



1 July 2025

s 9(2)(a)

### Official information request

Our ref: R001011

Tēnā koe s 9(2)(a)

Thank you for your Official Information Act 1982 (OIA) request, which the Ministry for Regulation (Ministry) received on 30 May 2025. You requested:

- *Advice and correspondence received from the Ministry for Foreign Affairs and Trade on the Regulatory Standards Bill regarding New Zealand's international trade agreements*
- *Advice and correspondence sent to the Minister for Regulation on the Regulatory Standards Bill regarding New Zealand's international trade agreements*

#### **Item 1: On advice and correspondence from Ministry of Foreign Affairs and Trade (MFAT) on the Regulatory Standards Bill regarding New Zealand's international trade agreements**

The information you have requested is publicly available on the website of MFAT at <https://www.mfat.govt.nz/assets/OIA/OIA-2025/OIA-30144-Regulatory-Standards-Bill-18-June-2025.pdf>.

MFAT's feedback was also referenced in a briefing to the Minister - MFR 2025-066 *Regulatory Standards Bill: Updated draft Cabinet paper for Ministerial consultation*, that will soon be available on the Ministry for Regulation website.

In addition, a summary of the feedback from MFAT and other agencies that were consulted in the process of developing policy proposals for the proposed Regulatory Standards Bill (Bill) is publicly available on the publications page of the Ministry's website. The relevant documents are listed in the table on the next page.

Accordingly, I have refused this part of your request under section 18(d) of the OIA as the information is, or will soon be, publicly available.

#### **Item 2: On advice and correspondence sent to the Minister for Regulation on the Regulatory Standards Bill regarding New Zealand's international trade agreements**

The Ministry prepared a departmental disclosure statement<sup>1</sup> that is publicly available on the New Zealand Legislation website, to assist with scrutiny of the Bill. The disclosure statement includes an assessment of the Bill's consistency with New Zealand's international obligations.

<sup>1</sup> <https://disclosure.legislation.govt.nz/bill/government/2025/155>

See *Part Three: Testing of Legislative Content – Consistency with New Zealand’s international obligations*.

Other documents within scope of your request are listed below. Some information has been withheld under the following sections of the OIA:

- section 9(2)(a) to protect the privacy of natural persons, including that of deceased natural persons, and
- section 9(2)(h) to maintain legal professional privilege.

Item	Date	Document	Decision
1.	22/03/2024	Treasury Report: Short-term measures in advance of the Regulatory Standards Bill	<b>Partially released in Appendix A</b> <ul style="list-style-type: none"> <li>• Some information withheld under s9(2)(a) and s9(2)(h)</li> </ul>
2.	14/05/2025	MFR2025-112: Regulatory Standards Bill: Final draft Cabinet paper and Bill	<b>Refused</b> <ul style="list-style-type: none"> <li>• This document is proactively released on the Ministry’s website<sup>2</sup></li> <li>• See the section <i>Feedback from agencies</i> on p4</li> <li>• Some information withheld under s9(2)(a) and s9(2)(h)</li> </ul>
3.	May 2025	Information Release: Policy approvals for progressing a Regulatory Standards Bill	<b>Refused</b> <ul style="list-style-type: none"> <li>• This document is proactively released on the Ministry’s website<sup>3</sup></li> <li>• See Cabinet paper, in the section <i>Legislation exempted under notices</i> on p10</li> <li>• See Annex Two - <i>Regulatory Impact Statement: proposed Regulatory Standards Bill</i>, from p74</li> <li>• See Annex Five - <i>Summary of departmental feedback</i>, p163, row relating to <i>Exclusion of other legislation from requirements in the Bill</i></li> <li>• Some information withheld under s9(2)(a) and s9(2)(h)</li> </ul>
4.	20/05/2025	MFR2025-120: Regulatory Standards Bill: Legislative statement and House pack for first reading	<b>Refused</b> <ul style="list-style-type: none"> <li>• This document is proactively released on the Ministry’s website<sup>4</sup></li> <li>• Some information withheld under s9(2)(a)</li> </ul>

