



**Ministry for Regulation
Te Manatū Waeture**

The Regulatory Analysis Summary Process


Guidance Note

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1 Introduction

The Ministry for Regulation has developed this guidance note on the process for preparing a Regulatory Analysis Summary to support Cabinet’s regulatory policy decisions.



A Regulatory Analysis Summary must accompany all policy proposals taken to Cabinet (or delegated ministers) if they include a government regulatory proposal, unless an exemption applies. A “government regulatory proposal” means a proposal that will ultimately require creating, amending or repealing primary or secondary legislation.¹

A Regulatory Analysis Summary is authored by a government agency to summarise its best analysis about a government regulatory proposal, and it accompanies the responsible Minister’s Cabinet paper.²

Regulatory Analysis Summaries are intended to support policy effectiveness and resilience by providing impact analysis to decision-makers in a structured and consistent form. Impact analysis is both a process and an analytical framework that encourages a systematic and evidence-informed approach to policy development.

The publication of Regulatory Analysis Summaries also contributes to transparency for stakeholders and the accountability of government.

With the introduction of the Regulatory Standards Act 2025, some changes have been made to Cabinet’s impact analysis requirements. These requirements include the process for preparing a Regulatory Analysis Summary (formerly Regulatory Impact Statements) covered in this Guide and outlined in Cabinet Office Circular [Expectations for Good Law-Making CO \(26\) 2](#).

Link with the Regulatory Standards Act

Completing Regulatory Analysis Summaries consistently with these requirements will help ensure agencies are well-placed to fulfil consistency assessment obligations set out in the Act – in particular, those relating to application of the good law-making principles. For further information on these consistency assessment related requirements, please see the [statutory guidance](#).

¹ “Secondary legislation” means an instrument (that is made under an Act if the Act (or any other legislation) states that the instrument is secondary legislation – see the Legislation Act 2019.

² A Regulatory Analysis Summary can also be required when decisions are made by a group of Ministers with delegated authority – in this case the Regulatory Analysis Summary would accompany a briefing to the Ministers.

For further information:

- refer to the [Ministry for Regulation's website](#), or
- contact the Ministry for Regulation's Regulatory Impact Analysis (RIA) Team via RMS@regulation.govt.nz.

2 How to use this Guide

Use this Guide together with the Cabinet Office Circular [Expectations for Good Law-Making \(CO \(26\) 2\)](#) to prepare Regulatory Analysis Summaries.

Sections 3 and 4 of this Guide explain the process for preparing Regulatory Analysis Summaries and the purpose of impact analysis.

Sections 5 to 15 of this Guide set out the process for preparing Regulatory Analysis Summaries in more detail.

2.1 Policy development for regulatory proposals

This Guide focuses on how to prepare a Regulatory Analysis Summary to support government's policy decisions. Additional technical guidance on Regulatory Analysis Summaries and more detailed guidance on the process for discussion documents and quality assurance is available on the [Ministry for Regulation's website](#). Refer to:

- Best Practice Impact Analysis – Guidance Note
- Discussion Documents and Cabinet's Impact Analysis Requirements – Guidance Note
- Quality Assurance of Regulatory Analysis Summaries – Guidance Note

Further guidance

Guidance and tools for the development of policy (in general) are available on the Department of the Prime Minister and Cabinet's [Policy Project webpages](#). If you are developing policy advice you should be familiar with the [Policy Quality Framework](#) – the standard for quality policy advice.

The Policy Project can be contacted at policy.project@dpmc.govt.nz.

For more information on the preparation of Consistency Accountability Statements, please see the [statutory guidance](#).

2.2 Accessing the Regulatory Analysis Summary template and advice

The templates for preparing a Regulatory Analysis Summary (RAS) are on the [Ministry for Regulation's website](#). The website also contains a link to the RIA Online platform, where you can notify the Ministry of your agency's decision on exemptions, confirm impact analysis processes with the Ministry's RIA team, and publish finalised Regulatory Analysis Summaries etc.

Some agencies have their own policy development processes and guidelines, and their quality assurance panels/specialists should be able to help with advice about individual cases. Otherwise, the Ministry for Regulation's RIA Team can be contacted for general guidance on the development of regulatory proposals and can assist agencies with advice on individual cases, good practice in impact analysis, and on-going training.

The nature of the RIA Team's involvement in individual proposals will depend on the characteristics of the proposal and the policy development process, as well as the existing capabilities and internal quality assurance processes of the lead agency. It may involve:

- working alongside agencies to assist them in meeting Cabinet's requirements
- referring proposals to other agencies or specialists who have relevant expertise in regulatory quality issues or the subject matter.

The RIA Team can be contacted via RMS@regulation.govt.nz.

Further guidance

The Treasury issues related guidance. For example, [there is a range of guidance and tools available on Cost Benefit Analysis](#).

The Government Economics Network also provides [training](#) in some of the skills required for regulatory and other policy development and advice.

The Ministry for Regulation has also published economic resources on [cost-benefit analysis](#) and [problem definition and options identification](#).

2.3 Check online for the latest version

This Guide will be updated periodically online, to keep it accurate and as helpful as possible. This version of the Guide was last updated in May 2026.

Check for the latest version of this Guide on the [Ministry for Regulation's website](#).

2.4 Your feedback is welcome

We welcome your feedback on this Guide, including suggestions for possible additions or improvements. We would also like examples of good practice that can be shared with other agencies. Any comments or suggestions can be sent to RMS@regulation.govt.nz

3 Overview of the Guide

The Cabinet Office Circular [Expectations for Good Law-Making \(CO \(26\) 2\)](#) sets out the requirements for preparing a Regulatory Analysis Summary to support policy decisions.

This Guide sets out the requirements in more detail than the Cabinet Office Circular and provides information to help you succeed in producing a high-quality Regulatory Analysis Summary.

It covers the following areas:

- **Developing a regulatory proposal:** what a Regulatory Analysis Summary is, and the requirement to prepare one for most regulatory proposals
- **Getting started:** seeking early feedback on problem definition and options on problems with important impacts and early process confirmation
- **Exemptions from providing a Regulatory Analysis Summary:** understanding situations where a Regulatory Analysis Summary is not required, and the process for agencies to self-assess exemptions
- **Discussion documents:** understanding when a discussion document requires an accompanying Regulatory Analysis Summary.
- **Confirming your Regulatory Analysis Summary process:** confirming the appropriate Regulatory Analysis Summary template and whether the authoring agency, a cross-agency panel, or the Ministry for Regulation is responsible for undertaking quality assurance
- **Completing the Climate Implications of Policy Assessment (CIPA) screening page in the RIA Online platform:** to provide information so the Ministry for the Environment (soon to be Ministry for Cities, Environment, Regions and Transport) can determine whether a CIPA is required for your proposal
- **Preparing the Regulatory Analysis Summary:** preparing the required content for your Regulatory Analysis Summary and completing the appropriate template
- **Quality assurance arrangements:** obtaining independent quality assurance for your Regulatory Analysis Summary and where to find in-depth guidance for assessors on the QA process and application of the assessment criteria
- **Preparing the Cabinet paper:** filling in the “Impact Analysis” section of the Cabinet paper, including documenting any exemptions

- **Regulatory proposals with inadequate impact analysis:** the process if the Regulatory Analysis Summary is missing or does not comply with Cabinet's impact analysis requirements
- **Publication of Regulatory Analysis Summaries:** when and how to publish Regulatory Analysis Summaries

4 Impact analysis and the process for Regulatory Analysis Summaries

A Regulatory Analysis Summary is a formal requirement for regulatory proposals taken to Cabinet for policy approval.

