



To	Hon David Seymour, Minister for Regulation		
Title	Regulatory Standards Bill: Initial advice in response to submissions on the Bill	Number	MFR2025-184
Date	8 July 2025	Priority:	High
Action Sought	Agree to the recommendations in this briefing	Due Date	9 July 2025
Contact Person	Andrew Royle, Acting Chief Executive	Phone	s 9(2)(a)
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Attachments	Yes (Annexes 1 to 3)	Security Level	IN CONFIDENCE

Purpose

- The purpose of this briefing is to:
 - update you on progress with analysis of submissions to the Finance and Expenditure Committee on the Regulatory Standards Bill
 - provide you with initial advice based on that analysis to date.


Recommended action

- We recommend that you:
 - agree** to provide your response to the Ministry's recommendations summarised in Annex 1, to support development of a Cabinet paper for ministerial consultation *Agree / Disagree*
 - note** that Annex 2 summarises all feedback from the substantive submissions to the Finance and Expenditure Committee that have been analysed by the Ministry for Regulation, along with the Ministry's comments and advice *Noted*
 - note** that we will continue to analyse submissions so we can provide you with final advice in advance of you taking a paper to Cabinet *Noted*



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| d | note that we will provide you with a further update relating to the definition of Treaty Settlement Bills and Acts | <i>Noted</i> |
| e | note that we will provide you with further advice and recommendations in relation to the exclusion for secondary legislation made by the Chief of the Defence Force. | <i>Noted</i> |
| f | agree that the Ministry for Regulation release this briefing following the report back to the House by the FEC, with any information needing to be withheld done so in line with the provisions of the Official Information Act 1982. | <i>Agree / Disagree</i> |

s 9(2)(a)



Andrew Royle
Deputy Chief Executive, Policy
Ministry for Regulation
Date: 8 July 2025

Hon David Seymour
Minister for Regulation
Date:



Background

3. The Ministry for Regulation (Ministry) is currently analysing the submissions made to the Finance and Expenditure Committee (FEC) on the Regulatory Standards Bill (Bill).
4. On 2 July, we provided you with a memo (MFR2025-78 refers) noting that:
 - due to the high volume of submissions, it will not be possible to provide a full draft departmental report to Cabinet's consideration, as agreed by Cabinet on 5 May (CAB-25-MIN-0148 refers), and we would instead aim to provide a high-level summary of themes and any proposed changes to the Bill in response to the submissions:
 - in advance of this, we would provide you with a table setting out substantive comments and suggestions on the Bill, and our advice on any potential changes, for your consideration.

Update on submissions analysis

5. The Ministry and Allen + Clarke have been working to identify submissions that make specific suggestions or comments on the clauses of the Bill ('substantive submissions') further categorised by whether the submitter requested to make an oral submission (Appearance Requested) or not (Appearance Not Requested). There have been approximately 750 of these submissions identified to date out of a total of approximately 166,000 submissions.
6. The Ministry has now reviewed all substantive Appearance Requested submissions received by FEC, and the majority of substantive Appearance Not Requested submissions identified to date (684 submissions in total), and captured the comments and recommendations made in these submissions.
7. We will continue to analyse substantive submissions so we can provide you with final advice in advance of you taking a paper to Cabinet - but we are comfortable that we have identified the majority of themes and recommendations that are likely to emerge from the submissions.
8. Concurrently, Allen + Clarke are continuing to read and analyse all submissions with the aim of providing a summary of broad sentiment, themes and comments by Wednesday 16 July for input to the departmental report (which is due with FEC by Friday, 25 July).
9. This approach will ensure the perspectives of all submitters will be fully reflected in the departmental report to FEC.

Overview of key themes emerging from substantive submissions

10. In the submissions reviewed to date where submitters support the Bill, submitters mainly consider that the Bill will achieve its purpose to promote greater



transparency and accountability in New Zealand's regulatory environment, improve the quality of regulation, and reduce unnecessary regulatory burden, supporting greater productivity and economic growth.

11. The majority of feedback received to date on specific clauses has focused on lack of provision for Treaty of Waitangi/te Tiriti o Waitangi and Māori rights and interest; raised concerns about the principles, the Regulatory Standards Board, and the information-gathering powers. The main reasons given for opposition are that:
 - the Bill is a breach of the Treaty/te Tiriti/submitters are concerned about its absence from the Bill
 - the Bill has an ideological basis not supported by the majority of New Zealanders
 - there has been inadequate consultation on the Bill (particularly with Māori)
 - the Bill is unconstitutional and could have enduring legal impacts
 - the Bill weakens environmental and social protections, would erode protections for minority groups, and will have a 'regulatory chill' effect
 - the Bill is unnecessary, expensive and could have unintended negative economic impacts.
12. Submissions reviewed to date include those from the Office of the Clerk of the House of Representatives; the Parliamentary Commissioner for the Environment; the Legislation Design and Advisory Committee; the Chief Justice; the New Zealand Law Society; Business New Zealand and multiple small and large businesses; Pou Tangata - National Iwi Chairs Forum and many iwi and hapū and Post-Settlement Governance Entities; New Zealand Council of Trade Unions and several other unions; professional, industry and student associations; other organisations and NGOs including the NZ Initiative, Citizens Advice Bureaux, Amnesty International Aotearoa New Zealand, Toitū te Tiriti, other thinktanks, activist and charitable groups; Taituarā – Local Government Professionals Aotearoa as well as several district, regional and city councils; academics and notable individuals – including Jonathan Boston, Jane Kelsey, Dean Knight, Ananish Chaudhuri, Sir Geoffrey Palmer, Carwyn Jones, Bryce Wilkinson; and many interested or concerned members of the public.

Proposed changes to the Bill for your consideration

13. We have identified 15 recommended changes for your consideration, based on our analysis of the submissions. These are mainly aimed at addressing concerns raised by submitters, while still achieving the objectives of the proposal, and being consistent with the policy intent outlined above. The recommended changes are set out in a table attached as **Annex One**, and some specific matters arising from submitter feedback covered in that table are highlighted for your attention below.



14. It should be noted that we have not yet discussed the recommendations with the Parliamentary Counsel Office, nor sought Crown Law Office advice. s 9(2)(h)
15. A table of broader submitter feedback from all the substantive submissions we have analysed to date is attached as **Annex Two**.
16. Annex Two focuses on substantive feedback from submitters where they raised particular concerns with, or proposed changes to, specific clauses of the Bill, or where they suggested additional provisions. It does not capture general support for clauses – i.e. it focuses on criticisms of the proposal and/or suggestions for amendments where a response will be required – although it does pick up suggestions for strengthening some of the Bill’s provisions.
17. However, it should be noted that, where submitters made suggestions for changes or improvements to the Bill, this does not necessarily mean these submitters supported the Bill in its current form. The majority of submitters who took the time to suggest improvements to the Bill nevertheless expressed an overall view that the Bill should not proceed.
18. The table also includes:
 - points made in a Legislative Scrutiny Memo from the Clerk of the Committee that FEC adopted, and a letter FEC received from the Chair of the Regulations Review Committee, both of which FEC requested that the Ministry respond to through the departmental report
 - advice from the Ministry resulting from departmental feedback.
19. We have provided comment on each of the specific suggestions and broad areas of feedback in the context of the policy intent of the Bill, that is:
 - The Bill gives effect to the commitment in the Coalition Agreement between the New Zealand National Party and ACT New Zealand to *legislate to improve the quality of regulation, ensuring that regulatory decisions are based on principles of good law-making and economic efficiency, by passing the Regulatory Standards Act as soon as practicable*.
 - The Bill aims to reduce the amount of unnecessary and poor-quality regulation by increasing transparency and making it clearer where legislation does not meet standards. It intends to bring the same discipline to regulatory management that New Zealand has for fiscal management.
 - The Bill reflects the Government’s intent to support the accountability of the Executive to Parliament for developing high-quality legislation and exercising stewardship over regulatory systems, and to strengthen Parliament’s scrutiny of legislation, by:



- establishing selective but generally accepted principles of responsible regulation in primary legislation, focused specifically on the effect of lawmaking on existing interests and liberties and good lawmaking processes
- setting legislative requirements on agencies and/or responsible Ministers to identify and transparently report on inconsistencies in most new and existing legislation and reasons for those inconsistencies
- establishing an independent assurance mechanism in the Executive to incentivise robust compliance with the principles and provide an avenue for people to complain about inconsistencies with the principles
- supporting the Ministry for Regulation's regulatory oversight role and strengthen government departments' regulatory stewardship obligations.

Specific matters for your attention

Matters raised by Office of the Clerk and the Regulations Review Committee

20. FEC has received individual correspondence and/or submissions from the Office of the Clerk of the House of Representatives, Clerk of the Committee, and Regulations Review Committee and have asked for response to the matters raised via the departmental report.

Use of explanatory notes for CASs (see item 74, Annex Two)

21. The Office of the Clerk and the Clerk of the Committee submitted that a requirement for the use of explanatory notes to provide or link to consistency accountability statements (CASs) and ministerial statements would limit the House's ability to amend its own procedural requirements for the introduction of legislation and create a lack of clarity about whether legislation that failed to include a CAS would be inadmissible.
22. We have not recommended a change in response to these concerns. In our view, the requirement to include a CAS in a Bill's explanatory note does not impact on the House's ability to amend any Standing Order requirements relating to the explanatory note. Even if the House's requirement for explanatory notes was removed, this would not necessarily prevent Bills still involving explanatory notes in some form, along with CASs.
23. In addition, clause 25 of the Bill clearly states that failure to comply with the Act does not affect any power to make legislation, nor the validity or operation of any legislation. Therefore, nothing in the Bill would require legislation that did not include a CAS to be rejected by Parliament.

Use of Henry VIII clauses (see item 85, Annex Two)



24. The Regulations Review Committee (RRC) has raised with FEC its concern that clauses 10(2), 14(2) and 19(3) that provide for the issuing of secondary legislation to exempt certain legislation from statutory requirements on a case-by-case basis are Henry VIII clauses.
25. RRC's view is that the added protection provided by the affirmative resolution procedure (i.e. a resolution of the House) may not be sufficient to allay any concerns about using delegated legislation to amend primary legislation, and this may be counter to the purposes of the Bill. RRC suggested additional safeguards should be considered, including requiring a statement of reasons for the above notices.
26. As outlined in the *Legislation Guidelines*, Henry VIII clauses involve Parliament expressly authorising secondary legislation to amend or override an Act. The concern with such clauses is that they create a risk of undermining the separation of powers.
27. In our view, given that the proposed notices would not textually amend the Act, it is not clear that the power provided to issue notices could be considered as amending or overriding the Act.
28. Regardless of this, a core feature of much legislation is that its underlying application can be tempered by secondary legislation exemptions – either to pull legislation within scope or carve it out – just as this Bill does.
29. In addition, this Bill has an unusually strong additional protection on this type of delegated legislation, by ensuring that Parliament itself must approve the relevant notice. In our view, it therefore presents a very low risk of overriding the will of Parliament or the separation of powers.

Review of Bills – ability to undertake consistency assessments despite exclusion (see item 83, Annex 2)

30. The Office of the Clerk suggested that a responsible Minister should be able to have a bill, or a Government amendment to a bill, reviewed for consistency with the principles if they wish, despite the Bill being excluded under clause 10 – this could be used in cases, for instance, where there is a substantive Government amendment made to a Statutes Amendment Bill.
31. In our view, there is no need for the Bill to provide specifically for this scenario. The Bill does not prevent any type of analysis of legislation not subject to its CAS or review provisions. The responsible Minister could independently choose to make the same assessments of a Government amendment as for an amendment to a non-excluded Bill.

Access to Select Committee by the Regulatory Standards Board (see item 134, Annex 2)



32. The Office of the Clerk and Clerk of the Committee suggested FEC seek advice on whether the Bill could be amended to avoid presumed access to Select Committee by the Board as access is a matter of parliamentary procedure.
33. In our view the Bill does not require a select committee to accept or review a report provided by the Board and therefore does not narrow Parliament's ability to determine its own procedure through Standing Orders.
34. Any special provision for select committees to look at the reports would be a matter for the House to determine through its own processes.

Definition of Treaty Settlement legislation (see item 78, Annex 2)

35. Submitters have raised that the exemption for Treaty Settlement legislation should clearly provide that the Crown's obligations to Māori under settlements are not just confined to specific settlement legislation but are also dependent on (and redress is provided through) a number of other statutes. Submitters said where Treaty Settlement Acts make changes to other legislation the provisions in that other legislation should also be exempt from the scope of the Bill.
36. Treaty settlement legislation is currently excluded from the Bill to avoid impacts on the Crown's obligations under existing and future settlements. s 9(2)(h)

Exclusion of secondary legislation made by the Chief of the Defence Force

37. As previously advised, the New Zealand Defence Force (NZDF) has questioned whether current drafting gives effect to Cabinet's agreement that the exclusions set out in clause 14 (and consequential exclusions in clauses 19(1) and 33(1)) provide for Cabinet's intention that "excluding the identified classes of secondary legislation would have the effect of excluding that secondary legislation entirely from the scope of the Bill." NZDF is seeking a broader clause that provides that nothing in the Bill applies to the identified secondary legislation instead of targeted exclusions from the various duties under the Bill.
38. The Ministry considers that the current drafting adequately provides for Cabinet's intention that none of the requirements for secondary legislation contained in the Bill will apply to the identified exemptions. s 9(2)(h)
39. If a change was made, our preference would therefore be that a consistent approach is taken to all identified exclusions – which would mean that the Bill would need to contain a clause clarifying that nothing in the Bill applies to any



identified exclusion. s 9(2)(h)

40. s 9(2)(h) and will need to provide you with a further recommendation prior to the deadline for lodging a paper to Cabinet.
41. You may wish to indicate to the Minister for Defence during ministerial consultation that further advice will be provided on this matter.

Next steps

42. We will complete our analysis of identified substantive Appearance Not Requested submissions as Allen + Clarke process these remaining submissions. We will also be listening to oral submissions being made to FEC this week (7-10 July). The current schedule of submitters by day is attached at **Annex Three** for your information. Note that there are still submitters to be confirmed for Thursday afternoon.
43. We will provide you with further advice if we identify additional substantive comments and proposed changes through the oral hearings and our further analysis that are not yet covered in our advice. Should you wish to make further changes based on this advice, this may require you to take an oral item to Cabinet alongside the paper on 21 July.
44. Once we have your feedback on the recommendations in this briefing, we will reflect this in a Cabinet paper which we will aim to provide to your office by close of play tomorrow (Wednesday 9 July) to enable you to carry out consultation with your Ministerial colleagues between Thursday 10 July and Monday 14 July.
45. We intend to share the Cabinet paper with departments, to assist them to support their Ministers prior to Cabinet. Given the time constraints we will not be seeking departmental comments directly.
46. While we appreciate that this timeline is very tight, it is necessary to enable Cabinet to consider proposed changes to the Bill on 21 July so that the departmental report can be submitted to FEC on 25 July.

Annex One: Recommended changes to the Regulatory Standards Bill

The table below captures all identified recommended changes for your consideration, based on our analysis of submissions in annex one.

#	Clause	Area	Issue	Who raised	Ministry comment	Recommendation	Agree/Disagree
1.	2	Commencement	Provide adequate time for developing guidance material and establishing the board before CAS requirements commence.; amend to provide more lead in time; allow or a pilot/phased approach before full commencement.	The New Zealand Initiative, Bryce Wilkinson, KPN Consultants Ltd and others	<p>The Bill provides for a maximum six-month period between coming into force on 1 January 2026, and CAS requirements coming into force by no later than 1 July 2026. The six-month period is intended to provide a sufficient period for guidance material to be developed and published.</p> <p>However, the Board is intended to be established from 1 January 2026, prior to CAS requirements being in place. As the role of the Board will be to assess new Bills and existing legislation against the principles, the misalignment in timing means the Board would be basing reviews on interpretations that may not align with subsequent guidance, and review could be carried out prior to agencies having an opportunity to develop their processes for undertaking CAS requirements and regular reviews.</p> <p>In the Ministry's view, it would be highly desirable to align the Board's establishment with the availability of guidance material and CAS requirements to avoid these inefficiencies and uncertainties.</p>	<p>The Ministry recommends aligning the coming into force of the provisions for establishing the Board with the coming into force of CAS requirements.</p> <p>Note that this may impact on the requirement in schedule 1, part 1 clause 6 for an interim board report covering the period between 1 January 2026 – 30 June 2026.</p>	Agree / Disagree
2.	8(a)	Rule of law – Focus/consistency	<p>Principle is inconsistent with settled legal understandings, reflects a 'thin' versus a 'thick' definition of rule of law that excludes constitutional norms, particularly te Tiriti and tikanga-based rights</p> <p>Should amend to include other important facets of rule of law such as access to the courts, to refer to consistency with the rule of law rather than specifying particular aspects, to include that legislation should be consistent with Treaty principles, to include Māori tikanga law and/or mutual law, and/or to address inconsistencies with definitions/references in the World Justice Project and <i>Legislation Guidelines</i></p>	Chief Justice, LDAC, NZ Law Society, Christopher O'Brien, Ngā Iwi o Taranaki, Susanne Vincent, Asian Legal Network, Orion NZ Ltd, Sophie Bond, Max Harris, Kevin Hague, Ngāti Hāua Iwi Trust, Kuru Ketu, Max Harris, Susanne Vincent, Kevin Hague, Kiwis for the Treaty Inc and others	<p>As outlined above, the principles are intended to be selective, focusing on the process of good law-making and on the effect of law-making on existing interests and liberties. They are not intended to be a comprehensive list of all principles that could be considered in relation to the design and content of legislation. From this perspective, the Bill does not prevent consideration of many of the areas submitters recommended be included in this principle as part of legislative development or stewardship processes more broadly.</p> <p>However, the submissions have highlighted that the concept of the rule of law is broad and contestable, and expressed significant concern about the narrow formulation of the principle in the Bill, including from the Chief Justice, New Zealand Law Society and the Legislation Design Advisory Committee (LDAC).</p>	<p>The Ministry recommends either:</p> <ul style="list-style-type: none"> deleting clauses 8(a)(i) to (v) so that the principle is simply <i>consistency with the rule of law</i> <p>OR</p> <ul style="list-style-type: none"> adding the phrase <i>including that</i> at the end of 8(a) to make it clear that the elements of the rule of law set out beneath are not necessarily a complete definition of rule of law. 	<p>Option one: Agree / Disagree</p> <p>Option two: Agree / Disagree</p>

#	Clause	Area	Issue	Who raised	Ministry comment	Recommendation	Agree/Disagree
					<p>Even though the current drafting could be interpreted as only setting out selected aspects of rule of law, (through the phrase <i>consistency with the following aspects of the rule of law</i>) concerns could be addressed by removing those specific elements and stating the principle at a higher level. This would ensure the principle is consistent with the policy intent that the principles are generally accepted.</p> <p>Alternatively, it could be made clearer that the elements in this list do not form an exhaustive definition of rule of law by introducing those elements with a phrase like <i>consistency with the rule of law, including that</i>.</p>		
3.	8(a)(iii)	Equality before the law – Focus/clarity of principle	<p>Principle can be interpreted in very different ways, could be interpreted to mean formal equality (everyone should be treated equally) or just that laws as written should apply to everyone equally, or that it establishes obligations of substantive fairness and equality of outcomes across a range of areas.</p> <p>Principle is too narrowly focused on equality at the expense of equity; is inconsistent with idea that objective differences should justify differentiation, limits traditional meanings, fails to take into account systemic disadvantage, doesn't recognise the reasons why natural persons and legal entities should have different rights, is inconsistent with BORA, is inconsistent with legislation such as Pae Ora (Healthy Futures) Act 2022 which specifically require engagement with Māori and improvements in Māori health equity.</p> <p>Should be expressed as <i>no-one is above the law, or the laws of the land should apply equally to all, except to the extent that objective differences justify differentiation</i></p>	Multiple	<p>In addition to concerns about this broader clause, submitters raised concerns about the interpretation of this principle - including that it could be interpreted very broadly (to mean substantive equality) or very narrowly (to mean that differentiation is not justified, even in relation to objective differences).</p> <p>In our view, if you do not wish to remove this sub-clause as proposed at 22 above, better aligning the principle with its more orthodox framing in the <i>Legislation Guidelines</i> would help address the concerns and confusion evident in many of the submissions, while still being consistent with the objectives and intent of the Bill. This would involve rewording the provision as <i>everyone is subject to the law</i>.</p>	Dependent on your decision above, the Ministry recommends changing the wording of this principle from <i>every person is equal before the law</i> to <i>everyone is subject to the law</i> , consistent with suggested wording from LDAC.	Agree / Disagree
4.	8(b)	Liberties – Focus/clarity of principle	Principle should delete the reference to property; should recognise that there might be good reasons for	LDAC, Jonathan Boston Stephanie Coutts, Bob Lack, Gerald Rawson, Te	Submitters raised concerns about the formulation of this principle, and its	The Ministry recommends amending this principle in line with the wording in the Order	

#	Clause	Area	Issue	Who raised	Ministry comment	Recommendation	Agree/Disagree
			<p>diminishing a person's liberty beyond protecting another person's liberty etc; does not recognise the public harm principle; does not provide for preventing people harming themselves; does not provide for requiring people to do things for their own good, does not provide for protecting critical environmental goods from harm; does not provide for collective goals to be pursued; should recognise collective rights (including concepts central to tikanga such as interdependence, collective responsibility, and the deep connections between people and whenua).</p> <p>Principle incorporates concepts much broader than generally recognised in New Zealand and other common law jurisdictions, is not well-established as a concept does not align with the generally accepted definition of the concept of liberty, overlaps with BORA provisions, is inconsistent with other legislation (e.g. provision for safe areas around abortion providers), will be difficult to apply in the resource management space, the term <i>unduly</i> is unclear, does not reference the personal security of another person as a ground for limiting the liberty of another person</p> <p>Should replace with Standing Orders language that <i>legislation should not trespass unduly on personal rights and liberties</i>, should explicitly reference/provide for BORA rights</p>	<p>Hunga Roia o Aotearoa, Eamon Frazer, Iarau Ltd, VOYCE - Whakarongo Mai, Asian Legal Network, Northland Regional Council, Kevin Hague, Joanna Mossop, Esko Wiltshire, Community Business Environment Centre, Tiaki Taiao Far North Environment Trust, Cooper Legal. Anthony Simpson, Christopher O'Brien, Kahu Kutia-Baldwin, Ed Hyde, Donald Mathieson, Melissa Bryant, New Zealand Council for Civil Liberties, Te Kōkiringa Taumata - New Zealand Planning Institute and others</p>	<p>inconsistency with generally accepted principles in New Zealand law.</p> <p>In our view, a more orthodox formulation of the principle could address some of the concerns raised by submitters, and is consistent with the broad policy intent that the principles are generally accepted.</p>	<p>327(2)(b) of the Standing Orders that <i>legislation should not trespass unduly on personal rights and liberties</i>.</p> <p>s 9(2)(h)</p>	Agree / Disagree
5.	8(c)	Taking of property - Reference to impairment	<p>Inclusion of <i>impairment</i> is unconventional and unnecessary given <i>takings</i> is generally considered to incorporate significant impairment; inclusion of this concept would have a significant impact; <i>impair</i> should be replaced with <i>acquire</i> to align with the Public Works Act</p>	LDAC, Christopher O'Brien Daniel Nathan	<p>Much of the submitter feedback on this principle related to concerns about the concept of <i>impairment</i>.</p> <p>In addition to concerns about impairment being an unconventional concept to provide for in legislation, our view is that inclusion of the term along with the intended broad application of property would likely mean that virtually all legislation would be found to be inconsistent</p>	The Ministry recommends removing provision for <i>impairment</i> from this principle.	Agree / Disagree

