

Guidance on creating a registry regime

MAY 2024



Ministry of Business, Innovation and Employment (MBIE) Hīkina Whakatutuki – Lifting to make successful

MBIE develops and delivers policy, services, advice and regulation to support economic growth and the prosperity and wellbeing of New Zealanders.

**Prepared in partnership by New Zealand Companies Office
and Operational Policy and Regulatory Systems Team**

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Contents

Introduction	2
Registry regimes as a regulatory option	3
What is a register?	3
What can a register do?	4
First principles questions.....	4
Ensuring the integrity of a registry regime.....	5
What can other regulatory tools do?	5
Design considerations	6
Will a register be accessible to its intended users?	6
Is participation mandatory or voluntary and at what threshold?	7
How do other registers work?.....	8
Privacy	8
Technology design	9
Who can help with design?.....	9
Financial sustainability	10
Costing a register	10
Cost recovery mechanism.....	10
Appropriation.....	11
Memorandum account	11
Outsourcing register administration	11
Legislative detail.....	12
Information sharing	12
Annex 1: Regulatory options comparison.....	13
Annex 2: Regulation type	14
Annex 3: Register examples and governing legislation	15
Annex 4: Checklist	16
Annex 5: Registry functions and legislative authority	17
Onboarding / registering	17
Monitoring and enforcement	18

Introduction

This guide is for you if you are:



Considering a register and seeking to understand risks and benefits of a register versus other regulatory options



Directed to create a register and seeking to maximise the effectiveness and operational ease of a register



Have a clear policy rationale and would like ideas for what to include in design of your register

This guide explains:

- › when you might **consider a register** and registry regime to respond to a policy problem
- › considerations for the **design** of a register
- › key things to factor into the financial forecasting to establish a register that is **financially sustainable** over time and
- › considerations for what to include in **legislative detail**.

Registers may appear to be administratively straightforward and a simple, relatively inexpensive, and clean solution to a policy problem. They can be seen as an attractive means of providing public transparency.

However, if a register and its surrounding registry regime are not well designed, it can be challenging to ensure that it is accessible to its intended users, adequately resourced to meet the expectations of services and that operational decisions can be made dynamically to respond to changing needs (future-proofing the regime).

In some cases, registers arguably do not meet their policy intent, and they can be difficult to disestablish. They can become a financial burden on the agency if they cannot recover the cost of administering the register¹ and require subsidisation by reprioritisation. At worst, registers can put the agency at risk of breaching the *Public Finance Act 1989* or other legislation² and guidance³.

Use this guidance to avoid these problems

A poorly designed registry regime:

- › does not solve (or does not underpin the solution to) the policy problem
- › creates too much burden on the regulated group, potentially leading to avoidant behaviour or market exit
- › cannot recover its costs, creating a financial burden on the agency
- › does not include legislative authority for desired regulatory functions
- › is not resourced to ensure the integrity of the register (correct information from everyone who should provide it)
- › has no natural regulatory home meaning significant establishment activity, cost and time (or potential failure).

¹ The cost of a register, if it is expected to be met by users, can be in excess of the amount that can be fully recovered from users which creates a deficit. A deficit reduces the agency's ability to use its capital – the cash that could be used for capital is used to cover the deficit.

² If the cost of a register exceeds the appropriation it would breach the *Public Finance Act 1989*.

³ Failure to adhere to the Controller and Auditor-General Setting and administering fees and levies for cost recovery: Good practice guide and Treasury Guidelines for setting charges in the public sector constitutes a breach of the *Public Finance Act 1989*.

Registry regimes as a regulatory option

What is a register?

A register is a collection of information. It is held and/or published in a form that is as simple or as sophisticated as needed. It is a tool as well as an asset that has up front establishment costs and ongoing costs, including depreciation.

A register is one part of a regulatory system that may include:

- › a **regulated group** that can or must participate in the regime
- › a **register** that holds information about the regulated group
- › a **Registrar** who is responsible for the register (usually including setting fees and registering/deregistering entities)
- › **registry information users** who utilise information contained in the register either publicly or through approved access
- › the **regulator** which is responsible for oversight of the regulated group's activities.

The costs of establishing and maintaining a register need to be met by either the regulated group ("third party" or user pays), users of the register's information (user fees), another group that benefits broadly from the regime being in place (a levy) or the public (Crown funding).

Consider where a register might fit within a new or existing system, which may include some of the functions and relationships in the image below.

High-level overview of a register and its supporting system



What can a register do?

Use the Registry regime roadmap to consider the appropriateness of a register and registry regime as the way to meet your policy objective. The roadmap is a tool to help you understand whether and when a register is the solution (or underpins the solution) to a policy problem or opportunity.

Registers can provide a mechanism to gather information about a group, to gather revenue from those groups toward a regulatory function and to give operational teams the means to conduct good regulatory stewardship (information, education, compliance, investigations, and enforcement etc.).

