

15 Whiringa-ā-nuku 2025

File Ref: OIA 50473

Tēnā koe [REDACTED]

Official Information Act request

Thank you for your Official Information Act (the Act) request dated 1 Hōngongoi 2025. You asked for the following information:

1. *“Any advice, feedback or other information provided by Te Puni Kōkiri to the Ministry for Regulation or the Minister for Regulation on the Regulatory Standards Bill.*
2. *Any internal emails or messages including teams messages, text messages or messages on any other application relating to the Regulatory Standards Bill.”*

On 16 Hōngongoi 2025, you reframed your request as follows:

1. *“Any advice, feedback or other information provided by Te Puni Kōkiri to the Ministry for Regulation or the Minister for Regulation on the Regulatory Standards Bill.*
2. *Any internal emails or messages including teams messages, text messages or messages on any other application relating to the Regulatory Standards Bill to which the Secretary for Māori Development was a party.*
3. *Any internal emails or messages including teams messages, text messages or messages on any other application relating to the Regulatory Standards Bill to which the Deputy Secretary Policy was a party.”*

We provided you with a response to part one of your request on 24 Hōngongoi 2025. The following information is in response to parts two and three of your request.

Your request has been considered under the Official Information Act 1982 (**Act**).

The documents and my decisions with regard to the release of information requested is in the tables attached as **Appendix A and B**.

Some information has been withheld from the documents in accordance with the Act on the following grounds:

- section 9(2)(a) to protect the privacy of natural persons, including that of deceased natural persons
- section 9(2)(g)(i), which applies to maintain the effective conduct of public affairs through the free and frank expression of opinions
- section 9(2)(h) to maintain legal professional privilege.

Some information has also been refused under section 18(d) of the Act as it is publicly available and the links to the material are contained in the Appendices. Information contained in the documents that is out of the scope of your request has been redacted.

In order to identify material relevant to your request, we conducted searches of outlook mailboxes, Microsoft teams messages and text messages of Dave Samuels, Secretary for Māori Development, and Paula Rawiri, Deputy Secretary Policy, using the terms 'Regulatory Standards Bill' and 'RSB' for the time period 23 Whiringa-ā-rangi 2023 to 1 Hōngongoi 2025.

We identified no Microsoft teams messages and no text messages for part two and part three of your request.

We identified 36 emails in scope for part two and 97 emails for part three of your request. We extended our search to include email attachments as in many instances only the email attachments contained information regarding the Regulatory Standards Bill.

Many documents identified in the search results related to several matters which Te Puni Kōkiri contributes to or works on. These matters include but are not limited to the: the Going for Growth agenda and the Competitive Business Settings Ministerial Group, Resource management reform as well as Te Puni Kōkiri weekly reporting, Ministerial reporting and operational matters. In such instances only the content relevant to the Regulatory Standards Bill has been included in this response and have been provided as excerpts in accordance with section 16(1)(e) of the Act (**Attachment 1** refers).

I trust my response satisfies your request.

You have the right to seek an investigation and review by the Ombudsman of this response. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Please note that Te Puni Kōkiri publishes some of its Official Information Act responses on its website, after the response is sent to the requester. The responses published are those that are considered to have a high level of public interest. We will not publish your name, address or contact details.

If you wish to discuss any aspect of your request with us, including this decision, please feel free to contact us at oa@tpk.govt.nz.

Ngā mihi



Paula Rawiri
Hautū, Te Puni Kaupapa | Deputy Secretary, Policy

Appendix A: Table 1 - Documents in scope of part 2 of request from [REDACTED] dated 1 Hōngongoi 2025

Item	Date	Document	Document description	Decision
1.1	5 December 2023	100 Day Plan Cabinet paper	Attachment: Coalition government 100-day plan Cabinet paper	Excerpt released in full and provided in Attachment 1
1.2	26 January 2024	Expression of interest Ministry of Regulation	Email: Expression of interest Ministry of Regulation Establishment Unit Attachment: Expression of Interest	Released with some information withheld under section 9(2)(a) of the Act
1.3	17 June 2024	Update- Ministry of Regulation	Email: Update- Ministry of Regulation	Released with some information withheld under section 9(2)(a) of the Act
1.4	8 November 2024	Minster for Māori Development (MfMD) agenda and papers Monday 11 November 2024	Attachment: OMNI week of 11 November 2024	Released with some information withheld under section 9(2)(a) of the Act and redacted as out of scope
1.5	8 November 2024	OMNI week of 11 November 2024	Attachment: OMNI week of 11 November 2024	Provided as Document 1.4
1.6	14 January 2025	Media report	Email: Rīpoata pāpāho o te ata Daily media report 14 Kohitātea 2025	Excerpt released in full and provided in Attachment 1
1.7	5 February 2025	Going for growth document	Attachment: Going for Growth for consultation	Excerpt released in full and provided in Attachment 1
1.8	5 February 2025	Work underway in the new Economic Growth portfolio	Attachment: Going for Growth for consultation	Provided as Document 1.7
1.9	12 February 2025	Going for growth final document	Attachment: Going for Growth for Final Document	Refused under section 18(d) of the Act. The attachment contains the final Going for Growth Report which is available on Ministry for Business, Innovation and Employment's website here Going For Growth .

Item	Date	Document	Document description	Decision
1.10	20 February 2025	Short work program	Attachment: Work program for discussion	Excerpt released in full and provided in Attachment 1
1.11	20 March 2025	Weekly Report to the Minister for the week commencing 24 Poutūterangi 2025	Attachment: TPK-71995 Weekly Report to the Minister for the week commencing 24 Poutūterangi 2025	Excerpt released in full and provided in Attachment 1
1.12	24 March 2025	Officials' hui pack - MfMD, Minister for Māori Crown Relations (MfMCR) & Minister for Whānau Ora (MfWO) Monday 24 Poutūterangi 2025	Attachment: TPK-71995 Weekly Report to the Minister for the week commencing 24 Poutūterangi 2025	Provided as Document 1.11
1.13	2 May 2025	OMNI briefing week of 5 May 2025	Attachment: OMNI briefing week of 5 May 2025	Released with some information withheld under sections 9(2)(a) and 9(2)(g)(i) of the Act and redacted as out of scope.
1.14	15 May 2025	Media report	Email: Rīpoata pāpāho o te ata Daily media report 15 Haratua 2025	Excerpt released in full and provided in Attachment 1
1.15	15 May 2025	Weekly Report to the Minister (week commencing 19 Haratua 2025)	Attachment: TPK 72320 - Weekly Report to the Minister (week commencing 19 Haratua 2025)	Released with some information redacted as out of scope
1.16	16 May 2025	Officials' hui pack - Monday 19 Haratua 2025	Attachment: Officials hui pack - Monday 19 Haratua 2025	Provided as Document 1.15
1.17	19 May 2025	Media report	Email: Rīpoata pāpāho o te ata Daily media report 19 Haratua 2025	Excerpt released in full and provided in Attachment 1
1.18	22 May 2025	Media report	Email: Rīpoata pāpāho o te ata Daily media report 22 Haratua 2025	Excerpt released in full and provided in Attachment 1
1.19	22 May 2025	TPK 72360 - Weekly Report to the Minister (week commencing 26 Haratua 2025)	Attachment: TPK 72360 - Weekly Report to the Minister (week commencing 26 Haratua 2025)	Released with some information redacted as out of scope

Item	Date	Document	Document description	Decision
1.20	23 May 2025	Daily Official Correspondence Report - Incoming and Outgoing 22 Haratua 20	Attachment: Daily Official Correspondence Report - Incoming and Outgoing 22 Haratua 20	Released with some information redacted as out of scope
1.21	23 May 2025	Papers for hui 9am on Monday (Ministry of Justice /Crown Law Office /Te Tari Whakatau)	Attachment: Treaty related work update	Released with some information withheld under section 9(2)(a) of the Act and redacted as out of scope
1.22	26 May 2025	Active correspondence report as at 26 Haratua 2025	Attachment: Active correspondence report as at 26 Haratua 2025	Excerpt released in full and provided in Attachment 1
1.23	28 May 2025	Media report	Email: Rīpoata pāpāho o te ata Daily media report 28 Haratua 2025	Excerpt released in full and provided in Attachment 1
1.24	30 May 2025	Daily Official Correspondence Report - Incoming and Outgoing 29 Haratua 2025	Attachment: Daily Official Correspondence Report - Incoming and Outgoing 29 Haratua 2025	Excerpt released in full and provided in Attachment 1
1.25	3 June 2025	Media report	Email: Rīpoata pāpāho o te ata Daily media report 3 Pipiri 2025	Excerpt released in full and provided in Attachment 1
1.26	4 June 2025	Active correspondence report as at 4 Pipiri 2025	Attachment: Active correspondence report as at 4 Pipiri 2025	Excerpt released in full and provided in Attachment 1
1.27	9 June 2025	Media report	Email: Rīpoata pāpāho o te ata Daily media report 9 Pipiri 2025	Excerpt released in full and provided in Attachment 1
1.28	12 June 2025	Media report	Email: Rīpoata pāpāho o te ata Daily media report 12 Pipiri 2025	Excerpt released in full and provided in Attachment 1
1.29	13 June 2025	Media report	Email: Rīpoata pāpāho o te ata Daily media report 13 Pipiri 2025	Excerpt released in full and provided in Attachment 1
1.30	16 June 2025	Media report	Email: Rīpoata pāpāho o te ata Daily media report 16 Pipiri 2025	Excerpt released in full and provided in Attachment 1
1.31	19 June 2025	Going for Growth Update - Visibility of progress and provide feedback if required	Attachment: GFG - updated actions and potential case studies	Excerpt released in full and provided in Attachment 1

Item	Date	Document	Document description	Decision
1.32	19 June 2025	Officials Agenda and Supporting Papers - 23 June 2025	Attachment: Te Ture Whenua Consultation Feedback Aide Memoire	Excerpt released in full and provided in Attachment 1
1.33	23 June 2025	Media report	Email: Rīpoata pāpāho o te ata Daily media report 23 Pipiri 2025	Excerpt released in full and provided in Attachment 1
1.34	26 June 2025	Media report	Email: Rīpoata pāpāho o te ata Daily media report 26 Pipiri 2025	Excerpt released in full and provided in Attachment 1
1.35	23 June 2025	Active Correspondence report as at 30 Pipiri 2025	Attachment: Active Correspondence report as at 30 Pipiri 2025	Excerpt released in full and provided in Attachment 1
1.36	1 July 2025	Media report	Email: Rīpoata pāpāho o te ata Daily media report 1 Hōngongoi 2025	Excerpt released in full and provided in Attachment 1

Appendix B: Table 2 - Documents in scope of part 3 of request from [REDACTED] dated 1 Hōngongoi 2025

Item	Date	Document	Document name	Decision
2.1	3 December 2023	Trancing of 100-day plan (not for further circulation)	Attachment: Trancing of policy decisions by month	Excerpt released in full and provided in Attachment 1
2.2	5 December 2023	100-day plan Cabinet paper	Attachment: 100 Day Plan Cabinet Paper	Excerpt released in full and provided in Attachment 1
2.3	6 December 2023	Policy Puni Leadership Agenda _ Papers for 11am hui today	Attachment: 100 Day Plan Cabinet Paper	Provided as Document 2.2
2.4	26 January 2024	Expression of interest Ministry of Regulation	Email: Expression of interest Ministry of Regulation Establishment Unit	Provided as Document 1.2
			Attachment: Expression of Interest	
2.5	17 June 2024	Update- Ministry of Regulation	Email: Update- Ministry of Regulation	Provided as Document 1.3
2.6	8 November 2024	MfMD agenda and papers Monday 11 November 2024	Attachment: OMNI week of 11 November 2024	Provided as Document 1.4
2.7	8 November 2024	OMNI week of 11 November 2024	Attachment: OMNI week of 11 November 2024	Provided as Documents 1.4
2.8	14 January 2025	Media report	Email: Rīpoata pāpāho o te ata Daily media report 14 Kohitātea 2025	Provided as Document 1.6
2.9	5 February 2025	Going for growth document	Attachment: Going for Growth for consultation	Provided as Document 1.7
2.10	11 February 2025	Draft Expert Advisory Group report – Resource Management CEs and DCEs Groups	Attachment: Draft Expert Advisory Group report - RM CEs and DCEs Groups	Excerpt released in full and provided in Attachment 1

Item	Date	Document	Document name	Decision
2.11	12 February 2025	Going for growth final document	Attachment: Going for Growth for Final Document	Refused under section 18(d) of the Act. The attachment contains the final Going for Growth Report which is available on Ministry for Business, Innovation and Employment's website here Going For Growth
2.12	13 February 2025	TPK/TA Handover Workshop - Strategic Policy Advice	Attachment: Blueprint Presentation for Strategic Policy function transfer Workshop 4 24 January 2025	Excerpt released in full and provided in Attachment 1
2.13	13 February 2025	Going for growth final document	Attachment: Going for Growth for Final Document	Provided as Document 2.11
2.14	13 February 2025	Wai 3300 - Tomokia ngā tatau o Matangireia - the Constitutional Kaupapa Inquiry	Attachment: Wai 3300, 2.6.041	Excerpt released in full and provided in Attachment 1
2.15	20 February 2025	Short work program	Attachment: Work program for discussion	Provided as Document 1.10
2.16	20 February 2025	Letter to Ministers on Needs, Treaty Settlements, Rights and Interests	Attachment: Letter to Ministers on Needs, Treaty Settlements, Rights and Interests	Excerpt released in full and provided in Attachment 1
2.17	20 February 2025	Updated Māori Crown Relations work plan and location of key SMEs	Attachment: Workplan for discussion with Minister 2025.02.20	Excerpt released in full and provided in Attachment 1
2.18	21 February 2025	Proposed Regulatory Standards Bill: initial findings from public consultation and possible next steps	Email: Proposed Regulatory Standards Bill: initial findings from public consultation and possible next steps	Released with some information withheld under section 9(2)(a) of the Act

Item	Date	Document	Document name	Decision
2.19	23 February 2025	Proposed Regulatory Standards Bill: initial findings from public consultation and possible next steps	Email: FW_ Proposed Regulatory Standards Bill: initial findings from public consultation and possible next steps	Released with some information withheld under section 9(2)(a) of the Act. The email attachment is refused under section 18(d) of the Act. The attachment contains the final briefing paper titled "Regulatory Standards Bill: Initial findings from public consultation", which has been proactively released on the Ministry of Regulation website here MFR2025-026-Regulatory-Standards-Bill-Initial-findings-from-public-consultation.pdf .
			Attachment: Regulatory Standards Bill Initial findings from public consultation - UPDATED	
2.20	26 February 2025	Updated Māori Crown Relations work plan and location of key SMEs	Attachment: Workplan for discussion with Minister 2025.02.20	Provided as Document 2.17
2.21	26 February 2025	Proposed Regulatory Standards Bill: initial findings from public consultation and possible next steps	Email: Proposed Regulatory Standards Bill_ initial findings from public consultation and possible next steps	Released with some information withheld under section 9(2)(a) of the Act
			Attachment: Ministry for Regulations draft briefing paper: Initial findings from public consultation and possible next steps	
2.22	26 February 2025	For review and feedback - Draft of Latest Government Quarterly Action Plan Report	Attachment: Quarterly Plan Q1 - Report - Cabinet 3 March – DRAFT	Excerpt released in full and provided in Attachment 1

Item	Date	Document	Document name	Decision
2.23	26 February 2025	Proposed Regulatory Standards Bill: initial findings from public consultation and possible next steps	Attachment: MFR2025-026 Initial findings from public consultation and possible next steps	Released with some information withheld under section 9(2)(a) of the Act The email attachment is the same material as Document 2.21
2.24	2 March 2025	Updated Bullets for officials & Draft ATO - Competitive Business Settings Pillar Ministerial Group Meeting March 3	Attachment: Going For Growth - Competitive Business Settings Meeting 3 March	Excerpt released in full and provided in Attachment 1
2.25	3 March 2025	Email Draft ATO - Competitive Business Settings Pillar Meeting March 3	Attachment: ATO - Going for Growth - Competitive Business Settings Meeting 3 March v3	Provided as Document 2.24
2.26	3 March 2025	ATO - Going for Growth - Competitive business settings 3 March	Attachment: ATO - Going for Growth - Competitive Business Settings Meeting 3 March	Provided as Document 2.24
2.27	6 March 2025	OPQ regarding Richard Prebble resignation	Attachment: Attachment 3 - Open Letter - Waitangi Tribunal Appointments	Excerpt released with some information redacted as out of scope, and provided in Attachment 1
2.28	6 March 2025	ATO - Going for Growth - Competitive business settings 3 March	Attachment: 10 March 2025 - Competitive Business Settings Ministerial Group Meeting	Excerpt released in full and provided in Attachment 1
2.29	6 March 2025	Going For Growth: Competitive business settings DCE meeting [IN-CONFIDENCE]	Attachment: 10 March 2025 - Competitive Business Settings Ministerial Group Meeting	Provided as Document 2.28
2.30	7 March 2025	Draft Cabinet Paper (Replacing the Resource Management Act 1991 – Approach to development of new legislation) and final	Attachment: Resource Management Reform Expert Advisory Group Report	Excerpt released in full and provided in Attachment 1

Item	Date	Document	Document name	Decision
		Expert Advisory Group report in Resource Management reform		
2.31	7 March 2025	Going For Growth: Competitive business settings DCE meeting	Attachment: 10 March 2025 - Competitive Business Settings Ministerial Group Meeting	Provided as Documents 2.24 and 2.28
2.32	7 March 2025	Going For Growth: Competitive business settings DCE meeting updated	ATO - Going for Growth - Competitive Business Settings Meeting 10 March (Revised for new agenda material) - JP input	Excerpt released in full and provided in Attachment 1
2.33	7 March 2025	Going For Growth: Competitive business settings DCE meeting updated	ATO - Going for Growth - Competitive Business Settings Meeting 10 March (Revised for new agenda material) - JP input	Provided as Documents 2.31 and 2.32
2.34	10 March 2025	LETTER FOR REVIEW: Needs, Treaty Settlements, Rights and Interests	Attachment: Letter to Ministers on Needs, Treaty Settlements, Rights and Interests	Provided as Document 2.16
2.35	12 March 2025	FYI Draft of Latest Government Quarterly Action Plan Report	Attachment: Quarterly Plan Q1 - Report - Cabinet 17 March - DRAFT	Excerpt released in full and provided in Attachment 1
2.36	13 March 2025	Updated Treaty Impact Analysis for review please	Email Updated Treaty Impact Analysis for review please Attachment: Draft Treaty Impact Analysis for an amended RSB	Released with some information withheld under sections 9(2)(a), 9(2)(g)(i) and 9(2)(h) of the Act
2.37	13 March 2025	Updated Treaty Impact Analysis for review please	Email: Updated Treaty Impact Analysis for review please	Released with some information withheld under section 9(2)(a) of the Act
2.38	13 March 2025	Updated Treaty Impact Analysis for review please	Email: RE: Updated Treaty Impact Analysis for review please	Released with some information withheld under section 9(2)(a) of the Act

Item	Date	Document	Document name	Decision
2.39	14 March 2025	Updated Treaty Impact Analysis for review please	Email; RE: Updated Treaty Impact Analysis for review please Attachment: RE_ Updated Treaty Impact Analysis for review please	Released with some information withheld under sections 9(2)(a), 9(2)(g)(i) and 9(2)(h) of the Act
2.40	19 March 2025	Policy's contribution - RE_ TPK 71995 COMMISSIONING- Minister's Weekly Report + ELT Weekly Current State Report	Attachment: Puni Commissioning template - weekly report for 24 March 2025 PP Contribution PR comments	Excerpt released in full and provided in Attachment 1
2.41	20 March 2025	GFG Pillar meeting notes and request for agency contact point - Competitive Business Settings	Attachment: Competitive Business settings Dashboard status - updated post meeting	Excerpt released in full and provided in Attachment 1
2.42	20 March 2025	Weekly Report to the Minister for the week commencing 24 Poutūterangi 2025	Attachment: TPK-71995 Weekly Report to the Minister for the week commencing 24 Poutūterangi 2025	Provided as Document 1.11
2.43	24 March 2025	Officials' hui pack - MfMD, MfMCR & MfWO Monday 24 Poutūterangi 2025	Attachment: TPK-71995 Weekly Report to the Minister for the week commencing 24 Poutūterangi 2025	Provided as Document 1.12
2.44	26 March 2025	Cabinet paper: Replacing the Resource Management Act 1991 – Approach to development of new legislation	Attachment: Resource Management Reform Expert Advisory Group Report	Provided as Document 2.30
2.45	27 March 2025	Going for Growth Pillar meeting notes and request for agency contact point - Competitive Business Settings	Attachment: Competitive Business settings Dashboard status - updated post meeting	Provided as Document 2.41
2.46	30 March 2025	GFG Pillar meeting notes and request for agency contact	Attachment: Competitive Business settings Dashboard status - updated post meeting	Provided as Document 2.41

Item	Date	Document	Document name	Decision
		point - Competitive Business Settings		
2.47	31 March 2025	Regulatory Standards Bill - likely ministerial consultation	Attachment DRAFT Min Consult Policy approvals for progressing a Regulatory Standards Bill	Released with some information withheld under sections 9(2)(g)(i) and 9(2)(h) of the Act
2.48	31 March 2025	Email: Regulatory Standards Bill - likely ministerial consultation	Attachment Min Consult Policy approvals for progressing a Regulatory Standards Bill	Provided as Document 2.47
2.49	4 April 2025	OMNI briefing for week o 7 April- Draft	Attachment: OMNI briefing for week of 7 April- Drafting	Released with some information withheld under sections 9(2)(a) and 9(2)(g)(i) of the Act
2.50	4 April 2025	OMNI briefing for week o 7 April- Draft	Attachment: OMNI briefing for week of 7 April- Drafting	Provided as Document 2.49
2.51	4 April 2025	OMNI briefing for week o 7 April- Draft	Attachment: OMNI briefing for week o 7 April- Drafting	Released with some information withheld under sections 9(2)(a) and 9(2)(g)(i) of the Act
2.52	4 April 2025	OMNI week of 7 April 2025	Attachment: OMNI week of 7 April 2025	Provided as Document 2.51
2.53	24 April 2025	Update on timing of proposed Regulatory Standards Bill Cabinet paper	Email: RE: Update on timing of proposed Regulatory Standards Bill Cabinet paper	Released with some information withheld under section 9(2)(a) of the Act
2.54	2 May 2025	OMNI Briefing - Monday 5 May	Email: RE: OMNI Briefing - Monday 5 May	Released with some information withheld under section 9(2)(a) of the Act and redacted as out of scope

Item	Date	Document	Document name	Decision
2.55	2 May 2025	Attachment: 16. Letter to Ministers on Needs, Treaty Settlements, Rights and Interests	Attachment: 16. Letter to Ministers on Needs, Treaty Settlements, Rights and Interests	The same material as document 2.16
2.56	2 May 2025	Drafting of OMNI briefing for week of 5 may	Attachment drafting of OMNI briefing for week of 5 may	Released with some information withheld under sections 9(2)(a), 9(2)(g)(i) and 9(2)(h) of the Act
2.57	2 May 2025	Drafting OMNI briefing for week of 5 may	Attachment drafting of OMNI briefing for week of 5 may	Released with some information withheld under sections 9(2)(a) and 9(2)(g)(i) of the Act
2.58	2 May 2025	OMNI briefing week of 5 May 2025	Attachment: OMNI briefing week of 5 May 2025	Provided as Document 1.3
2.59	2 May 2025	OMNI briefing week of 5 May 2025	Attachment: OMNI briefing week of 5 May 2025	Provided as Document 1.3
2.60	5 May 2025	Letter to Ministers on Needs, Treaty Settlements, Rights and Interests	Attachment: Letter to Ministers on Needs, Treaty Settlements, Rights and Interests	Provided as Document 2.16
2.61	12 May 2025	Competitive Business Settings DCE Group pack for 14 May 2025 meeting	Attachment: Competitive Business Settings DCE Group meeting pack - 14 May 2025	Excerpt released in full and provided in Attachment 1
2.62	13 May 2005	Competitive Business Settings DCE Group pack for 14 May 2025 meeting	Attachment: Competitive Business Settings DCE Group meeting pack - 14 May 2025	Provided as Document 2.61
2.63	15 May 2025	Media report	Email: Rīpoata pāpāho o te ata Daily media report 15 Haratua 2025	Provided as Document 1.14
2.64	15 May 2025	TPK 72320 - Weekly Report to the Minister (week commencing 19 Haratua 2025)	Attachment: TPK 72320 - Weekly Report to the Minister (week commencing 19 Haratua 2025)	Provided as Document 1.15

Item	Date	Document	Document name	Decision
2.65	16 May 2025	Officials' hui pack - Monday 19 Haratua 2025	Attachment: Officials hui pack - Monday 19 Haratua 2025	Provided as Document 1.16
2.66	19 May 2025	Media report	Email: Rīpoata pāpāho o te ata Daily media report 19 Haratua 2025	Provided as Document 1.17
2.67	22 May 2025	Media report	Email: Rīpoata pāpāho o te ata Daily media report 22 Haratua 2025	Provided as Document 1.18
2.68	22 May 2025	Competitive Business Settings Ministerial Group meeting pack - 19 May 2025	Attachment: Competitive Business Settings Ministerial Group meeting pack - 19 May 2025	Provided as Document 2.61
2.69	22 May 2025	WPQ's- RSB	FOR DEP SEC APPROVAL: Due date 22 May WPQ's	Released with some information withheld under section 9(2)(a) of the Act. The email attachment is withheld under section 18(d) of the Act. Answers to the Written Parliamentary questions are available on New Zealand Parliament website.
2.70	22 May 2025	TPK 72360 - Weekly Report to the Minister (week commencing 26 Haratua 2025)	Attachment: TPK 72360 - Weekly Report to the Minister (week commencing 26 Haratua 2025)	Provided as Document 1.19
2.71	23 May 2025	Daily Official Correspondence Report - Incoming and Outgoing 22 Haratua 20	Attachment: Daily Official Correspondence Report - Incoming and Outgoing 22 Haratua 20	Provided as Document 1.20
2.72	26 May 2025	Active correspondence report as at 26 Haratua 2025	Attachment: Active correspondence report as at 26 Haratua 2025	Provided as Document 1.22

Item	Date	Document	Document name	Decision
2.73	28 May 2025	Media report	Email: Rīpoata pāpāho o te ata Daily media report 28 Haratua 2025	Provided as Document 1.23
2.74	30 May 2025	Daily Official Correspondence Report - Incoming and Outgoing 29 Haratua 2025	Attachment: Daily Official Correspondence Report - Incoming and Outgoing 29 Haratua 2025	Provided as Document 1.24
2.75	30 May 2025	Whanau ora- statement of claim	Attachment: Statement of claim A claim filed by Merepeka Raukawa-Tait on behalf of the Whānau Ora Commissioning Agency and all Māori	Excerpt released in full and provided in Attachment 1
2.76	3 June 2025	Media report	Email: Rīpoata pāpāho o te ata Daily media report 3 Pipiri 2025	Provided as Document 1.25
2.77	4 June 2025	Whanau ora- statement of claim	Attachment: Statement of claim	Provided as Document 2.75
2.78	4 June 2025	Active correspondence report as at 4 Pipiri 2025	Attachment: Active correspondence report as at 4 Pipiri 2025	Provided as Document 1.26
2.79	9 June 2025	Media report	Email: Rīpoata pāpāho o te ata Daily media report 9 Pipiri 2025	Provided as Document 1.27
2.80	12 June 2025	Media report	Email: Rīpoata pāpāho o te ata Daily media report 12 Pipiri 2025	Provided as Document 1.28
2.81	12 June 2025	Competitive Business Settings- Update by Te Puni Kōkiri June 2025	Attachment: CBS Dashboard - Update by Te Puni Kōkiri June 2025	Excerpt released in full and provided in Attachment 1
2.82	13 June 2025	Media report	Email: Rīpoata pāpāho o te ata Daily media report 13 Pipiri 2025	Provided as Document 1.29
2.83	16 June 2025	Media report	Email: Rīpoata pāpāho o te ata Daily media report 16 Pipiri 2025	Provided as Document 1.30

Item	Date	Document	Document name	Decision
2.84	19 June 2025	Going for Growth - updated actions and potential case studies	Attachment: GFG - updated actions and potential case studies	Excerpt released in full and provided in Attachment 1
2.85	19 June 2025	Going for Growth Update - Visibility of progress and provide feedback if required	Attachment: GFG - updated actions and potential case studies	Provided as Document 1.31
2.86	19 June 2025	Competitive Business Settings DCEs meeting pack - 24 June 2025	Attachment: Competitive Business Settings DCEs meeting pack - 24 June 2025	Excerpt released in full and provided in Attachment 1
2.87	19 June 2025	Officials Agenda and Supporting Papers - 23 June 2025	Attachment: Te Ture Whenua Consultation Feedback Aide Memoire	Provided as Document 1.32
2.88	22 June 2025	Forward of Going for Growth Update - Visibility of progress and provide feedback if required	Attachment: GFG - updated actions and potential case studies	Provided as Document 1.31
2.89	22 June 2025	Competitive Business Settings DCEs meeting pack - 24 June 2025	Attachment: Competitive Business Settings DCEs meeting pack - 24 June 2025	Provided as Document 2.86
2.90	23 June 2025	Media report	Rīpoata pāpāho o te ata Daily media report 23 Pipiri 2025	Provided as Document 1.33
2.91	23 June 2025	Competitive Business Settings draft Narrative and Actions - 23 June	Attachment: CBS pillar draft Narrative and Actions - 23 June	Provided as Document 2.84
2.92	24 June 2025	Competitive Business Settings draft Narrative and Actions - 23 June	Attachment: GfG V 2 updated chapters for MO 23062025	Provided as Document 2.84
2.93	24 June 2025	Competitive Business Settings draft Narrative and Actions - 23 June	Attachment: GfG V 2 updated chapters for MO 23062025	Provided as Document 2.84
2.94	26 June 2025	Media report	Rīpoata pāpāho o te ata Daily media report 26 Pipiri 2025	Provided as Document 1.34

Item	Date	Document	Document name	Decision
2.95	23 June 2025	Active Correspondence report as at 30 Pipiri 2025	Attachment: Active Correspondence report as at 30 Pipiri 2025	Provided as Document 1.35
2.96	1 July 2025	Media report	Email: Rīpoata pāpāho o te ata Daily media report 1 Hōngongi 2025	Provided as Document 1.36
2.97	1 July 2025	Status updates for individual communications and special rapporteur visits	Attachment: 202507 IHRGG Meeting - Status updates for individual communications and special rapporteur visits	Excerpt released in full and provided in Attachment 1

Document 1.2

From: [REDACTED]
To: [DL - Executive Leadership Team](#)
Subject: FW: Ministry for Regulation Establishment Unit - Expressions of Interest
Date: Friday, 26 January 2024 3:43:56 pm
Attachments: [image001.png](#)
[Expression of Interest \(Ministry for Regulation\).pdf](#)

FYI

Ngā mihi
[REDACTED]

From: [REDACTED] <[REDACTED]@publicservice.govt.nz>
Sent: Friday, January 26, 2024 2:38 PM
To: [REDACTED] <[REDACTED]@linz.govt.nz>; [REDACTED] <[REDACTED]@defence.govt.nz>; [REDACTED] <[REDACTED]@gcsb.govt.nz>; [REDACTED] <[REDACTED]@police.govt.nz>; [REDACTED] <[REDACTED]@hud.govt.nz>; [REDACTED] <[REDACTED]@nzsic.govt.nz>; [REDACTED] <[REDACTED]@justice.govt.nz>; [REDACTED] <[REDACTED]@kaingaora.govt.nz>; [REDACTED] <[REDACTED]@transport.govt.nz>; [REDACTED] <[REDACTED]@treasury.govt.nz>; [REDACTED] <[REDACTED]@treasury.govt.nz>; [REDACTED] <[REDACTED]@mbie.govt.nz>; [REDACTED] <[REDACTED]@ot.govt.nz>; [REDACTED] <[REDACTED]@mfat.govt.nz>; [REDACTED] <[REDACTED]@parliament.govt.nz>; [REDACTED] <[REDACTED]@customs.govt.nz>; [REDACTED] <[REDACTED]@nema.govt.nz>; [REDACTED] <[REDACTED]@tpk.govt.nz>; [REDACTED] <[REDACTED]@msd.govt.nz>; [REDACTED] <[REDACTED]@health.govt.nz>; [REDACTED] <[REDACTED]@mpp.govt.nz>; [REDACTED] <[REDACTED]@publicservice.govt.nz>; [REDACTED] <[REDACTED]@publicservice.govt.nz>; [REDACTED] <[REDACTED]@education.govt.nz>; [REDACTED] <[REDACTED]@mfe.govt.nz>; [REDACTED] <[REDACTED]@corrections.govt.nz>; [REDACTED] <[REDACTED]@sfo.govt.nz>; [REDACTED] <[REDACTED]@dpmc.govt.nz>; [REDACTED] <[REDACTED]@women.govt.nz>; [REDACTED] <[REDACTED]@nzdf.mil.nz>; [REDACTED] <[REDACTED]@tearawhiti.govt.nz>; [REDACTED] <[REDACTED]@mch.govt.nz>; [REDACTED] <[REDACTED]@health.govt.nz>; [REDACTED] <[REDACTED]@stats.govt.nz>; [REDACTED] <[REDACTED]@acc.co.nz>; [REDACTED] <[REDACTED]@ethniccommunities.govt.nz>; [REDACTED] <[REDACTED]@ero.govt.nz>; [REDACTED] <[REDACTED]@nzta.govt.nz>; [REDACTED] <[REDACTED]@dia.govt.nz>; [REDACTED] <[REDACTED]@whaikaha.govt.nz>; [REDACTED] <[REDACTED]@doc.govt.nz>; [REDACTED] <[REDACTED]@nzte.govt.nz>; [REDACTED] <[REDACTED]@publicservice.govt.nz>; [REDACTED] <[REDACTED]@ird.govt.nz>; [REDACTED] <[REDACTED]@mpi.govt.nz>; [REDACTED] <[REDACTED]@dpmc.govt.nz>; [REDACTED] <[REDACTED]@swa.govt.nz>; [REDACTED] <[REDACTED]@health.govt.nz>; [REDACTED] <[REDACTED]@crownlaw.govt.nz>; [REDACTED] <[REDACTED]@teaho.govt.nz>; [REDACTED] <[REDACTED]@aroturuki.govt.nz>
Subject: Ministry for Regulation Establishment Unit - Expressions of Interest

Kia ora koutou

Further to my email last week about the vacancy for an establishment Chief Executive – we’re now seeking Expressions of Interest for a small team of secondees to assist in getting the new department up and running by 1 March.

