



COVERSHEET

Minister	Hon Scott Simpson	Portfolio	Commerce and Consumer Affairs
Title of Cabinet paper	Policy Proposals for the Regulatory Systems (Commercial Matters) Amendment Bill and Regulatory Systems (Energy and Resources) Amendment Bill	Date to be published	28 October 2025

List of documents that have been proactively released

Date	Title	Author
September 2025	Policy Proposals for the Regulatory Systems (Commercial Matters) Amendment Bill and Regulatory Systems (Energy and Resources) Amendment Bill	Office of the Minister of Commerce and Consumer Affairs
September 2025	Annex One: Regulatory Systems (Commercial Matters) Amendment Bill	MBIE
September 2025	Annex Two: Regulatory Systems (Energy and Resources) Amendment Bill	
10 September 2025	Policy Proposals for the Regulatory Systems (Commercial Matters) Amendment Bill and Regulatory Systems (Energy and Resources) Amendment Bill ECO-25-MIN-0135 Minute	Cabinet Office

Information redacted

YES / NO (please select)

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Some information has been withheld for the reasons of Confidential advice to Government and Free and frank opinions.

In Confidence

Office of the Minister of Commerce and Consumer Affairs

Cabinet Economic Policy Committee

Policy proposals for the Regulatory Systems (Commercial Matters) Amendment Bill and Regulatory Systems (Energy and Resources) Amendment Bill

Proposal

- 1 This paper seeks Cabinet's policy approvals for amendments to be included in the Regulatory Systems (Commercial Matters) Amendment Bill and the Regulatory Systems (Energy and Resources) Amendment Bill (the Bills) and for drafting instructions to be provided to the Parliamentary Counsel Office.

Relation to government priorities

- 2 Regulatory System Amendment Bills (RSABs) are omnibus Bills that contain minor improvements to legislation where other suitable legislation is not available. Each change can be small by itself, but collectively the changes support businesses and New Zealanders through better regulation. Fixing known problems in legislation supports the Government's priority to improve and modernise legislation, and deliver better public services.

Executive Summary

- 3 The Ministry of Business, Innovation and Employment (MBIE) is a large regulatory agency, responsible for over 120 principal Acts. These Acts require ongoing maintenance to ensure that they remain fit-for-purpose, are effective, efficient and accord with best regulatory practice. MBIE officials have identified, and portfolio Ministers have agreed to, over 90 amendments that are worth progressing, and that do not fit into other proposed legislation (Annexes One and Two).
- 4 RSABs are omnibus bills that allow minor, technical, non-contentious changes to be made to multiple Acts at once. Parliaments have passed three previous sets of RSABs amending legislation administered by MBIE. The proposed amendments would be contained in two separate bills, covering amendments related to Commercial Matters, and Energy and Resources.
- 5

Confidential advice to Government

 I am seeking Cabinet's approval of the amendments listed in Annexes One and Two, and to issue instructions to PCO to draft these amendments into two separate bills.

- 6 Introduction of these Bills will need to be approved by the parliamentary Business Committee, under Standing Order 267. As this requires near-unanimous support across political parties, the proposed amendments are not considered to be contentious. The Business Committee can also determine under Standing Order 274 that the Bills are associated, and can be considered together at first, second and third reading. The Business Committee has made such a determination for previous MBIE RSABs.

Background

- 7 MBIE is responsible for over 120 principal Acts, requiring ongoing maintenance to ensure that they remain fit-for-purpose. Portfolio Ministers have agreed to over 90 amendments that are worth progressing, and that do not fit into other proposed legislation.
- 8 These amendments can be made through RSABs, which are omnibus bills (amending multiple Acts at once). Parliaments have passed three previous sets of MBIE RSABs, the most recent in March 2025. RSABs for the Ministry for Primary Industries, the Ministry of Justice, the Department of Internal Affairs and the Ministry of Transport have also come before Parliament in this term.
- 9 I seek Cabinet's approval of policy proposals for two omnibus bills amending legislation administered by MBIE in the following portfolios: Building and Construction, Commerce and Consumer Affairs, Energy, Media and Communications, and Resources.
- 10 The policy objective of the Bills is to improve regulatory systems by ensuring that they are effective, efficient and accord with best regulatory practice. The amendments in the Bills will achieve this by:
 - 10.1 reducing unnecessary compliance burden for businesses and implementation costs for regulatory agencies;
 - 10.2 clarifying and updating statutory provisions in each Act amended, to give effect to the purpose of that Act and its provisions;
 - 10.3 addressing regulatory duplication, gaps, errors, and inconsistencies within and between different pieces of legislation; and
 - 10.4 responding to the changing environment (e.g. ensuring that legislation is technology-neutral).
- 11 The Bills provide a vehicle for smaller regulatory fixes to be progressed in a timely and cost-effective fashion, in order to deliver flow-on benefits to business, and the wider economy. The identified amendments would not otherwise warrant stand-alone bills. However, the benefits of making changes across all the portfolios involved will be sufficient to justify the Bills. Together, the amendments will make a significant improvement to the effectiveness and efficiency of the regulatory systems affected.

- 12 The scope of the proposed amendments is beyond the portfolios of any single select committee, so the proposed amendments would be contained in the Bills as follows:
- 12.1 Portfolio matters for Commerce and Consumer Affairs, Media and Communications, and Resources (related to Crown minerals) will be contained in the Regulatory Systems (Commercial Matters) Amendment Bill and will be considered by the Economic Development, Science and Innovation Committee.
- 12.2 Portfolio matters for Energy, Resources, and Building and Construction (relating to occupational regulation of electrical workers) will be contained in the Regulatory Systems (Energy and Resources) Amendment Bill and will be considered by the Transport and Infrastructure Committee.

The Bills will require Business Committee approval

- 13 Introduction of these Bills will need to be approved by the parliamentary Business Committee, under Standing Order 267. As this requires near-unanimous support across political parties, the proposed amendments are not considered to be contentious. The Business Committee can also determine under Standing Order 274 that the Bills are associated, and can be considered together at first, second and third reading, thereby saving House time. The Business Committee has made such a determination for previous MBIE RSABs, and more recently for the Ministry of Justice's RSABs.

Regulatory Systems Amendment Bills

- 14 Table 1 shows the volume and diversity of the proposed amendments. The table lists the Acts being amended by the two RSABs and the approximate number of proposed amendments within each Bill.

