

# **Regulatory Standards Bill**

Government Bill

As reported from the Finance and Expenditure Committee

## **Commentary**

### **Recommendation**

The Finance and Expenditure Committee has examined the Regulatory Standards Bill and recommends by majority that it be passed. We recommend all amendments by majority.

### **Introduction**

This bill seeks to support the Executive’s accountability to Parliament for developing high-quality legislation and exercising stewardship over regulatory systems. It also seeks to strengthen Parliament’s scrutiny of legislation and its oversight of the creation of delegated legislation. It aims to achieve these objectives in several ways.

First, it would establish a set of “principles of responsible regulation” that new and existing legislation would be measured against. Clause 8 sets out principles on:

- the rule of law
- liberties
- the taking of property
- taxes, fees, and levies
- the role of courts
- good law-making.

The bill would require government agencies and other makers of secondary legislation to assess the consistency of proposed and existing legislation against the principles. Any identified inconsistency, along with a statement from the Minister or maker explaining the reason for the inconsistency, would be included in the explanatory note for the legislation, published online, or presented to the House of Representatives.

The bill would also establish a Regulatory Standards Board to independently consider the consistency of legislation with the principles. The members of the board would be appointed by the Minister for Regulation. The board would inquire into whether legislation is consistent with the principles following a complaint or on its own accord.

Finally, the bill would require the Ministry for Regulation | Te Manatū Waeture to report on the overall state of the regulatory management system. The bill would empower the ministry to require public service agencies to supply information to enable the ministry to produce the reports. The bill would also empower the ministry to seek information from public service agencies, makers and administrators of secondary legislation, and agencies and contractors that perform a statutory function to enable it to carry out a review of a regulatory system.

### **Legislative scrutiny**

As part of our consideration of the bill, we have examined its consistency with principles of legislative quality. We have no issues regarding the legislation's design to bring to the attention of the House.

### **Proposed amendments**

This commentary covers the main amendments we recommend to the bill as introduced. We do not discuss minor or technical amendments.

### **Aligning the commencement of the Regulatory Standards Board with CAS requirements**

Consistency accountability statements (CASs) would be prepared by the chief executive of the agency responsible for a piece of legislation. The CAS would confirm that the agency had reviewed the legislation for consistency with the principles and would summarise any inconsistency found.

The bill provides for a period of up to six months between the coming into force of some provisions in the bill (on 1 January 2026) and establishing CAS requirements (no later than 1 July 2026). This period would allow for the development of CAS guidance material to sufficiently prepare agencies to implement the bill's requirements.

The Regulatory Standards Board would be established on 1 January 2026, up to six months before CAS requirements would have to be established. We consider that this is a misalignment in timing. It means that the board could review legislation that did not align with the yet-to-be-established CAS guidance. To avoid uncertainty for the board, we propose aligning the board's establishment with the availability of guidance material on CAS requirements. We recommend amending clause 2(2) so that Part 2 of the bill would come into force on a date or dates set by Order in Council.

**Clarifying the principles of responsible regulation**

Clause 8 of the bill sets out the proposed principles of responsible regulation. Clause 8(c) specifies that legislation should not take or impair property without the consent of the owner unless there is good justification and fair compensation is provided. We think that this provision could make clearer that the “taking of property” principle is for situations where there is a high degree of impairment, not simply any impairment. We recommend that clause 8 be amended to provide for “severe impairment”, rather than just “impairment”.

Clause 8(d), which relates to the proposed principle regarding taxes, states the importance of maintaining consistency with section 22 of the Constitution Act 1986. That section asserts parliamentary control of public finances. Given that the principle is intended to focus on taxation rather than public finance more broadly, we recommend amending clause 8(d) to narrow the application of the principle to section 22(a) of the Constitution Act.

We think that principles of good law-making should recognise the importance of planning for the implementation of legislation while it is being developed. Therefore, we recommend inserting clause 8(ja) to emphasise the importance of the responsible agency identifying and developing effective arrangements for implementing legislation. We also recommend amending clauses 20 and 34 so that this principle would not apply to reviews of existing legislation.

We note that nothing in the bill prevents consideration of any additional principles when legislation is being made or reviewed. Clause 26 would allow reference to any other principles and factors when the Minister or makers of legislation give reasons for inconsistency with the principles. We think that this should be made clearer, and recommend inserting clause 8A. This would specify that the principles set out in clause 8 do not limit or affect any other principles, standards, or guidelines relating to the development of high-quality legislation.

**Consolidating excluded legislation and bills into one list**

In the bill as introduced, clauses 5, 10, 14, 18, 19, and 33 provide for the types of primary and secondary legislation that would be excluded from review. We think that consolidating these exclusions into a single schedule would reduce complexity, improve clarity, and ensure consistency. We recommend inserting clause 6A and Schedule 1A to specify the excluded legislation.

We note that the bill as introduced would not allow Acts to be excluded via the notice mechanism, whereas bills and secondary legislation could be. For consistency, we recommend inserting in clause 6A and Schedule 1A that Acts of a class specified in a notice can be excluded from review.

**Excluding any bill that recognises agreements under the Marine and Coastal Area (Takutai Moana) Act**

As noted above, the bill would exclude various types of bills, Acts, and secondary legislation from the requirements for review. One “excluded Act” in the bill as intro-

duced is the Marine and Coastal Area (Takutai Moana) Act 2011. We note that the bill is inconsistent in its treatment of the two ways that section 96 of the Takutai Moana Act provides for recognition of a protected customary right or a customary marine title: by primary or secondary legislation.

As introduced, the bill would exclude consistency assessment requirements for secondary legislation made under the Takutai Moana Act but not for primary legislation made for the purposes of that Act. For consistency, we recommend inserting a clause into Schedule 1A making it clear that any bill for an Act of the kind referred to in section 96(1)(b) of the Takutai Moana Act should be excluded from consistency assessment requirements.

### **Excluding any legislation that gives effect to a Treaty settlement**

We understand that the bill intends to exempt from consistency assessment requirements any legislation that gives effect to a Treaty of Waitangi settlement, including secondary legislation associated with mātaihai reserves. However, this is not clearly articulated in the bill as introduced, and we think the bill could be interpreted as not exempting mātaihai regulations. This is because the mechanism for empowering a Minister to declare a mātaihai reserve is in section 186 of the Fisheries Act 1996, which is not a “Treaty settlement Act” for the purposes of the bill. (The reason for this is that it contains both provisions that give effect to a Treaty of Waitangi settlement, and other provisions). A separate provision—section 10 of the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992—provides that mātaihai regulations are Treaty of Waitangi redress.

We think the “Treaty settlement Act” definition, as introduced, could be interpreted as only applying to the Fisheries Act as a whole, or not at all. The intent is that the provisions of an Act or bill that give effect to a Treaty of Waitangi settlement are captured by the definitions of “Treaty settlement Act” and “Treaty settlement Bill”, while any other provisions are not.

We recommend amending the bill’s definitions of “Treaty settlement Act” and “Treaty settlement Bill” to make it clear that any part of an Act or bill that provides redress for Treaty of Waitangi claims is excluded from consistency assessment requirements.

### **Independence of the board when performing its functions**

Clause 29 provides for the functions of the board—conducting inquiries into existing legislation and considering consistency accountability statements for bills. Some submitters suggested that this clause should be amended to address concerns that the functions of the board could lack independence or be disproportionately influenced by the Minister for Regulation. We think that the bill should make clear that the board must act independently when considering consistency accountability statements and conducting inquiries into existing legislation. We recommend inserting clause 30A to this effect.

**Appointment and removal of board members**

Clause 38(1) as introduced would require the regulatory standards Minister to appoint the members of the Regulatory Standards Board. In line with our recommended change to insert new clause 30A, we think that the board appointment process should reflect the board's independence and mirror the process for appointments to independent Crown entity boards set out in section 28(1)(b) of the Crown Entities Act 2004. We recommend amending clause 38(1) to provide that appointments to the board would be made by the Governor-General, on the recommendation of the regulatory standards Minister.

Schedule 2 of the bill as introduced provides for other matters related to the board and its membership. Clause 1(1) states that a board member may hold office for 3 years or any shorter period stated in the notice of appointment. We think the term of office for members of the board should be consistent with the Crown Entities Act. Therefore, we recommend amending clause 1(1) to state that members are appointed for a term of 5 years or any shorter period stated in the notice of appointment.

Clause 2(1) in Schedule 2 of the bill would enable the regulatory standards Minister to remove a member of the board at any time and at their discretion. We think that, for consistency, the removal of board members should follow processes for the removal of independent Crown entity board members as set out in section 39 of the Crown Entities Act. We recommend amending clause 2(1) to provide for the Governor-General to remove members for just cause, on the advice of the regulatory standards Minister, after consulting with the Attorney-General. We also recommend inserting clause 2(5) to specify that "just cause" includes misconduct, inability to perform the functions of office, neglect of duty, and breach of any of the board's collective duty or the individual duties of members.

**Appointment, term, resignation, and removal of chairperson**

The bill as introduced does not contain provisions on the appointment, term, or removal of the board's chairperson. We recommend inserting clauses 14A to 14D. Clauses 14A and 14D provide that the Governor-General, on the recommendation of the regulatory standards Minister, may appoint and remove a chairperson of the board. Clause 14B specifies the term of appointment of a chairperson, and clause 14C states the process of resigning as chairperson. This is similar to the process of appointing and removing a chairperson of an independent Crown entity under the Crown Entities Act.

**New Zealand Labour Party differing view**

The Labour Party is deeply concerned the Government is progressing this deeply flawed and ideologically driven bill.

All governments want to improve regulatory quality, but that is not the purpose, nor will it be the effect of this bill. The bill seeks to entrench into New Zealand lawmaking a set of principles that puts private interests above public good and property rights before community wellbeing.

