

Regulatory Standards Bill

Government Bill

As reported from the committee of the whole House

Key to symbols used in reprinted bill

As reported from the committee of the whole House

text inserted

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Hon David Seymour

Regulatory Standards Bill

Government Bill

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Regulatory Standards Bill

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Regulatory Standards Act **2025**.

2 Commencement

(1) This Act comes into force on **1 January 2026**.

(2) However, **Part 2** comes into force on a date or dates set by Order in Council.

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- (3) Any part of the Act that has not come into force by **1 July 2026** comes into force then.
- (4) An Order in Council made under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Part 1

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Preliminary provisions

3 Purposes

- (1) The purposes of this Act are to—
- (a) promote the accountability of the Executive to Parliament for—
 - (i) the development of high-quality legislation; and 10
 - (ii) the exercise of stewardship over regulatory systems; and
 - (b) support Parliament’s ability to scrutinise Bills; and
 - (c) support Parliament in overseeing and controlling the use of delegated powers to make legislation (*see* Part 5 of the Legislation Act 2019).
- (2) The purposes of this Act are given effect to only by— 15
- (a) setting out principles of responsible regulation; and
 - (b) providing for—
 - (i) the review of the consistency of proposed and existing legislation with the principles of responsible regulation; and
 - (ii) the disclosure of the reasons for any identified inconsistencies; 20
and
 - (iii) regulatory stewardship responsibilities; and
 - (c) providing for a Regulatory Standards Board to—
 - (i) inquire into whether existing legislation is consistent with the principles of responsible regulation; and 25
 - (ii) consider consistency accountability statements for Government Bills; and
 - (d) providing support to the regulatory standards Ministry in its work to improve the quality of legislation.

4 Overview

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- (1) This Act—

Principles

- (a) sets out principles of responsible regulation (*see* **section 8**); and

Review of new legislation

- (b) provides for the explanatory note of a Government Bill, a Government amendment, or secondary legislation to include (or link to) the following (see **subpart 2 of Part 2**):
- (i) a consistency accountability statement. This statement is made by the chief executive of the responsible agency for the legislation. It confirms that the agency has reviewed the legislation for consistency with the principles and summarises any inconsistency that is identified in the review: 5
 - (ii) a statement from the responsible Minister for the Bill or amendment or the maker of the secondary legislation. This statement briefly explains the Government's or maker's reasons for any inconsistency with the principles that is identified in the consistency accountability statement; and 10

Excluded legislation

- (c) excludes certain legislation (and proposed legislation) from the Act (see **section 6A and Schedule 1A**). This means, for example, that excluded legislation— 15
- (i) will not be reviewed for consistency with the principles under **subpart 2 of Part 2**; and 20
 - (ii) will not be subject to regular review under **subpart 3 of Part 2**; and
 - (iii) will not be subject to a Regulatory Standards Board inquiry into whether it is inconsistent with the principles under **subpart 7 of Part 2**; and 25

Stewardship of regulatory systems

- (d) gives public service chief executives a responsibility to proactively engage in stewardship of regulatory systems and ensure that their agencies also do so (see **section 15**); and
- (e) requires the chief executive of the Ministry that is responsible for this Act to give at least 4-yearly briefings on the state of the regulatory management system (see **section 16**); and 30
- (f) requires responsible agencies for existing legislation to develop plans for regularly reviewing the legislation for consistency with the principles and to report on the reviews (see **sections 17 to 22**); and 35
- (g) requires chief executives to act independently when making a consistency accountability statement or giving a briefing under **section 16** (see **section 23**); and

- Act does not confer or impose legal rights or duties or affect validity*
- (h) confirms that the Act does not confer or impose legal rights or duties or affect the validity of any legislation (*see **subpart 5 of Part 2***); and
Guidance
- (i) provides for the regulatory standards Minister and the Attorney-General to jointly issue guidance (*see **subpart 6 of Part 2***); and
Regulatory Standards Board 5
- (j) establishes a Regulatory Standards Board to carry out inquiries into whether existing legislation is inconsistent with the principles and to consider consistency accountability statements for Government Bills (*see **subpart 7 of Part 2***); and
Regulatory reviews and information-gathering powers 10
- (k) provides for reports on regulatory reviews that are carried out by the Ministry that is responsible for this Act to be presented to the House of Representatives together with the Government's response (*see **section 41***); and 15
- (l) gives the chief executive of that Ministry powers to obtain information to support the Ministry's role (*see **sections 42 to 47***).
- (2) This section is only a guide to the general scheme and effect of this Act.
- 5 Interpretation** 20
- In this Act, unless the context otherwise requires,—
- administering agency** has the same meaning as in section 5(1) of the Legislation Act 2019
- board** means the Regulatory Standards Board established under **section 28**
- central government entity** means— 25
- (a) a department (within the meaning of section 2(1) of the Public Finance Act 1989);
- (b) the Reserve Bank of New Zealand;
- (c) a Crown entity that is a statutory entity (as those terms are defined in section 7(1) of the Crown Entities Act 2004) 30
- chief executive** means a person occupying the position of chief executive officer by whatever name called
- consistency accountability statement** means,—
- (a) in relation to **subpart 2 of Part 2**, a statement from the chief executive of the responsible agency for a Bill, Government amendment, or secondary legislation that— 35
- (i) confirms that the agency has reviewed the Bill, Government amendment, or secondary legislation, and its process for develop-

