


OC250468

12 June 2025



Tēnā koe 

I refer to your email dated 21 May 2025, requesting the following under the Official Information Act 1982 (the Act):

“All submissions sent by your department to the Ministry for Regulation, regarding the proposed Regulatory Standards Bill. All other advice produced by your department regarding the proposed Regulatory Standards Bill, including briefings, aide memoires, letters, emails, social media messages, texts and any other document.”

Releasing with redacting some information

Nine documents fall within the scope of your request and are detailed in the document schedule attached as Annex 1. Annex 1 outlines how the documents you requested have been treated under the Act.

Certain information is withheld under the following section 9(2)(h) of the Act to maintain legal professional privilege and section 9(2)(a) to protect the privacy of natural persons. With regard to the information that has been withheld under section 9 of the Act, I am satisfied that the reasons for withholding the information at this time are not outweighed by public interest considerations that would make it desirable to make the information available.

Note any attachments to emails are not in scope of your request additionally subject to s 18(d) the information is available on the legislation website: www.legislation.govt.nz

You have the right to seek an investigation and review of this response by the Ombudsman, in accordance with section 28(3) of the Act. The relevant details can be found on the Ombudsman’s website: www.ombudsman.parliament.nz.

The Ministry publishes our Official Information Act responses, and the information contained in our reply to you may be published on the Ministry's website. Before publishing we will remove any personal or identifiable information.

Nāku noa, nā

A handwritten signature in black ink, appearing to read 'KQL', located below the text 'Nāku noa, nā'.

Katrina Quickenden

Manager – Regulatory Reform

Annex 1 - Document Schedule

Doc#	Date	Document	Decision on release
1	30/03/2025	RE_ Latest version of the Regulatory Standards Bill Cabinet paper (now going to Cabinet Mon 5 May)	Release with some information redacted to maintain legal privilege and to protect the privacy of natural persons
2	28/03/2025	OC250277 Regulatory Standards Bill – Cabinet Committee Talking Points	Release
3	17/03/2025	Minister Bishop Weekly Report 17 March 2025	Release
4	17/03/2025	Minister Meager Weekly Report 17 March 2025	Release
5	14/03/2025	Regulatory Standards Bill Summary of Key Implications for MOT.msg	Release with some information redacted to maintain legal privilege and to protect the privacy of natural persons
6	14/03/2025	Re_ Draft Cabinet paper consultation - Regulatory Standards Bill (6).msg	Release with some information redacted to maintain legal privilege and to protect the privacy of natural persons
7	14/03/2025	Fw_ Draft Cabinet paper consultation - Regulatory Standards Bill (8).msg	Release with some information redacted to maintain legal privilege and to protect the privacy of natural persons
8	29/10/2025	RE_ ACTION - Targeted Ministerial Consultation_ Regulatory Standards Bill Consultation Document.msg	Release with some information redacted to maintain legal privilege and to protect the privacy of natural persons
9	23/10/2024	Re_ Feedback invited on Regulatory Standards Bill draft discussion document and Cabinet paper.msg	Release with some information redacted to maintain legal privilege and to protect the privacy of natural persons

From: [Katrina Quickenden](#)
To: [HanLing Petredean](#)
Cc: [Bibi St John](#)
Subject: RE: Latest version of the Regulatory Standards Bill Cabinet paper (now going to Cabinet Mon 5 May)
Date: Wednesday, 30 Apr 2025 10:39:02 am
Attachments: [RegStandardsBill.docx](#)

Hi HanLing

I have reviewed the updated paper and consider that the most significant concerns we had have been addressed. In particular:

- The 10-year timeframe to complete reviews of all primary and secondary legislation has been removed. This means the Minister and Ministry will remain able to prioritise and target reviews or reforms of existing legislation and regulation.
- Existing secondary legislation will need to be explicitly brought into the scheme by the Minister for Regulation via a notice approved by the House.

While it remains our advice that the consistency assessments are potentially duplicative of some existing RIS and BORA requirements and are likely to slow down legislative processes further, we do not oppose the current paper.

Please let me know if you need more information.

Thanks, Katrina

Katrina Quickenden
Manager - Regulatory Reform Team | Kaiwhakahaere
Te Manatū Waka Ministry of Transport
Email: k.quickenden@transport.govt.nz | transport.govt.nz

From: HanLing Petredean
Sent: Thursday, 24 April 2025 12:15 pm
To: Katrina Quickenden
Subject: Latest version of the Regulatory Standards Bill Cabinet paper (now going to Cabinet Mon 5 May)

Hi Katrina,

Thanks again for your time on the phone earlier

As discussed, a revised version of the Regulatory Standards Bill Cabinet paper is going back to Cabinet for consideration. It was previously scheduled for Mon 28 April but I've just seen an update from CabNet that the paper has been moved to Monday 5 May (which gives a bit more time).