#	Clause	Area	Issue	Who raised	Ministry comment	Recommendation	Agree/Disagree
					<p>with the principle. In addition, our view is that the concept of ‘takings’ already provides for significant impairment.</p> <p>In our view, removing the term ‘impairment’ would go some way towards addressing submitters’ concerns, while still being consistent with the broad policy intent for the Bill.</p>		
6.	8(c)(iii)	Taking of property - Who pays compensation	Provision is not well-recognised and would be difficult to apply, clause is difficult to understand, clause could lead to inappropriate and unworkable situations such as local authorities having to compensate farmers who have harmed rivers, Māori having to compensate property owners for impairments as a result of Treaty settlements, miners’ families having to compensate mining companies for safety regulations.	LDAC, Cooper Legal, Marta Fisch, Jonathan Boston, Bill Rosenberg, Waikato River Authority, Ngā Toki Whakarururanga, NZ Airports Association, David Cunliffe, Greenpeace Aotearoa, Melissa Bryant, Maewa Kaihau, Animal Justice Auckland, Aaron Barnsdall, Christopher Burns, Bob Lack, Paul McMahon	Submitters gave many examples of where the effect of this clause would be inappropriate and unworkable. Our view is that the provision is unorthodox, would be difficult to practically implement, and removing it would address a key concern for some submitters - while not being inconsistent with the broader policy intent.	The Ministry recommends deleting clause 8(c)(iii) from the Bill	Agree / Disagree
7.	8(d)	Taxes, fees and levies - Taxes	Principle refers to whole of section 22 of the Constitution Act rather than just 22(a) which concerns taxes, which has likely created some confusion	Ministry for Regulation	Given this subsection is meant to be about taxes, the reference should be limited to section 22(a) of the Constitution Act, rather than the whole of section 22 for clarity.	The Ministry recommends amending <i>section 22</i> to <i>section 22(a)</i>	Agree / Disagree
8.	8(g)	Role of courts – Courts’ constitutional role	<p>Principle overlooks the courts’ role in the development of the common law, is inconsistent with the constitutional balance between the legislative, executive and judicial branches.</p> <p>Principle should preserve all aspects of courts’ constitutional role by referring to the courts’ <i>constitutional role of administering justice according to law, including the interpretation of legislation and its application in particular cases</i></p>	Law Association of New Zealand, Chief Justice	<p>While the principle is not intended to be a full statement of the role of the courts, submitters’ (including the Chief Justice’s) concerns could be addressed by amending the wording of the principle along the lines of the suggestion made by the Chief Justice (the courts’ <i>constitutional role of administering justice according to law, including the interpretation of legislation and its application in particular cases</i>).</p> <p>This would seem to bring the Bill closer to a generally accepted principle, consistent with the policy intent of the Bill.</p>	The Ministry recommends amending the wording in line with the suggestion of the Chief Justice.	Agree / Disagree
9.	8(i) - (j)	Good law-making – Additional aspects	Good law-making principles should include regulatory stewardship, planning for implementation	Horizons Regional Council, Taituarā — Local Government Professionals Aotearoa, Whanganui District Council	While regulatory stewardship is a broad concept and the good law-making principles (applied to new and existing legislation) already encompass some key aspects of regulatory stewardship, adding regulatory stewardship as a principle would likely result in considerable overlap, and in our view it is better to seek to bring in wider	The Ministry recommends adding <i>planning for implementation</i> at the end of clause 8(j)	Agree / Disagree

#	Clause	Area	Issue	Who raised	Ministry comment	Recommendation	Agree/Disagree
					aspects of stewardship through having a standalone duty as set out in clause 15.		
10.	10	Additional exclusion consistent with exclusion for the Marine and Coastal Area (Takutai Moana) Act 2011	<p>Under the Marine and Coastal Area (Takutai Moana) Act 2011 there are two legislative pathways to have recognition agreements brought into effect under section 96 of the Act (alternatively there is an option for recognition to be provided by a Court order under section 94).</p> <p>The pathway for agreement to recognise a protected customary right is via Order in Council, and is considered secondary legislation. Secondary legislation made under Takutai Moana are excluded from the requirements of the Act, by virtue of being made under an excluded Act. However, recognition of customary marine title can occur via an Act of Parliament and has not been provided for as an excluded Bill creating an inconsistency between the treatment of primary and secondary legislation giving effect to recognition agreements.</p>	Public Service agencies	<p>For consistency with the exclusion for the Marine and Coastal Area (Takutai Moana) Act 2011 and secondary legislation made under the Act, we recommend excluding any Bill that brings into effect recognition agreements under that Act.</p> <p>This recommendation is consistent with exclusions already provided for under the Bill and aligns with an exclusion from RIS requirements for recognition agreements. An additional exclusion would address the inconsistency of only one recognition pathway being subject to CAS requirements while others are exempt.</p>	The Ministry recommends excluding any Bill and its secondary legislation that brings into effect recognition agreements under the Marine and Coastal Area (Takutai Moana) Act 2011.	Agree / Disagree
11.	13	Review of secondary legislation – Application to local government regulation	<p>Inclusion of local government legislation will impose significant time and costs on local councils at the expense of other functions and will impact on abilities of councils to pass bylaws, proposal is legislative overkill as local authorities are already subject to rigorous legislative and procedural requirements, requirements could apply to district plans under s161A of the Local Government Act</p> <p>Secondary legislation made by local government should be expressly excluded</p>	Taituarā — Local Government Professionals Aotearoa, Te Pane Matua Taiao - Greater Wellington Regional Council Horizons Regional Council, Dunedin City Council, Christchurch City Council, Gisborne District Council, Northland Regional Council, Whanganui District Council, Simpson Grierson, Stephen Clark and others	<p>The Ministry for Regulation agrees that the impact of inclusion of local government legislation, along with the significant duplication of existing legislative and procedural requirements make it undesirable for local government legislation to be subject to consistency assessment and review requirements without further analysis on potential impacts.</p> <p>Once such analysis has been completed, including assessment of any potential for duplication between requirements under this Bill and legislative and procedural requirements for local government legislation, consideration could be given to bringing this legislation into the scheme over time via a notice.</p>	The Ministry recommends excluding local government legislation for the proposal initially, with the option of bringing it into the scheme over time	Agree / Disagree
12.	14(1)	Review of secondary legislation – exclusion of	Secondary legislation made by the Remuneration Authority should be excluded on the basis that the Authority is an independent body that	Office of the Clerk	The independent role of the Remuneration Authority would be appropriate for exclusion to prevent any perception of Executive placing requirements on secondary legislation that	The Ministry recommends excluding secondary legislation	Agree / Disagree

#	Clause	Area	Issue	Who raised	Ministry comment	Recommendation	Agree/Disagree
		secondary legislation made by Remuneration Authority	determines the salaries, allowances and superannuation rights of members of Parliament, the judiciary, and certain statutory officers		supports determinations relating to members of Parliament. We note there are other Acts that are likely to also warrant exclusion on a similar basis, and the Ministry will look at this further as part of its work to identify further exemptions.	made by the Remuneration Authority	
13.	23	Chief Executive must act independently – application	Clause should be broadened to include members of Crown Entity boards to provide for cases where the board (rather than organisation) is responsible for making secondary legislation.	External Reporting Board	The Ministry recommends broadening this clause to ensure it provides for this situation.	The Ministry recommends broadening the wording of this clause	Agree / Disagree
14.	38(1)	Members appointed by the Minister for Regulation	This clause should be amended to reduce possibility of political appointments, disproportionate influence of the Minister for Regulation and circumvention of democratic processes in the makeup of the Board	NZEI Te Riu Toa, Environment Southland, Christchurch City Council, Te Rōpu Taiao ō Ngāti Ranginui Iwi Society Bill Rosenberg, Pacific Lawyers Association, Wellington Tenth Trust, Palmerston North Māori Reserve Trust, Hikoikoi Management Limited, Toi mata Hauora (the Association of Salaried Medical Specialists, Te Pumautanga o te Arawa Trust Tapuhi Kaitiaki o Aotearoa, New Zealand Nurses Organisation, Francis Harawira, Tōpūtanga Charlene Dizon, Christopher Wilson, Cameron Hunter, Eugenia Devoto, Desiree des Barres, VUW Climate Clinic, Stephen Clark, Mary Beaumont, Charlie Shilton-Hart, Elliot Collins, Christopher Lipscombe, Juliet Park, Vicky Hepi, Geoffrey Blair, Lyla Atutahi, Nikole Wills, Chrys Horn, Ash Hamilton, Jay Tohill,	Appointments to the Board are intended to be consistent with established processes (including consideration of guidance to support diverse and balanced representation on the Board) and will be considered by Cabinet through the Cabinet Appointments and Honours Committee process. However, to provide reassurance and avoid perceptions of disproportionate influence from any Minister, you could consider amending the clause so that members would be jointly appointed by the Minister for Regulation and the Attorney-General. As the Attorney-General also has a role in providing guidance material under clause 27 they would be well-placed to understand the expertise required on the Board. We note that there is nothing in the Bill that would prevent the Minister from calling for public nominations or consulting with public organisations ahead of any appointment processes.	The Ministry recommends a change to this clause to provide for joint appointments by the Minister for Regulation and the Attorney-General.	Agree / Disagree

#	Clause	Area	Issue	Who raised	Ministry comment	Recommendation	Agree/Disagree
				Eamon Frazer, Jeremy Finn & Anne O'Brien and others			
15.	42 & 43	Remove information gathering powers	This clause should be amended to remove powers to prevent expansion of Ministry for Regulation powers or the targeting of particularly organisations or people such as Māori. Alternatively limit the scope to the same powers provided to the Public Service Commission or give the powers to the Commission if they are needed. Remove third party service providers from scope.	Māori Women's Welfare League, Rainbow Support Collective, Ngāti Koata Trust, NZEI Te Riu, Charlene Dizon, Mere Takurua, Moana Bennet, Mezlja Yelash, Shane Shaw-Williams, Vicky Hepi, Francis Harawira, Public Service Association, Te Ātiawa o Te Waka-a-Māui Trust	<p>It is intended that the powers would only be used when necessary or desirable information has not been made available through engagement or consultation processes. There are also cascading restrictions on the use of the power for agencies outside the public service.</p> <p>To mitigate some of the concerns relating to the broad applications of the powers we recommend limiting the scope to public service agencies and makers or administering agencies of secondary legislation, and agencies or a person who performs a function that is imposed under legislation.</p> <p>There would be no ability to require information directly from a person that is engaged under a contract with a principal agency to support or facilitate the performance of a function that is imposed under legislation (i.e third party service providers). We would anticipate in most cases a third-party service provider would have a contract in place that would enable the principal agency to have access to information relevant to a regulatory function the principal agency is responsible for administering.</p>	The Ministry recommends removing application of the powers to people engaged under a contract with a principal agency.	Agree / Disagree

Annex Two: Feedback from substantive submissions and Ministry response

The table below summarises substantive feedback from submitters where they raised particular concerns with, or proposed changes to, specific clauses of the Bill, or where they suggested additional provisions. It does not capture general support for clauses – i.e. it focuses on criticisms of the proposal and/or suggestions for amendments where a response will be required.

The table also captures recommendations as a result of further analysis by the Ministry for Regulation.

It should also be noted that where submitters made suggestions for changes or improvements to the Bill, this does not necessarily mean these submitters supported the Bill in its current form. The majority of submitters who took the time to suggest improvements to the Bill nevertheless expressed an overall view that the Bill should not proceed.

#	Clause	Area	Issue	Who raised	Ministry comment	Recommendation
1.	1	Title	Bill should be called the <i>Good Legislation Bill</i> or <i>Good Lawmaking Bill</i> ; Bill should be called the <i>Legislative Quality and Regulatory Design Bill</i> ; Title should be revised to reflect the substantive intent and constitutional implications of the Bill	Jonathan Boston, Dean Knight; KPN Consultants Ltd	Regulation is a broad term including laws, rules, and other mechanisms to influence people's behaviour. While the majority of the bill focuses on legislative quality other elements focus more broadly on regulatory stewardship and the operation of regulatory systems (e.g. through information provision requirements in support of regulatory reviews). The title of the Bill is consistent with its Purpose as set out in clause 3 of the Bill.	No change recommended
2.	2	Commencement	Provide adequate time for developing guidance material and establishing the board before CAS requirements commence.; amend to provide more lead in time; allow or a pilot/phased approach before full commencement.	The New Zealand Initiative, Bryce Wilkinson, KPN Consultants Ltd and others	The Bill provides for a maximum six-month period between coming into force on 1 January 2026, and CAS requirements coming into force by no later than 1 July 2026. The six-month period is intended to provide a sufficient period for guidance material to be developed and published. However, the Board is intended to be established from 1 January 2026, prior to CAS requirements being in place. As the role of the Board will be to assess new Bills and existing legislation against the principles, the misalignment in timing means the Board would be basing reviews on interpretations that may not align with subsequent guidance, and review could be carried out prior to agencies having an opportunity to develop their processes for undertaking CAS requirements and regular reviews. In the Ministry's view, it would be highly desirable to align the Board's establishment with the availability of guidance material and CAS requirements to avoid these inefficiencies and uncertainties.	The Ministry recommends aligning the coming into force of the provisions for establishing the Board with the coming into force of CAS requirements. Note that this may impact on the requirement in schedule 1, part 1 clause 6 for an interim board report covering the period between 1 January 2026 – 30 June 2026
3.	3	Purpose	Include reference to te Tiriti o Waitangi, tikanga Māori, equity, environmental sustainability, and/or intergenerational wellbeing; Purpose would be more accurately stated as <i>to minimise the amount of regulation</i>	Kevin Hague, Taiawhio Wati-Kaipo, Stephanie Coutts, KPN Consultants Ltd and others	The Purpose clause sets out the intended purpose of the Bill consistent with the policy intent – i.e. to support Parliament in its role, including its ability to hold the Executive to account for the development of legislation and its stewardship over regulatory systems.	No change recommended

#	Clause	Area	Issue	Who raised	Ministry comment	Recommendation
			<i>and to elevate the status of private property rights</i>		While other proposed provisions are not necessarily inconsistent with the policy intent of the Bill, they are not part of the purpose as agreed, and should therefore not be included in this clause.	
	New	Provision for te Tiriti o Waitangi and Māori rights and interests	Lack of provision for te Tiriti o Waitangi and Māori rights and interests is inappropriate/unacceptable. Include a te Tiriti o Waitangi clause; give proper weight to Te Tiriti and Māori rights and interests throughout the Bill	Multiple	The absence of reference to the te Tiriti o Waitangi in the Bill reflects a decision to focus on a discrete set of goals, including promoting the accountability of the Executive to Parliament in relation to the quality of regulation (rather than the relationship between the Executive and Māori) and an intention not to alter existing norms or constitutional settings relating to Te Tiriti. There are other examples of New Zealand statutes that provide for broad principles to be considered in lawmaking that do not reference the Treaty/te Tiriti but are similarly not intended to alter or diminish it. For example, the New Zealand Bill of Rights Act 1990, the Constitution Act 1986, and the Legislation Act 2019.	No change recommended
4.	5	Interpretation	Provide a definition of courts that includes the Waitangi Tribunal	Kaibosh Food Rescue, Stephanie Coutts	It is unnecessary to provide any further definitions of the Waitangi Tribunal as there is no mechanism in the Bill that requires any further description of it.	No change recommended
5.	5	Interpretation	Define key terms including 'property', 'impairment', 'compensation', 'quality', 'regulatory stewardship', 'regulatory management system'; use the term 'regulation stewardship'	Waikato Regional Council, NZ Airports Association Northland Regional Council, New Zealand Law Society, Taituarā — Local Government Professionals Aotearoa, Whanganui District Council, Tax Justice Aotearoa 55. Wellington Tenth Trust, Palmerston North Māori Reserve Trust, Hikoikoi Management Limited, Aedeen Boadita-Cormican, Wellbeing Economy Alliance Aotearoa and others	Guidance issued under cl 27(1)(a) of the Bill can set how the principles should be applied, which may give further direction on the scope of particular terms used in the Bill when no definition has been provided. There is no need to define these terms as, with or without that guidance, the meaning of any term in legislation if not defined specifically is ascertained from its text and in the light of its purpose and context (as provided for in section 10 of the Legislation Act 2019).	No change recommended
6.	5	Interpretation - Definition of CAS	Include a requirement in CASs to provide the analysis conducted and the principles that have been complied with to give reasons for the CE's conclusions and assist the Board's considerations	Nikolas Haden	Consistent with the purpose of the Bill, CASs are intended to provide both an assurance that the agency has reviewed the Bill or legislation for consistency with the principles and a summary of any inconsistencies with specific principles. The guidance issued under clause 27 will likely make further provision for publication of the underpinning analysis, and this material would anyway be subject to usual	No change recommended

#	Clause	Area	Issue	Who raised	Ministry comment	Recommendation
					expectations and requirements in relation to the release of official information.	
7.	5	Interpretation - Use of CASs	CASs should be replaced with streamlined regulatory impacts statements to reduce prescriptive provisions	Deborah Te Kawa	Replacing CASs with an administrative requirement is inconsistent with the policy intent that the Bill impose legislative requirements on agencies with respect to assessing and reporting on inconsistencies in proposed or existing legislation.	No change recommended
8.	5	Interpretation - Responsibility for CASs	Agencies should not be responsible for assessing their own legislation	Alex Szczepaniak	Requiring agencies to assess their legislation to identify inconsistencies is an important part of holding responsible Chief Executives accountable for their legislative development and stewardship responsibilities. The Board is intended to provide an assurance mechanism to ensure robust CASs are completed.	No change recommended
9.	6	Transitional arrangements	The clause creates ambiguity about what the Board can review during the transitional period	Christopher O'Brien	See 2 above for response.	Recommended change provided in row 2.
10.	8	Principles - Focus of principles	<p>The chosen principles are too narrow, too focused on preserving individual rights and liberties at the expense of public goods and/or equity, reflect libertarian ideology, don't match up with the <i>Legislation Guidelines</i>, are novel/contestable, unnecessarily duplicate existing concepts, impact on certainty, are subjective/open to interpretation, are inconsistent with international conventions (e.g. UNCRPD and UNDRIP), conflict with NZBORA rights and freedoms, favour the individual over the collective, create presumptions against regulatory intervention, constrain the legitimate role of the state in regulating.</p> <p>Principles should be broader, more inclusive, reflect diversity, be more broadly accepted, better reflect constitutional norms,</p> <p>Principles referencing property should be deleted; principles should be deleted from the Bill where there is no equivalent principle in the <i>Legislation Guidelines</i>.</p> <p>Principles should include or be replaced by principles from or relating to BORA, Human Rights Act, Legislation Guidelines, the precautionary principle, kaitiakitanga /environmental stewardship, climate change mitigation and adaptation, considerations of</p>	Multiple	<p>The principles are intended to be selective, and focused on supporting the accountability of the Executive to Parliament. While the good lawmaking principles are intended to broadly cover the range of issues that should be considered during the process of developing a legislative proposal, the other principles are intended to focus more narrowly on the effect of lawmaking on existing interests and liberties. They are not intended to be a comprehensive list of all principles that could be considered in relation to the design and content of legislation.</p> <p>Nothing in the Bill prevents any additional principles from being considered in the process of lawmaking, or in the review of existing law.</p>	No change recommended

#	Clause	Area	Issue	Who raised	Ministry comment	Recommendation
			public interest/harm, natural justice, access to justice, consistency with international law or obligations (e.g. UN Declaration on the Right of Indigenous People, International Covenant on Civil and Political Rights, UN Convention on the Rights of the Child), intergenerational wellbeing, health and wellbeing, equity, equality, fairness, proportionality, accountability, transparency, protection for animals, protection and development of the official languages of New Zealand (including NZ Sign Language), effective and efficient implementation.			
11.	8	Principles – inclusion of a Treaty principle	Principles do not recognise or provide for te Tiriti o Waitangi; principles should include or be replaced by principles from or relating to te Tiriti o Waitangi.	Multiple	<p>The principles are intended to be selective, and focused on supporting the accountability of the Executive to Parliament</p> <p>The Bill does not include a principle relating to the Treaty/te Tiriti o Waitangi as part of the principles of responsible regulation. As a result, decision makers considering matters under the Bill will not be expressly required by the Bill to consider the Treaty/te Tiriti.</p> <p>However, this approach does not prohibit any decision-maker considering a regulatory proposal from taking account of the Treaty/te Tiriti. Legislation-makers may still consider these matters in proposing legislation, and existing Cabinet processes, Crown guidance and Crown legal advice all still encourage decision-makers to act consistently with the Crown's Treaty/te Tiriti obligations to provide for Māori rights and interests, and with Treaty/te Tiriti settlements and agreements.</p>	No change recommended
12.	8	Principles – Process for choosing principles	The reasoning behind the selection of principles is not clear; principles should be developed on a cross-party or consensus basis, or developed in consultation with Māori	LDAC, Orion NZ Ltd , Ari Lucock, George Lake and others	The principles are selective, and focused on supporting the accountability of the Executive to Parliament. While the good lawmaking principles are intended to broadly cover the range of issues that should be considered during the process of developing a legislative proposal, the other principles are intended to focus more narrowly on the effect of lawmaking on existing interests and liberties. They are not intended to be a comprehensive list of all principles that could be considered in relation to the design and content of legislation.	No change recommended
13.	8	Principles - Provision for	Provision for principles in primary legislation could have unwanted effects e.g. could create a 'regulatory constitution' by stealth, bind	Jane Kelsey, Simpson Grierson, Orion NZ Ltd, Sue Fitchett, Nevaeh Pene, Mike Philippe,	The Purpose clause states that the purpose is only given effect by the specific provisions of the Bill. That is, there is no intent for the principles (or any other	No change recommended