Table 1: Summary of the proposed amendments for inclusion

Regulatory System Amendment Bill	Acts to be amended	Number of amendments
Commercial Matters Amendment Bill	<i>Auditor Regulation Act 2011</i> <i>Building Societies Act 1965</i> <i>Companies Act 1993</i> <i>Crown Minerals Act 1991</i> <i>Electricity Industry Act 2010 (relating to dispute resolution)</i> <i>Fair Trading Act 1986</i> <i>Financial Reporting Act 2013</i> <i>Friendly Societies and Credit Unions Act 1982</i> <i>Industrial and Provident Societies Act 1908</i> <i>Insolvency Act 2006</i> <i>Limited Partnerships Act 2008</i>	74

Regulatory System Amendment Bill	Acts to be amended	Number of amendments
	<i>Motor Vehicle Sales Act 2003</i> <i>Radiocommunications Act 1989</i> <i>Receiverships Act 1993</i> <i>Retail Payment System Act 2022</i> <i>Trade (Anti-Dumping and Countervailing Duties) Act 1988</i> (16 Acts)	
Energy and Resources Amendment Bill	<i>Atomic Energy Act 1945</i> <i>Electricity Act 1992</i> <i>Electricity Industry Act 2010</i> <i>Energy (Fuel, Levies and References) Act 1989</i> <i>Energy Resources Levy Act 1976</i> <i>Fuel Industry Act 2020</i> (6 Acts)	16

15 I am seeking approval of the proposed amendments as detailed in:

15.1 Commercial Matters Amendment Bill (Annex One)

15.2 Energy and Resources Amendment Bill (Annex Two).

Regulatory Systems (Commercial Matters) Amendment Bill

16 For the Commerce and Consumer Affairs, Media and Communications and Resources portfolios, I am seeking approval for changes to corporate governance, communications, and Crown minerals statutes, along with repealing some redundant provisions. The changes are aimed at keeping statutes up to date and addressing regulatory duplication, errors and inconsistencies (Annex One).

Remove redundant provisions

17 Proposed amendments to the Companies Act 1993 and Motor Vehicle Sales Act 2003 would remove provisions that are no longer required. Similar proposed amendments to the Retail Payment System Act 2022 would repeal duplicated provisions.

Modernise legislation

18 Proposed amendments to the Building Societies Act 1965, and the Motor Vehicle Sales Act 2003 will modernise legislation so that there is no requirement to keep the registers in New Zealand to reflect the use of cloud-based technologies. Other proposed amendments to the Industrial and Provident Societies Act 1908 and the Limited Partnerships Act 2008 seek to remove requirements to sign documents to reflect electronic provision of information.

- 19 Some of the amendments proposed will also bring legislation up to date with modern language. This includes the proposed amendment to the Friendly Societies and Credit Unions Act 1982 to modernise language that was based on the Friendly Societies Act 1867 to clarify health services. A proposed change to the Crown Minerals Act 1991 also modernises terminology and removes references to Acts that no longer exist.

Align and clarify provisions

- 20 Proposed amendments to the Building Societies Act 1965 and the Friendly Societies and Credit Unions Act 1982 would allow personal information to be withheld to address privacy concerns and align with other similar corporate governance legislation. Other similar proposed changes include amendments to the Fair Trading Act 1986 to align provisions with the Commerce Act.
- 21 Proposed amendments to the Crown Minerals Act 1991 clarify that the regulator can accept an enforceable undertaking to pay compensation for a contravention of the Act, and provide consistency in provisions that relate to permit holder records and reports.

Align legislation with international agreements

- 22 Additionally, more minor and technical changes have been identified including amending definitions and reordering existing provisions in the Trade (Anti-Dumping and Countervailing Duties) Act 1988. These changes would allow New Zealand to meet obligations under international agreements.

Corporate governance amendments previously agreed by Cabinet

- 23 Cabinet agreed in 2019 and 2021 to include several amendments to corporate governance legislation in the previous MBIE RSABs. Cabinet subsequently agreed in 2024 to shift these amendments into a Corporate Governance Amendment Bill.
- 24 The previously agreed to amendments relate to the Limited Partnerships Act 2008, the Receiverships Act 1993 and the Insolvency Act 2006. Proposed amendments to the Limited Partnerships Act 2008 would ensure alignment with existing provisions in the Companies Act 1993. Proposed amendments to the Receiverships Act 1993 seek to clarify requirements for the Registrar of Companies and to make reports available to the public. Other proposed amendments to the Insolvency Act 2006 seek to clarify definitions, add missing references and remove provisions that are no longer required.
- 25 Confidential advice to Government
I intend to include these amendments in the Commercial Matters Bill.

Regulatory Systems (Energy and Resources) Amendment Bill

Modernise legislation

- 26 Amendments to the Electricity Act 1992 and the Electricity Industry Act 2010 primarily relate to modernising and clarifying the legislation for electricity operators (including Transpower) to maintain or operate existing assets or to develop new ones; and clarifying the definition of retailing and when distributors can cease supply.
- 27 Proposed amendments to the Energy Resource Levy Act 1976 and the Atomic Energy Act 1945 modernise the acts to remove references to corporations, roles and statutes that no longer exist.

Align and clarify provisions

- 28 Amendments to the Fuel Industry Act 2020 would clarify the purposes of information disclosure requirements applicable to fuel industry participants, and the scope of the compliance powers relating to fuel market regulations.
- 29 Officials have identified amendments to the Energy (Fuels, Levies and References) Act 1989 to clarify and widen compliance powers for fuel quality monitoring. This would give a clear mandate for MBIE's operational arrangements for such monitoring, thereby allowing MBIE and its agents to carry out fuel quality sampling and investigations efficiently and effectively.

Cost-of-living Implications

- 30 None of the proposals have cost-of-living implications.

Financial Implications

- 31 All proposals will be implemented within existing baselines.

Legislative Implications

- 32 Confidential advice to Government

Impact Analysis

Regulatory Impact Statement

- 33 The Ministry for Regulation has assessed the policy proposals and consider that all proposals are exempt from Regulatory Impact Analysis (RIA) requirements due to minor and technical impacts.

Climate Implications of Policy Assessment

- 34 The Climate Implications of Policy Assessment (CIPA) team has been consulted and confirms that the CIPA requirements do not apply to this proposal as the threshold for significance is not met.

Population Implications

- 35 There are no significant population impacts associated with amendments in these Bills.

Use of External Resources

- 36 No external resources were used in the preparation of this Cabinet paper and related analysis.

Consultation

- 37 Officials conducted targeted consultation with stakeholders on individual amendments.
- 38 The following stakeholders were consulted on changes to the Trade (Anti-dumping and Countervailing Duties) Act 1988: Ministry of Foreign Affairs and Trade, New Zealand Customs Service, Heinz Wattie's Limited, the Manufacturing Alliance, Metals New Zealand, New Zealand Steel and Potatoes New Zealand.
- 39 The following stakeholders were consulted on corporate governance related changes: External Reporting Board and Financial Markets Authority.
- 40 The following stakeholders were consulted on energy related changes: Transpower and Electricity Authority.
- 41 The following agencies were consulted on this Cabinet paper: Ministry of Foreign Affairs and Trade, New Zealand Customs Service, Ministry for Regulation, Te Puni Kōkiri, Ministry of Justice, and Office of the Privacy Commissioner.