The purpose of Regulatory Analysis Summaries is to improve the quality of policy by ensuring that policy proposals are subject to careful and robust impact analysis.

Regulatory Analysis Summaries are intended to support policy effectiveness and resilience by providing impact analysis to decision-makers in a structured and consistent form.

The impact analysis process should be started as early as possible in the process rather than left to the end, so it can guide policy development and be drawn together in the Regulatory Analysis Summary document.

Further guidance

Impact Analysis is complementary to other approaches to improve policy quality, such as the Policy Project's Policy Quality Framework and agency-specific policy quality processes. It also supports analysis that will enable agencies to meet their consistency assessment requirements for drafted legislation under the Regulatory Standards Act (particularly in relation to assessments of consistency with the good law-making principles).

Impact analysis is intended to help advisers and decision-makers avoid the potential pitfalls that arise from human biases and mental short-cuts, including by seeking to ensure that:

- the constraints and limitations on analysis are identified and their impacts on the analysis recorded.
- the underlying problem is clearly identified, and is supported by available evidence,
- adequate consultation is undertaken,
- all practical options to address the problem have been considered,
- costs and benefits have been quantified (wherever possible),
- all material impacts and risks of proposed actions have been identified and assessed in a consistent way, including possible unintended consequences,
- it is clear why a particular option has been recommended over others, and
- implementation arrangements have been considered.

The routine publication of Regulatory Analysis Summaries contributes to the transparency and accountability of government.

Competition Assessment guidelines

If a policy problem or proposal impacts incentives or the ability to compete in markets, limits choice or ability to switch between options, or is not competitively neutral between businesses or business models, the Commerce Commission's Competition Assessment Guidelines should be referenced and MBIE should be consulted.

The Competition Assessment Guidelines can be found on the Commerce Commission [website](#). The contact point for the Guidelines is competition.policy@mbie.govt.nz

5 Developing a regulatory proposal

5.1 Impact analysis is required for government regulatory policy decisions

A Regulatory Analysis Summary must accompany all policy proposals taken to Cabinet or delegated minister(s) if they include a government regulatory proposal, unless an exemption applies. (See section 8, Exemptions from providing a Regulatory Analysis Summary.)

A “government regulatory proposal” means a proposal that will ultimately require creating, amending or repealing primary or secondary legislation.

Government regulatory proposals may include:

- decisions to introduce legislative changes that are merely enabling (i.e. the substantive decisions as to whether and what sort of intervention will be made later), including creating or amending a power to make secondary legislation
- decisions to create, or amend, a statutory authority to charge third parties to cover the costs of a government activity (i.e. cost recovery proposals)
- “in principle” policy decisions and intermediate policy decisions, particularly those where regulatory options are narrowed down (e.g. limiting options for further work/consideration)
- decisions to release discussion documents that do not present a range of feasible options (i.e. explicitly or implicitly narrow down the range of options, including regulatory options, being considered by the Government)³
- seeking negotiating mandates for, concluding, or seeking approval to sign or be bound by, treaties with regulatory impacts
- secondary legislation made by a Minister under an enabling power in an Act and the Minister’s decision is referred to Cabinet for noting
- decisions about a regulatory proposal that has previously been announced, for example by a Minister or in a political party manifesto or confidence and supply agreement or a coalition agreement
- decisions to adopt a member’s bill as a government bill or take further decisions in relation to the content of that bill.

³ Discussion documents that present a range of feasible options do not require a Regulatory Analysis Summary or formal quality assurance.

A Regulatory Analysis Summary must be provided alongside Cabinet papers that seek approval for such decisions when they are submitted to Cabinet committees (or a similar Ministerial group).

In very rare circumstances, the policy proposal and draft legislation may be submitted together. In these cases, the usual procedure is for the paper to be submitted to the relevant Cabinet policy committee rather than directly to the Cabinet Legislation Committee (LEG).

Link with the Regulatory Standards Act

Note that where policy proposals and draft legislation are submitted together, the draft legislation will also need to be accompanied by a Consistency Accountability Statement unless excluded from the requirements of the Regulatory Standards Act (see the statutory guidance for more information on CAS requirements).

5.2 Changes to the policy during the Parliamentary process

During the parliamentary process, it often becomes necessary to amend a bill. This can happen during the Select Committee consideration of a bill or during Committee of the Whole House stage. The policy content of the amendments may be such that further approvals from Cabinet are needed for new policy or to alter existing policy approvals.

If policy changes are required during the Parliamentary process, the changes could be exempted or need to be covered by updated or revised impact analysis. If updating analysis:

- the original Regulatory Analysis Summary can be updated to indicate how the changes affect the agency's impact analysis (e.g. how they alter the nature and/or magnitude of the impacts), or
- a standalone addendum should be prepared to build on the earlier analysis.

The updated Regulatory Analysis Summary or addendum needs to be quality assured (see section 13, Obtaining independent quality assurance).

Link with the Regulatory Standards Act

Note that a government amendment requiring new or updated policy approvals would likely be considered a material amendment under the Regulatory Standards Act, and a Consistency Accountability Statement would need to be prepared for it. See the statutory guidance for more information on this process.

You should also contact the RIA Team to discuss the Regulatory Analysis Summary requirements when a proposal is to be submitted to Cabinet seeking a decision on whether a Member's Bill should be adopted as a Government Bill.

6 Early engagement with the Ministry for Regulation

A good Regulatory Analysis Summary flows from a good policy process. Adequate impact analysis relies on a complete problem definition, clear policy objectives, and consideration of all feasible options.⁴ These elements are also the foundations for the analysis of regulatory proposals and getting them right at the outset can avoid poor quality

Wider role of the Ministry for Regulation in the policy development process

As the government's lead regulatory advisor, the Ministry has responsibility for providing second opinion advice on regulatory initiatives. In addition to Impact Analysis requirements, Cabinet also requires agencies to engage the Ministry for Regulation early in the development of significant proposals, and, separately, to consult the Ministry on all Cabinet papers with regulatory proposals when undertaking agency consultation.