<sup>2</sup> <https://www.regulation.govt.nz/about-us/our-publications/mfr2025-112-regulatory-standards-bill-final-draft-cabinet-paper-and-bill-with-appendices/>

<sup>3</sup> [https://www.regulation.govt.nz/assets/Publication-Documents/Information-Release-Policy-Approvals-for-Progressing-a-Regulatory-Standards-Bill-May-2025\\_v4.pdf](https://www.regulation.govt.nz/assets/Publication-Documents/Information-Release-Policy-Approvals-for-Progressing-a-Regulatory-Standards-Bill-May-2025_v4.pdf)

<sup>4</sup> <https://www.regulation.govt.nz/about-us/our-publications/mfr2025-120-regulatory-standards-bill-legislative-statement-and-house-pack-for-first-reading-with-appendices>

Some information in the proactively released material has been redacted consistent with the provisions for withholding information under the OIA. Where this is the case, the relevant sections of the OIA that would apply have been identified and where information was withheld, no public interest considerations were identified that would outweigh the reasons for withholding the information.

I have considered the grounds under which information has been redacted in the proactively released documents which you have requested, and I consider they continue to apply in the same ways under this request. As required by section 9(1) of the OIA, I do not believe any public interest reasons for releasing the information outweigh the reasons for withholding the information.

### **Right of review**

If you wish to discuss this decision with us, please contact [hello@regulation.govt.nz](mailto:hello@regulation.govt.nz).

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or freephone 0800 802 602.

Please note that we may publish this response (with your details removed) on the Ministry for Regulation website.

Ngā mihi

s 9(2)(a)



Aisling Risdon

**Head of Ministerial Services**

**Ministry for Regulation**

**Treasury Report:** Short-term measures in advance of the Regulatory Standards Bill

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<b>Date:</b>	22 March 2024	<b>Report No:</b>	T2024/573
		<b>File Number:</b>	SH-11-2-7-20-1-6

**Action sought**

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	Action sought	Deadline
Hon David Seymour <b>Minister for Regulation</b>	<b>Agree</b> for officials to start work on some short-term measures in parallel to policy development on the Regulatory Standards Bill	29 March 2024

**Contact for telephone discussion (if required)**

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Name	Position	Telephone	1st Contact
Harry Chapman	Senior Analyst, Regulatory Strategy	9(2)(a) (wk)	N/A (mob)
Pip van der Scheer	Manager, Regulatory Strategy	N/A (wk)	9(2)(a) (mob) ✓

**Minister's Office actions (if required)**

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Return the signed report to Treasury.

Note any feedback on the quality of the report

**Enclosure:** No

## Treasury Report: Short-term measures in advance of the Regulatory Standards Bill

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### Executive Summary

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New Zealand's institutional arrangements for regulatory management are relatively under-developed. The establishment of the Ministry for Regulation and the passage of the Regulatory Standards Bill (RSB) are intended to strengthen the system and lift the quality of regulation.

While the policy work to develop the RSB is underway, we recommend focusing on a small number of short-term measures that we consider to be "no regret" actions, that are largely independent from the matters under policy consideration.

We recommend progressing the following in the next three months:

- Communications from you to your ministerial colleagues to reinforce the importance of good regulatory practice, including with reference to existing expectations and requirements.
- Develop minimum or default expectations for agencies on forward reporting of planned regulation and evaluation of existing regulatory measures.
- Draw on the regulatory responsibility principles, and other indicators of good regulation, in establishing terms of reference for Sector Reviews and for evaluating new regulatory proposals.
- Prioritise development of guidance to support agencies to minimise the impacts of new regulatory proposals on SMEs.

Officials can provide advice on additional short-term measures as policy work on the RSB progresses and the Ministry for Regulation scales up its operations and resourcing.

