Briefing

MFR2026-038

Ministry for Regulation
Te Manatū Waeture

RSA Implementation: Further decisions on initial exclusion notice and draft Cabinet paper for ministerial consultation

Date	5 March 2026	**Priority**	High
Security classification	In confidence	**Tracking number**	MFR2026-038
Attachments	Annex 1: Additional legislation recommended for exclusion Annex 2: Additional legislation not recommended for exclusion Annex 3: Draft Cabinet paper and Appendix with substantive changes tracked		

Action sought

Required from	**Action**	**Deadline**
Hon David Seymour **Minister for Regulation**	**Agree** to the recommendations in this briefing	9 March 2026

Contact for discussion if required

Name	**Position**	**Phone number**	**1st contact**
Olivia Cross	Principal Advisor, Regulatory Management System	s 9(2)(a)	☑
Pip van der Scheer	Manager, Regulatory Management System	s 9(2)(a)	☐

Minister's office to complete

☐ Approved ☐ Declined
☐ Noted ☐ Needs change
☐ Seen ☐ Overtaken by events
☐ See Minister's notes ☐ Withdrawn

Comments

Annex 3 is not included in this proactive release. The final Cabinet paper is available on the Ministry for Regulation website: https://www.regulation.govt.nz/about-us/our-publications/

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Purpose

This briefing provides you with:

- an overview of departmental feedback received on the draft Cabinet paper *Initial notice to exclude selected legislation from the Regulatory Standards Act 2025*

- further advice to support additional decisions necessary to finalise the draft Cabinet paper for ministerial consultation

- an updated draft Cabinet paper based on the recommendations in this briefing, for your review.

Executive summary

1. Departmental feedback received during consultation on the draft Cabinet paper *Initial notice to exclude selected legislation from the Regulatory Standards Act 2025* mostly related to specific pieces of legislation agencies considered should be excluded from Regulatory Standards Act (RSA) requirements via the initial notice. Where requested, we have reconsidered some legislation. As a result, there are an additional 35 items we propose for exclusion as set out in Annex One, consistent with your previous decisions. Legislation we continue to recommend is not excluded is set out in Annex Two.

2. Generally, overall feedback on the draft Cabinet paper focused on concerns that the threshold for legislation to be excluded from RSA requirements in the initial notice is too high. This concern particularly applied to secondary legislation that is seen by agencies as technical or administrative. Concerns were also raised about the resourcing implications and administrative burden due to the volume of legislation, particularly secondary, that RSA requirements will apply to. We do not propose changes to address these comments as the threshold for exclusion aligns with your previous decisions and is consistent with the policy intent that most legislation is subject to RSA requirements.

3. We are seeking further decisions. Those relate to:
    - new requirements for secondary legislation under the Legislation Amendment Bill
    - secondary legislation relating to the annual adjustment for social assistance payments
    - Customs and Excise regulations relating to existing free trade agreements

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Recommended Action

The Ministry for Regulation recommends that you:

a	**note** agencies have provided feedback on the draft Cabinet paper	*Agree / Disagree*
Further proposed exclusions which are consistent with your previous decisions		
b	**agree** to exclude legislation set out in Annex One because it fits within one of the exclusion categories set out in the draft Cabinet paper	*Agree / Disagree*
c	**agree** not to exclude legislation set out in Annex Two because it does not fit within one of the exclusion categories set out in the draft Cabinet paper	*Agree / Disagree*
d	**note** three further empowering provisions used by the Commerce Commission are included directly in Appendix One of the draft Cabinet paper consistent with your previous decision to exclude exclusion or exemption powers exercised by certain ICEs	*Noted*
e	**agree** to exclude five empowering provisions used by the Reserve Bank for the purposes of providing exclusions or exemptions to legislative requirements	*Agree / Disagree*
Additional decisions are required		
f	**agree** to a class exclusion for secondary legislation that is remade to improve drafting practices and comply with requirements in the Legislation Amendment Bill, where they make no substantive changes to obligations	*Agree/Disagree*
g	**agree** to exclude legislation relating to the Annual Adjustment for social assistance payments as set out in Annex One	*Agree / Disagree*
h	**agree** to exclude Part 6 of the Customs and Excise Regulations 1996	*Agree / Disagree*
i	**agree,** subject to any further changes as a result of decisions on this briefing, to begin ministerial consultation on the draft Cabinet paper set out in Annex Three	*Agree / Disagree*

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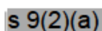
Proactive release

j	**agree** that this briefing be released with some information withheld in accordance with the provisions of the Official Information Act 1982.	*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:

Ministry for Regulation
Te Manatū Waeture

Background

1. Section 7 of the Regulatory Standards Act (RSA) provides the ability for you to issue notices following approval of the House of Representatives to exclude Bills and legislation from the requirements set out in the RSA.
2. Legislation for possible exclusion was identified and subsequently refined following your decisions on MFR2025-332 and MFR2026-007. These decisions mean there is a high threshold for exclusion, consistent with the policy intent that most legislation is subject to RSA requirements.
3. The draft Cabinet paper *Initial notice to exclude selected legislation from the Regulatory Standards Act 2025* proposes specific legislation and a small number of classes of legislation for exclusion for the reasons set out in paragraphs 13 – 15 of the paper (attached as appendix three).
4. Departmental consultation was undertaken on the draft Cabinet paper between 19 – 26 February. This briefing summarises feedback received during consultation and seeks further decisions from you ahead of ministerial consultation.

Departmental feedback on the draft Cabinet paper

Overall threshold for exclusions

5. Some agencies, including the Ministry for Transport, the Ministry of Business, Innovation and Employment (MBIE), and the New Zealand Customs Service (NZCS), raised concerns about the resourcing implications of the high threshold for exclusion from RSA requirements. This is of particular concern for agencies with high volumes of secondary legislation, especially technical or administrative legislation where they consider the value of producing a CAS to be negligible. The Department of Corrections noted the requirements will mean prison managers (across 18 prisons) will need to complete RSA requirements when changing prison rules which can happen reasonably frequently. We note for some administrative or technical secondary legislation there are still public impacts (including impact for businesses or industries), on this basis they do not meet the parameters as set out in the draft Cabinet paper for exclusion in the initial notice.
6. The Ministry of Business, Innovation and Employment (MBIE) indicated they have engaged with the Crown entities it works with, and they have expressed concerns about the threshold for proposed exclusions and the additional unfunded costs of complying with requirements.
7. MBIE also provided comments it received from the Commerce Commission. Those comments express concerns that it will have 40 existing pieces of secondary legislation and a further 10 empowering provisions it can make legislation under which are subject to RSA requirements, and s 9(2)(g)(i)
8. The Commerce Commission's concerns have been included as a departmental comment in the draft Cabinet paper at the request of MBIE.

