## Full Disclosure Statement Template for Amendments to a Bill

### GENERAL INSTRUCTIONS FOR COMPLETING THIS TEMPLATE

### Departments are responsible for the content of the disclosure statement

The disclosure statement is a departmental document, not a Ministerial document. The content should reflect the knowledge and understanding of the relevant department(s).

### Use of the disclosure statement template is mandatory

This template was created to ensure a consistent product and allow quick conversion into html format for web publication. Except as expressly indicated in the checklist below, or as otherwise authorised by the Parliamentary Counsel Office, please **do not**:

* alter the headings, questions, formatting, or layout of the statement;
* introduce alternative styles or complex formatting in free text areas; or
* include diagrams or graphics in your responses.

### Departments may choose between a revised or supplementary disclosure

The distinction is explained in the standard text supplied in the “Main areas of change” section of the template. In either case, however, the statement should be about the full Bill with proposed amendments incorporated.

### Responses provided should be honest, accurate and include all relevant facts

The accurate completion of the disclosure statement will require legal knowledge and detailed familiarity with the policy and final text of the Bill and its amendments.

### Responses provided should be written neutrally, concisely and in plain English

### Hyperlinks should be active, durable, and with full http address visible

Hyperlinks are encouraged to minimise duplication and keep the disclosure statement relatively short, while still giving the reader ready access to relevant published material.

Durable links should be favoured and facilitated (e.g. persistent urls) where possible.

### The guidance is important - please get familiar with it before you begin!

The **Quick Guide** provides a useful overview of the purpose, scope, process and timing of the disclosure obligations.

The **Detailed Guide** sets out the disclosure requirements in detail and provides further advice on interpreting and responding to each question.

The guides are available on the Treasury website at <https://www.treasury.govt.nz/publications/guide/disclosure-statements-government-legislation-technical-guide-departments>

### A final draft of the disclosure statement must be attached to the Cabinet paper, with accompanying SOP, seeking approval for introduction

### The finalised disclosure statement (still in Word format) should be emailed to PCO at least two working days before the SOP is tabled

If provided later than this, the statement might get published late.

## Checklist and Final Sign-off

*You are encouraged to use the checklist below, plus an unused copy of this template and the original disclosure statement for the Bill for comparison, to determine whether the completed disclosure statement is ready for final processing and publication by PCO.*

### Checklist

|  |  |
| --- | --- |
| ***Task*** | ***Completed?*** |
| *Is the full name of the Bill to be amended included on the cover page? And does the title and standard text match the choice of a revised or supplementary form?* | ❑ |
| *If this is a revised disclosure statement, has the relevant text from the original been accurately incorporated, and can the revisions be readily identified?* | ❑ |
| *If this is a supplementary disclosure statement, is it clear what is truly additional material and what are amendments to the original material?* | ❑ |
| *Are all headline questions in Parts 2 to 4 of the template both present and answered appropriately (in general, with either YES or NO answers)?* | ❑ |
| *Where headline questions receive a YES answer, are all subsidiary questions in the template also present and answered appropriately?*  | ❑ |
| *Has further information been provided under each question, in accordance with the instructions included in the template?* | ❑ |
| *Does the further information provided, particularly in Part 4, accurately reference and reflect the full Bill in proposed amended form?* | ❑ |
| *Are Parts 2 to 4 limited to no more than 3 pages each, with readers referred to further information set out in the Appendices where necessary?* | ❑ |
| *Are all hyperlinks active, with the full http address visible? Do all existing links work? And is the address right for all links that are yet to go live?*  | ❑ |
| Is the formatting and layout still the same as the template (and with ‘free text’ confined to styles contained in the template)? If not, has PCO given prior approval for the change (to be sought only in exceptional circumstances)? | ❑ |
| Have all instructions (including the first 2 template pages), unutilised appendices and irrelevant subsidiary questions been deleted from the statement? | ❑ |
| *Is the table of contents complete, including correct page numbers?* | ❑ |
| *Finally, has the departmental certification statement on the cover page now been completed and dated and a hyperlink to the original disclosure statement added?* | ❑ |

