10 June 2026

s 9(2)(a) [redacted]

Official information request
Our ref: R001475 and R001476

Tēnā koe s 9(2)(a) [redacted]

Thank you for your Official Information Act 1982 (OIA) requests received by the Ministry for Regulation (Ministry) received on 12 May 2025. You requested the following documents:

1. *MFR2026-034*
2. *MFR2026-040*

Response

I have decided to respond to both of your OIA requests in one letter.

Request partially granted

The documents you requested are enclosed as **Appendix A**.

Some information is withheld from released documents under the following sections of the OIA:

- 9(2)(a) – to protect the privacy of natural persons.
- 9(2)(f)(iv) – to maintain the current constitutional conventions protecting the confidentiality of advice tendered by ministers and officials.
- 9(2)(g)(i) – to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation or officers and employees of any public service agency or organisation in the course of their duty.

As required by section 9(1) of the OIA, I have considered whether the grounds for withholding the information requested is outweighed by the public interest. In this instance, I do not consider that to be the case.

Right of review

If you wish to discuss this decision with us, please contact 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 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)
[redacted]

Aisling Risdon
Head of Ministerial and Strategic Services
Ministry for Regulation

Briefing

MFR2026-034

Ministry for Regulation
Te Manatū Waeture

Second report on portfolios' compliance with Cabinet's impact analysis requirements

Date	25 February 2026	**Priority**	Medium
Security classification	Unclassified	**Tracking number**	MFR2026-034
Attachments	Annex 1 – Meeting Cabinet's impact analysis requirements		

Action sought

Required from	Action	Deadline
Hon David Seymour **Minister for Regulation**	**Note** the content of the attached report.	3 March 2026

Contact for discussion if required

Name	Position	Phone number	1st contact
Gwen Rashbrooke	Manager, Regulatory Policy Design	S 9(2)(a) [redacted]	☑
Marie Dreffier	Advisor, Regulatory Policy Design	-	☐

Minister's office to complete

☐ Approved
☐ Declined
☐ Noted
☐ Needs change
☐ Seen
☐ Overtaken by events
☐ See Minister's notes
☐ Withdrawn

Comments

Briefing

MFR2026-034

Ministry for Regulation
Te Manatū Waeture

Second report on portfolios' compliance with Cabinet's impact analysis requirements

Date	25 February 2026	**Priority**	Medium
Security classification	Unclassified	**Tracking number**	MFR2026-034

Purpose

This paper provides you with a summary of the second report by the Ministry for Regulation (the Ministry) on portfolios' compliance with Cabinet's impact analysis requirements, which the Ministry intends to publish on 12 March 2026.

A copy of the report is attached as **Annex 1**.

Briefing

MFR2026-034

Ministry for Regulation
Te Manatū Waeture

Recommended Action

The Ministry for Regulation recommends that you:

a	**note** that the Ministry has produced a second report on portfolios' compliance with Cabinet's impact analysis requirements for the period 1 April 2025 – 30 September 2025.	*Noted*
b	**note** that the report documents, by portfolio: a. the number of regulatory proposals that did not have a Regulatory Impact Statement, where one was required b. a breakdown of how many Regulatory Impact Statements had quality assurance ratings of: "meets", "partially meets" and "does not meet".	*Noted*
c	**note** that the Ministry intends to publish the compliance report on Thursday, 12 March 2026.	*Noted*
d	**note** that the Ministry will continue to monitor compliance levels and will publish a third report, covering Q4 of 2025 and Q1 of 2026.	*Noted*
e	**note** that following transition to the new set of regulatory impact requirements under the Regulatory Standards Act, the Ministry will begin a new set of reporting to provide transparency and accountability against the new requirements.	*Noted*

Proactive release

f	**agree** that this briefing be released in full once it has been considered by you.	*Agree / Disagree*

S 9(2)(a) [redacted]

Gwen Rashbrooke	Hon David Seymour
Manager, Regulatory Policy Design	**Minister for Regulation**
Ministry for Regulation	Date:
Date: 25/02/2026	

