



Information on how the Regulatory Standards Act applies to Local Government

Date	20 February 2026	Priority	High
Security classification	In confidence	Tracking number	MFR2026-033
Attachments	No		

Action sought

Required from	Action
Peter Clark Private Secretary, Minister for Regulation	Note the enclosed information

Contact for discussion if required

Name	Position	Phone number	1 st contact
Oliver Taylor	Advisor, Policy	Click or tap here	<input type="checkbox"/>
Elisa Eckford	Lead Advisor, Policy	Click or tap here	<input checked="" type="checkbox"/>

Minister's office to complete

- Noted Needs change
 For discussion No further action

Comments



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Purpose

This memo provides you with background information and factual points on how the Regulatory Standards Act 2025 applies to local government, as requested by the Minister for Regulation's office, for the All of Local Government conference on Thursday 26 February 2026 hosted by Local Government New Zealand.

Key messages

- The Regulatory Standards Act 2025 sets requirements for some secondary legislation to be reviewed for consistency with the principles of responsible regulation as set out in the Act, and a Consistency Assessment Statement (CAS) to be published.
- The intent of the Act is that its requirements apply broadly. This includes secondary legislation made by local government, such as bylaws.
- Councils will need to prepare a CAS for any secondary legislation made or amended after Part 2 of the Act comes into force, unless it is excluded.
- Classes of existing secondary legislation can also be included via a notice issued under the Act (with that notice affirmed by Parliament).
- Councils do not need to prepare CASs for existing secondary legislation unless a CAS was previously prepared for that legislation, or for secondary legislation that amended that legislation.
- If a CAS indicates any inconsistency with the principles of responsible regulation, then the maker must produce a statement that briefly explains the reasons for any identified inconsistencies.
- Councils will need to develop plans for regularly reviewing existing secondary legislation that is subject to the Act's requirements for consistency with the principles.
- The requirements under Part 2 of the Act will come into force on a date or dates set by Order in Council. Any part of the Act that has not come into force by 1 July 2026 comes into force then.
- Taituarā – Local Government Professionals Aotearoa, Te Uru Kahika (Regional and Unitary Councils Aotearoa), and specific councils and other local authorities submitted to the select committee on the Bill. Their feedback included:
 - the view that local government should be excluded from the coverage of the Bill
 - that inclusion of local government legislation will impose significant time and costs on local councils at the expense of other functions, and will impact on the ability of councils to pass bylaws



- applying the principles to bylaws may not always align with the practical realities of community governance.
- The Ministry for Regulation is preparing material to support agencies, including local authorities, implement the Act. This includes:
 - statutory guidance, issued by the Minister for Regulation and the Attorney-General
 - non-statutory guidance, developed by the Ministry for Regulation, including templates.
- It has sometimes been unclear which instruments local authorities are responsible for that constitute secondary legislation. Secondary legislation is defined under the Legislation Act 2019.
- Bylaws, and any other instrument made by a local authority or council-controlled organisation which has significant legislative effect, are secondary legislation.
- We previously advised there are approximately 900 bylaws referenced by councils on their websites, which, if / when the requirements apply, could increase their costs. We did not estimate these costs at the time but indicated they may be significant.