*If you can answer YES to all of these questions, and the person authorised to approve the disclosure statement is satisfied that it is finalised and ready for publication, please:*

* *email the finished document to the PCO Publication Unit (**publications@pco.govt.nz**), copied to your PCO (or IRD) drafter; and*
* *formally confirm in your email, on behalf of the department, that the statement is complete, accurate and up-to-date, and is now in a form ready for publication.*

[Revised/Supplementary] Departmental Disclosure Statement

|  |
| --- |
| [Bill Title] |

A [revised/supplementary] departmental disclosure statement for a Bill the government is proposing to amend seeks to bring together in one place a range of information to support and enhance the Parliamentary and public scrutiny of that Bill in amended form.

It highlights material changes to previous disclosures relating to:

* the general policy intent of the Bill and other background policy material;
* some of the key quality assurance products and processes used to develop and test the content of the Bill;
* the presence of certain significant powers or features in the Bill that might be of particular Parliamentary or public interest and warrant an explanation.

The original disclosure statement for the [name of Bill], dated [date of finalisation], can be found at this link [include active hyperlink here]

This [revised/supplementary] disclosure statement was prepared by [Name(s) of department(s)].

The [Name(s) of department(s)] [certifies/certify] that, to the best of [its/their] knowledge and understanding, the information provided is complete and accurate at the date of finalisation below.

[Date finalised].

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## The Main Areas of Change to the Original Disclosures

This is a [revised/supplementary] disclosure statement for the [name of Bill].

[Depending on whether you are preparing a revised or supplementary disclosure, please select the appropriate sentence below and delete the other]

[EITHER] A revised disclosure statement incorporates the content of the original disclosure statement for the Bill, but also includes and highlights the changes needing to be made to the original disclosure statement to accurately reflect the Bill with the proposed government amendments incorporated.

[OR] A supplementary disclosure statement supplements the original disclosure statement for the Bill by reporting the additions and changes that would need to be made to the original disclosure statement to accurately reflect the Bill with the proposed government amendments incorporated.

Where the Bill now also incorporates changes made by a select committee of the House, the [revised/supplementary] disclosure statement will note these if relevant but will not explain them further.

[If you intend to highlight amendments to a revised disclosure statement by use of a text formatting change (such as underlining and strikethrough) please note that here before listing the main areas of change below]

The main areas of change to the original disclosure statement include:

* [identify these areas using a bulleted list]

## Part One: General Policy Statement

[Describe the policy objectives that this Bill seeks to achieve, and the reasons for them.

Describe how this Bill goes about trying to meet those objectives and why this approach is necessary or desirable.]

[Click here for further guidance on producing a good general policy statement.]

<https://www.treasury.govt.nz/publications/guide/disclosure-statements-government-legislation-technical-guide-departments-html#section-8>

***[N.B. While your PCO or IRD drafter will not have included a revised general policy statement in the explanatory note for the proposed amendments or amended Bill, you should use this opportunity to indicate how the general policy statement would change to reflect the Bill in amended form.]***

## Part Two: Background Material and Policy Information

[Please answer each headline question with a YES or NO response.

If the answer is not clearly and unequivocally YES, please answer NO. Use the box under the question to clarify, qualify or explain a NO answer, if this seems desirable.

If the answer is YES, provide the further information requested in the box below the question (or in Appendix One if a short response is not feasible), and answer the subsidiary questions if any.

Click the hyperlink in the box for further advice on interpreting and responding to the question.

The finalised Part Two should not exceed 3 pages once the italicised instructions and any irrelevant subsidiary questions have been removed. Put longer responses in Appendix One.]

