Regulatory Impact Statement: Department of Internal Affairs

Coversheet

Purpose of Document	
Decision sought:	Analysis produced for the purpose of informing final Cabinet decisions.
Advising agencies:	Department of Internal Affairs
Proposing Ministers:	Minister of Internal Affairs
Date finalised:	6 November 2024

Problem Definition

The Department of Internal Affairs (DIA) has identified numerous minor errors, gaps, and inconsistencies, as well as unnecessarily prescriptive and/or out-of-date provisions in the legislation it administers, or for which it has operational responsibility. Individually, these issues do not justify standalone amendments to existing legislation, but their combined effect constrains DIA's ability to efficiently and effectively operate some of its regulatory systems. These issues can also have negative impacts for DIA and its customers, as well as regulated parties through longer wait times, inefficient processes, extra administrative burden and potentially higher transaction costs.

The specific problem definition for each issue analysed in this impact statement is included in the tables on pages 8 to 45.

Executive Summary

The Productivity Commission's July 2014 report—*Regulatory Institutions and Practices*—noted the need for a renewed focus on the "repairs [to] and maintenance" of existing legislation. DIA has identified several areas where legislation has not kept pace with technological changes, changes in the operating environment or where there are gaps and inconsistencies in the legislation. These issues affect DIA's ability to effectively and efficiently administer the many regulatory systems for which it has administrative or operational responsibility.

The status quo is sub-optimal. DIA could continue to operate under existing legislative settings while waiting for an opportunity to address the issues identified through separate amendment Bills for each Act. However, such opportunities are infrequent and there are uncertainties about when legislative vehicles would be available and whether they would have broad enough scope to address all the issues identified. DIA would be in breach of its regulatory stewardship obligations under the Public Service Act 2020 if it failed to address the issues identified in a timely manner.

The preferred solution is a Regulatory Systems Amendment Bill (RSAB) that provides for multiple amendments across the various Acts DIA administers, or under which DIA has operational responsibilities. RSABs are a type of omnibus bill. Amendments must be minor or technical, non-contentious, and/or make no-more-than-minor policy changes. However, because RSABs can proceed if there is broad (but not necessarily unanimous) support in the House, RSAB amendments can be more wide-ranging than those suitable for inclusion in a Statutes Amendment Bill.

While not formally recognised in Standing Orders, a RSAB, like the DIA RSAB, may be introduced to the House if:

- the amendments deal with an interrelated topic that can be regarded as implementing a single broad policy; or
- the amendments to be made to each Act are of a similar nature in each case; or
- the Business Committee has agreed to the bill's introduction as an omnibus bill.

With these constraints in mind, DIA has shortlisted 53 amendments it believes are suitable for inclusion in a RSAB. Where DIA does not administer the legislation in question, DIA has consulted with and obtained the agreement of the agencies with formal responsibility for administering the legislation affected.

Examples of amendments proposed for inclusion in the RSAB include:

- restricting the purchase of Lotto NZ's lottery products both in-store and online to people aged 18 and over;
- authorising the Registrar-General, on request by an affected individual, to omit sensitive or upsetting information registered information from a certificate provided the Registrar-General is satisfied that there is good reason to omit that information;
- enabling emergency travel documents to be issued in New Zealand when DIA is unable to issue a passport due to an internal systems failure/unscheduled outage; and
- simplifying the approval process to grant organisations access to electronic credential verification.

To address the ongoing impact of the regulatory issues identified, it is proposed to seek RSAB policy approvals from Cabinet by the end of 2024, with the intention to introduce a bill to the House around the middle of 2025.

This Regulatory Impact Statement (RIS) analyses 19 of the 53 amendments proposed for inclusion in the RSAB. **Appendix A** lists the other proposed 38 amendments for which the Ministry for Regulation confirms a RIS exemption applies.

Limitations and Constraints on Analysis

The original intent and function of the legislation being amended is an inherent limitation on the scope of amendments that can be included in the RSAB. RSABs may not make more-than minor policy changes. These limitations on scope have constrained the range of options that have been analysed in this RIS.

The analysis is primarily reliant on evidence provided by the DIA business units with direct experience of the problems the RSAB proposals address. These business units have offered practical solutions consistent with the original policy intent.

Where applicable, relevant government agencies and key non-governmental stakeholders have been consulted, including but not limited to:

- The Classification Office;
- The Office of the Privacy Commissioner;
- Lotto New Zealand;
- Celebrants Aotearoa – Celebrants Association of New Zealand; and
- The Office of the Auditor-General.

Feedback received has informed the amendments proposed for inclusion in the RSAB.

Wider public consultation has not been undertaken as DIA is confident any impact on regulated parties will be positive or only minor. The public will have the opportunity to provide feedback during the select committee process.

Overall, we have a high level of confidence in our understanding of the problems identified, and at least a medium-to-high level of confidence in our understanding of the impacts that each proposed amendment will have.

Finally, the large number (19 amendments across 11 Acts) and nature of the proposals this RIA considers (i.e., minor, technical, and broadly non-contentious) means a full cost-benefit analysis is not practicable.

Responsible Manager(s) (completed by relevant manager)

Gina Smith

General Manager, Policy Group

Department of Internal Affairs

7 November 2024

Quality Assurance (completed by QA panel)

Reviewing Agency:	Department of Internal Affairs
Panel Assessment & Comment:	The Department's Regulatory Impact Analysis (RIA) panel (the panel) has reviewed the Regulatory Systems Amendment Bill RIA (the RIA) in accordance with the quality assurance criteria set out in the CabGuide. The panel members for this review were: • Sam Miles, Policy Manager (Chair) • Miran Milosevic, Principal Policy Analyst (Member) • Michael Kane, Senior Policy Analyst (Member) • Renée Duffell, Senior Policy Analyst (Member) • Sophia Kalafatelis, Policy Analyst (Secretariat) The panel considers that the information and analysis summarised in the RIA meets the quality assurance criteria. The panel consider the level of detail on the problems, options, consultation and costs to be appropriate for the scale of the regulatory changes analysed in this Regulatory Impact Statement.

Section 1: Diagnosing the policy problem

What is the context behind the policy problem and how is the status quo expected to develop?

1. The Public Service Act 2020, s 12(1)(e)(v), provides that core departmental responsibilities include 'to proactively promote stewardship of the public service, including … legislation administered by agencies'. Older legislation is often very prescriptive, with considerable detail in primary legislation rather than regulation. However, the large number of regulatory systems DIA administers means it is difficult to maintain all these systems through standalone amendment bills. Further, competing legislative priorities and the resultant demands on Parliament's time limit opportunities to update existing Acts.

2. Dated legislation can limit regulators' ability to respond to technological changes and shifts in the operating environment. For example, the Passports Act 1992 does not permit emergency travel documents (ETDs) to be issued in New Zealand when DIA is unable to issue a passport due to an internal systems failure or an unscheduled outage, even though an ETD can be issued for other reasons (e.g. if a passport has been lost or stolen).

3. In addition, over time, accumulated gaps and inconsistencies can have a negative impact on regulators' efficiency and effectiveness. For example, the process for removing marriage celebrants from the "approved" list of celebrants under the Marriage Act 1995 is inconsistent with the more modern process for removing civil union celebrants found in the Civil Union Act 2004. Removal of civil union celebrants can be done by the Registrar-General subject to natural justice considerations, but removal of marriage celebrants must be done by the Minister of Justice with no formal need to consider natural justice.

4. Further, there can also be a direct, negative impact on regulated parties and members of the public due to delays, increased costs, and unnecessary administrative requirements. For instance, the current approval process to allow new organisations to use Electronic Identity Credential (EIC) services to confirm their users' identities requires the Governor-General's approval by Order in Council. This involves a 4 to 8-month long regulation making process following an assessment by DIA, which adds unnecessary costs and delays. These delays discourage uptake from organisations that would benefit from being able to use EIC services to confirm a user's identity more easily.

5. In summary, RSABs are an effective way to address this "accumulated regulatory deficit".

6. DIA has identified 19 amendments across the following Acts which are suitable for inclusion in a RSAB, and which are further analysed in this RIS;

    - Births, Deaths, Marriages, and Relationships Registration Act 2021;
    - Electronic Identity Verification Act 2012;
    - Films, Videos, and Publications Classification Act 1993;
    - Gambling Act 2003;
    - Human Assisted Reproductive Technology Act 2004;
    - Inquiries Act 2013;
    - Local Authorities (Members' Interests) Act 1968;
    - Marriage Act 1995;
    - Passports Act 1992;

- Public Records Act 2005; and
- Boxing and Wrestling Act 1981.

7. The RSAB includes a further 38 amendments for which the Ministry for Regulation confirms a RIS exemption applies (see **Appendix A**).

What is the policy problem or opportunity?

8. DIA's ability to efficiently and effectively operate the regulatory systems it is responsible for is constrained by legislation that is outdated and/or not fit for purpose. There is often a flow-on, negative impact on regulated parties and members of the public.

9. DIA has identified several opportunities to modernise existing legislation, correct errors and omissions, and repeal redundant provisions. These proposals range from being purely administrative and technical to making minor policy changes. Overall, they seek to strike an appropriate balance between achieving meaningful improvements to regulatory systems and being able to obtain broad approval in the House.

10. Progressing these amendments through the RSAB will directly benefit DIA as the regulator, other agencies with an interest in or that are affected by the legislation, regulated parties, and members of the public.

11. The RSAB supports DIA's regulatory stewardship obligations.[1] It is also an effective use of Parliament's time as multiple amendments (that would otherwise require separate amendment bills) can be progressed through the omnibus bill process.

12. The specific problem definition for each issue analysed in this impact statement is included in the tables on pages 8 to 46.

What objectives are sought in relation to the policy problem

13. The overarching objective is to improve the efficiency and effectiveness of DIA's regulatory systems through one or more of the following sub-objectives:

    a. modernise and/or clarify existing legislation to reflect post-enactment technological and environmental changes in a way that:

        i. ensures the Act's purpose/s are reflected in current practice;

        ii. meets the public's and regulated parties' expectations;

    b. reduce the risk of departmental regulatory failure and/or non-compliance by regulated parties by correcting drafting errors, and improving consistency of regulatory requirements across some of the legislation under which DIA operates; and

    c. reduce compliance costs, for regulated parties and DIA, by simplifying current regulatory requirements, and/or repealing redundant provisions.

[1] New Zealand Government "Government Expectations for Good Regulatory Practice" (April 2017) The Treasury <www.treasury.govt.nz>.

Section 2: Deciding upon an option to address the policy problem

What criteria will be used to compare options to the status quo?

14. In order to achieve this objective, each proposal will be assessed against the following criteria:

    a. **Original policy intent**: Does the preferred option support the Act's purposes? Are any proposed policy changes the minimum practicable to achieve the legislative purpose within the current operating environment?

    b. **Efficiency**: Will the preferred option reduce the regulatory burden for DIA and/or regulated parties? Can DIA implement the change(s) without increasing administration costs?

    c. **Cost effectiveness**: Does the preferred option achieve the overarching policy objective while minimising compliance costs for regulated parties?

    d. **Coherence**: Does the preferred option make sense in the context of the various regulatory systems DIA is responsible for? Where applicable, does the option make sense more broadly when considering comparable regulatory systems administered by other agencies?

    e. **Sustainability**: Is the preferred option 'future-proof', i.e., will the option support (or at least, not hinder) potential future changes to operational practice, including responses to changes in technology and commonly accepted best practice? Will the option stop the continuation of current practices that do not lead to optimal outcomes for the public and regulated parties, compared to the status quo? Will it have the support of the public and regulated parties?

15. DIA considers that no individual criterion has more material impact than any other on the assessment of a proposal. Accordingly, in this RIS, criteria are not uniformly weighted, but are weighted in the context of the individual proposal.

The options analysis for each proposal focusses on legislative options because:

a. Where non-legislative interventions have been identified as a feasible option they have been excluded from this RSAB and are being progressed within DIA; and

b. The remainder of proposals being assessed can only be remedied by legislative amendment.

What scope will options be considered within?

16. To obtain Business Committee agreement for introduction, the amendments in an RSAB should deal with an interrelated topic that can be regarded as implementing a single broad policy. They should also be minor or technical, broadly non-contentions and make no-more-than-minor policy changes.

17. The amendments included in DIA's RSAB reflect the following guidance on scope:

    a. The Productivity Commission's July 2014 report—*Regulatory Institutions and Practices*—which noted the need for a renewed focus on the "repairs [to] and maintenance" of existing legislation;

    b. Parliamentary Counsel Office's March 2021 report—*Report of the Chief Parliamentary Counsel on the Review of Subpart 3 of Part 2 of the Legislation Act 2012*—which noted:

i. the RSAB mechanism was part of the Government's response to the Productivity Commission's report; and

ii. RSAB's "are designed for the continuous improvement, or repair and maintenance, of regulatory systems …[and] to fix small regulatory problems."

c. *Parliamentary Practice in New Zealand* (5th ed, 2023) [34.12.6], which notes Regulatory Systems Bills (which are not formally recognised in the House's rules), the Business Committee may approve a RSAB for amendments that:

i. make technical changes across a specific area of Government activity;

ii. are sufficiently cognate they can be considered by one subject select committee [an RSAB can include several cognate Bills]; and

iii. there is broad support across the House [but unlike Statutes Amendment Bills the support does not have to be unanimous].

