



To	Hon David Seymour, Minister for Regulation		
Title	[REVISED] Regulatory Standards Bill: implementing requirements for regulatory system stewardship and review of existing legislation	Number	MFR2025-277
Date	6 November 2025	Priority:	Medium
Action Sought	Agree to the recommendations in this briefing	Due Date	11 November 2025
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Attachments	Annex 1: Background on regulatory system reporting	Security Level	IN CONFIDENCE

Minister's office to complete:

- | | |
|---|--|
| <input type="checkbox"/> Approved | <input type="checkbox"/> Declined |
| <input type="checkbox"/> Noted | <input type="checkbox"/> Needs change |
| <input type="checkbox"/> Seen | <input type="checkbox"/> Overtaken by events |
| <input type="checkbox"/> See Minister's notes | <input type="checkbox"/> Withdrawn |

Comments



Executive Summary

1. This briefing seeks decisions on implementing Regulatory Standards Bill (RSB) requirements that relate to regulatory system stewardship (clause 15) and review of existing legislation (clause 17).
2. Reviews of legislation against the principles of responsible regulation will mean that agencies need to consider whether legislation is still the most effective, efficient and proportionate response to the issue concerned that is available. In doing so, they will reveal opportunities to remove outdated and unnecessary regulation and reduce compliance costs.
3. RSB requirements significantly overlap with New Zealand's existing international commitments that relate to promoting periodic review of existing legislation. We can avoid unnecessary duplication, misalignment and cost by creating a single set of reporting that delivers on these combined intentions.
4. Regarding requirements for plans to review legislation, we recommend that:
 - for major regulatory agencies, plans for reviewing legislation under the RSB should be based on regulatory systems (rather than individual agencies), and cover all types of regulatory reviews, to provide high transparency for regulated parties and the wider public
 - agencies' plans should cover at least two years of planned reviews at any given time, and be updated regularly
 - agencies should share draft plans with responsible Ministers prior to publication to ensure that resources are efficiently allocated and planned reviews reflect government priorities
 - agencies should provide performance reports against their plans annually where they have scheduled a review against the principles of responsible regulation in the reporting period, with reports addressing review work completed and reasons for any changes.
5. We further plan to update existing regulatory stewardship resources to reflect the RSB and provide additional guidance to support agencies where needed.



Recommended Actions

We recommend that you:

- a **note** that the Regulatory Standards Bill sets out requirements for maintaining and improving existing legislation, including that:
- public service agencies proactively engage in the stewardship of regulatory systems (clause 15) *Noted*
 - agencies responsible for legislation produce and report on plans for regularly reviewing existing legislation for consistency with the principles of responsible regulation (clause 17)
- b **note** that New Zealand has made “good regulatory practice” international commitments through Free Trade Agreements that substantially overlap with the regulatory reporting requirements in the RSB *Noted*
- c **note** that we can reduce costs for agencies and improve visibility for regulated parties and the wider public by providing for a single set of reporting requirements that deliver on both sets of requirements *Noted*

Review of existing legislation against RSB principles

- d **note** that reviews of existing legislation against the principles of responsible regulation will reveal opportunities to remove outdated and unnecessary regulation and reduce compliance costs *Noted*
- e **note** that clause 27 guidance to be issued by you and the Attorney-General will set out details on how agencies should apply the RSB principles when undertaking reviews *Noted*

Developing and publishing plans for the periodic review of legislation

- f **agree** that agencies’ plans for reviewing existing legislation should:
- report by regulatory system for major regulatory agencies *Agree / Disagree*
 - include all anticipated regulatory reviews, including those initiated for RSB purposes and those initiated



for other reasons (e.g. due to statutory requirements for review)

g **agree** that, where reviews are initiated for reasons outside the RSB, agencies should consider including assessment against the principles of responsible regulation at the same time where practicable *Agree / Disagree*

h **agree** that plans should cover at least two years of planned reviews at any given time and be updated regularly *Agree / Disagree*

i **agree** that major regulatory agencies' plans should include the following information:

