

Departmental Disclosure Statement

Regulatory Systems (Internal Affairs) Amendment Bill
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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 Department of Internal Affairs.

The Department of Internal Affairs certifies that, to the best of its knowledge and understanding, the information provided is complete and accurate at the date of finalisation below.

7 May 2025

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Part One: General Policy Statement

The Regulatory Systems (Internal Affairs) Amendment Bill (Bill) is an omnibus Bill that seeks to update regulatory systems. The Bill also seeks to remove unnecessary compliance and implementation costs for the Department of Internal Affairs (the Department) and regulated parties. The amendments included in the Bill all share the overall policy objective of improving the effectiveness and efficiency of regulatory systems overseen by the Department.

The Bill amends Acts administered by the Department. The Bill also amends Acts administered by other agencies where the Department operationalises aspects of those Acts. The Bill covers amendments to legislation under the Internal Affairs, Health, Local Government, Transport, Justice, Community and Voluntary Sector, and Land Information portfolios. The Bill includes consequential amendments to associated regulations and other Acts.

The amendments range from removing transitional provisions in Acts and amending incorrect references in legislation through to repealing redundant or ineffective areas of legislation. The amendments in the Bill have been checked against a range of criteria in the policy development process. Criteria used in developing the amendments included ensuring that the legislation is —

- Efficient and easily understood by those impacted; and
- Cost effective (both for the Department and for the wider public impacted by the legislation); and
- Coherent with other existing legislation and regulatory systems; and
- Sustainable and future proof.

By focusing on amendments that align with this criteria, the Department has developed an omnibus bill that aligns with the Government's stated objectives around best practice and strengthening regulatory stewardship to make sure that regulatory systems are working as efficiently as possible.

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?	NO

Relevant international treaties

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

2.2.1. If so, was a National Interest Analysis report prepared to inform a Parliamentary examination of the proposed New Zealand action in relation to the 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 – Internal Affairs Regulatory Systems Amendment Bill: Policy Proposals, Department of Internal Affairs, 6 November 2024. The Regulatory Impact Statement is limited to amendments that were not exempted by the Ministry for Regulation. A copy of the regulatory impact statement has been proactively released on the Department of Internal Affairs website and can be found online: Regulatory-SystemsAmendment-Bill-RIS.pdf</p> <p>Several areas of the regulatory impact statement were redacted under the following sections of the Official Information Act:</p> <ul style="list-style-type: none">- Section 9(2)(g)(i);- Section 9(2)(b)(ii);- Section 6(c); and- Section 9(2)(h). <p>This information was redacted as the release of this information could:</p> <ul style="list-style-type: none">- Prejudice the maintenance of the law;- Unreasonably prejudice the commercial position of the person who supplied or is the subject of the information;- Limit the ability for free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation; and- Maintain legal professional privilege.	

2.3.1. If so, did the RIA Team in the Ministry for Regulation provide an independent opinion on the quality of any of these regulatory impact statements?	NO
The Department of Internal Affairs conducts an internal quality assurance process on the respective RIS. The panel in this instance found the RIS met the assessment criteria.	

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?	YES
<p>One amendment to the Fire and Emergency New Zealand Act 2017 is additional to the policy options analysed in the Regulatory Impact Statement. This amendment was added as a minor and technical amendment to support the implementation of the new fire levy in 2026.</p> <p>The Department has identified a further five areas where the drafting has varied materially from the policy options that were analysed in the regulatory impact statement.</p> <p>An amendment to the Electronic Identity Verification Act 2012 has shifted the approval for organisations to be added to a list that can use electronic credentialing from the Minister of Internal Affairs to the Secretary of Internal Affairs. Through drafting it was determined appropriate and efficient for these decisions to be made within the Department of Internal Affairs without requiring the approval of the Minister of Internal Affairs.</p> <p>Instead of amending when the period of review begins, a change to the Films, Videos and Publications Classification Act 1993 has removed the statutory deadline and provided that applications for review must be granted unless it is not in the public interest.</p> <p>An amendment to the Human Assisted Reproductive Technology Act 2004 focusses only on the donor, in contrast to the regulatory impact statement's focus on personal representatives of both donors and their offspring.</p> <p>One amendment to the Local Authorities (Members' Interests) Act 1968 has partially shifted from the option assessed in the regulatory impact statement. The regulatory impact statement included both raising the monetary value the threshold is set at and introducing an eight-year review as well as introducing a three-year CPI adjustment. The eight-year review and CPI adjustment element of this amendment has been removed with the increased monetary value remaining.</p> <p>Finally, an amendment states that the Chief Archivist would be able to grant an exemption to requirements under the Public Records Act, while the regulatory impact statement referenced the Minister of Internal Affairs. Through drafting it was determined appropriate and efficient for these decisions to be made within the Department of Internal Affairs without requiring the approval of the Minister.</p> <p>In all other respects, the policy reflects those options analysed in the Regulatory Impact Statement.</p>	