Background

1. We have a standing Cabinet mandate to produce reports on how well each Ministerial portfolio is meeting Cabinet's impact analysis requirements (EXP-24-MIN-0061 refers). To fulfil this mandate, we aim to publish two reports on our website each year.
2. We published the first report in September 2025 (MFR2025-194 refers). This report covered the period 1 January 2023 to 31 March 2025 and showed, by Ministerial portfolio:
    - the number of regulatory proposals that did not have a Regulatory Impact Statement (RIS) where one was required, and
    - a breakdown of RISs Quality Assurance (QA) ratings.
3. This second report is structured in a similar manner and covers the period 1 April 2025 to 30 September 2025.
4. The aim of this reporting is to provide transparency and accountability. As we transition to a new set of requirements under the Regulatory Standards Act 2025, we will update our approach to reporting. The same goals of transparency and accountability will continue to underpin future reporting.

What the compliance report demonstrates

Regulatory proposals missing impact analysis

5. In quarter two and three of 2025, 90.5% of proposals had the required impact analysis.
    - 105 RISs were produced for Cabinet proposals and came back to the Ministry for publication.
    - Cabinet considered 11 proposals without the required impact analysis.

RIS Quality Assurance ratings

6. The vast majority of RISs received either a “meets” or “partially meets” rating when assessed against the Ministry’s QA criteria. In the period covered by the report, only three RISs did not meet the QA requirements.

Table 1. RIS Quality Assurance Ratings

Period	Meets	Partially meets	Does not meet	Total
2025 (Q2 & Q3)	41 (39%)	61 (58%)	3 (3%)	105 (100%)

Method and limitations

7. As with the previous report, the data presented in this report includes regulatory proposals that the Ministry for Regulation is aware of. It does not reflect every proposal considered by Cabinet. To improve the accuracy of our data, we have worked with relevant agencies to identify and mitigate any discrepancies with their records.
8. We are now circulating the draft report to agencies for their information. In the instance agencies identify significant issues with the data, we will incorporate any updates into the final report.
9. Given the small number of proposals in scope for this report, we have not been able to discern any trends in the data relative to the previous report. We will continue to review the data and any trends that emerge as we develop the next reporting.

Communication strategy

10. Given the report does not draw a radically different picture to the previous one, we do not intend to issue a press release at this stage but will be uploading the report to the Ministry's website.

Risks

11. We do not consider there are any risks associated with this paper.

Next steps

12. We intend to publish the report on the Ministry's website on Thursday, 12 March 2026.
13. Later this year, we will publish a third report covering the period of Q4 2025 and Q1 2026. At that point, we will have data from three full years of the current impact analysis system. We will then be in a position to complete a 'wrap-up' report, providing a consolidated view of compliance under the current impact analysis system, ahead of the system transition.
14. Following transition to the new set of requirements under the Regulatory Standards Act, we will begin a new set of reporting to provide transparency and accountability against the new requirements.

Proactive release

15. With your agreement, the Ministry will proactively release this paper at the aplxpropriate time in accordance with Official Information Act 1982.

Annex 1: Meeting Cabinet's impact analysis requirements

Ministry for Regulation
Te Manatū Waeture

Meeting Cabinet's impact analysis requirements

Report 2

March 2026

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

ISBN 978-0-473-77955-9 (Online)

This document is available on the Ministry for Regulation website: **regulation.govt.nz**

Contents

Introduction

When a Minister wants to create or change legislation, their agency must first provide Cabinet with analysis of the likely impacts of the regulatory changes being proposed, set out in a Regulatory Impact Statement (RIS).

Completing regulatory impact analysis before taking a proposal to Cabinet ensures Ministers have information on:

- the scope of the regulatory issue that's being addressed, the rationale for government intervention, and the options for addressing it (including non-regulatory options)
- the costs and benefits of each option
- the views of the people who have been consulted on the proposal
- how the regulatory changes could be implemented, monitored and reviewed in the future.

Cabinet's requirements for impact analysis are designed to encourage systematic and evidence-informed policy development, which helps support high quality regulation. They also help ensure Cabinet can make well-informed decisions about the regulatory changes being proposed.

