

18 June 2025

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Personal details removed for proactive release

OIA 30144

Thank you for your email of 21 May 2025 in which you request the following under the Official Information Act 1982 (OIA):

*"Can I please request a copy of the following under the OIA:*

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

### **Response to your request**

In scope of part one of your request are two emails and attachments dated 14 March 2025 and 12 May 2025 respectively. Some information is withheld under the following sections of the OIA:

- 9(2)(a): to protect individuals' privacy;
- 9(2)(f)(iv): to protect the confidentiality of advice tendered by Ministers of the Crown and officials;
- 9(2)(g)(i): to protect the free and frank expression of opinions by departments; and
- 9(2)(h): to maintain legal professional privilege.

In scope of part two of your request is advice prepared by the Ministry of Foreign Affairs and Trade for the Offices of the Minister of Foreign Affairs and the Minister of Trade and Investments relating to the responses of written parliamentary questions from you to those Ministers (WPQs 23008, 23013, 23014, 23012, 23016, 23017, 23175, 23176, 23180 (2025) refers). This information is withheld in full under the sections 9(2)(f)(iv) and 9(2)(g)(i) of the OIA.

Where the information has been withheld under section 9 of the OIA, no public interest in releasing the information has been identified that would override the reasons for withholding it.

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/](http://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](mailto: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](http://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 Secretary of Foreign Affairs and Trade

**From:** [GALLAGHER, James \(CLU\)](#)  
**To:** [Olivia Cross](#)  
**Cc:** [Elisa Eckford](#); [Pip Van Der Scheer](#); [GRIFFIN, Richard \(LGL/TLU\)](#); [ADAMS, Hannah \(LGL/SAN\)](#); [ROUGHTON, Luke \(LGL\)](#); [COX, Sam \(LGL\)](#)  
**Subject:** RE: Draft Cabinet paper consultation - Regulatory Standards Bill  
**Date:** Friday, 14 March 2025 2:58:00 pm  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[MFAT feedback - Regulatory Standards Bill.docx](#)

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Kia ora koutou Ministry for Regulation colleagues.

Thank you for the opportunity to review and provide feedback on the draft Cabinet paper, and for the informative drop-in session yesterday. MFAT's feedback on the draft Cabinet paper is **attached**.

Please reach out if you have any questions or would like to discuss.

Ngā manaakitanga

**James Gallagher (he/him)**

Associate Counsel  
Te Pū Ture | Corporate Legal Unit (Division)  
Manatū Aorere | New Zealand Ministry of Foreign Affairs & Trade

M s9(2)(a) [E \[james.gallagher@mfat.govt.nz\]\(mailto:james.gallagher@mfat.govt.nz\)](mailto:james.gallagher@mfat.govt.nz)

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[www.mfat.govt.nz](http://www.mfat.govt.nz) | [www.safetravel.govt.nz](http://www.safetravel.govt.nz)

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**From:** Olivia Cross <[Olivia.Cross@regulation.govt.nz](mailto:Olivia.Cross@regulation.govt.nz)>  
**Sent:** Wednesday, March 12, 2025 10:29 AM  
**To:** Olivia Cross <[Olivia.Cross@regulation.govt.nz](mailto:Olivia.Cross@regulation.govt.nz)>  
**Cc:** [Elisa Eckford <Elisa.Eckford@regulation.govt.nz>](mailto:Elisa.Eckford@regulation.govt.nz); [Pip Van Der Scheer <Pip.VanDerScheer@regulation.govt.nz>](mailto:Pip.VanDerScheer@regulation.govt.nz)  
**Subject:** Draft Cabinet paper consultation - Regulatory Standards Bill

IN-CONFIDENCE

Kia ora

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

s9(2)(f)(iv)

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

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

#### **Impact on broader public sector agencies**

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

#### **Drop-in session**

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

#### **Timing**

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

comment, should we be unable to fully reflect your feedback in the paper.

