23 October 2026

REGULATORY STANDARDS ACT 2025

CONSISTENCY ACCOUNTABILITY PROCESS FOR COUNCILS MAKING BYLAWS

KEY

CAS	Consistency Accountability Statement
SoUA	Summary of Underpinning Analysis
SoR	Statement of Reasons
LGA02	Local Government Act 2002
RSA25	Regulatory Standards Act 2025
MfR	Ministry for Regulation

Statutory requirement – *with reference to relevant section of the RSA25*

Best practice recommendation

Note: a **CAS** and, if an inconsistency with the principles of responsible regulation has been identified, an **SoR** are **statutory requirements.**

BYLAW-MAKING STAGE

Project initiation and early development

Start

Is instrument secondary legislation?

No

CAS not required

Yes

Early assessment of consistency with the principles of responsible regulation stated at section 9 of the RSA25.

Note: *Some secondary legislation is excluded – see Part 3 of Schedule 2 to the RSA25*

Drafting and development

Produce:
- Draft CAS
- Draft SoUA

When taking the draft bylaw and consultation document to the Council for public consultation approval, include:
- draft CAS
- draft SoUA

Public consultation, hearings, and deliberations

When consulting on the draft bylaw, make available with the draft bylaw and consultation document:
- draft CAS
- draft SoUA

Following consultation, hearings, and deliberations do revisions need to be made to:
- draft CAS?
- draft SoUA?

No

Yes

As appropriate, revise:
- Draft CAS
- Draft SoUA

Decision-making and adoption of the bylaw

When submitting the draft bylaw to the Council for adoption:

include, for **noting** by the Council:
- draft CAS
- draft SoUA

Concurrent with adopting the bylaw, the Council resolves to note the:
- draft CAS
- draft SoUA

No

Does draft CAS identify inconsistency with principles of regulation?

Yes

Produce draft SoR – *section 5*

Concurrent with adopting the bylaw, the Council resolves to:

approve the SoR – *section 5*

note the:
- draft CAS
- draft SoUA

When submitting the draft bylaw to the Council for adoption:

submit draft SoR to the Council **for approval** (as maker of the bylaw) – *section 5*

include, for **noting** by the Council:
- draft CAS
- draft SoUA

Once the bylaw has been adopted

Once bylaw adopted, the Chief Executive* (or delegate) approves:

CAS – *section 5*

SoUA

End

Once bylaw adopted and CAS approved:
- include in the explanatory notes to the bylaw links to the approved:

CAS – *section 14(1)(a)*

SoUA

SoR – *section 14(1)(b)* (if applicable because inconsistency identified)

- notify the Ministry for Regulation by email to: RMS@regulation.govt.nz

Note: *Chief Executive must act independently when making a CAS section 22(1)(a)*

For consultation guidance

NOTES ON SECONDARY LEGISLATION

- Sections 161A-C of the LGA02 specify what is secondary legislation made by local government.
- All bylaws made by councils are secondary legislation.
- For bylaws made under the LGA02 (or other Acts requiring compliance with section 155 of the LGA02), early consideration of consistency with the principles of responsible regulation could be undertaken alongside assessments under section 155 of the LGA02 (although determinations under section 155 of the LGA02 do not address all aspects of the principles of responsible regulation).
- Councils will need to seek their own legal advice with regard to which other instruments are considered secondary legislation for the purposes of compliance with the consistency accountability requirement of the RSA25.