A register could be used when:

- › there is an ongoing need or public interest with a centralised collection and/or publication of information about a group. For example, to reduce duplication in information asked for by government agencies (such as the New Zealand Business Number register) or for consumers to validate the credentials of a professional entity or individual (such as Electrical Workers registration) and/or
- › there is an ongoing need for collection of information for compliance, investigations, and enforcement of a legislative requirement.

There are three main types of register:

1. an occupational register
2. an entity register
3. a social responsibility register:
 - a. publish information that provides information transparency for operational use (for example a financial interest in an asset)
 - b. publish information about a group to encourage a disclosing party, person, or organisation to practice in a socially responsible manner.

First principles questions

Use the Registry regime roadmap to answer some first principles questions about what the register needs to achieve. You should be able to confidently answer the following five questions in the affirmative before progressing a registry regime:

1. Is there a clearly identified policy problem/opportunity and an understanding of its effect? **YES / NO**
2. Is it clear who you need to capture information from, who will use it and how they will use it? **YES / NO**
3. Does the information need to be collected and held centrally by government. Can you identify how this contributes to achieving the overall policy intent? **YES / NO**
4. Is there an existing regulator, or the ability to establish a new regulator, to monitor/enforce your registry regime? **YES / NO**
5. Can the lifetime costs of a registry regime (establishment and ongoing) be met either by charging registered parties or by other means (for example, Crown Funding)? **YES / NO**

Ensuring the integrity of a registry regime

If monitoring, investigation and/or enforcement are key features of the register regime you are considering, you will need to have a clear understanding of the specifics of what activity will occur, the ability of that oversight to affect compliance behaviour, the costs associated with it and the legislative powers you will need to include.

You will need to consider whether monitoring and enforcement activity relates only to the provision of information required for the register (for example a fine for late submission of an annual return) or whether there is additional monitoring and enforcement that will be carried out on the basis of the provided information (for example fining a person for operating in a market without the necessary registration).

A register can provide information to support intervention by government at any level of the VADE (Voluntary, Assisted, Directed, Enforced) model of compliance (see the Registry regime roadmap). You should consider what actions (if any) you would like to authorise in relation to the registry regime and who can carry out those actions.

In terms of monitoring and enforcement, usually:

- › a Registrar has authority to monitor, investigate and enforce the information provided, or not provided, to a register (for example deregistering an entity for false information being provided) and
- › a Regulator has the authority to monitor, investigate and enforce on the basis of information contained, or not contained, in the register (for example a person practicing in an occupation who is not licensed/registered).

What can other regulatory tools do?

You should explore a range of options that could meet your policy intent. Options should be informed by the level of risk that the behaviour you are seeking to regulate carries⁴. You can find detailed information about choosing regulatory instruments in MBIE's **Guide to Regulatory Instrument Choices (Second Edition)** as well as within **Annex 1: Regulatory options**.

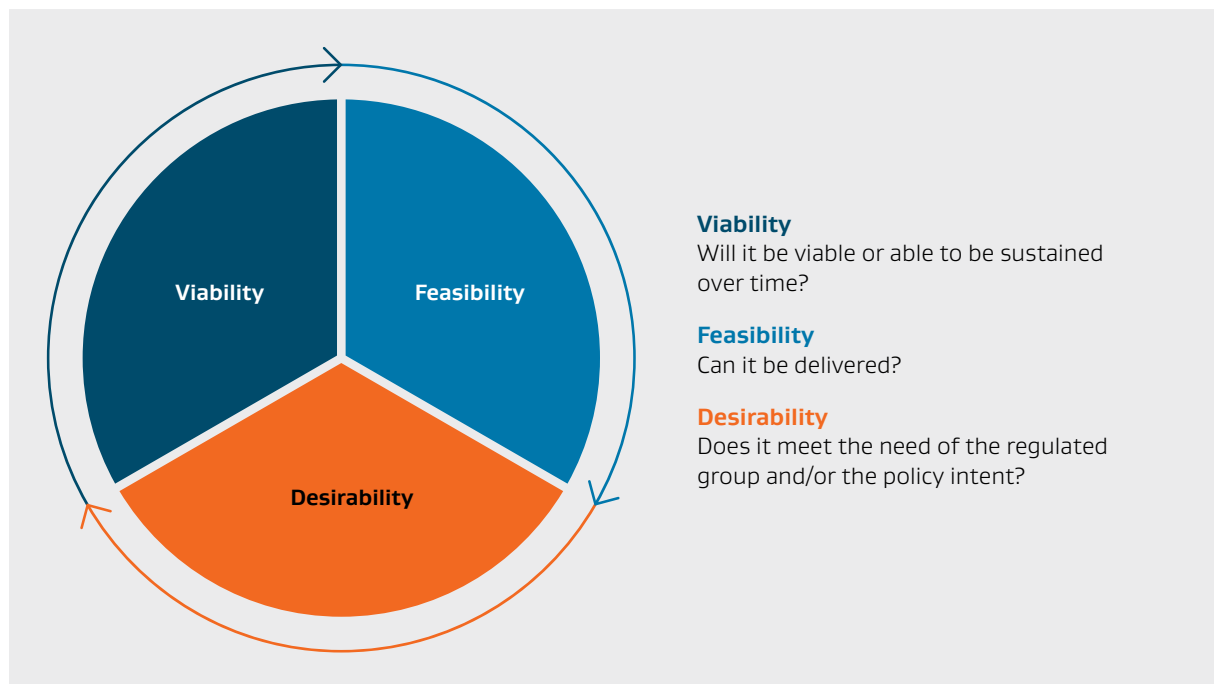
Options in Annex 1 include:

- › a register
- › information, awareness-raising, or education campaigns
- › partnership and networking agreements
- › capacity or capability building
- › strengthening enforcement of existing legislation
- › voluntary codes of practice or standards
- › economic or market-based interventions, such as taxes or subsidies
- › simplifying compliance and promotion of responsibility
- › industry self regulation.

⁴ 2011. *Achieving Compliance: A guide for compliance agencies in New Zealand*.

Design considerations

If a register is an option you are considering, note the three key design factors for success:



Will a register be accessible to its intended users?

In thinking about the group you would like to regulate, will they have the ability to access a register?

You should consider the following:

- › cultural context for and appropriateness of gathering information and how information is gathered and shared
- › accessibility for participation in the register by disabled people – **Accessibility | NZ Digital government** and
- › appropriateness of a registry system that requires digital access to participate – **Digital inclusion and wellbeing in New Zealand | NZ Digital government**.

In addition, are there ways to mitigate the burden on the regulated group?

You should consider the following:

- › is the information already publicly available?
- › is the information captured in another form by MBIE or another government agency and able to be shared (for example in the NZBN register)? Or could it be shared with some adjustment rather than duplicating information capture from government?
- › is the information captured in the group or individual's day-to-day activities in a form that you could extract it from (for example payroll systems for filing financial statements)?

- › does the information need to be held centrally?
- › does government need to hold the information?
- › does government need to publish the information? Or could it be published with private parties or non-government organisations?
- › does government need to enforce something related to the information?

Is participation mandatory or voluntary and at what threshold?

Annex 2: Regulation type describes the ways that government could invite or require groups to provide information about them and/or their activities. You should consider whether participation in the register is required or invited. You may need to think about:

- › unintended consequences of either voluntary or mandatory participation – could it increase the undesirable behaviour you’re seeking to regulate? Do you want to add a regulatory requirement over all of those in the group or are you wanting to:
 - identify and target the worst offenders
 - influence those most likely to adjust behaviour
 - highlight and encourage good behaviour
- › whether all information is mandatory, or just some
- › if participation is voluntary, what is the value of participation/what incentivises it for the group?
- › whether the information already exists in the public domain or is captured elsewhere.

In some cases, a level of activity may be required before the entity or individual should be required to participate in the register. Is there a threshold (or are there thresholds) at which you want the group to begin to be regulated? For example, registration on the Motor Vehicle Traders Register is required for people importing more than three or selling more than six motor vehicles within a 12-month period. Consider whether the individual or group might change their activity to avoid reporting obligations and the consequences of that avoidance.

Note that registers with thresholds can increase the monitoring requirements for the Registrar and regulator. If eligibility fluctuates over time for the regulated group, there can be additional administrative burden for the agency and for the entity to register, deregister and reregister. For example, if entities must meet a financial threshold across two preceding account periods, some may fall in and out of the regime’s scope requiring repeated filing and non-filing periods over time.

You will also need to consider whether there is a shared or agreed definition of the threshold you are wanting to impose. It should be clear for regulated groups whether they are eligible to participate, with as little burden as

possible for them to ascertain their eligibility.

How do registers work?

MBIE administers a range of registers for entities (for example the **Companies Register**) and occupational groups (for example **Licensed Building Practitioners**). Further examples are included in **Annex 3: Register examples and governing legislation**.

There may be parallels between an existing register and one you are seeking to establish. At their core, the operational functions of a register can include:

APPLY	DECIDE	VALIDATE	REGISTER	UPDATE	DEREGISTER/ RESTORATION
<ul style="list-style-type: none">› verification of applicant› verification of eligibility› charge for service	<ul style="list-style-type: none">› validate accuracy of information provided› validate authority of information provider	<ul style="list-style-type: none">› decline or approve registration› notify the applicant of the outcome	<ul style="list-style-type: none">› publish information on the register	<ul style="list-style-type: none">› periodic requirement to update or› update on the basis of change in status› charge for service	<ul style="list-style-type: none">› applicant removes self from register› applicant is removed from register› charge for service

In reviewing other registers, some key elements you may want to consider are contained in **Annex 4: Checklist**.