- ing it, for consistency with the principles of responsible regulation; and
- (ii) summarises any inconsistency with the principles that is identified in the review; and
- (b) in relation to **subpart 3 of Part 2**, a statement from the chief executive of the responsible agency for an Act (or a part of an Act) or secondary legislation that—
- (i) confirms that the agency has reviewed ~~the Act or the Act (or part) or the secondary~~ legislation for consistency with the principles of responsible regulation; and
- (ii) summarises any inconsistency with the principles that is identified in the review
- contract**, in **Part 3**, does not include an employment agreement (within the meaning of section 5 of the Employment Relations Act 2000)
- Government amendment** has the meaning set out in the rules and practice of the House of Representatives
- maker**, in relation to any secondary legislation, has the same meaning as in section 5(1) of the Legislation Act 2019
- member**, in **subpart 7 of Part 2 and Schedule 2**, means a member of the board
- non-public service agency** means an agency or a person other than a public service agency
- principles of responsible regulation** means the principles set out in **section 8**
- public service agency** has the same meaning as in section 5 of the Public Service Act 2020
- regulatory standards Minister** means the Minister of the Crown who, under the authority of a warrant or with the authority of the Prime Minister, is responsible for the administration of this Act
- regulatory standards Ministry** means the department or Ministry that, with the authority of the Prime Minister, is responsible for the administration of this Act
- responsible agency** means,—
- (a) in the case of a Bill or Government amendment, the central government entity primarily involved in developing the Bill or Government amendment (excluding the Parliamentary Counsel Office, unless that office will also be the administering agency for the resulting Act); or
- (b) ~~in the case of an Act or secondary legislation, the administering agency for the legislation~~

- (b) in the case of an Act or a part of an Act, the administering agency for the Act or part; or
- (c) in the case of secondary legislation, the administering agency for the secondary legislation

responsible Minister means,—

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- ~~(a) in the case of a Bill or Government amendment, the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is primarily responsible for the development of the Bill or Government amendment; or~~
- ~~(b) in the case of an Act, the Minister of the Crown who, under the authority of a warrant or with the authority of the Prime Minister, is responsible for the administration of the Act~~

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responsible Minister means,—

- (a) in the case of a Bill or Government amendment, a Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is responsible for the development of the Bill or Government amendment; or
- (b) in the case of an Act or a part of an Act, the Minister of the Crown who, under the authority of a warrant or with the authority of the Prime Minister, is responsible for the administration of the Act or part

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rules of court includes rules of practice or procedure of any court or tribunal

Treaty settlement Act means—

- (a) an Act listed in Schedule 3 of the Treaty of Waitangi Act 1975; and
- (b) any other Act, or part of an Act, that provides redress for Treaty of Waitangi claims, including an Act, or a part of an Act, that provides collective redress or participation arrangements for claimant groups whose claims are, or are to be, settled by other legislation

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Treaty settlement Bill means—

- (a) a Bill that, if enacted, will be listed in Schedule 3 of the Treaty of Waitangi Act 1975; and
- (b) any other Bill, or part of a Bill, that provides redress for Treaty of Waitangi claims, including a Bill, or a part of a Bill, that provides collective redress or participation arrangements for claimant groups whose claims are, or are to be, settled by other legislation.

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6 Transitional, savings, and related provisions

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The transitional, savings, and related provisions set out in **Schedule 1** have effect according to their terms.

6A Act does not apply to certain legislation

- (1) Nothing in this Act applies to the legislation (or proposed legislation) specified in **Schedule 1A**.
- (2) The regulatory standards Minister may issue a notice for the purposes of—
- (a) **item 9 of Part 1 of Schedule 1A**; and 5
 - (b) **item 9 of Part 2 of Schedule 1A**; and
 - (c) **item 7 of Part 3 of Schedule 1A**.
- (3) A notice may be issued under this section only after it has been approved by a resolution of the House of Representatives.
- (4) A notice issued under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements). 10

7 Act binds the Crown

This Act binds the Crown.

Part 2**Principles of responsible regulation and regulatory stewardship** 15

Subpart 1—Principles of responsible regulation

8 Principles of responsible regulation

The principles of responsible regulation are as follows:

Rule of law

- (a) the importance of maintaining consistency with the following aspects of the rule of law: 20
- (i) the law should be clear and accessible:
 - (ii) the law should not adversely affect rights and liberties, or impose obligations, retrospectively:
 - (iii) every person is equal before the law: 25
 - (iv) there should be an independent, impartial judiciary:
 - (v) issues of legal right and liability should be resolved by the application of law, rather than the exercise of administrative discretion:

Liberties

- (b) legislation should not unduly diminish a person's liberty, personal security, freedom of choice or action, or rights to own, use, and dispose of property, except as is necessary to provide for, or protect, any such liberty, freedom, or right of another person: 30