9. We do not propose changes to the draft Cabinet paper or the list of legislation proposed for exclusion to address these concerns. You have previously provided clear direction on the parameters for exclusion. Overall, we did not consider the feedback received to raise new points that would warrant reconsideration of previous decisions. The current approach aligns with direction you have provided and the overall policy intention that most legislation is subject to RSA requirements.
10. Resourcing implications for implementing RSA requirements will need to be considered by agencies. However, the overall cost implications are not a specific focus of this paper as costing information was provided to Cabinet as part of the Ministry for Regulation's RIS on the Regulatory Standards Bill and a decision was made by Cabinet to proceed with the Bill (now Act) with that information available.

Comments on other elements of the draft Cabinet paper (not related to specific exclusions)

11. We also received the following comments from agencies, which do not relate to specific exclusions:
    - the Ministry of Justice suggested that the paper provide further explanation that agencies will need all guidance material and processes to be in place with sufficient time to prepare staff ahead of an Order in Council to bring Part 2 of the RSA into force. We have included further explanation in the paper to address this point.
    - MBIE requested further explanation for the exclusion criteria and how they were developed. We have not made changes to address this point. The paper sets out the criteria you have decided to use to develop the initial notice and includes an acknowledgement the threshold for exclusion is high.
    - The New Zealand Customs Service requested the review time currently proposed for 12 – 24 months to be reduced to 12 months. We do not propose making this change as the broader timeframe leaves room for flexibility and does not prevent a review after 12 months.
    - In discussion with PCO, an adjustment has been made to the description of the class exclusion for forms to also refer to the content of forms. This is a technical adjustment that does not impact the scope of the exclusion. It has been included as PCO has advised that older legislation refers to prescribing forms while newer legislation refers to the content of forms.

Exclusions which are consistent with your previous decisions

12. Agency feedback predominately focused on identifying specific pieces of legislation or classes of legislation that agencies consider also meet the criteria set out in the draft Cabinet paper.
13. We have reconsidered those items based on the additional information provided by agencies. Annex One sets out 35 pieces of legislation or empowering provisions we recommend you agree to include in the initial notice as fitting within one of the identified categories.
14. Annex Two sets out further legislation identified by agencies, or legislation that agencies asked to be reconsidered, that we do not recommend is excluded.
15. In particular, the Ministry for Primary Industries requested all legislation they proposed for exclusion be reconsideed. MPI's concerns predominately relate to the volume of legislation subject to requirements and timeframes under which secondary legislation is needing to be made. In providing its feedback, MPI noted the minimal level of discretion it has for some of

the secondary legislation it makes and that in many cases a CAS would not change the content of much of its legislation.

16. We have subsequently undertaken a further analysis of approximately 43 specific pieces or types of legislation MPI proposed for exclusion. We note there is one item identified by MPI that we consider is already excluded via the exclusion for court rules already set out in the RSA. We have assessed all other pieces as not fitting within the parameters for exclusion as set out in the draft Cabinet paper. Annex Two includes an overview of our reconsideration.
17. We have informed MPI of the results of our reconsideration. On this basis, they have asked for a joint MPI and MFAT departmental comment. This comment is included in the draft Cabinet paper.

Minor comments

18. A number of agencies have identified minor formatting, wording changes or category adjustments to legislation set out in Appendix One of the draft Cabinet paper. Where necessary minor adjustments have been made to address these points in the draft Cabinet paper and Appendix. More substantive changes have been made using tracked changes for your awareness. The updated draft Cabinet paper and Appendix is attached as Annex Three.

Exclusion of additional selected secondary legislation-making powers that provide for exemptions or exclusions

19. You have previously agreed to targeted exclusions for some secondary legislation exercised directly by Independent Crown Entities, when the secondary legislation provides exemptions or exclusions to legislative requirements (see MFR2026-025).
20. This approach resulted in you agreeing to specific powers exercised by the Takeovers Panel, Financial Markets Authority and the Commerce Commission being excluded via the initial notice.
21. During departmental consultation MBIE identified a further three empowering provisions used by the Commerce Commission that fit within this category. We have subsequently included those provisions in Appendix One to the draft Cabinet paper.

Reserve Bank of New Zealand exemption/exclusion powers

22. You agreed officials would consult with the Reserve Bank of New Zealand (RBNZ) to determine if it has any exemption powers that also warrant exclusion but were not included in the above class as the central bank is not an ICE.
23. The RBNZ has subsequently identified five of its empowering provisions that provide for exclusions or exemptions. They are also exercised at arm’s length from Government as part of the RBNZ’s independent functions as the central bank.
24. We therefore recommend secondary legislation made under the following empowering provisions are excluded:
    - Section 70 of the Deposit Takers Act 2023
    - Section 232 of the Insurance (Prudential Supervision) Act 2010
    - Section 70 of the Non-bank Deposit Takers Act 2013
    - Section 153(6) of the Financial Market Infrastructures Act 2021
    - Section 292(4) of the Reserve Bank of New Zealand Act 2021

25. These provisions have been included in Appendix One to the draft Cabinet paper, subject to your agreement.

Additional legislation previously identified as being consistent with the exclusions criteria

26. As discussed with your office, we have also included, in Appendix One, 27 pieces of legislation that we previously assessed for exclusion. These items were inadvertently omitted from our previous advice (MFR2026-007) but should have been included in our recommendation for exclusion on the basis they are also limited to:
    - legislation that applies solely to interactions between public service and/or state sector agencies or provide for how the public sector agencies govern themselves with little or minor public impact; or
    - are administrative and have negligible or no ongoing public impact.
27. They are currently italicised in Appendix One for your awareness.

Areas where further decisions are required

28. This section sets out where some specific further decisions are required, as they are additional exclusions or require adjustments to the general approach taken to exclusions to address some unique circumstances.

    Exclusion for secondary legislation remade to comply with new requirements in the Legislation Amendment Bill

29. Changes to requirements for secondary legislation-makers through the Legislation Amendment Bill (currently anticipated to be passed by March 2026) mean makers will be required to revoke, republish or remake, their secondary legislation by the default publication deadline of 2 November 2027[1] to include specific "minimum legislative information" requirements (MLI). Those requirements are designed to make it easier to find, use and understand legislation, by including information such as when the legislation commenced and the empowering provision it is made under. There are approximately 10,000 pieces of existing secondary legislation, all of which will need to be considered to ensure the MLI requirements are met.
30. As existing secondary legislation will not be subject to RSA requirements unless it is remade (i.e. revoked and replaced), secondary legislation that is republished instead of remade to include minimum legislative information would not automatically come within scope of the RSA.
31. Given the poor quality of some agency secondary legislation, Parliamentary Counsel Office (PCO) advises that choosing to remake rather than just republish would be preferable, and hopefully will encourage agencies to improve quality at the same time as improving access, through other drafting changes that do not substantively affect the obligations set in the secondary legislation. However, remaking the legislation will bring it automatically within scope of RSA requirements, resulting in a CAS being required.
32. PCO expect the requirement to complete a CAS during the initial period to 2 November 2027 will act as a disincentive to remake legislation with administrative improvements. This would

[1] The date could be altered by Order in Council, but the intention is to keep it so agencies have certainty when planning to meet the requirements

result in agencies instead republishing existing poor-quality legislation with MLI only, reducing the ability to achieve increases in access and quality desired by both the Legislation Act and the RSA.

