## Short-Form Disclosure Statement Template for Amendments to a Bill

### GENERAL INSTRUCTIONS FOR COMPLETING THIS TEMPLATE

### Departments are responsible for the content of the disclosure statement

The disclosure statement is a departmental document, not a Ministerial document. The content should reflect the knowledge and understanding of the relevant department(s).

### This short-form template is for SOPs that do not make material policy changes but have legislative features that require a disclosure for Bills

Please check the guidance (see links below) to be sure you have the right template.

Note that you can also use this short-form template for SOPs that do make material policy changes **only if** there was no original disclosure statement for the Bill being amended and the SOP is not going to be sent back with the Bill to a select committee.

### Use of the disclosure statement template is mandatory

This template was created to ensure a consistent product and allow quick conversion into html format for web publication. Except as expressly indicated in the checklist below, or as otherwise authorised by the Parliamentary Counsel Office, please **do not**:

* alter the headings, questions, formatting, or layout of the statement;
* introduce alternative styles or complex formatting in free text areas; or
* include diagrams or graphics in your responses.

### Responses provided should be honest, accurate and include all relevant facts

The accurate completion of this disclosure statement will require legal knowledge and detailed familiarity with the final text of the proposed amendments.

### Responses provided should be written neutrally, concisely and in plain English

### The guidance is important - please get familiar with it before you begin!

The **Quick Guide** provides a useful overview of the purpose, scope, process and timing of the disclosure obligations.

The **Detailed Guide** sets out the disclosure requirements in detail and provides further advice on interpreting and responding to each question.

Both guides are available on the Treasury website at <https://www.treasury.govt.nz/publications/guide/disclosure-statements-government-legislation-technical-guide-departments>.

### A final draft of the disclosure statement must be attached to the Cabinet paper, with accompanying SOP, seeking approval for introduction

### The finalised disclosure statement (still in Word format) should be emailed to PCO at least two working days before the SOP is tabled

If provided later than this, the statement might get published late.

## Checklist and Final Sign-off

*You are encouraged to use the checklist below, together with an unused copy of this template for comparison, to determine whether the completed disclosure statement is ready for final processing and publication by PCO.*

### Checklist

|  |  |
| --- | --- |
| ***Task*** | ***Completed?*** |
| *Is the full name of the Bill to be amended included on the cover page?* | ❑ |
| Does the title and standard text on the cover page correctly indicate whether this is a supplementary disclosure to an original disclosure statement for the Bill? | ❑ |
| If this is a supplementary disclosure statement, does the cover page include a reference and an active hyperlink to the original disclosure statement, with full http address visible?  | ❑ |
| Are all headline questions in the template both present and answered appropriately (in general, with either YES or NO answers)? | ❑ |
| Where headline questions receive a YES answer, are all subsidiary questions in the template also present and answered appropriately?  | ❑ |
| Has further information been provided under each question, in accordance with the instructions included in the template? | ❑ |
| Does the further information provided accurately reference and reflect the final version of the SOP to be tabled? | ❑ |
| If this is an omnibus SOP, with parts developed separately by different agencies, does the statement include answers covering the whole SOP? | ❑ |
| Is the section on significant legislative features limited to no more than four pages, with readers referred to further information set out in the Appendix where necessary? | ❑ |
| Is the formatting and layout still the same as the template (and with ‘free text’ confined to styles contained in the template)? If not, has PCO given prior approval for the change (to be sought only in exceptional circumstances)? | ❑ |
| Have all instructions (including the first two template pages), any unutilised appendices, and irrelevant subsidiary questions been deleted from the statement? | ❑ |
| Finally, has the departmental certification statement at the bottom of the cover page now been completed and dated.  | ❑ |

If you can answer YES to all of these questions, and the person authorised to approve the *disclosure statement is satisfied that it is finalised and ready for publication, please:*

* *email the finished document to the PCO publication unit (**publications@pco.govt.nz**), copied to your PCO (or IRD) drafter; and*
* *formally confirm in your email, on behalf of the department, that the statement is complete, accurate and up-to-date, and is now in a form ready for publication.*

Short-Form [Supplementary] Departmental Disclosure Statement

|  |
| --- |
| [Bill Title] |

*[Depending on whether or not there is an original disclosure statement for this Bill, please include or delete the word “supplementary’ in the title and standard text of this page, and select the right sentence below that refers to the original disclosure statement.]*

A short form [supplementary] disclosure statement for proposed government amendments to a Bill seeks to bring together in one place some selected information to support and enhance the Parliamentary and public scrutiny of those proposed amendments.