- Taking of property*
- (c) legislation should not take or severely impair, or authorise the taking or severe impairment of, property without the consent of the owner unless—
- (i) there is a good justification for the taking or severe impairment; 5
and
- (ii) fair compensation for the taking or severe impairment is provided to the owner; and
- (iii) the compensation is provided, to the extent practicable, by or on behalf of the persons who obtain the benefit of the taking or severe impairment: 10
- Taxes, fees, and levies*
- (d) the importance of maintaining consistency with section 22(a) of the Constitution Act 1986 (Parliamentary control of taxation):
- (e) legislation should impose, or authorise the imposition of, a fee for goods or services only if the amount of the fee bears a proper relation to the cost of providing the good or service to which it relates: 15
- (f) legislation should impose, or authorise the imposition of, a levy to fund an objective or a function only if the amount of the levy is reasonable in relation to both— 20
- (i) the benefits that the class of payers is likely to derive, or the risks attributable to the class, in connection with the objective or function; and
- (ii) the costs of efficiently achieving the objective or providing the function: 25
- Role of courts*
- (g) legislation should preserve the courts' constitutional role of ascertaining the meaning of legislation:
- (h) legislation should make rights and liberties, or obligations, dependent on administrative power only if the power is sufficiently defined and subject to appropriate review: 30
- Good law-making*
- (i) the importance of consulting, to the extent that is reasonably practicable, the persons or representatives of the persons that the responsible agency considers will be directly and materially affected by the legislation: 35
- (j) the importance of carefully evaluating—
- (i) the issue concerned; and
- (ii) the effectiveness of any relevant existing legislation and common law; and

- (iii) whether the public interest requires that the issue be addressed; and
- (iv) any options (including non-legislative options) that are reasonably available for addressing the issue; and
- (v) who is likely to benefit, and who is likely to suffer a detriment, from the legislation: 5
- (ja) the importance of the responsible agency identifying and developing effective arrangements for implementing the legislation:
- (k) legislation should be expected to produce benefits that exceed the costs of the legislation to the public or persons: 10
- (l) legislation should be the most effective, efficient, and proportionate response to the issue concerned that is available.

8A Other principles, standards, or guidelines not limited or affected

The principles set out in **section 8** do not limit or affect any other principles, standards, or guidelines relating to the development of high-quality legislation. 15

Subpart 2—How principles apply when developing legislation

Bills

9 Review of consistency of Bill with principles

If a Government Bill is introduced into the House of Representatives, the responsible Minister must ensure that the Bill's explanatory note includes (or contains a link to)— 20

- (a) a consistency accountability statement; and
- (b) a statement from the responsible Minister that briefly explains the Government's reasons for any inconsistency with the principles of responsible regulation that is identified in the consistency accountability statement. 25

Government amendments

11 Review of consistency of Government amendment with principles

If a Government amendment is released in accordance with the rules and practice of the House of Representatives, the responsible Minister must ensure that the Government amendment's explanatory note includes (or contains a link to)— 30

- (a) a consistency accountability statement; and
- (b) a statement from the responsible Minister that briefly explains the Government's reasons for any inconsistency with the principles of respon- 35

sible regulation that is identified in the consistency accountability statement.

12 When review of Government amendment does not apply

- (1) **Section 11** does not apply to a Government amendment if—
- (a) the Bill to which it relates is of a kind referred to in **Part 1 of Schedule 1A**; or 5
 - (b) it is not reasonably practicable to comply with **section 11** before the parliamentary scrutiny of the Government amendment occurs; or
 - (c) in the opinion of the regulatory standards Minister, the Government amendment would not materially change the Bill. 10
- (2) In the case of **subsection (1)(b)**, the responsible Minister must ensure that the statements required under **section 11(a) and (b)** are presented to the House of Representatives, and published on an internet site, as soon as is reasonably practicable after the parliamentary scrutiny of the Government amendment occurs. 15
- (3) In the case of **subsection (1)(c)**, the responsible Minister must ensure that the Government amendment’s explanatory note includes (or contains a link to) a statement of the opinion of the regulatory standards Minister.

Secondary legislation

13 Review of consistency of secondary legislation with principles 20

- (1) The responsible agency for secondary legislation must ensure that an explanatory note for the secondary legislation includes (or contains a link to)—
- (a) a consistency accountability statement; and
 - (b) a statement from the maker that briefly explains the maker’s reasons for any inconsistency with the principles of responsible regulation that is identified in the consistency accountability statement. 25
- (2) The explanatory note must be published or made available with the secondary legislation when the legislation is published or made available under Part 3 of the Legislation Act 2019 or otherwise as required by law.

Subpart 3—Regulatory stewardship and plans for regularly reviewing legislation 30

Regulatory stewardship

15 Responsibility to engage in regulatory stewardship

- (1) A chief executive of a responsible agency for legislation is responsible for—

- (a) proactively engaging in stewardship of the regulatory system to which the legislation relates when carrying out their responsibilities and functions; and
 - (b) ensuring that the responsible agency also does so.
- (2) This section applies in relation to— 5
- (a) a chief executive only if they are a public service chief executive (within the meaning of section 5 of the Public Service Act 2020); and
 - (b) a responsible agency only if it is a public service agency.
- (3) The chief executive is responsible only to the Public Service Commissioner for carrying out the responsibility under **subsection (1)**. 10
- (4) Sections 12(1)(e) and 52(1)(d) of the Public Service Act 2020 (which relate to stewardship) do not limit this section.

16 Four-yearly briefings on state of regulatory management system

- (1) The chief executive of the regulatory standards Ministry must give a briefing to the regulatory standards Minister on the state of the regulatory management system at least once every 4 years. 15
- (2) The purpose of a briefing is to promote the maintenance of effective policies and processes for the development, implementation, monitoring, maintenance, and review of legislation and any associated regulatory systems.
- (3) The regulatory standards Minister must present a copy of the briefing to the House of Representatives as soon as is reasonably practicable after receiving it. 20

Plans for regularly reviewing legislation

17 Responsible agency must develop plans for regularly reviewing legislation and report on progress

- The responsible agency for legislation must— 25
- (a) develop and publish plans for regularly reviewing the legislation for consistency with the principles of responsible regulation; and
 - (b) prepare and publish regular reports on its performance in carrying out the plans.