We will soon provide some information to agencies to help them meet their international obligations under the NZ–EU Free Trade Agreement, which is expected to come into force on 1 May 2024. This is attached in Appendix Two for your information.

### Recommended Action

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We recommend that you:

- a **note** that, in parallel to policy work on the Regulatory Standards Bill (RSB), there is an opportunity to undertake some short-term measures to support regulatory quality

*Noted*

- b **note** that this briefing recommends some initial short-term and straightforward measures, and that officials will provide advice on additional short-term measures as policy work on the RSB progresses and as the new Ministry for Regulation scales up its operations and resourcing.

*Noted*

c **agree** for officials to progress work on the following short-term measures over the next three months:

- a. Communications from you to your Ministerial colleagues to reinforce the importance of good regulatory practice, including with reference to existing expectations and requirements

*Agree / Disagree*

- b. Progressing a refresh of regulatory system reporting and review expectations, which will also assist with meeting our NZ–EU Free Trade Agreement obligations

*Agree / Disagree*

- c. For the Ministry for Regulation to draw on some of the principles of the RSB (and other indicators of good regulatory quality) in establishing terms of reference for sector reviews and for evaluating new regulatory proposals

*Agree / Disagree*

- d. Prioritise development of guidance to support agencies to minimise the impacts of new regulatory proposals on SMEs

*Agree / Disagree*

d **note** that we will soon provide some information to agencies to help them meet their international obligations under the NZ–EU Free Trade Agreement, which is expected to come into force on 1 May 2024

*Noted*

Pip van der Scheer  
**Manager, Regulatory Strategy Team**

Hon David Seymour  
**Minister for Regulation**

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## Treasury Report: Short-term measures in advance of the Regulatory Standards Bill

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### Purpose of Report

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1. We understand that you are interested in exploring short-term measures for improving the quality of regulation, ahead of the Regulatory Standards Bill (RSB) being passed.
2. This report provides our initial advice on some feasible short-term measures. Officials can provide advice on additional short-term measures as policy work on the RSB progresses.
3. Following discussion with your office, this report also maps the components of the 2021 RSB against existing systems and processes in order to support the identification of short-term measures.

### Context

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4. As we have previously noted, New Zealand's institutional arrangements for regulatory management are relatively under-developed. More specifically:
  - While the Regulatory Management System (RMS) sets out expectations (and guidance) for agencies, there is very limited central monitoring and assurance that those expectations are being met. At the same time, the incentives for agencies and Ministers to systematically meet expectations are not particularly strong.
  - There are relatively few RMS levers focused on good implementation of regulatory proposals and the ongoing performance of regulatory systems – noting that regulatory failures and/or regulatory burden often stem from how legislation is operationalised.
  - There are also very few RMS levers enabling coordination and oversight across regulatory initiatives, noting that regulatory burden can also stem from the cumulative impacts of individual initiatives.
  - Relatedly, there is patchy data available on the performance of regulatory systems, or overall impacts on regulated parties over time.
5. Policy work is underway to further develop and refine the ways in which the RMS could be strengthened through the RSB and other associated changes [refer T2024/763]. Taken together, the changes are expected to significantly strengthen the settings and available levers to encourage quality regulation.
6. You are aiming to have the RSB introduced and enacted by the end of the year, subject to ongoing Ministerial consultation (refer EXP-24-MIN-0003). This briefing proposes progressing short-term measures over the next three months while the Ministry is scaling up its operations and resourcing and policy work on the RSB is continuing.
7. As we are going through a transition period to the new Ministry, the Regulatory Strategy team in the Treasury (the functions of which are transferring to the new Ministry) has taken the lead on developing this advice. It has been fully consulted on with the establishment team at the Ministry for Regulation, who are comfortable with its recommendations.