### Published reviews or evaluations

|  |  |
| --- | --- |
| **2.1. Are there any publicly available inquiry, review or evaluation reports that have informed, or are relevant to, the policy to be given effect by this Bill?** | [**YES/NO**] |
| *[If YES, provide the title, authoring body, and date of each report, and indicate where a copy of the report can be accessed.]*<https://www.treasury.govt.nz/publications/guide/disclosure-statements-government-legislation-technical-guide-departments-html#child-1>  |

### Relevant international treaties

|  |  |
| --- | --- |
| **2.2. Does this Bill seek to give effect to New Zealand action in relation to an international treaty?** | [**YES/NO**] |
| *[If YES, identify the relevant treaty (or treaty part, amendment or associated instrument) and indicate where a copy of the treaty text can be accessed (which might be in the Bill itself).**If NO, you may ignore and eventually delete the subsidiary question below.]*<https://www.treasury.govt.nz/publications/guide/disclosure-statements-government-legislation-technical-guide-departments-html#child-1>  |
|  |
| **2.2.1. If so, was a National Interest Analysis report prepared to inform a Parliamentary examination of the proposed New Zealand action in relation to the treaty?** | [**YES/NO**] |
| *[If YES, provide the title, authoring agency, and date of the NIA, and indicate where a copy of the NIA can be accessed.**If NO, indicate why none was prepared (which might be because there was no Parliamentary examination).]*<https://www.treasury.govt.nz/publications/guide/disclosure-statements-government-legislation-technical-guide-departments-html#child-1>  |

### Regulatory impact analysis

|  |  |
| --- | --- |
| **2.3. Were any regulatory impact statements provided to inform the policy decisions that led to this Bill?** | [**YES/NO**] |
| *[If YES, provide the title, authoring agency, and date of each RIS (and of any extended NIA incorporating the RIS requirements), and indicate where a copy of the RIS can be accessed. If any RIS or RIS content is being withheld, note this, and give a brief reason.**If NO, you may ignore and eventually delete the two subsidiary questions below.]*<https://www.treasury.govt.nz/publications/guide/disclosure-statements-government-legislation-technical-guide-departments-html#child-2>  |
|  |
| **2.3.1. If so, did the RIA Team in the Treasury provide an independent opinion on the quality of any of these regulatory impact statements?** | [**YES/NO**] |
| *[If YES, provide the date and full verbatim text of that opinion including any associated explanation, and if necessary indicate the particular RIS to which it relates.**If NO, indicate why no independent opinion was given (which might be because the RIS did not meet the threshold for RIA Team assessment).]*<https://www.treasury.govt.nz/publications/guide/disclosure-statements-government-legislation-technical-guide-departments-html#child-2>  |
|  |
| **2.3.2. Are there aspects of the policy to be given effect by this Bill that were not addressed by, or that now vary materially from, the policy options analysed in these regulatory impact statements?** | **[YES/NO]** |
| *[If YES, identify the parts of the policy not covered by the RIS, and how any other parts of the policy vary from the closest policy option analysed in the RIS.]*<https://www.treasury.govt.nz/publications/guide/disclosure-statements-government-legislation-technical-guide-departments-html#child-2>  |

### Extent of impact analysis available

|  |  |
| --- | --- |
| **2.4. Has further impact analysis become available for any aspects of the policy to be given effect by this Bill?** | [**YES/NO**] |
| *[If YES, provide the title, authoring agency and date of each report, and indicate where a copy of the report can be accessed. If it would be helpful, also briefly indicate the report’s scope and status.]*<https://www.treasury.govt.nz/publications/guide/disclosure-statements-government-legislation-technical-guide-departments-html#child-3>  |
| **2.5. For the policy to be given effect by this Bill, is there analysis available on:** |  |
| 1. **the size of the potential costs and benefits?**
 | [**YES/NO**] |
| 1. **the potential for any group of persons to suffer a substantial unavoidable loss of income or wealth?**
 | [**YES/NO**] |
| *[If YES, indicate where the most up-to-date information on these matters can be accessed.]*<https://www.treasury.govt.nz/publications/guide/disclosure-statements-government-legislation-technical-guide-departments-html#child-3>  |
|  |
| **2.6. For the policy to be given effect by this Bill, are the potential costs or benefits likely to be affected by:** |  |
| 1. **the level of effective compliance or non-compliance with applicable obligations or standards?**
 | [**YES/NO**] |
| 1. **the nature and level of regulator effort put into encouraging or securing compliance?**
 | [**YES/NO**] |
| *[If YES, indicate where the most up-to-date information on these matters can be accessed.]*<https://www.treasury.govt.nz/publications/guide/disclosure-statements-government-legislation-technical-guide-departments-html#child-3>  |

## Part Three: Testing of Legislative Content

[Please answer each headline question (except 3.1 and 3.2) with a YES or NO response.

