



Ministry for Regulation
Te Manatū Waeture

Regulatory Systems Amendment Bills

Guidance

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About this guidance

This guidance brings together the expertise and practices of agencies who have developed Regulatory Systems Amendment Bills (RSABs) over the past decade to steward legislation. As of publication, there are no RSAB-specific Standing Orders, or Cabinet Office circulars (outside of ordinary requirements for amendment bills). In light of this, agencies have developed a community of shared practice. The Ministry of Business, Innovation and Employment developed the first RSAB in 2016. Since then, eleven RSABs have been enacted across four agencies, with at least four more currently progressing through the House, and four more under active development at the time of publication.

This guidance is intended to support new and existing RSAB work programmes, as well as policy and legal staff who are new to RSABs. It is structured as a step-by-step guide, with each chapter dedicated to a stage of an RSAB's development:



These chapters refer to **appendices** that contain recommendations, templates and examples that can be drawn from, which reflect successful or efficient strategies used by agencies.

Please contact stewardship@regulation.govt.nz if you have any questions or feedback on this guidance, or are considering a new RSAB work programme. Please also contact us if you would like an invitation to the quarterly RSAB inter-agency hui.

Introduction: Regulatory Systems Amendment Bills

Regulatory Systems Amendment Bills (RSABs) are omnibus bills that update the statute book, helping it to stay fit-for-purpose as part of good regulatory stewardship. This guidance is intended to support agencies developing or updating their own RSAB work programmes.

Why were Regulatory Systems Amendment Bills established?

The New Zealand statute book is increasingly large and includes legislation that is outdated or was drafted in different contexts. It can be difficult to maintain and cause problems as it ages. Some portfolios have accrued a backlog of problems that are challenging for individuals, businesses and regulated parties to navigate. Agencies and Ministers may be aware of these problems, but legislative fixes must compete with other reform priorities for scarce House time. As a result, repair, maintenance, and improvement of legislation can be deprioritised.

When a regulatory system is primarily contained within a single Act, or when proposed changes relate to a single broad policy, a normal amendment bill is usually an effective way to progress those changes. However, this isn't always the case. Agencies face challenges when trying to make small-to-medium changes across multiple Acts – especially when none of the changes alone justify a separate bill. RSABs were established as an effective, practical way for agencies to undertake good regulatory stewardship when normal amendment bills are not appropriate. Sometimes called 'clean-up' bills or 'good legislative housekeeping', RSABs are omnibus bills that make amendments across multiple Acts.¹ They are a tool to improve legislation and keep the statute book fit for purpose. Through their use, regulatory systems are made more efficient, effective, and aligned with best regulatory practice.²

For more information on regulatory stewardship, including obligations on agencies, visit [Regulatory stewardship | Ministry for Regulation](#).

What can Regulatory Systems Amendment Bills achieve?

RSABs make changes that address issues flagged by front line staff, regulated parties (including members of the public), and subject matter experts. They can also repeal historic legislation that is no longer necessary or make fixes to recently introduced legislation that has encountered unanticipated issues. Common changes made by RSABs include:

¹ As an illustrative example, RSABs have contained 30-300+ amendments across up to 30+ Acts.

² Note that while standalone amendment bills may make good stewardship changes to single Acts, this guidance applies to omnibus bills making changes to multiple Acts. Agencies progressing standalone amendment bills that make stewardship changes can still take this guidance into account, but not all parts will be relevant. Similarly, this guidance does not apply to omnibus bills that can be progressed under SO 267(1)(a) and (b).

- clarifying and updating provisions to better achieve the Act's purpose
- removing or reducing unnecessary costs of compliance, implementation and administration for agencies and regulated parties
- addressing regulatory duplication, gaps, errors, and inconsistencies within and between different pieces of legislation
- keeping the regulatory system up to date and relevant, such as responding to increased use of digital technology
- enhancing the administrative efficiency of regulators generally
- other straightforward or common-sense fixes.³

What defines a Regulatory Systems Amendment Bill?

RSABs have three elements that define their content. The most important restriction on RSAB content is that it must be able to secure broad political support in Parliament. This is because RSABs must be approved near-unanimously by Parliament's Business Committee before introduction (SO 267(1)(c)), and that committee contains members of all political parties.⁴ As a result, amendments that cannot secure broad political support are better suited to standalone amendment bills.

RSABs must also contain content that is suitable for referral to a single subject Select Committee. While this can be restrictive, some agencies have split their RSABs into multiple bills to meet this requirement.

Finally, agencies should ensure an RSAB is the appropriate legislative vehicle for each amendment. This will require considering whether other legislative vehicles may be more appropriate, including:

- an amendment bill that is not omnibus in nature, either as a standalone amendment bill or in another bill being progressed by Government
- other omnibus bills introduced under SO 267(1)(a) or (b)
- Statutes Amendment Bills for short, technical and non-controversial amendments that are supported by all political parties
- Revision Bills which update/redraft an entire Act using plain, modern language and in current drafting style and format
- Repeal Bills which repeal redundant or spent legislation.

Appendix A includes further information on these kinds of bills.

³ For examples of recent RSAB announcements, see: [Rebuilding the economy through better regulation | Beehive.govt.nz](#), [Streamlining identity verification online | Beehive.govt.nz](#) and [Bills aim to boost justice and reduce regulation | Beehive.govt.nz](#).

⁴ Theoretically an RSAB could fit its changes under Standing Order 267(1)(a) if it was implementing a single broad policy, and in that case would not require Business Committee approval for introduction. However, by their nature, RSABs usually contain changes related to a wide range of topics.

What is a Regulatory Systems Amendment Bill work programme?

The benefits of RSABs can be enhanced if they are progressed as part of a recurring stewardship review work programme. This ensures that there is always a future RSAB vehicle to 'catch' new amendments, including if they are too late for an agency's current RSAB. Officials who have led RSABs report that a continuous RSAB work programme helps with managing expectations, quality assurance, and driving conversations about their next RSAB.

From a stewardship perspective, this structure can offer some advantages. It helps build confidence that issue identification and review processes will progress to legislative change, which can encourage greater engagement from operational or sector stakeholders. It also provides a politically neutral context that allows policy work to continue through changes in government.