Early engagement on policy (mandatory)

Information about early engagement requirements can be found on the [Ministry for Regulation website](#).

Agency consultation and second opinion advice (mandatory)

When regulatory policy work gets to the stage of a proposal being developed for Cabinet consideration, the Ministry must be consulted on the draft Cabinet paper. Contact by email: agencyconsultation@regulation.govt.nz.

regulation and subsequent revisions. Inadequacies in these areas cannot be easily fixed at a later stage, so engaging early with interested parties and experts to test initial thinking can help to avoid these problems, leading to more robust analysis and a more straightforward policy process.

⁴ These elements are set out in more detail in [the Policy Quality Framework](#). There is also information about the application of the good law-making principles in the [statutory guidance](#).

Link with the Regulatory Standards Act

While requirements to assess the consistency of proposed legislation do not apply until later in the policy process (i.e. once legislation has been drafted) the [statutory guidance](#) that supports agencies to meet these requirements will likely be helpful in considering the impact of a policy proposal on rights and liberties.

Other tools and guidance to assist policy makers early in the policy process

Ministry for Regulation economic resource

The Ministry for Regulation has prepared an economic resource on [problem definition and options identification](#).

The Policy Project

The Policy Project administered by the Department of the Prime Minister and Cabinet also recognises the potential for early, robust consideration to efficiently drive improvements to policy quality. The Policy Project's [Start Right Guide](#) provides a set of tools to assist policy practitioners to consider all the important dimensions in the policy-making process. *Start Right* covers both regulatory and non-regulatory policy, and is both compatible with, and supportive of, the impact analysis process.

Start Right recommends early “Validation and Testing” activities relating to the assessment of the policy problem / opportunity and key assumptions. You may find it useful to use Start Right as part of your impact analysis process.

For more information, see the [Policy Project webpage](#) or contact policy.project@dpmc.govt.nz.

Te Tautuhi-ō-Rongo

[Te Tautuhi-ō-Rongo](#) is the Crown's primary Treaty-based public policy framework for identifying and considering Māori rights and interests. This framework should be used to support sound regulatory design, assessment, and justification, particularly where legislation affects Māori rights and interests.

7 RIA Online

The Regulatory Analysis Summary process is facilitated through the RIA Online platform, by the Ministry for Regulation's RIA team. RIA Online supports information sharing on regulatory proposals between a government agency and the Ministry for Regulation.

RIA Online is where the agency can:

- create the proposal
- complete screening questions relating to the climate implications of policy assessment (CIPA), which are currently reviewed by the Ministry for the Environment. (Soon to be the responsibility of the Ministry of Cities, Environment, Regions and Transport).
- record a decision regarding an exemption from completing a Regulatory Analysis Summary
- get confirmation of the process to follow when submitting your proposal to Cabinet (the relevant template to use and quality assurance arrangements).
- publish the finalised Regulatory Analysis Summary on the Ministry for Regulation website (once they are published on the agency website first)

Further information on accessing the RIA Online platform is available on the [Ministry for Regulation's website](#).

If you have questions about RIA Online or the RIA process, you can contact the RIA Team via email at RMS@regulation.govt.nz.

7.1 Getting access to RIA Online

If you haven't accessed RIA Online before, you'll need to set up an account with us. Send us an email at RIA.Online@regulation.govt.nz with the subject line "RIA Agency Access Request". Setting up an account in RIA Online is an automated process, so once you've requested access via email, you should be able to access your account within an hour or so.

Note that we can only approve and set up RIA Online accounts for people with a government email address ending with the suffix ".govt.nz".

8 Exemptions from providing a Regulatory Analysis Summary

Conducting impact analysis is encouraged and always recommended in the development of advice on any form of government policy initiative. However, a Regulatory Analysis Summary is not required for certain types of regulatory proposals or parts of certain types of regulatory proposals.

Link with the Regulatory Standards Act

Note that there are different grounds and processes for exemptions from providing a Regulatory Analysis Summary and exclusions from Consistency Accountability Statement requirements under the Regulatory Standards Act. Proposals eligible for a RAS exemption may therefore still require a CAS to be completed, or vice versa. For more information about exclusions from CAS requirements, please see the [statutory guidance](#).

8.1 Process for recording exemption decisions

Your agency is responsible for making a decision on whether an exemption is applicable and therefore whether a Regulatory Analysis Summary is not required for a government policy initiative (or a specific part of a policy initiative).

Your agency must have an internal process for ensuring exemption decisions are made appropriately – for example the team responsible for developing a policy proposal and recording an exemption with the Ministry for Regulation should ideally not be the same one confirming the exemption is appropriate.

Your agency's decisions to exempt a regulatory proposal from having a Regulatory Analysis Summary must be recorded. You can do this by submitting a completed RAS Exemption Notification form in RIA Online as soon as possible after making your decision. The form includes guidance on how to complete it, but you can also contact the RIA team if you need technical assistance.

Exemptions should be disclosed in the impact analysis section of the Cabinet paper. You can find the standard wording you must use in the RIA Online Exemption Notification Form.

Some exemptions are subject to conditions, set and monitored by the Ministry for Regulation.

An exemption from completing a Regulatory Analysis Summary does not provide an exclusion from requirements under the Regulatory Standards Act 2025 and vice versa.

Note, if your agency has not recorded an exemption for the proposal *and* a Regulatory Analysis Summary is not submitted along with the Cabinet paper seeking policy approval, then it will be subject to the process for proposals with inadequate impact analysis (see section 14, Regulatory proposals with inadequate).

The Ministry will periodically audit agencies' decisions including whether there was a good basis for the exemption.

8.2 Grounds for an exemption

The grounds for an exemption are grouped under the following four categories:

- Minor or limited impacts exemption
- Duplication exemption
- Technical exemption
- Emergency exemption

Some exemption grounds (duplication and some types of emergency exemption) are subject to conditions.

Exemptions are less likely to be available for proposals which restrict the use or exchange of private property.

Link with the Regulatory Standards Act

For more information about property rights in a Regulatory Management System context please see the [Regulatory Standards Act statutory guidance](#) and [Problem definition and options identification – A Resource](#)

8.3 Minor or limited impacts exemption

Regulatory proposals may be exempted from providing a Regulatory Analysis Summary if the proposal:

- has no or only minor economic, social, or environmental impacts, **OR**
- the economic, social, or environmental impacts are limited (e.g. in scope and type), and are easy to assess, **OR**
- makes changes to the internal administrative or governance arrangements of the New Zealand government which have minor impacts outside the government.

In assessing whether an exemption is appropriate, agencies should consider whether a proposal may foreseeably affect access to public services, eligibility for supports, or administrative processes. For example, proposals should not be treated as having only

minor impacts solely because they involve administrative or governance changes where such impacts are likely.

To assist agencies when deciding on whether a regulatory proposal should be exempted from developing a Regulatory Analysis Summary below are some examples of each category and factors that influence whether or not a proposal is eligible.