If the answer is YES, provide the further information requested in the box below the question (or in Appendix Two if a short response is not feasible), and answer the subsidiary question if any.

If you are unsure of the answer to a question on consultation or testing, please answer NO. Use the box under the question to clarify, qualify or explain the answer, if this seems desirable.

Click the hyperlink in the box for further advice on interpreting and responding to the question.

The finalised Part Three should not exceed 3 pages once the italicised instructions and any irrelevant subsidiary questions have been removed. Use Appendix Two for longer responses.]

### Consistency with New Zealand’s international obligations

|  |
| --- |
| **3.1. What steps have been taken to determine whether the policy to be given effect by this Bill is consistent with New Zealand’s international obligations?** |
| *[Provide a brief description.]*<https://www.treasury.govt.nz/publications/guide/disclosure-statements-government-legislation-technical-guide-departments-html#section-10>  |

### Consistency with the government’s Treaty of Waitangi obligations

|  |
| --- |
| **3.2. What steps have been taken to determine whether the policy to be given effect by this Bill is consistent with the principles of the Treaty of Waitangi?** |
| *[Provide a brief description.]*<https://www.treasury.govt.nz/publications/guide/disclosure-statements-government-legislation-technical-guide-departments-html#child-5>  |

### Consistency with the New Zealand Bill of Rights Act 1990

|  |  |
| --- | --- |
| **3.3. Has advice been provided to the Attorney-General on whether any provisions of this Bill appear to limit any of the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990?** | [**YES/NO**] |
| *[If YES, indicate where a copy of the advice can (soon) be accessed, if the Attorney-General agrees to waive legal privilege.]*<https://www.treasury.govt.nz/publications/guide/disclosure-statements-government-legislation-technical-guide-departments-html#child-6>  |

### Offences, penalties and court jurisdictions

|  |  |
| --- | --- |
| **3.4. Does this Bill create, amend, or remove:** |  |
| 1. **offences or penalties (including infringement offences or penalties and civil pecuniary penalty regimes)?**
 | [**YES/NO**] |
| 1. **the jurisdiction of a court or tribunal (including rights to judicial review or rights of appeal)?**
 | [**YES/NO**] |
| *[If YES, identify the relevant provision(s).**If NO in both cases, you may ignore and eventually delete the subsidiary question below.]*<https://www.treasury.govt.nz/publications/guide/disclosure-statements-government-legislation-technical-guide-departments-html#child-7>  |
| **3.4.1. Was the Ministry of Justice consulted about these provisions?** | [**YES/NO**] |
| *[If YES, describe the nature and extent of the consultation undertaken, and the nature of any action taken to address issues raised.**If NO, you have the option to briefly explain why the Ministry of Justice was not consulted.]*<https://www.treasury.govt.nz/publications/guide/disclosure-statements-government-legislation-technical-guide-departments-html#child-7>  |

### Privacy issues

|  |  |
| --- | --- |
| **3.5. Does this Bill create, amend or remove any provisions relating to the collection, storage, access to, correction of, use or disclosure of personal information?** | [**YES/NO**] |
| *[If YES, identify the relevant provision(s).]**If NO, you may ignore and eventually delete the subsidiary question below.]*<https://www.treasury.govt.nz/publications/guide/disclosure-statements-government-legislation-technical-guide-departments-html#child-8>  |
|  |
| **3.5.1. Was the Privacy Commissioner consulted about these provisions?** | **[YES/NO]** |
| *[If YES, describe the nature and extent of the consultation undertaken, and the nature of any action taken to address issues raised.**If NO, you have the option to briefly explain why the Privacy Commissioner was not consulted.]*<https://www.treasury.govt.nz/publications/guide/disclosure-statements-government-legislation-technical-guide-departments-html#child-8>  |

