



# **Inquiry into the ongoing requirement for individual regulations and their impact**

Report of the Regulations Review  
Committee

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Forty-eighth Parliament  
(Dr Richard Worth, Chairperson)  
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*Presented to the House of Representatives*

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# Report on the inquiry into the ongoing requirement for individual regulations and their impact

## 1 Introduction

### Recommendation

The Regulations Review Committee makes the following recommendations to the Government:

1. that the spent regulations listed in Appendix C and the spent revocation orders listed in Appendix D be revoked, in consultation with the responsible Government department, using section 16 of the Acts and Regulations Publication Act 1989
2. that a publicly accessible list of departmental responsibility be produced and maintained for all regulations
3. that the section in the *CabGuide* headed “Associated regulations” be amended to require any Cabinet paper associated with a proposal for a bill to list all existing regulations that could be revoked by the bill
4. that this report be referred to the Law Commission for the development of a detailed proposal for the inclusion of a sunset system, applicable to all statutory regulations, in a statute
5. that statutory provision be made for a sunset regime applicable to all statutory regulations reflecting the recommendations in the body of this report and any detailed proposal made by the Law Commission
6. that clear guidelines be developed for the application of the minor or machinery nature exemption from the requirement to develop a regulatory impact statement
7. that the audit function of the Regulatory Impact Analysis Unit of the Ministry of Economic Development include audits of proposals that claim exemption from the requirement to undertake a regulatory impact statement
8. that charities be treated in the same manner as businesses for the purposes of analysing compliance costs for regulatory impact statements.

### Background

In 1988 the Regulations Review Committee reported on its inquiry into all regulations in force as at 14 November 1988.<sup>1</sup> At its meeting on 22 November 1987 it reported a lack of

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<sup>1</sup> Report of the Regulations Review Committee *Inquiry into all regulations in force as at 14 November 1988*, 1988 AJHR I.16B

systematic consideration of all regulations in force. The intention of the inquiry was to identify regulations which, although still in force, were either obsolete or unnecessary.

As at 14 November 1988 there were 3,945 regulations in force. The committee wrote to all administering departments and agencies requesting them to specify those regulations still required and those which could be revoked. Departments listed 400 regulations that could be revoked. The committee recommended an additional 106 for revocation.

Nineteen years have passed since this complete review of New Zealand's regulations in force. We considered a further review to be overdue. The lengthy period since the last complete review of regulations demonstrated to us the disadvantage of ad hoc reviews. Consequently we decided to broaden the terms of reference to consider mechanisms to ensure more regular systematic review of regulations in force.

We also decided to consider the requirements for regulatory impact statements. This followed our experience of using them in considering regulations that impose fees and charges. We found the process helpful as it tended to require a rigorous cost-benefit approach to fee-setting. However our impression was that the process was not being applied uniformly. We considered a review of some aspects of exemptions to the requirements for regulatory impact statements would usefully complement the work of the recent Quality Regulation Review.<sup>2</sup>

We agreed the following terms of reference. To review:

1. the currency of existing regulations (as defined in the Regulations (Disallowance) Act 1989) to determine those regulations that are still required and those that may be revoked
2. mechanisms to provide ongoing and systematic review of currency of regulations and revocation of redundant regulations
3. the current requirement to undergo regulatory impact and business cost compliance statements and exemptions from those requirements.

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<sup>2</sup> See Quality Regulation Review Final Report at [www.med.govt.nz](http://www.med.govt.nz).

## 2 Currency of existing regulations

### Issue

The report of the 1988 Inquiry noted that all regulations in force warranted ongoing assessment of their appropriateness and currency. It recommended that a general review of regulations should be undertaken at least every five years. A general “stocktake” of regulations is overdue.

### Procedure

On 28 November 2006 letters were sent to 67 government organisations (departments) surveying regulations in force. The departments were asked to report on the following:

1. Please identify the regulations (as defined in the Regulations (Disallowance) Act 1989) that are in force and administered by your organisation.
2. How often have the regulations been used in the last 5 years and generally for what purpose?
3. When was the last time the regulations were reviewed to determine their effectiveness?
4. Which regulations administered by your organisation can be revoked?
5. Please identify those regulations that are still required and provide a brief statement of reasons in support of continuing each regulation.

### Departmental responses

Following the initial mail-out to 67 organisations we became aware of 13 other organisations responsible for regulations. The additional organisations were also asked to respond to the five questions. We received responses from all 80 organisations, which are listed in Appendix B.

We noted from the first round of departmental responses that responsibility for many statutory regulations was not being claimed. The Parliamentary Counsel Office (PCO) provided us with a spreadsheet of 2,943 statutory regulations grouped by responsible department. We sought further responses from departments and provided them with the unclaimed regulations from the PCO list. The task of establishing responsibility for all regulations and obtaining a satisfactory response to the questions took some 12 months. This was due in part to the lack of an official current record of departmental responsibility for regulations.

### Departmental responsibility list

At present responsibility for regulations is listed at the end of the original regulation. For older regulations the name of the administering department may have changed, the

department may have been replaced, or responsibility may have been transferred. It can be time-consuming and sometimes difficult to establish which department is in fact responsible for a regulation. We put the proposal to PCO that it would be useful to maintain some form of publicly accessible record of which department is currently responsible for the administration of each regulation.

PCO advised that updated administering department information at the end of each regulation is intended to be included on the new PAL website. PCO also advised us of various other sources for information on departmental responsibility for regulations, but acknowledged that no single comprehensive list existed.

PCO commented that the production and maintenance of a publicly accessible list of current departmental responsibility for regulations (and Acts) would be very helpful for users of legislation and members of the public generally. The office also agreed that maintaining this information in one comprehensive list would be more efficient and less confusing than the current practice. The office suggested several options for making up such a list, but highlighted the need for consultation with government agencies to settle on the appropriate option. We agree and recommend that this course of action be taken.

### **How often used?**

We found that most departmental reports reflected a good knowledge of the extent to which their regulations were in use. We note that use was not relevant in some circumstances, for example regarding commencement and revocation orders, which have effect once only and then act only as a record. Some departments commented that regulations formed part of a broader framework and levels of use could not be determined. Other departments interpreted this question in terms of the number of times the regulations were enforced. Many regulations were identified as being in daily or constant use.

### **Reviews**

Some departmental responses reflected sophisticated regulatory review regimes. The Inland Revenue Department stood out for maintaining a review register. The register records the last time each of its regulations was reviewed and the outcome of the review. The department also has a formal process for tax representatives to request a review of regulations.

The Ministry of Fisheries described a comprehensive regulatory review plan on a fish species basis to deal with difficulties peculiar to the fishing industry (the need to balance sustainability and conservation against the livelihood of quota holders and fish workers). Other departments advised of various planned review programmes.

The number of older regulations identified as spent was a matter for concern, and reflected a lack of ongoing review by some departments. Our list shows there are 140 statutory regulations in force that were made before 1970. Of these, 64 were identified in this review as serving no purpose. There are 230 statutory regulations in force that were made during the 1970s. Of these 90 have been identified in this review as redundant. A number of departmental reports showed that older regulations are lying dormant and their usefulness is not being reviewed.

## Spent regulations

The departmental responses disclosed that 526 regulations served no purpose and should be revoked. These are listed in Appendix C. We were advised of a further 42 spent regulations that had already been recently revoked, and that the revocation of 7 was already under way. There was some doubt in respect of the need for 23 regulations. The numbers in this category may be higher because of the differing ways in which departments responded to the question. Some departments advised that regulations may be revoked following further review.

The Takeovers Panel advised that they were not in favour of revoking spent exemption notices despite having the power to do so. The panel's view is that the exemptions build up a body of precedents which the market can use. They advise that removing the exemptions from published legislation might result in "lower quality exemption applications, or application for exemptions in inappropriate circumstances." Some, but not all exemptions are subject to sunset clauses and expire automatically after the prescribed period. We accept this position.

PCO provided advice on 29 March 2007 on methods for revoking spent regulations. The most appropriate method appears to be an Order in Council under section 16 of the Acts and Regulations Publication Act 1989. Section 16(1) provides

The Governor-General may from time to time, by Order in Council, revoke any regulations or, as the case may require, declare that they shall cease to have effect as part of the laws of New Zealand, if the Governor-General in Council is satisfied that they have ceased to have effect or are no longer required.

The advice comments that PCO have co-ordinated the use of this power in conjunction with departments in the past. It is recommended that PCO be requested to confirm with departments that the spent regulations listed in Appendix C should be revoked and to co-ordinate an Order in Council under section 16 of the Acts and Regulations Publication Act 1989.

## Overdue revocations

It was disappointing to note that 31 regulations identified as spent in the committee's 1988 inquiry are still in force. These regulations are listed in Appendix E. In most cases these regulations were recommended again for revocation. The revocation of two regulations is under way,<sup>3</sup> and constitutional problems were identified with the revocation of three.<sup>4</sup>

## Revocation of commencement orders

In the 1988 Report on its Inquiry into Regulations, the committee recommended that commencement orders should be retained until the enactment concerned is repealed. This principle appeared to be well understood and was reflected in most departmental responses.

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<sup>3</sup> SR 1969/233 and 1972/218 (MFAT)

<sup>4</sup> SR 1955/87, 1959/77, and 1962/81 (DIA)

## Revocation of revocation orders

There was uncertainty in some departmental reports as to whether revocation orders (orders in council that revoke regulations) can safely be revoked. In the 1988 Report on its Inquiry into Regulations, the committee recommended that revocation orders should be kept on the record for no longer than 5 years from promulgation. This was accepted by the Government with the reservation that there should be flexibility to keep such orders for longer periods, depending on the circumstances. Guided by this principle we recommend that the 27 revocation orders listed in Appendix D be revoked.

## Regulations remaining when empowering statute repealed

The Ministry of Justice and Ministry of Economic Development identified a number of regulations that were in force but of no effect. These were regulations whose empowering statute had been repealed, but no revocation was specified for the regulations. It is not good practice to leave regulations in force that have no effect. It creates ongoing uncertainty as to the status of the regulations. Under section 20(1) of the Interpretation Act 1999, a regulation may continue in force following the repeal of its empowering statute if there is another enactment in force—

- (a) That, with or without modification, replaces, or that corresponds to, the enactment repealed; and
- (b) Under which it could be made.

It would be desirable to specifically revoke regulations whose empowering statute had been repealed if there were no replacement Act, or it were known that no replacement Act is intended to carry existing regulations over.

We advised PCO of these concerns with a view to changing drafting practice. The office responded that it had long accepted that it is good drafting practice to specifically revoke regulations when the empowering statute is repealed. The office noted, however, that it was dependant on the advice of instructing departments on whether existing regulations are still needed. PCO considers that this issue should be dealt with in the process for obtaining approval to introduce a bill. A suggested improvement was extending the section in the *CabGuide* headed “Associated regulations” to require the associated Cabinet paper to list all existing regulations that can be revoked by a proposed bill. We agree with this suggestion.

## Conclusion

Government organisations provided a large amount of valuable information regarding the current stock of regulations. We note our thanks to all the organisations that assisted us with this part of the Inquiry.

### 3 Systematic review of currency

#### Issue

Maintaining the currency of regulations is important and needs regular attention. The ongoing existence of spent regulations reduces access to legislation. In some cases regulations continue in force when they are of no effect, causing confusion over their status. The length of time since the last general review of regulations and the large number of spent statutory regulations identified in section 2 of this report reinforces the need for a more systematic approach to ongoing review of the currency of regulations.

#### Procedure

Committee staff developed a discussion paper considering various mechanisms available for the ongoing systematic review of currency of regulations.<sup>5</sup> We distributed the discussion document on this term of reference to the following interested organisations:

- Law Commission
- Legislation Advisory Committee (LAC)
- Parliamentary Counsel Office (PCO)
- Ministry of Economic Development (MED)
- Business New Zealand
- New Zealand Centre for Public Law
- New Zealand Law Society (NZLS)
- Leader of the House
- Cabinet Office
- NZ Council of Trade Unions
- Law Faculties of New Zealand Universities

The interested organisations were requested to comment on the following questions:

1. An analysis of redundancy requires an assessment of the original purpose of the regulations. Should all regulations be required to state their purpose? If so which is the preferred mechanism?
2. Is a systematic mechanism for reviewing redundancy of regulations required?
3. The discussion paper suggests four potential mechanisms for reviewing redundancy of regulations. If a systematic review process is required, which process is most suitable for New Zealand? Is there a more appropriate system not described by the discussion paper?

Substantive responses were received from the LAC with support from the Law Commission and PCO, from MED, from the NZ Law Society, and from Business NZ.

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<sup>5</sup> The full text of that discussion document is attached at Appendix F.

## Should all regulations be required to state their purpose?

We posed this preliminary question because we were impressed by the reasoning of the United Kingdom Law Commission in its review of post-legislative scrutiny.<sup>6</sup> The Law Commission notes that any system of post-legislative scrutiny should be underpinned by the clarification of policy objectives.<sup>7</sup> A regulation can be declared redundant only following an assessment of the original purpose of the regulation.

Of the four submissions, only that of Business NZ favoured requiring regulations to state their purpose to help determine redundancy. MED and LAC considered that the best means of determining purpose was consideration of the empowering Act and the empowering provision authorising the regulation. MED and LAC did not consider that purpose statements would add value. MED considered that purpose provisions in explanatory notes would not have sufficient legal weight to be useful. NZLS did not consider that a generic requirement for a regulation to state its purpose would add value. NZLS considered that Ministers should determine when a purpose statement in a regulation would be useful.

We agree that the purpose of regulations should be ascertainable from consideration of the empowering Act and the empowering provision. In practice this is not always the case. However other sources for determining purpose do exist, such as cabinet papers and other policy documents. Responsible departments will have access to such papers and any systematic review system will involve the responsible department. We agree with the view of the majority of submitters, that any requirement for regulations to state their purpose should be dealt with case by case, by the responsible Minister.

## Is a systematic mechanism for reviewing regulations for redundancy required?

All submitters agreed that a systematic mechanism for reviewing regulations for redundancy was desirable. MED noted the following benefits that would flow from such a systematic approach:

- reduced compliance costs for all stakeholders required to comply with regulation
- improved information about the stock of existing regulation, and an enforced prompt to departments to review regulation with a view to updating or revocation
- increased public confidence in the quality of the regulatory environment, including the relevance, efficiency, and effectiveness of current regulatory frameworks
- ensuring a more manageable and less costly process for reviewing the redundancy of regulations than may occur if done on an ad hoc basis.

