Briefing Paper

MFR2025-026

Ministry for Regulation
Te Manatū Waeture

To	**Hon David Seymour, Minister for Regulation**		
Title	**Regulatory Standards Bill: Initial findings from public consultation**	Number	**MFR2025-026**
Date	**21 February 2025**	Priority:	**High**
Action Sought	**For noting**	Due Date	**24 February 2025**
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Attachments	**Yes – Annex 1**	Security	**IN CONFIDENCE**

Executive summary

1. The consultation process on the *Have your say on a proposed Regulatory Standards Bill* discussion document closed on 13 January 2025, with approximately 23,000 submissions received. While it will take us time to fully complete our analysis of these submissions, we agreed with your office that we would provide an early indicative summary of what submitters were saying.
2. An early draft summary of submissions is attached as **Annex 1**.
3. The content within this early draft is informed by the initial results of our quantitative and qualitative submissions analysis, noting that we have qualitatively assessed around 40 percent of submissions we have defined as 'substantive' (submissions from organisations, iwi and hapū, and any other submissions with over 10,000 characters).
4. We also note that content in subsequent versions of the summary of submissions will be updated and may change as we complete this analysis and further quality assurance processes.
5. We have not yet had an opportunity to fully consider the implications of the feedback received through consultation for the current proposal. However, given your intent to seek Cabinet decisions by April, and introduce a Bill by May, we will need to provide you with advice in the next few days on options for taking a proposal forward in light of the feedback received.
6. We are continuing to analyse submissions to ensure we have captured, and are able to consider, the full range of submitters' views. We are aiming to complete this process by 19 March.

Recommended action

7. We recommend that you:

a	**note** the early draft of the summary of submissions attached as **Annex 1**	*Noted*
b	**note** that we have not yet had an opportunity to fully consider the implications of the feedback that we have analysed to date	*Noted*
c	**note** that, in light of your intent to seek Cabinet decisions by April, and introduce a Bill by May, we will need to provide you advice in the next few days on options for taking a proposal forward in light of the feedback received	*Noted*
d	**note** that we are aiming to complete consideration of submissions by 19 March	*Noted*

Andrew Royle

Deputy Chief Executive Policy

Ministry for Regulation

Date: 21 February 2025

Hon David Seymour

Minister for Regulation

Date:

Purpose of report

8. The consultation process on the *Have your say on a proposed Regulatory Standards Bill* discussion document closed on 13 January 2025, with approximately 23,000 submissions received. While it will take us time to complete our analysis of these submissions, we agreed with your office that we would provide an early indication of what submitters were saying. This briefing therefore provides you an early draft summary of submissions.

Analysis of submissions

9. **Annex 1** to this report provides you with an early draft summary of submissions, which gives an overview of the general sentiment and common themes emerging from that analysis so far.

Submissions analysis approach

10. There are two components to our submissions analysis.

11. First, we are working with a specialist consultancy (Public Voice) to quantitively assess support and opposition to the proposed Bill for all submissions.

12. We are then qualitatively assessing a proportion of submissions to summarise the reasons behind submitters' overall support or opposition to the proposal, as well as summarise detailed feedback on specific aspects of the proposal. This involves analysing approximately 1,000 submissions that we have defined as 'substantive' – which includes submissions from organisations, iwi or hapū, and any other submissions with over 10,000 characters. At the time of providing this report, we have qualitatively analysed approximately 377 of the substantive submissions (around 40%).

13. This means that the content within **Annex 1** will be updated and may change as we complete this analysis and further quality assurance processes – although we are confident that we have captured most of the broad themes likely to emerge.

14. We have also received the initial results of the quantitative analysis, which has identified that 19,789 submissions (around 88%) of submissions opposed the proposal set out in the discussion document, 100 submissions (0.44%) supported or partially supported it, and the remaining 2,667 submissions (around 12%) did not have a clear position. We are still undertaking quality assurance of this data, so the final percentages may change.

15. Submissions made in te reo Māori are being translated.

16. While a large number of submissions so far have been identified as 'template' submissions – i.e. responses that are based wholly or largely on shared templates, we have included them in our analysis on the basis that they appear to be genuine submissions from members of the public. Based on an initial analysis of email addresses, we have not identified any evidence of spam bots or other ungenuine activity.

17. A significant number of submissions reflected a misunderstanding that a Bill had already been developed and was in front of a select committee. Other submissions misunderstood some aspects of the proposal – for instance, that the establishment of a Regulatory Standards Board was intended to impose limits on the current operation of the courts.

Many submissions also assumed that all legislation would be required to be consistent with the principles, with no ability to disapply the principles, and were concerned about the constitutional and other consequences of such a strict regime. We have nonetheless reflected the relevant aspects of these submissions in our analysis.

Emerging themes

18. Submitters have provided a range of reasons for their stance on the proposal – however, the majority of submissions we have analysed so far have expressed concerns predominantly in relation to three areas:

- the perceived narrow focus of the proposal on the strengthening of individual rights and liberties at the expense of other principles relevant to good lawmaking and other public good objectives
- the lack of provision for te Tiriti/the Treaty of Waitangi and broader Māori rights and interests
- the likely costs of the proposal relative to its effectiveness and its potential to duplicate existing mechanisms or to result in more complexity.

19. Submitters that we have identified as generally supporting the proposal think the proposed Bill would improve regulatory quality, reduce costs on business, or promote economic growth and investment, or would help to protect institutions and property rights. Some submitters representing businesses or industry groups raised examples of regulation that, in their view, created unjustified complexity and costs, or was based on inadequate evidence, and they considered that the proposed Bill would help address these issues.

20. Some of the submissions we have analysed support the general idea of improving regulatory quality or constraining the use of regulation, but recommend that a different approach is taken (for instance, strengthening the status quo or strengthening Parliamentary processes). Of those submitters that we have identified so far as expressing broad support for the proposal itself, or as having mixed views, many nonetheless identify issues with specific aspects of the proposal, including:

- concerns about the choice of proposed principles and how they might overlap or conflict with other established principles (for instance in the Bill of Rights Act)
- views that establishing a new recourse mechanism would be costly and unnecessary.

21. Finally, while not directly relevant to the proposal itself, we have so far identified some criticism of the consultation process, including the length of time given for submissions (noting that the consultation ran for eight weeks), the fact that the consultation process ran over the Christmas period, and the lack of targeted engagement, particularly with Māori, iwi, hapū and post settlement governance entities. Other feedback related to the discussion document itself (for instance that it only put forward one option or that the questions were perceived as 'leading') and to the redaction of information of proactively released documents on the basis of professional legal privilege.