I'd be grateful if you/your team could review the paper and advise whether our previous advice to Minister Bishop remains salient. ME has advised their advice remains relevant, with changes to the paper minor in nature/less applicable to Transport Reform portfolios.

Happy to receive feedback next week, ideally by **5pm Wed 30 April**. I'll then include either our original advice or any revised advice in the Minister's Cabinet pack for Mon 5 May.

And I'll otherwise look to have a conversation on the RSTA Bill with the Office and come back to you early next week.

Kind regards,


HanLing Petredean
Lead Private Secretary Transport | Office of Hon Chris Bishop
Minister for Housing | Infrastructure | RMA Reform | Transport | Associate Finance |
Associate Sports & Recreation | Leader of the House | MP for Hutt South
Website: www.bishop.govt.nz

RELEASED UNDER THE
OFFICIAL INFORMATION ACT 1982



Cabinet Committee Background Information and Talking Points

Cabinet Committee: Cabinet Expenditure and Regulatory Review Committee

Paper Title: Policy Approval for Progressing a Regulatory Standards Bill

Portfolio: Regulation

Officials: No Transport officials attending.

Background Information:

- The Minister for Regulation is seeking policy approval for a bill which would:
 - Establish principles to protect personal liberties (e.g. property rights and taxes/fees/levies), as well as requiring additional processes when making legislation (including secondary legislation).
 - Require agencies to assess all existing legislation and any new against the principles in the next 10 years.
 - Require publication of those assessments and/or presentation of them to the House alongside explanations for any inconsistency.
 - Establish a Regulatory Standards Board to investigate and assess the consistency of legislation against the principles.

Ministry of Transport views:

The requirement to review all legislation within 10 years is unworkable

- We do not think it is feasible, realistic, or even necessary for us or the Transport Agencies to review (and as necessary amend) every piece of transport legislation within the next 10 years.
- We oversee 26 Acts and 268 rules/regulations and other lower-level legislation. Reviewing all of them is an untargeted approach to regulatory stewardship which will ultimately make the public service less able to prioritise resource to the areas of highest value. Such an approach is unlikely to stack up in a cost-benefit assessment.
- The system currently relies on Ministers to prioritise regulatory change, informed by departments, stakeholders, and the public. The approach enables resources to be prioritised to the highest impact areas, with democratically accountable Ministers as ultimate decision-makers. This is our preferred model to a blanket requirement to review all legislation.
- We recommend removing the requirement to review all existing legislation (and the associated 10-year deadline) and instead rely on Ministers, agencies, and the Regulatory Standards Board to prioritise which existing legislation should be reviewed.

The proposals have significant costs associated with them, which we have not quantified

- We are unclear how the Ministry of Transport and Transport Agencies will fund the work required to implement the proposals. The costs of implementation are estimated by the Ministry for Regulation at about \$50-\$60 million per year for government agencies. We are unclear how they reached this number nor if it is accurate.
- Even if sufficient funding were available there are not enough people in the labour market to do the work within the 10-year deadline (including e.g. policy staff, economists, legal advisers, and legislative drafters).
- **We recommend** the proposals are costed and resource secured for their implementation prior to Cabinet policy decisions.

The proposals duplicate existing processes

- We think some of the changes also duplicate aspects of the Regulatory Impact Analysis (RIA) process, such as the requirements to consult and to consider other options to solve the policy problem.
- More widely, the changes will increase the trade-off between the speed with which we can respond to government priorities and in the implementation cost of these changes.

Talking Points:

- The requirement to review all legislation within 10 years will require substantial resources that will effect the achievement of other government priorities.
- Reforming unnecessary and ineffective legislation is important, but this approach is untargeted. Ministers should be able to identify legislative priorities with input from the public and officials, as they currently do.
- What is being proposed here has significant costs and trade-offs. Before making a decision, we should be provided with a clearer idea of the costs to implement these proposals.
- There is unlikely to be sufficient capacity in the labour market to undertake this work across all our primary and secondary legislation in the timeframe proposed. The work will require economists, analysts, legal advisors, and legislative drafters. Every department needing to progress widescale regulatory reform at once will lead to demand outstripping supply for these roles.

Transport Portfolio Weekly Report

As at Tuesday 18 March 2025

Recipient:

Hon Chris Bishop Minister of Transport

Minister's comments:

