



Hamilton City Council – Staff Submission

Regulatory Standards Bill

**Parliament's Finance and Expenditure
Select Committee**

23 June 2025



Improving the Wellbeing of Hamiltonians

Hamilton City Council is focused on improving the wellbeing of Hamiltonians through delivering to our five priorities of shaping:

- **A city that's easy to live in**
- **A city where our people thrive**
- **A central city where our people love to be**
- **A fun city with lots to do**
- **A green city**

The topic of this staff submission is aligned with all of Hamilton City Council's five priorities.

Council Approval and Reference

This staff submission was approved by Hamilton City Council's Chief Executive on 23 June 2025.

Submission # 806

It should be noted that the following submission is from staff at Hamilton City Council and does not, therefore, necessarily represent the views of the Council itself.

Introduction

1. Hamilton City Council staff welcome the opportunity to make a submission to Parliament's Finance and Expenditure Select Committee on the **Regulatory Standards Bill**.
2. Hamilton City Council is responsible for providing and maintaining a myriad of key essential services and facilities for over 180,000 residents in New Zealand's fastest-growing city.
3. Management of this complex operation requires strict adherence to a raft of legislation (e.g. Local Government Act 2002; Resource Management Act 1991; Building Act 2004; Rating Act 2002; Land Transport Act 1998; Local Government Official Information and Meetings Act 1987 etc).
4. In addition, Hamilton City Council is currently responsible for overseeing and enforcing thirteen local bylaws, which are made under the authority of an Act of Parliament.
5. **Hence, our concern around ensuring that the Regulatory Standards Bill does not extend to the local government sector.**

Key Messages and Recommendations

6. **Support for the Submission by Taituarā**
7. Taituarā is the voice of local government professionals and advocates on their behalf on the key issues that impact management within the sector.
8. Taituarā has a number of significant concerns about the Regulatory Standards Bill and has made a comprehensive submission to the Bill on behalf of and in consultation with the local government sector.
9. We fully acknowledge and support the overall intent, direction, and recommendations outlined in Taituarā's submission to the Regulatory Standards Bill (refer also to additional points under the section 'Three Waters Management').
10. **The Bill should not extend to the Local Government Sector**
11. In particular, we support the very first recommendation in Taituarā's submission, *i.e. **Scope: That the Regulatory Standards Bill be amended to clarify it does not extend to the local government sector.***
12. We also support the following key messages in Taituarā's submission that underpin this recommendation:
 - *Some aspects of the Bill appear to apply to local government in that all secondary legislation is covered by the obligation to prepare consistency statements and get these reviewed.*
 - *The Local Government Act establishes that the local government bylaws are secondary legislation and therefore apparently fall within the scope of the Bill.*
 - *We submit that the requirements on local authorities when making regulations are far more stringent than is the case with central government.*
 - *We submit that the extension to local government would be "legislative overkill" – local government is already held to higher procedural and analytical standard than central government.*

- *We further add that extending this requirement to local government blurs the accountability of local government to its community. In short, the review process provides an unelected central government body with the authority to comment and critique the policy decisions of a local authority without having any involvement in the policy or engagement processes through which the decision has been made. The findings of the Board, while having no direct authority, might also be used as evidence in any action seeking to overturn a bylaw.*
- *We submit that clause 14 should be amended to expressly exclude secondary legislation made by local government. This would tailor the exclusion specifically to the requirements that apply to local government.*

13. The Bill must not Undermine or Compromise Te Tiriti

- Any legislation (including the Regulatory Standards Bill) that has the potential to undermine or compromise Te Tiriti and iwi relations at a central government level is likely to have significant implications for all councils throughout New Zealand.
- In Hamilton City Council's case, such legislation will have significant implications for the [Waikato-Tainui Raupatu Claims \(Waikato River\) Settlement Act 2010](#), which informs or directs the Council's strategies, plans, and activities.
- As an example, this type of legislation will likely have significant implications for our **He Pou Manawa Ora – Pillars of Wellbeing Strategy** ([refer here](#)). This Strategy is underpinned by the Treaty principles and the Local Government Act and requires Hamilton City Council to take into account the Treaty principles when performing its various functions and service delivery.
- The Regulatory Standards Bill should therefore take into account the principles of the Treaty of Waitangi as well as the proposed principle to protect and preserve treaty settlements under the Act.
- In addition, we strongly endorse Taituarā's recommendation of: ***A Te Tiriti Principle: That the Bill be amended to add a principle that relates to Te Tiriti and the regulatory system, that would require regulators to have regard to the principles of Te Tiriti when designing and administering regulations.***
- We also support the following key messages in Taituarā's submission that underpin this recommendation:
 - *While not signatories to Te Tiriti, the decisions that local authorities make can easily impact on the Crown's obligations to Māori. Local authorities must be cognisant of these principles and identify the impacts that their decisions will have.*
 - *Additionally, there are some activities where local authorities are acting as delivery agents on behalf of the Crown. Many of the regulatory services involve exercise of some function on behalf of the Crown, some public health activities are also provided on a similar basis.*
 - *The omission of Te Tiriti from the Bill concerns us greatly, especially as this is a piece of legislation that goes directly to the processes through which other legislation is made.*
 - *The absence of a principle relating to Te Tiriti from such legislation is that decision-makers exercising decision-making powers under this Bill would not be expressly required to consider Te Tiriti. This extends to Ministers and officials in designing legislation; Ministers and Chief Executives when making consistency assessments; and the Board in reviewing consistency assessments or the stock of existing legislation.*
 - *Of course, the Bill does not expressly preclude decision-makers from considering Te Tiriti. And there is the backstop of the precedent of Cabinet processes and guidelines, such as the legislation guidelines and Cabinet Office circulars, that all guide/encourage decision-makers and act consistently with Crown obligations.*