Moreover, this bill does not have the support of New Zealand. As stated in the Departmental Report “of the 159,000 submissions received on the Bill ... 156,882 submissions were opposed to the Bill (98.7%), 1,191 were in support of the Bill (0.7%), and the remaining 927 were either unclear or did not take a position on the Bill overall (0.6%)”.

It is also important to note that the opposition came from all quarters—including from highly respected organisations and civil society groups which have no particular political alignment. The following are a tiny sample of statements from such submitters:

- Environment Southland: “The drive to elevate private property rights above other fundamental rights risks undermining the balance of principles that underpin New Zealand’s democratic society. In the long term, this may significantly hinder the Government’s ability to protect public interest in essential areas.”
- Legislation Design and Advisory Committee: “Some principles are novel and deeply contestable.”
- New Zealand Law Society: “It is striking that the process and content of a Bill purporting to promote good law-making and high-quality legislation should fail to meet not only the bill’s own standards, but the existing established processes for supporting good law-making.”
- Te Hunga Rōia Māori o Aotearoa: “This far-reaching reform is being pursued without sufficient public scrutiny, constitutional consensus, engagement with Māori, or regard for the Crown’s obligations under Te Tiriti o Waitangi.”
- Te Kāhui Tika Tangata / The Human Rights Commission: “The bill embeds a narrow set of principles that prioritise individual and private interests as paramount considerations in lawmaking, effectively sidelining wider considerations of collective wellbeing, as well as the fulfilment of the Government’s full spectrum of human rights obligations and its obligations under Te Tiriti.”
- Te Pane Matua Taiao / Greater Wellington Regional Council: “[The bill] will impact on local government, creating legal risks, inefficiency, complexity and increased costs for us, our partners and communities.”
- Mana Mokopuna—Children and Young People’s Commission: “Mana Mokopuna opposes the bill in its entirety as it negatively impacts on the rights, interests, participation, and well-being of mokopuna in Aotearoa New Zealand.”
- Parliamentary Commissioner for the Environment: “In the absence of any qualifications, these provisions could be construed to mean that regulation or legislation cannot constrain people polluting or damaging property that is in public or common ownership.”
- Simpson Grierson: “...the Regulatory Standards Bill will introduce significant legal and practical uncertainty”.

The basis upon which this bill was opposed by submitters and should not proceed further are manifold. It is important that some of the key themes are captured.

### **The exclusion of Te Tiriti**

The idea that a bill can capture good regulatory principles without mentioning the Treaty of Waitangi is ludicrous. Te Tiriti is our founding document and is the basis of the relationship between the Crown and Māori. Adherence to its principles is a fundamental part of our constitutional framework—including in the lawmaking process. The exclusion of Te Tiriti is an egregious failure and an affront to Māori.

The failure to include reference to Te Tiriti flies in the face of clearly established constitutional norms as expressed in the Cabinet Manual, the Legislation Guidelines, and Cabinet Office circulars (notably CO(19)5: Te Tiriti o Waitangi/Treaty of Waitangi Guidance).

This concern is shared not only across New Zealand but also within Government.

For example, a Ministry of Justice email dated 18 March 2025 noted the ministry's view that:

“The omission of the Treaty of Waitangi does not recognise the Treaty's constitutional significance, nor the Crown's positive duty to acknowledge the rights and interests of Māori in the development of policy and legislation. The Ministry of Justice considers certainty and clarity of the law would be better served if the principles more closely aligned with generally accepted legal values and concepts.”

### **The principles are selective and contested**

The principles which have been selected are not broadly accepted as an appropriate basis for lawmaking. Most contentious is the statement that the law should not have the effect of impairing property. While rights to property are recognised in law, the promotion of this principle to that of a guiding light in lawmaking effectively gives it constitutional importance. It places property rights above other rights in the lawmaking process.

We are also concerned that the principle that every person is equal before the law will be used to undermine the progress that has been made to address inequities that have and continue to exist in society. The ACT Party, which has been promoting this bill, have opposed measures to ensure equitable outcomes for all on the basis that this amounts to “special treatment”. They have also opposed recognition of rights of Māori as *mana whenua* as amounting to unequal treatment.

To promote formal equality entrenches existing inequities, especially when the so-called equal treatment is framed in the dominant paradigm. We have increasingly recognised that treating everyone the same does not address existing disadvantages or systemic inequalities. The principle of formal equality in this bill would take this backwards. An appropriate approach takes into account the different needs, circumstances, and historic barriers faced by marginalised groups. This aims to achieve equal outcomes rather than just equal treatment. This approach recognises the shortcomings of the status quo and seeks to ensure genuine fairness and justice by transforming social structures. This bill assumes a one-size-fits-all model that has repeatedly failed.

**Silence on other key principles**

Clause 8 of the bill states “The principles of responsible regulation are as follows:” and then lists the principles. The statement is palpably false. The statement is expressed in absolute terms. Even if the principles were not objectionable, they are clearly incomplete.

While the amended clause does recognise that the list is not exhaustive, by including some principles and not others, it prioritises those listed. Importantly only those principles which are found in clause 8 can be taken into account by the Regulatory Standards Board. Other critical principles—like partnership under the Treaty/te Tiriti cannot form part of that analysis. It is a yawning gap that this bill identifies only selective principles against which to measure the “quality” of legislation and ignores other critical principles and standards. There is no recognition of other principles of good regulation, such as compliance with the rights and freedoms set out in the New Zealand Bill of Rights Act 1990, or compliance with international obligations.

**This is a constitutionally significant bill**

This is law about how law is made. By its very nature it has constitutional significance. It is the kind of law which should be carefully and deliberately considered with an open mind, and the widest possible consultation and support. It is deeply concerning that a fringe party has, through coalition negotiations, secured a significant change to our constitutional framework, and is pushing it through in a largely unchanged form despite overwhelming advice and submissions recommending against such an approach.

**The bill protects private interests over collective benefits**

At heart, this bill is about protecting established private property rights and limiting the ability to govern in the interests of all New Zealanders. The primacy of the protection of property rights from “impairment” and the expectation of compensation for any impairment plays into the hands of corporate interests that this Government has shown itself supportive of. Banning further exploration of oil and gas, limiting the sale of vapes, constraining the advertisement of alcohol, are all examples of measures which seek to protect New Zealanders that would be made more difficult by this legislation. To suggest that the sellers of cigarettes or vapes should be “paid off” for their lost profits if we determine that sales should be limited or prohibited to protect health is ridiculous.

**The bill will harm the environment**

The Commissioner for the Environment and others opposed this bill on the basis that it failed to protect the environment. For example, under the bill, if rules were introduced restricting the right of a farmer to use land in a particular way (for example, reducing the use of nitrates or herbicides) because they were detrimental to the environment, this would be an “impairment” and there would be a presumption in favour of compensation. This makes protecting the environment from harm more difficult.



Equally the bill makes no mention of climate change and the need to address climate emissions. This Government is winding back the ban on offshore oil and gas exploration put in place by the last Labour-led Government, and encouraging more coal mining. If a future government wanted to again restrict such activities to protect our climate and environment there would be a presumption of compensation for affected parties. And there is no ability to take climate or other environmental matters into account when running the regulatory standards ruler over new legislation.

### **The bill is inconsistent with international human rights law**

One principle under the bill is that “every person is equal before the law” which seems superficially straightforward. However, as the Human Rights Commission pointed out, under international human rights law effectively achieving equality requires addressing indirect discrimination and substantive equality.

To ensure equality of opportunity (for example, for the disabled) requires particular steps to be taken to ensure this. Similarly, to ensure that everyone has the ability to get a good job, educational inequalities that exist in deprived demographics need to be addressed by addressing particular needs. There is a myriad of ways in which, to achieve a just society, people need to be treated differently.

### **The bill will make it more difficult to make good law**

Many submitters noted that the effect (and purpose) of this bill is to have a chilling effect on certain types of legislation. For example, legislation which required the retrofitting of accessibility ramps to public-facing businesses like shops or cafes would be an “impairment” on the property rights of the business owners—but also an important step to ensure equitable access for disabled people. While the proponents of the bill say that this does not “stop” such legislation it has the intended effect of making it more difficult to pass by putting hurdles in its way and insisting the policy makers take into account the fact they are breaching so-called “principles of responsible regulation”.

### **The process has been flawed**

There is considerable irony in the Minister claiming that the bill is about ensuring good regulatory quality and process when the process he has adopted in developing the bill is itself flawed. There was no particular consultation with Māori, notwithstanding that this bill is of critical importance to how the rights and interests of Māori are protected.

It beggars belief that a bill aimed at improving regulatory quality did not itself meet the quality standards, in that its regulatory impact statement of 26 March 2025 did not meet in full the quality assurance criteria required. It noted that the scope of the options was unduly limited by the Coalition agreement and by the Minister’s direction. The Regulatory Impact Statement notes (at p12) that the bill will make regulation more costly and it is uncertain that it will have any positive impact on regulatory quality. Indeed, it observes that the onerous requirements under the bill may “crowd out” other regulatory maintenance and stewardship activity.

The problem of poor regulatory quality has been approached with a closed mind—the Regulatory Impact Statement notes that “the scope of the options has been limited by the Coalition agreement and Ministerial direction”.

The Minister was not interested in entertaining any ways to improve regulatory quality other than those he had already set his mind on. This kind of closed-mindedness is the enemy of good policy. It is also deeply concerning that the evidence shows that the Minister has no interest in engaging with diverse views on the matter and has publicly said that he considered that submissions were made by “bots” when this was not the case. When prominent and respected New Zealanders opposed the bill, he accused them of having “Regulatory Standards Derangement Syndrome.” This conduct by a Minister of the Crown is deplorable.