19 When regular review of secondary legislation is required 30

- (1) **Section 17** applies to secondary legislation only if—
 - (a) a consistency accountability statement has previously been prepared for—
 - (i) the secondary legislation; or
 - (ii) other secondary legislation that amends the secondary legislation; 35
- or

- (b) the secondary legislation is of a class specified in a notice issued under this section.
- (2) However, **section 17** does not apply to secondary legislation to the extent that it contains amendments to other legislation.
-
- Guidance note** 5
- See *also* **section 6A**, which provides that nothing in this Act applies to secondary legislation specified in **Part 3 of Schedule 1A**. This means, for example, that nothing in **section 17** applies to that secondary legislation.
-
- (3) The regulatory standards Minister may issue a notice for the purposes of **sub-section (1)(b)**. 10
- (4) A notice may be issued under this section only after it has been approved by a resolution of the House of Representatives.
- (5) A notice issued under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).
- 20 How good law-making principles apply when responsible agency is carrying out review** 15
- For the purposes of a review under **section 17**,—
- (a) the principle in **section 8(i)** (consultation) and the principle in **section 8(ja)** (implementation arrangements) do not apply; and
- (b) the principles in **section 8(j), (k), and (l)** apply with any necessary modifications to allow the responsible agency to consider matters based on the events that have occurred since the legislation came into force, including— 20
- (i) to evaluate who is likely to have benefited, and who is likely to have suffered a detriment, from the legislation (*see* **section 8(j)(v)**); and 25
- (ii) to consider whether the legislation has produced benefits that exceed the costs of the legislation to the public or persons (*see* **section 8(k)**); and
- (iii) to consider whether legislation is still the most effective, efficient, and proportionate response to the issue concerned that is available (*see* **section 8(l)**). 30
- 21 Statements on review of Act**
- (1) This section applies when a responsible agency reviews an Act (or a part of an Act) under **section 17**. 35
- (2) The responsible agency must, as soon as is reasonably practicable after completing the review, give to the responsible Minister a consistency accountability statement.

- (3) The Minister must, as soon as is reasonably practicable after receiving the consistency accountability statement, present to the House of Representatives—
- (a) the statement; and
 - (b) a statement from the responsible Minister that—
 - (i) briefly explains the Government’s reasons for any inconsistency with the principles that is identified in the consistency accountability statement; and 5
 - (ii) sets out the proposed actions (if any) to remedy that inconsistency.
- 22 Statements on review of secondary legislation**
- (1) This section applies when a responsible agency reviews secondary legislation under **section 17**. 10
- (2) The responsible agency must, as soon as is reasonably practicable after completing the review, publish on an internet site—
- (a) a consistency accountability statement; and
 - (b) a statement from the maker that— 15
 - (i) briefly explains the maker’s reasons for any inconsistency with the principles that is identified in the consistency accountability statement; and
 - (ii) sets out the proposed actions (if any) to remedy that inconsistency.
- Subpart 4—Chief executives must act independently 20
- 23 Chief executives must act independently**
- (1) A chief executive must act independently (and is not responsible to a Minister) in relation to—
- (a) making a consistency accountability statement under this Part; or
 - (b) giving a briefing under **section 16**. 25
- (2) This section applies despite section 52 of the Public Service Act 2020 or any other legislation to the contrary.
- Subpart 5—Act does not confer or impose legal rights or obligations or affect validity
- 24 Act does not confer or impose legal rights or obligations** 30
- (1) This Act does not confer a legal right or impose a legal obligation on any person that is enforceable in a court of law.
- (2) However, **subsection (1)** does not apply in relation to **Part 3**.
- 25 Validity of legislation not affected by failure to comply with this Act**
- Failure to comply with this Act does not affect— 35

- (a) any power to make any legislation; or
- (b) the validity or operation of any legislation.

26 Act does not regulate reasons

This Act imposes no limits, restrictions, or requirements in connection with the nature, extent, or adequacy of any reasons that may be included in a statement under **subpart 2 or 3**. 5

Subpart 6—Guidance

27 Guidance

- (1) The regulatory standards Minister and the Attorney-General may jointly issue guidance that sets out recommended best practice or their expectations concerning the following matters: 10
- (a) how the principles of responsible regulation should be applied:

Example

The guidance may set out circumstances—

 - when consultation may be considered to be not reasonably practicable; or 15
 - when not consulting may be considered to be justified.

 - (b) how to review proposed or existing legislation for consistency with the principles of responsible regulation:
 - (c) the content and presentation of consistency accountability statements: 20
 - (d) how to prepare, publish, carry out, and report on plans under **subpart 3**, including—
 - (i) what agencies should have regard to; and
 - (ii) how often plans should be prepared and how often reviews should be carried out; and 25
 - (iii) the content of plans; and
 - (iv) how plans should be published; and
 - (v) how agencies should report about performance under the plans; and
 - (vi) how agencies should publish those reports. 30
- (2) The guidance must be published on an internet site.

Subpart 7—Regulatory Standards Board

28 Regulatory Standards Board established

The Regulatory Standards Board is established.