- a title for the review
- the lead agency responsible for the review
- a brief description of the nature and purpose of the review *Agree / Disagree*
- an indication of where planned reviews include an assessment against RSB principles
- the expected timing of the review
- the stakeholders and regulated parties who may be interested in the review
- any information on timing and opportunities for consulting persons directly and materially affected

j **agree** that agencies should share draft plans with responsible Ministers before they are finalised and publicised to ensure that planned reviews reflect government priorities *Agree / Disagree*

Reporting on plans for reviewing existing legislation

k **agree** that agencies should provide annual performance reports against plans for reviewing legislation where they have scheduled a review of RSB principles in the reporting period *Agree / Disagree*

l **agree** that performance reports should focus on review work completed and reasons for any changes since the last reporting period *Agree / Disagree*



Promoting agency stewardship of regulatory systems

- m **note** that the Ministry for Regulation plans to review and update regulatory stewardship resources to reflect the responsibility under clause 15 of the RSB where relevant *Noted*

Issuing guidance to reflect revised expectations

- n **note** that the Ministry for Regulation will reflect the decisions in this briefing through a combination of statutory guidance issued under clause 27 (where there is an obligation in the RSB), and other non-statutory guidance as needed *Noted*

Proactive release

- o **agree** that the Ministry for Regulation release this briefing once consequent Cabinet decisions are made, subject to redactions consistent with the Official Information Act 1982 *Agree / Disagree*

s 9(2)(a)

Erin King
Manager, Regulatory Stewardship
Ministry for Regulation
Date: 6 November 2025

Hon David Seymour
Minister for Regulation
Date:



Purpose of report

6. This briefing seeks decisions on implementing Regulatory Standard Bill (RSB) requirements relating to regulatory stewardship and review of existing legislation. The outcome of these decisions will be reflected in a draft Cabinet paper.

Background

7. The RSB requires:
 - Public service agencies to *proactively engage in the stewardship of regulatory systems (clause 15)*: This duty builds on the statutory expectation for stewardship of legislation that exists in the Public Service Act. It aims to promote a focus on regulatory systems, where the different parts work together to make sure that the system is maintained and improved in a coherent way, rather than working in siloes.
 - Agencies responsible for legislation to *develop plans for regularly reviewing legislation and report on progress (clause 17)*: This clause requires agencies to set out in a plan their proposed reviews of legislation against the principles of responsible regulation. In relation to these plans, clause 27 states that the regulatory standards Minister and the Attorney-General may jointly issue guidance on “how to prepare, publish, carry out, and report on plans”.
8. Since 2015, major regulatory agencies have been required to publish information about the regulatory systems in which they operate (refer to **Annex 1**). Some major regulatory agencies have developed plans to review their regulatory systems, either publicly or informally, but compliance with current reporting expectations is variable.
9. More recently, New Zealand has entered into several comprehensive trade agreements (including the UK-NZ and EU-NZ Free Trade Agreements) that contain a range of good regulatory practice commitments, including to:
 - promote periodic reviews of existing legislation
 - ensure that these reviews consider whether legislation is likely to remain fit for purpose, and opportunities to achieve public policy objectives more efficiently and effectively, and
 - publish plans for, and results of, these reviews.
10. The requirements in the RSB significantly overlap with our international commitments. They share a common interest in ongoing review and maintenance of the existing stock of legislation. We can avoid unnecessary duplication, misalignment and cost for agencies by creating a single set of reporting that delivers on these combined intentions.



Reviews against RSB principles will identify potential deregulatory measures

11. When reviewing existing legislation against the principles of responsible regulation in the RSB, agencies will need to consider “whether legislation is still the most effective, efficient and proportionate response to the issue concerned that is available”.¹ This will include consideration of the problem definition, case for government intervention, whether benefits exceed costs, and whether there are alternative responses that better address the problem (including non-regulatory responses). These analytical steps mean that agencies will essentially need to consider what would happen in the absence of the regulation.
12. Where agencies identify inconsistencies through a review, the RSB provides for the responsible Minister or maker to set out proposed actions (if any) to remedy the inconsistency. This will reveal opportunities to amend or repeal outdated and unnecessary legislation and reduce compliance costs.
13. A draft Consistency Accountability Statement (CAS) template for the review of existing legislation was provided to you in MFR2025-268 (in Appendix 3). The clause 27 guidance to be issued by you and the Attorney-General will set out further detail on how agencies should apply the principles to their reviews. We expect to share a draft of this guidance with you in the week commencing 10 November.