We are strongly of the view that a systematic mechanism for review of regulations is required. The last complete review of regulations occurred in 1988. As section 2 of this report demonstrates, this review, some 19 years later, is long overdue. It is essential for the good health of our regulatory system that spent regulations be revoked regularly and systematically.

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<sup>6</sup> UK Law Commission *Post-Legislative Scrutiny*, Consultation Paper No 178, 22 December 2005 and Final Report presented in October 2006, [www.lawcom.gov.uk/post\\_leg\\_scrutiny.htm](http://www.lawcom.gov.uk/post_leg_scrutiny.htm)

<sup>7</sup> Para 7.4, UK Law Commission *Post-Legislative Scrutiny*, Consultation Paper No 178, 22 December 2005.

## Which process is most suitable for New Zealand?

Our discussion paper distinguished the following categories of review mechanism:

- Ad hoc departmental review responding to issues or Government direction
- Ad hoc parliamentary review (by subject committees or Regulations Review Committee) arising from inquiry, complaint or petition
- An independent agency dedicated to review (“a red tape commission”)
- Planned departmental review where departments/Ministers undertake to review regulations at the time of making
- Legislated departmental review, where legislation requires review of regulations after a specified period
- Sunset clauses where regulations expire after a specified period.

### *Ad hoc departmental and parliamentary review*

The first two mechanisms reflect the status quo and do not meet the need identified for regular systematic review of regulations. We note that Government departments are most aware of the operation of regulations and therefore have the best information to assess their ongoing usefulness. However submissions reflected a concern that departments might lack motivation and the necessary distance to be left to a regular assessment of their own regulatory portfolios.

There was little enthusiasm from most submitters for a system in which one department would organise systematic review by all departments. We agree that this system would be insufficiently robust. It would place a significant burden on the lead agency which itself would face conflicts of interest from time to time regarding its own set of regulations.

None of the submitters objected to adding review for redundancy explicitly to the functions of the Regulations Review Committee, with the aim of encouraging the committee to undertake reviews more regularly. However no submitters considered this option to be adequate on its own.

NZLS proposed an alternative form of systematic parliamentary review of regulations. It favoured inclusion in departmental SOIs and Annual Reports of a review of the regulations that each department administers. The reports would detail revision plans for regulations against which the departments could be tested by the applicable select committee. NZLS also considered that special review processes involving select committees should be developed for agencies that produce large volumes of deemed regulations.

The NZLS proposal is an interesting alternative. An attractive aspect of it is that review would be conducted regularly and systematically by Parliament. We are concerned, however, that select committee financial reviews may not be an appropriate forum for such a technical scrutiny function. Financial reviews are seldom approached in a bipartisan manner by subject committees. We see a risk therefore of politicisation of the assessment of a department’s spent regulations. This would not be helpful. It is also likely that this proposal would require amendment of the Public Finance Act 1989 to include this requirement in the information reported on by departments.

We are grateful to the NZLS for suggesting this innovative approach to parliamentary review of regulations. However we are not persuaded that either of the options for parliamentary scrutiny are adequate or appropriate mechanisms for ongoing systematic review of existing regulations.

#### *Independent agency review*

Our discussion document considered the possibility of an independent agency reviewing regulations for redundancy. It noted that New Zealand does not have an independent regulatory review agency and that the limited scope of review for spent regulations is unlikely to justify the creation of such an agency. None of the submissions challenged this proposition and we remain unconvinced that the creation of an independent agency can be justified, or that there is an existing body appropriate for the task.

#### *Planned departmental review*

Other mechanisms noted in our discussion document involved planned departmental review, committed to either by agreement or through legislation. Our view is that such mechanisms would not systematically address all regulations. Any mechanism based on a department by department assessment would risk regulations falling between the cracks. One possibility is that a lead department could co-ordinate the process, but as already noted there was little enthusiasm from submitters for this approach on cost-effectiveness grounds. The other drawback with a departmental approach remains the subjective position of departments in relation to their own regulations.

#### *Sunsetting*

The remaining option of a sunsetting regime was strongly supported by the LAC. The LAC advised that it has reviewed the use of sunseting in Australia and found that it is an accepted part of the fabric of administration in that country. The LAC concluded that the main advantages of sunseting for New Zealand are

- that it is a systematic form of review for both quality and redundancy
- that staged sunseting can be applied to existing regulations, with a fixed sunset provision applying in future.

The LAC proposal is for

- sunseting to apply to all statutory regulations initially. The LAC observed that review of other regulatory instruments is also desirable, but considered the regime should initially be limited to statutory regulations for simplicity
- sunseting to be included in a Legislation Statute (as proposed in the Law Commission paper *Presentation of New Zealand Statute Law*)
- sunseting period to be 10 years for new regulations
- existing regulations to be dealt with by staged repeal (that is, set dates for repeal of regulations made before a specified date)
- provision to be made for rolling over regulations that are not redundant for a further 10 years, possibly by certificate of Attorney-General
- cabinet-directed requirement for ongoing departmental review, led by MED (to ensure ongoing review and not just review every 10 years)

- PCO to administer the sunseting system (providing, in particular, departmental liaison).

MED is not in favour of sunseting. MED submitted that it carries the risk that necessary regulations may expire, and that the compliance and administrative costs associated with this mechanism would be significant. NZLS shares these concerns. It is also concerned that necessary regulations will simply be rolled over without adequate review. A further concern is the potential for uncertainty in industry because the regulatory environment may alter every 10 years.

We consider a sunseting regime an attractive option for ensuring the regular and systematic review of regulations. Sunset clauses in statutes cause provisions to expire on a prescribed date. When applied to regulations, sunset clauses force agencies to examine their regulations within the expiry period and assess whether they need to be remade.

In Australia sunseting is now applied at the federal level to all regulations on the register of legislative instruments by the Legislative Instruments Act 2003. The main attraction of the Australian model is its systematic approach. Agencies making regulations must review their regulations and take appropriate action or face the automatic expiry of the regulations.

The reasons against sunseting submitted by NZLS and MED do not seem insurmountable. There is clearly a need for a mechanism that allows for the roll over of regulations that are obviously required to remain in force, and to avoid inadvertent expiry. The LAC proposal suggests a rollover procedure under which regulations would continue in force for a further 10 years. We think the risk of inadvertent expiry needs to be balanced against the risk that departments will not properly engage in the review process and rely on the rollover provision to continue regulations. For this reason we prefer the Australian model where any rollover is limited to one year. After that year the regulations must either be remade or expire.

We were not persuaded that a sunseting regime would lead to increased uncertainty for those subject to regulation, as suggested by the NZLS. It is a fact of life that regulatory regimes change in response to economic and societal change. We do agree that review of regulations should include consultation with those affected by the regulatory regime.

We do not see sunseting leading to regulatory vacuum. It is a mechanism to require review. Where regulation is necessary it will continue in one form or another. Review will still be undertaken in a measured way, in consultation where appropriate, with those affected by the regulations. Safety-net provisions would be built into the scheme to operate where, for whatever reason, adequate review of necessary regulations has not occurred.

Business NZ's submission favoured the use of sunset clauses to prompt review. It suggested a period between 5 and 10 years to allow regulations sufficient time to bed in, without leaving poor regulations in place for too long. The LAC is firmly of the view that 10 years is the more appropriate expiry period. It argues that 10 years allows for bedding in and review, that it is consistent with most of the systems in Australia, and that it reduces the uncertainty factor for industry identified by NZLS that might apply in the case of a shorter period.

## Conclusion

Comprehensive evaluation of the various Australian formulas has yet to be undertaken. The Australian states and the federal system have mostly opted for 10 years as the preferred expiry period. New South Wales opted for a 5-year period with 5 one-year postponement periods permitted. There are suggestions that the NSW formula has proved less practical than those of other states.<sup>8</sup>

On the basis of the information currently available, we recommend a system based on a 10-year expiry period with a one year postponement period upon certification by the Attorney-General that this is required. In other respects we agree with the proposals made by the LAC and recommend that detailed work be undertaken by the Law Commission with a view to developing legislation to implement a sunseting regime for all statutory regulations.

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<sup>8</sup> See *Delegated Legislation in Australia* 3<sup>rd</sup> Edition, 2005, Dennis Pearce and Stephen Argument, Butterworths, p 46, 85, 109-110

## 4 Regulatory impact analysis system – requirements and exemptions

### Issue

We have found that regulatory impact statements (RIS) and business compliance cost statements (BCCS) are useful when considering whether there are grounds under Standing Order 315(2) to draw regulations to the attention of the House.<sup>9</sup> Further, complaints to the committee have been upheld in the past regarding regulations that would have benefited from the rigour of developing a regulatory impact statement.

In the course of our examination of regulations, we have found that the exemptions from RIS/BCCS requirements apply to a significant number of regulations. In particular, an RIS or BCCS is not required for

- deemed regulations
- regulations of a mechanical nature that do not substantially alter existing arrangements
- costs impacting on charities
- increased costs where there is no new fee or business obligation.

### Procedure

A discussion document was forwarded to Ministry of Economic Development (MED) on this issue.<sup>10</sup> Comment was sought on whether

- all or certain classes of deemed regulation should be required to undergo the RIS/BCCS process
- the criteria for exempting regulations of a minor or machinery nature should be tightened, one suggestion being that all fees regulations should be required to undergo the RIS/BCCS process
- the application of the BCCS process should be strengthened to ensure that compliance costs to charities in fee-setting regulations are treated as business costs, and that increased costs from increases to existing fees be subjected to the BCCS process.

MED advised that the RIS/BCCS process had changed significantly from 1 April 2007 following decisions taken by Cabinet in October 2006 and February 2007 regarding the Quality Regulation Review. The changes to the system may be summarised as follows:

- *Departments to confirm compliance to Cabinet:* Government agencies with the power to create or enforce regulatory frameworks are required to confirm that the principles of the Code of Good Regulatory Practice have been complied with and that

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<sup>9</sup> Letter from Regulations Review Committee to Minister of Commerce, dated 24 August 2006.

<sup>10</sup> The full text of that discussion document is attached at Appendix F.

regulatory impact analysis has been undertaken in accordance with the new requirements, when drafting Cabinet papers containing regulatory proposals.

- *Application to deemed regulations before Cabinet:* The trigger for when the Regulatory Impact Analysis (RIA) requirements to apply has been clarified so that all regulations as defined in the Regulations (Disallowance) Act 1989 trigger the RIA requirements. This means that all deemed regulations that are considered by Cabinet will be subject to the RIA requirements, including the preparation of a RIS.
- *Self regulation:* The new regime puts more emphasis on “self-regulation” by departments, and the Regulatory Impact Analysis Unit (RIAU) within MED focuses only on proposals (and associated RIS documents) that are likely to have a “significant impact on economic growth”. Departments will be responsible for assessing the adequacy of the analysis of other proposals and the associated RIS documents.
- *Annual audit:* The RIAU will convene a panel of government officials to carry out annual audits for compliance with the RIA requirements, to monitor the performance of departments under the new regime, and to help assess the effectiveness of the regime.
- A new Regulatory Impact Analysis section is to be included in Cabinet papers, replacing the Regulatory Impact and Business Compliance Cost Statement sections.
- *BCCS removed:* Issues relating to the compliance costs of a proposal that were previously considered in a BCCS will now be considered in the revised RIS process. In addition, new sections have been added to the RIS specifically addressing the implementation and review of the regulatory proposal.
- The adequacy criteria for RIA have been expanded. In addition to the previous criteria regarding transparency of disclosure in the RIS document, the RIA adequacy criteria now focus on the quality of the analysis undertaken during the policy development process.
- *RIS at the consultation/policy development stage:* Discussion documents for regulatory proposals that will require a RIS must now include questions about or discussion of each of the RIS sections (problem, options and impacts) or a draft RIS, before release for public consultation.
- *Publication:* Every RIS must now be published (including publication in Explanatory Notes to Bills)—not just those for proposals with a BCCS, which was the requirement under the old regime.
- *Exemptions:* Changes have been made to clarify two of the exemptions from the RIS requirements. These are to the international treaty exemption, to indicate that RIS or extended National Interest Analysis Statements must be prepared; and to the budget night exemption, to ensure that only proposals that give effect under urgency, in terms first announced in the Budget, are exempt.

### Deemed regulations

Deemed regulations are now covered by the system if they are approved by Cabinet. This means, for example, that the transport sector’s deemed regulations will be subject to the system. However many deemed regulations do not require cabinet consideration and will not be subject to the RIA process.

We support application of the RIA process to deemed regulations that are subject to Cabinet approval. Such regulations are likely to address policy issues impacting on a broad spectrum of the population and it is appropriate that the RIA process apply.

We note that a number of deemed regulations set fees and charges without being subject to cabinet approval. Our initial view was that the RIA process would provide additional reassurance that appropriate cost-benefit analysis was applied to the setting of fees and charges. However we accept the submission of the MED that the appropriate standards against which to measure regulations setting fees and charges are found in the Treasury and Audit Office guidelines.<sup>11</sup> These guidelines address the constitutional and legal issues most relevant to the Standing Order grounds against which we consider regulations.

### **Minor machinery exemptions**

The MED did not agree with our concerns that exemptions from the RIA process should be policed by the RIAU and that many regulations imposing significant costs were escaping the attention of the RIA process on the minor and machinery nature exemption ground. The MED did not consider it appropriate for the RIAU to check all departmental RIA proposals. The new system in fact changes the RIA system to a more self-regulatory one.

We have considered the arguments for the self-regulation approach. The approach is designed to focus the RIAU's resources on areas that are likely to have significant impact on economic growth, while imposing safeguards to ensure compliance with the requirements of the RIA system. The main safeguard is that each department will be expected to publish its RIS. Departments are required to confirm to Cabinet that RIS requirements, including the Code of Good Regulatory Practice have been complied with. Guidance material on where exemptions are appropriate is also being considered. The RIAU will also audit completed RIS documents.