Cabinet's requirements for impact analysis are set out in full in the Cabinet Office circular, CO (24)7: Impact Analysis Requirements.

1. The Ministry for Regulation administers Cabinet's impact analysis requirements

If an agency is preparing a regulatory proposal for Cabinet, the Ministry for Regulation (the Ministry) will confirm:

- whether any aspects of the proposal are eligible for an exemption
- the form the analysis needs to take (e.g. if the proposal contains cost recovery elements, then a separate template may be needed)
- how to complete the quality assurance for the RIS.

To ensure an open and transparent regulatory process, RIS documents are published on the websites of the authoring agency and the Ministry at the same time as, either:

- the relevant bill is introduced to Parliament
- the regulation is gazetted, or
- the material is proactively released.

2. About this report

In late 2024, the Ministry committed to publicly reporting on how well portfolios are meeting Cabinet's impact analysis requirements. This reporting contributes to the objective of ensuring an open and transparent regulatory process.

The first report was published in September 2025, covering the period ending 31 March 2025. This report is the second iteration. It covers the six-month period of Q2 and Q3 2025, from 1 April to 30 September 2025.

The Cabinet Office circular sets out a series of requirements, which are relevant for different scenarios. In line with the first report, we have focused on two key requirements of most regulatory proposals:

1. the requirement to produce a RIS
2. the outcome of the formal quality assessment required for a RIS.

This report assesses how well portfolios met these two requirements across Q2 and Q3 2025 (i.e. 1 April 2025 to 30 September 2025), using the following two metrics:

- the number of proposals that did not have a RIS where one was required
- how many RISs had Quality Assessment ratings of: "meets", "partially meets", "does not meet" and "other".

As only a small number of proposals are in scope of this report, we have not commented on any trends or made any comparisons to the data in the previous report. As we continue developing these reports, we will have more data and will aim to comment on any trends we notice.

Limitations are outlined in Annex One.

Proposals missing impact analysis

This section presents data on instances where a regulatory proposal required impact analysis but was considered by Cabinet without it.

1. Not all portfolios had instances of proposals missing a RIS

The figures in this section only include portfolios that had instances where a proposal was considered by Cabinet without a required RIS.

To our knowledge, the following portfolios provided a RIS (where needed) for all proposals considered by Cabinet in the reporting period: Revenue, Health, Climate Change, Commerce and Consumer Affairs, Conservation, Education, Environment, Building and Construction, Forestry, Social Development and Employment, Agriculture, Biosecurity, Internal Affairs, Statistics, Resources, Regulation, Land Information, Immigration, Emergency Management, Workplace Relations and Safety, Māori Development, Research Science and Innovation, Media and Communications, Hunting and Fishing, Courts, Finance, Police, Tertiary Education, Corrections, Racing.

Most of the portfolios above had five or less proposals considered by Cabinet in the reporting period. However, some moderate volume portfolios feature in the list above, i.e.:

- Revenue, with 10 proposals
- Health, with 9 proposals
- Climate Change, Commerce and Consumer Affairs, Conservation and Education, each with 6 proposals.