Developing and publishing plans for the periodic review of legislation

Plans should cover all proposed reviews

14. The RSB requires agencies responsible for legislation to develop and publish plans for regularly reviewing legislation for consistency with the principles of responsible regulation and produce CASs in relation to these reviews.
15. Under the RSB, plans will need to set out a pipeline of proposed reviews against the principles. There may also be other primary drivers behind regulatory reviews. These include statutory reviews required by other Acts, independent reviews commissioned by Ministerial-driven inquiries, or reviews initiated in response to regulatory failures.
16. We recommend that agencies develop plans to cover *all types of regulatory reviews*. Having a list of planned reviews in one place will be much easier to navigate for regulated parties and the wider public. It will fulfil New Zealand’s international commitments, which capture the publication of plans for a broader range of reviews.

¹ RSB principle 8(l) with modifications via clause 20



All reviews should include assessment against the principles where practicable

17. We recommend that agencies responsible for legislation include a review against the principles of responsible regulation when they are initiating reviews for other reasons. This may not be practicable in all cases, for example, if the review is focussed on operational matters in the regulatory system, rather than legislation.

Major regulatory agencies should develop plans by regulatory system

18. Almost all significant regulatory systems, and legislation covered by New Zealand’s international commitments, are administered by around 15 agencies (outlined in **Annex 1**). We recommend that these major regulatory agencies produce their review plans by regulatory system, rather than by agency.
19. Again, this will make the plans easier to navigate for regulated parties – they will be able to access a joined-up review plan for the system they engage with, rather than having to review multiple plans where a regulatory system cuts across different agencies.² This also supports the system stewardship approach expected in clause 15 of the RSB.
20. Smaller agencies could contribute information to these system plans (if they have a role in that system) and develop single agency plans for any remaining legislation that they are responsible for.

Responsible agency	Suggested approach producing plans for review
Major regulatory agencies (outlined in Annex 1)	Develop plans on a regulatory system basis for reviewing related legislation and operations within the regulatory system (rather than standalone plans for each agency) Coordinate with other responsible agencies within the shared regulatory system when developing plans
Other agencies	Share relevant information on planned review activity with the lead major regulatory agency to assist with the development of a regulatory system-wide plan, where practicable Develop a single agency plan for reviews of any remaining legislation that is not part of a wider regulatory system plan

² A practical example of this is the Council of Financial Regulators’ [Regulatory Initiatives Calendar](#) which covers regulatory initiatives across the whole of the financial markets system in one place, rather than individual agencies within the system (MBIE, Treasury, FMA, ComCom and RBNZ) creating standalone engagement plans. This approach supports greater transparency and improves accessibility of information for regulated parties while enabling coordination across agencies within the regulatory system.



Information to be included in plans

21. We recommend that agencies' plans contain the following minimum features to ensure information remains accessible and useful for regulated parties and the public.

Aspect of plan	Design feature
Reporting period	Plans should cover at least two years of planned reviews at any given time and be updated regularly
Information provided for each scheduled review	For each review, major regulatory agencies should include: <ul style="list-style-type: none"> • a title for the review • the lead agency responsible for the review • a brief description of the nature and purpose of the review • an indication of whether the review includes an assessment against the RSB principles • the expected timing of the review • the stakeholders and regulated parties who may be interested in the review • any information on timing and opportunities for consulting persons directly and materially affected

Approach to publishing plans for review

22. To ensure that resources are efficiently allocated and planned reviews reflect government priorities, we recommend that agencies share draft plans with their responsible Ministers before the plans are finalised and publicised.
23. Plans for review should be published in a clear and accessible way for the benefit of regulated parties and the wider public. Agencies should publish plans on an enduring webpage that provides information about their regulatory systems and responsibilities.