## Proposed short-term measures

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8. There is an opportunity to pursue some short-term measures which could lift the quality of regulation in advance of the RSB being passed. To narrow down the large number of possible measures, we have focussed on measures which are likely to be effective, relatively fast to implement (can be started in the next three months), feasible to implement within available resources, and will be durable/coherent.
9. We are also conscious that the ultimate shape of the RSB will not be clear until policy decisions are finalised and the RSB has been enacted. Therefore, it would be ideal for any short-term measures to be easily adjustable to stay aligned to the RSB.
10. We therefore suggest holding off in the immediate future on making changes to the requirements, processes or guidance that aim to influence the nature of the regulatory proposals developed and implemented by other agencies and Ministers. The primary lever for such change would be to update the relevant Cabinet Circular, which would require both policy development and broader consultation, followed by resource intensive work to implement the changes (e.g. communications, guidance, training and templates to be provided to other agencies, changes to administration systems). Proposals of this nature would likely need to be traded-off against progress on your other priorities. In addition, other agencies would need the capacity to implement any amended requirements. However, if required, officials could provide advice on additional short-term measures as policy work on the RSB progresses and the Ministry for Regulation scales up its operations and resourcing.
11. To inform consideration of short-term measures, we have mapped the 2021 RSB against existing mechanisms (see Appendix One). In sum, many of the components of the RSB are addressed to a greater or lesser extent by existing requirements, processes or guidelines. The measures we outline below should help to bridge some of the gap between the principles and mechanisms in the 2021 RSB and the existing RMS, but there would still be material gaps.

### **Short-term measure 1: Communications to reinforce the importance of good regulatory practice, including with reference to existing expectations and requirements**

12. You will be aware of the *Government Expectations for Good Regulatory Practice*, published in 2017. These cover high-level expectations relating to the design of new regulatory systems and maintenance of existing regulatory systems – the latter includes monitoring performance, designing robust improvements, and following good regulator practice.
13. There is uncertainty among agencies about the status of the Government Expectations, as there has been no recent explicit communication about their continued relevance. Agencies have also requested clarity about their obligations under the NZ–EU Free Trade Agreement (see next section).
14. There would be value in you writing to Ministers emphasising the importance of the Government Expectations, and potentially emphasising your focus on some areas (e.g. the need for new proposals to demonstrate good problem definitions, evidence of positive net impacts, etc). It would also be useful to reinforce the message to agencies that regulatory stewardship should continue to be a focus area for them, given its importance in identifying, amongst other things, where regulation is not working as intended and compliance costs can be reduced. The letter could also draw a connection between the decision-making principles in the ACT–National coalition agreement.
15. In addition, the Secretary for Regulation could engage with her public sector leadership colleagues and formally communicate similar expectations.

16. We consider this measure could serve a useful role in maintaining the focus of agencies on regulatory stewardship. This will be a useful complement to Sector Reviews which will be targeted and cannot feasibly engage with the bulk of the stock of regulation. Reinforcing your expectations would also give you the opportunity to highlight particular areas of focus and draw on the objectives of the RSB.
17. We think highlighting these ongoing expectations is particularly important at this time when many agencies and policy teams will be making significant prioritisation decisions in response to the requirement to make fiscal savings. Work to continue to improve regulatory systems should be part of – and continue to be part of – core agency work programmes.

