**Submission template**

**Business Payment Practices Regulations – Discussion Document**

This is the submission template for responding to the discussion document on proposed regulations and notices for the Business Payment Practices Bill introduced in October 2022. The Ministry of Business, Innovation and Employment (**MBIE**) seeks your comments by **5pm on Sunday, 26 February 2023**.

Please make your submission as follows:

1. Fill out your details under the “Your name and organisation” heading and, if applicable, check the boxes underneath on privacy and confidentiality.
2. Fill out your responses to the discussion document questions in the table: “Responses to consultation document questions”. Your submission may respond to any or all of the questions. Where possible, please include evidence to support your views, for example references to independent research, facts and figures, or relevant examples. If you would like to make other comments not covered by the questions, please provide these in the “Other comments” section.
3. Before sending your submission:
	1. delete this first page of instructions; and
	2. if your submission contains any confidential information, please:
* State this in the cover page or in the e-mail accompanying your submission, and set out clearly which parts you consider should be withheld and the grounds under the Official Information Act 1982 (**OIA**) that you believe apply. MBIE will take such objections into account when responding to requests under the OIA.
* Indicate this on the front of your submission (eg the first page header may state “In Confidence”). Any confidential information should be clearly marked within the text of your submission (preferably as Microsoft Word comments).
1. Submit your submission by:
2. sending your submission as a Microsoft Word document to  ***BPPregulations@mbie.govt.nz***; or
3. mailing your submission to:

Small Business Policy

Building, Resources and Markets

Ministry of Business, Innovation & Employment PO Box 1473

Wellington 6140

New Zealand

Please direct any questions that you have in relation to the submissions process to ***BPPregulations@mbie.govt.nz*****;**

**Release of Information**

Please note that, except for material that may be defamatory, MBIE intends to upload PDF copies of submissions received to MBIE’s website. MBIE will consider you to have consented to uploading by making a submission, unless you clearly specify otherwise in your submission. Submissions are subject to the OIA and may, therefore, be released in part or full. The Privacy Act 2020 also applies.

**Business Payment Practices Regulations – Discussion Document**

**Your name and organisation**

|  |  |
| --- | --- |
| **Name** |  |
| **Organisation (if applicable)** |  |
| **Contact details** |  |

[Double click on check boxes, then select ‘checked’ if you wish to select any of the following.]

[ ]  The Privacy Act 2020 applies to submissions. Please check the box if you do not wish your name or other personal information to be included in any information about submissions that MBIE may publish.

[ ]  MBIE intends to upload submissions received to MBIE’s website at [www.mbie.govt.nz](http://www.mbie.govt.nz). If you do not want your submission to be placed on our website, please check the box and type an explanation below.

I do not want my submission placed on MBIE’s website because… [Insert text]

**Please check if your submission contains confidential information:**

[ ]  I would like my submission (or identified parts of my submission) to be kept confidential, and **have stated below** my reasons and grounds under the Official Information Act that I believe apply, for consideration by MBIE.

I would like my submission (or identified parts of my submission) to be kept confidential because… [Insert text]

**Responses to questions**

|  |  |  |
| --- | --- | --- |
|  | **Section** | **Question** |
|  | *Proposed reporting measures* | Do the objectives outlined in the overview section [i.e. “**The information disclosed and published is useful to potential users**”; “**The cost of reporting is taken into account**”; “**Reporting should be as simple as possible**”; “**Unintended consequences are minimised**”; and “**Administration of the regime must be effective and responsive to reporters and users**”] cover off the most important considerations for the set of measures? Are there other important considerations? |
|  |
|  | *Proposed reporting measures* | What information would you most like to see through the measures? |
|  |
|  | *Proposed reporting measures* | How many measures are preferable, and which measures would you prioritise? |
|  |
| 4a | *Proposed reporting measures* | *For any individual measure in the set of proposed measures:* Would this information be easy to reproduce or verify? |
|  |
| 4b | *Proposed reporting measures* | *For any individual measure in the set of proposed measures:* What potential unintended consequences (if any) might be caused by this measure? |
|  |
| 4c | *Proposed reporting measures* | *For any individual measure in the set of proposed measures:* Can you see any technical challenges relating to:1. the accuracy of the measure?
2. the effort it takes to produce?
3. the ability to fairly compare the measure between reporting entities?
 |
|  |
|  | *Proposed reporting measures* | Can you recommend any measures not in the set that would provide useful information? Please explain. |
|  |
|  | *Proposed reporting measures* | How might we know if the measures chosen are working effectively and useful for users of the regime, and when we should consider changing certain measures? |
|  |
|  | *Proposed reporting measures* | Please share any other thoughts about the proposed set of measures. |
|  |
|  | *Proposed disclosure periods* | Do the objectives outlined in the overview section cover off the most important considerations for the regime’s reporting periods? If there are other important considerations, please explain. |
|  |
|  | *Proposed disclosure periods* | How do you rank the following in order of priority? 1. a convenient reporting disclosure period
2. the ability to fairly compare the payment practices of different reporting entities
3. reasonable access to the Registrar for queries, and other functions.
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|  |
|  | *Proposed disclosure periods* | Which disclosure period option do you prefer and why? |
|  |
|  | *Proposed disclosure periods* | Does a one month deadline following the reporting period provide sufficient time to create and finalise a report? If not, what is a reasonable deadline? |
|  |
|  | *Proposed disclosure periods* | How might we know if the disclosure periods and deadlines chosen are working effectively, and when we should consider changing reporting entities’ disclosure periods? |
|  |
|  | *Proposed disclosure periods* | Is there another option, not identified, which would provide more useful payment disclosure information? If so, please explain why you think the option would be better. |
|  |
|  | *Proposed class exemptions* | Do the objectives outlined in the overview section cover off the most important considerations for the regime’s class exemptions? If there are other important considerations, please explain. |
|  |
|  | *Proposed class exemptions* | Are there any class entities captured by the proposed BPP Bill (ie those with revenues over $33 million for two consecutive years) who you think should be exempt from the requirement to disclose payment practices? |
|  |
|  | *Proposed class exemptions* | If so, why do you think the class of entities should be exempt? |
|  |
|  | *Proposed class exemptions* | If the Minister considers a class of entities should be exempt, do you think there should be conditions/safeguards applied to the exemption? |
|  |
|  | *Proposed class exemptions* | If so, what types of conditions/safeguards do you think should be considered by the Minister before granting an exemption? |
|  |
|  | *Proposed class exemptions* | If a class of entities is exempt, do you think the decision should be regularly reviewed or contain a sunset clause? If a sunset clause is included, the exemption would expire at a certain date and the class of entities covered by the exemption until the expiry date would have to make payment disclosures from that time onwards. |
|  |
|  | *Proposed class exemptions* | How might we know if the right exemptions are being made, and when we should consider changing them? |
|  |

**Would your organisation be likely to report under the Business Payment Practices regime?**

|  |  |
| --- | --- |
|  | **YES / NO** |

**Other comments**

|  |  |
| --- | --- |
|  |  |