All of the policy advice (including from the Ministry for Regulation) and consultation indicated that an approach which strengthened existing frameworks and tools would be more likely to improve regulatory quality and be considerably less costly.

Notwithstanding this the Minister has pressed on with his pet project.

It is also disappointing that the majority of this select committee has bowed to the Minister’s request to truncate the process of our consideration. The Minister fumbled the referral motion when he spoke in the first reading debate and failed to move the appropriate motion to shorten the referral period under Standing Order 298.

For this reason, he wrote to this committee asking that we report back within four months rather than the usual period. This committee should act independently. However, the members of the National, ACT and New Zealand First parties chose to accede to that request and therefore our consideration and the submissions period has been rushed. It is a travesty that only 30 hours were accorded to hearing submissions on a bill of constitutional importance, on which 166,000 submitted and many who wanted to be heard in person were denied that opportunity.

### **It will not work**

This bill will add another layer of complexity to an already crowded system of regulatory quality. The quality of regulation making is already subject to checks not only by the internal processes of departments, and the drafting practices of the Parliamentary Counsel Office, but also by:

- the guidance set out in the Legislation Design and Advisory Committee Guidelines
- the Regulatory Impact Assessment process
- the Departmental Disclosure Statement process
- the Attorney-General’s reports under section 7 of the New Zealand Bill of Rights Act
- Regulations Review Committee scrutiny
- Legislative scrutiny by the Clerk of the House
- the role of Parliamentary Counsel in drafting

- the select committee process (including input by independent bodies such as the Human Rights Commission).

In addition, the Department of the Prime Minister and Cabinet provides guidance on good legislative design, and the Cabinet Manual provides further guidance.

It is therefore no wonder that all the advice received suggested that a refinement and improvement of existing processes would be most likely to improve regulatory quality. Instead, we have another layer of bureaucracy in the lawmaking process.

What is more, the so-called principles of good regulation are at odds with the existing framework of regulatory quality. The introduction of novel principles which are not widely supported and that cut across other accepted values will create confusion and uncertainty as to what good lawmaking is.

### **Undermining of Parliament**

The independence of Parliament is a central tenet of our constitutional framework.

An allied feature is that what is said in Parliament and the proceedings of Parliament cannot be questioned by any other body. The independence of Parliament from the executive was established in the Bill of Rights Act 1688 which remains part of our law today. It states, “proceedings in Parliament ought not to be impeached or questioned in any court or place out of Parliament”.

Clause 29 of the bill expressly states that one of the functions of the Regulatory Standards Board is to carry out “inquiries into whether Acts ... are inconsistent with the principles of responsible regulation”.

Creating a body which is an arm of the executive which has as a primary function criticising Parliament is inconsistent with a central pillar of our democracy. It gives excessive influence to a small body appointed on the recommendation of the regulatory standards Minister.

The appropriate body for the scrutiny of the quality of delegated legislation is also part of Parliament; namely the Regulations Review Committee. It is Parliament’s specialist body for the consideration of all secondary legislation and their impact. It is the appropriate body for the oversight of regulatory standards, and if appropriate can recommend disallowance. This bill unnecessarily duplicates (in a less effective way) some of these roles.

This bill alters the balance between the various arms of government in a substantial way.

### **The bill is unnecessary and expensive**

This bill imposes additional costs on government in three ways.

First, it establishes the Regulatory Standards Board, which will be an ongoing cost of millions of dollars. No clear advice on exactly how much it will cost is currently available.

Second, and more importantly, it imposes compliance costs on any department making a legislative proposal in the form of a “consistency accountability statement” in

addition to existing requirements to provide regulatory impact statements and departmental disclosure reports. This additional burden adds nothing of substance to the process.

Indeed, the objective of improving legislative quality could have been achieved much more easily (and without the need for this legislation) by adjusting the requirements of regulatory impact statements and departmental disclosure reports.

Third, the bill imposes obligations to review existing legislation and report on those reviews. These obligations will impose real burdens on departments.

By way of example, the Ministry of Business, Innovation and Employment has indicated compliance with the bill could cost up to \$60 million a year. It notes:

- It is very roughly estimated that a dedicated team of 6–8 FTE (full time employees) with a manager may be required to undertake the consistency reviews and provide advice to the Minister on whether departures are justified.
- Up to 15 percent of the policy resource will need to be engaged in complying with the bill.

Together these requirements will pose considerable financial and other costs on departments. Importantly, the time taken to comply with these bureaucratic requirements will take resources away from other important policy work and, perversely, could lead to lower quality policy and regulation as a result.

### **Conclusion**

There are a host of reasons why this committee should recommend that this bill not pass.

It is unworkable, ideological, and deeply flawed. While improving regulatory quality is an appropriate policy goal, this bill will not achieve the goal and may in fact have the opposite effect.

This is known to members of the National Party, but they have agreed that this bill be passed as part of their coalition agreements.

The fact that the National Party is prepared to see such a poor piece of legislation enter the statute book is a poor reflection on it.

### **Green Party of Aotearoa New Zealand differing view**

The Green Party opposes the Regulatory Standards Bill and the wider libertarian-bureaucratic-industrial complex that underpins this effort. We will abolish the Regulatory Standards Act and abolish the Ministry for Regulation—offering workers a just transition to actually useful work being done by other parts of the public service.

We agree with the overwhelming majority of submitters (98.7%) who oppose this bill and all the expert submitters who have laid out in clinical detail the flaws of this legislation. We condemn the Government majority on the Finance and Expenditure Committee for rail-roading the bill through rushed processes and a compressed time-

frame of submissions that means that not every person who asked to speak on this bill was able to speak.

Overall, we consider that the Regulatory Standards Bill will have a negative impact on protections for Te Tiriti, people, and planet and create a tsunami of unnecessary yellow tape which is why we oppose it unequivocally.

### **Te Tiriti**

We agree with the submissions made by tangata whenua, the Waitangi Tribunal, experts, and many submitters that the Government has failed to meaningfully engage with Māori during the development of the Regulatory Standards Bill and that this constitutes a breach of “Treaty principles of partnership and active protection”.

We agree that the omission to references to Te Tiriti o Waitangi and that many provisions of the bill, particularly the principles, risks damaging the interest of Māori and could further entrench the structural discrimination faced by Māori.

We note that suggestions by submitters to include Te Tiriti o Waitangi as a paramount principle were disregarded. While there are suggested changes, including explicitly excluding settlement bills that are a step in the right direction, the bill still fundamentally excludes Te Tiriti and the process of consultation has still been inadequate.

### **Planet**

We agree with the submissions made by Greenpeace, 350 Aotearoa, and countless other that the Regulatory Standards Bill could undermine protections for climate and nature. In particular, we share their concerns that the principles could potentially limit protections for nature and climate through creating a chilling effect that might lead to governments being unable or unwilling to regulate.

We acknowledge that there have been changes during the select committee process such as the shift of language from “impairment” to “severe impairment”, but we think that this still creates a chilling effect.

### **People**

We agree with the submission made by the New Zealand Council of Trade Unions, different medical associations, disability advocacy groups, and countless others that the Regulatory Standards Bill would undermine protections that support and uplift ordinary people.

In particular, we share concerns that the bill could undermine worker protections, public health measures, measures that protect our national sovereignty, and disability protections.

### **Yellow Tape**

We share concerns raised by the Public Service Association in their submission and concerns raised by various government departments, such as Treasury and the Ministry for Business, Innovation and Employment around the costs—in time and money that the Regulatory Standards Bill will impose on the public service.

We agree with Treasury and the Ministry of Business, Innovation and Employment that the cost estimates developed by the Ministry for Regulation are “a lower bound” and that the total costs will likely be higher. We are concerned that these costs will be borne either by reprioritisation of public service resources or additional taxpayer funding—similar to the tens of millions already wasted on the Ministry for Regulation.

## Appendix

### Committee process

The Regulatory Standards Bill was referred to this committee on 22 May 2025. We called for submissions on the bill with a closing date of 23 June 2025. About 166,300 submissions were lodged through the website and by email.<sup>1</sup>

A minority of us would like to report that the Ministry for Regulation contracted Allen + Clarke to assist with analysing submissions. Of the submissions analysed, 98.7 percent opposed the bill, 0.7 percent were in support, and 0.6 percent were either unclear or did not take a position on the bill.

A majority would like to report that from additional analysis, 1,317 submissions were identified as containing detail or unique arguments, and were considered to be “substantive” on this basis.

The main reasons given in support of the bill include:

- promoting greater transparency and accountability
- improving the quality of regulation
- reducing unnecessary regulatory burden and compliance costs.

The themes that emerged from submissions opposing the bill include:

- omission of the Treaty/te Tiriti and its principles is unacceptable and is a breach of the Crown’s obligations
- the bill is based on an ideology unsupported by most New Zealanders
- the bill would favour private interests over collective benefits
- the bill would weaken environmental protections
- the bill would give excessive power to the Minister for Regulation
- the bill would be unnecessary and expensive.

We considered submissions from 159,493 interested groups and individuals. We heard oral evidence from 204 submitters, with approximately 30 hours of oral submissions heard.

Advice on the bill was provided by the Ministry for Regulation. The Office of the Clerk provided advice on the bill’s legislative quality. The Parliamentary Counsel Office assisted with legal drafting. The Regulations Review Committee reported to us on the powers contained in clauses 10, 14, and 19.

### Committee membership

Cameron Brewer (Chairperson)

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<sup>1</sup> Some submissions were set aside as they failed to meet committee guidelines for appropriate language or relevancy, or were duplicates. (See the ministry’s departmental report for more information.)