8.3.1 Minor Impacts

A wide variety of proposals fall under this exemption. Common themes include:

- technical adjustments that do not fall under the technical or case-specific exemptions but are likely to have no or very low impacts.
- changes to statutory governance arrangements being implemented through a Treaty of Waitangi settlement where these changes are likely to have no or only minor impacts.

Below are factors which make a minor impacts exemption more or less likely.

A minor impacts exemption is...			
Most likely	likely to be appropriate	likely to not be appropriate	highly unlikely
If the impacts are quantified, they are less than \$1m per year	Proposal has localised impacts, or the implications are limited to a small group of affected people or parties	Proposal has regional or national impacts or widespread implications	Proposal has constitutional implications
Proposal is a technical, non-controversial change (that does not otherwise qualify for a technical exemption)	Net Present Value of the proposal is expected to be low over the medium-term (when all the impacts can be monetised)	If the impacts have been quantified, they are over \$5m per year	The proposal is not consistent with Legislation Design and Advisory Committee (LDAC) guidelines or LDAC has raised significant issues with the proposal
	Proposal clarifies an area of current law, consistent with the objectives of that regulatory system	Even if the proposal affects a localised area or a limited number of people, it has significant impact on them (e.g. changing rights or entitlements)	Proposals places limitations on New Zealand Bill of Rights Act rights
	Proposal codifies, rather than changes, an existing practice	Proposal creates or amends the legal rights or responsibilities of government agencies or agency chief executives	
		Proposal affects policy processes which are public facing (e.g. consultation requirements)	
		Proposals that impact the use and exchange of private property.	
		Proposal substantially alters the nature or objectives of the relevant regulatory system in the purpose statement	

8.3.2 Limited impacts

Limited impacts exemptions apply where a proposal is expected to have more than minor impacts, but those impacts are limited in scope and type, and those limitations are easy to assess. This exemption ground is designed for straightforward proposals with predictable impacts and is more likely to apply when there is good data and evidence available.

Below are some factors which influence the eligibility of a proposal.

8.3.2.1 Limited impacts exemption more likely to apply	8.3.2.2 Limited impacts exemption less likely to apply
Proposals which have non-minor fiscal impacts but straightforward impacts on the public (e.g. changes to the rate at which interest accrues on student loans for overseas borrowers)	Proposals that impact the use and exchange of private property.
Proposals that expand existing arrangements in a predictable fashion, where secondary or wider impacts are unlikely (e.g. extending a levy at the existing level into the future, or making regular or small inflation adjustments to existing financial figures in legislation).	Proposals where there is a reasonable chance of secondary or wider impacts.
Proposals to defer commencement of regulatory change that is not yet in effect.	Proposals for which the impacts are not easy to assess (e.g. there is limited data or information available about expected impacts, how behaviour will change in response to the proposal, etc).
	Proposals where the scale of impacts is high, even if the scope and type of impacts is limited.
	The proposal is novel and there is no, or limited, international precedent

8.3.3 Changes to administrative or governance arrangements of the New Zealand government which have minor impacts outside the government

An exemption is available for changes to the internal administrative or governance arrangements of the New Zealand government which are likely to have no or very low impacts outside of government (e.g. the transfer of responsibilities, staff, or assets between government agencies).

The creation of a new government organisation, such as a new public service department, can also sometimes be exempted, as can the disestablishment of organisations. For new

organisations, an exemption is more likely to be appropriate if the new organisation is taking over functions which are already performed by an existing organisation and there are no or very low fiscal impacts. But if the new organisation has new powers or functions this exemption ground is less likely to be appropriate. Likewise for disestablishing an organisation, an exemption is more likely to be appropriate when the functions are getting transferred to another agency.

If an administrative or governance change will have more than a minor flow-on impact on parties outside the government, an exemption is not appropriate. For example, significant changes to the way the health or education system is structured to centralise or decentralise the organisations would have significant flow on impacts.

Finally, this exemption ground is not likely to be appropriate if there are changes to the regulation of the wider public service workforce given the number of people involved.

8.4 Duplication exemptions

A Regulatory Analysis Summary is not required where one of the following applies:

- the relevant issues have already been adequately addressed by existing impact analysis, **OR**
- a Regulatory Analysis Summary would substantively duplicate other government policy development, reporting and publication requirements or commitments and formal impact analysis is not the best and most cost-effective way to ensure that Ministers have access to relevant information to inform their decisions **OR**
- an extended National Interest Analysis has been developed and is being presented to Cabinet at the same time as the action in relation to an international treaty

The following paragraphs provide some further information on when these exemptions may apply.

8.4.1 The relevant issues have already been adequately addressed by existing impact analysis

Note that this exemption ground is subject to a condition (see below).

This is most likely to arise where:

- final decisions are being made post-consultation, where impact analysis has already been provided to Cabinet before that consultation, **or**
- decisions are being made about the content of secondary legislation that was considered when the enabling power in primary legislation to make secondary legislation was proposed, **or**

- decisions have already been made with an accompanying Regulatory Analysis Summary, but for some reason the proposal was paused and not progressed, and the decisions are being reconfirmed.

Note that in many situations it may be simpler to just update the RAS and present it as a new document rather than attempting to rely on a duplication exemption.

Some key questions to consider are:

- **Did the previous impact analysis cover the same policy decisions as the new proposal?** There needs to be a close match between the previous policy decisions and the current decisions for this exemption ground to be appropriate.
- **Is the previous impact analysis still up to date?** How long has it been since the Regulatory Analysis Summary (or Regulatory Impact Statement) was prepared and provided to Cabinet (or delegated Ministers)? If it has been more than a year since the last RAS for the same/similar decision, then this exemption ground is less likely to be appropriate as the context may well have changed. Where the previous Regulatory Analysis Summary was too long ago for the exemption ground to be appropriate, the Regulatory Analysis Summary could be refreshed and a quality assurance process re-run (in which case no exemption is needed).
- **In relation to proposals for secondary legislation, is the scope of the current decisions constrained?** The current decisions must be (1) within the scope of Cabinet's previous decisions, (2) there must be limited discretion over the content of the secondary legislation based on Cabinet's previous decisions, and (3) the decisions should be covered by previous impact analysis.

This exemption ground is subject to the condition that:

- the existing/previous Regulatory Analysis Summary is resubmitted to Cabinet (or delegated Ministers)⁵ **and**
- the existing/previous Regulatory Analysis Summary has been re-quality assured to ensure it still matches the decisions under consideration and otherwise meets the QA criteria.

⁵ In some situations, it can be appropriate to supplement previous impact analysis with an updated addendum. The RIA Team is available to provide advice on complex cases.

8.4.2 A Regulatory Analysis Summary would substantively duplicate other government policy development, reporting and publication requirements or commitments

Note that this exemption ground is subject to a condition (see below).