Reporting on plans for reviewing existing legislation

24. Clause 17(b) of the RSB requires agencies to prepare and publish regular reports on its performance in carrying out plans for review.
25. To promote accountability and ensure that obligations are met, we propose that agencies responsible for legislation provide performance reports annually where they have scheduled a review against the principles of responsible regulation in the reporting period.



26. Performance reports should focus on addressing review work completed and reasons for any changes since the last reporting period. We intend to use agencies' reports on plans to inform aspects of our four-yearly briefing on the state of the regulatory management system, per clause 16 of the RSB.

Promoting agency stewardship of regulatory systems

27. No additional decisions are needed to promote the regulatory stewardship responsibility under clause 15 at this point.
28. A number of resources already exist to support agencies with regulatory system stewardship.³ We intend to update these to reflect the clause 15 responsibility, and provide any additional guidance or best practice that agencies should have regard to when developing stewardship practices after the RSB enters into force.
29. The Ministry for Regulation could also request information from public service agencies to show what actions they have taken to fulfil the responsibility, to support the preparation of the four-yearly briefing on the state of the regulatory management system in clause 16.

Issuing guidance to reflect revised expectations

30. Clause 27(1)(d) of the RSB notes that guidance may set out recommended best practice or expectations on how to prepare, publish, carry out, and report on plans under the RSB.⁴
31. We recommend that the decisions in this briefing be reflected through a combination of statutory guidance issued under clause 27 (where there is an obligation in the RSB), and other non-statutory guidance as needed.

Consultation

32. We have not yet consulted agencies on the proposals in this paper. However, the proposals are substantially similar to those discussed with agencies in 2023 and 2024 to meet our international commitments.

Next steps

33. The decisions in this briefing will be reflected in a draft Cabinet paper that covers a range of RSB implementation matters.

³ These include the Ministry for Regulation's RegRoom resources to support regulatory system capability, and resources originally published by the Treasury, developed in accordance with the *Government's Expectations for Good Regulatory Practice*.

⁴ These include what agencies should have regard to, how often plans should be prepared and how often reviews should be carried out, the content of plans, how plans should be published, how agencies should report about performance under the plans, and how agencies should publish those reports.



Annex 1: Background on regulatory system reporting

- In 2015, the government set some enduring high-level expectations for regulatory system reporting by major regulatory agencies in response to the Productivity Commission’s *Regulatory Institutions and Practice* inquiry. This aimed to support better engagement with public stakeholders on regulatory system performance and on priority actions for system improvement.
- 15 agencies (“major regulatory agencies”) have lead responsibility over significant regulatory systems, or administer legislation covered by New Zealand’s international commitments. The indicative list of agencies is below:

Department of Conservation	Department of Internal Affairs
Inland Revenue Department	Land Information New Zealand
Ministry for the Environment	Ministry for Primary Industries
Ministry of Business, Innovation and Employment	Ministry of Education
Ministry of Health	Ministry of Housing and Urban Development
Ministry of Justice	Ministry of Transport
New Zealand Customs Service	Reserve Bank of New Zealand
The Treasury	

- Most of the major regulatory agencies currently give effect to New Zealand’s international commitments through Cabinet-mandated requirements to report on their regulatory systems [GOV-23-MIN-0028], including providing information on:
 - the nature and scope of the regulatory systems in which the agencies play important roles
 - the operation and performance of key regulatory systems, including recent reviews or assessments of aspects of the system’s performance
 - current plans for regulatory and operational improvements to those regulatory systems, to the extent that this is appropriate or required.
- New Zealand has made commitments in various trade agreements including the [UK-NZ Free Trade Agreement](#) and the [EU-NZ Free Trade Agreement](#). These obligations relate to a range of good regulatory practice commitments – including public consultation, publishing advanced plans for proposed regulatory measures, undertaking and publishing impact assessment, and promoting periodic reviews of existing regulatory measures.