Jamie Arbuckle (until 13 August 2025)

Dan Bidois

Hon Barbara Edmonds

Ryan Hamilton

Mariameno Kapa-Kingi (from 4 June to 25 June 2025)

Nancy Lu

Hon Dr Deborah Russell

Todd Stephenson

Chlöe Swarbrick

Rawiri Waititi (excluding 4 June to 25 June 2025)

Dr David Wilson (from 13 August 2025)

Hon Dr Megan Woods

Hon Dr Duncan Webb replaced Hon Barbara Edmonds, and Francisco Hernandez replaced Chlöe Swarbrick for our consideration of this bill.

**Related resources**

The documents we received as advice and evidence are available on the Parliament website.



**Key to symbols used in reprinted bill**

**As reported from a select committee**

text inserted by a majority

~~text deleted by a majority~~



*Hon David Seymour*

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Government Bill

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**The Parliament of New Zealand enacts as follows:**

**1 Title**

This Act is the Regulatory Standards Act **2025**.

## 2 Commencement

- (1) This Act comes into force on **1 January 2026**.
- (2) However, ~~subparts 2 to 6 of Part 2 come into force~~ Part 2 comes into force on a date or dates set by Order in Council.
- (3) Any part of the Act that has not come into force by **1 July 2026** comes into force then. 5
- (4) An Order in Council made under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

## Part 1 Preliminary provisions

10

## 3 Purposes

- (1) The purposes of this Act are to—
  - (a) promote the accountability of the Executive to Parliament for—
    - (i) the development of high-quality legislation; and
    - (ii) the exercise of stewardship over regulatory systems; and 15
  - (b) support Parliament’s ability to scrutinise Bills; and
  - (c) support Parliament in overseeing and controlling the use of delegated powers to make legislation (*see* Part 5 of the Legislation Act 2019).
- (2) The purposes of this Act are given effect to only by—
  - (a) setting out principles of responsible regulation; and 20
  - (b) providing for—
    - (i) the review of the consistency of proposed and existing legislation with the principles of responsible regulation; and
    - (ii) the disclosure of the reasons for any identified inconsistencies; and 25
    - (iii) regulatory stewardship responsibilities; and
  - (c) providing for a Regulatory Standards Board to—
    - (i) inquire into whether existing legislation is consistent with the principles of responsible regulation; and
    - (ii) consider consistency accountability statements for Government Bills; and 30
  - (d) providing support to the regulatory standards Ministry in its work to improve the quality of legislation.

## 4 Overview

- (1) This Act— 35

*Principles*

- (a) sets out principles of responsible regulation (*see* **section 8**); and

*Review of new legislation*

- (b) provides for the explanatory note of a Government Bill, a Government amendment, or secondary legislation to include (or link to) the following (*see* **subpart 2 of Part 2**): 5
- (i) a consistency accountability statement. This statement is made by the chief executive of the responsible agency for the legislation. It confirms that the agency has reviewed the legislation for consistency with the principles and summarises any inconsistency that is identified in the review: 10
  - (ii) a statement from the responsible Minister for the Bill or amendment or the maker of the secondary legislation. This statement briefly explains the Government's or maker's reasons for any inconsistency with the principles that is identified in the consistency accountability statement; and 15
- (e) ~~provides for when an explanatory note is not required to include (or link to) the statements (*see* **sections 10, 12, and 14**); and~~

*Excluded legislation*

- (c) excludes certain legislation (and proposed legislation) from the Act (*see* **section 6A and Schedule 1A**). This means, for example, that excluded legislation— 20
- (i) will not be reviewed for consistency with the principles under **subpart 2 of Part 2**; and
  - (ii) will not be subject to regular review under **subpart 3 of Part 2**; and 25
  - (iii) will not be subject to a Regulatory Standards Board inquiry into whether it is inconsistent with the principles under **subpart 7 of Part 2**; and

*Stewardship of regulatory systems* 30

- (d) gives public service chief executives a responsibility to proactively engage in stewardship of regulatory systems and ensure that their agencies also do so (*see* **section 15**); and
- (e) requires the chief executive of the Ministry that is responsible for this Act to give at least 4-yearly briefings on the state of the regulatory management system (*see* **section 16**); and 35
- (f) requires responsible agencies for existing legislation to develop plans for regularly reviewing the legislation for consistency with the principles and to report on the reviews, ~~with certain exceptions~~ (*see* **sections 17 to 22**); and 40

- (g) requires chief executives to act independently when making a consistency accountability statement or giving a briefing under **section 16** (*see section 23*); and  
*Act does not confer or impose legal rights or duties or affect validity*
- (h) confirms that the Act does not confer or impose legal rights or duties or affect the validity of any legislation (*see subpart 5 of Part 2*); and  
*Guidance*
- (i) provides for the regulatory standards Minister and the Attorney-General to jointly issue guidance (*see subpart 6 of Part 2*); and  
*Regulatory Standards Board*
- (j) establishes a Regulatory Standards Board to carry out inquiries into whether existing legislation is inconsistent with the principles and to consider consistency accountability statements for Government Bills (*see subpart 7 of Part 2*); and  
*Regulatory reviews and information-gathering powers*
- (k) provides for reports on regulatory reviews that are carried out by the Ministry that is responsible for this Act to be presented to the House of Representatives together with the Government's response (*see section 41*); and
- (l) gives the chief executive of that Ministry powers to obtain information to support the Ministry's role (*see sections 42 to 47*).
- (2) This section is only a guide to the general scheme and effect of this Act.

## 5 Interpretation

In this Act, unless the context otherwise requires,—

**administering agency** has the same meaning as in section 5(1) of the Legislation Act 2019

**board** means the Regulatory Standards Board established under **section 28**

**central government entity** means—

- (a) a department (within the meaning of section 2(1) of the Public Finance Act 1989);
- (b) the Reserve Bank of New Zealand;
- (c) a Crown entity that is a statutory entity (as those terms are defined in section 7(1) of the Crown Entities Act 2004)

**chief executive** means a person occupying the position of chief executive officer by whatever name called



**consistency accountability statement** means,—

- (a) in relation to **subpart 2 of Part 2**, a statement from the chief executive of the responsible agency for a Bill, Government amendment, or secondary legislation that—
  - (i) confirms that the agency has reviewed the Bill, Government amendment, or secondary legislation, and its process for developing it, for consistency with the principles of responsible regulation; and 5
  - (ii) summarises any inconsistency with the principles that is identified in the review; and 10
- (b) in relation to **subpart 3 of Part 2**, a statement from the chief executive of the responsible agency for an Act or secondary legislation that—
  - (i) confirms that the agency has reviewed the Act or secondary legislation for consistency with the principles of responsible regulation; and 15
  - (ii) summarises any inconsistency with the principles that is identified in the review

**contract**, in **Part 3**, does not include an employment agreement (within the meaning of section 5 of the Employment Relations Act 2000)

~~**excluded Act** means—~~ 20

- ~~(a) a Treaty settlement Act; or~~
- ~~(b) any other Act that has been enacted from a Bill of a kind referred to in section 10; or~~
- ~~(c) a private Act or a local Act; or~~
- ~~(d) the Marine and Coastal Area (Takutai Moana) Act 2011 or Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019~~ 25

**Government amendment** has the meaning set out in the rules and practice of the House of Representatives

**maker**, in relation to any secondary legislation, has the same meaning as in section 5(1) of the Legislation Act 2019 30

**member**, in **subpart 7 of Part 2 and Schedule 2**, means a member of the board

**non-public service agency** means an agency or a person other than a public service agency

**principles of responsible regulation** means the principles set out in **section 8** 35

**public service agency** has the same meaning as in section 5 of the Public Service Act 2020

**regulatory standards Minister** means the Minister of the Crown who, under the authority of a warrant or with the authority of the Prime Minister, is responsible for the administration of this Act

**regulatory standards Ministry** means the department or Ministry that, with the authority of the Prime Minister, is responsible for the administration of this Act 5

**responsible agency** means,—

- (a) in the case of a Bill or Government amendment, the central government entity primarily involved in developing the Bill or Government amendment (excluding the Parliamentary Counsel Office, unless that office will also be the administering agency for the resulting Act); or 10
- (b) in the case of an Act or secondary legislation, the administering agency for the legislation

**responsible Minister** means,—

- (a) in the case of a Bill or Government amendment, the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is primarily responsible for the development of the Bill or Government amendment; or 15
- (b) in the case of an Act, the Minister of the Crown who, under the authority of a warrant or with the authority of the Prime Minister, is responsible for the administration of the Act 20

**rules of court** includes rules of practice or procedure of any court or tribunal

**Treaty settlement Act** means—

- (a) an Act listed in Schedule 3 of the Treaty of Waitangi Act 1975; and
- (b) any other Act, or part of an Act, that provides redress for Treaty of Waitangi claims, including an Act, or a part of an Act, that provides collective redress or participation arrangements for claimant groups whose claims are, or are to be, settled by other legislation 25

**Treaty settlement Bill** means—

- (a) a Bill that, if enacted, will be listed in Schedule 3 of the Treaty of Waitangi Act 1975; and 30
- (b) any other Bill, or part of a Bill, that provides redress for Treaty of Waitangi claims, including a Bill, or a part of a Bill, that provides collective redress or participation arrangements for claimant groups whose claims are, or are to be, settled by other legislation. 35

## 6 Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in **Schedule 1** have effect according to their terms.

**6A Act does not apply to certain legislation**

- (1) Nothing in this Act applies to the legislation (or proposed legislation) specified in **Schedule 1A**.
- (2) The regulatory standards Minister may issue a notice for the purposes of—
- (a) **item 9 of Part 1 of Schedule 1A**; and 5
  - (b) **item 9 of Part 2 of Schedule 1A**; and
  - (c) **item 7 of Part 3 of Schedule 1A**.
- (3) A notice may be issued under this section only after it has been approved by a resolution of the House of Representatives.
- (4) A notice issued under this section is secondary legislation (see Part 3 of the Legislation Act 2019 for publication requirements). 10

**7 Act binds the Crown**

This Act binds the Crown.