RELEASED UNDER THE
OFFICIAL INFORMATION ACT 1982

6.2 Other portfolio Cabinet papers with transport implications

Committees	
Cabinet Expenditure and Regulatory Review Committee	
Tuesday 8 April 2025	<p>Policy approvals for progressing a Regulatory Standards Bill</p> <p>The Minister for Regulation is consulting Ministers until Friday 28 March 2025 on policy decisions for a bill which would:</p> <ul style="list-style-type: none"> • Establish principles focused on protecting personal liberties (e.g. on property rights and taxes/fees/levies), as well as requiring additional processes when making legislation (including secondary legislation). • Require agencies to assess all existing legislation and any new against the principles in the next 10 years. • Require publication of those assessments and/or presentation of them to the House alongside explanations for any inconsistency. • Establish a Regulatory Standards Board to investigate and assess the consistency of legislation against the principles. <p>We have raised the following concerns with the Ministry for Regulation:</p> <ul style="list-style-type: none"> • We do not think it is feasible, realistic, or even necessary for us or the Transport Agencies to review (and as necessary amend) every piece of transport legislation within the next 10 years. <p>We oversee 26 Acts and 268 rules/regulations and other lower-level legislation. Reviewing all of them is an untargeted approach to regulatory stewardship which will ultimately make the public service less able to prioritise resource to the areas of highest value. Such an approach is unlikely to stack up in a cost-benefit assessment.</p> <p>We recommend removing the requirement to review all existing legislation (and the associated 10-year deadline) and instead relying on Ministers, agencies, and the Regulatory Standards Board to prioritise which existing legislation should be reviewed.</p> <ul style="list-style-type: none"> • We are unclear how we and Transport Agencies will fund the work required to implement the proposals. The costs of implementation are estimated by the Ministry for Regulation at about \$50-\$60 million per year for government agencies. We are unclear how they reached this number, and we do not know if it is accurate. <p>Even if sufficient funding were available there are not enough people in the labour market to do the work within the 10-year deadline (including e.g. policy staff, economists, legal advisers, and legislative drafters).</p> <p>We recommend the proposals are fully costed and resource secured for their implementation prior to Cabinet policy decisions.</p> <p>More widely, we note the changes will increase the trade-off between the speed with which we can respond to government priorities and in the implementation cost of these changes. We think some of the changes also duplicate aspects of the RIA process, such as the requirements to consult and to consider other options to solve the policy problem.</p>

Associate Transport Portfolio Weekly Report

Week commencing 17 March 2025

Recipient:

Hon James Meager Associate Minister of Transport

Minister's comments:

RELEASED UNDER THE
OFFICIAL INFORMATION ACT 1982

4.1 Other portfolio Cabinet papers with transport implications

Committees	
Cabinet Expenditure and Regulatory Review Committee	
8 April	<p>Policy approvals for progressing a Regulatory Standards Bill</p> <p>The Minister for Regulation is consulting Ministers until 28 March on policy decisions for a bill which would:</p> <ul style="list-style-type: none"> • Establish principles focused on protecting personal liberties (e.g. on property rights and taxes/fees/levies), as well as requiring additional processes when making legislation (including secondary legislation). • Require agencies to assess all existing legislation and any new against the principles in the next 10 years. • Require publication of those assessments and/or presentation of them to the House alongside explanations for any inconsistency. • Establish a Regulatory Standards Board to investigate and assess the consistency of legislation against the principles. <p>We have raised the following concerns with the Ministry for Regulation:</p> <ul style="list-style-type: none"> • We do not think it is feasible, realistic, or even necessary for us or the Transport Agencies to review (and as necessary amend) every piece of transport legislation within the next 10 years. <p>We oversee 26 Acts and 268 rules/regulations and other lower-level legislation. Reviewing all of them is an untargeted approach to regulatory stewardship which will ultimately make the public service less able to prioritise resource to the areas of highest value. Such an approach is unlikely to stack up in a cost-benefit assessment.</p> <p>We recommend removing the requirement to review all existing legislation (and the associated 10-year deadline) and instead relying on Ministers, agencies, and the Regulatory Standards Board to prioritise which existing legislation should be reviewed.</p> <ul style="list-style-type: none"> • We are unclear how we and Transport Agencies will fund the work required to implement the proposals. The costs of implementation are estimated by the Ministry for Regulation at about \$50-\$60 million per year for government agencies. We are unclear how they reached this number, and we do not know if it is accurate. <p>Even if sufficient funding were available there are not enough people in the labour market to do the work within the 10-year deadline (including e.g. policy staff, economists, legal advisers, and legislative drafters).</p> <p>We recommend the proposals are fully costed and resource secured for their implementation prior to Cabinet policy decisions.</p> <p>More widely we note the changes will increase the trade-off between the speed with which we can respond to government priorities and in the implementation cost of these changes. We think some of the changes also duplicate aspects of the RIA process, such as the requirements to consult and to consider other options to solve the policy problem.</p>

From: [Jacob Ennis](#)
To: [Senior Leadership Team](#)
Cc: [Chris Nees](#); [Katrina Quickenden](#); [Matthew Green](#)
Subject: Regulatory Standards Bill Summary of Key Implications for MOT
Date: Friday, 14 March 2025 3:04:34 pm
Attachments: [1. Draft Cabinet paper - Policy approvals for progressing a regulatory standards bill.docx](#)
[2. Draft Regulatory Standards Bill.pdf](#)
[3. Draft RIS - Regulatory Standards Bill.docx](#)
[4. Draft Treaty Impact Analysis for an amended RSB.docx](#)
[RSB Advice on Draft - 13 March 2025\(8421451.5\).pdf](#)
[Outlook-5lkt1wrk.png](#)

Hello,

This email summarises the Regulatory Standards Bill and possible implications for MOT. The policy decisions on the Bill are currently going through Departmental (12-14 Mar) and Ministerial (13-28 Mar) consultation. The intention is introduction in May and in force 1 Jan 2026. The papers are attached if you would like to look at the detail.