We accept this approach, subject to the following recommendations. It is not clear whether the RIAU audit function extends to the use of exemptions from the RIA process. We recommend that this audit function include proposals that claim exemption from the requirement to undertake an RIS. We also recommend clear guidelines be provided for application of the minor or machinery nature exemption from the requirement to develop an RIS. Such guidelines should aim to prevent matters with significant cost implications for the public escaping RIA scrutiny.

### **RIA and fees regulations**

The MED did not agree with the proposition in the discussion document that all fees regulations should be subject to RIA scrutiny, particularly if they are of a minor or machinery nature. The submission notes that the Audit Office and Treasury Guidelines remain as a benchmark for developing fees regulations.

We accept that the Treasury and Audit Office Guidelines are the primary standards against which we should measure fees regulations.

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<sup>11</sup> *Guidelines for Setting Charges in the Public Sector* issued by the Treasury in 1999; Report of the Audit Office *Guidelines on Costing and Charging for Public Sector Goods and Services 1989*

**BCCS issues**

MED noted that the BCCS component of the RIA process is no longer considered separately. Whether an RIA will now include the impact of compliance on charities is not clear. The MED submission states that the full range of outcomes, including social, cultural, health and environmental outcomes, is taken into account now, as it was previously. However in earlier correspondence with the Department of Internal Affairs, we were advised that the costs of compliance for a charity were not considered as they are not a business.

It appears that charities are not treated as businesses for the purposes of compliance cost analysis, but in terms of the broader social impacts of regulation. We recommend that charities be treated in the same manner as businesses for the purposes of analysing compliance costs under the RIA.

## Recommendation

### Recommendation

The Regulations Review Committee makes the following recommendations to the Government:

1. that the spent regulations listed in Appendix C and the spent revocation orders listed in Appendix D be revoked, in consultation with the responsible Government department, using section 16 of the Acts and Regulations Publication Act 1989
  2. that a publicly accessible list of departmental responsibility be produced and maintained for all regulations
  3. that the section in the *CabGuide* headed “Associated regulations” be amended to require any Cabinet paper associated with a proposal for a bill to list all existing regulations that could be revoked by the bill
  4. that this report be referred to the Law Commission for the development of a detailed proposal for the inclusion of a sunseting system, applicable to all statutory regulations, in a statute
  5. that statutory provision be made for a sunset regime applicable to all statutory regulations reflecting the recommendations in the body of this report and any detailed proposal made by the Law Commission
  6. that clear guidelines be developed for the application of the minor or machinery nature exemption from the requirement to develop a regulatory impact statement
  7. that the audit function of the Regulatory Impact Analysis Unit of the Ministry of Economic Development include audits of proposals that claim exemption from the requirement to undertake a regulatory impact statement
  8. that charities be treated in the same manner as businesses for the purposes of analysing compliance costs for regulatory impact statements.
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## Appendix A

### Committee members

Dr Richard Worth (Chairperson)

Hon Mark Burton (replaced Hon Maryan Street from 7 November 2007)

Hon Marian Hobbs

Lesley Soper (replaced Charles Chauvel from 7 November 2007)

Eric Roy

Dr Pita Sharples

Lindsay Tisch

### Committee staff

Claire MacMillan, Clerk of Committee

Tim Workman, Legislative Counsel

## Appendix B Departmental responses

Accident Compensation Corporation	Land Transport New Zealand
Archives New Zealand	Legal Services Agency
Biosecurity New Zealand	Maritime New Zealand
Civil Aviation Authority of New Zealand	Medical Council of New Zealand
Crown Law Office	Medical Laboratory Science Board
Dental Council of New Zealand	Medical Radiation Technologists Board
Department of Building and Housing	Midwifery Council of New Zealand
Department of Conservation	Ministry for Culture and Heritage
Department of Corrections	Ministry for the Environment
Department of Internal Affairs	Ministry of Agriculture and Forestry
Department of Labour	Ministry of Economic Development
Department of the Prime Minister and Cabinet	Ministry of Education
Dietitians Board	Ministry of Fisheries
Earthquake and War Damage Commission	Ministry of Foreign Affairs and Trade
Education Review Office	Ministry of Health
Electricity Commission	Ministry of Justice
Environmental Risk Management Authority	Ministry of Pacific Island Affairs
Government Communications Security Bureau	Ministry of Research, Science and Technology
Greyhound Racing	Ministry of Social Development
Harness Racing New Zealand	Ministry of Transport
Inland Revenue Department	Ministry of Women's Affairs
Land Information New Zealand	Reserve Bank of New Zealand
National Library of New Zealand	Securities Commission
New Zealand Chiropractic Board	Serious Fraud Office
New Zealand Customs Service	Social Workers Registration Board
New Zealand Food Safety Authority	State Services Commission
New Zealand Greyhound Racing Association	Statistics New Zealand
New Zealand Institute of Chartered Accountants	Takeovers Panel
New Zealand Lotteries Commission	Te Puni Kōkiri
New Zealand Meat Board	Tertiary Education Commission
New Zealand Psychologists Board	The Treasury
New Zealand Thoroughbred Racing Incorporated	Veterinary Council of New Zealand
Nursing Council of New Zealand	Parliamentary Service
NZ Defence Force	Pharmacy Council of New Zealand
NZ Police	Physiotherapy Board of New Zealand
Occupational Therapy Board of New Zealand	Plumbers, Gasfitters and Drainlayers Board
Office of the Privacy Commissioner	Podiatrists Board of New Zealand
Optometrists and Dispensing Opticians Board	Public Trust
Osteopathic Council	Remuneration Authority
Parliamentary Counsel Office	

## Appendix C Regulations recommended by departments for revocation

Abrasive Blasting Regulations 1958	SR 1958/121	Department of Labour
Accident Insurance (Indexation of Maximum Weekly Compensation) Regulations 1999	SR 1999/132	Department of Labour
Accident Insurance (Indexation of Maximum Weekly Compensation) Regulations 2000	SR 2000/32	Department of Labour
Accident Insurance (Indexation of Maximum Weekly Compensation) Regulations 2001	SR 2001/16	Department of Labour
Accident Insurance (Interim Indexation) Regulations 1999	SR 1999/355	Department of Labour
Accident Insurance (Interim Indexation) Regulations 2000	SR 2000/99	Department of Labour
Accident Insurance (Interim Indexation) Regulations 2001	SR 2001/93	Department of Labour
Accident Insurance (Motor Spirits Duty) Order 2001	SR 2001/54	Department of Labour
Accident Insurance (Payment for Public Health Acute Services) Regulations 2000	SR 2000/115	Department of Labour
Accident Insurance (Payment for Public Health Acute Services) Regulations 2001	SR 2001/92	Department of Labour
Accident Insurance (Payment of Base Premiums) Regulations 1999	SR 1999/197	Department of Labour
Accident Insurance (Regulator's Funding Levy) Regulations 2000	SR 2000/257	Department of Labour
Accident Insurance (Regulator's Funding Levy) Regulations 2001	SR 2001/407	Department of Labour
Agricultural Compounds and Veterinary Medicines (Transitional Provisions) Regulations 2002	SR 2002/136	Ministry of Agriculture and Forestry
Agricultural Pests (Exemption of Domestic Rabbits) Order 1994	SR 1994/166	Ministry of Agriculture and Forestry
Animal Control Products Limited Vesting Order 1992	SR 1992/157	Ministry of Agriculture and Forestry
Animal Remedies (Develvetting) Regulations 1994	SR 1994/161	Ministry of Agriculture and Fisheries
Animal Remedies (Fees) Regulations 1997	SR 1997/367	Ministry of Agriculture
Animal Remedies Regulations 1980	SR 1980/145	Ministry of Agriculture and Fisheries
Animal Welfare (Codes of Welfare Extension) Order 2003	SR 2003/372	Ministry of Agriculture and Forestry
Animals Amendment Act Commencement Order 1989	SR 1989/379	new Ministry
Aorangi Maori Trust Board Order 1983	SR 1983/153	Te Puni Kokiri
Aorangi Maori Trust Board Order 2005	SR 2005/134	Te Puni Kokiri

Auckland Transport Board Bylaws Order 1958	SR 1958/168	Department of Internal Affairs
Aupouri Maori Trust Board Order 1985	SR 1985/257	Te Puni Kokiri
Aupouri Maori Trust Board Order 1986	SR 1986/18	Te Puni Kokiri
Bank of New Zealand (Increase in Capital) Order 1982	SR 1982/44	Reserve Bank of New Zealand
Beer Duty Refunds (Inter-Governmental Agreements) Order 1978	SR 1978/91	New Zealand Customs Service
Beer Regulations 1978	SR 1978/92	New Zealand Customs Service
Berryfruit Levy Act Extension Order 1974	SR 1974/237	Ministry of Agriculture and Fisheries
Berryfruit Marketing Licensing Authority (Dissolution) Regulations 1991	SR 1991/2	Ministry of Agriculture and Fisheries
Berryfruit Marketing Licensing Regulations 1983	SR 1983/135	Ministry of Agriculture and Forestry
Biosecurity (Auckland Regional Plant Pest Management Strategy) Crown Obligations Order 1998	SR 1998/137	Ministry of Agriculture and Forestry
Biosecurity (Bay of Plenty Regional Animal Pest Management Strategy) Crown Obligations Order 1999	SR 1999/209	Ministry of Agriculture and Forestry
Biosecurity (Bay of Plenty Regional Plant Pest Management Strategy) Crown Obligations Order 1999	SR 1999/208	Ministry of Agriculture and Forestry
Biosecurity (Canterbury Regional Pest Management Strategy) Crown Obligations Order 1998	SR 1998/149	Ministry of Agriculture and Forestry
Biosecurity (Gisborne District Plant and Animal Pest Management Strategy) Crown Obligations Order 1998	SR 1998/141	Ministry of Agriculture and Forestry
Biosecurity (Hawkes Bay Regional Animal Pest Management Strategy) Crown Obligations Order 1998	SR 1998/139	Ministry of Agriculture and Forestry
Biosecurity (Hawkes Bay Regional Plant Pest Management Strategy) Crown Obligations Order 1998	SR 1998/140	Ministry of Agriculture and Forestry
Biosecurity (Manawatu-Wanganui Regional Council Regional Animal Pest Management Strategy) Crown Obligations Order 1998	SR 1998/143	Ministry of Agriculture and Forestry
Biosecurity (Manawatu-Wanganui Regional Council Regional Plant Pest Management Strategy) Crown Obligations Order 1998	SR 1998/142	Ministry of Agriculture and Forestry
Biosecurity (Marlborough Regional Plant Pest Management Strategy) Crown Obligations Order 1998	SR 1998/147	Ministry of Agriculture and Forestry

Biosecurity (Marlborough Regional Rabbit Pest Management Strategy) Crown Obligations Order 1998	SR 1998/148	Ministry of Agriculture and Forestry
Biosecurity (Northland Regional Pest Management Strategies) Crown Obligations Order 1998	SR 1998/136	Ministry of Agriculture and Forestry
Biosecurity (Otago Regional Pest Plant Management Strategy) Crown Obligations Order 1998	SR 1998/151	Ministry of Agriculture and Forestry
Biosecurity (Otago Regional Rabbit Pest Management Strategy (Including Hares and Chinchillas)) Crown Obligations Order 1998	SR 1998/150	Ministry of Agriculture and Forestry
Biosecurity (Southland Regional Pest Plants Management Strategy) Crown Obligations Order 1998	SR 1998/152	Ministry of Agriculture and Forestry
Biosecurity (Southland Regional Rabbit Pest Management Strategy) Crown Obligations Order 1998	SR 1998/153	Ministry of Agriculture and Forestry
Biosecurity (Taranaki Regional Plant Pest Management Strategy) Crown Obligations Order 1998	SR 1998/144	Ministry of Agriculture and Forestry
Biosecurity (Tasman-Nelson Regional Pest Management Strategy) Crown Obligations Order 1998	SR 1998/146	Ministry of Agriculture and Forestry
Biosecurity (Waikato Regional Pest Management Strategy) Crown Obligations Order 1998	SR 1998/138	Ministry of Agriculture and Forestry
Biosecurity (Wellington Regional Plant Pest Management Strategy) Crown Obligations Order 1998	SR 1998/145	Ministry of Agriculture and Forestry
Births and Deaths Registration (Forms) Regulations 1953	SR 1953/69	Ministry of Justice
Bylaws Regulations 1968	SR 1968/57	Department of Internal Affairs
Carriage by Air Act Commencement Order 1969	SR 1969/134	Ministry of Transport
Cheques Order 1960	SR 1960/192	Reserve Bank
Child Support Rules 1992	SR 1992/58	Ministry of Justice
Chiropractors Order 2002	SR 2002/342	Ministry of Health
Chiropractors Order 2003	SR 2003/174	Ministry of Health
Citrus Marketing Authority (Dissolution) Regulations 1981	SR 1981/353	Ministry of Agriculture and Fisheries
Clutha and Mataura Trust Polls Regulations 1955	SR 1955/2	Reserve Bank of New Zealand
Clutha Licensing Trust Order 1955	SR 1955/186	Ministry of Justice
Coal Mines (Coal Mining Industries Welfare Fund Levy) Order 1988	SR 1988/194	Ministry of Economic Development
Coinage Proclamation 1939	SR 1939/283	Reserve Bank of New Zealand