Functions

29 Functions of board

- (1) The functions of the board are to promote the purposes of this Act by—
- Inquiries into existing legislation*
- (a) carrying out inquiries into whether Acts or secondary legislation are inconsistent with the principles of responsible regulation; and 5
- (b) reporting on those inquiries to the regulatory standards Minister and the other persons referred to in **section 35**; and
- Considering consistency accountability statements for Bills*
- (c) considering a consistency accountability statement for a Government Bill that— 10
- (i) has been introduced into the House of Representatives; and
- (ii) is being considered by a Committee of the House of Representatives in accordance with the rules and practice of the House of Representatives; and 15
- (d) reporting on its consideration under **paragraph (c)** to that Committee before the Committee finally reports to the House of Representatives on the Bill.
- (2) **Subsection (1)(a)** is subject to **section 33**.

- 30 Inquiries or considering statements must be carried out on papers** 20
- The board may only carry out an inquiry, or consider a consistency accountability statement for a Bill, on the papers (and must not hold a hearing).

Independence

- 30A Board must act independently**
- The board must act independently (and is not responsible to a Minister) in relation to performing its functions. 25

Inquiries

- 31 Application of inquiry provisions**
- Sections 32 to 36** apply to the board's functions under **section 29(1)(a) and (b)**. 30
- 32 Complaints system to support inquiry functions**
- For the purpose of supporting the board in performing its inquiry functions, the regulatory standards Ministry must establish and maintain a system for receiving and dealing with complaints that legislation is inconsistent with the principles of responsible regulation. 35

33 Restrictions on when board may inquire

- (1) The board may inquire into secondary legislation only if **section 17** applies to the secondary legislation.

Guidance note

Section 6A provides that nothing in this Act applies to the Acts and secondary legislation specified in **Schedule 1A**. This means, for example, that the board may not inquire into any of that legislation. 5

In addition, **section 19** provides for when secondary legislation is subject to plans for regular review under **section 17**. The board may inquire into the secondary legislation only if it is subject to those review requirements. For example, the board may inquire into secondary legislation only if a consistency accountability statement has been prepared for the legislation (or an amendment) or it is specified in a notice issued under **section 19**. 10

- (2) The board must not inquire into the performance or non-performance of a particular act, or the bringing about of a particular result, in respect of a particular person or persons. 15

34 How good law-making principles apply when board is carrying out inquiry

When the board is carrying out an inquiry into whether legislation is inconsistent with the principles of responsible regulation,— 20

- (a) the principle in **section 8(i)** (consultation) and the principle in **section 8(ja)** (implementation arrangements) do not apply; and
- (b) the principles in **section 8(j), (k), and (l)** apply with any necessary modifications to allow the board to consider matters based on the events that have occurred after the legislation came into force, including— 25
- (i) to evaluate who is likely to have benefited, and who is likely to have suffered a detriment, from the legislation (*see section 8(j)(v)*); and
- (ii) to consider whether the legislation has produced benefits that exceed the costs of the legislation to the public or persons (*see section 8(k)*); and 30
- (iii) to consider whether legislation is still the most effective, efficient, and proportionate response to the issue concerned that is available (*see section 8(l)*).

35 Board must give final report to certain persons 35

- (1) The board must give a copy of the final report on an inquiry to the following:
- (a) the complainant;
- (b) the chief executive;
- (c) the regulatory standards Minister:

- (d) the responsible Minister for the legislation to which the inquiry relates.
- (2) In this section,—
- complainant**, in relation to an inquiry about legislation, means a person who has made a complaint about the matters to which the inquiry relates using the system maintained under **section 32** 5
- chief executive**, in relation to an inquiry about legislation, means the chief executive of the responsible agency for that legislation.
- 36 Ministry must publish inquiry reports**
- (1) If the board gives a report on an inquiry to the regulatory standards Minister, the regulatory standards Ministry must, as soon as is reasonably practicable, publish the report on an internet site. 10
- (2) However, the regulatory standards Ministry may redact any information from a report that is published if the Ministry considers there would be a good reason for withholding the information under the Official Information Act 1982 if a request for that information were made under that Act. 15

Membership

- 37 Membership of board**
- The board must have not fewer than 5 members and not more than 7 members.
- 38 Appointment of members**
- (1) The Governor-General, on the recommendation of the regulatory standards Minister, must appoint the members of the board. 20
- (2) The appointment must be made by written notice to the member (with a copy to the board).
- (3) The notice must—
- (a) state the date on which the appointment takes effect, which must not be earlier than the date on which the notice is received; and 25
- (b) state the term of the appointment.
- (4) The Minister must ensure that the following are notified in the *Gazette* as soon as is reasonably practicable after an appointment is made:
- (a) the name of the appointee; and 30
- (b) the date on which the appointment takes effect; and
- (c) the term of the appointment.
- (5) The Minister may only recommend the appointment of a person who, in the Minister's opinion, has the appropriate knowledge, skills, and experience to assist the board to perform its functions. 35

*Annual report***39 Annual report**

- (1) The board must supply to the regulatory standards Minister, within 3 months after the end of each financial year, an annual report containing—
- (a) information about the board’s activities during the financial year (including inquiries carried out); and 5
 - (b) a summary of the board’s reports made during the financial year.
- (2) The Minister must, as soon as is reasonably practicable after receiving the report, present the report to the House of Representatives.
- (3) In this section, **financial year** means a period of 12 months commencing on 1 July and ending with 30 June. 10

