

Thursday 19 June 2025

Committee Secretariat
Finance and Expenditure Committee
Parliament Buildings
Wellington

03 941 8999
53 Hereford Street
Christchurch 8013
PO Box 73013
Christchurch 8154
ccc.govt.nz

Email: RegulatoryStandardsBill@parliament.govt.nz

Christchurch City Council submission on the Regulatory Standards Bill

Introduction

1. Christchurch City Council (the Council) welcomes the opportunity to provide feedback on the Regulatory Standards Bill (the Bill).
2. While the Bill is framed as applying to central government, it introduces regulatory standards and review mechanisms that may influence, or eventually apply to, local government regulation. Therefore, the Council considers it important to comment on the Bill's scope, purpose, and potential implications.
3. As an active participant in the development and application of regulatory frameworks, the Council recognises the importance of high-quality, transparent legislation. However, the proposed Bill raises substantive concerns in relation to local government's statutory mandate, constitutional position, and regulatory responsibility. The following submission outlines the Council's position and key areas of concern.

Submission

Summary Position

4. As a local authority, the Council is governed by the Local Government Act 2002 (LGA), which requires councils to enable democratic local decision-making. Within this mandate, councils exercise delegated regulatory functions and are accountable to their communities for decisions that are often place-based, equity-driven, and responsive to local priorities. These functions are also subject to additional legislative frameworks, including the Resource Management Act 1991 (RMA), and specific statutory obligations in relation to Māori participation and Te Tiriti o Waitangi.
5. **The Council does not support the Bill in its current form.** While the intention to improve regulatory quality is acknowledged, the Bill as drafted:
 - Risks undermining local government autonomy and Treaty-based responsibilities.
 - Duplicates existing regulatory review mechanisms without clear enforcement or value-add.
 - Establishes a narrow evaluative framework that omits key public policy considerations.

6. If the Bill is to proceed, substantial amendments will be necessary to ensure that it aligns with established constitutional roles, reflects New Zealand's regulatory context, and upholds the statutory responsibilities of local government. The Council's key concerns and recommendations are outlined in the sections that follow.

Acknowledging Positive Elements

7. Although the Council does not support the Bill in its current form, we recognise several constructive aspects of the proposed framework. First, the focus on regulatory stewardship, particularly the expectation that chief executives review the performance and condition of regulatory systems, reinforces the importance of long-term system maintenance and accountability.
8. Second, the emphasis on transparency through the public release of regulatory review findings has the potential to strengthen public trust. Improved visibility can support greater understanding of how laws are assessed and may encourage more active engagement from civil society.
9. Finally, the Bill's ambition to establish common principles for what constitutes responsible regulation is commendable. If these principles were broadened to reflect the full range of public purposes, such as public health, safety, equity, environmental protection, and cultural and social wellbeing, they could help foster a more balanced and inclusive regulatory culture across the public sector.

Key Concerns

Implications for Local Government and the Risk of Regulatory Overreach

10. While the Bill is framed as applying to central government legislation, it extends to both primary and secondary legislation (Clause 4). Secondary legislation is defined in line with the Legislation Act 2019 and includes any legislative instrument made under an enactment. This captures a wide range of local government tools and instruments, including bylaws and potentially district plans.
11. Councils exercise a broad regulatory mandate under the LGA, including the power to make bylaws (sections 145–147), as well as bylaw-making powers provided under eight additional specific statutes. Under the RMA, councils also carry statutory obligations for environmental planning, land use regulation, and the incorporation of Māori perspectives, including kaitiakitanga and Treaty principles.
12. However, bylaw-making powers are already tightly constrained by law. Councils must demonstrate that a bylaw is the most appropriate way to address the problem, that it is proportionate, and that it takes the most suitable form. Bylaws are subject to mandatory consultation and can be challenged through judicial review, not only for procedural failings but also for inconsistency with the New Zealand Bill of Rights Act. The courts have struck down bylaws found to breach these requirements, meaning that councils are already held to a higher standard of procedural and legal rigour than many central government regulations.
13. Extending the Bill's framework to local government would not only be redundant but could also distort the existing legal checks and balances that govern how councils regulate. In contrast to local government, central government is not required to undertake mandatory

consultation or meet equivalent evidentiary thresholds for all regulations – and breaches of Regulatory Impact Statement requirements or analytical shortcomings typically carry no enforceable consequence.