Communications

- 42 There is no media statement scheduled on the Bills.

Proactive Release

- 43 Following Cabinet's decision, I intend to release this paper within 30 business days.

Recommendation

The Minister of Commerce and Consumer Affairs recommends that the Committee:

- 1 **note** the policy objective of the proposed Regulatory Systems Amendments Bills is to improve regulatory systems administered by the Ministry of

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Business, Innovation and Employment by ensuring that they are effective, efficient and accord with best regulatory practice;

- 2 Confidential advice to Government
- 3 **note** that portfolio Ministers have agreed to 91 amendments for inclusion in Regulatory Systems Amendment Bills, across 21 statutes;
- 4 **note** that Cabinet previously agreed to include amendments to the Limited Partnerships Act 2008, the Receiverships Act 1993 and the Insolvency Act 2006 in a proposed Corporate Governance Amendment Bill, but it is now considered more appropriate to include them in the Regulatory Systems (Commercial Matters) Amendment Bill;
- 5 **agree** that the following amendments be included in the Regulatory Systems Amendment Bills:
- 5.1 Regulatory Systems (Commercial Matters) Amendment Bill, comprising Commerce and Consumer Affairs, Media and Communications and Resources (Crown minerals) amendments, to be referred to the Economic Development, Science and Innovation Committee (Annex One)
- 5.2 Regulatory Systems (Energy and Resources) Amendment Bill, comprising Building and Construction, Energy, and Resources matters, to be referred to the Transport and Infrastructure Committee (Annex Two);
- 6 **invite** the Minister of Commerce and Consumer Affairs to issue drafting instructions to Parliamentary Counsel Office;
- 7 **authorise** the Minister of Commerce and Consumer Affairs to make any necessary decisions on minor and technical matters that may arise during the drafting process, that are consistent with policy decisions, in consultation with the relevant portfolio Minister;
- 8 **note** that the approval of the parliamentary Business Committee will be required to introduce these Bills (under Standing Order 267) and treat them as associated Bills during their first, second and third readings (under Standing Order 274); and
- 9 **note** that this paper and annexes will be published by the Ministry of Business, Innovation and Employment within 30 business days.

Authorised for lodgement

Hon Scott Simpson

Minister of Commerce and Consumer Affairs

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Annex One: Regulatory Systems (Commercial Matters) Amendment Bill

Commerce and Consumer Affairs Portfolio

Auditor Regulation Act 2011

Provision at issue	Proposed amendment	Why the proposed amendment is needed
Section 68(1)	Remove regulatory burden Amend provisions so that the assessment of the design of the internal quality control system of the audit firm or licensed auditor in connection with the provision of audit services is allowed but not required.	Provisions create unnecessary regulatory burden Current provisions require the Financial Markets Authority (when undertaking a quality review) to do an assessment of the design of the internal quality control system of the audit firm or licensed auditor in connection with the provision of audit services. This is not always useful (e.g., if it was done recently and there were no issues). This requirement can therefore divert resources from more useful reviews such as thematic reviews.
Section 70(3)	Remove regulatory burden Amend section 70(3) so that the Financial Markets Authority can give directions in relation to deficiencies in an FMC audit, other than following a quality review.	Provisions create unnecessary regulatory burden Current provisions do not allow for other circumstances in which the Financial Markets Authority may want to give such directions (e.g., following an investigation). Current provisions do not allow the Financial Markets Authority to give directions in relation to an FMC audit other than following a quality review.

Building Societies Act 1965

Provision at issue	Proposed amendment	Why the proposed amendment is needed
Section 13	Align provisions with other similar legislation Replace (2)(d) with the requirement that the society must be a licensed deposit taker as	Provisions no longer align with other similar legislation Section 13(2)(d) refers to the Non-Bank Deposit Takers Act 2013 and to registered banks, which are

	defined in the Deposit Takers Act 2023.	defined in the Banking (Prudential Supervision) Act 1989. Both the Non-bank Deposit Takers Act 2013 and the Banking (Prudential Supervision) Act 1989 will be repealed when the Deposit Takers Act 2023 comes into force.
Section 75	Align provisions with other similar legislation Amend the Act to provide that the membership lists of entities must be open to inspection, but that personal information can be withheld in certain circumstances to address privacy concerns.	Provisions no longer align with other similar legislation Membership lists of entities must be open to inspection, and there is no provision to allow personal information to be withheld in certain circumstances. This creates privacy issues and is inconsistent with other similar corporate governance legislation.
Section 121A	Modernise legislation Amend provisions so that there is no requirement to keep the register in New Zealand.	Legislation not aligned with current technology and other legislation There is a requirement to keep the register in New Zealand. Registers held on cloud-based systems are generally not kept in New Zealand. This means that cloud-based systems cannot be used for storing registers. Other corporate legislation does not have this requirement.
Section 124(2)	Modernise legislation Remove the requirement for the Registrar to sign the documents to reflect electronic provision of information. Removing this requirement will also avoid one-off costs to amend the registers when the person appointed as the Registrar changes, along with any risks that the wrong name will appear around the time that the change of person comes into effect. Changing these provisions will ensure greater consistency across corporate governance legislation and systems.	Legislation is out of date and does not allow for electronic provisions Certain documentation is currently required to be signed by the Registrar. However, with the electronic provision of information processed by the Registrar, it is not necessary for the Registrar's signature to be applied.

Companies Act 1993

Provision at issue	Proposed amendment	Why the proposed amendment is needed
Section 294	Remove regulatory burden Amend section 294(1) to remove the requirement to file the notice with the court. Removing the requirement to file the notice with the court will avoid an unnecessary use of the Registrar's and liquidator's resources. If court proceedings do follow, the notice can be produced as evidence at that stage.	Undue regulatory burden Section 294(1)(a) says that: "A liquidator who wishes to set aside a transaction or charge that is voidable under section 292 or 293 must file a notice with the court that meets the requirements set out in subsection (2)." Routine filing of such notices with the High Court serves no useful purpose as most do not lead to court proceedings. Further, where a liquidator was appointed by special resolution of shareholders or a company's board, there will be no existing court file in which to file the notice and the Registrar will have to open one.