33. PCO anticipates this would be particularly prevalent amongst small or non-government organisations[2] who already have constrained resources and are new to this type of reporting – in some cases organisations with volunteer help only. On face value it could be seen as a positive that more existing secondary legislation would come into scope of RSA requirements earlier than anticipated. In practice we consider the reverse is likely to occur and agencies would avoid making any changes. Therefore, there would be no gains in terms of additional legislation coming into scope. This would likely result in less secondary legislation being improved and no additional gains for secondary legislation undertaking RSA requirements during this period.

34. PCO has suggested this concern could be addressed through a narrowly scoped class exclusion for secondary legislation that is remade to improve drafting practices and comply with requirements in the Legislation Amendment Bill, where they make no substantive changes to obligations.

35. We recommend including a class exclusion for this purpose in the notice. We note this proposal will result in a class of legislation that introduces some judgement for agencies to determine what legislation would be excluded. We have largely avoided proposing judgment-based exclusions to minimise uncertainty as to the scope of any exclusions. However, the level of judgement involved here is minimal as the exclusion is tied to remaking legislation for clear purposes provided for in the Legislation Act, leaving limited room for interpretation.

36. We have considered whether some form of control or oversight could be implemented to ensure agencies do not use this exclusion for broader purposes. However, the scale of secondary legislation would make this impracticable and the scope of the judgement involved has clear parameters linked to the Legislation Amendment Bill making it highly unlikely the exclusion could be used for broader purposes.

Secondary legislation made to support the Annual General Adjustment process (AGA)

37. The annual adjustment process ensures that social assistance payments retain value over time and involves an adjustment to benefit rates and thresholds on 1 April every year (and 1 July for the Residential Care Subsidy and the Residential Support Subsidy). MSD advises that the Annual General Adjustment process (AGA) is driven by the release of Consumer Price Index (CPI) and average wage data.

38. The approach for the initial exclusion notice, to date, has been to distinguish between adjustments to fees, levies or other financial related secondary legislation where there is no discretion in the decisions made (i.e adjustments and the methodology are set out in primary legislation and must be complied with) and discretionary adjustments.

39. However, this is not a relevant distinction for the AGA because it involves a package of amendments to secondary legislation some of which are non-discretionary and others that are technically made under broader empowering provisions. MSD advises that in practice all of the changes must occur as a cohesive package as part of the annual process otherwise people might lose assistance they are entitled to.

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[2] There are approximately 33 non-government organisations with secondary legislation-making powers.

40. In addition, MSD advises that the process involves a number of Ministers and departments, and is run on a very tight timeframe, and their view is that adding CAS requirements for only some of the required changes would add to the cost and complexity of the process, with little to no benefit, resulting.

41. While we acknowledge MSD's views, we did not originally propose all empowering provisions that support this process for exclusion. This is because some empowering provisions could also be used for ad hoc changes to benefit rates and thresholds – i.e. the empowering provisions are not limited to solely non-discretionary changes made during the AGA. This lens has been used consistently to consider all exclusion requests in order to avoid excluding empowering provisions that enable both non-discretionary and broader legislation to be made, particularly when some empowering provisions are worded in a way that makes it difficult to differentiate between the different uses.

42. MSD has now proposed that an exclusion could be framed in a way that allows the legislation to be excluded only where it is being made as part of an annual adjustment process. In our view, while this would make a stronger case for legislation made under these provisions to be excluded as 'administrative,' such an approach would add complexity, as it would require judgements to be made about when legislation made under these provisions is excluded, versus when it is not. Test-based exclusions have been avoided as much as possible for those reasons. It is also not clear what would happen where decisions are made to proceed with adjustments that are significantly lower or higher than CPI or average wage data.

43. However, there could be a case for excluding these specific provisions altogether on the basis that decisions on raising or lowering benefits rates and thresholds are made in the light of policy parameters set out in the primary legislation (which would itself be subject to CAS requirements). They also do not directly engage matters of rights or liberties as in MSD's view this legislation is a fiscal maintenance mechanism. The AGA is also a budget linked adjustment and a statutory indexation tool, and therefore not a regulatory control mechanism.

44. We note that a broad approach to exclude all secondary legislation that supports the AGA process would result in two particularly broad empowering provisions being excluded. These empowering provisions provide for the responsible Minister to provide MSD with written notice to approve and establish welfare programmes and give MSD binding instructions about MSD's performing or exercising its duties, functions or powers under the Social Security Act 2018 and the New Zealand Superannuation and Retirement Income Act 2001.

45. However, MSD informs us that those empowering provisions are still used in the context of a fiscal maintenance mechanism, including as part of the AGA process to update assistance provided for as part of welfare programmes and ministerial directions. We consider it preferable to exclude those provisions to continue to avoid the complexity of introducing test-based exclusions.

46. We do not anticipate that excluding these provisions that support the AGA process would lead to expectations that other exclusions would be made, as we have identified no similar provisions that do not directly engage the principles (e.g. ACC adjustments impact on levy payers, so the levies principle would apply).

47. We therefore recommend you consider excluding all of the additionally identified provisions listed in Annex One.

Exclusion for Part 6 of the Customs and Excise Regulations 1996 made under the Customs and Excise Act 2018

48. Part 6 of the Customs and Excise Regulations (the regulations) sets out specific requirements relating to determinations of countries of origin for produce or manufacturing.[3] It is only updated to implement obligations required as part of existing free trade agreements.
49. Part 6 of the regulations do not fit well with the general criteria for exclusion – as they relate to both existing free trade agreements (which you have agreed to exclude), and to any future free trade agreements (which you have decided not to exclude). Therefore, we seek your decision on which of the criteria will not be applied in this specific instance.
50. You have provided clear direction that you do not wish to exclude future trade agreements. However, to address this specific situation we recommend excluding all of Part 6 of the regulations, on the basis that these particular regulations are for a narrow purpose and are only updated when an agreement is already in place. Any primary legislation and all other secondary legislation necessary to implement a future free trade agreement would still be subject to all RSA requirements.

Next steps

51. Subject to your agreement to the recommendations on this briefing, we will provide you with a clean version of the draft Cabinet paper for ministerial consultation.
52. We will engage with agencies as necessary if any decisions on this briefing relate to or impact the departmental comments in the draft Cabinet paper.
53. Assuming ministerial consultation can take place during the week of 9 March, we anticipate lodging the paper by 19th March for EXP on the 24th of March.

Proactive release

54. 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.

[3] For example, specifying classes of goods that for the purposes of the Customs and Excise Act and Tariff Act are considered imported from the country in question and setting out the processes for verification.