**Short-term measure 2: Progressing a refresh of regulatory system reporting and review expectations**

18. Government expectations for regulatory system reporting and review were established in 2015 and periodically communicated through tailored letters sent by the Minister responsible for the regulatory management system to the chief executives of the major regulatory departments.
19. These expectations need to be refreshed, including in light of forthcoming obligations in the Good Regulatory Practice (GRP) chapter of the NZ–EU Free Trade Agreement obligations. While the previous government agreed to a broad approach to the refresh, some details need to come back to Cabinet for approval, and the general approach to regulatory system reporting probably needs Cabinet reconfirmation in light of developments associated with the new Ministry for Regulation and the RSB. We recommend that, over the next three months, officials progress the work needed to give agencies some certainty around the future direction of regulatory system reporting and how New Zealand will meet its international GRP obligations. This work will need to reflect and align with parallel policy development on the RSB.
20. Existing government expectations require a limited number of major regulatory agencies to provide stakeholders and interested persons with relevant information about, and the opportunity to engage with the agencies on:
  - the nature and scope of the regulatory systems in which the agencies have important roles;
  - the operation and performance of key regulatory systems, including recent reviews or assessments of aspects of a system’s performance; and
  - current plans for regulatory and operational improvements to those regulatory systems, to the extent this is appropriate or required.
21. A key aim of this reporting is to facilitate through dialogue, greater awareness and understanding of regulatory system pain points, gaps, risks and opportunities. Reporting also gives affected people and organisations more opportunity and time to prepare for changes to regulatory systems. By doing so, we seek to both reduce the risks of regulatory failures and underperformance, and improve the robustness and effectiveness of proposed regulatory system changes.
22. One reason the expectations need refreshing is that New Zealand has a number of international commitments on GRP, which extend beyond the scope of New Zealand’s current practice. The more stringent of our recent or imminent commitments include obligations to:
  - provide, at least annually, public notice of relevant major regulations New Zealand reasonably expects to adopt within a year

- promote periodic reviews of its existing primary and secondary legislation and to make public its plans for, and results of, these periodic reviews
  - provide, to the extent possible, interested persons and other Parties with a reasonable opportunity to comment on proposed legislation.
23. We now expect the NZ–EU FTA to come into force on 1 May 2024. Ahead of being able to refresh the government’s broader expectations for reporting on New Zealand’s regulatory systems, we will soon provide some interim advice to agencies about regulatory system reporting in light of the NZ–EU FTA commitments. The information should give agencies confidence of what they need to do in order to meet New Zealand’s international commitments for advance regulatory plans, while allowing flexibility should the default expectations change in the future.
24. See **Appendix Two** for the information we will soon provide to agencies.

**Short-term measure 3: The Ministry for Regulation’s work programme could draw upon the RSB and other indicators of good regulation to lift regulatory quality in the short term**

25. As noted above, interim measures involving the Ministry for Regulation will likely be easier to implement than interim solutions that aim to change the behaviour and decisions of other agencies and Ministers.
26. The intended work of the Ministry for Regulation will be an opportunity to put good regulatory practice into action through Sector Reviews. Along with other sources such as the LDAC Guidelines and Part B of the *Government Expectations for Good Regulatory Practice*, some of the principles from the RSB could be drawn upon in developing Sector Review Terms of Reference and operating procedures.
27. Likewise, we understand you intend for the new Ministry to have a role in evaluating new regulation, distinct from its role in undertaking QA of RISs. Prior to the enactment of the RSB, the Ministry could draw from the principles (along with other sources) to evaluate new regulations and provide secondary advice.
28. We also intend to explore whether interim measures are required to support information gathering as part of Sector Reviews, but our initial view is that a Cabinet decision should be sufficient for information gathering requirements. Cabinet could direct all departments to provide information reasonably required by the Ministry for Regulation for Sector Reviews. Cabinet could also potentially invite the Chief Executive of the Ministry for Regulation to write to other Chief Executives letting them know about the Cabinet direction.

**Short-term measure 4: Prioritise development of guidance to support agencies to minimise the impacts of regulation on SMEs**

29. We have previously noted there are issues with the RIA system and we completed a review in 2023. You decided to put implementation of the RIA review changes on hold given your reform plans for the RMS and a desire to avoid causing confusion with short-term measures [see T2023/2129]. Many of the RIA review changes are ready to implement, but we do not recommend proceeding with them in the short term in the absence of a clear sense of what will happen with the RIA system in relation to the RSB. Likewise, we do not recommend making more significant changes to the impact analysis Cabinet Circular for the reasons outlined above.
30. However, we do recommend proceeding with one element of the RIA review work. We have started developing some small and medium-sized enterprises (SME) guidance to support agencies to minimise the impacts of new regulatory proposals on SMEs. The impetus for the guidance is that there is anecdotal evidence that the analysis of the impacts of regulation on SMEs is either non-existent or poor. This is despite SMEs

playing an important role in the economy and regulation often imposing disproportionate costs on them. The guidance should help to lift the quality of cost benefit analysis by more comprehensively analysing the impact of regulation on SMEs and mitigating these impacts to the extent possible.