18. DIA considers all proposals assessed in this RIA reflect these constraints.

What options are being considered?

The following key has been used to show the assessment of the criteria for each option:

- ++ Much better than doing nothing/the status quo/counterfactual
- + Better than doing nothing/the status quo/counterfactual
- 0 About the same as doing nothing/the status quo/counterfactual
- – Worse than doing nothing/the status quo/counterfactual
- – – Much worse than doing nothing/the status quo/counterfactual

Births, Deaths, Marriages, and Relationships Registration Act 2021 (BDMRRA 2021)

Proposal	BDMRRA 2021: Amend s 110 to allow access to printouts of birth records that contain references to "illegitimate".	
Problem Definition	Sections 110 and 94(2) are inconsistent in how they regulate disclosure of birth records with references to "illegitimate". In 1930, references to "illegitimate" ceased, and were deemed expunged from all records created before 1930. Section 110 requires "illegitimate'" to be deleted from birth record printouts, but s 94(2) provides a page of a historical pre-1998 register accessed electronically may contain the reference '"illegitimate". The word 'illegitimate' stopped being recorded on a birth registration in 1930. The requirement to manually create a new record to comply with s 110 access requests adds unnecessary costs with no identified benefit.	
What options are being considered?	Status Quo: Any pre-1930 reference to "illegitimate" on a registered birth record is deemed to be expunged and deleted. Section 110(2) specifies the Registrar-General must ensure that any reference to the word "illegitimate" is deleted from any information or printout provided or made available. Option 2: Amend s 110(2) to allow access to historical printouts (i.e., a scanned copy of the original hard copy birth register) as happens currently with records that do not refer to "illegitimate". [References to "illegitimate" are usually written across the entry in the hard copy register.] Option 2 would streamline the processing of access requests and reduce processing time and costs as it would no longer be necessary to manually create a new record. Option 2 would align s 94(2) and s 110.	
Analysis of options against the criteria	**Option 1 (Status Quo)**	**Option 2**
Original policy intent	**0** Section 110 dates back to 1930 when the law providing for a child to be identified as "illegitimate" was repealed. Any pre-1930 reference to "illegitimate" on a registered birth record is deemed to be expunged and deleted and will not appear on a birth certificate.	**+** Option 2 is consistent with the original policy intent of the BDMRRA 2021 as it aligns access to historical BDM records via printouts with the access authorised via electronic copies of pre-1998 registers.

Proposal	BDMRRA 2021: Amend s 110 to allow access to printouts of birth records that contain references to "illegitimate".	
	Section 94 was added in 2021 as an exception for historical electronic register images. It was allowed on the basis that public benefit from easy access to historical births, deaths and marriages (BDM) records through online access to images of unedited historical register pages outweighed the potential impact on privacy interests.	
Efficiency	0 Creates an unnecessary administrative burden as it requires the manual creation of a new record.	+ Would streamline the processing of access requests, as a scanned copy of the original register entry could be provided.
Cost effectiveness	0 Costs of manually creating new records will continue to be incurred.	+ Would reduce processing time and costs.
Coherence	0 Does not address the inconsistency between ss 94(2) and 110.	+ Addresses the inconsistency between ss 94(2) and 110.
Sustainability	0 Does not meet public expectations about open access to information on a public register.	+ Meets public expectations about open access to information on a public register.
Overall assessment	0	+
What option is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?	Option 2 is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits. Option 2: • addresses the inconsistency between ss 94(2) and 110; • will streamline the processing of access requests, and reduce processing time and costs; and • meets public expectations about open access to information on a public register.	

Proposal	BDMRRA 2021: Amend s 89 to regularise existing contractual arrangements for sharing historical information with genealogy websites.
Problem Definition	DIA has existing information sharing agreements for Births, Deaths and Marriages registry information, formed under the Privacy Act 2020, that are not given legal effect by the BDMRRA 2021. Withheld under sections 9(2)(g)(i) and 9(2)(b)(ii)

Proposal	BDMRRA 2021: Amend s 89 to regularise existing contractual arrangements for sharing historical information with genealogy websites.	
	Withheld under section 9(2)(g)(i) and 9(2)(b)(ii) Bulk sharing agreements is an existing revenue stream for DIA and if the status quo remains, then this will affect this revenue stream.	
What options are being considered?	Status Quo: Existing agreements for bulk sharing historical information, formed under the Privacy Act 2020, will continue to operate, but this does not resolve the inconsistency with the information sharing provisions in the BDMRRA 2021, which do not recognise Privacy Act arrangements. Withheld under section 9(2)(g)(i) Option 2: The proposed amendment will regularise existing arrangements for bulk sharing of historical information (already available to be searched on DIA's website) with genealogy websites. Amend s 89—which allows the Registrar-General to make historical births, deaths, marriages and relationships information available on an Internet site maintained by, or on behalf of, the Registrar-General—to include making historical information available to genealogy websites.	
Analysis of options against the criteria	**Option 1 (Status Quo)**	**Option 2**
Original policy intent	**0** Prior to 2021, the BDMRRA was silent on bulk sharing agreements. Currently, section 123(3)(b) of the BDMRRA 2021 restricts sharing any information unless permitted by the Act. However, there was no express policy intent to exclude bulk sharing.	**+** Option 2 is consistent with the original policy intent of the BDMRRA 2021, as there was no express policy intent to exclude bulk sharing. Section 89 already provides historical information which can be searched on DIA's website. Enabling bulk sharing of historical information gives DIA greater control over the use of the data, including for privacy and security reasons, and minimises the risk of unregulated bulk scraping of the information from DIA's website.
Efficiency	**0** Withheld under section 9(2)(g)(i)	**+** Would regularise existing contractual arrangements for bulk-sharing historical information, and streamline processing for future, similar arrangements.
Cost effectiveness	**0** Potential challenges to bulk-sharing historical information puts revenue at risk.	**+** Protects an existing revenue stream for DIA. If the status quo remains, then bulk sharing agreements cannot continue and will affect this revenue stream.
Coherence	**0**	**+**

Proposal	BDMRRA 2021: Amend s 89 to regularise existing contractual arrangements for sharing historical information with genealogy websites.	
	Does not address the tension/inconsistency between the BDMRRA 2021 and Privacy Act 2020 information sharing provisions.	Addresses the tension/inconsistency between BDMRRA 2021 and Privacy Act 2020 information sharing provisions and means the Registrar-General can make the same historical information it makes available for searching online available to approved genealogy websites.
Sustainability	**0** Will not facilitate future bulk information sharing arrangements; issues arising from current contractual arrangements will remain.	**+** Will regularise existing contractual arrangements and facilitate future bulk-sharing arrangements. Ensures members of the public will continue to have more than one search option for historical information – an "official" BDM website, and approved genealogy websites.
Overall assessment	**0**	**+**
What option is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?	Option 2 is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits. Option 2: • addresses the tension/inconsistency between BDMRRA 2021, and Privacy Act 2020 information sharing provisions; • will regularise existing contractual arrangements, and facilitate future bulk-sharing arrangements; and • ensure members of the public can access the same historical information from an "official" BDM website and approved genealogy websites. The benefit from allowing bulk sharing information to continue outweigh the potential impact on privacy interests. No privacy risks have been raised under the current bulk sharing agreements.	

Proposal	BDMRRA 2021: Amend s 80, 81, 83 and 85 of the BDMRRA and regulation 6 of the BDMRR (Prescribed Information) Regulations to authorise the Registrar-General to exclude, on request, certain (sensitive) information from a birth certificate where it is "necessary to prevent harm". The option will be available to the person named on the certificate or, in the case of a child under age 16, the child's guardian.
Problem Definition	The BDMRRA 2021 requires all information prescribed in regulations to be included in a birth certificate. There is no mechanism for the Registrar-General to exclude certain information from these certificates where the applicant wishes to have it excluded due to ongoing trauma. All the information that is prescribed in the regulations must be included. For example, if the birth certificate revealed details of an incestuous relationship.
What options are being considered?	Status Quo: The Registrar-General must continue to include all prescribed information on a birth certificate.

Proposal	BDMRRA 2021: Amend s 80, 81, 83, and 85 of the BDMRRA and regulation 6 of the BDMRR (Prescribed Information) Regulations to authorise the Registrar-General to exclude, on request, certain (sensitive) information from a birth certificate where it is "necessary to prevent harm". The option will be available to the person named on the certificate or, in the case of a child under age 16, the child's guardian.		
	Option 2: Amend s 80, 81, 83, and 85 of the BDMRRA and regulation 6 of the BDMRR (Prescribed Information) Regulations to authorise the Registrar-General to exclude, at an applicant's request, certain information where it is "necessary to prevent harm". The information would still be recorded on DIA systems, but not on birth certificates. Option 3: Amend s 80, 81, 83, and 85 of the BDMRRA and regulation 6 of the BDMRR (Prescribed Information) Regulations to create an alternative evidence of birth certificate to only contain information requested. This does not change the standard birth certificates.		
Analysis of options against the criteria	**Option 1 (Status Quo)**	**Option 2**	**Option 3**
Original policy intent	**0** The status quo generally requires a birth certificate to contain all the information that is recorded in the registry and is required by regulations. But does not allow for excluding traumatic information.	**0** Option 2 deviates from original policy intent to modernise birth certificates and address ongoing trauma. The information would still be recorded on DIA systems, but not on birth certificates.	**+** Option 3 achieves the overarching policy objective of enabling applicants to request sensitive information be excluded from an evidence of birth record, without requiring changes to standard birth certificates.
Efficiency	**0** No change, as existing processes would continue.	**+** Some change to existing administrative processes as birth certificate applications would need to include an option for information to be withheld where "necessary to prevent harm'". The administrative impact could be reduced over time by incorporating such requests in the birth registration process.	**0** Increased administrative burden as it would be necessary to develop an alternative evidence of birth certificate to achieve the policy objective.
Cost effectiveness	**0** No change, as existing processes would continue.	**+** Lower costs for the Department than Option 3. Lower costs anticipated than status quo as this option to exclude sensitive information will be part of the birth application process.	**–** Higher costs for the Department than Option 2 and the status quo. Costs include the need to create guidance on the grounds for exclusion of traumatic information, and a process for issuing

Proposal	BDMRRA 2021: Amend s 80, 81, 83, and 85 of the BDMRRA and regulation 6 of the BDMRR (Prescribed Information) Regulations to authorise the Registrar-General to exclude, on request, certain (sensitive) information from a birth certificate where it is "necessary to prevent harm". The option will be available to the person named on the certificate or, in the case of a child under age 16, the child's guardian.		
			alternative evidence of birth certificates, including determining fees for this certificate.
Coherence	**0** No change, as all prescribed information would be entered on a birth certificate.	**0** Giving the Registrar-General discretion over what information is recorded on a birth certificate could lead to inconsistencies in information recorded on a certificate. However, the risk could be mitigated by providing clear guidance on the grounds for exercising that discretion.	**0** Achieves the overarching policy objective of enabling applicants to request sensitive information be excluded from an evidence of birth record, without requiring changes to standard birth certificates. Creating a new document may create some level of confusion in the public about the differences between birth certificates and this new document. Some organisations may be reluctant to accept a new document in place of a birth certificate.
Sustainability	**0** Does not offer an option to exclude sensitive information.	**++** Easiest to implement and administer over time. Most likely to meet applicants' expectations for a standard (but redacted) birth certificate.	**0** Separate systems for providing evidence of birth registration (standard birth certificates, and alternative process to exclude sensitive information) would need to continue indefinitely.
Overall assessment	**0**	**+**	**0**
What option is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?	Option 2 is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits. Option 2: • will ensure birth certificate applications include an option to request redaction of information "necessary to prevent harm"; • is more flexible than Option 3; and • will be simpler and less costly to implement than Option 3.		