The authority to readily adjust the information collection needs of the register over time may be supported by the inclusion of a section in legislation/regulations to the effect of "any information and other material that may be prescribed."

However, adjustments to technology platforms to accommodate changing information collection needs can be difficult and potentially costly. To ensure future proofing, the potential for changing information collection needs should be highlighted within the initial information and registry design discussions (see technology section below).

Privacy

If you are intending to capture personal information from registered parties or registry information users, you will need to consider the *Privacy Act 2020*. Carry out a privacy assessment to consider the privacy implications of information collection and use.

These tools will help ensure key questions are considered, including what we do with the data/personal information collected, how long this is stored for and why, as well as how this information will be securely disposed of.

It can be valuable to share information contained in a register within the agency, or between government agencies or others, to achieve the policy outcome and/or to enhance other areas of government policy or operations. However, the permissions for this use must be carefully considered.

Technology design

A register can be as simple as a list held in a spreadsheet or as sophisticated as a digital tool with a well-tested user interface, automatic data sharing (eg through an application programming interface (API)), data analytics capability and business software system connectedness (eg automatic invoice generation or connectivity with business finance systems like Xero).

A register can take anywhere between 18 to 30 months to develop and build. This should be factored into legislative timeframes.

You'll need to know what information and registry functions you are seeking, because these choices will have cost implications which could undermine the register if costs can't be met. For example, information provided directly into a register may have a lower cost to administer than information uploaded in PDF form that requires manual processing. Or linking multiple information points in a register and requiring them to be updated and synchronised together can have additional IT-related costs.

You can develop high-level requirements to get indicative costs. The more detailed understanding you have of the technology needs the better for costing estimations and drafting legislation with the appropriate authority. **Annex 5: Registry functions and legislative authority** to understand the technology considerations and the requirements for legislation to give authority for these features.

Note that if budget does not allow for maintenance of the register, the quality, safety and integrity of it may be undermined.

Who can help with design?

Finance teams

Your finance teams can support you to develop a cost model for the proposed register. This will allow you to capture the full cost of establishing a registry system so there are no surprises and Ministers will be appropriately informed for their decision-making.

Considerations for the cost model are detailed more in the 'financial sustainability' section below. Cost modelling should inform options advice to Ministers.

Operational Teams

There will be key elements related to operationalising a register that you may not be aware of, but which will impact the register's ability to meet its policy intent and/or operate in a financially sustainable way. Operational teams can provide:

- › an overview of what data is available to inform your advice, for example your projections of volumes
- › detail about how the register might be operationalised (for example, resource required to conduct any auditing or investigative function)
- › examples of similar registers and their costs
- › options for the user interface/requirements and high-level requirements
- › lessons learned from other registers
- › guidance on stakeholder engagement.

Consider speaking with teams who operate existing registers, digital and data teams, information and education teams and the service centre.

Information and education teams not only play an important part in leading communications strategies for the introduction of a register, but contribute to regulated parties' ability to meaningfully engage with a new register on an ongoing basis.

Policy Teams

Some policy teams have experience in establishing registers. Discuss with them the ways they approached the work and any lessons they have learned at establishment or since implementation.

Service Designers

Service designers can help you consider the design of the register from end to end – from the user's perspective to the system you're trying to create.

Financial sustainability

Failure to take account of costs and means of recovering them will ultimately undermine a regime's sustainability and viability.

Costing a register

There are three key considerations for costing a register.

1. establishment costs, including:

- a. IT costs (see technology design section above)
- b. promotion of and/or stakeholder engagement about a new register (including education on register functionality)

2. ongoing expenses, including:

- a. agency overheads
- b. the appropriate FTE level to service the register (salary/wages and associated people costs), superannuation, ACC, health and safety, training
- c. information and education
- d. compliance, investigation or enforcement activity required to maintain the integrity of the register
- e. Service Centre costs for customer support
- f. any legal, consulting, interpreter, or quality assurance services
- g. ongoing IT/ICT support and maintenance
- h. bank fees, insurances
- i. costs for external processing (if used)
- j. property and office costs (if not included in agency overheads)
- k. depreciation and capital charge
- l. travel costs
- m. any board fees and expenses.
- n. any legislatively driven costs (e.g., Public Notice requirements under the Companies Act 1993)

3. forecast volumes.

The overall costs of the register need to be fully determined, and then the way that those costs are met established (see the cost recovery mechanism section below).

Volumes

Forecasting the number of users of the register helps to divide the costs of the register between its users (either in full or part – more on this in ‘cost recovery mechanism’). It can also provide an early signal that the register may not be sustainable if the costs are too high for the size of the benefit created.

What level of confidence do you have in forecast volumes? Forecasting too high can set the per user charge too low, creating a costly or unsustainable register. Consider also whether volumes will be ongoing or whether there is an initial ‘onboarding’ peak.