#	Clause	Area	Issue	Who raised	Ministry comment	Recommendation
		principles in primary legislation	<p>Parliament, undermine Parliamentary sovereignty, lessen Parliamentary scrutiny, undermine the legitimacy of legislation, undermine/breach te Tiriti, hinder constitutional transformation changes sought by Māori, undermine tino rangatiratanga, exclude Māori from key decision-making processes, create uncertainty in relation to how agencies should balance Treaty obligations, be used to remove specific funding for Te Reo Māori in the film and broadcasting industry, give power to overseas corporations or those seeking to challenge legislation for personal/private interests, be used to bolster cases taken under ISDS arrangements, impact on Treaty exemptions under FTAs, impact on governments' current or future ability to pursue environmental, social or other policy changes, impede emergency, public health or climate change responses, hinder development and adoption of new technologies, impact on public participation, discourage worthwhile interventions that do not yet have robust cost-benefit data, have particular impacts on disabled persons and their families, block affirmative action or equity measures, exacerbate regional inequalities, threaten sustainability, weaken environmental protections, and/or create confusion with other legislative provisions (e.g. BORA).</p> <p>Principles should not be legally binding or be able to be used to challenge existing or proposed legislation</p> <p>Despite the lack of legal effect, Bill will shift behaviour so that the principles will become de facto requirements.</p>	<p>Freda Whiu, Justin Paul, Morris Te Whiti Love, Jal Smith, Christopher O'Brien, Freya Hogarth, Chris Nelson, Jessica Matthews, Shane Shaw-Williams, Desiree des Barres, Eugenia Devoto, Michael Bennett, Daniel Nathan, Kim Tuine, Chris Clayton, Meri Haami, Jared Johnstone, Freya Hogarth, Amber Snell, Angela Couch, Caleb Demegilio-Rose, Christopher Camp, Wayne Anderson, Krystle Delamere, Parents of Vision Impaired (NZ) Inc, E Tū, Awhina Watson-Pitcher, Joya Fimin, Ngā Waihua o Paerangi Trust, Ngā Koata Trust, Kyle Dawson, Aaron Barnsdall, Daniel Nathan, Jonas Hare-Taoho, Jasmine Day, Wayne Anderson, Eleanor Baker, Deborah Te Kawa, Eleanor Bakker, Aperahama Palmer, Catherine Leonard, Christopher Stones, Jared Johnstone, Jarrad Bailey, Wikitōria Pūiriri, Te Kōkiringa Taumata - New Zealand Planning Institute, David Cunliffe, Kevin Hague, Tūwharetoa ki Kawerau Hauora Trust, James Henare Research Centre and others</p>	<p>part of the Bill) to be applied outside the limited scope required by the Bill (e.g. in relation to the completion of CASs for proposed and existing legislation). The Bill does not contain mechanisms to achieve these outcomes suggested by submitters.</p> <p>The Bill is not intended to affect the interpretation of any other legislation, and sets other explicit limits on the legal effect of the Bill, including:</p> <ul style="list-style-type: none"> not conferring legal rights or imposing legal obligations (cl 24) not affecting powers to make legislation (cl 25(1)) not affecting the validity or operation of any legislation (cl 25(2)). <p>The intent of the Bill is to support and strengthen Parliament in its role, including its ability to hold the Executive to account. There is no intent nor mechanism for the Bill to bind Parliament, undermine Parliamentary sovereignty or in any way affect existing constitutional roles and relationships.</p> <p>While there is no intent for the principles to have any legal effect outside CAS, reviews, and the Board, there is an intent that the requirements set out in the Bill will help to shift behaviour so there is a disincentive for responsible agencies, Ministers and other makers of legislation to develop or allow to continue in place legislation that is inconsistent with the principles set out in the Bill.</p>	
14.	8	Principles - Interaction between principles	<p>It is unclear how the principles interact, and this could require trade-offs that are politically and socially challenging, or create uncertainty</p>	<p>Business NZ, Te Kāhui Tika Tangata – Human Rights Commission and others</p>	<p>Like much legislation intended to apply to a wide range of factual situations, the Bill and its principles are necessarily high level and will at times involve trade-offs (compare for example sections 6 and 9 of the Official Information Act 1982, or the New Zealand Bill of Rights Act 1990).</p> <p>The proposed guidance is likely to give a degree of direction about how trade-offs between the principles should be considered. However, the proposal is intended to make such trade-offs more transparent, in</p>	No change recommended

#	Clause	Area	Issue	Who raised	Ministry comment	Recommendation
					particular through Ministers' statements of reasons for any inconsistencies (noting that CASs are intended to simply and transparently identify where there are inconsistencies with individual principles).	
15.	8	Principles - Alternate provision for principles	Standards should not be set via principles in primary legislation, the approach should follow Part 4 of the Legislation Act; detailed standards should be set out in secondary legislation, principles should be provided for through an overarching government statement on regulatory practice based on the existing Government Expectations for Good Regulatory Practice, a high level statement of principles (reflective of the full scope of the LDAC checklist), with more detail set out in non-statutory guidelines, principles should be more appropriately addressed through amendments to NZBORA and the Constitution Act	Office of the Clerk, LDAC, Parliamentary Commissioner for the Environment, NZEI Te Riu Roa, Edward Willis, Seafood New Zealand, the NZ Rock Lobster Industry Council, the Pāua Industry Council, Carwyn Jones and others	The policy intent is to use primary legislation to provide for principles, requirements for agencies and Ministers in relation to those principles, establishment of a Board, and powers to support the Ministry's regulatory oversight role.	No change recommended
16.	8	Principles – qualification for purposes of environmental regulation	Qualify clause with provision that <i>nothing in this section confers a right to pollute water or air, to contaminate soil, or destroy significant indigenous biodiversity</i>	Parliamentary Commissioner for the Environment	<p>Nothing in the Bill creates new rights or affects existing obligations, or affects the validity or operation of any environmental legislation (see clause 24). Any existing restrictions on pollution or destruction of significant indigenous biodiversity would be unaffected by the Bill.</p> <p>In addition, the Bill imposes no restrictions on the ability to proceed with legislative proposals or leave existing legislation in place, even where proposed or existing legislation has been found to be inconsistent with the principles.</p> <p>Further, restrictions aimed at preventing environmental (and other) harms are likely to be common reasons advanced by Ministers for inconsistencies with the principles.</p>	No change recommended
17.	8	Principles - Exclusion of consideration of other principles	The use of <i>are</i> instead of <i>include</i> in the beginning of clause 8 prima facie means that other principles cannot be relied upon	Bill Atkin	The policy intent is to set out particular principles with requirements to transparently assess the consistency of proposed and existing legislation with the principles. However, this does not mean other matters cannot be considered when proposing or reviewing legislation. There may be other obligations, existing Cabinet processes, guidance and/or legal advice that sets out other principles that may apply or	No change recommended

#	Clause	Area	Issue	Who raised	Ministry comment	Recommendation
					be required to be considered when making or reviewing law depending on the context. While these other aspects will not be <i>principles of responsible regulation</i> for the purposes of this Bill, the Bill does not prevent those principles being considered. However, it is not a requirement to consider them for the purposes of this Bill.	
18.	8	Principles – Drafting	While 8(a), 8(d) and 8(j) are constructed using <i>the importance of</i> , other clauses are not, with no apparent reason.	Kevin Hague	This is a drafting point that we will raise with PCO.	We will raise with PCO as a drafting matter.
19.	8	Principles – Reference to ‘regulation’	Principles are called <i>principles of responsible regulation</i> when the clauses refer to <i>legislation</i> .	Kevin Hague	See response in one above.	No change recommended
20.	8	Principles - Use of ‘person’	The definition of a person or individual as including corporations undermines the power of individual citizens and shifts the balance of rights in favour of profit driven entities and/or could leave the Government and taxpayers open to legal action; person is too limited a concept that does not allow consideration of effects on animals, Te Taiao, future generations, tikanga Māori and biodiversity; use of <i>person</i> would situate animals as property under the Bill with a consequential loss of the protections animals currently have.	Zita Smith, Chrys Horn, Meri Haami, Ngā Waihua o Paerangi Trust, Animal Justice Auckland, SPCA and others	The intent is that the principles apply broadly to individuals, groups of people and organisations who are subject to New Zealand law, as provided for by the term <i>person</i> . The Legislation Act 2019 defines “person” for all legislation as including a corporation sole, a body corporate, and an unincorporated body (s 13). Clause 2 of the Bill clearly states that the Bill does not confer or impose legal rights or obligations, irrespective of whether it applies to ‘corporations’. The Bill reflects a conventional approach by using <i>person</i> – however, it should be noted that, under clause 25, the validity or operation of existing protections for animals under other enactments would not be affected by the Bill.	No change recommended
21.	8(a)	Rule of law - Need for further strengthening	The principle should be strengthened in relation to clarity requirements for legislation, including avoiding excessive delegation; protection against retrospective changes that adversely affect existing rights; requirements for accessible publication of all legislative instruments; and safeguards against arbitrary administrative discretion.	New Zealand Initiative	The intent is that that high level principles are set out in legislation, with more detail on their application set out in guidance. The proposed elements all appear to be covered at a high level by the existing principles in the Bill, and able to be elucidated in guidance.	No change recommended
22.	8(a)	Rule of law – Focus/consistency	Principle is inconsistent with settled legal understandings, reflects a ‘thin’ versus a ‘thick’ definition of rule of law that excludes constitutional norms, particularly te Tiriti and tikanga-based rights Should amend to include other important facets of rule of law such as access to the courts, to refer to consistency with the rule of	Chief Justice, LDAC, NZ Law Society, Christopher O’Brien, Ngā Iwi o Taranaki, Susanne Vincent, Asian Legal Network, Orion NZ Ltd, Sophie Bond, Max Harris, Kevin Hague, Ngāti Hāua Iwi Trust, Kuru Ketu, Kiwis for the Treaty Inc and others	As outlined above, the principles are intended to be selective, focusing on the process of good law-making and on the effect of law-making on existing interests and liberties. They are not intended to be a comprehensive list of all principles that could be considered in relation to the design and content of legislation. From this perspective, the Bill does not prevent consideration of many of the areas submitters recommended be included in this principle as part of	The Ministry recommends either: <ul style="list-style-type: none">deleting clauses 8(a)(i) to (v) so that the principle is simply <i>consistency with the rule of law</i> OR <ul style="list-style-type: none">adding the phrase <i>including that at the end of 8(a)</i> to make it clear that

#	Clause	Area	Issue	Who raised	Ministry comment	Recommendation
			law rather than specifying particular aspects, to include that legislation should be consistent with Treaty principles, to include Māori tikanga law and/or mutual law, and/or to address inconsistencies with definitions/references in the World Justice Project and <i>Legislation Guidelines</i>		<p>legislative development or stewardship processes more broadly.</p> <p>However, the submissions have highlighted that the concept of the rule of law is broad and contestable, and expressed significant concern about the narrow formulation of the principle in the Bill, including from the Chief Justice, New Zealand Law Society and the Legislation Design Advisory Committee (LDAC).</p> <p>Even though the current drafting could be interpreted as only setting out selected aspects of rule of law, (through the phrase <i>consistency with the following aspects of the rule of law</i>) concerns could be addressed by removing those specific elements and stating the principle at a higher level. This would ensure the principle is consistent with the policy intent that the principles are generally accepted.</p> <p>Alternatively, it could be made clearer that the elements in this list do not form an exhaustive definition of rule of law by introducing those elements with a phrase like <i>consistency with the rule of law, including that</i>.</p>	the elements of the rule of law set out beneath are not necessarily a complete definition of rule of law.
23.	8(a)	Rule of law - Effect of principle	The principle could encroach on the judiciary's role in interpreting and applying the law, result in this becoming the accepted definition of rule of law, and/or allow the Executive to further define the concept (via the guidance and the Board)	Desiree des Barres Ngāti Hāua Iwi Trust, Kuru Ketu, Iarau Ltd and others	<p>As noted above, there is no intent for any principle to be applied outside the limited scope required by the Bill or to affect the interpretation of any other legislation, or for the Bill more broadly to affect existing constitutional roles and relationships.</p> <p>The guidance would apply strictly to the application of the principles in the context of the requirements of the Bill.</p>	See recommendation in 22
24.	8(a)(i)	Law should be clear and accessible - Application to technical legislation	The Minister in charge of legislation that is unavoidably difficult for a layperson to understand should not be legally compelled to provide reasons for an inconsistency with this principle in such situations.	Donald Mathieson	The intent is that the principles are not absolute, and identification of inconsistencies with any of the principles have no impact on the validity or operation of any legislation. In this scenario, the Minister would simply be required to give reasons for any inconsistency.	No change recommended
25.	8(a)(i)	Law should be clear and accessible - Lack of clarity	Principle should be clarified to provide definitions of <i>clear</i> and <i>accessible</i>	Callum McMenamin	See five above for consideration of additional definition requests.	No change recommended
26.	8(a)(ii)	Retrospectivity - Treatment of property	Retrospective application to property should be treated differently as it will sometimes be appropriate to impose obligations retrospectively (e.g. the ability to impose taxes on windfall gains)	Bob Lack	As noted above, the principles are not absolute, and Ministers can give reasons where their view is that inconsistencies with the principles are justified.	No change recommended

#	Clause	Area	Issue	Who raised	Ministry comment	Recommendation
27.	8(a)(iii)	Equality before the law – Focus/clarity of principle	<p>Principle can be interpreted in very different ways, could be interpreted to mean formal equality (everyone should be treated equally) or just that laws as written should apply to everyone equally, or that it establishes obligations of substantive fairness and equality of outcomes across a range of areas.</p> <p>Principle is too narrowly focused on equality at the expense of equity; is inconsistent with idea that objective differences should justify differentiation, limits traditional meanings, fails to take into account systemic disadvantage, doesn't recognise the reasons why natural persons and legal entities should have different rights, is inconsistent with BORA, is inconsistent with legislation such as Pae Ora (Healthy Futures) Act 2022 which specifically require engagement with Māori and improvements in Māori health equity.</p> <p>Should be expressed as <i>no-one is above the law, or the laws of the land should apply equally to all, except to the extent that objective differences justify differentiation</i></p>	Multiple	<p>In addition to concerns about this broader clause, submitters raised concerns about the interpretation of this principle - including that it could be interpreted very broadly (to mean substantive equality) or very narrowly (to mean that differentiation is not justified, even in relation to objective differences).</p> <p>In our view, if you do not wish to remove this sub-clause as proposed at 22 above, better aligning the principle with its more orthodox framing in the <i>Legislation Guidelines</i> would help address the concerns and confusion evident in many of the submissions, while still being consistent with the objectives and intent of the Bill. This would involve rewording the provision as <i>everyone is subject to the law</i>.</p>	Dependent on your decision on 22 above, the Ministry recommends changing the wording of this principle from <i>every person is equal before the law</i> to <i>everyone is subject to the law</i> , consistent with suggested wording from LDAC.
28.	8(a)(iii)	Equality before the law - Effect of principle	<p>Principle could give rise to novel legal arguments and uncertainty; result in removal of equity measures for minority communities; ignore systemic disadvantage; undermine recognition of Māori as tangata whenua and Treaty rights; undermine te Tiriti o Waitangi, undermine UNDRIP; erode protections provided for under the NZ Bill of Rights Act; be seen as inconsistent with targeted learning support for students with diverse or cultural needs; undermine targeted policies for Māori, fail to account for existing legislative provisions in employment law; block necessary protections for vulnerable workers; and/or affect judges' ability to use discretion when sentencing</p>	LDAC, Law Association of NZ, PSA, Tūwharetoa Mai Kawerau ki te Tai Settlement Trust, NZEI Te Riu Roa, Alyssa Dunster, Judy McDonald, Janell Kiriona, Diane Hayes, St Peter's on Willis Social Justice Group, Tūwharetoa ki Kawerau Hauora Trust. Howard Whanau, Mezlja Yelash, Mike Philippe, Chris Nelson, Mere Takurua, Raukura Hauora o Tainui, Kirwin Hampshire, Te Hunga Roia Māori o Aotearoa, Workers First Union, John Perfect, Eleanor Bakker, Tania Waikato and others	As noted above, there is no intent for any principle to be applied outside the limited scope required by the Bill or to affect the interpretation or validity of any legislation, or for the Bill more broadly to affect existing constitutional roles and relationships.	No change recommended
29.	8(a)(v)	Rights and liabilities should be resolved by application of the law - Lack of clarity/consistency	<p>Principle is inconsistent with the status quo where such discretion is common (e.g. the role of licensing authorities, or the administration of social welfare law); cuts across role of courts to assess the reasonableness of such decisions; and/or</p>	Donald Mathieson, Waikato Regional Council, Maria Bartlett, Bill Rosenberg	<p>This principle is generally consistent with current principles set out in the <i>Legislation Guidelines</i>.</p> <p>As noted above, the principles are not absolute, and Ministers can give reasons where their view is that inconsistencies with the principles are justified.</p>	No change recommended

#	Clause	Area	Issue	Who raised	Ministry comment	Recommendation
			undermines the important role of the bureaucracy as a check on power			
30.	8(b)	Liberties - Need for further strengthening	Replace <i>except as necessary</i> with reference to <i>reasonable limits</i> that can be <i>justified in a free and democratic society</i> , with further clarification of what things should be taken into account when making that judgement	Rock the Vote NZ	As noted above, the intent is that that high level principles are set out in legislation, with more detail on their application set out in guidance.	No change recommended
31.	8(b)	Liberties – Focus/clarity of principle	<p>Principle should delete the reference to property; should recognise that there might be good reasons for diminishing a person's liberty beyond protecting another person's liberty etc; does not recognise the public harm principle; does not provide for preventing people harming themselves; does not provide for requiring people to do things for their own good, does not provide for protecting critical environmental goods from harm; does not provide for collective goals to be pursued; should recognise collective rights (including concepts central to tikanga such as interdependence, collective responsibility, and the deep connections between people and whenua).</p> <p>Principle incorporates concepts much broader than generally recognised in New Zealand and other common law jurisdictions, is not well-established as a concept does not align with the generally accepted definition of the concept of liberty, overlaps with BORA provisions, is inconsistent with other legislation (e.g. provision for safe areas around abortion providers), will be difficult to apply in the resource management space, the term <i>unduly</i> is unclear, does not reference the personal security of another person as a ground for limiting the liberty of another person</p> <p>Should replace with Standing Orders language that <i>legislation should not trespass unduly on personal rights and liberties</i>, should explicitly reference/provide for BORA rights</p>	LDAC, Jonathan Boston Stephanie Coutts, Bob Lack, Gerald Rawson, Te Hunga Roia o Aotearoa, Eamon Frazer, Iarau Ltd, VOYCE - Whakarongo Mai, Asian Legal Network, Northland Regional Council, Kevin Hague, Joanna Mossop, Esko Wiltshire, Community Business Environment Centre, Tiaki Taiao Far North Environment Trust, Cooper Legal. Anthony Simpson, Christopher O'Brien, Kahu Kutia-Baldwin, Ed Hyde, Donald Mathieson, Melissa Bryant, New Zealand Council for Civil Liberties, Te Kōkiringa Taumata - New Zealand Planning Institute and others	<p>Submitters raised concerns about the formulation of this principle, and its inconsistency with generally accepted principles in New Zealand law.</p> <p>In our view, a more orthodox formulation of the principle could address some of the concerns raised by submitters, and is consistent with the broad policy intent that the principles are generally accepted.</p>	<p>The Ministry recommends amending this principle in line with the wording in the Order 327(2)(b) of the Standing Orders that <i>legislation should not trespass unduly on personal rights and liberties</i>.</p> <p>We propose to discuss the point that the principle does not reference the personal security of another person as a group for limiting the liberty of another person with PCO, as a drafting matter.</p>
32.	8(b)	Liberties - Effect of principle	Principle could undermine the concept of public interest; prioritise private property rights over the public good; increase litigation risk; push courts into areas more suitable for parliamentary consideration; hinder	LDAC, PSA, Te Popoto, NZEI Te Riu Roa, Susanne Vincent, Waikato Regional Council, VUW Climate Clinic, Alex Szczepaniak, Christopher	As noted above, there is no intent for any principle to be applied outside the limited scope required by the Bill or to affect the interpretation of any other legislation, or for the Bill more broadly to affect existing constitutional roles and relationships.	No change recommended

#	Clause	Area	Issue	Who raised	Ministry comment	Recommendation
			development/operation of regulation focused on public good outcomes; be difficult to apply to management and allocation of public good resources; be used to challenge environmental regulation; and/or create uncertainty through inconsistency with other legislation (especially in the resource management space)	O'Brien, Chris Nelson, Nikole Wills, Gerald Rawson, Ngāti Koata Trust, Forest & Bird, NZEI Te Riu Roa, Te Ātiawa ki Whakarongotai Charitable Trust and others		
33.	8(c)	Taking of property - Need for further strengthening	Add a provision to compensate for regulatory takings by the government, and clarify that compensation is a property right and cannot be removed by regulatory taking by future governments; include compensation for regulatory takings	Energy Resources Aotearoa, BusinessNZ	Regulatory takings by the government are already provided for in this principle. In addition, if compensation was already paid or committed to, it would be treated as a property right in any assessment of the consistency of proposed legislation. However, the intent of the Bill is not to bind the hands of future government in relation to any future regulatory takings.	No change recommended
34.	8(c)	Taking of property - Focus of principle	The approach institutes an “absolute” approach to property rights, prioritises property rights over other interests (e.g. safety, equity, broader public interest) constitutionalises colonial property law at the expense of Māori property rights, doesn't provide for circumstances where it may be reasonable to impinge on property rights without compensation, introduces into domestic law an equivalent of Investor-State Dispute Settlement. The principle should balance property rights with public and Māori interests. The principle should balance property rights against infrastructure rights established in existing legislation. The principle should require companies to compensate society for harm caused and contribute to remediation of ecosystems.	Parliamentary Commissioner for the Environment, Te Popoto, Joanna Mossop, Esko Wiltshire, National Iwi Chairs Forum – Pou Tangata, Zero Waste Network Aotearoa, Tūwharetoa ki Kawerau Hauora Trust, Ngā Toki Whakarururanga, Ngā Waihua o Paerangi Trust, VUW Climate Clinic, St Peter's on Willis Social Justice Group, Juliet Tainui Hernandez, Christopher O'Brien, Te Hunga Roia Māori o Aotearoa, Powerco Ltd, Forest & Bird, Kevin Hague	The principle that compensation should be given for any regulatory taking is, at a high level, consistent with the principle that there should be respect for property rights set out in the <i>Legislation Guidelines</i> – although there are elements of the principle as currently constructed that are novel, as discussed below. In addition, as noted above, the principles are not absolute, are not intended to have legal effect, and Ministers can simply give reasons where their view is that inconsistencies with the principles are justified.	No change recommended
35.	8(c)	Taking of property - Clarity/consistency	Principle reverses the sovereign power of eminent domain, and the widely accepted “polluter pays” principle Key words are left undefined, creating legal uncertainty and implementation challenges. The lack of definition of property or impairment makes the provision unclear and/or heightens legal and fiscal risks; the term “property” is very broad and its	Geoffrey Palmer, Jonathan Boston, Geoff Bertram, Jane Kelsey, Te Pane Matua Taiao - Greater Wellington Regional Council, Ngā Toki Whakarururanga, VUW Climate Clinic, St Peter's on Willis Social Justice Group, Christopher Farro Howard, Eleanor Bakker,	As noted above, the intent is that that high level principles are set out in legislation, with more detail on their application set out in guidance. This would address much of submitters' feedback in relation to lack of clarity (and our comment on the concept of impairment is set out below). Where well-justified takings exist, and no compensation has been contemplated, the Minister would simply need to give reasons why this is the case	No change recommended