### External consultation

|  |  |
| --- | --- |
| **3.6. Has there been any external consultation on the policy to be given effect by this Bill, or on a draft of this Bill?** | [**YES/NO**] |
| *[If YES, briefly describe the form the consultation(s) took, what it covered and when it occurred. Also briefly describe or summarise the nature and extent of feedback received.* *If NO, you have the option to briefly explain why no external consultation was undertaken.]*<https://www.treasury.govt.nz/publications/guide/disclosure-statements-government-legislation-technical-guide-departments-html#child-9>  |

### Other testing of proposals

|  |  |
| --- | --- |
| **3.7. Have the policy details to be given effect by this Bill been otherwise tested or assessed in any way to ensure the Bill’s provisions are workable and complete?**  | [**YES/NO**] |
| *[If YES, provide a brief description of the nature and extent of the testing (and what is yet to be done?).]*<https://www.treasury.govt.nz/publications/guide/disclosure-statements-government-legislation-technical-guide-departments-html#child-10>  |

## Part Four: Significant Legislative Features

[Please answer each headline question with a YES or NO response.

Unless you are confident that the answer is NO, after consulting the detailed guide, please answer YES. Use the box under the question to qualify or explain a YES answer, if unsure.

If the answer is YES, provide the further information requested in the box below the question (or in Appendix Three if a short response is not feasible).

Click the hyperlink in the box for further advice on interpreting and responding to the question.

The finalised Part Four should not exceed 3 pages once the italicised instructions have been removed. Use Appendix Three for longer responses.]

### Compulsory acquisition of private property

| **4.1. Does this Bill contain any provisions that could result in the compulsory acquisition of private property?** | [**YES/NO**] |
| --- | --- |
| *[If YES, identify the relevant provision(s). Then explain why the provision is necessary, and identify and explain the nature of any features that will mitigate the potential adverse effects.]*<https://www.treasury.govt.nz/publications/guide/disclosure-statements-government-legislation-technical-guide-departments-html#section-11>  |

### Charges in the nature of a tax

| **4.2. Does this Bill create or amend a power to impose a fee, levy or charge in the nature of a tax?** | [**YES/NO**] |
| --- | --- |
| *[If YES, identify the relevant provision(s). Then describe the nature and extent of the power, explain why the power is necessary, and explain the nature of any safeguards that will apply to the power to ensure it is properly constrained and used appropriately.]*<https://www.treasury.govt.nz/publications/guide/disclosure-statements-government-legislation-technical-guide-departments-html#child-12>  |

### Retrospective effect

| **4.3. Does this Bill affect rights, freedoms, or impose obligations, retrospectively?** | [**YES/NO**] |
| --- | --- |
| *[If YES, identify the relevant provision(s). Then explain why the provision is necessary, and identify and explain the nature of any features that will mitigate the potential adverse effects.]*<https://www.treasury.govt.nz/publications/guide/disclosure-statements-government-legislation-technical-guide-departments-html#child-13>  |

### Strict liability or reversal of the burden of proof for offences

| **4.4. Does this Bill:** |  |
| --- | --- |
| 1. **create or amend a strict or absolute liability offence?**
 | [**YES/NO**] |
| 1. **reverse or modify the usual burden of proof for an offence or a civil pecuniary penalty proceeding?**
 | [**YES/NO**] |
| *[If YES, identify the relevant provision(s). Then explain why the provision is necessary, and identify and explain the nature of any features that will mitigate the potential adverse effects.]*<https://www.treasury.govt.nz/publications/guide/disclosure-statements-government-legislation-technical-guide-departments-html#section-11> (click ‘next page’ at the bottom of the page) |

### Civil or criminal immunity

| **4.5. Does this Bill create or amend a civil or criminal immunity for any person?** | [**YES/NO**] |
| --- | --- |
| *[If YES, identify the relevant provision(s). Then explain why the provision is necessary, and identify and explain the nature of any features that will mitigate the potential adverse effects.]*<https://www.treasury.govt.nz/publications/guide/disclosure-statements-government-legislation-technical-guide-departments-html#section-11> (click ‘next page’ at the bottom of the page) |