Coinage Proclamation 1949	SR 1949/194	Reserve Bank of New Zealand
Coinage Proclamation 1952	SR 1952/214	Treasury Department
Coinage Proclamation 1953	SR 1953/33	Treasury Department
Coinage Proclamation 1965	SR 1965/59	Reserve Bank of New Zealand
Coinage Proclamation 1968	SR 1968/85	Reserve Bank of New Zealand
Coinage Regulations 1967	SR 1967/104	Reserve Bank of New Zealand
Commodity Levies (Farmed Deer Products) Order 2001	SR 2001/249	Ministry of Agriculture and Forestry
Conservation Law Reform Act Commencement Order 1990 (No 2)	SR 1990/125	Department of Conservation
Conservation Law Reform Act Commencement Order 1990 (No 3)	SR 1990/170	Department of Conservation
Cook Islands Amendment Act Commencement Order 1958	SR 1958/119	Ministry of Foreign Affairs and Trade
Cook Islands Amendment Act Commencement Order 1959	SR 1959/62	Department of Island Territories
Cook Islands Amendment Act Commencement Order 1959 (No 2)	SR 1959/148	Department of Island Territories
Cook Islands Amendment Act Commencement Order 1964	SR 1964/24	Department of Island Territories
Cook Islands Amendment Act Commencement Order 1964 (No 2)	SR 1964/26	Department of Island Territories
Cook Islands Amendment Act Commencement Order 1964 (No 4)	SR 1964/202	Department of Island Territories
Cook Islands Applied Regulations Order 1947	SR 1947/189	Ministry of Foreign Affairs and Trade
Cook Islands Births and Deaths Registration Regulations 1962	SR 1962/67	Department of Island Territories
Cook Islands Commercial Fishing Regulations 1951	SR 1951/2	Ministry of Foreign Affairs and Trade
Cook Islands Co-operative Societies Regulations 1953	SR 1953/106	Ministry of Foreign Affairs and Trade
Cook Islands Customs (Aircraft) Regulations 1949	SR 1949/126	Ministry of Foreign Affairs and Trade
Cook Islands Fruit Regulations 1954	SR 1954/146	Ministry of Foreign Affairs and Trade
Cook Islands Industrial Unions Regulations 1947	SR 1947/78	Ministry of Foreign Affairs and Trade
Cook Islands Land Appellate Court Rules 1947	SR 1947/163	Ministry of Foreign Affairs and Trade
Cook Islands Maintenance Enforcement Regulations 1948	SR 1948/134	Ministry of Foreign Affairs and Trade

Cook Islands Patriotic Purposes Regulations 1940	SR 1940/157	Ministry of Foreign Affairs and Trade
Cook Islands Pearl-Shell Export Duty Regulations 1950	SR 1950/51	Ministry of Foreign Affairs and Trade
Cook Islands Pearl-Shell Fisheries Regulations 1950	SR 1950/50	Ministry of Foreign Affairs and Trade
Cook Islands Plant Quarantine Regulations 1955	SR 1955/69	Ministry of Foreign Affairs and Trade
Cook Islands Police Regulations 1947	SR 1947/132	Ministry of Foreign Affairs and Trade
Cook Islands Ports of Entry Order 1960	SR 1960/129	Department of Island Territories
Cook Islands Public Service Regulations 1964	SR 1964/33	Ministry of Foreign Affairs and Trade
Cook Islands Quarantine (Aircraft) Regulations 1946	SR 1946/38	Ministry of Foreign Affairs and Trade
Cook Islands Sea Carriage of Goods Order 1946	SR 1946/194	Ministry of Foreign Affairs and Trade
Cook Islands Stamp Demonetization Regulations 1949	SR 1949/131	Ministry of Foreign Affairs and Trade
Cook Islands Trade Dispute Intimidation Regulations 1948	SR 1948/23	Ministry of Foreign Affairs and Trade
Cook Islands Weights and Measures Regulations 1954	SR 1954/248	Ministry of Foreign Affairs and Trade
Counties (Housing Loans) Order 1967	SR 1967/51	Department of Internal Affairs
Counties Amendment Act Commencement Order 1977	SR 1977/305	Department of Internal Affairs
Dairy Industry (Livestock Improvement Corporation Levy) Regulations 2002	SR 2002/375	Ministry of Agriculture and Forestry
Dairy Industry (Livestock Improvement Corporation Levy) Regulations 2003	SR 2003/343	Ministry of Agriculture and Forestry
Decimal Currency (Approved Machines) Notice 1967	SR 1967/18	Reserve Bank of New Zealand
Decimal Currency (End of Transitional Period) Proclamation 1968	SR 1968/86	Reserve Bank of New Zealand
Defence Act Commencement Order 1972	SR 1972/70	Ministry of Defence
DFC New Zealand Limited (Appointment of Statutory Manager) Order 1990	SR 1990/69	Reserve Bank of New Zealand
DFC New Zealand Limited (Appointment of Statutory Manager) Order 1994	SR 1994/128	Reserve Bank of New Zealand
DFC New Zealand Limited (Appointment of Statutory Managers) Order 1992	SR 1992/76	Reserve Bank of New Zealand
DFC New Zealand Limited (Statutory Management) Order 1989	SR 1989/280	Reserve Bank of New Zealand
DFC New Zealand Limited (Statutory Management) Order 1989 (No 2)	SR 1989/351	Reserve Bank of New Zealand

DFC New Zealand Limited (Statutory Management) Order 1990	SR 1990/70	Reserve Bank of New Zealand
DFC New Zealand Limited (Statutory Management) Order 1990 (No 2)	SR 1990/192	Reserve Bank of New Zealand
DFC New Zealand Limited (Statutory Management) Order 1990 (No 3)	SR 1990/284	Reserve Bank of New Zealand
DFC New Zealand Limited (Statutory Management) Order 1990 (No 4)	SR 1990/331	Reserve Bank of New Zealand
DFC New Zealand Limited (Statutory Management) Order 1991	SR 1991/8	Reserve Bank of New Zealand
DFC New Zealand Limited (Statutory Management) Order 1992	SR 1992/77	Reserve Bank of New Zealand
Disabled Persons Employment Promotion Order 2002	SR 2002/332	Department of Labour
Domain Boards Bylaws Notice 1957	SR 1957/167	LINZ
East Coast Native Trust Lands Block Committees' Regulations	SR 1936/84	Te Puni Kokiri
Education (1993 Special School Staffing) Order 1992	SR 1992/396	Ministry of Education
Education (Chatham Islands Schools) Order 1979	SR 1979/164	Department of Education
Education (End of Old Enrolment Schemes) Order 1999	SR 1999/297	Ministry of Education
Education (Funding Arrangements for Teacher Salaries) Order 1991	SR 1991/294	Ministry of Education
Education Act Commencement Order 1965	SR 1965/174	Department of Education
Education Amendment Act (No 2) 1998 Commencement Order 1999	SR 1999/185	Ministry of Education
Education Amendment Acts Commencement Order 1976	SR 1976/34	Department of Education
Education Standards Act Commencement Order 2001	SR 2001/384	Ministry of Education
Education Standards Act Commencement Order 2004	SR 2004/235	Ministry of Education
Electric-Tram Drivers (Medical Examination) Regulations 1957	SR 1957/65	Ministry of Transport
Electricity (Transpower's Transitional Pricing Methodology) Order 2003	SR 2003/141	Ministry of Economic Development
Electroplating Regulations 1950	SR 1950/173	Department of Labour
Engine Drivers' Examination Regulations 1952	SR 1952/149	Ministry of Transport
Excise Duty (Alcoholic Beverages Indexation) Amendment Order 1995 (No 2)	SR 1995/154	New Zealand Customs
Excise Duty (Alcoholic Beverages Indexation) Amendment Order 1996	SR 1996/156	New Zealand Customs
Explosives Amendment Act Commencement Order 1979	SR 1979/48	Department of Labour
Explosives Authorisation Order 1994	SR 1994/5	Department of Labour

Evidence (Photographic Copies) Order 1970 (No 2)	SR 1970/93	Ministry of Justice
Evidence (Photographic Copies) Order 1970 (No 3)	SR 1970/147	Ministry of Justice
Evidence (Photographic Copies) Order 1970 (No 4)	SR 1970/205	Ministry of Justice
Evidence (Photographic Copies) Order 1971	SR 1971/109	Ministry of Justice
Evidence (Photographic Copies) Order 1971 (No 2)	SR 1971/164	Ministry of Justice
Evidence (Photographic Copies) Order 1972	SR 1972/126	Ministry of Justice
Evidence (Photographic Copies) Order 1973	SR 1973/45	Ministry of Justice
Fisheries (South Tasman Rise Orange Roughy Fishery Annual Catch Limit) Variation Notice 2003		Ministry of Fisheries
Fisheries (South Tasman Rise Orange Roughy Fishery Annual Catch Limit) Variation Notice 2004		Ministry of Fisheries
Fisheries (Coromandel Scallop Total Allowable Catch) Notice 2005		Ministry of Fisheries
Fisheries (Coromandel Scallop Total Allowable Catch) Notice 2006		Ministry of Fisheries
Fisheries (Automatic Location Communicator) Notice 1995		Ministry of Fisheries
Fisheries (Automatic Location Communicator) Notice 1995		Ministry of Fisheries
Fisheries (Automatic Location Communicator) Notice (No 2) 1995		Ministry of Fisheries
Amendment to the Fisheries (Automatic Location Communicator) Notice (No 2) 1995		Ministry of Fisheries
Fisheries (Automatic Location Communicator) Notice 2000 (No 1)		Ministry of Fisheries
Fisheries (Automatic Location Communicator) Notice 2001 (No 1)		Ministry of Fisheries
Forest Service Fees and Charges Regulations 1953	SR 1953/193	Ministry of Agriculture and Forestry
Forestry Encouragement Grants Regulations 1983	SR 1983/37	New Zealand Forest Service
Futures Contracts (Options for Quoted Securities) Notice 1992	SR 1992/392	Securities Commission
Gaming Amendment Act Commencement Order 1964	SR 1964/45	Department of Internal Affairs
Government Service Tribunal Regulations 1955	SR 1955/222	State Services Commission
Government Stock Transfer Of Registration Notice 1978	SR 1978/37	Reserve Bank of New Zealand
Harbour and Container Works Capital Expenditure Regulations 1980	SR 1980/217	Ministry of Transport
Harbours Amendment Act Commencement Order 1978	SR 1978/250	Ministry of Transport

Hazardous Substances and New Organisms (Extension of Transitional Provisions) Order 1999	SR 1999/404	Ministry for the Environment
Hazardous Substances and New Organisms (Stockholm Convention) Amendment Act Commencement Order 2004	SR 2004/386	Ministry for the Environment
Hazardous Substances and New Organisms Act (Commencement of Section 152) Order 1999	SR 1999/403	Ministry for the Environment
Hazardous Substances and New Organisms Act (New Organisms) Commencement Order 1998	SR 1998/220	Ministry for the Environment
Hazardous Substances and New Organisms Act Commencement Order 1996	SR 1996/217	Ministry for the Environment
Hazardous Substances and New Organisms Act Commencement Order 2001 (No 2)	SR 2001/171	Ministry for the Environment
Hazardous Substances and New Organisms Amendment Act Commencement Order 2000	SR 2000/267	Ministry for the Environment
Hire Purchase (Domestic Gas Appliance Installation) Notice 1977	SR 1977/214	Ministry of Justice
Hive Levy Amendment Act Commencement Order 1984	SR 1984/272	Ministry of Agriculture and Forestry
Honey Marketing Authority (Dissolution) Regulations 1983	SR 1983/210	Ministry of Agriculture and Fisheries
Horticultural Prescribed Products (Garlic) Revocation Order 1999	SR 1999/147	Ministry of Agriculture and Forestry
Horticultural Prescribed Products (Table Grapes) Order Revocation Order 2006	SR 2006/59	Ministry of Agriculture and Forestry
Horticultural Prescribed Products and New Zealand Horticulture Export Authority Orders Revocation Order 1998	SR 1998/338	Ministry of Agriculture and Forestry
Hovercraft Act Commencement Order 1977	SR 1977/125	Ministry of Transport
Indigenous Forest Timber Advisory Committee Regulations 1966	SR 1966/30	Ministry of Agriculture and Forestry
Industrial Training Levies Order 1987	SR 1987/338	Department of Labour
Injury Prevention, Rehabilitation, and Compensation (Interim Indexation of Weekly Abatement Amounts) Regulations 2002	SR 2002/21	Department of Labour
Insider Trading (Approved Procedure for Company Officers) Notice 1996	SR 1996/53	Securities Commission
Insider Trading (Approved Procedures for Fonterra Officers) Notice 2001	SR 2001/416	Securities Commission
Interest on Deposits Regulations Revocation Order 1976	SR 1976/60	Reserve Bank of New Zealand
International Convention for the Safety of Life At Sea 1950	SR 1950/157	Ministry of Transport
Land Transport (Certificates of Compliance for Evidential Breath-Testing Device (Dräger 7110)) Notice 2001	SR 2001/419	New Zealand Police
Land Transport Act Commencement Order 1994	SR 1994/12	Ministry of Transport

Land Transport Act Commencement Order 1998	SR 1998/93	Ministry of Transport
Land Transport Management (Road Tolling Scheme for Tauranga-Mt Maunganui Harbour Link) Order Revocation Order 2006	SR 2006/295	Ministry of Transport
Lead Process Regulations 1950	SR 1950/172	Ministry of Health
Licensed Interpreters Regulations 1958	SR 1958/22	Te Puni Kokiri
Liquid Fuels Trust Levy Order 1986	SR 1986/278	Ministry of Economic Development
Local Authorities (Members' Interests) Order 1971	SR 1971/111	Department of Internal Affairs
Local Government (Infrastructure Auckland Deed Amendment) Order 2002	SR 2002/90	Department of Internal Affairs
Local Government (Tauranga District Council Millennium Events) Order 1999	SR 1999/414	Department of Internal Affairs
Local Government (Wellington City Council Millennium Events) Order 1999	SR 1999/430	Department of Internal Affairs
Local Government Amendment Act Commencement Order 1977	SR 1977/306	Department of Internal Affairs
Machinery Amendment Act Commencement Order 1967	SR 1967/113	Department of Labour
Maniapoto Maori Trust Board Order 1999	SR 1999/26	Te Puni Kokiri
Maniapoto Maori Trust Board Order 2002	SR 2002/354	Te Puni Kokiri
Maori Land Court Judges' Travelling Allowances Regulations 1960	SR 1960/75	Te Puni Kokiri
Maori Land Court (Jurisdiction) Order 1996	SR 1996/330	Te Puni Kokiri
Margarine Regulations 1940	SR 1940/315	Ministry of Agriculture and Forestry
Mataura Licensing Trust Order 1955	SR 1955/187	Ministry of Justice
Mckillop College Board of Governors Election Validation Order 1984	SR 1984/338	Department of Education
Medical Practitioners Amendment Act Commencement Order 1996	SR 1996/115	Ministry of Health
Medicines (Deferral of Expiry of Part 7A) Order 2003	SR 2003/132	Ministry of Health
Mental Hospitals Road Traffic Bylaws 1960	SR 1960/194	Department of Health
Minimum Wage Regulations 1946	SR 1946/36	Department of Labour
Ministry of Agriculture and Fisheries Advances Order 1942	SR 1942/348	Ministry of Agriculture and Forestry
Ministry of Agriculture and Fisheries Advances Order 1951	SR 1951/58	Ministry of Agriculture and Forestry
Motor Launch Regulations (Lake Tikitapu) Modification Notice 1962	SR 1962/203	Ministry of Transport
Motor Vehicle Securities (Fees) Regulations 2001	SR 2001/362	Ministry of Economic Development
Municipal Corporations (Housing Loans) Order 1967	SR 1967/56	Department of Internal Affairs