Electronic Identity Verification Act 2012 (EIVA 2012)

Proposal	EIVA 2012: Amend s 34 to enable an electronic identity credential (EIC) to be suspended (rather than revoked) if there has been a DIA processing error.	
Problem Definition	Currently, s 34(1) provides an EIC can only be suspended if an individual is under investigation, liable to or subject of a specific offence. The specific offences must relate to the EIVA 2012 involving the use of an EIC, or involving a computer system on which the operation of a service database relies upon. Consequently, DIA must revoke an EIC following a processing error as there is no option to simply suspend the EIC. This adds time and cost as the EIC must be recreated from scratch. Allowing EICs to be suspended where there has been a processing error and an EIC issued with incorrect information would enable DIA to amend the incorrect information while ensuring the credential is not used while containing incorrect information.	
What options are being considered?	Status Quo: Where DIA makes a processing error, and an EIC is, for example, issued with incorrect information, the credential must be revoked and recreated with the correct information. Option 2: Amend section 34(1) to allow an application or EIC to be suspended if a processing error has occurred, or where the Chief Executive has reasonable grounds to believe an error was made in the processing of an application for an EIC. DIA would be able to amend an EIC where an error was identified.	
Analysis of options against the criteria	**Option 1 (Status Quo)**	**Option 2**
Original policy intent	**N/A – new policy issue**	**N/A – new policy issue**
Efficiency	**0** No change. There is a greater administrative burden in revoking and reissuing an EIC.	**+** Suspension (rather than revocation) would enable an EIC to be amended if a processing error is identified. This alternative risk-mitigation mechanism achieves the same effect but is a much simpler and quicker process than issuing a new EIC.
Cost effectiveness	**0** Creating a new EIC is more costly for DIA than updating (correcting) an existing EIC.	**++** Updating an existing EIC is less costly for DIA than issuing a new EIC.
Coherence	**N/A** – we have not identified any inconsistencies within the regulatory system	**N/A** – we have not identified any inconsistencies within the regulatory system

Proposal	EIVA 2012: Amend s 34 to enable an electronic identity credential (EIC) to be suspended (rather than revoked) if there has been a DIA processing error.	
Sustainability	**0** No change; EICs will only be able to be suspended in limited circumstances.	**+** Enabling an application or an EIC to be suspended rather than revoked if DIA identifies a possible processing error will discontinue the inefficient process of revoking and reissuing an EIC and offer a degree of future-proofing over and above the existing limited grounds for suspension by providing more flexibility within the regime.
Overall assessment	**0**	**+**
What option is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?	Option 2 is likely to best address the problem, meet the policy objectives and deliver the highest net benefits. It will improve efficiency and cost-effectiveness within the Electronic Identity Verification system. Suspension provides the same risk mitigation mechanism as revocation, and will mean a quicker process for applicants compared to the status quo.	

Proposal	EIVA 2012: Amend s 67 to authorise the Minister of Internal Affairs to approve the addition of new participating organisations.
Problem Definition	The current process to add new organisations to the list of approved agencies (Sch 1) able to use Electronic Identity Credential (EIC) services to confirm an individual's identity requires the Governor-General's approval by Order in Council. This involves a 4 to 8-month long regulation making process following an assessment by DIA of the applying organisation, which adds costs and delays. This discourages uptake from organisations who would benefit from being able to use EIC services to confirm a customer's identity. Requiring a Cabinet approval process reflects a risk-averse approach, which may have been appropriate due to the newness of EIC services at the time. However, this approach has outlived its usefulness.
What options are being considered?	Status Quo: New organisations can only be added to the Sch 1 approved list of participating agencies by Order in Council. Option 2: Minister of Internal Affairs can approve new participating organisations. Option 3: Secretary of Internal Affairs can approve new participating organisations. **Note:** Under Options 2 and 3 DIA would continue to assess applicants' suitability to be listed as a participating agency before they are approved by either the Minister or Secretary of Internal Affairs.

Proposal	EIVA 2012: Amend s 67 to authorise the Minister of Internal Affairs to approve the addition of new participating organisations.		
Analysis of options against the criteria	**Option 1 (Status Quo)**	**Option 2**	**Option 3**
Original policy intent	**0** Ministerial and Cabinet oversight over approved agencies.	**+** Maintains a degree of Ministerial oversight and additional safeguards when approving new participating organisations appropriate to a mature EIC system.	**–** Would reduce Ministerial oversight and related safeguards when approving new participating organisations.
Efficiency	**0** No change. Existing process is inefficient, and results in unnecessary delays.	**+** More timely process, and reduced administrative burden.	**++** Much more timely process, and lowest administrative burden.
Cost effectiveness	**0** No change, not cost-effective.	**+** Lower costs than the status quo.	**++** Lower costs than the status quo and option 2.
Coherence	**N/A** – we have not identified any inconsistencies within the regulatory system	**N/A** – we have not identified any inconsistencies within the regulatory system	**N/A** – we have not identified any inconsistencies within the regulatory system
Sustainability	**0** No change; is not sustainable long term due to the resources and time required to approve organisations which can discourage uptake from organisations.	**+ +** More flexible on-boarding reflects the Minister's interest in the operation of government-sponsored EIC services.	**+** More flexible on-boarding process, but does not fully reflect the Minister's interest in, and level of engagement with the operation of government-sponsored EIC services. May not reflect the public expectations around level of accountability being delegated within the system.
Overall assessment	**0**	**++**	**+**
What option is likely to best address the problem, meet the	Option 2 (Minister can add agencies to the approved list) is the preferred option. It would be more efficient and less costly than the status quo and is more likely to encourage uptake by agencies deterred by the current process. Option 2 offers greater flexibility while retaining an appropriate level of Ministerial oversight.		

Proposal	EIVA 2012: Amend s 67 to authorise the Minister of Internal Affairs to approve the addition of new participating organisations.
policy objectives, and deliver the highest net benefits?	

Films, Videos, and Publications Classification Act 1993 (FVPCA)

Withheld under section 6(c)

Withheld under section 6(c)

Withheld under section 6(c)

Proposal	FVPCA: Amend ss 47(3A) and 48A(a)(ii) to extend the time for filing for a review of a classification decision.
Problem Definition	The statutory deadlines for seeking a review of a Classification decision under ss 47 and 48A are triggered by the registration of that decision by the Classification Office. In the case of films, a classification decision may be sought and obtained weeks or months before the

Proposal	FVPCA: Amend ss 47(3A) and 48A(a)(ii) to extend the time for filing for a review of a classification decision.		
	public release of the film. In these circumstances, the public can have little or no opportunity to examine the film before the deadline for applying to the Secretary for Internal Affairs for leave to seek a review of the classification decision. This is because of the delay between the registration of the classification decision (controlled by the Classification Office) and the release of the film which is controlled by the producer, distributor or exhibitor.		
What options are being considered?	Status Quo: The Classification Office would continue with the current process, and there will continue to be instances where to the delayed public release of a film does not occur before the deadline for seeking a review of the classification decision. Option 2: Extend the period for filing reviews after the date of registration of the classification decision, from the current 30 working days to 60 working days. This will provide the public with more time to seek a review of a decision, and increase the likelihood a film will be publicly released before the review period lapses. Option 3: Change when the time at which the period to seek a review begins. Beginning the review period only when the decision is registered ***and*** the film is publicly released would ensure the public had at least 20 working days, in all instances, to seek a review.		
Analysis of options against the criteria	**Option 1 (Status Quo)**	**Option 2**	**Option 3**
Original policy intent	**0** The status quo does not meet the original policy intent (enable the public to seek a review of classification decisions on publications) as it does not provide the public with adequate time to seek a review due to there being significant delays in some instances between the registration of a classification, and the public release of the classified material.	**+** Only partially meets the original policy intent as it does not address the issues arising from possibility of significant delays between the registration of a classification decision on publications and the public release of the classified material. While this option reduces the risk of the situation arising, it will not guarantee the public's ability to seek a review when there are significant delays between the registration of a classification, and the public release of the classified material.	**++** Meets the original policy intent to enable the public to seek a review of classification decisions on films as it takes into consideration the significant delays that could occur between the registration of a classification decision and the public release of the classified film, which is out of the control of the Classification Office. Starting the review filing period only when a decision is registered, and the film is publicly released guarantees the public is provided with sufficient time to seek a review of a classification decision.
Efficiency	**0**	**0**	**–**

Proposal	FVPCA: Amend ss 47(3A) and 48A(a)(ii) to extend the time for filing for a review of a classification decision.		
	The status quo remains efficient for the regulators as the delays between the publication of a decision and the public release of material does not have an impact on the regulatory bodies.	Does not make any changes to the efficiency of regulatory bodies or administrators of the FVPCA as the process remains the same for the registration of decisions and reviews.	Possibly increase workload for the Classification Office as they would need to track or have a process to determine when a film has been released to determine whether an application for leave to seek a review is within the statutory deadline. However, it is anticipated that the additional workload would be minor as it does not change the process of classifying and publishing decisions.
Cost effectiveness	**0** The status quo remains efficient for the regulated parties as there will be no changes for those who are getting their products classified by the Classification Office.	**0** There will be no impacts to the regulated parties as there will be no changes for those who are getting their products classified by the Classification Office.	**–** A minor increase of workload to the body/person who controls the public release of the film in order to notify the Classification Office about the timing of public release.
Coherence	**N/A** – we have not identified any inconsistencies within the regulatory system	**N/A** – we have not identified any inconsistencies within the regulatory system	**N/A** – we have not identified any inconsistencies within the regulatory system
Sustainability	**0** This option is not sustainable because it is inflexible and will not account for possible changes to industry practice in when they submit a publication for classification in the future. This would change processes that might affect the timing of publication of decisions which would then impact on the public's timeframe to seek a review.	**0** This option remains the same as the status quo because it is inflexible and will not account for future changes to classification processes and industry practices which might affect the timing of when a decision is entered in the register and when a film is publicly released. The potential impact this could have on timing of decisions would mean that the public could face uncertainty with regards to	**++** Is sustainable, as it future-proofs the public's ability to seek a review of classification decision regardless of delays between the date of registration of a decision and when a film becomes publicly available. It is also flexible and will account for future changes to processes that might affect the timing of decisions and public releases.

Proposal	FVPCA: Amend ss 47(3A) and 48A(a)(ii) to extend the time for filing for a review of a classification decision.		
		how much time they have to seek a review of a classification decision.	
Overall assessment	**0**	**0**	**++**
What option is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?	Option 3 would best address the problem and deliver the highest benefit as it would meet the original policy intent of allowing the public adequate time to seek reviews. It would be able to do this with minimal costs and in a way that is future-proof to changing timeframes. In addition, the Classification Office, who is the regulator of this section of the Act,, advised that they preferred Option 3, which they see as the best fit and most efficient in addressing the policy problem.		

Gambling Act 2003

Proposal	Gambling Act: Amend s 95(1)(c) to clarify the "single Class 4 venue" requirement for merged clubs does not apply to the new club's non-gambling (e.g., sporting) activities.	
Problem Definition	When two clubs with Class 4[2] licences merge, the Minister has the discretion to permit the new club to permanently operate more electronic gaming machines than would normally be permitted at a single club venue. However, the merging clubs must demonstrate they intend to merge into a single club operating as a single Class 4 venue. This creates uncertainty over whether the new (merged) club can conduct non-gambling activities (e.g., tennis and bowls) at different venue or venues. Clubs that look at the Act and organise their structures before they approach the Department to pursue a merger may divest themselves of property unnecessarily.	
What options are being considered?	Status Quo: Retain existing wording in s 95(1)(c). Option 2: Amend s 95(1)(c) to clarify the "single Class 4 venue" requirement for merged clubs does not apply to the new club's non-gambling (e.g., sporting) activities. The non-regulatory option of providing education to the Class 4 Club sector is not considered a feasible option as Clubs tend to refer to the Act when pursuing a merger.	
Analysis of options against the criteria	**Option 1 (Status Quo)**	**Option 2**

[2] Class 4 gambling is any electronic gaming machine (pokies) that operate outside a casino, as set out in the Gambling Act.

Proposal	Gambling Act: Amend s 95(1)(c) to clarify the "single Class 4 venue" requirement for merged clubs does not apply to the new club's non-gambling (e.g., sporting) activities.	
Original policy intent	**0** No change; the original policy intent was to facilitate the sustainability of the declining club sector and the status quo does not fully support that.	**+** Supports the sustainability of the Club sector.
Efficiency	**0** No change; clubs that are merging could spend unnecessary time investigating how to continue with non-gambling activities that require different facilities.	**+** Easy to implement and will reduce the administrative burden for DIA and Class 4 operators.
Cost effectiveness	**0** No change; Class 4 operators will continue to potentially incur unnecessary compliance costs.	**+** No cost to DIA; reduces the risk clubs divest property unnecessarily.
Coherence	**N/A** – we have not identified any inconsistencies within the regulatory system	**N/A** – we have not identified any inconsistencies within the regulatory system
Sustainability	**0** No change.	**+** Supports clubs to not divest property unnecessarily in the future.
Overall assessment	**0**	**+**
What option is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?	Option 2—amend s 95(1)(c)—is the preferred option. This would clarify that clubs that merge to form a single club can retain, or establish, non-Class 4 venues. It would reduce potential uncertainty and reduce the risk of clubs divesting property unnecessarily. This would better match the original legislative intent of facilitating the sustainability of a declining club sector.	