This approach differs from the standard policy process, where the appropriate legislative vehicle is typically selected after the proposed changes have been identified. So, despite the benefits of a recurring RSAB work programme, it is important to remain flexible. Issue identification may reveal problems that are specific to a single Act, in which case a standard amendment bill may be more appropriate. In other instances, more significant issues may arise that require legislative solutions beyond the scope of an RSAB, which can be considered for inclusion in the agency's broader policy work programme.

If your agency is considering establishing a new RSAB work programme, **Appendix A** contains information about legislation bids, ongoing resourcing requirements, developing an RSAB timeline, common RSAB work programme models, and how to strategically use RSABs as part of a legislative work programme (including how they fit with other types of bills). You can contact stewardship@regulation.govt.nz for an invitation to the ongoing quarterly RSAB inter-agency meeting, where agencies share their experiences with RSABs.

Chapter 1: Long-listing possible amendments



Once an agency has an established RSAB work programme, the team leading an RSAB (RSAB leads) can work together with any contributing teams to prepare a long-list of possible amendments. Agencies use several methods to do this.

Overview

Agencies typically begin an RSAB by developing a ‘long-list’ of potential amendments that is later vetted. RSAB leads have used a variety of methods or sources to generate an initial long-list, including:

- using an expression of interest (EOI) process to surface new amendments (submissions processes for specific RSABs)
- existing issues registers (collect issues/amendments over time as they arise)
- existing legislative work programmes (move work between bills).

An overview of each strategy is included below. Any process that surfaces new issues is also likely to bring up things that are outside of the scope of an RSAB, allowing the wider agency to become aware of significant policy issues that need further work.

As part of a successful RSAB work programme, agencies should ensure good record-keeping of the analysis associated with amendments to be included in the bill. For effective strategies used by agencies, see **Appendix B**.

Examples of suitable RSAB amendments

When seeking potential amendments from other teams across an agency, it can be helpful to provide some common illustrative themes, such as:

- **Making use of new technology.** RSABs can update requirements that were set before internet and computer usage was common. This generally includes reducing or removing requirements for newspaper notices, hardcopy filing, or references and requirements relating to redundant technology (eg fax machines). They can also enable the use of electronic means to provide information, notifications, and signatures for documents.

- **Updating settings.** RSABs can be an effective and efficient way to update settings (eg thresholds, eligibility, or exemptions) if the subject matter is not controversial and the changes do not represent a significant policy shift.
- **Removing redundancies.** Provisions that refer to inactive legislation, or functions that no longer exist can be removed or updated.
- **Amending inadvertent errors.** Legislation can be amended to remedy errors (including errors in new legislation discovered after enactment). Corrections can include clarifying inaccurate references, unclear or ambiguous language, gaps in legislation, or outdated terminology/provisions.
- **Better system alignment.** RSABs can make changes to align legislation with similar or equivalent legislation, new legislation, or increase consistency with other legislation in the broader regulatory system. They can also resolve conflicting provisions.
- **Better reflecting the intent of the Act.** Legislation, especially aged legislation that is underperforming, can be updated to more effectively align with the intent of the Act. These updates can include changing provisions to achieve stated outcomes or objectives of the Act.
- **Enable efficiencies.** If potential efficiencies align with the intent of the Act and are likely to achieve broad political support, an RSAB can be used to make these changes. Examples include delegating functions, duties and powers to entities or officials that already advise on decisions; removing the requirement to renew authorisations that are always renewed; or removing undue regulatory burden.

Note that these examples are illustrative and not exhaustive. Examples of amendments included in recent RSABs include:

- [Regulatory Systems \(Primary Industries\) Amendment Bill - Legislative Statement](#)
- [Regulatory Systems \(Immigration and Workforce\) Amendment Bill - Legislative Statement](#)
- [Regulatory Systems \(Justice\) Amendment Bills](#)

Examples of amendments that may not be suitable

Some proposed amendments may be a better fit for other bills, including standalone amendment bills. Agencies should have a clear process for referring these types of changes on to other policy programmes. The following is a list of potential amendments and proposals that should be carefully scrutinised – and if they are included in the RSAB, leads should have a clear policy rationale for why they are an appropriate fit for the bill, and be ready to speak to this (including to Parliamentary stakeholders):

- **Some offences and penalties (including changes to offences).** Some changes to offences may not achieve broad political support. Minor changes to existing offences and penalties may be possible through RSABs, but this depends on subject matter and context. New offences or significant penalty changes are generally not recommended for RSABs. All proposals amending offences and penalties should be discussed with the Ministry of Justice's Offences and Penalties Vetting Team.

- **Controversial subject matter.** Some subject matter areas (and legislation) may not achieve broad political support in the Business Committee, even though proposed changes may be technical and minor. Some portfolios include more controversial subject matter than others, and agencies will need to determine the appropriate threshold for their own RSABs.
- **Funding required at implementation.** Agencies should ensure implementation requirements, such as IT or operational changes, are identified and costed in advance. Funding to implement changes should be secured before an amendment is included within an RSAB.
- **Fees and levies.** Proposals that introduce new fees and levies, or substantively change the nature of existing fees and levies, are not a good fit for an RSAB. However, minor changes in line with the original policy intent of the fee and levy and the guidance for setting fees and levies⁵ have been included in RSABs.
- **Low stakeholder consensus.** If there is likely to be strong public interest and relevant stakeholders are not in consensus, the amendment should be carefully assessed for its ability to secure broad political support in the Business Committee.
- **Cross-cutting or complex policy work required.** If a proposal would require significant policy work, agencies should carefully consider whether this will be manageable within the timeframes and resourcing constraints of the bill.
- **Complex drafting.** If a proposal requires a large number of new provisions, or a whole new Part, it may be more suitable for an amendment bill.
- **Significant impacts.** If a proposal is anticipated to have significant impacts then it is unlikely to be suitable.
- **Significant change in policy direction.** Changes to the purpose of the Act, or changes that would reflect a significant change in policy direction, should be considered for standalone amendment bills.