We would appreciate your assistance in circulating the attached Expression of Interest advert for the supporting team. This information is also being sent to relevant heads of profession for dissemination in their networks.

The positions are expected to be three to six month secondments, beginning in February 2024. Following the establishment period, there may be longer-term opportunities, which will follow standard recruitment processes.

These opportunities are targeted at existing experienced public servants who can be seconded from their home agencies. Secondments are likely to be on existing terms and conditions.

Prior experience in setting up a new agency and a background in regulatory work would be particularly helpful.

The closing date for expressions of interest is 7 February.

Questions:

If CEs have any questions about the listed roles, please contact [REDACTED], Deputy Commissioner, Strategy & Policy (Public Service Commission), at [REDACTED] [@publicservice.govt.nz](#)

Ngā mihi
[REDACTED]
[REDACTED]

Document 1.2

Te Pou Turuki mō Te Kawa Mataaho | Deputy Public Service Commissioner
Te Kawa Mataaho Public Service Commission

S9(2)(a) | [REDACTED]@publicservice.govt.nz
www.publicservice.govt.nz



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OFFICIAL INFORMATION ACT



Document 1.2

Join the team at the Ministry for Regulation!

Are you ready for a distinctive career opportunity? The Ministry for Regulation is seeking interested individuals to be a part of its establishment team.

About the Ministry: The Ministry for Regulation will strengthen the regulatory management system (RMS) to improve regulatory quality. It will lift quality across all regulatory systems and ensure agencies with regulatory responsibilities follow best practice.

The Ministry's new roles will include:

- evaluating proposals for new regulation.
- carrying out regulatory reviews of specific sectors or regulatory systems that sit across sectors.
- producing omnibus bills to implement the findings of regulatory system reviews.

The Establishment Team: Te Kawa Mataaho | The Public Service Commission is forming a dynamic team that will play a pivotal role in laying the foundation for this new Ministry. As a key member of the team, you will collaborate closely with the acting Chief Executive to establish core processes and systems. All members of this team will be experienced senior level public servants, who will manage an ambiguous and fast-moving environment, while rolling up their sleeves to get the work done. Your contributions will be essential in shaping the initial development of the Ministry.

Duration and commitment: These are likely to be three to six month secondment opportunities, starting during February 2024. Following the establishment period, there may be longer-term opportunities that will follow standard recruitment processes.

We are reaching out across the Public Service to seek interest for the roles of:

Strategy and Policy Lead

- Work with the Minister for Regulation and the acting Chief Executive to confirm the Commission's key functions, mandate and strategy for the future.
- Design an operating model for the newly established Ministry, including the ongoing work programme, organisational structures, and resource implications.
- Collaborate closely with Treasury staff on the proposed Regulatory Standards Bill, ensuring a seamless transition of ongoing work to the new department.
- Identify and recruit talent to support the new Ministry's work programme.

Corporate Lead

- Oversee the smooth transition and continuous provision of HR, Finance, premises, and IT services during the establishment phase.
- Establish all required corporate services for the new Ministry, including recruitment of staff and creating relationships with shared services providers.
- Work with the acting Chief Executive and the Strategy and Policy lead to design and implement the new Ministry's organisational structure.

Document 1.2

People Lead

- Work with the Corporate leader to establish human resource and payroll processes for the new Ministry, including setting up HR delegations, policies and employment agreements.
- Work with other agencies to facilitate the transfer and secondment of staff to meet the needs of the new Ministry, as well as identifying capabilities and sourcing talent from outside the Public Service.
- Support the design and implementation of the new Ministry's organisational structure.

Legal Lead

- Advise on corporate matters in relation to the establishment of the new Ministry, such as shared services agreements and contracts.
- Provide legal insight to inform the Ministry's key functions and mandate.
- Interact with and understand the roles and responsibilities of different actors in regulatory systems.
- Support the drafting and passage of the Regulatory Standards Bill.

Communications and Engagement Lead

- Draft communications for Ministry and Ministerial audiences including the general public, Public Service and public sector.
- Lead engagement planning to inform and support the Ministry's work programme across the range of Ministry stakeholders.

Ministerial Services Lead

- Lead the establishment and execution of ministerial and correspondence processes such as briefings to the Minister, handling written Parliamentary Questions, weekly report to the Minister, management of Ministerial correspondence, Official Information Act and Privacy Act requests with precision and efficiency.
- Work with the corporate leader to establish processes for information and document management.

Private Secretary

- Act as a crucial intermediary between the new Ministry and the office of the Minister for Regulation, facilitating effective communication and collaboration.
- Work with the Ministerial services lead to establish and deliver processes for briefing the Minister, handling Parliamentary Questions, and managing Official Information Act Requests.

Project Coordinator

- Track establishment work across all work streams, and report to the Chief Executive and Minister on progress and risks.
- Provide support to the acting Chief Executive and the establishment unit, ensuring the seamless execution of day-to-day functions.

Document 1.2

How to Apply:

Please send your CV and cover letter to: MinistryforRegulation@publicservice.govt.nz by Wednesday 7 February. Please indicate clearly the role that you are interested in.

If you have any question about the listed roles, please email:

MinistryforRegulation@publicservice.govt.nz

At this stage, opportunities are targeted at existing experienced public servants who can be seconded from their home agencies, and secondments are likely to be on your existing terms and conditions.

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OFFICIAL INFORMATION ACT

From: [Redacted]
To: [DL - Executive Leadership Team](#)
Subject: FW: Update - Ministry for Regulation
Date: Monday, 17 June 2024 9:26:00 am
Attachments: [image002.png](#)
[image001.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

Mōrena koutou

Please see below for your information

Noho ora mai

[Redacted]

[Redacted]
Executive Officer | Pou Herenga
Te Puni Kōkiri, Te Tari Matua



Tauwaea DDI : 0800 875 663 | Waea Pūkoro M : S9(2)(a)
Waea Whakaahua F : 0800 875 329

Te Puni Kōkiri, Te Puni Kōkiri House, 143 Lambton Quay, Wellington 6011, New Zealand
PO Box 3943, Wellington 6140, New Zealand

 Te Puni Kōkiri Website  Kōkiri Magazine  Facebook

From: [Redacted] <[Redacted]@regulation.govt.nz>

Sent: Friday, June 14, 2024 2:52 PM

To: [Redacted] <[Redacted]@dpmc.govt.nz>; [Redacted] <[Redacted]@linz.govt.nz>; [Redacted] <[Redacted]@police.govt.nz>; [Redacted] <[Redacted]@hud.govt.nz>; [Redacted] <[Redacted]@nzsia.govt.nz>; [Redacted] <[Redacted]@kaingaora.govt.nz>; [Redacted] <[Redacted]@kaingaora.govt.nz>; [Redacted] <[Redacted]@treasury.govt.nz>; [Redacted] <[Redacted]@mbie.govt.nz>; [Redacted] <[Redacted]@regulation.govt.nz>; [Redacted] <[Redacted]@customs.govt.nz>; [Redacted] <[Redacted]@nema.govt.nz>; [Redacted] <[Redacted]@tpk.govt.nz>; [Redacted] <[Redacted]@msd.govt.nz>; [Redacted] <[Redacted]@msd.govt.nz>; [Redacted] <[Redacted]@publicservice.govt.nz>; [Redacted] <[Redacted]@mfe.govt.nz>; [Redacted] <[Redacted]@sfo.govt.nz>; [Redacted] <[Redacted]@sfo.govt.nz>; [Redacted] <[Redacted]@dpmc.govt.nz>; [Redacted] <[Redacted]@women.govt.nz>; [Redacted] <[Redacted]@tearawhiti.govt.nz>; [Redacted] <[Redacted]@mch.govt.nz>; [Redacted] <[Redacted]@mch.govt.nz>; [Redacted] <[Redacted]@health.govt.nz>; [Redacted] <[Redacted]@health.govt.nz>; [Redacted] <[Redacted]@stats.govt.nz>; [Redacted] <[Redacted]@ethniccommunities.govt.nz>; [Redacted] <[Redacted]@ethniccommunities.govt.nz>; [Redacted] <[Redacted]@ero.govt.nz>; [Redacted] <[Redacted]@ero.govt.nz>; [Redacted] <[Redacted]@nza.govt.nz>; [Redacted] <[Redacted]@nza.govt.nz>; [Redacted] <[Redacted]@dia.govt.nz>; [Redacted] <[Redacted]@nzte.govt.nz>; [Redacted] <[Redacted]@ird.govt.nz>; [Redacted] <[Redacted]@swa.govt.nz>; [Redacted] <[Redacted]@crownlaw.govt.nz>; [Redacted] <[Redacted]@publicservice.govt.nz>; [Redacted] <[Redacted]@mfat.govt.nz>; [Redacted] <[Redacted]@nzdf.mil.nz>; [Redacted] <[Redacted]@ot.govt.nz>; [Redacted] <[Redacted]@ot.govt.nz>; [Redacted] <[Redacted]@justice.govt.nz>; [Redacted] <[Redacted]@mpp.govt.nz>; [Redacted] <[Redacted]@mpp.govt.nz>; [Redacted] <[Redacted]@mpi.govt.nz>; [Redacted] <[Redacted]@defence.govt.nz>; [Redacted] <[Redacted]@doc.govt.nz>; [Redacted] <[Redacted]@doc.govt.nz>; [Redacted] <[Redacted]@education.govt.nz>; [Redacted] <[Redacted]@transport.govt.nz>; [Redacted] <[Redacted]@gcsb.govt.nz>; [Redacted] <[Redacted]@publicservice.govt.nz>; [Redacted] <[Redacted]@corrections.govt.nz>; [Redacted] <[Redacted]@corrections.govt.nz>; [Redacted] <[Redacted]@health.govt.nz>; [Redacted] <[Redacted]@dpmc.govt.nz>; [Redacted] <[Redacted]@whaikaha.govt.nz>; [Redacted] <[Redacted]@whaikaha.govt.nz>; [Redacted]

Document 1.3

<[redacted]@acc.co.nz> [redacted]@acc.co.nz; [redacted]@tpk.govt.nz> [redacted]
[redacted]@pco.govt.nz; [redacted]@linz.govt.nz>
Cc: [redacted]@dpmc.govt.nz; [redacted]
[redacted]@publicservice.govt.nz>
Subject: Update - Ministry for Regulation

Some people who received this message don't often get email from [redacted]@regulation.govt.nz. [Learn why this is important](#)

Kia ora koutou,

Thanks for your time yesterday at PSLT. It was good to have the chance to give you an update on the new Ministry.

Here is a summary of what I covered:

Key facts

- The Ministry for Regulation is a new central Government agency, legally established on 1 March 2024 through an Order in Council and following a Cabinet Process.
- The Ministry is currently in its establishment phase. We are just over three months old.
 - The Ministry will have four key functions:
 - Ensure the quality of new regulation,
 - Improve the functioning of existing regulatory systems,
 - Raise the capability of those who design and operate regulatory systems, and
 - Provide continuous and enduring improvements to the regulatory management system.
- As at 13 June, the Ministry had 47 employees (including my establishment role, permanent staff who have come from Treasury (Regulatory Stewardship Management Team) and MBIE (G-Reg), secondees, fixed term staff and some short term contractors). Thank you to those of you who have supported us with staff – it's much appreciated.
- The Ministry will have a budget in Year one of \$16 million. This is a mixture of existing appropriations, and new funding.
- On 7 June, all current Ministry staff were invited to participate in consultation on a proposed permanent structure. We expect final decisions will be made before 1 July.
- We will begin to advertise for DCE and other roles in July.
- The Ministry is currently based in the Reserve Bank Building, co-located within Te Kawa Mataaho | Public Service Commission.
- We have an interim website www.regulation.govt.nz and a LinkedIn page [Ministry for Regulation: LinkedIn](#)

Our progress to date

- Our set-up has gone well – we've met all our milestones to date.
- Minister Seymour has [announced](#) a regulatory review of the ECE sector, and along with Ministers Hoggard and Simmonds has also [announced](#) the intention to do a regulatory review into the approval process for new agricultural and horticultural products.
- We are taking a very collaborative approach in our work. I would like to acknowledge [redacted] at PCO, [redacted] and their teams at Education and ERO, [redacted] at Environment, and [redacted] at Primary Industries. Thanks for your ongoing support.

Document 1.3

- We are providing Minister Seymour advice on what could be a Regulatory Standards Bill. Engagement across relevant agencies to test and shape the advice has been going well. Once again, thank you for your support.
- We welcome the opportunity to be consulted for a range of papers/policy projects, but as we are in establishment phase, and still building our capability and capacity, we are having to prioritise.
- We are beginning to map, track and analyse the wide range of announcements being made across government regarding regulation, to help build a picture of what that might mean across the system.

Opportunities

Being a new Ministry, we have many opportunities ahead. First and foremost, we want to set ourselves up for success - creating great relationships, building trust and confidence in not only what we do but how we do it, and ensuring we work in a collaborative way right across the system. We'll be small, and the only way we'll achieve sustainable impact and change is by working collectively with you all. Thank you for the support you've given me and the Ministry so far.

Our regulatory review team have both long and short-term goals ahead. We anticipate the current regulatory sector reviews to take six months to complete. In the shorter term, we will be focusing on identifying and addressing burdensome regulatory issues – things that waste people's time and hinder progress. Your agencies may have some of these types of issues awaiting attention – and we're keen to hear about them. We may be able to assist in tackling the issues quickly and finding satisfactory resolution. I encourage you to get in touch with the team at reviews@regulation.govt.nz.

We are also keen to work with your teams on opportunities to streamline and support the processes for maintenance legislation. We understand the challenges associated with getting maintenance legislation across the line and want to assist you to make it easier.

I know many of you are or will soon be working on regulatory reform, including maintenance. Again, I encourage you to connect with us early, so we can support you in any way necessary, and help you make the progress required.

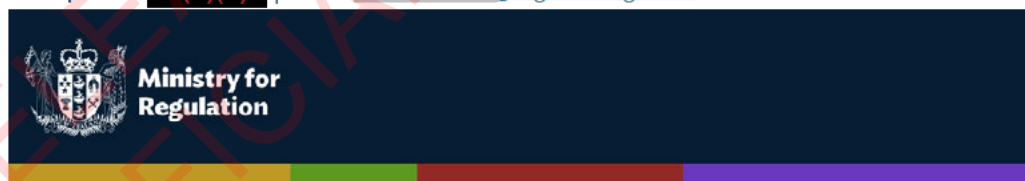
Finally, we'll have a range of permanent roles going to market in the next few weeks, including DCE roles. We will be sharing these opportunities, and I encourage you to pass them on to anyone you think might be a good fit. I'm always keen to know about potential talent.

Don't hesitate to contact me on this email or hello@regulation.govt.nz

Ngā mihi ki a koutou,

Chief Executive | Te Tumu Whakahaere

waea pūkoro: **S9(2)(a)** | imēra: [@regulation.govt.nz](mailto: @regulation.govt.nz)



Ministry for Regulation

Confidentiality notice: This email may be confidential or legally privileged. If you have received it by mistake, please tell the sender immediately by reply, remove this email and the reply from your system, and don't act on it in any other way. Ngā mihi.

8 November 2024

Te Minita Whanaketanga Māori

Omnibus briefings: Cabinet and Cabinet Committees

Te Puni Kōkiri contact: [redacted] Deputy-Secretary, Policy Partnerships
Phone: S9(2)(a) [redacted]

Date:	08 November 2024	Number:	31
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Minister	Action Sought	Timeframe
Minister for Māori Development	Note the information and policy implications of attached briefs	11 November 2024

Cabinet

1. There are three papers available to Te Puni Kōkiri for the agenda for the Cabinet meeting on Monday 11 November.
2. Below are the papers for the Cabinet Committees that have been identified as having specific impact on, or opportunity for, Māori development and wellbeing.

Cabinet – Monday 11 November 2024			
<i>Paper Title</i>	<i>Portfolio</i>	<i>Recommendation</i>	<i>Notes</i>
Out of scope [redacted]	[redacted]	[redacted]	
Proposed Approach to the Regulatory Standards Bill: Release of Discussion Document	Regulation	Agree to the recommendations.	
Out of scope [redacted]	[redacted]	[redacted]	[redacted]

Cabinet
Proposed Approach to the Regulatory Standards Bill: Release of Discussion Document
Key issues (including implications for Māori)

1. The ACT-National Coalition agreement committed to passing the Regulatory Standards Act as soon as practicable.
2. The Minister of Regulations paper seeks Cabinet approval to release a discussion document on the proposed Regulatory Standards Bill. The Bill includes the following proposals:
 - i. the principles of responsible regulation to be included in the Bill, which are based off those in the 2021 Regulatory Standards Bill, amended to better align with broadly accepted principles and practices;
 - ii. consistency mechanisms requiring new regulatory proposals (and, after a grace period, existing regulations) to be assessed for consistency with the principles, with Ministers required to make a formal statement explaining why regulations that are not consistent with the principles should proceed/continue in force;
 - iii. the establishment of a Regulatory Standards Board, with powers to hear complaints about the inconsistency of regulations with the principles, and deliver non-binding findings in relation to those complaints;
 - iv. duties on agencies to regularly review and maintain legislation for which they are responsible, and a requirement that agencies develop and report against plans for undertaking these reviews; and
 - v. new powers for the Ministry for Regulation, to compel agencies to provide information to support regulatory reviews.

Te Tautuhi-ō-Rongo considerations

3. The provisions that are proposed to be contained in the Bill focus on the setting and application of selected standards for good law-making, legislative design, and regulatory stewardship. These provisions will have the potential to impact Māori rights and interests, along with the broader Māori-Government relationship. The paper notes that the absence of a specific reference to the Treaty in the Bill may raise risks, including the potential for a claim to be made to the Waitangi Tribunal.
4. The paper provides an approach for engagement and consultation. It proposes targeted engagement via a discussion document that includes drafted regulatory principles, along with other preferred policy positions.
5. The targeted engagement includes Iwi and Māori engagement, and the paper contains an indicative list of organisations that the Ministry intends to consult with.

Recommended action

6. **Agree** with the recommendations in the paper.

Te Puni Kōkiri involvement

7. Te Puni Kōkiri were consulted with on the development of this paper.

2 May 2025

Te Minita Whanaketanga Māori

Omnibus briefings: Cabinet and Cabinet Committees

Te Puni Kōkiri contact: [REDACTED] Deputy-Secretary, Policy Partnerships
Phone: **S9(2)(a)**

Date:	Friday 2 May 2025	Number:	11
--------------	--------------------------	----------------	-----------

Minister	Action Sought	Timeframe
Minister for Māori Development	Note the information and policy implications of attached briefs	Monday 5 May 2025

Cabinet

1. There is one paper on the agenda for the Cabinet meeting on 5 May 2025 which is available to Te Puni Kōkiri.
2. Below are the papers for the Cabinet Committees that have been identified as having specific impact on, or opportunity for, Māori development and wellbeing.

Cabinet – Monday 5 May 2025			
<i>Paper Title</i>	<i>Portfolio</i>	<i>Recommendation</i>	<i>Notes</i>
Progressing a Regulatory Standards Bill: Policy Approvals	Regulation	S9(2)(g)(i) [REDACTED]	



Cabinet – Monday 5 May 2025

Paper Title	Portfolio	Recommendation	Notes
		S9(2)(g)(i) [REDACTED]	
Out of scope [REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Out of scope [REDACTED]

[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED] [REDACTED] [REDACTED]	

Ao Māori and

Out of scope [REDACTED]			
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
		[REDACTED]	

Cabinet Committee – CABINET

Progressing a Regulatory Standards Bill: Policy Approvals
--

Key issues (including implications for Iwi and Māori)

1. The Regulatory Standards Bill aims to reduce unnecessary and poor regulation by increasing transparency and clarifying where legislation does not meet standards. The Bill also seeks to strengthen regulatory quality by supporting the Ministry for Regulation | Te Manatū Waeture in its regulatory oversight role and increasing the powers of the Minister for Regulation.
2. Approximately 88% of the total 23,000 submissions were opposed, 11% were neutral, and less than 1% supported the Bill. Despite the opposition, the Minister for Regulation has decided to proceed with a substantially similar approach to the one set out in the discussion document.
3. The coalition's commitment to passing a Regulatory Standards Act could be met by enacting legislation that respects the diverse range of perspectives and values held by New Zealanders, including those of Iwi, Hapū, and Māori, and does not elevate the values of some New Zealanders above those of others. The proposals in the Cabinet Paper achieve this objective, as reflected in the proportion of submissions opposing the Bill.
4. The Bill does not recognise the rights and interests of Iwi, Hapū, and Māori recognised or created by the Treaty/te Tiriti, nor the constitutional importance of the Treaty/te Tiriti.
5. The requirements for the review of most proposed secondary legislation and the power for the Minister for Regulation to recommend review of classes of existing secondary legislation would impose a significant resourcing and cost burden on the public service and the Crown and other makers of secondary legislation. It would also impair the Government's ability to achieve its other priorities.

Te Tautuhi-ō-Rongo considerations

6. **Rangatiratanga and Quality partnership and participation** - The provisions proposed in the Bill have the potential to impact Iwi, Hapū, and Māori rights and interests, along with the broader relationship between Iwi and Māori and the Crown. No Iwi or Hapū submitters on the discussion document either supported or partially supported the proposed approach in the Bill.

s9(2)(g)(i)

[REDACTED]

[REDACTED]

[REDACTED]



S9(2)(g)(i)

[REDACTED]

Te Puni Kōkiri involvement

17. Te Puni Kōkiri officials have provided strong feedback to the Ministry for Regulation as proposals related to the Bill have developed, highlighting matters important for enabling better outcomes for Iwi, Hapū, and Māori as citizens.



Te Puni Kōkiri
MINISTRY OF MĀORI DEVELOPMENT

IN CONFIDENCE

Te Puni Kōkiri - Pūrongo ā-Wiki

Weekly Report

To: Minister for Māori Development, Minister for Whānau Ora & Minister for Māori Crown Relations

Week commencing: 19/05/2025
Prepared: 15/05/2025
TPK Ref: 72320

Signed:



Hautū, Te Puni Tapatahi

Date: 15/ 05 / 2025

Noted:

Hon Tama Potaka

Te Minita Whanaketanga Māori
Te Minita mō Whānau Ora
Te Minita mō Te Arawhiti

Date: _____ / _____ /2025_____

Document 1.15

2.4 Written Parliamentary Questions

2.4.1 Māori Development

Updated as at 15 Haratua 2025.

Received	Reference	Member	Subject	Status
[REDACTED]	[REDACTED]	[REDACTED]	out of scope [REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
14/05/2025	23063 (2025)	Francisco Hernandez	How, if at all, does the Minister believe that the passage of a Regulatory Standards Bill would affect the quality of regulation and outcomes within their portfolio area?	Lodge: 22/05/2025
14/05/2025	23067 (2025)	Francisco Hernandez	What advice, if any, has the Minister received on the implications to their portfolio of a Regulatory Standards Bill, listed by title and date?	Lodge: 22/05/2025
14/05/2025	23068 (2025)	Francisco Hernandez	What advice, if any, has the Minister sought on the implications to their portfolio of a Regulatory Standards Bill?	Lodge: 22/05/2025

2.4.2 Whānau Ora

Received	Reference	Requester	Subject	Status
[REDACTED]	[REDACTED]	[REDACTED]	out of scope [REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
14/05/2025	23122 (2025)	Francisco Hernandez	How, if at all, does the Minister believe that the passage of a Regulatory Standards Bill would affect the quality of regulation and outcomes within their portfolio area?	Lodge: 22/05/2025
14/05/2025	23123 (2025)	Francisco Hernandez	What advice, if any, has the Minister received on the implications to their portfolio of a Regulatory Standards Bill, listed by title and date?	Lodge: 22/05/2025
14/05/2025	23124 (2025)	Francisco Hernandez	What advice, if any, has the Minister sought on the implications to their portfolio of a Regulatory Standards Bill?	Lodge: 22/05/2025

Document 1.15

2.4.3 Māori Crown Relations

Received	Reference	Requester	Subject	Status
[REDACTED]	[REDACTED]	[REDACTED]	out of scope [REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
14/05/2025	23060 (2025)	Francisco Hernandez	How, if at all, does the Minister believe that the passage of a Regulatory Standards Bill would affect the quality of regulation and outcomes within their portfolio area?	Lodge: 22/05/2025
14/05/2025	23064 (2025)	Francisco Hernandez	What advice, if any, has the Minister received on the implications to their portfolio of a Regulatory Standards Bill, listed by title and date?	Lodge: 22/05/2025
14/05/2025	23065 (2025)	Francisco Hernandez	What advice, if any, has the Minister sought on the implications to their portfolio of a Regulatory Standards Bill?	Lodge: 22/05/2025



Te Puni Kōkiri
MINISTRY OF MĀORI DEVELOPMENT

Te Puni Kōkiri, Te Puni Kōkiri House, 143 Lambton Quay, PO Box 3943, Wellington, New Zealand
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TE PUNI KŌKIRI FAX)
WEB [Te Puni Kōkiri.govt.nz](http://TePuniKokiri.govt.nz), **FACEBOOK** facebook.com/tepunikokiri

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Te Puni Kōkiri - Pūrongo ā-Wiki

Weekly Report

To: Minister for Māori Development, Minister for Whānau Ora & Minister for Māori Crown Relations

Week commencing: 26/05/2025
Prepared: 22/05/2025
TPK Ref: 72360

Signed:



Hautū, Te Puni Tapatahi

Date: 22/ 05 / 2025

Noted:

Hon Tama Potaka

Te Minita Whanaketanga Māori
Te Minita mō Whānau Ora
Te Minita mō Te Arawhiti

Date: _____ / _____ /2025_____

2.4 Written Parliamentary Questions

2.4.1 Māori Development

Updated as at 22 Haratua 2025.

Received	Reference	Member	Subject	Status
14/05/2025	23063 (2025)	Francisco Hernandez	How, if at all, does the Minister believe that the passage of a Regulatory Standards Bill would affect the quality of regulation and outcomes within their portfolio area?	Lodge: 22/05/2025
14/05/2025	23067 (2025)	Francisco Hernandez	What advice, if any, has the Minister received on the implications to their portfolio of a Regulatory Standards Bill, listed by title and date?	Lodge: 22/05/2025
14/05/2025	23068 (2025)	Francisco Hernandez	What advice, if any, has the Minister sought on the implications to their portfolio of a Regulatory Standards Bill?	Lodge: 22/05/2025
[REDACTED]	[REDACTED]	[REDACTED]	out of scope [REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Document 1.19

2.4.2 Whānau Ora

Received	Reference	Requester	Subject	Status
14/05/2025	23122 (2025)	Francisco Hernandez	How, if at all, does the Minister believe that the passage of a Regulatory Standards Bill would affect the quality of regulation and outcomes within their portfolio area?	Lodge: 22/05/2025
14/05/2025	23123 (2025)	Francisco Hernandez	What advice, if any, has the Minister received on the implications to their portfolio of a Regulatory Standards Bill, listed by title and date?	Lodge: 22/05/2025
14/05/2025	23124 (2025)	Francisco Hernandez	What advice, if any, has the Minister sought on the implications to their portfolio of a Regulatory Standards Bill?	Lodge: 22/05/2025
[REDACTED]	[REDACTED]	[REDACTED]	out of scope [REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Document 1.19

2.4.3 Māori Crown Relations

Received	Reference	Requester	Subject	Status
14/05/2025	23060 (2025)	Francisco Hernandez	How, if at all, does the Minister believe that the passage of a Regulatory Standards Bill would affect the quality of regulation and outcomes within their portfolio area?	Lodge: 22/05/2025
14/05/2025	23064 (2025)	Francisco Hernandez	What advice, if any, has the Minister received on the implications to their portfolio of a Regulatory Standards Bill, listed by title and date?	Lodge: 22/05/2025
14/05/2025	23065 (2025)	Francisco Hernandez	What advice, if any, has the Minister sought on the implications to their portfolio of a Regulatory Standards Bill?	Lodge: 22/05/2025
[REDACTED]	[REDACTED]	[REDACTED]	out of scope [REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]



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TE PUNI KŌKIRI FAX)
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TPK Ref	Date Rec'd	Date Due	Request Type	Incoming Requests Thu, 22 May 2025	Manager	Final Signoff	Minister
				out of scope			
72412	22/05/2025	29/05/2025	Aide Memoire	Wai 3470 - the Regulatory Standards Bill Urgent Inquiry interim report release	TBA		MfMD

Information contained in this document must not be forwarded or shared outside of Te Puni Kōkiri

TPK Ref	Date Rec'd	Date Due	Request Type	Incoming Requests Thu, 22 May 2025	Manager	Final Signoff	Minister
50441	21/05/2025	19/06/2025	OIA	Request for information in regard to the proposed Regulatory Standards Bill			

TPK Ref	Request Type	Outgoing Advice (sent) on Thu, 22 May 2025	Manager	ELT Signoff	Date Due	Minister
60962	Written PQ	WPQ 23124 (2025) What advice, if any, has the Minister sought on the implications to their portfolio of a Regulatory Standards Bill?			20/05/2025	MfWO
60957	Written PQ	WPQ 23060 (2025) How, if at all, does the Minister believe that the passage of a Regulatory Standards Bill would affect the quality of regulation and outcomes within their portfolio area?			20/05/2025	MfMCR
		out of scope				
60961	Written PQ	WPQ 23123 (2025) What advice, if any, has the Minister received on the implications to their portfolio of a Regulatory Standards Bill, listed by title and date?			22/05/2025	MfWO

TPK Ref	Request Type	Outgoing Advice (sent) on Thu, 22 May 2025	Manager	ELT Signoff	Date Due	Minister
60960	Written PQ	WPQ 23122 (2025) How, if at all, does the Minister believe that the passage of a Regulatory Standards Bill would affect the quality of regulation and outcomes within their portfolio area?	[REDACTED]	[REDACTED]	22/05/2025	MfWO
60959	Written PQ	WPQ 23065 (2025) What advice, if any, has the Minister sought on the implications to their portfolio of a Regulatory Standards Bill?	[REDACTED]	[REDACTED]	22/05/2025	MfMCR
60958	Written PQ	WPQ 23064 (2025) What advice, if any, has the Minister received on the implications to their portfolio of a Regulatory Standards Bill, listed by title and date?	[REDACTED]	[REDACTED]	22/05/2025	MfMCR
60956	Written PQ	WPQ 23068 (2025) What advice, if any, has the Minister sought on the implications to their portfolio of a Regulatory Standards Bill?	[REDACTED]	[REDACTED]	22/05/2025	MfMD
60954	Written PQ	WPQ 23063 (2025) How, if at all, does the Minister believe that the passage of a Regulatory Standards Bill would affect the quality of regulation and outcomes within their portfolio area?	[REDACTED]	[REDACTED]	22/05/2025	MfMD
[REDACTED]	[REDACTED]	out of scope [REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
60955	Written PQ	WPQ 23067 (2025) What advice, if any, has the Minister received on the implications to their portfolio of a Regulatory Standards Bill, listed by title and date?	[REDACTED]	[REDACTED]	23/05/2025	MfMD

Project	Responsible Agency
out of scope [Redacted]	[Redacted]
[Redacted]	[Redacted]
Regulatory Standards Bill	Ministry for Regulation
out of scope [Redacted]	[Redacted]
out of scope [Redacted]	[Redacted]
[Redacted]	[Redacted]

<p>Status</p> <p>out of scope</p> <p>[REDACTED]</p>
<p>1. Cabinet approved policy decisions for the Regulatory Standards Bill on 5 May 2025.</p> <p>2. An urgent Waitangi Tribunal hearing was held on the Bill. The Waitangi Tribunal found the Crown's actions in developing the Bill without consultation to be a breach specifically of the principles of partnership and active protection.</p>
<p>out of scope</p> <p>[REDACTED]</p>

Document 2.18

From: [redacted]
To: [redacted]
Cc: [redacted]
Subject: RE: Proposed Regulatory Standards Bill: initial findings from public consultation and possible next steps
Date: Friday, 21 February 2025 2:52:00 pm
Attachments: [image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)
[image010.png](#)

Kia ora [redacted]

Thank you for making the connections and [redacted] you have reached the right place. [redacted] our General Manager Policy will be the best person to connect with on this and fortunately [redacted] will be in [redacted] area, alongside [redacted]

Monday is very busy for us all as we welcome our new kaimahi joining Te Puni Kōkiri. However, if you connect with [redacted] to see if he has time to kōrero that would be great. Otherwise that you are already connected with [redacted] anyway should suffice for now.

