



SocialLink – Tūhono Pāpori is the umbrella peak body for the social and community sector and represents over 1500 organisations and individuals working in the Western Bay of Plenty

SocialLink walks alongside social service providers, community and Māori organisations to strengthen their capability as they deliver services to their communities, as well as advocates for the sector's interests, social justice and equity of opportunity for all people living in the WBOP.

www.sociallink.org.nz

We oppose this Bill and strongly recommend it be rejected.

We make this submission to express our strong opposition to the Regulatory Standards Bill (the Bill). We consider this Bill to be unnecessary, undemocratic, ideologically biased, and dangerous to the social, environmental and economic wellbeing of Aotearoa New Zealand. In particular, the Bill would undermine efforts to support vulnerable communities, protect the public good, and erode the Crown's obligations under Te Tiriti o Waitangi.

To preface our comments and recommendations we note the Bill:

- Intends to introduce a 'set of principles of responsible regulation in primary regulation (Acts of Parliament), focused on the effect of legislation on existing interests and liberties, including the rule of law, liberties, taking of property, taxes, fees and levies and the role of courts; and
- good law making processes, including consultation, options analysis and cost benefit analysis.
- Requires responsible Ministers and others to assess the consistency of both primary proposed and existing legislation (Acts) and secondary or delegated legislation –(eg empowering legislation, law , regulations, rules, Orders in Council) made by Ministers of the Crown, public sector bodies, local authorities, professional bodies),
- Requires them to assess the consistency of proposed and existing legislation against these principles and requires a brief explanatory statement from the responsible Minister or maker of secondary legislation if there is inconsistency.
- Some primary and secondary legislation will be excluded or exempt under Clause 10 (e.g. Imprest Supply or Appropriation Bills, Treaty settlement Bills; Statutes Amendment Bills and others).
- Intends to establish a Regulatory Standards Board whose members are all appointed by the Minister for Regulation to assess consistency, incentivise robust consistency

accountability statements from Ministers and agencies, hold inquiries and make non-binding decisions.

SocialLink is very concerned about this Bill's intent for several reasons.

1) Excludes Te Tiriti o Waitangi

The intended Principles under (Clause 8-Principles of responsible regulation) exclude consideration of Te Tiriti o Waitangi which will have detrimental consequences and is out of step with the evolution of Aotearoa New Zealand.

- The principles do not include reference to te Tiriti o Waitangi (TOW) which is our founding document and a fundamental element in our constitutional, parliamentary and legislative system. The Bill is therefore fundamentally out of kilter with our political and governance system. The TOW provides for a special relationship between tangata whenua, the Crown and non-Māori unique to this country which cannot be ignored or wished away.
- To not include TOW in such a Bill is antithetical to tino rangatiratanga for Māori and deliberately ignores and undermines cornerstones to who we are as a nation.
- There has been no evidence of robust consultation with iwi or Māori organisations about this Bill, and it fails to reflect the Crown's Te Tiriti obligations.

The Bill risks marginalising tangata whenua voices from decisions about laws that affect Māori communities, resources, and relationships with the Crown.

2) The principle of Liberties in 8(b) privilege a particular libertarian philosophical perspective on individual rights and freedoms and ignores other values

- Personal liberty, security, freedom of action and property rights are important tenets. However, we believe their selective and privileging inclusion in legislation and the exclusion of any reference to other important principles and values underpinning Aotearoa New Zealand's cultural and social heritage is unwarranted and again out of kilter.
- Our heritage and values are also attuned to 'looking out for one another', with an emphasis on equity, fairness, manaakitanga; environmental protection and strong supportive, resilient communities.
- These perspectives are not reflected in the Bill. To privilege 'Liberties' and exclude other important foundational tenets is at odds with the intent of significant primary and secondary legislation informed by multiple ethical and cultural values and perspectives that have already gone through deliberative processes (e.g. health and safety related legislation, taxation, employment, environmental protection and so on).

3) Undermining democratic principles

The Bill grants unprecedented authority to the Minister for Regulation—currently also the leader of the ACT Party—to judge legislation against ideological standards. This undermines the neutrality of the public service and places undue power in a single political office. It creates the risk of regulatory decisions being politicised and made without full parliamentary oversight or public accountability.

4) Undermining consultation

Under the principle of good lawmaking (Clause 8 (i)), the Bill mentions “*the importance of consulting, to the extent that is reasonably practicable, the persons or representatives of the persons that the responsible agency considers will be directly and materially affected by the legislation.*”

SocialLink is concerned that this principle risks undermining another fundamental tenet of proactively enabling all citizens opportunities to participate in shaping primary and secondary legislation and policy. Lawmakers do not necessarily know who will be directly and materially affected by legislation and could end up listening to the loudest, most resourced voices. We know that industry groups which have a vested interest in maintaining profitability are well resourced to put their interests to lawmakers, compared to the general population, particularly people in low income and marginalised communities. The consultation net should be cast wide.

5) Review of all new and existing legislation (Clause 9) with some exceptions (Clause 10).

Requiring all new and existing legislation to be reviewed appears, to say the least, an enormous overreach and logistically mind-boggling in terms of the amount of time and money that would need to be spent on it. This unnecessary and onerous step also appears to contradict the apparent intention of the Minister of Regulation to encourage greater efficiency.

- As a representative democracy there are already many national parliamentary and democratic processes and mechanisms aiming to provide checks and balances, understand, improve and ensure effective laws and to assess their impact. Most are transparent, have public input or are subject to other forms of scrutiny e.g. Official Information Requests.
- For example, the current Legislation Guidelines (2021 edition) provides a wide range of considerations to be considered, including Te Tiriti o Waitangi and the Bill of Rights. There are our other democratically developed and aligned mechanisms such as select committee hearings and deliberations, petitions, submissions both written and oral, auditor general investigations; Waitangi Tribunal hearings, consultations, parliamentary scrutiny weeks, commissions of inquiry, regulatory impact statements from ministries, cabinet papers, discussion papers, briefings, judicial hearings, the list goes on.
- These mechanisms could be further strengthened, as has been pointed out by the Legislation Design and Advisory Committee¹ and others². Of course, there is room for improvement and other ways of encouraging input for good law making such as citizens assemblies to hear from marginalised or seldom heard groups could be a focus.

¹ Legislation Design and Advisory Committee Submission on the proposed Regulatory Standards Bill, 13 January 2025.

² Eg Boston, Jonathon Comments on the Proposed Regulatory Standards Bill. 16 December 2024

- It seems completely unnecessary to try to bring this intended piece of legislation over the top of all these already robust mechanisms.
- We are again therefore led to wonder what is the driver to add this extraordinary and expensive process deliberately focused on protecting individual rights, but excluding other foundational values and principles embedded in our cultural and social history.

Conclusion

The Regulatory Standards Bill represents a significant step away from collective responsibility, Tiriti-based governance, and inclusive democracy. It would embed the interests of profit-driven private actors into the heart of public law-making, placing undue constraints on governments and public servants acting in the public good.

SocialLink urges Parliament to reject this Bill. We welcome further dialogue about how to improve the quality of law-making through inclusive, transparent, and values-based approaches that reflect the needs of all New Zealanders—especially those who are disadvantaged or marginalised.

Nāku noa, nā

Liz Davies
Chief Executive
SocialLink Western Bay of Plenty
liz@sociallink.org.nz
www.sociallink.org.nz