[Redacted]

[Redacted]

The main impacts for us are:

- resourcing implications of additional impact assessment and legislative review (with associated opportunity costs for our regulatory resource) - this is particularly in the requirement for us to review all our legislation (including regs/rules) in the next 10 years
- new public reporting requirements
- slower processes for legislative change.

Below I've summarised the key proposals and the implications for MOT and transport agencies.

In our departmental feedback we will note that reviewing all our legislation (26 Acts, 268 rules/regs + many other low level instruments) is not realistic or even necessary. We will also note this in the weekly reports for Ministers Bishop and Meager next week.

All references to legislation include primary legislation, regulations, rules, standards, local government legislation, legislative notices, etc.

Proposal	Implications for MOT/Transport Agencies
Setting legislative design principles in primary legislation The (paraphrased) principles are around: <ul style="list-style-type: none">● Regulation should not be made without	These principles are given effect by the clauses outlined in the rows below. All legislation engages these principles to some

<p>evaluation of the problem and impact</p> <ul style="list-style-type: none"> • You must consult before making regulation • Existing regulation should be monitored to ensure it is effective and not creating undue burden. • Not to take property except in public interest or with compensation • Any tax/fee needs to be aligned with an expected benefit • Preserve the courts' role in determining the meaning of legislation <p>Guidance may issued by the Minister and AG on the interpretation of these principles.</p>	<p>extent. The focus on property rights and taxation will add an additional layer of complexity to property acquisition, fees/tolls/charges and other cost recovery.</p> <p>Unclear how future govts might amend these principles to focus on other values/concepts.</p>
<p>Requiring assessments of existing legislation for consistency with the principle</p> <ul style="list-style-type: none"> • All existing legislation (including rules/regs) must be assessed for consistency against the principles within 10 years of commencement of the Act. <p>The Minister for Regulation may exclude classes of legislation from this required via a notice, following approval by the House.</p>	<p>Reviewing every Act, Regulation, Rule, Instrument, Standard in the transport system will be resource intensive. Achieving it in the next 10 years would require substantial reprioritisation of regulatory resource away from other activities.</p>
<p>Requiring assessments of new legislation for consistency with the principles</p> <ul style="list-style-type: none"> • Each Minister/Ministry must assess the consistency of new legislative proposals with the principles prior to Cabinet policy decisions, with inconsistencies explained in a public statement. • Each piece of legislation's explanatory note must include a statement from the CE stating that the Bill has been assessed for consistency with the principles and providing the results of that assessment. <p>The Minister for Regulation may exclude classes of legislation from this required via a notice, following approval by the House.</p>	<p>This adds a layer of complexity to:</p> <ul style="list-style-type: none"> • Future Regulatory Impact Analysis • Rule changes (which we have been trying to simplify) • Transport instruments, standards, and other highly technical legislation (we have not had a chance to engage with agencies on these implications) <p>We will need to formalise a process for the Secretary of Transport and Minister to make statements on consistency of each legislative change with the principles.</p>
<p>Establishing a statutory board to deliver an assurance function</p> <ul style="list-style-type: none"> • An independent Regulation Standards 	<p>Strengthens the ability of our stakeholders to seek review of decisions.</p>

<p>Bord will be established to consider the consistency of regulation with the regulatory principles, primarily in response to stakeholder concerns. If found inconsistent the responsible Minister would either change the regulation or make a statement justifying why they are choosing not to remedy any inconsistencies.</p>	
<p>Requirement for departments to report publicly on regulatory stewardship activities</p> <ul style="list-style-type: none"> • Departments would have a duty to regularly review and maintain the legislation they administer and publicly report against a timeline for these reviews. • They must publicly report on their plans to achieve this. 	<p>We (and agencies) would need to add regular reporting on regulatory stewardship to our other public reporting requirements (e.g. SOI, Annual Reviews, etc.).</p>
<p>New powers for the Ministry of Regulation to require provision of information from departments:</p> <ul style="list-style-type: none"> • To support regular reporting on regulatory system performance • To assess CEs delivery of regulatory stewardship • To run regulatory system reviews. 	<p>As part of this CEs will be required to report to MfR on their regulatory stewardship activities (per the Public Service Act).</p>

Jacob Ennis

Principal Adviser – Regulatory Reform

Kaitohutohu Mātāmua – Kaupapahere mō ngā take Whakarite

Te Manatū Waka Ministry of Transport

transport.govt.nz



[SEEMAIL]

From: [Jacob Ennis](#)
To: [Olivia Cross](#)
Cc: [Elisa Eckford](#); [Pip Van Der Scheer](#); [Katrina Quickenden](#)
Subject: Re: Draft Cabinet paper consultation - Regulatory Standards Bill
Date: Friday, 14 March 2025 3:57:39 pm
Attachments: [image001.png](#)
[Outlook-aahxv0tg.png](#)

Kia ora Olivia

Thank you for the opportunity to provide feedback on this Cabinet paper.