Noho ora mai

<p>[redacted] Hautū Te Puni Kaupapa Here Deputy Secretary Policy Te Puni Kōkiri</p>	<p>Tauwaea DDI : [redacted] Waea Pūkoro M : S9(2)(a) Waea Whakaahua F : 0800 875 329</p>
 <p>Te Puni Kōkiri <small>MINISTRY OF MĀORI DEVELOPMENT</small></p>	<p>Te Puni Kōkiri, Te Puni Kōkiri House, 143 Lambton Quay, Wellington 6011, New Zealand PO Box 3943, Wellington 6140, New Zealand</p> <p>  Te Puni Kōkiri Website  Kōkiri Magazine  Facebook </p>

From: [redacted] <[redacted]@regulation.govt.nz>
Sent: Thursday, 20 February 2025 6:21 pm
To: [redacted] <[redacted]@tearawhiti.govt.nz>; [redacted] <[redacted]@tpk.govt.nz>; [redacted] <[redacted]@tpk.govt.nz>
Cc: [redacted] <[redacted]@regulation.govt.nz>; [redacted] <[redacted]@regulation.govt.nz>; [redacted] <[redacted]@regulation.govt.nz>; [redacted] <[redacted]@tearawhiti.govt.nz>; Papers2review@tearawhiti.govt.nz
Subject: RE: Proposed Regulatory Standards Bill: initial findings from public consultation and possible next steps

You don't often get email from [redacted] <[redacted]@regulation.govt.nz>. [Learn why this is important](#)

IN-CONFIDENCE

Kia ora [redacted]

First of all, many thanks for turning around your really helpful and constructive comments in very short timeframes. I'm very appreciative.

Attached is the updated briefing that went to the Minister today.

We really appreciated all your helpful feedback in the very short timeframe which we carefully considered and worked to reflect throughout the paper, as appropriate. You will also see that we added further information in the Annex around an option for the Ministry to provide further ministerial advice around:

- recognising and providing for appropriate, meaningful, and effective engagement and participation for Māori, iwi and hapū across the Bill, including as part of the principle relating to good law making and the

proposed regulatory review process

- ensuring customary rights and interests are honoured and upheld in the Bill, including how the principle relating to property rights is intended to apply to Māori land interests and customary rights (including those recognised under the Marine and Coastal Area (Takutai Moana) Act 2011).

We are currently planning for a second briefing to the Minister for next Thursday seeking in-principle decisions to inform drafting of the Bill. Given the transfer of functions we will be looking to email a draft to

██████████@tpk.govt.nz on Monday afternoon again with feedback sought by COP Tuesday.

██████████@tpk.govt.nz would it be helpful for me to meet with you on Monday to discuss our work in further detail? Please note we are also connecting with ██████████ and her team.

Feel free to get in touch if you have any questions or concerns.

Ngā mihi nui

██████████

██████████
Principal Advisor, Policy and Strategy Team
Ministry for Regulation
imēra: ██████████@regulation.govt.nz



IN-CONFIDENCE

From: ██████████@tearawhiti.govt.nz>
Sent: Tuesday, 18 February 2025 2:35 pm
To: ██████████@regulation.govt.nz>
Cc: ██████████@regulation.govt.nz>; ██████████@regulation.govt.nz>; ██████████@regulation.govt.nz>; ██████████@regulation.govt.nz>; ██████████@tearawhiti.govt.nz>; Papers2review@tearawhiti.govt.nz
Subject: RE: Proposed Regulatory Standards Bill: initial findings from public consultation and possible next steps

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Kia ora ██████████

Please see Te Arawhiti's comments on the draft briefing attached.

██████████ and I are both transferring to Te Puni Kōkiri next week as part of the transfer of some Te Arawhiti functions to Te Puni Kōkiri. From Monday, please engage in the first instance with ██████████@tpk.govt.nz) regarding who at Te Puni Kōkiri will be undertaking policy work in relation to the functions transferring.

Following the transfer, Te Arawhiti will retain responsibility for providing policy advice in relation to impacts on:

- takutai moana rights and interests (including rights and interests under Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019); and

- the resolution of outstanding historical Treaty claims.

In the first instance please contact [redacted]@tearawhiti.govt.nz) regarding who at Te Arawhiti can assist with particular work. Please also copy any emails to Papers2review@tearawhiti.govt.nz.

Ngā mihi

[redacted]



PRINCIPAL ADVISOR

CEL: S9(2)(a) DD: [redacted]

WEB: tearawhiti.govt.nz

The Office for Māori Crown Relations – Te Arawhiti

Level 2, Justice Centre, 19 Aitken Street, SX10111, Wellington 6011

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From: [redacted]@regulation.govt.nz>

Sent: Monday, February 17, 2025 2:41 PM

To: [redacted]@tearawhiti.govt.nz>; [redacted]@tpk.govt.nz>; [redacted]

[redacted]@tpk.govt.nz>; [redacted]@tpk.govt.nz>; [redacted]

[redacted]@tpk.govt.nz>; [redacted]@tpk.govt.nz>; [redacted]

[redacted]@justice.govt.nz>; [redacted]@justice.govt.nz>; [redacted]

[redacted]@tearawhiti.govt.nz>; [redacted]@tpk.govt.nz>

Cc: [redacted]@regulation.govt.nz>; [redacted]@regulation.govt.nz>;

[redacted]@regulation.govt.nz>; [redacted]@regulation.govt.nz>

Subject: Proposed Regulatory Standards Bill: initial findings from public consultation and possible next steps

IN-CONFIDENCE

Kia ora koutou

Please find attached our draft briefing on initial findings on the feedback from public consultation on the proposed Regulatory Standards Bill – in particular the briefing and Annex 2 of the attached.

Please note this is still very much a work in progress – particularly Annex 1, which is our initial summary of submissions. We have not yet received the quantitative analysis from our provider (hence all the missing numbers), and we have only managed to tag around a third of what we've defined as 'substantive' submissions so far, so Annex 1 may change a fair bit between now and when the briefing is due.

As previously signalled, it would be great to have any feedback on this briefing by close of play tomorrow so we can reflect it in the final – sincere apologies for the quick turnaround.

On a further note, I'm also mindful that there are some changes in functions happening next week between Te Arawhiti and Te Puni Kokiri. Can I please confirm that you are still the correct contacts

going forward and whether there are others that I should also start connecting with?

As always, feel free to contact me directly to discuss if that's helpful. I'm happy to have a chat either on teams or by phone **S9(2)(a)**

Hei konā mai


Principal Advisor, Policy and Strategy Team
Ministry for Regulation
imēra: @regulation.govt.nz



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Document 2.19

From: [redacted]
To: [redacted]
Subject: FYI: Proposed Regulatory Standards Bill: initial findings from public consultation and possible next steps
Date: Sunday, 23 February 2025 5:56:00 pm
Attachments: [image005.png](#)
[image006.png](#)
[image007.png](#)
[MFR2025-026_Regulatory_Standards_Bill_Initial_findings_from_public_consultation..UPDATED.pdf](#)
[image001.png](#)
[image002.png](#)
[image003.png](#)
[image008.png](#)

Noho ora mai

[redacted]

[redacted]
Hautū Te Puni Kaupapa Here
Deputy Secretary Policy
Te Puni Kōkiri



Tauwaea DDI: [redacted] *Waea Pūkoro M:* S9(2)(a)
Waea Whakaahua F: 0800 875 329

Te Puni Kōkiri, Te Puni Kōkiri House, 143 Lambton Quay, Wellington 6011, New Zealand
PO Box 3943, Wellington 6140, New Zealand

 [Te Puni Kōkiri Website](#)  [Kōkiri Magazine](#)  [Facebook](#)

From: [redacted]@regulation.govt.nz>
Sent: Friday, 21 February 2025 4:50 pm
To: [redacted]@tearawhiti.govt.nz>; [redacted]@tpk.govt.nz>; [redacted]@tpk.govt.nz>
Cc: [redacted]@regulation.govt.nz>; [redacted]@regulation.govt.nz>; [redacted]@regulation.govt.nz>; [redacted]@tearawhiti.govt.nz>; [redacted]@regulation.govt.nz>; [redacted]@regulation.govt.nz>
Subject: RE: Proposed Regulatory Standards Bill: initial findings from public consultation and possible next steps

IN-CONFIDENCE

Kia ora koutou

Please find attached an updated briefing that went to the Minister today - please disregard the previous version.

We're as yet unsure how this will impact on next steps and our previously proposed timeframes. We will aim to update you on Monday.

If you have any questions, please feel free to call me.

Hei konā mai

[redacted]
Lead Advisor
Regulatory Strategy
waea pūkoro: S9(2)(a)

Document 2.21

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: FW: Proposed Regulatory Standards Bill: initial findings from public consultation and possible next steps
Date: Wednesday, 26 February 2025 12:14:12 pm
Attachments: [Initial findings from public consultation and possible next steps.docx](#)
[image001.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

Kia ora kōrua

The email below records our feedback to the Ministry of Regulation additionally our tracked changes are in the attached.

The Ministry have set up a meeting at 3:30pm today with ourselves and MOJ to discuss their current paper you received in an earlier email. We note that the paper includes ministerial direction to proceed on the basis of a substantially similar proposal to the one set out in the discussion document (para 9).

For background context public consultation yielded 23,000 submissions which are still being analysed.

Ngā mihi, nā

<p>[REDACTED] Policy Manager, Māori Sector Partnerships</p>	<p>Tauwaea ODI : + [REDACTED] Waea Pūkoro M : S9(2)(a) Waea Whakaahua F : 0800 875 329</p> <hr/> <p>Te Puni Kōkiri, Te Puni Kōkiri House, 143 Lambton Quay, Wellington 6011, New Zealand PO Box 3943, Wellington 6140, New Zealand</p> <hr/> <p> Te Puni Kōkiri Website  Kōkiri Magazine  Facebook</p>
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From: [REDACTED] <[REDACTED]@tpk.govt.nz>
Sent: Tuesday, 18 February 2025 3:43 pm
To: [REDACTED] <[REDACTED]@regulation.govt.nz>; [REDACTED] <[REDACTED]@tearawhiti.govt.nz>; [REDACTED] <[REDACTED]@tpk.govt.nz>; [REDACTED] <[REDACTED]@tpk.govt.nz>; [REDACTED] <[REDACTED]@tpk.govt.nz>; [REDACTED] <[REDACTED]@justice.govt.nz>; [REDACTED] <[REDACTED]@justice.govt.nz>; [REDACTED] <[REDACTED]@tearawhiti.govt.nz>; [REDACTED] <[REDACTED]@tpk.govt.nz>
Cc: [REDACTED] <[REDACTED]@regulation.govt.nz>; [REDACTED] <[REDACTED]@regulation.govt.nz>; [REDACTED] <[REDACTED]@regulation.govt.nz>; [REDACTED] <[REDACTED]@regulation.govt.nz>
Subject: RE: Proposed Regulatory Standards Bill: initial findings from public consultation and possible next steps

Kia ora [REDACTED]

Thank you for the opportunity to comment on your draft briefing on initial findings on the feedback from public consultation on the proposed Regulatory Standards Bill.

Our specific feedback is tracked in the attached document for your consideration, but here are our key points:

- The paper outlines significant concerns raised during consultation about key aspects of the proposal and provides free and frank advice on the importance of addressing them.

However, we strongly recommend advising the Minister on not making any ministerial decisions

and not seeking Cabinet decisions until he considers full analysis of the issues raised and all appropriate options to address them.

- Consultation is only genuine and effective if officials take sufficient time to consider the issues raised by that consultation
- For this reason, we suggest the following recommendation should be identified as your “preferred” recommended option:
 - “agree that the Ministry should provide you with further detailed advice that could help address these concerns in the following areas...”
- The paper needs to highlight the major risks associated with the following recommendation:
 - “direct the Ministry to proceed on the basis of a substantively similar proposal to the one in the discussion document”
- We suggest adding a separate section to highlight the major risks, including progressing it without properly addressing the issues raised and the risk of undeveloped policy requiring policy decisions to be made during the drafting process.
- Even if the Minister did not agree previously to the inclusion of Treaty principle, the Ministry should provide further advice on this because of the request from many submitters that this be included and because of the risks of not including it.
- There are some issues or suggestions raised by submitters that the Ministry has not provided advice on yet, such as suggestions of Māori consultation requirements or representation on the proposed Regulatory Standards Board
- To highlight the issues, the briefing could refer to particular substantive submissions the Ministry has already reviewed, particularly those from knowledgeable and representative bodies. These should include the New Zealand Law Society submission, and any submission from Te Hunga Roia Māori o Aotearoa and bodies representative of iwi and/or Māori.
- Some of the issues raised during this public consultation were also raised during agency consultation. This briefing also needs to reflect the feedback we previously provided, particularly the lack of consultation, for example recognising and providing for te Tiriti o Waitangi/the Treaty of Waitangi, safeguarding Māori rights and interests, and undertaking proper engagement with Māori and considering their feedback in any decision making.
- Not including provision for meaningful and effective participation and engagement for Māori could undermine the Māori Crown relationship, risk undermining the partnership principle, and lead to poorer quality legislation if Māori interests are not adequately addressed in regulatory quality assessments.

Please note these are our initial thoughts on your initial findings. We look forward to reviewing the final analysis of all submissions received and the options considered to address the key issues raised in those submissions. We consider this should happen before any decisions are made on progressing this draft Bill.

Please let us know if you have any questions or need clarification.

Ngā mihi

Te Puni Kōkiri, Te Puni Kōkiri House, 143 Lambton Quay, Wellington 6011, New Zealand
PO Box 3943, Wellington 6140, New Zealand



Te Puni Kōkiri Website



Kōkiri Magazine



Facebook

From: [redacted]@regulation.govt.nz>

Sent: Monday, 17 February 2025 2:41 pm

To: [redacted]@tearawhiti.govt.nz>; [redacted]@tpk.govt.nz>; [redacted]@tpk.govt.nz>; [redacted]@tpk.govt.nz>; [redacted]@tpk.govt.nz>; [redacted]@tpk.govt.nz>; [redacted]@justice.govt.nz>; [redacted]@justice.govt.nz>; [redacted]@tearawhiti.govt.nz>; [redacted]@tpk.govt.nz>

Cc: [redacted]@regulation.govt.nz>; [redacted]@regulation.govt.nz>; [redacted]@regulation.govt.nz>

Subject: Proposed Regulatory Standards Bill: initial findings from public consultation and possible next steps

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Kia ora koutou

Please find attached our draft briefing on initial findings on the feedback from public consultation on the proposed Regulatory Standards Bill – in particular the briefing and Annex 2 of the attached.

Please note this is still very much a work in progress – particularly Annex 1, which is our initial summary of submissions. We have not yet received the quantitative analysis from our provider (hence all the missing numbers), and we have only managed to tag around a third of what we've defined as 'substantive' submissions so far, so Annex 1 may change a fair bit between now and when the briefing is due.

As previously signalled, it would be great to have any feedback on this briefing by close of play tomorrow so we can reflect it in the final – sincere apologies for the quick turnaround.

On a further note, I'm also mindful that there are some changes in functions happening next week between Te Arawhiti and Te Puni Kokiri. Can I please confirm that you are still the correct contacts going forward and whether there are others that I should also start connecting with?

As always, feel free to contact me directly to discuss if that's helpful. I'm happy to have a chat either on teams or by phone (S9(2)(a))

Hei konā mai

[redacted]
Principal Advisor, Policy and Strategy Team
Ministry for Regulation
imēra: [redacted]@regulation.govt.nz



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Briefing Paper
MFR2025-026



Ministry for Regulation
Te Manatū Waeture

To	Hon David Seymour, Minister for Regulation		
Title	Initial findings from public consultation and possible next steps	Number	MFR2025-026
Date	20 February 2025	Priority:	High
Action Sought	Direct the Ministry on your preferred approach to respond to the findings	Due Date	20 February 2025
Contact Person	[Redacted] Manager	Phone	S9(2)(a)
Contact Person	[Redacted], Lead Advisor	Phone	S9(2)(a)
Attachments	Yes – Annexes 1 and 2	Security	IN CONFIDENCE

Executive summary

1. [To come]

Recommended action

2. We recommend that you:

- a **note** [our current progress on submissions analysis] Noted
- b **note** that the analysis to date has identified significant concerns about key aspects of the proposal across the majority of people who made a submission Noted

EITHER

- c **agree** that the Ministry should provide you with further detailed advice that could help address these concerns in the following areas:
 - i. the use of legislation to establish and enforce regulatory standards
 - ii. lack of provision for te Tiriti o Waitangi/the Treaty of Waitangi or Māori rights and interests
 - iii. the scope and nature of the regulatory responsibility principles

Commented [Redacted]: In my view this should be their preferred recommended option, and the paper should clearly state that. Agree / Disagree

Commented [Redacted]: Agree. The Minister agreed to a discussion paper for the purpose of consultation (both general public consultation and consultation with iwi/Māori). Consultation requires listening to what others have to say and considering the responses. For this to be adequate public consultation, there should be sufficient analysis of the submissions received (both quantitative and qualitative analysis). Agree / Disagree

Commented [Redacted]: See ch 19 of the Legislation Guidelines for requirements of consultation and benefits of consultation in in decision making. Agree / Disagree

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- iv. assessments of consistency for new regulatory proposals and existing regulation *Agree / Disagree*
- v. the establishment of a new Regulatory Standards Board *Agree / Disagree*
- vi. [new roles and powers for the Ministry and the Minister for Regulation] *Agree / Disagree*
- vii. the costs associated with the proposal. *Agree / Disagree*

d **note** that option **c** above would have would likely push out the timing for introduction of a Bill

Noted

Commented ; Perhaps the recs could be structured better so the options are together?

OR

e **direct** the Ministry to proceed on the basis of a substantively similar proposal to the one in the discussion document

Agree / Disagree

Commented ; What about the risk of undeveloped policy requiring policy decisions to be made during the drafting process?

Likelihood of a Bill which is a "substantively similar proposal" receiving thousands of submissions to the Select Committee, with many raising the same points as those raised and not addressed.

Commented What are the major risks of proceeding with this option? If this option is preferred, it should be justified why, significant concerns raised about key aspects of the proposal across the majority of people who submitted. AND the analysis is yet to be completed.

[Mfr Signatory]
[Role]
Ministry for Regulation

Date:	
Hon David Seymour Minister for Regulation Date:	

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Purpose of report

- 3. The consultation process on the *Have your say on a proposed Regulatory Standards Bill* discussion document closed on 13 January 2025, with over 23,000 submissions received. While it will take us time to fully complete our analysis of these submissions, we agreed with your office that we would provide an early indicative summary of what submitters were saying.
- 4. This briefing therefore provides you with initial findings from our ongoing analysis of submissions. In addition, given your desire to seek Cabinet decisions as soon as possible, it provides you with our initial thinking on how key themes arising from the feedback could be addressed.

Commented Minister needs to be advised that the submissions analysis should be completed and options are considered to address any issues raised, BEFORE seeking Cabinet decisions

Analysis of submissions

- 5. **Annex 1** to this report provides you with a summary of how we are approaching analysis of submissions on the discussion document, and of general sentiment and common themes emerging from that analysis so far (it does not include Ministry comments on views raised in submissions, which can be found instead in the table in **Annex 2**).

Submissions analysis process

- 6. There are two components to our submissions analysis. First, we are working with a consultancy to quantitatively assess support and opposition to the proposed Bill for all submissions.
- 7. We are then qualitatively assessing a sample of ## submissions to summarise the reasons behind submitters overall support or opposition to the bill, as well as summarise detailed feedback on specific policy proposals. This sample includes all submission we have defined as ‘substantive’ – which includes organisation submissions, all iwi, hapū and Te Reo submissions, and any other submissions with over ## characters. At the time of providing this report we are approximately ## percent of the way through the qualitative analysis of the substantive submissions.
- 8. We have received the initial results of the quantitative analysis [TBC]. Of the xx submissions we received, we have identified that xx percent of submissions opposed the proposal set out in the discussion document, xx percent supported or partially supported it, and the remainder, ##, did not have a clear position. We are still undertaking quality assurance of this data so the final percentages may change.

Commented The briefing could refer to particular substantive submissions the the Ministry has already reviewed, particularly those from knowledgeable and representative bodies.

For instance, the NZLS submission’s reasons for opposing elements of the Bill.

Has the Ministry received submissions from organisations representing iwi or Māori interests?

Eg Te Hunga Roia, NZMC, Iwi Chairs
There might not be time to provide the detail of the submission, but the briefing could state that submissions from these organisations opposed/supported the Bill, advocated for inclusion of te Tiriti/Treaty of Waitangi etc.

Emerging themes

- 9. Submitters have provided a range of reasons for their stance on the proposal – however, the majority of submissions we have analysed so far are expressing concerns predominantly in relation to three areas:
 - the perceived narrow focus of the proposal on the strengthening of individual rights and liberties at the expense of other principles relevant to good lawmaking and other public good objectives
 - the lack of provision for te Tiriti/the Treaty of Waitangi and broader Māori rights and interests

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- the likely costs of the proposal relative to its effectiveness and its potential to duplicate existing mechanisms or result in more complexity.
10. Submitters that support the proposal considered that the proposed Bill would improve regulatory quality, reduce costs on business, promote economic growth and investment, and is important for protecting institutions and property rights. Submitters representing businesses or industry groups raised several examples of regulations that they considered had introduced unjustified complexity and costs, or was based on inadequate evidence, and considered the proposed Bill would help address these issues.
 11. Some of the submissions we have analysed support the general idea of improving regulatory quality or constraining the use of regulation, but recommend that a different approach is taken (for instance, strengthening the status quo or strengthening Parliamentary processes). Of those submitters that we have identified so far as expressing broad support for the proposal itself, or as having mixed views, many nonetheless identify issues with specific aspects of the proposal, including:
 - concerns about the choice of proposed principles and how they might overlap or conflict with other established principles (for instance in the Bill of Rights Act)
 - views that establishing a new recourse mechanism would be costly and unnecessary.
 12. While a large number of submissions so far have been identified as 'template' submissions – i.e. responses that are based wholly or largely on shared templates, we have included them in our analysis on the basis that they appear to be genuine submissions from members of the public. Based on an initial analysis of email addresses, we have not identified any evidence of spam bots or other 'fraudulent' activity.
 13. A significant number of submissions reflected a misunderstanding that a Bill had already been developed and was in front of a select committee. Other submissions misunderstood some aspects of the proposal – for instance, that the establishment of a Regulatory Standards Board was intended to impose limits on the current operation of the courts. Many submissions also assumed that all legislation would be required to be consistent with the principles, with no ability to disapply the principles, and were concerned about the constitutional and other consequences of such a strict regime. We have nonetheless reflected the relevant aspects of these submissions in our analysis, and submitters' views on these issues will be captured in the final summary of submissions.
 14. Finally, while not directly relevant to the proposal itself, we have so far identified some criticism of the consultation process including the length of time given for submissions, the fact that the consultation process ran over the Christmas period, and the lack of targeted engagement, particularly with Māori, iwi, hapū and post settlement governance entities. Other negative feedback related to the discussion document itself (for instance that it only put forward one option or that the questions were perceived as 'leading') and to the redaction of information of proactively released documents on the basis of professional legal privilege.

Commented %?

Commented List some of them

Commented This should be considered as one of the options when advising the minister and seeking Cabinet approvals

Commented This issue needs to be highlighted to the minister and risks need to be identified if decision is made to proceed without further engagement, particularly with these groups mentioned here.

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Options for amending the proposal in light of the feedback

Revisiting the approach to a Bill

15. We are continuing to analyse the submissions to ensure we are capturing the full range of submitters' views. This is likely to take some time to fully complete.
16. However, it is clear even at this relatively early stage that there are significant concerns about most aspects of the proposal across the majority of people who made a submission.
17. On this basis, we recommend that you consider revisiting the broad approach to the proposed Bill, and/or to the separate components of a Bill with a view to addressing these concerns. In our view, the establishment of widely accepted standards for good quality regulation, and of supporting processes and mechanisms that the general public will have confidence in, will be central to the long-term success of this proposal.
18. The table in **Annex 2** sets out the key areas where there are options for changes to the proposal that, in our view, could help to address the concerns raised through the consultation process. In summary, those areas are:
 - the use of legislation to establish and enforce regulatory standards
 - lack of provision for te Tiriti/the Treaty of Waitangi and/or Māori rights and interests
 - the scope and nature of the regulatory responsibility principles
 - assessments of consistency for new regulatory proposals and existing regulation
 - the establishment of a new Regulatory Standards Board
 - new roles and powers for the Ministry and the Minister for Regulation
 - the costs associated with the proposal.
19. The table also sets out our initial views on how each of these concerns could be addressed.
20. If you wish to pursue any or all of these changes, we will provide you with more detailed advice. We note that this would likely push out the timing for introduction of a Bill.

Proceeding with a substantially similar proposal

21. If you do not want to reconsider the proposed approach to a Regulatory Standards Bill, and instead want to direct the Ministry to proceed with a substantially similar approach, we will aim to provide you with further advice on this basis by Thursday 27 February.
22. This advice would seek decisions to enable us to draft a Cabinet paper, and enable PCO to develop a draft Bill for Ministerial consultation, based on the current approach. It would include advice based on feedback through the consultation that suggests minor amendments or improvements to the current proposal.

Next steps

23. We will proceed to develop further thinking and advice based on your preferred way forward.
24. In either case, we will continue to work through the submissions to provide you with a final summary of submissions by [TBC].

Commented [redacted] or consider strengthening the status quo or strengthening Parliamentary processes

Commented [redacted] Indicate, how long it might take

Commented [redacted] And Maori

Commented [redacted] What about the issues regarding the consultation process?

Commented [redacted] : Sure, but this approach would reduce the risks

Commented [redacted] : And any such advice should include all major risks, and possible mitigations measures (if any)

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25. If you wish to proceed with a substantially similar approach to the current proposal, we will continue working to produce final drafts of the Ministry's Regulatory Impact Statement (RIS) - which will set out the Ministry's preferred option - and final Treaty Impact Analysis, both of which will be informed by the feedback on the discussion document. At this stage, we anticipate that quality assurance of the RIS could begin in the week beginning 24 February.

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Annex 1: Initial summary of submissions

[NOTE FOR AGENCIES: This is an initial and incomplete draft of the summary of submissions. It is informed by our initial assessment of the themes emerging from approximately 180 submissions which we have qualitatively coded so far. As we are still early in the submissions analysis process it is highly likely that the content within this annex will change or be refined. Annex 2 contains MfR’s initial suggestions for next steps in light of these submissions.]

Part 1: Introduction and overview of process/methodology

[To be completed.]

Part 2: Initial quantitative findings

[To be completed.]

Part 3: Initial qualitative findings - overarching themes

The themes within this section were informed by a sample of ## submissions which were thematically coded and used to summarise the reasons behind submitters overall support or opposition to the bill, as well as summarise detailed feedback on specific policy proposals. This sample includes all submission the Ministry for Regulation defined as ‘substantive’ – which includes organisation submissions, all iwi, hapū and Te Reo submissions, and any other submissions with over ## characters.

Commented : Is “Te Reo submissions” submissions written in te reo Māori?

Support and opposition to the proposed Bill

The discussion document asked submitters for their views on setting out requirements for regulatory quality in legislation and asked for views on alternatives. More specifically, submitters provided a wide range of reasons they were for or against the proposed Regulatory Standards Bill.

Submitters reasons are summarised in no particular order. [quotes not being used in this version but will be in final summary – some submitters provided rebuttals to reasons for or against – these are not incorporated yet].

Submitters’ reasons for opposing the Bill

The reasons submitters gave for opposing the bill have been grouped into five categories:

- Creating duplication, increased complexity and uncertainty
- Creating constitutional and legal issues (outside of te Tiriti o Waitangi/the Treaty of Waitangi)
- Affecting te Tiriti o Waitangi/the Treaty of Waitangi and Māori rights and interests

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- Worsening social, environmental and economic outcomes
- Other

Duplication, increased complexity and uncertainty

Reason #: The proposed Bill would result in duplication and increase complexity in lawmaking

Submitters stated that the current system already contains mechanisms for improving regulatory quality. Examples raised include:

- the requirement for Regulatory Impact Statements
- the Legislation Act 2019
- the New Zealand Bill of Rights Act 1990
- guidance from the Legislation Design and Advisory Committee (LDAC)
- Parliamentary scrutiny, including through select committees like the Regulations Review Committee
- the common law
- te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

These submitters opposed the bill on the basis that the issue of improving regulatory quality would be better addressed through non-legislative [mechanisms](#) or existing legislative mechanisms.

Submitters also considered that the proposed Bill would duplicate existing mechanisms which would increase complexity and make existing roles and responsibilities less clear. Submitters considered that the proposed Bill does not address the complexity of lawmaking where the quality of legislation is influenced by value judgements and policy trade-offs, in addition to the quality of the procedures used to make it, and therefore was not the way to address the issue of regulatory quality.

Reason #: The proposed Bill would be inflexible and create uncertainty for business due to a lack of consensus.

Submitters raised concerns that taking a legislative approach would be inflexible, risk stifling innovation and make it harder to respond to changing contexts over time, such as evolving societal expectation and advances in technologies. This would create inefficiencies and additional costs over time. Submitters also stated that the proposed Bill would result in uncertainty for regulated parties, including business. They considered that without the Bill being supported by a broad consensus, there could be no certainty that the changes would endure [\[related to the constitutional reason and leg issues\]](#).

Constitutional and legal issues

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Reason #: The proposed Bill would undermine future Parliaments and democracy

Submitters considered that the proposed Bill was intended to have ‘constitutional effect’ and that it shouldn’t progress without bipartisan support. Submitters raised concerns that it would undermine the supremacy of Parliament to make laws and reduce the ability of future parliaments to legislate in the public interest (see reason # for #). Submitters also considered that the proposed Bill would negatively impact democracy because it would constrain Members of Parliament from legislating in the best interests of their constituents.

Reason #: The proposed Bill could increase the complexity of the current legal framework and result in unintended legal consequences

Submitters raised that the proposed Bill may result in increased litigation, both due to providing an additional avenue for businesses to challenge regulations and because of the increased complexity the proposed bill would introduce (see reason #). Submitters also considered there may be unintended consequences should the courts view the principles as having constitutional significance which could change how they interpret and apply the law over time (see section # on the principles).

Te Tiriti o Waitangi/the Treaty of Waitangi and Māori rights and interests

Recognising and providing for te Tiriti o Waitangi/the Treaty of Waitangi

Submitters were concerned that the Bill does not recognise and provide for te Tiriti/the Treaty, including the absence of a regulatory responsibility principle relating to te Tiriti/the Treaty. The number and nature of submissions around this indicated both strong concerns from Māori and the public generally, considering this to be a crucial omission that could sideline te Tiriti/the Treaty protections in both current and future laws.

Commented This was a point raised by Te Puni Kōkiri (and I think Te Arawhiti) during earlier agency consultation.

Submitters stressed the importance of te Tiriti/the Treaty and the partnership between Māori and the Crown and were concerned that the legislation would breach or lead to breaches of te Tiriti/the Treaty and undermine the balance of kāwanatanga and tino rangatiratanga. Submitters commented that the proposal ignores the legal jurisprudence that has defined the current status of te Tiriti/the Treaty in legislation; the established standards within the law and policy making process, and the Legislation Guidelines issued by the Legislation Design and Advisory Committee (LDAC).

Submitters were concerned that the omission of te Tiriti/the Treaty signalled a shift towards a framework that prioritises economic efficiency and individual property rights over collective rights and would ignore disparities; reinforce structural inequalities, and undermine the Crown’s obligations under te Tiriti/the Treaty. Submitters considered the Bill as an attempt by the Crown to limit the established role of the Treaty/te Tiriti as part of law-making.

Consultation and engagement with Māori about, and within, the proposal

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Submitters were concerned that there was no meaningful consultation and engagement with Māori on the development of the proposal, and that this disregarded the Crown's partnership obligations, undermined the intent and spirit of te Tiriti/the Treaty, and showed a lack of good faith. Submitters considered this approach put the Crown in breach of te Tiriti/the Treaty principles and te Tiriti/Treaty settlements which commit to a renewed relationship of cooperation, mutual respect and honour based on the principles of te Tiriti/the Treaty. Consistent with this, it is the expectation that by law, any proposed policies and legislative changes which directly or indirectly affect settlement groups be reasonably developed conjointly with them. Submitters called for the Bill to be abandoned and to instead engage in meaningful consultation with Māori on whether changes are needed and the meaning that te Tiriti/the Treaty takes in any amended or proposed new regulatory setting.

Submitters were concerned about the large number of redactions in the Ministry's Preliminary Treaty Impact Analysis and were critical of a perceived lack of transparency around this, saying that it impacted their ability to engage with the analysis making it virtually unusable. Submitters considered that all information should have been made available given the significance of the changes proposed.

Submitters were concerned that the proposal does not provide for appropriate, meaningful, and effective engagement and participation for Māori, iwi and hapū as part of the Bill's processes. Submitters were concerned that the absence of these provisions could threaten or diminish their rangatiratanga; breach the Crown's obligations under te Tiriti/the Treaty and or/undermine Crown commitments arising from te Tiriti/Treaty settlements, resulting in poorer outcomes for the environment and society.