Proposal	Gambling Act: Amend s 301(1) to restrict the sale of Lotto NZ products, in store and online, to those aged 18 years and older.
Problem Definition	The overall policy intent of age restrictions in the Gambling Act were to protect children and rangatahi from the risks of gambling harm. Currently, the only Lotto NZ products that have an age restriction are Instant Kiwi sales (see section 301(1)). Lotto NZ's lottery products do not currently have an age restriction. There is evidence from New Zealand research that children and rangatahi are buying Lotto NZ

Proposal	Gambling Act: Amend s 301(1) to restrict the sale of Lotto NZ products, in store and online, to those aged 18 years and older.			
	products - a study of 900 Pasifika children indicates that 7% of 9-year old Pacific children in New Zealand reported buying lottery products,[3] and a survey of over 6100 students indicates that 4.1% of New Zealand secondary school students have gambled on lottery products.[4] Research also indicates the younger a person begins gambling, the stronger the likelihood that they develop gambling problems.[5]			
What options are being considered?	Status Quo: No age restrictions on Lotto NZ's lottery products. Option 2: Amend s 301(1) to restrict the purchase of Lotto NZ's products, in-store and online, to those aged 18 years old and over. Option 3: Amend s 301(1) to restrict the purchase of Lotto NZ's lottery products, in-store and online, to those aged 16 years old and over. Under Options 2 and 3, current offences related to Lotto NZ's instant games would be extended to Lotto NZ's lottery products. This would include creating an offence relating to the purchase or attempted purchase of a Lotto NZ lottery product (in-store or online) for: • an underage person; • a person who does this on behalf of an underage person; and • a person who offers to sell such a product to an underage person. Option 4: Use game rules (secondary legislation) to set an age limit for Lotto NZ's lottery products of either 16 or 18 years old and over. Lotto NZ create its own rules regarding gambling conduct and operation, and these must be approved by the Minister of Internal Affairs. Lotto NZ then has to comply with the rules. The only offence that would be available for this would be against Lotto NZ for not complying with game rules (rather than the individuals that can be prosecuted for options 2 and 3).			
Analysis of options against the criteria	**Option 1 (Status Quo)**	**Option 2**	**Option 3**	**Option 4**
Original policy intent	**0** No change; the current risk of gambling harm to children and rangatahi does not match the original policy intent of the	**++** Children and rangatahi will be better protected from the risk of gambling harm.	**+** Children and rangatahi up to the age of 16 will be better protected from the risk of gambling harm.	**+** Children and rangatahi may be better protected from the risk of gambling harm.

[3] Bellringer, M. et al (2014) *Gambling behaviours and associated familial influences among 9-year old Pacific children in New Zealand*, International Gambling Studies 14:3

[4] Youth19 (2021) New Zealand Youth 2000 Survey Series, ran by the Universities of Auckland, Wellington, Otago, and AUT.

[5] Up to 8% of adolescents in this study reported significant pathological or problem patterns of gambling, with 10–15% at risk for the development of severe problems. Hardoon K.K. & Derevensky, J.L. (2002) *Child and adolescent gambling behaviour: Current knowledge,* Clinical Child Psychology and Psychiatry 7(2)

Proposal	Gambling Act: Amend s 301(1) to restrict the sale of Lotto NZ products, in store and online, to those aged 18 years and older.			
	protection of this vulnerable group.			
Efficiency	**0** No change; current operational practices would continue.	**–** Applying age restrictions to more products will impose an additional regulatory obligation on Lotto NZ. Enforcement would be more effective as there would be more offences under this option (see option description) and offences like these have been tested in the Courts.	**–** Applying age restrictions to more products will impose an additional regulatory obligation on Lotto NZ. Enforcement would be more effective as there would be more offences under this option (see option description) and offences like these have been tested in the Courts.	**– –** Applying age restrictions to more products will impose an additional regulatory obligation on Lotto NZ. This option would be challenging to enforce as the offence for this would be based on non-compliance with game rules which has not been tested in the Court.
Cost effectiveness	**0** No change.	**++** Lotto NZ will incur additional costs in implementation, and in updating its age verification processes. Lotto NZ has expressed willingness to incur these costs.	**+** Lotto NZ will incur additional costs in implementation, and in updating its age verification processes. Lotto NZ has expressed willingness to incur these costs. The costs will be the same as for option 2, however it will have more limited impact on rangatahi aged 16 and 17 years.	**–** Lotto NZ will incur additional costs in implementation, and in updating its age verification processes. The costs will be the same as for option 2, however it will have a more limited impact given the enforcement challenges.
Coherence	**0** No change; inconsistency for sales of Instant Kiwi (which have a R18 limit), and other Lotto NZ products will remain, and inconsistency with other types of	**++** Would ensure the same R18 limit applies to all Lotto NZ products, and other types of gambling (e.g., pokies and TAB NZ).	**–** Inconsistent with existing R18 restrictions that apply to Instant Kiwi and other types of gambling (e.g., pokies and TAB NZ).	**–** If the age restriction is set at 16, inconsistency with existing R18 restrictions that apply to Instant Kiwi sales and other types of gambling (e.g., pokies and TAB NZ).

Proposal	Gambling Act: Amend s 301(1) to restrict the sale of Lotto NZ products, in store and online, to those aged 18 years and older.			
	gambling (e.g., pokies and TAB NZ which have a R18 limit).			
Sustainability	**0** Not sustainable given the risk gambling at a young age poses for current and future gambling harm.	**++** Would reduce the exposure of children, rangatahi, and young people to gambling products, and reduce the risk of gambling harm.	**+** Would reduce the exposure of children, rangatahi, and young people to gambling products, and reduce the risk of gambling harm. However, it would not reduce the risk for 16 and 17 year olds. .	**–** It is uncertain how sustainable this is as enforcement will be difficult. This means it will be less effective in reducing gambling harm. May need to be reviewed if the Act is changed in the future.
Overall assessment	**0**	**++**	**+**	**–**
What option is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?	Option 2 is the preferred option as it will reduce the risk of gambling harm to children and young people and ensure that all Lotto NZ products have the same age restriction. Lotto NZ supports the proposed amendment.			

Human Assisted Reproductive Technology Act 2004 (HART Act)

Proposal	HART Act: Insert a new section to allow a personal representative to update information about donors and donor offspring.
Problem Definition	The HART Act allows for donors and donor offspring to update information about themselves. This enables genetic relatives to see up-to-date information that may be relevant to them. However, information about donors and donor offspring cannot be updated after the donor or donor offspring's death. In some cases, the ability to update this information would be relevant to genetic relatives, for example, if a donor dies of a condition with a genetic component, donor offspring would benefit from having access to this information.
What options are being considered?	Status Quo: Only donors and donor offspring can update information about themselves.

Proposal	HART Act: Insert a new section to allow a personal representative to update information about donors and donor offspring.	
	Option 2: A personal representative[6] will be able to update information about a donor or a donor offspring.	
Analysis of options against the criteria	**Option 1 (Status Quo)**	**Option 2**
Original policy intent	**0** The purpose of the Act is, s3(f): "To establish a comprehensive information-keeping regime to ensure that people born from donated embryos or donated cells can find out about their genetic origins; and the human health, safety, and dignity of present and future generations should be preserved and promoted." Information cannot be updated after a donor or donor offspring's death, leaving a gap in the information-keeping regime."	**+** Consistent with the stated purpose and closes a gap in the status quo.
Efficiency	**0** No change.	**+** Allowing a personal representative to update information will not be limited to situations where the donor/donor offspring has died. For example, the power could be utilised by a donor who wants to update information but is overseas, and has limited accessibility. The power to use a representative would increase efficiency.
Cost effectiveness	**0** No change.	**0** Minimal cost to implement as processes for updating information are already in place, as are processes for verifying the identity of a personal representative (used in a BDMRRA context).
Coherence	**0** No change.	**+** Related legislation, such as the BDMRRA 2021, allows a personal representative to update certain information.
Sustainability	**0** No change. Not sustainable as more options for genetic testing are becoming available.	**+** Will future-proof options for donors/donor offspring as assisted reproductive technology is being used more widely, and knowledge

[6] As defined in section 87 of the Births, Deaths, Marriages, and Relationships Registration Act 2021.

Proposal	HART Act: Insert a new section to allow a personal representative to update information about donors and donor offspring.	
		about the genetic components of hereditary conditions, illness, and disease improves over time
Overall assessment	**0**	**+**
What option is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?	Option 2 is most likely to address the problem, meet the policy objectives and deliver the highest net benefits. It is likely to perform better than the status quo in terms of achieving the original policy intent and is also likely to be more efficient and sustainable. Option 2 will align the HART Act with the BDMRRA 2021 and is consistent with the Improving Arrangements for Surrogacy Bill which is currently being considered at Select Committee.	

Proposal	HART Act: Insert a new section to authorise the Registrar-General to notify fertility clinics how many offspring a donor has.	
Problem Definition	Fertility clinics in New Zealand operate under ethical protocols about how many times a donor's sperm is used, which minimises the risk of donor-conceived people forming relationships with unknown siblings. However, clinics do not know if a donor has donated at multiple clinics. This reduces clinics' ability to monitor how many times a donor's sperm is used and retains the risk of unknown sibling relationships forming. The HART Act does not authorise the Registrar-General to notify clinics about how many offspring a specific donor has, and doing so would conflict with s 52, which prohibits the Registrar-General from sharing donor information unless authorised.	
What options are being considered?	Status Quo: The Registrar-General is unable to notify fertility clinics how many offspring a donor has. Option 2: Amend the HART Act to authorise the Registrar-General to notify fertility clinics how many offspring a donor has.	
Analysis of options against the criteria	**Option 1 (Status Quo)**	**Option 2**
Original policy intent	**0** No change: Consistent with the purpose of the Act, s 3(d): "To provide a robust and flexible framework for regulating and guiding the performance of assisted reproductive procedures."	**+** Improves the robustness of the framework by ensuring ethical protocols can more easily be observed.
Efficiency	**0** No change. Clinics are limited in their ability to seek information about a donor's offspring from alternative sources.	**+**

Proposal	HART Act: Insert a new section to authorise the Registrar-General to notify fertility clinics how many offspring a donor has.	
		Clinics can easily and reliably determine the number of offspring a donor has compared to obtaining that information through some other mechanism.
Cost effectiveness	0 No change. Clinics incur costs in seeking information about a donor's offspring from alternative sources.	+ The Registrar-General may incur some costs involved in sharing information with clinics, but these costs are likely to be outweighed by savings for clinics. The total system costs should reduce.
Coherence	0 No change.	+ Supports the ethical protocols fertility clinics operate under by providing a trusted mechanism for clinics to ensure donor sperm is not used more often than the ethical protocols allow.
Sustainability	0 No change. Not sustainable as use of assisted reproductive procedures becomes increasingly common, increasing the risk posed by "rogue" donors.	+ Will facilitate information sharing arrangements, which are likely to become increasingly important as the use of assisted reproductive procedures increases. Fertility clinics have asked DIA to pursue this solution.
Overall assessment	0	+
What option is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?	Option 2 is most likely to address the problem, meet the policy objectives and deliver the highest net benefits. It is likely to be widely supported and will better achieve the original policy intent. It is also likely to be more efficient, cost effective and sustainable.[7]	

Inquiries Act 2013

[7] A preliminary Privacy Impact Assessment (PIA) found that a PIA was not required.

Proposal	Inquiries Act: Amend s 12(3) to authorise the responsible Minister to temporarily redact information from a public inquiry report, or delay presentation of the final report, where this is necessary to avoid interference with the administration of justice or to protect fair trial rights.	
Problem Definition	Over the last 10 years, several instances have arisen where there has been a potential overlap, in timing and scope, between public inquiries and criminal proceedings. This can put a person's fair trial rights at risk. Section 12(3) of the Act requires the final report of a public inquiry to be presented to the House of Representatives as soon as practicable. However, the underlying policy intent (a public inquiry should report publicly, at the earliest opportunity) was not intended to interfere with the administration of justice, including fair trial rights.	
What options are being considered?	Status Quo: The appropriate Minister must present the final inquiry report to the House of Representatives as soon as practicable after the inquiry has reported. Option 2: Amend s 12(3) to authorise the responsible Minister to temporarily redact information from a public inquiry report, or delay presentation of the final report, where this is necessary to avoid interference with the administration of justice, or to protect fair trial rights.	
Analysis of options against the criteria	**Option 1 (Status Quo)**	**Option 2**
Original policy intent	**0** No change; tension between s 12(3) publication requirements, and "administration of justice requirements" remains.	**+** Allowing temporary redactions, and/or temporarily delaying the release of a public inquiry report, to prevent interference with concurrent criminal proceedings, is consistent with the underlying requirement to release the full report *as soon as practicable*.
Efficiency	**0** Withheld under section 9(2)(g)(i)	**+**
Cost effectiveness	**0** No change; cost can be incurred in defending a Minister's decision to delay/not to delay all/part of a final public inquiry report.	**0** Reducing the risk a Minister's decision will be challenged *could* have a corresponding benefit in terms of reducing costs.
Coherence	**0**	**++**

Proposal	Inquiries Act: Amend s 12(3) to authorise the responsible Minister to temporarily redact information from a public inquiry report, or delay presentation of the final report, where this is necessary to avoid interference with the administration of justice or to protect fair trial rights.	
	No change; inconsistency with s 25(1)(a) of the New Zealand Bill of Rights Act 1990, which protects an individual's fair trial right continues. Inconsistent with s 68(2) of the Coroners Act 2006, which requires the coroner to delay opening an inquiry, or adjourn an inquiry where: • a person has been, or may be charged, with an offence relating to a death, and • the coroner is satisfied opening or proceeding with an inquiry could prejudice the person.	Consistent with s 68(2) of the Coroners Act 2006, which requires the coroner to delay opening an inquiry, or adjourn an inquiry where: • a person has been, or may be charged, with an offence relating to a death, and • the coroner is satisfied opening or proceeding with an inquiry could prejudice the person. Consistent with s 25(1)(a) of the New Zealand Bill of Rights Act 1990, which protects an individual's fair trial rights. Resolving the existing conflict between fair trial rights and the requirement to present a report to the House as soon as practicable, enhances coherence overall.
Sustainability	**0** No change; existing problems and tension arising from s 12(3) will continue. Instances where criminal proceedings potentially overlap both in the timeframe and substance with the scope of an inquiry, and where fair a risk to fair trial rights arises as a result, are likely to continue. Where criminal proceedings emerge concurrent with, or in close proximity to, an inquiry, belatedly amending the terms of reference for the inquiry is not always an effective response to either the risk to fair trial rights, or the risk to public confidence in an inquiry if it is prevented from including otherwise relevant material in its final report.	**+** Supports and balances the public interest in the public inquiry process, and in non-interference in the administration of justice, including fair trial rights. Providing that redactions to a report, or a delay in presentation of an inquiry report, is only temporary, will help maintain public confidence in inquiry findings.
Overall assessment	**0**	**+**
What option is likely to best address the problem, meet the	Option 2 is most likely to address the problem, meet the policy objectives and deliver the highest net benefits. It is likely to be widely supported and will better achieve the original policy intent. It is also likely to be more efficient and sustainable. The proposal could have a corresponding benefit in terms of reducing costs, although this not certain. The Ministry of Justice has been consulted and supports the change.	

