

7 June 2024

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I refer to your email of 10 May 2024 in which you request the following under the Official Information Act 1982 (OIA):

- *Did the Ministry of Foreign Affairs and Trade provide any advice in relation to the establishment of the Ministry of Regulation?*
- *If so, what was that advice?*
- *Please supply any advice provided to Ministers about good regulatory governance in the context of New Zealand's international agreements (including free-trade agreements) and obligations.*

In answer to the first part of your request, as stated in our response to your OIA request of 8 April 2024, our reference OIA 29209, the Ministry of Foreign Affairs and Trade did not provide any advice in relation to the establishment of the Ministry of Regulation. Therefore this part of your request is refused under section 18(e) of the OIA, as the information you requested does not exist.

Information relevant to the second part of your request is publicly available at the links provided below. Accordingly, this part of your request is refused under section 18(d) of the OIA.

There are 3 FTAs that contain Good Regulatory Practice (GRP) obligations:

1. New Zealand-European Union Free Trade Agreement (NZ-EU FTA)
2. New Zealand-United Kingdom Free Trade Agreement (NZ-UK FTA)
3. Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP)

Ministers received advice about these 3 Free Trade Agreements (FTA), including the GRP obligations in the FTAs, in the relevant 'authority to sign' Cabinet paper for each FTA. Annexed to each Cabinet paper is a National Interest Analysis (NIA) document. The NIA provides information about, among other things, the advantages and disadvantages of New Zealand becoming a party to the FTA and the legal obligations in the FTA.

The Cabinet paper titled 'New Zealand – European Union Free Trade Agreement: Approval of Final Outcome and Authority to Sign' is publicly available on the Ministry's website at:

<https://www.mfat.govt.nz/assets/OIA/OIA-2023/PR-2023-0258-NZEU-Free-Trade-Agreement-Approval-of-Final-Outcome-and-Authority-to-Sign.pdf>. There is a summary of the Good

Regulatory Practices and Regulatory Cooperation Chapter on page 44 of this document. We also

refer you to page 89 and pages 145-146 of the NZ-EU FTA NIA, which is publicly available on the Ministry website at: <https://www.mfat.govt.nz/assets/Trade-agreements/EU-NZ-FTA/NZ-EU-FTA-National-Interest-Analysis.pdf>.


The Cabinet paper titled 'New Zealand - United Kingdom Free Trade Agreement: Approval of Final Outcomes and Authority to Sign' is publicly available on the Ministry's website at: <https://www.mfat.govt.nz/assets/OIA/OIA-2021-22/NZ-UK-FTA-Approval-of-Final-Outcomes-and-Authority-to-Sign-PR-2022-0045.pdf>. There is a summary of the Good Regulatory Practice and Regulatory Cooperation chapter on page 36 of this document. We also refer you to pages 74-75 and 165-166 of the NZ-UK FTA NIA, which is publicly available on the Ministry website at: <https://www.mfat.govt.nz/assets/Trade-agreements/UK-NZ-FTA/NZ-UK-FTA-National-Interest-Analysis.pdf>.

The Cabinet paper titled 'Comprehensive and Progressive Trans-Pacific Partnership: Approval to Sign Agreement' was approved by Cabinet on 19 February 2018 and is not publicly available. It has a different structure to other Cabinet papers mentioned above and it does not provide advice on the GRP obligations in CPTPP in the main body of the paper. We refer you instead to pages 76-77 and 187-188 of the CPTPP NIA annex to the Cabinet paper, which is publicly available on the Treasury website: at <https://www.treasury.govt.nz/sites/default/files/2018-03/ria-mfat-atp-feb18.pdf>.

Please note that it is our policy to proactively release our responses to official information requests where possible. Therefore, our response to your request (with your personal information removed) may be published on the Ministry website: [www.mfat.govt.nz/en/about-us/contact-us/official-information-act-responses/](http://www.mfat.govt.nz/en/about-us/contact-us/official-information-act-responses/)

If you have any questions about this decision, you can contact us by email at: [DM-ESD@mfat.govt.nz](mailto:DM-ESD@mfat.govt.nz). You have the right to seek an investigation and review by the Ombudsman of this decision by contacting [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or freephone 0800 802 602.

Nāku noa, nā



Sarah Corbett  
for Acting Secretary of Foreign Affairs and Trade