Common methods for seeking potential amendments

Using Expressions of Interest to obtain potential amendment submissions

A submissions process for staff (and in some cases wider stakeholders) to submit EOIs for amendments for an RSAB is the most common strategy used by agencies. It is recommended for agencies new to RSABs.

Invitations for EOIs can encourage teams to undertake an audit of their work programmes to find straightforward amendments. RSAB leads can generate an EOI submission form for staff members to complete, to obtain sufficient information to allow each proposed amendment to be screened and tracked.

If RSAB leads clearly outline the criteria they will be using to assess suitability for an RSAB in any EOI submission form, this will streamline the vetting process (see **Chapter 2**). However, if your agency does not have another general legislative review programme then this EOI

⁵ For example, the Treasury's Guidelines for Setting Charges in the Public Sector and the Office of the Auditor General's guidance for Setting and administering fees and levies for cost recovery.

process can also be utilised to helpfully identify wider system issues (outside of the RSAB criteria).

Using issues registers to collect potential amendments over time

If agencies have an existing issues register for recording statutory issues, RSAB leads can use recorded issues to prepare a long-list. Ideally, sufficient policy work will have been completed for RSAB leads to complete vetting later in the process. A clear understanding of which team owns the policy work is critical to support the amendments through the life of an RSAB.

Agencies report that RSAB work programmes (especially rolling RSAB work programmes) greatly benefit from central issues registers because they can draw from these issues without needing to prepare a long-list each time. This enables policy work to be spread out, and for each new RSAB to draw from a bank of existing potential amendments.

Using existing legislative work to move work between bills

It is possible to move work on non-RSAB bills to an RSAB. This uplift occurs for a range of reasons – sometimes the RSAB is closer to introduction, or it would be strategic to separate out parts of a bill. We recommend that these proposals still go through the same analysis as the rest of the RSAB to confirm the content's suitability for the bill. Appropriate vetting and policy work ensures that there is consistency.

Note that there should be a clear rationale and agreement with relevant Minister/s to move work into an RSAB and amendments should still naturally fit within the RSAB criteria. This is discussed further in the following chapter.

Chapter 2: Vetting and policy work



Once long-listed amendments are available, each proposed amendment should be assessed for suitability.

Overview

Once amendments have been long-listed, work can begin on vetting each proposed amendment for inclusion in the RSAB and completing associated policy work. In terms of process, most agencies use RSAB leads (and often legal advisors) to run a process tailored to their agency that lets them analyse and vet proposed amendments, confirm their eligibility, and refer the amendments back to staff for any outstanding policy work.

This chapter contains considerations that agencies commonly take into account in formulating their selection criteria, as well as suggestions for efficient policy work. Each portfolio has differences in subject matter, legislation history and political context. Agencies should determine how the content below applies to their portfolios.

Vetting and Business Committee

Under current Standing Orders, the **Business Committee** approves RSABs for introduction to Parliament.⁶ The Business Committee is made up of **Committee members from all political parties represented in Parliament** and makes decisions on a unanimous (or near-unanimous) basis. As a result, each amendment should be assessed to determine whether the amendment is likely to achieve broad political support across political parties. This is a core consideration when assessing each amendment.

In practice, the Business Committee is not likely to approve an RSAB for introduction to the House if it contains proposals that members find contentious. If Committee members have concerns about parts of the RSAB, the Business Committee may request content to be removed, separated from the rest of the bill (which might then be progressed as a standalone bill), or may make a determination not to approve introduction of the bill altogether.

⁶ SO 267(1)(c). This is because RSABs are omnibus Bills that are not otherwise specified in the Standing Orders. This requirement was introduced in response to the practice of ‘smuggling’ controversial amendments into maintenance-style omnibus Bills in the 1970s and 1980s. This practice made adequate scrutiny of these bills difficult. As a response, Standing Orders were amended to require omnibus bills like RSABs to be approved by the Business Committee for introduction.

When considering whether an amendment is likely to secure broad political support, RSAB leads should take into account political consensus around the subject matter, and whether there is likely to be strong public interest in it which may be of interest to members of the Business Committee. Agencies are best placed to understand what can achieve broad political support in their portfolios. In practice, what constitutes uncontroversial improvements, repairs, and maintenance will vary between portfolios and political parties, and is reflected in the different ways that agencies frame their RSAB content.

Analysis, resourcing and support

RSAB leads should ensure that they are satisfied each amendment has a strong justification and that sufficient analysis has taken place to be confident the amendment is beneficial. In addition, they should ensure that each amendment has the requisite support (including from teams that will lead policy work for each amendment) to achieve all necessary policy work within the required timeframes of the RSAB. The following are common considerations to assess the size and scope of policy work required:

- policy analysis
- legal screening
- operational support
- stakeholder engagement.

The sections below include content on vetting for each of these considerations (including how agencies might set their thresholds), and recommendations from RSAB leads on completing the associated work.

The core consideration is whether or not the teams responsible for amendments will be able to complete policy work and provide ongoing support for the amendments at key milestones (including drafting, Select Committee etc). RSAB leads typically lead the initial assessment of amendments. They seek confirmation from teams, subject matter experts and managers that the required resourcing will be available to support their amendments (including whether or not the amendments will fit into existing timelines).

Policy analysis

Criteria commonly used during vetting

Agencies should set a threshold for the size and complexity of policy for their RSAB. This is a practical consideration around resourcing and timing, which usually includes factors such as:

- Strong justification with a good understanding of likely benefits.
- Fits within timeframes.
- Adequate resourcing at key points in bill (Select Committee, drafting, etc).
- consideration of Impact Analysis requirements – see [Regulatory Impact Analysis \(RIA\) | Ministry for Regulation](#) for more information on RIA requirements.

Suggestions for good practice:

- **Streamline internal sign-out and decisions.** It is common for RSABs to require decisions from multiple managers or internal decision-makers. One effective strategy is

for RSAB leads to work with managers to determine a common template when seeking decisions on amendments. This helps reduce work duplication, supports a shared understanding of the RSAB and promotes consistency.