**Part 2****Principles of responsible regulation and regulatory stewardship** 15

## Subpart 1—Principles of responsible regulation

**8 Principles of responsible regulation**

The principles of responsible regulation are as follows:

*Rule of law*

- (a) the importance of maintaining consistency with the following aspects of the rule of law: 20
- (i) the law should be clear and accessible:
  - (ii) the law should not adversely affect rights and liberties, or impose obligations, retrospectively:
  - (iii) every person is equal before the law: 25
  - (iv) there should be an independent, impartial judiciary:
  - (v) issues of legal right and liability should be resolved by the application of law, rather than the exercise of administrative discretion:

*Liberties*

- (b) legislation should not unduly diminish a person's liberty, personal security, freedom of choice or action, or rights to own, use, and dispose of property, except as is necessary to provide for, or protect, any such liberty, freedom, or right of another person: 30

*Taking of property*

- (c) legislation should not take or severely impair, or authorise the taking or severe impairment of, property without the consent of the owner unless—
  - (i) there is a good justification for the taking or severe impairment; 5
  - and
  - (ii) fair compensation for the taking or severe impairment is provided to the owner; and
  - (iii) the compensation is provided, to the extent practicable, by or on behalf of the persons who obtain the benefit of the taking or severe impairment: 10

*Taxes, fees, and levies*

- (d) the importance of maintaining consistency with section 22(a) of the Constitution Act 1986 (Parliamentary control of ~~public finance~~ taxation):
- (e) legislation should impose, or authorise the imposition of, a fee for goods or services only if the amount of the fee bears a proper relation to the cost of providing the good or service to which it relates: 15
- (f) legislation should impose, or authorise the imposition of, a levy to fund an objective or a function only if the amount of the levy is reasonable in relation to both— 20
  - (i) the benefits that the class of payers is likely to derive, or the risks attributable to the class, in connection with the objective or function; and
  - (ii) the costs of efficiently achieving the objective or providing the function: 25

*Role of courts*

- (g) legislation should preserve the courts' constitutional role of ascertaining the meaning of legislation:
- (h) legislation should make rights and liberties, or obligations, dependent on administrative power only if the power is sufficiently defined and subject to appropriate review: 30

*Good law-making*

- (i) the importance of consulting, to the extent that is reasonably practicable, the persons or representatives of the persons that the responsible agency considers will be directly and materially affected by the legislation: 35
- (j) the importance of carefully evaluating—
  - (i) the issue concerned; and
  - (ii) the effectiveness of any relevant existing legislation and common law; and

- (iii) whether the public interest requires that the issue be addressed; and
- (iv) any options (including non-legislative options) that are reasonably available for addressing the issue; and
- (v) who is likely to benefit, and who is likely to suffer a detriment, from the legislation: 5
- (ja) the importance of the responsible agency identifying and developing effective arrangements for implementing the legislation:
- (k) legislation should be expected to produce benefits that exceed the costs of the legislation to the public or persons: 10
- (l) legislation should be the most effective, efficient, and proportionate response to the issue concerned that is available.

#### **8A Other principles, standards, or guidelines not limited or affected**

The principles set out in **section 8** do not limit or affect any other principles, standards, or guidelines relating to the development of high-quality legislation. 15

### Subpart 2—How principles apply when developing legislation

#### *Bills*

#### **9 Review of consistency of Bill with principles**

If a Government Bill is introduced into the House of Representatives, the responsible Minister must ensure that the Bill's explanatory note includes (or contains a link to)— 20

- (a) a consistency accountability statement; and
- (b) a statement from the responsible Minister that briefly explains the Government's reasons for any inconsistency with the principles of responsible regulation that is identified in the consistency accountability statement. 25

#### **~~10 When review of Bill is not required~~**

~~(1) **Section 9** does not apply to any of the following Bills:~~

- ~~(a) Imprest Supply Bills or Appropriation Bills;~~
- ~~(b) Bills that are Statutes Amendment Bills under the rules and practice of the House of Representatives;~~ 30
- ~~(c) Bills that primarily relate to the repeal or revocation of legislation identified as spent;~~
- ~~(d) revision Bills prepared under subpart 3 of Part 3 of the Legislation Act 2019;~~ 35

- (e) ~~Bills prepared for the purposes of confirmation under subpart 3 of Part 5 of the Legislation Act 2019.~~
- (f) ~~Treaty settlement Bills.~~
- (g) ~~Bills of a class specified in a notice issued under this section.~~
- (2) ~~The regulatory standards Minister may issue a notice for the purposes of **sub-** 5  
**section (1)(g).**~~
- (3) ~~A notice may be issued under this section only after it has been approved by a resolution of the House of Representatives.~~
- (4) ~~A notice issued under this section is secondary legislation (see Part 3 of the Legislation Act 2019 for publication requirements). 10~~

### *Government amendments*

## **11 Review of consistency of Government amendment with principles**

If a Government amendment is released in accordance with the rules and practice of the House of Representatives, the responsible Minister must ensure that the Government amendment's explanatory note includes (or contains a link to)— 15

- (a) a consistency accountability statement; and
- (b) a statement from the responsible Minister that briefly explains the Government's reasons for any inconsistency with the principles of responsible regulation that is identified in the consistency accountability statement. 20

## **12 When review of Government amendment does not apply**

- (1) **Section 11** does not apply to a Government amendment if—
  - (a) the Bill to which it relates is of a kind referred to in ~~**section 10(1)**~~ **Part 1 of Schedule 1A**; or 25
  - (b) it is not reasonably practicable to comply with **section 11** before the parliamentary scrutiny of the Government amendment occurs; or
  - (c) in the opinion of the regulatory standards Minister, the Government amendment would not materially change the Bill.
- (2) In the case of **subsection (1)(b)**, the responsible Minister must ensure that the statements required under **section 11(a) and (b)** are presented to the House of Representatives, and published on an internet site, as soon as is reasonably practicable after the parliamentary scrutiny of the Government amendment occurs. 30
- (3) In the case of **subsection (1)(c)**, the responsible Minister must ensure that the Government amendment's explanatory note includes (or contains a link to) a statement of the opinion of the regulatory standards Minister. 35

*Secondary legislation***13 Review of consistency of secondary legislation with principles**

- (1) The responsible agency for secondary legislation must ensure that an explanatory note for the secondary legislation includes (or contains a link to)—
  - (a) a consistency accountability statement; and 5
  - (b) a statement from the maker that briefly explains the maker's reasons for any inconsistency with the principles of responsible regulation that is identified in the consistency accountability statement.
- (2) The explanatory note must be published or made available with the secondary legislation when the legislation is published or made available under Part 3 of the Legislation Act 2019 or otherwise as required by law. 10

**~~14 When review of secondary legislation is not required~~**

- (1) ~~Section 43 does not apply to secondary legislation—~~
  - (a) ~~that is made under an excluded Act; or~~
  - (b) ~~that is made under the Defence Act 1990 or the Armed Forces Discipline Act 1971 or is otherwise made by the Chief of the Defence Force; or~~ 15
  - (c) ~~that is made by the Speaker of the House of Representatives or by the House of Representatives; or~~
  - (d) ~~that is rules of court; or~~
  - (e) ~~that is made by any judicial officer; or~~ 20
  - (f) ~~of a class specified in a notice issued under this section.~~
- (2) ~~The regulatory standards Minister may issue a notice for the purposes of this section.~~
- (3) ~~A notice may be issued under this section only after it has been approved by a resolution of the House of Representatives.~~ 25
- (4) ~~A notice issued under this section is secondary legislation (see Part 3 of the Legislation Act 2019 for publication requirements).~~

Subpart 3—Regulatory stewardship and plans for regularly reviewing  
legislation

*Regulatory stewardship* 30**15 Responsibility to engage in regulatory stewardship**

- (1) A chief executive of a responsible agency for legislation is responsible for—
  - (a) proactively engaging in stewardship of the regulatory system to which the legislation relates when carrying out their responsibilities and functions; and 35

- (b) ensuring that the responsible agency also does so.
- (2) This section applies in relation to—
  - (a) a chief executive only if they are a public service chief executive (within the meaning of section 5 of the Public Service Act 2020); and
  - (b) a responsible agency only if it is a public service agency. 5
- (3) The chief executive is responsible only to the Public Service Commissioner for carrying out the responsibility under **subsection (1)**.
- (4) Sections 12(1)(e) and 52(1)(d) of the Public Service Act 2020 (which relate to stewardship) do not limit this section.

## **16 Four-yearly briefings on state of regulatory management system** 10

- (1) The chief executive of the regulatory standards Ministry must give a briefing to the regulatory standards Minister on the state of the regulatory management system at least once every 4 years.
- (2) The purpose of a briefing is to promote the maintenance of effective policies and processes for the development, implementation, monitoring, maintenance, and review of legislation and any associated regulatory systems. 15
- (3) The regulatory standards Minister must present a copy of the briefing to the House of Representatives as soon as is reasonably practicable after receiving it.