Next steps

22. We will continue to work through the submissions to provide you with a final summary of submissions by 19 March.

23. We have not yet had an opportunity to fully consider the implications of the feedback received through consultation for the current proposal. However, given your intent to seek Cabinet decisions by April, and introduce a Bill by May, we will need to provide you with advice in the next few days on options for taking a proposal forward in light of the feedback received.

Annex 1: Early draft summary of submissions on the proposed Regulatory Standards Bill

Note: *The content within this early draft is informed by the initial results of our quantitative and qualitative submissions analysis. Content in subsequent versions will be subject to further quality assurance processes, will be updated and may change. This document does not provide the Ministry's comments or analysis in response to the views raised in submissions.*

Contents

1 Introduction and overview of process/methodology

This document provides an initial update on the themes arising from the Ministry for Regulation's (Ministry) analysis of submissions on the discussion document '*Have your say on the proposed Regulatory Standards Bill*'. It does not include the Ministry's comments or analysis in response to the views raised in submissions.

1.1 Volume and type of submissions

The Ministry received approximately 23,000 submissions. **Table 1** sets out the types of submitters. These numbers will likely change as the process of 'cleaning' the data progresses, such as where duplicates are identified.

Table 1: submitters by type (note figures will be subject to change)

Type of submitter	Email submitters	Citizen space submitters	All submitters
Organisation	302	79	381
Iwi/hapū	73	53	126
Individual	15,819	6,589	22,408
Total	16,194	6,721	22,915

1.2 Approach to analysis

There are two components to our submissions analysis. First, we are working with a consultancy to quantitively assess support and opposition to the proposed Bill for all submissions.

We are then qualitatively assessing a proportion of submissions to summarise the reasons behind submitters' overall support or opposition to the proposal, as well as summarise detailed feedback on specific policy proposals. This involves qualitatively assessing approximately 1,000 submissions we have defined as 'substantive' – which includes all organisation submissions, all submissions from iwi and hapū, and any other submissions with over 10,000 characters.

Submissions made in te reo Māori are being translated.

1.3 Current progress on submissions analysis

As of 20 February, the Ministry has received initial findings on the overall stance of submitters towards the proposed Bill. These findings are summarised in section 2. We are still working with our provider to undertake quality checks of the results.

We have also qualitatively assessed approximately 40 percent of substantive submissions – sections 3 and 4 summarise the themes arising from this analysis. As the Ministry is yet to complete submissions analysis, all information presented within this document should be treated as interim and subject to change following further quality assurance processes and submissions analysis.

2 Initial quantitative findings

Tables 2 and 3 set out the initial results from our quantitative analysis of the full range of submissions to identify whether submissions opposed the proposed Bill, supported or partially supported it, or did not state a clear position. We have undertaken this analysis with a consultancy, Public Voice, which has expertise in consultation management and AI-assisted analysis tools. There are several caveats with these initial results which mean they may change as we complete our quality assurance process. The key caveats are listed below:

- These are initial results based on a model which has been iterated several times between the Ministry and Public Voice on the basis of the submissions received.
- We have completed an initial quality check of the results relating to submissions received in Citizen Space, however, not for submissions received via email. Public Voice has been regularly performing their own internal quality checks before providing results.
- Submissions identified as 'no clearly stated view' could include a range of submissions supporting, partially supporting or opposing the proposed Bill.
- We are still 'cleaning' the underlying data, such as by removing duplicates and unrelated submissions and unbundling multiple submissions that arrived as single emails.
- Some submissions, approximately 350, will need to be entered manually (this means the total number of submissions differs from the total in Table 1).

Table 2: Submitters' stance on the proposed Bill (note figures will be subject to change)

Submitter type	Oppose	Partially Support	Support	Unclear	Total
Individual	19,403	57	27	2,581	22,068
Iwi/hapū	94	1	0	27	122
Organisation	292	12	3	59	366
Total	19,789	70	30	2,667	22,556

Table 3: Submitters' stance on the proposed Bill in percentages (note figures will be subject to change)

Submitter type	Oppose	Partially Support	Support	Unclear
Individual	87.92%	0.26%	0.12%	11.70%
Iwi/hapū	77.05%	0.82%	0.00%	22.13%
Organisation	79.78%	3.28%	0.82%	16.12%
Total	87.73%	0.31%	0.13%	11.82%

3 Initial qualitative findings - overarching themes

The discussion document asked submitters for their views on setting out requirements for regulatory quality in legislation. This section summarises the range of reasons submitters provided for their support or opposition to the proposed Regulatory Standards Bill. These reasons are summarised in no particular order.

3.1 Submitters' reasons for opposing the proposed Bill

Our initial quantitative analysis shows that around 88 percent of submitters expressed opposition to the proposed Bill. From qualitatively assessing a proportion of submissions we have grouped reasons for opposing the proposed Bill into five categories:

- Creating duplication, increased complexity and uncertainty
- Creating constitutional and legal issues (outside of te Tiriti o Waitangi/the Treaty of Waitangi)
- Affecting te Tiriti o Waitangi/the Treaty of Waitangi and Māori rights and interests
- Worsening social, environmental and economic outcomes
- Other.

3.1.1 Duplication, increased complexity and uncertainty

The proposed Bill would result in duplication and increase complexity in lawmaking

Submitters stated that the current system already contains mechanisms for improving regulatory quality. Examples raised include:

- the requirement for Regulatory Impact Statements
- the Legislation Act 2019
- the New Zealand Bill of Rights Act 1990 (BORA)
- guidance from the Legislation Design and Advisory Committee (LDAC)
- Parliamentary scrutiny, including through select committees like the Regulations Review Committee
- the common law
- te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

These submitters opposed the Bill on the basis that the issue of improving regulatory quality would be better addressed through improving non-legislative or existing legislative mechanisms.

Submitters also considered that the proposed Bill would duplicate existing mechanisms which would increase complexity and make existing roles and responsibilities less clear. Submitters considered that the proposed Bill does not address the complexity of lawmaking where the quality of legislation is influenced by value judgements and policy trade-offs, in addition to the quality of the procedures used to make it, and therefore was not the way to address the issue of regulatory quality.

The proposed Bill would be inflexible and create uncertainty for business due to a lack of consensus.