Safeguarding Māori collective rights

Submitters discussed that Māori customary rights, cultural practices, and governance structures that are often exercised collectively through whānau, hapū, and iwi, must be safeguarded in any regulatory framework. Submitters were concerned that the Bill should acknowledge and ensure that regulatory standards do not inadvertently erode these collective rights by applying a narrow, Western-centric view of individual freedoms. Submitters called for specific provisions to be included in the Bill that recognise and protect Māori collective rights including recognition of tikanga Māori, mātauranga Māori, and Māori governance structures.

Lack of provision for Māori governance and self determination

Submitters were concerned that the Bill does not ensure hapū participation in decisions affecting whenua (land) and resources. Submitters discussed that under Te Tiriti/the Treaty Māori are guaranteed tino rangatiratanga and the Bill undermines this through excluding Māori from regulatory decision-making processes, which was suggested to lead to decisions that do not reflect Māori interests or values. Submitters considered this a breach of te Tiriti/the Treaty.

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Submitters recommended that the Bill establish mechanisms for Māori to exercise tino rangatiratanga over whenua, resources, and affairs that accommodate diverse governance models, including those based on tikanga Māori, partnership or co-governance. This was suggested to ensure Māori voices are heard in designing, developing and implementing regulations.

Lack of protection and recognition of kaitiakitanga and the unique relationship between Māori and the environment

Submitters were concerned about the lack of recognition and protection of kaitiakitanga and the unique relationship between Māori and the environment under te Tiriti/the Treaty. Submitters were concerned that the Bill would risk enabling the degradation of ecosystems, lands and natural resources, compromise the rights of future generations, and disproportionately impact Māori communities who depend on their whenua and taonga for cultural, social, and economic well-being.

Submitters considered that the Bill could make much better use of Māori knowledge and their kaitiakitanga role to affect positive environmental outcomes through recognising the role Māori have in relation to the environment and its wellbeing.

Upholding te Tiriti o Waitangi/the Treaty of Waitangi settlements and arrangements with iwi and hapū

Submitters raised concerns that the proposal is inconsistent with Tiriti/Treaty settlements and undermines the partnership reached with the Crown. Submitters were concerned that te Tiriti/Treaty settlements and other arrangements would not be protected if there were no te Tiriti/Treaty provisions in the Bill, and that its generic regulatory standards would override settlement provisions and diminish the mana of agreements tailored to address specific historical grievances.

Submitters considered the stated intent in the proposal to exclude legislation relating to te Tiriti/Treaty settlements was inadequate and were also concerned that the Bill does not recognise the rights and interests of groups still negotiating settlements or yet to enter negotiations. It was also unclear to submitters how collective or customary title rights would be upheld.

Submitters considered that many te Tiriti/Treaty settlement arrangements were expressly constructed with reference to, and are interwoven with (including by express reference), existing regulation (policies, statutory regulations, rules or bylaws and Acts of Parliament). Submitters were concerned that the Crown's settlement commitments to engage on policies, proposals or legislative changes which directly or indirectly affect settlement groups might not be upheld, with the Bill circumventing these agreements.

The principles do not recognise te Tiriti o Waitangi/the Treaty of Waitangi and Māori rights and interests

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Submitters considered that the proposed principles prioritise individual liberties, property rights, and economic efficiency, reflecting a neoliberal framework that disregards collective Māori rights and values, tikanga Māori, tino rangatiratanga and other te Tiriti/the Treaty guarantees. Submitters were concerned that the principles not only fail to align with the obligations of te Tiriti/the Treaty but also threaten to erode the protections and rights of Māori.

Submitters were concerned that the analysis for the Bill did not address how good regulation could stem from te Tiriti/the Treaty and how it should align with existing legal frameworks that recognise and uphold Māori rights, such as the Resource Management Act 1991. Further, submitters suggested that the principles should require that regulation should state how te Tiriti/Treaty settlements and the Crown's ongoing te Tiriti/Treaty obligations are to be addressed in the context of that regulation.

Further specific commentary from submitters related to:

- the addition of a principle relating to te Tiriti/the Treaty: submitters considered the omission of a principle relating to te Tiriti/the Treaty marginalises Māori voices; undermines the well established role of te Tiriti/the Treaty as part of law-making; undermines the Crown's constitutional obligations to Māori, and disregards collective rights. The number and nature of submissions around this subject indicates both strong concerns from Māori and the public generally.
- the proposed principle relating to the taking of property: submitters were concerned that this principle fails to recognise collective ownership and customary rights central to tikanga Māori, and disregards the cultural and historical significance of land to Māori communities. Submitters were also unclear on the scope of 'property' and whether, for example, protection for private property would include Māori owned land
- the proposed principle relating to liberties: submitters were concerned that this principle emphasises individual liberties while failing to account for collective rights, which was suggested to undermine protections for Māori cultural practices and legal frameworks rooted in tikanga. Submitters also considered that a clear reference to te Tiriti/the Treaty is needed, including the principle of active protection
- the proposed principle relating to the rule of law: submitters sought clarity on whether all persons being treated equally before the law would require substantive or procedural equality, or both. Also, who the decision maker would be. Submitters were concerned that the focus on equality ignores disparities and must account for the status of Māori as te Tiriti/Treaty partners and their distinct cultural and legal frameworks
- the proposed principle relating to good law-making: submitters considered that good law-making should include consistency with te Tiriti/the Treaty and that while the principle highlights the importance of consultation, it does not explicitly provide for consultation with Māori
- the proposed principle relating to regulatory stewardship: submitters considered that the principle does not account for the specific rights of Māori, who seek te Tiriti-/the Treaty- and tikanga-centered stewardship approaches that recognise the interconnectedness of people, land, and future generations

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- the proposed principle relating to taxes and levies: submitters raised concerns that the principle prioritises economic considerations over social and cultural obligations which could severely constrain the government’s ability to fund crucial services disproportionately affecting Māori communities that are already underfunded and underserved, such as healthcare, education, and housing.

Social, environmental and economic outcomes

Reason #: The proposed Bill prioritises individual property rights over the collective.

Submitters considered that the proposed Bill would establish a hierarchy which prioritises individual property rights over collective wellbeing which they considered would result in worse social, environmental and economic outcomes (see reasons x y z). This was often described as a form of ‘economic constitutionalism’ that seeks to constrain how future governments can regulate (see reason #).

Submitters also raised concerns that the proposed content of the Bill would enable corruption and privilege lobbyists, corporations and the wealthy, as individuals or groups with less resources would not be able to access these mechanisms. Analogies were drawn with the system of investor-state dispute settlement which submitters considered would enable international corporations to challenge New Zealand’s domestic regulations, to the detriment of individuals or smaller stakeholders.

Commented : This sentence is a bit hard to follow.

Reason #: The proposed Bill could lead to worse social outcomes.

Submitters considered that the proposed Bill and its focus on individual property rights would make society more unequal, such as through weakening safeguards such as those relating to public health, worker protections, health and safety and food safety. Specific examples raised by submitters where the Bill would place impediments on the government seeking to regulate tobacco, alcohol or unhealthy foods through warning labels or other measures, or where the government enacts measures intended to prevent human rights exploitations. Submitters linked this to the principle in the proposed Bill relating to ‘takings’ which is discussed in section #.

Commented Or inequitable?

Submitters also considered that a focus on procedural equality might enable structural discrimination such as institutional racism. Submitters raised the example of a policy that appears to treat everyone equally but has uneven impacts on particular groups. Submitters considered there was a risk that the proposed Bill would prevent government from regulating in a way that addresses these unequal outcomes.

Reason #: The proposed Bill could lead to worse environmental outcomes.

Submitters considered that the proposed Bill would provide corporations with an avenue to challenge environmental regulations including those relating to pollution, climate change, water quality and air quality on the basis of private property impacts. They stated concerns that this would lead to government being hesitant to implement new environmental regulations and may result in the rolling back of existing safeguards.

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Reason #: The proposed Bill could lead to worse economic outcomes.

Submitters raised risks that though the proposed Bill may reduce regulatory burdens on regulated parties in the short term due to a focus on individual liberties, it may result in longer term economic instability due to weaker government regulation. This is because they considered a reduction in regulation would negatively impact the effective regulation of market failures, including regulations relating to competition, consumer protections, monopolies, externalities, and information imbalances in markets.

Other reasons

Submitters raised several other reasons for opposing the Bill, including considering it:

- failed to take account of New Zealand's international obligations and multilateral treaties the New Zealand Government is a party to, including the United Nations Declaration on the Rights of Indigenous Peoples
- would erode the ability of governments to raise revenues and provide infrastructure and public services
- is inconsistent with its own principles
- provides too much power to the Minister for Regulation
- would not be implemented as government agencies do not have the resources and/or capability.

Submitters' reasons for supporting the Bill

The reasons submitters gave for supporting the bill have been grouped into 3 categories:

- Reducing costs and promoting economic growth and investment
- Improving regulatory quality
- Protecting institutions and property rights.

Reducing costs and promoting economic growth and investment

Reason #: The proposed Bill would reduce the likelihood of unjustified regulations and overregulation.

Submitters stated that there was a common perception of New Zealand being too reactive and quick to legislate to address problems without adequately considering other alternatives. This issue was raised both in relation to primary legislation and secondary legislation (also known as regulations). New and amended secondary legislation was identified by some submitters as often having less oversight and being subject to less rigorous processes than primary legislation. Submitters raised that regulators are often risk adverse and will therefore tend to overregulate or

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impose stricter rules than necessary to minimise risks on themselves. Submitters considered that this was because regulators did not adequately consider the costs of regulating which are born by regulated parties. The proposed Bill was seen as a way to ensure regulators and Parliament must adequately consider the costs imposed by regulations before imposing new requirements. Some submitters also considered that regulation should only be considered as a last resort after first exploring non-regulatory options.

Reason #: The proposed Bill would improve productivity and growth through reducing the costs imposed by regulations over time.

Submitters stated that the proposed Bill is necessary to reduce unjustified costs on businesses over time. This was seen as directly benefiting New Zealand businesses, and also indirectly benefiting consumers where businesses had to pass along the costs of compliance to consumers when they set prices for their goods and services.

Some submitters raised that this issue was particularly challenging for small businesses which had to spend a larger proportion of their time and resources on compliance than larger businesses. Overly complex or outdated regulation was also identified by some submitters as negatively affecting competition and smaller players or disruptors entering the market, resulting in less economic efficiency and higher prices for consumers.

The proposed Bill was also seen as a way to ensure regulations are workable and able to be implemented by regulated parties. Submitters raised examples of government agencies creating regulations that were unable to be complied with due to practical constraints such as existing information systems or business practices.

Reason #: The proposed Bill would improve certainty for businesses and investors.

Submitters raised several examples of regulations causing delays for business, such as when applying for licenses, permits or consents. This was raised as both a cost for businesses but also as making it harder for New Zealand businesses to make investment decisions and as impacting New Zealand's reputation as a destination for foreign direct investment. Submitters considered that this in turned harms New Zealand's productivity and economic growth.

Improving regulatory quality

Reason #: The proposed Bill would raise the quality of regulation over time by increasing transparency and changing current incentives.

Submitters raised that the current incentives around lawmaking did not result in lawmakers or regulators appropriately considering the costs of making bad or poorly designed regulations. The current incentives, such as regulatory impacts statements and disclosure statements, were seen as too weak to address this issue. Submitters also raised the issue that lawmakers are currently incentivised to make regulations that benefit their constituents as opposed to benefiting New Zealand as a whole. The proposed Bill was seen as a way to address this issue by ensuring that proposed and existing legislation is transparently assessed against the same standards. Increased transparency around lawmaking was seen as one of the fundamental benefits of the proposed Bill.

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Submitters also stated that this could increase consensus and buy in for new regulations among regulated parties, where the costs of regulations was transparently justified in terms of their benefits.

Reason #: The proposed Bill would increase alignment across regulatory systems and with international best practice.

Submitters raised that businesses in sectors such as finance, insurance, telecommunications and minerals [are where](#) subject to overlapping and in their view often contradictory regulations administered by different regulators with different approaches to applying and enforcing regulations. The proposed Bill was seen by submitters as a way to improve coherence across regulations and regulators, which would in turn reduce costs on businesses and consumers, as well as reducing the need for litigation due to ambiguous legislation (see section #). Some submitters raised the example of agencies' approach to setting fees and charges, which was seen as inconsistently applied across government with a lack of transparency.

Submitters also considered that the proposed Bill would help ensure New Zealand's regulatory approach was in line with international best practice, noting that many of our larger business operate in a 'global regulatory system'. Submitters raised that New Zealand should prioritise international standards before creating its own bespoke standards. There was also a need for New Zealand to carefully assess whether regulations created in different jurisdictions were in fact appropriate for New Zealand's context.

Reason #: The proposed Bill would reduce poorly designed regulations, ambiguity and the need for litigation.

Submitters raised that when legal frameworks were ambiguous or poorly designed, entire industries could emerge around interpreting and litigating their application. The proposed Bill, through improving the quality of regulation, was seen as a way to minimise or avoid these costs. Submitters raised examples where poor drafting or gaps in legislation caused uncertainty and additional legal costs for regulated parties. They also raised that poorly designed legislation could result in unintended consequences, which subsequently required regulators to enforce new and more costly requirements to address.

Reason #: The proposed Bill will ensure legislation remains fit for purpose over time.

Submitters considered that legislation, especially secondary legislation, is not subject to adequate review over time. This was described a 'set and forget' approach which meant that regulation became less and less effective over time as business practices, technologies and economic context evolved. The proposed Bill was seen as a way to ensure that government agencies effectively stewarded their legislation and regulatory systems to ensure they remain fit for purpose over time. Outdated regulations was also raised by submitters as holding back innovation. [\[link to relevant sections for more detail\]](#)

Protecting institutions and property rights

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Reason #: The proposed Bill would build trust in institutions and protect against government overreach.

Submitters considered that the proposed Bill was important for ensuring citizens trust New Zealand's institutions. This was primarily through transparently setting out the standards that government would hold itself to. Submitters considered that trust in institutions was important for social cohesion and the long term prosperity of New Zealand.

Reason #: The Proposed Bill would protect private property rights.

Submitters considered that the proposed Bill is necessary to protect private property rights. Submitters raised examples of regulatory takings, where they considered the state had unfairly prevented businesses or individuals from using their private property. In these cases, they considered that though the government didn't directly confiscate property, it had significantly reduced the ability to use that property. Examples raised by submitters included the Covid 19 lockdowns, requirements to upgrade earthquake prone buildings, significant natural areas and other measures under the Resource Management Act 1991.

Alternatives to the bill, views on reg quality and current arrangements

[To be completed]

Feedback on the consultation or policy process

[To be completed]

Part 4: Initial qualitative findings - feedback on specific proposals

Discussion area 1: Principles

[To come]

- Sentence on what discussion document proposed
- Reasons for
- Reasons against
- Improvements or modifications
- Alternatives

Discussion area 2: Mechanism for ensuring consistency with the principles

The discussion document proposed that the Bill would provide for a new consistency mechanism, which involves assessing new and existing legislation against the principles. For new legislation, consistency assessments would take place before a proposal comes to Cabinet and when

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legislation is introduced or published. For existing legislation, consistency assessments would take place as part of the duty on government agencies to review the stock of legislation they administer.

Submitters generally expressed support for existing arrangements that support transparency in the law-making process, including RISs and disclosure statements. Feedback noted that existing arrangements could be improved through increasing public participation, requiring compulsory Treaty impact assessments, incorporating a te Tiriti-/Treaty- and tikanga centred approach, improving the quality of impact analysis, and embedding additional analytical frameworks (e.g. rights and freedoms, sustainability) in the law-making process.

Submitters emphasised the importance of maintaining the existing stock of legislation, and the need for government agencies to be properly resourced to carry out this function.

Submitters expressed mixed views around the proposal to assess consistency against the proposed principles of the Bill, particularly in relation to the legislative design principles. While some submitters believed that the proposed consistency checks would provide an opportunity to improve accountability in the development and maintenance of legislation, others opposed assessing consistency against the principles based on opposition towards the principles themselves (as above).

Submitters expressed further concern around inefficiencies and costs associated with the proposed consistency assessment process. These concerns included a duplication of the role of existing mechanisms and institutions (e.g. the roles of PCO and LDAC in legislative development), additional time and cost for Ministers and agencies incurred in producing consistency assessments (and explaining inconsistencies), and the perception that consistency checks will impose undue burdens affecting the efficiency and timeliness of law-making.

Submitters had mixed views on the categories of legislation that should be exempt from consistency mechanisms, though noted that a consistent approach is needed to ensure robust levels of scrutiny and accountability. Submitters consider that any legislation that relates to the protection of rights guaranteed under Article Two of te Tiriti/the Treaty should be exempt from any requirements of the Bill, along with te Tiriti/Treaty settlements.

In response to feedback, we note that it would be important to ensure alignment with existing arrangements, including RISs and disclosure statement requirements (per Part 4 of the Legislation Act 2019) to minimise costs, complexity and undue burden.

Discussion area 3: Regulatory Standards Board

The discussion document proposed a Regulatory Standards Board that would:

- consider complaints from the public about inconsistency of existing regulation with one or more of the proposed regulatory standards principles
- consider the operation of regulatory systems (e.g. how well regulation is being implemented) as well as the content and design of legislation

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- undertake reviews at its own behest, or at the direction of the Minister for Regulation
- be made up of members appointed by the Minister for Regulation and would be supported by a secretariat from the Ministry for Regulation, and
- publish non-binding recommendatory findings reports.

Support from submitters for the proposal for a Regulatory Standards Board

A few submitters noted support for specific aspects of the proposed Board's design. They agreed with the proposed structure of the board which facilitates decision-making by a committee, and the Board's role to produce non-binding recommendations. They also mentioned support for the proposed ability for the Board to consider whether agencies are fulfilling their regulatory stewardship responsibilities.

Concerns raised by submitters about the proposal for a Regulatory Standards Board

Submitters shared the following eight reasons for their concerns about the Board.

Reason #1 The Board would give too much power to the Minister/Ministry for Regulation

Submitters were concerned the Minister/Ministry for Regulation would have too much power if:

- the Minister for Regulation appoints all the Board members
- the Minister for Regulation uses the proposed exemption criteria too freely, as this may result in politicised decisions
- the Minister for Regulation has a role to interpret other agencies' legislation both through the Board and the Minister's Ministry for Regulation.

Reason #2 The Board would remove or limit the role of the courts

Submitters were concerned the Board would remove or limit the role of the courts in providing regulatory oversight and/or interpretation of laws. Please note there may be some misunderstanding among some submitters about the potential ability of the proposed Board to interpret legislation. Interpretation of legislation is not an intended role for the Board. However, concerns were raised that the proposal for a Board would infringe on the jurisdiction of the courts to examine and adjudicate on the suitability of current and future regulation.

Reason #3 The Board would disproportionately amplify the voices of certain private people or corporations

Submitters were concerned the Board would disproportionately amplify the voices of certain private people or corporations who have the resources to file complaints or whose interests are served by the proposed principles. Submitters were concerned the proposal for the Board would allow these people or corporations to challenge laws based on proposed regulatory standards principles that prioritise private freedoms and rights over the public good.

Reason #4 The Board would fail to be representative, unbiased and transparent

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Submitters were concerned the Board would fail to be representative, unbiased and transparent; in particular that that the Board would be politically motivated, have no requirements for diverse representation, have no oversight, and have too much freedom to undertake reviews at its own behest. Submitters were concerned that the absence of provisions to ensure Māori representation within the decision-making process could undermine the principle of partnership and the Crown's duty to actively protect Māori interests. Without express representation, the process was suggested to risk perpetuating exclusion and inequity. Submitters suggested the number of Board members should be sufficiently large to ensure diverse perspectives, with Māori representatives, for example from a te Tiriti-/Treaty-claimant iwi, and/or relevant Māori institutions to guarantee that Māori interests are adequately represented.

Reason #5 The Board would fail to recognise the constitutional role of te Tiriti o Waitangi/the Treaty of Waitangi

Submitters were concerned the proposed Board would fail to recognise the constitutional role of te Tiriti /the Treaty because the Bill makes no provision for te Tiriti/the Treaty or Māori rights and interests. Submitters were concerned that without such a provision, the Board would breach te Tiriti/the Treaty.

Reason #6 The Board would duplicate the roles of existing mechanisms

Submitters were concerned the proposed Board would likely duplicate the following existing mechanisms, without maintaining transparency and accountability:

- the Ministry for Regulation's role generally, and specifically its role to conduct regulatory reviews
- the government agencies responsible for administering specific legislation and regulatory systems
- the Regulations Review Committee
- the Ombudsman and independent commissioners, and
- the courts and relevant tribunals.

Reason #7 The Board would add unnecessary costs, bureaucracy and complexity

Submitters were concerned the proposed Board would add unnecessary costs, bureaucracy and complexity, particularly in a time of government fiscal constraint across the public sector. There were concerns it would duplicate the analytical work and legal advice provided by the Ministry for Regulation, the Crown Law Office, and other government departments, hereby simply adding to the costs of public administration.

Submitters questioned whether it would be possible for the proposed Board to operate as a low-cost mechanism. The consultation document proposed that the Board would be tasked with responding to complaints about regulation quickly and at low-cost. Submitters noted that regulating is a complex and uncertain business, and the Board's proposed function of assessing

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consistency with the proposed principles, which are expressed broadly, may create too much uncertainty to result in definitive findings.

Reason #8 The Board would be ineffective

Submitters suggested that the Board would be ineffective due to the proposed design, function and makeup of the board. For example, the following comments have been submitted:

- drawing attention to inconsistencies with the regulatory standards principles may affect the political appetite for amending specific legislation
- members of the Board are likely to face the constant challenge of assessing important and unavoidable policy trade-offs, and
- its effectiveness may be limited because its recommendations about remedies are proposed to be non-binding.

Suggestions from submitters for how to improve the proposal for a Regulatory Standards Board

Some submitters made suggestions to improve the proposal for the Board, they were:

- the Board should host oral hearings to support their consideration
- the Board should have the power to consider complaints about specific regulatory decisions, as these decisions may be evidence of systemic issues
- either a Parliamentary Commissioner or the Ombudsman should take on the proposed functions of the Board
- the Board should have robust appointment and membership policies, and
- there should be a narrower scope of the Board's intended functions.

Discussion area 4: Statutory framework for Regulatory Reviews and oversight role (i.e., information gathering powers), regulatory stewardship duty

Ministry's regulatory oversight role

The discussion document proposed that the Bill give the Minister and Ministry for Regulation some powers to conduct regulatory reviews as part of the Ministry's regulatory oversight role. Those powers would include the Minister for Regulation initiating and setting terms of reference for reviews, providing for review reports and the Government's response to be presented to the House and setting regular reporting requirements for the Ministry on the overall performance of the Regulatory Management System.

Submitters generally supported the broad objectives around improving accountability through regulatory oversight, in relation to regulatory stewardship expectations such as the review and maintenance of legislation. Submitters particularly supported strengthening the ex post evaluation (as identified by the OECD) and ensuring regulatory bodies have sufficient capability to carry out their roles, however also noted the effectiveness of increased oversight measures may be reduced when there is a lack of funding or investment into regulatory capability.

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What is "ex post evaluation"?

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Some submitters supported the intention of the Ministry's general regulatory oversight role to undertake regulatory reviews. However there were caveats that included ensuring a framework for Māori participation, including consultation when regulatory reviews impact Māori rights and interests and a concern that the focus will be on legislation rather than reviews and overall regulatory stewardship.

Submitters commented that the Minister and Ministry would be given disproportionate power over other government entities to set expectations and influence legislative and regulatory decision making without adequate accountability mechanisms.

Some submitters suggested this role would be unnecessary when accountability mechanisms already exist to scrutinise the development and quality of legislation. Mechanisms submitters pointed to were Parliamentary scrutiny, the use of subject matter expertise within individual agencies and existing legislation such the Legislation Act 2019, Crown Entities Act 2004 and Public Service Act 2020.

Some submitters suggested the current scope of the proposal would give the Minister and Ministry the ability to effectively rewrite or change laws without oversight.

Submitters raised concerns about the ability for the Minister and Ministry to provide guidance on how to interpret and apply the principles and consider exemptions to the principles after the bill has passed. Concerns were raised that this ability will provide the Minister and Ministry with significant scope to influence the application of the principles that could result in biased or ideological interpretations or the weighting of certain factors over others in the development or review of regulation.

Information-gathering powers

The discussion document also proposed giving the Chief Executive of the Ministry information-gathering powers to require information from a range of entities for the purposes of conducting regulatory reviews. Entities within scope of the power would include public service agencies, statutory Crown entities, local government, entities that make or administer secondary legislation, entities that undertake a regulatory function and third-party service providers contracted by government to support the delivery of a regulatory function. Information-sharing powers would not override prohibitions or restrictions on the sharing of information already set down in legislation.

Some submitters were broadly supportive of the Ministry having access to information it needed to undertake a regulatory review function. Submitters strongly agreed there needed to be provision to ensure the powers did not override existing prohibitions or restriction in legislation. There was also a view that an extension of the powers to the private sector would be an overreach.

Concerns were raised about the reasons for the powers and the need for the legislation to clearly articulate when they would be used to avoid the perception of or actual misuse.

Some submitters noted an awkwardness in mandating the provision of information between different government agencies who should be cooperative and forthcoming with information in

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their interactions. Others noted that powers are not necessary as mechanisms exist to seek information through the Official Information Act 1982 and Privacy Act 2020 or through voluntary mechanisms.

Concerns were raised about the compliance costs of requests including the resource and financial implications for agencies and local government. Submitters were concerned those costs would impact on agencies and local government's ability to deliver on their key functions. Some submitters raised an option of the Ministry for Regulation covering the cost of resourcing responses to information requests or making sure requests are made to the relevant central government agency instead of local government.

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Annex 2: Key areas where changes could be made to address submitter feedback – initial comments

Area of feedback	Summary of feedback to date	Initial Ministry for Regulation comment
Introduction of new legislation	<p>A common concern expressed by multiple submitters to date relates to why a legislative rather than a non-legislative solution is being pursued, with some submitters expressing a view that the use of legislation to set and enforce regulatory standards is inconsistent with the principle that ‘legislation should be the most effective, efficient and proportionate response to the issue concerned that is available.’ More specific points made by these submitters include perceptions that:</p> <ul style="list-style-type: none"> the justification for promoting new legislation (rather than improving elements of the existing system) has not been made legislative assertion of standards is likely to be ineffective without political consensus, particularly if the principles don’t have wide acceptance there is significant room to strengthen existing requirements without the need for legislation, including reducing the availability of RIA exemptions principles are better set outside legislation to reflect that they are generally value judgements, to provide necessary flexibility, to recognise the need for policy trade-offs, and to enable them to change with political objectives when governments change the location of principles in legislation gives the Minister and/or the Ministry for Regulation undue power the high level of abstraction of the principles, and the potential for them to be in tension with one another, means that enshrining them in legislation will increase the complexity of the system as a whole enshrining principles in legislation runs the risk of creating unpredictable developments in judicial interpretation and the development of new legal remedies. <p>Of the small number of submitters we have identified so far who supported a legislative solution, the main reasons given for this position are a perception that:</p> <ul style="list-style-type: none"> giving legislative force to the principles will strengthen their effectiveness and help ensure they are taken into account in the development and management of regulation stronger measures to improve regulatory quality are needed on the basis that previous non-statutory attempts to improve quality of regulatory assessments have not worked legislating for the principles will give them protection/durability over time. 	<p>The Treasury and the Ministry for Regulation have previously provided advice on an approach that could address some of the concerns raised about bringing in new legislation, while still achieving the key objective of strengthening transparency in relation to regulatory quality (see T2024/763 in particular). Such an approach could include:</p> <ul style="list-style-type: none"> leveraging off disclosure requirements already set out in Part 4 of the Legislation Act to set regulatory standards and provisions for increased transparency of legislative quality in secondary legislation introducing mechanisms to strengthen scrutiny of laws by Parliament, including providing specific avenues for people to raise concerns about sub-standard legislation. <p>Both regulatory quality and transparency could also be improved through the continued strengthening of the Ministry for Regulation’s existing role in regulatory oversight - including strengthened RIA processes, its second option advice role, regulatory reviews, institution of reporting requirements for departments, and its work to build regulatory stewardship capability – along with some potential additional functions (e.g. the promotion and coordination of Regulatory Systems Amendment Bills.)</p> <p>We can provide further advice on this approach and how it could be developed to address concerns raised during the consultation if you wish.</p>
Te Tiriti/the Treaty of Waitangi and/or Māori rights and interests	By far the most common concerns being raised about the proposal in the submissions we have analysed to date relate to a perceived lack of recognition of te Tiriti/the Treaty and a lack of provision for Māori rights and interests. A fuller summary of the issues identified	The Ministry has previously provided advice on inclusion of a principle in the Bill specifically considering te Tiriti/the Treaty (see MFR 2024-103), as well as advice on undertaking ongoing broad engagement with Māori to comply with good practice and the

Commented | The Cab Leg paper will need to note consistency with the Legislation Guidelines. These include the principle that legislation should only be made when it is necessary.

As consistency with this principle is a common concern among submitters (including those familiar with good legislative design principles, such as the Law Society) then the Ministry of Regulation should be addressing this in its advice to the Minister before proceeding further.

Area of feedback	Summary of feedback to date	Initial Ministry for Regulation comment
	<p>can be found in Annex 1, but broad issues identified by submitters include perceptions that:</p> <ul style="list-style-type: none"> the proposal does not recognise and provide for te Tiriti/the Treaty, with the number and nature of submissions around this indicating both strong concerns from iwi/Māori, and the public generally there was inadequate consultation and engagement with Māori about, and within, the proposal therefore disregarding the Crown's te Tiriti/Treaty and settlement obligations and undermining the intent and spirit of te Tiriti/the Treaty the proposal does not safeguard Māori collective rights the proposal does not provide for Māori governance and self determination the proposal does not protect and recognise kaitiakitanga and the unique relationship between Māori and the environment and the importance of safeguarding this the proposal lacks protections for te Tiriti/Treaty settlements and specified arrangements, including protections for the rights and interests of groups that have settled or are yet to settle the principles do not recognise te Tiriti/the Treaty and Māori rights and interests, and disregards collective Māori rights and values, tikanga Māori, tino rangatiratanga and other te Tiriti/the Treaty guarantees. Feedback specific to the principles included: <ul style="list-style-type: none"> the importance of the addition of a principle relating to te Tiriti/the Treaty the proposed principle relating to the taking of property does not recognise collective ownership and customary rights or define the 'scope' of property the proposed principle relating to liberties does not account for collective rights therefore undermining protections for Māori cultural practices and legal frameworks rooted in tikanga, and should include a clear reference to te Tiriti/the Treaty the proposed principle relating to the rule of law does not clearly delineate whether its interpretation is based on substantive or procedural equality. The focus on equality ignores disparities and must account for the status of Māori as te Tiriti/Treaty partners the proposed principle relating to good lawmaking should be consistent with te Tiriti/the Treaty and be explicit around consultation with Māori the proposed principle relating to regulatory stewardship does not incorporate te Tiriti-/Treaty- and tikanga-centered approaches that recognise the interconnectedness of people, land, and future generations 	<p>Crown's te Tiriti/Treaty obligations (see MFR 2024-064). Building on the approach proposed in these briefings could address some of the concerns raised during consultation.</p> <p>However, addressing the full range of concerns raised through the consultation process would also require reconsideration of the overall focus of the proposal with an option for the Ministry to provide advice on whether and how to:</p> <ul style="list-style-type: none"> recognise and provide for te Tiriti/the Treaty across the Bill recognise and provide for appropriate, meaningful, and effective engagement and participation for Māori, iwi and hapū recognise and protect Māori collective rights including recognition of tikanga Māori, mātauranga Māori, and Māori governance structures establish mechanisms for Māori to exercise tino rangatiratanga over whenua, resources, and affairs that accommodate diverse governance models, including those based on tikanga Māori, partnership or co-governance protect and recognise kaitiakitanga and the unique relationship between Māori and the environment protect te Tiriti/Treaty settlements and specified arrangements, including protections for the rights and interests of groups that have settled or are yet to settle ensure customary rights and interests are honoured and upheld in the Bill recognise te Tiriti/the Treaty and Māori rights and interests in the principles, including the principles relating to the taking of property; liberties; the rule of law, good lawmaking, regulatory stewardship and taxes and levies provide for Māori rights and interests in transparency and consistency mechanisms (for instance, through representation on any new Board). <p>We can provide you with further advice in each of these areas to address concerns raised by submitters if you wish.</p>

Commented [redacted]: Did the minister agree to the recommendations in these advice papers. If not, what was the direction provided and why? If agreed, what are the next steps the Ministry is taking to give effect to them.

Commented [redacted]: Even if the Minister did not agree previously to inclusion of Treaty principle, the Ministry should provide further advice on this because of the request from many submitters that this be included and because of the risks of not including it.