Electricity Industry Act 2010

Provision at issue	Proposed amendment	Why the proposed amendment is needed
Section 96	Dispute resolution provisions too narrow to encompass emerging technologies Section 96 of the Electricity Industry Act 2010 specifies who must be a member of the industry dispute resolution scheme. It also grants the Minister the power to exempt a person from being required to be a member of the disputes resolution scheme. However, nothing in the Act provides the Minister with the power to expand requirements for membership of the dispute resolution scheme. The amendment would create new regulation making powers and enable the responsible Minister to make regulations expanding the jurisdiction of the mandatory	Provisions do not enable emerging technologies Under the Electricity Industry Act 2010, electricity retailers, distributors and Transpower are required to be members of the Energy Complaints Scheme. The scope of jurisdiction in the evolving energy sector has changed and this has not been reflected in the scheme. For example, the scheme might not cover complaints about solar providers, and only if the company that sold and installed the new technology (eg solar) is connected to the provision of traditional energy services (such as retail, distribution, and transmission

	dispute resolution service. This would enable the government, and the approved scheme, to respond to new technologies, so this service remains fit for purpose.	services). Similar issues exist with other emerging technologies.
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Fair Trading Act 1986

Provision at issue	Proposed amendment	Why the proposed amendment is needed
Section 21B	Aligning provisions Introducing a section 21B(2) mirroring section 21A(2) would ensure an equal level of protection to recipients of unsolicited services that applies to unsolicited goods.	Inconsistencies within the legislation The sender of unsolicited goods must inform the recipient, at the time the goods are delivered, of their rights. However, there is currently no corresponding obligation on providers of unsolicited services.
Section 43(3)	Clarifying terminology Clarify that provisions in the Act apply to both civil and criminal proceedings, perhaps by amending the Civil Proceedings heading to Proceedings.	Ambiguous provisions The relevant heading for these sections reads Civil Proceedings, which may be causing confusion where the orders relate to criminal proceedings. The High Court has held that the section can be used in criminal proceedings.
Sections 47(1), 47(2)	Modernising language That the respective search powers under sections 47(1) and (2) of the Fair Trading Act 1986 be amended to change the wording from 'any place' to 'a place, vehicle or thing', keeping it consistent and up to date with other legislative search powers.	Inconsistencies with other similar legislation The search warrant powers under these Acts authorise searches of 'any place' rather than the more modern 'place, vehicle or thing', as used in the Search and Surveillance Act 2012. This inconsistency may be problematic when dealing with searches of things such as vehicles, post boxes, phones and intangible things such as data in online storage devices/environments.

Section 47G(2)	Aligning similar legislation Align Part 7 of the Commerce Act 1986 and Part 6 of the Fair Trading Act 1986 to make it clear that the Commerce Commission's investigation powers and associated provisions under the Commerce Act 1986 also apply to the Fair Trading Act 1986.	Inconsistencies with other similar legislation Under the Fair Trading Act 1986, protection to any person who furnishes information, produces or tenders documents, or gives evidence to the Commerce Commission only applies in instances of compulsory request for information and evidence, and not where the same is provided voluntarily. This is inconsistent with the Commerce Act 1986, which has a broader application of the privileges.
Section 47I	Aligning with other regulatory agencies Amend the Fair Trading Act 1986 to include: - the power to service notices in accordance with directions of a Court; and - the power to apply to a Court for such directions.	Inconsistencies with other regulatory agencies The Fair Trading Act 1986 does not empower the Commission to serve notices in accordance with the directions of a Court (and therefore the ability to apply to Court for such directions). This is inconsistent with other regulatory agencies that have the power to serve notices in accordance with directions of a Court.
Section 47J(1)	Aligning similar legislation The two offence provisions between section 103(3) Commerce Act 1986 and section 47J(1) should be aligned to ensure consistency across both Acts' purposes of protecting consumers and to ensure that all conduct is captured when persons are required to appear before the Commerce Commission.	Inconsistencies with other similar legislation The Fair Trading Act 1986 and the Commerce Act 1986' general purposes are in the interest of consumers through the Commerce Commission's enforcement. The change would ensure that the Commerce Commission has the necessary systems in place under both Acts to ensure that parties who are required to furnish information cannot refuse to do certain actions. Currently, section 47J(1) is silent on a number of offences, relating to the same conduct, that is described under section 103(3) of the Commerce Act. is more expansive and includes offences not captured within section 47J(1).

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Section 47J(1)(b)	Aligning similar legislation Align Part 7 of the Commerce Act 1986 and Part 6 of the Fair Trading Act 1986 to make it clear that the Commerce Commission's investigation powers and associated provisions under the Commerce Act 1986 also apply to the Fair Trading Act 1986.	Inconsistencies with other similar legislation Section 47J(1)(b) creates an offence in circumstances where the information/document was obtained pursuant to a compulsory notice under section 47G. However, there is no provision that creates a similar offence when the information is provided voluntarily to the Commission or provided by any other party to align with the Commerce Act 1986.
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Financial Reporting Act 2013

Provision at issue	Proposed amendment	Why the proposed amendment is needed
Section 45	Align provisions with other similar legislation This amendment closes a loophole by clarifying that an entity, A , is 'large' (for the purposes of the Act) if it either: i. amalgamates with a large entity, or ii. is the result of an amalgamation of two entities, one of which was large. This aligns the definition with s461R of the Financial Markets Conduct Act 2013 in relation to climate-related disclosures.	An entity is large if it meets certain thresholds over the last two reporting periods. As a consequence it must meet certain reporting obligations. If an entity, A , is not large but then amalgamates with a large entity it will not meet the thresholds. The resulting entity, despite being large, will not have to meet these reporting obligations.

Friendly Societies and Credit Unions Act 1982

Provision at issue	Proposed amendment	Why the proposed amendment is needed
Sections 40, 130	Align provisions with other similar legislation Amend the Act to provide that the membership lists of entities must	Provisions no longer align with other similar legislation Membership lists of entities must be open to inspection, and there is

	be open to inspection, but that personal information can be withheld in certain circumstances to address privacy concerns.	no provision to allow personal information to be withheld in certain circumstances. This creates privacy issues and is inconsistent with other similar corporate governance legislation.
Sections 84, 97	Aligning with existing legislation Amend provisions to allow a friendly society to convert to a company by operation of law. This will require including legislative machinery for the vesting of all property rights in addition to the rights and liabilities into the company on the vesting day. This would align with the Building Societies Act 1965 and Companies Act 1993.	Inconsistencies and gaps between legislation There is a gap in the law between the automatic transfer of rights and claims and the separate contractual transfer of property, leaving a friendly society converting to a company legally exposed. The uncertainty means it is difficult for a society to confidently use the conversion provision in the legislation to a company route. This differs from similar corporate governance legislation, e.g. the Building Societies Act 1965 and Companies Act 1993.
Schedule 1	Modernise terminology Amend provisions to clarify that health services that are characterised as preventative care and/or wellbeing services to protect health and support active, resilient, and healthy lives form part of a society's permitted services.	Outdated terminology Currently the purposes for which a friendly society may be established is limited to "medical or surgical attendance, relief, or requisites". This wording dates to the 1867 Act. "Medical relief" as it is written does not capture a modern understanding of preventative care and broader well-being and therefore is likely to be outside of a friendly society's mandate to advocate for or encourage injury prevention or wider well-being programmes for their members.