### *Plans for regularly reviewing legislation*

## **17 Responsible agency must develop plans for regularly reviewing legislation and report on progress** 20

The responsible agency for legislation must—

- (a) develop and publish plans for regularly reviewing the legislation for consistency with the principles of responsible regulation; and
- (b) prepare and publish regular reports on its performance in carrying out the plans. 25

## **~~18 When regular review of Act is not required~~**

~~**Section 17** does not apply to—~~

- ~~(a) an excluded Act; or~~
- ~~(b) an Act to the extent that it contains amendments to other legislation; or~~ 30
- ~~(c) an Act that has been repealed or is otherwise no longer in effect.~~

## **19 When regular review of secondary legislation is required**

- (1) **Section 17** applies to secondary legislation only if—
  - (a) a consistency accountability statement has previously been prepared for— 35
    - (i) the secondary legislation; or



- 
- (ii) other secondary legislation that amends the secondary legislation;  
or
- (b) the secondary legislation is of a class specified in a notice issued under this section.
- (2) ~~However, **section 17** does not apply to—~~ 5
- ~~(a) secondary legislation that is made under an excluded Act; or~~
- ~~(b) secondary legislation to the extent that it contains amendments to other legislation; or~~
- ~~(c) secondary legislation that has been revoked or is otherwise no longer in effect.~~ 10
- (2) However, **section 17** does not apply to secondary legislation to the extent that it contains amendments to other legislation.
- 
- Guidance note**
- See also **section 6A**, which provides that nothing in this Act applies to secondary legislation specified in **Part 3 of Schedule 1A**. This means, for example, that nothing in **section 17** applies to that secondary legislation. 15
- 
- (3) The regulatory standards Minister may issue a notice for the purposes of **subsection (1)(b)**.
- (4) A notice may be issued under this section only after it has been approved by a resolution of the House of Representatives. 20
- (5) A notice issued under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).
- 20 How good law-making principles apply when responsible agency is carrying out review**
- For the purposes of a review under **section 17**,— 25
- (a) the principle in **section 8(i)** (consultation)—~~does~~ and the principle in **section 8(ja)** (implementation arrangements) do not apply; and
- (b) the principles in **section 8(j) to, (k), and (l)** apply with any necessary modifications to allow the responsible agency to consider matters based on the events that have occurred since the legislation came into force, 30 including—
- (i) to evaluate who is likely to have benefited, and who is likely to have suffered a detriment, from the legislation (*see* **section 8(j)(v)**); and
- (ii) to consider whether the legislation has produced benefits that exceed the costs of the legislation to the public or persons (*see* **section 8(k)**); and 35

- (iii) to consider whether legislation is still the most effective, efficient, and proportionate response to the issue concerned that is available (*see* **section 8(l)**).

## **21 Statements on review of Act**

- (1) This section applies when a responsible agency reviews an Act under **section 17**. 5
- (2) The responsible agency must, as soon as is reasonably practicable after completing the review, give to the responsible Minister a consistency accountability statement.
- (3) The Minister must, as soon as is reasonably practicable after receiving the consistency accountability statement, present to the House of Representatives— 10
  - (a) the statement; and
  - (b) a statement from the responsible Minister that—
    - (i) briefly explains the Government's reasons for any inconsistency with the principles that is identified in the consistency accountability statement; and 15
    - (ii) sets out the proposed actions (if any) to remedy that inconsistency.

## **22 Statements on review of secondary legislation**

- (1) This section applies when a responsible agency reviews secondary legislation under **section 17**. 20
- (2) The responsible agency must, as soon as is reasonably practicable after completing the review, publish on an internet site—
  - (a) a consistency accountability statement; and
  - (b) a statement from the maker that—
    - (i) briefly explains the maker's reasons for any inconsistency with the principles that is identified in the consistency accountability statement; and 25
    - (ii) sets out the proposed actions (if any) to remedy that inconsistency.

### **Subpart 4—Chief executives must act independently**

## **23 Chief executives must act independently** 30

- (1) A chief executive must act independently (and is not responsible to a Minister) in relation to—
  - (a) making a consistency accountability statement under this Part; or
  - (b) giving a briefing under **section 16**.
- (2) This section applies despite section 52 of the Public Service Act 2020 or any other legislation to the contrary. 35

## Subpart 5—Act does not confer or impose legal rights or obligations or affect validity

### 24 Act does not confer or impose legal rights or obligations

- (1) This Act does not confer a legal right or impose a legal obligation on any person that is enforceable in a court of law. 5
- (2) However, **subsection (1)** does not apply in relation to **Part 3**.

### 25 Validity of legislation not affected by failure to comply with this Act

Failure to comply with this Act does not affect—

- (a) any power to make any legislation; or
- (b) the validity or operation of any legislation. 10

### 26 Act does not regulate reasons

This Act imposes no limits, restrictions, or requirements in connection with the nature, extent, or adequacy of any reasons that may be included in a statement under **subpart 2 or 3**.

## Subpart 6—Guidance 15

### 27 Guidance

- (1) The regulatory standards Minister and the Attorney-General may jointly issue guidance that sets out recommended best practice or their expectations concerning the following matters:
  - (a) how the principles of responsible regulation should be applied: 20
 

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**Example**

The guidance may set out circumstances—

    - when consultation may be considered to be not reasonably practicable; or
    - when not consulting may be considered to be justified. 25
  - (b) how to review proposed or existing legislation for consistency with the principles of responsible regulation:
  - (c) the content and presentation of consistency accountability statements:
  - (d) how to prepare, publish, carry out, and report on plans under **subpart 3**, including— 30
    - (i) what agencies should have regard to; and
    - (ii) how often plans should be prepared and how often reviews should be carried out; and
    - (iii) the content of plans; and
    - (iv) how plans should be published; and 35

- (v) how agencies should report about performance under the plans; and
  - (vi) how agencies should publish those reports.
- (2) The ~~guidelines~~ guidance must be published on an internet site.

## Subpart 7—Regulatory Standards Board

5

### 28 Regulatory Standards Board established

The Regulatory Standards Board is established.

#### *Functions*

### 29 Functions of board

- (1) The functions of the board are to promote the purposes of this Act by— 10
- Inquiries into existing legislation*
- (a) carrying out inquiries into whether Acts or secondary legislation are inconsistent with the principles of responsible regulation; and
  - (b) reporting on those inquiries to the regulatory standards Minister and the other persons referred to in **section 35**; and 15
- Considering consistency accountability statements for Bills*
- (c) considering a consistency accountability statement for a Government Bill that—
  - (i) has been introduced into the House of Representatives; and
  - (ii) is being considered by a Committee of the House of Representatives in accordance with the rules and practice of the House of Representatives; and 20
  - (d) reporting on its consideration under **paragraph (c)** to that Committee before the Committee finally reports to the House of Representatives on the Bill. 25
- (2) **Subsection (1)(a)** is subject to **section 33**.

### 30 Inquiries or considering statements must be carried out on papers

The board may only carry out an inquiry, or consider a consistency accountability statement for a Bill, on the papers (and must not hold a hearing).

#### Independence

30

### **30A Board must act independently**

The board must act independently (and is not responsible to a Minister) in relation to performing its functions.

### *Inquiries*

- 31 Application of inquiry provisions**  
**Sections 32 to 36** apply to the board's functions under **section 29(1)(a) and (b)**.
- 32 Complaints system to support inquiry functions** 5  
 For the purpose of supporting the board in performing its inquiry functions, the regulatory standards Ministry must establish and maintain a system for receiving and dealing with complaints that legislation is inconsistent with the principles of responsible regulation.
- 33 ~~When~~ Restrictions on when board may inquire into legislation** 10  
 (1) The board may inquire into ~~an Act or~~ secondary legislation only if **section 17** applies to the ~~Act or~~ secondary legislation.
- 
- ~~Guidance note~~**  
~~**Sections 18 and 19** provide for when legislation is subject to plans for regular review by the responsible agency under **section 17**. The board may inquire into the legislation only if it is subject to those review requirements. For example, the board—~~
- ~~• may not inquire into an excluded Act or secondary legislation made under an excluded Act; and~~
  - ~~• may inquire into secondary legislation only if a consistency accountability statement has been prepared for the legislation (or an amendment) or it is specified in a notice issued under **section 19**.~~
- 
- Guidance note**  
**Section 6A** provides that nothing in this Act applies to the Acts and secondary legislation specified in **Schedule 1A**. This means, for example, that the board may not inquire into any of that legislation. 15
- In addition, **section 19** provides for when secondary legislation is subject to plans for regular review under **section 17**. The board may inquire into the secondary legislation only if it is subject to those review requirements. For example, the board may inquire into secondary legislation only if a consistency accountability statement has been prepared for the legislation (or an amendment) or it is specified in a notice issued under **section 19**. 20
- 
- (2) The board must not inquire into the performance or non-performance of a particular act, or the bringing about of a particular result, in respect of a particular person or persons. 25
- 34 How good law-making principles apply when board is carrying out inquiry** 30  
 When the board is carrying out an inquiry into whether legislation is inconsistent with the principles of responsible regulation,— 35

- 
- (a) the principle in **section 8(i)** (consultation)—~~does~~ and the principle in **section 8(ja)** (implementation arrangements) do not apply; and
- (b) the principles in **section 8(j)–to, (k), and (l)** apply with any necessary modifications to allow the board to consider matters based on the events that have occurred after the legislation came into force, including— 5
- (i) to evaluate who is likely to have benefited, and who is likely to have suffered a detriment, from the legislation (*see* **section 8(j)(v)**); and
- (ii) to consider whether the legislation has produced benefits that exceed the costs of the legislation to the public or persons (*see* **section 8(k)**); and 10
- (iii) to consider whether legislation is still the most effective, efficient, and proportionate response to the issue concerned that is available (*see* **section 8(l)**).
- 35 Board must give final report to certain persons** 15
- (1) The board must give a copy of the final report on an inquiry to the following:
- (a) the complainant;
- (b) the chief executive;
- (c) the regulatory standards Minister;
- (d) the responsible Minister for the legislation to which the inquiry relates. 20
- (2) In this section,—
- complainant**, in relation to an inquiry about legislation, means a person who has made a complaint about the matters to which the inquiry relates using the system maintained under **section 32**
- chief executive**, in relation to an inquiry about legislation, means the chief executive of the responsible agency for that legislation. 25
- 36 Ministry must publish inquiry reports**
- (1) If the board gives a report on an inquiry to the regulatory standards Minister, the regulatory standards Ministry must, as soon as is reasonably practicable, publish the report on an internet site. 30
- (2) However, the regulatory standards Ministry may redact any information from a report that is published if the Ministry considers there would be a good reason for withholding the information under the Official Information Act 1982 if a request for that information were made under that Act.
- Membership* 35
- 37 Membership of board**
- The board must have not fewer than 5 members and not more than 7 members.

