

10 May 2024

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I refer to your letter of 8 April 2024 in which you request the following under the Official Information Act 1982 (OIA):

1. *All briefings, reports, aides-memoire, and internal correspondence relating to:*
 - a. *The establishment of the Ministry of Regulation and the governance of this entity*
 - b. *The relation between the Ministry of Regulation and regulators (including regulators within Ministries and those that are independent)*
 - c. *The identification, management and disclosure of actual, perceived or potential conflicts of interest between the Minister of Regulation and Ministry of Regulation staff, and regulators*
2. *Any advice, analysis, or guidance on how the Ministry of Regulation manages relationships between the Ministry and regulators, including between the Minister and regulators or Ministries with regulatory functions.*
3. *Any advice, analysis, or guidance on how the Ministry of Regulation supports, enables, and enacts Best Practice Principles for Regulatory Policy and good governance, such as those set out by the Organisation of Economic Cooperation and Development (OECD, 2014).*
4. *Any advice, analysis, or guidance on the impact if any renewed regulatory governance settings may have on existing or future trade agreements such as the NZ-EU FTA.*

On 15 April 2024, we contacted you by email seeking clarification of your request. We specifically asked if you had sent the same request to other agencies and if you intended your request to come to the Ministry of Foreign Affairs and Trade (the Ministry) as the first three of your questions do not appear to be connected to the functions of the Ministry.

You responded on 16 April 2024 saying:

Given the novelty of the Ministry of Regulation, it was unclear to me which agency might be providing initial advice concerning issues such as regulatory best practice, so I have asked Treasury similar but not the same questions. Most important among my questions concerning MFAT is around obligations and potential impacts this change in regulatory governance may have on trade agreements, which I assume you will have provided advice on given the inclusion of regulatory

governance in trade deals. I'm also interested if you have information concerning question 1a as a general question:

- 1. All briefings, reports, aides-memoire, and internal correspondence relating to:
 - a. The establishment of the Ministry of Regulation and the governance of this entity**

If you don't hold information on the other questions, then that is of course fine.

On 23 April 2024, we called you to discuss your request. You explained that your focus was on the impact changes to New Zealand's regulatory governance environment created by the establishment of the Ministry of Regulation might have on New Zealand's international agreements and obligations. You specifically asked:

- Did the Ministry of Foreign Affairs and Trade provide any advice in relation to the establishment of the Ministry of Regulation?*
- If so, what was that advice?*
- Please supply any advice provided to Ministers about good regulatory governance in the context of New Zealand's international agreements (including free-trade agreements) and obligations.*

We emailed you on the same date to confirm our understanding of your request and did not receive a reply from you. In our view, it would have been necessary under section 14 of the OIA to transfer the part of your request below to Treasury because the information you requested is more closely connected with its functions.

- 1. All briefings, reports, aides-memoire, and internal correspondence relating to:
 - a. The establishment of the Ministry of Regulation and the governance of this entity*
 - b. The relation between the Ministry of Regulation and regulators (including regulators within Ministries and those that are independent)*
 - c. The identification, management and disclosure of actual, perceived or potential conflicts of interest between the Minister of Regulation and Ministry of Regulation staff, and regulators**
- 2. Any advice, analysis, or guidance on how the Ministry of Regulation manages relationships between the Ministry and regulators, including between the Minister and regulators or Ministries with regulatory functions.*
- 3. Any advice, analysis, or guidance on how the Ministry of Regulation supports, enables, and enacts Best Practice Principles for Regulatory Policy and good governance, such as those set out by the Organisation of Economic Cooperation and Development (OECD, 2014).*

We discussed this part of your request with the Treasury and we understand that you have also requested this information from the Treasury, therefore we have not transferred it.

Given your focus on the Ministry of Regulation in the first three parts of your request, we have interpreted part four of your request to be for advice on the impact of the establishment of the Ministry of Regulation, and potential changes this may make to

regulatory governance settings, and how this may impact on existing or future trade agreements.

No such advice exists, therefore we are refusing this part of your request under section 18(e) of the OIA, as the information you requested does not exist.

Please note that it is our policy to proactively release our responses to official information requests where possible. Therefore, our response to your request (with your personal information removed) may be published on the Ministry website:
www.mfat.govt.nz/en/about-us/contact-us/official-information-act-responses/

If you have any questions about this decision, you can contact us by email at: DM-ESD@mfat.govt.nz. You have the right to seek an investigation and review by the Ombudsman of this decision by contacting www.ombudsman.parliament.nz or freephone 0800 802 602.

Nāku noa, nā

A handwritten signature in black ink, appearing to be 'SC', written in a cursive style.

Sarah Corbett
for Acting Secretary of Foreign Affairs and Trade