#	Clause	Area	Issue	Who raised	Ministry comment	Recommendation
			<p>application unpredictable, “good justification” is too broad, “fair compensation” is undefined, it is not clear who decides what is “good” or “fair”, there’s no bright line guidance about what constitutes an impairment or a taking.</p> <p>Structure of principle means there is no provision for even well-justified takings to go uncompensated</p>	Camerson Hunter, Donald Mathieson, Community Law Centres Aotearoa, Iarau Ltd. James Maddock, Katherine Sanders, Maewa Kaihau, Joseph McClelland	in their statement. This would cover off any scenario where it would be inappropriate to pay compensation (e.g. in relation to a taking in response to a public harm).	
36.	8(c)	Taking of property - Effect of principle	<p>Could increase the complexity and cost and decrease the flexibility of policy-making; could make it more difficult or impossible to legislate in the public good or prevent harms; could prevent achievement of key government priorities e.g. the Electrify New Zealand policy; could reverse the polluter pays principle/imply that regulation or legislation cannot constrain people polluting or damaging property that is in public or common ownership; could disproportionately affect legislation relating to Māori rights and interests; could lead to an uncertain regulatory environment for Councils; could result in corporates suing the government or other parties for impairment of their property rights; could require payment of compensation for speculative lost future profits with compound interest, creating significant fiscal risks; could result in a requirement for the Government or others to pay compensation in inappropriate circumstances (e.g. for the occupation of land by line assets and ongoing maintenance under the Electricity Act, removal of animals from abusive owners, in relation to pro-competitive regulation).</p>	LDAC, Transpower, Jane Kelsey, Geoff Bertram, Jonathan Boston, Max Harris, Royal Australian and New Zealand College of Psychiatrists, Bill Rosenberg, Greenpeace Aotearoa, Animal Justice Auckland, PSA, David Cunliffe, Parliamentary Commissioner for the Environment, Waikato River Authority, S I Hall, Jonas Hare-Taoho, Ariana Tikao, Christopher Burns. Bob Lack, Paul McMahon, Chris Nelson, Ying Yang, Mahi Maioro Professionals Ltd, Manaia Raymond, Alister Arcus, Low Carbon Kāpiti, Haylee King, Melissa Bryant, Aaron Barsdall, Iarau Ltd, Taituarā — Local Government Professionals Aotearoa, Te Rūnanga o Ngāti Mutunga, Environmental Defence Society, Te Kōkiringa Taumata - New Zealand Planning Institute, Cooper Legal and others	As noted above, there is no intent for any principle to be applied outside the limited scope required by the Bill or to affect the interpretation of any other legislation, or for the Bill more broadly to affect existing constitutional roles and relationships.	No change recommended
37.	8(c)	Taking of property - Definition of property	<p>Explicitly define “property” to include the future possibility for investment, such as is implied in a contract or permit, or intellectual property; limit property to only cover real property; definition makes no distinction between property that has been justly or unjustly acquired/held; exclude animals from the definition of property</p>	Energy Resources Aotearoa, Daniel Haines, Geoff Bertram, SPCA	The policy intent is that the term <i>property</i> can be applied broadly or narrowly, and be able to cover all types of real and personal property, including intangible property. Guidance issued under cl 27(1)(a) of the Bill can set how the principles should be applied, which may give further direction on the scope of the term “property” as used in the principles.	No change recommended

#	Clause	Area	Issue	Who raised	Ministry comment	Recommendation
38.	8(c)	Taking of property - Reference to impairment	Inclusion of <i>impairment</i> is unconventional and unnecessary given <i>takings</i> is generally considered to incorporate significant impairment; inclusion of this concept would have a significant impact; <i>impair</i> should be replaced with <i>acquire</i> to align with the Public Works Act	LDAC, Christopher O'Brien Daniel Nathan	<p>Much of the submitter feedback on this principle related to concerns about the concept of <i>impairment</i>.</p> <p>In addition to concerns about impairment being an unconventional concept to provide for in legislation, our view is that inclusion of the term along with the intended broad application of property would likely mean that virtually all legislation would be found to be inconsistent with the principle. In addition, our view is that the concept of 'takings' already provides for significant impairment.</p> <p>In our view, removing the term 'impairment' would go some way towards addressing submitters' concerns, while still being consistent with the broad policy intent for the Bill.</p>	The Ministry recommends removing provision for <i>impairment</i> from this principle.
39.	8(c)	Taking of property - Exemptions from clause	Exemptions should be made for climate, conservation and freshwater laws; impairments authorised through national direction or spatial strategies that support the development, operation or protection of public infrastructure; legislation relating to public health, safety and environmental protection; loss of private interests where they are outweighed by public or environmental good, where the legislation prevents or reduces harm to persons or the natural environment	Mere Takurua, NZ Airports Association, Rock the Vote NZ, A Richards, Neil Dodgson	<p>The intent is that the requirements in the Bill apply broadly to legislation, unless there are specific reasons (e.g. where legislation is minor or technical, or for reasons of comity).</p> <p>As noted above, the principles are not absolute, are not intended to have legal effect, and Ministers can give reasons where their view is that inconsistencies with the principles are justified.</p>	No change recommended
40.	8(c)(i)	Taking of property - Public interest test	A public interest test should be incorporated to assess whether the taking serves a legitimate public purpose, less restrictive alternatives have been considered, and the public benefit substantially outweighs the private cost	New Zealand Initiative	<p>In our view, the introduction of a requirement to carry out a formal public interest test any time any taking was contemplated would introduce significant costs and complexities to law-making.</p> <p>We note that there is already consideration of public interest in this principle through consideration of whether there is <i>good justification</i> for the taking.</p>	No change recommended
41.	8(c)(ii)	Taking of property - Amount of compensation	Compensation should be <i>full</i> rather than <i>fair</i> so a person whose legal rights have been taken or impaired are no worse off than if it had not been done	New Zealand Initiative, Bryce Wilkinson	<p>In our view, the requirement to pay <i>fair</i> compensation would cover situations where <i>full</i> compensation would be fair.</p> <p>In addition, as we have previously advised, a requirement to pay <i>full</i> rather than <i>fair</i> compensation would limit flexibility, and likely create significant complexity when applied to types of property other than land.</p>	No change recommended.
42.	8(c)(ii)	Taking of property - Amount of compensation	It is unclear how compensation would be calculated	Northland Regional Council	As noted above, the intent is that that high level principles are set out in legislation, with more detail on their application set out in guidance.	No change recommended

#	Clause	Area	Issue	Who raised	Ministry comment	Recommendation
43.	8(c)(ii)	Taking of property - Compensation	Provision for compensation should be removed altogether	Taituarā — Local Government Professionals Aotearoa, Chrys Horn	As noted above, the principles are not absolute, are not intended to have legal effect, and Ministers can give reasons where their view is that inconsistencies with the principles are justified – i.e. when fair compensation is not paid for any taking.	No change recommended
44.	8(c)(iii)	Taking of property - Who pays compensation	Provision is not well-recognised and would be difficult to apply, clause is difficult to understand, clause could lead to inappropriate and unworkable situations such as local authorities having to compensate farmers who have harmed rivers, Māori having to compensate property owners for impairments as a result of Treaty settlements, miners' families having to compensate mining companies for safety regulations.	LDAC, Cooper Legal, Marta Fisch, Jonathan Boston, Bill Rosenberg, Waikato River Authority, Ngā Toki Whakarururanga, NZ Airports Association, David Cunliffe, Greenpeace Aotearoa, Melissa Bryant, Maewa Kaihau, Animal Justice Auckland, Aaron Barnsdall, Christopher Burns, Bob Lack, Paul McMahon	Submitters gave many examples of where the effect of this clause would be inappropriate and unworkable. Our view is that the provision is unorthodox, would be difficult to practically implement, and removing it would address a key concern for some submitters - while not being inconsistent with the broader policy intent.	The Ministry recommends deleting clause 8(c)(iii) from the Bill
45.	8(d) - (f)	Taxes, fees and levies - Need for further strengthening	Taxes should fund a clearly defined public function, be proportionate to the benefit or cost recovery objective and be predictable so taxpayers can ascertain liability in advice from statute or delegated instrument	Rock the Vote NZ	This recommendation is beyond the scope of the Bill. The Public Finance Act provides the core legislative framework within which the Government can borrow money or spend public money.	No change recommended.
46.	8(d) - (f)	Taxes, fees and levies - Focus of principles	Principle is too narrow and doesn't reflect that levies are collected to fund regulation and enforcement and mitigate against negative externalities; principle should be removed	Jonathan Boston, Ngā Waihua o Parangi Trust Joanna Mossop, Esko Wiltshire, Bob Lack, Charlie Williams, New Zealand Council of Trade Unions, Kevin Hague	Section 8(f) provides for levies to be reasonable in relation to the risks attributable to the class of payers. Those risks include potential negative externalities and hence the principle does allow for funding of regulation, enforcement and other mitigations for negative externalities We note that what is a levy for the purposes of this principle will need to be addressed in guidance. Some things currently called levies in legislation may not be levies in substance.	No change recommended
47.	8(d) - (f)	Taxes, fees and levies - Clarity/consistency	Duplicates and potentially undermines relevant provisions in the Public Finance Act 1989 and Constitution Act; terms like <i>reasonable</i> , <i>efficient</i> and <i>proper relationship</i> are ambiguous and create uncertainty; there should be a distinction made between fees, charges, levies and taxes; it will be difficult in some areas to quantify benefits.	Jonathan Boston, Christopher O'Brien, Chris Nelson, Marta Fisch, VUW Climate Clinic, Tax Justice Aotearoa	While section 8(d) does refer to section 22 of the Constitution Act 1986 it would not undermine it as it simply states the importance of maintaining consistency with the existing law. Guidance will help to clarify how agencies should apply concepts such as <i>reasonable</i> , <i>efficient</i> and <i>proper relationship</i> in this context, and also appropriately define what is a tax, or levy or fee for the purposes of these provisions. The current framing of the principles should be broad enough to encompass existing definitions of charges.	No change recommended

#	Clause	Area	Issue	Who raised	Ministry comment	Recommendation
48.	8(d) - (f)	Taxes, fees and levies - Effect of principles	Could make it more difficult to impose fees and levies and fund operation of public good regulation, result in legal challenges to funding models, limit the ability to impose taxes, lead to more use of user pays, give people the right not to pay tax or provide options for part charges, prevent redistribution and limit the Government's ability to address structural inequality, would impose considerable costs on taxpayers in justifying fees/levies/taxes, could disincentive policies aimed at removing barriers to access (such as fee waivers or community grants).	Max Harris, Christopher O'Brien, Ed Hyde, Nikole Wills, SI Hall, John Perfect, Maria Bartlett, Regan Sayer, Te Hunga Roia Māori o Aotearoa, Frank Cook, Iaru Ltd, Johannes Laubach, Te Rūnanga o Ngāti Kēaroa, Forest & Bird, Bill Rosenberg	In most cases, agencies are currently required to produced Cost Recovery Impact Statements when setting or updating fees and levies. These are already required to include information justifying the levels of charges. It is unlikely that this principle would raise the information requirements compared to the status quo in a way that prevented the use of these tools. The information required to assess consistency with these principles would be clarified through guidance.	No change recommended
49.	8(d)	Taxes, fees and levies - Taxes	Principle refers to whole of section 22 of the Constitution Act rather than just 22(a) which concerns taxes, which has likely created some confusion	Ministry for Regulation	Given this subsection is meant to be about taxes, the reference should be limited to section 22(a) of the Constitution Act, rather than the whole of section 22 for clarity.	The Ministry recommends amending <i>section 22</i> to <i>section 22(a)</i>
50.	8(e)	Imposition of fees - Strengthen principle	The amount of the fee should bear a <i>demonstrable and</i> proper relation to the cost of providing the good or service	NZ Airports Association	As above. The intent is that guidance would specify the information required to demonstrate this.	No change recommended
51.	8(g)	Role of courts – Courts' constitutional role	Principle overlooks the courts' role in the development of the common law, is inconsistent with the constitutional balance between the legislative, executive and judicial branches. Principle should preserve all aspects of courts' constitutional role by referring to the courts' <i>constitutional role of administering justice according to law, including the interpretation of legislation and its application in particular cases</i>	Law Association of New Zealand, Chief Justice	While the principle is not intended to be a full statement of the role of the courts, submitters' (including the Chief Justice's) concerns could be addressed by amending the wording of the principle along the lines of the suggestion made by the Chief Justice (the courts' <i>constitutional role of administering justice according to law, including the interpretation of legislation and its application in particular cases</i>). This would seem to bring the Bill closer to a generally accepted principle, consistent with the policy intent of the Bill.	The Ministry recommends amending the wording in line with the suggestion of the Chief Justice
52.	8(h)	Role of courts – Administrative power	The provision that all administrative powers be <i>sufficiently defined</i> would remove essential discretion, be impossible to fulfil in practice and require a subjective decision about whether the absence of any review is appropriate	Donald Mathieson, Christopher O'Brien	This principle is generally consistent with current principles set out in the <i>Legislation Guidelines</i> . Further, the principle is qualified with only requiring administrative powers be <i>sufficiently defined</i> , which allows for catering the level of definition to the scope of the power, legislative context, or factual situation. As noted above, the principles are not absolute, and Ministers can simply give reasons where their view is that inconsistencies with the principles are justified.	No change recommended
53.	8(i) - (j)	Good law-making – Additional aspects	Good law-making principles should include regulatory stewardship, planning for implementation	Horizons Regional Council, Taituarā — Local Government Professionals Aotearoa, Whanganui District Council	While regulatory stewardship is a broad concept and the good law-making principles (applied to new and existing legislation) already encompass some key aspects of regulatory stewardship, adding regulatory stewardship as a principle would likely result in	The Ministry recommends adding <i>planning for implementation</i> at the end of clause 8(j)

#	Clause	Area	Issue	Who raised	Ministry comment	Recommendation
					considerable overlap, and in our view it is better to seek to bring in wider aspects of stewardship through having a standalone duty as set out in clause 15.	
54.	8(i) - (j)	Good law-making - Focus/clarity of principles	<p>These principles harden what are currently soft norms, discourage legislation by imposing a structured test for when legislation is justified, and prioritise economic efficiency and minimal intervention over other considerations,</p> <p>The term <i>good law-making</i> is not defined, and provisions in the principles are subjective and not well defined; principles are already covered through existing requirements/processes and do not need to be in legislation.</p>	Max Harris, Christopher O'Brien, Iarau Ltd, New Zealand Law Society Te Kāhui Ture o Aotearoa Wellington Tenth Trust, Palmerston North Māori Reserve Trust, Hikoikoi Management Limited, VUW Climate Clinic, Nikole Wills, Donald Mathieson and others	<p>The elements of these principles generally align with the current broad administrative requirements for Regulatory Impact Analysis and disclosure statements, but provide for them at a high level in legislation, consistent with the intent of the policy.</p> <p>Cabinet has already noted that you intend to report back to Cabinet on proposed changes to the Cabinet Office Circulars for Disclosure Requirements for Government Legislation [CO (13) 3] and Impact Analysis Requirements [CO (24) 7], to ensure alignment with the Bill [CAB-25-MIN-0148 refers].</p> <p>As noted above, the intent is that that high level principles are set out in legislation, with more detail on their application set out in guidance.</p>	No change recommended
55.	8(i) - (j)	Good law-making - Effect of principles	These provisions could enable legislation or policy decisions to be challenged on procedural grounds, such as insufficient consultation, or inadequate options analysis	Christopher O'Brien	<p>As noted above, there is no intent for any principle to be applied outside the limited scope required by the Bill, and nothing in the Bill is intended to affect the interpretation or validity of any legislation.</p> <p>Obligations in the Bill are to carry out CAS assessments and reviews on what process was followed, and proactively engage in stewardship of regulatory systems. The Bill does not require procedures such as specific levels of consultation or options analysis.</p>	No change recommended
56.	8(i)	Consultation - Strengthening of principle	Principle should provide for Treaty-consistent engagement with Māori; include consultation with all groups materially affected by ecological or public health outcomes; should embed a systematic and regular process for engaging with children to uphold article 12 of the UN Convention on the Rights of the Child; should include a requirement to consult fully with any groups whose human rights may be affected by the proposal; should require meaningful engagement with all stakeholders, particularly marginalised communities; should reinforce and promote good faith consultation; should be returned to previous wording of <i>substantially affected</i> ; should be modelled on section 82 of the Local Government Act, should refer to <i>engaging</i> rather than <i>consulting</i> ,	Taituarā — Local Government Professionals Aotearoa, Stet Limited, UNICEF Aotearoa New Zealand, Callum McMenamin, Lyla Atuhai, Fraser Lovell, New Zealand College of Public Health Medicine, Te Hunga Roia Māori o Aotearoa, Professional Historians' Association of New Zealand/Aotearoa and others	<p>The principles do not prevent agencies, Ministers and makers of legislation fulfilling their existing obligations in relation to consultation.</p> <p>As noted above, the intent is that that high level principles are set out in legislation, with more detail on their application – in this case, specific elements in relation to consultation - set out in guidance.</p>	No change recommended.

#	Clause	Area	Issue	Who raised	Ministry comment	Recommendation
57.	8(i)	Consultation - Focus and effect of principle	Principle does not sufficiently provide for good faith consultation and partnership consistent with the Treaty; limits the ability for iwi and hapū to participate in the law-making process; will not adequately provide for consultation when human rights are affected; will not allow for meaningful engagement with community groups; provides too much discretion to agencies on who to consult; could result in consultation that is skewed to those who share the views of the responsible Minister; does not provide sufficiently for transparency; creates uncertainty about who should be consulted, duplicates/cuts across a clear body of existing law on consultation; introduces a new test that is unclear.	National Iwi Chairs Forum – Pou Tangata, Kevin Hague, Sally Hughes, Chantelle Daniels, Geraldine Murphy, A Richards, Kevin Hague, Te Kāhui Tika Tangata – Human Rights Commission, Susanne Vincent, Tauwhara Marae, the Religious Society of Friends (Quakers) Te Hāhi Tūhauwiri, Callum McMenamin, Bill Atken, Kevin Hague, Zero Waste Network Aotearoa and others	See response in 17 and 54 – 56 above.	No change recommended
58.	8(i)	Consultation - Consideration of individuals and groups to be consulted	Principle should also consider the extent consultation is reasonably practicable for the individuals and groups to be consulted	NZ Airports Association	Consideration of <i>practicability</i> would likely cover this aspect of consultation as well, and this aspect could be provided for in guidance.	No change recommended
59.	8(j)	Evaluation and analysis - Strengthening of principle	There should be a requirement to <i>delineate</i> and <i>delimit</i> as well as evaluate the matters in this principle, and the principle should also provide for publication of the matters in this principle as early as possible	NZ Airport Association	It is unclear what <i>delineate</i> and <i>delimit</i> might mean in this context. As noted above, the intent is that that high level principles are set out in legislation, with more detail on their application – in this case, specific requirements in relation to publication - set out in guidance.	No change recommended
60.	8(k)	Benefits exceed costs - Strengthening of principle	There should be a requirement for full, transparent cost-benefit analysis for all proposals affecting Māori; should explicitly consider a formal cost and benefit analysis of any proposed regulation, including costs of implementation and compliance	Te Rōpu Taiao o Ngāti Ranginui Iwi, Murray Coppen	The principle already provides for assessment of benefits and costs. As noted above, the intent is that that high level principles are set out in legislation, with more detail on their application – in this case, any specific requirements in relation to cost benefit analysis - set out in guidance.	No change recommended
61.	8(k)	Benefits exceed costs - Focus of principle	Principle is too narrow; elevates cost benefit analysis to unwarranted importance in policymaking given that many legislative decisions involve qualitative judgements; is unclear how it would incorporate human rights values and protections; should consider intergenerational equity, ecological thresholds and environmental values; does not reflect that cost benefit analysis is a	Geoff Bertram, Te Kāhui Tika Tangata – Human Rights Commission, Bill Rosenberg, NZEI Te Riu Roa, Nikolas Haden, Stet Ltd, Maewa Kaihau, Zero Waste Network Aotearoa, Debbie Hager, SPCA, Pacific Lawyers Association, Otago University Students' Association and others	Cost benefit analysis is generally accepted to be an important step in regulatory impact analysis, and forms part of current RIA requirements – notwithstanding its limitations. Further, in the Ministry's view, the form this principle takes (i.e. to produce benefits that exceed costs) allows for a potentially more comprehensive and broad-based assessment (including qualitative judgements) than standard cost-benefit analysis as a technique. The guidance could reinforce this broader approach.	No change recommended

#	Clause	Area	Issue	Who raised	Ministry comment	Recommendation
			largely subjective exercise and is not value-neutral It should focus on benefits to <i>New Zealand</i> and the public or persons of <i>New Zealand</i> only.		As noted above, the intent is that that high level principles are set out in legislation, with more detail on their application – in this case, any specific requirements in relation to cost benefit analysis, or whether only benefits to New Zealand or New Zealanders should be considered - set out in guidance. Also as noted above, the principles are not absolute, and Ministers can simply give reasons where their view is that inconsistencies with the principles are justified – for instance where a cost benefit analysis has not been deemed to be appropriate.	
62.	8(k)	Benefits exceed costs - Effect of principle	Would obstruct attempts to regulate based on public benefits (e.g. in relation to education, health, environment) given they are harder to quantify; will deprioritise non-financial benefits; would be difficult to satisfy/is not straightforward; will mean that all laws will favour the majority; will encourage a focus on short-term over long-term benefits; could add significant costs and unnecessary delay to the law-making process; would be impractical in urgent/emergency situations.	PSA, Stephen Clark, Kevin Hague, NZEI Te Riu Roa, Ed Hyde, Christopher O'Brien, Jarrad Bailey, Te Pane Matua Taiao - Greater Wellington Regional Council, Daniel Nathan and others	As noted above, the principles are not absolute, and Ministers can simply give reasons where their view is that inconsistencies with the principles are justified – for instance where a cost benefit analysis has not been deemed to be appropriate, or it has not been possible to complete one in the time available.	No change recommended
63.	8(l)	Most effective, efficient and proportionate response - Need to qualify principle	Principle should be qualified with <i>as much as feasible</i> since it wouldn't be feasible for all legislation to meet this standard	John Gillanders	As noted above, the principles are not absolute, and Ministers can simply give reasons where their view is that inconsistencies with the principles are justified – for instance where it has not been possible to show that proposed legislation is the most effective, efficient and proportionate response to the issue concerned that is available.	No change recommended
64.	9 - 14	How principles apply when developing legislation - Inefficiencies, duplication and costs	Requirements duplicate existing processes and mechanisms such as BORA reviews, assessment against Legislation Guidelines, RIA processes, disclosure statement requirements, LDAC, revision Bills - introducing unnecessary inefficiencies, delays and costs, and overburdening agencies; assessments could be very complex and costly	Orion NZ Ltd, Christopher O'Brien, Johnson McKay, Joshua May-Jans, Moana Bennett, Daniel Nathan, Areena Smith, Kim Tuaine, Jasmine Bishop, Greg Scobie, Juliet Park, Justin Hygate, Shane Shaw-Jones, Howard Whanau, Amber Snell, John and Barbara O'Grady, New Zealand Law Students' Association and others	There is some crossover between current regulatory impact analysis (RIA) requirements and the good lawmaking principles in the Bill. Elements of the Bill also duplicate disclosure statement provisions in Part 4 of the Legislation Act 2019. It is anticipated that existing Cabinet-mandated provisions for disclosure requirements for bills and regulatory impact analysis for regulatory proposals can be adjusted where needed to support completion of required consistency assessment statements and avoid any duplication. Cabinet has noted that you intend to report back to Cabinet on proposed changes to the Cabinet Office Circulars for Disclosure Requirements for Government Legislation [CO (13) 3] and Impact Analysis	No change recommended