*Other provisions***40 Other provisions relating to board, its members, and its chairperson**

The provisions set out in **Schedule 2** regulate other matters relating to the board, its members, and its chairperson. 15

Part 3**Regulatory reviews and information-gathering powers***Regulatory review reports***41 Regulatory review reports**

- (1) ~~This section applies when the regulatory standards Ministry reviews (in whole or in part) any regulatory system to which any legislation relates.~~ 20
- (1) This section applies if the regulatory standards Minister, by notice in the *Gazette*, asks the regulatory standards Ministry to review (in whole or in part) any regulatory system to which any legislation relates.
- (2) The regulatory standards Ministry must, as soon as is reasonably practicable after completing the review, give to the regulatory standards Minister a report on the review. 25
- (3) The regulatory standards Minister must, as soon as is reasonably practicable after receiving the report, present to the House of Representatives—
- (a) the report; and 30
 - (b) a statement from the regulatory standards Minister that sets out the Government’s response to the report.

*Information for briefings on regulatory management system***42 Power to obtain information to enable preparation of briefings on regulatory management system**

- (1) The chief executive of the regulatory standards Ministry may, by a written notice, require a public service agency to supply to the chief executive any information that is necessary or desirable to enable the preparation of a briefing under **section 16**. 5
- (2) A notice must state the date by which, and the manner in which, the information must be provided.
- (3) The public service agency must supply to the chief executive the information within the time, and in the manner, specified in the notice. 10
- (4) This section does not limit any legislation that imposes a prohibition or restriction on the availability of any information.

*Information for regulatory reviews***43 Power to obtain information to enable regulatory reviews** 15

- ~~(1) The chief executive of the regulatory standards Ministry may, by a written notice, require an agency or a person referred to in **subsection (2)** to supply to the chief executive any information that is necessary or desirable to enable the regulatory standards Ministry to review (in whole or in part) any regulatory system to which any legislation relates.~~ 20
- (1) The chief executive of the regulatory standards Ministry may, by a written notice, require an agency or a person referred to in **subsection (2)** to supply to the chief executive any information that is necessary or desirable to enable the regulatory standards Ministry to carry out a review under **section 41**.
- (2) The agencies or persons are— 25
- (a) any of the following (a **principal agency**):
- (i) a public service agency;
- (ii) an administering agency of secondary legislation;
- (iii) a maker of secondary legislation;
- (iv) an agency or a person that performs a function that is imposed under legislation; and 30
- (b) a person that is engaged under a contract with a principal agency to support or facilitate the performance of a function that is imposed under legislation.
- (3) A notice must state the date by which, and the manner in which, the information must be provided. 35
- (4) The agency or person must supply to the chief executive the information within the time, and in the manner, specified in the notice.

- (5) This section does not limit any legislation that imposes a prohibition or restriction on the availability of any information.
- 44 Restriction on giving notice in connection with Parliament**
- Despite **section 43**, a notice under that section may not be given to any of the following: 5
- (a) the House of Representatives or the Speaker of the House of Representatives:
 - (b) an Office of Parliament (within the meaning of section 2(1) of the Public Finance Act 1989):
 - (c) the Office of the Clerk of the House of Representatives: 10
 - (d) the Parliamentary Service.
- 45 Restriction on requiring information from non-public service agency**
- (1) This section applies to a notice that may be given under **section 43** to a non-public service agency if the notice is to be given to the agency in its capacity as— 15
- (a) the administering agency or maker of secondary legislation; or
 - (b) an agency or a person that performs a function imposed under legislation.
- (2) The chief executive of the regulatory standards Ministry may exercise the power under **section 43** only if they have first consulted the relevant chief executive. 20
- (3) In this section, the **relevant chief executive** is the chief executive of a public service agency that is the administering agency for—
- (a) the empowering Act for the secondary legislation referred to in **subsection (1)(a)**; or 25
 - (b) the legislation referred to in **subsection (1)(b)**.
- 46 Restriction on requiring information from contracted person**
- (1) This section applies to a notice that may be given under **section 43** to a non-public service agency if the notice is to be given to the agency in its capacity as a person that is engaged under a contract with a principal agency to support or facilitate the performance of a function that is imposed under legislation. 30
- (2) The chief executive of the regulatory standards Ministry may exercise the power under **section 43** only if—
- (a) they have first given a notice under **section 43** to the principal agency that requires the supply of the information, but the principal agency has been unable to supply the information within a reasonable time; or 35
 - (b) the chief executive of the regulatory standards Ministry and the chief executive of the principal agency give the notice jointly.

-
- (3) The chief executive of the regulatory standards Ministry may give a notice under **section 43** jointly with the chief executive of a principal agency for the purposes of **subsection (2)(b)**.

47 Consequences of failing to comply with notice

- (1) If a non-public service agency fails to comply with a notice given under **section 43**, the chief executive of the regulatory standards Ministry may apply to the High Court for an order requiring the agency to supply the information. 5
- (2) The court may make the order (on any terms and conditions that it thinks fit) if the court is satisfied that the information is necessary or desirable to enable the regulatory standards Ministry to review (in whole or in part) a regulatory system to which any legislation relates. 10

Schedule 1

Transitional, savings, and related provisions

s 6

Part 1

Provisions relating to this Act as enacted 5

1AA Excluded legislation

- (1) **Section 6A** applies in relation to an Act regardless of whether it is enacted before or after the commencement of that section.
- (2) **Section 6A** applies in relation to secondary legislation—
 - (a) regardless of whether it is made before or after the commencement of that section; and 10
 - (b) regardless of whether the Act that empowers the making of the secondary legislation was enacted before or after the commencement of that section.