Annex One: Additional legislation recommended for exclusion

Name	Explanation	Reference number
Powers to respond to specified emergency situations		
Severe Weather Emergency Recovery Legislation Act 2023 and secondary legislation	Provides ability to make or amend legislation to provide emergency responses to severe weather events	MfE-002
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		
Secondary legislation made under section 226D of the Tax Administration Act 1994	These sections align to the exclusion for Double Tax Agreements under the Tax Administration Act 1994 that has been agreed for exclusion. Secondary legislation made under these sections provide for other tax information agreements and multilateral agreements relating to double tax agreements and should be excluded for consistency. Secondary legislation made under these sections are administrative and relate to the Common Reporting Standard that is a global initiative relating to automatic exchange of information when those types of agreements are in place.	IRD-013
Secondary legislation made under section 226E of the Tax Administration Act 1994		IRD-014
Secondary legislation made under section 91AAU of the Tax Administration Act 1994		IRD-046
Secondary legislation made under section 91AAV of the Tax Administration Act 1994		IRD-047
Secondary legislation made under section 91AAW of the Tax Administration Act 1994		IRD-048
Enables the text of an international agreement to be updated once New Zealand has accepted the changes		
Secondary legislation made under section 226G of the Tax Administration Act 1994	Secondary legislation made under this section prevents automatic updates to OECD changes in guidance and commentary applying to New Zealand. While this is technically the opposite effect of this proposed category – i.e. it prevents text being updated. it is for the same purpose, to ensure text of international agreements are only updated following New Zealand's acceptance of the changes.	IRD-015
Specifically identified constitutional matters or matters that require consultation with the Judiciary		
Secondary legislation made under the Māori Affairs Act 1953	Ensure current secondary legislation setting Māori Land Court districts are excluded.	TPK-006

Secondary legislation made under section 28 of the Adoption Act 1955	This proposed exclusion aligns with the exclusion for court rules already in the Act. MoJ has advised that while they are called "regulations", in reality they are de facto "court rules" because they entirely provide for practice and procedure of adoption cases in the District Court. In practice, these regulations are amended at the same time as the Family Court Rules adoption provisions to ensure the same Court Rules apply to all adoption cases. While it is not a formal requirement to consult with the judiciary, in practice, any amendments to adoption procedure in these regulations and the Family Court Rules are developed in consultation with the judiciary.	MoJ-70
Secondary legislation made under section 249(b) or (d) of the Family Violence Act 2018	Consistent with other exclusions in this category, this secondary legislation cannot be made without consultation with the judiciary	MoJ-75
Secondary legislation under section 71 of the Administration Act 1969	Orders under this section are issued rarely (there is only 1 current order) and declare a competent court of any other country for the purposes of grants by that court of probate or letters of administration. These orders allow the grant to be treated as if the probate or letters have been granted by the High Court of New Zealand.	MoJ-013
Other agreements entered into with iwi and hapū that are not already excluded as Treaty settlement legislation		
Lake Waikaremoana Act 1971	Provides for an agreement with iwi/hapū but is not specifically treaty settlement legislation	New
Secondary legislation under section 14(11) of the Maori Land Amendment and Maori Land Claims Adjustment Act 1926	Provides for decisions to be made in conjunction with the Tuwharetoa Māori Trust Board where ownership is vested with iwi and hapū.	New
Maori School Sites Act Extension Act 1890 and secondary legislation	Both Acts are due to be repealed however the timing is unclear and therefore should be excluded under this category in the interim.	New
Maori Housing Act 1935 and secondary legislation		
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		
Callaghan Innovation Act 2012 and secondary legislation	Solely for the purpose of establishing government entities or organisations.	New
Crown Research Institutes Act 1992 and secondary legislation		New
Invest New Zealand Act 2025 and secondary legislation		New

New Zealand Trade and Enterprise Act 2003 and secondary legislation		New
WorkSafe New Zealand Act 2012 and secondary legislation		New
Secondary legislation made under section 232 of the Copyright Act 1994	Simply lists international entities that must comply with certain parts of the Act.	New
Secondary legislation made under section 129(3) of the Electoral Act 1993	Section 129(2) requires the Governor-General to issue a writ for a by-election within 21 days after the notice of a vacancy. The writ is not secondary legislation, however, section 129(3) provides that the Governor-General may, by Order in Council, authorise the postponement of the issue of the writ until up to 42 days after the vacancy notice if it appears to be necessary for special reasons. This only relates to the exact timing of an event where the key parameters are set out in the primary legislation.	New
Secondary legislation made under section 267(1)(ca) of the Electoral Act 1993	Section 267(1)(ca) provides that the Governor-General may, by Order in Council, define iwi organisations and other Māori organisations for the purposes of the Māori affiliation service under sections 111A to 111F of the Act. These regulations are simply a list of organisations who may receive data on Māori electors who claim an affiliation to the group represented by that organisation.	New
Secondary legislation made under sections 22(2), 22AA(7) and 22AB(8) of the Citizens Initiated Referenda Act 1993	Section 22(2) provides for the Governor-General to make an Order in Council appointing a date on which an indicative referendum is to be held under the Act or specifying that it will be conducted by postal voting under the Referenda (Postal Voting) Act 2000. The OIC merely sets the date or method for a referendum that must be held under the provisions of the Act or the Referenda (Postal Voting) Act 2000. Sections 22AA and 22AB allow for the OIC made under section 22 to be revoked and updated to align the voting period with a general election.	New
Secondary legislation made under sections 5(1), 6(1), 21(2), 30(2) and 30(3) of the Referenda (Postal Voting) Act 2000	Section 5(1) provides for the Governor-General to make an Order in Council providing that a government initiated referendum or a citizens initiated referendum must be conducted by postal voting. These provisions are governed by the primary legislation. The OIC merely	New

	specifies the method of conducting the referendum and that the Referenda (Postal Voting) Act 2000 applies. Section 6(1) provides that the wording of each proposal in a government initiated referendum is specified by the Governor-General by Order in Council. Section 21(2) provides for the Governor-General to appoint by Order in Council the date for the closing of the referendum roll, which is the list of all persons who are lawfully on an electoral roll for a district at that date. The OIC merely sets a date for administrative purposes. Sections 30(2) and (3) provide for the Governor-General to appoint the date for the voting period of a postal referendum to close and to revoke and update that OIC if needed.	
Secondary legislation made under section 26 of the Joint Family Homes Act 1964	Administrative providing for forms and prescribing the process by which land is settled under the Act.	New
Secondary legislation made under sections 10(1) and 10(2) of the of the Tarriff Act 1988	Minor or administrative changes to line items of a tariff. Do not make substantive changes.	NZCS-030/31
Secondary legislation made under section 435 of the Customs and Excise Act 2018	There is no drafting discretion for Customs when making these orders. They implement decisions already made relating to Free Trade Agreements already in place.	NZCS-036
Secondary legislation made under section 421 of the Social Security Act 2018	Discretion under this empowering provision is narrow and designed only to clarify the application of the Act's core residential criteria already set out in the Act.	MSD-071
Secondary legislation made under section 437(1) providing for matters set out in section 437(4) of the Social Security Act 2018	Section 437(4) provides for matters such as what information appears on a community services card and how it is issued. The substantive decisions regarding eligibility and entitlements are not made under this provision.	MSD-081
Gas Operator (AGL New Zealand Energy Limited and TMU Services Limited) Order 1999	While these orders technically are broader than the proposed exclusion parameters, amendments to the Gas Act in 2003 means new orders are no longer secondary legislation. To ensure consistency in the requirements that must be followed to declare a gas operator these orders should be excluded to align with the process now set out in the	New
Gas Operator (Nova Gas Limited) Order 1998		New