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?	NO
(b) the potential for any group of persons to suffer a substantial unavoidable loss of income or wealth?	NO
<p>The RIS included cost effectiveness as one of the criteria that was used when considering amendments and has several references to reducing compliance or administration costs. However, none of the amendments solely focus on reducing costs. Several amendments may result in reduced cost for either agencies or the wider public, however, this was not the central purpose behind the amendments.</p>	

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
<p>One amendment under the Gambling Act 2003 would restrict the purchase of Lotto New Zealand's lottery products to people aged 18 years old and over. Compliance levels will affect the potential benefits of this amendment.</p> <p>An amendment to the Films, Videos, and Publications Classification Act 1993 will enable efficiency in sharing intelligence with international bodies. The realisation of the benefits of this international information sharing provision will be impacted by the extent and nature of its use by the Department of Internal Affairs.</p> <p>An amendment to the Public Records Act 2005 allows the Chief Archivist to grant exemptions from the requirements of managing, making accessible, and archiving records for New Zealand public offices operating under international agreements. This amendment depends on other agencies applying for exemption where necessary to realise the benefits.</p>	

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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The Ministry of Foreign Affairs and Trade has been consulted during the policy development process for the RSAB. Teams were asked to give feedback where amendments were considered more likely to have impacts on 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?

No specific issues were identified in the Bill that may have implications for the rights and interests of Māori protected by the Treaty of Waitangi. As such, no formal steps have been taken to determine whether the policies to be given effect by this Bill are consistent with the principles of the Treaty of Waitangi.

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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An assessment against the New Zealand Bill of Rights Act 1990 is in progress. Once the assessment is complete, the advice will be available on the Ministry of Justice's website: https://www.justice.govt.nz/justice-sector-policy/constitutional-issues-and-human-rights/the-bill-of-rights-act/compliance-reports/

Offences, penalties and court jurisdictions

3.4. Does this Bill create, amend, or remove:	
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(a) offences or penalties (including infringement offences or penalties and civil pecuniary penalty regimes)?	YES
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(b) the jurisdiction of a court or tribunal (including rights to judicial review or rights of appeal)?	NO
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An amendment under the Gambling Act is repealing redundant provisions relating to licensed promoters for class three raffles. The removal of all provisions relating to licensed promoters will remove offences and penalties (including infringement offences) and the Gambling Commission's jurisdiction to review licensing decisions.

The Boxing and Wrestling Act 1981 and associated regulations are being repealed (including offences). The repeal of this legislation therefore removes offences.
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3.4.1. Was the Ministry of Justice consulted about these provisions?	YES
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The Department has consulted with the Ministry of Justice at multiple stages through the development of the RSAB. Although the RSAB does include amendments which impact on offences, the Ministry of Justice has not raised any concerns about these amendments.