31. A first draft of the guidance has been developed in collaboration with the Ministry of Business, Innovation and Employment's (MBIE) Small Business Policy team. The guidance now requires further development with MBIE and also testing with likely users of the guidance to ensure it will be useful.

## Next Steps

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32. We can discuss this advice with you at the meeting on Tuesday 26 March. If you agree with our recommendations, we can begin to implement them as soon as possible.
33. Officials will consider additional short-term measures as policy work on the RSB progresses, including in relation to gaps in the RMS which will not be addressed by the short-term measures suggested in this briefing.

Appendix One – comparison of components of the 2021 RSB versus existing systems and processes

1. Many of the components of the 2021 Bill are addressed to a greater or lesser extent by existing requirements, processes or guidelines. Many of these have been introduced or strengthened in the period since the Bill was originally drafted to address many of the issues the Bill seeks to address. In particular, some of the mechanisms in the Bill for improving the quality of regulation (including certification of legislation with agreed principles, enabling declarations of inconsistency with those principles, and an obligation to conduct reviews of legislation for compatibility with the principles) have parallels with the disclosure system and regulatory stewardship expectations.
2. For example, the requirement in the RSB to keep **legislation regularly reviewed** for compatibility with the principles could be usefully integrated with expectations to monitor and review regulatory systems. The planned Sector Reviews, which by necessity will need to focus on a small number of sectors at any given time, will usefully complement the existing *Government Expectations for Good Regulatory Practice* which relate comprehensively to all regulatory systems and the need to keep them fit for purpose.
3. However, as we have noted in our previous advice [refer T2023/1988], one consequence of the RMS's relative under-development is that expectations and guidance for agencies has very little corresponding central monitoring and assurance that expectations are being met. In addition, the incentives for agencies and Ministers to systematically meet expectations are not particularly strong. As set out in our advice on alternatives to the components of the RSB [refer TR T2024/763], we think strengthening these incentives would be a critical part of any package of measures to improve regulatory quality.
4. 9(2)(h) 

Principles in RSB 2021	Related requirement, process, or guidance	How these existing mechanisms relate to the principles
Rule of law	Legislation Act 2019	Legislation to be published and publicly accessible
	NZ Bill of Rights Act 1990 (NZ BORA)	Constitutional protection for human rights, including BORA section 7 process
	Cabinet Manual and CabGuide guidelines for consultation relating to human rights	Cabinet processes for human rights vetting and including human rights implications
	LDAC <i>Legislation Guidelines</i>	LDAC guidelines regarding rule of law issues
	Standing Orders Disclosure statements	Transparency regarding rule of law issues
Liberties	NZ BORA	Constitutional protection for human rights