Commented [redacted]: Need to highlight what are the major risks of not addressing these concerns

Commented [redacted]: Not including provision for meaningful and effective participation and engagement for Māori could: undermine the Māori Crown relationship Risk undermining the partnership principle lead to poorer quality legislation if that legislation if Māori interests are not adequately addressed in regulatory quality assessments

Commented [redacted]: This should happen it shouldn't be optional

Area of feedback	Summary of feedback to date	Initial Ministry for Regulation comment
	<ul style="list-style-type: none"> the proposed principle relating to taxes and levies prioritises economic considerations over social and cultural obligations, and perpetuates inequity 	
Principles	<p>The majority of submissions we have analysed to date raise concerns about the focus and implications of the proposed principles. A fuller summary of these concerns can be found in Annex 1, including under the feedback area relating to Tiriti/the Treaty and Māori rights and interests, but broad issues identified by submitters include perceptions that the proposed principles:</p> <ul style="list-style-type: none"> reflect a particular ideological position, including a focus on individual rights at the expense of the public good, te Tiriti/the Treaty, Māori rights and interests, collective rights, and equality over equity are too limited and exclude concepts widely understood to underpin legislative quality (such as obligations under international law or privacy) or values important to many New Zealanders such as social wellbeing and environmental sustainability are expressed as strict legal tests that it would be difficult for any legislation to meet, rather than flexible concepts open to interpretation have the potential to conflict with each other, with no clarity as to how such conflicts would be resolved are based on a conceptualisation of regulation as an unwanted limit on rights and freedoms, rather than a tool that Government can use to achieve broader outcomes duplicate or are inconsistent with other principles or understandings in law (e.g. in the Bill of Rights) or elsewhere (e.g. the Legislation Guidelines), or would be better provided for by amending other legislation (e.g. the Bill of Rights) are unlikely in their current form to receive broad public or political support and should therefore not be applied to all legislation, or used to try and bind future governments. 	<p>The Ministry has provided you with advice on some alternative approaches to the proposed principles – most of these options would address aspects of the concerns expressed by submitters. In particular:</p> <ul style="list-style-type: none"> MFR2024-038 proposed an approach that would set a few, broad high-level principles in primary legislation, with the power for Ministers to issue notices setting out more detailed standards MFR 2024-063 proposed an approach based on the Queensland Legislative Standards Act 1992 and the Legislation Guidelines which would set out a broader range of principles in primary legislation, but that were more comprehensive and reflective of existing guidance MFR2024-077 proposed an approach where the principles would focus solely on setting standards for good regulatory policy making, including robust problem definition and cost benefit analysis MFR2024-095 proposed amendments to the principles set out in the 2021 Regulatory Standards Bill to ensure that the principles do not result in overly onerous or costly requirements, or requirements that are inconsistent with current law or best practice. <p>We can provide you with further advice based on any of these approaches, and how they could address concerns raised by submitters, if you wish.</p> <p>The area of feedback around te Tiriti/the Treaty and Māori rights and interests raises concern from submitters around how the principles provide for a range of matters including te Tiriti/the Treaty; te Tiriti/Treaty settlements; collective rights and interests; tikanga, and Māori land. These areas have not been addressed in policy advice to date and we can provide you with further advice on these areas, if you wish.</p>
Assessments of consistency for legislation	<p>Submitters expressed mixed views around the proposal to assess consistency against the proposed principles of the Bill. While some submitters believed that the proposed consistency checks would improve accountability in the development and maintenance of legislation, others opposed assessing consistency against the principles on the basis of opposition towards the principles themselves (see above).</p> <p>Submitters expressed further concerns around:</p> <ul style="list-style-type: none"> inefficiencies and costs associated with the proposed process 	<p>We note that many of the concerns raised by submitters in relation to proposed consistency mechanisms could be addressed via changes to the principles (see above).</p> <p>In relation to other concerns raised, we would recommend further thinking be done on:</p> <ul style="list-style-type: none"> ensuring alignment of any new mechanisms with existing arrangements, including RISs and disclosure statement requirements (in Part 4 of the Legislation Act 2019) to help to minimise costs and complexity

Area of feedback	Summary of feedback to date	Initial Ministry for Regulation comment
	<ul style="list-style-type: none"> • duplication with existing arrangements (e.g. the role of PCO and LDAC in facilitating legislative quality and development) • the proposed consistency processes posing undue burdens towards the efficiency and timeliness of law-making <p>Submitters had mixed views on the categories of legislation that should be exempt from consistency mechanisms, though noted that a consistent approach is needed to ensure robust levels of scrutiny and accountability.</p>	<ul style="list-style-type: none"> • clearly identifying certain types of Bills that the consistency mechanisms would not apply to, or clarifying the circumstances where discretionary exemptions could be granted. <p>We can provide you with further advice in this area to address concerns raised by submitters if you wish.</p>
Regulatory Standards Board	<p>A smaller but significant number of submissions that we have identified in our analysis to date raised concerns about the proposal for a new Regulatory Standards Board. A fuller summary of these concerns can be found in Annex 1, but broad issues identified by submitters include perceptions that the proposed Board would:</p> <ul style="list-style-type: none"> • give too much power to the Minister/Ministry for Regulation, particularly if the proposal is for the Minister to appoint all the members, and it would not be sufficiently independent from government • remove or limit the role of the courts in providing regulatory oversight and/or interpretation of laws • disproportionately amplify the voices of certain citizens or corporations by allowing them to challenge laws based on principles that prioritise private freedoms and rights over the public good • have no requirements for diverse representation, have no oversight, and have too much freedom to undertake reviews at its own behest, leading to potential bias and a lack of transparency • fail to recognise the role of te Tiriti /the Treaty or Māori rights and interests • duplicate the role of the Ministry for Regulation or other existing mechanisms that scrutinise the quality of regulation • add unnecessary costs, bureaucracy and complexity, and • be ineffective. 	<p>The Ministry has previously provided you with advice on how provision for recourse could be made by using Parliamentary mechanisms – including the creation of a new select committee or expanding the work of the Regulations Review Committee or by establishing a new Parliamentary officer (see T2024/763 and MFR2024-038 in particular). Resorting to new or updated parliamentary mechanisms for recourse could help to address some of the concerns raised.</p> <p>Other concerns could be addressed via the detailed design of a recourse mechanism within the Executive, if that option was proceeded with. We have previously given you high-level advice on the focus and characteristics of a Board (see XXX). Further advice could draw on consultation feedback received and give consideration to:</p> <ul style="list-style-type: none"> • an alternative institutional form with similar functions • how a Board would be appointed, including potential consultation requirements with Māori and stakeholder groups • the makeup of a Board • how the scope of a Board could be focused to maximise its cost-effectiveness and reduce any possible duplication • transparency mechanisms to ensure a Board would be accountable.
New roles and powers	<p>Some submissions raised the scope of the Ministry's regulatory oversight role including proposed information-gathering powers. A fuller summary of these concerns can be found in Annex 1, but broad issues identified by submitters include perceptions that the Ministry and the Minister will have:</p> <ul style="list-style-type: none"> • disproportionate and unaccountable power over other public sector organisations, and legislative and regulatory decision making. • significant power to interpret the application of the principles and provide exemptions without sufficient checks and balances, after the bill has passed. 	<p>The discussion document outlined that any information gathering powers would not override prohibitions or restrictions on the sharing of information already in legislation. Maintaining this limitation on information-sharing powers would address a primary area of concern for many submitters.</p> <p>We have previously provided advice on the Regulatory Reviews Statutory Framework (see MFR2024-078) including the purpose, focus and scope of the Ministry's regulatory review function.</p> <p>Other options for addressing concerns raised could include consideration of how vertical lines of accountability could be maintained and/or whether there should be more formal processes around information requests to wider state services (see MFR2024-078).</p>

Area of feedback	Summary of feedback to date	Initial Ministry for Regulation comment
	<p>Some submissions also commented on the proposed information-sharing powers for the Ministry, in particular expressing views that:</p> <ul style="list-style-type: none"> • the reasons for the power and when they would be used are not clearly articulated • they are unnecessary as mechanisms for sharing are available through existing legislative or voluntary methods • they could result in increased resource and financial burdens for organisations • privacy and confidentiality concerns need to be considered • any powers should not override prohibitions or restrictions on information gathering already provided for in legislation. 	<p>We can provide you with further advice on the scope, purpose and approaches to the Ministry’s oversight role and information-sharing provisions that could address the concerns of submitters if you wish.</p>
Costs	<p>Many submissions have questioned the overall costs of the proposal, generally in the context of some of the concerns set out above. Broad issues identified by submitters include perceptions that:</p> <ul style="list-style-type: none"> • the financial implications of the proposal have not been fully assessed • the establishment of the Ministry for Regulation and regulatory reviews has already resulted in significant costs, and this proposal would add to them • duplication of existing mechanisms for ensuring regulatory quality and providing oversight will create unnecessary costs and inefficiencies • the proposed principles – particularly the takings/impairment principle – would expose the Crown to significant fiscal risks • the costs involved in implementing the proposal would be better spent resourcing agencies to undertake more robust policy processes/regulatory stewardship. • the cost benefit analysis is limited through not providing for non-monetary aspects like environmental sustainability. 	<p>We have previously provided advice on options that we estimate would result in lower costs compared to the proposal (see T2024/763 and MFR2024-038 in particular). We could provide further advice based on these briefing on options to achieve your objectives at a lower cost.</p> <p>We also have work underway to identify more robust costs for this proposal and of the other options that will form part of our final RIS.</p>

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Ministry for Regulation
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IN-CONFIDENCE

From: [redacted]@tpk.govt.nz
Sent: Tuesday, 18 February 2025 3:43 pm
To: [redacted]@regulation.govt.nz; [redacted]@tearawhiti.govt.nz; [redacted]@tpk.govt.nz; [redacted]@tpk.govt.nz; [redacted]@tpk.govt.nz; [redacted]@justice.govt.nz; [redacted]@justice.govt.nz; [redacted]@tearawhiti.govt.nz; [redacted]@tpk.govt.nz
Cc: [redacted]@regulation.govt.nz; [redacted]@regulation.govt.nz; [redacted]@regulation.govt.nz; [redacted]@regulation.govt.nz
Subject: RE: Proposed Regulatory Standards Bill: initial findings from public consultation and possible next steps

IN-CONFIDENCE

Kia ora [redacted]

Thank you for the opportunity to comment on your draft briefing on initial findings on the feedback from public consultation on the proposed Regulatory Standards Bill.

Our specific feedback is tracked in the attached document for your consideration, but here are our key points:

- The paper outlines significant concerns raised during consultation about key aspects of the proposal and provides free and frank advice on the importance of addressing them.
- However, we strongly recommend advising the Minister on not making any ministerial decisions and not seeking Cabinet decisions until he considers full analysis of the issues raised and all appropriate options to address them.
- Consultation is only genuine and effective if officials take sufficient time to consider the issues raised by that consultation
- For this reason, we suggest the following recommendation should be identified as your "preferred" recommended option:
 - "agree that the Ministry should provide you with further detailed advice that could help address these concerns in the following areas..."
- The paper needs to highlight the major risks associated with the following recommendation:
 - "direct the Ministry to proceed on the basis of a substantively similar proposal to the one in the discussion document"
- We suggest adding a separate section to highlight the major risks, including progressing it

without properly addressing the issues raised and the risk of undeveloped policy requiring policy decisions to be made during the drafting process.

- Even if the Minister did not agree previously to the inclusion of Treaty principle, the Ministry should provide further advice on this because of the request from many submitters that this be included and because of the risks of not including it.
- There are some issues or suggestions raised by submitters that the Ministry has not provided advice on yet, such as suggestions of Māori consultation requirements or representation on the proposed Regulatory Standards Board
- To highlight the issues, the briefing could refer to particular substantive submissions the Ministry has already reviewed, particularly those from knowledgeable and representative bodies. These should include the New Zealand Law Society submission, and any submission from Te Hunga Roia Māori o Aotearoa and bodies representative of iwi and/or Māori.
- Some of the issues raised during this public consultation were also raised during agency consultation. This briefing also needs to reflect the feedback we previously provided, particularly the lack of consultation, for example recognising and providing for te Tiriti o Waitangi/the Treaty of Waitangi, safeguarding Māori rights and interests, and undertaking proper engagement with Māori and considering their feedback in any decision making.
- Not including provision for meaningful and effective participation and engagement for Māori could undermine the Māori Crown relationship, risk undermining the partnership principle, and lead to poorer quality legislation if Māori interests are not adequately addressed in regulatory quality assessments.

Please note these are our initial thoughts on your initial findings. We look forward to reviewing the final analysis of all submissions received and the options considered to address the key issues raised in those submissions. We consider this should happen before any decisions are made on progressing this draft Bill.

Please let us know if you have any questions or need clarification.

Ngā mihi

[Redacted]

<p>[Redacted] Policy Manager, Māori Sector Partnerships</p>	<p>Tauwaea DDI : [Redacted] Waea Pūkoro M : S9(2)(a) Waea Whakaahua F : 0800 875 329</p> <hr/> <p>Te Puni Kōkiri, Te Puni Kōkiri House, 143 Lambton Quay, Wellington 6011, New Zealand PO Box 3943, Wellington 6140, New Zealand</p> <hr/> <p> Te Puni Kōkiri Website  Kōkiri Magazine  Facebook</p>
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IN-CONFIDENCE

From: [Redacted] <[Redacted]@regulation.govt.nz>

Sent: Monday, 17 February 2025 2:41 pm

To: [Redacted] <[Redacted]@tearawhiti.govt.nz>; [Redacted] <[Redacted]@tpk.govt.nz>; [Redacted] <[Redacted]@tpk.govt.nz>; [Redacted] <[Redacted]@tpk.govt.nz>; [Redacted] <[Redacted]@tpk.govt.nz>; [Redacted] <[Redacted]@tpk.govt.nz>; [Redacted] <[Redacted]@tpk.govt.nz>; [Redacted] <[Redacted]@justice.govt.nz>; [Redacted] <[Redacted]@justice.govt.nz>; [Redacted]

Document 2.23

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[REDACTED]@regulation.govt.nz>; [REDACTED]@regulation.govt.nz>; [REDACTED]

[REDACTED]@regulation.govt.nz>

Subject: Proposed Regulatory Standards Bill: initial findings from public consultation and possible next steps

IN-CONFIDENCE

Kia ora koutou

Please find attached our draft briefing on initial findings on the feedback from public consultation on the proposed Regulatory Standards Bill – in particular the briefing and Annex 2 of the attached.

Please note this is still very much a work in progress – particularly Annex 1, which is our initial summary of submissions. We have not yet received the quantitative analysis from our provider (hence all the missing numbers), and we have only managed to tag around a third of what we've defined as 'substantive' submissions so far, so Annex 1 may change a fair bit between now and when the briefing is due.

As previously signalled, it would be great to have any feedback on this briefing by close of play tomorrow so we can reflect it in the final – sincere apologies for the quick turnaround.

On a further note, I'm also mindful that there are some changes in functions happening next week between Te Arawhiti and Te Puni Kokiri. Can I please confirm that you are still the correct contacts going forward and whether there are others that I should also start connecting with?

As always, feel free to contact me directly to discuss if that's helpful. I'm happy to have a chat either on teams or by phone (S9(2)(a) [REDACTED])

Hei konā mai

[REDACTED]
Principal Advisor, Policy and Strategy Team
Ministry for Regulation

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Document 2.36

From: [redacted]
To: [redacted]
Subject: FW: Updated Treaty Impact Analysis for review please
Date: Thursday, 13 March 2025 5:10:00 pm
Attachments: [image001.png](#)
[4..Draft.Treaty.Impact.Analysis.for.an.amended.RSB.docx](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

Kia ora [redacted]

Just checking in that someone will respond to [redacted] on this ?

Noho ora mai
[redacted]

<p>[redacted] Hautū Te Puni Kaupapa Here Deputy Secretary Policy Te Puni Kōkiri</p>  <p>Te Puni Kōkiri MINISTRY OF MĀORI DEVELOPMENT</p>	<p>Tauwaea DDI : [redacted] Waea Pūkoro M : S9(2)(a) Waea Whakaahua F : 0800 875 329</p> <p>Te Puni Kōkiri, Te Puni Kōkiri House, 143 Lambton Quay, Wellington 6011, New Zealand PO Box 3943, Wellington 6140, New Zealand</p> <p> Te Puni Kōkiri Website  Kōkiri Magazine  Facebook</p>
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From: [redacted] regulation.govt.nz>
Sent: Wednesday, 12 March 2025 4:09 pm
To: [redacted]@tpk.govt.nz>; [redacted] tpk.govt.nz>; [redacted] tpk.govt.nz>; [redacted]@justice.govt.nz>; [redacted]@justice.govt.nz>; [redacted]@tpk.govt.nz>; [redacted]@tpk.govt.nz>; [redacted] tpk.govt.nz>; [redacted]@tpk.govt.nz>; [redacted]@tearawhiti.govt.nz>
Cc: [redacted]@regulation.govt.nz>; [redacted]@regulation.govt.nz>; [redacted]@regulation.govt.nz>
Subject: Updated Treaty Impact Analysis for review please

IN-CONFIDENCE

Kia ora koutou

Thanks so much for your helpful feedback on the early draft Treaty Impact Analysis (TIA) for the proposed Regulatory Standards Bill. We've endeavoured to reflect all your feedback in the updated draft (attached).

Apologies for the short turn around, but we are asking for any further feedback you may have by COP Thursday (if possible). Otherwise COP Friday is fine.

Please also note that we're actively working with the Office of Treaty Settlements and Takutai Moana – Te Tari Whakatau on further refinement of areas relating to Treaty Settlements and the recognition of customary interests under the Marine and Coastal Area (Takutai Moana) Act 2011.

Ngā mihi
[redacted]

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IN-CONFIDENCE

From: [@regulation.govt.nz](mailto:imera@regulation.govt.nz)
Sent: Wednesday, 12 March 2025 10:29 am
To: [@regulation.govt.nz](mailto:imera@regulation.govt.nz)
Cc: [@regulation.govt.nz](mailto:imera@regulation.govt.nz); [@regulation.govt.nz](mailto:imera@regulation.govt.nz)
[@regulation.govt.nz](mailto:imera@regulation.govt.nz)
Subject: Draft Cabinet paper consultation - Regulatory Standards Bill

IN-CONFIDENCE

Kia ora

Please find attached for your review and feedback a draft Cabinet paper seeking policy approvals for progressing the Regulatory Standards Bill. Also attached:

- a draft copy of key aspects of the Bill is attached. Please note there has been no decisions from Cabinet, the drafting reflects the Minister's intentions to better assist with consultation on the paper.
- the draft RIS and Treaty Impact Analysis for your reference. Both the RIS and TIA are subject to change as we continue to work through our analysis.

We are also expecting Crown Law advice to support departmental consultation. We will circulate this advice as soon as possible but are sending you the Cabinet paper now in the interest of maximising your time with the paper.

Important note: the attached papers contain advice that is subject to Crown legal privilege and cannot be shared outside of the core Crown. Please take care in the handling of these papers to avoid any inadvertent disclosures. If you have received this email and are outside the Crown's legal privilege please do not open the attachments and contact us immediately to advise.

Impact on broader public sector agencies

You will see the proposal now includes all secondary legislation within scope of consistency assessment requirements. Classes of legislation may be excluded from requirements by notice following approval by the House. We appreciate this proposal will have an impact on a broad range of agencies who are empowered to make secondary legislation. We ask in your feedback that you give consideration to the potential impact on entities that fall within your policy areas and/or monitoring functions.

Document 2.36

Drop-in session

Given the tight timeframes we are hosting a drop-in session via Teams at **11.30am Thursday 13 March**. We will provide a short overview of the proposals in the paper and give you an opportunity to ask the team any questions. I will shortly send out an invite to this session, please feel free to forward on within your agency, including to legal colleagues if required. As this session is likely to include discussion on legal aspects of the proposal, please do not forward the invitation beyond your own agency.

Timing

Unfortunately, as we are working to tight timeframes, we are asking for agency feedback **no later than 5pm Friday 14 March**. This timeframe reflects an intention for ministerial consultation to be undertaken between Thursday 20 March – Friday 28 March. Given the tight timeframes, it would be helpful if you could indicate whether you want a departmental comment included and provide the content of such a comment, should we be unable to fully reflect your feedback in the paper.

Ngā mihi



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The Treaty of Waitangi/te Tiriti o Waitangi Impact Analysis for the Regulatory Standards Bill

1. The Ministry for Regulation (the Ministry) is undertaking a Treaty Impact Analysis (TIA) on the proposal for a Regulatory Standards Bill (the proposed Bill). This analysis updates the preliminary Treaty Impact Analysis published by the Ministry in November 2024, in light of amendments to the proposal and to incorporate feedback received as part of public consultation on the *Have your say on a proposed Regulatory Standards Bill* discussion document between 19 November 2024 to 13 January 2025.
2. The analysis identifies the Treaty of Waitangi/te Tiriti o Waitangi (the Treaty/te Tiriti) impacts of the range of policy proposals in the Bill on rights and responsibilities recognised or created by the Treaty/te Tiriti, and the implications for Treaty settlements and agreements. This TIA follows guidance for policy makers set out in Cabinet Circular CO (19)5¹ and is informed by advice from the Crown Law Office.
3. This TIA covers:
 - 3.1. an overview of the key aspects of the proposed Bill which are relevant to this analysis
 - 3.2. submissions from Māori groups on the proposed Bill
 - 3.3. assessment of the proposed Bill against articles of the Treaty/te Tiriti, and
 - 3.4. assessment of implications of the proposed Bill for the Treaty/te Tiriti settlements and agreements.
4. The proposed Bill seeks to benefit all New Zealanders by improving the quality of regulation by establishing a framework for agencies and an independent board to assess the consistency of legislation with proposed principles of responsible regulation. Given the evolving statutory and legal landscape in which the Executive operates, and uncertainties around how the proposed Bill will be applied in practice, officials consider that each assessment will likely present its own unique considerations. This includes how individual ministers choose to address any unjustified inconsistencies with the principles for responsible regulation.

¹ Cabinet Office, *Cabinet Office Circular CO (19) 5 Te Tiriti o Waitangi/Treaty of Waitangi Guidance 2019*.



5. These features of the proposal mean that it is uncertain how the proposed Bill will influence regulatory settings and outcomes in practice. Officials also note that the extent of the analysis has been impacted through the decision to both progress largely on the basis of the proposals in the discussion document, coupled with the pace of timeframes for seeking further Cabinet decisions.
6. The proposed Regulatory Standards Bill has four key aspects², it:
 - 6.1. sets **principles for responsible regulation**, and a requirement that agencies must assess the consistency of proposed and existing legislation with these principles, with Ministers justifying any inconsistencies.
 - 6.2. establishes a **Regulatory Standards Board** to carry out inquiries into whether proposed or existing legislation is inconsistent with the principles for responsible regulation
 - 6.3. sets a **regulatory stewardship principle** that Chief Executives of government agencies must uphold, and
 - 6.4. sets a requirement that the Ministry for Regulation must produce a regular report assessing the overall performance of the Regulatory Management System, and provides **information-gathering powers** to support this role, as well as for regulatory reviews led by the Ministry for Regulation.
7. Some other relevant policy proposal shifts include:
 - 7.1. the consultation principle has been narrowed to require that it applies only in relation to those who would be “directly and materially affected” by the legislation rather than those “substantially” affected
 - 7.2. consistency assessments would now be required for all secondary legislation, rather than limited to secondary legislation set out in a notice issued under the proposed Bill
 - 7.3. responsible agencies would now be required to plan for all existing primary and secondary legislation they administer to be assessed for consistency no later than 10 years after the proposed Bill has come into force
 - 7.4. in addition to carrying out inquiries in relation to existing primary and secondary legislation that is subject to consistency assessments, the Regulatory Standards Board would now have the ability to assess agencies’

² For greater detail on the key aspects of the Regulatory Standards Bill, please refer to cabinet paper REF TO COME.



statements on consistency with the principles upon introduction of a Bill, and provide a report of its assessment to the relevant Select Committee.

8. The overall purpose of the proposed Bill is to promote the accountability of the Executive to Parliament in relation to the development of high-quality legislation and regulatory stewardship, and support Parliament to scrutinise Bills and oversee the power to make delegated legislation.
9. Of relevance for this analysis is that the proposed Bill does not require legislation to be amended if a review concludes a piece of legislation is inconsistent, and no other legislation would be nullified by the proposed Bill coming into force. When inconsistencies occur the responsible Minister is required to provide a statement that briefly explains the Government's reasons for any inconsistency. There is no requirement to remedy the inconsistency (although a Minister needs to set out proposed actions (if any) they are choosing to take). At this time, we are unable to predetermine what a Minister may consider a valid reason for inconsistencies, as that determination would be in the purview of individual Ministers.
10. Further, the proposed Bill does not confer or impose any legal rights or duties or affect the validity of any legislation. This means that while there will be an (unknown) influence on legislation due to the application of the proposed principles over time, no existing legislation would be nullified by the introduction of the proposed Bill.
11. The summary of analysis, and each of the components of the analysis which follow, considers the collective impacts of the key aspects of the proposed Bill.

Summary of analysis

12. The Treaty of Waitangi/Te Tiriti o Waitangi (referred to as 'the Treaty/te Tiriti' for the purposes of this document) is recognised as a founding document of government in New Zealand³ and of "vital constitutional importance".⁴ It has created a foundational relationship for New Zealand based on partnership between Māori and the Crown.
13. Consultation feedback has raised concerns around the content of the proposed Bill and its potential to effect significant constitutional change, and its implications for the role of the Treaty/te Tiriti as part of law-making. Submissions from Māori groups, and others, questioned whether legislative change is required, and how any change should incorporate orthodox reflections of the importance of the Treaty/te Tiriti in the law-

³ Cabinet Office, Cabinet Manual 2023 (Wellington: Department of Prime Minister and Cabinet, 2023), Appendix A, p 155.

⁴ Legislation Design and Advisory Committee *Legislation Guidelines* 2021 Edition, p 24.



making process. Many submitters proposed the government either abandon the proposed Bill or halt further development until further consultation and engagement has taken place.

14. **S9(2)(h)** [Redacted]

15. **S9(2)(g)(i)** [Redacted] While this does not prohibit the Crown complying with the proposed Bill in a manner consistent with the Treaty/te Tiriti, it does create uncertainty for how decision makers will provide for Māori rights and interests, Treaty/te Tiriti obligations, and Treaty/te Tiriti settlements and agreements. **S9(2)(g)(i)** [Redacted]

16. Further, the proposed Bill does not clearly delineate whether equality means individuals, including Māori, are treated the same (formal equality) as opposed to recognising the impact of individuals' circumstances on equal outcomes and the unique disparities faced by Māori (substantive equality). **S9(2)(g)(i)** [Redacted]

17. **S9(2)(h)** [Redacted]

18. With regard to Treaty/te Tiriti settlements, these are excluded from consistency assessments for regulatory proposals, the Board's purview, and regular reviews of



existing legislation for consistency with the principles of responsible regulation. If these exclusions work as intended, future negotiated settlements would fall outside the scope of the Bill's authority. This may offer some reassurance to settlement groups regarding the Bill's potential impact on both current and future settlement protections, as well as the ability to seek future redress.

19. **S9(2)(g)(i)** [REDACTED] under Treaty/te Tiriti settlement legislation, there may still be uncertainty around the broader interaction between the proposed Bill and future Treaty/te Tiriti settlements. This is because while the legislation itself would not be impacted by the proposed Bill, any new legislation that may be relevant to the context in which negotiations occur will need to be analysed against the principles of responsible regulation. As those principles do not include consideration of the Treaty/te Tiriti there may still be uncertainty for how the proposed Bill may impact the operation of the Treaty/te Tiriti settlement regime.
20. The proposed Bill does not exclude customary rights recognised under Marine and Coastal Area (Takutai Moana Act) 2011 and Ngā Rohe Moana o Ngā Hapū Porou Act 2019. This calls into question how the proposed Bill will ensure that these continue to be upheld and maintain the level of redress provided and we expect this will be a significant area of ongoing interest for Māori.
21. Given the uncertainties around how the proposed Bill will be applied in practice, there is a possibility that some of the above critiques may be mitigated through how individual ministers address inconsistencies with principles for responsible regulation and the approach taken with guidelines to support agencies and the Board with interpretation of the principles for responsible regulation.
22. In this context, and noting the constraints on this analysis, officials consider there are aspects of the proposed Bill that could be challenged as inconsistent with the Treaty/te Tiriti.
23. The public consultation process on the *Have your say on a proposed Regulatory Standards Bill* discussion document opened on 19 November 2024 and closed on 13 January 2025, with approximately 23,000 submissions received. The submission process asked for feedback on what a Bill should aim to do, and what it should include, rather than the specific provisions or wording of a Bill. The public consultation process was supported by an accompanying interim Regulatory Impact Statement, and a preliminary Treaty Impact Analysis.



Submissions from Māori groups on the proposed Bill

24. Most public submissions, around 88%, opposed the proposal for a Regulatory Standards Bill, around 11% did not state a clear view, and under 1% either partially supported or supported the proposed Bill. Of the 116 submitters who stated they were submitting on behalf of iwi or hapū, 91 were identified as opposing the Bill and 25 not stating a clear view. Please see Consultation on the proposed Regulatory Standards Bill: Summary of Submissions report.⁵ [Note these numbers may change as quantitative analysis is finalised and quality checks completed.]
25. The Ministry has undertaken specific analysis of submissions from self-identified Māori groups including iwi, hapū, and post-settlement governance entities (PSGEs) in recognition of their status as representatives of the Crown's Treaty/te Tiriti partner. We have not differentiated between individually self-identified Māori submitters and others.
26. Key themes from Māori group submissions are opposition to the proposed Bill due to:
- 26.1. a lack of meaningful consultation and engagement with Māori on the development of the proposal, S9(2)(g)(i) [REDACTED]
 - 26.2. a lack of recognition and provision for the Treaty/te Tiriti, both across the Bill more generally and with a principle for responsible regulation relating to the Treaty/te Tiriti
 - 26.3. S9(2)(g)(i) [REDACTED]
 - 26.4. negative impacts on Māori sovereignty, governance and self-determination
 - 26.5. a lack of recognition for kaitiakitanga and the unique relationship between Māori and the environment under the Treaty/te Tiriti, S9(2)(g)(i) [REDACTED]
 - 26.6. a lack of provision for consultation and engagement with Māori more generally, and
 - 26.7. a need to uphold the Treaty/te Tiriti settlements and arrangements with iwi and hapū.

⁵ FOR REVIEWERS: The summary of submissions report will be published in early April 2025.



Assessment of the proposed Bill in relation to the Treaty of Waitangi/te Tiriti o Waitangi articles

27. This section assesses the proposed Bill in relation to the Treaty/te Tiriti articles.

Treaty/te Tiriti Article One: the government gained the authority to govern (kāwanatanga)

28. Put simply, by Article One the government gained the authority to govern.⁶

29. The proposed Bill could be seen to elevate the kāwanatanga sphere as a singular authority in New Zealand, unencumbered by current Treaty/te Tiriti obligations and the Crown's guarantee of tino rangatiratanga.

30. The proposed Bill may impact the Crown's ability to meet the Treaty/te Tiriti commitments under Article One, in a range of ways, including:

30.1. *Prioritising individual property rights over collective rights and the Treaty/te Tiriti:* the framing of the principles of responsible regulation could be seen to create an expectation for the Government to prioritise individual property rights over tikanga Māori, the collective rights of tangata whenua, and tino rangatiratanga. This could result in uncertainty for how the Crown recognises the Treaty/te Tiriti guarantee of tino rangatiratanga in its decisions around law-making.

30.2. *Lack of adequate engagement with Māori on the development of the proposed Bill:* the Treaty/te Tiriti enshrines a partnership between the Crown and Māori, with an expectation that the Crown takes reasonable steps to make informed decisions on matters that affect rights and responsibilities recognised or created by the Treaty/te Tiriti. In the submissions, the Ministry heard from Māori groups the view that there was inadequate consultation and engagement on the development of the proposed Bill and that this disregarded the Crown's partnership obligations and undermined the intent and spirit of the Treaty/te Tiriti principles and the Treaty/te Tiriti settlements. Also, the limited nature of consultation on the policy proposals was insufficient to meet settlement commitments.

⁶ Cabinet Office, *Cabinet Office Circular CO (19) 5 Te Tiriti o Waitangi/Treaty of Waitangi Guidance 2019*, p 4.



Assessment of the proposed principles of responsible regulation against Article One of the Treaty of Waitangi/te Tiriti o Waitangi

Absence of a principle relating to the Treaty of Waitangi/te Tiriti o Waitangi

31. The proposed Bill does not include a principle relating to the Treaty/te Tiriti in relation to the development or review of legislation.

32. The Courts and the Waitangi Tribunal have given significant consideration to the balancing of the concepts of kawanatanga and tino rangatiratanga.⁷ The Waitangi Tribunal has recently noted its view that these concepts create a duty on the Crown to foster tino rangatiratanga, not to undermine it, and to ensure that its laws and policies adequately give effect to Treaty/te Tiriti rights and guarantees.⁸

33. S9(2)(h) [Redacted]

34. Further, the Crown has an obligation to actively protect the rights and interests of Māori under the Treaty/te Tiriti. The intent of the proposals is to set clear standards for regulatory quality and publicly hold responsible Ministers and departments to account in relation to them.]

35. S9(2)(h) [Redacted]

36. The absence of a principle relating to the Treaty/te Tiriti may be seen as implying that it is of lesser importance, with no obligation for Ministers to disclose and justify inconsistencies with the Treaty/te Tiriti as part of law-making.

37. S9(2)(h) [Redacted]

⁷ Te Puni Kōkiri *He Tirohanga o Kawa ki te Tiriti o Waitangi*, Wellington, 2001, p 49.
⁸ Waitangi Tribunal, *Tino Rangatiratanga me te Kaawanatanga: The Report on Stage 2 of the Te Paparahi o Te Raki Inquiry*, vol 1, (Wai 1040), (Wellington: Legislation Direct 2022), p 69.