Gas Operator (Rockgas Limited) Order 1996	Gas Act. They are existing secondary legislation and therefore will not automatically come within scope of RSA requirements. However, if minor amendments were made or they needed to be revoked and replaced they may still come within scope of requirements unintentionally, creating inconsistency	New
Gas Operator (Southpark Utilities Limited) Order 2002		New
Gas Operator (UnitedNetworks Limited) Order 2000		New

Annex Two: Additional legislation not recommended for exclusion

Name	Explanation
Relates to specific international trade agreements	
Secondary legislation made under sections 243(1)(i)-(l) of the Patents Act 2013	These provisions provide for secondary legislation to give effect to international treaties. Exclusion would not be consistent with your previous decision to only exclude legislation relating to international agreements if it gives effect to existing free trade agreements.
Section 199A of the Trade Marks Act 2002	This provision provides for secondary legislation to give effect to international treaties. Exclusion would not be consistent with your previous decision to only exclude legislation relating to international agreements if it gives effect to existing free trade agreements.
Specifically identified constitutional matters or matters that require consultation with the Judiciary	
Remuneration Authority Act 1977	While secondary legislation made by the Remuneration Authority has been excluded, we do not consider the primary Act to come within scope of the exclusion parameters. The Act can be subject to Bills seeking to amend or repeal that would be appropriate for assessment for consistency with the principles in the RSA. This approach is consistent with your previous decision not to exclude legislation solely because it is constitutional in nature.
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	
Scheme rules for the CodeMark product certification scheme under s 272E of the Building Act 2004	Both of these schemes set rules for the operation of product certification schemes including rules relating to how parties are expected to perform their functions and resolution of disputes between schemes. The empowering provisions appear sufficiently broad that secondary legislation would engage with the principles, with impact to businesses and do not fit the parameters proposed for exclusion.
Scheme rules for the BuiltReady modular component manufacturer scheme under s 272ZG of the Building Act 2004	
Secondary legislation made under section 272HA of the Building Act 2004	Expands the range of building products councils have to accept in a building consent. This does not fit the parameters proposed for exclusions.

Name	Explanation
Secondary legislation under section 29 of the Infrastructure Funding and Financing Act 2020	This empowering provision authorises the use of levy for the purpose of funding eligible costs relating to eligible infrastructure and does not fit within the proposed exclusion parameters.
Secondary legislation made under section 331 of the Financial Market Conduct Act 2013	FMA have proposed for exclusion approvals for proposed market rules and changes. Market rules and changes are not secondary legislation, but the approval is. The rules are made by the operator of a particular market (i.e. the NZX). FMA must approve the changes unless the FMA 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. The FMA consider the approval notices fit in the category of being "legislation that is administrative with negligible or no ongoing public impact" and is not the legislation for which the consistency assessment and review would be cost effective nor valuable from the FMA or the market operator perspective. The notice itself has no substantive content and merely records that rules/rule changes submitted by the operator have been approved by the FMA. The rules can impact business that list or trade on a particular market. However, it is the role of the market operator to determine those rule settings, subject only to FMA's ability to intervene if the rules/rule changes are not in the public interest or do not provide for continuous disclosure. The FMA does not have power to decline proposed rules/rule changes on the basis that a different rule would better promote the public interest. Our view is this secondary legislation does not fit within the exclusion parameters because of the potential impacts on business and while constrained by the empowering provision there is administrative discretion provided to the FMA in making its assessment. Should you wish to do so there are likely to be a range of other similar provisions across legislation that could need to be considered for exclusion to ensure consistency.

Name	Explanation
Secondary legislation made to alter or modify a Tariff under section 9 of the Tariff Act 1988	The New Zealand Customs Service makes secondary legislation under section 9 of the Tariff Act 1988 that provides for alterations and modifications of Tariffs. Secondary legislation can be made under this section to enable administrative or operational updates to facilitate obligations under existing Free Trade agreements but can also be used more broadly to adjust tariffs for other purposes. There isn't a single piece of secondary legislation that can be identified to support an exclusion for the implementation of trade agreements under this empowering provision as amendments can be made across a range of secondary legislation using this empowering provision. NZCS has proposed an exclusion that could be framed to exclude legislation only where it makes technical, administrative or operational amendments to facilitate New Zealand's obligations under existing Free Trade Agreements. This approach would add complexity as it would require judgements to be made about when legislation is exempt and when it is not. We note introducing a "test" based exclusion would likely result in further agencies seeking similar types of exclusions to differentiate between administrative legislation and more substantive legislation made under the same empowering provision. In doing so the blanket approach to treat broad empowering provisions within scope of RSA requirements would be eroded potentially creating uncertainty for the rationale behind selected legislation for exclusion. We therefore recommend secondary legislation made under section 9 of the Tariff Act 1988 is not excluded. We note this will result in some amendments for existing Free Trade Agreements requiring CAS. Alternatively, to ensure all legislation made under section 9 relating to existing free trade agreements is excluded, all secondary legislation made under section 9 could be excluded.

Secondary legislation that provides for the disregard or exemption of income or cash assets when assessing entitlements to social assistance under the Social Security Act 2018 or eligibility for financial support for long term residential care under the Residential Care and Disability Support Services Act 2018	MSD view is cash asset and income exemptions are narrowly targeted, time-limited, and compassion-driven. They operate as administrative discretion rather than general regulatory instruments. Applying the RSA would impose process burdens without meaningful benefit, potentially delaying assistance for vulnerable individuals. Excluding them preserves flexibility, proportionality, and timely support, consistent with the purpose of these exemptions. We note in this case the secondary legislation does not impose obligations however it does provide administrative scope to determine those settings. Consistent with the approach to other exclusions we do not recommend a test-based approach to determine if an exclusion applies.