14. The Bill does not explicitly exclude local government instruments from its scope:
 - Clause 14 provides for regulations that may prescribe requirements for Consistency Accountability Statements (CAS) for all secondary legislation.
 - Clause 8 empowers the Regulatory Standards Board to review secondary legislation for consistency with the Bill's principles, regardless of the legislative origin.
15. If the Bill proceeds, we recommend that it explicitly exclude local government regulatory instruments from its scope or, at a minimum, provide clear guidance that acknowledges the distinct constitutional and statutory roles of local authorities in New Zealand. Without such clarification, the Bill risks creating confusion around the existing accountability arrangements for councils.
16. Given the Bill's provisions for future regulatory extension and oversight, and the absence of an explicit exclusion, local government instruments could be brought within scope either directly through future amendment or regulation, or indirectly through evolving legal interpretation and public sector practice. If adopted in this way, the Bill's narrow evaluative framework could conflict with councils' statutory roles, and undermine their democratic accountability to local communities.

Omission of Treaty Obligations and Risk to Statutory Māori Participation Requirements

17. We are concerned that the Bill contains no reference to Te Tiriti o Waitangi, tikanga Māori, or Māori participation in decision-making. This omission is significant given the Bill's intent to establish a normative framework for evaluating the quality of both primary and secondary legislation across the public sector.
18. We have explicit statutory obligations as a local authority to support Māori participation and recognise the role of Māori in governance and environmental management. The RMA, the LGA, and local to the South Island, the Te Runanga o Ngai Tahu Act 1996 and the Ngai Tahu Claims Settlement Act 1998, all require the Council to consult with relevant Māori parties, as acknowledged by Te Tiriti. They are not discretionary and are fundamental to how local authorities are required to operate.
19. This omission introduces a range of risks.
 - It may discourage councils and other public agencies from adopting Treaty-based or tikanga-informed approaches, particularly where such approaches cannot be easily reconciled with the Bill's constrained evaluative framework.
 - It also risks legal misalignment, where legislation developed centrally without regard to Treaty principles could undermine or contradict local government's statutory obligations.
 - More broadly, it may contribute to the normalisation of a regulatory culture in which Māori partnership and participation are not treated as essential components of responsible public policy.

20. If the Bill proceeds, we recommend several amendments to address these concerns. It should explicitly include a requirement for consistency with the principles of Te Tiriti o Waitangi. The framework should also recognise tikanga Māori and mātauranga Māori as legitimate and relevant in the assessment of regulatory quality.
21. Additionally, the Bill should affirm that local government instruments remain governed by their enabling legislation, such as the Local Government Act and the Resource Management Act, which already embed specific Treaty-based responsibilities and participatory obligations.

Questionable Practicality and Duplication of Existing Systems

22. The Bill proposes new mechanisms, such as Consistency Accountability Statements (CAS) and a Regulatory Standards Board, to improve legislative quality. However, these tools lack legal enforceability (Clauses 24–25) and risk duplicating existing regulatory oversight without demonstrable benefit.
23. The proposed Board raises additional concerns regarding independence. Members would be appointed solely by the Minister for Regulation, with no statutory requirements for impartiality, diversity of expertise, or representation from local government or Te Tiriti specialists. This structure risks undermining the Board’s credibility and creates the perception of political or ideological bias, particularly given its evaluative role.
24. The Regulatory Impact Statement (RIS) offers limited justification for these changes.
 - It confirms that the current framework is sound but inconsistently applied due to capacity constraints, not structural failure.
 - Most submitters (88%) on the Bill’s discussion document opposed progressing the Bill, citing duplication and lack of necessity.
 - Agencies also expressed a preference for improving existing tools rather than creating a new layer of review.
 - The RIS notes the proposal only “partially meets” quality assurance criteria, with minimal assessment of local government impacts.
25. New Zealand already has a suite of regulatory safeguards, including Regulatory Impact Statements, select committee scrutiny, LDAC guidelines, the Regulations Review Committee, and judicial review. These mechanisms are embedded, familiar, and democratically accountable.
26. Our view is that quality issues with regulatory policy practice is unlikely to be through a lack of regulatory tools, but underuse of those already available. The Bill risks introducing parallel, unenforceable processes that may confuse accountability, increase compliance costs, and dilute efforts to strengthen current practice.
27. We do not support the duplication of mechanisms that may impose symbolic or administrative burdens without meaningful improvement. More effective reforms would focus on improving application of existing mechanisms through better resourcing, clearer guidance, enhanced parliamentary scrutiny, and stronger departmental capability.

