

# Departmental Disclosure Statement

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Meteorological Services (Acquisition and Policies) Legislation Amendment Bill
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The departmental disclosure statement for a government Bill seeks to bring together in one place a range of information to support and enhance the Parliamentary and public scrutiny of that Bill.

It identifies:

- the general policy intent of the Bill and other background policy material;
- some of the key quality assurance products and processes used to develop and test the content of the Bill;
- the presence of certain significant powers or features in the Bill that might be of particular Parliamentary or public interest and warrant an explanation.

This disclosure statement was prepared by the Ministry of Business, Innovation and Employment (MBIE) and the Treasury.

MBIE and the Treasury certify that, to the best of their knowledge and understanding, the information provided is complete and accurate at the date of finalisation below.

16 September 2025

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## Part One: General Policy Statement

The purpose of this omnibus Bill is to allow for the acquisition of the Meteorological

This Bill is an omnibus Bill that amends more than 1 Act and is introduced under Standing Order 267(1)(a) because the amendments deal with an interrelated topic that can be regarded as implementing a single broad policy. The purpose of this Bill is to allow for the acquisition of the Meteorological Service of New Zealand Limited (**MetService**) by the New Zealand Institute for Earth Science Limited (**NZIES**) and to require NZIES to publish its access policy for observational weather data.

MetService is the designated provider of severe weather forecasts and warnings for New Zealand under the Meteorological Services Act 1990 and it is currently a State-owned enterprise. Its purpose is to help people stay safe and make informed decisions based on timely and accurate weather forecasts, including during severe weather events.

In April 2025, as a result of the independent Weather Forecasting System Review, the Government agreed for the National Institute of Water and Atmospheric Research Limited (**NIWA**) to acquire MetService as a wholly-owned subsidiary. The Government had previously made an “in-principle” decision for acquisition in September 2024.

In May 2025, the Government announced the amalgamation of NIWA and the Institute of Geological and Nuclear Sciences Limited (**GNS Science**) to form NZIES. NZIES was established on 1 July 2025, and its purpose includes improving resilience to natural hazards and climate-related risks. Given the timing of the amalgamation, NZIES (instead of, and as a successor to, NIWA) will acquire MetService as a wholly-owned subsidiary.

The Government's objective is to bring meteorology, climate science, hydrology, and oceanography together to create a stronger, more connected weather forecasting system to improve New Zealand's resilience to severe weather events.

This will be achieved through combining the capabilities of MetService and NZIES, which this Bill enables. There is also a new requirement to publish a weather data access policy.

The Bill makes the following key amendments:

- it amends the State-Owned Enterprises Act 1986 to remove the listing of MetService as a State enterprise. This is necessary to allow the acquisition of MetService by NZIES, as shareholding Ministers of State enterprises are restricted from transferring their shares. The Bill also includes savings and transitional provisions related to MetService ceasing to be a State enterprise:
- it exempts the acquisition of MetService by NZIES from Part 3 of the Commerce Act 1986:
- it amends the Crown Research Institutes Act 1992 to require NZIES (a Crown Research Institute) to publish its access policy for observational weather data:
- it includes transitional provisions to ensure that contracts, rights, and obligations are not affected merely by the acquisition of MetService, or by MetService ceasing to be a State enterprise:

- it amends the State-Owned Enterprises (Meteorological Service of New Zealand Limited and Vehicle Testing New Zealand Limited) Amendment Act 1999 to repeal certain provisions in that Act that will become redundant when this Bill is enacted:
- it makes consequential amendments to the Income Tax Act 2007, the Official Information Act 1982, and the Ombudsmen Act 1975, in which MetService is listed by reason of being a State enterprise. Despite the Bill removing MetService's listing from the Official Information Act 1982 and the Ombudsmen Act 1975, these Acts will continue to apply to MetService, as a result of it becoming a "related company of a Crown Research Institute" upon acquisition by NZIES.

## Part Two: Background Material and Policy Information

### Published reviews or evaluations

<b>2.1. Are there any publicly available inquiry, review or evaluation reports that have informed, or are relevant to, the policy to be given effect by this Bill?</b>	<b>YES</b>
<i>Weather Forecasting System Review Final Report</i> , Sapere Research Group, May 2024 (accessible at <a href="https://www.mbie.govt.nz/dmsdocument/29613-weather-forecasting-system-review-final-report-pdf">https://www.mbie.govt.nz/dmsdocument/29613-weather-forecasting-system-review-final-report-pdf</a> ).	