S9(2)(h)

Taxes, fees and levies

38. Te Ao Māori⁹ includes a focus on collective ownership and responsibility for whenua and the collective nature of social and cultural interests. By contrast, the taxes, fees and levies principles focus on what could be interpreted as financial “benefits” and “costs” that particular classes of stakeholder may face as a result of legislation. It is difficult to reconcile this stakeholder-specific “costs” and “benefits” language with intangible outcomes like an impact on wairua¹⁰ or the ability to exercise kaitiakitanga.
39. Given this principle does not explicitly recognise the Treaty/te Tiriti there may be a risk that it prioritises economic considerations over the collective rights of tangata whenua, and social and cultural interests. There is a range of legislation that recognises the need for redistributive policies to address systemic inequity. Under the proposed Bill, there is a risk that such policies could be measured against a benchmark of economic considerations, as opposed to recognising collective Māori rights and unique socioeconomic realities and needs.

Good law-making

40. The proposed principle provides for ‘the importance of consulting, to the extent practicable, the persons or representatives of the persons that the Government considers will be directly and materially affected by the legislation’. This could signal a narrowing of scope of the proposal included in the discussion document, which provided for consultation with those ‘substantially affected.’
41. As noted above, the Treaty/te Tiriti principles create an expectation of properly informed and good faith decision making, and that of partnership generally. These can be interpreted as that the Crown should take reasonable steps to make informed decisions on matters that affect Māori interests¹¹.
42. The principles relating to good law-making could be seen as recognising in legislation the importance of consulting with both Māori and non-Māori who are impacted by legislation. They could also suggest greater accountability by the Executive around consultation therefore reinforcing the principles of partnership and active protection.

⁹ Footnote with explanation to come

¹⁰ [add footnote]

¹¹ *New Zealand Māori Council v Attorney-General (the Lands case)* [1987] 1 NZLR 641, at 683 per Richardson J. See also *New Zealand Māori Council v the Attorney-General* [1996] 3 NZLR 140 per Thomas J at 169.



43. S9(2)(h) [REDACTED]

44. S9(2)(h) [REDACTED]

45. Given the good law-making principles do not specifically recognise the Treaty/te Tiriti, there may be uncertainty about how lawmakers will be required to consider the Treaty/te Tiriti when practicing good law-making.

46. This uncertainty, coupled with the lack of guarantees for meaningful engagement with Māori, may undermine the ability for decision makers to act consistently with the good law-making principles in the proposed Bill in a way that meets the Crown's Treaty/te Tiriti obligations.

47. The good law-making principles, as well as highlighting the importance of consulting those who may be affected by the legislation, provide direction on how the development of legislation should carefully evaluate the issues concerned and the options for resolution, and assess the likely costs and benefits of recommended legislative responses.

48. Under this principle, decision makers will also need to assess whether the recommended legislation is likely to be the most effective, efficient and proportionate response to the issue. If these aspects of the legislative proposal are not informed by meaningful engagement and Treaty/te Tiriti analysis, the consistency checks of the legislation against this principle of responsible regulation may have ambiguous or negative impacts on the Crown meeting its Treaty/te Tiriti obligations.

Regulatory stewardship



49. There are currently relatively few formal checks and balances in place in relation to the performance of existing regulation, or monitoring of department's stewardship of their regulatory systems.
50. The proposed responsibility relating to regulatory stewardship would recognise and provide for these oversight arrangements in legislation. S9(2)(h)
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED] S9(2)(g)(i)
- [REDACTED]
- [REDACTED]

The Treaty/Te Tiriti Article Two: The Crown promises that Māori will have the right to make decisions over resources and taonga which they wish to retain (rangatiratanga)

51. Article Two of the Treaty/te Tiriti promises that Māori will have the right to make decisions over resources and taonga which they wish to retain (rangatiratanga).
52. The proposed Bill in its current form does not explicitly recognise or provide for tino rangatiratanga or the collective rights held by iwi and hapū. This could raise questions for how the Treaty/te Tiriti, tikanga Māori, collective rights, and tino rangatiratanga will continue to be provided for and upheld across New Zealand's constitutional arrangements as part of law-making. This omission could also be perceived as signalling a shift towards a regulatory framework that prioritises individual property rights over spiritual, cultural, and environmental dimensions that are seen as critical to Māori decision-making.
53. In addition to the above, there are a range of areas in the proposed Bill that may impact the Crown's ability to meet Treaty/te Tiriti commitments under Article Two including:
- 53.1. *A lack of protection and recognition of kaitiakitanga and the unique relationship between tangata whenua and the environment:* the proposed Bill is silent on how it will recognise kaitiakitanga and the unique relationship between tangata whenua and the environment under the Treaty/te Tiriti. This could result in uncertainty for how the application of the principles will ensure the Crown continues to protect ecosystems, including rivers, oceans and land



which are vital to the health and cultural, social and economic wellbeing of Māori.

- 53.2. *Upholding sources of rights/responsibilities included in legislation that protects Māori rights and interests:* the rights and responsibilities of Iwi, Hapū and tangata whenua are accorded special recognition through a range of statutes governing physical resources and the environment, where Māori have strong iwi and hapu relationships, including land, water, important sites, wahi tapu and other taonga. Legislating the Crown's commitment to upholding Māori rights and interests and Treaty/te Tiriti in any particular context could be seen as helping to hold the Crown to account for its future actions and contributing towards advancing the Māori Crown relationship. There is a risk that the proposed Bill could be used to challenge existing laws that give effect to the Treaty/te Tiriti when considered inconsistent with the proposed Bill's principles.
- 53.3. *Safeguarding Māori authority over lands, customary rights, taonga and natural resources:* the proposed Bill does not clearly delineate how it will provide for the ability of tangata whenua to express tino rangatiratanga over their lands, natural resources and taonga. This means that there is uncertainty for how lawmakers will be required to consider Māori cultural values and systems of law relating to property, including tikanga and customary rights. Without recognition of the Treaty/te Tiriti in the proposed Bill, there is a risk that these laws could be challenged or weakened.
- 53.4. *Lack of provision for Māori governance and self-determination:* Māori frameworks of governance, such as tino rangatiratanga and kaitiakitanga, emphasise adaptability, collective wellbeing, and the intergenerational stewardship of natural resources. The proposed Bill is silent for how it will provide mechanisms for Iwi/Hapū partnership or co-governance including local, diverse representation in and on regulatory bodies. It is also silent around how it will provide for these mechanisms as part of the Board and support the capability and capacity of Māori to participate in recourse.

S9(2)(g)(i)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



Assessment of the proposed principles of responsible regulation against Article Two of the Treaty of Waitangi/te Tiriti o Waitangi

Liberties

- 54. New Zealand does not have set down in legislation a description of “liberties” or a statutory recognition of liberties in this form. Providing for liberties in the proposed Bill could be interpreted as not only aligning with Article Two of the Treaty/te Tiriti, but also actively supporting the strengthening of Māori rights.
- 55. Conversely, it could also be seen to prioritise individual liberties while not providing for collective wellbeing, collective ownership of property and tino rangatiratanga as guaranteed under Article Two of The Treaty/te Tiriti. If unsupported by guidance emphasising the relationship of terms like “kaitiakitanga” with terms like “liberties”, the individualistic focus in this principle may undermine protections for Māori cultural practices and legal frameworks rooted in tikanga and the unique relationship tangata whenua have with their whenua, wai, and taonga tuku iho.

56. S9(2)(h) [Redacted]

57. S9(2)(h) [Redacted]

58. S9(2)(h) [Redacted]

Taking of property

- 59. New Zealand does not have set down in legislation a general protection of property rights from expropriation.



60. **S9(2)(h)** [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] This may also encourage the seeking of protection for Māori rights to own and use property currently recognised under legislation (such as the Marine and Coastal Area (Takutai Moana) Act 2011) when that legislation is reviewed in the future.
61. **S9(2)(h)** [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
62. Māori land is ancestral land, a taonga tuku iho (as parliament has acknowledged in Te Ture Whenua Māori Act. Any policy that affects land needs to be cognisant of the inherent characteristics of Māori land. This includes protection of Māori land interests that are compatible with the types of tenure and land ownership structure associated with Māori land.
63. Given the Bill does not explicitly refer to the Treaty/te Tiriti or tino rangatiratanga, there may be uncertainty as to how law-makers would be required to consider Māori cultural values and systems of law relating to property, including collective ownership and customary rights central to tikanga. This could result in uncertainty for how this principle would apply to Māori land or resources with the potential to undermine kaitiakitanga and tino rangatiratanga. This critique also applies to how the Bill would protect the rights and wellbeing of whānau, hapū and iwi, (including future generations) or the environment.
64. Further, Treaty/te Tiriti settlement land has unique characteristics that distinguishes it from other land. It has an underlying collective or communal dimension. Claimant groups accept redress in return for agreeing their historical Treaty/te Tiriti claims are



settled and can never again be pursued in any court, tribunal or other forum (a very significant thing in constitutional terms).

65. The Office for Treaty Settlements and Takutai Moana – Te Tari Whakatau advise that the value of land provided as settlement redress is only ever able to represent a small fraction of the value of what was lost through the Treaty/te Tiriti breaches. **S9(2)(h)**

[REDACTED]

[REDACTED]

[REDACTED]

The Treaty/Te Tiriti Article Three: The Crown promises that its obligations to New Zealand citizens are owed equally to Māori (Oritetanga)

66. Put simply, by Article Three the Crown promises that its obligations to New Zealand citizens are owed equally to Māori.¹² While the proposed Bill provides for the importance of equality before the law, it does not clearly delineate whether equality means individuals, including Māori, are treated the same (formal equality) as opposed to recognising the impact of individuals' circumstances on equal outcomes and the unique disparities faced by Māori (substantive equality).
67. Without explicit recognition of equity, the proposed Bill could make it more difficult to justify laws and policies designed to address disparities in outcomes experienced by Māori. The proposed Bill might also be used to challenge existing laws that seek to create conditions which allow Māori to receive their citizenship rights in ways that work for them. Further, many laws and policies recognise the need for specific Māori protections (e.g. Whānau ora and Treaty/te Tiriti settlements). Under the proposed Bill, there is a risk that such policies would be measured against a benchmark of equal treatment for all citizens (formal equality), as opposed to recognising the impact of individuals' circumstances to ensure equal outcomes (substantive equality).
68. This could also impact the rights of Māori to access justice to have their rights under the Treaty/te Tiriti realised. For example, current access to legal aid and iwi led restorative justice initiatives maybe challenged as giving unfair advantage rather than addressing systemic inequities.

Assessment of the proposed principles of responsible regulation against Article Three of te Tiriti o Waitangi/the Treaty of Waitangi

Rule of law

¹² Cabinet Office, *Cabinet Office Circular CO (19) 5 Te Tiriti o Waitangi/Treaty of Waitangi Guidance 2019*, p 11.



69. The proposed principle includes a specification that “every person is equal before the law.” The principle does not clearly delineate whether equality means individuals, including Māori, are treated the same (formal equality) as opposed to recognising the impact of individuals’ circumstances on equal outcomes and the unique disparities faced by Māori (substantive equality). This could raise a risk that the proposed Bill could be seen to equate the rights of all individuals with those of Treaty partners, creating uncertainty for how it will uphold the unique status of Māori as Treaty partners.

Assessment of implications of the proposals for Treaty of Waitangi/te Tiriti o Waitangi settlement commitments and agreements

70. Treaty/te Tiriti settlement Bills, or legislation that gives effect to, or is otherwise related to, full and final Treaty/te Tiriti settlements (“Settlement Legislation”) are excluded from consistency assessments for regulatory proposals, or from the Board’s purview. Settlement Legislation will also be excluded from regular reviews of existing legislation for consistency with the principles of responsible regulation, and therefore the general scope of the proposed Bill. This means that the proposed Bill acknowledges Māori rights to the extent negotiated and agreed in Settlement Legislation.
71. This approach addresses concerns that Settlement Legislation may not be protected if there are no Treaty/te Tiriti provisions in the proposed Bill. It also addresses concerns that assessing whether legislation is consistent with the principles of responsible regulation could override Treaty/te Tiriti settlement provisions and diminish the mana of agreements tailored to address specific historical grievances.
72. Excluding Settlement Legislation from the requirements in the proposed Bill means the principles of responsible regulation do not need to be considered within the context of Treaty/te Tiriti settlements and subsequent legislation that gives effect to such agreements. This approach may provide certainty to post-settlement governance entities (PSGEs) and negotiating groups around the impact of the proposed Bill on current and future settlements as the proposed Bill appears to treat previous and future claimant groups consistently, to ensure future Settlement Legislation is not subject to different legislative requirements.
73. However, while Settlement Legislation itself will not be subject to the requirements in the proposed Bill, ongoing Treaty/te Tiriti settlement processes would begin to occur within a changed context. Legislation that may have an impact on Treaty/te Tiriti settlements, but is not Settlement Legislation itself, would be expected to be developed or reviewed in accordance with principles of responsible regulation that



have not specifically provided for the Treaty/te Tiriti. S9(2)(g)(i)

[REDACTED]

- 74. PSGEs have also raised concerns that the proposed Bill could put the Crown in breach of agreement reached between Iwi or Hapū and the Crown under Treaty/te Tiriti settlements which commit to a renewed relationship of cooperation, mutual respect and honour based on the principles of the Treaty/te Tiriti. Some PGSEs have also advised that the limited nature of engagement on the proposed Bill to date is insufficient to meet Settlement Legislation commitments, given the significance of the proposals.
- 75. Public consultation was undertaken on the proposed bill, enabling PGSEs to provide feedback on the potential implications for Treaty/te Tiriti settlement legislation, however no specific engagement directly with iwi, hapū or PGSE was undertaken separately to the public consultation process.
- 76. S9(2)(g)(i) [REDACTED]. This means agreements made in settlements should continue to be implemented as intended and should not be changed as a result of the proposed Bill. However, we note the changing context for the development of other legislation as outlined above may also impact on the environment in which settlements agreements are carried out within.

How the proposed Bill interacts with sources of rights/responsibilities to protect customary rights

- 77. The proposed Bill does not provide an exemption for the Marine and Coastal Area (Takutai Moana Act) 2011 and the Ngā Rohe Moana o Ngā Hapū Porou Act 2019 as is provided for Settlement Legislation. Both Acts provide statutory tests for the recognition of Māori customary rights in the marine and coastal area.
- 78. Both Acts and any secondary legislation made under either Act will be subject to the requirement for all existing and future legislation to be reviewed for consistency with the principles of responsible regulation and will come within the Regulatory Standards Board’s purview.



79. This is likely to create uncertainty around whether the proposed Bill will limit or impede the existing and future rights of iwi and hapū to exercise kaitiakitanga in customary marine title areas.

80. The changed context could impact iwi and hapū who have active customary marine title (CMT) claims, interlocutory applications, appeals, or re-hearings relating to CMT decisions. **S9(2)(g)(i)**

[Redacted text block]

81. **S9(2)(g)(i)**

[Redacted text block]

82. Finally, given the proposed Bill could apply to existing legislation setting out agreed Māori customary rights in the marine and coastal areas, it is unclear how the Crown will actively protect the rights of Māori under Article Two to exercise tino rangatiratanga over customary rights areas.

83. The potential impact may be mitigated depending on the level of comfort a responsible Minister will have in choosing to acknowledge inconsistencies of a piece of legislation with the principles set out in the proposed Bill. This is because while the requirements to review legislation in the proposed Bill will apply, the proposed Bill does not require legislation to be amended if a review concludes a piece of legislation is inconsistent. When inconsistencies occur the responsible Minister is required to provide a statement that briefly explains the Government's reasons for any inconsistency. There is no requirement to remedy the inconsistency (although a Minister needs to set out proposed actions (if any) they are choosing to take). The protection of customary rights could be considered by the responsible Minister as a valid reason for inconsistency and therefore choose not to take any action.

84. However, while this is a possibility, we are unable to predetermine what a Minister may consider a valid reason for inconsistencies, as that determination is the purview of individual Ministers. Therefore, uncertainty will remain as to the extent of the impact for customary rights provided for under either piece of legislation, until the bill is in effect.



85. Additionally, as outlined above in relation to Settlement Legislation, future legislation that may have an impact on customary rights in the marine and costal area would also be developed in accordance with principles of responsible regulation that have not specifically provided for te Tiriti/the Treaty. This will also mean the negotiation of future rights under either Act will be occurring within a changed context that could disadvantage claimants.

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Document 2.37

From: [redacted]
To: [redacted]
Cc: [redacted]
Subject: RE: Updated Treaty Impact Analysis for review please
Date: Thursday, 13 March 2025 5:36:03 pm
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

Kia ora [redacted]

Sorry for the slow response, I have [redacted] working on this to get back to you by COB tomorrow.

Ngā mihi,

[redacted]

**Te Rarawa, Te Aupouri, Ngāti Whātua,
Ngapuhi, Waikato**

General Manager | Paeārahi
Wellbeing | Hauora
Policy Partnerships | Te Puni Kaupapa-Here

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From: [redacted]@regulation.govt.nz>
Sent: Wednesday, 12 March 2025 4:09 pm
To: [redacted]@tpk.govt.nz>; [redacted]@tpk.govt.nz>; [redacted]@tpk.govt.nz>; [redacted]justice.govt.nz>; [redacted]@justice.govt.nz>; [redacted]@tpk.govt.nz>; [redacted]@tpk.govt.nz>; [redacted]@tpk.govt.nz>; [redacted]@tpk.govt.nz>; [redacted]@tearawhiti.govt.nz>
Cc: [redacted]@regulation.govt.nz>; [redacted]@regulation.govt.nz>; [redacted]@regulation.govt.nz>
Subject: Updated Treaty Impact Analysis for review please

IN-CONFIDENCE

Kia ora koutou

Thanks so much for your helpful feedback on the early draft Treaty Impact Analysis (TIA) for the proposed Regulatory Standards Bill. We've endeavoured to reflect all your feedback in the updated draft (attached).

Apologies for the short turn around, but we are asking for any further feedback you may have by COP Thursday (if possible). Otherwise COP Friday is fine.

Please also note that we're actively working with the Office of Treaty Settlements and Takutai

Moana – Te Tari Whakatau on further refinement of areas relating to Treaty Settlements and the recognition of customary interests under the Marine and Coastal Area (Takutai Moana) Act 2011.

Ngā mihi

Principal Advisor, Policy and Strategy Team
Ministry for Regulation
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Cc: [@regulation.govt.nz](mailto: @regulation.govt.nz); [@regulation.govt.nz](mailto: @regulation.govt.nz)
Subject: Draft Cabinet paper consultation - Regulatory Standards Bill

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Kia ora

Please find attached for your review and feedback a draft Cabinet paper seeking policy approvals for progressing the Regulatory Standards Bill. Also attached:

- a draft copy of key aspects of the Bill is attached. Please note there has been no decisions from Cabinet, the drafting reflects the Minister’s intentions to better assist with consultation on the paper.
- the draft RIS and Treaty Impact Analysis for your reference. Both the RIS and TIA are subject to change as we continue to work through our analysis.

We are also expecting Crown Law advice to support departmental consultation. We will circulate this advice as soon as possible but are sending you the Cabinet paper now in the interest of maximising your time with the paper.

Important note: the attached papers contain advice that is subject to Crown legal privilege and cannot be shared outside of the core Crown. Please take care in the handling of these papers to avoid any inadvertent disclosures. If you have received this email and are outside the Crown's legal privilege please do not open the attachments and contact us immediately to advise.

Impact on broader public sector agencies

You will see the proposal now includes all secondary legislation within scope of consistency assessment requirements. Classes of legislation may be excluded from requirements by notice following approval by the House. We appreciate this proposal will have an impact on a broad range of agencies who are empowered to make secondary legislation. We ask in your feedback that you give consideration to the potential impact on entities that fall within your policy areas and/or monitoring functions.

Drop-in session

Given the tight timeframes we are hosting a drop-in session via Teams at **11.30am Thursday 13 March**. We will provide a short overview of the proposals in the paper and give you an opportunity to ask the team any questions. I will shortly send out an invite to this session, please feel free to forward on within your agency, including to legal colleagues if required. As this session is likely to include discussion on legal aspects of the proposal, please do not forward the invitation beyond your own agency.

Timing

Unfortunately, as we are working to tight timeframes, we are asking for agency feedback **no later than 5pm Friday 14 March**. This timeframe reflects an intention for ministerial consultation to be undertaken between Thursday 20 March – Friday 28 March. Given the tight timeframes, it would be helpful if you could indicate whether you want a departmental comment included and provide the content of such a comment, should we be unable to fully reflect your feedback in the paper.

Ngā mihi

[Redacted]

[Redacted]

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Date: Thursday, 13 March 2025 5:55:06 pm
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

Kia ora [redacted]

Yes got that now. I was a bit confused between the above and the draft cabinet paper feedback that is also being requested of us atm.

Ngā mihi,

Te Rarawa, Te Aupouri, Ngāti Whātua, Ngapuhi, Waikato

General Manager | Paeārahi

Wellbeing | Hauora

Policy Partnerships | Te Puni Kaupapa-Here

National office



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To: [redacted]@tpk.govt.nz>
Subject: FW: Updated Treaty Impact Analysis for review please

Kia ora [redacted]

Just checking in that someone will respond to [redacted] on this ?

Noho ora mai

Hautū Te Puni Kaupapa Here
Deputy Secretary Policy
Te Puni Kōkiri



Te Puni Kōkiri
MINISTRY OF MĀORI DEVELOPMENT

Tauwaea DDI : [redacted] | Waea Pūkoro M : S9(2)(a)
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Sent: Wednesday, 12 March 2025 4:09 pm
To: [redacted]@tpk.govt.nz>; [redacted]@tpk.govt.nz>; [redacted]@tpk.govt.nz>; [redacted]@justice.govt.nz>; [redacted]@justice.govt.nz>; [redacted]@tpk.govt.nz>; [redacted]@tpk.govt.nz>; [redacted]@tpk.govt.nz>; [redacted]@tpk.govt.nz>; [redacted]@tearawhiti.govt.nz>
Cc: [redacted]@regulation.govt.nz>; [redacted]@regulation.govt.nz>; [redacted]@regulation.govt.nz>

Document 2.38

Subject: Updated Treaty Impact Analysis for review please

IN-CONFIDENCE

Kia ora koutou

Thanks so much for your helpful feedback on the early draft Treaty Impact Analysis (TIA) for the proposed Regulatory Standards Bill. We've endeavoured to reflect all your feedback in the updated draft (attached).

Apologies for the short turn around, but we are asking for any further feedback you may have by COP Thursday (if possible). Otherwise COP Friday is fine.

Please also note that we're actively working with the Office of Treaty Settlements and Takutai Moana – Te Tari Whakatau on further refinement of areas relating to Treaty Settlements and the recognition of customary interests under the Marine and Coastal Area (Takutai Moana) Act 2011.

Ngā mihi

Principal Advisor, Policy and Strategy Team
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From: [@regulation.govt.nz](mailto: @regulation.govt.nz)
Sent: Wednesday, 12 March 2025 10:29 am
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Cc: [@regulation.govt.nz](mailto: @regulation.govt.nz); [@regulation.govt.nz](mailto: @regulation.govt.nz)
Subject: Draft Cabinet paper consultation - Regulatory Standards Bill

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Kia ora

Please find attached for your review and feedback a draft Cabinet paper seeking policy approvals for progressing the Regulatory Standards Bill. Also attached:

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- the draft RIS and Treaty Impact Analysis for your reference. Both the RIS and TIA are subject to

change as we continue to work through our analysis.

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Impact on broader public sector agencies

You will see the proposal now includes all secondary legislation within scope of consistency assessment requirements. Classes of legislation may be excluded from requirements by notice following approval by the House. We appreciate this proposal will have an impact on a broad range of agencies who are empowered to make secondary legislation. We ask in your feedback that you give consideration to the potential impact on entities that fall within your policy areas and/or monitoring functions.

Drop-in session

Given the tight timeframes we are hosting a drop-in session via Teams at **11.30am Thursday 13 March**. We will provide a short overview of the proposals in the paper and give you an opportunity to ask the team any questions. I will shortly send out an invite to this session, please feel free to forward on within your agency, including to legal colleagues if required. As this session is likely to include discussion on legal aspects of the proposal, please do not forward the invitation beyond your own agency.

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Ngā mihi

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OFFICIAL INFORMATION ACT

From: [REDACTED]
Sent: Friday, 14 March 2025 12:18 pm
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Updated Treaty Impact Analysis for review please
Attachments: 4. Draft Treaty Impact Analysis for an amended RSB_GM.docx
Follow Up Flag: Follow up
Flag Status: Flagged

Kia ora [REDACTED]

We have provided [REDACTED] with our feedback on the draft Cabinet paper. Our additional comments on the updated Treaty Impact Analysis (TIA), informed by the content of the draft Cabinet paper, are detailed below and in the marked-up version of the TIA attached:

- Under the proposals in the draft Cabinet Paper the Minister for Regulation would appoint all members of the proposed Regulatory Standards Board on the basis of “the Minister’s assessment of members having the requisite knowledge, skills and experience”, and the Minister could direct the Board to carry out inquiries into particular matters. Therefore, the reference, in paragraph 4, to the proposed Board as “an *independent* board” isn’t accurate and the word ‘independent’ should be deleted. We also suggest that the TIA addresses the potential Treaty / te Tiriti impacts of the Minister’s proposed ability to direct the Board to undertake inquiries into particular matters and unilaterally determine what knowledge, skills and experience Board members require.
- We suggest the TIA also notes that the proposal that responsible agencies would be required to assess all existing primary and secondary legislation no later than 10 years after the proposed Bill came into force would likely impose a significant resourcing burden on those Iwi, Hapū and other Māori groups who are materially affected by, and would be engaged with on, a wide range and large number of pieces of primary and secondary legislation as part of the process.
- S9(2)(h) [REDACTED]
- We suggest that paragraph 25 be amended to read “in recognition of their status as, or as representatives of the Crown’s Treaty / te Tiriti partners”.”
- The section of the TIA that discusses “Good law-making” currently does not, and probably should, specifically analyse the Treaty / te Tiriti impacts of the proposal in the Cabinet Paper that (rather than there being an objective standard that people and groups who are directly or materially impacted should be consulted) there would be a more subjective standard relating to whether the relevant Minister (or secondary legislation maker?) considers someone is affected. One aspect we suggest is considered as part of that analysis is that a subjective standard could result in uncertainty for Iwi, Hapū and Māori groups as to whether they will be consulted in relation to matters affecting them or their members.
- S9(2)(g)(i) [REDACTED]

- S9(2)(g)(i) [Redacted]
- S9(2)(g)(i) [Redacted]
- We suggest that the first sentence of paragraph 70 be amended to read “Treaty/te Tiriti settlement Bills, or legislation that gives effect to Treaty settlement deeds or is otherwise ...”.

We hope you find this feedback helpful. If you have any questions, please feel free to reach out to us.

Ngā mihi, nā
[Redacted]

[Redacted]
Policy Manager, Māori Sector Partnerships

Tauwaea DDI : [Redacted] Waea Pūkoro M : S9(2)(a)
Waea Whakaohua F : 0800 875 329

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PO Box 3943, Wellington 6140, New Zealand



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Document 2.39

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Ngā mihi

Principal Advisor, Policy and Strategy Team

Ministry for Regulation

imēra: regulation.govt.nz



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Ngā mihi

Principal Advisor, Regulatory Management System

Ministry for Regulation | Te Manatū Waeture

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The Treaty of Waitangi/te Tiriti o Waitangi Impact Analysis for the Regulatory Standards Bill

1. The Ministry for Regulation (the Ministry) is undertaking a Treaty Impact Analysis (TIA) on the proposal for a Regulatory Standards Bill (the proposed Bill). This analysis updates the preliminary ~~Treaty Impact Analysis~~ TIA published by the Ministry in November 2024, in light of amendments to the ~~propos~~ proposed Bill⁴ and to incorporate feedback received as part of public consultation on the 'Have your say on a proposed Regulatory Standards Bill' discussion document between 19 November 2024 to 13 January 2025.
2. The analysis identifies the Treaty of Waitangi/te Tiriti o Waitangi (the Treaty/te Tiriti) impacts of the range of policy proposals in the ~~proposed~~ Bill on rights and responsibilities recognised or created by the Treaty/te Tiriti, and the implications for Treaty settlements and agreements ~~entered-into under those settlements~~. This TIA follows guidance for policy makers set out in Cabinet Circular CO (19)5⁴ and is informed by advice from the Crown Law Office.
3. This TIA covers:
 - 3.1. an overview of the key aspects of the proposed Bill which are relevant to this analysis
 - 3.2. submissions from Māori groups on the proposed Bill
 - 3.3. assessment of the proposed Bill against articles of the Treaty/te Tiriti, and
 - 3.4. assessment of implications of the proposed Bill for the Treaty/te Tiriti settlements and agreements.
4. The proposed Bill seeks to benefit all New Zealanders by improving the quality of regulation by establishing a framework for agencies and an independent board to assess the consistency of legislation with proposed principles of responsible regulation. Given the evolving statutory and legal landscape in which the Executive operates, and uncertainties around how the proposed Bill will be applied in practice, officials consider that each assessment will likely present its own unique

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⁴ Cabinet Office, *Cabinet Office Circular CO (19) 5 Te Tiriti o Waitangi/Treaty of Waitangi Guidance 2019*.



considerations. This includes how individual ministers choose to address any unjustified inconsistencies with the principles for responsible regulation.

5. These features of the proposal mean that it is uncertain how the proposed Bill will influence regulatory settings and outcomes in practice. Officials also note that the extent of the analysis has been impacted through the decision to both progress largely on the basis of the proposals in the discussion document, coupled with the pace of timeframes for seeking further Cabinet decisions.

6. The proposed ~~Regulatory Standards~~ Bill has four key aspects², it:

- 6.1. sets **principles for responsible regulation**, and a requirement that agencies must assess the consistency of proposed and existing legislation with these principles, with Ministers justifying any inconsistencies.
- 6.2. establishes a **Regulatory Standards Board** to carry out inquiries into whether proposed or existing legislation is inconsistent with the principles for responsible regulation
- 6.3. sets a **regulatory stewardship principle** that Chief Executives of government agencies must uphold, and
- 6.4. sets a requirement that the Ministry ~~for Regulation~~ must produce a regular report assessing the overall performance of the Regulatory Management System, and provides ~~information-gathering powers~~ to support this role, as well as for regulatory reviews led by the Ministry ~~for Regulation~~.

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7. Some other relevant policy proposal shifts include:

- 7.1. the ~~consultation principle~~ has been narrowed to require that it applies only in relation to those who would be “directly and materially affected” by the legislation rather than those “substantially” affected
- 7.2. consistency assessments would now be required for all secondary legislation, rather than limited to secondary legislation set out in a notice issued under the proposed Bill
- 7.3. responsible agencies would now be required to plan for all existing primary and secondary legislation they administer to be assessed for consistency no later than 10 years after the proposed Bill has come into force
- 7.4. in addition to carrying out inquiries in relation to existing primary and secondary legislation that is subject to consistency assessments, the

² For greater detail on the key aspects of the ~~proposed~~ Regulatory Standards Bill, please refer to cabinet paper REF TO COME.

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Regulatory Standards Board would now have the ability to assess agencies' statements on consistency with the principles upon introduction of a Bill, and provide a report of its assessment to the relevant Select Committee.

8. The overall purpose of the proposed Bill is to promote the accountability of the Executive to Parliament in relation to the development of high-quality legislation and regulatory stewardship, and support Parliament to scrutinise Bills and oversee the power to make delegated legislation.
9. Of relevance for this analysis is that the proposed Bill does not require legislation to be amended if a review concludes a piece of legislation is inconsistent, and no other legislation would be nullified by the proposed Bill coming into force. When inconsistencies occur the responsible Minister is required to provide a statement that briefly explains the Government's reasons for any inconsistency. There is no requirement to remedy the inconsistency (although a Minister needs to set out proposed actions (if any) they are choosing to take). At this time, we are unable to predetermine what a Minister may consider a valid reason for inconsistencies, as that determination would be in the purview of individual Ministers.
10. Further, the proposed Bill does not confer or impose any legal rights or duties or affect the validity of any legislation. This means that while there will be an (unknown) influence on legislation due to the application of the proposed principles over time, no existing legislation would be nullified by the introduction of the proposed Bill.
11. The summary of analysis, and each of the components of the analysis which follow, considers the collective impacts of the key aspects of the proposed Bill.

Summary of analysis

12. The Treaty of Waitangi/Te Tiriti o Waitangi (referred to as 'the Treaty/te Tiriti' for the purposes of this document) is recognised as a founding document of government in New Zealand³ and of "vital constitutional importance".⁴ It has created a foundational relationship for New Zealand based on partnership between Māori and the Crown.
13. Consultation feedback has raised concerns around the content of the proposed Bill and its potential to effect significant constitutional change, and its implications for the role of the Treaty/te Tiriti as part of law-making. Submissions from Māori groups, and others, questioned whether legislative change is required, and how any change should

³ Cabinet Office, *Cabinet Manual 2023* (Wellington: Department of Prime Minister and Cabinet, 2023), Appendix A, p 155.

⁴ Legislation Design and Advisory Committee *Legislation Guidelines 2021 Edition*, p 24.



incorporate orthodox reflections of the importance of the Treaty/te Tiriti in the law-making process. Many submitters proposed the government either abandon the proposed Bill or halt further development until further consultation and engagement has taken place.