Submitters raised concerns that taking a legislative approach would be inflexible, risk stifling innovation and make it harder to respond to changing contexts over time, such as evolving societal expectation and advances in technologies. They considered that this would create inefficiencies and additional costs over time. Submitters also stated that the proposed Bill would result in uncertainty for regulated parties, including business. They considered that without the Bill being supported by a broad consensus, there could be no certainty that the changes would endure.

3.1.2 Constitutional and legal issues

The proposed Bill would undermine future Parliaments and democracy

Submitters considered that the proposed Bill was intended to have 'constitutional effect' and therefore it shouldn't progress without bipartisan support. Submitters raised concerns that it would undermine the supremacy of Parliament to make laws and reduce the ability of future parliaments to legislate in the public interest. Submitters also considered that the proposed Bill would negatively impact democracy because it would constrain Members of Parliament from legislating in the best interests of their constituents.

The proposed Bill could increase the complexity of the current legal framework and result in unintended legal consequences

Submitters raised that the proposed Bill may result in increased litigation, both due to providing an additional avenue for businesses to challenge regulations and because of the increased complexity the proposed Bill would introduce. Submitters also considered there may be unintended consequences should the courts view the principles as having constitutional significance which could change how they interpret and apply the law over time (see section 4.1 on the principles).

3.1.3 Te Tiriti o Waitangi/the Treaty of Waitangi and Māori rights and interests

The proposed Bill does not recognise and provide for te Tiriti o Waitangi/the Treaty of Waitangi

Submitters considered that the proposed Bill does not recognise and provide for te Tiriti/the Treaty, such as by not including a regulatory responsibility principle relating te Tiriti/the Treaty. The number and nature of submissions around this indicated both strong concerns from Māori and the public generally, who considered this to be a crucial omission that could sideline and limit te Tiriti/the Treaty protections in both current and future laws and did not reflect the constitutional importance of te Tiriti/the Treaty to New Zealand.

Submitters stressed the importance of te Tiriti/the Treaty and the partnership between Māori and the Crown and were concerned that the legislation would breach or lead to breaches of te Tiriti/the Treaty and undermine the balance of kāwanatanga and tino rangatiratanga. Submitters commented that the proposal ignores current legal jurisprudence, and established standards for law and policy making process such as the Legislation Guidelines issued by the LDAC.

The proposed Bill would negatively impact Māori sovereignty, governance and self-determination

Submitters raised the view that the proposed Bill violates Māori sovereignty and autonomy, which contradicts the spirit of the He Whakaputanga o te Rangatiratanga o Nu Tireni, the Declaration of Independence 1835, by concentrating power in the hands of the Crown and unelected officials.

Submitters considered that the proposed Bill undermines tino rangatiratanga and does not ensure hapū participation in decisions affecting whenua (land) and resources, and recommended that the Bill establish mechanisms for Māori to exercise tino rangatiratanga over whenua, resources, and affairs that accommodate diverse governance models, including those based on tikanga Māori, partnership or co-governance. Submitters views on the proposed Bill's impact on kaitiakitanga are summarised in section 3.1.4.

Submitters also considered that the proposed Bill would contravene the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), stating that the Crown has a duty under UNDRIP to respect and uphold the rights of Māori as indigenous peoples. Submitters raised concerns that disregarding international obligations undermines the progress New Zealand has made as a global advocate for indigenous peoples.

The proposed Bill does not provide for consultation and engagement with Māori

Submitters considered that the proposal does not provide for appropriate, meaningful, and effective engagement and participation for Māori, iwi and hapū as part of the Bill's processes. Submitters were concerned that the absence of these provisions could threaten or diminish their rangatiratanga, breach the Crown's obligations under te Tiriti/the Treaty and or/undermine Crown commitments arising from te Tiriti/Treaty settlements, resulting in poorer outcomes for the environment and society.

Upholding te Tiriti o Waitangi/the Treaty of Waitangi settlements and arrangements with iwi and hapū

Submitters raised concerns that the proposal is inconsistent with te Tiriti/Treaty settlements and undermines the partnership reached with the Crown. Submitters were concerned that te Tiriti/Treaty settlements and other arrangements would not be protected if there were no te Tiriti/Treaty provisions in the Bill, and that its generic regulatory standards would override settlement provisions and diminish the mana of agreements tailored to address specific historical grievances. Submitters considered the stated intent in the proposal to exclude legislation relating to te Tiriti/Treaty settlements was inadequate and were also concerned that the proposed Bill does not recognise the rights and interests of groups still negotiating settlements or yet to enter negotiations.

Submitters considered that many te Tiriti/Treaty settlement arrangements were interwoven and expressly constructed with reference to existing regulations and policies. Submitters were concerned that the Crown's settlement commitments to engage on policies, proposals or legislative changes which directly or indirectly affect settlement groups might not be upheld, with the Bill circumventing these agreements. For example, submitters raised concerns that current safeguards for Māori rights, such as those under the Marine and Coastal Area (Takutai Moana) Act, could be undermined if there are no explicit protections in the proposed Bill.

3.1.4 Social, environmental and economic outcomes

The proposed Bill prioritises individual property rights over the collective.

Submitters considered that the proposed Bill would establish a hierarchy which prioritises individual property rights over collective wellbeing which they considered would result in worse social, environmental and economic outcomes. Submitters also raised this perception in relation to Māori collective rights, stating that Māori customary rights, cultural practices, tikanga Māori,

mātauranga Māori, and Māori governance structures, that are often exercised collectively through whānau, hapū, and iwi, must be safeguarded in any regulatory framework. Submitters considered that the Bill should acknowledge and ensure that regulatory standards do not inadvertently erode these collective rights by applying a narrow, Western-centric view of individual freedoms.

Submitters also raised concerns that the proposed content of the Bill would enable corruption and/or privilege lobbyists, corporations and the wealthy, as individuals or groups with less resources would not be able to access the mechanisms within the Bill. Analogies were drawn with the system of investor-state dispute settlement which submitters considered would enable international corporations to challenge New Zealand's domestic regulations, to the detriment of individuals or smaller stakeholders.

The proposed Bill could lead to worse social outcomes.

Submitters considered that the proposed Bill and its focus on individual property rights would make society more inequitable, such as through weakening safeguards such as those relating to public health, worker protections, health and safety and food safety. Specific examples raised by submitters where the Bill would place impediments on the government seeking to regulate tobacco, alcohol or unhealthy foods through warning labels or other measures, or where the government enacts measures intended to prevent human rights exploitations. Submitters linked this to the principle in the proposed Bill relating to 'takings' (see section 4.1).