Municipal Corporations Amendment Act Commencement Order 1977	SR 1977/307	Department of Internal Affairs
Municipal Corporations Regulations 1956	SR 1956/112	Department of Internal Affairs
National Parks Amendment Act Commencement Order 1978	SR 1978/332	Department of Conservation
New Zealand Army Act Commencement Order 1951	SR 1951/273	New Zealand Defence Force
New Zealand Daylight Time Order 1990	SR 1990/139	Department of Internal Affairs
New Zealand Grown Fruit and Vegetables Regulations 1975	SR 1975/57	Ministry of Agriculture
New Zealand Ports Authority Act Commencement Order 1969	SR 1969/64	Ministry of Transport
New Zealand Sports Drug Agency Act Commencement Order 1994	SR 1994/285	Department of Internal Affairs
New Zealand Sports Drug Agency Amendment Act Commencement Order 2001	SR 2001/27	Department of Internal Affairs
Ngati Whatua o Orakei Maori Trust Board Order 1997	SR 1997/116	Te Puni Kokiri
Ngati Whatua of Orakei Maori Trust Board Order 1983	SR 1983/216	Te Puni Kokiri
Ngati Whatua of Orakei Maori Trust Board Order 1990	SR 1990/298	Te Puni Kokiri
Niue Act Commencement Order 1969	SR 1969/232	Ministry of Foreign Affairs
Niue Airport Charges Regulations 1971	SR 1971/203	Ministry of Foreign Affairs and Trade
Niue Amendment Act Commencement Order 1972	SR 1972/20	Ministry of Foreign Affairs
Niue Amendment Act Commencement Order 1973	SR 1973/215	Ministry of Foreign Affairs
Niue Arms Regulations 1955	SR 1955/70	Ministry of Foreign Affairs and Trade
Niue Civil List Regulations 1972	SR 1972/218	Ministry of Foreign Affairs
Niue Customs Tariff Order 1969	SR 1969/233	Ministry of Foreign Affairs
Niue Dental Regulations 1970	SR 1970/104	Ministry of Foreign Affairs and Trade
Niue Education Regulations 1968	SR 1968/24	Ministry of Foreign Affairs
Niue Island Housing Loan Order 1962	SR 1962/8	Ministry of Foreign Affairs and Trade
Niue Land Courts Rules 1969	SR 1969/126	Ministry of Foreign Affairs
Niue Land Registration Regulations 1969	SR 1969/169	Ministry of Foreign Affairs
Niue Marriage Regulations 1970	SR 1970/249	Ministry of Foreign Affairs
Niue Port and Service Tax Regulations 1952	SR 1952/177	Ministry of Foreign Affairs and Trade
Niue Public Service Regulations 1979	SR 1979/95	Niue Public Service Commission

Niue Radio Regulations 1972	SR 1972/128	Ministry of Foreign Affairs
Niue Telephone Regulations 1968	SR 1968/25	Ministry of Foreign Affairs
Northland Harbour Board Administration Act Expiry Order 1974	SR 1974/243	Ministry of Transport
Noxious Animals in Captivity Regulations 1969	SR 1969/73	New Zealand Forest Service
Noxious Substances Notice 1958	SR 1958/83	Ministry of Health
Noxious Substances Notice 1959	SR 1959/84	Ministry of Health
Noxious Substances Regulations 1954	SR 1954/128	Ministry of Health
Opossum Regulations 1953	SR 1953/147	Department of Conservation
Orchard Levy Act Extension Order 1981	SR 1981/351	Ministry of Agriculture and Fisheries
Overseas Investment Amendment Act 1998 Commencement Order 2001	SR 2001/402	LINZ
Overseas Investment Amendment Act Commencement Order 1978	SR 1978/78	LINZ
Overseas Investment Amendment Act Commencement Order 1995	SR 1995/293	LINZ
Overseas Investment Exemption Notice 1988	SR 1988/155	LINZ
Overseas Investment Exemption Notice 1990	SR 1990/62	LINZ
Overseas Investment Exemption Notice 1990 (No 2)	SR 1990/203	LINZ
Periodic Detention Order 1963	SR 1963/127	Ministry of Justice
Periodic Detention Order 1966	SR 1966/182	Ministry of Justice
Periodic Detention Order 1967	SR 1967/31	Ministry of Justice
Periodic Detention Order 1968	SR 1968/112	Ministry of Justice
Periodic Detention Order 1971	SR 1971/253	Ministry of Justice
Periodic Detention Order 1972	SR 1972/41	Ministry of Justice
Periodic Detention Order 1972 (No 2)	SR 1972/89	Ministry of Justice
Periodic Detention Order 1972 (No 3)	SR 1972/99	Ministry of Justice
Periodic Detention Order 1972 (No 4)	SR 1972/144	Ministry of Justice
Periodic Detention Order 1972 (No 5)	SR 1972/167	Ministry of Justice
Periodic Detention Order 1972 (No 7)	SR 1972/260	Ministry of Justice
Periodic Detention Order 1973	SR 1973/60	Ministry of Justice
Periodic Detention Order 1973 (No 2)	SR 1973/110	Ministry of Justice
Periodic Detention Order 1973 (No 3)	SR 1973/190	Ministry of Justice
Periodic Detention Order 1973 (No 4)	SR 1973/204	Ministry of Justice
Periodic Detention Order 1974	SR 1974/22	Ministry of Justice
Periodic Detention Order 1974 (No 2)	SR 1974/66	Ministry of Justice
Periodic Detention Order 1974 (No 3)	SR 1974/178	Ministry of Justice
Periodic Detention Order 1974 (No 4)	SR 1974/239	Ministry of Justice
Pesticides (Fees) Regulations 1997	SR 1997/368	Ministry of Agriculture
Pesticides Act Commencement Order 1981	SR 1981/177	Ministry of Agriculture and Fisheries
Pesticides Act Commencement Order 1983	SR 1983/15	Ministry of Agriculture and Fisheries

Pesticides Amendment Act Commencement Order 1994	SR 1994/308	Ministry of Agriculture and Fisheries
Petroleum Amendment Act Commencement Order 1975	SR 1975/233	Ministry of Economic Development
Porirua Hospital Traffic Bylaws 1969	SR 1969/74	Department of Health
Porirua Licensing Trust District Order 1955	SR 1955/18	Ministry of Justice
Porirua Licensing Trust Order 1955	SR 1955/116	Ministry of Justice
Practising Opticians Notice 1955	SR 1955/62	Ministry of Health
Private Schools Conditional Integration Act Commencement Order 1976	SR 1976/225	Department of Education
Private Schools Conditional Integration Act Commencement Order 1981	SR 1981/8	Department of Education
Private Schools Conditional Integration Act Commencement Order 1981 (No 2)	SR 1981/240	Department of Education
Private Schools Conditional Integration Amendment Act Commencement Order 1986	SR 1986/170	Department of Education
Queen Elizabeth the Second Arts Council of New Zealand Act Commencement Order 1964	SR 1964/46	Department of Internal Affairs
Queen Elizabeth the Second Arts Council of New Zealand Act Commencement Order 1975	SR 1975/59	Department of Internal Affairs
Queen Victoria School Board of Governors Election Validation Order 1985	SR 1985/316	Department of Education
Queen's Police Medal Regulations 1959	SR 1959/191	New Zealand Police
Racing Amendment Act Commencement Order 1996	SR 1996/24	Department of Internal Affairs
Rarotonga Harbours Improvement and Maintenance Fund Regulations 1956	SR 1956/220	Ministry of Foreign Affairs and Trade
Raspberry Marketing Authorities (Dissolution) Regulations 1999	SR 1999/223	Ministry of Agriculture and Forestry
Rates Rebate Order 1982 (also a 1985 order for revocation)	SR 1982/100	Department of Internal Affairs
Rates Rebate Order 2006	SR 2006/60	Department of Internal Affairs
Recognition of Overseas Registers Order 1959	SR 1959/49	Ministry of Justice
Regulations Revocation Order 1993	SR 1993/422	Ministry of Justice
Regulations Revocation Order 1999	SR 1999/402	Parliamentary Counsel Office
Repeal of Section 13 of the Factories and Commercial Premises Act 1981	SR 1982/73	Department of Labour
Resource Management (Earlier Expiry of Moratorium—Central Pegasus Bay) Order 2004	SR 2004/319	Department of Conservation
Resource Management (Earlier Expiry of Moratorium—Kaipara Harbour) Order 2004	SR 2004/378	Department of Conservation
Resource Management (Approval of Auckland Electric Power Board as Requiring Authority) Order 1992	SR 1992/380	Ministry for the Environment
Revocation (Spent Revocations) Order 1998	SR 1998/328	Parliamentary Counsel Office

Revocation of Agricultural Chemicals (Pelleted Insecticide Specification) Notices 1975	SR 1975/283	Ministry of Agriculture
Revocation of Agricultural Chemicals Notice 1968	SR 1970/129	Ministry of Agriculture
Revocation of Agricultural Workers (Tobacco Companies) Order 1967	SR 1975/183	Department of Labour
Revocation of Bran and Pollard Levy Regulations 1968	SR 1968/54	Ministry of Agriculture
Revocation of Certain Regulations Relating to the Manufacture and Sale of Flock 1977	SR 1977/17	Ministry of Health
Revocation of Chatham Islands (Waitangi) Foreshore Licence Order 1968	SR 1968/79	Ministry of Transport
Revocation of Citrus Canker Regulations 1952	SR 1977/127	Ministry of Agriculture
Revocation of Citrus Trees Diseases Regulations 1969	SR 1977/128	Ministry of Agriculture
Revocation of Companies (Winding Up) Fees Regulations 1994	SR 1994/137	Ministry of Justice
Revocation of Companies (Winding Up) Rules 1956	SR 1994/138	Ministry of Justice
Revocation of Customs Import Prohibition Order (No 2) 1952	SR 1998/266	New Zealand Customs Service
Revocation of Dairy Products Marketing Commission (Travelling-allowance) Regulations 1969	SR 1969/96	Ministry of Agriculture
Revocation of Economic Stabilisation (Aviation Fuel) Regulations 1973	SR 1974/244	Ministry of Transport
Revocation of Electrical Wiring (X-Ray) Regulations 1944	SR 1977/269	Ministry of Justice
Revocation of Exchange Control Suspension Regulations 1971	SR 1971/287	Reserve Bank of New Zealand
Revocation of Exchange Control Suspension Regulations 1972	SR 1972/138	Reserve Bank of New Zealand
Revocation of Exchange Control Suspension Regulations 1973	SR 1973/26	Reserve Bank of New Zealand
Revocation of Exchange Control Suspension Regulations 1973 (No 2)	SR 1973/63	Reserve Bank of New Zealand
Revocation of Farm-dairy Instruction Regulations 1949	SR 1978/263	Ministry of Agriculture
Revocation of Honey Board (Transfer of Powers) Order 1968	SR 1968/48	Ministry of Agriculture
Revocation of Hospital Boards (Staff Amenities) Regulations 1970	SR 1977/283	Ministry of Health
Revocation of Hospital Employment Regulations 1978	SR 1978/12	Ministry of Health
Revocation of Income Tax Exemption of Traders Resident in or Nationals of Belgium 1969	SR 1969/158	Inland Revenue Department
Revocation of Income Tax Exemption of Traders Resident in or Nationals of Czechoslovakia 1969	SR 1969/159	Inland Revenue Department

Revocation of Income Tax Exemption of Traders Resident in or Nationals of Switzerland 1969	SR 1969/160	Inland Revenue Department
Revocation of Judicature (Interest on Debts and Damages) Order 2002	SR 2002/172	Ministry of Justice
Revocation of Kaipara Harbour Navigation Regulations 1974	SR 1974/289	Ministry of Transport
Revocation of Meat (Residues) Regulations 1996	SR 2004/151	Ministry of Agriculture and Forestry
Revocation of Meat Regulations 1973	SR 1973/254	Ministry of Agriculture and Forestry
Revocation of Milk District Orders 1969	SR 1969/28	Ministry of Agriculture and Forestry
Revocation of Milk Producer and Other Prices Notice 1975	SR 1975/86	Ministry of Agriculture and Forestry
Revocation Of Motor Spirits Duty Refund Regulations 1995	SR 1995/262	Ministry of Transport
Revocation of Orders in Council Relating to Extradition Between Norway and New Zealand 1976	SR 1976/117	Ministry of Justice
Revocation of Primary Products (Hops) Order 1968	SR 1968/80	Ministry of Agriculture and Forestry
Revocation of Primary Products (Potatoes) Order 1968	SR 1968/49	Ministry of Agriculture and Forestry
Revocation of Property (Relationships) Rules 2001	SR 2002/264	Ministry of Justice
Revocation of Protection of Personal and Property Rights Rules 1988	SR 2002/265	Ministry of Justice
Revocation of Public Works (Fees for Documents) Regulations 1999	SR 1999/396	Land Information New Zealand
Revocation of Regulations as to the Cleansing, Ventilation, Sanitation, and Disinfection of Theatres, Picture Halls, and Concert Rooms 1969	SR 1969/52	Ministry of Health
Revocation of Remuneration (New Zealand Forest Products) Regulations 1980	SR 1980/45	Department of Labour
Revocation of Resource Management (Marlborough Sounds Coastal Tendering-Marine Farming) Order 1999	SR 1999/212	Department of Conservation
Revocation of Stock (Cattle-tick) Regulations 1940	SR 1977/103	Ministry of Agriculture and Forestry
Revocation of Student Allowances Notices 1998	SR 1998/289	Ministry of Education
Revocation of the Customs Duty on Government Goods Order 1954	SR 1972/21	New Zealand Customs Service
Revocation of the Defence Pay Notice 1972	SR 1972/73	Ministry of Defence
Revocation of the Pesticide Regulations 1959 and the Systemic Pesticides Notice 1961	SR 1971/241	Ministry of Health
Revocation of the Securities Act (Post Office Investment Society Limited) Exemption Notice 1984	SR 1993/226	Securities Commission

