

Departmental Disclosure Statement

Regulatory Standards Bill

The departmental disclosure statement for a government Bill seeks to bring together in one place a range of information to support and enhance the Parliamentary and public scrutiny of that Bill.

It identifies:

- the general policy intent of the Bill and other background policy material;
- some of the key quality assurance products and processes used to develop and test the content of the Bill;
- the presence of certain significant powers or features in the Bill that might be of particular Parliamentary or public interest and warrant an explanation.

This disclosure statement was prepared by the Ministry for Regulation.

The Ministry for Regulation certifies that, to the best of its knowledge and understanding, the information provided is complete and accurate at the date of finalisation below.

16 May 2025

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Part One: General Policy Statement

Purposes of Bill

The Regulatory Standards Bill aims to reduce the amount of unnecessary and poor quality regulation by increasing transparency and making it clearer where legislation does not meet standards. It intends to bring the same discipline to regulatory management that New Zealand has for fiscal management.

The Bill aims to—

- promote the accountability of the Executive to Parliament for developing high-quality legislation and exercising stewardship over regulatory systems; and
- support Parliament's ability to scrutinise Bills; and
- support Parliament in overseeing and controlling the use of delegated powers to make legislation.

How Bill will achieve its purposes

The Regulatory Standards Bill will aim to achieve its purposes by—

- providing a benchmark for good legislation through a set of principles of responsible regulation (principles); and
- providing for the transparent assessment of the consistency of proposed and existing legislation with the principles (consistency accountability statements); and
- establishing a Regulatory Standards Board to independently consider the consistency of proposed and existing legislation, in response to stakeholder concerns, Minister for Regulation request, or on its own accord; and
- strengthening regulatory quality by supporting the Ministry for Regulation in its regulatory oversight role.

Key elements of Bill

The Bill establishes a benchmark for good legislation by introducing a set of principles of responsible regulation in primary legislation, focused on the effect of legislation on—

- existing interests and liberties, including the rule of law, liberties, taking of property, taxes, fees, and levies, and the role of courts; and
- good law-making processes, including consultation, options analysis, and cost-benefit analysis.

The Bill requires responsible Ministers, administering agencies and other makers of legislation to assess the consistency of proposed and existing legislation (both primary and secondary) against these principles. Where inconsistency is identified, the Bill requires a statement from the responsible Minister (or maker of secondary legislation where not a Minister) to briefly explain the reasons.

Ministers, as well as makers of secondary legislation, must publish or present to the House of Representatives the results of those assessments and explanations. Some primary and secondary legislation is excluded or exempted from these requirements.

The Bill also establishes a Regulatory Standards Board, with members to be appointed by the Minister responsible for this Bill (the Minister for Regulation), to independently assess consistency of legislation, helping incentivise Ministers and agencies to complete robust consistency accountability statements. The board can carry out inquiries following a complaint, at the request of the Minister, or on its own accord into whether legislation is inconsistent with the principles. Any recommendations it makes are non-binding. The board will only have a role in relation to legislation that is subject to consistency assessment requirements, and could investigate consistency with the principles in 2 broad ways as follows:

- it could look at consistency accountability statements of Bills as introduced into the House of Representatives, and provide a report to a select committee on its findings:
- it could inquire into whether existing legislation is consistent with the principles, and report to the Minister for Regulation and responsible Minister on its findings.

Finally, the Bill strengthens regulatory quality by supporting the Ministry for Regulation in its regulatory oversight role, including by requiring the Ministry to report on the overall state of the regulatory management system. It also strengthens regulatory stewardship expectations for agencies, and information-gathering powers for the Ministry to support the efficient and effective conduct of regulatory reviews.

Part Two: Background Material and Policy Information

Published reviews or evaluations

2.1. Are there any publicly available inquiry, review or evaluation reports that have informed, or are relevant to, the policy to be given effect by this Bill?	YES
<p>Regulatory Responsibility Taskforce (2009), <i>Report of the Regulatory Responsibility Taskforce</i>. Accessed here: https://www.treasury.govt.nz/sites/default/files/2017-11/rrt-report-sep09.pdf</p> <p>Productivity Commission (2014), <i>Regulatory Institutions and Practices</i>. Accessed here: https://www.regulation.govt.nz/assets/Uploads/Regulatory-Institutions-and-Practices.pdf</p> <p>OECD (2025), <i>OECD Regulatory Policy Outlook 2025</i>, OECD Publishing, Paris, https://doi.org/10.1787/56b60e39-en</p>	