It highlights certain significant powers or features in the proposed amendments that might be of particular Parliamentary or public interest and warrant an explanation.

[EITHER] It provides a limited supplement to the original disclosure statement for the [name of Bill], dated [date of finalisation], which can be found at this link [include active hyperlink here]

[OR] There was no original disclosure statement for this Bill.

This [supplementary] disclosure statement was prepared by [Name(s) of department(s)].

The [Name(s) of department(s)] [certifies/certify] that, to the best of [its/their] knowledge and understanding, the information provided is complete and accurate at the date of finalisation below.

[Date finalised].

## Significant Legislative Features

[Please answer each headline question with a YES or NO response.

Unless you are confident that the answer is NO, after consulting the detailed guide, please answer YES. Use the box under the question to qualify or explain a YES answer, if unsure.

If the answer is YES, provide the further information requested in the box below the question (or in the Appendix if a short response is not feasible), and answer the subsidiary questions if any.

Click the hyperlink in the box for further advice on interpreting and responding to the question.

This finalised section should not exceed four pages once the italicised instructions and any irrelevant subsidiary questions have been removed. Use the Appendix for longer responses.]

### Offences, penalties and court jurisdictions

| **1. Do the proposed amendments create, amend, or remove:** |  |
| --- | --- |
| 1. **offences or penalties (including infringement offences or penalties and civil pecuniary penalties)?**
 | [**YES/NO**] |
| 1. **the jurisdiction of a court or tribunal (including rights to judicial review or rights of appeal)?**
 | [**YES/NO**] |
| *[If YES, identify the relevant provision(s).**If NO in both cases, you may ignore and eventually delete the subsidiary question below.]*<https://www.treasury.govt.nz/publications/guide/disclosure-statements-government-legislation-technical-guide-departments-html#child-7>  |
|  |
| **1.1. Was the Ministry of Justice consulted about these provisions?** | [**YES/NO**] |
| *[If YES, describe the nature and extent of the consultation undertaken, and the nature of any action taken to address issues raised.**If NO, you have the option to briefly explain why the Ministry of Justice was not consulted.]*<https://www.treasury.govt.nz/publications/guide/disclosure-statements-government-legislation-technical-guide-departments-html#child-7>  |

### Privacy issues

| **2. Do the proposed amendments create, amend, or remove any provisions relating to the collection storage, access to, correction of, use or disclosure of personal information?** | [**YES/NO**] |
| --- | --- |
| *[If YES, identify the relevant provision(s).]**If NO, you may ignore and eventually delete the subsidiary question below.]*<https://www.treasury.govt.nz/publications/guide/disclosure-statements-government-legislation-technical-guide-departments-html#child-8>  |
| **2.1. Was the Privacy Commissioner consulted about these provisions?** | [**YES/NO**] |
| *[If YES, describe the nature and extent of the consultation undertaken, and the nature of any action taken to address issues raised.**If NO, you have the option to briefly explain why the Privacy Commissioner was not consulted.]*<https://www.treasury.govt.nz/publications/guide/disclosure-statements-government-legislation-technical-guide-departments-html#child-8>  |

### Compulsory acquisition of private property

| **3. Do the proposed amendments contain any provisions that could result in the compulsory acquisition of private property?** | [**YES/NO**] |
| --- | --- |
| *[If YES, identify the relevant provision(s). Then explain why the provision is necessary, and identify and explain the nature of any features that will mitigate the potential adverse effects.]*<https://www.treasury.govt.nz/publications/guide/disclosure-statements-government-legislation-technical-guide-departments-html#child-11>  |

### Charges in the nature of a tax

| **4. Do the proposed amendments create or amend a power to impose a fee, levy or charge in the nature of a tax?** | [**YES/NO**] |
| --- | --- |
| *[If YES, identify the relevant provision(s). Then describe the nature and extent of the power, explain why the power is necessary, and explain the nature of any safeguards that will apply to the power to ensure it is properly constrained and used appropriately.]*<https://www.treasury.govt.nz/publications/guide/disclosure-statements-government-legislation-technical-guide-departments-html#child-12>  |