Industrial and Provident Societies Act 1908

Provision at issue	Proposed amendment	Why the proposed amendment is needed
Sections 6(a), 6(b)	Modernise legislation Remove the requirement for the Registrar to sign the documents to reflect electronic provision of information. Removing this requirement will also avoid one-off costs to amend the registers when the person appointed as the Registrar changes, along with any risks that the wrong name will appear around the time that the change of person comes into effect. Changing these provisions will ensure greater consistency across corporate governance legislation and systems.	Legislation is out of date and does not allow for electronic provisions Certain documentation is currently required to be signed by the Registrar. However, with the electronic provision of information processed by the Registrar, it is not necessary for the Registrar's signature to be applied.

Insolvency Act 2006

Provision at issue	Proposed amendment	Why the proposed amendment is needed
Section 206	Remove regulatory burden Amend section 206(2) to remove the requirement to file the notice with the court. Removing the requirement to file the notice with the court will avoid an unnecessary use of the Registrar's and Assignee's resources. If court proceedings do follow, the notice can be produced as evidence at that stage.	Undue regulatory burden Section 206(2)(a) says that: "The Assignee who wishes to cancel an irregular transaction to which this section applies must file a notice with the court that meets the requirements set out in subsection (3)". Routine filing of such notices with the High Court serves no useful purpose as most do not lead to court proceedings. Further, where a debtor was adjudicated bankrupt on their own application there will be no existing court file in which to file the notice and the Registrar will have to open one.

Section 218	Remove unnecessary provisions Repeal section 218.	Provisions are not needed Section 218 prohibits the Official Assignee (OA) from selling any of the bankrupt's property before the date set for the first meeting of creditors. Except in very rare cases, meetings of creditors are dispensed with by the OA under section 73. Most assets are sold without a meeting being held. The change will help clarify that the OA has the power to sell assets at any stage of the bankruptcy.
Section 255	Correct drafting errors Amend the definition of bilateral netting agreement to align with the definition in the Companies Act 1993.	Drafting errors The netting provisions in the Insolvency Act are intended to largely mirror the equivalent provisions in the Companies Act. This change will correct a drafting error in the definition of a bilateral netting agreement.

Sections 265, 266, and 267	Align similar legislation Amend section 267 of the Insolvency Act so that the method of calculating interest aligns with the method set out in section 311 of the Companies Act.	Inconsistent provisions Section 267 provides that, when calculating interest that has accrued on creditor claims since the date a person was adjudicated bankrupt, the interest rate to be used is the rate as defined in section 12(3) of the Interest on Money Claims Act 2016. There is a very similar provision for calculating interest in respect of claims by creditors of companies placed in liquidation in section 311(2) of the Companies Act 1993. However, section 311(4) states that calculation is dependent on Schedule 2 of the Interest on Money Claims Act. Having two different methods of calculating interest under the Insolvency Act and Companies Act results in different outcomes for creditors of a bankrupt or liquidated company, who are owed exactly the same sum of money. Other than being anomalous, having two methods requires the OA to maintain different systems for calculating the amounts creditors are entitled to. This means there is greater chance of error, which creates uncertainty for creditors.
Section 281	Add missing references Amend section 281 to add a missing cross-reference to section 265.	Drafting error There is a missing reference to a related section.
Section 310	Clarify provisions Amend section 310 by adding a subsection that: 1. allows the Assignee to annul a bankruptcy initiated by a creditor application, under the ground in (2(b)). 2. where the bankrupt or an interested party has applied for annulment, the Assignee is not	Unclear provisions Section 310 allows the Official Assignee to annul a bankruptcy initiated by a debtor application, on four grounds set out in subsection (2). The provision does not allow for the Assignee to annul a bankruptcy initiated by a creditor application. The provision also does not make it clear whether the Assignee is obliged to determine

	obliged to determine an application for annulment where the facts are unsettled or in dispute.	an application (i.e. to grant or dismiss it) where the facts are unclear or in dispute.
Sections 329, 331	Add missing references Amend section 329 and 331 to add signpost references to subpart 1 of Part 2 of the Insolvency Practitioners Act 2019, which requires that insolvency practitioners hold a licence.	Drafting error There are missing references to related subparts.
Section 342	Remove provisions that are no longer required Remove the requirement for the written consent of the debtor's proposed supervisor to be annexed.	Provisions are not required Under section 342, a debtor's application for entry into a Summary Instalment Order (SIO) must be in the prescribed form. Section 342(2)(c) states that the application must state the name and address of the debtor's proposed supervisor and annex written consent from that person. This change will simplify the application process. In practice, the written consent of the SIO supervisor is merely a formality as the decision as to who will supervise the SIO will have been made before the application itself is made.
Section 344	Broaden definition Amend section 344(b) by replacing the word "goods" with "property".	Definition is not broad enough Section 344 allows the Official Assignee (OA) to give additional orders in a summary instalment order to a debtor including to dispose of "goods" that are in the debtor's possession. This change will permit the OA to order the realisation of property such as shares or other financial instruments, which may have substantial value.

Limited Partnerships Act 2008

Provision at issue	Proposed amendment	Why the proposed amendment is needed
Section 4	Allow flexibility to exercise powers Amend section 4 to include assistant registrars.	Provisions lack delegation The meaning of registrar includes a deputy registrar under the Companies Act 1993. It does not include assistant registrars. Allowing for assistant registrars to also carry out delegated duties on behalf of the registrar ensures business continuity and timely decision making in the exercise of the powers and functions of the Registrar.
Section 69(3)(d)	Modernise legislation Remove the requirement for the Registrar to sign the documents to reflect electronic provision of information. Removing this requirement will also avoid one-off costs to amend the registers when the person appointed as the Registrar changes, along with any risks that the wrong name will appear around the time that the change of person comes into effect. Changing these provisions will ensure greater consistency across corporate governance legislation and systems.	Legislation is out of date and does not allow for electronic provisions Certain documentation is currently required to be signed by the Registrar. However, with the electronic provision of information processed by the Registrar, it is not necessary for the Registrar's signature to be applied.
Sections 92, 96, 98, 98A	Align provisions Amend sections to require the liquidator of a limited partnership to give public notice of deregistration.	Inconsistent provisions Section 96 provides that the Registrar of Companies must deregister a limited partnership on notification of the completion of the liquidation of the limited partnership. Section 92 provides that Part 16 of the Companies Act 1993 applies. This was an omission in the Limited Partnerships Act 2008. The sections of the Companies Act 1993 that relate to the liquidator advertising the removal of the limited partnership do not apply (when they should). This