- **Coordinate ministerial decisions across portfolios.** If multiple Ministers are involved in a single RSAB, officials can ensure that clear ownership and processes are in place to confirm ministerial decisions over respective portfolios. If policy teams will be working to seek decisions from different Ministers, consistency in messaging is important.
- **Streamline Cabinet papers seeking policy decisions.** Given that RSABs cover a large volume of content, papers usually focus on the overall themes of the bill, desired outcomes, some examples of benefits, and with full details annexed. If key fields have been captured in a master spreadsheet, a full annex should be straightforward to compile. Specific amendments are not generally the focus in the paper unless there are 'chunkier' parts of the RSAB, including ones associated with regulatory impact statements (RISs), or amendments that are good examples to demonstrate benefit. See the following proactive release packages for examples:
 - [Internal Affairs RSAB - Cabinet paper seeking policy decisions](#)
 - [Transport RSAB - Cabinet paper seeking policy decisions + RIS](#)
 - [Justice RSAB - Cabinet paper seeking policy decisions](#)
- **Seek appropriate decisions from Cabinet.** When seeking decisions from Cabinet and preparing recommendations, RSAB leads can review the Parliamentary Counsel Office's (PCO) resources on how to pitch a paper seeking policy decisions: ["How detailed does a Cabinet paper seeking policy approval need to be?"](#). This includes the level of detail and the scope of the decisions that should be sought. Officials should review relevant advice for supporting Cabinet decisions, including on the number of officials that can attend Cabinet Committees.
- **Reassess for suitability.** Sometimes policy work reveals new information which requires an amendment's suitability to be reassessed against criteria. The most common reasons for why proposed amendments are removed from an RSAB include where:
 - subsequent policy, legal or operational analysis uncovers risk, cost, stakeholder impact, or undesirable outcomes
 - adequate analysis cannot fit within timeframes (including where an appropriate subject matter expert cannot be located)
 - the amendment is time-sensitive and shifted to another bill that is further along in the development process
 - the proposal is not eligible for a RIS exemption, and the agency chooses not to progress amendments that will require a RIS
 - an amendment doesn't have subject matter experts or analysis accessible in time, RSAB leads may suggest including it as part of the next RSAB.
- **Prepare drafting instructions in advance.** The PCO advises that it can be helpful for agencies to prepare an internal first draft of drafting instructions for RSABs in advance of policy decisions. This is because it can help to identify the level of detail and analysis

required at drafting and allow agencies to note gaps. See **Chapter 3** for more information on drafting RSABs.

Legal screening (including whether legislative change is required)

Criteria commonly used during vetting

Proposed amendments should be screened by legal staff,⁷ who should determine an appropriate threshold for legal complexity. This includes whether closer legal analysis should be undertaken, and/or an assessment of the legal complexity of the proposal. Legal resourcing constraints are usually also taken into account.

Common considerations by legal advisors for RSAB:

- **Sufficient connection to a problem.** The connection between the legislation and the problem should be sufficiently clear to warrant amendment – identifying this connection can take time to confirm for each proposed amendment, especially as many RSAB amendments are unrelated to one another.
 - **If legislative change is sufficient to enable a fix.** These amendments are often natural fits for RSABs, especially if implementation changes are minimal and additional funding is not required.
 - **If legislative change is required alongside other changes.** For some proposed amendments, legislative changes will also require shifts in implementation or operational changes. For these, the RSAB leads must be satisfied that the policy or operational teams will be able to complete relevant work within timelines. Otherwise, RSABs may not be the most suitable vehicle to make these changes.
- **Legal resourcing.** Legal advisors will be able to advise whether the requisite legal analysis or work is able to fit within key timeframes.
- **Interaction between legislation.** Will the amendment create ambiguity or uncertainty when interacting with other legislation?

Operational support

Criteria commonly used during vetting

Agencies usually seek to confirm whether there will be any actions required to implement a given amendment, and whether this has been adequately accounted for.⁸ Agencies have different thresholds for implementation complexity; some RSABs have included changes that require additional funding, changes in regulators' practice, or complex enactment provisions. Other RSABs are more restricted to amendments with lower operational and implementation complexities. Agency resourcing is usually a constraining consideration.

Suggestions for good practice:

⁷ In some agencies this function is also undertaken by policy staff

⁸ This is important because if this work is not adequately completed or complexities/costs are not noted before Cabinet decisions, agencies may need to return to Cabinet to rescind decisions once implementation complexities arise during the drafting stage.

- **Keep track of transitional arrangements.** If transitional arrangements are complex, or vary across amendments, adequate tracking of these (especially for larger RSABs), as well as providing effective instructions to the PCO, can make drafting easier.
- **Thoroughly test with regulators.** Testing amendments with regulators in advance can support implementation. Regulators could identify other potential amendments for inclusion, or risks that should be contemplated. Some agencies require amendments to have full operational support from regulators.
- **Identify costs.** If there is a possibility that an amendment has significant associated costs despite being a relatively minor change (eg necessary changes in IT), these should be costed in advance.
- **Know your subject matter experts for drafting.** A common challenge for RSABs is the volume of subject matter experts involved. Because RSABs can include many teams, entities and regulators, key contacts should be recorded and updated, especially prior to drafting.

Stakeholder engagement

Criteria commonly used during vetting

Consultation requirements are the same as non-RSAB legislative amendments generally. Some agencies choose to progress sufficiently minor amendments, where consultation is not required/desirable.⁹ Other agencies choose to include more substantive amendments that require consultation (either targeted consultation or a discussion document).¹⁰ Criteria when assessing a proposed amendment could range between:

- No consultation required.
- Targeted consultation (or less) appropriate – with confirmation of resourcing.
- Discussion document (or less) required – with confirmation of resourcing.
- Consultation already completed.

The level of stakeholder engagement and consensus can influence the Business Committee's assessment of more substantial amendments. Ultimately, each agency should determine their threshold in light of their resourcing, timelines and subject matter. Some agencies report that their subject matter is of higher public interest and choose to progress proposals requiring public consultation through other legislative vehicles (especially if stakeholder consensus is low and/or the proposal strains other criteria).

