Regulatory Standards Bill

277—1

Report of the Commerce Committee

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Regulatory Standards Bill

Recommendation

The Commerce Committee has considered the Regulatory Standards Bill and recommends that it not be passed.

Introduction

We have considered the Regulatory Standards Bill, which seeks to improve the quality of regulation in New Zealand. The bill was initially referred to the Commerce Committee of the 49th Parliament. The Regulations Review Committee of the 49th Parliament, in discharging its legislative scrutiny function, reported to the committee on concerns arising from the proposed principles for responsible regulation set out in the bill.

Existing legislation and practice

The Commerce Committee of the 49th Parliament made an interim report on the bill in order to make the advice from the Regulations Review Committee publicly available. The advice raised certain concerns about the bill, which the committee considered should be brought to the attention of the public:

- The bill would result in an overlap of new with existing principles.
- Delegated legislation already reviewed by the Regulations Review Committee would become subject to the statement of compatibility and court review processes prescribed in the bill.
- Some important principles have been omitted from the bill, creating inconsistencies concerning the Regulations Review Committee's role in advising other committees about regulation-making powers in bills.
- It poses risks to the transparency of law-making processes.
- The Legislation Bill (which was before the House at the time) already proposed a structured process for the ongoing revision of legislation. It has since been enacted as the Legislation Act 2012.

Conclusion

In its interim report, the Commerce Committee of the 49th Parliament sought the views of interested parties on the concerns raised by the Regulations Review Committee, but none were received. We consider that the main effect of the bill would be to add an extra layer to existing legislative processes and practice. Therefore, we recommend that the bill not be passed.

Appendix

Committee procedure

The bill was referred to the Commerce Committee of the 49th Parliament on 5 July 2011. The committee called for public submissions on 7 July 2011 and received 46 submissions from interested groups and individuals. The committee made an interim report to the House on the bill on 30 September 2011. The bill was reinstated in the 50th and 51st Parliaments. The current committee considered the bill on 30 October 2014, 12 and 19 March, 2 and 30 April, and 7 May 2015.

Committee members

Melissa Lee (Chairperson)
Kanwaljit Singh Bakshi
Ria Bond
Dr David Clark
Hon Judith Collins
Clare Curran
Kris Faafoi
Brett Hudson
Gareth Hughes
Simon O'Connor