Relevant international treaties

2.2. Does this Bill seek to give effect to New Zealand action in relation to an international treaty?	NO

Regulatory impact analysis

2.3. Were any regulatory impact statements provided to inform the policy decisions that led to this Bill?	YES
<p>Regulatory Impact Statement: proposed Regulatory Standards Bill, 22 April 2025 – Ministry for Regulation. This is accessed here: https://www.regulation.govt.nz/assets/RIS-Documents/Regulatory-Impact-Statement-proposed-Regulatory-Standards-Bill.pdf</p> <p>Note that some information in the Regulatory Impact Statement was redacted, consistent with section 9(2)(a) (to protect the privacy of natural persons) and section 9(2)(h) (to maintain legal professional privilege) of the Official Information Act 1982.</p> <p>An interim Regulatory Impact Statement was prepared to support public consultation between 19 November 2024-13 January 2025., This is accessed here: https://www.regulation.govt.nz/assets/RIS-Documents/Interim-Regulatory-Impact-Statement-Legislating-to-improve-transparency-of-the-quality-of-regulation-v2.pdf</p> <p>The analysis in this document has been updated and superseded by the final Regulatory Impact Statement above.</p> <p>Note that some information in the interim Regulatory Impact Statement was redacted, consistent with section 9(2)(a) (to protect the privacy of natural persons) and section 9(2)(h) (to maintain legal professional privilege) of the Official Information Act 1982.</p>	

2.3.1. If so, did the RIA Team in the Treasury provide an independent opinion on the quality of any of these regulatory impact statements?	YES
See Appendix One.	

2.3.2. Are there aspects of the policy to be given effect by this Bill that were not addressed by, or that now vary materially from, the policy options analysed in these regulatory impact statements?	NO
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Extent of impact analysis available

2.4. Has further impact analysis become available for any aspects of the policy to be given effect by this Bill?	NO

2.5. For the policy to be given effect by this Bill, is there analysis available on:	
(a) the size of the potential costs and benefits?	YES
(b) the potential for any group of persons to suffer a substantial unavoidable loss of income or wealth?	NO
Refer to final Regulatory Impact Statement [https://www.regulation.govt.nz/assets/RIS-Documents/Regulatory-Impact-Statement-proposed-Regulatory-Standards-Bill.pdf] pages 36-47 (for principles and accompanying mechanisms in the Bill) and 58-64 (for the proposed assurance function of a Regulatory Standards Board in the Bill).	

2.6. For the policy to be given effect by this Bill, are the potential costs or benefits likely to be impacted by:	
(a) the level of effective compliance or non-compliance with applicable obligations or standards?	YES
(b) the nature and level of regulator effort put into encouraging or securing compliance?	YES
Refer to final Regulatory Impact Statement [https://www.regulation.govt.nz/assets/RIS-Documents/Regulatory-Impact-Statement-proposed-Regulatory-Standards-Bill.pdf] pages 7-8, 36-47 (for principles and accompanying mechanisms in the Bill) and 58-64 (for the proposed assurance function of a Regulatory Standards Board in the Bill).	

Part Three: Testing of Legislative Content

Consistency with New Zealand's international obligations

3.1. What steps have been taken to determine whether the policy to be given effect by this Bill is consistent with New Zealand's international obligations?
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It was discussed with the Ministry for Regulation's internal subject matter expert whether there might be any inconsistency with New Zealand's international commitments relating to good regulatory practice, and none were identified.

The Ministry of Foreign Affairs and Trade were included in the consultation for the Bill, and did not raise any concerns related to New Zealand's international obligations.

Consistency with the government's Treaty of Waitangi obligations

3.2. What steps have been taken to determine whether the policy to be given effect by this Bill is consistent with the principles of the Treaty of Waitangi?

The Ministry consulted with Te Arawhiti and Te Puni Kōkiri during the development of the proposal, prior to public consultation.

A Treaty Impact Assessment (TIA) has been prepared and submitted alongside Cabinet approval of the policy [CAB-25-MIN-0148 refers]. The TIA concludes that the Treaty/te Tiriti impacts of the proposed Bill will ultimately depend on how it is implemented by decision-makers and the guidelines that are created to support the interpretation of its provisions. The TIA is accessed here:

<https://www.regulation.govt.nz/assets/Publication-Documents/Information-Release-Policy-Approvals-for-Progressing-a-Regulatory-Standards-Bill-May-2025-v2.pdf>

A preliminary Treaty Impact Assessment was prepared to support consultation and is accessed here:

<https://www.regulation.govt.nz/assets/Publication-Documents/Preliminary-Treaty-Impact-Analysis-for-the-proposed-Regulatory-Standards-Bill.pdf>

The analysis in this document has been updated and superseded by the final Treaty Impact Assessment above.

Consistency with the New Zealand Bill of Rights Act 1990

3.3. Has advice been provided to the Attorney-General on whether any provisions of this Bill appear to limit any of the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990?	YES
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The Attorney-General has provided advice that the Bill appears to be consistent with the New Zealand Bill of Rights Act 1990.