Revocation of the Securities Act (Private Savings Banks) Exemption Notice 1987	SR 1993/333	Securities Commission
Revocation of Traffic (Palmerston North) Regulations 1969	SR 1969/106	Ministry of Transport
Revocation of Transit New Zealand (Exempted Vehicles) Order 1998	SR 1998/95	Ministry of Transport
Revocation of Transport (Child Restraints and Seat Belts Approval) Notice 1984	SR 2004/449	Ministry of Transport
Revocation of Transport (Driver Logbooks Exemption) Order 1988	SR 2004/93	Ministry of Transport
Revocation of Transport (Vehicle Standards) Regulations 1990	SR 2004/447	Ministry of Transport
Revocation of Transport (Waybill Exemption) Notice 1983	SR 1999/90	Ministry of Transport
Ross Dependency Whaling Regulations 1929	Gazette	Ministry of Foreign Affairs and Trade
Royal New Zealand Air Force Act Commencement Order 1952	SR 1952/159	Ministry of Defence
Royal New Zealand Institute of Horticulture Examinations Approval Notice 1957	SR 1957/149	Ministry of Agriculture and Forestry
Royal New Zealand Institute of Horticulture Examinations Approval Notice 1961	SR 1961/122	Ministry of Agriculture and Forestry
Royal New Zealand Institute of Horticulture Examinations Approval Notice 1971	SR 1971/231	Ministry of Agriculture and Forestry
Royal New Zealand Institute of Horticulture Examinations Notice 1985	SR 1985/103	Ministry of Agriculture and Forestry
Royal Warrant (Queen's Police Medal) 1959	SR 1959/190	Prime Minister's Department
Rules of the High Court of the Cook Islands 1916 (Reprint)	SR 1962/204	Department of Island Territories
Securities Act (Alpine Dairy Products Limited) Exemption Notice 1993	SR 1993/113	Securities Commission
Securities Act (Amp/Ergo Mortgage and Savings Limited) Exemption Notice 1996	SR 1996/287	Securities Commission.
Securities Act (BBI Networks (New Zealand) Limited) Exemption Notice 2006	SR 2006/313	Securities Commission
Securities Act (BIL International Limited) Exemption Notice 2002	SR 2002/288	Securities Commission
Securities Act (Citibank, N.A.) Exemption Notice 1993	SR 1993/223	Securities Commission
Securities Act (Guinness Peat Group plc) Exemption Notice 2002	SR 2002/345	Securities Commission
Securities Act (HCM Global Asset Fund Limited) Exemption Notice 2002	SR 2002/325	Securities Commission
Securities Act (Morgan Stanley Companies) Exemption Notice 1992	SR 1992/30	Securities Commission

Securities Act (Natural Gas Corporation Limited) Exemption Notice 1991	SR 1991/22	Securities Commission
Securities Act (New Zealand Permanent Trustees Limited) Exemption Notice 2002	SR 2002/195	Securities Commission
Securities Act (Orakei Marina) Exemption Notice 2004	SR 2004/403	Securities Commission
Securities Act (Sky Network Television Limited) Exemption Notice 1997	SR 1997/297	Securities Commission
Securities Act (The Australian Gas Light Company) Exemption Notice 2006	SR 2006/221	Securities Commission
Securities Act (Tranz Rail Holdings Limited) Exemption Notice 1996	SR 1996/103	Securities Commission
Securities Act (Vehicle Testing Group Limited) Exemption Notice 2006	SR 2006/289	Securities Commission
Securities Act (Westhaven (Existing Marina) Trust) Exemption Notice 2002	SR 2002/109	Securities Commission
Shipping Corporation Of New Zealand Act Repeal Act Commencement Order 1989	SR 1989/74	Treasury
Shipping Corporation Of New Zealand Act Repeal Act Commencement Order 1989 (No 2)	SR 1989/79	Treasury
Social Security (Miscellaneous Rates) Order 1990	SR 1990/258	responsible department
Social Security (Rates of Accommodation Supplement) Order 1996	SR 1996/129	responsible department
Special Classes Regulations 1932	Gazette	Ministry of Education
Spray Coating Regulations 1962	SR 1962/54	Department of Labour
State Sector Order 1991 (No 2)	SR 1991/279	State Services Commission
State Sector Order 1999	SR 1999/117	State Services Commission
State Services Conditions of Employment Amendment Act Commencement Order 1986	SR 1986/198	State Services Commission
State Services Conditions of Employment Amendment Act Commencement Order 1987	SR 1987/342	State Services Commission
Stock Diseases Regulations 1937	SR 1937/194	Ministry of Agriculture and Forestry
Survey (Departmental Fees and Charges) Regulations 1998	SR 1998/109	Land Information New Zealand
Taitokerau Maori Trust Board Order 1987	SR 1987/400	Te Puni Kokiri
Taitokerau Maori Trust Board Order 2003	SR 2003/356	Te Puni Kokiri
Takeovers Code (A2 Corporation Limited) Exemption Notice 2005	SR 2005/206	Takeovers Panel
Takeovers Code (Active Equity Managers Limited) Exemption Notice 2006	SR 2006/365	Takeovers Panel
Takeovers Code (AFFCO Holdings Limited) Exemption Notice (No 2) 2006	SR 2006/193	Takeovers Panel
Takeovers Code (AFFCO Holdings Limited) Exemption Notice 2006	SR 2006/109	Takeovers Panel

Takeovers Code (Auckland Energy Consumer Trust) Exemption Notice (No 2) 2005	SR 2005/281	Takeovers Panel
Takeovers Code (Auckland Energy Consumer Trust) Exemption Notice 2005	SR 2005/226	Takeovers Panel
Takeovers Code (Bacardi New Zealand Holdings Limited) Exemption Notice 2006	SR 2006/317	Takeovers Panel
Takeovers Code (Botry-Zen Limited) Exemption Notice 2005	SR 2005/282	Takeovers Panel
Takeovers Code (Capital Properties New Zealand Limited) Exemption Notice 2005	SR 2005/286	Takeovers Panel
Takeovers Code (Data Advantage Limited) Exemption Notice 2001	SR 2001/317	Takeovers Panel
Takeovers Code (Fidelity Life Assurance Company Limited) Exemption Notice 2006	SR 2006/66	Takeovers Panel
Takeovers Code (Force Corporation Limited) Exemption Notice 2001 (Expired)	SR 2001/422	Takeovers Panel
Takeovers Code (High Glory Investments Limited) Exemption Notice (No 2) 2005	SR 2005/263	Takeovers Panel
Takeovers Code (Infratil Limited) Exemption Notice 2004	SR 2004/62	Takeovers Panel
Takeovers Code (ING Property Trust Holdings Limited) Exemption Notice 2005	SR 2005/110	Takeovers Panel
Takeovers Code (Just Water International Limited) Exemption Notice 2005	SR 2005/350	Takeovers Panel
Takeovers Code (Kingsgate International Corporation Limited) Exemption Notice 2004	SR 2004/191	Takeovers Panel
Takeovers Code (Metlifecare Limited) Exemption Notice 2005	SR 2005/327	Takeovers Panel
Takeovers Code (Mike Pero Mortgages Limited) Exemption Notice 2006	SR 2006/277	Takeovers Panel
Takeovers Code (New Zealand Finance Holdings Limited) Exemption Notice 2005	SR 2005/293	Takeovers Panel
Takeovers Code (New Zealand Finance Holdings Limited) Exemption Notice 2006	SR 2006/120	Takeovers Panel
Takeovers Code (Pen Investments Limited) Exemption Notice 2007	SR 2007/2	Takeovers Panel
Takeovers Code (Pernod Ricard S.A.) Exemption Notice 2005	SR 2005/227	Takeovers Panel
Takeovers Code (Rakon Limited) Exemption Notice 2006	SR 2006/311	Takeovers Panel
Takeovers Code (Renaissance Corporation Limited) Exemption Notice 2005	SR 2006/1	Takeovers Panel
Takeovers Code (Richmond Limited) Exemption Notice 2004	SR 2004/221	Takeovers Panel
Takeovers Code (Rubicon Forests Limited) Exemption Notice 2004	SR 2004/108	Takeovers Panel

Takeovers Code (S8 Limited and S 8 NZ Pty Limited) Exemption Notice 2006	SR 2006/173	Takeovers Panel
Takeovers Code (Sanford Limited) Exemption Notice 2005	SR 2005/292	Takeovers Panel
Takeovers Code (SKYCITY Leisure Limited) Exemption Notice 2004	SR 2004/114	Takeovers Panel
Takeovers Code (Speirs Group Limited) Exemption Notice 2006	SR 2007/1	Takeovers Panel
Takeovers Code (St Laurence Holdings Limited) Exemption Notice 2005	SR 2005/326	Takeovers Panel
Takeovers Code (Tauranga Energy Consumer Trust) Exemption Notice 2007	SR 2007/11	Takeovers Panel
Takeovers Code (The Tindall Foundation) Exemption Notice 2006	SR 2006/366	Takeovers Panel
Takeovers Code (Trans Tasman Properties Limited) Exemption Notice 2004	SR 2004/107	Takeovers Panel
Takeovers Code (Vending Technologies Limited) Exemption Notice 2003	SR 2003/361	Takeovers Panel
Takeovers Code (Viking Capital Limited) Exemption Notice 2006	SR 2006/141	Takeovers Panel
Takeovers Code (Wrightson Limited) Exemption Notice 2004	SR 2004/212	Takeovers Panel
Taranaki Maori Trust Board Order 1987	SR 1987/360	Te Puni Kokiri
Taranaki Maori Trust Board Order 1990	SR 1990/316	Te Puni Kokiri
Tariff (Alcoholic Beverages Indexation) Amendment Order 1989	SR 1989/348	New Zealand Customs Service
Tariff (Alcoholic Beverages Indexation) Amendment Order 1990	SR 1990/95	New Zealand Customs Service
Tariff (Alcoholic Beverages Indexation) Amendment Order 1991	SR 1991/73	New Zealand Customs Service
Tariff (Alcoholic Beverages Indexation) Amendment Order 1993	SR 1993/9	New Zealand Customs Service
Tariff (Alcoholic Beverages Indexation) Amendment Order 1995 (No 2)	SR 1995/155	New Zealand Customs Service
Tariff (Alcoholic Beverages) Amendment Order 1996	SR 1996/282	New Zealand Customs Service
Tariff (Tobacco Products Indexation) Amendment Order 1990	SR 1990/21	New Zealand Customs Service
Tariff (Tobacco Products Indexation) Amendment Order 1990 (No 2)	SR 1990/185	New Zealand Customs Service
Tariff (Tobacco Products Indexation) Amendment Order 1991	SR 1991/11	New Zealand Customs Service
Tariff (Zero Duty) Amendment Order 1999	SR 1999/131	New Zealand Customs Service
Tariff and Development Board Act Commencement Order 1962	SR 1962/79	Department of Industries
Te Arawa Maori Trust Board Order 1988	SR 1988/96	Te Puni Kokiri

Te Awapuni Moana Order 1996	SR 1996/201	Te Puni Kokiri
Te Runanga o Ngati Awa Order 1999	SR 1999/412	Te Puni Kokiri
Te Runanga O Ngati Porou Order 1989	SR 1989/245	Te Puni Kokiri
Te Runanga O Ngati Porou Order 1993	SR 1993/359	Te Puni Kokiri
Telecommunications (Information Disclosure) Regulations 1999	SR 1999/383	Ministry of Economic Development
Telecommunications (Initial Pricing Principle) Order 2003	SR 2003/357	Ministry of Economic Development
Telecommunications (International Services) Regulations 1994	SR 1994/280	Ministry of Economic Development
Timber Floating Regulations 1955	SR 1955/97	Ministry of Agriculture and Forestry
Timber Industry Training Centre Advisory Committee Regulations 1966	SR 1966/159	Ministry of Agriculture and Forestry
Timber Production Advisory Committee Regulations 1949	SR 1949/46	Ministry of Agriculture and Forestry
Timber Regulations 1948	SR 1948/211	Ministry of Agriculture and Forestry
Tokelau (Employer for Tokelau Public Service) Order 2001	SR 2001/98	Ministry of Foreign Affairs and Trade
Tokelau (New Zealand Laws) Regulations 1969	SR 1969/109	Ministry of Foreign Affairs and Trade
Tokelau (New Zealand Laws) Regulations 1975	SR 1975/263	Ministry of Foreign Affairs
Tokelau Affidavits and Declarations Regulations 1986	SR 1986/322	Ministry of Foreign Affairs
Tokelau Amendment Act Commencement Order 1968	SR 1968/229	Ministry of Foreign Affairs and Trade
Tokelau Amendment Act Commencement Order 1975	SR 1975/261	Ministry of Foreign Affairs and Trade
Tokelau Animals Regulations 1991	SR 1991/5	Ministry of External Relations
Tokelau Business Restriction Regulations 1989	SR 1989/267	Ministry of External Relations
Tokelau Census Regulations 1961	SR 1961/88	Ministry of Foreign Affairs
Tokelau Copra Regulations 1952	SR 1952/43	Ministry of Foreign Affairs and Trade
Tokelau Customs Regulations 1991	SR 1991/4	Ministry of External Relations
Tokelau Divorce Regulations 1987	SR 1987/28	Ministry of Foreign Affairs
Tokelau Finance Regulations 1967	SR 1967/40	Ministry of Foreign Affairs and Trade
Tokelau Labour Order 1953	SR 1953/148	Ministry of Foreign Affairs and Trade
Tokelau Marine Pollution Regulations 1990	SR 1990/91	Ministry of External Relations
Tokelau Marriage Regulations 1986	SR 1986/320	Ministry of Foreign Affairs