Proposal	Inquiries Act: Amend s 12(3) to authorise the responsible Minister to temporarily redact information from a public inquiry report, or delay presentation of the final report, where this is necessary to avoid interference with the administration of justice or to protect fair trial rights.
policy objectives, and deliver the highest net benefits?	

Local Authorities (Members' Interests) Act 1968 (LA(MI)A 1968)

Proposal	LA(MI)A 1968: Amend s 3(1) to increase the "disqualifying limit" that prevents a person from being elected or appointed to a Council, without the Auditor-General's approval, if the person has a concern or interest in a contract with the Council totalling more than $25,000 in a financial year. The proposed new limit is $100,000, GST exclusive, and will be inflation adjusted every three years (i.e., once per electoral cycle).	
Problem Definition	The s 3(1) disqualifying limit is commonly called "the contracting rule". The contracting rule has been in place since the LA(MI)A 1968 came into force. The current limit ($25,000) was set in 1982. Inflation alone means $25,000 in 1982 would be worth nearly $82,000 in 2024. Further, it is unclear whether the $25,000 limit is inclusive or exclusive of GST, as GST was not introduced until 1985. Adding GST would increase $82,000 to $94,300. The current, out-of-date, disqualifying limit creates unnecessary compliance costs for local authorities. Councils are required to apply to the Auditor-General for approvals for councillors with interest/s in what would be considered insignificant contracts in 2024. In addition, the Office of the Auditor General has to invest time and resources to process applications, for little or no public benefit. Local authorities now have access to other methods for addressing conflicts of interest (e.g. interest registers, standing orders). These operate alongside the contracting rule and apply to both pecuniary and non-pecuniary interests.	
What options are being considered?	Status Quo: Disqualifying threshold remains at $25,000, together with the uncertainty about whether the limit is GST inclusive or exclusive. Option 2: Amend s 3(1) to: • increase the disqualifying limit to $100,000, GST exclusive; • insert a mechanism to update the limit every three years in line with changes in the CPI, with the update to be timed so it is completed in time to give certainty to those considering standing for election; and • require an eight-yearly review of the appropriateness of the (then) current disqualifying limit, and the mechanism for calculating it.	
Analysis of options against the criteria	**Option 1 (Status Quo)**	**Option 2**

Proposal	LA(MI)A 1968: Amend s 3(1) to increase the "disqualifying limit" that prevents a person from being elected or appointed to a Council, without the Auditor-General's approval, if the person has a concern or interest in a contract with the Council totalling more than $25,000 in a financial year. The proposed new limit is $100,000, GST exclusive, and will be inflation adjusted every three years (i.e., once per electoral cycle).	
Original policy intent	**0** The original policy intent is about: • mitigating the risk that those involved in governance are unduly influenced by vested personal interest; • giving the public confidence in the independence of local government; and • ensuring that minor interests are not a reason for disqualification as this creates an unreasonable barrier to standing for and participating in local government. The status quo is not meeting this intent because the low disqualifying limit is creating an unreasonable barrier.	**++** An increased disqualifying limit is more consistent with the original policy intent as it would no longer present an unreasonable barrier to participation in local government.
Efficiency	**0** No change; out-of-date disqualifying limit creates an unnecessary administrative burden for local authorities and the Auditor-General.	**++** Reduces the administrative burden for all concerned as it will substantially reduce the applications for an exemption.
Cost effectiveness	**0** No change, not cost effective.	**++** Will substantially reduce costs for local authorities and the Auditor-General. Central government costs for reviewing the disqualifying limit will be partially offset by savings from the Auditor-General processing fewer applications.
Coherence	**N/A** – we have not identified any inconsistencies within the regulatory system	**N/A** – we have not identified any inconsistencies within the regulatory system
Sustainability	**0** No change, is not sustainable; the current disqualifying limit was set 42 years ago.	**+** Future-proofs the disqualifying limit, without affecting the public interest in transparency concerning actual or potential conflicts of interest. Local authorities will continue to have access to other methods for addressing conflicts of interest (e.g., interest register; standing orders) that operate alongside the contracting rule.

Proposal	LA(MI)A 1968: Amend s 3(1) to increase the "disqualifying limit" that prevents a person from being elected or appointed to a Council, without the Auditor-General's approval, if the person has a concern or interest in a contract with the Council totalling more than $25,000 in a financial year. The proposed new limit is $100,000, GST exclusive, and will be inflation adjusted every three years (i.e., once per electoral cycle).	
Overall assessment	**0**	**++**
What option is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?	Option 2 is most likely to address the problem, meet the policy objectives and deliver the highest net benefits. It is also likely to be more efficient, cost effective and sustainable. Option 2 will reduce/eliminate a potential barrier to those considering standing for election. Councils and the Office of the Auditor-General will feel the greatest impacts of the change and see the cost savings, as they will have to make and process fewer applications under s 3(1) of the LA(MI)A 1968 respectively. There are other tools and methods to address conflicts of interests in local government that aim to improve transparency and public confidence and the disqualifying limit will still apply to significant contracts, limiting the effects of the change for the general public. The Auditor-General supports Option 2.	

Marriage Act 1995

Proposal	Marriage Act: Amend s 13(2) to align the process of, reasons for, and responsibility for removing celebrants from the approved list with those in s 28 of the Civil Union Act 2004.
Problem Definition	Section 13(2) of the Marriage Act authorises the Minister of Justice formal responsibility for removing celebrants' names from the "approved" list. The grounds for removal do not align with those in the Civil Union Act, and do not provide for natural justice considerations (despite the possible impact on celebrants' livelihood). The Marriage Act provides a general criteria—simply that the marriage celebrant "should not continue to be a marriage celebrant"—and no transparent process for removal from the approved list. In contrast, S28(2) of the Civil Union Act provides a robust and transparent criteria and process for cancellation. The Registrar-General must first give notice of a possible cancellation, give the person a reasonable opportunity to respond, consider the response, and provide written notice of the decision. This is more likely to be consistent with natural justice rights. Although the wording of the two Acts differs regarding removal, the actual process DIA follows for implementing the removal is the same, apart from where the responsibility for removal sits. For marriage celebrants, the responsibility for removal sits with the Minister of Justice. This is more administratively cumbersome compared to the Civil Union Act, which authorises the Registrar-General to cancel a civil union celebrant's appointment (s 28(2)) if the person no longer meets the criteria for appointment (s 26(2)), subject to notice/natural justice considerations (s 28(3)). The Civil Union Act process is more suited to the current operating environment, and ensuring the same standards apply to the marriage and civil union regimes will help avoid inconsistencies.
What options are being considered?	Status Quo: Registrar-General must obtain the Minister of Justice's approval to remove a celebrant's name from the "approved" list; misalignment between the Marriage Act and the Civil Union Act concerning the grounds for removal.

Proposal	Marriage Act: Amend s 13(2) to align the process of, reasons for, and responsibility for removing celebrants from the approved list with those in s 28 of the Civil Union Act 2004.		
	Option 2: Amend s 13(2) to align to align the process of, reasons for, and responsibility for removing celebrants from the approved list with those in s 28 of the Civil Union Act 2004. Option 3: Amend s 13(2) to authorise the Registrar-General to remove celebrants from the "approved" list.		
Analysis of options against the criteria	**Option 1 (Status Quo)**	**Option 2**	**Option 3**
Original policy intent	**0** No change; intention is to enable prompt removal of unsuitable celebrants, and/or those who do not meet their legal obligations.	**0** No change; intention is to enable prompt removal of unsuitable celebrants, and/or those who do not meet their legal obligations.	**0** No change; intention is to enable prompt removal of unsuitable celebrants, and/or those who do not meet their legal obligations.
Efficiency	**0** No change; existing inefficiencies remain as the Registrar-General must obtain the Minister of Justice's approval to remove a celebrant from the "approved" list.	**++** Removing the requirement to obtain the Minister of Justice's approval will streamline the removal process, while incorporating natural justice considerations will reduce the likelihood of challenges from celebrants challenging their removal.	**+** Removing the requirement to obtain the Minister of Justice's approval will streamline the removal process.
Cost effectiveness	**0** No change; obtaining the Minister of Justice's approval adds time and cost.	**+** Should reduce overall costs through streamlining the removal process.	**+** Should reduce overall costs through streamlining the removal process.
Coherence	**0** No change; inconsistencies between the Marriage and Civil Union Acts remain.	**++** Resolves the inconsistencies between the Marriage and Civil Union Acts.	**+** Resolves the inconsistency over who has responsibility for removing celebrants, but inconsistencies over the grounds for/process of removal remain.
Sustainability	**0** No change; not sustainable. The need to obtain the Minister of Justice's approval to	**++** Most likely to avoid the need for a further review in future as it accounts for natural	**+** An improvement on the status quo (increases the efficiency for removal,

Proposal	Marriage Act: Amend s 13(2) to align the process of, reasons for, and responsibility for removing celebrants from the approved list with those in s 28 of the Civil Union Act 2004.		
	remove an unsuitable celebrant causes unnecessary delays, which could put the public at risk. Currently, the Registrar-General can ask a person who no longer meets the suitability criteria (e.g., after conviction for a criminal offence) to voluntarily remove themselves from the list but the person's co-operation cannot be relied on.	justice, increases the efficiency of removal, and reduces the risk to the public.	reduces the risk to the public), but the opportunity to fully align the relevant provisions in the Marriage and Civil Union Acts will be lost.
Overall assessment	**0**	**++**	**+**
What option is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?	Option 2 is most likely to address the problem, meet the policy objectives and deliver the highest net benefits. It is likely to be more efficient, cost effective and sustainable. It is likely to be widely supported and will better achieve the original policy intent. Feedback was sought from Celebrant Groups. There are 2,752 approved organisations which undertake an annual renewal, consultation with this group was through the 525 central contacts for each group. Seven organisations chose to respond with all but one supporting the proposal. Both the Ministry of Justice and the Minister of Justice (who administers the legislation) have approved the proposal. We do not expect the proposal to create any additional costs. Apart from the final responsibility for removal changing to the Registrar-General, DIA is already implementing the removal of marriage celebrants consistent with Option 2. Due to reducing the administrative burden by no longer requiring approval from the Minister of Justice, Option 2 is likely to lead to a minor decrease in administrative costs.		

Passports Act 1992

Proposal	Passports Act: Amend s 23 to enable DIA to issue an emergency travel document (ETD) when it is unable to issue a passport due to an internal systems failure.
Problem Definition	Withheld under section 9(2)(h) [redacted] While this happens only rarely, issuing an ETD has been seen as an appropriate customer-focused response. ETDs are not accepted by all countries and the countries that accept ETDs changes from time to time. Nevertheless, ETDs can be a valid option in certain circumstances. The status quo has the potential to affect more people in future as DIA is decommissioning its backup passport system in June 2025. While systems failure/unscheduled outages are rare, ETDs can minimise the impact on people who need to travel urgently. As

Proposal	Passports Act: Amend s 23 to enable DIA to issue an emergency travel document (ETD) when it is unable to issue a passport due to an internal systems failure.	
	ETDs are already currently issued for other circumstances, and previously for internal failures, there are protections in place to ensure integrity is maintained.	
What options are being considered?	Status Quo: DIA is unable to issue an ETD, in place of a passport, when it is unable to issue a passport due to an internal systems failure. Option 2: Amend s 23 to enable DIA to issue an ETD when it is unable to issue a passport due to an internal systems failure/unscheduled outage. Subject to discussions with the Parliamentary Counsel Office (actual wording TBC), Option 2 will add "government technological errors" to the situations where an ETD may be issued.	
Analysis of options against the criteria	**Option 1 (Status Quo)**	**Option 2**
Original policy intent	**0** No change, the original policy intent of ETDs is for when a person's passport has been lost, stolen, destroyed, or is temporarily unavailable.	**0** Option 2 is consistent with the existing grounds for issuing an ETD, which include when a person's passport has been lost, stolen, destroyed, or is temporarily unavailable.
Efficiency	**0** No change; may require additional resources to deal with queries arising from system failures/unscheduled outages.	**+** Easy to implement as ETDs were previously made available onshore when needed.
Cost effectiveness	**0** No change; some costs *could* be incurred through the resources required to deal with customers affected by a systems failure/unscheduled outage.	**0** Time and resources involved in processing an ETD (and a passport at a later date) *could* be offset by reducing time and resources dealing with customers affected by a systems failure/unscheduled outage.
Coherence	**0** No change; The ETDs Ministry of Foreign Affairs and Trade (MFAT) issue offshore under an MOU with DIA, fall into a different category to ETDs DIA issues onshore. Subsections 23(1) and 23(2) do not specify whether the ETD must be issued in NZ or abroad, and or whether person requiring the ETD must be in NZ or abroad. Consequently, we can infer that an ETD	**0** Will not impact the broader issuing of ETDs (offshore). Although issuing ETDs for systems failures/unscheduled outages is not currently possible under s 23, DIA issuing ETDs in New Zealand is already possible under ss 23(1) and (2).