The advice will be accessible on the Ministry's website at [Advice on consistency of bills with the Bill of Rights Act | New Zealand Ministry of Justice](#)

Offences, penalties and court jurisdictions

3.4. Does this Bill create, amend, or remove:	
(a) offences or penalties (including infringement offences or penalties and civil pecuniary penalty regimes)?	NO
(b) the jurisdiction of a court or tribunal (including rights to judicial review or rights of appeal)?	NO
The Bill does not impact the types of matters that may be heard by a court or tribunal, the powers of a court or tribunal, the orders a court or tribunal can make, or appeal rights. However, section 47 of the Bill extends the jurisdiction of the High Court to make findings on contempt of Court, in respect of failure to follow the information gathering powers.	

3.4.1. Was the Ministry of Justice consulted about these provisions?	YES
The Offence and Penalty Vetting team at the Ministry of Justice was consulted about these provisions and no relevant concerns were identified from the offence and penalty vetting perspective.	

Privacy issues

3.5. Does this Bill create, amend or remove any provisions relating to the collection, storage, access to, correction of, use or disclosure of personal information?	YES
<p>The Bill creates information-gathering powers to enable the Chief Executive of the Ministry for Regulation ("Chief Executive") to require information:</p> <ul style="list-style-type: none"> necessary or desirable to enable the Ministry to prepare its report on the state of the regulatory management system, from public service agencies; and necessary or desirable to enable the Ministry to conduct regulatory reviews, from: <ul style="list-style-type: none"> public service agencies; any entity that makes or administers secondary legislation, including local government; any entity authorised by an Act to undertake a function imposed under legislation, for example the Reserve Bank and statutory occupational licensing bodies; any entity contracted by the government to support or facilitate the performance of a function imposed under legislation ("third-party service providers"). <p>The information-gathering powers are subject to the following limitations and restrictions:</p> <ul style="list-style-type: none"> the powers do not limit other legislation that imposes a prohibition or restriction on the availability of any information (for example, the Privacy Act 2020); the powers do not apply to the House of Representatives, the Speaker of the House of Representatives, an Office of Parliament, the Office of the Clerk of the House of Representatives, or the Parliamentary Service; in relation to non-public service agencies, the relevant power can only be used if the Chief Executive has first consulted the chief executive of the relevant agency; in relation to third party providers, the relevant power can only be used if the Chief Executive has first unsuccessfully sought the information with the contracting agency, or the request is made jointly with the contracting agency. 	

3.5.1. Was the Privacy Commissioner consulted about these provisions?	NO
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The information gathering powers cannot override prohibitions or restrictions on the sharing of information already set down in legislation (for example, the Privacy Act for the sharing of personal information).

External consultation

3.6. Has there been any external consultation on the policy to be given effect by this Bill, or on a draft of this Bill?	YES
<p>On 11 November 2024, Cabinet agreed to release the discussion document <i>Have your say on the proposed Regulatory Standards Bill</i> to consult on a proposed approach to the Bill (CAB-24-MIN-0437 refers). Public consultation on the proposal set out in a discussion document ran for just over eight weeks (19 November 2024 to 13 January 2025), with approximately 23,000 submissions received.</p> <p>Analysis showed that 20,108 submissions (around 88 per cent) opposed the proposed Bill, 76 submissions (0.33 per cent) supported or partially supported it, and the remaining 2,637 submissions (almost 12 per cent) did not have a clear position.</p> <p>Refer to final Regulatory Impact Statement [https://www.regulation.govt.nz/assets/RIS-Documents/Regulatory-Impact-Statement-proposed-Regulatory-Standards-Bill.pdf] pages 3-4, and 20-22.</p> <p>The complete summary of submissions is here: https://www.regulation.govt.nz/assets/Publication-Documents/Information-Release-Summary-of-Submissions-for-proposed-Regulatory-Standards-Bill.pdf</p> <p>The public discussion document is here: Ministry for Regulation (2024) <i>Have your say on the proposed Regulatory Standards Bill</i>. Accessed here: https://www.regulation.govt.nz/assets/Publication-Documents/Have-your-say-on-the-proposed-Regulatory-Standards-Bill-final.pdf</p>	

Other testing of proposals

3.7. Have the policy details to be given effect by this Bill been otherwise tested or assessed in any way to ensure the Bill's provisions are workable and complete?	NO
<p>While no specific tests have been conducted, departmental consultation was undertaken (primarily undertaken with government agencies within the core Crown) to test the details of the policy. Refer to final Regulatory Impact Statement [https://www.regulation.govt.nz/assets/RIS-Documents/Regulatory-Impact-Statement-proposed-Regulatory-Standards-Bill.pdf] page 4, and 21-22.</p>	