Tokelau Plant Regulations 1989	SR 1989/269	Ministry of External Relations
Tokelau Post Office Regulations 1991	SR 1991/3	Ministry of External Relations
Tokelau Rhinoceros Beetle Regulations 1964	SR 1964/57	Ministry of Foreign Affairs and Trade
Town and Country Planning Act Commencement Order 1978	SR 1978/129	Ministry for the Environment
Toxic Substances Act Commencement Order 1979	SR 1979/276	Ministry of Health
Toxic Substances Act Commencement Order 1983	SR 1983/129	Ministry of Health
Trade Marks Act Commencement Order 1954	SR 1954/223	Ministry of Justice
Trade Marks Amendment Act 1999 Commencement Order 2000	SR 2000/23	Ministry of Commerce
Trade Marks Amendment Act Commencement Order 1994	SR 1994/305	Ministry of Commerce
Tram-Drivers Regulations 1947	SR 1947/22	Ministry of Transport
Tramway Carriage Regulations 1979	SR 1979/6	Ministry of Transport
Transport (Vehicle and Driver Registration and Licensing) Amendment Act Commencement Order 1995	SR 1995/43	Ministry of Transport
Transport Amendment Act 1997 Commencement Order 1997	SR 1997/142	Ministry of Transport
Transport Amendment Act Commencement Order 1969	SR 1969/62	Ministry of Transport
Transport Amendment Act Commencement Order 1970	SR 1970/230	Ministry of Transport
Transport Amendment Act Commencement Order 1975	SR 1975/196	Ministry of Transport
Transport Amendment Act Commencement Order 1978	SR 1978/302	Ministry of Transport
Transport Amendment Act Commencement Order 1988	SR 1988/324	Ministry of Transport
Transport Amendment Act Expiry Order 1973	SR 1973/168	Ministry of Transport
Trans-Tasman Mutual Recognition (Continuation of Temporary Exemption for Water Heaters) Regulations (No 2) 2004	SR 2004/184	Ministry of Economic Development
Trans-Tasman Mutual Recognition (Temporary Exemption) Regulations 2003	SR 2003/5	Ministry of Economic Development
Trustee Banks (Remuneration) Regulations 1988	SR 1988/38	Reserve Bank of New Zealand
Trustee Banks (Taranaki Savings Bank) Restructuring Order 1988	SR 1988/200	Reserve Bank of New Zealand
Trustee Banks Establishment Orders Amendment Order 1984	SR 1984/59	Reserve Bank of New Zealand

Trustee Banks Act Repeal Order 1988	SR 1988/216	Reserve Bank of New Zealand
Trustee Banks Restructuring (Removal of Guarantee) Order 1990	SR 1990/27	Reserve Bank of New Zealand
Trustee Banks Restructuring Act (Exclusion of Provisions) Order 1989	SR 1989/109	Reserve Bank of New Zealand
Trustee Banks Restructuring Act (Exclusion Of Provisions) Order 1989 (No 2)	SR 1989/283	Reserve Bank of New Zealand
Trustee Banks Restructuring Order 1988	SR 1988/193	Reserve Bank of New Zealand
Trustee Banks Restructuring (Removal Of Guarantee Of ASB Bank Limited) Order 1989	SR 1989/100	Reserve Bank of New Zealand
Trustee Banks Restructuring (Removal Of Guarantee Of Taranaki Savings Bank Limited) Order 1989	SR 1989/149	Reserve Bank of New Zealand
Trustee Banks Restructuring (Removal Of Guarantee Of Westland Bank Limited) Order 1989	SR 1989/294	Reserve Bank of New Zealand
Vegetables Levy Extension Order 1960	SR 1960/114	Ministry of Agriculture
Vegetables Levy Extension Order 1979	SR 1979/90	Ministry of Agriculture and Fisheries
Vegetables Levy Regulations 1958	SR 1958/19	Department of Agriculture
Waikato Valley Authority Amendment Act Commencement Order 1969	SR 1969/56	Department of Internal Affairs
Waitemata Electric Power Board Elections Regulations Revocation Order 1968	SR 1968/56	Department of Internal Affairs
Whakatohea Maori Trust Board Order 2002	SR 2002/414	Te Puni Kokiri
Whanganui River Maori Trust Board Order 2001	SR 2001/236	Te Puni Kokiri
Wheat Board Regulations 1965	SR 1965/227	Ministry of Economic Development
Wildlife Order 1996 (No 2)	SR 1996/258	Department of Conservation

## Appendix D Revocation orders for revocation

Petrol Dispensing Regulations Revocation Order 1996	SR 1996/136
Revocation of Customs Export Prohibition Order 1974	SR 1976/278
Revocation of Customs Export Prohibition Order 1980	SR 1980/27
Revocation of Customs Export Prohibition Order 1980 (No 2)	SR 1980/227
Revocation of Education Regulations 1978	SR 1978/69
Revocation of Electricity Price Stabilisation Regulations 1980	SR 1980/19
Revocation of Fisheries (Southern Scallop Fishery Rotational Fishing) Notice 1999	SR 1999/289
Revocation of Income Tax Exemption of Traders Resident in or Nationals of Belgium 1969	SR 1969/158
Revocation of Income Tax Exemption of Traders Resident in or Nationals of Czechoslovakia 1969	SR 1969/159
Revocation of Income Tax Exemption of Traders Resident in or Nationals of Switzerland 1969	SR 1969/160
Revocation of National Roads Board Bylaw 1977, No 1	SR 1978/224
Revocation of Onion Diseases Regulations 1969	SR 1969/40
Revocation of Orders in Council Relating to Extradition Between Denmark and New Zealand 1968	SR 1968/45
Revocation of Penal Institutions (Napier Prison and Waikune Prison) Notices 1998	SR 1998/124
Revocation of Penal Institutions (Wanganui (City) Prison) Notice 2000	SR 2000/175
Revocation of Public Finance (Air New Zealand Limited Audit) Order 1989	SR 1989/90
Revocation of Reporting and Work Centres Notices 1998	SR 1998/420
Revocation of the Customs Export Prohibition (Animal Livers) Order 1957	SR 1971/264
Revocation of the Defence Pay Notice 1972	SR 1972/73
Revocation of the Working Railways Account Regulations 1935	SR 1969/234
Securities Act (Revocation of Exemptions) Notice 1997	SR 1997/258
Telecommunications Network Operators Revocation Order 1998	SR 1998/3
Transport Organisation Membership Regulations Revocation Order 1984	SR 1984/98
Transport Regulations Revocation Order 1985	SR 1985/69
Waitemata Electric Power Board Elections Regulations Revocation Order 1968	SR 1968/56
Wildlife Sanctuary (Stephens Island) Revocation Order 1996	SR 1996/385
Work Centre (Henderson) Revocation Notice 1989	SR 1989/170

## Appendix E Regulations identified for revocation in 1988 still in force

Bank of New Zealand (Increase in Capital) Order 1982	SR 1982/44	Reserve Bank of New Zealand
Boxing and Wrestling Regulations 1958	SR 1958/72	Department of Internal Affairs
Coinage Proclamation 1953	SR 1953/33	Treasury Department
Commercial Use of Royal Photographs Rules 1955	SR 1955/87	Department of Internal Affairs
Commercial Use of Royal Photographs Rules 1959	SR 1959/77	Department of Internal Affairs
Decimal Currency (Approved Machines) Notice 1967	SR 1967/18	Reserve Bank of New Zealand
Decimal Currency (End of Transitional Period) Proclamation 1968	SR 1968/86	Reserve Bank of New Zealand
Detention Centres Order 1961	SR 1961/53	Ministry of Justice
Detention Centres Order 1962	SR 1962/103	Ministry of Justice
Niue Civil List Regulations 1972	SR 1972/218	Ministry of Foreign Affairs
Niue Customs Tariff Order 1969	SR 1969/233	Ministry of Foreign Affairs
Periodic Detention Order 1963	SR 1963/127	Ministry of Justice
Periodic Detention Order 1966	SR 1966/182	Ministry of Justice
Periodic Detention Order 1967	SR 1967/31	Ministry of Justice
Periodic Detention Order 1968	SR 1968/112	Ministry of Justice
Periodic Detention Order 1971	SR 1971/253	Ministry of Justice
Periodic Detention Order 1972	SR 1972/41	Ministry of Justice
Periodic Detention Order 1972 (No 2)	SR 1972/89	Ministry of Justice
Periodic Detention Order 1972 (No 3)	SR 1972/99	Ministry of Justice
Periodic Detention Order 1972 (No 4)	SR 1972/144	Ministry of Justice
Periodic Detention Order 1972 (No 5)	SR 1972/167	Ministry of Justice
Periodic Detention Order 1972 (No 7)	SR 1972/260	Ministry of Justice
Periodic Detention Order 1973	SR 1973/60	Ministry of Justice
Periodic Detention Order 1973 (No 2)	SR 1973/110	Ministry of Justice
Periodic Detention Order 1973 (No 3)	SR 1973/190	Ministry of Justice
Periodic Detention Order 1973 (No 4)	SR 1973/204	Ministry of Justice
Periodic Detention Order 1973 (No 5)	SR 1973/265	Ministry of Justice
Periodic Detention Order 1974	SR 1974/22	Ministry of Justice
Periodic Detention Order 1974 (No 2)	SR 1974/66	Ministry of Justice
Periodic Detention Order 1974 (No 3)	SR 1974/178	Ministry of Justice
Periodic Detention Order 1974 (No 4)	SR 1974/239	Ministry of Justice

## **Appendix F Discussion paper – Inquiry into the ongoing requirement for individual regulations and their impact**

### **Part 1: Mechanisms to provide ongoing and systematic review of currency of regulations and revocation of redundant regulations**

This is a discussion paper in support of the Inquiry of the Regulations Review Committee into the ongoing requirement for individual regulations and their impact.

#### **Redundancy versus effectiveness review**

It is useful to begin consideration of this term of reference by exploring the scope of review.

Strictly a regulation is redundant only if it is no longer required. It may be part of a regulatory regime that no longer exists. It may have been replaced and inadvertently not revoked. The problem it set out to deal with may no longer exist. Redundancy is distinct from any assessment of how effective a regulation has been at achieving its original goal.

Review of currency of regulations for redundancy is one aspect of the broader topic of post legislative review. Post legislative review has a number of purposes, one of which is reviewing redundancy to ensure the number of regulations is kept to a minimum. This is mostly for ease of access of legislation. An indirect benefit of creating simpler more accessible law is reduced costs to business.

Post legislative review can be more sophisticated than this however. It may look at the quality of regulation. If regulations are not performing their intended task effectively or efficiently they can be identified for amendment or repeal. This form of review is obviously more in depth. It may involve consideration of various regulatory options for implementing policy. Such reviews are generally outside the scope of work of the Regulations Review Committee and are outside this term of reference.

This paper assumes that systematic review of regulations to remove redundant regulations is desirable, for the access to legislation and business cost reduction reasons expressed above.

#### **Objective of regulations**

Before examining the various review mechanisms it is useful to consider a preliminary issue regarding identifying the objectives of regulations.

The UK Law Commission has recently conducted a review of post legislative scrutiny.<sup>12</sup> The Law Commission notes that any system of post-legislative scrutiny should be

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<sup>12</sup> UK Law Commission *Post-Legislative Scrutiny*, Consultation Paper No 178, 22 December 2005 and Final Report presented in October 2006, [www.lawcom.gov.uk/post\\_leg\\_scrutiny.htm](http://www.lawcom.gov.uk/post_leg_scrutiny.htm)

underpinned by the clarification of policy objectives.<sup>13</sup> A regulation can only be declared redundant following assessment of the original purpose of the regulation.

There are a number of options for identifying the purpose of the regulation. In New Zealand existing sources are cabinet papers approving the making of regulations and regulatory impact statements, where available. Other options include more extensive explanatory notes detailing the objectives of the regulations.

It may be noted that papers submitted to and approved by cabinet are the most accurate source of the objective of a regulation. On the other hand, explanatory notes to regulations have the virtue of accessibility.

**Issue:** Should all regulations be required to state their purpose? If so which is the preferred mechanism?

### **Review mechanisms**

The types of review mechanism fit into the following broad categories:

- Ad hoc departmental review responding to issues or Government direction
- Ad hoc parliamentary review (subject or regulations review committee) arising from complaint or petition
- Independent agency dedicated to review eg “a red tape commission”
- Planned departmental review where departments/Ministers undertake to review at the time of making
- Legislated departmental review, where regulations require review after a specified period
- Sunset clauses where regulations expire after a specified period.

### ***Departmental review***

Departmental reviews can be of an ad hoc nature, responding to problems or developments, or they can be planned. A feature of UK regulatory impact statements is that departments are requested to consider whether there should be a commitment to a review after a specified period. The nature of the matter regulated may also require any commitment to review to be cemented into legislation.

The advantage of departmental review is that the department is most aware of the operation of the regulation and is therefore in the best position to assess whether the policy objectives are being achieved by the regulations. This is particularly the case for effectiveness reviews. In terms of redundancy review the department is generally in the best position to determine the ongoing need for a regulation.

A drawback with taking a departmental approach is that review is only loosely systematic. In the UK the regulatory impact statement scheme prompts consideration of the need for review of regulations. This provides a more comprehensive approach to review. In New

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<sup>13</sup> UK Law Commission *Post-Legislative Scrutiny*, Consultation Paper No 178, 22 December 2005 and Final Report presented in October 2006, [www.lawcom.gov.uk/post\\_leg\\_scrutiny.htm](http://www.lawcom.gov.uk/post_leg_scrutiny.htm), para 7.4.

Zealand there is currently no requirement in the regulatory impact statement to consider the need for review of the regulations, however this is being reconsidered.<sup>14</sup>

If the regulatory impact statement scheme continues not to address review, another approach could be for one Government department to take responsibility for on-going review of regulations across the board. A candidate for this could be the Ministry of Economic Development given its interest in the area with its Regulatory Impact Analysis unit.<sup>15</sup>

### ***Parliamentary review***

Authority and overall responsibility for delegated law making comes from Parliament. It is logical that Parliament should be involved in the review of such legislation. The UK Law Commission report concluded that the most appropriate mechanism for systematic post legislative scrutiny was a joint parliamentary committee dedicated to this task.<sup>16</sup>

Regulations are already subject to systematic scrutiny by the Regulations Review Committee when they are made, and on an ad hoc basis thereafter if there is a complaint about their operation.

Stage one of the current inquiry is a good example of system-wide post-legislative review by a parliamentary committee. The previous such review was the *Inquiry into all regulations in force as at 14 November 1988*.<sup>17</sup> The inquiry forwarded lists of the 3,945 regulations then in force to departments, and asked which regulations were still required and why.

The report comments:

The Committee considers that all regulations in force warrant ongoing assessment to determine their appropriateness and currency. The Committee now has the ability to undertake this exercise on an ongoing basis. ... It seems appropriate to undertake a general review at least every five years.

