



# Submission

To the

**Finance and Expenditure Select Committee on the  
Regulatory Standards Bill**

## About PPTA Te Wehengarua

PPTA Te Wehengarua represents the majority of teachers engaged in secondary education in New Zealand, including secondary teachers, principals, and manual and technology teachers.

Under our constitution, all PPTA Te Wehengarua activity is guided by the following objectives:

- to advance the cause of education generally and of all phases of secondary and technical education in particular;
- to uphold and maintain the just claims of its members individually and collectively; and
- to affirm and advance Te Tiriti O Waitangi.

## Te Tiriti o Waitangi Komiti

This submission is presented by Te Tiriti o Waitangi Komiti, a subsidiary of Te Huarahi Māori Motuhake - the national Māori governing body of PPTA Te Wehengarua. Te Tiriti o Waitangi Komiti are endorsed with shared decision-making on all matters relating to Te Tiriti o Waitangi. Te Tiriti o Waitangi Komiti (TTOWK) was formed to lead decisions alongside Te Roopu Matua and Executive in how the Association continued to develop in Te Tiriti spaces.

Te Tiriti o Waitangi Komiti are a voluntary subsidiary group of representatives from Te Huarahi Māori Motuhake. Te Huarahi Māori Motuhake (THMM) is the national Māori governing body of the Post Primary Teachers' Association Te Wehengarua (PPTA). Te Tiriti o Waitangi Komiti have endorsed shared decision-making and is guided by Te Tiriti o Waitangi Komiti on all matters relating to Te Tiriti o Waitangi.<sup>1</sup>

PPTA Te Wehengarua is committed to affirming and advancing Te Tiriti o Waitangi in all our actions. Our members from Te Tiriti o Waitangi Komiti, including colleagues in the secondary sector have called on their union to take decisive action and advocate in opposition to the threat the Regulatory Standards Bill holds for public education in Aotearoa New Zealand.

Our members particularly Kaiako Māori understand how these changes will negatively impact and regress the years of progress gained through Te Tiriti o Waitangi education clauses and the negative impact this will have for Māori and the mechanisms proposed within the Bill risk creating structural barriers to equity and undermining the constitutional place of *Te Tiriti o Waitangi*.

It is a regressive Bill that reflects neither the aspirations of our education communities nor the needs of our most underserved learners.

## Recommendations

1. **That the Regulatory Standards Bill be withdrawn immediately**, as it poses an unacceptable threat to Te Tiriti o Waitangi, education as a public good, democratic principles, and the integrity of Aotearoa's legal and constitutional system.
2. **That any future law reform processes be guided by Te Tiriti o Waitangi**, ensuring genuine partnership with Māori at every stage—especially in matters that redefine constitutional norms and rights frameworks.
3. **That the government undertake a full, independent review** of how proposed legislation will impact Māori communities, Treaty obligations, and existing redress mechanisms before progressing any further with this or related Bills.

<sup>1</sup> [HX24-074 Endorsement of Te Tiriti o Waitangi Komiti leadership for Tiriti advancement](#)

## The legislative process of Aotearoa must uphold Te Tiriti o Waitangi

Good lawmaking requires explicit alignment with Te Tiriti o Waitangi and the New Zealand Bill of Rights Act.<sup>2</sup> Yet neither are recognised or embedded in the standards proposed in this Bill.

The RSB also represents an attempt to redefine what "good law" looks like without Te Tiriti-based consent, partnership, or protection.

The Crown has a constitutional obligation to engage in partnership with Māori in all significant law reform. The Waitangi Tribunal Regulatory Standards Bill Urgent Inquiry (Wai 3470)<sup>3</sup> has already found that **the Crown breached its duty of partnership and active protection by failing to meaningfully consult with Māori prior to Cabinet's approval** of this Bill. The whakataukī cited in the Waitangi report, "Ka tika a mua, ka tika a muri" talks of the importance of working together for the best outcome and cautions '... that if those at the front do not ensure they work in partnership with those around them, they put at risk the mana of the collective.'<sup>4</sup> That caution has not been adhered to in how the RSB has processed. This is not merely a procedural oversight—it is a constitutional failure that delegitimises the Bill.

The Regulatory Standards Bill poses a direct constitutional threat to Te Tiriti o Waitangi by elevating a framework hostile to collective and Indigenous rights, marginalising Māori participation and perspectives, and eroding existing Treaty commitments.