**38 ~~Minister must appoint~~ Appointment of members**

- (1) ~~The regulatory standards Minister must appoint the members of the board.~~
- (1) The Governor-General, on the recommendation of the regulatory standards Minister, must appoint the members of the board.
- (2) The appointment must be made by written notice to the member (with a copy to the board). 5
- (3) The notice must—
- (a) state the date on which the appointment takes effect, which must not be earlier than the date on which the notice is received; and
  - (b) state the term of the appointment. 10
- (4) The Minister must ensure that the following are notified in the *Gazette* as soon as is reasonably practicable after an appointment is made:
- (a) the name of the appointee; and
  - (b) the date on which the appointment takes effect; and
  - (c) the term of the appointment. 15
- (5) The Minister may only ~~appoint~~ recommend the appointment of a person who, in the Minister's opinion, has the appropriate knowledge, skills, and experience to assist the board to perform its functions.

*Annual report*

- 39 Annual report** 20
- (1) The board must supply to the regulatory standards Minister, within 3 months after the end of each financial year, an annual report containing—
- (a) information about the board's activities during the financial year (including inquiries carried out); and
  - (b) a summary of the board's reports made during the financial year. 25
- (2) The Minister must, as soon as is reasonably practicable after receiving the report, present the report to the House of Representatives.
- (3) In this section, **financial year** means a period of 12 months commencing on 1 July and ending with 30 June.

*Other provisions* 30**40 Other provisions relating to board ~~and members~~, its members, and its chairperson**

The provisions set out in **Schedule 2** regulate other matters relating to the board ~~and its members~~, its members, and its chairperson.

## Part 3

### Regulatory reviews and information-gathering powers

#### *Regulatory review reports*

#### 41 Regulatory review reports

- (1) This section applies when the regulatory standards Ministry reviews (in whole or in part) any regulatory system to which any legislation relates. 5
- (2) The regulatory standards Ministry must, as soon as is reasonably practicable after completing the review, give to the regulatory standards Minister a report on the review.
- (3) The regulatory standards Minister must, as soon as is reasonably practicable after receiving the report, present to the House of Representatives— 10
  - (a) the report; and
  - (b) a statement from the regulatory standards Minister that sets out the Government's response to the report.

#### *Information for briefings on regulatory management system* 15

#### 42 Power to obtain information to enable preparation of briefings on regulatory management system

- (1) The chief executive of the regulatory standards Ministry may, by a written notice, require a public service agency to supply to the chief executive any information that is necessary or desirable to enable the preparation of a briefing under **section 16**. 20
- (2) A notice must state the date by which, and the manner in which, the information must be provided.
- (3) The public service agency must supply to the chief executive the information within the time, and in the manner, specified in the notice. 25
- (4) This section does not limit any legislation that imposes a prohibition or restriction on the availability of any information.

#### *Information for regulatory reviews*

#### 43 Power to obtain information to enable regulatory reviews

- (1) The chief executive of the regulatory standards Ministry may, by a written notice, require an agency or a person referred to in **subsection (2)** to supply to the chief executive any information that is necessary or desirable to enable the regulatory standards Ministry to review (in whole or in part) any regulatory system to which any legislation relates. 30
- (2) The agencies or persons are— 35
  - (a) any of the following (a **principal agency**):



- 
- (i) a public service agency:
    - (ii) an administering agency of secondary legislation:
    - (iii) a maker of secondary legislation:
    - (iv) an agency or a person that performs a function that is imposed under legislation; and 5
  - (b) a person that is engaged under a contract with a principal agency to support or facilitate the performance of a function that is imposed under legislation.
  - (3) A notice must state the date by which, and the manner in which, the information must be provided. 10
  - (4) The agency or person must supply to the chief executive the information within the time, and in the manner, specified in the notice.
  - (5) This section does not limit any legislation that imposes a prohibition or restriction on the availability of any information.
  - 44 Restriction on giving notice in connection with Parliament** 15
 

Despite **section 43**, a notice under that section may not be given to any of the following:

    - (a) the House of Representatives or the Speaker of the House of Representatives:
    - (b) an Office of Parliament (within the meaning of section 2(1) of the Public Finance Act 1989): 20
    - (c) the Office of the Clerk of the House of Representatives:
    - (d) the Parliamentary Service.
  - 45 Restriction on requiring information from non-public service agency**
    - (1) This section applies to a notice that may be given under **section 43** to a non-public service agency if the notice is to be given to the agency in its capacity as— 25
      - (a) the administering agency or maker of secondary legislation; or
      - (b) an agency or a person that performs a function imposed under legislation. 30
    - (2) The chief executive of the regulatory standards Ministry may exercise the power under **section 43** only if they have first consulted the relevant chief executive.
    - (3) In this section, the **relevant chief executive** is the chief executive of a public service agency that is the administering agency for— 35
      - (a) the empowering Act for the secondary legislation referred to in **subsection (1)(a)**; or
      - (b) the legislation referred to in **subsection (1)(b)**.

**46 Restriction on requiring information from contracted person**

- (1) This section applies to a notice that may be given under **section 43** to a non-public service agency if the notice is to be given to the agency in its capacity as a person that is engaged under a contract with a principal agency to support or facilitate the performance of a function that is imposed under legislation. 5
- (2) The chief executive of the regulatory standards Ministry may exercise the power under **section 43** only if—
  - (a) they have first given a notice under **section 43** to the principal agency that requires the supply of the information, but the principal agency has been unable to supply the information within a reasonable time; or 10
  - (b) the chief executive of the regulatory standards Ministry and the chief executive of the principal agency give the notice jointly.
- (3) The chief executive of the regulatory standards Ministry may give a notice under **section 43** jointly with the chief executive of a principal agency for the purposes of **subsection (2)(b)**. 15

**47 Consequences of failing to comply with notice**

- (1) If a non-public service agency fails to comply with a notice given under **section 43**, the chief executive of the regulatory standards Ministry may apply to the High Court for an order requiring the agency to supply the information.
- (2) The court may make the order (on any terms and conditions that it thinks fit) if the court is satisfied that the information is necessary or desirable to enable the regulatory standards Ministry to review (in whole or in part) a regulatory system to which any legislation relates. 20

## Schedule 1

### Transitional, savings, and related provisions

s 6

### Part 1

#### Provisions relating to this Act as enacted

5

#### **1AA Excluded legislation**

(1) **Section 6A** applies in relation to an Act regardless of whether it is enacted before or after the commencement of that section.

(2) **Section 6A** applies in relation to secondary legislation—

- (a) regardless of whether it is made before or after the commencement of that section; and 10
- (b) regardless of whether the Act that empowers the making of the secondary legislation was enacted before or after the commencement of that section.

#### **1 Review requirements for Bills**

15

- (1) **Section 9** does not apply to a Bill introduced before the commencement of that section.
- (2) **Section 11** does not apply to a Government amendment for a Bill referred to in **subclause (1)** (regardless of whether the Government amendment is released before or after the commencement of **section 9**). 20

#### **2 Review requirements for secondary legislation**

**Section 13** does not apply to secondary legislation made before the commencement of that section.

- (2) ~~**Section 14(1)** applies regardless of whether the Act that empowers the making of the secondary legislation was enacted before or after the commencement of that section.~~ 25

#### **3 First briefing on state of regulatory management system**

The regulatory standards Ministry must give its first briefing under **section 16** on or before 1 January 2030.

#### **4 Regular reviews of existing legislation**

30

**Sections 17 to and 19** apply in relation to legislation regardless of whether it is enacted or made before or after the commencement of those sections.

**5     ~~Board must not inquire into certain matters~~ Restrictions on when board may inquire**

**Section 33** applies in relation to ~~an Act or~~ secondary legislation regardless of whether it is ~~enacted or~~ made before or after the commencement of that section.