<table>
<tr><th colspan="3">Reconsideration of legislation proposed by MPI for exclusion</th></tr>
<tr><th>Name</th><th>Reasoning provided by MPI</th><th>MfR reconsideration</th></tr>
<tr><td colspan="3">Overarching.comment.following.reconsideration

We note as most of MPI’s legislation predominantly relates to the regulation of particular primary industries it will have impacts for the public and businesses operating within those industries and is likely to engage the principles of the RSA. We have considered the points raised by MPI continuing to use the parameters for exclusion set out in the draft Cabinet paper as per your previous decisions. Our assessment has not changed because:

• whether the legislation is likely to change as a result of a CAS is not a relevant consideration, as the intent of a CAS is not necessarily to change legislation but to provide transparency against the principles of responsible regulation.
• the fact that legislation is highly technical or science-based is also not in itself a reason to exempt where it has a tangible impact on individuals or businesses.
• even where legislation relates to international obligations or agreements, and even where those obligations or agreements limit choices set out in legislation to a greater or lesser extent, the CAS will transparently show the implications of making the choice to sign up to these obligations or agreements.</td></tr>
</table>

Sustainability measures – all notices and orders under s11, 13, 14, 14A, 14B, 14C, 15 of the Fisheries Act 1996	Sets sustainability measures such as catch limits for fish species – administrative, technical, scientific in nature, and very routine. A high volume of routine measures under these sections is progressed each year under extremely tight timelines (for example, changes to catch limits for 35 stocks in 2025). Consistency assessment of notices and orders under these sections would not be cost-effective and would be unlikely to change content.	**Do not exempt** – the setting of sustainability measures appears to have significant impacts on fisheries businesses. Even if these are based on technical information, there appears to be significant discretion afforded. The timeframes under which this legislation is made are not relevant.
All export requirements (including overseas market access requirements) under: • s 38(2)(b)(ii), 60, & 167(1) of the Animal Products Act (APA) • s 63 and 143(1) of the Organic Products and Production Act 2023 • s 41 and 120(1) of the Wine Act 2003 All regulated control schemes to support an export requirement made under s 38(2)(b)(ii) of the APA	Export requirements, including Overseas Market Access Requirements (OMARs) set out destination market or country requirements exporters need to meet when exporting. Requirements are product-specific and are issued by foreign countries/markets and New Zealand agrees to recognise these. New Zealand must meet these obligations in order to access overseas markets. MPI has no discretion as the maker, as they are determined by overseas markets. A consistent assessment would not change their content. Regulated control schemes under s 38(2)(b)(ii) of the APA provide for special provisions required for export requirements. Therefore, export requirements and supporting regulated control schemes directly give effect to agreements already entered into by the Crown. It Is also unclear what extra benefit would be accrued by a CAS. Some OMARs are also confidential and, as a requirement, are not publicly available. It would not be possible to make a CAS public for these.	**Do not exempt** these do not meet any of the criteria, there is a choice about whether New Zealand signs up to these requirements and there is merit to making transparent the consequences of that choice (even if the requirements themselves are set elsewhere). Note that s 38(2)(b)(ii) requires the D-G to apply a test, so there appears to be a degree of administrative discretion. The focus is on facilitating international trade, should these provisions be excluded consideration would need to be given to additional exclusions relating to future trade agreements and other legislation that supports facilitation of international trade.

All joint food standards via the Food Standards Australia New Zealand (FSANZ) system under s 397 to 401 of the Food Act 2014	Allow New Zealand to meet obligations under the Food Standards Treaty 1995 between New Zealand and Australia. Under Article 4 of the Food Treaty, we have an obligation to adopt these standards without undue delay. Undertaking a CAS may cause delays. We also note that the Trans-Tasman Mutual Recognition Agreement 1997 has been exempt. Food standards are agreed by the Food Ministers Meeting – a group of Australian and NZ ministers that oversee the joint food system. The mechanism to review a joint food standard is within the joint food system. This means that Australian ministers have to agree to a review of the standards (and therefore their agreement would be needed to assess standards against the Regulatory Standards Act's principles).	**Do not exempt** – New Zealand makes a choice about whether to sign up to food standards, and CASs enable the consequences of those choices to be made transparent. The standards have an impact on businesses and consumers. It is also unclear how completion of CASs would cause 'undue' delay contrary to Article 4 of the Food Treaty.

All import health standards under s 24A, 24B of the Biosecurity Act 1993	Specify requirements to be met to effectively manage risks associated with importing risk goods. They are highly technical and science based (a chief technical officer recommends the issuing of the standards). Consistency assessment unlikely to change content. These can also be necessary to meet international agreement obligations. In developing standards, the chief technical officer (who develops standards) must: • have regard to NZ's obligations under international agreements • be satisfied that proposed requirements for inclusion in the standard are consistent with NZ's obligations under the SPS Agreement	**Do not exempt** – appears to be significant administrative discretion involved in the decision on whether to issue a standard, which has impacts on importers and consumers.
All craft risk management standards under s 24G, 24H of the Biosecurity Act 1993	Specify requirements to be met for the effective management of risks that: • are associated with the entry of craft into New Zealand territory or in the exclusive economic zone; and • are not already covered by an import health standard. Highly technical and science-based. Consistency assessment unlikely to change content. Can also be necessary to meet international obligations. In developing standards, the chief technical officer (who develops standards) must have regard to New Zealand's obligations under international agreements.	**Do not exempt** – as above

All orders setting out notifiable organisms under s 45 of the Biosecurity Act 1993	Highly technical and just list organisms. Consistency assessment unlikely to change content. These can relate to international obligations. Normally notifiable organisms support an existing international reporting obligation.	**Do not exempt** – the power to declare organisms to be notifiable has implications for individuals/businesses, and there appears to be significant administrative discretion involved
All orders declaring something to be an organism (under para. (d) of the definition of organism) under s 2(1) of the Biosecurity Act 1993	Highly technical and entirely science-based. Consistency assessment unlikely to change content.	**Do not exempt** – as above
Place of First Arrival (PoFA) standards (e.g. at ports) under s 37 of the Biosecurity Act 1993	Technical and science-based. Specifies the requirements for a PoFA to manage biosecurity risks, such as facilities and hygiene requirements. Consistency assessment unlikely to change content.	**Do not exempt** – as above
All transitional and containment facility standards under s 39 of the Biosecurity Act 1993	Technical and science-based – specify requirements for building, maintaining and operating a transitional/containment facility, including hygiene and disease surveillance requirements. Consistency assessment unlikely to change content.	**Do not exempt** – as above
Fisheries (Toothfish Catch Documentation Scheme) Regulations 2000	Allows New Zealand to meet conservation obligations under the Convention on the Conservation of Antarctic Marine Living Resources. These conservation obligations are binding for New Zealand (all members of the Convention on the Conservation of Antarctic Marine Living Resources) to protect the ecosystem of the seas surrounding Antarctica. New Zealand must implement these internationally agreed requirements to for New Zealand fishers to access the Antarctic toothfish fishery, and there is limited discretion. Consistency assessment is therefore unlikely to change content.	**Do not exempt** – New Zealand makes a choice about whether to sign up to these conventions, and CASs enable the consequences of those choices to be made transparent. The standards have an impact on businesses.