### Significant decision-making powers

| **4.6. Does this Bill create or amend a decision-making power to make a determination about a person’s rights, obligations, or interests protected or recognised by law, and that could have a significant impact on those rights, obligations, or interests?** | [**YES/NO**] |
| --- | --- |
| *[If YES, identify the relevant provision(s). Then explain the nature of any safeguards that will apply to the power to ensure it is properly constrained and used appropriately.]*<https://www.treasury.govt.nz/publications/guide/disclosure-statements-government-legislation-technical-guide-departments-html#section-11> (click ‘next page’ at the bottom of the page) |

### Powers to make delegated legislation

| **4.7. Does this Bill create or amend a power to make delegated legislation that could amend an Act, define the meaning of a term in an Act, or grant an exemption from an Act or delegated legislation?** | [**YES/NO**] |
| --- | --- |
| *[If YES, identify the relevant provision(s). Then describe the nature and extent of the power, explain why the power is necessary, and explain the nature of any safeguards that will apply to the power to ensure it is properly constrained and used appropriately.]*<https://www.treasury.govt.nz/publications/guide/disclosure-statements-government-legislation-technical-guide-departments-html#section-11> (click ‘next page’ at the bottom of the page) |
|  |
| **4.8. Does this Bill create or amend any other powers to make delegated legislation?** | [**YES/NO**] |
| *[If YES, identify the relevant provision(s). Then describe the nature and extent of the power, explain why the power is necessary, and explain the nature of any safeguards that will apply to the power to ensure it is properly constrained and used appropriately.]*<https://www.treasury.govt.nz/publications/guide/disclosure-statements-government-legislation-technical-guide-departments-html#section-11> (click ‘next page’ at the bottom of the page) |

### Any other unusual provisions or features

| **4.9. Does this Bill contain any provisions (other than those noted above) that are unusual or call for special comment?** | [**YES/NO**] |
| --- | --- |
| *[If YES, identify the relevant provision(s). Then describe its nature and purpose, and explain why the provision is necessary.]*<https://www.treasury.govt.nz/publications/guide/disclosure-statements-government-legislation-technical-guide-departments-html#section-11> (click ‘next page’ at the bottom of the page) |

## Appendix One: Further Information Relating to Part Two

[Please use this Appendix to provide the further information sought for questions set out in Part Two, where short responses cannot be provided or might push Part Two beyond 3 pages.

For each question where this applies, provide a response under the appropriate heading from Part Two, with the relevant question number added – see example below.

Please include a reference to this Appendix in the relevant text box in Part Two.

Do not include diagrams or graphics in the response without the prior approval of PCO.

If there is no need to use Appendix One, please delete and renumber the later Appendices.]

### Extent of impact analysis available – question 2.5(a)

[Information on the size of potential costs and benefits]

## Appendix Two: Further Information Relating to Part Three

[Please use this Appendix to provide the further information sought for questions set out in Part Three, where short responses cannot be provided or might push Part Three beyond 3 pages.

For each question where this applies, provide a response under the appropriate heading from Part Three, with the relevant question number added – see examples below.

Please include a reference to this Appendix in the relevant text box in Part Three.

Do not include diagrams or graphics in the response without the prior approval of PCO.

If there is no need to use Appendix Two, please delete and renumber the later Appendices.]

### External consultation – question 3.6

[Information on external consultation undertaken]

### Other testing of proposals – question 3.7

[Information on testing undertaken]

## Appendix Three: Further Information Relating to Part Four

[Please use this Appendix to provide the further information sought for questions set out in Part Four, where short responses cannot be provided or might push Part Four beyond 3 pages.

For each question where this applies, provide a response under the appropriate heading from Part Four, with the relevant question number added – see examples below.

Please include a reference to this Appendix in the relevant text box in Part Four.

Do not include diagrams or graphics in the response without the prior approval of PCO.

If there is no need to use Appendix Three, please delete.]

### Significant decision-making powers – question 4.6

[Information on significant decision-making powers]

### Powers to make delegated legislation – question 4.8

[Information on powers to make delegated legislation]