Submitters also considered that a focus on procedural equality might enable structural discrimination such as institutional racism. Submitters raised the example of a policy that appears to treat everyone equally but has uneven impacts on particular groups. Submitters considered there was a risk that the proposed Bill would prevent government from regulating in a way that addresses these unequal outcomes.

Submitters raised concerns that Māori communities are often at the frontline of such impacts, with poorer access to healthcare, greater exposure to environmental hazards, and higher rates of disease linked to environmental degradation. It was suggested that the social and cultural impact of the Bill on Māori would be significant, as it risks deepening the systematic inequalities that already exist and further marginalizing Māori communities, who rely on a healthy environment for their physical, cultural and economic wellbeing.

The proposed Bill could lead to worse environmental outcomes and does not provide for kaitiakitanga

Submitters considered that the proposed Bill would provide corporations with an avenue to challenge environmental regulations including relating to pollution, climate change, water quality and air quality on the basis of private property impacts. They stated concerns that this would lead to government being hesitant to implement new environmental regulations and may result in the rolling back of existing safeguards.

Submitters also considered that the proposed Bill does not recognise kaitiakitanga and the unique relationship between Māori and the environment under te Tiriti/the Treaty, or how tino rangatiratanga is a critical lever for environmental protection. Submitters were concerned that this would risk enabling the degradation of ecosystems, including rivers, oceans, and land which are vital to health and cultural, social, and economic well-being. Submitters considered that the

Bill could make much better use of Māori knowledge and their kaitiakitanga role to affect positive environmental outcomes.

The proposed Bill could lead to worse economic outcomes.

Submitters raised risks that though the proposed Bill may reduce regulatory burdens on regulated parties in the short term due to a focus on individual liberties, it may result in longer term economic instability due to weaker government regulation. This is because they considered a reduction in regulation would negatively impact the effective regulation of market failures, including regulations relating to competition, consumer protections, monopolies, externalities, and information imbalances in markets.

3.1.5 Other reasons

Submitters raised several other reasons for opposing the Bill, including considering it:

- failed to take account of New Zealand's international obligations and multilateral treaties the New Zealand Government is a party to
- would erode the ability of governments to raise revenues and provide infrastructure and public services
- provides too much power to the Minister for Regulation (see section 4.3 on the board)
- would not be implemented as government agencies do not have the resources and/or capability.

3.2 Submitters' reasons for supporting the Bill

Our initial quantitative analysis shows that approximately 0.44 percent of submitters expressed support or partial support for the proposed Bill, noting that approximately 12 percent did not state a clear view. From qualitatively assessing a proportion of submissions we have grouped reasons for supporting the proposed Bill into 3 categories:

- Reducing costs and promoting economic growth and investment
- Improving regulatory quality
- Protecting institutions and property rights

3.2.1 Reducing costs and promoting economic growth and investment

The proposed Bill would reduce the likelihood of unjustified regulations and overregulation.

Submitters stated that there was a common perception of New Zealand being too reactive and quick to legislate to address problems without adequately considering other alternatives. This issue was raised both in relation to primary legislation and secondary legislation. New and amended secondary legislation was identified by some submitters as often having less oversight and being subject to less rigorous processes than primary legislation. Submitters raised that regulators are often risk adverse and will therefore tend to overregulate or impose stricter rules than necessary to minimise risks on themselves. Submitters considered that this was because regulators did not adequately consider the costs of regulating which are born by regulated parties. The proposed Bill was seen as a way to ensure regulators and Parliament must adequately consider the costs imposed by regulations before imposing new requirements. Some submitters

also considered that regulation should only be considered as a last resort after first exploring non-regulatory options.

The proposed Bill would improve productivity and growth through reducing the costs imposed by regulations over time

Submitters stated that the proposed Bill is necessary to reduce unjustified costs on businesses over time. This was seen as directly benefiting New Zealand businesses, and also indirectly benefiting consumers where businesses had to pass along the costs of compliance to consumers when they set prices for their goods and services.

Some submitters raised that this issue was particularly challenging for small businesses which had to spend a larger proportion of their time and resources on compliance than larger businesses. Overly complex or outdated regulation was also identified by some submitters as negatively affecting competition and smaller players or disruptors entering the market, resulting in less economic efficiency and higher prices for consumers.

The proposed Bill was also seen as a way to ensure regulations are workable and able to be implemented by regulated parties. Submitters raised examples of government agencies creating regulations that were unable to be complied with due to practical constraints such as existing information systems or business practices.

The proposed Bill would improve certainty for businesses and investors.

Submitters raised several examples of regulations causing delays for business, such as when applying for licenses, permits or consents. This was raised as both a cost for businesses but also as making it harder for New Zealand businesses to make investment decisions and as impacting New Zealand's reputation as a destination for foreign direct investment. Submitters considered that this in turned harms New Zealand's productivity and economic growth.

3.2.2 Improving regulatory quality

The proposed Bill would raise the quality of regulation over time by increasing transparency and changing current incentives

Submitters raised that the current incentives around lawmaking did not result in lawmakers or regulators appropriately considering the costs of making bad or poorly designed regulations. The current incentives, such as regulatory impact statements and disclosure statements, were seen as too weak to address this issue. Submitters also raised the issue that lawmakers are currently incentivised to make regulations that benefit their constituents or supporters as opposed to benefitting New Zealand as a whole. The proposed Bill was seen as a way to address this issue by ensuring that proposed and existing legislation is transparently assessed against the same standards. Increased transparency around lawmaking was seen as one of the fundamental benefits of the proposed Bill. Submitters also stated that this could increase consensus and buy in for new regulations among regulated parties, where the costs of regulations were transparently justified in terms of their benefits.

The proposed Bill would increase alignment across regulatory systems and with international best practice

Submitters raised that businesses in sectors such as finance, insurance, telecommunications and minerals are subject to overlapping and in their view often contradictory regulations administered

by different regulators with different approaches to applying and enforcing regulations. The proposed Bill was seen by submitters as a way to improve coherence across regulations and regulators, which would in turn reduce costs on businesses and consumers, as well as reducing the need for litigation due to ambiguous legislation. Some submitters raised the example of agencies' approach to setting fees and charges, which was seen as inconsistently applied across government with a lack of transparency.

Submitters also considered that the proposed Bill would help ensure New Zealand's regulatory approach was in line with international best practice, noting that many larger businesses operate in a 'global regulatory system'. Submitters raised that New Zealand should prioritise international standards before creating its own bespoke standards. There was also a need for New Zealand to carefully assess whether regulations created in different jurisdictions were in fact appropriate for New Zealand's context.