This is likely to include situations where a business case is required for a project involving substantial capital investment as well as regulatory change.

Relevant factors for this exemption ground include the timeframe for development and implementation of the proposal, the extent and nature of likely impacts, and the degree of uncertainty, risks or novelty of the proposal.

A condition for this exemption is that an internal (or cross-agency) QA panel needs to assess whether the document which is ‘substantively duplicating’ a RAS meets the quality assurance criteria.

8.4.3 An extended National Interest Analysis has been developed which contains the features of a Regulatory Analysis Summary (and is being presented to Cabinet at the same time as the action in relation to the international treaty)

In accordance with the Cabinet Manual and Standing Orders ⁶, all multilateral treaties or “major bilateral treaties of particular significance” concluded by New Zealand require the preparation of a National Interest Analysis (NIA). Drafting Guidelines produced by the Ministry of Foreign Affairs (MFAT) in collaboration with the RIA Team requires that, for treaties with regulatory impacts, the NIA also includes all the requirements which would otherwise be considered in a Regulatory Analysis Summary (becoming an “extended NIA”).

In general, where a Treaty action is being approved by Cabinet and an extended NIA is being provided at the same time, a separate, standalone Regulatory Analysis Summary is therefore not required.

The International Treaty Making Guide, which includes the NIA drafting instructions, contains guidance on how Cabinet’s Impact Analysis Requirements apply to treaties. For questions regarding international treaties and arrangements, please contact the Treaty Officer in the MFAT Legal Division (treaties@mfat.govt.nz).

This exemption ground does not have a formal quality assurance condition associated with it. However, in deciding to exempt a regulatory proposal using this ground, the

⁶ See 2023 Standing Orders 405 to 408

agency will need to be confident that the extended NIA contains the features of a Regulatory Analysis Summary.

8.5 Technical or case-specific exemptions

A Regulatory Analysis Summary is not required where a government regulatory proposal:

- is for a matter to be included in a Revision Bill (as provided for in the Legislation Act 2019), to the extent the proposal(s) is not making policy changes
- is for a matter to be included in a Statutes Amendment Bill (as provided for in Standing Orders)
- is for the repeal or removal of already redundant legislative provisions
- provides solely for the commencement of existing legislation or legislative provisions (e.g. an Order in Council to bring legislation into force)
- is solely a request to authorise spending in an Appropriation Bill or an Imprest Supply Bill
- is solely a request to confirm secondary legislation that has already been made (e.g. through a Secondary Legislation Confirmation Bill)
- is solely for the annual setting of income tax rates (as required under the Income Tax Act 2007) where the rates remain unchanged
- is to implement deeds of settlement for Treaty of Waitangi claims, other than those that would amend or affect existing regulatory arrangements
- is to bring into effect recognition agreements under the Marine and Coastal Area (Takutai Moana) Act 2011.

These exemptions relate to the circumstances of a regulatory proposal. They include technical adjustments to improve the enforceability or clarity of existing law and transitional arrangements.

8.5.1 The government has limited decision-making discretion or responsibility for the content of proposed legislative action

This is likely to include situations where government is:

- making automatic or formula-driven legislative updates, such as when legislation requires figures to be regularly updated in accordance with the Consumer Price Index (CPI) or average wage data.
- making the minimum necessary legislative changes required to comply with international obligations that, due to previous treaty actions, are automatically binding on New Zealand, or
- approving proposals developed through a statutory process done by an external party with statutory authority for that process.

8.6 Emergency exemptions

The exemptions below can only be used when there is a declared emergency.

What is a declared emergency?

A declared emergency is any situation where an official declaration, in whatever form but provided for in statute, is made concerning an adverse event that potentially requires an urgent response. Such statutory declarations often exist to trigger (authorise the exercise of reserved statutory powers that can be used to address or respond to the adverse event.

8.6.1 Technical emergency exemption

A Regulatory Analysis Summary is not required where a government regulatory proposal is:

- i. to make, amend, or to modify or suspend the effect of, primary or secondary legislation, under statutory powers only able to be exercised during a declared emergency or emergency transition period ⁷
- ii. in a situation where a declared emergency has made compliance with the existing legislative requirements impossible, impractical, or unreasonably burdensome, to do one or more of the following:
 - a. temporarily defer or extend legislative deadlines, or
 - b. provide limited temporary exemptions or modifications to existing legislative requirements, or
 - c. temporarily enable alternative methods of legislative compliance.
- iii. to temporarily defer the start date of legislative requirements not yet in force, in order to reduce burdens, or where the Government or affected entities will no longer be ready by the planned start date, as a result of an emergency.

These emergency exemptions are specifically designed for urgent regulatory changes in an emergency. They draw on the experience of COVID-19 and other emergencies such as the Christchurch earthquakes and Cyclone Gabrielle.

Proposals covered by emergency exemption one would include new instruments required to manage or contain an emergency. For example, Orders made by the Director-General of Health exercising the functions of a Medical Officer of Health to prevent the outbreak or spread of an infectious disease under section 70 of the Health Act. They would also include

⁷ Such as, for example, Immediate Modification Orders made in accordance with sections 14 or 15 of the Epidemic Preparedness Act 2006.

proposed modifications to existing legislation, such as allowed by Immediate Modification Orders provided for in the Epidemic Preparedness Act.

Proposals covered by exemptions two and three are some of the most common temporary legislative changes sought in recent declared emergencies. While the changes must be temporary, measures covered by these two categories of exemption need not necessarily end when the emergency itself formally ends.

Note that the actual statutory declaration of an emergency is not included in the proposed technical exemption. These declarations already fall outside the scope of the Cabinet's Impact Analysis Requirements, as they are not treated as secondary legislation and do not normally come to Cabinet for approval.

8.6.2 General emergency exemption

Note that general emergency exemptions are subject to conditions (see below).

A Regulatory Analysis Summary is not required where a government regulatory proposal, not covered by other existing Regulatory Analysis Summary exemptions, is:

- intended to manage, mitigate or alleviate the short-term impacts of a declared emergency event or of the direct actions taken to protect the public in response to a declared emergency event, **AND**
- required urgently to be effective (making a complete, robust and timely Regulatory Analysis Summary unfeasible), **AND**
- the need for the proposal was not reasonably foreseeable.

This exemption recognises that some regulatory changes sought in emergency or emergency transition situations may fall outside the grounds of the technical exemptions but may still warrant an exemption or conditional exemption due to obvious urgency.

Importantly, the proposal must not be 'reasonably foreseeable'. For example, if the government had introduced a temporary emergency measure and it is foreseeable that it will need to be wound down in future. When it comes time to wind down the temporary measure, as it was reasonably foreseeable, it would not be eligible for an emergency exemption.