Fisheries (Western and Central Pacific Ocean Highly Migratory Fish Stocks) Regulations 2003	Allows New Zealand to meet international obligations under the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean. The convention aims ensure long-term conservation and sustainable use of highly migratory fish stocks in the Western and Central Pacific Ocean. New Zealand must implement these internationally agreed requirements for New Zealand fishers to access the fishery, and there is limited discretion. Consistency assessment is therefore unlikely to change content.	**Do not exempt** – as above
All circulars empowered under: • Reg 10 of the Fisheries (Benthic Protection Areas) Regulations 2007 • Regs 48 52C, 58A, 58CA, 80C & 81D of the Fisheries (Commercial Fishing) Regulations 2001 • Reg 47 of the Fisheries (Reporting) Regulations 2017 • Reg 13 of the Fisheries (Electronic Monitoring on Vessels) Regulations 2017 • Reg 6 of the Fisheries (Geospatial Position Reporting) Regulations 2017	Only supplement regulations (that is all that the empowering provisions for making the circulars allow them to do) and provide technical specifications and standards. Consistency assessment unlikely to change content.	**Do not exempt** – these all afford discretion to make decisions that can impose costs on fisheries businesses (e.g. how devices should be installed), and the choices involved should be made transparent
All recreational management controls notices (and other instruments issued under reg 5A of the Fisheries (Amateur Fishing) Regulations 2013)	Technical and just supplement regs. They set or vary any daily limits, accumulation limits, minimum or maximum legal sizes, or other recreational fishing management controls for any fish, aquatic life, or seaweed. These measures support total allowable catches for fish stocks. Consistency assessment unlikely to change content.	**Do not exempt** – these notices and instruments appear to have significant impacts on recreational fishers.

Landings and discards exceptions notices under s 72A (2) and Schedule 1AA, Part 3, clause 7 of the Fisheries Act 1996	Technical, only specify the fish and animals subject to the quota management system that commercial fishers either may or must return to the sea or other waters (for example, where there are minimum legal sizes or the returned fish is likely to survive when released). Consistency assessment unlikely to change content.	**Do not exempt** – imposes costs on fisheries businesses
All other fisheries notices under the Fisheries Act – s 17B, S8, 33, 113ZD, 271, 307, 312, 313, 368, 368A, 369	Technical and supplement provisions in the Act. Consistency assessment would be unlikely to change content.	**Do not exempt** – all potentially have impacts/costs for fisheries businesses
All notices under s 167(1) of the Animal Products Act 1999	Technical and can only set requirements or specify matters that are already permitted by the Act to be made by notice. For instance, prescribe details, processes or forms related to regulations in the Act, e.g. production, supply, and processing. If the Animal Products Act is reviewed for consistency, the contents of these notices would have already been reviewed in their permitting sections of the Act. This would mean that the same content would be reviewed for consistency twice, which is not cost effective.	**Do not exempt** – extremely broad provision that affords the D-G significant discretion and could therefore have impacts on businesses.
All supplementary notices under s 167 of the Animal Products Act 1999	Technical and can only supplement regulations. S167(3) provides that the notices can only set out matters of detail to elaborate on regulations; procedures, methodologies, forms or other administrative matters; how requirements in regulations are met; or otherwise supplement regulations.	**Do not exempt** – as above

All notices under s 405(1)(a) of the Food Act 2014	Technical and can only set requirements or specify matters that are already permitted by the Act to be made by notice. For instance, sets out requirements or matters permitted by the Act or to supplement regulations. If the Food Act is reviewed for consistency, the contents of these notices would have already been reviewed in their permitting sections of the Act. This would mean that the same content would be reviewed for consistency twice, which is not cost effective.	**Do not exempt** – as above
All supplementary notices under s 405(1)(b) of the Food Act 2014	Technical and can only supplement regulations. S405(1)(b) provides that the notices can only set out matters of detail to elaborate on regulations; procedures, methodologies, forms or other administrative matters; how requirements in regulations are met; or otherwise supplement regulations.	**Do not exempt** – as above
All supplementary notices under s 44ZN & 76A of the Agricultural Compounds and Veterinary Medicines Act 1997	Technical and can only supplement regulations. Section 76A provides that the notices can only set out matters of detail to elaborate on regulations; procedures, methodologies, forms or other administrative matters; how requirements in regulations are met; or otherwise supplement regulations.	**Do not exempt** – as above
All supplementary notices under s 143(2) of the Organics Products and Production Act 2025	Technical. Section 143(2) provides that the notices can only set out matters of detail to elaborate on regulations; procedures, methodologies, forms or other administrative matters; how requirements in regulations are met; or otherwise supplement regulations.	**Do not exempt** – as above

<table>
<tr><td>All notices under s 143(1) of the Organics Products and Production Act 2025 (OPPA)</td><td>Similar to s 143(2) above. Technical and can only set requirements or specify matters that are already permitted by the Act to be made by notice.

If the OPPA is reviewed for consistency, the contents of these notices would have already been reviewed in their permitting sections of the Act. This would mean that the same content would be reviewed for consistency twice, which is not cost effective.</td><td>Do not exempt – as above</td></tr>
<tr><td>All supplementary notices under s 120 of the Wine Act 2003</td><td>Technical and can only supplement regulations. Section 120(3) provides that the notices can only set out matters of detail to elaborate on regulations; procedures, methodologies, forms or other administrative matters; how requirements in regulations are met; or otherwise supplement regulations.</td><td>Do not exempt – as above</td></tr>
<tr><td>All supplementary notices under s 120(1) of the Wine Act 2003</td><td>Technical and can only set requirements or specify matters that are already permitted by the Act to be made by notice.

If the Wine Act is reviewed for consistency, the contents of these notices would have already been reviewed in their permitting sections of the Act. This would mean that the same content would be reviewed for consistency twice, which is not cost effective.</td><td>Do not exempt – as above</td></tr>
<tr><td>Name</td><td>Reasoning provided by MPI</td><td>MfR reconsideration</td></tr>
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All exemptions under the Agricultural Compounds and Veterinary Medicines (Fees, Charges, and Levies) Regulations 2015 (reg 6).	As per earlier ACVM sections. Consistency assessment would not be cost-effective and would be unlikely to change content. Exemptions are administrative rather than substantive (not new policy, rather removal of application of legal obligation).	**Do not exempt** – while this can exempt a legal obligation, it still represents an exercise of administrative power that has an impact on business and individuals. Requiring CAS is consistent with previous decisions not to provide broad exclusion for legislation that provides exclusions or exemptions.
All exemptions under s 33, 103(1)(b), 208, 343, 345, 347, 381(6) & (7) of the Food Act 2014	Consistency assessment would not be cost-effective and would be unlikely to change content. Exemptions are administrative rather than substantive (not new policy, rather removal of application of legal obligation).	**Do not exempt** – while this can exempt a legal obligation, it still represents an exercise of administrative power that has an impact on business and individuals. Requiring CAS is consistent with previous decisions not to provide broad exclusion for legislation that provides exclusions or exemptions
All exemptions under the Wine Act 2003 and Wine Regulations 2021 – s 6, 11, 15D, 39, 92, 119A(1)(c)	Consistency assessment would not be cost-effective and would be unlikely to change content. Exemptions are administrative rather than substantive (not new policy, rather removal of application of legal obligation).	**Do not exempt** – while this can exempt a legal obligation, it still represents an exercise of administrative power that has an impact on business and individuals. Requiring CAS is consistent with previous decisions not to provide broad exclusion for legislation that provides exclusions or exemptions