	Human Rights Act 1993	
	LDAC <i>Legislation Guidelines</i>	LDAC guidelines regarding human rights, discrimination, etc
	Disclosure statements	Transparency regarding BORA vetting information, and whether the Bill would affect rights, freedoms or impose obligations retrospectively
	Standing Orders	Standing Orders include grounds for drawing attention to regulation when it is an undue trespass on personal rights and liberties
<b>Taking of property</b>	LDAC <i>Legislation Guidelines</i>	LDAC guidelines regarding respect for property
	Disclosure statements	Transparency regarding compulsory acquisition of property
<b>Taxes and charges</b>	Constitution Act 1986	Constitutional requirement that only Parliament can authorise taxation
	The Treasury <i>Guidelines for Setting Charges in the Public Sector</i>  Office of the Auditor-General <i>Charging Fees for Public Sector Goods and Services</i> .	Guidelines for cost recovery (fees, levies, etc)
	LDAC <i>Legislation Guidelines</i>	LDAC guidelines regarding the authorising of fees and levies
	Cabinet's <i>Impact Analysis Requirements</i>	Impact analysis required for cost recovery proposals
	Disclosure statements	Transparency regarding whether a new fee, levy, etc is enabled
<b>Role of courts</b>	Declaratory Judgments Act 1908  Judicial Review Procedure Act 2016	Enables courts to make a judgement about the meaning of the law, and to enable judicial review of statutory powers
	Standing Orders	Grounds for drawing attention to regulation include issues relating to the jurisdiction of courts
	LDAC <i>Legislation Guidelines</i>  Crown Law guidance, <i>Judge over your Shoulder</i>	Guidelines relating to rule of law, access to the courts, rights of appeal, etc

		Guidance relating to good decision making and the law in New Zealand
	Disclosure statements	Transparency regarding legislation which affects court/tribunal powers to make a determination about people's rights obligations or interests
<b>Good law-making</b>	<i>LDAC Legislation Guidelines</i>	Guidelines relating to good legislation design
	Cabinet Office Manual and CabGuide consultation guidelines	Encouragement to undertake consultation
	Standing Orders	Grounds for drawing attention to regulation if it has not been made in accordance with required notice and consultation procedures
	Select Committee consideration	Opportunity to comment on primary legislation which is before a select committee
	Cabinet paper template Disclosure statements	Transparency regarding whether consultation has occurred
	Cabinet's impact analysis requirements	Consultation should inform impact/options analysis and a lack of consultation factors into quality assurance ratings

In addition to the principles outlined above, the Bill also includes supporting mechanisms for improving the quality of regulation:

<b>Supporting mechanism</b>	<b>Related requirement, process, or guidance</b>	<b>How these existing mechanisms relate to the mechanisms in the RSB</b>
<b>Departmental and Ministerial certification process</b>	Disclosure statements	Disclosure of various information about the development and content of legislation
	Cabinet paper template	Cabinet paper template for LEG requires the Minister to indicate compliance with human rights, LDAC guidelines, etc
	NZ BORA	BORA vetting assess compliance with human rights
<b>Interpretation provisions</b>	N/A for regulatory principles – but similar to provisions in the NZ BORA	N/A

<b>Courts may make declarations of inconsistency</b>	N/A for regulatory principles – but similar to provisions in the NZ BORA	N/A
	Judicial Review Procedure Act 2016	Citizens/business can seek a judicial review of whether statutory powers have been exercised appropriately
	Ombudsmen Act 1975	Citizens can ask the Ombudsman to investigate the actions of government bodies
<b>Publication of guidelines (regarding principles, review of legislation, and publication of information)</b>	<i>Government Expectations for Good Regulatory Practice</i>  <i>Starting out with Regulatory Stewardship Resource</i>	Existing guidelines support regulatory stewardship practice
<b>Review of legislation for compatibility</b>	<i>Government Expectations for Good Regulatory Practice</i>  <i>Starting out with Regulatory Stewardship Resource</i>  Public Service Act – agency obligation to steward legislation	Various requirements to undertake review of regulatory systems to ensure they remain fit for purpose
<b>Publication of information (covering legislation administered, compatibility of legislation with principles)</b>	Practice on the legislation.govt.nz website to publish the administering agency of legislation	All primary legislation, and PCO-drafted secondary legislation, is published on the Legislation.govt.nz website
	Disclosure statements	Transparency through disclosure statements about various aspects of the primary legislation
	Regulatory stewardship reporting expectations	Regulatory stewardship expectations and imminent guidelines will encourage agencies to publish information about planned regulation