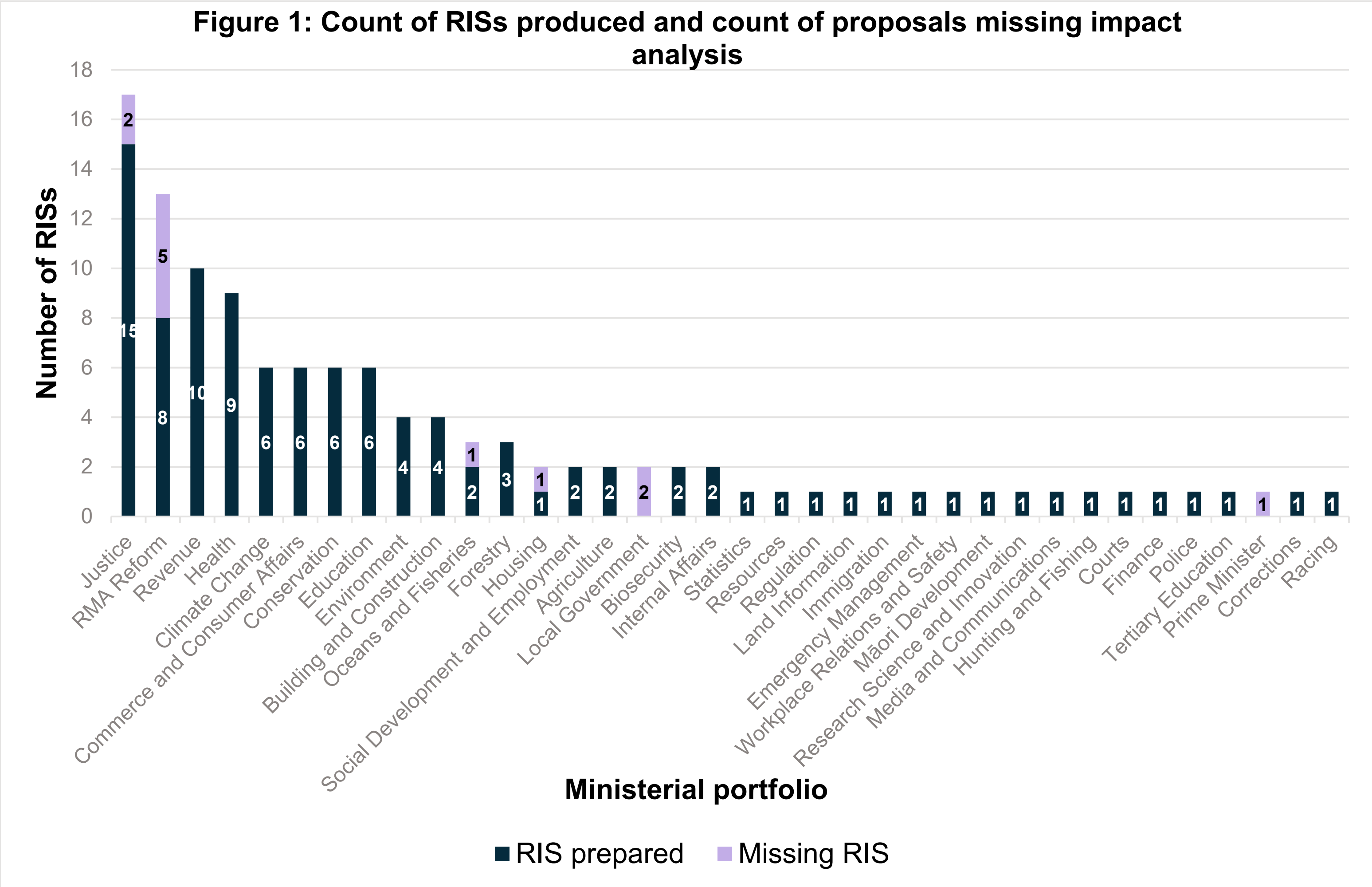
2. Proposals missing impact analysis

In Q2 and Q3 2025:

- 105 RISs were produced for Cabinet proposals and came back to the Ministry for publication
- Cabinet considered 11 proposals without the required impact analysis.

Therefore, in Q2 and Q3 2025, 90.5% of proposals had the required impact analysis.

Figure 1 shows for each portfolio, how many proposals requiring a RIS were taken to Cabinet without one, compared to how many RISs were produced and published on our website for that portfolio.[1]



This data shows that:

- the volume of proposals varies significantly across portfolios
- most portfolios provided 100% of the required impact analysis to Cabinet across the reporting period
- most missing RISs are concentrated in a small number of portfolios.

This indicates that:

- there is not a clear relationship between the volume of portfolio Cabinet proposals that required a RIS and the rate of missing RISs.

[1] The sum of these two numbers represents the total number of proposals that required a RIS.

Quality Assurance ratings

This section presents data on the Quality Assurance (QA) ratings received by RISs that have requested publication on our website.