Proposal	Passports Act: Amend s 23 to enable DIA to issue an emergency travel document (ETD) when it is unable to issue a passport due to an internal systems failure.	
	can be issued under subsections 23(1) and (2) either in NZ or abroad, regardless of the person's location.	
Sustainability	**0** No change; does not address the possible (greater) impact of internal systems failures/unscheduled outages after June 2025 when the backup passport system will be decommissioned.	**+** Will minimise the impact of internal systems failures/unscheduled outages on people who need to travel urgently.
Overall assessment	**0**	**+**
What option is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?	Option 2 is most likely to address the problem, meet the policy objectives and deliver the highest net benefits. While the need to issue an ETD in place of a passport will be infrequent, it is an important backstop for those who need to travel urgently. Option 2 is most likely to benefit those travelling from New Zealand to the Pacific Islands. Option 2 will be easy to implement it does not require a change to existing processes.	

Public Records Act 2005

Proposal	Insert a new section in the Public Record Act 2005 (PRA) to clarify the status of public records following an authorised sale.
Problem Definition	Section 20(1) of the PRA provides five means by which the Chief Archivist can authorise disposal of public records, including by sale. Three of the five disposal actions involve the Chief Archivist or a public office retaining control of the records. One option–*discharging*– involves control passing to another person. Section 25(3) of the PRA provides that *discharged* records become the other person's property and cease to be public records. There is no provision equivalent to s 25(3) for records that are *sold*. Consequently, these records remain public records, and the new owner continues to be subject to all PRA requirements, even when, for example, the Crown sells an entire entity or government function. In the event of a sale, the Chief Archivist can require some records to be retained as public archives, which ensures ongoing public access to records with archival value. For other records disposed of by sale, maintaining public sector recordkeeping obligations imposes an unnecessary administrative burden and costs on all concerned. For consistency with records that are *discharged*, a requirement to register *sales* should be established. This occurs rarely, but typically occurs when the records relate to a public entity, function or intellectual property that is being sold. For example, when records have in effect been "sold" through privatisation of what was a state-owned enterprise/asset, e.g. the NZ Rail, Telecom.

Proposal	Insert a new section in the Public Record Act 2005 (PRA) to clarify the status of public records following an authorised sale.	
What options are being considered?	Status Quo: PRA requirements continue to apply to records after an authorised sale. Option 2: Confirm public records that the Chief Archivist authorises for sale become the purchaser's property and cease to be public records. This will include a requirement to maintain a register of sales.	
Analysis of options against the criteria	**Option 1 (Status Quo)**	**Option 2**
Original policy intent	**0** No information is available about the option to dispose of records by sale. The inconsistency with records that are *discharged* could be a drafting oversight.	**+** No information is available about the option to dispose of records by sale. The inconsistency with records that are *discharged* could be a drafting oversight. However, Option 2 is probably better aligned with the original policy intent of the Act given that the Chief Archivist's core responsibilities relate to public records regulation and public archives management, and not the regulation of private sector records.
Efficiency	**0** Where the Chief Archivist or public offices have relinquished control and ownership of sold records, there is no benefit in applying public sector PRA requirements to private entities.	**+** Regulatory burden and costs for the Chief Archivist and the purchaser would be reduced/eliminated for records that are sold and listed in a register.
Cost effectiveness	**0** Disposal of records through sale is infrequent, but maintaining PRA requirements after sale imposes costs on both Archives New Zealand and the purchaser.	**+** While disposal of records through sale is infrequent, removing post-sale PRA requirements will eliminate costs for Archives New Zealand and the purchaser.
Coherence	**0** Inconsistent with the provisions in the PRA relating to *discharged* records, which become the property of the purchaser and cease to be public records.	**+** Aligning the provisions for *sold* and *discharged* records improves the PRA's internal consistency and supports its focus on public sector recordkeeping.
Sustainability	**0** Retaining PRA requirements for *sold* records will impose ongoing regulatory costs, and process costs during asset sales.	**+**

Proposal	Insert a new section in the Public Record Act 2005 (PRA) to clarify the status of public records following an authorised sale.	
		The minor addition of a requirement to register sales may reduce administrative costs for Archives New Zealand, and ensure purchasers are not subject to PRA compliance costs.
Overall assessment	**0**	**+**
What option is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?	Option 2 is preferable to the status quo. Maintaining PRA requirements for *all* sold records offers little benefit when the Chief Archivist has the option of retaining records with archival value. While sales are infrequent, the amendment will eliminate some regulatory costs for purchasers and Archives New Zealand, and reduce the overall regulatory burden.	

Proposal	Insert a new section in the Public Record Act 2005 (PRA) to clarify the requirements concerning public records created by public offices (e.g., defence personnel) on overseas deployment.	
Problem Definition	New Zealand public offices, often New Zealand Defence Force personnel, operate overseas in multinational arrangements where information management and recordkeeping activities are undertaken by another participant nation, or by an international organisation. This means records of the activities of a New Zealand public office are created and managed in systems controlled by other jurisdictions, under their own legislation. Consequently, the New Zealand public office is often unable to meet PRA requirements, including ensuring accessibility, and meeting archiving requirements even though these records are New Zealand public records. Repatriation of these records is ad hoc and occurs rarely. This issue was highlighted during the Inquiry into Operation Burnham concerning the actions of SAS troops in Afghanistan.	
What options are being considered?	Status Quo: Public Offices deployed in multinational arrangements do not meet the requirements of the PRA. Option 2: PRA exemption for public offices while deployed into multinational arrangements.	
Analysis of options against the criteria	**Option 1 (Status Quo)**	**Option 2**
Original policy intent	**N/A** The original intent of the PRA is to ensure there is a set a standard for agencies to maintain and provide their data to Archives New	**N/A** This is a new provision, which recognises public offices may be (temporarily) unable to comply with PRA requirements re control and transfer of public records for reasons outside their control.

Proposal	Insert a new section in the Public Record Act 2005 (PRA) to clarify the requirements concerning public records created by public offices (e.g., defence personnel) on overseas deployment.	
	Zealand. Under the status quo, Public Offices deployed in multinational arrangements are often unable to meet the intent.	
Efficiency	**0** Relies on continuing public office willingness to disclose unavoidable non-compliance with PRA requirements, and the exercise of the regulator's discretion. This could undermine confidence in the transparent operation of the PRA.	**++** The new provision would recognise that circumstances outside the public office's control may prevent compliance with PRA requirements. It would relieve the public office of the burden of non-compliance, as long as the circumstances causing the non-compliance continue, and allow monitoring while solutions are sought with partner nations. It will ensure transparency and provide a basis for future repatriation of overseas records.
Cost effectiveness	**0** Financial costs of the status quo, i.e., ignoring the problem, are minimal.	**0** May generate only minor costs for the Chief Archivist and would mostly be implemented using existing systems.
Coherence	**0** Undermines coherence of the PRA system because the regulator has no (legal) mechanism to authorise unavoidable PRA non-compliance.	**++** Would make the PRA more coherent by addressing a situation where public offices are willing but unable to comply with PRA requirements. As the Government decides on offshore deployments, it is appropriate for the relevant Minister to grant the exemption, rather than the Chief Archivist. This would align with the current Ministerial consultation and certification mechanism of s 22(1)(d) and 22(6) relating to the deferred transfer of public records.
Sustainability	**0** The long-term impacts of ongoing non-compliance are unclear.	**+** Would complement work underway on NZDF information management following the Inquiry into Operation Burnham. The new provision could become redundant if the underlying problem is resolved, e.g., if nations in a multi-national deployment establish information management protocols that allow compliance with participants' national information management requirements.
Overall assessment	**0**	**++**

Proposal	Insert a new section in the Public Record Act 2005 (PRA) to clarify the requirements concerning public records created by public offices (e.g., defence personnel) on overseas deployment.
What option is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?	Option 2 is preferable to the status quo. Explicitly recognising and managing instances where public offices are unable to comply will enhance confidence in the integrity of the PRA system.

Proposal	Insert a new section in the Public Record Act 2005 (PRA) governing amendments to public records temporarily returned to an agency under s 24 ("government loans").	
Problem Definition	Public offices sometimes amend public archives that have been temporarily returned to them ("government loans"). This usually involves a notation on, or addition of new material to, physical files. A common example is an addition to an old court/case file reflecting that the case has been reopened/reconsidered. In general, Archives New Zealand advises against this practice, as an alteration could, in some cases, bring the integrity of the archive into question and require reconsideration of public access. The proposed new section would make it clear public archives must not be amended in any way without the Chief Archivist's approval.	
What options are being considered?	Status Quo: An inconsistent approach to giving ad hoc alteration approval. Option 2: A statutory empowerment to regularise alteration.	
Analysis of options against the criteria	**Option 1 (Status Quo)**	**Option 2**
Original policy intent	**0** The policy intent (that the Chief Archivist has full authority over public archives, which public offices should not alter in any way) can be inferred from the absence of a provision authorising amendments or additions. This inference is supported by s 12(1)(b)(i) of the PRA, which provides that the Chief Archivist can authorise the disposal (alteration is a form of disposal, as defined) of a public record (i.e., a current record in a public office's control).	**+** The new section will make the inferred policy intent (that the Chief Archivist has full authority over public archives, which public offices should not alter in any way *unless authorised*) explicit.

Proposal	Insert a new section in the Public Record Act 2005 (PRA) governing amendments to public records temporarily returned to an agency under s 24 ("government loans").	
Efficiency	**0** Unauthorised changes to public archives ("government loans") increase the administrative burden for Archives NZ as it requires an ad hoc reassessment of a record's status.	**+** Explicit authorisation of appropriate alterations to public archives would ensure consistency and improve confidence in the management of public archives.
Cost effectiveness	**0** Costs incurred if a public archive is returned to Archives NZ with unapproved alterations. Archives do not have a full cost recovery model. Once a record has been digitised (done selectively, including when an individual requests a record be digitised, which incurs a cost) that record is open access, online, at no cost.	**+** Establishing a specific process for authorising alterations to public archives would be less costly (as the process could be standardised), compared to the status quo, which requires an ad-hoc response. Archives NZ can utilise existing administrative and technical processes, with minor updates.
Coherence	**0** The status quo, which relies on an inference that public offices must not alter public archives, creates uncertainty and is inconsistent with the provision that authorises the Chief Archivist to approve disposal (alteration) of a (current) public record.	**++** The new section will ensure consistent treatment of public archives returned to public offices as "government loans", and (current) public records held by public offices.
Sustainability	**N/A** – the issue does not have a substantial impact on the future sustainability of records captured under the Public Record Act.	**N/A** – the issue this proposal will address does not have a substantial impact on the future sustainability of records captured under the Public Record Act.
Overall assessment	**0**	**+**
What option is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?	Option 2 is preferable to the status quo. Clarifying a public office's obligations when it wants to alter or amend a public archive will enhance confidence in the integrity of those archives as the changes can be checked before they are made, as well as tracked, while the additional content enhances the archives' value.	