### Relevant international treaties

<b>2.2. Does this Bill seek to give effect to New Zealand action in relation to an international treaty?</b>	<b>NO</b>

### Regulatory impact analysis

<b>2.3. Were any regulatory impact statements provided to inform the policy decisions that led to this Bill?</b>	<b>YES</b>
<i>Regulatory Impact Statement: Implementation of Change to the Weather Forecasting System</i> , Ministry of Business, Innovation and Employment (MBIE), August 2024 The Regulatory Impact Statement (RIS) is accessible at <a href="https://www.mbie.govt.nz/science-and-technology/science-and-innovation/research-and-data/project-hau-nuku-weather-forecasting-system-review-terms-of-reference">https://www.mbie.govt.nz/science-and-technology/science-and-innovation/research-and-data/project-hau-nuku-weather-forecasting-system-review-terms-of-reference</a> .	

<b>2.3.1. If so, did the RIA Team in the Treasury provide an independent opinion on the quality of any of these regulatory impact statements?</b>	<b>NO</b>
MBIE's internal RIA panel provided an independent opinion on the quality of the RIS. The Panel determined that the RIS met RIA requirements. The Ministry for Regulation was also consulted on the RIS.	

<b>2.3.2. Are there aspects of the policy to be given effect by this Bill that were not addressed by, or that now vary materially from, the policy options analysed in these regulatory impact statements?</b>	<b>NO</b>

### Extent of impact analysis available

<b>2.4. Has further impact analysis become available for any aspects of the policy to be given effect by this Bill?</b>	<b>NO</b>

<b>2.5. For the policy to be given effect by this Bill, is there analysis available on:</b>	
<b>(a) the size of the potential costs and benefits?</b>	<b>YES</b>
<b>(b) the potential for any group of persons to suffer a substantial unavoidable loss of income or wealth?</b>	<b>NO</b>
<p>The independent Weather Forecasting System Review (the Review) concluded there is a compelling case for change in the weather forecasting system. It assessed five shortlisted options for the optimal arrangements in the system that will best position New Zealand to meet future weather-related challenges. Following a cost-benefit analysis of the options, the Review recommended NIWA acquiring MetService as a wholly-owned subsidiary.</p> <p>The size of the potential costs and benefits are covered in the Review's Final Report (accessible at <a href="https://www.mbie.govt.nz/dmsdocument/29613-weather-forecasting-system-review-final-report-pdf">https://www.mbie.govt.nz/dmsdocument/29613-weather-forecasting-system-review-final-report-pdf</a>) and the RIS in respect of the final decisions made (<a href="https://www.mbie.govt.nz/science-and-technology/science-and-innovation/research-and-data/project-hau-nuku-weather-forecasting-system-review-terms-of-reference">https://www.mbie.govt.nz/science-and-technology/science-and-innovation/research-and-data/project-hau-nuku-weather-forecasting-system-review-terms-of-reference</a>).</p>	

<b>2.6. For the policy to be given effect by this Bill, are the potential costs or benefits likely to be impacted by:</b>	
<b>(a) the level of effective compliance or non-compliance with applicable obligations or standards?</b>	<b>YES</b>
<b>(b) the nature and level of regulator effort put into encouraging or securing compliance?</b>	<b>NO</b>
<p>There will likely be additional administration costs borne by NZIES for providing improved observational weather data access and for the ongoing administration costs associated with developing, refining and publishing observational weather data policies. These costs will be borne by NZIES.</p>	

## Part Three: Testing of Legislative Content

### Consistency with New Zealand's international obligations

<b>3.1. What steps have been taken to determine whether the policy to be given effect by this Bill is consistent with New Zealand's international obligations?</b>
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MBIE's analysis has considered potential implications of New Zealand's international obligations and considers that there are no concerns. MBIE has consulted the Ministry of Foreign Affairs and Trade on the policy to be given effect by this Bill and no concerns were identified.

### Consistency with the government's Treaty of Waitangi obligations

<b>3.2. What steps have been taken to determine whether the policy to be given effect by this Bill is consistent with the principles of the Treaty of Waitangi?</b>
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The steps that have been taken to determine whether the policy to be given effect by this Bill is consistent with the principles of the Treaty of Waitangi are outlined in the RIS. As this is an intra-Crown transfer (in the sense that the Crown is the ultimate owner of both MetService and NZIES), the Crown's overarching Treaty of Waitangi obligations will remain. Existing Māori rights and interests that currently exist in the current arrangements will remain protected or enhanced under the new structure. Both entities are, and will remain committed, to operating in a manner that is consistent with the principles of the Treaty of Waitangi.