		results in inconsistencies in the regime as the Limited Partnerships Act 2008 requires the liquidator to comply with section 257(1)(b) of the Companies Act (Part 16), but they are not required to give public notice of the deregistration (in Part 17). This is inconsistent given that the purpose of public advertising is to provide an opportunity for objections to be lodged.
Section 99	Align provisions with other similar legislation This amendment will align the Limited Partnership Act (LPA) with section 331 of the Companies Act.	The LPA incorporates certain provisions from the Companies Act that deal with removal from, and restoration to, the register. This includes vesting property in the Crown on deregistration. However, the LPA does not incorporate section 331 of the Companies Act which provides that property vested in the Crown on deregistration can be returned to the company if it is restored to the register.
Section 113	Align provisions with other similar legislation This amendment will align the LPA with section 341(3)-(6) of the Companies Act, allowing the Registrar to remove an overseas limited partnership if satisfied that it has ceased to carry on business in New Zealand.	If an overseas company fails to file an annual return the Registrar can rely on section 341(3) of the Companies Act to remove the company from the register on the basis that it has ceased doing business. There is no equivalent provision for limited partnerships. So while they are required to file annual returns, if they don't file and the Registrar is satisfied that they have ceased doing business, they cannot remove them from the register.

Motor Vehicle Sales Act 2003

Provision at issue	Proposed amendment	Why the proposed amendment is needed
Section 24(f)	Repeal redundant provisions Repeal the subsection as it is a transitional provision only and no longer required.	Redundant provision The subsection is a transitional provision only and is no longer required as it relates to the Act's predecessor 22 years ago.

Section 41	Modernise language and remove conflicts Amend the Act to clarify that on deregistration of a trader – the register continues to contain the name and other required information about the trader.	Conflicting provisions Sections 41 and 54(G) may conflict. Section 41 details the information the registrar must remove on a motor vehicle trader in certain circumstances. However, section 54(G) suggests some of this information must be kept.
Section 52	Modernise language and remove conflicts Amend provisions so that there is no requirement to keep the register in New Zealand.	Legislation not aligned with current technology and other legislation There is a requirement to keep the register in New Zealand. Registers held on cloud-based systems are generally not kept in New Zealand. This means that cloud-based systems cannot be used for storing registers. Other corporate legislation does not have this requirement.
Sections 43, 46, 48	Address gaps Amend sections to ensure a trader may not surrender their registration if the process for cancellation has been initiated by the Registrar.	Gaps in legislation Gaps in legislation are creating an unintended loophole that cannot be addressed by the registrar without legislative change. A voluntary surrender notice supersedes the cancellation process, which means a Trader may not be subject to a disqualification period.

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Section 68	Addressing gaps An amendment to section 68 to include the offence of section 96(1).	Gaps in legislation The section sets out the persons banned from participating in business of motor vehicle trading, but there is currently no provision to exclude a person from participating in motor vehicle trading if they have been convicted of an offence pursuant to section 96(1).
Section 82	Align with other jurisdictions Amend the Act to include a 'Principal Adjudicator' provision within the existing pool of current adjudicators.	Legislation inconsistent with other jurisdictions The Motor Vehicle Disputes Tribunal is the only jurisdiction without a head of bench. Free and frank opinions
Sections 112-116	Aligning with other similar legislation Align infringement provisions around serving notices to other similar legislation (e.g. the Incorporated Societies Act 2022).	Inconsistent provisions Other similar legislation now uses standardised provisions whenever infringement offences are included. This includes a detailed provision around how infringement notices may be served. This is currently missing from these provisions.

Receiverships Act 1993

Provision at issue	Proposed amendment	Why the proposed amendment is needed
Section 23(1)(f)	Amend provisions to reflect parliamentary intent Expanding the regulation making power to enable this content to be prescribed as was the intent when the Act was enacted. This	Provisions do not reflect parliamentary intent Provision contains the ability to prescribe content for inclusion in a receiver's first report. The general ability to prescribe the content of reports by receivers is contained in

	appears to be a historic deficiency in the regulation making power.	section 395 of the Companies Act. However, that power does not extend to prescribing under section 23.
Section 24A(1)	Clarify provisions Amend provision to clarify that the Registrar of Companies is required to register a summary report on the register and make them available to the public.	Unclear provisions Section 24A requires a receiver at the end of a receivership to provide to the Registrar of Companies a summary report on the receivership.
Section 26(4)	Clarify provisions Amend provision to clarify that the Registrar of Companies is required to register first or further receiver reports on the register and make them available to the public.	Unclear provisions Section 26(4) of the Receiverships Act 1993 provides that receivers must (within 7 days after preparing a first or further report under sections 23 or 24) send or deliver to the Registrar of Companies a copy of the report.

Retail Payment System Act 2022

Provision at issue	Proposed amendment	Why the proposed amendment is needed
Section 6	Align with similar legislation Amend section 6 to provide that a function of the Commerce Commission is compliance monitoring.	Inconsistencies with other similar legislation All of the other economic regulation legislation enforced by the Commerce Commission, including the Grocery Industry Competition Act 2023, include more explicit references to the Commission monitoring compliance, whereas the Act just implicitly contemplates that it has this function. The Commerce Commission has explicit enforcement powers under the Act. To inform the exercise of these powers, it is necessary that the Commerce Commission is empowered to monitor compliance with the Act. However, due to an oversight during the legislative process, the Act is not currently explicit that the Commerce

		Commission has a compliance monitoring function. Free and frank opinions
Section 37	Clarify provisions Amend section 37 to include reference to the functions of the Commerce Commission set out in section 6(a)-(c) of the Act, relating to monitoring competition and efficiency in the retail payment system, conducting inquiries, reviews, and studies, and making available reports, summaries, and information. The reference to section 6 should continue to exclude the broader enforcement function in subparagraph (d) and the new express compliance monitoring function (as outlined above).	Legislation does not meet policy intent Section 37 provides the Commerce Commission with certain mandatory information gathering powers. Currently, the Commerce Commission may only exercise this power for the purpose of carrying out its functions and exercising its powers under Part 2 and subpart 1 of Part 3. Limiting the scope of the powers in this way was intended to ensure that the Commerce Commission could not exercise its section 37 powers in relation to its role in seeking penalties or other remedies for a contravention of the Act. However, limiting the availability of the section 37 powers for the Commerce Commission's general monitoring functions under section 6(a)-(c) of the Act was not deliberate.
Section 38	Remove duplications Repeal sub-paragraphs (i) and (j) from section 38 of the Retail Payment System Act 2022.	Duplication in provisions Section 38 applies sections 88 and 88A of the Commerce Act 1986 (with one modification) in order to make injunctions available in certain circumstances and according to certain procedures. Sections 47 – 50 of the Retail Payment System Act

		2022 then supplant these provisions by setting out powers and procedures for injunctions. This has resulted in duplication of provisions relating to injunctions. The provisions internal to the Retail Payment System Act are preferred over the cross-references to the Commerce Act.
Section 51	Clarify provisions Insert an appropriate cross-heading above section 51.	Unclear provisions This provision places a time limit on liability for penalties or compensation. However, it has no cross-heading to separate it from the provisions (noted directly above) relating to injunctions.

