cabinet agreed to establish an interdepartmental executive board with responsibility for developing the Strategic Planning Act [CAB-21-MIN-0063 refers], due to the connections of this Act with legislation administered by different departments, and the high level of departmental collaboration needed to deliver this Act.
- 3 **note** that the Public Service (Strategic Planning Reform Board) Order 2021 and the Ombudsmen (Strategic Planning Reform Board) Order 2021 will give effect to the decision referred to in paragraph 2 above;
- 4 **authorise** the submission to the Executive Council of the:
 - 4.1 Public Service (Strategic Planning Reform Board) Order 2021; and the
 - 4.2 Ombudsmen (Strategic Planning Reform Board) Order 2021.
- 5 **note** that the Orders referred to in paragraph 4 will come into force on 29 April 2021.

Authorised for lodgement

Hon Chris Hipkins

Minister for the Public Service

PROACTIVELY RELEASED BY THE MINISTER FOR THE PUBLIC SERVICE



Cabinet Legislation Committee

Minute of Decision

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Strategic Planning Reform Board Orders

Portfolio **Public Service**

On 25 March 2021, the Cabinet Legislation Committee:

- 1 **noted** that on 14 December 2020, Cabinet agreed to:
 - 1.1 proceed with resource management reform on the basis of the recommendations of the Resource Management Review Panel;
 - 1.2 adopt the Panel's recommendation that the Resource Management Act 1991 be repealed and replaced by three new pieces of legislation, including a Strategic Planning Act;

[CAB-20-MIN-0522]
- 2 **noted** that on 10 March 2021, the Cabinet Economic Development Committee agreed:
 - 2.1 to establish an interdepartmental executive board - the Strategic Planning Reform Board - under the Public Service Act 2020 to lead the development of the Strategic Planning Act;
 - 2.2 that the remit of the Board will include the Ministry for the Environment, the Ministry of Housing and Urban Development, the Ministry of Transport, the Department of Internal Affairs, the Department of Conservation, the Treasury, Te Arawhiti, Te Puni Kōkiri, the Ministry for Primary Industries, the Ministry of Business, Innovation and Employment, and the Ministry for Culture and Heritage;

[DEV-21-MIN-0019]
- 3 **noted** that the Public Service (Strategic Planning Reform Board) Order 2021 and the Ombudsmen (Strategic Planning Reform Board) Order 2021 give effect to the decision referred to in paragraph 2 above;
- 4 **authorised** the submission to the Executive Council of the:
 - 4.1 Public Service (Strategic Planning Reform Board) Order 2021 [PCO 23633/5.0];
 - 4.2 Ombudsmen (Strategic Planning Reform Board) Order 2021 [PCO 23648/5.0];

5 **noted** that the Orders come into force on 29 April 2021.

Gerrard Carter
Committee Secretary

Present:

Hon Chris Hipkins (Chair)
Hon David Parker
Hon Kris Faafoi
Hon Dr David Clark

Officials present from:

Office of the Prime Minister
Officials Committee for LEG

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Cabinet Legislation Committee

Summary

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Strategic Planning Reform Board Orders

Portfolio	Public Service
Purpose	This paper seeks authorisation for the submission to the Executive Council of the Public Service (Strategic Planning Reform Board) Order 2021 (the Public Service Order) and the Ombudsmen (Strategic Planning Reform Board) Order 2021 (the Ombudsmen Order).
Previous Decisions	<p>On 14 December 2020, Cabinet agreed to proceed with resource management reform on the basis of the recommendations of the Resource Management Review Panel.</p> <p>Cabinet agreed to adopt the Panel's recommendation that the Resource Management Act 1991 be repealed and replaced by three new pieces of legislation, including a Strategic Planning Act.</p> <p>[CAB-20-MIN-0522]</p> <p>On 10 March 2021, DEV agreed to establish an interdepartmental executive board - the Strategic Planning Reform Board - under the Public Service Act 2020 to lead the development of the Strategic Planning Act.</p> <p>DEV agreed that the remit of the Board will include the Ministry for the Environment, the Ministry of Housing and Urban Development, the Ministry of Transport, the Department of Internal Affairs, the Department of Conservation, the Treasury, Te Arawhiti, Te Puni Kōkiri, the Ministry for Primary Industries, the Ministry of Business, Innovation and Employment, and the Ministry for Culture and Heritage.</p> <p>[DEV-21-MIN-0019]</p>
Proposal	<p>The Public Service Order sets out the name of the board, the agencies within its remit, and the servicing department. The Order inserts a reference to the Board into Schedule 2 of the Public Service Act to make the Board an interdepartmental executive board.</p> <p>The Ombudsmen Order adds the Board to Part 1B of Schedule 1 of the Ombudsmen Act 1975 and ensures that the Ombudsmen Act and the Official Information Act 1982 apply to the Board.</p>
Impact Analysis	A regulatory impact assessment will be provided at the time that policy decisions are sought on the Strategic Planning Act.

Compliance	Parliamentary Counsel certified the Orders as being in order for submission to Cabinet on 18 March 2021.
Timing Matters	The Orders will come into force on 29 April 2021.
Communications	The Minister for the Environment intends to make public announcements about the establishment of the Board.
Consultation	Paper PSC. DoC, DIA, MCH, MPI, MfE, MBIE, MHUD, MoT, Te Arawhiti, TPK, and DPMC were consulted. DPMC and MoJ were informed. The Minister for the Public Service indicates that the Minister for the Environment and the Minister for Climate Change were consulted.

The Minister for the Public Service recommends that the Committee:

- 1 note that on 14 December 2020, Cabinet agreed to:
 - 1.1 proceed with resource management reform on the basis of the recommendations of the Resource Management Review Panel;
 - 1.2 adopt the Panel's recommendation that the Resource Management Act 1991 be repealed and replaced by three new pieces of legislation, including a Strategic Planning Act;[CAB-20-MIN-0522]
- 2 note that on 10 March 2021, the Cabinet Economic Development Committee agreed:
 - 2.1 to establish an interdepartmental executive board - the Strategic Planning Reform Board - under the Public Service Act 2020 to lead the development of the Strategic Planning Act;
 - 2.2 that the remit of the Board will include the Ministry for the Environment, the Ministry of Housing and Urban Development, the Ministry of Transport, the Department of Internal Affairs, the Department of Conservation, the Treasury, Te Arawhiti, Te Puni Kōkiri, the Ministry for Primary Industries, the Ministry of Business, Innovation and Employment, and the Ministry for Culture and Heritage;[DEV-21-MIN-0019]
- 3 note that the Public Service (Strategic Planning Reform Board) Order 2021 and the Ombudsmen (Strategic Planning Reform Board) Order 2021 give effect to the decision referred to in paragraph 2 above;
- 4 authorise the submission to the Executive Council of the:
 - 4.1 Public Service (Strategic Planning Reform Board) Order 2021 [PCO 23633/5.0];
 - 4.2 Ombudsmen (Strategic Planning Reform Board) Order 2021 [PCO 23648/5.0];

5 note that the Orders come into force on 29 April 2021.

Gerrard Carter
Committee Secretary

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Minister for Climate Change

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