



**Ministry for Regulation**  
**Te Manatū Waeture**

# **Government amendments that do not materially change a bill**

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## Guidance Note

May 2026

Published in May 2026 by the Ministry for Regulation,  
Wellington, New Zealand.

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# Introduction

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Government amendments may significantly change the impacts of a bill. Under section 13(1)(c) of the Regulatory Standards Act 2025 (RSA) an agency is not required to complete a Consistency Accountability Statement (CAS) for a Government amendment if the Minister for Regulation has determined that the amendment would not materially change the Bill. The Minister for Regulation has delegated this determination to the Ministry for Regulation (Ministry).

## 1. How should this guidance be used?

### 1.1. Purpose of guidance

This material is guidance issued by the Ministry.

This guidance is intended to assist agencies responsible for Government amendments to decide whether they may be eligible for an exemption from CAS requirements under s 13(1)(c), on the basis that the Government amendment would not materially change the Bill.

### 1.2. Scope of the guidance

This guidance sets out the Ministry's approach to determining the threshold for when a Government amendment could be considered material for the purposes of section 13(1)(c) of the RSA and how to arrange a statement that the amendment would not materially change the Bill. In the absence of a Ministry provided statement that the Government amendment is not considered material, the agency responsible for the amendment must produce a CAS.<sup>1</sup>

## 2. When a Government amendment should be considered material

A Government amendment is material and therefore it requires a CAS, when:

- the proposed change/s in the Government amendment engages one or more of the principles of responsible regulation, as set out in the RSA. This consideration covers the principles of responsible regulation in sections 9(a) to 9(h) of the RSA
- the changes being proposed suggest additional or refreshed Impact Analysis should be done. That is, the changes that would be made by the Government amendment, are likely to significantly alter the nature or magnitude of the impacts of the Bill, including in relation to its objectives, costs and benefits, and/or distributional aspects, or are likely to

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<sup>1</sup> [See Statutory Guidance](#)

fall outside policy approvals previously made by Cabinet.<sup>2</sup> This consideration is not tied to whether a new or amended RAS was actually produced for a Government amendment paper. This consideration largely relates to the good law making principles as relevant, (i.e. sections 9(i) to 9(m) of the RSA).

If neither of the two bullet points above apply then the Government amendment could be eligible for an exemption from CAS requirements as it would be considered immaterial for the purposes of the RSA.

### **Examples**

A bill proposes a new mandatory standard sidewalks' width (2 meters). The standard width would apply to all sidewalks old and new, meaning that many property owners across NZ would lose part of their properties for wider sidewalks to be made. At Committee of the Whole a Government amendment proposes that the width standard be lowered to 1m 95 cm. This change relates to the principle of "taking of property" and would therefore be considered material.

*Good law making principles example* - A Government amendment at the Committee of the Whole stage is proposed for a bill on bail and sentencing decisions for family violence crimes. The Government amendment proposes changes to the minimum sentencing threshold due to new international research. A RAS was not prepared for the Government amendment. Regardless, additional Impact Analysis around who is likely to suffer a detriment and who benefits as a result of the proposal (section 9(j)(v)) should be done. Therefore, this change would be considered material for the purposes of 13(1)(c) of the RSA.

## **3. Applying for an exemption**

### **3.1. When is the best time to apply for a section 13(1)(c) exemption?**

Agencies should contact the Ministry as soon as possible:

- after policy work commences, or
- an error/omission has been discovered

that in their view may result in a Government amendment that is not likely to materially change the bill.

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<sup>2</sup> It may be helpful to review the guidance on regulatory impact requirements for Government amendments [\[link\]](#) for more information on whether the changes being made are likely to suggest additional or refreshed impact analysis should be done.

The appropriate point will often be when preparing a first briefing for a Minister on the specific issue that may result in a Government amendment.

### 3.2. How do I apply and what information do I need to include?

If you think your proposed Government amendment is eligible for an exemption, you must apply at [RMS@regulation.govt.nz](mailto:RMS@regulation.govt.nz) using the **Immaterial Government Amendments Exemption Application Form (linked)**.

For the Ministry to be able to assess whether the Government amendment is eligible for an exemption from CAS requirements in a timely manner, agencies must include:

- the proposal to be included in the Government amendment,
- a short, clear explanation on why the Government amendment, if agreed, would not materially change the bill
- any Analysis Identification Number/s previously allocated to the proposals in the bill or Government amendment
- the draft bill as agreed during second reading (or as reported back from select committee, if second reading is still to come),
- the original CAS accompanying the Bill (provided when the Bill was introduced), and
- the timeframes you are working towards.

### 3.3. Decision timeframes

The Ministry will assess your exemption request and will endeavour to have a decision with you within three working days from the date you have provided all the information necessary to assess the exemption request.

### 3.4. Statement to include in explanatory note

If the Ministry determines that the Government amendment is exempted from CAS requirements, we will provide you with a statement to include in the relevant Cabinet paper and also to include (or provide a link to) in your explanatory note (see section 13(3) of the RSA). If the amendment paper does not go before Cabinet, the statement should be provided to the relevant Minister before the point they agree to submit the final Government amendment.



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