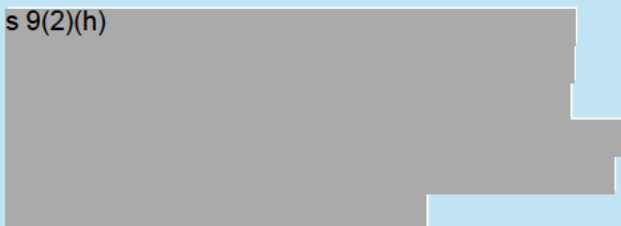
#	Clause	Area	Issue	Who raised	Ministry comment	Recommendation
					Requirements [CO (24) 7], to ensure alignment with the Bill [CAB-25-MIN-0148 refers].	
65.	9 - 14	How principles apply when developing legislation - Legal/constitutional impacts	CASs could be used for judicial review or statutory interpretation, shift power away from Parliament to bureaucrats, could assume greater influence and constitutional significance than BORA reports	Christopher O'Brien, Jael Smith, Te Kāhui Tika Tangata – Human Rights Commission	<p>The intent of the Bill is that CASs will have no legal effect that can be enforced against the Crown, consistent with the concept that the Bill is an exercise in the government seeking to place controls on its own behaviour.</p> <p>We cannot wholly predict how the courts might consider CAS as interpretative tools of legislation. However:</p> <ul style="list-style-type: none"> in the case of CASs included in the explanatory note to a Bill (cl 9), the policy intent is that the courts would have equivalent regard to CAS as an interpretative tool as with any other extrinsic Parliamentary materials in relation to CASs for secondary legislation (cl 13), and legislation in general under the regular review provisions (cl 17), the policy intent is that courts would draw little interpretative value from them, which would be consistent with the courts' treatment of other policy documents, such as (for example) Regulatory Impact Statements (RISs). <p>Various clauses in the Bill are intended to clarify that there is no intended role for the courts in relation to CASs or any other mechanism in the Bill, including clauses 3, 24 and 25.</p>	No change recommended
66.	9 - 14	How principles apply when developing legislation - Recognition of Māori rights and interests	Consultation with/input from Māori should be required in the requirements, consistency against the Crown's Treaty obligations, alignment with tikanga Māori, ongoing review for impacts on Māori rights and participation and mechanisms for co-government and co-design in regulatory frameworks	Debbie Ngarewa-Packer Amokura Panoho, Caulfield Te Hira, Chris Paulin, Tahauariki Thompson, Freda Whiu, Taiawhio Wati-Kaipō, Zoran Rakovic, Joshua Orzecki, Te Rōpu Taiao ō Ngāti Ranginui Iwi	<p>Consultation is provided for as part of the good law-making principle. As noted above, the intent is that that high level principles are set out in legislation, with more detail on their application to be set out in guidance, which could cover (for instance) engagement with Māori as part of good practice consultation.</p> <p>Outside of the good law-making principle, the Bill does not prohibit any decision-maker considering a regulatory proposal from taking account of the Treaty/te Tiriti. Ministers may still consider these matters in proposing legislation, and existing Cabinet processes, Crown guidance and Crown legal advice all still encourage decision-makers to act consistently with the Crown's Treaty/te Tiriti obligations to provide</p>	No change recommended

#	Clause	Area	Issue	Who raised	Ministry comment	Recommendation
					<p>for Māori rights and interests, and with Treaty/te Tiriti settlements and agreements.</p> <p>The Cabinet Manual also sets out as a critical consideration in the development of policy assessing the need for, and timing of, engagement with Māori (including relevant iwi, hapū and whānau) and requirements for Ministers to draw attention to any aspects of a bill that have implications for, or may be affected by, the principles of te Tiriti.</p> <p>LDAC guidelines also set out a range of considerations in relation to identifying potential effects on the rights and interests of Māori in proposed legislation.</p>	
67.	9 - 14	How principles apply when developing legislation - Other impacts	Provisions will incentivise agencies and Minister to tailor legislation to fit the principles at the expense of other outcomes, will complicate consideration of Treaty obligations in legislative development	Shane Shaw-Jones, Amber Snell	While there is no intent for the principles to have any legal effect, there is an intent that the requirements set out in the Bill will help to shift behaviour so there is a disincentive for responsible agencies, Ministers and makers of legislation to develop or allow to continue in place legislation that is inconsistent with the principles set out in the Bill.	No change recommended
68.	9 - 14	How principles apply when developing legislation - Alternative approaches	CASs for Bills should be replaced with mandated evidence-based post-enactment reviews of major legislation	Chris Clayton	<p>The intent is that the publication of CASs, reasons statements, and the results of reviews and Board inquiries will make it transparent to Parliament and the public where aspects of proposed or existing legislation are inconsistent with the principles, and the reasons why the government is proceeding with proposed legislation, or not amending existing legislation, despite these inconsistencies.</p> <p>Review of existing legislation against the principles would aim to achieve the same objective as an 'evidence-based post enactment review'.</p>	No change recommended
69.	9 - 14	How principles apply when developing legislation - Lack of justified limitations	There should be provision for justified limitations to the principles, similar to that provided for rights and freedoms in section 5 of the New Zealand Bill of Rights Act	Dean Knight, Rights Aotearoa	There is no need to specifically empower justified limitations to the principles since the Bill is clear that the principles are not absolute, and Ministers can give reasons where their view is that inconsistencies with the principles are justified.	No change recommended
70.	9 - 14	How principles apply when developing legislation - Lack of obligation to remedy inconsistencies	The lack of obligation for action with respect to addressing identified inconsistencies will lessen the effectiveness of the proposal	Christopher O'Brien	<p>The Bill is intended to function as a transparency mechanism by showing where aspects of proposed or existing legislation are inconsistent with the principles, and the reasons why the government is proceeding with proposed legislation, or not amending existing legislation, despite these inconsistencies.</p> <p>The aim is that these the requirements set out in the Bill will help to shift behaviour so there is a disincentive for responsible agencies, Ministers and</p>	No change recommended

#	Clause	Area	Issue	Who raised	Ministry comment	Recommendation
					makers of legislation to develop or allow to continue in place legislation that is inconsistent with the principles set out in the Bill. This is a core part of the operation of the Bill.	
71.	9	How principles apply when developing legislation – focus on Government bills	Framework should be extended to private member's Bills	Business NZ	<p>The Bill essentially involves the Executive setting standards for itself, and private member's bills are therefore not included.</p> <p>However, if a private member's bill is passed into law, it is then subject to review and consistency assessment requirements (unless it is of a type explicitly excluded in the Bill, or it has been exempted via a notice).</p>	No change recommended
72.	9	Review of Bills - Responsible agency/Minister role	Accountability will be limited by agencies/Ministers assessing and explaining their own inconsistencies, executive self-assessment will displace judicial interpretation, provisions create a system of symbolic accountability only	Te Rōpu Taiao o Ngāti Ranginui Iwi, Iarau Ltd, John and Barbara O'Grady	<p>Requiring agencies to assess their legislation to identify inconsistencies is an important part of holding responsible Chief Executives accountable for their legislative development and stewardship responsibilities. Public service agency Chief Executives are required to act independently of responsible Ministers when preparing CAS and briefings on the state of the regulatory management system (cl 23). The Board is intended to provide an assurance mechanism to ensure robust CASs are completed.</p> <p>Similarly, requiring Ministers or makers of legislation to provide reasons for inconsistencies is intended to make them transparently accountable for their choices.</p> <p>The Bill is not intended to have any impact on the constitutional place of the courts or their functions, which will continue regardless of the Bill.</p>	No change recommended
73.	9	Review of Bills - CAS requirements	The time taken to draft statements/the required process could slow down necessary regulatory changes	Donald Mathieson, Eamon Frazer	<p>LDAC has previously noted in its Annual Reports that the speed at which legislation is passed underpins many issues with legislative quality, and often comes at the expense of scrutiny and adequate processes. The Bill's requirements to assess new legislative proposals against the principles and identify any inconsistencies is intended to ensure good law-making processes are followed, and support Parliamentary and public scrutiny of that legislation.</p> <p>However, there will be times where it will not be possible or desirable to ensure all CAS requirements are completed. In some cases, it will be appropriate for such legislation to be exempted from CAS</p>	No change recommended

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					requirements via notice approved by resolution of the House under cl 10 or 14 (for instance, in some emergency situations). In other cases, the Minister can simply give reasons as to why identified inconsistencies have not been addressed.	
74.	9	Review of Bills - Use of explanatory notes	The Bill should not refer to inclusion of statements in an explanatory note as this limits the House's ability to amend its own procedural requirements for the introduction of legislation, and creates a lack of clarity about whether legislation that failed to include a CAS would be inadmissible	Clerk of the Committee, Office of the Clerk (via Legislative Memo)	<p>The requirement for explanatory notes to include or link to a CAS is similar to section 23(1)(f) of Queensland's Legislative Standards Act 1992, which provides that an explanatory note for a Bill must include a brief assessment of the consistency of the Bill with fundamental legislative principles and, if it is inconsistent with fundamental legislative principles, the reasons for the inconsistency. It is also consistent with section 97(2) of New Zealand's Legislation Act 2019, which provides that explanatory notes to revision Bills must include a statement setting out, in general terms, the inconsistencies, anomalies, discrepancies, and omissions that were identified in the course of preparing the revision, and how they have been remedied in the Bill. The requirement reflects the intent that CASs are intended to support Parliamentary scrutiny of Bills and Government amendments consistent with the Bill's purpose as set out in clause 3, and that they should therefore form a formal part of proceedings in Parliament.</p> <p>In our view, the requirement to include a CAS in a Bill's explanatory note does not impact on the House's ability to amend any Standing Order requirements relating to the explanatory note. Even if the House's requirement for explanatory notes was removed, this would not necessarily prevent Bills still involving explanatory notes in some form, along with CASs.</p> <p>In addition, clause 25 of the Bill clearly states that failure to comply with the Act does not affect any power to make legislation, nor the validity or operation of any legislation. Therefore, nothing in the Bill would require legislation that did not include a CAS to be rejected by Parliament. The Legislature continues to be in control of its own processes – in the unlikely situation Parliament amended its Standing Orders to <i>forbid</i> Bills having explanatory notes and therefore a Regulatory Standards Act-compliant Bill could never be made, Parliament could similarly amend the Regulatory Standards Act to change this requirement at that point.</p> <p>An alternative option for providing for CASs would be for the Bill to just require their publication as soon as</p>	No change recommended

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					practicable after the introduction of the Bill, which is the approach currently provided for in Part 4 of the Legislation Act, in relation to disclosure statements. However, in our view, this would not provide for the intended role of CASs as part of formal Parliamentary processes relating to the scrutiny of Bills and Government amendments.	
75.	9(a)	Review of Bills - CAS requirements	Bill should require more detail about how CASs will be structured and published and require Ministers to state either how inconsistencies will be remedied or why departure is justified, and include a plain language summary alongside any technical report.	Rock the Vote NZ, Izak Tait	<p>Clause 27 of the Bill provides for guidance that will cover the content and presentation of CASs.</p> <p>The Bill does not set any further requirements for Ministers' statements of reasons (beyond that they are provided to the House and published), or provide further guidance in relation to them.</p> <p>This reflects the intent that the Bill impose no restrictions whatsoever on the ability to proceed with legislative proposals or leave existing legislation in place, even where proposed or existing legislation has been found to be inconsistent with the principles. It also reflects that responsible Ministers (or other makers) are best placed to determine how to explain the reasons for progressing with, or not seeking to amend, legislation that is inconsistent with the principles.</p>	No change recommended
76.	9(b)	Review of Bills - statement of reasons	Requirement for a statement is not needed as Minister can speak to it in the House and this risks fettering the House in how it debates a Bill; statement risks politicising the process; political justifications will replace robust analysis; requirement limits what legislation can proceed.	Eddie Clark, Christopher O'Brien, Chantelle Daniels, Howard Whanau and others	<p>The presentation of a reasons statement to the House will make it transparent to Parliament why the government is proceeding with proposed legislation even where it has found to be inconsistent with one or more of the principles.</p> <p>It is not clear how this is expected to "fetter" the House – it is simply providing information to the House to assist their scrutiny of the Bill.</p>	No change recommended
77.	10	Review of Bills – specified exclusions	<p>(On the basis that submitters' recommendations that a Treaty principle is included in the Bill are accepted). Exclusions set out in the Bill set a dangerous precedent for selectively avoiding scrutiny of legislation that can significantly impact rights and obligations; exemption of Māori-related and Treaty legislation could impact on the opportunity to hold the Crown accountable for Treaty breaches.</p> <p>Exclusion of the Marine and Coastal Area (Takutai Moana) Act 2011 means that any impact on Māori proprietary interests in the</p>	Charlene Dixon, Christopher Wilson, Tauwhara Marae, Te Rōpu Taiao o Ngāti Ranginui Iwi, Te Hunga Roia Māori o Aotearoa and others	While it will be important that the majority of legislation is subject to requirements in the Bill in order for the proposal to be effective, it will also be important to exempt some legislation where it is not appropriate or desirable for that legislation to be subject to consistency assessment and review requirements. Given Treaty settlement legislation reflects an agreement between Crown and iwi as provided for in a settlement deed, and are intended to be full and final, it would not be appropriate for Treaty Settlement Acts to be subject to consistency requirements or reviewed against the principles. Additionally, to ensure future settlements are treated	No change recommended

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			takutai moana would be excluded from the compensatory provisions in the Bill.		<p>consistently it is appropriate to also exclude future Treaty Settlement Bills from the Act.</p> <p>Some submitters have raised concerns that not applying the Bill's CAS and review mechanisms to Treaty Settlement Bills or Acts may negatively affect the compensation those iwi and hapū receive under their settlement legislation. We note that no Treaty Settlement Bill or Act has ever been subject to the Bill's CAS or review settings, and that the Bill therefore makes no changes to the way the Crown negotiates or settles te Tiriti claims. The Bill also does not require any particular level of compensation in legislation that is subject to the Bill - all it requires in respect of specific legislation is that they be analysed against the principles, reasons be given for any inconsistencies identified, and the results of those analyses be published. There is no requirement that legislation be changed to align with the principles, nor restriction stopping excluded legislation being reviewed in the same way.</p>	
78.	10 (also 5)	Review of Bills – exclusion of Treaty Settlement Legislation	Exemption of Treaty Settlement legislation needs to be made more robust/clarified; should be broadened to include key Māori-led laws (e.g. Te Urewera Act 2014) and/or any Acts with sections placing an obligation on Crown agencies to have regard to the principles of te Tiriti o Waitangi and/or legislation relating to a number of relevant areas including Māori education, health, te reo, broadcasting, conservation, resource management and Māori land. In addition, provision should be made for the fact that the Crown's obligations to Māori under settlements are not just confined to specific settlement legislation but are dependent on (and redress is provided through) a number of other statutes, and rely on a te Tiriti-based relationship with the Crown that evolves over time. Where Treaty Settlement Acts make changes to other legislation (such as the Resource Management Act), the provisions in that other legislation must be exempt from the scope of the Bill	National Iwi Chairs Forum – Pou Tangata, Waikato-Tainui, Ngā Iwi o Taranaki, Debbie Ngarewa-Packer, Tūwharetoa Mai Kawerau ki te Tai Settlement Trust, Tūwharetoa Mai Kawerau ki te Tai Settlement Trust, the Salvation Army Te Ope Whakaora, Te Pumautanga o te Arawa Trust, Te Kāhui Maru Trust, Te Nehenehenui, Te Runanganui o Ngāti Porou, Wai 262 Taumata Whakapūmau, Waikato River Authority, Te Kōkiringa Taumata - New Zealand Planning Institute, Ōtakanini Haranui Marae Trust Board, Te Ohu Marae o Ngāti Kikopiri, Maungaharuru-Tangitū Trust, Pou Taiao, Pou Tangata, Te Rūnanga o Ngāti Manawa Te Rūnanga o Ngāti Kēaroa, Ngāti Tuara, Nga Hapu o Ngāti Porou, Northland Regional Council and others	<p>Treaty settlement legislation is already excluded, using a definition that is used in a range of other legislation.</p> <p>s 9(2)(h)</p>  <p>Other exemptions to legislation (or to specific provisions within legislation) can be made as required via notices issued under clauses 10, 14 and 19.</p> <p>In addition, Ministers can choose to simply give reasons for inconsistencies rather than addressing them.</p>	No change recommended at this stage. Note that we will provide you with a further update on this issue.

#	Clause	Area	Issue	Who raised	Ministry comment	Recommendation
79.	10	Review of Bills – exclusion of electricity, gas and infrastructure regulation	The Electricity Act, protections afforded to existing infrastructure by the RM or its replacement and any related secondary legislation under both Acts should be excluded from application of clause 8(c), Gas Act and secondary legislation should be similarly excluded	Transpower, Powerco Limited	<p>The intent is that the requirements in the Bill apply to most legislation. Excluding large amounts of legislation would undermine the effectiveness of the proposal.</p> <p>However, the Bill provides for some legislation to be exempted from these requirements via notices assented to by the House. Earlier this year, Cabinet agreed that the Ministry for Regulation would work in consultation with agencies to develop an initial list of exemptions that could be included in a notice to be issued as soon as the Bill comes into force (CAB-25-MIN-0148 refers) and further exemptions can be considered during this process.</p>	No change recommended
80.	10	Review of Bills – other suggested exclusions (general)	There should be further exclusions including health and disability, environmental and social equity-related legislation, legislation relating to Te Tiriti o Waitangi and Māori rights and interests, or all public good legislation.	Tōpūtanga Tapuhi Kaitiaki o Aotearoa, New Zealand Nurses Organisation, David Emerson, Carwyn Jones, Te Rūnanga o Ngāti Mutunga and others	See 78 and 79 above.	No change recommended
81.	10	Review of Bills – limit exemptions	Exemptions should be limited to legislation where applying the principles would create logical circularity, provide for exemptions on a case by case basis instead of enabling classes of legislation to be excluded, require exemption decisions to be made independently with public justification and include sunset clauses for any exemptions and public transparency on exempted legislation, with justifications and outcomes achieved provided, require two thirds majority instead of simple House majority.	Ron Segal	<p>The intent is that the requirements in the Bill apply to most legislation, and exemptions would only made for good reason.</p> <p>The process for providing exemptions via notice requires any notice to be approved by a resolution of the House of Representatives. As secondary legislation, these notices would also have to comply with consistency assessment requirements (i.e. a CAS would have to be provided along with the Minister's reasons for any inconsistency with the principles).</p> <p>In our view, this process provides sufficient transparency and safeguards.</p>	No change recommended
82.	10	Review of Bills – Use of notices to exempt Bills	The exemptions processes could be politicised, subject to undue influence, or used to evade scrutiny; there's a conflict of interest with the Minister issuing notices and also overseeing the system; decisions could be made arbitrarily with no provision for reasons; the proposed process undermines Parliamentary oversight/gives too much power to the Executive; Cabinet rather than the Minister should issue notices; there should be a formal requirement to consult with Māori, hapū, iwi or affected communities; this process is inconsistent with the Bill's own principles; this would undermine consistent	Geoff Bertram, Alex Szczepanaik, Christopher O'Brien, Charlene Dixon, Christopher Wilson, Ngāti Koata Trust, VUW Climate Clinic, Joanna Mossop, Esko Wiltshire, Te Rōpu Taiao o Ngāti Ranginui, Ngā Iwi o Taranaki, Shane Shaw-Williams, Jade Thomas, Taylor Rae Bryant, Francis Harawira, Jamie Nathan and others	Notices can only be issued following approval by the House. See further explanation in 79 above.	No change recommended

#	Clause	Area	Issue	Who raised	Ministry comment	Recommendation
			application of the requirements. Notices should be subject to consultation and scrutiny requirements			
83.	10	Review of Bills – overriding exclusions	The responsible Minister should be able to have a bill, or a Government amendment to a bill, reviewed under clause 9, despite the bill being excluded under clause 10 – this could be used in cases, for instance, where there is a substantive Government amendment made to a Statutes Amendment Bill	Office of the Clerk	The Bill does not prevent any type of analysis of legislation not subject to its CAS or review provisions. The responsible Minister could independently choose to make the same assessments of a Government amendment as for an amendment to a non-excluded Bill – there is no need for the Bill to provide specifically for that scenario.	No change recommended
84.	10	Additional exclusion consistent with exclusion for the Marine and Coastal Area (Takutai Moana) Act 2011	<p>Under the Marine and Coastal Area (Takutai Moana) Act 2011 there are two legislative pathways to have recognition agreements brought into effect under section 96 of the Act (alternatively there is an option for recognition to be provided by a Court order under section 94).</p> <p>The pathway for agreement to recognise a protected customary right is via Order in Council, and is considered secondary legislation. Secondary legislation made under Takutai Moana are excluded from the requirements of the Act, by virtue of being made under an excluded Act. However, recognition of customary marine title can occur via an Act of Parliament and has not been provided for as an excluded Bill creating an inconsistency between the treatment of primary and secondary legislation giving effect to recognition agreements.</p>	Public Service agencies	<p>For consistency with the exclusion for the Marine and Coastal Area (Takutai Moana) Act 2011 and secondary legislation made under the Act, we recommend excluding any Bill that brings into effect recognition agreements under that Act.</p> <p>This recommendation is consistent with exclusions already provided for under the Bill and aligns with an exclusion from RIS requirements for recognition agreements. An additional exclusion would address the inconsistency of only one recognition pathway being subject to CAS requirements while others are exempt.</p>	The Ministry recommends excluding any Bill and its secondary legislation that brings into effect recognition agreements under the Marine and Coastal Area (Takutai Moana) Act 2011.
85.	10(2)	Review of Bills – use of Henry VIII powers	This clause (as well as 14(2) and 19(3)) provides for the issuing of secondary legislation to exempt certain legislation from statutory requirements on a case-by-case basis. The added protection provided by the affirmative resolution procedure (i.e. a resolution of the House) may not be sufficient to allay any concerns about using delegated legislation to amend primary legislation, and this may be counter to the purposes of the Bill. Additional safeguards should be considered, including requiring a statement of reasons for the above notices.	Regulations Review Committee (letter to FEC)	<p>As outlined in the <i>Legislation Guidelines</i>, Henry VIII clauses involve Parliament expressly authorising secondary legislation to amend or override an Act. The concern with such clauses is that they create a risk of undermining the separation of powers.</p> <p>In our view, given that the proposed notices would not textually amend the Act, it is not clear that the power provided to issue notices could be considered as <i>amending or overriding</i> the Act.</p> <p>Regardless of this, a core feature of much legislation is that its underlying application can be tempered by secondary legislation exemptions – either to pull legislation within scope or carve it out. – just as this Bill does.</p>	No change recommended

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					In addition, this Bill has an unusually strong additional protection on this type of delegated legislation, by ensuring that Parliament itself must approve the relevant notice. In our view, it therefore presents a very low risk of overriding the will of Parliament or the separation of powers.	
86.	11	Review of Government amendments - Application	The Bill's principles are given greater weight and status than BORA rights and freedom since Government amendments don't need to be considered in light of human rights.	Max Harris	There are a number of differences between application of principles in this Bill in comparison to BORA rights and freedoms, including provisions in the Bill of Rights Act that the courts must prefer interpretations that are consistent with BORA rights and freedoms, and the ability to the courts to make a declaratory judgement that an enactment is inconsistent with the Bill of Rights.	No change recommended
87.	12	Review of Government amendments - where requirements do not apply	The ability to disapply requirements should not be used to bypass scrutiny prior to a Bill's passage, such as those introduced under urgency or other reasons	Taxpayers' Union	<p>The Bill provides that, where it is not reasonably practicable to provide a CAS and a statement of Minister's reasons for any inconsistency before parliamentary scrutiny of the Government amendment, the Minister must ensure the statements are presented to the House and published as soon as possible. This allows for situations where it will genuinely not be possible to meet requirements (e.g. in an emergency situation) – but it will still provide transparency about whether the amendment was inconsistent with the principles in any way and, if so, why.</p> <p>In addition, the resulting legislation would be subject to review requirements and the scrutiny of the Regulatory Standards Board.</p>	No change recommended
88.	12	Review of Government amendments – whether amendment would materially change Bill	This clause confers excessive powers on the Minister for Regulation to exercise their opinion as to whether any Government amendment to legislation needs to meet the proposed principles	Ngāti Koata Trust	This provision applies only in cases where a responsible Minister is seeking an exemption from consistency assessment for a Government amendment to a Bill on the basis that the amendment does not materially change the Bill. It is not a power for the Minister for Regulation to exercise an opinion on whether any amendment to legislation needs to meet the proposed principles.	No change recommended
89.	13	Review of secondary legislation - Application to secondary legislation	Application to secondary legislation would add significant costs, and place obligations and resourcing pressures on a broad range of organisations who may not have the requisite capability/capacity; delegated legislation is already governed by robust publication, review, and disallowance regimes under the Legislation Act 2019; could provide a platform	Simpson Grierson, Eugenie Sage, Christopher O'Brien	<p>The intent is that the requirements in the Bill apply to most legislation. Excluding large amounts of legislation would undermine the effectiveness of the proposal.</p> <p>However, most existing secondary legislation would not be subject to consistency assessment and review requirements at entry into force of the Bill, and</p>	No change recommended