- *But central government custom and practice will never ‘trump’ legislation – and the exclusion of Te Tiriti from this legislation creates uncertainty and ground for challenge. This uncertainty is likely to create additional costs over and above current arrangements in of itself.*
- *We conclude this section by observing that it was less than helpful for so much of the Treaty Impact Assessment on this proposed legislation to have been withheld under the Official Information Act.*

20. Three Waters Management

21. We support Taituarā’s submission points on secondary legislation and the stringency of requirements on bylaw making, and make the following additional pertinent points:
- The Bill prioritises individual liberties (e.g., property rights), which may conflict with the need for collective management of collective infrastructure needs, i.e. water, wastewater, and stormwater systems - especially in urban areas. This could limit the Council’s ability to impose necessary controls like connections or discharge limits and provide for access. Staff recommend that the Bill be amended to explicitly recognise the legitimacy of infrastructure-related regulation that protects public health and shared systems, and provide for giving effect to Waikato specific legislation (Waikato River Settlement Act 2010 and Te Ture Whaimana o te Awa o Waikato), even where it limits individual property rights. Staff recommend an exemption clause under “Liberties” or “Taking of Property”.
 - There is legal uncertainty around property impairment. Three Waters bylaws often require easements, access rights, or development restrictions near infrastructure. These could be challenged as “impairments” under the Bill’s property protections, delaying infrastructure delivery. Staff support Taituarā’s submission for exemption and recommend that there is an added provision confirming that bylaws made under the Local Government Act or Water Services Act for essential services are presumed consistent with the Bill’s principles.
 - Many Three Waters interventions manage long-term or cumulative risks (e.g., stormwater detention, backflow prevention, wastewater overflows and receiving environment contamination), with benefits that are not immediately quantifiable. The Bill’s strict cost-benefit and proportionality tests may undermine these necessary, forward-looking measures. Staff recommend that precautionary regulation is provided for where there is risk to public health, the environment, or infrastructure integrity, meeting consent conditions, and meeting other direction-setting legislation such as the Waikato River Settlement Act 2010.
 - The requirement to prepare detailed consistency and accountability statements for all bylaws imposes significant time and cost burdens on councils. This could delay critical infrastructure responses, compliance responses, and strain local government resources. Staff recommend exemption of low-risk or technical bylaws, and if this cannot be agreed to, a tiered or risk-based approach to assessments. Central government should provide funding or support for infrastructure-related compliance.

Other Recommendations from Taituarā’s Submission

22. The following outlines the remaining recommendations from Taituarā’s submission on the Regulatory Standards Bill, **which we also fully support.**
23. **Recommendations: Regulatory Standards Board:**
- *That the Minister (or whichever agency is making appointments to the Board) be required to engage with representatives of the business sector, Māori, and local government.*

- *That the Regulatory Standards Bill specify that the Board needs to collectively possess skills in law; economics; regulatory stewardship, implementation, and evaluation; te Ao Māori, tikanga Māori and Te Tiriti; and the perspectives of regulatory sectors/industries.*

24. Recommendations: An Implementation Principle:

- 25.** *That the Bill be amended by adding a further principle to those identified as principles of good law-making that would read “regulators should develop a plan for the implementation of any legislative proposal before legislation is submitted for Parliamentary consideration”.*

26. Recommendations: Regulatory Stewardship:

- 27.** *That Clause eight be amended by including a further principle that “regulators should provide for the monitoring and evaluation of the regulations that they are accountable for” and “regulations should specify a process for their review and amendment”.*

28. Recommendation: State of the System Briefings:

- 29.** *That the references to ‘four years’ in Clause 16 be amended to ‘three years’ to align the preparation of state of the regulatory system briefings to the electoral cycle.*

Further Information and Hearings

- 30.** Should Parliament’s Finance and Expenditure Select Committee require clarification of the submission from Hamilton City Council staff or additional information, please contact **James Clarke** (Corporate Planning and Advocacy Manager) on **027 808 9580**, or email James.Clarke@hcc.govt.nz in the first instance.
- 31.** Hamilton City Council representatives **do not wish to speak** to Parliament’s Finance and Expenditure Committee Select Committee at the hearings in support of this submission.

Yours faithfully



Lance Vervoort
CHIEF EXECUTIVE

FURTHER INFORMATION

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