



RSA Implementation: Initial Exclusion Notice Draft Cabinet Paper

Date	12 February 2026	Priority	High
Security classification	In confidence	Tracking number	MFR2026-025
Attachments	Annex 1: Draft Cabinet Paper Annex 2: Powers of Independent Crown Entities to grant exemptions (proposed for exclusion) Annex 3: Legislation proposed for exclusion by the Financial Markets Authority		

Action sought

Required from	Action	Deadline
Hon David Seymour Minister for Regulation	Agree to the recommendations in this briefing	16 February 2026

Contact for discussion if required

Name	Position	Phone number	1 st contact
Olivia Cross	Principal Advisor, Regulatory Management System	s 9(2)(a)	<input checked="" type="checkbox"/>
Pip van der Scheer	Manager, Regulatory Management System	s 9(2)(a)	<input type="checkbox"/>

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 Withdrawn |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

Annex 1 is excluded from this proactive release. The final Cabinet paper is available on the Ministry for Regulation website at: <https://www.regulation.govt.nz/about-us/our-publications/>



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Purpose

This briefing provides you with:

- further advice to support finalising a draft Cabinet Paper *Initial notice to exclude selected legislation from the Regulatory Standards Act 2025* for departmental and ministerial consultation
- a copy of the draft Cabinet Paper (see Annex 1), subject to final decisions
- an update on next steps and timing.



Recommended Action

The Ministry for Regulation recommends that you:

Exclusion of targeted legislation that provides for exclusions or exemptions

- | | | |
|---|--|-------------------------|
| a | agree to exclude selected secondary legislation made directly by some Independent Crown Entities that provide for exemptions from regulatory requirements as set out in Annex 2 | <i>Agree / Disagree</i> |
| b | agree officials will engage the Reserve Bank of New Zealand to determine if it has any exemption powers that may warrant exclusion on the same basis | <i>Agree / Disagree</i> |

Financial Markets Authority

- | | | |
|---|--|-------------------------|
| c | note some legislation proposed for exclusion by the Financial Markets Authority was inadvertently omitted from our earlier advice and has subsequently been assessed to determine if any legislation should be included in the initial notice (see Annex 3) | <i>Noted</i> |
| d | agree to exclude the legislation proposed by the Financial Markets Authority as set out in section one of Annex 3 | <i>Agree / Disagree</i> |

Draft Cabinet Paper consultation

- | | | |
|---|--|-------------------------|
| e | agree to officials circulating the draft Cabinet Paper (see Annex 1) for departmental consultation | <i>Agree / Disagree</i> |
| f | agree as part of departmental consultation officials will provide an update to non-public service organisations who sought exclusions from RSA requirements | <i>Agree / Disagree</i> |
| g | note we will confirm timing for departmental consultation and subsequent ministerial consultation with your office | <i>Noted</i> |
| h | agree to the Ministry for Regulation commencing drafting of the proposed notice, based on the approach in the draft Cabinet Paper | <i>Agree / Disagree</i> |

Order in Council to bring Part 2 of the RSA into force

- | | | |
|---|--|-------------------------|
| i | indicate if you would like to seek Cabinet's agreement to instruct PCO to draft an Order in Council bringing Part 2 of the RSA into force | <i>Agree / Disagree</i> |
|---|--|-------------------------|



- j **note** that, should you wish to do so, there are different timing options and trade-offs officials would like to discuss with you


Noted

Proactive release

- k **agree** that this briefing be released, subject to any necessary redactions under the Official Information Act 1982, at an appropriate time.

Agree / Disagree

s 9(2)(a)



Pip van der Scheer
**Manager, Regulatory Management
System**
Ministry for Regulation
Date:

Hon David Seymour
Minister for Regulation
Date:



Background

1. The draft Cabinet Paper set out in Annex 1 follows your decisions on *MFR2026-007 Regulatory Standards Act Implementation: Further decisions for considering exclusions to the Regulatory Standards Act 2025*. Your decisions were to exclude by notice specific legislation, or parts of legislation, that:
 - are powers to declare an emergency, or can only be exercised during specifically declared emergency situations
 - have been identified as solely implementing existing international trade agreements
 - give effect to specific agreements entered between the Crown and another country or countries relating to mutual assistance in criminal matters, reciprocal social security, child support, extradition treaties, and double tax agreements
 - is secondary legislation that enables the text of an international agreement to be updated once New Zealand has accepted the changes
 - implements agreements with iwi and hapū that are not already excluded as Treaty settlement legislation
 - would be an inappropriate intrusion of the Executive into specifically identified Parliamentary matters or which require consultation with the Judiciary
 - relating solely to:
 - i. interactions between public sector and/or state sector agencies, or that provide for how public sector agencies govern themselves with no or minimal public impact; or
 - ii. legislation that is administrative with negligible or no ongoing public impact
 - is for one of the following purposes:
 - i. Orders in Council that bring legislation into force
 - ii. secondary legislation that primarily relates to the revocation of secondary legislation identified as spent
 - iii. legislation to the extent it solely prescribes forms.
2. At your meeting with officials on 3 February you indicated that the notice should include targeted exclusions for some secondary legislation that provides for exemptions from regulatory requirements. This briefing provides you with:
 - an approach for providing the proposed targeted exclusions
 - an update on legislation proposed for exclusion by the Financial Markets Authority that was inadvertently omitted from previous advice.