#	Clause	Area	Issue	Who raised	Ministry comment	Recommendation
			for judicial review challenges to the implementation of regulations		further work will be undertaken by the Ministry to identify any further secondary legislation that should be exempted via notice.	
90.	13	Review of secondary legislation – Application to local government regulation	Framework should be extended to local government regulation over time	Business NZ, New Zealand Initiative	Local government regulation is currently covered by the proposal in line with other secondary legislation. However, see the Ministry's comment below.	See recommendation in 91 below
91.	13	Review of secondary legislation – Application to local government regulation	Inclusion of local government legislation will impose significant time and costs on local councils at the expense of other functions and will impact on abilities of councils to pass bylaws, proposal is legislative overkill as local authorities are already subject to rigorous legislative and procedural requirements, requirements could apply to district plans under s161A of the Local Government Act Secondary legislation made by local government should be expressly excluded	Taituarā — Local Government Professionals Aotearoa, Te Pane Matua Taiao - Greater Wellington Regional Council Horizons Regional Council, Dunedin City Council, Christchurch City Council, Gisborne District Council, Northland Regional Council, Whanganui District Council, Simpson Grierson, Stephen Clark and others	The Ministry for Regulation agrees that the impact of inclusion of local government legislation, along with the significant duplication of existing legislative and procedural requirements make it undesirable for local government legislation to be subject to consistency assessment and review requirements without further analysis on potential impacts. Once such analysis has been completed, including assessment of any potential for duplication between requirements under this Bill and legislative and procedural requirements for local government legislation, consideration could be given to bringing this legislation into the scheme over time via a notice.	The Ministry recommends excluding local government legislation for the proposal initially, with the option of bringing it into the scheme over time
92.	14	Review of secondary legislation - Exclusions	Exclusions for Treaty Settlement Acts, Defence legislation, court rules and local Acts, which can significantly impact rights and obligations, undercut the standards in the Bill; selective exclusions are undemocratic, and all legislation should come under scrutiny	Francis Harawira, Susan Bagshaw	While it is important for the Bill's effectiveness that requirements apply broadly across most legislation, the exclusions reflect that there will be good reasons why some legislation should not be subject to those requirements – for instance because it there are limited benefits (e.g. in the case of technical administrative legislation), or because it is inappropriate given the nature of the legislation (in the case of Treaty settlement legislation).	No change recommended
93.	14(1)	Review of secondary legislation – exclusion of secondary legislation made by Remuneration Authority	Secondary legislation made by the Remuneration Authority should be excluded on the basis that the Authority is an independent body that determines the salaries, allowances and superannuation rights of members of Parliament, the judiciary, and certain statutory officers	Office of the Clerk	The independent role of the Remuneration Authority would be appropriate for exclusion to prevent any perception of Executive placing requirements on secondary legislation that supports determinations relating to members of Parliament. We note there are other Acts that are likely to also warrant exclusion on a similar basis, and the Ministry will look at this further as part of its work to identify further exemptions.	The Ministry recommends excluding secondary legislation made by the Remuneration Authority
94.	14(1)(a)	Review of secondary legislation – Exclusion of secondary	If Treaty settlement legislation is to be excluded, consideration should be given to establishing an alternative administrative mechanism to improve transparency in relation to secondary legislation, given its	Seafood New Zealand, NZ Rock Lobster Industry Council, Pāua Industry Council	It is outside the scope of the Bill to establish alternative mechanisms for reviewing legislation that has been excluded from the review requirements set out in the Bill.	No change recommended.

#	Clause	Area	Issue	Who raised	Ministry comment	Recommendation
		legislation made under a Treaty Settlement Act	demonstrable impacts on existing commercial fishing rights			
95.	14(1)(b)	Review of secondary legislation – Exclusion of secondary legislation made by Chief of Defence Force	NZDF has questioned whether the current drafting gives effect to Cabinet’s agreement that exclusions set out in clause 14 (and consequential exclusions in clauses 19(1) and 33(1)) provide for Cabinet’s intention that “excluding the identified classes of secondary legislation would have the effect of excluding that secondary legislation entirely from the scope of the Bill”. NZDF is seeking a broader clause that provides that nothing in the Bill applies to the identified secondary legislation instead of targeted exclusions from the various duties under the bill	NZDF (during department consultation on the proposal)	<p>As previously advised, the Ministry considers that the current drafting adequately provides for Cabinet’s intention that none of the requirements for secondary legislation contained in the bill will apply to the identified exemptions.</p> <p>s 9(2)(h)</p> <p>If a change was made, our preference would therefore be that a consistent approach is taken to all identified exclusions – which would mean that the Bill would need to contain a clause clarifying that nothing in the Bill applies to any identified exclusion. However, even this this approach could raise some further legal risks.</p>	s 9(2)(h)
96.	15	Regulatory stewardship – duplications and lack of clarity.	Provisions overlap with existing provisions in the Public Sector Act 2020; it is not clear what is meant by a duty of “proactive engagement”	Donald Mathieson, Greg Scobie, Christopher O’Brien	<p>The relevant stewardship provisions in the Public Service Act 2020 apply only to legislation. Clause 15 extends that responsibility to include all aspects of a regulatory system, which covers more than just legislation. Nonetheless, it does so in a way that is intended to be consistent with the Public Service Act [in both its current and proposed amended form].</p> <p>The responsibility is expressed as “proactively engaging in stewardship” rather than just “stewardship” because the stewardship of a particular regulatory system will often need to be a collective endeavour involving several agencies. The way they each exercise their responsibility for that regulatory system may need to vary between the agencies involved depending on their roles within that system.</p> <p>Further legislative clarification of the nature of “proactive engaging” is not considered desirable given the need for flexibility, and seems unnecessary in a responsibility owed solely to the Public Service Commissioner.</p>	No change recommended.
97.	15	Regulatory stewardship – provision for external evaluation	Clause provides for no involvement of iwi and hapū, the public, the Courts or Parliament in evaluating whether legislation remains consistent with constitutional obligations, community outcomes, or Treaty commitments	Iarau Ltd	The regulatory stewardship responsibility is a broad and multifaceted one that is owed solely to the Public Service Commissioner. Nonetheless, we anticipate that the Commissioner’s expectations for regulatory stewardship would include appropriate engagement with interested stakeholders when that work involves assessing the performance or fitness-for-purpose of	No change recommended.

#	Clause	Area	Issue	Who raised	Ministry comment	Recommendation
					legislation within the relevant regulatory system. The Public Service Commissioner can address the question of public engagement through administrative expectations and guidance	
98.	15	Regulatory stewardship – requirement to engage/collaborate	Responsibilities should include engagement and collaboration with co-regulators including local government and tangata whenua	Horizons District Council	Regulatory system stewardship is expected to be a collective endeavour involving more than one agency, and this is reflected in the way that the regulatory stewardship responsibility has been drafted. Hence, we would expect co-regulators operating within the relevant regulatory system to be key collaborators for public service agencies engaged in proactive stewardship. However, different levels of engagement will be appropriate for different kinds of regulatory relationships and so we think further elaboration is best left to administrative expectations and guidance.	No change recommended.
99.	16	Briefing on state of RMS – timing/process	Frequency of briefings should be every three years to align with Parliamentary term; timing of first report is too far away; reports should be more frequently (e.g. annually) to ensure delivery of meaningful, timely improvement feedback; should include review of the Regulatory Standards Act; Bill should require engagement with Māori in preparing the report	Taituarā — Local Government Professionals Aotearoa, Christopher O’Brien, Tuatahi First Fibre, Business New Zealand, Freda Whiu	Our expectation is that briefings on the state of the RMS would generally be provided every Parliamentary term. The four-year provision, however, offers some ability to alter the timing of publication within a Parliamentary term, which may be useful in a range of circumstances including, for example, the availability of up-to-date data from periodic comparative international surveys, which should offer additional independent evidence to inform briefing findings. The preparation of these briefings is expected to be a significant undertaking for the Ministry, including the development of a reporting methodology, approach to engagement, and establishment of new data collection arrangements. More frequent (e.g. annual) reporting would likely only allow delivery of a much narrower range of findings. The Regulatory Standards Act will be part of the RMS and hence its operation will be automatically within the scope of RMS briefings.	No change recommended
100.	16	Briefing on state of RMS - content	More details should be provided on content of briefings, briefing should include reports by the Ministry on how the regulatory management system upholds Te Tiriti o Waitangi, briefing should include reporting on climate change and equity outcomes	Christopher O’Brien, Caulfield Te Hira	The scope and methodology for the proposed RMS briefing has not yet been developed or tested. Parliament and the Ministry will learn a lot about what is feasible and useful from the first briefing, after which it may be easier to make commitments on the content of briefings. That might involve addressing questions like how much the briefings need to report on the same matters each time and to what extent it may be valuable to allow for some different themes or topics to be addressed in different briefings.	No change recommended

#	Clause	Area	Issue	Who raised	Ministry comment	Recommendation
101.	17 - 22	Plans for regularly reviewing legislation – General	Proposed requirements duplicate existing regulatory review processes and performance management systems (e.g. requirements in chief executive performance agreements), which could be strengthened to achieve the same objective; requirements are not the best use of time and should just focus on new regulation; agencies will lack the capacity to do this, or it will displace other priority work, process should be more streamlined consistent with existing stewardship requirements	Deborah Te Kawa, Seafood New Zealand, the NZ Rock Lobster Industry Council, the Pāua Industry Council, Eddie Clark, Christopher O'Brien, Jamie Nathan, Geraldine Murphy and others	See 73 above.	No change recommended
102.	17-22	Plans for regularly reviewing legislation – application to existing legislation	The Bill should apply only to new legislation, and not require existing legislation to be reviewed	Carwyn Jones	The Bill is intended to apply to existing legislation to provide broad application and address outdated, unnecessary or poor quality existing legislation in order to lift overall regulatory quality.	No change recommended
103.	17 - 22	Plans for regularly reviewing legislation – Reviewing existing laws	The Bill should not apply to legislation in force before the commencement of the Act, will be retrospectively applied in contradiction to its own principles, will override existing Treaty obligations, is constitutionally dangerous because it can be applied to Acts that Parliament has previously passed, exacerbates concerns about application and interpretation of the principles through its retrospective nature, has the potential to create regulatory uncertainty (particularly for international investors).	Simpson Grierson, Tania Waikato, The Religious Society of Friends (Quakers) Te Hāhi Tūhauwiri George Lake, A Richards, Desiree des Barres, Ngāti Paoa Iwi Trust, Mike Chi, Jota Firmin, KPM Consultants Ltd, Jordan Paddison, Alex Szczepaniak, Diane Hayes and others	<p>The Bill does not override s 12 of the Legislation Act, and is not intended to have retrospective effect.</p> <p>The Bill only sets prospective obligations to review legislation against principles and proactively steward regulatory systems, i.e. an obligation to review legislation and publish analyses in the future. An equivalent example would be considering whether existing legislation is compliant with a new international Treaty New Zealand has entered into - publishing analysis does not affect the law in the past, only provides new frameworks to consider how or whether the law should be amended in the future</p> <p>It is standard practice for agencies to review legislation for which they are responsible, and the Bill does not require that changes are made to a piece of existing legislation if a review finds an inconsistency.</p>	No change recommended
104.	20(a)	Regular review of Acts – How good law-making principles apply	The consultation principle should apply to reviews of existing legislation	NZEI Te Riu Roa, Iarau Ltd, Christopher O'Brien	The exclusion of consultation from 20(a) reflects that it would be difficult and not particularly helpful to try to assess in relation to existing legislation (which may have been in place for some time) whether the consultation that was carried out at the time the preceding Bill was being developed was consistent with the principles.	No change recommended
105.	21(3)(b)(i)	Plans for regularly reviewing legislation – Government	Statements only reflect the views of the Minister, so the reasons are not the 'Government's'	Mereaira Jones	The clause reflects that Ministers are empowered to speak on behalf of the Government within their own portfolio responsibilities.	No change recommended

#	Clause	Area	Issue	Who raised	Ministry comment	Recommendation
		reasons for inconsistency				
106.	23	Chief Executive must act independently	This requirement could create tensions between Chief Executives and their Minister, particularly because it would be a matter of judgement whether provisions are inconsistent or not; clause removes public accountability for chief executives to democratically elected Ministers	Jonathan Boston, Eugenie Sage, Maria Bartlett and others	<p>This provision reflects that agencies are best placed to assess whether proposed or existing legislation is inconsistent with the principles (whereas responsible Ministers or other makers are best placed to determine how to explain the reasons for progressing with, or not seeking to amend, legislation that is inconsistent with the principles.)</p> <p>This tension is the same one found in relation to regulatory impact statements – where the responsible agency has a duty to undertake impact analysis independent of the Minister on a proposal that the Minister is choosing to take forward.</p>	No change recommended
107.	23	Chief Executive must act independently – application	Clause should be broadened to include members of Crown Entity boards to provide for cases where the board (rather than organisation) is responsible for making secondary legislation.	External Reporting Board	The Ministry recommends broadening this clause to ensure it provides for this situation.	The Ministry recommends broadening the wording of this clause
108.	23	Chief Executive must act independently – application	Amend as clause requires Chief Executives to act independently and not responsible to a Minister in relation to making CAS, in a manner that appears to usurp the role of Cabinet.	Bronwyn Hayward, Maria Bartlett	The approach is similar to that taken when developing RIS where agencies are responsible for providing independent assessment of regulatory proposals, and better informs Cabinet decision-making rather than undermines it. Responsibility for making legislative decisions remains with the Executive.	No change recommended
109.	23(2)	Chief Executive must act independently – applies despite other legislation to the contrary	Clause makes Chief Executives accountable directly to the Minister of Regulation for assessments of legislation against the principle	Geoff Bertram	<p>This provision does not create an accountability mechanism for Chief Executives to the Minister for Regulation. The provision requires the relevant Chief Executive to act independently and is not responsible to any Minister when carrying out the roles specified in the provision.</p> <p>While agencies will be expected to align with guidance issued jointly by the Minister for Regulation and Attorney-General, this is analogous to acting consistently with Treasury Guidelines on Setting Charges in the Public Sector, or with Cabinet guidance issued by DPMC. These guidance documents are provided by government, but agencies remain accountable to their own Ministers.</p>	No change recommended
110.	24 - 26	Act does not confer or impose legal rights or obligations or affect validity –	The lack of legal enforceability provided for in these clauses meant that the Bill is a non-binding framework that cannot effectively hold legislators or agencies accountable;	Jonathan Boston, Chrys Horn. Jade Thomas, Taylor Rae Bryant McBride, Taiawhio Wati-Kaipo, Charlene Dixon, Cristopher	The purpose of the Bill is to provide additional accountability mechanisms via increased	No change recommended

#	Clause	Area	Issue	Who raised	Ministry comment	Recommendation
		impact on effectiveness	there would be no legal requirement for departmental CEs or Ministers to comply with their obligations	Wilson, Francis Harawira, D Meredith	transparency. See 113 below for explanation of rationale for clause 24.	
111.	24 - 26	Act does not confer or impose legal rights or obligations or affect validity – strengthening clause	Despite these clauses, Courts may still use the principles when interpreting legislation; there will be heightened judicial review risk. Clause could be strengthened to ensure courts do not use the principles in unexpected and irreversible ways.	Simpson Grierson, Kevin Hague, Te Pane Matua Taiao - Greater Wellington Regional Council, New Zealand Initiative	The Bill does not require the courts to interpret law in any particular way, and provides that the principles should not be applied outside the purposes of the Bill. However, like all legislation, it is impossible to accurately anticipate how the judiciary may voluntarily choose to interpret the Bill beyond the scope of the Bill's functions and purposes. It is the role of the courts to interpret legislation in the manner it sees fit.	No change recommended
112.	24	Act does not confer or impose legal rights or obligations	The provision would not prevent a person who gets an unfavourable result from the Board seeking judicial review of that result	Donald Mathieson	The Bill does not explicitly prevent judicial review over a Board recommendation. However, as the Board's recommendations are non-binding there is likely to be limited value in seeking judicial review of the Board's recommendations or process for undertaking its functions.	No change recommended
113.	24	Act does not confer or impose legal rights or obligations	This clause is inconsistent with the principle that it is responsibility of the courts, not ministers, to interpret legislation.	Geoffrey Palmer	The intent is that the Bill supports and strengthens Parliament in its role only in the ways explicitly specified in the Bill - i.e. by the establishment of principles and a Regulatory Standards Board; setting requirements for identifying and reporting on inconsistencies with the principles; setting regulatory stewardship responsibilities for public agencies; and setting specific requirements in relation to the Ministry for Regulation's broader regulatory oversight role (cl 3(2)). There is no intent in the Bill that the principles or other aspects of the Bill are applied or considered in other circumstances, or any intent to limit the role of the courts. Consistently with that role, the Bill does not attempt to restrict the courts from considering Executive decision-making under the Bill through issuing guidance under cl 27, or Board decisions under cl 29. Consistent with the principle of comity, the Bill does ensure that producing CAS to inform Parliament in its role maintaining Executive accountability is not a function open to the Judiciary.	No change recommended
114.	25	Act does not regulate reasons	Clause allows for superficial or uninformative justifications, undermining the transparency and usefulness of the statements	Christopher O'Brien	This clause reflects the intent that the Bill impose no restrictions whatsoever on the ability to proceed with legislative proposals or leave existing legislation in	No change recommended

#	Clause	Area	Issue	Who raised	Ministry comment	Recommendation
					<p>place, even where proposed or existing legislation has been found to be inconsistent with the principles.</p> <p>The presentation to the House and publication of Ministers' statements is intended to allow Parliament and the public to make up their own minds about the quality of reasons provide by Ministers.</p> <p>It also reflects that responsible Ministers (or other makers) are best placed to determine how to explain the reasons for progressing with, or not seeking to amend, legislation that is inconsistent with the principles, including weighing up the different factors and judgements that go into Ministerial decision-making.</p>	
115.	27	Guidance – Issuing by joint ministers	Gives significant powers to Ministers as to how principles will be interpreted and applied, means executive rather than judiciary is interpreting Parliament's intention, should be subject to Parliamentary oversight or have parliamentary involvement, should involve a role for the courts, use of <i>expectations</i> suggests public service will be accountable to the Minister for Regulation and the Attorney-General for the matters set out in the clause, may exert significant influence over regulatory bodies, could politicise the Attorney-General's role	Melanie Nelson, Kevin Hague, PSA, Christopher O'Brien, Bill Rosenberg, Alister Arcus, Waikato Regional Council, VUW Climate Clinic, Royal Australian and New Zealand College of Psychiatrists, Tōpūtanga Tapuhi Kaitiaki o Aotearoa, New Zealand Nurses Organisation, Bob Lack, A Richards, Johnson McKay Fraser Lovell, Hugh Notron and others	The guidance should be read in the context of the purpose of the Bill, which is the Executive setting expectations for itself to assist Parliament's scrutiny. It is not the intent of the guidance to limit the role of Parliament or the courts, nor does the Bill create mechanisms designed to achieve this.	No change recommended
116.	27	Guidance – Process for developing	Bill should require public consultation, or consultation with Ministers, departments or Parliament in the development of the guidance, there should be input from Māori legal and policy experts, it should include three examples of each principle showing compliant, non-compliant and borderline examples.	Eugenie Sage, Taiawhio Wati-Kaipo, Iarau Ltd, Ron Segal	The process for issuing guidance does not require legislative provision. However, as a significant policy matter, the guidance is likely to fall within guidance on what matters should be considered by Cabinet.	No change recommended
117.	27	Guidance – Duplication	Guidance duplicates <i>Legislation Guidelines</i> and clause should be deleted; clause isn't needed as there is nothing stopping Ministers giving guidance without it	Eddie Clark, Kevin Hague, Carwyn Jones	Guidance can be issued without a legislative provision. However, the clause recognises the significant reach the Bill will have across a broad range of organisations and provides certainty that additional guidance will be provided due to the high level nature of the principles and requirements set out in the Bill.	No change recommended
118.	27	Guidance - Enforceability	Guidance should be enforceable so agencies cannot ignore best practice advice without consequence	Charlene Dixon, Christopher Wilson, Jade Thomas, Francis Harawira	The intention is that the guidance is not binding in a legal sense. The guidance is intended to support agencies and Ministers to understand and meet the requirements set out in the Bill. This is similar to Cabinet circulars, which are another means for the	No change recommended

#	Clause	Area	Issue	Who raised	Ministry comment	Recommendation
					Executive to set expectations on itself, but are not legally enforceable.	
119.	27	Guidance - Content	Guidance material must be clear and comprehensive on applying the principles, particularly regarding property rights and compensation and what constitutes an impairment; should include how to interpret the principles with examples, the level of analysis, how to assess trade-offs between competing principles, standards for cost benefit analysis and how to assess, and how the principles apply to secondary legislation	New Zealand Initiative	These are all matters that will be considered through the development of the guidance and does not need to be clarified in the legislation.	No change recommended
120.	27	Guidance – Child impacts	Guidance should include direction for a Child Impact Assessment to be undertaken to ensure comprehensive, intentional and meaningful consideration of children and their rights	Mana Mokopuna Children and Young People’s Commission	The guidance will be developed during the implementation phase. No further legislative clarification on the content of guidance material is required.	No change recommended
121.	28	Establishment of the board and alternative options	Consider alternative options to the Board including no board and/or complaints mechanism or a new select committee, amending the scope of the Regulatory Review Committee or Office of Parliament, a non-partisan body, a non-partisan Government department or an independent panel appointed by the judiciary. Suggestions also included co-design with Māori and established as a 50% Crown-50% Māori nominated membership.	Carwyn Jones, Bob Lack, Stephanie Coutts, Regan Sayer, The Religious Society of Friends (Quakers) Te Hāhi Tūhauwiri, Dean Knight, Eddie Clark, Deborah Te Kawa, Edward Willis, Waikato Regional Council, Waikato River Authority, Michael Hata, Ananish Chaudhuri, Edward Willis, A Richards, Bob Bickerton, Fraser Lovell, Ani Mikaere, Tristram Ingham, Taiawho Wati-Kaipō, Jane Raymond-Paikea and others	<p>The intent of establishing a Board is to function as an assurance mechanism to incentivise the production of robust CASs for Bills and legislation, and to provide an avenue for people to raise concerns about the consistency of legislation.</p> <p>A range of options including expansion of the current Regulatory Review Committee’s scope, a new select committee, the establishment of an Officer of Parliament and the function being undertaken by the Ministry for Regulation were considered in the Ministry for Regulation’s Regulatory Impact Assessment (RIS). The RIS concluded, on the basis of its assessment of options against criteria including cost and effectiveness, that a Parliamentary option was not preferred. The RIS also concluded that, while the function being undertaken by the Ministry may have been more cost effective than a Board, a Board would provide a dedicated and efficient assurance mechanism that can provide expert outside opinion.</p>	No change recommended
122.	28	Establishment - overlap with functions of other entities	The Board should be removed or its role clarified in relation to existing entities to prevent duplication and ensure efficiencies. Examples provided include the role being analogous or cutting across the Waitangi Tribunal, Ombudsman, and the Human Rights Commission, government departments such	Te Kāhui Tika Tangata – Human Rights Commission, The New Zealand Initiative, Jonathan Boston, Joanna Mossop, Esko Wiltshire, The Law Association of New Zealand, Christopher O’Brien, Chris Nelson, Eugenia Devoto, Seafood New Zealand, the NZ Rock Lobster Industry	<p>The role of the Board is limited to the functions set out in clause 29(1). This role is narrower in scope than the functions undertaken by many of the examples provided.</p> <p>Where there is potential for overlap, any overlap can be addressed during the development of guidance material and the establishment of the Board,</p>	No change recommended