Examples of where this exemption ground has been used is cover the sorts of changes made in response to COVID-19 to support the mortgage repayment deferral scheme or the business debt hibernation regime. It could also cover proposals to waive or reduce statutory fees or charges imposed by the government during an emergency.

A condition of a general emergency exemption is that the proposal requires a post-implementation review one year after the legislation has come into force. This review requirement can be waived on a case-by-case basis by the Ministry for Regulation. There is

Formal independent quality assurance of discussion documents which do not narrow the range of feasible options under consideration is no longer necessary. However, the responsible agency should nonetheless have an internal process for ensuring discussion documents are of an acceptable quality before they are released.

10 Confirming your Regulatory Analysis

Summary process

The RIA Team determines the appropriate Regulatory Analysis Summary template and responsibility for arranging independent quality assurance based on information the author provides about the agency's processes and on the proposal. It is best to seek these decisions as soon as possible in the policy process – before drafting the Cabinet paper.

For further information on the templates for a Regulatory Analysis Summary see section 12, Preparing a Regulatory Analysis Summary. For further information on potential quality assurance arrangements see section 13, Obtaining independent quality assurance.

10.1 The confirmation process

Once the author is clear that Cabinet's Impact Analysis Requirements for policy decisions apply to the proposal or aspects of it, they need to provide information to the RIA Team through RIA Online to enable these template and quality assurance decisions.

The RIA Team will determine the appropriate template for the Regulatory Analysis Summary, and whether the authoring agency or the Ministry for Regulation is responsible for arranging quality assurance, taking into account the following factors for the relevant government agency:

- the agency's policy capability and the demonstrated robustness of its in-house quality assurance processes
- the strength of the agency's regulatory stewardship practice in the affected regulatory system
- the robustness of the agency's planned policy process
- the level of significance of the likely impacts of the regulatory options
- the complexity of the proposal (e.g. is it addressing multiple policy problems)
- the levels of risk or uncertainty around the likely impacts of the regulatory options.

The RIA Team will make these decisions based on the information submitted by the author through the RIA Online platform. More information on RIA Online is available on the [Ministry for Regulation's website](#).

If necessary, you may be asked for additional information, or the RIA Team may discuss the information and options with you. In some cases, departures from the template may be appropriate (see next section).

Decisions on your Regulatory Analysis Summary process are not necessarily final as they are made based on knowledge and assumptions about the policy process at that time. If any of these factors change, for instance, timeframes become compressed, or additional policy options are included, you must advise the RIA Team, and the decisions will be reviewed.

If you have any issues or concerns about these decisions, please go back to the RIA Team to discuss.

10.2 Case-specific approaches to using the template

Impact analysis is required for a wide range of subject areas and to achieve many different objectives. In some cases, the standardised templates may need to be customised. For example:

- several different aspects of a single problem are addressed and cannot easily be separated into several single-issue impact statements because of their interdependence
- the regulatory decision is about whether, or to what extent, Parliament should delegate its legislative power on a particular matter, and who is best placed to exercise that power appropriately. (Here the level and nature of impacts on the so-called “winners” and “losers” is largely the same. Instead, the analysis is more likely to focus on issues like relative credibility and expertise, certainty versus flexibility, constitutional propriety, and appropriate safeguards)

The Quality Assurance panel for the Regulatory Analysis Summary will scrutinise any departure from the standard template as part of its assessment as to whether the analysis is ‘complete’.

Agencies will be expected to have a strong justification for a departure from the expectation that Regulatory Analysis Summaries are no more than 20 pages.

10.3 Completing the Climate Implications of Policy Assessment (CIPA) form

Cabinet requires that central government agencies must undertake a greenhouse gas (GHG) emissions analysis, known as a CIPA, and report on the results of that analysis in the Cabinet paper for all policy proposals that meet certain qualifying criteria.

For non-regulatory proposals you are expected to engage with the Ministry for the Environment's CIPA team separately. For regulatory proposals, this has been integrated into RIA Online.

11 Preparing a Regulatory Analysis Summary

The Regulatory Analysis Summary, whichever template is used, is a government agency document. It presents the outcomes of its impact analysis process and provides a summary of the agency's best advice to its Minister and Cabinet on the problem definition, objectives, identification, and analysis of the range of feasible options, and information on implementation arrangements.

By contrast, the Cabinet paper is the Minister's document. A Cabinet paper presents the Minister's advice or recommendations to Cabinet.

The purpose of the Regulatory Analysis Summary is to:

- provide the basis for engagement with Ministers and therefore help to inform the policy discussion and Ministers' decisions
- inform Cabinet about the range of feasible options and the benefits, costs, and risks of the preferred option(s), and
- enhance the transparency of, and accountability for, decision making, through public disclosure once decisions are taken.

The Regulatory Analysis Summary should provide an objective, balanced presentation of the analysis of impacts, with any conclusions reached by the agency explained and justified. It can be useful to prepare it before the Cabinet paper, so that it informs the development of the preferred option and hence the Ministerial recommendations in the Cabinet paper.

Efficient and effective stakeholder consultation must also have taken place when carrying out impact analysis and the results of this set out in the Regulatory Analysis Summary.

Further information on Cabinet's CIPA requirements

Refer to the [Ministry for the Environment's webpage](#), or contact the Ministry for the Environment's CIPA team via CIPA@mfe.govt.nz.

Note this function is being transferred soon to the Ministry for Cities, Environment, Regions and Transport.

When identifying affected parties, agencies should consider not only groups directly regulated by a proposal, but also those whose rights, access to services, or participation may be foreseeably affected, including through system-level changes.

Further guidance on consultation can be found in the [Discussion documents and the impact analysis requirements – Guidance note](#).

11.1 Standard templates

Your impact analysis for the regulatory policy decisions must be provided in the Regulatory Analysis Summary alongside the Cabinet paper, and unless agreed otherwise with the RIA Team, the analysis will be presented using one of the standard templates. The Regulatory Analysis Summary templates are available on the [Ministry for Regulation’s website](#).

The templates are designed to tailor the form and content of the impact analysis to the significance and nature of the regulatory proposal.

11.1.1 The standard Regulatory Analysis Summary

The standard template requires analysis of all the feasible options. The Regulatory Analysis Summary should not exceed 20 pages (including appendices). Agencies will be expected to have a strong justification from a departure from the 20-page expectation.

All sections of the template need to be completed, but the *prompts* within each section are intended to be used as a guide – some will be more applicable than others depending on the nature of the proposal. Therefore, it is not necessary for the author to address all the prompts.

The template includes a coversheet that highlights the issues decision-makers need to readily access and helps them to identify the aspects of the standard Regulatory Analysis Summary that they may wish to closely scrutinise.

You may want to provide links and references to supporting material (e.g. briefings and reports), especially for more complex proposals. These documents outline how the agency has reached its conclusions for transparency purposes.⁸

Further guidance on how to do impact analysis can be found in the *Guidance Note on Best Practice Impact Analysis* available on the [Ministry for Regulation’s website](#).