Cost recovery mechanism

Having costed the register in the step above, the way the costs are recovered needs to be determined.

Office of the Auditor-General ***Setting and administering fees and levies for cost recovery: Good practice guide*** (oag.parliament.nz) and Treasury’s ***Guidelines for Setting Charges in the Public Sector*** (treasury.govt.nz) outline key considerations for choosing the appropriate cost recovery mechanism and administration of a memorandum account.

Review the Registry regime roadmap document to understand the relationship between who benefits from the registry regime and who should be charged to meet the costs of the regime. In most cases, because registers provide a regulatory service for the benefit of regulated groups, costs are recovered through third-party charges paid by those groups.

If you propose to charge third parties you will need to ensure legislation or regulations cover all the relevant charging authorities including for applications, renewals/annual fees, fines, levies, amendment fees etc.

The information you gather here will be required for a Cost Recovery Impact Statement or Regulatory Impact Statement.

Appropriation

An appropriation is where Parliament provides you with permission to spend money to provide a service. Your finance team should be able to identify if there is an appropriation that the registry regime can sit within or whether a new appropriation is needed. To determine this, you will need to check with the finance team of the relevant host agency. You will need to check whether your proposed registry regime fits with the appropriation's description, scope and performance measures.

Memorandum account

Memorandum accounts are usually used when the costs of a service provided by government are fully recovered from users of the service. Full cost-recovery usually applies where government supplies the service in the absence of competition or under a statutory monopoly.

A memorandum account must be endorsed by Treasury and approved by the Minister of Finance.

Discuss with your finance team whether your proposed register would meet the criteria for a memorandum account.

You will need to consider whether the fees or levies collected for this regime/register should be included in an existing memorandum account or a standalone memorandum account.

Outsourcing register administration

In rare cases, registers can be administered outside of government, for example by an industry board. You will need to consider the effectiveness, privacy, cost and quality implications of outsourcing a registry. In practical terms, this means understanding the entity's legal constitution, how financial transactions will be administered and safeguarded, your ability to influence the technological procurement and maintenance, whether public finance requirements can be met and then entering into a robust agreement that outlines respective roles and responsibilities.

Legislative detail

By this point, you will have discovered a lot of detail about how to establish your proposed register. Your register will be set up in an environment where it must meet a particular regulatory need.

However, to future-proof your register and allow for changes over time as technology, the composition of government agencies and social norms change, you may want to consider what detail to include in primary legislation or what to prescribe elsewhere (ie in regulations or other secondary legislation). Further considerations may include the potential for interoperability between your register and others, new technology such as AI and where information is hosted eg in New Zealand/cloud-based services.

Legislation that is overly prescriptive can create unintended challenges for operationalisation. For example, previous legislation has included detail about:

- › requiring information to be faxed, or
- › documents needing to be verified with a stamp or manually signed, or
- › specific dollar amounts of fees.

Operational requirements prescribed in regulations can be more quickly fixed as the registry regime changes. Or if there are sufficient checks and balances in place, legislation and regulations can provide a framework that leaves more of this decision-making to the Registrar and/or the regulator.

Annex 5: Registry functions and legislative authority details the types of functions you would like your register to have to give effect to it and the provisions needed in legislation to authorise these actions. If you are considering creating infringement offences, you will need to refer to the **Legislation Design and Advisory Committee guidelines** for what is appropriate and how to create authority.

Information sharing

There are positives and negatives for information to be shared publicly, with other government agencies or other approved groups. If data needs to be shared between government agencies, permission for this sharing may need to be written into primary legislation.

These will be specific to your register and its purpose, however, you may want to consider whether:

- › an existing data source (such as the NZBN register) contains information that your register requires that you could, with appropriate permissions, extract and pre-populate your register with
- › users can remove personal information where a safety or other relevant concern exists
- › all or just some information will be made publicly available
- › all or just some information can be shared within an agency and for what purposes
- › all or just some information can be shared between agencies and for what purposes
- › there is some other group who can access all or some of the information – when and for what purposes
- › memoranda of understanding or data sharing agreements need to be formalised
- › authority needs to be given to use information provided for more general policy and reporting purposes. It can be helpful to all that information contained in a register can be analysed to inform future policy advice.