Boxing and Wrestling Act 1981

Proposal	Repeal the Boxing, and Wrestling Act 1981, and the associated Regulations.	
Problem Definition	Boxing and wrestling are not subjects that naturally sit with DIA or its Responsible Minister. A 2021 review of the current regulatory regime, conducted by DIA in conjunction with Sport NZ, found: • the Act and Regulations are outdated and not fit for purpose; • the purpose and outcomes in the legislation are not well-defined; • offences and penalties are outdated; • the Regulations have not kept pace with international boxing and wrestling organisations' requirements, including: o rings—size; number of ropes; height of posts, and padding; o weight of boxing gloves; o rounds— for amateur and professional matches, and duration; • DIA has limited insight or oversight into how the overall boxing and wrestling system operates; and • DIA is unaware of the risks the boxing and wrestling system poses, and has few levers to mitigate risks. The review also found while the Act may have been originally concerned with the safety of participants and the integrity of boxing and wrestling associations, no other combat sport (e.g., mixed martial arts) is regulated in this way. Combat sports are regulated through several statutes, including the Crimes Act 1961, Gambling Act 2003, Health and Safety at Work Act 2015, Search and Surveillance Act 2012, Sports Anti-Doping Act 2006, Sport and Recreation New Zealand Act 2002, Summary Offences Act 1981, and Summary Proceedings Act 1957. The existing legislative framework adequately covers regulation of the sport without the need of this Act.	
What options are being considered?	Status Quo: Boxing, and Wrestling Act 1981, and the associated Regulations remain in place, but are outdated and not fit-for-purpose. Option 2: Repeal the Boxing and Wrestling Act 1981, and the associated Regulations.	
Analysis of options against the criteria	**Option 1 (Status Quo)**	**Option 2**
Original policy intent	**0** No change.	**+** The purpose of the Act (safety and integrity) is better served by the existing statutory network (as listed in the Problem Definition section above)
Efficiency	**0**	**+** Revoking the Act will be more efficient for participants and associations who, if necessary, will be able to seek guidance from

Proposal	Repeal the Boxing, and Wrestling Act 1981, and the associated Regulations.	
	No change; not efficient as DIA does not have the expertise or regulatory tools to manage risks, nor does the legislation adequately manage those risks.	Sport NZ, which has a very broad mandate including active recreation and sports in general.
Cost effectiveness	**0** No change, not cost effective for DIA to administer out-of-date legislation.	**+** Will reduce DIA's costs, and may reduce costs for participants, and boxing and wrestling associations.
Coherence	**0** No change; standalone legislation for boxing and wrestling inconsistent with other sports.	**+** Boxing and wrestling will be treated consistently with other combat sports (i.e., no standalone legislation).
Sustainability	**0** No change: regulatory regime is badly out-of-date, and not fit-for-purpose.	**+** Boxing and wrestling participants and associations will benefit from the removal of constraints imposed by an out-of- date regulatory regime, including the risk of non-compliance with this regime if they are required to meet international association requirements.
Overall assessment	**0**	**+**
What option is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?	Option 2 is most likely to address the problem, meet the policy objectives and deliver the highest net benefits. It is likely to be widely supported and will better achieve the original policy intent. It is also likely to be more efficient, cost effective and sustainable.	

Section 3: Delivering an option

How will the new arrangements be implemented?

19. Commencement dates for individual changes are still to be confirmed but will be considered during further development of the RSAB. Each of the proposed amendments will have specific implementation arrangements and timing for each regulatory system, which will be managed by the relevant policy and operational teams at DIA.

20. DIA will update its operational procedures and operational guidance for regulated parties and members of the public, as necessary. Overall, implementation is not expected to be onerous or complicated, as the proposed changes represent no-more-than-minor policy changes to existing regulatory systems.

How will the new arrangements be monitored, evaluated, and reviewed?

21. There is no proposal to separately monitor and evaluate the RSAB changes as a package, as they are expected to have a net positive benefit for regulated parties, members of the public, and other agencies with an interest in, or which are affected by, the legislation amended. Individual parts of DIA responsible for specific proposals may have their own monitoring mechanisms for the systems they manage, for example, the tracking of the number of emergency travel documents issued due to an internal systems failure or an unscheduled outage.

22. We also expect that the impact of these changes will be monitored and evaluated through day-to-day use and feedback from affected parties.

Appendix I: RIA-exempt RSAB proposals

Proposal	Legislation/Regulation	Explanation	RIA Exemption
Amend the wording of s 69(2)(a) of the Births, Deaths, Marriages and Relationships Registration Act to provide that the eligible person must declare that when the application for a name change is approved, the name change will be adopted from the date the change is registered.	Births, Deaths, Marriages, and Relationships Registration Act 2021, section 69(2)(a)	The current name change application process does not make it clear to applicants when they should adopt their new name in the community. This will make it clear that the new name should be adopted from the date the application is approved.	Minor impact: Clarifies an area of current law, consistent with the objectives of the regulatory system.
Section 120(5) refers to subsection 2(b)(ii), which does not exist. The reference should be to subsection 2(c): "the Registrar-General is satisfied that, in searching for or providing the information, the public benefit outweighs the effect on the individual privacy".	Births, Deaths, Marriages, and Relationships Registration Act 2021, section 120(5)	Amend an incorrect reference in the legislation.	Technical: Suitable for inclusion in a Statutes Amendment Bill (as provided for in Standing Orders).
Amend the wording of s 62(1) of the Births, Deaths, Marriages, and Relationships Registration Act to clarify that a dissolution of marriage must have occurred outside of New Zealand, but the marriage or civil union itself could have occurred overseas or in New Zealand.	Births, Deaths, Marriages, and Relationships Registration Act 2021, section 62(1)	The current wording suggests both the divorce/dissolution, and the marriage/civil union must occur outside NZ for the section to apply. That is not the case – the marriage/civil union could have occurred overseas or in NZ. In addition, the section will be amended to clarify that the document needed as evidence is a dissolution 'order,' or 'evidence' of the dissolution.	Minor impact: Clarifies an area of current law, consistent with the objectives of the regulatory system.
Insert a provision into the Charities Act that is equivalent to s 25C of the	Charities Act 2005, new section in Part 2A	Most of the charities appeals provisions are in the Charities Act	Discretionary exemption (policy previously approved by Cabinet;

Proposal	Legislation/Regulation	Explanation	RIA Exemption
Taxation Review Authorities Act 1994. This provision will require the Ministry of Justice to publish information on its website (as is the current practice for tribunals) about the purpose of the Taxation and Charities Review Authority, the requirements for commencing a proceeding, and other guidelines related to proceedings.		2005. Where relevant, they mirror tax appeals provisions to ensure clarity of processes and alignment across the tribunals. The provision to require the Ministry of Justice to publish certain information on their website was not mirrored. The Cabinet Social Outcomes Committee agreed to provide for this requirement through regulations [SOU-24-MIN-0017], but PCO advised that such a provision should be in primary legislation. Withheld under section 9(2)(h)	RIA completed for the Charities Amendment Bill 2022). The relevant issues have already been adequately addressed by existing Impact Analysis. Papers proactively released on DIA's website can be accessed (Minister for CVS papers).
Amend the provisions of the Charities Act related to searching the register (s 27 to 29) and replace them with provisions that reflect how people search the register currently, while allowing for future changes.	Charities Act 2005, sections 27, 28 and 29; Charities (Fees and Other Matters) Regulations 2006	The search provisions in the Charities Act are prescriptive and have not kept up with modern expectations for searching the register. We propose to replace them with provisions that reflect how people search the register currently, while allowing for future changes. To modernise and future-proof the provisions we proposed that search criteria and purposes will no longer be required when searching the register.	Minor impact: Technical adjustment that does not fall under the technical or case-specific exemptions but will have no, or very low impacts. It will enable those searching the register to continue to have access to the information they need, without any impact on individuals' privacy.

Proposal	Legislation/Regulation	Explanation	RIA Exemption
		This does not mean that anyone can have access to everything that Charities Services holds on the register as there are existing safeguards in the place. These include the protection around use of personal information, like those currently in s 29 of the Act. The Charities (Fees and Other Matters) Regulations 2006 will also be amended to remove the search criteria.	
Remove a redundant reference made to s 8A of the Act, which was repealed by the Citizenship Amendment Act 2005.	Citizenship Act 1977, section 15(4)	Section 15(4) of the Act provides that: A person who has ceased to be a New Zealand citizen under this section may regain New Zealand citizenship only by way of a grant of citizenship under s 8 or s 8A or s 9. The reference to s 8A is redundant as that section was repealed in 2005.	Technical: Would repeal or remove redundant legislative provisions.
Remove the requirement for applicants who change their citizenship status from 'Descent' to 'Grant' to return their descent certificate.	Citizenship Act 1977, section 24(3)	Citizens by descent are currently required to return their certificates if they apply for and receive citizenship by grant. This creates an administrative burden for applicants and officials, as applications for citizenship by grant are now processed online. It is proposed that an addition is made to the current legislation by clarifying that citizenship by descent certificates are not needed to be returned when upgrading to citizenship by grant.	Minor impact: Technical adjustment that does not fall under the technical or case-specific exemptions but will have no or very low impacts (will reduce administrative burden and compliance costs for DIA and applicants).

Proposal	Legislation/Regulation	Explanation	RIA Exemption
Update gendered language in the Citizenship Act 1977 to be gender neutral.	Citizenship Act 1977, sections 6(2), 10(1), 12(3), 12(4)(a), 13(3), 13(4)(a), 14(b), 16, 17(2), 19(1), 19(2), 20, 22(1), 22(2), and 23(1).	Updating gendered language to be gender neutral would modernise the legislation. An example of gendered language in the Act can be found in section 6(2)(a): A person shall not be a New Zealand citizen by virtue of this section if, at the time of his birth, his father or mother was a person upon whom any immunity from jurisdiction was conferred by or under the Diplomatic Privileges and Immunities Act 1968 or the Consular Privileges and Immunities Act 1971 or in any other way, and neither of his parents was a New Zealand citizen.	Technical: Is suitable for inclusion in a Revision Bill (as provided for in the Legislation Act 2012).
Repeal s 73, 74 and 75 of the Electronic Identity Verification Act 2012.	Electronic Identity Verification Act 2012, sections 73, 74 and 75	These sections allowed for certain agreements and credentials that pre-dated the Electronic Identity Verification Act to continue in effect until they lapsed or were reissued under the new regime. None of these agreements or credentials are still in effect, and these sections are therefore no longer required.	Technical: Would repeal or remove redundant legislative provisions.
Amend the Act to enable the Minister of Internal Affairs to grant exemptions from compliance with the provisions of s 147 (Printed matter to be marked with name and address of publisher or wholesale distributor), rather than the Minister of Justice.	Films, Videos, and Publications Classification Act 1993, section 147(4)	The Minister of Justice and not the Minister of Internal Affairs, is empowered to grant exemptions from compliance with s 147. This provision should be updated to reflect that the Minister of Internal Affairs is the responsible Minister for the Act.	Technical: Suitable for inclusion in a Statutes Amendment Bill (as provided for in Standing Orders).

Proposal	Legislation/Regulation	Explanation	RIA Exemption
Amend the Act to enable the Classification Office to delay the registration of a classification decision on request.	Films, Videos, and Publications Classification Act 1993, section 39	Currently, video game producers occasionally submit games for classification under a working title for reasons of commercial sensitivity to ensure the actual title is disclosed prior to the official release date. Amending the Act to include a specific provision authorising the delay of registration of a classification would provide the confidence that producers need to submit games for classification under the intended publishing title. It would provide certainty that the title of a game would not be released until the official release of the product.	Minor impact: Technical adjustment that does not fall under the technical or case-specific exemptions but will have no or very low impacts (will reduce administrative burden and compliance costs for DIA and video game producers). There will be no impact on members of the public.
Amend the Act to ensure that the appointment process of community representatives to the Labelling Body is aligned with the Cabinet Appointments and Honours Committee process.	Films, Videos, and Publications Classification Act 1993, section 74	Under s 74, the Minister of Internal Affairs may appoint community representatives to participate in the labelling body's functions. Appointments can only be made on the recommendation of the Minister of Consumer Affairs, who must first consult the Minister of Women's Affairs. The current process is out of step with current practice where all appointments should go through the Cabinet Appointments and Honours Committee.	Minor impact: Technical adjustment that does not fall under the technical or case-specific exemptions but will have no or very low impacts (will reduce administrative burden and compliance costs for DIA and other agencies).
Amend the Act to allow the Chief Censor to delegate operational functions to staff in the Office.	Films, Videos, and Publications Classification Act 1993, section 87	The Chief Censor's ability to delegate operational functions to Classification Office staff is currently limited,	Minor impacts: Change to the internal administrative or governance arrangements which is

Proposal	Legislation/Regulation	Explanation	RIA Exemption
		creating inefficiencies in how the Classification Office operates.	likely to have no, or very low impact outside of government.
Amend the Act to ensure that the current terminology 'child pornography' is consistent with language used across international jurisdictions.	Films, Videos, and Publications Classification Act 1993, sections 145A and 145C	The term 'child pornography' is dated and not used widely in the current environment. Across International jurisdictions and New Zealand agencies, the terminologies, 'Child Sexual Abuse Material' or 'Child Sexual Exploitation Material' are used instead.	Technical: Is suitable for inclusion in a Revision Bill (as provided for in the Legislation Act 2012).
Amend the Act to update the name of the 'Office of Film and Literature Classification' to the 'Classification Office', to reflect current functions.	Films, Videos, and Publications Classification Act 1993, sections 2, 72(2) and 76(1)	The role of the Office has expanded since its establishment in the 1990s. The Office classifies more than just film and literature - it also classifies other/digital media like video games and commercial video on-demand content. The Office already uses the 'Classification Office' name in its branding, the proposed change reflects current practice.	Technical: Is suitable for inclusion in a Revision Bill (as provided for in the Legislation Act 2012).
Amend the Act to update the Chief Censor of Film and Literature's title to reflect current functions.	Films, Videos, and Publications Classification Act 1993, sections 2 and 80(1)	Similar to the proposed amendment to the name of the Office of Film and Literature Classification, the titles of the Chief and Deputy Censors of Film and Literature should be updated to reflect that the roles are no longer limited to only film and literature.	Technical: Is suitable for inclusion in a Revision Bill (as provided for in the Legislation Act 2012).
Amend the Act to update the name of the 'Film and Literature Board of Review' to reflect current functions.	Films, Videos, and Publications Classification Act 1993, sections 2 and 91	Similar to the proposed amendment to the name of the Office of Film and Literature Classification, the Film and Literature Board of Review's role has expanded, and the term 'Film and Literature Board of Review' no longer	Technical: Is suitable for inclusion in a Revision Bill (as provided for in the Legislation Act 2012).

