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Date: Sunday, 13 July 2025 at 7:20 PM
To: Contact.LDAC@pco.govt.nz <Contact.LDAC@pco.govt.nz>
Cc: [REDACTED]
Subject: OIA 2025/10: LDAC and the Regulatory Standards Bill

Attention: LDAC Secretariat, Parliamentary Counsel Office

Hi there,

OIA: 2025/10: LDAC and the Regulatory Standards Bill

I would like to introduce the McGuinness Institute – a non-partisan think tank that focuses on New Zealand’s long-term future. I have some thoughts to share on the purpose and intent of the Regulatory Standards Bill, and also some questions I would be grateful for answers to.

Attachments

Attachment 1: Our oral submission on the Regulatory Standards Bill

I am sharing our oral submission to the Select Committee on the Regulatory Standards Bill, which sets out a proposal for the committee to consider. (Please find this attached). I hope that we have provided a useful contribution to the debate, but if you see anything missing, please let us know. I have a good understanding of the fiscal management system (I am an accountant and did work in Treasury many years ago), but am a little less knowledgeable on how the regulatory management system works in practice. I am fully cognisant of the need for these two systems to talk to each other.

Attachment 2: List of 32 GDSs mentioned in law

This list relates to our proposal in our oral submission for this list to form a register on the MFR website. Every few years, the Institute produces a Government Department Strategy (GDS) Index. The latest was the *2024 GDS Index*. As at 31 December 2024, we found that 16% of operational GDSs (32 out of 195) have some form of legal relationship to New Zealand law, either being required to be published (‘must’) or able to be published (‘may’). A full list of those 32 GDSs is attached, it forms Appendix 7 of our [GDS Index Methodology](#). If you would like more information on the 195 GDSs, contained in the *2024 GDS Index*, please let me know your postal address and we will post a complimentary copy to you. Alternatively you can [access a pdf of 2024 GDS Index](#).

General Questions

1. I note that no 2024 LDAC annual report was uploaded, and wondered if this might have been missed? (I could only find the [2023 LDAC annual report](#)).
2. Can I assume that the LDAC replaced the Legislation Advisory Committee? See [2015 press release](#).
3. I note, from the above 2015 press release, that the previous Attorney-General, Hon Christopher Finlayson, expected 25 bills to be consulted on each year. Can you provide the number of bills consulted on from 2015 to today, by calendar year, and over the last six months?
4. Who asks the committee to review the bills, or do you choose? Or is it a combination of both? Please explain.
5. How do you consult? Do you share your views before the Bill goes to the Select Committee, or are you simply another submitter (like ourselves)? Please explain.

Specific Questions

The Deputy Prime Minister, Hon David Seymour, has indicated that ‘the’ Regulatory Standards Bill, is not the same thing as ‘a’ Regulatory Standards Bill (see further below). I think Seymour is suggesting that the National Party and NZ First must pass the Bill in whatever form the Act Party wants. If this is true,

besides making a mockery of the select committee process (e.g., wasting the time of committee members and submitters), it does raise a deeper constitutional issue about whether a coalition agreement can result in a minority political party controlling the content and passing of a specific Bill in the House. My concern is that if this practice is not challenged, it may mean that our next coalition agreement/s will contain lots of ‘the Bill’ and Parliament’s power as supreme law-making body will be diminished. Given the above, please find four specific questions.

6. Can you explain the specific process in regard to the Regulatory Standards Bill? Who asked you to consult, when did you consult, and how? Was it different from other Bills?
7. Does the LDAC have a view on whether the use of the term ‘the Bill’ should be allowed in a coalition agreement, given ‘the Bill’ may create expectations that ‘a Bill’ does not have?
8. Should a coalition agreement be allowed to eclipse Parliament as the supreme law-making body? I would welcome your thoughts on this point. Alternatively, could you tell me which government agency would be in a better position to provide advice on this.
9. Does the LDAC, or any other individual or organisation (e.g. the Governor-General, Cabinet, a government department or government agency) provide requirements or guidance to writers and signatories of coalition agreements to help ensure quality coalition agreements are written. Importantly, I am not talking about changes in policy, but clarity of intentions. [This is along the lines of what you have written on your website: ‘The Committee is not concerned with the policy objectives of legislation; its focus is on good legislative practice and public law issues.’]

Background information

The 2023 [National/Act coalition agreement](#) states:

‘Legislate to improve the quality of regulation, ensuring that regulatory decisions are based on principles of good law-making and economic efficiency, by passing **the** Regulatory Standards Act as soon as practicable.’

The views of Hon David Seymour have recently been discussed [in the press](#) (12 July 2025):

‘Peters and his colleague Shane Jones have floated making changes after the bill returns from select committee and then passing it, as promised in the coalition agreement.

Sniffing a plot to water the bill down before it is passed, Seymour went public this week to remind his partners that the coalition agreement commits them to passing **“the”** Regulatory Standards Bill, not **“a”** Regulatory Standards Bill.’ [bold added]

In addition to answers to the above questions, I would welcome the opportunity to meet with you to discuss a few ideas and thoughts I have and, more importantly, to learn more about what you do in practice.

Kind regards,

Wendy

Wendy McGuinness
Chief Executive

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