Link with the Regulatory Standards Act

Completing Regulatory Analysis Summaries will help ensure agencies are well-placed to fulfil consistency assessment obligations set out in the Act – in particular, those relating to application of the good law-making principles. For further information on these consistency assessment related requirements, please see the [statutory guidance](#).

Further guidance on how the Regulatory Analysis Summary is assessed and what the assessors will be focussing on can be found in the [Quality Assurance of Regulatory Analysis Summaries – Guidance Note](#)

11.1.2 Cost Recovery Analysis Summaries

Note, the cost recovery template templates are currently being reviewed, and the new templates will be published soon.

There are two cost recovery templates.

- The Regulatory Analysis Summary template that contains embedded cost recovery prompts. The template is intended for agencies developing regulatory proposals that establishes new cost recovery regimes, or changes to underlying features (e.g. empowering provisions) of existing cost recovery regimes.
- The standalone cost recovery templates intended for agencies that are setting or reviewing cost recovery charge levels without changing the underlying cost recovery regime

11.2 Consultation and circulation

The Regulatory Analysis Summary summarises the impact analysis that you have already done and therefore will reflect the results of your consultation to date. The completed templates themselves provide a vehicle for further consultation as appropriate with affected parties and with government agencies.

The Regulatory Analysis Summary should be circulated at least at two points in the policy process:

- It is best practice to circulate your draft Regulatory Analysis Summary to interested agencies with the draft Cabinet paper as part of agency consultation to inform agency feedback on the proposal. You should include those agencies that have expertise in understanding the impacts of policies on specific affected parties (e.g. Te Puni Kōkiri – impact on iwi, hapū, and tangata whenua, Whaikaha – the Ministry of Disabled People, Ministry for Women, Ministry of Pacific Peoples and Ministry for Ethnic Communities).
- The draft Regulatory Analysis Summary **MUST** be available to be circulated as part of ministerial consultation on cabinet papers.

11.3 Manager sign-off and agency disclosure

The standard Regulatory Analysis Summary template requires that:

- It must be signed off by a staff member at manager level (or above) for the responsible agency. There is a space in the template for their signature.

- You must also disclose information about any key gaps, assumptions, dependencies and significant constraints, caveats or uncertainties regarding the impact analysis. The templates provide space for this information.

These requirements emphasise that the Regulatory Analysis Summary is an agency document, not a Ministerial one, and that its quality and the analysis in it is the responsibility of the policy team and the responsible manager.

The final Regulatory Analysis Summary must be provided when the relevant Cabinet paper is submitted to Cabinet committee (or delegated ministers) when seeking decisions on a government regulatory proposal.

12 Obtaining independent quality assurance

Further guidance is available

An in-depth explanation is available in the [Quality Assurance of Regulatory Analysis Summaries – Guidance Note](#).

The following is a brief summary of the quality assurance process.

Independent quality assurance (QA) is a key part of Cabinet’s Impact analysis requirements. The purpose of QA is to provide an independent view on the extent to which Cabinet can rely on the information and analysis in the Regulatory Analysis Summary to help them make an informed decision on the regulatory proposal.

Quality assurance is the process which ensures that officials’ advice to Cabinet is robust, well-evidenced and thorough, even when it is subject to constraints. Before the Regulatory Analysis Summary is lodged with the Cabinet paper, Cabinet requires that an independent panel assesses the Regulatory Analysis Summary against the QA criteria. The QA criteria are provided by in the Ministry for Regulation in the [Quality Assurance of Regulatory Analysis Summaries – Guidance Note](#).

The panel provides a final QA statement, which includes a summary assessment and an associated overall rating (i.e. ‘meets’, ‘partially meets’ or ‘does not meet’ the criteria). The final QA statement is included in the Regulatory Analysis Summary and in the Impact Analysis section of the Cabinet paper.

The Regulatory Analysis Summary should be independently quality assured before final advice is provided to the portfolio minister for submission to Cabinet. If a Regulatory Analysis Summary is not quality assured before it is lodged with the Cabinet paper, then it will be subject to the process for proposals with inadequate impact analysis (see *Section 14 Proposals with inadequate impact analysis*).

12.1 Who should undertake quality assurance

The Ministry for Regulation’s RIA team determines who will be responsible for QA after considering the information the agency provides through [RIA Online](#) about the agency’s processes and the particular proposal. The Ministry considers a range of possible arrangements for carrying out QA.

Table 1 Options for quality assurance

Quality assurance may be undertaken by a/an:

- internal QA panel within an agency
- inter-agency panel with people from several agencies
- joint Ministry for Regulation and agency QA panel
- individual assigned as the QA specialist, who may be from inside or outside the agency (especially in the case of smaller agencies).

QA panels are usually made up of three people – including one panel chair. When selecting people to provide QA, the agency must ensure that it is done by a person or group not directly involved in the policy process for the proposal.

12.2 What quality assurance involves

There are three aspects to quality assurance of the Regulatory Analysis Summary: (1) assisting, (2) reviewing and (3) formal assessment (mandatory). The assisting function should be kept separate from reviewing and formal assessment. The level of panel involvement will depend on a range of factors including the number of iterations required and the time available.

The assessors should take care to preserve the independence of their formal QA assessment by focusing on the nature and quality of the impact analysis rather than the features of the proposal. Essentially, the assessors need to determine whether Ministers have enough information of sufficient quality to make an informed decision.

12.3 Balancing the criteria and assigning a rating

When undertaking the assessment, the assessors need to consider the QA criteria to assign an overall rating as to whether the Regulatory Analysis Summary ‘meets’, ‘partially meets’ or ‘does not meet’ the criteria.

The assessor needs to exercise judgement when considering whether the criteria have been met on balance. How to apply the QA criteria and make this judgement is explained in detail in the [Quality Assurance of Regulatory Analysis Summaries – Guidance Note](#) .

The QA Statement then needs to explain the key matters that have informed the overall rating.

13 Preparing the Cabinet paper

While the Regulatory Analysis Summary is a document produced by an agency summarising the agency's analysis of an identified problem, the associated Cabinet paper is written from the perspective of a Minister.

All Cabinet papers must include a section entitled "Impact Analysis".

Exemptions notified to the Ministry for Regulation through RIA Online will be provided with Cabinet paper wording. If a duplication exemption or general emergency exemption from providing a Regulatory Analysis Summary has been recorded, this section must include a statement outlining the conditions of that exemption (see section 8, Exemptions from providing a Regulatory Analysis Summary).

If the agency considers that an exemption is not applicable, this section must contain two parts:

- a statement by the responsible agency that Cabinet's Impact Analysis Requirements apply, a Regulatory Analysis Summary is required, and the assessment is attached to the Cabinet paper, and
- a statement from the quality assurance assessors providing an independent assessment of the overall quality of the Regulatory Analysis Summary.