The Ministry for Transport overseas 26 Acts and 268 sets of rules and regulations as well as a large number of legislative instruments, standards, notices, and other forms of secondary legislation. We monitor and administer the enabling legislation for the following Crown Entities: NZTA, Maritime NZ, Civil Aviation Authority, and the Transport Accident Investigation Commission. We also administer the enabling legislation for KiwiRail and the Airways Corporation State Owned Enterprises.

Our main comment is that we do not think it is feasible or realistic, or even necessary for us or the Transport Agencies to review (and as necessary amend) every piece of transport legislation within the next 10 years.

There is an opportunity cost to doing this as we would be pulled away from higher priority regulatory reform and stewardship activity. Periodic review and reform of legislation is important, but this proposal sets up an untargeted and blanket approach to regulatory stewardship. This undermines our efficiency and will ultimately make the public service less able to prioritise regulatory resource to the areas of highest value. Such an approach is unlikely to stack up in a cost-benefit assessment.

Due to the limited time for departmental feedback, we have not been able to engage with Transport Agencies on the implications of these proposals for them. We have also been unable to quantify the costs or trade-offs of what is proposed.

Happy to discuss

Jacob Ennis

Principal Adviser – Regulatory Reform

Kaitohutohu Mātāmua – Kaupapahere mō ngā take Whakarite

Te Manatū Waka Ministry of Transport

| transport.govt.nz



From: Olivia Cross

Sent: Wednesday, March 12, 2025 10:28

To: Olivia Cross

Cc: Elisa Eckford; Pip Van Der Scheer

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.

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

Olivia

Olivia Cross (she/her)

Principal Advisor, Regulatory Management System

Minist **ū Waeture**

īmēra

A blue and

generated



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.

IN-CONFIDENCE

From: [Jacob Ennis](#)
To: [Ruth Fairhall](#); [Paul O'Connell](#)
Cc: [Chris Nees](#); [Katrina Quickenden](#)
Subject: Fw: Draft Cabinet paper consultation - Regulatory Standards Bill
Date: Friday, 14 March 2025 2:36:48 pm
Attachments: [image001.png](#)

Hello Ruth and Paul

See below proposed departmental feedback on the Reg Standards Bill. This has been reviewed by Chris.

Thank you for the opportunity to provide feedback on this Cabinet paper.

The Ministry for Transport oversees 26 Acts and 268 sets of rules and regulations as well as a large number of legislative instruments, standards, notices, and other forms of secondary legislation. We monitor and administer the enabling legislation for the following Crown Entities: NZTA, Maritime NZ, Civil Aviation Authority, and the Transport Accident Investigation Commission. We also administer the enabling legislation for KiwiRail and the Airways Corporation State Owned Enterprises.

Our main comment is that we do not think it is feasible or realistic, or even necessary for us or the Transport Agencies to review (and as necessary amend) every piece of transport legislation within the next 10 years.

There is also an opportunity cost to doing this as we would be pulled away from higher priority regulatory reform and stewardship activity. Periodic review and reform of legislation is important, but this proposal sets up an untargeted and blanket approach to regulatory stewardship. This undermines our efficiency and will ultimately make the public service less able to prioritise regulatory resource to the areas of highest value. Such an approach is unlikely to stack up in a cost-benefit assessment.

Due to the limited time for departmental feedback, we have not been able to engage with Transport Agencies on the implications of these proposals for them. We have also been unable to quantify the costs or trade-offs of what is proposed.

From: Chris Nees
Sent: Friday, March 14, 2025 13:36
To: Jacob Ennis
Cc: Katrina Quickenden; Paul O'Connell
Subject: RE: Draft Cabinet paper consultation - Regulatory Standards Bill

Thanks Jacob, this is super handy. I just spoke to Ruth – can you please:

1. Add a comment to MfR that we don't think it is realistic to review every single piece of

transport legislation within the next 10 years (ideally we will have a number of how many rules etc we have)

2. Add a point in the weekly report to note that we have this paper for consultation, very broadly what it covers and that we don't think it's realistic to expect we can review all our leg in 10 years.
3. Send this around SLT for their visibility (noting the above two points).