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>Four amendments to the Public Records Act will have implications around personal information.</p> <p>One amendment would allow exemptions for New Zealand public offices operating in multinational arrangements who are unable to comply with the record keeping requirements under the Public Records Act. In some instances, this may result in personal information being unavailable when an exemption is granted.</p> <p>Another amendment to the Public Records Act requires pre-2005 records transferred to approved repositories under the Archives Act 1957 to be retained as public records instead of as public archives. The archives / records impacted by this amendment may hold personal information.</p> <p>The next Public Records Act amendment would clarify that public archives may not be disposed of except where this is necessary for health and safety reasons. This may capture some public archives which hold personal information, and provide that they can be disposed of in prescribed circumstances.</p> <p>The final amendment under the Public Records Act would allow amendments to existing public archives to be made with the Chief Archivist's express written approval. These archives may hold personal information.</p> <p>One amendment to the Films, Videos, and Publications Classification Act, may enable personal information to be shared with overseas agencies (i.e. in cases where it is necessary to help identify victims and/or suspects, or support the prosecution of a suspect. The information sharing agreements under new section 145D are expressly required to include safeguards around the protection of personal information, and there must be prior consultation with the Privacy Commissioner.</p> <p>Two amendments to the Human Assisted Reproductive Technology Act 2004 would have implications for personal information. The first amendment allows a donor's personal representative to provide updated information, enabling more collection of personal information. The second amendment allows the Department to confirm to fertility clinics how many registered offspring a donor has (which is personal information).</p> <p>Two amendments to the Marriage Act have implications for personal information. The first would remove the statutory declaration requirement when applying for a marriage licence in person. The second amendment would replace a prescribed form with prescribed information requirements for information from people who are getting married.</p> <p>Four amendments to the Births, Deaths, Marriages, and Relationships Registration Act 2021(BDMRRA) will impact on personal information.</p> <p>The first relates to certification of the dissolution of a marriage that occurred outside New Zealand and clarifies that a certificate may be provided irrespective of whether the marriage or civil union itself occurred overseas or in New Zealand. This amendment will change the personal information that is collected by expanding the circumstances in which certification is possible.</p> <p>The second amendment allows access to printouts and certificates that refer to or contain the term "illegitimate". This will allow the Department to disclose information which is currently omitted.</p> <p>The third amendment would enable data sharing of historic information through information sharing agreements which will allow for this information to be disclosed.</p> <p>The final BDMRRA amendment will allow the Registrar-General to omit registered information from a certificate when they are satisfied there is good reason to. This will amend how the information is used / disclosed.</p>	

3.5.1. Was the Privacy Commissioner consulted about these provisions?	Yes
The Department has engaged with the Office of the Privacy Commissioner on privacy implications. This engagement has happened at different times and stages of the Bill, including prior to receiving policy approval and through drafting of the Bill.	

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>In drafting the Bill, the Department has consulted with the Office of Film and Literature Classification, Sport New Zealand, Fire and Emergency New Zealand, and several insurance companies (who come together as the insurance levy focus group) whose input was required in order to ensure the drafted legislation was fit for purpose. These insurance companies and crown entities can be found listed below:</p> <p>Levy focus group:</p> <ul style="list-style-type: none"> - Insurance Council of New Zealand - Insurance Brokers Association of New Zealand - Marsh (insurance brokers) - Gallagher Insurance NZ (insurance brokers) - Very Insurance New Zealand - IAG New Zealand - FMG Insurance - Ando Insurance - QBE Insurance - Tower Insurance 	

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?	YES
In developing the Bill, the Department has consulted other key stakeholders for legislation that is not administered by the Department such as the Ministry of Justice, Ministry of Health and Land Information New Zealand.	

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?	YES
<p>All three amendments to the Fire and Emergency New Zealand Act are intended to support the new fire levy coming in 2026. As a result, all three have implications for a levy.</p> <p>One amendment is around the definition of residential personal property which will ensure the correct types of property are captured and the correct rate can be applied.</p> <p>Another amendment is a clarification around commercial personal property which clarifies that commercial personal property can be covered by the levy.</p> <p>The final Fire and Emergency New Zealand Act amendment will ensure that when the new levy comes into effect on 1 July 2026 there is clarity around which rates should be applied if a contract undergoes a mid-term adjustment during the transitional period.</p> <p>One amendment to the Gambling Act repeals redundant provisions relating to licensed promoters for class 3 raffles. This amendment will remove provisions relating to Licensed Promoters which will remove the power to impose fees for the licensing of this activity.</p>	

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?	NO

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?	YES
One amendment under the Public Records Act 2005, will allow New Zealand Public Offices to apply for an exemption around the record keeping requirements put in place by the Public Records Act 2005. If an exemption is granted, this will remove an obligation around the retention and distribution of public records.	

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

4.8. Does this Bill create or amend any other powers to make delegated legislation?	YES
An amendment to the Electronic Identity Verification Act will alter the delegated mechanism by which an individual agency may be designated a "participating agency for the purposes of the Act". At present this requires regulations, but the amendment will authorise the chief executive of the Department to declare individual organisations to be participating agencies and maintain a list of these on the internet. Classes of organisations that are participating agencies will continue to be listed in Regulations.	

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