Part Four: Significant Legislative Features

Compulsory acquisition of private property

4.1. Does this Bill contain any provisions that could result in the compulsory acquisition of private property?	NO

Charges in the nature of a tax

4.2. Does this Bill create or amend a power to impose a fee, levy or charge in the nature of a tax?	NO

Retrospective effect

4.3. Does this Bill affect rights, freedoms, or impose obligations, retrospectively?	NO

Strict liability or reversal of the usual burden of proof for offences

4.4. Does this Bill:	
(a) create or amend a strict or absolute liability offence?	NO
(b) reverse or modify the usual burden of proof for an offence or a civil pecuniary penalty proceeding?	NO

Civil or criminal immunity

4.5. Does this Bill create or amend a civil or criminal immunity for any person?	YES
<p>Schedule 2, Section 14 provides that the members of the Regulatory Standards Board are not liable for anything that the member may do or say or fail to do or say in the course of the operations of the Board. This does not apply if it is shown a member acted in bad faith.</p> <p>This provision was included to protect the Board members from any undue civil court action against them resulting from the Board members discharging their functions in good faith. This is a relatively standard provision for entities related to the Crown, including in legislation like the Crown Entities Act 2004 (s121, 126) and Public Service Act 2020 (s104).</p>	

Significant decision-making powers

4.6. Does this Bill create or amend a decision-making power to make a determination about a person's rights, obligations, or interests protected or recognised by law, and that could have a significant impact on those rights, obligations, or interests?	NO

Powers to make delegated legislation

4.7. Does this Bill create or amend a power to make delegated legislation that could amend an Act, define the meaning of a term in an Act, or grant an exemption from an Act or delegated legislation?	NO
<p>We understand this question is directed at Henry VIII clauses (delegated legislation by the Executive that amends the scope of primary legislation). The Bill does contain delegated legislation granting exemptions, but as it requires a House Resolution approving the making of the legislation, it will not be Henry VIII delegated legislation.</p> <p>See answer to question 4.8 below.</p>	

4.8. Does this Bill create or amend any other powers to make delegated legislation?	YES
<p>Clauses 10(2), 14(2), and 19(3) allow for the Minister for Regulation to issue a notice to:</p> <ul style="list-style-type: none">• exempt particular classes of legislation (both primary and secondary) from consistency assessment requirements – this will ensure that the consistency assessment requirements are applied appropriately and consistently, noting that there has been insufficient time for officials to identify all legislation that should be exempted from the requirements• specify that a class of existing secondary legislation is subject to regular review – this will allow for the scheme to properly set review requirements across the broadest range of legislation appropriate to do so. <p>The notice is secondary legislation, and may only be issued after it has been approved by a resolution of the House of Representatives.</p>	

Any other unusual provisions or features

4.9. Does this Bill contain any provisions (other than those noted above) that are unusual or call for special comment?	NO

Appendix One: Further Information Relating to Part Two

Independent opinion on the quality of Regulatory Impact Statements – question 2.3.1

Final Regulatory Impact Statement

A quality assurance panel with members from the Ministry for Regulation, Ministry of Justice, Ministry for Business, Innovation and Employment and the Treasury has reviewed the Regulatory Impact Statement (RIS): Proposed Regulatory Standards Bill produced by the Ministry for Regulation. The QA panel considers that it “partially meets” the Quality Assurance criteria.

The RIS notes that the scope of the options has been limited by the Coalition agreement and Ministerial direction and as a result, alternative approaches to the proposal have not been explored in detail. However, the RIS clearly outlines the assumptions, limitations, and Ministerial objectives in a way that enables transparency and clarity about the differing views and considerations.

The information in the RIS suggests that the specific legislative changes sought in this Cabinet paper are unlikely to be the most efficient approach to pursuing the stated objectives. It highlights that, if the recommendations are agreed, regulating in the public interest may be more costly, with an uncertain impact on the underlying behavioural incentives and on the information problems that drive poor regulatory outcomes. The panel notes that the scope of consistency reviews was included after public consultation, and the RIS has limited analysis of impacts, including on local government. This additional requirement has significant estimated costs and potential for crowding out other regulatory maintenance and stewardship activity.

The Ministry for Regulation has expressed a preference for an alternative approach based on disclosure requirements coming into force through Part 4 of the Legislation Act 2019, supplemented by Ministerial commitments to good regulation and stewardship. The RIS indicates that this would encourage better information and sharpened incentives across regulatory regimes.

The QA panel's view is that, should this Bill proceed to enactment, more consideration will need to be given to implementation issues, funding, and addressing the risks identified in the RIS.