Ngā mihi

Olivia

**Olivia Cross** (she/her)

Principal Advisor, Regulatory Management System

**Ministry for Regulation | Te Manatū Waeture**

īmēra: [Olivia.Cross@regulation.govt.nz](mailto:Olivia.Cross@regulation.govt.nz)

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IN-CONFIDENCE

**RE: DRAFT CABINET PAPER CONSULTATION – REGULATORY STANDARDS BILL  
MINISTRY OF FOREIGN AFFAIRS AND TRADE FEEDBACK**

s9(2)(f)(iv), s9(2)(h)

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Official Information Act

s9(2)(f)(iv)

s9(2)(f)(iv)

### 3. GENERAL COMMENTS

**Definition of 'person':** MFAT has a technical question as to who a 'person' is (as referred to in the principles). There is no definition given. Is it correct to assume, then, that for the purposes of the Bill, a 'person' includes a corporation sole, a body corporate, and an unincorporate body in accordance with section 13 of the Legislation Act 2019? In the context of sanctions, will these principles apply to New Zealanders (to whom the obligations apply) or those persons who are sanctioned (and whose rights may be infringed)?

**Other proposed provisions in relation to consistency assessment requirements:** The Cabinet paper proposes that agencies must make their own robust assessments when assessing the consistency of legislation and that the Bill will provide that both the responsible Chief Executive and the responsible agency must act independently from the Minister or maker of the regulation in relation to making the assessments of consistency. MFAT has two questions:

1. What happens where the Chief Executive is the maker of the legislation?
2. How is a responsible Minister able to make an assessment in relation to consistency requirements independently from their agency and Chief Executive without receiving advice from their agency? How will independence be ensured?

**From:** [SALMOND, Jeremy \(CLU\)](#)  
**To:** [Olivia Cross](#)  
**Cc:** [GALLAGHER, James \(CLU\)](#)  
**Subject:** RE: Update on Regulatory Standards Bill [SEC=IN CONFIDENCE]  
**Date:** Monday, 12 May 2025 5:09:19 pm  
**Attachments:** [image001.png](#)

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[IN CONFIDENCE]

IN-CONFIDENCE

Kia ora Olivia

Confirming that we had no comment re factual errors or significant concerns with how the policy decisions made by Cabinet have been given effect to.

s9(2)(f)(iv)

Ngā mihi

Jeremy

**Jeremy Salmond**

Corporate Counsel

Te Pū Ture | Corporate Legal Unit (Division)

New Zealand Ministry of Foreign Affairs & Trade | Manatū Aorere

M s9(2)(a) E [jeremy.salmond@mfat.govt.nz](mailto:jeremy.salmond@mfat.govt.nz)

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IN-CONFIDENCE

**From:** SALMOND, Jeremy (CLU)  
**Sent:** Monday, May 12, 2025 1:24 PM  
**To:** Olivia Cross <[Olivia.Cross@regulation.govt.nz](mailto:Olivia.Cross@regulation.govt.nz)>  
**Cc:** GALLAGHER, James (CLU) <[James.Gallagher@mfat.govt.nz](mailto:James.Gallagher@mfat.govt.nz)>  
**Subject:** RE: Update on Regulatory Standards Bill

Thanks Olivia

Acknowledging receipt for MFAT.

Ngā mihi



Jeremy

**Jeremy Salmond**

Corporate Counsel

Te Pū Ture | Corporate Legal Unit (Division)

New Zealand Ministry of Foreign Affairs & Trade | Manatū Aorere

M s9(2)(a)

E [jeremy.salmond@mfat.govt.nz](mailto:jeremy.salmond@mfat.govt.nz)

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**From:** Olivia Cross <[Olivia.Cross@regulation.govt.nz](mailto:Olivia.Cross@regulation.govt.nz)>

**Sent:** Monday, May 12, 2025 12:43 PM

**To:** CLU <[CLU@mfat.govt.nz](mailto:CLU@mfat.govt.nz)>

**Cc:** GALLAGHER, James (CLU) <[James.Gallagher@mfat.govt.nz](mailto:James.Gallagher@mfat.govt.nz)>

**Subject:** FW: Update on Regulatory Standards Bill

Kia ora

Just forwarding on for your awareness after receiving James out of office.