Analysis

Targeted exclusions of some secondary legislation-making powers that provide for exemptions or exclusions

3. Secondary legislation that provides exemptions or exclusions to regulatory requirements are typically used to address situations where legislative requirements might be overly onerous, or are placing requirements on a broader audience than necessary to give effect to the policy intent, and can reduce regulatory burdens. They can also address situations not contemplated when legislation was put in place. Overtime we would expect that the review requirements for existing legislation in the RSA would provide a vehicle to address some of those situations within the primary legislation.
4. We understand you do not wish to broadly exclude all such provisions that exist across legislation. Therefore, to provide a targeted approach we recommend initially excluding only those provisions that are exercised directly by particular Independent Crown Entities at arm's length from Government and are not made by Order in Council.
5. This approach would exclude specific powers of the Takeovers Panel, the Electricity Authority, the Financial Markets Authority, and the Commerce Commission as set out in Annex 2. Those powers are used to regulate specific markets or industries and grant exemptions to individuals, businesses, decisions, transactions or classes within those markets or industries. Subject to your agreement these exclusions are reflected in the draft Cabinet Paper.
6. We note that the Reserve Bank of New Zealand may also exercise some exemption or exclusion powers for similar purposes, but, the central bank is not an ICE. We propose engaging directly with the Reserve Bank during departmental consultation to identify similar provisions.
7. We also anticipate additional Crown agents and Autonomous Crown Entities may identify similar powers that are for similar purposes but would not be included in the proposed approach as they are not ICEs.

Addition of items from the Financial Markets Authority

8. Some legislation proposed for exclusion by the Financial Markets Authority (FMA) was inadvertently omitted from MFR2026-007 that sought your agreement to the legislation to be contained in the initial exclusion notice.
9. We have subsequently considered the proposed legislation using the same parameters as in our previous advice. This assessment results in one empowering provision for secondary legislation being proposed for exclusion as this provision is an exemption power (and is set out in Annex 2).
10. An additional two secondary legislation-making provisions are proposed for exclusion as they are considered administrative with negligible or no ongoing public impact. For completeness these are set out in Annex 3 alongside the remaining legislation proposed for exclusion by the FMA that would not be included in this notice.



Next steps – exclusions

11. Following your approval of the draft Cabinet Paper, we will engage with your office to confirm the timing for consultation. Tentatively we are anticipating departmental consultation between 17 – 26 February, followed by ministerial consultation ahead of lodging on 19 March for EXP on 24 March.
12. Subject to your agreement, officials will begin drafting the notice. The notice would then be finalised following Cabinet’s consideration to enable you to commence the affirmative resolution procedure under Standing Order 330 as soon as possible.
13. This procedure will commence when you lodge a notice of motion seeking House approval.
14. Once lodged, the Clerk of the House will allocate the notice of motion to the appropriate Select Committee (likely the Regulations Review Committee), which will consider the proposed notice.
15. The Committee must report back no later than the first working day 28 days after the notice of motion is lodged (but may report back earlier). The recommendations of the Committee are not binding.
16. Following the report back, you will move the motion in the House and, once approved, issue the notice. Timing will be dependent both on Cabinet processes and House time to move the motion however, we anticipate it is likely to be sometime in May or early June.

Order in Council to bring Part 2 of the RSA into force

17. Section 2 of the RSA provides for Part 2 of the Act to come into force on 1 July 2026 unless an earlier date is set by Order in Council (OIC).
18. Should you wish to seek Cabinet’s agreement to such an Order in Council, the exclusions Cabinet Paper is an opportunity to do so. As such, we have included placeholder text in the attached draft Cabinet Paper, and an associated recommendation of “*authorising the Minister for Regulation to instruct the Parliamentary Counsel Office to draft an Order in Council to bring Part 2 of the RSA as soon as practicable after [event to be specified]*” with two potential event options indicated.
19. However, at this stage in the RSA implementation programme and with various moving parts, the size of the trade-offs that would be involved in pursuing an OIC are relatively unclear. We would therefore like to discuss this matter further with you.

Proactive release

20. With your agreement, the Ministry will proactively release this paper at the appropriate time in accordance with Official Information Act 1982 and Privacy Act 2020 requirements to support transparency and public trust in decision-making processes.



Annex 1: Draft Cabinet Paper

Annex 1 is excluded from this proactive release. The final Cabinet paper is available on the Ministry for Regulation website at: <https://www.regulation.govt.nz/about-us/our-publications/>

Appendix One: Legislation to be excluded from the Regulatory Standards Act via notice

Name	Reference number <i>Note this column will be deleted from the final version but is included for MfR internal use during consultation</i>
Powers to declare an emergency or can only be exercised during specifically declared emergency situations	
Forms of declarations of state of emergency made under section 115(a), (b), (h) or (i) of the Civil Defence Emergency Management Act 2002	NEMA-002/03
Secondary legislation made under section 5(1) of the Epidemic Preparedness Act 2006	MOH-01
Secondary legislation made under section 7(1) of the Epidemic Preparedness Act 2006	MOH-02
Secondary legislation made under section 8(1) of the Epidemic Preparedness Act 2006	MOH-03
Secondary legislation made under section 10(1) of the Epidemic Preparedness Act 2006	MOH-04
Secondary legislation made under section 70 of the Health Act 1956	MOH-06
Secondary legislation made under section 74C(2) of the Health Act 1956	MOH-07
Secondary legislation made under section 4 of the International Energy Agreement Act 1976	MBIE-79
Secondary legislation made under section 4 of the Petroleum Demand Restraint Act 1981	MBIE-80
COVID-19 Response (Taxation and Social Assistance Urgent Measures) Act 2020	MSD-005
Secondary legislation made under section 99 of the Social Security Act 2018	MSD-036
Secondary legislation made under section 100 of the Social Security Act 2018	MSD-037
Secondary legislation made under section 60A of the Overseas Investment Act 2005	TSY-006/ LINZ-012
Secondary legislation made under sections 14 or 15 of the International Terrorism (Emergency Powers) Act 1987	NSRG- 001
Secondary legislation made under section 654 of the Education and Training Act 2020	MOE-13
Secondary legislation made under section 331AA Resource Management Act 1991	MfE-001