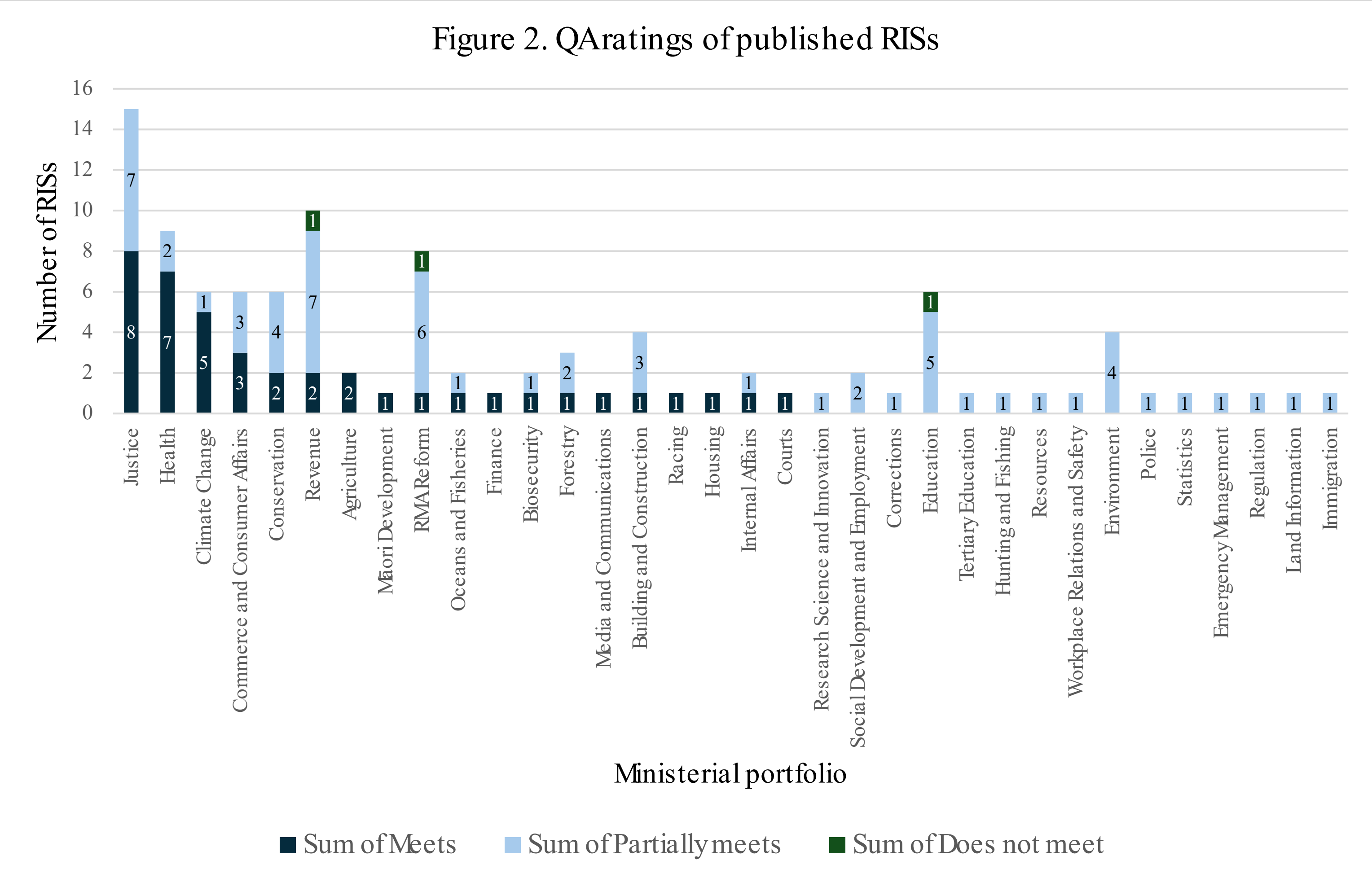
There are three possible ratings that a RIS can receive:

1. **Meets** – meets the quality standard across all dimensions, however there may still be scope for comment on what has been done well and what could have been done better.
2. **Partially meets** – meets the quality standard on most dimensions. A “partially meets” rating means that the RIS is deficient in some areas, against the QA criteria, but the panel consider that the analysis is nonetheless sufficient to inform decisions. A partially meets rating can be thought of like a pass grade with room for improvement.
3. **Does not meet** – the RIS falls short of the standard on more than one dimension, or a key component is inadequate. A ‘does not meet’ rating is effectively a judgement that the RIS does not contain sufficient information and analysis to allow Ministers to make a properly informed decision.

