

Summary of Underpinning Analysis: Research, Science, Innovation and Technology Bill

Agency responsible	Ministry of Business, Innovation and Employment
Portfolio	Science, Innovation and Technology
Date finalised	21 August 2026
Identification Number	REG-1391 and REG-1974

Good law-making: 9(i)

The importance of consulting, to the extent that is reasonably practicable, the persons or representatives of the persons that the responsible agency considers will be directly and materially affected by the legislation

Inconsistency identified? No

Summary of agency analysis

The policies underpinning the reforms were informed by advice from the Science System Advisory Group, who engaged widely with the research, science, innovation and technology system.

The organisations most directly and materially affected by the Bill were consulted during its development. This includes Callaghan Innovation, the Crown Research Institutes (CRIs), the New Zealand Institute for Advanced Technology (NZIAT) and the Health Research Council (HRC), all of which will be directly affected by the institutional and governance arrangements established by the Research, Science, Innovation, and Technology Bill (the Bill).

A summary of consultation undertaken when developing the policy is provided in the following associated documents:

- *Regulatory Impact Statement: Driving economic growth through Science, Innovation and Technology*
- *Regulatory Impact Statement: Future of health research funding – decision making and allocation*



The Bill is consistent with principle 9(i).

Good law-making: 9(j)

The importance of carefully evaluating—

- the issue concerned; and
- the effectiveness of any relevant existing legislation and common law; and
- whether the public interest requires that the issue be addressed; and
- any options (including non-legislative options) that are reasonably available for addressing the issue; and
- who is likely to benefit, and who is likely to suffer a detriment, from the legislation

Inconsistency identified?

NO

Summary of agency analysis

The Bill gives effect to reforms that have been informed by extensive policy development through the Science System Advisory Group process and broader engagement with the research, science, innovation and technology sector, experts and government departments. This work identified concerns about fragmentation, weak system stewardship and limitations in the current framework that affect the effectiveness, coordination and responsiveness of the research, science, innovation and technology system.

Existing legislative and institutional arrangements were assessed during policy development and were found not to adequately support the Government's objective of a more connected and strategy-led research, science, innovation and technology system.

A range of legislative and non-legislative options were considered. Legislative reform was considered necessary because the issues being addressed relate to the core architecture of the research, science, innovation and technology system. Existing arrangements did not provide a sufficiently clear, durable or accountable framework for system leadership, funding decision-making and the operation of public research organisations (PROs).

The Bill establishes enduring statutory settings for these matters, including clear roles, responsibilities, accountability arrangements and mechanisms through which government priorities can be reflected across the system. While some changes, such as establishing the Prime Minister's Science, Innovation and Technology Advisory Council, could be implemented administratively, non-legislative measures would not have provided the same certainty, transparency, durability or Parliamentary oversight. The Bill therefore establishes a stable legislative foundation for the long-term stewardship and operation of the system while preserving flexibility as to how future priorities and decisions are determined.



Reform is in the public interest given the scale of public investment in the research, science, innovation and technology system and the importance of ensuring that public funding delivers the greatest possible benefit to New Zealand. The Bill is intended to improve the effectiveness, coordination and responsiveness of the system, supporting stronger economic, social and environmental outcomes for New Zealand.

Researchers, research organisations, businesses, government agencies and the wider public are expected to benefit from a more coherent and effective system. Some organisations will need to adapt to new legislative and institutional arrangements, but those impacts were considered during policy development and are outweighed by the expected benefits of a more connected and strategy-led system.

The Bill is consistent with principle 9(j).

Implementation: 9(k)

The importance of the responsible agency identifying and developing effective arrangements for implementing the legislation

Inconsistency identified?	NO
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Summary of agency analysis

Implementation planning occurred alongside policy and legislative development, with significant preparatory work underway across the system.

MBIE has worked with CRIs to support significant organisational change in anticipation of becoming PROs, including amalgamations and the development of refreshed accountability frameworks. MBIE will continue to work with PROs on implementing the changes under the Bill, including the new requirement for PROs to act consistently with existing Treaty settlement obligations.

MBIE has also worked with Callaghan Innovation and other system participants to manage the transition of Callaghan Innovation's functions.