Name	Reference number <i>Note this column will be deleted from the final version but is included for MfR internal use during consultation</i>
Secondary legislation made under section 49B of the Hazardous Substances and New Organisms Act 1996	MFE-027
Secondary legislation made under section 145 of the Biosecurity Act 1993	MPI-010
Secondary legislation made under section 150 of the Biosecurity Act 1993	MPI-010
Secondary legislation made under section 131 of the Biosecurity Act 1993	MPI-011
Secondary legislation made under section 16 of the Fisheries Act 1996	MPI-012
Secondary legislation made under section 41 or 46 of the Animal Products Act 1999	MPI-017
Secondary legislation made under section 410 of the Food Act 2014	MPI-018
Secondary legislation made under section 132 of the Organic Products and Production Act 2023	MPI-019
Secondary legislation made under section 62 of the Water Services Act 2021	DIA-019
Secondary legislation made under section 63 of the Water Services Act 2021	DIA-020
Secondary legislation made under section 66 of the Water Services Act 2021	DIA-021
Relates to specific international trade agreements	
Trans-Tasman Mutual Recognition Act 1997 and secondary legislation	MBIE-121
Tariff (Brunei Darussalam) Order 2006 under the Tariff Act 1988	MBIE-95
Tariff (Chile) Order 2006 under the Tariff Act 1988	MBIE-96
Tariff (Specified ASEAN-Australia- New Zealand Parties) Orders 2019 under the Tariff Act 1988	MBIE-97
Tariff (Specified AANZFTA Parties) Order 2009 under the Tariff Act 1988	MBIE-98
Tariff (Specified PACER Plus Parties) Order 2020 under the Tariff Act 1988	MBIE-99
Tariff (Specified CPTPP Parties) Order 2018 under the Tariff Act 1988	MBIE-100
Tariff (Specified RCEP Parties) Order 2021 under the Tariff Act 1988	MBIE-101
Secondary legislation made under section 61A of the Overseas Investment Act 2015	TSY-007/ LINZ-015

Name	Reference number <i>Note this column will be deleted from the final version but is included for MfR internal use during consultation</i>
Secondary legislation made under section 61(1)(i) or (j) of the Overseas Investment Act 2005	LINZ-013
Secondary legislation made under section 435 of the Customs and Excise Act 2018	NZCS-012
Part 6 of the Customs and Excise Regulations 1996	NZCS-025
Gives effect to specific agreements between the Crown and another country or countries relating to mutual assistance in criminal matters, reciprocal social security, child support, extradition treaties and double tax agreements	
Mutual Assistance in Criminal Matters (Prescribed Foreign Country) (Australia) Regulations 1993 under section 65 of the Mutual Assistance in Criminal Matters Act 1992	MoJ-29-37
Mutual Assistance in Criminal Matters (Prescribed Foreign Country) (Fiji) Regulations 1999 under section 65 of the Mutual Assistance in Criminal Matters Act 1992	
Mutual Assistance in Criminal Matters (Prescribed Foreign Country) (Hong Kong Special Administrative Region of the People's Republic of China) Regulations 1999 under section 65 of the Mutual Assistance in Criminal Matters Act 1992	
Mutual Assistance in Criminal Matters (Prescribed Foreign Country) (Niue) Regulations 1996 under section 65 of the Mutual Assistance in Criminal Matters Act 1992	
Mutual Assistance in Criminal Matters (Prescribed Foreign Country) (People's Republic of China) Regulations 2007 under section 65 of the Mutual Assistance in Criminal Matters Act 1992	

Name	Reference number <i>Note this column will be deleted from the final version but is included for MfR internal use during consultation</i>
Mutual Assistance in Criminal Matters (Prescribed Foreign Country) (Republic of Korea) Regulations 2000 under section 65 of the Mutual Assistance in Criminal Matters Act 1992	
Mutual Assistance in Criminal Matters (Prescribed Foreign Country) (United Kingdom) Regulations 1999 under section 65 of the Mutual Assistance in Criminal Matters Act 1992	
Mutual Assistance in Criminal Matters (Prescribed Foreign Country) (United States of America) Regulations 1998 under section 65 of the Mutual Assistance in Criminal Matters Act 1992	
Mutual Assistance in Criminal Matters (Section 24(3)) Order 1999 under section 65 of the Mutual Assistance in Criminal Matters Act 1992	
Extradition (Exempted Country: Canada) Order 1999 under section 17 of the Extradition Act 1999	MoJ-038 - 47
Extradition (Exempted Country: Czech Republic) Order 2003 under section 17 of the Extradition Act 1999	
Extradition (Exempted Country: Tonga) Order 1999 under section 17 of the Extradition Act 1999	
Extradition (Exempted Country: United States of America) Order 1999 under section 17 of the Extradition Act 1999	
Extradition (Germany) Order 2025 under section 17 of the Extradition Act 1999	
Extradition (Republic of Fiji) Order 1992 under section 17 of the Extradition Act 1999	

Name	Reference number <i>Note this column will be deleted from the final version but is included for MfR internal use during consultation</i>
Extradition (United Kingdom and Pitcairn Islands) Order 2003 under section 17 of the Extradition Act 1999	
Extradition (United States of America) Order 1970 under section 17 of the Extradition Act 1999	
Iceland (Extradition: New Zealand) Order in Council 1940 under section 17 of the Extradition Act 1999	
Social Welfare (Reciprocity with Australia) Order 2017 under section 17 of the Extradition Act 1999	MSD102 - 111
Social Welfare (Reciprocity with Canada) Order 1996 under section 380 of the Social Security Act 2018	
Social Welfare (Reciprocity with Denmark) Order 1997 under section 380 of the Social Security Act 2018	
Social Welfare (Reciprocity with Ireland) 1993 under section 380 of the Social Security Act 2018	
Social Welfare (Reciprocity with Jersey and Guernsey) Order 1995 under section 380 of the Social Security Act 2018	
Social Welfare (Reciprocity with Malta) Order 2013 under section 380 of the Social Security Act 2018	
Social Welfare (Reciprocity with Republic of Korea) Order 2021 under section 380 of the Social Security Act 2018	
Social Welfare (Reciprocity with the Hellenic Republic) Order 1993 under section 380 of the Social Security Act 2018	