Table 1: Quality Assurance ratings

Timeframe	Meets	Partially meets	Does not meet	Total
2025 – Quarter 2 & 3	41	61	3	**105**

Figure 2 shows the total number of each QA rating that portfolios received for all RISs they published over Q2 & Q3 2025 period.



The portfolios with the highest proportion of 'meets' ratings against their total number of RISs produced (all with 100%) were: Agriculture, Māori Development, Finance, Media and Communications, Racing, Housing, Courts. All of these portfolios only produced one RIS, except for Agriculture, with two RISs.

Of higher volume portfolios, Climate Change, Health and Justice had the highest rates of 'meets' ratings, with 83%, 78% and 53% respectively.

Annex one: Method and limitations

This data includes regulatory proposals that the Ministry is aware of and may not reflect every proposal considered by Cabinet.

The number of RISs produced and the QA rating data are gathered when agencies request publication of their RIS on our website. Therefore, for example, RISs which are not yet suitable for publication (e.g. because decisions are still being made, or the Cabinet material has not yet been proactively released) will not be reflected in this data.

To improve the accuracy of our data, we have worked with relevant agencies to identify and mitigate any discrepancies with their records.

These reports reflect a snapshot at the time they are published. This means there are limits to the conclusions that can be drawn by comparing the data in this report to the previous report and caution should be exercised when interpreting the results. As we continue developing these reports, we will have more data and will aim to comment on any trends we notice.

Joint proposals
Joint proposals for Cabinet are reflected in the numbers for all relevant portfolios (e.g. a proposal from Agriculture and Environment would be counted as a proposal in both portfolios).

Restricted proposals
Proposals classified as restricted or sensitive are, for security reasons, not always entered into our system and therefore may not be reflected in our reporting.

Different types of impact analysis
There are several types of impact analysis documents, depending on the stage and type of the proposal. This report uses the term RIS to refer to all impact analysis documents, including:

- Cost Recovery Impact Statements
- Interim Regulatory Impact Statements
- Supplementary Analysis Reports.

Aide-mémoire

MFR2026-040

Ministry for Regulation
Te Manatū Waeture

Key Messages for Telecommunications Review Cabinet Paper

Date	5 March 2026	**Priority**	High
Security classification	In confidence	**Tracking number**	MFR2026-040
Attachments	Annex 1: Summary of Review Recommendations that are seeking Cabinet endorsement, modified, or not progressed* **This is Appendix Four of the Cabinet paper*		

Meeting details

Date	Meeting type	Attendees
Wednesday, 11 March 2026	(ECO) Cabinet Economic Policy Committee	Cabinet Committee members

Contact for discussion if required

Name	Position	Phone number	1st contact
Liam Taylor	Principal Advisor, Regulatory Reviews	s 9(2)(a)	☑
Cherie Engelbrecht	Manager, Regulatory Reviews	s 9(2)(a)	☐

Aide-mémoire

MFR2026-040

Ministry for Regulation
Te Manatū Waeture

Key Messages for Telecommunications Review Cabinet Paper

Date	5 March 2026	**Priority**	High
Security classification	In confidence	**Tracking number**	MFR2026-040

Purpose

1. To support your attendance at the Cabinet Economic Policy Committee (ECO) meeting on 11 March 2026 by providing information on the Cabinet paper for the Telecommunications Sector Regulatory Review (Review Cabinet Paper). These talking points cover the issues we believe are most likely to be raised at the committee meeting. We are orally briefing you on Monday, 9 March 2026.