From: Jacob Ennis [REDACTED]
Sent: Friday, 14 March 2025 12:31 pm
To: Ruth Fairhall [REDACTED] >
Cc: Chris Nees <[REDACTED]>; Paul O'Connell <[REDACTED]>
Katrina Quickenden [REDACTED]
Subject: Fw: Draft Cabinet paper consultation - Regulatory Standards Bill

Hi Ruth

As requested below is my summary of the Reg Standards Bill and its implications. We've been given a couple of days to respond to the attached.

The Bill is currently going through Departmental (12-14 Mar) and Ministerial (13-28 Mar) consultation. The intention is introduction in May and in force 1 Jan 2026. This email summarises the bill and possible implications for MOT.

[REDACTED]

[REDACTED]

The main impacts for us are:

- new public reporting requirements
- resourcing implications of additional impact assessment and legislative review (with associated opportunity costs for our regulatory resource)
- slower processes for legislative change.

Below I've summarised the key proposals and the implications for MOT and transport agencies.

All references to legislation include primary legislation, regulations, rules, standards, local government legislation, legislative notices, etc.

Proposal	Implications for MOT/Transport Agencies
Setting legislative design and law-making principles in primary legislation The (paraphrased) principles are approximately: <ul style="list-style-type: none">○ Regulation should not be made without evaluation of the problem and impact○ Must consult before making regulation	These principles are given effect by the clauses outlined in the rows below. All legislation engages these principles to some extent. The focus on property rights and taxation will add an additional layer of complexity to property acquisition, fees/tolls/charges and other cost recovery.

<ul style="list-style-type: none"> Existing regulation should be monitored to ensure it is effective and not creating undue burden. Not to take property except in public interest or with compensation Any tax/fee needs to be aligned with an expected benefit Preserve the courts' role in determining the meaning of legislation <p>Guidance may issued by Minister and AG on interpretation of these principles.</p>	<p>Unclear how future govts might amend these principles to focus on other values/concepts.</p>
<p>Requiring assessments of proposed legislation for consistency with the principles</p> <ul style="list-style-type: none"> Each Minister/Ministry must assess the consistency of new legislative proposals with the principles prior to Cabinet policy decisions, with inconsistencies explained in a public statement. Each piece of legislation's explanatory note must include a statement from the CE stating that the Bill has been assessed for consistency with the principles and providing the results of that assessment. The Minister for Regulation may exclude classes of legislation from this required via a notice, following approval by the House. 	<p>This adds a layer of complexity to:</p> <ul style="list-style-type: none"> Future Regulatory Impact Analysis Rule changes (which we have been trying to simplify) Transport instruments, standards, and other highly technical legislation (we have not had a chance to engage with agencies on these implications) <p>We will need to formalise a process for the Secretary of Transport and Minister to make statements on consistency of each legislative change with the principles.</p>
<p>Requiring assessments of existing legislation for consistency with the principles</p> <ul style="list-style-type: none"> All existing legislation must be assessed for consistency against the principles within 10 years of commencement of the Act. 	<p>Reviewing every Act, Regulation, Rule, Instrument, Standard in the transport system will be resource intensive. Achieving it in the next 10 years would require substantial reprioritisation of regulatory resource away from other activities.</p> <p>The requirement for the Secretary of Transport t</p>
<p>Establishing a statutory board to deliver an assurance function</p> <ul style="list-style-type: none"> An independent Regulation Standards Bord will be established to consider the consistency of regulation with the regulatory principles, primarily in response to stakeholder concerns. If found inconsistent the responsible Minister would either change the regulation or make a statement justifying why they are choosing not to remedy any inconsistencies. 	<p>Strengthens the ability of our stakeholders to seek review of decisions through both the new Regulatory Standards Board.</p>
<p>Requirement for departments to report publicly on regulatory stewardship activities</p> <ul style="list-style-type: none"> Departments would have a duty to regularly review and maintain the legislation they administer and publicly report against a timeline for these reviews. 	<p>We (and agencies) would need to add regular reporting on regulatory stewardship to our other public reporting requirements (e.g. SOI, Annual Reviews, etc.).</p>

<ul style="list-style-type: none"> • They must publicly report on their plans to achieve this. 	
New powers for the Ministry of Regulation to require provision of information from departments: <ul style="list-style-type: none"> • To support regular reporting on regulatory system performance • To assess CEs delivery of regulatory stewardship • To run regulatory system reviews. 	As part of this CEs will be required to report to MfR on their regulatory stewardship activities (per the Public Service Act).