Trade (Anti-Dumping and Countervailing Duties) Act 1988

Provision at issue	Proposed amendment	Why the proposed amendment is needed
Section 3 (definition "exporter")	Clarify language Amend the definition of "exporter" for the purposes of this Act in relation to exports into New Zealand from overseas.	Lack of clarity in definition The Act's current definition of "exporter" is drawn from the Customs and Excise Act 2018. This is inappropriate and could result in confusion/conflation as the intention in the Customs and Excise Act 2018 is to define "exporter" in relation to exports out of New Zealand, while the intention in the Act is to define "exporter" in relation to exports from overseas into New Zealand.
Section 3 (definition "interested parties.")	Clarify language Replace "notified parties" with "interested parties" in the Act and include a definition for "interested parties" that aligns with the definition in the World Trade Organisation (WTO) Anti-Dumping Agreement (Implementation of Article VI of the General Agreement on Tariffs and Trade) (AD Agreement), including a discretion to include parties other than those listed.	Legislation does not align with international agreements The definition of "notified parties" currently included in the Act creates ambiguity and does not align with the text of the AD Agreement, to which New Zealand is party and which we follow in practice.

Section 10A	Clarifying order of provisions Reverse the order of ss 10A(1)(a) and (b) to reflect the logical progression of steps in the investigation process.	Order of provisions creating ambiguity The Act currently sets out the start-of-investigation process in a different order from that followed in practice. The Act's process is ordered in s 10A(1) as follows: • Assess presence of sufficient evidence to justify investigation • Ensure application has been submitted by an applicant with standing, representing a critical mass of industry players In practice, the standing of an applicant is assessed first, as this is more logical and efficient. It would be helpful for users to see this reflected in the Act.
Section 10C	Align legislation with international agreements Reverse the order of sections 10C(2) and (3) so that the requirement to give interested parties the opportunity to present evidence (etc.) precedes the Essential Facts and Conclusions (EFC) advice, and provide clarity that the requirement in section 10C(3) applies to all parts of the investigation.	Legislation does not align with international agreements The Act currently sets out the step 1 investigation process differently from the logical progression of step 1 in practice. The current drafting does not accurately reflect Article 6 of the Anti-Dumping Agreement, to which New Zealand is party and with which we comply in practice.
Section 17(a)	Remove regulatory burden Amend 17(a) to provide for discretion as to when provisional measures are payable - either the day after determination date or a reasonable specified day after that date.	Inconsistencies within the legislation creating regulatory burden Section 17(a) is inconsistent with the Act's other duty collection provisions. It also poses practical difficulties where Ministerial determinations are made late on a Friday, and duties are payable for the Saturday. In such cases, Customs officials must implement and publicly communicate the necessary system updates by Saturday or apply and collect duties retrospectively after a

		shipment has been released. The former is difficult to implement and the latter poses difficulties for traders. An amendment allowing for collection on a specific day would simplify the administrative requirements and provide more certainty for stakeholders.
Section 17F	Align legislation with international agreements Reverse the order of ss 17F(2) and (3) so that the provision for the presentation of evidence is provided prior to the provision for issuing an EFC report.	Legislation does not align with international agreements The Act currently sets out the stage 1 review process differently from the logical progression of stage 1 in practice, and does not accurately reflect Article 6 of the Anti-Dumping Agreement, to which New Zealand is party and complies with in practice.
Sections 10H, 13	Clarify provisions Amend section 10H to: • note that an affirmative determination will result in the imposition of duties under section 13(1) • include the notification requirement currently set out in section 13(2) in section 10H(2) • note that a negative determination will result in the termination of the investigation.	Unclear provisions The Act currently separates provisions on the process for making and notifying a step 2 determination (section 10H) and the notification requirements after imposing duties as a consequence of an affirmative step 2 determination (s 13). This makes the Act more difficult to navigate including by, for an affirmative determination, separating the associated notification requirements. The Act also does not specify the effect of a negative step 2 determination (it seems what happens, given such an event, is that the investigation lapses), which results in a lack of certainty/clarity.

Media and Communications Portfolio

Radiocommunications Act 1989

Provision at issue	Proposed amendment	Why the proposed amendment is needed
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Section 2 – Interpretation	Modernise the Act's definition of supply Free and frank opinions	Free and frank opinions
Section 114(1) - Presumptions	Replace 'used' with 'transmitted' and introduce the term 'transceiver'. A transceiver refers to a device that can both transmit and receive, capturing two-way radios. Replacing 'used' with 'transmitted' clarifies that the device is presumed to be used for its transmitting function, connecting it to the transmitting related offence at section 113.	Remove any ambiguity that unlicensed transmissions from a two-way radio (or transmitting from another such device that has both the means to transmit and receive) is captured by the offence at section 113.

Resources Portfolio

Crown Minerals Act 1991

Provision at issue	Proposed amendment	Why the proposed amendment is needed
Section 2, 19	Update public notice definition Amend the definition of public notice to be consistent with the Legislation Act 2019. Amend the guidance note in section 19, which summarises the publication requirements for making secondary legislation to be consistent with the Legislation Act 2019.	Outdated terminology Currently, the Minister must issue a public notice through "1 or more daily newspapers circulating in the main metropolitan areas". This limits the use of more accessible or modern formats. Modernising the definition of public notice to be consistent with the Legislation Act 2019 would introduce greater flexibility, allowing notices to be issued through a broader range of formats. It also improves accessibility, customer focus, and delivers costs savings by reducing the reliance on print-only notices.

Section 89ZZD	Align provisions to meet parliamentary intent Create a new section to specify that an undertaking may include an undertaking to pay compensation to meet the original parliamentary intent.	Provisions do not meet parliamentary intent The intention of this section is to provide the Chief Executive or enforcement officer with the power to accept enforceable undertakings, following a contravention of the Act. The current wording of section 89ZZD does not explicitly allow the regulator to accept an enforceable undertaking to pay compensation for a contravention.
Section 90(3)	Align section 90 provisions Amend the section to refer consistently to “records and reports”.	Inconsistent provisions Section 90 relates to the permit holder records and reports. However, section 90(3)(a) and section 90(3)(b) refer only to reports. This is inconsistent with other subsections in section 90 where it refers to both records and reports.
Section 99	Amend provision Replace “... within the meaning of the Arbitration Act 1908...” with “... within the meaning of the Arbitration Act 1996...”	Provision references Act that no longer exists The Arbitration Act 1908 was repealed in 1996.