#	Clause	Area	Issue	Who raised	Ministry comment	Recommendation
			as Crown Law and Ministry for Regulation, LDAC and PCO.	Council and the Pāua Industry Council, Gregory Gouws and others	including its Terms of Reference and operating procedures.	
123.	29	Functions – overlap with existing Parliamentary scrutiny processes	The Bill does not address how the Board will link to or avoid overlapping with existing parliamentary scrutiny processes such as Parliament's role, the role of the Regulations Review Committee.	Office of the Clerk of the House of Representatives, Geoffrey Palmer, David Cunliffe, Kevin Hague, Bill Rosenberg, Deborah Te Kawa, Te Ao Mārama Incorporated, Seafood New Zealand, the NZ Rock Lobster Industry Council and the Pāua Industry Council, Sophie McInnes and others	The Bill does not impact on existing functions undertaken by Parliament. The role of the Board in providing non-binding recommendations through the publication of reports is intended to support these existing processes, such as select committee scrutiny of Bills.	No change recommended
124.	29	Functions - transferring responsibilities from the Executive	The Board's functions should be amended to ensure decision-making power and ministerial responsibility is not shifted to the Board	Kim Tuaine	The Bill does not transfer any decision-making power from the Executive to the Board. The Board does not have decision-making powers and cannot make binding recommendations. Its role is limited to providing reports to select committees and making non-binding recommendations to the Minister for Regulation.	No change recommended
125.	29	Functions - transferring responsibilities from Parliament	The Board's functions need to be amended to ensure the Board does not shift power away from Parliament, impinge on democratic processes or have a chilling effect on Parliament's lawmaking ability.	Geoffrey Palmer, Sally Hughes, Benedict Andrews, Wayne Anderson, Chris Beirne, Susanne Vincent, Christopher Lipscombe, Shane Shaw-Williams, Joseph Winiana, Justin Paul, Mike Chi, Michael Hata, Howard Whanau and others	The Bill does not transfer any responsibilities away from Parliament. The Bill does not impact on existing functions undertaken by Parliament. The role of the Board in providing non-binding recommendations through the publication of reports is intended to support these existing processes, such as select committee scrutiny of Bills. The Board's recommendations are non-binding and do not prevent or require legislation to be amended or developed in a particular way.	No change recommended
126.	29	Functions - transferring responsibilities from Judiciary	The Board's functions should be amended to ensure its creation does not concentrate power away from the judiciary to the Executive or reduce the courts' role in ascertaining the meaning of legislation, or undermine the role of judicial review.	Amokura Panoho, Alyssa Dunster, Anthony Simpson, Carmen Parahi, Chris Beirne, Cherish Wilkinson, Geoffery Blair, Hazel Gray, Christopher Pani, Juliet Tainui Hernandez, Michael Hata, Ngāti Tama ki te Waipounamu Trust, S Hall	The Bill does not transfer any power away from the Judiciary, and is not intended to have any impact on the constitutional place of the courts or their lawmaking functions. The roles and powers of the courts arise from their inherent jurisdiction, and those other jurisdictions conferred by legislation. ¹ The Bill is designed to have no legal effect on these abilities, roles, or legislation. The Bill is intended to only have legal effect via the functions listed in cl 3(2).	No change recommended

¹ LexisNexis NZ Limited: *The Laws of New Zealand*, paras 251-252.

#	Clause	Area	Issue	Who raised	Ministry comment	Recommendation
127.	29	Functions – disproportionate influence	The Board's functions should be amended to address concerns that the Board will have disproportionate influence and lack independence due to ability for ministerial influence and direction.	Public Service Association, Papa Pounamu, Christchurch City Council, NZEI Te Riu Roa, Mike Potton, Julie Seal, Ngāti Koata Trust, Susan Bagshaw, Mezlya Yelash, Freda Whiu, Jonathon Avery, Kiri Reihana	The Bill does not provide for the Minister for Regulation to direct it to undertake particular inquiries, or to cease any inquiry. Appointments to the Board will be consistent with established processes and will be considered by Cabinet through the Cabinet Appointments and Honours Committee process. See 141 below for a proposed recommendation for joint appointments.	No change recommended See 141 below for recommendation on ministerial appointment responsibilities.
128.	29	Functions – response to reports	The Board's functions should be amended to require response to reports published by the Board and/or binding recommendations. <i>Note some submitters expresses a clear view that this change should only be made if the principles were amended.</i>	Seafood New Zealand, the NZ Rock Lobster Industry Council and the Pāua Industry Council, Te Rōpu Taiao ō Ngāti Ranginui Iwi.	The intent of the Board's functions is to provide non-binding recommendations and for these to be made publicly available. The intent is that, where the Board identifies inconsistencies, this would create an incentive for the relevant lawmaker to give reasons for any inconsistency, or to amend the legislation in question. On this basis, the Bill does not require any action to be taken in relation to the Board's reports beyond publication.	No change recommended
129.	29	Functions – non-binding	The Board's functions should be amended to reduce possibility of non-binding recommendations effectively constraining legislative development or acting as a de-facto veto on legislation or casting doubt on the validity of regulatory schemes, or remove entirely to prevent non-binding aspect to be changed in future.	Daniel Nathan, Jonathan Boston, Simson Grierson, Stephen Clark, Shane Shaw-Williams, Taiturā – Local Government Professionals Aotearoa	The Board is advisory in nature and the Bill does not require any action to be taken in relation to the Board's reports beyond publication. It will remain the responsibility of the relevant lawmaker to develop and action their own legislative priorities, including whether they wish to consider any recommendations made by the Board as part of this.	No change recommended
130.	29	Functions – application of principles	The Board's functions should be amended to clarify the methodology or guidance for how trade-offs will be assessed when applying the principles	Jonathan Boston, Chris Nelson	No additional clause is needed as guidance material developed and published under clause 27 will support consideration of the principles.	No change recommended
131.	29	Functions – trigger for reviews	The Board's functions should be amended to amend the trigger for instigating an inquiry. Options raised include only allowing inquiries following complaints not on its own behest and/or on the direction of the Minister, alternatively it was also raised to amend to remove ability to initiate based on ministerial or public complaints.	Fraser Lovell, Law Association of New Zealand.	There is no provision in the Bill that allows the Minister to direct the Board to undertake or cease an inquiry. How the Board wishes to discharge its functions is deliberately broad to ensure its independence, and to enable the board to work flexibly without direction from the responsible Minister.	No change recommended
132.	29(1)	Focus inquiries on new legislation	The Board's functions should be amended to avoid Board focusing on existing legislation and focus on general regulatory stewardship obligations and/or improving new legislation.	Seafood New Zealand, the NZ Rock Lobster Industry Council and the Pāua Industry Council, Asian Legal Network, VUW Climate Clinic, Daniel Haines	The Board is intended to act as an assurance mechanism that robust CASs are being completed, as well as responding to complaints that existing legislation is inconsistent with the principles. The	No change recommended

#	Clause	Area	Issue	Who raised	Ministry comment	Recommendation
					<p>Board's focus on existing legislation is therefore a core part of the policy intent.</p> <p>The Board will have a focus on improving new legislation via its role in looking at CASS for Bills that are before the House.</p>	
133.	29(1)(c)	Consideration of CAS for Bills	The Board's functions should be amended to avoid provision of reports before final decisions on a bill are made by Parliament.	Christopher O'Brien	The Board's functions are intended to cover the scope of legislation that consistency assessment requirements apply to, including Bills.	No change recommended
134.	29(1)(d)	Access to Select Committee by the Board	The Board's functions should be amended to avoid presumed access to a Select Committee as is a matter of parliamentary procedure for the relevant committee to determine and the bill should stay silent on.	The Clerk of the Committee, Office of the Clerk of the House of Representatives, David Gutierrez Roldan	<p>Clause 29(1)(d) does not require a select committee to accept or review a report provided by the Board and therefore does not narrow Parliament's ability to determine its own procedure through Standing Orders.</p> <p>Any special provision for select committees to look at the reports would be a matter for the House to determine through its own processes.</p>	No change recommended
135.	30	Board to operate on the papers	The Board's functions should be amended to increase transparency and enable genuine inquiry and discussion by enabling the Board to hold inquiries and undertake consultation with relevant experts, including obligations to engage with hapū, iwi and Māori.	Debbie Ngarewa-Packer, Eugenie Sage, David Gutierrez Roldan, Te Tiriti is Us, Edward Willis, Charlene Dixon, Christopher Wilson, Anthony Simpson, Christopher O'Brien, Caleb Rakete, Aged Care Association, SPCA and others	<p>The requirement to undertake inquiries or consider CAS on the papers (and not hold inquiries) does not prevent the Board from seeking input from anyone they consider appropriate when undertaking its functions.</p> <p>The provision supports the Board's statutory role that provides a low-cost assurance mechanism but is advisory in nature only. This means there is no facility for individuals or organisations to be compelled to appear or give information.</p>	No change recommended
136.	32	Complaints mechanism – general	The complaints function should be removed or amended as it could be used to challenge or change particular laws that provide a range of protections including for public health, education, and Māori specific rights, representations or protections.	The National Iwi Chairs Forum – Pou Tangata Chair Rahui Papa, Ngāti Tama ki te Waipounamu Trust, The New Zealand College of Public Medicine, Charlie Shilton-Hart, Christopher Willet, Desiree des Barres, Haylee King and others	<p>The Board is advisory in nature and the Bill does not require any action to be taken in relation to the Board's reports beyond publication.</p> <p>The Board's functions are intended to cover the scope of legislation that consistency assessment requirements apply to.</p>	No change recommended
137.	32	Complaint mechanism – scope of complainants	The mechanism should be limited to only allow complaints from those demonstrably affected.	Daniel Nathan	<p>Narrowing the scope of who can make a complaint to the Board would not align with the Board's intended role as a transparent assurance mechanism available to all individuals.</p> <p>Since the Board is not empowered to investigate the actions or outcomes related to specific individuals, it would not align with the intent to restrict complaints to particular individuals.</p>	No change recommended

#	Clause	Area	Issue	Who raised	Ministry comment	Recommendation
138.	32	Complaints – establishment of process	A clear process for how complaints will be considered should be included to address transparency concerns.	Tuatahi First Fibre, Environment Southland, Christopher O'Brien, Vicky Hepi, Simpson Grierson, Iarau Ltd	In our view, it is unnecessary to include the details of the complaints process in legislation given that the Board is advisory only, and doing so could limit the Board's flexibility to choose how to consider different kinds of issues or complaints, consistent with its functions and duties set out in the Bill.	No change recommended.
139.	33(2)	When board must not inquire into legislation - in relation to particular act, results or in respect of a person or persons	This clause should be amended to enable investigation into instances of harm on specific communities or individuals or when there is a credible specific concern in relation to a range of topics including the environment, public health and conflicts with international obligation.	Tauwhara Marae, Stet Limited, Jade Thomas, Taylor Rae Bryant McBride, Frances Harawira, Edward Willis, Charlene Dizon, Christopher Wilson, Te Hunga Roia Māori o Aorearoa	The Board cannot inquire into the performance or non-performance of a particular act or result in relation to a particular individual. However, this does not restrict the Board from developing an understanding of particular impacts when undertaking an overall assessment of the legislation. This will be particularly relevant when applying the good law-making principles, particularly when evaluating who is likely to have benefited and who is likely to have suffered a detriment from the legislation.	No change recommended.
140.	35	Ability to appeal Board decisions	This clause should be amended to provide a mechanism for appealing or challenging Board decisions and provide for natural justice rights.	Bill Atkin, Geoffrey Palmer, Geoffrey Blair, Daniel Nathan	The Board cannot look into individual cases and cannot make binding recommendations, therefore there are unlikely to be many circumstances for when such provisions would be necessary. In these cases, nothing in the Bill prevents the Board undertaking natural justice processes where necessary depending on the particular circumstances of their considerations (for example, providing draft recommendations to affected parties for comment). Similarly, there is nothing in the Bill that would prevent the Board reconsidering its recommendations or report on a particular piece of legislation or bill should a particular issue come to its attention. If an individual was unsatisfied with the process undertaken in a particular consideration of the Board, they would be able to use the Courts as an appropriate review mechanism.	No change recommended.
141.	38(1)	Members appointed by the Minister for Regulation	This clause should be amended to reduce possibility of political appointments, disproportionate influence of the Minister for Regulation and circumvention of democratic processes in the makeup of the Board	NZEI Te Riu Toa, Environment Southland, Christchurch City Council, Te Rōpu Taiao o Ngāti Ranginui Iwi Society Bill Rosenberg, Pacific Lawyers Association, Wellington Tenth's Trust, Palmerston North Māori Reserve Trust, Hikoikoi Management Limited, Toi mata Hauora (the Association of Salaried Medical Specialists, Te Pumautanga o te Arawa	Appointments to the Board are intended to be consistent with established processes (including consideration of guidance to support diverse and balanced representation on the Board) and will be considered by Cabinet through the Cabinet Appointments and Honours Committee process. However, to provide reassurance and avoid perceptions of disproportionate influence from any Minister, you could consider amending the clause so that members would be jointly appointed by the Minister for Regulation and the Attorney-General. As	The Ministry recommends a change to this clause to provide for joint appointments by the Minister for Regulation and the Attorney-General.

#	Clause	Area	Issue	Who raised	Ministry comment	Recommendation
				TrustTapuhi Kaitiaki o Aotearoa, New Zealand Nurses Organisation, Francis Harawira, Tōpūtanga Charlene Dizon, Christopher Wilson, Cameron Hunter, Eugenia Devoto, Desiree des Barres, VUW Climate Clinic, Stephen Clark, Mary Beaumont, Charlie Shilton-Hart, Elliot Collins, Christopher Lipscombe, Juliet Park, Vicky Hepi, Geoffrey Blair, Lyla Atutahi, Nikole Wills, Chrys Horn, Ash Hamilton, Jay Tohill, Eamon Frazer, Jeremy Finn & Anne O'Brien and others	the Attorney-General also has a role in providing guidance material under clause 27 they would be well-placed to understand the expertise required on the Board. We note that there is nothing in the Bill that would prevent the Minister from calling for public nominations or consulting with public organisations ahead of any appointment processes.	
142.	38(1)	Consultation ahead of appointment	This clause should be amended to require appointment following consultation – for example with specific Ministers such as the Ministers for Māori Development, Māori-Crown relations and Treaty of Waitangi Negotiations; following public consultation; consultation with Māori including Kīngitanga, the Law Society, consultation with the Attorney-General in the case of a member who is a barrister or a solicitor;	Orion, Te Pūmāutanga o te Arawa Trust, Ari Lucock, Dan Thurston Crow, Amokura Panoho, Debbie Ngarewa-Packer, Caulfield Te Hira, Tahauariki Thompson	Appointments to the Board are intended to be consistent with established processes (including consideration of guidance to support diverse and balanced representation on the Board) and will be considered by Cabinet through the Cabinet Appointments and Honours Committee process. There is also nothing in the Bill that would prevent the Minister from calling for public nominations or consulting with public organisations ahead of any appointment processes. However, there may be merit in appointments being made jointly with the Attorney-General (see 141 above).	See recommendation in 141.
143.	38(1)	Alternative appointment processes	Alternative appointment processes should be considered for increased independence, for example appointment by Parliament, cross-party support for appointments, appointment of MPS, appointment by 75% majority if the House, public nominations and election, provide for a detailed appointment process such as that provided in s 33 of the Local Government Act	Taituarā – Local Government Professionals Association, Orion, Bill Atkin, Horizons Regional Council, Daniel Nathan, Energy Resources Aotearoa, Gregory Gouws, Rock the Vote NZ, Christopher O'Brien, Joshua May-Jans, David Gutierrez Roldan, Ari Lucock, Ash Hamilton, Jay Tohill, Fraser Lovell, Aged Care Association and others	In our view, the proposed appointment process is entirely appropriate for an advisory Board whose recommendations are non-binding.	No change recommended
144.	38(5)	Expertise of Board Members	This clause should be amended to set out specific prerequisites for the expertise and skillsets of Board members to ensure a cross section of expertise or experiences, including cost benefit analysis, practical expertise, legal – particularly constitutional and statutory interpretation, regional, diverse community interest, Pasifika, LGBTQIAK+ and subject	BusinessNZ, the New Zealand Initiative, Dunedin City Council, Bryce Wilkinson, Orion, Environment Southland, Mana Mokopuna Children & Young People's Commission, Taituarā – Local Government Professionals Aotearoa, Eugenie Sage,	Appointments to the Board are intended to be consistent with established processes (including consideration of guidance to support diverse and balanced representation on the Board) and will be considered by Cabinet through the Cabinet Appointments and Honours Committee process.	No change recommended

#	Clause	Area	Issue	Who raised	Ministry comment	Recommendation
			matter expertise for particular areas of regulation such as health, economics, environment, regulatory design and stewardship, implementation and evaluation, perspectives of regulatory sectors or industries and collective knowledge of how public and regulatory policy is formed and given effect to, children's right including from a Tiriti perspective, ability to contribute to a holistic, inclusive and diverse approach.	Christchurch City Council, Waikato Regional Council, Wellington Tenth Trust, Palmerston North Māori Reserve Trust and Hikoikoi Management Limited and others	In some cases when statutory boards have a particular focus on certain policy areas, for example social, economic, environmental, medical or other activity it can be appropriate to set required skills and expertise for board membership relevant to the particular area of the board's focus. However, in this case, as the Board's functions cover the ability to inquire into legislation covering a broad range of subject matters, it is important that flexibility is provided to enable appointment of a broad range of expertise over time.	
145.	38(5)	Māori representation on the Board	This clause should be amended to set out prerequisites for Māori representation and expertise in Te Tiriti o Waitangi, tikanga Māori and Māori legal and economic expertise	Asian Legal Network, Papa Pounamu, Taituarā – Local Government Professionals Aotearoa, Christchurch City Council, Dunedin City Council, Debbie Ngarewa-Packer, Te Rūnanga o Ngāti Kēroa, Ngāti Tuara, Toi mata Hauora (the Association of Salaried Medical Specialists, Te Pūmāutanga o te Arawa Trust, Taiāwhio Wātī-Kaipo, Amokura Panoho, Caulfield Te Hira, David Gutierrez Roldan, Fraser Lovell, Mere Takurua, St Peter's on Willis Social Justice Group, Te Rōpu Taiao o Ngāti Ranginui Iwi, Tahuariki Thompson, Wellington Tenth Trust, Palmerston North Māori Reserve Trust and Hikoikoi Management Limited, Ngāti Tama ki te Waipounamu Trust, Carmen Parahi, Te Hunga Roia Māori and others	See 141 above.	No change recommended
146.	39	Board reports	This clause should be amended to require a statutory obligation to publish all inquiries and annual work plans and require the board to disclose any third party and their costs used in the delivery of their functions.	Rock the Vote NZ	The Bill already requires that all inquiry reports be published (clause 36) as well as an annual report (clause 39). As annual work plans may be dependent on the particular complaints received it may be difficult to require annual workplans in advance. The Board will be provided secretariat support and funding through the Ministry for Regulation who already has annual reporting obligations.	No change recommended

#	Clause	Area	Issue	Who raised	Ministry comment	Recommendation
147.	New	Select Committee scrutiny	This clause should be amended to enable the appropriate select committee to allow public submissions on board reports.	BusinessNZ	If the Board provides a report to a select committee, it is likely to be provided in the same way a public submission on a bill is provided. It would be inappropriate to provide an avenue to require a Select Committee to seek further public commentary on a submission, although the Board could choose to make its submission public in advance of Select Committee submissions periods closing, to enable interested public to consider it.	No change recommended
148.	New	Review of Board	This clause should be amended to include provision for how the Board would be held accountable for decisions and dissolved in future if need be.	Energy Resources Aotearoa	The Board reports will be published, ensuring transparency for the public. The ability to dissolve the Board would follow normal processes for disestablishing a statutory board, i.e through legislative amendment.	No change recommended
149.	Sch 2, 2	Removal of members	This clause should be amended to require parameters on when a member can be removed.	Alex Szczepaniak, Royal Australian and New Zealand College of Psychiatrists	As the Board is advisory in nature with no ability to provide binding recommendations, it is appropriate to enable removal via the same mechanisms as appointment, without requiring particular reasons. Should you wish to make the proposed recommendation in 141 above then removal would require joint agreement of the Minister for Regulation and the Attorney General.	No change recommended
150.	Sch 2, 5	Accountability of members to Minister	The provision requiring accountability to the responsible Minister should be amended to avoid Executive influence and shifting the relationship between the judiciary and Executive due to the 'quasi-judicial' role of the Board. Alternatives suggested including accountability to Parliament and iwi/Māori collective or provide a mechanism to challenge the board.	Kevin Hague, Shane Shaw-Williams, Mary Beaumont, Taiawhio Wati-Kaipō, S Hall, Justin Hygate	As the role of the Board is advisory with no ability to make binding recommendations, it will not have a 'quasi-judicial' role. See 121 and 140 above in relation to alternative suggestions and appeal mechanisms respectively.	No change recommended
151.	Sch 2, 14	Immunity for liability	Amend to ensure protection for liability is not wider than the provision set out in s 126 of the Crown Entities Act.	Aedeen Boadita-Cormican	We will raise with PCO as a drafting matter.	The Ministry will raise this issue with PCO
152.	Sch 2, 17	Application of Official Information Act 1982 and Ombudsman Act 1975	This clause should be amended to apply the OIA directly to the Board, instead of deeming information held by the Ministry. Additionally, apply the Ombudsman's Act to the Board.	Chief Ombudsman	Our view is that the Official Information Act 1982 should be applied via the Ministry for Regulation, as all information will be held by the Ministry. However, we will check this point with the Ministry of Justice. The Ombudsman Act 1975 relates to matters of administration and affecting individuals. The Board cannot look into particular acts or the bringing about of particular results in relation to a particular individual (see cl 33(2)), is advisory in nature and can provide only non-binding recommendations and only in relation to the consistency of legislation or bills	The Ministry will check the issue relating to the application of the OIA with the Ministry of Justice.