Ngā mihi

Olivia

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**From:** Olivia Cross

**Sent:** Monday, 12 May 2025 12:41 pm

**To:** Olivia Cross <[Olivia.Cross@regulation.govt.nz](mailto:Olivia.Cross@regulation.govt.nz)>

**Cc:** Elisa Eckford <[Elisa.Eckford@regulation.govt.nz](mailto:Elisa.Eckford@regulation.govt.nz)>; Pip Van Der Scheer <[Pip.VanDerScheer@regulation.govt.nz](mailto:Pip.VanDerScheer@regulation.govt.nz)>

**Subject:** RE: Update on Regulatory Standards Bill

Kia ora koutou

As mentioned last week we are now working to lodge a Cabinet paper and the draft RSB directly for Cabinet by Thursday 15 May for Cabinet on 19 May. For your visibility we have attached the draft Cabinet paper and bill. Unfortunately, the timeframes do not leave time for substantive feedback on either the Cabinet paper or bill. Again, we apologise for the tight turnarounds.

However, if on review you pick up any factual errors or significant concerns with how the policy decisions made by Cabinet have been given effect to please let us know ASAP and no later than midday tomorrow – 13 May. Please note, depending on the scope of any matters raised, we may not have time to reflect any updates in the drafting.

**Important note:** the Cabinet paper and draft bill contain advice that is subject to Crown legal privilege and cannot be shared outside of the core Crown. Please take

care in the handling of these papers to avoid any inadvertent disclosures. If you have received this email and are outside the Crown's legal privilege please do not open the attachments and contact us immediately to advise.

Ngā mihi  
Olivia

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**From:** Olivia Cross <[Olivia.Cross@regulation.govt.nz](mailto:Olivia.Cross@regulation.govt.nz)>  
**Sent:** Wednesday, 7 May 2025 8:43 am  
**To:** Olivia Cross <[Olivia.Cross@regulation.govt.nz](mailto:Olivia.Cross@regulation.govt.nz)>  
**Cc:** Elisa Eckford <[Elisa.Eckford@regulation.govt.nz](mailto:Elisa.Eckford@regulation.govt.nz)>; Pip Van Der Scheer <[Pip.VanDerScheer@regulation.govt.nz](mailto:Pip.VanDerScheer@regulation.govt.nz)>  
**Subject:** Update on Regulatory Standards Bill

Kia ora koutou

As some of you may be aware *the Policy Approvals for Progressing a Regulatory Standards Bill* Cabinet Paper was agreed by Cabinet on Monday. A copy of the final Cabinet paper and minute are attached. Please let me know if you would like a copy of any of the annexes. Redacted versions of the papers are also available on our website [here](#).

#### **Next steps**

Cabinet has agreed that a paper seeking approval to introduce the Bill along with the proposed Bill will proceed directly to Cabinet for consideration on 19 May 2025. This timeframe means we will need to lodge the final paper and draft bill by **next Thursday**.

Our apologies in advance that this timing unfortunately does not leave a window for substantive departmental consultation on the Cabinet paper and draft bill. However, we will look to circulate both as soon as we can next week for your visibility and to support any requests for briefing material you might receive from your respective Ministers' office. This will also provide a window to pick up any factual errors in the drafting but will not be an opportunity for further feedback on policy decisions.

s9(2)(f)(iv)

Ngā mihi  
Olivia

**Olivia Cross** (she/her)  
Principal Advisor, Regulatory Management System

**Ministry for Regulation | Te Manatū Waeture**

**īmēra:** [Olivia.Cross@regulation.govt.nz](mailto:Olivia.Cross@regulation.govt.nz)

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