Additional resources

- › Guide to Regulatory Instrument Choices: **Regulatory Impact Analysis | Regulatory Stewardship**
- › **50346-AC-A-Guide-to-Regulation.pdf** (allenandclarke.co.nz)
- › **Government Expectations for Good Regulatory Practice** (treasury.govt.nz)
- › Office of the Auditor-General: **Setting and administering fees and levies for cost recovery: Good practice guide** (oag.parliament.nz)
- › Treasury: **Guidelines for Setting Charges in the Public Sector** (treasury.govt.nz)

Annex 1: Regulatory options comparison

Regulatory option ⁵	Description	Benefits	Risks	Example(s)
Register	A way to collect and hold information about a regulated group.	Captures information which can be shared or published. Gives perception of continuous regulatory oversight. Can be considered a more legitimate source of information.	Significant cost, which potentially needs to be recovered from users. Information must be kept up to date and/or verified. May add compliance burden with little to no impact.	Provided in Annex 3: Register examples and governing legislation.
Information, awareness-raising, or education campaigns	Supports regulated group to understand and comply with requirements.	Does not assume non-compliant behaviour is intentional. Potentially lower cost intervention.	Assumes a lack of awareness or understanding is the driver of non-compliance. May not reach or influence non-compliant audience. Not appropriate for high risk activity.	Employment New Zealand website, news updates and employment agreement builder.
Partnership and networking agreements	An agreement with an industry or group setting out how they and government will behave.	Likely co-designed to balance industry/group needs and government needs/expectations.	Unlikely to be enforceable.	Tourism industry transformation plan
Capacity or capability building	Activity that supports growth in capacity or capability to improve outcomes.	Is supportive of positive behaviour and growth.	Long-term benefits of capability building less likely in areas of high turnover.	Regional Business Partner Network
Strengthening enforcement of existing legislation	This may require more active monitoring and enforcement of non-compliant activity.	Can increase awareness of existing requirements and improve overall compliance.	Likely to require additional resource. Should have regard to VADE model.	
Voluntary codes of practice or standards	A statement of principles and best practice for a group.	Potentially co-created creating opportunities for greater buy-in.	No legal enforcement possible Potential trade-offs if co-created.	New Zealand Event Sector Voluntary Code
Economic or market-based interventions, such as taxes or subsidies	Behaviour can be changed by creating incentives or disincentives for certain behaviours.	Can be targeted at a group (eg employers) or behaviour (eg clean car purchase).	Financial incentive/ disincentive may not affect behaviour or may create avoidant behaviour.	COVID-19 wage subsidy was a time-limited subsidy to support businesses to meet operating costs when closed during COVID-19 restrictions to encourage business closure and staff retention.
Simplifying compliance and promotion of responsibility	This can involve looking at internal processes to remove barriers to compliance and find opportunities to proactively promote responsible compliance.	User/customer-centric approach Supported by VADE model seeking lowest level of enforcement Within agency control to change.	Can require additional resource.	Companies Office annual return improvements.
Industry self-regulation	Industry sets and monitors expected behaviour.	Low cost to government.	Requires high trust in industry. Low control by government.	Insurance Council of New Zealand Codes of Practice.

⁵ More information on regulatory options can be found here: [Guide to Regulation 2021](#)

Annex 2: Regulation type

Regulation type	Government (including local government) and the regulated group's roles and responsibilities
Explicit government regulation (command and control)	Government is responsible for setting the requirements and enforcing them. You could consider this option when: <ul style="list-style-type: none"> › the problem is high risk, with high impact or significance – for example, a major public health and safety issue › the community requires the certainty provided by rules and legal sanctions › the regulation needs to apply universally, or at least to one or more entire sectors of society, or › there is a systemic compliance problem with a history of intractable disputes and repeated or flagrant breaches, and no possibility of effective sanctions being applied⁶⁷.
Quasi-regulation	Government influences the regulated group to comply.
Disclosure regulation	Government requires the regulated group to disclose information. Regulatory instruments may be used to establish the disclosure regime and specify its requirements.
Co-regulation	Government provides the legislative basis for a regulated group to develop and administer its own arrangements, such as codes and standards.
Self-regulation	The regulated group creates and enforces its own rules.
Economic and market instruments	Government creates an incentive or disincentive for a behaviour, most commonly in the form of charges and taxes or subsidies or payments.
Status quo	<p>The option of government not taking any action should always be considered. Consider that:</p> <ul style="list-style-type: none"> › intervention may not resolve a regulatory problem › the problem may self-resolve › intervention may shift the problem or change its nature › intervention may impose greater costs than the costs imposed by the problem the intervention seeks to correct <p>To reiterate, disestablishing a register can be challenging. If the problem is time limited either don't establish a register or ensure there is a clear exit pathway for it.</p>

⁶ 2011. *Achieving Compliance: A guide for compliance agencies in New Zealand* (pp.17-21).

⁷ More information on regulatory options can be found here: *Guide to Regulation 2021*.