Suggestions for good practice:

- **Record the benefits.** During consultation, stakeholders may support some amendments and identify concrete benefits that it will provide them. It can be helpful to

⁹ Minor amendments that do not justify any engagement are usually good fits for RSABs. A range of agencies use this as a straightforward criterion.

¹⁰ For more information on consultation requirements, see the [Ministry for Regulation guidance note on discussion documents](#). The [Legislation Design and Advisory Committee Guidelines](#) also contains guidance on when consultation should be undertaken.

maintain a record of this, as some examples of discrete positive impacts can help communicate the value of RSABs.

- **Identify new amendments from stakeholders.** Stakeholders can be an excellent source of suggested amendments. Each proposal should be subject to full analysis and be closely scrutinised. Proposed amendments from stakeholders may include fixes that do not necessarily require legislative changes but are more related to funding or implementation. These suggestions can be referred on to relevant teams, though they are less likely to be a good fit for RSABs.
- **Take into account stakeholder views.** Stakeholder engagement may reveal that an amendment may be better suited to another bill, or is more controversial than expected, or may have unexpected costs or unintended impacts.

Chapter 3: Drafting



Once Cabinet makes policy decisions, agencies can issue drafting instructions to the PCO. Legal instructors will work with RSAB leads to draw from analysis recorded over the development of the RSAB.

Overview: RSABs are complex to draft due to size and diversity of subject matter

The PCO's recommendations and requirements for drafting instructions generally can be found in their [Instruction Kit](#). RSABs are considered complex and large bills to draft despite their more technical nature. This can be because:

- RSABs can rely on a high number of subject matter experts
- subject matter experts may be externally located, or are spread across many teams
- RSABs can contain a large volume of amendments that do not closely relate to one another.

These factors together cause delays when drafters seek follow-up information or feedback while drafting amendments, especially if it takes time to locate records, access subject matter experts and obtain further information. Comprehensive information and analysis are important because an RSAB can only progress as fast as its slowest amendments.

Strategies to mitigate the above factors, and help an RSAB to be drafted in a timely fashion, include:

- **Coordinated instructions with clear ownership.** The PCO prefers a single instructor for RSABs, which in their experience supports timely and coordinated drafting. However, each agency should work with the PCO to discuss and confirm their own arrangements. Agencies may use one instructor for each bill (if the RSAB is being split across bills – see **Appendix A** for more information) or one for each portfolio, but arrangements should be confirmed with the PCO and ownership of parts of the RSAB should be clear. If more than one instructor is used, RSAB leads should work closely with all instructors to maintain oversight of the status of drafting across instructors, including oversight of delays.
- **Good record keeping.** Good retention of accessible analysis across the RSAB's development supports timely drafting. This includes legal, operational, and policy analysis.

- **Timely turnaround.** Agencies that have confirmed adequate resourcing to enable subject matter experts/policy/legal to be able to turn around advice quickly are more likely to have their RSAB drafted in a timely fashion.

As with all drafting, the written instructions to the PCO need to contain more detail than the high-level description of the change that was in the annex to the Cabinet policy approval paper. It is not sufficient to send the table of proposals without further amplification by way of drafting instructions. The lead legal advisor for the RSAB (or for each portfolio if more than one legal person is involved) should prepare the detailed instructions in the usual way.

Before issuing drafting instructions

A master spreadsheet can be an effective way to coordinate the drafting stage (see **Appendix B**). Prior to drafting, RSAB leads can send a round of internal communications that alerts contributing teams/subject matter experts to upcoming obligations around drafting. They can also seek confirmation for important information in a master sheet, including:

- policy leads, policy work and subject matter expert details
- linked legal analysis, with a record of legal advisors for each amendment
- managers can confirm that listed subject matter experts will be available to provide advice to instructors and the PCO at short notice (or refer to alternative subject matter experts).

RSAB leads can also review the master sheet with their lead instructor, record the legal instructor for each amendment (if more than one is used), and begin to track the drafting status of each amendment so leads can identify and manage delays as they arise.

General Policy Statement and Disclosure Statement

Due to the omnibus nature of RSABs, General Policy Statements and Disclosure Statements are usually completed at an overall high level. They typically include a review of general themes, the Acts being amended, the overall aims of the bill, and a brief acknowledgement of what RSABs are as a legislative vehicle.¹¹

Because the General Policy Statement defines the scope of the bill, maintaining a high-level, outcome-focused approach can be beneficial. This allows for a broad scope, making it easier to incorporate amendments in response to submissions received during the select committee stage or refinements during the Committee of the Whole House stage.

Troubleshooting

Several issues can arise during RSAB drafting, for example:

¹¹ See for example [Regulatory Systems \(Economic Development\) Amendment Bill 50-2 \(2024\)](#), [Government Bill – New Zealand Legislation](#) and [Regulatory Systems \(Tribunals\) Amendment Bill 115-1 \(2024\)](#), [Government Bill Explanatory note – New Zealand Legislation](#).

- additional information or analysis may be required from subject matter experts to determine how the legislation will operate to achieve the desired outcome
- there may be delays retrieving previously completed analysis
- there may be delays receiving advice from subject matter experts because they are not sufficiently resourced
- there is unclear ownership of policy work, subject matter expertise, or responsible drafter, which delays resolving the above factors.

If information cannot be retrieved in time, or if RSAB leads determine a specific amendment will delay the overall bill, then the amendment may need to be removed from the RSAB. Cabinet's approval to rescind decisions and abandon the amendments will be necessary, which can accompany the Cabinet paper and draft bill as it goes to LEG.

Chapter 4: Engaging with Parliament



After Legislation Committee and Cabinet approval, Business Committee must make a determination giving an RSAB permission to be introduced to the House. Agencies should provide advance notice to key Parliamentary stakeholders to ensure a smooth process.