The proposed Bill would reduce poorly designed regulations, ambiguity and the need for litigation

Submitters raised that when legal frameworks were ambiguous or poorly designed, entire industries could emerge around interpreting and litigating their application. The proposed Bill, through improving the quality of regulation, was seen as a way to minimise or avoid these costs. Submitters raised examples where poor drafting or gaps in legislation caused uncertainty and additional legal costs for regulated parties. They also raised that poorly designed legislation could result in unintended consequences, which subsequently required regulators to enforce new and more costly requirements to address.

The proposed Bill would ensure legislation remains fit for purpose over time

Submitters considered that legislation, especially secondary legislation, is not subject to adequate review over time. This was described as a 'set and forget' approach which meant that regulation became less and less effective over time as business practices, technologies and economic context evolved. The proposed Bill was seen as a way to ensure that government agencies effectively stewarded their legislation and regulatory systems to ensure they remain fit for purpose over time. Outdated regulations were also raised by submitters as holding back innovation.

3.2.3 Protecting institutions and property rights

The proposed Bill would build trust in institutions and protect against government overreach.

Submitters considered that the proposed Bill was important for ensuring citizens trust New Zealand's institutions. This was primarily through transparently setting out the standards that government would hold itself to. Submitters considered that trust in institutions was important for social cohesion and the long-term prosperity of New Zealand.

The proposed Bill would protect private property rights.

Submitters considered that the proposed Bill is necessary to protect private property rights. Submitters raised examples of regulatory takings, where they considered the state had unfairly prevented businesses or individuals from using their private property. In these cases, they considered that though the government didn't directly confiscate property, it had significantly reduced the ability to use that property. Examples raised by submitters included the Covid 19 lockdowns, requirements to upgrade earthquake prone buildings, significant natural areas and other measures under the Resource Management Act 1991.

3.3 Feedback on the consultation or policy process

In addition to commenting on the proposals, submitters provided feedback on the consultation process itself. Submitters raised issues around the time provided for consultation and considered that it was difficult for the public to fully engage with the consultation process because it spanned the Christmas and New Year holiday period. This was seen as a particular issue because of the significance and potential constitutional impacts of the proposals. Some submitters also stated that in light of the process they did not consider the proposed Bill would meet its own standards for developing regulation.

Consultation and engagement with Māori about the proposal

Submitters considered that there was no meaningful consultation and engagement with Māori on the development of the proposal, and that this disregarded the Crown's partnership obligations, undermined the intent and spirit of te Tiriti/the Treaty, and showed a lack of good faith. Submitters considered this approach put the Crown in breach of te Tiriti/the Treaty principles and te Tiriti/Treaty settlements and the limited nature of consultation on the policy proposals is insufficient to meet settlement commitments. Submitters called for the proposed Bill to be abandoned and to instead engage in meaningful consultation with Māori on whether changes are needed and the meaning that te Tiriti/the Treaty takes in any amended or proposed new regulatory setting.

Submitters were concerned about the large number of redactions in the Ministry's Preliminary Treaty Impact Analysis and were critical of a perceived lack of transparency around this, saying that it impacted their ability to engage with the analysis making it virtually unusable. Submitters considered that all information should have been made available given the significance of the proposal.

4 Initial qualitative findings - feedback on specific proposals

This section summarises the feedback of those submitters that commented on specific proposals within the discussion document. Of those that commented on specific proposals, most submitters focused on the proposals relating to the principles for responsible regulation.

4.1 The proposed principles of responsible regulation

4.1.1 Discussion document proposal (discussion area 1)

The discussion document proposed a set of principles that would be set out in primary legislation, and that the Government would consider when developing legislative proposals or exercising stewardship over regulatory systems. These principles would focus primarily on the effect of legislation on existing interests and liberties, along with good law-making process. The Bill would require the Minister for Regulation to release guidelines that would set out in more detail how the principles should be interpreted and applied.

4.1.2 Feedback on proposal

Establishment of principles in legislation

A small number of submitters expressed support for the establishment of principles to guide both law making and regulatory review. The reasons for this broadly align with the overarching reasons for supporting the proposed Bill which are summarised in section 3.2.

Other submitters were positive about the idea of principles in legislation, but disagreed with the ones being proposed, or thought that they needed to be developed so as to secure multi-party agreement and/or the support of all New Zealanders.

However, the majority of submitters that commented on the proposal were opposed to establishing principles in a legislation. In general, this was because they disagreed with the proposed principles themselves (see below), with most of these submissions raising the lack of provision for te Tiriti o Waitangi/the Treaty of Waitangi, and Māori rights and interests both in relation to the process for developing the principles (e.g. a lack of engagement with Māori) and in the principles themselves. Submitters considered the omission of a principle relating to te Tiriti/the Treaty would marginalise Māori voices; undermine the well-established role of te Tiriti/the Treaty as part of law-making; undermine the Crown's constitutional obligations to Māori, and disregard collective rights. The number and nature of submissions around this subject indicates both strong concerns from Māori and from the general public.

Other reasons given for this opposing the proposed principles included perceptions that:

- there are cheaper and more effective ways to increase the quality and robust implementation of regulation
- there are legal and constitutional risks associated with putting principles of this nature in primary legislation
- many of the principles are already appropriately recognised and/or protected in other ways (especially BORA), and/or there is the potential for duplication, which could cause uncertainty and confusion
- principles of this nature should be a matter for Parliament, and they would interfere with Parliament's functions (e.g. the scrutiny of legislation)
- putting principles in legislation binds current and future governments to an inflexible set of standards and will impede their ability to respond to technological, social, demographic and other changes in an optimal way
- the principles in their current form do not address how good regulation could stem from te Tiriti/the Treaty and how it should align with existing legal frameworks that recognise and uphold Māori rights, such as the Resource Management Act 1991, and with te Tiriti/Treaty settlements.

A few submitters noted that the success of the principles would depend on how they were implemented, including how potential tensions between the principles, and with other legislative principles or requirements in other Acts, would be worked through and resolved.

Focus and content of principles

Overall feedback on principles

We have identified a small number of submitters that support the general focus and content of the principles. Most of these submitters talked about their support for particular principles in their submission (see below).