Annex 3: Register examples and governing legislation

Register	Legislation	Regulator
Approved Overseas Auditors and Associations of Accountants	<i>Financial Reporting Act 2013</i>	Companies Office
Building Societies Register	<i>Building Societies Act 1965</i>	Companies Office
Charitable Trusts Register	<i>Charitable Trusts Act 1957</i>	Companies Office
Companies Register (including cooperative companies and overseas companies)	<i>Companies Act 1993</i>	Companies Office
Friendly Societies and Credit Unions Register	<i>Friendly Societies and Credit Union Act 1982</i>	Companies Office
Incorporated Societies Register	<i>Incorporated Societies Act 1908 / Incorporated Societies Act 2022</i>	Companies Office
Industrial and Provident Societies Register	<i>Industrial and Provident Societies Act 1908</i>	Companies Office
Insolvency Practitioners Register	<i>Insolvency Practitioners Regulation Act 2019</i>	Companies Office and Chartered Accountants Australia & New Zealand as co-regulators.
Limited Partnerships Register (including overseas limited partnerships)	<i>Limited Partnerships Act 2008</i>	Companies Office
New Zealand Business Number (NZBN) Register	<i>New Zealand Business Number Act 2016</i>	Companies Office
Register of Unions	<i>Employment Relations Act 2000</i>	Companies Office
Self-contained Motor Vehicles Register	<i>Self-contained Motor Vehicles Legislation Act 2023</i>	Trading Standards
Auctioneers Register	<i>Auctioneers Act 2013</i>	Occupational Regulation team in MBIE
Electrical Workers Register	<i>Electricity Act 1992</i>	Electrical Workers Registration Board
Engineers Register	<i>Chartered Professional Engineers of New Zealand Act 2002</i>	Engineering New Zealand
Financial Service Providers Register	<i>Financial Service Providers (Registration and Dispute Resolution) Act 2008</i>	Companies Office
Independently Qualified Pool Inspectors	<i>Building Act 2004</i>	Occupational Regulation team in MBIE
Licensed Building Practitioners Register	<i>Building Act 2004</i>	Building Practitioner Board
Licensed Immigration Advisers	<i>Immigration Advisers Licensing Act 2007</i>	Immigration Advisers Authority
Motor Vehicle Traders Register	<i>Motor Vehicle Sales Act 2003</i>	Occupational Regulation team in MBIE
Plumbers, Gasfitters and Drainlayers Register	<i>Plumbers, Gasfitters and Drainlayers Act 2006</i>	Plumbers, Gasfitters and Drainlayers Board
Disclose Register	<i>Financial Markets Conduct Act 2013</i>	Companies Office
Personal Property Securities Register (PPSR)	<i>Personal Property Securities Act 1999</i>	Companies Office

Annex 4: Checklist

☐ appointment of a Registrar:

- › how is the Registrar appointed and by who?
- › if the Registrar must be the same individual as the Registrar for another register, is there a conflict of interest?

☐ Registrar's duties:

- › what is the role of the Registrar?
- › what is out of scope of the Registrar's role?
- › can some or all of the duties of the Registrar be delegated to others?

☐ registration process end-to-end:

- › what is needed from users at initial registration (information, action and/or payment)?
- › should information be routinely validated or updated (annually or when something triggers it)?
- › how are users removed from the register or deregistered?
- › how can users remove themselves and how and when might the Registrar remove them?

☐ confirmation:

- › what form does registration confirmation need to take? Is it certification, adding the user to a public register or something else?

☐ publication of registration information:

- › will some, all, or none of the information be made public (see information sharing section for additional considerations)
- › are there reporting requirements?
- › how searchable is that information? And by which means is it searchable (eg is it machine readable)?

☐ monitoring and enforcement:

- › can the Registrar deregister a person/entity?
- › can the Registrar suspend registration to allow for activity to support compliance? What triggers reregistration in this circumstance?
- › can the Registrar restore a person/entity to the register?
- › can the Registrar edit information in a register on behalf of the person/entity (potentially helpful for minor clerical mistakes)?
- › can the Registrar penalise a person/entity for:
 - incorrect submission of information
 - late submission of information
 - incomplete submission of information
 - failure to provide information.
- › what amount is appropriate for any penalty levels to be set at
- › can the Registrar withhold something until:
 - information is provided or
 - payment is made etc.
- › what evidence is there that your enforcement measures will be a) enforceable and b) have the effect of creating compliant behaviour.