RSABs and the Business Committee

Parliament's Business Committee has the power to make a range of decisions important to RSABs.¹² This includes:

- whether an omnibus bill (such as RSABs) can be introduced to the House ([SO 267\(1\)\(c\)](#))
- whether different bills (together making an RSAB package, if multiple bills were drafted) can be associated, ie considered together at first, second and third reading ([SO 274\(1\)](#))
- whether a Select Committee can recommend out of scope amendments to an omnibus bill ([SO 300\(2\)](#)).

For context, the above restrictions on omnibus bills arose in response to instances of controversial amendments being included in otherwise maintenance-style amendment bills in the 1970s and 1980s. These bills were more difficult to scrutinise due to their size, and the Standing Orders were amended to require a Business Committee determination approving these bills for introduction, providing an added layer of scrutiny. These restrictions remain in place today.¹³

The Business Committee makes determinations based on unanimity (or near unanimity)¹⁴, and includes members from all political parties. Omnibus RSABs should therefore be developed with this in mind, as they require broad political support in order to be introduced to the House (see **Chapter 2**). As a result of increased scrutiny prior to introduction, RSABs are usually well supported in the House.

¹² For the purposes of this chapter, the Business Committee is referring to Parliament's Business Committee (rather than Cabinet's Business Committee). Parliament's Business Committee makes decisions on how Parliament and select committees are run. This committee contains members from all political parties represented in Parliament, and makes decisions on a unanimous (or near-unanimous) basis. For more information, see [Business - New Zealand Parliament](#).

¹³ For more information, see [Chapter 34 - Primary Legislation - New Zealand Parliament](#).

¹⁴ SO 78 sets out the basis for making decisions in Business Committee

Agencies must go to Cabinet Legislation Committee before Business Committee

For most bills, Ministers will take a draft bill to Cabinet Legislation Committee (LEG) seeking approval for introduction to the House. However, as discussed earlier, RSABs require a determination from Parliament's Business Committee before introduction. As a result, agencies should include recommendations in the LEG paper for Cabinet to:

- seek a Business Committee determination to introduce the bill to the House, and
- agree to review the bill at a later date if a determination is declined/not provided, or if changes are needed in order for the bill to be approved for introduction (or, alternatively, to delegate these decisions to a Minister).

Note that agencies should not advise their Minister to seek a determination from Parliament's Business Committee before seeking approvals from Cabinet's LEG Committee. This sequencing would not give Cabinet an opportunity to first review the draft bill before wider exposure to members of the Parliamentary Business Committee.

Seeking Business Committee determination for introduction: SO 267(1)(c) (and SO 274(1) if applicable)

Awareness of process and need for flexibility

Before supporting their Minister to engage with Parliamentary stakeholders, RSAB leads (and legal advisors) should ensure that they have awareness of the expected processes outlined below, including awareness of the requirement to seek a determination from Business Committee for their RSAB to be introduced to the House.

The Business Committee operates within the political context of the day. Agencies should therefore be aware that changes to the process outlined below may be necessary and should liaise with their Minister's office. Key stakeholders may also recommend time periods more suitable for an RSAB's determination to be sought, or to delay seeking a determination for a short time. Agencies should be aware that flexibility may be required.

Advanced notice

Agencies should work with their Minister's office to provide advanced notice of an upcoming RSAB to the Office of the Leader of the House (who is also the Chair of LEG and attends Parliament's Business Committee), ahead of going to LEG. This enables the Office of the Leader of the House to undertake any necessary engagement in advance of Business Committee.

Documents supporting the Committee

When seeking a determination from the Business Committee, a letter seeking the determination should be submitted by the responsible Minister(s) or the Leader of the House. To support this, agencies should prepare a concise letter that generally includes:

- the overall aims and goals of the RSAB
- the Acts that are amended by the RSAB

- the criteria used by the agency when determining what to be included in the RSAB (especially criteria around good regulatory stewardship)
- a copy of the annex in the Cabinet paper which includes an explanation of all proposed amendments
- a request seeking that the bill may be introduced under SO 267(1)(c)
- [Optional] a request seeking that the bills (if more than one RSAB omnibus bill has been prepared) are associated at first, second, and third readings under SO 274(1) – see **Appendix A**.¹⁵

The Leader of the House will speak to the item at the Business Committee as the responsible Minister does not generally attend (and neither do officials). Agencies should support this with talking points and a Q&A. The Business Committee will receive copies of the Bills.

Determinations from the Business Committee can be found here:

selectcommittees.parliament.nz/business-committee-determinations

Outcomes

If an RSAB receives a determination permitting introduction to the House, then it is introduced into the House in the standard fashion. Once an RSAB is introduced it follows the standard parliamentary process.

If parts of an RSAB receive closer scrutiny from the Business Committee, they may be removed in order for the rest of the RSAB to be introduced to the House. This can include cutting amendments, amendments relating to a specific Act, or a whole RSAB (if the RSAB package contains multiple bills being referred to separate select committees). If this occurs, they can be introduced to the House as normal amendment bills if appropriate.

In the event that the Business Committee does not provide a determination approving introduction of an RSAB, the Office of the Leader of the House or the Office of the Clerk of the House may provide further advice, including whether to go back to the Business Committee at a later date, and what information to provide.

The Parliamentary process

Once the Business Committee has approved introduction, RSABs progress through Parliament much the same as any other type of bill. Agencies can refer to the PCO's '[Turning Policy into Law](#)' resource for further information on each step. There are some logistical and administrative differences that agencies should be aware of when supporting an RSAB through Parliament.

Supporting select committee

RSABs often include a broad range of unrelated amendments. This can pose challenges for ensuring the right subject matter experts are available to support the select committee's

¹⁵ It is an established norm that each RSAB is referred to a single Select Committee. However, if an RSAB has amendments that span multiple subject matter Select Committees, the proposals should be categorised into relevant subject area bills, to support consideration by the appropriate Select Committee. The Business Committee has the power to then associate these bills, so that they progress through the House together as a package.

scrutiny of the Bill. RSAB leads should engage early with the relevant select committee clerk to discuss how to best coordinate the attendance of officials (for example, whether it is possible for certain officials to attend online). To ensure the efficient use of select committee time, RSAB leads can use the initial briefing to signal to the select committee which proposals warrant the most attention. After the committee has received advice from officials and heard from submitters, they will generally focus in on a narrower group of proposals which can help manage the range of subject matter experts required to attend.