Those expressing negative views toward the principles generally discussed the overall focus and content of the principles in their submissions. Reasons given by submitters for opposing the general focus of the principles include a perception that the principles:

- reflect a particular ideological position, including a focus on individual rights at the expense of the public good, te Tiriti/the Treaty, Māori rights and interests, collective rights, and equality over equity (more feedback on this is summarised in section 3.1.3-4).
- are too limited and exclude concepts widely understood to underpin legislative quality (such as obligations under international law or privacy) or values important to many New Zealanders such as social wellbeing and environmental sustainability
- are expressed as strict legal tests that it would be difficult for any legislation to meet, rather than flexible concepts open to interpretation
- have the potential to conflict with each other, with no clarity as to how such conflicts would be resolved
- are based on a conceptualisation of regulation as an unwanted limit on rights and freedoms, rather than a tool that Government can use to achieve broader outcomes, limiting the areas in which the government can legitimately legislate
- duplicate or are inconsistent with other principles or understandings in law (e.g. in the Bill of Rights Act) or elsewhere (e.g. the Legislation Guidelines), or would be better provided for by amending other legislation (e.g. the Bill of Rights Act)
- are in many cases hard to define and interpret, leading to uncertainty and an increased risk of litigation
- are unlikely in their current form to receive broad public or political support and should therefore not be applied to all legislation, or used to try and bind future governments.

Some submitters expressed concern about how the principles had been developed, recommending that, if the principles were intended to reflect fundamental values, they needed to be developed with input from a broad range of New Zealanders.

Feedback on specific principles

Rule of law

Some submissions that we identified as supporting establishment of principles in legislation expressed support for a rule of law principle. One comment was that this principle would help avoid regulatory takings currently happening under the RMA.

Other submissions agreed that the rule of law is an important principle for good law-making, but thought the proposed expression of the principle should be expanded in several ways, including adding in specific references to:

- human rights including all of those set out in the Bill of Rights Act
- the law being intelligible, predictable, and having a clear purpose
- the ability to monitor and enforce the law
- that the laws of the land should apply equally to all, except to the extent that objective differences justify differentiation
- appropriate exercise of powers
- compliance with international law.

Submitters raised concerns with the way that the rule of law is expressed in the proposed principle, for instance:

- the focus on equality before the law was perceived to entrench historical injustices and systemic inequities (particularly for Māori) given the potential for it to undermine affirmative action, equity-based policies, and protections for vulnerable groups.
- submitters sought clarity on whether all persons being treated equally before the law would require substantive or procedural equality, or both, and who the decision maker would be. It was suggested that if this was applied procedurally then it would be inconsistent with Article 2 of te Tiriti/the Treaty
- there was a view that the proposed formulation needed to explicitly provide for the status of Māori as te Tiriti/Treaty partners and their distinct cultural and legal frameworks
- the proposed limitations on administrative discretion were seen as potentially making it harder for future governments to respond to emerging challenges such as climate change, and respond to the broader public's expectations.

More broadly, some submissions noted that the exact nature of the rule of law is contestable, and that careful work would be required to ensure that any rule of law principles lines up with settled understandings.

Liberties

Some submitters expressed a view that the proposed liberties principle was novel, ambiguous or overly narrow and restrictive. For instance, some submitters thought that the principle was inconsistent with approaches in comparable overseas jurisdictions, and others expressed a view that the concept of absolute property rights on which the principle is based does not have a sound basis in western legal tradition.

Other submitters thought that the values expressed in the proposed principle did not have a settled meaning in law, and that this could lead to significant uncertainty

Submitters were concerned that the focus on the liberties principles excluded important concepts - for instance other aspects of liberty (such as political freedom, freedom of religion, freedom of association and freedom of speech) or the rights of the environment as provided for in some settlement legislation. Some submitters saw this narrow focus as undermining protections for Māori cultural practices and legal frameworks rooted in tikanga, which prioritises communal responsibilities alongside individual freedoms.

Another common theme was how this principle could impact on how private property rights and public good objectives are balanced, potentially restricting governments' ability to undertake

basic functions (such as enabling the effective and efficient operation of markets) because these would likely be inconsistent with such a restrictive principle.

Takings

Some submitters expressed strong support for a broad takings principle, including a requirement to compensate businesses or individuals where government actions impact on their ability to use their land, buildings or other property as they see fit.

However, the majority of submissions we have analysed did not support such a principle. Concerns raised by these submitters included perceptions of:

- a lack of definition of key concepts including "property", "taking", "impairment," leading to significant regulatory uncertainty (e.g. for network utility operators or in relation to government-led climate adaptation policies)
- a failure to recognise collective ownership and customary rights central to tikanga Māori
- significant fiscal and legal risks for the Crown caused by requirements to compensate corporate interests for the loss of a 'property right' (including risks associated with investor-state dispute settlement disputes) and consequential limitations on Governments' ability to regulate to prevent harm to New Zealanders.

Many of these submitters also questioned how this would apply to protected Māori land or resources. It was suggested that the Crown could prioritise private or corporate interests over Māori land protections, potentially undermining Māori aspirations for tino rangatiratanga over whenua.

Many of these submitters questioned the concept that those who obtain the benefits of a taking or impairment should provide compensation, with submitters expressing views that this would be very difficult to apply in practice, is not a well-recognised concept, and could have a disproportionate impact on certain population groups.

Another relatively common view was that provision for any property right should be made through the Bill of Rights Act rather than through the proposed Bill.

Taxes, fees and levies

A small number of submitters supported the inclusion of principles relating to taxes, fees and levies, with a suggestion that transparency relating to the setting, collection and disbursement of fees and levies, along with the opportunity to influence the efficiency of service provision where cost-recovery regimes operate.

The other submitters that expressed a view on this principle did not support its inclusion on the basis of a perception that:

- it would be extremely difficult and complex to apply, particularly where costs or benefits were difficult to quantify
- it prioritises economic considerations over social and cultural obligations which could constrain the government's ability to fund crucial services disproportionately affecting Māori communities

- many of the concepts are not well-defined and could lead to considerable uncertainty and/or litigation – for instance determining what a "proper relationship" is between a fee and the costs of provision
- the proposal in relation to levies would compromise the government's ability to provide safety nets for our most vulnerable and under-resourced people and communities.

Role of courts

We have not yet found many submissions that have commented on the role of courts principle. One submission has recommended reframing this principle in terms of legal scrutiny and accountability for regulatory decision-making rather than in relation to rights and liberties.

Good lawmaking

There were a range of views on the proposed good lawmaking principles. There was some support for a focus on a good problem definition as the most important stage of good regulation, including a view that regulatory measures must avoid permanent or widespread market distortion and mitigate the risk of unintended consequences – and should be used only where the public interest test has been met, such as significant market failure.