All exemptions under s 7A, 7B, 67, & 166(4) of the Biosecurity Act 1993	Consistency assessment would not be cost-effective and would be unlikely to change content. Exemptions are administrative rather than substantive (not new policy, rather removal of application of legal obligation). Unclear why exemptions under Pathway Management Plans (s87) exempted, but not exemptions under Pest Management Plans (s67). Does not appear to be a consistent application of the criteria for exemption.	**Do not exempt** – as above Pathway Management Plans (s87) exempted under emergency legislation provision, but were set out under wrong category. This has now been updated.
All technical standards and exemptions issued by NAIT organisation under s14, 19, 20 of the National Animal Identification and Tracing Act 2012	Technical and MPI has no discretion over these. The standards specify requirements for NAIT identification devices/systems and their operation.	**Do not exempt** – while technical, these standards and exemptions have impacts on businesses
All notices issued by NAIT organisation under s34 of the National Animal Identification and Tracing Act 2012 (except under s 34(2)(a)(i))	Technical and MPI has little direction. The notices only notify of alternative time limits to those prescribed by regulations made under the NAIT Act for the provision of information by any person in charge of an animal.	**Do not exempt** – while technical, these notices have impacts on businesses Section 34(2)(a)(i) is exempt under the emergency category. Placement has been updated.
All exemptions and waivers under: • S 9, 14, 50, 60B, 121, 166A(1)(c) of the Animal Products Act 1999, • Reg 9 of the Animal Products (Fees, Charges, and Levies) Regulations 2007 • Reg 15 of the Animal Products (Dairy Industry Fees, Charges, and Levies) Regulations 2015	Consistency assessment would not be cost-effective and would be unlikely to change content. Exemptions are administrative rather than substantive (not new policy, rather removal of application of legal obligation).	**Do not exempt** – while these can exempt a legal obligation, it still represents an exercise of administrative power that has an impact on business and individuals

All exemptions and waivers under: • Section 186Q, 192A of the Fisheries Act 1996 • Reg 83 of the Fisheries (Commercial Fishing) Regulations 2001	Consistency assessment would not be cost-effective and would be unlikely to change content. Exemptions are technical and administrative rather than substantive (not new policy, rather removal of application of legal obligation in a specific case). Provisions enable exemptions in relation to the requirement to hold a fish farming registration s 186Q, or in relation to how fish, aquatic life, and seaweed can be acquired by fish farmers (s 192A). Reg 83 allows the chief executive to waive or remit certain fees if it is in the public interest.	**Do not exempt** – all three involve significant administrative discretion and impacts on businesses/individuals in the industry
Codes of Welfare under Part 5 of the Animal Welfare Act 1999	Codes of Welfare are recommended by the National Animal Welfare Advisory Council (NAWAC), an independent advisory body created by the Animal Welfare Act 1999. The intent of the Regulatory Standards Act is contrary to the intent of the Animal Welfare Act 1999 since it is a highly values-based domain with significant ethical, social and public interest considerations. CASs declaring inconsistency with the RSA are highly likely, which could open up a further avenue for complaints. Consistency assessment would not be cost-effective and would be unlikely to change content. Codes of Welfare are technical and science-based. These can relate to international best practice (e.g. World Organisation for Animal Health (OIE) Technical Standards)	**Do not exempt** – the fact that the legislation is 'values-based' is not relevant, nor is the fact that decisions are recommended by an independent body based on scientific/technical standards – they still potentially have an impact on animal owners, and a choice can be made to not adopt the recommendations/issue the code

Declarations by Notice (of pests, animals, etc.) under s 2(4) of the Animal Welfare Act 1999	Consistency assessment would not be cost-effective and would be unlikely to change content. Declarations are technical and science-based.	**Do not exempt** – these can change how requirements apply and therefore impact on individuals and businesses
Declarations of Manipulation under s 3 of the Animal Welfare Act 1999	Consistency assessment would not be cost-effective and would be unlikely to change content. Declarations that a procedure is not a manipulation are technical and science-based.	**Do not exempt** – as above
Declarations relating to traps under s 32 of the Animal Welfare Act 1999	Consistency assessment would not be cost-effective and would be unlikely to change content. Declarations are technical and science-based.	**Do not exempt** – as above
Exemption from requirement to export animals with animal welfare export certificate under s 48 of the Animal Welfare Act 1999	Technical and science-based. Consistency assessment would not be cost-effective and would be unlikely to change content.	**Do not exempt** – as above
Prescribing rules for District Courts relating to enforcement orders under s 156 of the Animal Welfare Act 1999	Technical. Consistency assessment would not be cost-effective and would be unlikely to change content.	**Already excluded under Schedule 2 of the RSA.** Therefore, does not need to be included in the notice. The exclusion for Court rules already covers secondary legislation made under this empowering provision.
All commodity levies orders under s 4 of the Commodity Levies Act 1990	Voted on by industry and are industry good orders. MPI has little discretion.	**Do not exempt** – enables the charging of a levy
Notices under s 36 of the Meat Board Act 2004	The Board issues notices for access to quota market, and setting fees, gives exemption notices etc. MPI has no discretion over these notices.	**Do not exempt** – enables the charging of fees. The maker in this case will be the Meat Board, not MPI who will be responsible for the CAS.

Notices regarding levies under s 35, 36 of the Pork Industry Board Act 1997	Notices are issued by the Board. MPI has no discretion.	**Do not exempt** – enables the charging of levies The maker in this case will be the Pork Industry Board, not MPI who will be responsible for the CAS.
Deer Industry New Zealand Regulations 2004	Minor and technical – establish Deer Industry NZ as a marketing authority and set out their functions and membership provisions. Consistency assessment is unlikely to change content.	**Do not exempt** – enables the charging of levies.
Notice under s 49 of the Farm Debt Mediation Act 2019	These notices relate to requirements for approval of mediation organisations and mediators. They are administrative in nature.	**Do not exempt** – limits who can undertake mediation under the Act
Notices under s 88 of the Veterinarians Act 2005	Veterinary Council of New Zealand makes notices prescribing matters to be notified and available for inspection. MPI has little discretion.	**Do not exempt** – gives the Veterinary Council broad powers to approve or prescribe any matter under the Act. The maker in this case will be the Veterinary Council of NZ, not MPI who will be responsible for the CAS.