14. S9(2)(h) [Redacted]

15. S9(2)(g)(i) [Redacted] While this does not prohibit the Crown complying with the proposed Bill in a manner consistent with the Treaty/te Tiriti, it does create uncertainty for how decision makers will provide for Māori rights and interests, Treaty/te Tiriti obligations, and Treaty/te Tiriti settlements and agreements. S9(2)(g)(i) [Redacted]

16. Further, the proposed Bill does not clearly delineate whether equality means individuals, including Māori, are treated the same (formal equality) as opposed to recognising the impact of individuals' circumstances on equal outcomes and the unique disparities faced by Māori (substantive equality). S9(2)(g)(i) [Redacted]

17. S9(2)(h) [Redacted]



18. With regard to the Treaty/te Tiriti settlements, these are excluded from consistency assessments for regulatory proposals, the Board's purview, and regular reviews of existing legislation for consistency with the principles of responsible regulation. If these exclusions work as intended, future negotiated settlements would fall outside the scope of the Bill's authority. This may offer some reassurance to settlement and claimant groups regarding the Bill's potential impact on both current and future settlement protections, as well as the ability to seek future redress.
19. S9(2)(g)(i) [REDACTED] under the Treaty/te Tiriti settlement legislation, there may still be uncertainty around the broader interaction between the proposed Bill and future Treaty/te Tiriti settlements. This is because while the legislation itself would not be impacted by the proposed Bill, any new legislation that may be relevant to the context in which negotiations occur will need to be analysed against the principles of responsible regulation. As those principles do not include consideration of the Treaty/te Tiriti there may still be uncertainty for how the proposed Bill may impact the operation of the Treaty/te Tiriti settlement regime.
20. The proposed Bill does not exclude customary rights recognised under Marine and Coastal Area (Takutai Moana Act) 2011 and Ngā Rohe Moana o Ngā Hapū Porou Act 2019. This calls into question how the proposed Bill will ensure that these continue to be upheld and maintain the level of redress provided and we expect this will be a significant area of ongoing interest for Māori.
21. Given the uncertainties around how the proposed Bill will be applied in practice, there is a possibility that some of the above critiques may be mitigated through how individual ministers address inconsistencies with principles for responsible regulation and the approach taken with guidelines to support agencies and the Board with interpretation of the principles for responsible regulation.
22. In this context, and noting the constraints on this analysis, officials consider there are aspects of the proposed Bill that could be challenged as inconsistent with the Treaty/te Tiriti.
23. The public consultation process on the *Have your say on a proposed Regulatory Standards Bill* discussion document opened on 19 November 2024 and closed on 13 January 2025, with approximately 23,000 submissions received. The submission process asked for feedback on what a Bill should aim to do, and what it should include, rather than the specific provisions or wording of a Bill. The public consultation process



was supported by an accompanying interim Regulatory Impact Statement, and a preliminary Treaty Impact Analysis.

Submissions from Māori groups on the proposed Bill

24. Most public submissions, around 88%, opposed the proposal for a Regulatory Standards Bill, around 11% did not state a clear view, and under 1% either partially supported or supported the proposed Bill. Of the 116 submitters who stated they were submitting on behalf of iwi or Hapū, 91 were identified as opposing the Bill and 25 not stating a clear view. Please see *Consultation on the proposed Regulatory Standards Bill: Summary of Submissions report*.⁵ [Note these numbers may change as quantitative analysis is finalised and quality checks completed.]
25. The Ministry has undertaken specific analysis of submissions from self-identified Māori groups including iwi, Hapū, and post-settlement governance entities (PSGEs) in recognition of their status as representatives of the Crown's Treaty/te Tiriti partner. We have not differentiated between individually self-identified Māori submitters and others.
26. Key themes from Māori group submissions are opposition to the proposed Bill due to:
- 26.1. a lack of meaningful consultation and engagement with Māori on the development of the proposal, S9(2)(g)(i)
 - 26.2. a lack of recognition and provision for the Treaty/te Tiriti, both across the Bill more generally and with a principle for responsible regulation relating to the Treaty/te Tiriti
 - 26.3. S9(2)(g)(i)
 - 26.4. negative impacts on Māori sovereignty, governance and self-determination
 - 26.5. a lack of recognition for kaitiakitanga and the unique relationship between Māori and the environment under the Treaty/ te Tiriti, S9(2)(g)(i)
 - 26.6. a lack of provision for consultation and engagement with Māori more generally, and
 - 26.7. a need to uphold the Treaty/te Tiriti settlements and arrangements with iwi and hapū.

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⁵ FOR REVIEWERS: The summary of submissions report will be published in early April 2025.



Assessment of the proposed Bill in relation to the Treaty of Waitangi/te Tiriti o Waitangi articles

27. This section assesses the proposed Bill in relation to the Treaty/te Tiriti articles.

The Treaty/te Tiriti Article One: the government gained the authority to govern (kāwanatanga)

28. Put simply, by Article One the government gained the authority to govern.⁶

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29. The proposed Bill could be seen to elevate the kāwanatanga sphere as a singular authority in New Zealand, unencumbered by current Treaty/te Tiriti obligations and the Crown's guarantee of tino rangatiratanga.

30. The proposed Bill may impact the Crown's ability to meet the Treaty/te Tiriti commitments under Article One, in a range of ways, including:

30.1. *Prioritising individual property rights over collective rights and the Treaty/te Tiriti:* the framing of the principles of responsible regulation could be seen to create an expectation for the Government to prioritise individual property rights over tikanga Māori, the collective rights of tangata whenua, and tino rangatiratanga. This could result in uncertainty for how the Crown recognises the Treaty/te Tiriti guarantee of tino rangatiratanga in its decisions around law-making.

30.2. *Lack of adequate engagement with Māori on the development of the proposed Bill:* the Treaty/te Tiriti enshrines a partnership between the Crown and Māori, with an expectation that the Crown takes reasonable steps to make informed decisions on matters that affect rights and responsibilities recognised or created by the Treaty/te Tiriti. In the submissions, the Ministry heard from Māori groups the view that there was inadequate consultation and engagement on the development of the proposed Bill and that this disregarded the Crown's partnership obligations and undermined the intent and spirit of the Treaty/te Tiriti principles and the Treaty/te Tiriti settlements. Also, the limited nature of consultation on the policy proposals was insufficient to meet settlement commitments.

⁶ Cabinet Office, *Cabinet Office Circular CO (19) 5 Te Tiriti o Waitangi/Treaty of Waitangi Guidance 2019*, p 4.



Assessment of the proposed principles of responsible regulation against Article One of the Treaty of Waitangi/te Tiriti o Waitangi

Absence of a principle relating to the Treaty of Waitangi/te Tiriti o Waitangi

31. The proposed Bill does not include a principle relating to the Treaty/te Tiriti in relation to the development or review of legislation.

32. The Courts and the Waitangi Tribunal have given significant consideration to the balancing of the concepts of kawanatanga and tino rangatiratanga.⁷ The Waitangi Tribunal has recently noted its view that these concepts create a duty on the Crown to foster tino rangatiratanga, not to undermine it, and to ensure that its laws and policies adequately give effect to the Treaty/te Tiriti rights and guarantees.⁸

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33. S9(2)(h)
[Redacted]

34. Further, the Crown has an obligation to actively protect the rights and interests of Māori under the Treaty/te Tiriti. The intent of the proposals is to set clear standards for regulatory quality and publicly hold responsible Ministers and departments to account in relation to them.]

35. S9(2)(h)
[Redacted]

36. The absence of a principle relating to the Treaty/te Tiriti may be seen as implying that it is of lesser importance, with no obligation for Ministers to disclose and justify inconsistencies with the Treaty/te Tiriti as part of law-making.

37. S9(2)(h)
[Redacted]

⁷ Te Puni Kōkiri *He Tirohanga o Kawa ki te Tiriti o Waitangi*, Wellington, 2001, p 49.

⁸ Waitangi Tribunal, *Tino Rangatiratanga me te Kaawanatanga: The Report on Stage 2 of the Te Paparahi o Te Raki Inquiry*, vol 1, (Wai 1040), (Wellington: Legislation Direct 2022), p 69.



S9(2)(h)

Taxes, fees and levies

38. Te Ao Māori⁹ includes a focus on collective ownership and responsibility for whenua and the collective nature of social and cultural interests. By contrast, the taxes, fees and levies principles focus on what could be interpreted as financial “benefits” and “costs” that particular classes of stakeholder may face as a result of legislation. It is difficult to reconcile this stakeholder-specific “costs” and “benefits” language with intangible outcomes like an impact on wairua¹⁰ or the ability to exercise kaitiakitanga.

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39. Given this principle does not explicitly recognise the Treaty/te Tiriti there may be a risk that it prioritises economic considerations over the collective rights of tangata whenua, and social and cultural interests. There is a range of legislation that recognises the need for redistributive policies to address systemic inequity. Under the proposed Bill, there is a risk that such policies could be measured against a benchmark of economic considerations, as opposed to recognising collective Māori rights and unique socioeconomic realities and needs.

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Good law-making

40. The proposed principle provides for ‘the importance of consulting, to the extent practicable, the persons or representatives of the persons that the Government considers will be directly and materially affected by the legislation’. This could signal a narrowing of scope of the proposal included in the discussion document, which provided for consultation with those ‘substantially affected.’

41. As noted above, the Treaty/te Tiriti principles create an expectation of properly informed and good faith decision making, and that of partnership generally. These can be interpreted as that the Crown should take reasonable steps to make informed decisions on matters that affect Māori interests¹¹.

42. The principles relating to good law-making could be seen as recognising in legislation the importance of consulting with both Māori and non-Māori who are impacted by legislation. They could also suggest greater accountability by the Executive around consultation therefore reinforcing the principles of partnership and active protection.

⁹ Footnote with explanation to come

¹⁰ [add footnote]

¹¹ *New Zealand Māori Council v Attorney-General (the Lands case)* [1987] 1 NZLR 641, at 683 per Richardson J. See also *New Zealand Māori Council v the Attorney-General* [1996] 3 NZLR 140 per Thomas J at 169.



43. S9(2)(h) [Redacted]

44. S9(2)(h) [Redacted]

45. Given the good law-making principles do not specifically recognise the Treaty/te Tiriti, there may be uncertainty about how lawmakers will be required to consider the Treaty/te Tiriti when practicing good law-making.

46. This uncertainty, coupled with the lack of guarantees for meaningful engagement with Māori, may undermine the ability for decision makers to act consistently with the good law-making principles in the proposed Bill in a way that meets the Crown's Treaty/te Tiriti obligations.

47. The good law-making principles, as well as highlighting the importance of consulting those who may be affected by the legislation, provide direction on how the development of legislation should carefully evaluate the issues concerned and the options for resolution, and assess the likely costs and benefits of recommended legislative responses.

48. Under this principle, decision makers will also need to assess whether the recommended legislation is likely to be the most effective, efficient and proportionate response to the issue. If these aspects of the legislative proposal are not informed by meaningful engagement and Treaty/te Tiriti analysis, the consistency checks of the legislation against this principle of responsible regulation may have ambiguous or negative impacts on the Crown meeting its Treaty/te Tiriti obligations.



Regulatory stewardship

49. There are currently relatively few formal checks and balances in place in relation to the performance of existing regulation, or monitoring of department's stewardship of their regulatory systems.
50. The proposed responsibility relating to regulatory stewardship would recognise and provide for these oversight arrangements in legislation. S9(2)(h)

[REDACTED]

S9(2)(g)(i)

[REDACTED]

The Treaty/Te Tiriti Article Two: The Crown promises that Māori will have the right to make decisions over resources and taonga which they wish to retain (rangatiratanga)

51. Article Two of the Treaty/te Tiriti promises that Māori will have the right to make decisions over resources and taonga which they wish to retain (rangatiratanga).
52. The proposed Bill in its current form does not explicitly recognise or provide for tino rangatiratanga or the collective rights held by iwi and hapū. This could raise questions for how the Treaty/te Tiriti, tikanga Māori, collective rights, and tino rangatiratanga will continue to be provided for and upheld across New Zealand's constitutional arrangements as part of law-making. This omission could also be perceived as signalling a shift towards a regulatory framework that prioritises individual property rights over spiritual, cultural, and environmental dimensions that are seen as critical to Māori decision-making.
53. In addition to the above, there are a range of areas in the proposed Bill that may impact the Crown's ability to meet Treaty/te Tiriti commitments under Article Two including:
- 53.1. *A lack of protection and recognition of kaitiakitanga and the unique relationship between tangata whenua and the environment:* the proposed Bill is silent on how it will recognise kaitiakitanga and the unique relationship between tangata whenua and the environment under the Treaty/te Tiriti. This could result in uncertainty for how the application of the principles will ensure the Crown continues to protect ecosystems, including rivers, oceans and land



which are vital to the health, ~~and~~ cultural, social, and economic wellbeing of Māori.

- 53.2. *Upholding sources of rights/responsibilities included in legislation that protects Māori rights and interests:* the rights and responsibilities of Iwi, Hapū and tangata whenua are accorded special recognition through a range of statutes governing physical resources and the environment, where Māori have strong Iwi and Hapū relationships, including land, water, important sites, wahi tapu and other taonga. Legislating the Crown's commitment to upholding Māori rights and interests and ~~the~~ Treaty/te Tiriti in any particular context could be seen as helping to hold the Crown to account for its future actions and contributing towards advancing the Māori Crown relationship. There is a risk that the proposed Bill could be used to challenge existing laws that give effect to the Treaty/te Tiriti when considered inconsistent with the proposed Bill's principles.
- 53.3. *Safeguarding Māori authority over lands, customary rights, taonga and natural resources:* the proposed Bill does not clearly delineate how it will provide for the ability of tangata whenua to express tino rangatiratanga over their lands, natural resources and taonga. This means that there is uncertainty for how lawmakers will be required to consider Māori cultural values and systems of law relating to property, including tikanga and customary rights. Without recognition of the Treaty/te Tiriti in the proposed Bill, there is a risk that these laws could be challenged or weakened.
- 53.4. *Lack of provision for Māori governance and self-determination:* Māori frameworks of governance, such as tino rangatiratanga and kaitiakitanga, emphasise adaptability, collective wellbeing, and the intergenerational stewardship of natural resources. The proposed Bill is silent ~~for on~~ how it will provide mechanisms for Iwi/Hapū partnership or co-governance including local, diverse representation in and on regulatory bodies. It is also silent around how it will provide for these mechanisms as part of the Board and support the capability and capacity of Māori to participate in recourse.

S9(2)(g)(i)



Assessment of the proposed principles of responsible regulation against Article Two of the Treaty of Waitangi/te Tiriti o Waitangi

Liberties

- 54. New Zealand does not have set down in legislation a description of “liberties” or a statutory recognition of liberties in this form. Providing for liberties in the proposed Bill could be interpreted as not only aligning with Article Two of the Treaty/te Tiriti, but also actively supporting the strengthening of Māori rights.
- 55. Conversely, it could also be seen to prioritise individual liberties while not providing for collective wellbeing, collective ownership of property and tino rangatiratanga as guaranteed under Article Two of The Treaty/te Tiriti. If unsupported by guidance emphasising the relationship of terms like “kaitiakitanga” with terms like “liberties”, the individualistic focus in this principle may undermine protections for Māori cultural practices and legal frameworks rooted in tikanga and the unique relationship tangata whenua have with their whenua, wai, and taonga tuku iho.

56. S9(2)(h)
[Redacted text]

57. S9(2)(h)
[Redacted text]

58. S9(2)(h)
[Redacted text]

Taking of property

- 59. New Zealand does not have set down in legislation a general protection of property rights from expropriation.



60. S9(2)(h) [REDACTED]

[REDACTED] This may also encourage the seeking of protection for Māori rights to own and use property currently recognised under legislation (such as the Marine and Coastal Area (Takutai Moana) Act 2011) when that legislation is reviewed in the future.

61. S9(2)(h) [REDACTED]

62. Māori land is ancestral land, a taonga tuku iho ~~as~~ parliament has acknowledged in Te Ture Whenua Māori Act 1993. Any policy that affects land needs to be cognisant of the inherent characteristics of Māori land. This includes protection of Māori land interests that are compatible with the types of tenure and land ownership structure associated with Māori land.

63. Given the Bill does not explicitly refer to the Treaty/te Tiriti or tino rangatiratanga, there may be uncertainty as to how law-makers would be required to consider Māori cultural values and systems of law relating to property, including collective ownership and customary rights central to tikanga. This could result in uncertainty for how this principle would apply to Māori land or resources with the potential to undermine kaitiakitanga and tino rangatiratanga. This critique also applies to how the Bill would protect the rights and wellbeing of whānau, ~~hāpū and iwi~~ iwi and hapū, (including future generations) or the environment.

64. Further, Treaty/te Tiriti settlement land has unique characteristics that distinguishes it from other land. It has an underlying collective or communal dimension. Claimant groups accept redress in return for agreeing their historical Treaty/te Tiriti claims are



settled and can never again be pursued in any court, tribunal or other forum (a very significant thing in constitutional terms).

65. The Office for Treaty Settlements and Takutai Moana – Te Tari Whakatau advise that the value of land provided as settlement redress is only ever able to represent a small fraction of the value of what was lost through the Treaty/te Tiriti breaches. **S9(2)(h)**

[REDACTED]

The Treaty/Te Tiriti Article Three: The Crown promises that its obligations to New Zealand citizens are owed equally to Māori (Oritetanga)

66. Put simply, by Article Three the Crown promises that its obligations to New Zealand citizens are owed equally to Māori.¹² While the proposed Bill provides for the importance of equality before the law, it does not clearly delineate whether equality means individuals, including Māori, are treated the same (formal equality) as opposed to recognising the impact of individuals' circumstances on equal outcomes and the unique disparities faced by Māori (substantive equality).

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67. Without explicit recognition of equity, the proposed Bill could make it more difficult to justify laws and policies designed to address disparities in outcomes experienced by Māori. The proposed Bill might also be used to challenge existing laws that seek to create conditions which allow Māori to receive their citizenship rights in ways that work for them. Further, many laws and policies recognise the need for specific Māori protections (e.g. Whānau Ora and Treaty/te Tiriti settlements). Under the proposed Bill, there is a risk that such policies would be measured against a benchmark of equal treatment for all citizens (formal equality), as opposed to recognising the impact of individuals' circumstances to ensure equal outcomes (substantive equality).

68. This could also impact the rights of Māori to access justice to have their rights under the Treaty/te Tiriti realised. For example, current access to legal aid and iwi led restorative justice initiatives may be challenged as giving unfair advantage rather than addressing systemic inequities.

Assessment of the proposed principles of responsible regulation against Article Three of te Tiriti o Waitangi/the Treaty of Waitangi

Rule of law

¹² Cabinet Office, Cabinet Office Circular CO (19) 5 Te Tiriti o Waitangi/Treaty of Waitangi Guidance 2019, p 11.



69. The proposed principle includes a specification that “every person is equal before the law.” The principle does not clearly delineate whether equality means individuals, including Māori, are treated the same (formal equality) as opposed to recognising the impact of individuals’ circumstances on equal outcomes and the unique disparities faced by Māori (substantive equality). This could raise a risk that the proposed Bill could be seen to equate the rights of all individuals with those of Treaty partners, creating uncertainty for how it will uphold the unique status of Māori as Treaty partners.

Assessment of implications of the proposals for Treaty of Waitangi/te Tiriti o Waitangi settlement commitments and agreements

70. Treaty/te Tiriti settlement Bills, or legislation that gives effect to, or is otherwise related to, full and final Treaty/te Tiriti settlements (“Settlement Legislation”) are excluded from consistency assessments for regulatory proposals, or from the Board’s purview. Settlement Legislation will also be excluded from regular reviews of existing legislation for consistency with the principles of responsible regulation, and therefore the general scope of the proposed Bill. This means that the proposed Bill acknowledges Māori rights to the extent negotiated and agreed in Settlement Legislation.

71. This approach addresses concerns that Settlement Legislation may not be protected if there are no Treaty/te Tiriti provisions in the proposed Bill. It also addresses concerns that assessing whether legislation is consistent with the principles of responsible regulation could override Treaty/te Tiriti settlement provisions and diminish the mana of agreements tailored to address specific historical grievances.

72. Excluding Settlement Legislation from the requirements in the proposed Bill means the principles of responsible regulation do not need to be considered within the context of Treaty/te Tiriti settlements and subsequent legislation that gives effect to such agreements. This approach may provide certainty to ~~post-settlement governance entities~~ (PSGEs) and negotiating groups around the impact of the proposed Bill on current and future settlements as the proposed Bill appears to treat previous and future claimant groups consistently, to ensure future Settlement Legislation is not subject to different legislative requirements.

73. However, while Settlement Legislation itself will not be subject to the requirements in the proposed Bill, ongoing Treaty/te Tiriti settlement processes would begin to occur within a changed context. Legislation that may have an impact on Treaty/te Tiriti settlements, but is not Settlement Legislation itself, would be expected to be developed or reviewed in accordance with principles of responsible regulation that



have not specifically provided for the Treaty/te Tiriti. S9(2)(g)(i)

74. PSGEs have also raised concerns that the proposed Bill could put the Crown in breach of agreement reached between Iwi or Hapū and the Crown under Treaty/te Tiriti settlements which commit to a renewed relationship of cooperation, mutual respect and honour based on the principles of the Treaty/te Tiriti. Some PGSEs have also advised that the limited nature of engagement on the proposed Bill to date is insufficient to meet Settlement Legislation commitments, given the significance of the proposals.

75. Public consultation was undertaken on the proposed Bill, enabling PGSEs to provide feedback on the potential implications for Treaty/te Tiriti settlement legislation, however no specific engagement directly with Iwi, Hapū or PGSEs was undertaken separately to the public consultation process.

76. S9(2)(g)(i) This means agreements made in settlements should continue to be implemented as intended and should not be changed as a result of the proposed Bill. However, we note the changing context for the development of other legislation as outlined above may also impact on the environment in which settlements agreements are carried out within.

How the proposed Bill interacts with sources of rights/responsibilities to protect customary rights

77. The proposed Bill does not provide an exemption for the Marine and Coastal Area (Takutai Moana Act) 2011 and the Ngā Rohe Moana o Ngā Hapū Porou Act 2019 as is provided for Settlement Legislation. Both Acts provide statutory tests for the recognition of Māori customary rights in the marine and coastal area.

78. Both Acts and any secondary legislation made under either Act will be subject to the requirement for all existing and future legislation to be reviewed for consistency with the principles of responsible regulation and will come within the Regulatory Standards Board's purview.



79. This is likely to create uncertainty around whether the proposed Bill will limit or impede the existing and future rights of Iwi and Hapū to exercise kaitiakitanga in customary marine title areas.

80. The changed context could impact Iwi and Hapū who have active customary marine title (CMT) claims, interlocutory applications, appeals, or re-hearings relating to CMT decisions. S9(2)(g)(i)

[REDACTED]

81. S9(2)(g)(i)

[REDACTED]

82. Finally, given the proposed Bill could apply to existing legislation setting out agreed Māori customary rights in the marine and coastal areas, it is unclear how the Crown will actively protect the rights of Māori under Article Two to exercise tino rangatiratanga over customary rights areas.

83. The potential impact may be mitigated depending on the level of comfort a responsible Minister will have in choosing to acknowledge inconsistencies of a piece of legislation with the principles set out in the proposed Bill. This is because while the requirements to review legislation in the proposed Bill will apply, the proposed Bill does not require legislation to be amended if a review concludes a piece of legislation is inconsistent. When inconsistencies occur the responsible Minister is required to provide a statement that briefly explains the Government's reasons for any inconsistency. There is no requirement to remedy the inconsistency (although a Minister needs to set out proposed actions (if any) they are choosing to take). The protection of customary rights could be considered by the responsible Minister as a valid reason for inconsistency and therefore choose not to take any action.

84. However, while this is a possibility, we are unable to predetermine what a Minister may consider a valid reason for inconsistencies, as that determination is the purview of individual Ministers. Therefore, uncertainty will remain as to the extent of the impact for customary rights provided for under either piece of legislation, until the bill is in effect.



85. Additionally, as outlined above in relation to Settlement Legislation, future legislation that may have an impact on customary rights in the marine and costal area would also be developed in accordance with principles of responsible regulation that have not specifically provided for ~~the Treaty~~/te Tiriti/~~the Treaty~~. This will also mean the negotiation of future rights under either Act will be occurring within a changed context that could disadvantage claimants.

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MINISTERIAL CONSULTATION

Minister Potaka

Te Puni Kōkiri advice on the draft Cabinet Paper - Policy approvals for progressing a Regulatory Standards Bill

Context

1. You have received a copy of the draft Cabinet Paper, "Policy Approvals for Progressing a Regulatory Standards Bill," for Ministerial Consultation. The Minister for Regulation, Hon David Seymour, intends to lodge the draft paper with the Cabinet Expenditure and Regulatory Review Committee on 1 April 2025.
2. The Regulatory Standards Bill aims to improve the quality of New Zealand's regulation. The Cabinet Paper seeks final Cabinet decisions on the approach to be taken in the Bill.

Overview of the Proposed Regulatory Standards Bill

3. The Coalition Agreement between the New Zealand National Party and ACT New Zealand includes a commitment to pass the Regulatory Standards Act to improve regulation quality.
4. The Regulatory Standards Bill aims to reduce the amount of unnecessary and poor regulation by increasing transparency and making it clearer where legislation does not meet standards. The Bill also seeks to strengthen regulatory quality by supporting the Ministry for Regulation | Te Manatū Waeture in its regulatory oversight role and increasing the powers of the Minister for Regulation.
5. On 11 November 2024, Cabinet agreed to release the discussion document *Have your say on the proposed Regulatory Standards Bill* to consult on a proposed approach to the Bill (CAB-24-MIN-0437 refers).
6. The consultation process has now been completed, resulting in approximately 23,000 submissions. Approximately 88% were opposed, 11% were neutral, and less than 1% supported the Bill. Despite the opposition, the Minister for Regulation has decided to proceed on the basis of a substantially similar approach to the one set out in the discussion document and seek final Cabinet decisions supporting that approach.
7. Under the approach proposed in the Cabinet Paper the Minister for Regulation would have the power to:
 - a. issue guidance, jointly with the Attorney-General, on how the principles in the Bill should be applied;
 - b. appoint the members of a Regulatory Standards Board (on the basis of the Minister's assessment of them having the requisite knowledge, skills and experience);
 - c. direct that Board to assess whether either particular existing legislation or a Bill before Parliament was consistent with the principles in the Bill (while noting Crown Law's advice, at para. 56, that giving the Board the power to critique Bills before Parliament would cut across collective Cabinet responsibility); and
 - d. regularly report to Parliament on the overall performance of the regulatory management system.

8. One of the regulatory principles proposed in the Cabinet Paper is that “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 necessary to provide for, or protect, any such liberty, freedom, or right of another person”. The Ministry of Justice has expressed concern that that principle would depart from how rights and freedoms, and the circumstances in which limitations on them may be justified, are expressed in the New Zealand Bill of Rights Act 1990 (para. 87 of the Cabinet Paper) and the Parliamentary Counsel Office has identified the proposed liberties principle as one of the principles proposed by the Minister for Regulation which is “novel” (para. 90).
9. The Cabinet Paper also proposes that all agencies should be required to complete initial reviews of all legislation to determine its consistency with principles in the Bill within 10 years of the Bill’s enactment. However, the Cabinet Paper proposes that Treaty Settlement Bills and Acts and any other Bills or Acts that provide redress for Te Tiriti o Waitangi (Treaty of Waitangi) (Te Tiriti) claims, and the Marine and Coastal Area (Takutai Moana) Act 2011 and related legislation, be exempted from the consistency assessment and review requirements in the Bill.

Key Implications for Iwi and Hapū or Māori as citizens and Te Tautuhi-ō-Rongo considerations

10. Te Puni Kōkiri officials have provided strong feedback to the Ministry for Regulation as proposals in relation to the Bill have developed, highlighting matters important for enabling better outcomes for Iwi and Hapū or Māori as citizens. Paragraph 85 of the Cabinet Paper summarises Te Puni Kōkiri officials’ overall view on the proposals.
11. Officials consider that the coalition’s commitment to pass a Regulatory Standards Act could be met by passing legislation that respects the diverse range of perspectives and values held by New Zealanders, including those of Iwi, Hapū, and Māori, and does not elevate values of more importance to some New Zealanders above values of more importance to others. Officials do not consider that the proposals in the Cabinet Paper achieve this objective, and this view is also reflected in the proportion of submissions received opposing the Bill.
12. Officials are also concerned that the Bill, as currently proposed, does not recognise the rights and interests of Iwi, Hapū, and Māori as established by Te Tiriti or its constitutional importance. In particular, officials are concerned how the proposed regulatory standards principle that “every person is equal before the law” might be interpreted.
13. The provisions proposed in the Bill focus on the setting and application of selected standards for good law-making, legislative design, and regulatory stewardship. These provisions have the potential to impact Iwi, Hapū and Māori rights and interests, along with the broader Māori-Crown relationship. No Iwi or Hapū submitters on the discussion document either supported or partially supported the proposed approach in the Bill.
14. The absence of any proposal to include specific reference to Te Tiriti in the Bill (other than the proposed exemption for Treaty Settlement legislation) together with the incorporation of novel principles in the Bill, raise legal risks including the potential for claims to be made to the Waitangi Tribunal.
15. Currently there is no proposal that the membership of any Regulatory Standards Board would be required to include expertise or experience in Te Tiriti or knowledge of Māori rights and interests. This is particularly problematic as the Cabinet Paper includes proposed principles relating to the taking, impairment or disposal of property that would have impacts for whenua Māori.

- S9(2)(g)(i) [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

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SENSITIVE

4 April 2025

Te Minita Whanaketanga Māori

Omnibus briefings: Cabinet and Cabinet Committees

Te Puni Kōkiri contact: [redacted] Deputy-Secretary, Policy Partnerships
 Phone: S9(2)(a) [redacted]

Date:	Friday 4 April 2025	Number:	8
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Minister	Action Sought	Timeframe
Minister for Māori Development	Note the information and policy implications of attached briefs	Monday 7 April 2025.

Cabinet Committees

1. There are three papers on the agenda for the Cabinet meeting on Monday 7 April 2025.
2. Below are the papers for the Cabinet Committees that have been identified as having specific impact on, or opportunity for, Māori development.

Cabinet Committee – Monday 7 April 2025			
Paper Title	Portfolio	Recommendation	Notes
Progressing a Regulatory Standards Bill: Policy Approvals	Regulation	S9(2)(g)(i) [redacted]	



SENSITIVE

Cabinet Committee

Progressing a Regulatory Standards Bill: Policy Approvals

Key issues (including implications for Māori)

1. The Regulatory Standards Bill aims to reduce unnecessary and poor regulation by increasing transparency and clarifying where legislation does not meet standards. The Bill also seeks to strengthen regulatory quality by supporting the Ministry for Regulation | Te Manatū Waeture in its regulatory oversight role and increasing the powers of the Minister for Regulation.
2. Approximately 88% of the total 23,000 submissions were opposed, 11% were neutral, and less than 1% supported the Bill. Despite the opposition, the Minister for Regulation has decided to proceed with a substantially similar approach to the one set out in the discussion document.
3. The coalition's commitment to passing a Regulatory Standards Act could be met by enacting legislation that respects the diverse range of perspectives and values held by New Zealanders, including those of Iwi, Hapū, and Māori, and does not elevate the values of some New Zealanders above those of others. The proposals in the Cabinet Paper achieve this objective, as reflected in the proportion of submissions opposing the Bill.
4. The Bill does not recognise the rights and interests of Iwi, Hapū, and Māori recognised or created by the Treaty/te Tiriti, nor the constitutional importance of the Treaty/te Tiriti.
5. The proposal that agencies should be required to assess all legislation for consistency with the principles of the Bill within 10 years would impose a significant resourcing and cost burden on the public service and the Crown. It would also impair the Government's ability to achieve its other priorities.

Te Tautuhi-ō-Rongo considerations

6. The provisions proposed in the Bill have the potential to impact Iwi, Hapū, and Māori rights and interests, along with the broader Māori-Crown relationship. No Iwi or Hapū submitters on the discussion document either supported or partially supported the proposed approach in the Bill.
7. The absence of any proposal to include specific reference to Te Tiriti in the Bill (other than the proposed exemption for Treaty Settlement legislation), together with the incorporation of novel principles in the Bill, raises legal risks, including the potential for claims to be made to the Waitangi Tribunal.
8. Currently, there is no proposal that the membership of any Regulatory Standards Board would be required to include expertise or experience in Te Tiriti or knowledge of Māori rights and interests. This is particularly problematic as the Cabinet Paper includes proposed principles relating to the taking, impairment, or disposal of property that would impact whenua Māori.

Recommended action

S9(2)(g)(i)
[Redacted text block]



S9(2)(g)(i)
[Redacted text block]

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4 April 2025

Te Minita Whanaketanga Māori

Omnibus briefings: Cabinet and Cabinet Committees

Te Puni Kōkiri contact: [redacted] Deputy-Secretary, Policy Partnerships
Phone: S9(2)(a) [redacted]

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Minister for Māori Development	Note the information and policy implications of attached briefs	Monday 7 April 2025.