Other feedback included views that:

- good law-making should include consistency with Te Tiriti/the Treaty, and there should be specific provision for meaningful engagement with Māori
- the consultation principle does not go far enough and should focus on 'effective' or 'meaningful' consultation (including providing sufficient time and giving people's views serious consideration)
- consultation should be broader than just those that Government "considers" are substantially affected by the legislation, including people having the ability to self-identify as being affected
- costs and benefits need to be defined broadly beyond economic costs
- the tests in the principles are worded too strongly – for instance, the costs and benefits principle leave insufficient room for value judgement even though decisions about benefits and costs routinely involve these types of judgements, and it will not be possible to determine whether legislation is the most effective, efficient and proportionate response available.

Regulatory stewardship

Most submitters who commented on the principles were broadly supportive of the regulatory stewardship principles. Feedback included views that good regulatory stewardship is an area that needs the greatest focus, and that these principles were likely to be the most useful.

However, other submitters expressed a view that effective stewardship must incorporate a te Tiriti/Treaty and tikanga-centered approach that recognises the interconnectedness of people, land, and future generations, and must actively include and elevate Māori perspectives to ensure the sustainability and inclusivity of regulatory frameworks.

Other submitters were concerned about how 'undue costs' might be defined in the context of preventing harm to New Zealanders.

Issuing of guidance

We identified a small number of substantive submissions that questioned whether the proposed provision for guidance supporting application of the principles would allow for sufficient transparency or public scrutiny, and/or whether it would give the Minister for Regulation too much power.

4.1.3 Feedback on alternatives or improvements

Many of the substantive submissions we have analysed included suggestions for additional or alternative principles, including:

- provision for te Tiriti /Treaty principles (including a principle relating to te Tiriti/the Treaty) and/or government's obligations under Te Tiriti/the Treaty (including promotion of tikanga and Te Tiriti/Treaty approaches to regulatory decision-making)
- provision for meaningful Māori participation
- protections for democracy and strengthened accountability
- protections in relation to the wellbeing of future generations, the environment, social equity and health and safety
- public good, collective good and long term good
- provision for New Zealand's obligations under international conventions, e.g. the UN Convention on the Rights of the Child, and the UN Convention on the Rights of Persons with Disabilities, and UNDRIP
- other legislative design principles e.g. certainty, proportionality, flexibility, and technological neutrality
- principles to support increased productivity.

4.2 Mechanism for ensuring consistency with the principles

4.2.1 Discussion document proposal (discussion area 2)

The discussion document proposed that the Bill would provide for a new consistency mechanism, which involves assessing new and existing legislation against the principles. For new legislation, consistency assessments would take place before a proposal comes to Cabinet and when legislation is introduced or published. For existing legislation, consistency assessments would take place as part of the duty on government agencies to review the stock of legislation they administer.

4.2.2 Feedback on the proposal

Submitters expressed mixed views around the proposal to assess consistency against the proposed principles of the Bill, particularly in relation to the legislative design principles. While some submitters believed that the proposed consistency checks would provide an opportunity to improve accountability in the development and maintenance of legislation, others opposed assessing consistency against the principles based on opposition towards the principles themselves.

Submitters expressed further concern around inefficiencies and costs associated with the proposed consistency assessment process. These concerns included a duplication of the role of existing mechanisms and institutions (e.g. the roles of PCO and LDAC in legislative development), additional time and cost for Ministers and agencies incurred in producing consistency assessments (and explaining inconsistencies), and the perception that consistency checks will impose undue burdens affecting the efficiency and timeliness of law-making.

Submitters had mixed views on the categories of legislation that should be exempt from consistency mechanisms, though noted that a consistent approach is needed to ensure robust levels of scrutiny and accountability. Submitters considered that any legislation that relates to the protection of rights guaranteed under Article Two of te Tiriti/the Treaty should be exempt from any requirements of the Bill, along with te Tiriti/Treaty settlements.

4.2.3 Feedback on alternatives or improvements

Submissions generally expressed support for existing arrangements that support transparency in the law-making process, including RISs and disclosure statements. Feedback noted that existing arrangements could be improved through increasing public participation, requiring compulsory Treaty impact assessments, incorporating a te Tiriti/Treaty and tikanga centred approach, improving the quality of impact analysis, and embedding additional analytical frameworks (e.g. rights and freedoms, sustainability) in the law-making process. Submitters emphasised the importance of maintaining the existing stock of legislation, and the need for government agencies to be properly resourced to carry out this function.

4.3 Regulatory Standards Board

4.3.1 Discussion document proposal (discussion area 3)

The discussion document proposed a Regulatory Standards Board that would consider complaints from the public about inconsistency of existing regulation with one or more of the proposed regulatory standards principles, and consider the operation of regulatory systems (e.g. how well regulation is being implemented).

4.3.2 Feedback on the proposal

A few submitters noted support for specific aspects of the proposed Board's design. They agreed with the proposed structure of the board which facilitates decision-making by a committee, and the Board's role to produce non-binding recommendations. They also mentioned support for the proposed ability for the Board to consider whether agencies are fulfilling their regulatory stewardship responsibilities.

Submitters shared the following reasons for their concerns about the Board.

The Board would give too much power to the Minister/Ministry for Regulation

Submitters raised concerns that the Minister/Ministry for Regulation would have too much power if:

- the Minister for Regulation appoints all the Board members
- the Minister for Regulation uses the proposed exemption criteria too freely, as this may result in politicised decisions

- the Minister for Regulation has a role to interpret other agencies' legislation both through the Board and the Minister's Ministry for Regulation.

The Board would remove or limit the role of the courts

Submitters raised concerns the Board would remove or limit the role of the courts in providing regulatory oversight and/or interpretation of laws. They considered that the proposal for a Board would infringe on the jurisdiction of the courts to examine and adjudicate on the suitability of current and future regulation.

The Board would disproportionately amplify the voices of certain private people or corporations

Submitters considered that the Board would disproportionately amplify the voices of certain private people or corporations who have the resources to file complaints or whose interests are served by the proposed principles. Submitters raised that the proposal for the Board would allow these people or corporations to challenge laws based on proposed regulatory standards principles that prioritise private freedoms and rights over the public good.