Name	Reference number <i>Note this column will be deleted from the final version but is included for MfR internal use during consultation</i>
Social Welfare (Reciprocity with the Netherlands) Order 2003 under section 380 of the Social Security Act 2018	
Social Welfare (Reciprocity with the United Kingdom) Order 1990 under section 380 of the Social Security Act 2018	
Secondary legislation made under section 450 of the Social Security Act 2018	MSD-086
Secondary legislation made under section 215 of the Child Support Act 1991	IRD-064
Secondary legislation made under section BH(1)(3) of the Income Tax Act 2007	IRD-016
Civil Aviation (ANZA Mutual Recognition Agreement) Order 2007 under section 407 of the Civil Aviation Act 2023	MoT-005
Trans-Tasman Proceedings Act 2010	MoJ-008
Enables the text of an international agreement to be updated once New Zealand has accepted the changes	
Secondary legislation made under section 10 of the International Finance Agreements Act 1961	TSY-012
Secondary legislation made under section 20 of the Ozone Layer Protection Act 1996	MfE-022
Parliamentary matters or require consultation with the Judiciary	
Royal Succession Act 2013 and secondary legislation	MoJ-002
Secondary legislation made under Section 3 of the Imperial Laws Application Act 1988	MoJ-002
Secondary legislation made under section 237 of the District Court Act 2016	MoJ-62
Secondary legislation made under section 174(2) of the Senior Courts Act 2016	MoJ-67
Secondary legislation made under section 35 of the Juries Act 1981	MoJ-65

Name	Reference number <i>Note this column will be deleted from the final version but is included for MfR internal use during consultation</i>
Secondary legislation made under section 19(2) of the Senior Courts Act 2016	MoJ-67
Secondary legislation made under section 24A of the Epidemic Preparedness Act 2006	MOH-05
Secondary legislation made under section 36 of the Courts Security Act 1999	MoJ-59
Letters Patent Constituting the Office of Governor-General of New Zealand	CAB-005
Secondary legislation made under section 6 of the Governor-General Act 2010	CAB-006
Secondary legislation made under section 72 of the New Zealand Superannuation and Retirement Income Act 2001	MSD-008
Secondary legislation made by the Remuneration Authority	REM-001
Other agreements entered into with iwi and hapū that are not already excluded as Treaty settlement legislation	
Treaty of Waitangi (State Enterprises) Act 1988 and secondary legislation	MoJ-003
Te Ture mō Ō-Rākau, Te Pae o Maumahara 2025/Ō-Rākau Remembrance Act 2025 and secondary legislation	TPK-001
Te Ture Haeata ki Parihaka 2019 and secondary legislation	TPK-002
Mokomoko (Restoration of Character, Mana, and Reputation) Act 2013 and secondary legislation	TPK-003
Te Ture kia Unuhia te Hara kai Runga i a Rua Kēnana 2019 and secondary legislation	TPK-004
Ngāi Tahu (Tutaepatu Lagoon Vesting) Act 1998 and secondary legislation	TTW-001
Mokomoko (Restoration of Character, Mana, and Reputation) Act 2013 and secondary legislation	TTW-002
Te Rohe o Rongokako Joint Redress Act 2022 and secondary legislation	TTW-004
Ngāti Kahu Accumulated Rentals Trust Act 2015 and secondary legislation	TTW-005

Hawke's Bay Regional Planning Committee Act 2015 and secondary legislation	TTW-006
Te Ture mō Ō-Rākau, Te Pae o Maumahara 2025/Ō-Rākau Remembrance Act 2025 and secondary legislation	TTW-007
Whakarewarewa and Roto-a-Tamaheke Vesting Act 2009 and secondary legislation	TTW-008
Urewera Lands Act 1921-22 and secondary legislation	TTW-014
Māori Purposes (Wi Pere Trust) Act 1991 and secondary legislation	TTW-015
Tauranga Moana Maori Trust Board Act 1981 and secondary legislation	TTW-016
Tarawera Forest Act 1967 and secondary legislation	TTW-017
Mauao Historic Reserve Vesting Act 2008 and secondary legislation	TTW-018
Tutae-Ka-Wetoweto Forest Act 2001 and secondary legislation	TTW-019
Special provisions relating to Lake Horowhenua and secondary legislation	TTW-020
Reserves and Other Lands Disposal Act 1970 and secondary legislation	TTW-021
Ngai Tahu (Pounamu Vesting) Act 1997 and secondary legislation	TTW-023
Haka Ka Mate Attribution Act 2014 and secondary legislation	TTW-024
Te Urewera Act 2014 and secondary legislation	DOC-002
Tutae-Ka-Wetoweto Forest Act 2001 and secondary legislation	DOC-004
Waitutu Block Settlement Act 1997 and secondary legislation	DOC-005
Secondary legislation made under section 48(1)(d) of the Conservation Act	DOC-007
Special regulations relating to South Island freshwater fisheries providing for customary Māori fishing rights	DOC-008
Specific legislation issued directly by some Independent Crown Entities for the purpose of providing exemptions from legislative requirements	
Secondary legislation made under section 45 of the Takeovers Act 1993	MBIE-120
Secondary legislation made under section 556 of the Financial Markets Conduct Act 2013	MBIE-120
Secondary legislation made under section 53C(3)(d) Commerce Act 1992	MBIE-120
Secondary legislation made under section 57U of the Commerce Act 1992	MBIE-120
Secondary legislation made under section 90 of the Electricity Industry Act 2010	MBIE-120
Relates solely to interactions between public sector and/or state sector agencies, or that provides for how public sector agencies govern themselves with no or minimal public impact; or is administrative with negligible or no ongoing public impact	