MBIE and the Ministry of Health has worked with HRC in relation to their disestablishment and transfer of its responsibilities to Research Funding New Zealand (RFNZ), MBIE and the Ministry of Health.

The Government is preparing funding priorities, consolidating funding boards, and resetting expectations in anticipation of the new legislative arrangements. These actions support an orderly transition to the future research, science, innovation and technology system and reduce implementation risk.

The Bill is consistent with principle 9(k).



Costs and benefits: 9(l)

Legislation should be expected to produce benefits that exceed the costs of the legislation to the public or persons

Inconsistency identified?

NO

Summary of agency analysis

Qualitative assessments of the costs and benefits of the substantive components of the Bill are set out in the associated documents:

- *Regulatory Impact Statement: Driving economic growth through Science, Innovation and Technology*
- *Regulatory Impact Statement: Future of health research funding – decision making and allocation*

The documents identify both the costs and benefits of the reforms, including impacts that can be estimated and impacts that are not readily capable of being quantified.

The main costs are expected to fall on MBIE, publicly funded research organisations, researchers and some businesses during the transition period. These include implementation and transition costs, organisational change costs and short-term disruption as new arrangements are established. Some transition costs have been estimated in the documents, while other impacts, such as temporary disruption and adjustment costs, are not readily capable of monetisation.

There will also be associated costs for the Ministry of Health regarding the transition of functions as part of the disestablishment of HRC. Specifically, new responsibilities and functions for the Ministry of Health include clinical trials, ethics and health research policy workforce development.

The main benefits are expected to accrue to New Zealanders through a more effective research, science, innovation and technology system. Around \$1.2 billion of public funding is invested in the system each year. The Bill is intended to improve the return on that investment by supporting clearer strategic direction, better allocation of funding, reduced duplication, stronger research collaboration and commercialisation, and greater responsiveness to Government priorities.

While there is uncertainty about the scale and timing of some benefits, the documents concludes that the expected benefits are likely to outweigh the implementation and transition costs.

The Bill is consistent with principle 9(l).



Most effective, efficient and proportionate response: 9(m)

Legislation should be the most effective, efficient, and proportionate response to the issue concerned that is available

Inconsistency identified?

NO

Summary of agency analysis

The current statutory framework establishes the existing institutional settings for CRIs and Callaghan Innovation, so legislative change is essential to replace those settings with a coherent framework for PROs and the future role of Callaghan Innovation.

Some elements of the reform programme could be advanced without legislation. For example, the Government has already established a ministerial advisory group to provide advice on system priorities, published some priorities and reset expectations for funding bodies.

However, these measures are central to the reform objective of creating a more strategy-led research, science, innovation and technology system. The Bill establishes an enduring and coherent framework within which those mechanisms operate.

Including them in legislation clarifies roles, responsibilities and relationships across the system, supports transparency and accountability, and promotes a coordinated approach to system leadership, priority setting and investment decision-making.

The Bill takes an enabling rather than highly prescriptive approach. It sets the core legislative architecture for a more strategy-led research, science, innovation and technology system, while retaining flexibility to adjust priorities, funding settings and institutional arrangements over time.

This approach balances the need for clear statutory settings with the need for the system to adapt as priorities, evidence and implementation settings change. It therefore provides a proportionate response to the issues identified while avoiding unnecessary prescription.

The Bill is consistent with principle 9(m).



Rule of Law - clarity and accessibility: 9(a)(i)

The law should be clear and accessible

Inconsistency identified? NO

Summary of agency analysis

The Bill is directed primarily at Ministers, departments, Crown entities, PROs and funding bodies operating within the research, science, innovation and technology system. While the Bill addresses a complex area of government activity, it is directed at specialist users who understand legislation of a technical nature in relation to research, science, innovation and technology.

The Bill consolidates legislative settings that are currently spread across multiple statutes into a single legislative framework for key elements of the research, science, innovation and technology system. This improves the accessibility of the legislative framework and supports a clearer understanding of roles, functions and responsibilities within the system.

In terms of accessibility, the Bill requires the matters such as appointments, terms of references, policies and priorities on which a funding body or PRO will be directed and funding decisions to be published.