The Board would fail to be representative, unbiased and transparent

Submitters raised concerns that the Board would fail to be representative, unbiased and transparent; in particular that that the Board would be politically motivated, have no requirements for diverse representation, have no oversight, and have too much freedom to undertake reviews at its own behest. Submitters considered that the absence of provisions to ensure Māori representation within the decision-making process could undermine the principle of partnership and the Crown's duty to actively protect Māori interests.

The Board would fail to recognise the constitutional role of te Tiriti o Waitangi/the Treaty of Waitangi

Submitters considered that the proposed Board would fail to recognise the constitutional role of te Tiriti /the Treaty because the Bill makes no provision for te Tiriti/the Treaty or Māori rights and interests. Submitters raised concerns that without such a provision, the Board would breach te Tiriti/the Treaty.

The Board would duplicate the roles of existing mechanisms

Submitters raised instances where the proposed Board would likely duplicate the following existing mechanisms, without maintaining transparency and accountability:

- the Ministry for Regulation's role generally, and specifically its role to conduct regulatory reviews
- the government agencies responsible for administering specific legislation and regulatory systems
- the Regulations Review Committee
- the Ombudsman and independent commissioners
- the courts and relevant tribunals.

The Board would add unnecessary costs, bureaucracy and complexity

Submitters considered the proposed Board would add unnecessary costs, bureaucracy and complexity, particularly in a time of government fiscal constraint across the public sector. There were concerns it would duplicate the analytical work and legal advice provided by the Ministry for

Regulation, the Crown Law Office, and other government departments, which would add to the costs of public administration.

Submitters questioned whether it would be possible for the proposed Board to operate as a low-cost mechanism. The consultation document proposed that the Board would be tasked with responding to complaints about regulation quickly and at low-cost. Submitters noted that regulating is a complex and uncertain business, and the Board's proposed function of assessing consistency with the proposed principles, which are expressed broadly, may create too much uncertainty to result in definitive findings.

The Board would be ineffective

Submitters suggested that the Board would be ineffective due to the proposed design, function and makeup of the board. For example, the following comments have been submitted:

- drawing attention to inconsistencies with the regulatory standards principles may affect the political appetite for amending specific legislation
- members of the Board are likely to face the constant challenge of assessing important and unavoidable policy trade-offs, and
- its effectiveness may be limited because its recommendations about remedies are proposed to be non-binding.

4.3.3 Feedback on alternatives or improvements

Some submitters made suggestions to improve the proposal for the Board, they were:

- the Board should host oral hearings to support their consideration
- the Board should have the power to consider complaints about specific regulatory decisions, as these decisions may be evidence of systemic issues
- either a Parliamentary Commissioner or the Ombudsman should take on the proposed functions of the Board
- the Board should have robust appointment and membership policies, and
- there should be a narrower scope of the Board's intended functions.

4.4 The Ministry for Regulation's oversight role and regulatory stewardship

4.4.1 Discussion document proposal (discussion area 4 – oversight role)

The discussion document proposed that the Bill give the Minister and Ministry for Regulation some powers to conduct regulatory reviews as part of the Ministry's regulatory oversight role. Those powers would include the Minister for Regulation initiating and setting terms of reference for reviews, providing for review reports and the Government's response to be presented to the House and setting regular reporting requirements for the Ministry on the overall performance of the Regulatory Management System.

4.4.2 Feedback on the proposal

Submitters generally supported the broad objectives around improving accountability through regulatory oversight, in relation to regulatory stewardship expectations such as the review and maintenance of legislation. Submitters particularly supported strengthening the ex-post

evaluation (as identified by the OECD) and ensuring regulatory bodies have sufficient capability to carry out their roles, however submitters also noted the effectiveness of increased oversight measures may be reduced when there is a lack of funding or investment into regulatory capability.

Some submitters supported the intention of the Ministry's regulatory oversight role, including to undertake regulatory reviews. However, there were caveats that included ensuring a framework for Māori participation, including consultation when regulatory reviews impact Māori rights and interests and a concern that the focus will be on legislation rather than reviews and overall regulatory stewardship.

Submitters commented that the Minister and Ministry would be given disproportionate power over other government entities to set expectations and influence legislative and regulatory decision making without adequate accountability mechanisms.

Some submitters suggested this role would be unnecessary when accountability mechanisms already exist to scrutinise the development and quality of legislation. Mechanisms submitters pointed to were Parliamentary scrutiny, the use of subject matter expertise within individual agencies and existing legislation such the Legislation Act 2019, Crown Entities Act 2004 and Public Service Act 2020.

Some submitters suggested the current scope of the proposal would give the Minister and Ministry the ability to effectively rewrite or change laws without oversight.

Submitters raised concerns about the ability for the Minister and Ministry to provide guidance on how to interpret and apply the principles and consider exemptions to the principles after the Bill has passed. Concerns were raised that this ability will provide the Minister and Ministry with significant scope to influence the application of the principles that could result in biased or ideological interpretations or the weighting of certain factors over others in the development or review of regulation.

4.4.3 Discussion document proposal (discussion area 4 – information-gathering powers)

The discussion document also proposed giving the Chief Executive of the Ministry information-gathering powers to require information from a range of entities for the purposes of conducting regulatory reviews. Entities within scope of the power would include public service agencies, statutory Crown entities, local government, entities that make or administer secondary legislation, entities that undertake a regulatory function and third-party service providers contracted by government to support the delivery of a regulatory function. Information-sharing powers would not override prohibitions or restrictions on the sharing of information already set down in legislation.

4.4.4 Feedback on the proposal

Some submitters were broadly supportive of the Ministry having access to information it needed to undertake a regulatory review function. Submitters strongly agreed there needed to be provision to ensure the powers did not override existing prohibitions or restriction in legislation. There was also a view that an extension of the powers to the private sector would be an overreach.

Concerns were raised about the reasons for the powers and the need for the legislation to clearly articulate when they would be used to avoid the perception of or actual misuse.

Some submitters noted an awkwardness in mandating the provision of information between different government agencies who should be cooperative and forthcoming with information in their interactions. Others noted that powers are not necessary as mechanisms exist to seek information through the Official Information Act 1982 and Privacy Act 2020 or through voluntary mechanisms.

Concerns were raised about the compliance costs of requests including the resource and financial implications for agencies and local government. Submitters raised concerns that those costs would impact on agencies and local government's ability to deliver on their key functions. Some submitters raised an option of the Ministry for Regulation covering the cost of resourcing responses to information requests or making sure requests are made to the relevant central government agency instead of local government.

5 Next steps

We will update this report as submissions analysis progresses with the aim of finalising the summary of submissions document by 19 March.