Secondary legislation made under section 49 of the Official Information Act 1982	MoJ-004
Secondary legislation made under section 32 of the Ombudsmen Act 1975	MoJ-004
Secondary legislation made under section 46 of the Building Act 2004	MBIE-01
Secondary legislation made under section 119 of the Building Act 2004	MBIE-02
Secondary legislation made under section 162 of the Motor Vehicles Sales Act 2003	MBIE -20
Secondary legislation made under section 37(1)(b) – (d) of the Children’s Commissioner Act 2022	MSD-002
Secondary legislation made under s 57(1)(b)-(d) of the Oversight of Oranga Tamariki System Act	MSD-009
Secondary legislation made under section 36 of the New Zealand Railways Corporation Act 1981	TSY-001
Secondary legislation made under section 37B of the Overseas Investment Act 2005	TSY-004
Secondary legislation made under sections 3B or 3D of the Public Finance Act 1989	TSY-008
Secondary legislation made under section 32 of the State-Owned Enterprises Act 1986	TSY-009
Secondary legislation made under section 100 of the Crown Pastoral Land Act 1998	LINZ-002
Secondary legislation made under section 19B of the Freedom Camping Act 2011	LINZ-008
Secondary legislation made under section 30 of the Corrections Act 2004	COR-001
Secondary legislation made under section 32 of the Corrections Act 2004	COR-002
Secondary legislation made under section 2(3) of the Anzac Day Act 1966	MCH-001
Secondary legislation made under section 10 of the Flags, Emblems and Names Protection Act 1981	MCH-002
Secondary legislation made under section 6 of the Auckland Airport Act 1987	MoT-011
Secondary legislation made under section 7 of the Wellington Airport Act 1990	MoT-003
Road User Charges (RUC Collector) Order under section 87 of the Road User Charges Act 2012	MoT-009
Riccarton Racecourse Development Enabling Act 2016 and 2017 and secondary legislation	HUD-007
Secondary legislation made under section 100 of the Mental Health (Compulsory Assessment and Treatment) Act 1992	MOH-11
Secondary legislation made under section 102 of the Policing Act 2008	POL-01
Secondary legislation made under section 55 of the Data and Statistics Act 2022	STATS-02
Secondary legislation made under section 24 of the Walking Access Act 2008	HAN-001
Māori Purposes Act 1931 and secondary legislation	TPK-000
Māori Purposes Act 1933 and secondary legislation	
Māori Purposes Act 1934 and secondary legislation	

Māori Purposes Act 1936 and secondary legislation	
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Māori Purposes Act 1966 and secondary legislation	
Māori Purposes Act 1967 and secondary legislation	

Māori Purposes Act 1969 and secondary legislation	
Māori Purposes Act 1970 and secondary legislation	
Māori Purposes Act 1972 and secondary legislation	
Māori Purposes Act 1973 and secondary legislation	
Māori Purposes Act (no 2) 1973 and secondary legislation	
Māori Purposes Act 1974 and secondary legislation	
Māori Purposes Act 1975 and secondary legislation	
Māori Purposes Act 1976 and secondary legislation	
Māori Purposes Act 1978 and secondary legislation	
Māori Purposes Act 1979 and secondary legislation	
Māori Purposes Act 1980 and secondary legislation	
Māori Purposes Act 1983 and secondary legislation	
Māori Purposes Act 1985 and secondary legislation	
Māori Purposes Act 1991 and secondary legislation	
Māori Purposes Act 1993 and secondary legislation	
Māori Purposes Act 2011 and secondary legislation	
Māori Purposes Fund Act 1934-35 and secondary legislation	

Māori Purposes (Wi Pere Trust) Act 1991 and secondary legislation	TPK-000
Secondary legislation made by Royal Warrant under Schedule 1A of the Legislation Act 2019 that provide for: Statutes of the Order of New Zealand Statutes of the King's Service Order Statutes of the New Zealand Order of Merit Additional Statutes of The New Zealand Order of Merit The New Zealand Public Service Medal regulations The Queen's Police Medal regulations The New Zealand Police Meritorious Service Medal regulations The Queen's Gallantry Medal The New Zealand Gallantry Awards The New Zealand Distinguished Service Decoration regulations The New Zealand Defence Service Medal regulations The New Zealand Defence Meritorious Service Medal regulations The New Zealand Customs Service Medal The New Zealand Bravery Awards The New Zealand 1990 Commemoration Medal The George Medal The New Zealand Antarctic Medal Regulations 2006 The New Zealand Antarctic Medal The New Zealand Suffrage Centennial Medal 1993	CAB-004
Methodist Church of Australasia in New Zealand Act 1902 and secondary legislation	MoJ-006
Land Transfer (Hawke's Bay) Act 1931 and secondary legislation	MoJ-007
Charitable Trusts Regulations 2019 under section 62 of the Charitable Trusts Act 1957	MoJ-014
Mining Tenures Registration Regulations 1996 under section 27 of the Mining Tenures Registration Act 1962	MoJ-016
Property Law (Mortgagees' Sales Forms) Regulations 2007 under section 363 of the Property Law Act 2007	MoJ-017
Secondary legislation made under section 126 of the Private Security Personnel and Private Investigators Act 2010	MoJ-019
Prostitution Reform (Form of Warrants) Regulations 2003 made under section 47 of the Prostitution Reform Act 2003	MoJ-20
Secondary legislation made under section 163 of the Real Estate Agents Act 2008	MoJ-21
Secondary legislation made under section 70 of the Lawyers and Conveyancers Act 2006	MoJ-54
Secondary legislation made under section 87 of the Lawyers and Conveyancers Act 2006	MoJ-54
Secondary legislation made under section 304 of the Sale and Supply of Alcohol Act 2012	MoJ-77
Secondary legislation made under section 310 of the Sale and Supply of Alcohol Act 2012	MoJ-78