Proposal	Legislation/Regulation	Explanation	RIA Exemption
		reflects the breadth of the entity's role and functions.	
Require territorial authorities to publish their class 4 venue policies on their websites rather than providing a copy to the Secretary.	Gambling Act 2003, section 102(4)	Section 102(4) requires a territorial authority to provide a copy of its class 4 venue policy to the Secretary. This requirement has a history of uneven compliance, and in practice, it is easier for the public to find a policy on a territorial authority's website than to request it from the Department. Most territorial authorities already do this.	Minor impact: Technical adjustment that does not fall under the technical or case-specific exemptions but will have no or very low impacts (will reduce administrative burden and compliance costs for DIA and territorial authorities).
Move wording that provides powers to prescribe the use of harm minimisation systems (e.g., pre-commitment) from s 314 of the Gambling Act 2003 to s 313.	Gambling Act 2003, section 314(1)(ga)	Section 314(1)(ga) provides powers to prescribe the use of various systems associated with gaming machines in class 4 venues for harm prevention purposes (e.g., pre-commitment to a maximum spend). These would be better placed in s 313 instead, which relates to harm minimisation more generally; moving these powers to this section and using the updated term, "gambling equipment", would mean that these regulations would apply to class 4 venues as well as casinos.	Minor impact: Technical adjustment that does not fall under the technical or case-specific exemptions but will have no or very low impacts.
Require only machines that are being used for gambling to be connected to the Department's Electronic Monitoring System (EMS) - not machines in storage.	Gambling Act 2003, section 86(1)(a)	The current wording in the Act requires machines that are in storage and not currently on a licence to be connected to EMS. Under current operational practice, the Department has never required machines in storage to be connected to EMS, and this has not caused any issues.	Minor impact: Clarifies an area of current law, consistent with the objectives of the regulatory system.

Proposal	Legislation/Regulation	Explanation	RIA Exemption
Repeal transitional provisions in the Gambling Act 2003 that are no longer required. These relate to: • Gambling inspectors (s 350); • Decisions during transitional period (s 377); • The Gambling Amendment Act (No 2) 2015 (s 8AA and sch 1AA); • Existing gaming machine licences and site approvals (s 32); and • Notification of venues and electronic gaming machines (s 89).	Gambling Act 2003, sections 350, 377, 8AA, 32, 89 and Schedule 1AA	The transitional period for the Gambling Act 2003 ended on 1 July 2004. Removing the transitional provisions will aid the clarity of the legislation and reduce the risk of confusion.	Technical: Would repeal or remove redundant legislative provisions.
Remove provisions in the Gambling Act that require that specific gaming machine information be treated as a licence condition on a Class 4 venue licence.	Gambling Act 2003, sections 92(3) and 93(8)	The Department's Electronic Monitoring System currently monitors every class 4 gaming machine, and will disable any machine that does not have a model and serial number that corresponds to those provided by the venue licence holder. As such, the requirement to amend a licence or obtain a new license when changing equipment is inefficient and imposes an unnecessary cost on operators and the Department. We propose requiring operators to notify the Secretary of changes to gambling equipment. This is an appropriate and proportionate requirement that will ensure the Department is kept informed of changes and that gambling equipment in a venue complies with regulatory requirements.	Minor impact: Technical adjustment that does not fall under the technical or case-specific exemptions but will have no or very low impacts (will reduce administrative burden and compliance costs for DIA and licence holders) Change will mean a new licence does not need to be issued (and a fee paid) for every minor change (e.g., when a "pokie" is swapped out and the serial number changes). Will have no effect on the regulation of Class 4 venues or operators.

Proposal	Legislation/Regulation	Explanation	RIA Exemption
Repeal redundant provisions relating to licensed promoters for class 3 raffles.	Gambling Act 2003, subpart 6 (sections 118 to 219) and section 35(2)(c)	There are no licensed promoters for class 3 raffles currently, and there is no intention to allow new licensed promotors in the future. As there are no individuals affected, the transitional/grandfathering provisions are no longer required.	Technical: Would repeal or remove redundant legislative provisions.
Correct a drafting error in s 16(1)(c) of the Local Government (Auckland Council) Act 2009 to refer to s 150B instead of s 24.	Local Government (Auckland Council) Act 2009, section 16(1)(c)	Correcting this error would improve the clarity of the legislation.	Technical: Suitable for inclusion in a Statutes Amendment Bill (as provided for in Standing Orders).
Amend the Marriage Act 1955 to remove the "statutory declaration" requirement when applying for a marriage licence in person. Allow the Registrar-General to still be able to request a statutory declaration for in person applicants through amending the Births, Deaths, and Relationships Registration Act s 128(3).	Marriage Act 1955, section 23(2A)	Section 23(2A) of the Marriage Act currently specifies that information for a marriage licence application may be verified electronically in a manner specified by the Registrar-General, or by the applicant appearing in person and making a statutory declaration (i.e. applying on paper). Those who apply on paper must complete a statutory declaration. This process is time-consuming and does not add an assurance to the process. The online system has evidenced that the statutory declaration is not a necessity because it is not required for online applications.	Minor impact: Technical adjustment that does not fall under the technical or case-specific exemptions but will have no or very low impacts (will reduce administrative burden and compliance costs for DIA and in-person marriage licence applicants). The Ministry and Minister of Justice have been consulted and given their approval.
Create more flexibility in the format and move away from "prescribed forms" to "prescribed information" when receiving information from people who are getting married. Delete any clause referring to	Marriage Act 1955, section 41; and Marriage (Prescribed Information and Forms) Regulations 1995, Form 5.	This would enable more flexibility in design, make it more digital friendly, and enable DIA to better manage the customer experience.	Minor impact: Technical adjustment that does not fall under the technical or case-specific exemptions but will have no or very low impacts (will reduce administrative burden and

Proposal	Legislation/Regulation	Explanation	RIA Exemption
"prescribed forms" and replace it with "prescribed information".			compliance costs for DIA and those requiring a CONI). The Ministry and Minister of Justice have been consulted and given their approval.
Change the wording to enable the renewal of marriage celebrants to happen annually at a time determined by the Registrar-General.	Marriage Act 1955, section 12	Changing the wording, will allow the Registrar-General to have the flexibility to better suit celebrants' needs by being able to shift the date.	Minor impact: Technical adjustment that does not fall under the technical or case-specific exemptions but will have no or very low impacts (will reduce administrative burden and compliance costs for DIA and marriage celebrants). The Ministry and Minister of Justice have been consulted and given their approval.
Amend s 9(1) so that it contains a new clause that enables a passport to be cancelled for other reasons that are not specified in the Act.	Passports Act 1992, section 9(1)	Passport holders do not have a legal mechanism to cancel their passport when they still hold the passport. Amending the Passports Act to enable individuals to cancel their own passport in circumstances, such as a data breach, would enable more options for people who want to cancel their passport, or passports where they are the guardian/authority of.	Minor impact: Technical adjustment that does not fall under the technical or case-specific exemptions but will have no or very low impacts (Primary to passport holder through reduced risk of misuse of passports/passport data). The Office of the Privacy Commissioner has been consulted and support for the change.
Introduce a legislative digital channel default for temporary return of public archives to public offices (known as "government loans") into the Public Records Act.	Public Records Act 2005, section 24	The current legislative provision assumes a physical return of archives to agencies. Physical return of physical archives risks loss or damage of unique items; digital delivery eliminates these risks and is preferred by most agencies.	Minor impacts: Change to the internal administrative or governance arrangements which is likely to have no or very low impact outside of government.

Proposal	Legislation/Regulation	Explanation	RIA Exemption
Amend the Public Records Act to clarify that pre-2005 records transferred to approved repositories under the now repealed Archives Act 1957 have left the public records system and are therefore no longer subject to requirements under the Public Records Act 2005 (PRA).	Public Records Act 2005, section 4	There is currently some confusion about the status of public archives delivered to approved repositories under the Archives Act 1957, which creates uncertainty about the obligations approved repositories have in managing these records. We consider that this lack of clarity is a result of a drafting oversight, as records were only transferred to an approved repository when their status as a public record had become redundant. We therefore propose an "avoidance of doubt" provision to clarify that there are no continuing PRA obligations for the Chief Archivist or the approved repository for such records.	Technical: Is suitable for inclusion in a Revision Bill (as provided for in the Legislation Act 2012).
Amend the Public Records Act to clarify that public archives may not be disposed of, except where this is a necessity for health and safety reasons and then with safeguards, e.g., Ministerial approval on advice of Archives Council, with recommendation of Chief Archivist after public notice.	Public Records Act 2005, sections 11 or 20, or possibly a new provision.	Current practice assumes that once records become public archives under the Chief Archivist's control, they cannot be disposed of using the provisions of s 11(b)(1) and s 20 of the Act. These provisions apply to public records generally, but the Act is silent on disposal provisions specifically for public archives (which are a kind of public record). In rare cases, the destruction of public archives may be a necessity if these are dangerous (for example, through chemical contamination or decay) and impossible to make safe. The inability	Minor impacts: Change to the internal administrative or governance arrangements which is likely to have no or very low impact outside of government.

Proposal	Legislation/Regulation	Explanation	RIA Exemption
		to dispose of potentially hazardous public archives lawfully where this is a necessity creates an undesirable conflict between health and safety responsibilities and recordkeeping legislation.	
Amend several Acts that contain outdated references to the Commissions of Inquiries Act 1908, which has mostly been superseded by the Inquiries Act 2013.	- Health Practitioners Competence Assurance Act 2003 (sections 53 and 61); - Reserves and Other Lands Disposal and Public Bodies Empowering Act 1915 (section 38); - Reserves and Other Lands Disposal and Public Bodies Empowering Act 1917 (sections 110 and 129); - Reserves and Other Lands Disposal and Public Bodies Empowering Act 1920 (sections 91 and 108); - Waitara Harbour Act 1940 (section 9(2)); - River Boards Amendment Act 1913 (section 4); - Rotorua Borough Act 1922 (sections 9 and 10); - Taupiri Drainage and River District Act 1929 (sections 3 and 11(3-6)); - Hutt Valley Drainage Act 1967 (section 4); - Legal Services Act 2011 (section 7(5)(h)); - Land Drainage Act 1908 (sections 15 and 65); and - Inquiries Act 2013 (Schedule 1).	The amendments will ensure the legislation is clear, up to date and fit for purpose. Where the legislation is not administered by DIA, the relevant departments/ministries have been consulted, and have given their approval.	Technical: Would repeal or remove redundant legislative provisions and, where appropriate, insert a reference to the Inquiries Act 2013.

Proposal	Legislation/Regulation	Explanation	RIA Exemption
Amendment to ensure that commercial personal property is subject to the levy with the section 81 definition of "personal property" applying only to the regulation making powers in section 141	Fire and Emergency New Zealand Act 2017 (the FENZ Act)	There is what appears to be a drafting error for definitions under Part 3 of the FENZ Act. Section 85 of the FENZ Act provides for a rate of levy to be set for 'any property, other than a motor vehicle, that is insured under a contract of fire insurance.' Section 81 defines property as 'any real or personal property in New Zealand.' However, section 81 also provides a definition of 'personal property' that excludes property used for commercial purposes (i.e. commercial personal property). Withheld under section 9(2)(h) [redacted] It is currently leviable and there is no evidence that the intention of the FENZ Act was to exclude commercial personal property from the new levy. Those who own commercial personal property benefit from the use of Fire and Emergency services. It would be contrary to the policy intent not to collect levy on this property.	Minor impacts.
Broaden the current definition of "residential property" in section 81 of the Act so that apartment buildings and standalone homes with separate	Fire and Emergency New Zealand Act 2017 (the FENZ Act)	The insurance sector has identified that the definition of 'residential property' in section 81 of the FENZ Act is too narrow. It restricts residential property to only the	Minor impacts.

Proposal	Legislation/Regulation	Explanation	RIA Exemption
structures are captured by the definition.		'household units' and 'residential land.' This has the unintended consequence of both the common areas in apartment buildings and the separate structures for standalone homes (e.g. a garage) appearing not to be captured by this definition, and therefore being considered non-residential property. This was not the intended consequence of the definition. It means that apartment buildings and standalone homes with separate structures need to be treated as 'mixed-use property' for the new levy, due to being made up of two different property types. This will result in a significantly increased compliance burden for the insurance sector, who need to apply a test in regulations each time to calculate levy on mixed-use property. An amendment to clearly broaden the definition would reduce this burden.	