Subsequent parliamentary reviews have not been undertaken in the intervening 19 years. The report concluded:

The Committee considers that departments administering subordinate legislation should be constantly alert to the responsibility to review such laws. Obsolete regulations have been allowed to gather dust for too long before being expunged from the record.

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<sup>14</sup> See *Ministerial Review of Regulatory Frameworks*; Cabinet Policy Committee paper, [http://www.med.govt.nz/templates/ContentTopicSummary\\_\\_\\_\\_19964.aspx](http://www.med.govt.nz/templates/ContentTopicSummary____19964.aspx)

<sup>15</sup> For information on this Unit, see generally [www.med.govt.nz/templates/StandardSummary\\_\\_\\_\\_184.aspx](http://www.med.govt.nz/templates/StandardSummary____184.aspx)

<sup>16</sup> UK Law Commission *Post-Legislative Scrutiny*, Final Report presented in October 2006, [www.lawcom.gov.uk/post\\_leg\\_scrutiny.htm](http://www.lawcom.gov.uk/post_leg_scrutiny.htm)

<sup>17</sup> Report of the Regulations Review Committee on an *Inquiry into all regulations in force as at 14 November 1988*, 1988 AJHR, I.16A

The Committee is pleased to note that many departments found this exercise useful for their own processes. Prior to receiving the Committee's lists, some had no idea of their "inventory" of regulations. Others have initiated reviews of old regulations, with a view to updating or revocation.

The Committee hopes that its own checks will encourage departments and governmental agencies to include regulations review within their conventional annual activities, and wishes to establish a good working relationship with all departments.

The drawback with reviews such as the current inquiry is that they are ad hoc and dependant on committee members to initiate. While such reviews do cover the breadth of regulations, they are not systematic in that review for redundancy is not undertaken on a regular basis.

A further drawback is that a parliamentary committee can only identify redundant regulations and recommend revocation. Additional action by the Executive is required to carry out the recommendation.

If a parliamentary committee were to be responsible for such systematic reviews, and the regulations review committee seems the obvious choice, it would need to commit to making this matter a more regular item for its consideration. An amendment to standing order 314 specifying that this is a specific function of the committee might be one way of achieving this.

### ***Independent agency review***

Another option is for an independent agency to conduct on-going reviews. Other jurisdictions have specialist agencies such as Ontario's Red Tape Commission and the UK's Better Regulation Task Force. These agencies tend to focus on effectiveness issues regarding regulation. The key driver is cutting administrative costs of regulation to business. Hence the March 2005 report of the Better Regulation Task Force delivers 2 key conclusions:

1. The United Kingdom can considerably reduce the regulatory burden on business by adopting the successful Dutch approach to reducing administrative costs. This approach involves first measuring administrative burdens and then setting a target to reduce them. The golden rule is that what gets measured gets done.
2. We need a "One in, One out" approach to new regulation, which forces departments to prioritise between new regulations and to simplify and remove existing regulations. This will complement the administrative cost reduction programme.

New Zealand lacks an equivalent independent specialist agency. The more limited nature of post legislative review contemplated by this review is unlikely to justify creation of such an agency. It is possible that existing independent agencies such as the Law Commission could undertake reviews and make recommendations regarding redundant regulations. Arguably the role fits with the Law Commission's role as "an independent, publicly funded, advisory body established by statute to undertake the systematic review, reform and development of

the law of New Zealand.”<sup>18</sup> On the other hand such a role may distract from the Commission’s focus on higher level matters of law reform.

### ***Sunset clauses***

Sunset clauses in statutes cause provisions to expire on a prescribed date. When applied to regulations sunset clauses force administrations to examine their regulations within the expiry period and assess whether they need to be remade.

#### *New Zealand experience of sunset clauses*

Sunset clauses are used sporadically in New Zealand regulation making powers. Examples are found in the Biosecurity Act 1993,<sup>19</sup> the Commodity Levies Act,<sup>20</sup> and the Customs and Excise Act 1996.<sup>21</sup>

Sunset clauses for regulation making powers in New Zealand statutes are used in three general circumstances. The most common situation is to facilitate transitions to a new regulatory scheme. Other circumstances are where the regulations are made in emergency circumstances or invoke some form of extraordinary power. A further situation is where the regulations impose levies that need parliamentary approval for constitutional reasons.

#### *Australia*

Australia has made extensive use of sunset clauses for regulations at both a state and federal level. Until 2003 sunset clauses were implemented in individual Acts at a federal level. In 2003, the Federal Parliament passed the Legislative Instruments Act 2003. One of the objects of the Act is to “provide a comprehensive regime for the management of Commonwealth legislative instruments by establishing mechanisms to ensure that legislative instruments are periodically reviewed and, if they no longer have a continuing purpose, are repealed.”<sup>22</sup>

The Act sets out a procedure for registering “legislative instruments” (which include regulations, statutory rules currently in force, other instruments that are disallowable under the current system, and proclamations) on an online database that is maintained by the Attorney-General’s Department.

The Act provides that legislative instruments are to be kept up to date and only remain in force for so long as they are needed. The basic rule is that such instruments should reach their sunset approximately 10 years after the date that they commence or are required to be lodged for registration. There are listed exceptions to this general rule and a procedure for Parliament to resolve that instruments continue in force. The Act provides that it will be

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<sup>18</sup> Law Commission Annual Report, p 6,  
[http://www.lawcom.govt.nz/UploadFiles/AnnualReports/Annual\\_Report\\_2005-2006.pdf](http://www.lawcom.govt.nz/UploadFiles/AnnualReports/Annual_Report_2005-2006.pdf)

<sup>19</sup> Biosecurity Act 1993, s 7A

<sup>20</sup> Commodity Levies Act 1990, s 13

<sup>21</sup> Customs and Excise Act 1996, s 55

<sup>22</sup> Legislative Instruments Act 2003 (Cth), section 3(1)(f)

reviewed generally after three years<sup>23</sup> and the operation of the sunset provisions will be reviewed after twelve years.<sup>24</sup>

*Advantages of the Legislative Instruments Act approach*

The main attraction of the approach taken by Australia is the systematic approach. Agencies making regulations must review their regulations and take appropriate action or face automatic expiry of the regulations.

The Legislative Instruments Act 2003 implements other changes that have been recommended by the Regulations Review Committee. The Committee's inquiry into deemed regulations<sup>25</sup> recommended to the Government that:

1. it amend the definition of "regulations" in the Regulations (Disallowance) Act 1989 and the Interpretation Act 1999 in line with the definition of "legislative instrument" as set out in the Australian Legislative Instruments Act 2003
2. the amendment to the Regulations (Disallowance) Act 1989 should include provisions that relate to the establishment of a register of legislative instruments as set out in the Australian Legislative Instruments Act 2003.

The Government response to that report did not support the recommendation at that time. It preferred to monitor the first 2 years of operation of the definition of "legislative instrument" to ascertain the effectiveness of the definition in practice.

If adopted the recommendation would have the advantage of being a comprehensive reform package that addresses:

- the issue of what is a regulation, and the multitude of further issues that flow from that: publication and public access to legislation, parliamentary scrutiny of all regulations of a legislative character
- removing redundant regulations.

**Issue:** If a systematic review process is required, which process is most suitable for New Zealand?

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<sup>23</sup> Above, section 59. The review must be complete by 1 April 2009.

<sup>24</sup> Above, section 60. The review must be complete by 1 September 2017.

<sup>25</sup> Regulations Review Committee *Inquiry into the principles determining whether delegated legislation is given the status of regulations*, June 2004, AJHR I.16E.

## **Part 2: The current requirement to undergo regulatory impact and business cost compliance statements and exemptions from those requirements**

A regulatory impact statement (RIS) is required for all policy proposals submitted to Cabinet with legislative implications (leading to government Bills and statutory regulations, or Members' bills that the government is planning to support or adopt).

The fundamental purpose of the RIS is to demonstrate that the expected benefits of the proposed regulations will exceed the expected costs; that is, there is a net benefit, when considered from the perspective of society as a whole, associated with the proposed regulation(s). A cost/benefit analysis (CBA) is a systematic approach to demonstrate that this requirement will be met.<sup>26</sup>

An RIS will not be required if the proposal falls within one of the following specific exemptions:

- where the proposal is of a minor or machinery nature and does not substantially alter existing arrangements;
- where it deals with administrative procedures within or between departments, and does not impact on business, consumers, or the public;
- where it is required to meet an obligation under an international agreement and the regulation primarily repeats or adopts the terms of the agreement, or part of the agreement;
- where it is to give effect, in terms announced in the Budget, to a specific Budget decision, where the decision is to:
  1. repeal, impose, or adjust a tax, fee or charge; or
  2. confer, revoke or alter an entitlement; or
  3. impose, revoke or alter an obligation;
- where it is an Order in Council that provides solely for the commencement of enabling legislation or any provision of enabling legislation.<sup>27</sup>

### *General issue*

The Regulations Review Committee has observed that regulatory impact statements and business compliance cost statements (BCCS) can be useful when considering whether grounds exist under Standing Order 315(2) to draw regulations to the attention of the House.<sup>28</sup> Further, complaints to the committee have been upheld in the past regarding regulations that would have benefited from the rigour of developing a regulatory impact statement.

<sup>26</sup> From Ministry of Economic Development *Guide to preparing Regulatory Impact Statements*, para 57, [www.med.govt.nz/templates/MultipageDocumentPage\\_\\_\\_\\_\\_609.aspx#P143\\_27369](http://www.med.govt.nz/templates/MultipageDocumentPage_____609.aspx#P143_27369)

<sup>27</sup> Cabinet Office *Step by Step Guide*, 3.36-37, <http://www.dpmc.govt.nz/cabinet/guide/>

<sup>28</sup> Letter from Regulations Review Committee to Minister of Commerce, dated 24 August 2006

In the course of its examination of regulations, the committee has found that the exemptions from undertaking RIS/BCCS apply to a significant number of regulations. It has particularly noted that RIS or BCCS are not required for

- deemed regulations
- regulations of a mechanical nature that do not substantially alter existing arrangements
- costs impacting on charities
- increased costs where there is no new fee or business obligation.

#### *Deemed regulations*

RIS and BCCS are conventionally applied to policy decisions that go before Cabinet. The consideration by Cabinet of deemed regulations is an issue broader than RIS. Deemed regulations are not intended to contain matters of policy that merit full Cabinet consideration. To require all deemed regulations to be considered by Cabinet would impose a level of scrutiny that in most cases would be unwarranted.

In practice however deemed regulations do deal with matters that would merit application of a regulatory impact statement, despite not being subject to Cabinet consideration. Many deemed regulations impose fees. Application of the rigour of an RIS and BCCS could improve the quality of such regulations.

Requiring all or some classes of deemed regulations to be subject to RIS and BCCS would be consistent with moves by the Attorney-General to subject deemed regulations to internal quality assurance mechanisms to apply the same basic requirements as for the making of statutory regulations.

**Issue:** Should all or some classes of deemed regulations be subject to RIS/BCCS?

#### *Proposals of a minor or machinery nature*

There is a concern that some regulations which have a significant impact or impose significant increases in costs are exempt from the requirement for a RIS under this provision. Examples encountered have been the various civil courts fees regulations of 2001 and 2004 and the Passport (Fees) Amendment Regulations 2005.<sup>29</sup>

While there is good sense in exempting regulations imposing minor changes from the requirements for RIS, this can be a subjective judgement. The Step by Step Guide requires departments to consult with MED when drafting RIS. MED is currently obliged to comment on the adequacy of the RIS but not necessarily on the decision whether an RIS is needed.

In Australia the regulatory impact statement process is governed by the Office of Best Practice Regulation. The process applies to all instruments of a legislative character, not just statutory regulations. Australia has the same minor or machinery nature exception. Departments are permitted to do an initial self assessment of regulatory impact and impact

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<sup>29</sup> These regulations are not listed on the MED website as having undergone the RIS process.

on competition using tools provided by OBPR. If there are no or low impacts no further analysis is required.

It is evident from departmental correspondence with the committee that MED is frequently consulted on whether an RIS is necessary. It would be useful to ascertain the guidelines MED uses for the use of this exception. A possible improvement to the New Zealand system might be to require MED to be consulted on any decision not to include an RIS using this ground. Alternatively MED could provide precise tools for self evaluation as appears to be the case in Australia. There is also a case for all regulations involving fees to have an RIS irrespective of this ground of exemption.

#### *BCCS costs criteria*

BCCS are a subset of the overall cost/benefit analysis undertaken in a RIS. BCCS specifically identify compliance costs to business resulting from a policy proposal for the following reason:

Compliance costs arise from most government interventions. However, businesses, other organisations and private individuals should not incur more compliance costs than necessary. This requires an increased awareness of the balance between the costs of compliance and the objectives of government policy. In practical terms, this means compliance costs will be given due weight with other costs and benefits when new laws, regulation, and administrative processes are being designed. The new requirement for a BCCS will help ensure that business compliance costs are given adequate upfront consideration in developing policy.<sup>30</sup>

The committee has given regulations that recover costs through fees and charges particular attention to ensure that the Audit Office and Treasury Guidelines are followed and that costs imposed as a result are reasonable. Regulations that have been subject to RIS and BCCS are arguably more likely to be compliant with the Guidelines.

The Committee has noted some cases where it would have considered a BCCS may have been justified. It notes BCCS do not apply to costs imposed on charities. While charities are not profit making, they are expected to run efficiently and it is arguable that charities and individuals deserve cost efficiency just as much as businesses.

Similarly, it appears that BCCS do not apply to fee increases for fees already established.<sup>31</sup> In some cases fee increases can be dramatic and impose significant burdens on businesses and others. The requirement to supply a BCCS could be a moderating influence reminding agencies of the principles to be considered when setting fees.

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<sup>30</sup> From Ministry of Economic Development *BCCS Guidelines*  
[www.med.govt.nz/templates/MultipageDocumentPage\\_\\_\\_\\_\\_9451.aspx#P23\\_2855](http://www.med.govt.nz/templates/MultipageDocumentPage_____9451.aspx#P23_2855)

<sup>31</sup> See letter from Ministry of Health, dated 10 November 2006 regarding Medicines (Fees) Amendment Regulations 2006. Note a RIS was completed for these regulations.