Secondary legislation made under section 337 of the Sale and Supply of Alcohol Act 2012	MoJ-79
Secondary legislation made under section 344 of the Sale and Supply of Alcohol Act 2012	MoJ-80
Secondary legislation made under section 358 of the Sale and Supply of Alcohol Act 2012	MoJ-81
Secondary legislation made under section 69 of the Financial Markets Conduct Act 2013	FMA-003
Instruments made under regulation 6 of the Financial Market Conduct (fees) Regulations 2014	FMA-004
Secondary legislation made under section 363 of the Sale and Supply of Alcohol Act 2012	MoJ-82
Secondary legislation made under section 189 of the Sale and Supply of Alcohol Act 2012	MoJ-83
Secondary legislation made under section 239 or 323 of the Contract and Commercial Law Act 2017	MBIE -40
Secondary legislation made under section 207L of the Companies Act 1993	MBIE -45
Secondary legislation made under section 2A Clause 3, Schedule 7 of the Companies Act 1993	MBIE -46
Secondary legislation made under section 28 of the Copyright Act 1994	MBIE -48
Secondary legislation made under section 204 of the Copyright Act 1994	MBIE -49
Secondary legislation made under section 226D of the Copyright Act 1994	MBIE -50
Secondary legislation made under section 62 of the Corporations (Investigation and Management) Act 1989	MBIE -52
Secondary legislation made under section 20 of the Designs Act 1953	MBIE -53
Secondary legislation made under section 37 of the Layout Designs Act 1994	MBIE-63
Secondary legislation made under section 49 of the Financial Reporting Act 2013	MBIE -54
Secondary legislation made under section 158(1)(c) of the Insolvency Act 2006	MBIE -57
Secondary legislation made under section 164(1) of the Insolvency Act 2006	MBIE -58
Secondary legislation made under section 276 of the Insolvency Act 2006	MBIE -59
Secondary legislation made under section 343(1)(a) of the Insolvency Act 2006	MBIE -60
Secondary legislation made under section 363(1)(d) of the Insolvency Act 2006	MBIE -61
Secondary legislation made under section 246 of the Patents Act 2013	MBIE -67
Secondary legislation made under section 157 of the Plant Variety Rights Act 2022	MBIE -68
Secondary legislation made under section 200 of the Trademarks Act 2002	MBIE -69
Secondary legislation made under section 13 of the Atomic Energy Act 1945	MBIE -75
Injury Prevention, Rehabilitation, and Compensation (Applications to Determine Previous and Subsequent Injury Entitlements) Regulations 2003 made under section 333 of the Accident Compensation Act 2001	MBIE -114

Injury Prevention, Rehabilitation, and Compensation (Indexation of Maximum Weekly Compensation) Regulations 2004 made under section 327 of the Accident Compensation Act 2001	MBIE -115
Injury Prevention, Rehabilitation, and Compensation (Indexation) Regulations 2002 made under section 327 of the Accident Compensation Act 2001	MBIE -116
Secondary legislation made under section 645(6) of the Education and Training Act 2020	MSD-096
Secondary legislation made under section 363(5) of the Oranga Tamariki Act 1989	MSD-099
Residential Care and Disability Support Services (Annual Adjustment of Applicable Asset Thresholds and Income-from-assets Exemption) Regulations made under section 74(1)(h) and section 75 of the Residential Care and Disability Support Services Act 2019	MSD-019
Rounding Regulations made under section 423(1)(f) of the Social Security Act 2018	MSD-073
Regulation 286 of the Social Security Regulations 2018 made under section 437(1)(c) of the Social Security Act 2018	MSD-080
Regulation 238 of the Social Security Regulations 2018 made under section 449 of the Social Security Act 2018	MSD-085
Secondary legislation made under section 75 of the Residential Care and Disability Support Services Act 2018	MSD-088
Secondary legislation made under section 453 of the Social Security Act 2018	MSD-090
Secondary legislation made under section 15 of the Superannuation and Retirement Income Act 2001	MSD-091
Secondary legislation made under section 16 of the New Zealand Superannuation and Retirement Income Act 2001	MSD-092
Secondary legislation made under section 170 of the Veterans' Pension Act 2018	MSD-101
Children and Young People's Commission (Relevant Agencies) Regulations made under section 37(1)(a) Children's Commissioner Act 2022	MSD-001
Secondary legislation made under section 226 of the Tax Administration Act 1994	IRD-011
Secondary legislation made under subpart HA,9 (3) of the Income Tax Act 2007	IRD-020
Secondary legislation made under section IC 13(2) of the Income Tax Act 2007	IRD-021
Secondary legislation made under section MF7(1)(a) Income Tax Act 2007	IRD-026
Secondary legislation made under section MF7(1)(b) of the Income Tax Act 2007	IRD-027
Secondary legislation made under section MF7(1)(d) of the Income Tax Act 2007	IRD-028
Secondary legislation made under section MF7(1)(cb) and (dc) of the Income Tax Act 2007	IRD-029
Secondary legislation made under section MF7(1)(e) of the Income Tax Act 2007	IRD-030
Secondary legislation made under section 13B(2) of the Tax Administration Act 1994	IRD-034
Secondary legislation made under section 22(6) of the Tax Administration Act 1994	IRD-035
Secondary legislation made under section 91AAF of the Tax Administration Act 1994	IRD-044