The Bill is consistent with principle 9(a)(i).

Rule of Law - retrospectivity: 9(a)(ii)

The law should not adversely affect rights and liberties, or impose obligations, retrospectively

Inconsistency identified? NO

Summary of agency analysis

The Bill amends the Government Superannuation Fund Act 1956 to include provisions to preserve Government Superannuation Fund (the Fund) membership for affected employees. They ensure that employees of Callaghan Innovation or PROs who transfer to a recipient entity continue as contributors to the Fund.

For employees of Callaghan Innovation who are contributors to the Fund and transferred before the Bill comes into force, the provision applies retrospectively from the date of a public notice issued by the Minister under clause 9 or 10 of Schedule 1, including where a voluntary notice was issued before the Bill comes into force.

The retrospectivity preserves existing entitlements and is only beneficial to those affected. The retrospectivity is therefore consistent with Chapter 12, Part 1 of the Legislation Guidelines (2021).



The Bill is consistent with principle 9(a)(ii).

Rule of Law - equality before the law: 9(a)(iii)

Every person is equal before the law

Inconsistency identified? NO

Summary of agency analysis

The Bill provides a limited immunity from civil liability for directors and employees of PROs and PRO subsidiaries when acting in good faith while:

- providing advice or information about hazardous events
- acting under a Ministerial direction during a state of emergency.

In these circumstances, PROs support the exercise of core governmental functions by providing scientific advice, information and expertise needed to decision-makers to assess and respond to risks to life, property and the environment. The immunity ensures that directors and employees can provide full, timely and useful advice, and act decisively in emergency situations, without concern that good-faith actions could result in personal civil liability.

The immunity is justified on public policy grounds. It applies only in limited circumstances, only to specified functions, and only where the person acts in good faith. It is intended to support the effective performance of emergency response and public safety functions, rather than confer a general exemption from the law.

Similar protections already apply elsewhere in the public sector. The immunity is narrower than the protections provided under section 121 of the Crown Entities Act 2004 and section 104 of the Public Service Act 2020.

No unjustified immunity or exemption from the law has been identified.

The Bill is consistent with principle 9(a)(iii).



Rule of Law - independent, impartial judiciary: 9(a)(iv)

There should be an independent impartial judiciary

Inconsistency identified? NOT APPLICABLE

Summary of agency analysis

The Bill does not affect the independence of the judiciary, alter judicial appointments or conditions, or confer judicial functions on non-judicial bodies.

The Bill is consistent with principle 9(a)(iv).

Rule of Law - resolving issues of legal right and liability: 9(a)(v)

Issues of legal right and liability should be resolved by the application of law, rather than the exercise of administrative discretion

Inconsistency identified? NO

Summary of agency analysis

The Bill confers decision-making powers on Ministers, PROs, funding bodies and other statutory actors.

Those powers are exercised within a legislative framework that establishes statutory objectives, functions, duties, governance arrangements and accountability mechanisms.

The Bill does not confer broad powers that are unconstrained by legislative purpose or framework.

The Bill is consistent with principle 9(a)(v).

Liberties: 9(b)

Legislation should not unduly diminish a person's liberty, personal security, freedom of choice or action, or rights to own, use, and dispose of property, except as is necessary to provide for, or protect, any such liberty, freedom, or right of another person

Inconsistency identified? NO

Summary of agency analysis



The Bill primarily establishes institutional, governance and funding arrangements for the research, science, innovation and technology system. It does not impose significant restrictions on individual liberty, personal security, freedom of choice or freedom of action.

To the extent the Bill confers powers or establishes obligations, those provisions are directed principally at public entities and statutory actors operating within the system and are proportionate to the objectives of the legislation.

The Bill is consistent with principle 9(b).

Taking of property: 9(c)

Legislation should not take or severely impair, or authorise the taking or severe impairment of, property without the consent of the owner unless-

- **there is a good justification for the taking or severe impairment; and**
- **fair compensation for the taking or severe impairment is provided to the owner; and**
- **the compensation is provided, to the extent practicable, by or on behalf of the persons who obtain the benefit of the taking or severe impairment**

Inconsistency identified? NO

Summary of agency analysis

The Bill includes provisions relating to the transfer of assets, liabilities, land and other property interests as part of institutional transition arrangements. However, these provisions relate to Crown assets and public entities and are intended to support the reorganisation of publicly funded research institutions.