5

**(2)     ~~Before the commencement of sections 17 to 19, section 33(1) applies as if the following had come into force:~~**

**(a)     ~~sections 17 to 19:~~**

**(b)     ~~any notice that has been issued under section 10, 14, or 19.~~**

**6     ~~Board's first annual report~~**

10

~~The board's first report under section 39 must be an interim report that covers the period of 6 months commencing on 1 January 2026 and ending with 30 June 2026.~~

## **Schedule 1A**

### **Excluded legislation**

**s 6A**

#### **Part 1**

##### **Bills**

5

- 1     Treaty settlement Bills
- 2     Imprest Supply Bills or Appropriation Bills
- 3     Bills that are Statutes Amendment Bills under the rules and practice of the House of Representatives
- 4     Bills that primarily relate to the repeal or revocation of legislation identified as spent     10
- 5     Revision Bills prepared under subpart 3 of Part 3 of the Legislation Act 2019
- 6     Bills prepared for the purposes of confirmation under subpart 3 of Part 5 of the Legislation Act 2019
- 7     Bills for Acts of the kind referred to in section 96(1)(b) of the Marine and Coastal Area (Takutai Moana) Act 2011 (which relates to agreements to recognise customary marine title)     15
- 8     Bills to the extent that they contain amendments to the Marine and Coastal Area (Takutai Moana) Act 2011 or Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019     20
- 9     Bills of a class specified in a notice issued for the purposes of this item

#### **Part 2**

##### **Acts**

- 1     Treaty settlement Acts
- 2     Any other Act that has been enacted from a Bill of a kind referred to in **Part 1** of this schedule     25
- 3     Private Acts or local Acts
- 4     The Marine and Coastal Area (Takutai Moana) Act 2011
- 5     Acts of the kind referred to in section 96(1)(b) of the Marine and Coastal Area (Takutai Moana) Act 2011 (which relates to agreements to recognise customary marine title)     30
- 6     Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019
- 7     Any Act to the extent that it contains amendments to other legislation
- 8     Any Act that has been repealed or is otherwise no longer in effect
- 9     Acts of a class specified in a notice issued for the purposes of this item     35

### **Part 3**

#### **Secondary legislation**

- |          |  |    |
|----------|--|----|
| <u>1</u> | <u>Secondary legislation that is made under any of the following Acts:</u>   |    |
|          | <u>(a) a Treaty settlement Act:</u>  |    |
|          | <u>(b) any other Act that has been enacted from a Bill of a kind referred to in <b>Part 1</b> of this schedule:</u>  | 5  |
|          | <u>(c) a private Act or local Act:</u>   |    |
|          | <u>(d) the Marine and Coastal Area (Takutai Moana) Act 2011:</u>   |    |
|          | <u>(e) Acts of the kind referred to in section 96(1)(b) of the Marine and Coastal Area (Takutai Moana) Act 2011 (which relates to agreements to recognise customary marine title):</u> | 10 |
|          | <u>(f) Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019</u>  |    |
| <u>2</u> | <u>Secondary legislation that is made under the Defence Act 1990 or the Armed Forces Discipline Act 1971 or is otherwise made by the Chief of Defence Force</u>                        | 15 |
| <u>3</u> | <u>Secondary legislation that is made by the Speaker of the House of Representatives or by the House of Representatives</u>  |    |
| <u>4</u> | <u>Secondary legislation that is rules of court</u>  |    |
| <u>5</u> | <u>Secondary legislation that is made by any judicial officer</u>  |    |
| <u>6</u> | <u>Secondary legislation that has been revoked or is otherwise no longer in effect</u>   | 20 |
| <u>7</u> | <u>Secondary legislation of a class specified in a notice issued for the purposes of this item</u>   |    |

**Schedule 2**  
**Other provisions relating to board ~~and its members~~, its members,**  
**and its chairperson**

s 40

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*Term, removal, and resignation of members*

5

**1 Term of office of members**

- (1) A member holds office for ~~3~~ 5 years or any shorter period stated in the notice of appointment.
- (2) A member may be reappointed.
- (3) A member continues in office despite the expiry of their term of office until—

10

- (a) the member is reappointed; or
- (b) the member's successor is appointed; or
- (c) the regulatory standards Minister informs the member by written notice (with a copy to the board) that the member is not to be reappointed and no successor is to be appointed at that time.

5

## 2 Removal of members

~~(1) The regulatory standards Minister may, at any time and entirely at their discretion, remove a member from office.~~

(1) The Governor-General may, at any time for just cause, on the advice of the regulatory standards Minister given after consultation with the Attorney-General, remove a member from office.

10

(2) The removal must be made by written notice to the member (with a copy to the board).

~~(3) The notice must state the date on which the removal takes effect, which must not be earlier than the date on which the notice is received.~~

15

(3) The notice must—

(a) state the date on which the removal takes effect, which must not be earlier than the date on which the notice is received; and

(b) state the reasons for the removal.

(4) The Minister must notify the removal in the *Gazette* as soon as practicable after giving the notice is given.

20

(5) In this clause, **just cause** includes misconduct, inability to perform the functions of office, neglect of duty, and breach of any of the board's collective duty or the individual duties of members (depending on the seriousness of the breach).

25

## 3 Resignation of members

(1) A member may resign from office by written notice to the regulatory standards Minister signed by the member.

(2) The resignation is effective when the Minister receives the notice or at any later time specified in the notice.

30

## 4 No compensation for loss of office

A member is not entitled to any compensation or other payment or benefit relating to their ceasing, for any reason, to hold office as a member.

### *Duties of members*

## 5 Accountability of members to Minister

35

(1) Members must comply with—



(a)	the board's collective duty; and	
(b)	their individual duties as members.	
(2)	Members are accountable to the regulatory standards Minister for performing their duties as members.	
<b>6</b>	<b>Collective duty of board</b>	<b>5</b>
	The board must ensure that it—	
(a)	performs its functions efficiently and effectively; and	
(b)	acts in a manner consistent with the purpose of this Act.	
<b>7</b>	<b>Member must be impartial</b>	
	A person may not act as a member in relation to a matter if there are reasonable grounds to believe that the person may not be—	<b>10</b>
(a)	impartial; or	
(b)	able to consider the matter without a predetermined view.	
<b>8</b>	<b>Member must act in good faith</b>	
	A member, when acting as a member, must act in good faith and without regard to the member's own interests.	<b>15</b>
<b>9</b>	<b>Member must act with reasonable care, diligence, and skill</b>	
	A member must, when acting as a member, exercise the care, diligence, and skill that a reasonable member would exercise in the same circumstances.	
<b>10</b>	<b>Obligation to disclose interest</b>	<b>20</b>
(1)	A member who is interested in a matter relating to the board must disclose details of the interest as soon as practicable after the member becomes aware that they are interested.	
(2)	A general notice of an interest in a matter relating to the board, or in a matter that may in future relate to the board, that is disclosed in accordance with this clause is a standing disclosure of that interest for the purposes of this clause.	<b>25</b>
(3)	A standing disclosure ceases to have effect if the nature of the interest materially alters or the extent of the interest materially increases.	
(4)	The member must disclose details of the interest in an interests register kept by the board and to the regulatory standards Minister.	<b>30</b>
(5)	In this clause and <b>clauses 11 and 12</b> , <b>matter</b> and <b>interested</b> have the same meaning as in section 62 of the Crown Entities Act 2004 (applied with all necessary modifications).	
<b>11</b>	<b>What must be disclosed</b>	
	The details that must be disclosed under <b>clause 10</b> are—	<b>35</b>

	(a) the nature of the interest and the monetary value of the interest (if the monetary value can be quantified); or	
	(b) the nature and extent of the interest (if the monetary value cannot be quantified).	
<b>12</b>	<b>Consequences of being interested in matter</b>	<b>5</b>
	A member who is interested in a matter relating to the board—	
	(a) must not vote or take part in any discussion or decision of the board relating to the matter or otherwise participate in any activity of the board that relates to the matter; and	
	(b) is to be disregarded for the purpose of forming a quorum for that part of a meeting of the board during which a discussion or decision relating to the matter occurs or is made.	10
<b>13</b>	<b>Use of information</b>	
	A member who has information in their capacity as a member, being information that would not otherwise be available to the member, must not disclose that information to any person, or make use of or act on the information, except—	15
	(a) for the purposes of the performance or exercise of the functions or powers of the board; or	
	(b) as otherwise required by law.	20
<b>14</b>	<b>Protection from liability</b>	
	No member is 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, unless it is shown that the member acted in bad faith.	
	<i><u>Chairperson of board</u></i>	25
<b>14A</b>	<b><u>Appointment of chairperson</u></b>	
(1)	<u>The Governor-General may, on the recommendation of the regulatory standards Minister, appoint one of the members as the chairperson of the board.</u>	
(2)	<u>The appointment must be made by written notice to the member (with a copy to the board).</u>	30
(3)	<u>The notice of appointment must state the date on which the appointment takes effect.</u>	
<b>14B</b>	<b><u>Term of appointment of chairperson</u></b>	
	<u>The chairperson holds that office until—</u>	
(a)	<u>they resign from that office; or</u>	35
(b)	<u>they are removed from it by the Governor-General; or</u>	

- (c) they cease to hold office as a member; or
- (d) the term of office that may have been specified on appointment expires, unless the member continues to hold office as a member in accordance with **clause 1(3)** or is reappointed for a further term.

#### **14C Resignation of chairperson** 5

- (1) A chairperson may, without resigning as a member, resign from that office by written notice to the regulatory standards Minister (with a copy to the board).
- (2) The notice of resignation must state the date on which the resignation takes effect.

#### **14D Removal of chairperson** 10

- (1) The Governor-General may, on the recommendation of the regulatory standards Minister and after consultation with the person concerned, remove a chairperson of the board.
- (2) The removal must be made by written notice to the chairperson (with a copy to the board). 15
- (3) The notice must state the date on which the removal takes effect, which must not be earlier than the date on which the notice is received.

### *Other matters*

#### **15 Procedure generally** 20

The board may regulate its own procedure except as provided in this Act.

#### **16 Remuneration of members**

- (1) A member is entitled to be—
  - (a) paid remuneration by the regulatory standards Ministry for services as a member at a rate and of a kind determined by the regulatory standards Minister in accordance with the fees framework; and 25
  - (b) reimbursed by the regulatory standards Ministry for actual and reasonable travelling and other expenses incurred in carrying out the member's duties as a member in accordance with the fees framework.
- (2) In this section, **fees framework** means the framework determined by the Government from time to time for the classification and remuneration of statutory and other bodies in which the Crown has an interest. 30

#### **17 Ministry must provide resources and administrative support**

- (1) The regulatory standards Ministry must provide the resources and administrative support necessary to enable the board to perform its functions.
- (2) Any information held by the board is held by the regulatory standards Ministry for the purposes of the Official Information Act 1982. 35

**Regulatory Standards Bill**

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**Legislative history**

19 May 2025  
22 May 2025

Introduction (Bill 155–1)  
First reading and referral to Finance and Expenditure Committee