Secondary legislation made under section 19P of the Goods and Services Tax Act 1985	IRD-060
If the Taxation (Annual Rates for 2025-26, Compliance Simplification, and Remedial Measures) Bill (the Taxation Bill) has passed at the point I issue the initial notice, secondary legislation made under the determination power in clause 158 of the Bill at introduction	IRD-061
If the Taxation (Annual Rates for 2025-26, Compliance Simplification, and Remedial Measures) Bill (the Taxation Bill) has passed at the point I issue the initial notice, secondary legislation made under the determination power in clause 160 of the Bill at introduction	IRD-062
If the Taxation (Annual Rates for 2025-26, Compliance Simplification, and Remedial Measures) Bill (the Taxation Bill) has passed at the point I issue the initial notice, secondary legislation made under the determination power in clause 163 of the Bill at introduction	IRD-063
Secondary legislation made under section 22 of the Land Act 1948	LINZ-003
Secondary legislation made under section 230 of the Land Transfer Act 2017	LINZ-004
Secondary legislation made under section 55 of the Public Works Act 1981	LINZ-006
Secondary legislation made under section 20E of the Overseas Investment Act 2005	LINZ-010
Secondary legislation made under section 15 of the Te Ture Whenua Maori Act 1993	TPK-006
Secondary legislation made under section 37 of the Māori Trust Boards Act 1955	TPK-009
Secondary legislation made under section 6 of Te Ture mō te Hararei Tūmatanui o te Kāhui o Matariki 2022	MCH-013
Secondary legislation made under section 43 of the Cultural Property (Protection in Armed Conflict) Act 2012	MCH-014
Secondary legislation made under section 3 of the Airport Authorities Act 1966	MoT-001
Secondary legislation made under section 13(1) of the Conservation Act 1987	DOC-006
Secondary legislation made under section 50A(1) of the Conservation Act 1987	DOC-009
Secondary legislation made under section 65(2) of the Conservation Act 1987	DOC-010
Secondary legislation made under section 14(1) of the Kaikōura (Te Tai o Marokura) Marine Management Act 2014	DOC-011
Residential Tenancies (Infringement Notices) Regulations 2021 made under section 140(1)(a) of the Residential Tenancies Act 1986	HUD-001
Civil Defence Emergency Management Regulations 2003 made under section 115 of the Civil Defence Emergency Management Act 2002	NEMA-004
Secondary legislation made under section 54(3) of the Health Practitioners Competence Assurance Act 2003	MOH-08
Secondary legislation made under section 54(5) of the Health Practitioners Competence Assurance Act 2003	MOH-09
Secondary legislation made under section 5A of the Misuse of Drugs Act 1975	MOH-12
Secondary legislation made under section 31 of the Misuse of Drugs Act 1975	MOH-13
Regulations administered by the Ministry of Defence or the New Zealand Defence Force made under Royal Warrant	MOD-01
Secondary legislation made under section 265(1) of the Veterans' Support Act 2014 for the purposes of sections 22 and 23	MOD-02
Secondary legislation under section 170 of the Veterans' Support Act 2014	MOD-03
Secondary legislation made under section 15 of the Burial and Cremation Act 1964	MOD-04
Secondary legislation made under section 31 of the Walking Access Act 2008	HAN-002

Secondary legislation made under section 40 of the Walking Access Act 2008	HAN-003
Māori Education Foundation (Abolition) Act 1993 and secondary legislation	MOE-02
Kitchener Memorial Scholarship Trust Act 1941 and secondary legislation	MOE-03
Ngarimu VC and 28th (Māori) Battalion Memorial Scholarship Fund Act 1945 and secondary legislation	MOE-04
Otaki and Porirua Trusts Act 1943 and secondary legislation	MOE-05
Queen Elizabeth the Second Postgraduate Fellowship of New Zealand Act 1963 and secondary legislation	MOE-06
Queen Elizabeth the Second Technicians' Study Award Act 1970 and secondary legislation	MOE-07
Taranaki Scholarships Trust Board Act 1957 and secondary legislation	MOE-08
Education Lands Act 1949 and secondary legislation	MOE-09
New Zealand Council for Educational Research Act 1972 and secondary legislation	MOE-10
Secondary legislation made under section 572 of the Education and Training Act 2020	MOE-00
Secondary legislation made under Schedule 1, Clause 44(b) of the Education and Training Act 2020	MOE-14
Secondary legislation made under Schedule 1, Clause 47 of the Education and Training Act 2020	MOE-15
Secondary legislation made under Schedule 1, Clause 55(1) of the Education and Training Act 2020	MOE-16
United World Colleges Scholarships Regulations 1980	MOE-29
Secondary legislation made under Schedule 1, Clause 94(2) of the Education and Training Act 2020	MOE-31
Secondary legislation made under section 66(1) of the Education and Training Act 2020	MOE-34
Secondary legislation made under section 237(3) of the Education and Training Act 2020	MOE-39
Secondary legislation made under section 237A(3) of the Education and Training Act 2020	MOE-40
Secondary legislation made under section 529 of the Education and Training Act 2020	MOE-46
Secondary legislation made under section 357 of the Education and Training Act 2020	MOE-47
Secondary legislation made under Schedule 18, clause 24 of the Education and Training Act 2020	MOE-51
Ministry of Works and Development Abolition Act 1988 and secondary legislation	PSC-05
Secondary legislation made under Schedule 3, clause 21 of the Customs and Excise Act 2018	NZCS-001
Secondary legislation made under 9 of the Tariff Act 1988	NZCS-002
Secondary legislation made under Schedule 1, clause 37 of the Customs and Excise Act 2018	NZCS-013
Secondary legislation made under Schedule 3, clause 16 of the Customs and Excise Act 2018	NZCS-014
Secondary legislation made under Schedule 3, clause 2 of the Customs and Excise Act 2018	NZCS-015
Secondary legislation made under section 25(1) or (2) of the Customs and Excise Act 2018	NZCS-019
Secondary legislation made under section 67B of the Hazardous Substances and New Organisms Act 1996	MFE-030
Secondary legislation made under section 141D of the Hazardous Substances and New Organisms Act 1996	MFE-031

Secondary legislation made under section 165 of the Soil Conservation and Rivers Control Act	MFE-032
Seal of New Zealand Act 1977 and secondary legislation	CAB-003
Royal Titles Act 1974 and secondary legislation	CAB-004
The Seal of New Zealand Proclamation Act 1977 and secondary legislation	CAB-008
Secondary legislation that provides: <ul style="list-style-type: none"> • Rules relating to the acceptance and wearing of Commonwealth, foreign and international Honours by New Zealand citizens • Rules for the grant, use and retention of the title "The Right Honourable" in New Zealand • Rules for the grant, use and retention of the title "The Honourable" in New Zealand 	CAB-009
Secondary legislation made under section 3, 17 or 19 of the Agricultural and Pastoral Societies Act 1908	MPI-061
Secondary legislation made under Schedule 3, Part 2 of the Telford Farm Training Institute Act 1963	MPI-064
Secondary legislation made under section 35 of the Wool Industry Restructuring Act 2003	MPI-066
Secondary legislation made under section 443 of the Social Security Act 2018	MSD-084
Secondary legislation made under section 183ABA of the Tax Administration Act 1994	IRD-009
Secondary legislation made under section 6J of the Tax Administration Act 1994	IRD-010
Secondary legislation made under section 6H or 6I of the Tax Administration Act 1994	IRD-031
Secondary legislation made under section 7AA of the Tax Administration Act 1994	IRD-033
Secondary legislation made under section 165 of the Customs and Excise Act 2018	NZCS-011
Secondary legislation made under section 34(2)(a)(i) of the National Animal Identification and Traceability Act 2012	MPI-047