The Bill does not provide for the taking of private property without justification or compensation.

The Bill is consistent with principle 9(c).

Taxes, fees and levies: 9(d)

The importance of maintaining consistency with section 22(a) of the Constitution Act 1996 (Parliamentary control of taxation)

Inconsistency identified? NOT APPLICABLE

Summary of agency analysis

The Bill does not impose or authorise taxes.



Taxes, fees and levies: 9(e)

Legislation should impose, or authorise the imposition of, a fee for goods or services only if the amount of the fee bears a proper relation to the cost of providing the good or service to which it relates

Inconsistency identified? NO

Summary of agency analysis

The Bill includes a consequential amendment to the Pae Ora (Healthy Futures) Act 2022 authorising regulations to prescribe fees for the review of research proposals against national ethical standards.

The provision relates to a fee for a specific service rather than a tax or levy. The provision identifies the service for which fees may be charged and provides for fees to be prescribed by regulations made by Order in Council, including the manner in which those fees are to be determined.

The Bill is consistent with principle 9(e).

Taxes, fees and levies: 9(f)

Legislation should impose, or authorise the imposition of, a levy to fund an objective or a function only if the amount of the levy is reasonable in relation to both—

- the benefits that the class of payers is likely to derive, or the risks attributable to the class, in connection with the objective or function; and
- the costs of efficiently achieving the objective or providing the function

Inconsistency identified? NO

Summary of agency analysis

The Bill does not impose or authorise levies of the kind contemplated by principle 9(f).

Role of courts: 9(g)

Legislation should preserve the courts' constitutional role of ascertaining the meaning of legislation

Inconsistency identified? NO

Summary of agency analysis



The Bill does not limit access to the courts, restrict judicial review or otherwise affect the constitutional role of the courts. Decisions made under the Bill remain subject to ordinary legal and administrative law principles.

The Bill is consistent with principle 9(g).

Role of courts: 9(h)

Legislation should make rights and liberties, or obligations, dependent on administrative power only if the power is sufficiently defined and subject to appropriate review

Inconsistency identified?

NO

Summary of agency analysis

The Bill confers administrative powers on Ministers, PROs, funding bodies and other statutory actors. Those powers are exercised within a legislative framework that sets out statutory objectives, functions, duties, governance arrangements and accountability mechanisms.

The Bill does not confer broad administrative powers that are unconstrained by legislative purpose or framework. Decisions made under the Bill remain subject to ordinary public law principles, including judicial review.

The Bill is consistent with principle 9(h).

Additional information

Relevant publicly available inquiry, review, or evaluation reports

Science System Advisory Group Report: An Architecture for the Future (August 2024)

<https://www.mbie.govt.nz/assets/science-system-advisory-group-report.pdf>

Science System Advisory Group Report: A Pathway to the Future: New Zealand's Science and Innovation System (April 2025)

<https://www.mbie.govt.nz/assets/Science-system-advisory-group-report-a-pathway-to-the-future-new-zealands-science-and-innovation-system-proactiverelease.pdf>

Regulatory Impact Statement: Driving economic growth through Science, Innovation and Technology (April 2025)

<https://www.regulation.govt.nz/assets/RIS-Documents/Regulatory-Impact-Statement-Driving-economic-growth-through-Science-Innovation-and-Technology.pdf>



Regulatory Impact Statement: Future of health research funding – decision making and allocation (November 2025)

<https://www.mbie.govt.nz/dmsdocument/31939-ris-future-of-health-research-funding-decision-making-and-allocation-proactiverelase-pdf>

Relevant international treaties, standards and obligations

While not an international treaty or obligation, the Bill amends the Measurement Standards Regulations 2019 to implement Resolution 3 of 27th meeting of the General Conference on Weights and Measurements in 2022 on the extension of the range of International Standards of Units.

Departures from the Legislation Guidelines

None identified.

Other unusual provisions or features

None identified.