Finally, if the Cabinet paper does not include a 'government regulatory proposal' (see section 5), then the paper should state in the impact analysis section that a Regulatory Analysis Summary is not required. This includes where the Cabinet paper seeks to release a regulatory discussion document which does not narrow the range of options under consideration.

For information on preparing a Quality Assurance Statement for a Regulatory Analysis Summary see the [Quality Assurance of Regulatory Analysis Summaries – Guidance Note](#)

14 Regulatory proposals with inadequate impact analysis

Impact analysis may be considered inadequate and non-compliant with Cabinet's impact analysis requirements where:

- there is no accompanying Regulatory Analysis Summary or approved impact analysis document for the government regulatory proposal in the Cabinet paper, and the responsible agency has not recorded an exemption from Cabinet's Impact Analysis Requirements, on the grounds outlined in the Circular
- the accompanying approved impact analysis document in the Cabinet paper has not been independently quality assured or has been assessed as 'does not meet' against the quality assurance criteria.

If the RAS is assessed as 'does not meet', the author needs to contact the Ministry for Regulation's RIA team. The non-compliance will then be recorded and published as part of the Ministry's reporting on compliance with Cabinet's impact analysis requirements, and relevant Ministers will be informed.

We encourage agencies to provide Ministers with early warning about proposals with inadequate impact analysis. Early warning is the primary responsibility of the agency responsible for preparing the Regulatory Analysis Summary and needs to be given sufficient priority by agency officials. Further, for any significant Regulatory Analysis Summary that has not met, or in the view of quality assurance assessors is unlikely to meet the Regulatory Analysis Summary requirements, the Ministry for Regulation may advise the Minister for Regulation.

In many cases where the assessors conclude that a Regulatory Analysis Summary does not meet the quality assurance criteria, you may be able to revise your Regulatory Analysis Summary to address the identified deficiencies and have it reassessed before it is lodged. This may, for instance, require the Cabinet submission to be delayed and is therefore something that you will need to discuss and agree with your agency leadership and Minister as relevant.

Sometimes it is not possible to improve the Regulatory Analysis Summary to the extent that it 'partially meets', so the proposal is lodged with Cabinet Office accompanied by a Regulatory Analysis Summary that 'does not meet' the criteria. There may also be a small number of Cabinet papers involving regulatory options that are not accompanied by a Regulatory Analysis Summary and have not been exempt from the requirements.

All proposals subject to Cabinet's Regulatory Analysis Summary requirements must include a recommendation noting whether a paper meets or does not meet those requirements. ('Meets' captures both partial and meets ratings).

The Ministry may undertake targeted audits of exemptions and Quality Assurance Statements. Any non-compliance will be published as part of the Ministry's reporting on compliance with Cabinet's impact analysis requirements and relevant Ministers will be informed.

15 Publishing the Regulatory Analysis Summary

To foster openness and transparency around the regulatory decision-making process, the full text of all Regulatory Analysis Summaries must be published in a consistent format on the websites of both the responsible agency and the Ministry for Regulation. Refer [Regulatory analysis documents – publication requirements](#)

If your Regulatory Analysis Summary includes links and references to supporting material (e.g. briefings and reports), you may wish to consider proactively releasing this material at the same time as the Regulatory Analysis Summary.

Further information on proactive release

Refer to Cabinet Office Circular [Proactive Release of Cabinet Material \(CO \(23\) 4\)](#)

15.1 Withholding sensitive or confidential information

Redactions can be made from published versions of Regulatory Analysis Summaries, consistent with the Cabinet Office Circular on [the Proactive Release of Cabinet material \(CO \(23\) 4\)](#).

15.2 Timing of publication

Publication of Regulatory Analysis Summaries is required at the earliest of the following events:

- Cabinet material is released under the proactive release requirements
- any resulting Bill is introduced into the House or Government Amendment is released,
- any resulting regulation is gazetted, or
- the Government announces its decision not to regulate

Publication on the Ministry for Regulation website should occur as soon as possible after the Regulatory Analysis Summary is published on the agency website.

Regulatory Analysis Summaries may be published earlier at the discretion of the responsible Minister and/or Cabinet. For example, with the press statement announcing any new policy for which a Regulatory Analysis Summary was required.

15.3 Process for publication

For the purpose of transparency and accountability, all Regulatory Analysis Summaries must be published on the agency's website and on the [Ministry for Regulation's website](#).

Agencies must establish a website page housing all RASs (and supporting information) or ensure all published RASs are linked to in a document library/database (with a pre-set RAS search filter). Agencies must also request publication on the MfR website.

When the Regulatory Analysis Summary is due for publication (according to the requirements set out above), agencies should request publication through RIA Online (using the same proposal you will have already created earlier in the process). It is recommended that the Regulatory Analysis Summary is published as an accessible pdf and also in Html form.

Agencies must keep the RIA Team informed (via RIA Online) about the timing of introduction/gazettal and the desired publication date so that the Ministry for Regulation can publish the Regulatory Analysis Summary as soon as possible after the Bill or regulations become publicly available.

The Ministry typically publishes Regulatory Analysis Summaries weekly and requires at least three working days' notice before intended publication.

Further guidance

Web publication must comply with the [New Zealand Government Web Standards and Recommendations](#).

Forty printed copies of the Regulatory Analysis Summary must also be provided to the Bills Office. See the [Parliamentary Counsel Office Regulatory Analysis Summary Guidance](#).

The URLs to the location of the Regulatory Analysis Summary must also be included in the Explanatory Note of the relevant Bill, Amendment Paper, or secondary legislation for which a Regulatory Analysis Summary was prepared.

The Parliamentary Counsel Office (PCO) will provide standard wording for text to accompany the URLs. Agencies must provide a specific, designated URL to PCO for each Bill, Amendment Paper, or regulations. Agencies must ensure that these are supplied in sufficient time to enable them to be included in the copies of the draft Bill, Amendment Paper, or regulations that are printed for submission to the Cabinet Legislation Committee (LEG), when Ministers approve the publication of a Regulatory Analysis Summary under Cabinet's proactive release requirements for Cabinet papers.

16 Improving the quality of Regulatory Analysis Summaries over time

Learn from previous quality assurance processes and build these lessons into future policy processes and projects. Many agencies have policy quality assessment processes that provide for this cycle of learning and ongoing improvement, and these processes are likely to cover both regulatory and other policy.

Further guidance – the Policy Project

In addition, the Policy Project publishes a range of guidance and tools on how best to learn from previous policy quality assurance processes, including ex-post quality assessment, peer review and quality assurance panels. Also, [Start Right](#) – the Policy Project’s approach for embedding quality from the outset of policy initiatives – includes mechanisms for incorporating lessons from previous policy processes into new initiatives.

For more information, see the [Policy Project website](#) or contact policy.project@dpmc.govt.nz.



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