Background

2. At the ECO meeting on 11 March, you and Minister Goldsmith are seeking Cabinet's agreement to implement those recommendations of the Telecommunications Sector Regulatory Review (Review) that you agreed to progress.
3. The Review made 22 recommendations. Annex 1 to this paper, which is Appendix Four to the Review Cabinet Paper, summarises the Review recommendations and identifies which recommendations you and Minister Goldsmith agreed to progress, modify or not progress. We previously provided you with advice on the Review recommendations in October 2025 [MRF2025-149 refers], November 2025 [MFR2025-150], and January 2026 [MRF2026-010].
4. The Review recommended that the Telecommunications Service Obligations (TSO) be phased out, with targeted financial support provided to low-income households to support their transition from outdated copper networks to newer technologies. The Review Cabinet Paper recommends delegating responsibility to the Minister for Media and Communications to determine how best to respond to this recommendation.
5. The Minister for Media and Communications has been considering how to respond to the recommendation, alongside the Commerce Commission's investigation into whether copper access regulation remains necessary, given the availability of viable connectivity alternatives for some rural communities.
6. s 9(2)(f)(iv) [redacted]

Key messages

General Points about the Telecommunications Regulatory Review

7. Telecommunications is a rapidly evolving industry driven by consumer demands for better and more reliable connectivity.

8. The Review engaged widely with industry and other stakeholders through public consultation. Stakeholders are supportive of the Review and want the regime to be simplified to reduce disproportionate administrative burdens and barriers to competition, innovation, and investment.
9. These recommendations will support modernisation by removing outdated rules that stifle innovation and reduce regulatory burdens by simplifying regulations and making them more proportionate to risk.
10. It is estimated that these recommendations will generate a net savings/benefit of at least $35 to $45 million over ten years for consumers and service providers, if **Review Recommendation 1** regarding the phase out of the Telecommunication Service Obligations (TSO) is progressed.
11. The recommendations were independently peer reviewed by Motu Research, which found them well supported by evidence and aligned with modern regulatory practice.

Areas of Possible Interest

What is the impact for rural communities?

12. The Review found TSO arrangements are outdated and rely on ageing copper infrastructure, particularly in rural areas. It is no longer necessary to maintain the copper network as new technologies, such as satellites, mean that alternatives are available in even the remotest parts of the country. Transitioning to newer technologies will improve internet speed and connectivity in rural areas, supporting economic development.
13. The Review notes that some low-income households may face financial barriers, for example affording the upfront cost of installing satellite equipment. We are therefore proposing that the Minister for Media and Communications give further consideration as to how best to respond to this recommendation.

Are we dismantling safeguards too aggressively in the name of deregulation?

14. This package modernises telecommunications regulation by removing outdated controls where the system is now robust and retaining safeguards where risks remain.

Will removing constitutional restrictions on Chorus mean the Crown loses control of strategic assets?

15. The Review identified that some Crown protections (including the Government Share[1] held by the Minister of Finance) were designed for the Ultra-Fast Broadband rollout and are now rigid, bespoke, and increasingly disconnected from current risk.
16. Cabinet is not being asked to approve immediate removal of Minister of Finance oversight. The paper recognises concerns about impacts on Crown interests and requires further analysis and joint final decisions by the Ministers of Finance, Regulation, and Media and Communications by the end of April 2026.

[1] The Government Share is a special, non-voting share held by the Crown in the non-Chorus Local Fibre Companies that gives the Minister of Finance approval rights over some constitutional changes.

If neither TSO obligations nor constitutional restrictions on Chorus are being removed, are Chorus losing out from this Review?

S 9(2)(g)(i)

[redacted]

Are we weakening consumer protections to reduce compliance costs?

18. The recommendations simplify the system of consumer protection and ensure the rules are supportive of competition and that there is a stronger, more specific intervention threshold for regulating consumer matters, mitigating the risk of over-regulation.

Why are only half of the levy recommendations being progressed?

19. The levy recommendations being progressed will significantly simplify the levy, increase transparency and reduce compliance burdens. We are not progressing the other recommendations over concerns that they could risk under or over recovery of revenue.

Annex 1: Summary of Review Recommendations (Appendix Four of the Review Cabinet paper)

Proactive release note: Decisions on recommendations 5 and 8 were delegated to the Acting Minister of Finance.