Annex Two: Regulatory Systems (Energy and Resources) Amendment Bill

Building and Construction portfolio

Electricity Act 1992

Provision at issue	Proposed amendment	Why the proposed amendment is needed
Section 128	Add definition Amend section 128(1)(a) to clarify that an electrical worker must have their official name on the public register.	Unclear provision Electrical Workers have sought to update the name displayed on the register to reflect a preferred name/name other than legal name. Section 128(1)(a) provides that the registered persons full name must be included in the register.
New section	Align with other similar legislation Create a new section requiring electrical workers to declare any changes in circumstances that would affect their fitness to continue holding a practising licence.	Legislation does not align with other similar legislation Currently applicants are only required to declare any matters in relation to fitness at the time of submitting an application. This does not align with other similar provisions.

Energy portfolio

Atomic Energy Act 1945

Provision at issue	Proposed amendment	Why the proposed amendment is needed
Section 15	Unnecessary reference In section 15(1), delete "Without prejudice to the provisions of section 4 of the Mining Amendment Act 1934".	Reference to repealed Act The Mining Amendment Act 1934 has been repealed.

Electricity Act 1992

Provision at issue	Proposed amendment	Why the proposed amendment is needed

Section 23	Clarify access provisions Amend Section 23 to clarify that any other land may be entered for the purpose of gaining access to electricity works to inspect, operate or maintain them, where that is necessary.	Unclear description Currently, Section 23 states that owners of public works may enter land to access those works. However, it is unclear whether this right extends to land that must be crossed to reach the works, even if the works themselves are not located on that land.
Section 23	Add missing access provision Include that an owner of existing works may enter any land for the purpose of removal of works.	Provision missing from Act Currently, the removal of works is not explicitly provided for, which could lead to uncertainty about whether an owner of existing works has a right to enter land for that purpose. This will provide clarity that owners can remove existing works where required.
Section 23A	Improve notice flexibility Amend the notice requirement so that the form that the notice may take is more flexible. The notice should suit both the landowner and Transpower while retaining written notice as a backstop.	Notice provisions inflexible An owner of existing works must give written notice of their intention to enter land for the purpose of maintaining or completing existing works. This limits the form of the notice to one that may not suit the landowner's situation or preference.
Section 168	Redundant reference Amend the reference to Part 9 of the Māori Affairs Amendment Act 1974 to refer instead to Part 10 of the Te Ture Whenua Māori Act 1993.	Reference to repealed Act The Māori Affairs Amendment Act 1974 has been repealed.

Electricity Industry Act 2010

Provision at issue	Proposed amendment	Why the proposed amendment is needed
Section 5	Amend definition to establish certainty Expand the definition of retailing from the 'sale of electricity' to include the 'supply of electricity'.	Definition causes uncertainty The Act does not specify whether a business is 'engaged in retailing', or what is meant by the 'sale of electricity'

		Free and frank opinions
Section 11	Make a breach of an exemption a breach of the Code Make a breach of an exemption a breach of the Code, which would allow the Electricity Authority to make remedial orders rather than completely rescinding the exemption.	Modernise legislation The Electricity Authority can agree to exemptions from the Code and attach terms and conditions. Exemptions will become more important as new technologies and methods emerge which need to be trialled. Currently, there is no consequence for breaching an exemption except rescinding it (which would end the trial entirely). This change would offer a more proportionate response to breaches of an exemption.
Section 106	Streamline the process to cease supply to a line Allow electricity distributors to cease supply to a line if it has held a disconnection status continuously for 24 months. This should be subject to following: • The distributor must verify that there have been no active connections to the line during the entire 24-month period. • Prior to disconnection, the distributor must notify the public of their intent to disconnect. • After disconnection, the distributor must issue a	Unnecessary administrative burden Currently, electricity distributors can only disconnect unused lines with either the approval of the landowner and consumer being served, or with Ministerial approval. This process is often burdensome and slow, meaning distributors are required to maintain remote or inactive lines longer than necessary. As a result, they incur higher operational costs, which are ultimately passed on to consumers through increased distribution charges.

	notice confirming the disconnection.	
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Energy (Fuels, Levies and References) Act 1989

Provision at issue	Proposed amendment	Why the proposed amendment is needed
Section 35C	Clarify and widen compliance powers Clarify and widen the compliance powers of MBIE's Trading Standards team, which is responsible for the national fuel quality monitoring programme. This includes: - clarifying that fuel sample collection can be delegated to an agent other than MBIE; - clarifying that a compliance check does not have to be done in person; and - giving the Trading Standards team clear authority to request information by electronic means (e.g. by email) for fuel quality compliance check and investigations.	Free and frank opinions

Fuel Industry Act 2020

Provision at issue	Proposed amendment	Why the proposed amendment is needed
Section 25	Clarify purposes of information disclosure requirements Amend section 25 to clarify the purposes of the information disclosure requirements applicable to fuel industry participants under Part 2 Subpart 4 of the Fuel Industry Act 2020.	Lack of clarity about the Commission's analytical role When sections 25 and 28 of the Fuel Industry Act 2020 are read together, it is not clear that the Commerce Commission may analyse the information disclosed under this subpart to assess whether the purpose of Parts 1 to 3 of the Fuel Industry Act are

		being met. This could limit the scope of the Commission's analytical work on fuel market competition to some extent. The amendment would make it clear that one of the purposes is to enable the chief executive of the administering department and the Commerce Commission to assess whether the purpose of Parts 1 to 3 of the Fuel Industry Act (namely promoting fuel market competition) is being met.
Section 33	Clarify powers can be used for monitoring, investigating and enforcing compliance Amend the introductory clause of section 33 of the Fuel Industry Act to clarify that the powers under the Commerce Act 1986 mentioned in section 33 can be used for the purposes of monitoring, investigating and enforcing compliance with the Fuel Industry Act 2020.	Free and frank opinions

Resources portfolio

Energy Resources Levy Act 1976

Provision at issue	Proposed amendment	Why the proposed amendment is needed
Section 31(6)	Outdated provision In the definition of natural gasoline, delete “by the Natural Gas Corporation of New Zealand (established by the <i>Natural Gas Corporation Act 1967</i>)”.	Provision references a corporation that does not exist The Natural Gas Corporation of New Zealand no longer exists.
Section 33(3)	Amend terminology Replace “a bank as defined in section 2 of the Banking Act 1982” with “a registered bank	Provision references Act that no longer exists The Banking Act 1982 was repealed in 1995.

	within the meaning of the <i>Banking (Prudential Supervision) Act 1989</i> ".	
Section 35	Outdated provision Remove outdated reference to Chief Inspector of Coal Mines and amend decision maker to be the Minister responsible for the administration of this Act, or a person appointed by that Minister.	Provision references role that no longer exists The current provision refers to the Chief Inspector of Coal Mines, a role that no longer exists.