#	Clause	Area	Issue	Who raised	Ministry comment	Recommendation
					with the principles. Its functions therefore are not within scope of the current mandate of the Ombudsman's Act. Given this, and the fact the Bill does not limit judicial review over Board decisions, we do not consider it necessary to extend the scope of the Ombudsman's Act to apply to the Board.	
153.	Sch 2, new	Maximum term	A new clause should be inserted stating no member may be reappointed for more than two consecutive terms.	Orion	Public Service Commission guidance states that is the decision of the responsible Minister to determine when reappointment might be appropriate.	No change recommended
154.	41	Instigation of regulatory reviews	Clause should clarify that the Minister for Regulation or Ministry for Regulation should not have the power to decide when or how reviews are undertaken, and agencies are not answerable to the Ministry for Regulation in a way that subordinates other ministries.	Kirwin Hampshire, Wellington Tenth Trust, Palmerston North Māori Reserve Trust and Hīkoikoi Management Limited	<p>The undertaking of regulatory reviews is an existing function of the Ministry for Regulation and therefore does not need to be provided for in legislation.</p> <p>The purpose of regulatory reviews is to ensure regulatory systems are achieving their objectives, do not impose unnecessary compliance costs, and do not unnecessarily inhibit investment, competition and innovation. They do this by considering matters relating to the design, operation and performance of regulatory systems as provided for under a Terms of Reference setting out the scope of an individual review.</p> <p>In practice each review topic is confirmed by Cabinet and Terms of Reference confirmed by relevant ministers. The Bill itself does not give the Minister or the Ministry to unilaterally decide when or how reviews are undertaken.</p>	No change recommended
155.	41	Terms of Reference for Regulatory reviews and matters to be taken into account	Terms of Reference should be designed and developed by affected agencies and ministries. Specific requirements should be set for regulatory reviews to take into account matters such as Māori rights, equity and public trust. Include an amendment to make publication timebound and meaningful in substance.	Fraser Lovell, Wellington Tenth Trust, Palmerston North Māori Reserve Trust and Hīkoikoi Management Limited, Christopher O'Brien	<p>In practice each review topic is confirmed by Cabinet and Terms of Reference confirmed by relevant Ministers, with input from relevant Ministries in the drafting of the Terms of Reference.</p> <p>The Terms of Reference sets the scope of an individual review within the parameters of considering matters relating to the design, operation and performance of regulatory system, and is the best place to set specific requirements for what a particular review will consider.</p> <p>It is appropriate for relevant Ministers to determine the scope of the Terms of Reference to enable flexibility rather than setting specific requirements in legislation.</p> <p>The Bill already provides for reports to be provided to the House of Representatives (see cl 41), alongside a statement from the Minister for Regulation setting out the Government's response as soon as reasonably practicable. This approach provides flexibility for</p>	No change recommended

#	Clause	Area	Issue	Who raised	Ministry comment	Recommendation
					timeframes to be dependent on the scope and nature of particular review and any proposed response.	
156.	41(3)	Publication of regulatory review reports	This clause should be amended to make publication timebound and meaningful in substance.	Christopher O'Brien	Clause 41(3) provides for reports to be presented to the House of Representatives as soon as "reasonably practicable". This wording leaves flexibility for when it may be appropriate to present the report to the House based on the nature and scope of the inquiry and the Government's proposed response.	No change recommended
157.	42 & 43	Remove information gathering powers	This clause should be amended to remove powers to prevent expansion of Ministry for Regulation powers or the targeting of particularly organisations or people such as Māori. Alternatively limit the scope to the same powers provided to the Public Service Commission or give the powers to the Commission if they are needed. Remove third party service providers from scope.	Māori Women's Welfare League, Rainbow Support Collective, Ngāti Koata Trust, NZEI Te Riu, Charlene Dizon, Mere Takurua, Moana Bennet, Mezija Yelash, Shane Shaw-Williams, Vicky Hepi, Francis Harawira, Public Service Association, Te Ātiawa o Te Waka-a-Māui Trust	<p>It is intended that the powers would only be used when necessary or desirable information has not been made available through engagement or consultation processes. There are also cascading restrictions on the use of the power for agencies outside the public service.</p> <p>To mitigate some of the concerns relating to the broad applications of the powers we recommend limiting the scope to public service agencies and makers or administering agencies of secondary legislation, and agencies or a person who performs a function that is imposed under legislation.</p> <p>There would be no ability to require information directly from a person that is engaged under a contract with a principal agency to support or facilitate the performance of a function that is imposed under legislation (i.e third party service providers). We would anticipate in most cases a third-party service provider would have a contract in place that would enable the principal agency to have access to information relevant to a regulatory function the principal agency is responsible for administering.</p>	The Ministry recommends removing application of the powers to people engaged under a contract with a principal agency
158.	43	Information gathering powers – additional safeguards to prevent excessive use and ensure reasonableness	This clause should be amended to ensure powers are not excessively used, prevent fishing expeditions, reference 'necessary' or 'proportionate' instead of 'desirable', and protections under BORA, Privacy Act and Human Rights Act are complied with. Include provision to require safeguards that ensure sensitive environmental or conservation data is protected from misuse.	New Zealand Council of Trade Unions Te Kauae Kaimahi (NZCTU), Te Ātiawa ki Whakarongotai Charitable Trust, Christopher O'Brien, Geoff Bertram, Melissa Bryant, Frank Cook, Iarau Ltd, Stet Limited	<p>Information can only be used for the purpose it is gathered, as set out in 154 above.</p> <p>Clause 43(5) provides an additional protection as the powers do not limit any legislation that imposes a prohibition or restriction on the availability of any information.</p>	No change recommended
159.	43(4) & 43(5)	Legal, commercially sensitive or classified information	This clause should be amended to include protections to ensure information is lawfully obtainable and provide protections for agencies relating to legal, commercially sensitive or classified information. Strengthen to apply confidentiality requirements to information and penalties for disclosing, as	Orion, Christopher O'Brien	<p>As above. Clause 43(5) provides an additional protection as the powers do not limit any legislation that imposes a prohibition or restriction on the availability of any information.</p> <p>Information that otherwise does not have a legislative prohibition or restriction but would still be considered</p>	No change recommended

#	Clause	Area	Issue	Who raised	Ministry comment	Recommendation
			OIA mechanisms would only be available after information had been disclosed, which would not protect commercially sensitive information.		<p>confidential or commercially sensitive would be managed on a case-by-case basis depending on the circumstances. We note that section 9(2)(ba) of the Official Information Act 1982 allows for good reasons to withhold information if necessary to protect information which any person has been or could be compelled to provide under an enactment.</p> <p>It is intended that the powers would only be used after non-mandatory avenues have been attempted, and requests would need to be necessary or within the scope of the Terms of Reference for the particular review. There is nothing in the Bill that prevents agencies mutually agreeing to particular terms for the provision or management of information before a formal request is made and we anticipate it would be a highly unlikely scenario that a request would be made for sensitive information.</p>	
160.	43(3) and (4)	Timing and scope of request	This clause should be amended to ensure agencies are provided a reasonable amount of time and ensure request are reasonable so as not to unduly constrain agencies functions or create compliance burdens and clarify what information is required, ability to ask for extensions, and clear escalation pathways for dispute resolution.	Environment Southland, Waikato River Authority, Amber Snell, Horizon Regional Council, Desiree des Barres, Kiri Reihana	<p>The Bill provides that a date for providing information is required. As it is intended that the powers would only be used after non-mandatory avenues have been attempted to gather the relevant information, there will be scope to ensure the date provide is reasonable based on the context of the particular review. Similarly, unreasonable exercise of a statutory power would be subject to judicial review.</p> <p>There is nothing in the Bill that would prevent requests for extensions and normal departmental escalation pathways can be utilised to resolve any disputes (i.e escalation to senior leadership and if necessary concerns can be raised with Ministers responsible for the particular review).</p>	No change recommended
161.	44	Additional protections or exemptions – Māori organisations and information	This clause should be amended to include exemption or protections for Treaty Settlement Acts, iwi/Māori without consent and co-design, of additional safeguards to protect mātauranga, kōrero tuku iho, or governance practices that are intrinsic to hapū and iwi self-determination and data sovereignty.	Te Ātiawa ki Whakarongotai Charitable Trust, Te Ātiawa o Te Waka-a-Māui Trust, Te Rūnanga o Ngāti Kēaroa, Ngāti Tuara and Te Rūnanga o Ngāti Manawa Adelaide Boud	<p>See 154 and 155 above for scope of regulatory reviews. Regulatory reviews focus on a regulatory system not specific legislation, and requests can only be made to a particular group if they are one of the agencies or persons set out in cl43(2). The Terms of Reference that can identify necessary consultation or matters outside the scope of a particular review. Setting such requirements in legislation are outside the policy intent of the Bill.</p> <p>In relation to specific information requests, a request can only be made within the scope of the terms of reference for a particular review. There are additional parameters for requests to non-public service agencies and contracted persons as provided for in clauses 45 and 46. The additional parameters require</p>	No change recommended

#	Clause	Area	Issue	Who raised	Ministry comment	Recommendation
					consultation with particular agencies ahead of requests being made to contracted agencies or non-public service agencies, and the approach for making a request can be tailored to ensure it meets appropriate and necessary cultural requirements.	
162.	47	Failure for non-compliance	Remove consequences for non-compliance as heavy handed and draconian.	Raukura Hauora o Tainui	<p>We understand in the absence of any penalty or punishment set out in the Bill, failure to comply with the information-gathering powers would constitute a general “Contravention of statute” under s 107 of the Crimes Act. That contravention would make the person liable to imprisonment for up to one year. Such a consequence would be more disproportionate and heavier handed than the proposed approach to enable enforcement via a Court order, and is the underlying rationale for the court order.</p> <p>Any decision to use the provision set out in clause 47 to enforce the supply of information via a court notice would be used on a case-by-case basis depending on the particular circumstances of non-compliance.</p>	No change recommended
163.	New	Cost recovery mechanism	Add provision for cost recovery for responding to requests	Waikato Regional Council	We do not recommend implementation a cost recovery mechanism. Any concerns about cost or resourcing for fulfilling request can be discussed directly with the Ministry for Regulation to enable an appropriate solution on a case-by-case basis.	No change recommended
164.	New	Implementation requests	A range of requests were made for additional clauses relating to implementation. For example; establish a Māori-Led advisory Group to co-design the RSB’s implementation; provide for formal consultation with Māori on implementation, consistent with te Tiriti principles, updates to Parliament on implementation process, urgent work to ensure complementary measures to embed the principles with comparable statements in other official laws, regulations and guidelines, include a pilot phase with key agencies to test the CAS process, expedite work to establish Board training courses for officials who will have to apply the guidance, independent scrutiny of the Ministry’s stewardship role particular where there are impacts on Māori rights or the balance of power in regulatory systems, requirements for the Ministry for Regulation to develop a strategy to deliver on its purpose and maintain a register of department regulatory stewardship strategies as well as have a map of what documents are	Amokura Panoho, KPN Consultants Ltd, Bryce Wilkinson, the New Zealand Initiative, Te Rōpu Taiao ō Ngāti Ranginui Iwi, McGuinness Institute, Joanne Blair and others	Various implementation requests are either outside the policy intent of this Bill or will be managed through the implementation process without requiring legislative provisions.	No change recommended

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			covered by the Bill, and requirements for regulators to publicly report on how they are meeting the standards.			
165.	New	Trigger for review.	Include a sunset clause to review and assess impact of the Act (options raised include 3 or 5 years). Additional options suggested including joint review by the Auditor-General and Human Rights Commission and an independent panel of tāngata whaikaha Māori data kaitiaki,	The New Zealand Institute, David Gutierrez Roldan, McGuinness Institute, Ash Hamilton, Jay Tohill, Daniel Nathan, Tristram Ingham, Izak Tait	Scrutiny requirements and post implementation reviews do not require legislative provision. We note the RIS stated that the Ministry plans to conduct a Post-Implementation Review of the Act within five years after its enactment to evaluate whether it is meeting its objectives, identify costs and benefits following its implementation, and consider any proposals that could enhance the Act's fitness for purpose in the context of the wider RMS at the time of the evaluation.	No change recommended
166.	New	Requests for requirements in other legislation or on Parliament.	Requests included requiring sunset clauses in legislation, or mandatory review by the Auditor-General, mechanisms to trigger binding referendum, provision for Māori representation at all levels of decision-making within regulatory frameworks, requirements for publication of information during policy processes, provisions to clarify the role of Parliament and processes for select committee reviews, add enforcement mechanisms such as mandatory parliamentary debate for legislation with significant inconsistencies or require remedial action plans.	Michael Hata, Murray Coppen, James Maddock, Kevin Evans, Clayton Wikatene, Deborah Te Kawa, Aaron Mcewan, Jonas Hare-Taoho, Kapiti District Council, D Meredith, Ron Segal	These requests are outside the scope of the Bill. The Bill does not set requirements for particular provisions that future legislation must contain. Additionally, it would be inappropriate for the Bill to set requirements for Parliament's processes.	No change recommended

Monday 7 July	
8:30:00 AM	Ananish Chaudhuri
8:35:00 AM	Ani Mikaere
8:40:00 AM	Asian Legal Network
8:50:00 AM	Citizens Advice Bureau
9:00:00 AM	350 Aotearoa
9:10:00 AM	ANZCA - Australia and New Zealand College of Anaesthetists
9:20:00 AM	Geoffrey Palmer
9:25:00 AM	Cooper Legal
9:35:00 AM	Ngā Iwi o Taranaki
9:45:00 AM	Pou Tangata National Iwi Chairs Forum
9:55:00 AM	Te Hunga Roia Maori o Aotearoa
10:05:00 AM	Sophie Bond
10:10:00 AM	Asians Supporting Tino Rangatiratanga
10:20:00 AM	Basil Walker
10:25:00 AM	Bianca Byrne
10:30:00 AM	BREAK
10:40:00 AM	Bronwyn Hayward
10:45:00 AM	Carwyn Jones
10:50:00 AM	Chris Till
10:55:00 AM	Christine Cheyne
11:00:00 AM	Common Grace Aotearoa
11:10:00 AM	Communities Against Alcohol Harm
11:20:00 AM	Community Law Centre Aotearoa
11:30:00 AM	Hāpai Te Hauora Tāpui Ltd
11:40:00 AM	Darleen Tana
11:45:00 AM	David Clarke
11:50:00 AM	Dunedin City Council

12:00:00 PM	John McDonald-Wharry
12:05:00 PM	Environment Hubs Aotearoa
12:15:00 PM	Jan Marsh
12:20:00 PM	Iarau Ltd
12:30:00 PM	LUNCH
12:40:00 PM	LUNCH
12:50:00 PM	LUNCH
1:00:00 PM	Callum McMenamin
1:05:00 PM	Donal McLean
1:10:00 PM	Youthlaw Aotearoa
1:20:00 PM	Greg Mossong
1:25:00 PM	Health Coalition Aotearoa
1:35:00 PM	Louis Board
1:40:00 PM	Kiwis for the Treaty Inc.
1:50:00 PM	Māori Women's Welfare League
2:00:00 PM	Hilda Halkyard-Harawira
2:05:00 PM	Nikolas Haden
2:10:00 PM	Transpower New Zealand Limited
2:20:00 PM	Tohu Media Limited
2:30:00 PM	Tawhana Chadwick
2:35:00 PM	Ron Segal
2:40:00 PM	The Opportunities Party
2:50:00 PM	Northland Urban Rural Mission
3:00:00 PM	BREAK
3:10:00 PM	Otago University Students' Association
3:20:00 PM	Pacific Lawyers Association
3:30:00 PM	Rock The Vote NZ

3:40:00 PM	Sunday Blessings Auckland
3:50:00 PM	Te Puke Maori Women's Welfare League Branch
4:00:00 PM	Horizons Regional Council
4:10:00 PM	James Henare Research Centre
4:20:00 PM	Marie Russell
4:25:00 PM	Melanie Nelson
4:30:00 PM	Ngā Haumi
4:40:00 PM	Kahui Legal
4:50:00 PM	The Royal Australian and New Zealand College of Psychiatrists

Tuesday 8 July	
8:30:00 AM	Bay of Many Coves Resort Limited
8:40:00 AM	David Harvey
8:50:00 AM	Toitū Te Tiriti
9:00:00 AM	Parents of Vision Impaired NZ
9:10:00 AM	Garry Moore
9:15:00 AM	Ellen Tapsell
9:20:00 AM	The Community Development Team of The Community of St Luke in Remuera Auckland
9:30:00 AM	E Tū
9:40:00 AM	Anne O'Brien and Jeremy Finn
9:45:00 AM	Kevin Hague
9:50:00 AM	Royal Australasian College of Physicians
10:00:00 AM	Te Kahui Raraunga
10:10:00 AM	Taxpayers' Union
10:20:00 AM	Aaron Hawkins
10:25:00 AM	Donna Awatere Huata
10:30:00 AM	BREAK

10:40:00 AM	Migrants against the Acceptable Standard of Health Aotearoa
10:50:00 AM	Pacific Panthers
11:00:00 AM	Cantin Consulting
11:10:00 AM	Max Harris
11:15:00 AM	Department of Public Health, Otago University
11:25:00 AM	Michael Smythe
11:30:00 AM	New Zealand Council of Trade Unions
11:40:00 AM	Te Kura Kaupapa Maori o Nga Mokopuna
11:50:00 AM	New Zealand Law Society Te Kahui Ture o Aotearoa
12:00:00 PM	Latin Americans Supporting Tino Rangatiratanga
12:10:00 PM	Lawyers for Climate Action Aotearoa
12:20:00 PM	The Tree Council
12:30:00 PM	LUNCH
12:40:00 PM	LUNCH
12:50:00 PM	LUNCH
1:00:00 PM	BusinessNZ
1:10:00 PM	Environment and Conservation organizations of NZ Inc.
1:20:00 PM	Jonathan Boston
1:25:00 PM	New Zealand Federation of Multicultural Council
1:35:00 PM	Sharleen Briden
1:40:00 PM	Tania Waikato
1:45:00 PM	Eddie Clark
1:50:00 PM	Environmental Network Manawatu
2:00:00 PM	Tangata Whenua Social Workers Association
2:10:00 PM	New Zealand Council for Civil Liberties
2:20:00 PM	Gollins Commercial Limited
2:30:00 PM	Maranga mai - Working group on racism

2:40:00 PM	Tina Ngata
2:45:00 PM	Eugenie Sage
2:50:00 PM	Jane Kelsey
2:55:00 PM	Ganesh Ahirao
3:00:00 PM	Nga Kaimahi Whenua o Ngati Ira Charitable Trust
3:10:00 PM	NZ Airports Association
3:20:00 PM	Post Primary Teachers Association
3:30:00 PM	Greater Wellington Regional Council
3:40:00 PM	Monopoly Watch NZ
3:50:00 PM	National Centre for Women's Health Research NZ
4:00:00 PM	Rights Aotearoa
4:10:00 PM	The Methodist Alliance
4:20:00 PM	Wairewa Runanga Incorporated Society
4:30:00 PM	Nga Taikura Taiao o Tuwharetoa
4:40:00 PM	Religious Society of Friends (Quakers) of Aotearoa NZ
4:50:00 PM	Waikato River Authority

Wednesday 9 July	
8:30:00 AM	Aotearoa NZ Association of Social Workers
8:40:00 AM	Northland Regional Council
8:50:00 AM	Inclusive Aotearoa
9:00:00 AM	McGuinness Institute
9:10:00 AM	Action Station Aotearoa
9:20:00 AM	Federation of Maori Authorities
9:30:00 AM	Clerk of the House of Representatives
9:40:00 AM	Dean Knight
9:45:00 AM	Seafood New Zealand, NZ Rock Lobster Industry Council, Paua Industry Council

9:55:00 AM	Bill Rosenberg
10:00:00 AM	NZ Planning Institute
10:10:00 AM	Parliamentary Commissioner for the Environment
10:20:00 AM	Tax Justice Aotearoa New Zealand Inc
10:30:00 AM	BREAK
10:40:00 AM	RNZSPCA
10:50:00 AM	Woke Lesbo Symposium
11:00:00 AM	NZ Māori Council
11:10:00 AM	Rainbow Support Collective
11:20:00 AM	Internet NZ
11:30:00 AM	Tom Bennion
11:40:00 AM	Rail and Maritime Union
11:50:00 AM	Royal Forest and Bird Protection Society of New Zealand Inc
12:00:00 PM	UNICEF Aotearoa New Zealand
12:10:00 PM	Whau Pasifika Trust
12:20:00 PM	Leonie Pihama
12:25:00 PM	LUNCH
12:40:00 PM	LUNCH
12:50:00 PM	LUNCH
1:00:00 PM	Lexie Mathieson
1:05:00 PM	Jan Logie
1:10:00 PM	Taituarā - Local Government Professionals
1:20:00 PM	Ngapuhi Iwi Social Services
1:30:00 PM	Tertiary Education Union
1:40:00 PM	NZ Public Service Association PSA
1:50:00 PM	Ngā Rangahautira
2:00:00 PM	Pou Taiao

2:10:00 PM	Martin Andrews
2:15:00 PM	Marian Hobbs
2:30:00 PM	Aotearoa New Zealand Employed Veterinarians Union Manatopu Inc
2:40:00 PM	David Small
2:45:00 PM	Annie Collins
2:50:00 PM	Bay of Islands Maritime Park Inc.
3:00:00 PM	BREAK
3:10:00 PM	People Against Prisons Aotearoa
3:20:00 PM	Te Tira Whakamataki
3:30:00 PM	Evans McCready
3:35:00 PM	Auckland Action Against Poverty
3:45:00 PM	St Peter's on Willis Social Justice Group
3:55:00 PM	Robbie Crawford
4:00:00 PM	Peace Action Ōtautahi
4:10:00 PM	Niue Group
4:20:00 PM	Elements of Resilience
4:30:00 PM	Greenpeace Aotearoa
4:40:00 PM	Richard Northey
4:45:00 PM	Rimu Bhooi

Thursday 10 July	
8:30:00 AM	Toitū Te Tiriti
8:40:00 AM	Manukau Urban Maori Authority
8:50:00 AM	Te Akatea Maori Principals and Leaders Incorporated
9:00:00 AM	Mangere Labour Electorate Committee
9:10:00 AM	Simpson Grierson
9:20:00 AM	Te Taumata Whakapūmau WAI 262

9:30:00 AM	Troy Baisden
9:35:00 AM	Rangitane o Wairau
9:45:00 AM	Mackenzie Guardians Incorporated
10:00:00 AM	Legislation Design and Advisory Committee
10:10:00 AM	Thomas Howard
10:15:00 AM	Brian Dixon
10:30:00 AM	BREAK
10:40:00 AM	Energy Resources Aotearoa
10:50:00 AM	Wellbeing Economy Alliance Aotearoa
11:00:00 AM	Public Health Communication Centre
11:10:00 AM	Paul McMahon
11:15:00 AM	New Zealand College of Public Health Medicine
11:25:00 AM	Inclusive Greens Network Executive
11:35:00 AM	Christchurch Central Methodist Parish
11:45:00 AM	Coal Action Murihiku (CAM)
11:55:00 AM	LUNCH
12:05:00 PM	LUNCH
12:15:00 PM	LUNCH
12:30:00 PM	Green Party of Aoteroa New Zealand
12:40:00 PM	Ngaio Union Church
12:50:00 PM	Nga Waihua o Paerangi (Ngati Rangi)
1:00:00 PM	The New Zealand Initiative
1:10:00 PM	Bryce Wilkinson
1:15:00 PM	Annette Sykes and Co
1:25:00 PM	BUFFER
1:30:00 PM	Te Kahui Tika Tangata Human Rights Commission
1:40:00 PM	NZEI Te Riu Roa

1:50:00 PM	Environment Southland
2:00:00 PM	Mataatua Macadamia Ltd
2:10:00 PM	Parents for Climate Aotearoa
2:20:00 PM	Taurikura NZ
2:30:00 PM	Te Aka Tauira VUWSA - Victoria University of Wellington Student's Association
2:40:00 PM	Toi Mata Hauora – Association of Salaried Medical Specialists
2:50:00 PM	Toitu Te Tiriti - Otautahi
3:00:00 PM	Young Greens Aotearoa
3:10:00 PM	Climate Liberation Aotearoa
3:20:00 PM	Network Waitangi Whangarei
3:30:00 PM	New Zealand Nurses Organisation

Note that further submitters are to be added on Thursday afternoon. This schedule is correct as at 8 July 2025, but is subject to change.