### Retrospective effect

| **5. Do the proposed amendments affect rights, freedoms, or impose obligations, retrospectively?** | [**YES/NO**] |
| --- | --- |
| *[If YES, identify the relevant provision(s). Then explain why the provision is necessary, and identify and explain the nature of any features that will mitigate the potential adverse effects.]*<https://www.treasury.govt.nz/publications/guide/disclosure-statements-government-legislation-technical-guide-departments-html#child-13>  |

### Strict liability or reversal of the burden of proof for offences

| **6. Do the proposed amendments:** |  |
| --- | --- |
| 1. **create or amend a strict or absolute liability offence?**
 | [**YES/NO**] |
| 1. **reverse or modify the usual burden of proof for any offence or civil pecuniary penalty proceeding?**
 | [**YES/NO**] |
| *[If YES, identify the relevant provision(s). Then explain why the provision is necessary, and identify and explain the nature of any features that will mitigate the potential adverse effects.]*<https://www.treasury.govt.nz/publications/guide/disclosure-statements-government-legislation-technical-guide-departments-html#section-11> (click ‘next page’ at the bottom of the page) |

### Civil or criminal immunity

| **7. Do the proposed amendments create or amend a civil or criminal immunity for any person?** | [**YES/NO**] |
| --- | --- |
| *[If YES, identify the relevant provision(s). Then explain why the provision is necessary, and identify and explain the nature of any features that will mitigate the potential adverse effects.]*<https://www.treasury.govt.nz/publications/guide/disclosure-statements-government-legislation-technical-guide-departments-html#section-11> (click ‘next page’ at the bottom of the page) |

### Significant decision-making powers

| **8. Do the proposed amendments create or amend a decision-making power to make a determination about a person’s rights, obligations, or interests protected or recognised by law, and that could have a significant impact on those rights, obligations, or interests?** | [**YES/NO**] |
| --- | --- |
| *[If YES, identify the relevant provision(s). Then explain the nature of any safeguards that will apply to the power to ensure it is properly constrained and used appropriately.]*<https://www.treasury.govt.nz/publications/guide/disclosure-statements-government-legislation-technical-guide-departments-html#section-11> (click ‘next page’ at the bottom of the page) |

### Powers to make delegated legislation

| **9. Do the proposed amendments create or amend a power to make delegated legislation that could amend an Act, define the meaning of a term in an Act, or grant an exemption from an Act or delegated legislation?** | [**YES/NO**] |
| --- | --- |
| *[If YES, identify the relevant provision(s). Then describe the nature and extent of the power, explain why the power is necessary, and explain the nature of any safeguards that will apply to the power to ensure it is properly constrained and used appropriately.]*<https://www.treasury.govt.nz/publications/guide/disclosure-statements-government-legislation-technical-guide-departments-html#section-11> (click ‘next page’ at the bottom of the page) |
|  |
| **10. Do the proposed amendments create or amend any other powers to make delegated legislation?** | [**YES/NO**] |
| *[If YES, identify the relevant provision(s). Then describe the nature and extent of the power, explain why the power is necessary, and explain the nature of any safeguards that will apply to the power to ensure it is properly constrained and used appropriately.]*<https://www.treasury.govt.nz/publications/guide/disclosure-statements-government-legislation-technical-guide-departments-html#section-11> (click ‘next page’ at the bottom of the page) |

### Any other unusual provisions or features

| **11. Do the proposed amendments contain any provisions (other than those noted above) that are unusual or call for special comment?** | [**YES/NO**] |
| --- | --- |
| *[If YES, identify the relevant provision(s). Then describe its nature and purpose, and explain why the provision is necessary.]*<https://www.treasury.govt.nz/publications/guide/disclosure-statements-government-legislation-technical-guide-departments-html#section-11> (click ‘next page’ at the bottom of the page) |

## Appendix: Further Information Relating to Significant Legislative Features

*[Please use this Appendix to provide the further information sought for questions set out in the Section above, where short responses cannot be provided or might push it beyond 4 pages.*

*For each question where this applies, provide a response under the appropriate heading from the Section above, with the relevant question number added – see examples below.*

*Please include a reference to this Appendix in the relevant text box in the Section above.*

*Do not include diagrams or graphics in the response without the prior approval of PCO.*

*If there is no need to use this Appendix, please delete.]*

### Significant decision-making powers – question 8

[Information on significant decision-making powers]

### Powers to make delegated legislation – question 10

[Information on powers to make delegated legislation]