Where agencies have multiple bills, there may be policy and legal staff involved in more than one bill, so agencies will need to manage their availability. When dealing with more than one select committee, agencies will need to confirm if they have different or overlapping meeting times.

Further information for officials supporting select committees, including appointing advisors, can be found in the guidelines produced by Te Kawa Mataaho Public Service Commission.¹⁶

Seeking Business Committee determination for out-of-scope amendments (SO300(2))

During select committee, submitters may suggest additional amendments. There are also cases where Ministers have wanted to suggest further amendments after the RSAB has been introduced.

The Office of the Clerk will provide advice on whether the suggested amendments are within the scope of the bill. The Business Committee has the sole power to authorise a select committee to recommend out-of-scope amendments to the RSAB. The Speaker of the House, as the Chair of the Business Committee, has indicated that including out-of-scope amendments requires a compelling reason and should be exceptional and rare. For example, agencies should not expect the Business Committee to agree to include amendments for which the policy work had not been completed when the bills were introduced. Further guidance on the requirements for out-of-scope amendments, including for amendment papers and Committee of the Whole, can be found in sections 7.75-7.80 of the Cabinet Manual.

As stated earlier, ensuring that an RSAB's General Policy Statement is sufficiently broad will reduce the need for consideration of out-of-scope amendments.

Committee of the Whole House

Agencies with RSABs covering a broad range of subject matters may need to progress several associated bills so they can be considered by different select committees.¹⁷ In these situations, despite being associated, there is still a separate Committee of the Whole stage for each associated bill (although they are likely to occur in succession). Agencies will need to closely follow the progress of each bill and ensure appropriate support is provided to the responsible Minister.

Where there are multiple bills, they may be reported back to the House at different times. If the Business Committee has agreed to associate them, Bills reported back earlier will be listed on the Order Paper as unavailable for debate until all associated bills have reported back.

¹⁶ **Guidance: Officials and select committees - Te Kawa Mataaho Public Service Commission**

¹⁷ See Standing Order 274

Parliament can agree to consider all the parts of a bill as a single question if any member moves it. This may be appropriate where there are no substantive amendments and/or the select committee agreed unanimously to the bill as reported back. If there are more substantial policy amendments and/or there are matters that were not entirely resolved at select committee stage, it is more appropriate to debate those matters separately.

Dealing with multiple lead Ministers

Each bill will be in the name of a lead Minister. Where an RSAB package includes multiple bills, there could be more than one lead Minister. If the bills have been associated, they only require one Minister to lead off the first, second and third readings (although other Ministers are welcome to speak). The named lead Ministers would generally lead the bills through select committee and the Committee of the Whole House (although it is possible for any Minister to lead any of the parliamentary stages).

Appendix A: Establishing a new RSAB programme

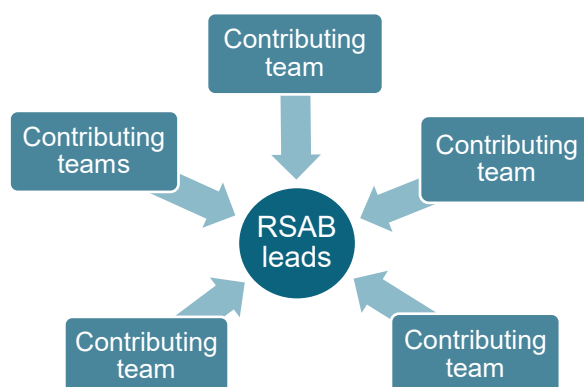
Designing RSAB work programmes for success

RSAB resourcing and roles

While there have been different approaches over the past ten years, some agencies have moved towards a hub-and-spoke model. This model provides efficient coordination and reduces work duplication for larger agencies or larger RSABs. A hub-and-spoke work programme usually includes:

- **RSAB leads:** This team owns the overall RSAB and usually ensures that RSAB amendments have undergone appropriate policy, legal and operational analysis. They coordinate contributing teams and complete overarching policy work (including Cabinet papers and Select Committee). Key tasks include vetting amendments, quality assurance, and bill project management. Experience with legislation and project management is helpful but not essential. For most agencies, RSAB leads are between one and two full-time equivalent staff. RSAB leads usually also manage central record-keeping (see **Appendix B**).
- **Contributing teams:** These teams complete work underpinning RSAB amendments (including policy, legal and operational analysis). Resourcing requirements are intermittent, but capacity should be earmarked for key milestones, eg drafting, Select Committee.
- **Lead legal advisor:** Legal advisors are often critical to the success of RSABs. They provide legal analysis on RSAB amendments, issue drafting instructions, and often provide support through the Business Committee process.

Figure 1: Hub-and-spoke model of RSAB work programme



Smaller agencies, or agencies working on smaller (or less complex) RSABs may opt for a more centralised model, where RSAB leads do most policy work on the amendments it contains. As a result, they may not use a hub-and-spoke model.

The main consideration for agencies is to identify a model that will ensure all amendments included within an RSAB are subject to consistent level of analysis and vetting criteria.

Setting up an RSAB work programme

As part of setting up a work programme, RSAB leads should ensure that a legislation bid is prepared for the bill, to seek a place on the legislation programme. Legislation bids are typically submitted over the summer period each year – see the most recent circular here for instructions on drafting a legislation bid (including the required template for that round): [CO \(24\) 6: 2025 Legislation Programme: Requirements for Submitting Bids](#).

As part of establishing an RSAB work programme, agencies should determine whether their RSAB will require several omnibus bills. It is an established norm for each RSAB bill to be referred to a single Select Committee. As a result, if RSAB content spans multiple Select Committees, multiple bills will be required. In that case, the agency should develop their individual RSABs grouped by select committee subject matter, then seek the Business Committee's permission to associate the RSAB omnibus bills together (see SO 274(1) and **Chapter 3**). This enables the RSAB package to progress together through the House, and for the bills in the package to be referred to the appropriate select committees.