Annex 5: Registry functions and legislative authority

Onboarding / registering

<ul style="list-style-type: none"> › Define regulated group (individual, entity type, industry type etc) › Define whether participation is mandatory or voluntary › Define threshold of eligibility (if applicable) › Define any ineligible groups (if applicable) › Define any information sharing between agencies, if relevant, for onboarding users and/or verifying eligibility status. 	<ul style="list-style-type: none"> › Define authorised person(s) or entity(ies) to apply to a register (for example a company director for a company) › Define who may not apply to register (for example person(s) living in another country). 	<ul style="list-style-type: none"> › Define who may be an authorised person(s) or agent(s) on behalf of the person or entity and/or authority to act on behalf of entity (for example an attorney or › Define responsibilities of role holders (including liability) › Consider whether definitions are required for various activities to only be able to be carried out by named groups or whether these can be delegated all or in part by primary applicant/registered person. 	<ul style="list-style-type: none"> › Define information that must be provided versus may be provided › Define the manner that information must be provided⁸ › Define period of updates (annual update, subject to changes in eligibility etc) › Define fee making powers for updates. 	<ul style="list-style-type: none"> › Define authorised person to 'sign off' on information › Define quality and/or type of information to be provided › Define Registrar functions (and delegation powers) › Define whether Registrar can amend information (for example in the case of misleading or incorrect information). 	<ul style="list-style-type: none"> › Define use of information. Could include public, shared with other agencies/entities in certain circumstances, for the Registrar to carry out registry functions only⁹ › Define sharing or publishing of information at individual or aggregate level › Define users of information/ data (eg individuals, entity type, industry type, other groups like community/ advocacy groups, academic institutions, investigators).
Legislative settings ↑					
Eligibility to register	User authority to register	Access / roles / delegations	Information provision / updates	Verification of information	Dissemination or use of information
Technology and regulatory oversight settings ↓					
<ul style="list-style-type: none"> › Determine what evidence of eligibility is required by applicant and in what form (eg declaration, check box, proof uploaded, certified proof uploaded) › Import user group information from existing source (eg IRD, NZBN) to verify eligibility. 	<ul style="list-style-type: none"> › Verify user's identity. Options include RealMe, verified RealMe, static login, unique link and single sign in. Consider burden on user against risk. Consider perception of verification versus actual strength of verification › Verify whether user is permitted. 	<ul style="list-style-type: none"> › Define user types needed (eg administrator, authoriser, super user across multiple accounts) › Define how and when roles are confirmed or changed › Define status updates required and whether status is published. 	<ul style="list-style-type: none"> › Define fields for information collection (consider standardised definitions) › Contact information (consider privacy and safety) › Note the type of user interface will impact register cost and utility (free text, drop downs, Yes/No boxes, check boxes, waterfall questions, pdfs/documents, APIs). 	<ul style="list-style-type: none"> › Verify information provider › Assess information › Approve or decline information and registration › Update status. 	<ul style="list-style-type: none"> › Define how information can be searched (including machine readability) › Define how information can be extracted › Define MBIE user access needs and permissions (register maintenance, information and education, monitoring and enforcement etc) › Define other user access needs and permissions.

8 Can cover with provision for 'information as prescribed by the Registrar' in regulations.

9 NZBN legislation provides a clear example of information sharing provisions for different audiences.

Annex 5: Registry functions and legislative authority continued

Monitoring and enforcement

<ul style="list-style-type: none"> › Define the regulator, their duties and their powers to delegate › Define the manner that the Registrar will uphold the register › Define how information collected can be used in relation to monitoring and enforcement. 	<ul style="list-style-type: none"> › Define powers to notify and grounds for notification › Define any requirements to be included in a notification › Define how a notice will be given › Define any timeframes and other requirements related to prior or subsequent actions by regulated party and Registrar. 	<ul style="list-style-type: none"> › Define powers to issue warning and grounds for warning › Define any requirements to be included in a warning › Define how a warning will be given › Define any timeframes and other requirements related to prior or subsequent actions by regulated party and Registrar. 	<ul style="list-style-type: none"> › Define powers to impose fine/infringement (in accordance with Legislation Design and Advisory Committee guidelines) › Define means or ability to seek to recover fines. 	<ul style="list-style-type: none"> › Define powers to temporarily stand down registration › Define grounds for reactivating registration › Define any fee making power for deactivation and reactivation (status change) › Define notification requirements › Define objection / complaint channels › Define grounds for removing registration permanently. 	<ul style="list-style-type: none"> › Define powers to remove and grounds for removal › Define user powers/ rights to remove themselves › Define fee making power for deactivation and reactivation (status change) › Define notification requirements › Define objection / complaint channels. 	<ul style="list-style-type: none"> › Define powers to prosecute › Define relationship to existing judicial systems › Define who meets costs of proceedings.
Legislative settings ↑						
Monitoring	Notices / information	Warning	Fines / infringement	Stand-down	Removal	Prosecution
Technology and regulatory oversight settings ↓						
<ul style="list-style-type: none"> › Information is captured and held in a form that supports monitoring. 	<ul style="list-style-type: none"> › Information collected contains contact information for issuing notices or information › Technology supports notices or information provision in the form required. 	<ul style="list-style-type: none"> › Information collected contains relevant contact information for issuing notifications › Technology supports issuing of warnings in the form required. 	<ul style="list-style-type: none"> › Information collected contains relevant contact information for issuing notifications › Technology supports issuing and collection of fines. 	<ul style="list-style-type: none"> › Decide whether information can/should be retained in case of reinstatement to the register › Process for archiving or deleting information. 	<ul style="list-style-type: none"> › Decide whether information can/should be retained in case of reinstatement to the register › Process for archiving or deleting information. 	<ul style="list-style-type: none"> › Ability to extract information to support it being used as evidence in court proceedings.



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