From: Chris Nees

Sent: Wednesday, March 12, 2025 14:50

To: Jacob Ennis; Katrina Quickenden; Matthew Green

Subject: RE: Draft Cabinet paper consultation - Regulatory Standards Bill

Thanks Jacob, I can't remember if you updated SLT last time but I think worth a refresher for Paul/Ruth/David/Brent on the things that will have implications for us. That is, resourcing impacts from the requirements to:

- The requirement for the CE to prepare a consistency assessment against the principles, for primary and secondary legislation
- The requirements to develop and report on plans to review our existing legislation against the principles, within 10 years of the Bill coming into force (this sounds large given our stock of legislation)
- Responding/resourcing inquiries by the Regulatory Standards Board, if it chose to investigate aspects of transport regulation

Here are some clarifying questions I'd pose back to MfR:

- Some of the requirements appear to duplicate aspects of the RIA process, for example requirements to consult, considering other options, and that legislation benefits exceed costs. Have they considered how to reduce this overlap?
- How does the requirement to consult interact with the Select Committee process? Are these substitutes or complements?
- The application of the standards to other instruments. I was left unclear about whether these apply to Transport Instruments?
- They are proposing to add a requirement to the Public Service Act. Can they clarify if this is consistent with the review by the PSA to streamline the Act?

From: Jacob Ennis [REDACTED]

Sent: Wednesday, 12 March 2025 10:43 am

To: Katrina Quickenden [REDACTED]; Matthew Green [REDACTED]; Chris Nees [REDACTED]

Subject: Fw: Draft Cabinet paper consultation - Regulatory Standards Bill

FYI feedback on Reg Standards Bill due this Friday.

From: Olivia Cross [REDACTED]

Sent: Wednesday, March 12, 2025 10:28

To: Olivia Cross [REDACTED]

Cc: Elisa Eckford [REDACTED]; Pip Van Der Scheer [REDACTED]

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.

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
Olivia

Olivia Cross (she/her)

Principal Advisor, Regulatory Management System

Ministr

Waeture

īmēra:

A blue and

generated



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.

IN-CONFIDENCE

From: [Katrina Quickenden](#)
To: [Helen FionaWhite](#)
Cc: [Chris Nees](#); [Jacob Ennis](#); [Dominic Cowell-Smith](#); [Ruth Fairhall](#); [Paul O'Connell](#)
Subject: RE: ACTION - Targeted Ministerial Consultation: Regulatory Standards Bill Consultation Document
Date: Tuesday, 29 October 2024 10:57:00 am
Attachments: [image001.png](#)

Hi Helen

I've checked in with Jacob and Chris – we'd just add a bit more emphasis to the points about resourcing and process:

- Noting the proposed requirement to develop and publicly report against plans to review their stock of legislation, the Ministry of Transport will need to run more frequent legislative reviews and maintenance activities. Historically this has been resource intensive. For the Ministry and agencies this would have substantial resourcing implications which haven't been quantified.
- It isn't yet clear how a Minister would make a statement about the consistency of a new regulation with the principles if the regulation power is delegated, as is the case for transport rules.

On your question about proposed powers to collect info:

- The proposal to give statutory powers to the Ministry for Regulation to require certain information aligns with similar powers held by e.g. the Auditor General and the Commissioner for the Environment. We expect this would support their work on reviewing regulatory systems. Note KiwiRail may also be affected by some of these proposals as they have a regulatory role setting some technical standards for rail operators.

Please let me know if you need anything further.

Kind regards, Katrina

Katrina Quickenden
Manager - Regulatory Reform Team | Kaiwhakahaere
Te Manatū Waka Ministry of Transport

transport.govt.nz



From: Paul O'Connell <P.O'Connell@transport.govt.nz>
Sent: Thursday, 24 October 2024 2:38 pm
To: Helen FionaWhite <helen.fionawhite@parliament.govt.nz>
Cc: Chris Nees <C.Nees@transport.govt.nz>; Jacob Ennis <J.Ennis@transport.govt.nz>; Katrina

Quickenden <K.Quickenden@transport.govt.nz>; Dominic Cowell-Smith <Dominic.Cowell-Smith@parliament.govt.nz>; Ruth Fairhall <R.Fairhall@transport.govt.nz>

Subject: RE: ACTION - Targeted Ministerial Consultation: Regulatory Standards Bill Consultation Document

Thanks Helen – either Chris or Q will get back to you next week.

Cheers,

P.

From: Helen FionaWhite [REDACTED]
Sent: Thursday, 24 October 2024 2:35 pm
To: Paul O'Connell [REDACTED]
Cc: Chris Nees [REDACTED]; Jacob Ennis [REDACTED]; Katrina Quickenden [REDACTED]; Dominic Cowell-Smith [REDACTED]
[REDACTED]

Subject: ACTION - Targeted Ministerial Consultation: Regulatory Standards Bill Consultation Document

Hi Paul

The Regulatory Standards Bill consultation has come through – documents attached. Is there anything additional MOT wants to add/amend to its original commentary (copied below)? Comment by midday 29 October please.

Also seeking MOT comment on the powers of the Ministry of Regulation – particularly the power to request info from those empowered by statute to regulate – this would include local government, as well as private entities such as professional bodies or those contacted to perform regulated functions (the AA might be an another example for the driver licencing system).