Annex 2: Powers of Independent Crown Entities to grant exemptions (proposed for exclusion)

Name	Empowering provision	Explanation
Exemptions granted by Takeovers Panel	Section 45 Takeovers Act 1993	The Takeovers Act may exempt persons, transactions, offers or classes of persons as set out in section 45(1) of the Act from compliance with provisions of the takeover code.
Exemptions granted by the Financial Markets Authority	Section 556 Financial Markets Conduct Act 2013	FMA may exempt a person or a transaction from compliance with certain provisions of the FMC Act.
Exemptions to Determinations by the Commerce Commission about how regulations apply	Section 53C(3)(d) Commerce Act 1992	Exemptions to Determinations by the Commerce Commission about how regulations apply.
Exemptions to requirements of disclosure of commercially sensitive information by the Commerce Commission	Section 53ZG Commerce Act 1992	Power to exempt disclosure of commercially sensitive information.
Exemptions for local authorities in respect to water services by the Commerce Commission	Section 57U Commerce Act 1992	The Commission may make a determination that exempts a local authority from compliance with any provision or provisions of this subpart in respect of 1 or more water services if the Commission is satisfied that— (a) the costs of complying with the provision or provisions outweigh the benefits; and (b) the extent of the exemption is not broader than is reasonably necessary to address the matters that gave rise to the exemption.
Exemptions granted by the Electricity Authority	Section 90 Electricity Industry Act 2010	The Authority may exempt any business or involvement from the application of part or any person from compliance with parts of the Act.



Annex 3: Legislation proposed for exclusion by the Financial Markets Authority

Type of legislation	Empowering provision (if applicable)	Rationale for exemption	Reference number ¹
Section one: Legislation for inclusion in initial notice			
FMA may issue a notice that applies a waiting period of 5 working days to certain offers of financial products (this waiting period gives FMA the opportunity to review the relevant offer documents before applications are processed). Currently no notices in force.	Notices made under section 69 of the Financial Markets Conduct Act 2013	Minor and technical – simply providing FMA with time to review relevant documents.	FMA-03
FMA must apply a multiple application discount to the fee payable in respect of each additional market service to which an application relates. Currently no notices are in place.	Instruments made under regulation 6 of the Financial Markets Conduct (Fees) Regulations 2014	FMA has no discretion - it must apply the discount.	FMA-04
Exemptions granted by the Financial Markets Authority	Section 556 Financial Markets Conduct Act 2013	FMA may exempt a person or a transaction from compliance with certain provisions of the FMC Act.	FMA-05
Section two: Legislation that would not be included in initial notice			
FMA approval is required for any proposed market rules or proposed rule changes by licensed market operators. Currently 56 notices in force.	Section 332(1) of the Financial Markets Conduct Act 2013	FMA has very little discretion in relation to these notices. It must issue the notice (i.e. approve the proposed market rules or rule changes) unless it is satisfied that it is not in the public interest to do so or the rules will not provide for appropriate continuous disclosure by issuers.	FMA-01

¹ For MfR internal purposes

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Type of legislation	Empowering provision (if applicable)	Rationale for exemption	Reference number ¹
FMA can issue frameworks or methodologies relating to detailed or technical matters in respect of some specific sections prescribed in the FMC Act. Currently 1 notice in force.	Notices made under section 568 of the Financial Markets Conduct Act 2013	Notices can only be made in relation to detailed or technical matters (rather than matters of general principle). They relate to how matters are required or permitted to be determined, calculated, valued, presented, or prepared for the purpose of some specific sections in the FMC Act.	FMA-02
FMA may issue a notice specifying that an FMC reporting entity has a higher or lower level of public accountability. (Note all FMC reporting entities have a designated level of public accountability. This impacts which tier of the External Reporting Board Accounting Standards Framework the FMC reporting entity must report under) Currently 1 notice is in force.	Notices made under section 461L of the Financial Markets Conduct Act 2013	Consistency assessment and review requirements are not cost-effective or valuable, as it would be unlikely for the results of the assessment to result in changes to the scope and content of the notice. Prescribed assessment standards already exist.	FMA-06
FMA can change how a product, client, advice or service is categorised, and remove an existing statutory exemption or exclusion. Currently 3 notices in force.	Notices made under section 562 of the Financial Markets Conduct Act 2013	Consistency assessment and review requirements are not cost-effective or valuable, as it would be unlikely for the results of the assessment to result in changes to the scope and content of the notice. Prescribed assessment standards already exist.	FMA-07
FMA may prescribe licensing, registration and other matters relating to the regulation of auditors. Currently 1 notice in force.	Section 32 of the Auditor Regulation Act 2011	Consistency assessment and review requirements are not cost-effective or valuable, as it would be unlikely for the results of the assessment to result in changes to the scope and content of the notice.	FMA-08

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**Ministry for Regulation
Te Manatū Waeture**

Type of legislation	Empowering provision (if applicable)	Rationale for exemption	Reference number ¹
FMA and XRB may issue standards for designated financial market infrastructures.	Standards made under section 31 of the Financial Markets Infrastructures Act 2021	Consistency assessment and review requirements are not cost-effective or valuable, as it would be unlikely for the results of the assessment to result in changes to the scope and content of the notice.	FMA-09