## Appendix Two – Draft interim suggestions for agencies on advance regulatory plans

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*We will soon provide to agencies the following interim suggestions for regulatory system reporting that should also meet New Zealand's imminent international obligations to provide advance regulatory plans.*

*The following is a draft and may be amended before it is sent out.*

1. Please bear in mind that, in seeking to maximise the domestic benefits of publishing advance regulatory plans, the aim is to give other government agencies, regulated parties, and other interested parties and stakeholders better opportunities and more time to:
  - engage with the responsible government agencies on existing regulatory system issues and proposed system changes, and
  - prepare for expected regulatory system changes.
2. Consequently, it is worth thinking about how your agencies will want to use, and promote awareness of, the advance plan material as part of engaging with stakeholder communities.
3. Our suggested default is separate plans for each regulatory system, covering all parts of that regulatory system (that is, including relevant initiatives from all government agencies with responsibilities within that regulatory system). However, those plans could be sorted or arranged into topic areas or subsystems within that regulatory system if this would be helpful for stakeholders or for efficiently managing the regular updating of plan content. Advance plans for closely related regulatory systems could also be amalgamated or published together if they share much the same set of key stakeholders.

### **What initiatives should and should not be included in plans**

- Plans should include relevant proposed changes to primary and secondary legislation but:
  - Proposed changes to primary legislation should not be included unless they have been publicly announced/promised by the government, to avoid compromising the normal confidentiality of the government's legislative programme.
  - Proposed changes to secondary legislation should not be included unless the proposal for change has the actual or implied approval of the responsible Minister or other decision-maker, to avoid Ministerial surprises and the risk that it does not (yet) have government support.
  - Minor regulatory changes need not be included (but if stakeholders are likely to have an interest in the change, consider inclusion).
- Plans should also seek to include operational/administrative changes or improvements proposed for that regulatory system (if stakeholders are likely to have an interest in the change or would have an expectation of being consulted).
- Plans should also include any scheduled internal or external review of the regulatory system or parts of the regulatory system.

### Suggested time horizons and content

- The material in the plans should be reviewed and updated at least every 6 months, with a time horizon that ensures plans always cover a period of at least a year in advance of the date it will next be updated (i.e., if it's a 6 monthly update, this means the plan should look at least 18 months ahead).
- The plan time horizon for periodic reviews would ideally be longer than 18 months, given that internal periodic reviews should generally be programmed and planned well in advance, and any statutory reviews will have reasonably clear future timelines.
- The information provided for each initiative in the plan should aim to include:
  - A meaningful title
  - A brief description of the nature and purpose of the proposed change, in plain language, including who is likely to be affected
  - The expected timing of implementation (if uncertain, could use a time range)
  - The nature and expected timing of any consultation opportunities
  - The name of the lead agency and an agency contact point for further information
  - The date on which the information was last updated.
- An initiative that is cancelled should, for a limited period, continue to have an entry on the plan that indicates that it has been cancelled.
- An initiative that is substantially changed should indicate that it has been substantially changed.

### Publication

- The advance plan for each regulatory system should have its own webpage, connected to other published information about the relevant regulatory system. In the future we anticipate that the Ministry for Regulation will publish a page containing links to all current advance plans.

### Minimum requirements

4. For any agencies that are not yet in a position to prepared advance plans for their affected regulatory systems along the lines suggested above, note that our minimum international good regulatory practice commitments relating to advance plans include:
  - An obligation to publish, at least annually, a list of major regulations that New Zealand reasonably expects to adopt within a year, where it concerns any matter covered by the EU-NZ Agreement;
  - An expectation to also publish a brief description of the scope and objectives of each planned regulation, an estimate of the timing for its adoption, and opportunities for public consultation
  - To the extent possible and appropriate, make public its plans for periodic reviews of its existing regulatory measures concerning any matter covered by the Agreement (and also publish the results of those reviews).
5. You should endeavour to ensure your agency can meet these commitments for all relevant regulatory measures administered by your agency.