1 Review requirements for Bills 15

- (1) **Section 9** does not apply to a Bill introduced before the commencement of that section.
- (2) **Section 11** does not apply to a Government amendment for a Bill referred to in **subclause (1)** (regardless of whether the Government amendment is released before or after the commencement of **section 9**). 20

2 Review requirements for secondary legislation

Section 13 does not apply to secondary legislation made before the commencement of that section.

3 First briefing on state of regulatory management system

The regulatory standards Ministry must give its first briefing under **section 16** on or before 1 January 2030. 25

4 Regular reviews of existing legislation

Sections 17 and 19 apply in relation to legislation regardless of whether it is enacted or made before or after the commencement of those sections.

5 Restrictions on when board may inquire 30

Section 33 applies in relation to secondary legislation regardless of whether it is made before or after the commencement of that section.

Schedule 1A Excluded legislation

s 6A

Part 1

Bills

1	Treaty settlement Bills	
2	Imprest Supply Bills or Appropriation Bills	
3	Bills that are Statutes Amendment Bills under the rules and practice of the House of Representatives	
4	Bills that primarily relate to the repeal or revocation of legislation identified as spent	10
5	Revision Bills prepared under subpart 3 of Part 3 of the Legislation Act 2019	
6	Bills prepared for the purposes of confirmation under subpart 3 of Part 5 of the Legislation Act 2019	
7	Bills for Acts of the kind referred to in section 96(1)(b) of the Marine and Coastal Area (Takutai Moana) Act 2011 (which relates to agreements to recognise customary marine title)	15
8	Bills to the extent that they contain amendments to the Marine and Coastal Area (Takutai Moana) Act 2011 or Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019	20
9	Bills (<u>or parts of Bills</u>) of a class specified in a notice issued for the purposes of this item	

Part 2

Acts

1	Treaty settlement Acts	25
2	Any other Act that has been enacted from a Bill of a kind referred to in Part 1 of this schedule	
3	Private Acts or local Acts	
4	The Marine and Coastal Area (Takutai Moana) Act 2011	
5	Acts of the kind referred to in section 96(1)(b) of the Marine and Coastal Area (Takutai Moana) Act 2011 (which relates to agreements to recognise customary marine title)	30
6	Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019	
7	Any Act to the extent that it contains amendments to other legislation	
8	Any Act that has been repealed or is otherwise no longer in effect	35

- 9 Acts (or parts of Acts) of a class specified in a notice issued for the purposes of this item

Part 3

Secondary legislation

- | | | |
|---|---|----|
| 1 | Secondary legislation that is made under any of the following Acts: | 5 |
| | (a) a Treaty settlement Act: | |
| | (b) any other Act that has been enacted from a Bill of a kind referred to in Part 1 of this schedule: | |
| | (c) a private Act or local Act: | |
| | (d) the Marine and Coastal Area (Takutai Moana) Act 2011: | 10 |
| | (e) Acts of the kind referred to in section 96(1)(b) of the Marine and Coastal Area (Takutai Moana) Act 2011 (which relates to agreements to recognise customary marine title): | |
| | (f) Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 | |
| 2 | Secondary legislation that is made under the Defence Act 1990 or the Armed Forces Discipline Act 1971 or is otherwise made by the Chief of Defence Force | 15 |
| 3 | Secondary legislation that is made by the Speaker of the House of Representatives or by the House of Representatives | |
| 4 | Secondary legislation that is rules of court | 20 |
| 5 | Secondary legislation that is made by any judicial officer | |
| 6 | Secondary legislation that has been revoked or is otherwise no longer in effect | |
| 7 | Secondary legislation (<u>or parts of secondary legislation</u>) of a class specified in a notice issued for the purposes of this item | |

Schedule 2

Other provisions relating to board, its members, and its chairperson

s 40

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Term, removal, and resignation of members

- | | | |
|----------|--|----------|
| 1 | Term of office of members | 5 |
| (1) | A member holds office for 5 years or any shorter period stated in the notice of appointment. | |
| (2) | A member may be reappointed. | |
| (3) | A member continues in office despite the expiry of their term of office until— | |

- (a) the member is reappointed; or
- (b) the member's successor is appointed; or
- (c) the regulatory standards Minister informs the member by written notice (with a copy to the board) that the member is not to be reappointed and no successor is to be appointed at that time. 5
- 2 Removal of members**
- (1) The Governor-General may, at any time for just cause, on the advice of the regulatory standards Minister given after consultation with the Attorney-General, remove a member from office.
- (2) The removal must be made by written notice to the member (with a copy to the board). 10
- (3) The notice must—
- (a) state the date on which the removal takes effect, which must not be earlier than the date on which the notice is received; and
- (b) state the reasons for the removal. 15
- (4) The Minister must notify the removal in the *Gazette* as soon as practicable after the notice is given.
- (5) In this clause, **just cause** includes misconduct, inability to perform the functions of office, neglect of duty, and breach of any of the board's collective duty or the individual duties of members (depending on the seriousness of the breach). 20
- 3 Resignation of members**
- (1) A member may resign from office by written notice to the regulatory standards Minister signed by the member.
- (2) The resignation is effective when the Minister receives the notice or at any later time specified in the notice. 25
- 4 No compensation for loss of office**
- A member is not entitled to any compensation or other payment or benefit relating to their ceasing, for any reason, to hold office as a member.
- 4A Vacancies in membership of board** 30
- The powers and functions of the board are not affected by any vacancy in the membership of the board.
- Duties of members*
- 5 Accountability of members to Minister**
- (1) Members must comply with— 35
- (a) the board's collective duty; and