MBIE has consulted Te Puni Kōkiri on this Bill, and with Te Arawhiti during the policy process. No inconsistencies between the proposals and the principles of the Treaty of Waitangi have been identified or raised through the policy process.

### Consistency with the New Zealand Bill of Rights Act 1990

<b>3.3. Has advice been provided to the Attorney-General on whether any provisions of this Bill appear to limit any of the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990?</b>	<b>YES</b>
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The Ministry of Justice has assessed the Bill for consistency with the rights and freedoms affirmed by the New Zealand Bill of Rights Act 1990. This advice can be expected to be made available on the Ministry of Justice's website upon introduction of the Bill, at the following website: <https://www.justice.govt.nz/justice-sector-policy/constitutional-issues-and-human-rights/the-bill-of-rights-act/advice/>

### Offences, penalties and court jurisdictions

<b>3.4. Does this Bill create, amend, or remove:</b>	
(a) offences or penalties (including infringement offences or penalties and civil pecuniary penalty regimes)?	<b>NO</b>
(b) the jurisdiction of a court or tribunal (including rights to judicial review or rights of appeal)?	<b>NO</b>

### Privacy issues

<b>3.5. Does this Bill create, amend or remove any provisions relating to the collection, storage, access to, correction of, use or disclosure of personal information?</b>	<b>NO</b>
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**External consultation**

<b>3.6. Has there been any external consultation on the policy to be given effect by this Bill, or on a draft of this Bill?</b>	<b>YES</b>
<p>The following Crown entities, State-Owned Enterprises, Offices of Parliament and public service agencies were consulted in June 2025 on a draft of this Bill: Commerce Commission, Government Superannuation Fund Authority (GSFA), Meteorological Service of New Zealand Limited (MetService), National Institute of Water and Atmospheric Research Limited (NIWA), Office of the Ombudsman, National Emergency Management Agency, Ministry of Transport, Department of the Prime Minister and Cabinet, Ministry for Regulation, Public Service Commission, Ministry for the Environment, Inland Revenue, Te Puni Kokiri, Ministry for Primary Industries, Ministry of Justice.</p> <p>After a consideration of the issues raised relevant feedback was incorporated. A number of matters were raised by the Commerce Commission, including whether:</p> <ul style="list-style-type: none"><li>• the definition of “observational weather data” should include climate data and other data types, such as soil moisture data;</li><li>• there should be a legislated requirement for ‘fair and reasonable access to observational weather data’ or some explicit expectation provided by shareholders;</li><li>• rain radar data imagery should be included in observational weather data; and</li><li>• real time data, or near-real-time data would be included within the meaning of observational weather data.</li></ul>	

**Other testing of proposals**

<b>3.7. Have the policy details to be given effect by this Bill been otherwise tested or assessed in any way to ensure the Bill’s provisions are workable and complete?</b>	<b>YES</b>
<p>The policy details were shared with MetService and NIWA to ensure they are workable. The list of agencies immediately above were also consulted to ensure the policy details are workable.</p>	

## Part Four: Significant Legislative Features

### Compulsory acquisition of private property

<b>4.1. Does this Bill contain any provisions that could result in the compulsory acquisition of private property?</b>	<b>NO</b>

### Charges in the nature of a tax

<b>4.2. Does this Bill create or amend a power to impose a fee, levy or charge in the nature of a tax?</b>	<b>NO</b>

### Retrospective effect

<b>4.3. Does this Bill affect rights, freedoms, or impose obligations, retrospectively?</b>	<b>NO</b>

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

<b>4.4. Does this Bill:</b>	
<b>(a) create or amend a strict or absolute liability offence?</b>	<b>NO</b>
<b>(b) reverse or modify the usual burden of proof for an offence or a civil pecuniary penalty proceeding?</b>	<b>NO</b>

### Civil or criminal immunity

<b>4.5. Does this Bill create or amend a civil or criminal immunity for any person?</b>	<b>NO</b>

### Significant decision-making powers

<b>4.6. Does this Bill 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?</b>	<b>NO</b>

### Powers to make delegated legislation

<b>4.7. Does this Bill 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?</b>	<b>NO</b>

<b>4.8. Does this Bill create or amend any other powers to make delegated legislation?</b>	<b>NO</b>

### Any other unusual provisions or features

<b>4.9. Does this Bill contain any provisions (other than those noted above) that are unusual or call for special comment?</b>	<b>NO</b>

