

Better Regional Boundaries Bill

Submission of the New Zealand Law Society Te Kāhui
Ture o Aotearoa

23 June 2026

1 Introduction

- 1.1 The New Zealand Law Society Te Kāhui Ture o Aotearoa (**Law Society**) welcomes the opportunity to comment on the Better Regional Boundaries Bill (**Bill**), which seeks to ensure that, within a time-frame of 5 years, each government entity aligns boundaries and aligns them with local authority boundaries.¹
- 1.2 This brief submission has been prepared with input from the Law Society's Public Law Committee.²
- 1.3 The Law Society does not wish to be heard in relation to this submission, but would be happy to provide written responses to any questions from the Select Committee.

2 General comments

- 2.1 The Explanatory Note of the Bill states that 'regional New Zealand is currently served by a confusing web of overlapping, but differing, boundaries for different government departments or agencies'. Clause 3 further states that the purpose of the Bill is to 'improve the effectiveness of public service agencies and Crown agents, and to improve the accessibility of certain public services'.
- 2.2 However, the Bill and its Explanatory Note do not offer any insights as to:
- (a) how, and to what extent, these overlapping boundaries are causing confusion, and how they are impacting the accessibility of public services;
 - (b) whether there has been any consideration of other options for addressing the policy problem; and
 - (c) whether any cost-benefit analyses have been completed to determine whether the proposals in the Bill are the most appropriate way to respond to the policy problem.
- 2.3 We also note the proposals in the Bill give rise to several practical issues (which we discuss below) and could have the potential to impose significant compliance costs on relevant agencies which outweigh any benefits. Given the Bill does not seek to confer a legal right or impose a legal obligation on any person that is enforceable in a court of law,³ it is also possible that legislative reform is not needed to achieve the objective of the Bill.
- 2.4 The Law Society therefore queries whether it is appropriate to progress these proposals without first completing a cost-benefit analysis to determine whether this Bill is the most appropriate and cost-effective way of responding to the policy problem it seeks to address.

¹ Explanatory Note of the Bill.

² See the Law Society's website for more information about this committee:
www.lawsociety.org.nz/professional-practice/law-reform-and-advocacy/law-reform-committees/public-law-committee/.

³ Clause 11.

- 2.5 For these reasons, we urge the Select Committee to seek advice from officials on the following matters before making any recommendations as to whether the Bill should proceed:
- (a) the extent and nature of the policy problem the Bill seeks to address,
 - (b) the benefits of implementing and complying with this proposal exceed or justify the costs, and
 - (c) whether legislative reform is necessary to achieve the underlying policy objectives, or whether those objectives could be achieved in other ways.
- 2.6 In making this submission, we acknowledge this is a Member's Bill, and there is no requirement for the Bill to be supported by a Regulatory Impact Statement or a Departmental Disclosure Statement, which would otherwise shed light on these matters.

3 Practical issues which require further consideration

- 3.1 The Bill gives rise to several practical issues, which we discuss below. We invite the Select Committee to seek advice from officials on each of these matters, and to consider what amendments might be necessary to ensure any resulting legislation is workable.

Meaning of 'relevant agency' (clause 4)

- 3.2 The provisions in this Bill apply to 'relevant agencies'. This term is defined in clause 4 to mean a Crown agent or a public service agency. As currently drafted, this definition excludes autonomous Crown entities, independent Crown entities, and Crown entity companies. It is unclear whether this narrow drafting is intentional, or whether it should be expanded to include other types of Crown entities that carry out functions or duties, or deliver services, within specific administrative areas.

Commissioner's power to issue guidance (clause 9)

- 3.3 Clause 9 of the Bill requires the Public Service Commissioner (**Commissioner**) to issue guidance on how relevant agencies are to comply with this legislation. We query whether this is appropriate in light of the Commissioner's role and function.
- 3.4 The Public Service Act 2020 sets out the Commissioner's role and functions – it provides that:⁴
- (a) The Commissioner's role is to provide leadership of the public service, other State services, and other agencies.
 - (b) The Commissioner's general functions relate to the public service, and public service chief executives and leaders.
- 3.5 We note that Crown agents are not considered to be part of the 'public service' for these purposes,⁵ and query whether it is appropriate to require the Commissioner to issue

⁴ Public Service Act, ss 43 and 44.

⁵ See s 10 of the Public Service Act, which provides that 'public service' includes Crown agents only for the purposes of Part 1, subparts 2 and 4 of the Public Service Act (and the Commissioner's functions do not sit within these subparts).

guidance which would apply not only to public service agencies, but also to Crown agents.

- 3.6 We further note that, under section 103 of the Crown Entities Act 2004, the power to direct to Crown agents to give effect to a government policy sits with the responsible Minister (and not the Commissioner). As a result, it is unclear whether clause 9 of the Bill (which effectively empowers the Commissioner to 'guide' Crown agents) sits comfortably alongside section 103 of the Crown Entities Act. Section 103 of the Crown Entities Act may therefore be a more appropriate vehicle for directing Crown agents on how they must comply with the requirements in this Bill.

Consultation requirements (clause 9)

- 3.7 Clause 9(2) provides that, before issuing any guidance, the Commissioner must consult and have regard to comments from Local Government New Zealand 'any other persons or organisations that the Commissioner thinks appropriate'. We recommend amending this subclause to specify that the Commissioner must also consult and have regard to comments from relevant agencies that will be the subject of any guidance that is to be issued under clause 9.



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