

23 June 2025

Finance and Expenditure Committee  
[RegulatoryStandardsBill@parliament.govt.nz](mailto:RegulatoryStandardsBill@parliament.govt.nz)

## Submission on the Regulatory Standards Bill

Tuia te rangi e tū nei  
Tuia te papa e takoto nei  
Tuia i te here tangata  
Tihei mauri ora.

He hōnore, he korōria ki te atua ki te runga rawa  
He whakaaro maha ki a rātou kua haere ki te wāhi ngaro  
Rau rangatira mā, ānei ngā whakaaro me ngā kōrero nā Te Hauora Hinengaro.

Tēnā koutou,

Thank you for the opportunity to comment on the Regulatory Standards Bill (the Bill).

**The Mental Health Foundation of New Zealand (the MHF) opposes this Bill**, as we believe it will jeopardise progress to improve public health and mental health and wellbeing outcomes for all New Zealanders, and particularly those who face inequities, such as whānau Māori, Pacific peoples, people living in areas of high socioeconomic deprivation, people with disabilities, and the rainbow community.

**This Bill is unnecessary.** Its reported purpose is to promote high-quality legislation, however, many mechanisms for promoting quality legislation already exist in Aotearoa New Zealand. These include, for example, the Legislation Guidelines, Regulatory Impact Statements, the Cabinet Manual, and the Legislation Design and Advisory Committee. Several of the Bill's principles of responsible regulation, such as

the rule of law, an impartial judiciary, and property rights, are already acknowledged as fundamental values in these existing mechanisms. Unlike the Bill, however, law-making standards like the Legislation Guidelines are nuanced, informed by years of government practice and convention, and, significantly, balanced by many additional principles that the Bill ignores – such as human rights, social justice, and Te Tiriti o Waitangi. In fact, the Bill is inconsistent with its own Regulatory Impact Statement, which noted that its objectives would be met more efficiently through other approaches, including building on existing processes for imposing standards for regulatory quality (Ministry for Regulation, 2025).

As we do not believe this Bill is necessary, we do not recommend any amendments. We recommend this Bill does not progress any further through Parliament.

**More importantly, however, this Bill would be detrimental.** Rather than balancing economic aims with other common values we share in Aotearoa New Zealand, the Bill's principles of responsible regulation favour individual liberty and a free economy to the exclusion of all else.

**References to Te Tiriti o Waitangi are absent from this Bill,** and the Bill's principles (particularly the crudely defined rule of law principle, which espouses that every person is equal before the law) conflict with the Tiriti principles of equity and active protection. This is extremely concerning given the constitutional nature of the Bill (i.e., in that it proposes standards for controlling how a form of state power (legislation) is exercised). Adherence to Te Tiriti o Waitangi is a condition of Crown kāwanatanga, and as such, existing standards for law-making design recognise that legislation needs to be consistent with Te Tiriti o Waitangi as a document of "vital constitutional importance" (Legislation Design and Advisory Committee, 2021).

Te Tiriti o Waitangi is also an important vehicle for improving Māori wellbeing outcomes and resolving inequities between Māori and other ethnic groups in Aotearoa New Zealand. The MHF has an established position that Māori should be fully enabled to express rangatiratanga under Te Tiriti o Waitangi. When Māori are self-determining and able to "live as Māori" or embody Māori values, beliefs, and practices, they experience more positive and secure identities, less isolation, and better wellbeing outcomes overall (Waitangi Tribunal, 1998). Given that Māori have

historically been deliberately treated unequally under the law, and the law has been used as a tool to entrench inequities faced by Māori, elevating equity over equality is necessary to address disparities and meet the Crown's obligation to uphold *ōritetanga* under Te Tiriti (Waitangi Tribunal, 2025). Contemporary accounts of the rule of law<sup>1</sup> acknowledge differential treatment before the law can be justified when based on objective criteria or legitimate aims, such as the protection of vulnerable groups.

**Instead, this Bill will make it harder for laws that affirm Te Tiriti and promote Māori wellbeing to exist**, as they are likely to conflict with the Bill's principles. This Bill would prevent, for example, legislation that affirms rangatiratanga or special roles for iwi and hapū or includes equity-focused provisions. It would also inhibit legislation that provides for wellbeing supports that Māori prefer (e.g., approaches that are flexible, holistic, tikanga-based, kaupapa Māori, culturally safe, whānau-based, tāngata whaiora-led, or non-clinical, or offer wraparound care or traditional healing practices), as these may cost more than "standardised" approaches and tend to produce benefits that are long-term, indirect, diffuse, or difficult to quantify up front – which are disfavoured under the Bill's good law-making principle.

**In general, the Bill's principles have the potential to contravene public health efforts in many ways.** In addition to targeted support for Māori, the rule of law principle constrains equity efforts for other populations who are also at higher risk of poor mental health – including Pacific peoples, people with disabilities, people living in deprived areas, and the rainbow community. The Bill also risks efforts to protect the public from harms if these conflict with private property or individual liberty principles, which may have implications for restrictions on the sale, advertising, sponsorship, and packaging of alcohol, gambling and other hazardous products, or on political lobbying by harmful product industries. The good law-making and individual liberty principles disincentivise long-term investments, or those that relate to community or collective wellbeing, involve some intrusions on liberty for the greater good, or have benefits that are indirect, diffuse, difficult to

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<sup>1</sup> See, for example: [The Rule of Law in Aotearoa New Zealand](#) by the New Zealand Law Society.

calculate and monetise (e.g., prevention, health promotion, population screening, precautionary approaches, public health surveillance, and flexible service models).

In sum, if enacted, this Bill would essentially establish a new regulatory/legislative constitution that could override established best practices in law-making to constrain new and existing legislation to purely libertarian aims. We are extremely concerned about this Bill's potential to undermine legislation, policy and regulations grounded in principles like social justice, diversity, public health, Te Tiriti o Waitangi, equity, and environmental health. These are crucial determinants of mental health and overall wellbeing, and worth pursuing even if this intrudes on individual liberties or property rights at times, or fails to produce immediate, easily calculable cost benefits.

The MHF recommends this Bill be rejected.

Mauri tū, mauri ora,

**Shaun Robinson**

Chief Executive

## References

Legislation Design and Advisory Committee. (2021). [\*Legislation Guidelines – 2021 Edition\*](#).

Ministry for Regulation. (2025). [\*Regulatory Impact Statement: proposed Regulatory Standards Bill\*](#).

Waitangi Tribunal. (1998). *Te Whānau Waipareira Report*. Department of Justice.

Waitangi Tribunal. (2025). [\*Interim Regulatory Standards Bill Urgent Report \(Pre-Publication Version\)\*](#). Department of Justice.

## About the Mental Health Foundation

The Mental Health Foundation of New Zealand is a leading mental health and wellbeing charity striving for a society where all people flourish. Our mission is to build an Aotearoa free from discrimination, where everyone can experience mauri ora or positive mental health and wellbeing. We work towards this by actioning our commitment as a Te Tiriti o Waitangi partner; giving people tools and encouragement to look after their own mental health and support others; and advocating for social conditions, policies and services that prevent the drivers of mental distress (such as racism, poverty, discrimination and trauma), reduce inequities, and lift the mental health and wellbeing of all people in Aotearoa.