MOT comment:

- *Expected to be effective at improving the quality of regulation by strengthening requirements for a robust evidence base and consultation. However, this will reduce our ability to move at pace to progress new regulations.*
- *Conversely it may make removing existing regulations easier and provides a strong impetus to do so where the evidence base for them is weak.*
- *Creates new avenues for scrutiny and judicial review (including, for example, judicial review of departments' policy advice and Ministers' decision making process ahead of initial policy decisions).*
- *Strengthens the ability of stakeholders to seek review of decisions through both the new Regulatory Standards Board and through judicial review.*
- *The Ministry will need to run more frequent legislative reviews and maintenance activities, historically this has been resource intensive.*
- *Lower-level regulations drafted by agencies like transport rules and maritime*

transport instruments are captured by these changes. We are unclear on the resourcing and legal implications for agencies.

- *The focus on property rights and taxation will add an additional layer of complexity to property acquisition, fees/tolls/charges and other cost recovery.*

Background:

This paper seeks approval to consult on a refined Regulatory Standards Bill. Passing the RSB is a core coalition commitment and is a fundamental component of the Regulation work program.

The attached slides provide a summary of the various components of the bill and changes that have been made since the bill was considered by EXP on 27 February. The Ministry for Regulation has worked closely with Crown Law, PCO and external legal resources to address the concerns raised in February (particularly the role of the courts). In addition, the paper provides a statutory framework for the Ministry for Regulation. These provisions set out the Ministry's role as a core agency providing regulatory oversight and information-gathering powers to support the Ministry's sector review function.

Also attached is the draft RIS and Treaty analysis. The draft RIS contains a significant amount of legally privileged information, which may be removed in the final document, based on the Solicitor General's recent advice.

RELEASED UNDER THE
OFFICIAL INFORMATION ACT 1982

From: [Jacob Ennis](#)
To: [Natalie Nesbitt](#); [Elisa Eckford](#)
Cc: [Pip Van Der Scheer](#); [Katrina Quickenden](#)
Subject: Re: Feedback invited on Regulatory Standards Bill draft discussion document and Cabinet paper
Date: Wednesday, 23 October 2024 4:19:30 pm
Attachments: [image001.png](#)
[Outlook-t2pgmt1x.png](#)

Kia ora Natalie

Thank you for sharing this Cabinet paper with us.

As you would expect the proposals for consultation will have a substantial impact on our regulatory systems and processes, including for the transport agencies (Crown entities): NZTA, Maritime NZ, the Civil Aviation Authority, and the Transport Accident Investigation Commission. These agencies have responsibilities for maintaining various tertiary legislation including transport rules and instruments. We expect consultation will enable these impacts to be clarified.

Our only feedback is we are unclear on the financial implications of these proposals for the Ministry of Transport or the transport agencies, and possibly for SOEs like KiwiRail. We are not able to quantify these in the time available, particularly because it would involve working with multiple agencies/regulatory systems. As this work progresses it will be important to acknowledge that there will be resourcing implications for departments/agencies associated with implementing these proposals and to give a sense of the scale of any financial costs and benefits.

We do not request a departmental comment.

Nga mihi

Jacob Ennis

Principal Adviser – Regulatory Reform

Kaitohutohu Mātāmua – Kaupapahere mō ngā take Whakarite

Te Manatū Waka Ministry of Transport

[REDACTED] | transport.govt.nz



[SEEMAIL]

From: Natalie Nesbitt [REDACTED]
Sent: Wednesday, October 16, 2024 16:25
To: Elisa Eckford <[REDACTED]>
Cc: Pip Van Der Scheer [REDACTED]
Subject: Feedback invited on Regulatory Standards Bill draft discussion document and Cabinet paper

Tēnā koutou,

As per my previous email, please find attached for your review and feedback, a draft public consultation document and accompanying draft Cabinet paper which set out a proposal for a Regulatory Standards Bill. The proposed Regulatory Standards Bill fulfils a coalition agreement commitment between the National Party and ACT to legislate to improve the quality of regulation, ensuring that regulatory decisions are based on principles of good law-making and economic efficiency.

The draft interim RIS and preliminary Treaty Impact Analysis are also attached, for your information. Note that the interim RIS is currently undergoing quality assurance.

Important note: The draft Cabinet paper including Annex 2, the interim RIS, and the Treaty Impact Analysis contain legally privileged advice which is confidential, should not be shared, and care should be taken in the handling of these papers to avoid any inadvertent disclosures outside the Crown.

We welcome your feedback on any matters covered in the papers. To support our analysis of the costs and benefits of the proposal, we particularly invite your views on the expected costs to your agency from the proposal, any benefits you see for your agency or regulatory systems, and the nature of those costs and benefits.

There is a change of timing with Ministerial consultation, it will now begin on 22 October.

Please provide any comments to us by **close of Wednesday 23 October**, including both Elisa Eckford (copied above) and me so that we make sure your email is received. 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
Natalie

Natalie Nesbitt
Principal Advisor
Policy and Strategy

[Redacted signature block]



.....
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.