A Narrow Regulatory Framework That Undermines Legitimate Public Policy and Reduces Responsiveness

28. The Bill defines “responsible regulation” through a set of principles intended to guide both the development and evaluation of legislation. These principles place significant emphasis on economic efficiency, the protection of individual rights, and minimal regulatory intervention. While these are important considerations, the framework fails to give equal weight to other legitimate public policy objectives, such as advancing equity, upholding Te Tiriti o Waitangi, protecting collective wellbeing, and enabling long-term environmental sustainability.
29. These broader goals are not peripheral; they are foundational to much of New Zealand’s regulatory landscape and are embedded across a range of existing legislation. Their omission risks distorting what is considered “good” or “responsible” regulation. Key laws that aim to support vulnerable communities, advance redistributive outcomes, or respond to intergenerational challenges, such as those related to public health, workplace protections, biodiversity, and climate adaptation, may not sit comfortably within the Bill’s narrow evaluative lens, despite their public value.
30. If the principles in the Bill are treated as a default standard for evaluating legislation, this could create pressure on policymakers to justify all interventions in narrowly economic terms, even where such framing is inappropriate. This may lead to under-regulation in areas where public good is difficult to monetise, contribute to hesitation around bold or public-good driven policies for fear of an “inconsistent” label, and reduce the responsiveness of regulation to local or emerging issues.
31. Over-reliance on a narrow evaluative framework may also shape the wider culture of the public sector, discouraging regulatory approaches that are participatory, locally responsive, or grounded in Te Tiriti principles. This risks weakening public trust in regulation that reflects community values, embraces Te Ao Māori, or addresses place-specific needs, particularly where such approaches do not align neatly with an individual rights or economic efficiency lens.
32. The Council therefore recommends that, if the Bill proceeds, the definition of “responsible regulation” be broadened to encompass the full range of purposes that legislation in New Zealand is expected to serve. This includes promoting social equity, protecting environmental and intergenerational wellbeing, and upholding Te Tiriti o Waitangi. A more balanced framework would better support the development of regulation that is legitimate, inclusive, and capable of meeting the complex challenges facing our communities.

Recommendations

33. **The Council does not support the Bill in its current form.** While the intention to improve regulatory quality is acknowledged, we recommend significant amendments if the Bill is to proceed.

Issue Area	Recommendation
Local Government Scope	<p>Clarify that the Bill does not apply to local government regulatory instruments or explicitly exclude them.</p> <p>Confirm that local authority tools (e.g. bylaws, district plans) remain governed by their enabling legislation such as the LGA and RMA.</p>
Treaty and Māori Participation	<p>Include a clear requirement for consistency with the principles of Te Tiriti o Waitangi.</p> <p>Recognise tikanga Māori and mātauranga Māori as relevant in assessing regulatory quality.</p> <p>Reaffirm that local government must meet statutory obligations to support Māori participation under the LGA, RMA and other enactments.</p>
Review Mechanism Duplication	<p>Avoid creating parallel, unenforceable mechanisms such as the Consistency Accountability Statements and the Regulatory Standards Board unless there is clear legal authority, independence, and demonstrated public value.</p> <p>Focus instead on resourcing and improving the use of existing tools (e.g. RIS, select committee scrutiny, LDAC guidance).</p>
Narrow Regulatory Framework	<p>Broaden the principles of “responsible regulation” to include public interest goals such as equity, environmental protection, wellbeing, and Treaty obligations.</p> <p>Avoid public labelling of legislation as “inconsistent” to reduce the risk of policy hesitation or chilling effects.</p> <p>Enable flexibility in regulatory design to support local responsiveness and collaborative, Treaty-based approaches.</p>

Conclusion

34. Christchurch City Council does not support the Regulatory Standards Bill in its current form.
35. While the intent to improve legislative quality is acknowledged, the Bill establishes a narrow regulatory framework that risks undermining democratic local decision-making, statutory Treaty obligations, and legitimate public interest regulation. It duplicates existing mechanisms without clear benefit and may constrain councils’ ability to meet their obligations under the LGA and RMA.
36. If the Bill proceeds, it must be significantly amended to:
 - Ensure compatibility with local government’s role and statutory duties under the LGA;
 - Incorporate Te Tiriti o Waitangi and tikanga Māori into its evaluative framework;
 - Strengthen, rather than duplicate, existing regulatory systems and tools; and
 - Embed a broader conception of legitimate regulation within the principles of the Bill.
37. Thank you for the opportunity to provide this submission.

38. For any clarification on points within this submission please contact Luke Adams, Principal Advisor Strategic Policy, luke.adams@ccc.govt.nz.

Ngā mihi,



Phil Mauger
Mayor of Christchurch