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Progressing a Regulatory Standards Bill: Policy Approvals	Regulation	S9(2)(g)(i) [redacted]	



Cabinet Committee

Progressing a Regulatory Standards Bill: Policy Approvals

Key issues (including implications for Māori)

1. The Regulatory Standards Bill aims to reduce unnecessary and poor regulation by increasing transparency and clarifying where legislation does not meet standards. The Bill also seeks to strengthen regulatory quality by supporting the Ministry for Regulation | Te Manatū Waeture in its regulatory oversight role and increasing the powers of the Minister for Regulation.
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4. The Bill does not recognise the rights and interests of Iwi, Hapū, and Māori recognised or created by the Treaty/te Tiriti, nor the constitutional importance of the Treaty/te Tiriti.
5. The proposal that agencies should be required to assess all legislation for consistency with the principles of the Bill within 10 years would impose a significant resourcing and cost burden on the public service and the Crown. It would also impair the Government's ability to achieve its other priorities.

Te Tautuhi-ō-Rongo considerations

6. The provisions proposed in the Bill have the potential to impact Iwi, Hapū, and Māori rights and interests, along with the broader Māori-Crown relationship. No Iwi or Hapū submitters on the discussion document either supported or partially supported the proposed approach in the Bill.
7. The absence of any proposal to include specific reference to Te Tiriti in the Bill (other than the proposed exemption for Treaty Settlement legislation), together with the incorporation of novel principles in the Bill, raises legal risks, including the potential for claims to be made to the Waitangi Tribunal.
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Recommended action

S9(2)(g)(i)

[Redacted]

[Redacted]

[Redacted]



S9(2)(g)(i)

[Redacted text block]

Te Puni Kōkiri involvement

17. Te Puni Kōkiri officials have provided strong feedback to the Ministry for Regulation as proposals related to the Bill have developed, highlighting matters important for enabling better outcomes for Iwi, Hapū, and Māori as citizens.

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From: [redacted]
To: [redacted]
Cc: [redacted]
Subject: RE: Update on timing of proposed Regulatory Standards Bill Cabinet paper
Date: Thursday, 24 April 2025 2:31:00 pm
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

Kia ora [redacted]

[redacted] is the best contact for Te Puni Kōkiri on this matter.

Noho ora mai
[redacted]

[redacted]
Hautū Te Puni Kaupapa Here
Deputy Secretary Policy
Te Puni Kōkiri



Tauwaea DDI : [redacted] Waea Pūkoro M : S9(2)(a)
Waea Whakaahua F : 0800 875 329

Te Puni Kōkiri, Te Puni Kōkiri House, 143 Lambton Quay, Wellington 6011, New Zealand
PO Box 3943, Wellington 6140, New Zealand

Te Puni Kōkiri Website Kōkiri Magazine Facebook

From: [redacted]@regulation.govt.nz>
Sent: Thursday, 24 April 2025 2:23 pm
To: [redacted]@regulation.govt.nz>
Cc: [redacted]@regulation.govt.nz>
Subject: Update on timing of proposed Regulatory Standards Bill Cabinet paper

Kia ora koutou

This update is to let you know the Cabinet paper *Policy approvals for progressing a Regulatory Standards Bill* will now be considered by Cabinet on 5 May 2025.

There have been a few updates to the paper since you will have seen it last. The main changes are:

- removal of the proposed ten-year deadline for agencies to complete consistency assessments of all legislation (via planned reviews)
- exclusion of some specific types of secondary legislation in the bill
- clarification that the Ministry for Regulation will work with agencies to identify further legislation to be exempted via notice before the relevant parts of the Bill come into effect
- as with the previous proposal, consistency assessment requirements apply to any secondary legislation made or amended after the Bill comes into force (unless that secondary legislation is excluded by the Bill or exempted via a notice). However, consistency assessment requirements would now apply to existing secondary legislation only where a consistency assessment has previously been completed for that secondary legislation when it was made or amended, or where that secondary legislation is brought

into the scheme via a notice. This means secondary legislation in force before the bill is passed will not be subject to requirements unless amended or brought into the scheme via a notice.

If you would like a copy of the paper, please let me know.

Finally, we are aware we have an increasingly large mailing list for updates on the RSB. If you are no longer your agency's contact, please let me know who the correct contact is and we will update.

Ngā mihi



Regulatory Management System
Minister of Regulation | Te Manatū Waeture
Tūmāra: @regulation.govt.nz



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Document 2.54

From: [Redacted]
To: [Redacted]
Cc: [Redacted]
Subject: RE: OMNI Briefing - Monday 5 May
Date: Friday, 2 May 2025 9:55:05 am
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Out of scope

[Redacted]
• [Redacted]

RE the Regulatory standards bill item – let’s just assess this one later in the day once you provide the OMNI. My feel is that he’ll be ok on this one also.

Out of scope

- [Redacted]
- [Redacted]
- [Redacted]

Ngā mihi

[Redacted]

From: [Redacted]
Sent: Thursday, 1 May 2025 5:32 PM
To: [Redacted] <[Redacted]@tpk.govt.nz>; [Redacted] <[Redacted]@tpk.govt.nz>
Cc: [Redacted] <[Redacted]@parliament.govt.nz>; [Redacted] <[Redacted]@parliament.govt.nz>; [Redacted] <[Redacted]@parliament.govt.nz>
Subject: RE: OMNI Briefing - Monday 5 May

Sounds like a good approach i.e. focus on Cab papers. I’ll run it by the middle office.

From: [Redacted] <[Redacted]@tpk.govt.nz>
Sent: Thursday, 1 May 2025 5:28 PM
To: [Redacted] <[Redacted]@parliament.govt.nz>; [Redacted] <[Redacted]@tpk.govt.nz>
Cc: [Redacted] <[Redacted]@tpk.govt.nz>; [Redacted] <[Redacted]@parliament.govt.nz>; [Redacted] <[Redacted]@parliament.govt.nz>
Subject: RE: OMNI Briefing - Monday 5 May

Kia ora [Redacted] – please see current agenda below.

As [Redacted] said, we are happy to work around the Minister’s availability.

It might be best to focus on papers that will be going to Cabinet should the Minister wished to be briefed on any of the two.

Out of scope

[Redacted]

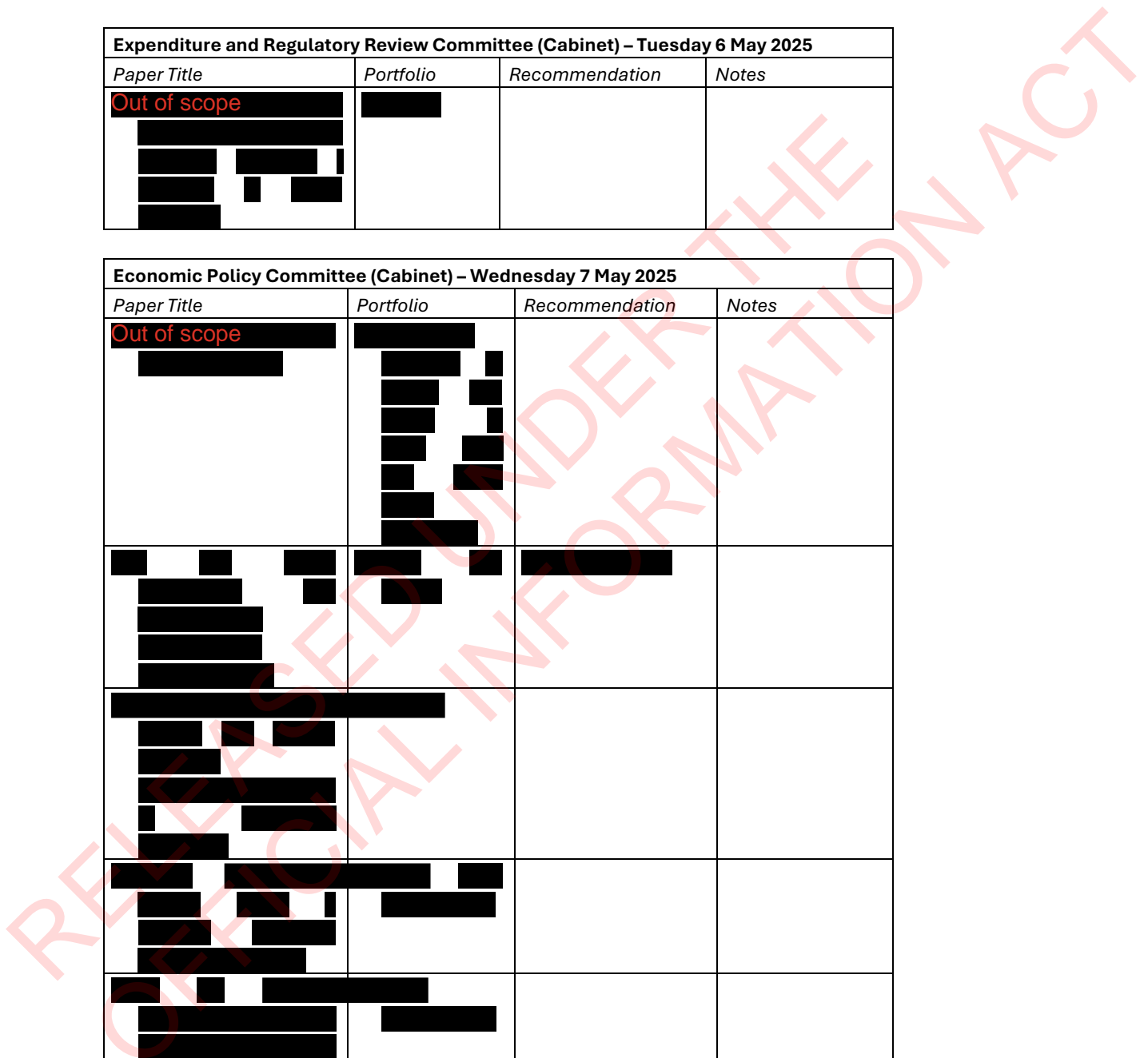
Cabinet – Monday 5 May 2025			
Paper Title	Portfolio	Recommendation	Notes
Progressing a Regulatory	Regulation		

Standards Bill: Policy Approvals			
Out of scope [Redacted]	[Redacted]		[Redacted]

Expenditure and Regulatory Review Committee (Cabinet) – Tuesday 6 May 2025			
Paper Title	Portfolio	Recommendation	Notes
Out of scope [Redacted]	[Redacted]		

Economic Policy Committee (Cabinet) – Wednesday 7 May 2025			
Paper Title	Portfolio	Recommendation	Notes
Out of scope [Redacted]	[Redacted]		
[Redacted]	[Redacted]	[Redacted]	
[Redacted]	[Redacted]		
[Redacted]	[Redacted]		
[Redacted]	[Redacted]		

Legislation Committee (Cabinet) – Thursday 8 May 2025			
Paper Title	Portfolio	Recommendation	Notes
Out of scope [Redacted]	[Redacted]		



Out of scope [Redacted]			
[Redacted]	[Redacted]	[Redacted]	
[Redacted]	[Redacted]		

[Redacted]
General Manager, Policy (Development)
Paeārahi, Kaupapa Here (Whanaketanga)
Policy Partnerships | Te Puni Kaupapa-Here
Te Tari Matua | Head Office



Tauwaea DDI: [Redacted] | Waea Pūkoro M: S9(2)(a)
Waea Whakaahua F: 0800 875 329

Te Puni Kōkiri, Te Puni Kōkiri House, 143 Lambton Quay, Wellington 6011, New Zealand
PO Box 3943, Wellington 6140, New Zealand

 Te Puni Kōkiri Website  Kōkiri Magazine  Facebook

From: [Redacted] <[Redacted]@parliament.govt.nz>
Sent: Thursday, 1 May 2025 4:42 pm
To: [Redacted] <[Redacted]@tpk.govt.nz>; [Redacted] <[Redacted]@tpk.govt.nz>
Cc: [Redacted] <[Redacted]@tpk.govt.nz>; [Redacted] <[Redacted]@parliament.govt.nz>; [Redacted] <[Redacted]@parliament.govt.nz>
Subject: OMNI Briefing - Monday 5 May

Kia ora kōrua – the Minister is now engaged on Monday morning so we’re going to struggle to get a briefing in with him before Cabinet. Can we see what the agenda is looking like, and if required, we can possibly get some call time with him as he’s travelling back to the office. Let me know if you’d prefer to take a different approach.

Mauriora
[Redacted]



[Redacted]
Private Secretary, Māori Development | Office of Hon Tama Potaka
Minister for Māori Development | Minister for Whānau Ora | Minister of Conservation | Minister for Māori Crown Relations:
Te Arawhiti | Associate Minister of Housing

M: S9(2)
Email: [Redacted]@parliament.govt.nz Website: www.Beehive.govt.nz
Private [Redacted], Parliament Buildings, Wellington 6160, New Zealand

2 May 2025

Te Minita Whanaketanga Māori

Omnibus briefings: Cabinet and Cabinet Committees

Te Puni Kōkiri contact: [redacted] Deputy-Secretary, Policy Partnerships
Phone: **S9(2)(a)** [redacted]

Date:	Friday 2 May 2025	Number:	11
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Minister	Action Sought	Timeframe
Minister for Māori Development	Note the information and policy implications of attached briefs	Monday 5 May 2025

Cabinet

1. There is one paper on the agenda for the Cabinet meeting on 5 May 2025.
2. Below are the papers for the Cabinet Committees that have been identified as having specific impact on, or opportunity for, Māori development and wellbeing.

Cabinet – Monday 5 May 2025			
<i>Paper Title</i>	<i>Portfolio</i>	<i>Recommendation</i>	<i>Notes</i>
Progressing a Regulatory Standards Bill: Policy Approvals	Regulation	S9(2)(g)(i) [redacted]	



SENSITIVE

Cabinet – Monday 5 May 2025			
<i>Paper Title</i>	<i>Portfolio</i>	<i>Recommendation</i>	<i>Notes</i>
		S9(2)(g)(i) [REDACTED]	
Out of scope [REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Expenditure and Regulatory Review Committee (Cabinet) – Tuesday 6 May 2025			
<i>Paper Title</i>	<i>Portfolio</i>	<i>Recommendation</i>	<i>Notes</i>
Out of scope [REDACTED]	[REDACTED]	[REDACTED]	

Cabinet Committee – CABINET
Progressing a Regulatory Standards Bill: Policy Approvals
Key issues (including implications for Māori)

1. The Regulatory Standards Bill aims to reduce unnecessary and poor regulation by increasing transparency and clarifying where legislation does not meet standards. The Bill also seeks to strengthen regulatory quality by supporting the Ministry for Regulation | Te Manatū Waeture in its regulatory oversight role and increasing the powers of the Minister for Regulation.
2. Approximately 88% of the total 23,000 submissions were opposed, 11% were neutral, and less than 1% supported the Bill. Despite the opposition, the Minister for Regulation has decided to proceed with a substantially similar approach to the one set out in the discussion document.
3. The coalition's commitment to passing a Regulatory Standards Act could be met by enacting legislation that respects the diverse range of perspectives and values held by New Zealanders, including those of Iwi, Hapū, and Māori, and does not elevate the values of some New Zealanders above those of others. The proposals in the Cabinet Paper achieve this objective, as reflected in the proportion of submissions opposing the Bill.
4. The Bill does not recognise the rights and interests of Iwi, Hapū, and Māori recognised or created by the Treaty/te Tiriti, nor the constitutional importance of the Treaty/te Tiriti.
5. The requirements for the review of most proposed secondary legislation and the power for the Minister for Regulation to recommend review of classes of existing secondary legislation would impose a significant resourcing and cost burden on the public service and the Crown and other makers of secondary legislation. It would also impair the Government's ability to achieve its other priorities.

Te Tautuhi-ō-Rongo considerations

6. **Rangatiratanga and Quality partnership and participation** - The provisions proposed in the Bill have the potential to impact Iwi, Hapū, and Māori rights and interests, along with the broader Māori-Crown relationship. No Iwi or Hapū submitters on the discussion document either supported or partially supported the proposed approach in the Bill.

Risks

S9(2)(g)(i)

[REDACTED]

Recommended action

S9(2)(g)(i)

[REDACTED]



S9(2)(g)(i)

S9(2)(h)

S9(2)(g)(i)

Te Puni Kōkiri involvement

17. Te Puni Kōkiri officials have provided strong feedback to the Ministry for Regulation as proposals related to the Bill have developed, highlighting matters important for enabling better outcomes for Iwi, Hapū, and Māori as citizens.

2 May 2025

Te Minita Whanaketanga Māori

Omnibus briefings: Cabinet and Cabinet Committees

Te Puni Kōkiri contact: [REDACTED] Deputy-Secretary, Policy Partnerships

Phone: S9(2)(a)

Date:	Friday 2 May 2025	Number:	11
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Minister	Action Sought	Timeframe
Minister for Māori Development	Note the information and policy implications of attached briefs	Monday 5 May 2025

Cabinet

1. There is one paper on the agenda for the Cabinet meeting on 5 May 2025 which is available to Te Puni Kōkiri.
2. Below are the papers for the Cabinet Committees that have been identified as having specific impact on, or opportunity for, Māori development and wellbeing.

Cabinet – Monday 5 May 2025			
<i>Paper Title</i>	<i>Portfolio</i>	<i>Recommendation</i>	<i>Notes</i>
Progressing a Regulatory Standards Bill: Policy Approvals	Regulation	S9(2)(g)(i) [REDACTED]	



SENSITIVE

Cabinet – Monday 5 May 2025

<i>Paper Title</i>	<i>Portfolio</i>	<i>Recommendation</i>	<i>Notes</i>
		S9(2)(g)(i) [Redacted]	
Out of scope [Redacted]	[Redacted]	[Redacted]	[Redacted]

Expenditure and Regulatory Review Committee (Cabinet) – Tuesday 6 May 2025

<i>Paper Title</i>	<i>Portfolio</i>	<i>Recommendation</i>	<i>Notes</i>
Out of scope [Redacted]	[Redacted]	[Redacted]	

Out of scope			

Cabinet Committee – CABINET

Progressing a Regulatory Standards Bill: Policy Approvals

Key issues (including implications for Māori)

1. The Regulatory Standards Bill aims to reduce unnecessary and poor regulation by increasing transparency and clarifying where legislation does not meet standards. The Bill also seeks to strengthen regulatory quality by supporting the Ministry for Regulation | Te Manatū Waeture in its regulatory oversight role and increasing the powers of the Minister for Regulation.
2. Approximately 88% of the total 23,000 submissions were opposed, 11% were neutral, and less than 1% supported the Bill. Despite the opposition, the Minister for Regulation has decided to proceed with a substantially similar approach to the one set out in the discussion document.
3. The coalition's commitment to passing a Regulatory Standards Act could be met by enacting legislation that respects the diverse range of perspectives and values held by New Zealanders, including those of Iwi, Hapū, and Māori, and does not elevate the values of some New Zealanders above those of others. The proposals in the Cabinet Paper achieve this objective, as reflected in the proportion of submissions opposing the Bill.
4. The Bill does not recognise the rights and interests of Iwi, Hapū, and Māori recognised or created by the Treaty/te Tiriti, nor the constitutional importance of the Treaty/te Tiriti.
5. The requirements for the review of most proposed secondary legislation and the power for the Minister for Regulation to recommend review of classes of existing secondary legislation would impose a significant resourcing and cost burden on the public service and the Crown and other makers of secondary legislation. It would also impair the Government's ability to achieve its other priorities.

Te Tautuhi-ō-Rongo considerations

6. **Rangatiratanga and Quality partnership and participation** - The provisions proposed in the Bill have the potential to impact Iwi, Hapū, and Māori rights and interests, along with the broader relationship between Iwi and Māori and the Crown. No Iwi or Hapū submitters on the discussion document either supported or partially supported the proposed approach in the Bill.

Risks

7. The absence of any proposal to include specific reference to Te Tiriti in the Bill (other than the proposed exemption for Treaty Settlement legislation), together with the incorporation of novel principles in the Bill, raises legal risks, including the potential for claims to be made to the Waitangi Tribunal.
8. Currently, there is no proposal that the membership of any Regulatory Standards Board would be required to include expertise or experience in Te Tiriti or knowledge of Māori rights and interests. This is particularly problematic as the Cabinet Paper



includes proposed principles relating to the taking, impairment, or disposal of property that would impact whenua Māori.

Recommended action

S9(2)(g)(i)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Te Puni Kōkiri involvement

17. Te Puni Kōkiri officials have provided strong feedback to the Ministry for Regulation as proposals related to the Bill have developed, highlighting matters important for enabling better outcomes for Iwi, Hapū, and Māori as citizens.

From: [Redacted]
To: [MB - Ministerials](#)
Cc: [Redacted]
Subject: RE: FOR DEP SEC APPROVAL: Due date 22 May 2025
Date: Thursday, 22 May 2025 3:10:00 pm
Attachments: [Copy of 2025_05_15_x9 WPOs 23063 23067 23068 23060 23064 23065 23122 23123 23124 due to Mins 10am Mon 19 May Policy APPROVED.xlsx](#)
[image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Ka pai these are approved.

Noho ora mai

[Redacted]

<p>[Redacted] Hautū Te Puni Kaupapa Here Deputy Secretary Policy Te Puni Kōkiri</p>  <p>Te Puni Kōkiri MINISTRY OF MĀORI DEVELOPMENT</p>	<p>Tauwaea ODI: [Redacted] Waea Pūkoro M: S9(2)(a) Waea Whakaahua F: 0800 875 329</p> <p>Te Puni Kōkiri, Te Puni Kōkiri House, 143 Lambton Quay, Wellington 6011, New Zealand PO Box 3943, Wellington 6140, New Zealand</p> <p> Te Puni Kōkiri Website  Kōkiri Magazine  Facebook</p>
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From: MB - Ministerials <Ministerials@tpk.govt.nz>
Sent: Thursday, 22 May 2025 3:05 pm
To: [Redacted]@tpk.govt.nz
Cc: [Redacted]@tpk.govt.nz; MB - Ministerials <Ministerials@tpk.govt.nz>
Subject: FOR DEP SEC APPROVAL: Due date 22 May 2025

[IN-CONFIDENCE]

Kia ora [Redacted]

Minister Potaka has received the attached WPOs (23063, 23067, 23068, 23060, 23064, 23065, 23122, 23123, 23124) regarding the Regulatory Standards Bill.

The draft replies were prepared by the MSP Policy team, approved by [Redacted] and are now attached for Dep Sec sign out please.

I apologise for the delay in getting these draft replies to you. They are due to the office today.

Please let me know if you have any pātai.

Ngā mihi

[Redacted]

<p>[Redacted] Aporei Principal Advisor Ngā Ratonga Minita me Tapatahi Ministerial & Governance Services Te Tari Matua National Office</p>	<p>Waea Pūkoro M: S9(2)(a) Waea Whakaahua F: 0800 875 329 Paetukutuku W: www.tpk.govt.nz</p> <p>Te Puni Kōkiri, Te Puni Kōkiri House, 143 Lambton Quay, Wellington 6011, New Zealand PO Box 3943, Wellington 6140, New Zealand</p>
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[IN-CONFIDENCE]

From: [redacted] <[redacted]@tpk.govt.nz>
Sent: Thursday, 22 May 2025 2:21 pm
To: MB - Ministerials <Ministerials@tpk.govt.nz>
Cc: [redacted] <[redacted]@tpk.govt.nz>; [redacted] <[redacted]@tpk.govt.nz>
Subject: RE: Commissioning email: WPQ (Due: Tues 20 May): due to Ministerials 10am, Monday 19 May

[IN-CONFIDENCE]

That sounds great to use the standard response [redacted] **Out of scope**

Ngā mihi, nā

<p>[redacted] Policy Manager, Māori Sector Partnerships</p>	<p>Tauwaea DDI: [redacted] Waea Pūkaro M: S9(2)(a) Waea Whakaahua F: 0800 875 329</p> <hr/> <p>Te Puni Kōkiri, Te Puni Kōkiri House, 143 Lambton Quay, Wellington 6011, New Zealand PO Box 3943, Wellington 6140, New Zealand</p> <hr/> <p> Te Puni Kōkiri MINISTRY OF MĀORI DEVELOPMENT</p>	<p> Te Puni Kōkiri Website  Kōkiri Magazine  Facebook</p>
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[IN-CONFIDENCE]

From: MB - Ministerials <Ministerials@tpk.govt.nz>
Sent: Thursday, 22 May 2025 2:07 pm
To: [redacted] <[redacted]@tpk.govt.nz>
Cc: [redacted] <[redacted]@tpk.govt.nz>; [redacted] <[redacted]@tpk.govt.nz>; MB - Ministerials <Ministerials@tpk.govt.nz>
Subject: RE: Commissioning email: WPQ (Due: Tues 20 May): due to Ministerials 10am, Monday 19 May

[IN-CONFIDENCE]

Kia ora [redacted]

Out of scope

Thank you for your time to discuss these WPQs and the draft replies.
After some consideration, Mins recommends using a standard reply to WPQs 23067 and 23068 which points the Member to the published lists of advice (provided to our Minister) on our website (refer attached template).

Please let me know if you are happy with that approach before I forward the draft replies to [redacted] for Dep

Document 2.69

Sec sign out.

Ngā mihi

[Redacted]

<p>[Redacted]</p> <p><i>Aporei Principal Advisor</i> <i>Ngā Ratonga Minita me Tapatahi Ministerial & Governance Services</i> Te Tari Matua National Office</p>	<p><i>Waea Pūkoro M : S9(2)(a) Waea Whakaahua F : 0800 875 329 Paetukutuku W : www.tpk.govt.nz</i></p> <hr/> <p>Te Puni Kōkiri, Te Puni Kōkiri House, 143 Lambton Quay, Wellington 6011, New Zealand PO Box 3943, Wellington 6140, New Zealand</p>
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[IN-CONFIDENCE]

From: [Redacted] <[\[Redacted\]@tpk.govt.nz](mailto:[Redacted]@tpk.govt.nz)>
Sent: Monday, 19 May 2025 9:18 am
To: MB - Ministerials <Ministerials@tpk.govt.nz>
Cc: [Redacted] <[\[Redacted\]@tpk.govt.nz](mailto:[Redacted]@tpk.govt.nz)>; [Redacted] <[\[Redacted\]@tpk.govt.nz](mailto:[Redacted]@tpk.govt.nz)>; [Redacted] <[\[Redacted\]@tpk.govt.nz](mailto:[Redacted]@tpk.govt.nz)>
Subject: RE: Commissioning email: WPQ (Due: Tues 20 May): due to Ministerials 10am, Monday 19 May

[IN-CONFIDENCE]

Mōrena,

Please see attached the GM approved draft responses to the attached WPQs (23063, 23067, 23068, 23060, 23064, 23065, 23122, 23123, 23124) regarding the Regulatory Standards Bill.

GM email approval is also attached,

Ngā mihi o te ata,

<p>[Redacted]</p> <p><i>Kaitātari Analyst</i> Te Puni Kōkiri, Te Tari Matua</p>	<p><i>Waea Whakaahua F : 0800 875 329 Waea Pūkoro M : S9(2)(a) Paetukutuku W : www.tpk.govt.nz</i></p> <hr/> <p>Te Puni Kōkiri, Te Puni Kōkiri House, 143 Lambton Quay, Wellington 6011, New Zealand PO Box 3943, Wellington 6011, New Zealand</p>
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[IN-CONFIDENCE]

[IN-CONFIDENCE]

From: [Redacted] <[\[Redacted\]@tpk.govt.nz](mailto:[Redacted]@tpk.govt.nz)>
Sent: Thursday, 15 May 2025 11:45 am
To: [Redacted] <[\[Redacted\]@tpk.govt.nz](mailto:[Redacted]@tpk.govt.nz)>
Cc: [Redacted] <[\[Redacted\]@tpk.govt.nz](mailto:[Redacted]@tpk.govt.nz)>; [Redacted] <[\[Redacted\]@tpk.govt.nz](mailto:[Redacted]@tpk.govt.nz)>; MB - Ministerials <Ministerials@tpk.govt.nz>
Subject: Commissioning email: WPQ (Due: Tues 20 May): due to Ministerials 10am, Monday 19 May

[IN-CONFIDENCE]

Kia ora [REDACTED]

Minister Potaka has received the attached WPQs (23063, 23067, 23068, 23060, 23064, 23065, 23122, 23123, 23124) regarding the Regulatory Standards Bill.

Can we please have your GM approved draft replies in the attached template by **10am, Monday 19 May**. Ministerials will review your draft replies prior to seeking Deputy Secretary sign out.

We have searched our records for related advice and can only find Min consult advice that we sent to the office in March 2025 (refer attached).

Due date for draft replies to the office is Tuesday 20 May.
Please let us know if you have any pātai.

Ngā mihi

[REDACTED]

<p>[REDACTED]</p> <p><i>Aporēi Principal Advisor</i></p> <p><i>Ngā Ratonga Minita me Tapatahi Ministerial & Governance Services</i></p> <p>Te Tari Matua National Office</p>	<p>Waea Pūkoro M : S9(2)(a) Waea Whakaahua F : 0800 875 329 </p> <p>Paetukutuku W : www.tpk.govt.nz</p> <hr/> <p>Te Puni Kōkiri, Te Puni Kōkiri House, 143 Lambton Quay, Wellington 6011, New Zealand PO Box 3943, Wellington 6140, New Zealand</p>
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[IN-CONFIDENCE]

[IN-CONFIDENCE]

From: [REDACTED] <[\[REDACTED\]@parliament.govt.nz](mailto:[REDACTED]@parliament.govt.nz)>
Sent: Wednesday, 14 May 2025 12:24 pm
To: MB - Ministerials <Ministerials@tpk.govt.nz>
Cc: [REDACTED] <[\[REDACTED\]@parliament.govt.nz](mailto:[REDACTED]@parliament.govt.nz)>; [REDACTED] <[\[REDACTED\]@parliament.govt.nz](mailto:[REDACTED]@parliament.govt.nz)>
Subject: WPQ (Due: Tues 20 May): 9 question(s) released to Minister

Kia ora team,

9 qs for response due Tues 20 May please



[REDACTED]

Private Secretary (Māori Crown Relations) | Office of Hon Tama Potaka
Minister of Conservation | Minister for Māori Crown Relations: Te Arawhiti
Minister for Māori Development | Minister for Whānau Ora
Associate Minister of Housing
Phone: S9(2)(a)
Email: [\[REDACTED\]@parliament.govt.nz](mailto:[REDACTED]@parliament.govt.nz)
Website: www.beehive.govt.nz
Private Bag 18041, Parliament Buildings, Wellington 6160, New Zealand

From: Written Questions Notification Service <writtenquestions@parliament.govt.nz>
Sent: Wednesday, 14 May 2025 10:50 AM

Document 2.69

To: [REDACTED]@parliament.govt.nz>

Subject: WQ - 9 question(s) released to Minister

Reply 23060 (2025) has been released

Member: Hernandez, Francisco

Portfolio: Māori Crown Relations: Te Arawhiti (Hon Potaka)

Due: 22 May 2025

Question: How, if at all, does the Minister believe that the passage of a Regulatory Standards Bill would affect the quality of regulation and outcomes within their portfolio area?

[23060 \(2025\)](#)

Reply 23063 (2025) has been released

Member: Hernandez, Francisco

Portfolio: Māori Development (Hon Potaka)

Due: 22 May 2025

Question: How, if at all, does the Minister believe that the passage of a Regulatory Standards Bill would affect the quality of regulation and outcomes within their portfolio area?

[23063 \(2025\)](#)

Reply 23064 (2025) has been released

Member: Hernandez, Francisco

Portfolio: Māori Crown Relations: Te Arawhiti (Hon Potaka)

Due: 22 May 2025

Question: What advice, if any, has the Minister received on the implications to their portfolio of a Regulatory Standards Bill, listed by title and date?

[23064 \(2025\)](#)

Reply 23065 (2025) has been released

Member: Hernandez, Francisco

Portfolio: Māori Crown Relations: Te Arawhiti (Hon Potaka)

Due: 22 May 2025

Question: What advice, if any, has the Minister sought on the implications to their portfolio of a Regulatory Standards Bill?

[23065 \(2025\)](#)

Reply 23067 (2025) has been released

Member: Hernandez, Francisco

Portfolio: Māori Development (Hon Potaka)

Due: 22 May 2025

Question: What advice, if any, has the Minister received on the implications to their portfolio of a Regulatory Standards Bill, listed by title and date?

[23067 \(2025\)](#)

Reply 23068 (2025) has been released

Member: Hernandez, Francisco

Portfolio: Māori Development (Hon Potaka)

Due: 22 May 2025

Question: What advice, if any, has the Minister sought on the implications to their portfolio of a Regulatory Standards Bill?

[23068 \(2025\)](#)

Reply 23122 (2025) has been released

Member: Hernandez, Francisco

Portfolio: Whānau Ora (Hon Potaka)

Due: 22 May 2025

Question: How, if at all, does the Minister believe that the passage of a Regulatory Standards Bill would affect the quality of regulation and outcomes within their portfolio area?

[23122 \(2025\)](#)

Reply 23123 (2025) has been released

Member: Hernandez, Francisco

Portfolio: Whānau Ora (Hon Potaka)

Due: 22 May 2025

Question: What advice, if any, has the Minister received on the implications to their portfolio of a Regulatory Standards Bill, listed by title and date?

[23123 \(2025\)](#)

Reply 23124 (2025) has been released

Member: Hernandez, Francisco

Portfolio: Whānau Ora (Hon Potaka)

Due: 22 May 2025

Question: What advice, if any, has the Minister sought on the implications to their portfolio of a Regulatory Standards Bill?

[23124 \(2025\)](#)

RELEASED UNDER THE OFFICIAL INFORMATION ACT