- (b) their individual duties as members.
- (2) Members are accountable to the regulatory standards Minister for performing their duties as members.
- 6 Collective duty of board**
- The board must ensure that it— 5
- (a) performs its functions efficiently and effectively; and
- (b) acts in a manner consistent with the purpose of this Act.
- 7 Member must be impartial**
- A person may not act as a member in relation to a matter if there are reasonable grounds to believe that the person may not be— 10
- (a) impartial; or
- (b) able to consider the matter without a predetermined view.
- 8 Member must act in good faith**
- A member, when acting as a member, must act in good faith and without regard to the member's own interests. 15
- 9 Member must act with reasonable care, diligence, and skill**
- A member must, when acting as a member, exercise the care, diligence, and skill that a reasonable member would exercise in the same circumstances.
- 10 Obligation to disclose interest**
- (1) A member who is interested in a matter relating to the board must disclose details of the interest as soon as practicable after the member becomes aware that they are interested. 20
- (2) A general notice of an interest in a matter relating to the board, or in a matter that may in future relate to the board, that is disclosed in accordance with this clause is a standing disclosure of that interest for the purposes of this clause. 25
- (3) A standing disclosure ceases to have effect if the nature of the interest materially alters or the extent of the interest materially increases.
- (4) The member must disclose details of the interest in an interests register kept by the board and to the regulatory standards Minister.
- (5) In this clause and **clauses 11 and 12**, **matter** and **interested** have the same meaning as in section 62 of the Crown Entities Act 2004 (applied with all necessary modifications). 30
- 11 What must be disclosed**
- The details that must be disclosed under **clause 10** are—

- (a) the nature of the interest and the monetary value of the interest (if the monetary value can be quantified); or
- (b) the nature and extent of the interest (if the monetary value cannot be quantified).
- 12 Consequences of being interested in matter** 5
- A member who is interested in a matter relating to the board—
- (a) must not vote or take part in any discussion or decision of the board relating to the matter or otherwise participate in any activity of the board that relates to the matter; and
- (b) is to be disregarded for the purpose of forming a quorum for that part of a meeting of the board during which a discussion or decision relating to the matter occurs or is made. 10
- 13 Use of information**
- A member who has information in their capacity as a member, being information that would not otherwise be available to the member, must not disclose that information to any person, or make use of or act on the information, except— 15
- (a) for the purposes of the performance or exercise of the functions or powers of the board; or
- (b) as otherwise required by law. 20
- 14 Protection from liability**
- No member is liable for anything that the member may do or say or fail to do or say in the course of the operations of the board, unless it is shown that the member acted in bad faith.
- Chairperson of board* 25
- 14A Appointment of chairperson**
- (1) The Governor-General may, on the recommendation of the regulatory standards Minister, appoint one of the members as the chairperson of the board.
- (2) The appointment must be made by written notice to the member (with a copy to the board). 30
- (3) The notice of appointment must state the date on which the appointment takes effect.
- 14B Term of appointment of chairperson**
- The chairperson holds that office until—
- (a) they resign from that office; or 35
- (b) they are removed from it by the Governor-General; or

	(c) they cease to hold office as a member; or	
	(d) the term of office that may have been specified on appointment expires, unless the member continues to hold office as a member in accordance with clause 1(3) or is reappointed for a further term.	
14C	Resignation of chairperson	5
(1)	A chairperson may, without resigning as a member, resign from that office by written notice to the regulatory standards Minister (with a copy to the board).	
(2)	The notice of resignation must state the date on which the resignation takes effect.	
14D	Removal of chairperson	10
(1)	The Governor-General may, on the recommendation of the regulatory standards Minister and after consultation with the person concerned, remove a chairperson of the board.	
(2)	The removal must be made by written notice to the chairperson (with a copy to the board).	15
(3)	The notice must state the date on which the removal takes effect, which must not be earlier than the date on which the notice is received.	
	<i>Other matters</i>	
15	Procedure generally	
	The board may regulate its own procedure except as provided in this Act.	20
16	Remuneration of members	
(1)	A member is entitled to be—	
(a)	paid remuneration by the regulatory standards Ministry for services as a member at a rate and of a kind determined by the regulatory standards Minister in accordance with the fees framework; and	25
(b)	reimbursed by the regulatory standards Ministry for actual and reasonable travelling and other expenses incurred in carrying out the member's duties as a member in accordance with the fees framework.	
(2)	In this section, fees framework means the framework determined by the Government from time to time for the classification and remuneration of statutory and other bodies in which the Crown has an interest.	30
17	Ministry must provide resources and administrative support	
(1)	The regulatory standards Ministry must provide the resources and administrative support necessary to enable the board to perform its functions.	
(2)	Any information held by the board is held by the regulatory standards Ministry for the purposes of the Official Information Act 1982.	35

Regulatory Standards Bill

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