When preparing a legislation bid (or planning the work programme generally), RSAB leads can use the [Bill Timeline Tool](#) created by the PCO. This tool generates a timeline for bills after instructions are issued (i.e. after policy decisions). Timelines prior to Cabinet policy decisions are flexible depending on when policy work is completed for the amendments in the RSAB.

Finally, Briefings to Incoming Ministers (BIMs) should include any RSABs under development and highlight their use as a practical tool to steward existing regulatory systems. New Ministers may have an interest in progressing RSABs at short notice, especially if the underlying policy work is well advanced.

When to use RSABs

RSABs are one legislative vehicle for agencies to consider alongside others such as Statutes Amendment Bills, Revision Bills, Repeal Bills and other amendment bills. Each agency will need to determine the appropriate legislative vehicle to progress an amendment. Agencies should check that their proposed changes don't already fit into the three types of Bills below:

- **Statutes Amendment Bills**
 - Owned by the Ministry for Justice, for 'short, technical and non-controversial' amendments that have undergone consultation with all political parties without veto. Pursuant to SO 313(2), if a clause for inclusion in a Statutes Amendment Bill is objected to by any member, the clause is struck out of the Bill. As such, Statutes Amendment Bills require unanimous support to be progressed, which consequently limits the types of proposals that can be included in these Bills.
- **Revision Bills**
 - Owned by the PCO, which update/redraft an entire Act using plain, modern language and in current drafting style and format. Revision Bills may also omit

redundant and spent provisions, renumber and rearrange provisions within an Act, and correct typographical and grammatical errors. Revision Bills may also make minor amendments to clarify Parliament's intent, resolve ambiguity or reconcile inconsistencies between provisions, and update how provisions are complied with so long as it is consistent with the spirit of the law (eg take into account technological developments).

- Revision Bills can be accompanied by an Amendment Paper that includes changes to the Bill that are more regulatory in nature.
- A revision Bill needs to be part of the "Revision Programme" for the relevant parliamentary term. Acts can be suggested for future revision by contacting the PCO.

- **Repeal Bills**

- Owned by the PCO, which repeal redundant or spent legislation (and where necessary save any remaining live provisions). Legislation may be identified as redundant or spent where it has no or a very minor effect, or it has achieved the purpose for which it was enacted. The purpose of these Bills is to maintain a body of legislation that is up to date and fit for purpose. Repealing redundant and spent legislation makes the statute book easier to navigate for users and easier to administer for departments.
- Agencies can also include their repeals in other Bills, including in RSABs.

These legislative vehicles are progressed intermittently. They are more restrictive than RSABs in terms of content, and contributing agencies must work with the owning agency and their timeframes. However, agencies may sometimes choose to progress changes through an RSAB despite an amendment being eligible for other vehicles.

Developing a timeline for your bill

RSAB leads will need to develop a timeline to manage the bill as a project, structure conversations with stakeholders, and determine whether amendments may be a good fit for the bill. However, timelines for RSABs can be complex to develop.

Timelining before Cabinet decisions

When planning the timeline of RSAB policy development, RSAB leads are able to use tools such as the PCO's [Turning Policy Into Law](#).

Note that RSABs are long-term workstreams that have some flexibility in their timelines, which can result in RSAB policy work being deprioritised or rushed before deadlines. A timeline can be based on milestones outlined in the bill's legislation bid, and RSAB leads can flag that it is subject to change as government priorities and context shifts.

Ultimately, RSABs proceed at the same pace as their slowest amendment/s, and at their Minister's direction (through legislation bid priority).

After policy decisions

The PCO has a [Bill Timeline Tool](#) which produces an estimated timeline from policy decisions through to drafting and enactment. This tool takes into account certain features of a bill to

determine the time necessary for drafting. Note that omnibus bills such as RSABs are listed as a complexity factor in the tool which adds time to drafting. For more information on this (including strategies that mitigate or reduce delays at drafting), see **Chapter 3**.

Appendix B: Record keeping strategies

Good record keeping is critical for RSABs and reduces duplication of work

Because of the collaborative nature of RSABs and long development lead-in, record keeping can be complex. Staff turnover in contributing teams can make it difficult to retrieve or locate records in time for key milestones (eg during drafting when prompt turnaround is important to maintain timelines). Any gaps in records can cause drafting delays or additional work to retrieve information.

To reduce work and ensure good record retention, a master spreadsheet/log is often used by RSAB leads to manage the volume of policy records and administrative details. This spreadsheet reduces workload duplication by including information fields that will be necessary to submit to the PCO, the Ministry for Regulation, Cabinet, and to be included in disclosure statements and legislative statements. The table below sets out the information fields required for each amendment at various points.

Information fields required for RSABs

Information field	RIA Team for exemptions	Cabinet paper appendix	PCO during drafting	Disclosure statement	Legislative statement
Legislation title	✓	✓	✓		✓
Section/s	✓	✓	✓		✓
Problem definition /status quo	✓		✓		
Proposed changes	✓	✓	✓		✓
Rationale/outcome	✓	✓	✓		✓
Size/scale of impacts	✓				
Requires secondary legislation?			✓		
Related to a publicly available inquiry/review/report?	✓		✓	✓	
Gives effect to international treaty?			✓	✓	
Māori/Crown relations?				✓	
RIS status?				✓	
CIPA status?				✓	
Significant legislative features?			✓	✓	
Offences/penalties?			✓	✓	

Information field	RIA Team for exemptions	Cabinet paper appendix	PCO during drafting	Disclosure statement	Legislative statement
Manages personal information?			✓	✓	
Fee/levy/charges?			✓	✓	
New decision-making powers?			✓	✓	
Consultation status	✓			✓	
Enactment deadline?			✓		
Enactment date different to rest of bill?			✓		
Relevant legal advice	✓		✓		

More complex RSABs, especially those that work across portfolios, often also include the following fields:

- Relevant portfolio
- Relevant Minister
- Relevant Select Committee
- Policy work
 - Link to policy work
 - Contact for subject matter expert
 - Contact for relevant manager
- Legal advice
 - Link to any legal advice
 - Contact for legal advice
- Key vetting criteria outcomes



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