Appendix Four: Summary of Review Recommendations that are Seeking Cabinet Endorsement, Modified or Not Progressed

Review Recommendation	Outcome
Recommendation 1: Phase out the Telecommunications Service Obligations and provide targeted financial support to low-income households to transition from outdated copper networks to newer technologies.	**Modified** – delegating decisions to the Minister for Media and Communications
Recommendation 2: Clarify the rules for phone booths to ensure that the rules are technology neutral, encouraging modernisation.	Seeking Cabinet endorsement
Recommendation 3: The Commerce Commission should review Anchor Services in 2026.	Seeking Cabinet endorsement
Recommendation 4: The Ministry of Business, Innovation and Employment should consider whether Geographically Consistent Pricing should be retained, repealed or modified following the Commerce Commission's review of Anchor Services.	Seeking Cabinet endorsement
Recommendation 5: Move the existing restrictions that preserve the wholesale-only model from Local Fibre Companies' constitutions into legislation, then remove the Government Share and allow the Local Fibre Companies to update their constitutions.	**Modified** – delegating decisions on Government share to inisters of Finance, Regulatin and Media and Communications, for decision by April 2026
Recommendation 6: Streamline the exemption process for fibre services above Layer 2 by removing mandatory consultation unless an exemption could affect the wholesale-only model. The Commerce Commission should establish clear screening criteria to identify such cases.	Seeking Cabinet endorsement
Recommendation 7: Streamline fibre, and any other deregulation review processes, from a two-step process into a single-step process.	Seeking Cabinet endorsement
Recommendation 8: Remove all shareholder caps from Local Fibre Companies' constitutions.	**Modified** – delegating decisions on Government share to Ministers of Finance, Regulation and Media and Communications, for decision by April 2026
Recommendation 9: Review legacy instruments, retain only relevant obligations by consolidating them into one modern instrument (legislation or deed), and repeal the rest.	Seeking Cabinet endorsement
Recommendation 10: Repeal physical fibre Layer 1 unbundling requirements.	**Not progressing**
Recommendation 11: Reform the Telecommunications Development Levy so that it is charged on gross telecommunication revenue from retail broadband, mobile, stand-alone voice and data connection services.	Seeking Cabinet endorsement
Recommendation 12: Raise the Telecommunications Development Levy threshold to $50 million, with this threshold to be reviewed periodically by the Ministry of Business, Innovation and Employment.	**Not progressing**
Recommendation 13: Merge the portion of the Telecommunications Regulatory Levy that covers the costs of the Commerce Commission's non-fibre telecommunications regulatory work into the Telecommunications Development Levy.	**Not progressing**
Recommendation 14: Require the Ministry of Business, Innovation and Employment to publish an annual statement on how funds from the Telecommunications Development Levy are spent.	Seeking Cabinet endorsement
Recommendation 15: Set the Telecommunications Development Levy as a fixed percentage, with the rate to be reviewed periodically by the Ministry of Business, Innovation and Employment.	**Not progressing**
Recommendation 16: Remove the requirement for financial information to be externally audited and provide the Commerce Commission with additional enforcement powers.	Seeking Cabinet endorsement
Recommendation 17: Remove the statutory role of the New Zealand Telecommunications Forum in making retail service quality rules.	Seeking Cabinet endorsement
Recommendation 18: The Commerce Commission should develop a consumer protection code where removing the statutory role of the New Zealand Telecommunications Forum creates a regulatory gap, including consultation with the sector.	Seeking Cabinet endorsement

Recommendation 19: Provide the Commerce Commission with the ability to extend the coverage of a code to wholesale providers where they engage in consumer-facing activities, including consultation with the sector.	Seeking Cabinet endorsement
Recommendation 20: Require the Commerce Commission to consider the principles of proportionality, transparency, and accountability when developing consumer protection measures.	**Modified** – introducing a higher and more specific threshold for intervention
Recommendation 21: Require the Commerce Commission to consider the principles of proportionality, transparency, and accountability when requiring information from industry to fulfil its functions.	Seeking Cabinet endorsement
Recommendation 22: The Commerce Commission should further increase transparency when requiring information for market monitoring.	Seeking Cabinet endorsement