The RSB seeks to elevate a "liberal democratic" framework—focused on individual rights, private property, and minimal government interference—as the sole standard for law-making. This framework does not align with Te Tiriti o Waitangi, which is based on collective rights, relationships, and partnership. It sidelines Māori worldviews, collective rights, and tikanga Māori, reinforcing Western legal dominance. Te Tiriti will become subordinate to a new regulatory standard that was not negotiated with Māori.

## Ideological Motivations and Racialised Agenda

The Bill is not neutral. It reflects a **political agenda that centres ACT Party values**—emphasising deregulation, private property, and individualism—at the expense of collective wellbeing and indigenous justice. It is being introduced as part of a suite of ACT Party policies, alongside a cluster of legislative proposals that are explicitly or implicitly hostile to Māori—such as the Treaty Principles Bill and funding cuts to Māori-focused services.

This pattern suggests the RSB is not a technical reform, but part of a **racialised political project** to dismantle Te Tiriti-based policy frameworks.

Even the **Ministry for Regulation, in its 2024 report, did not endorse the Bill's progression**, signalling concerns from within government itself.

## Regulatory Principles

The Bill introduces a set of regulatory principles that reflect a narrow interpretation of liberal democratic values such as property rights, minimal state intervention, and individual liberty. These principles are not neutral—they are culturally specific and prioritise a Western worldview. They do not reflect the values, rights, or responsibilities inherent in *tikanga Māori*, nor do they align with the obligations of the Crown under *Te Tiriti o Waitangi*.

If these principles conflict with Te Tiriti obligations or education funding allocations, courts or agencies may prioritise the Regulatory Principles over Treaty commitments. The RSB purports to regulate and promote better law making and parliamentary control over delegated powers to make legislation. However, the true

<sup>2</sup> <https://www.legislation.govt.nz/act/public/1990/0109/latest/DLM224792.html>

<sup>3</sup> [https://forms.justice.govt.nz/search/Documents/WT/WT\\_DOC\\_230792542/RS%20Bill%20W.pdf](https://forms.justice.govt.nz/search/Documents/WT/WT_DOC_230792542/RS%20Bill%20W.pdf)

<sup>4</sup> [ibid](#)

intent of this bill is ‘An undercover attempt to normalise a legislative framework that prioritises a libertarian ideology worldview that is to and it is to hold private property as the most sacred right of all and it lays out a framework to provide and protect any interference including and any regulation that is in the public’s interest (Ryan Ward E-Tangata).<sup>5</sup>

Embedding these principles as a legislative benchmark, risks subordinating Treaty-based legislation and policies—such as co-governance arrangements or affirmative obligations toward Māori wellbeing—if they are perceived to contravene dominant economic or legal ideals.

The Regulatory Standards Bill threatens to upend the entire framework under which Māori have been able to challenge corporate infringement of Indigenous rights here in Aotearoa. Te Tiriti protections could be reframed as “exceptions” or “special interests” that must be justified, rather than upheld as foundational law.

### Shift in Legal Weight Undermines Existing Treaty Settlements

If regulatory principles become enforceable benchmarks for all laws, existing Te Tiriti settlements and Māori-specific legislation may be challenged as inconsistent with the new standard. Settlements could be undermined or interpreted narrowly to conform with individualistic, market-driven criteria. Māori legal gains are weakened or reversed, and new claims may be harder to uphold.

### Concentration of Power and Constitutional Concerns

The Regulatory Standards Bill proposes a significant and troubling shift in constitutional power.

It would **diminish the role of the judiciary** in holding legislation and regulation to account, transferring that power instead to a politically appointed board.

The Regulatory Standards Board would be **appointed solely by the Minister for Regulation**, Deputy Prime Minister, ACT Party leader, Minister for Regulation and Associate Minister for Health, Education, Finance and Justice - Hon. David Seymour, who has publicly demonstrated hostility toward Māori and Te Tiriti. This raises serious concerns about impartiality and ideological influence.

The Bill would **centralise power within the executive**, weakening the balance of powers and moving Aotearoa closer to an authoritarian legal structure. These are signs of **a constitutional slide toward authoritarianism**—a shift that should alarm all New Zealanders, regardless of political affiliation.

### Corporate Rights Prioritised Over Public Good

The Bill introduces “person”-based rights that would apply equally to individuals and corporations. Given that corporations have legal personhood, the Bill would enable **corporations to sue the government** if new laws (e.g. those protecting the environment or upholding Te Tiriti justice) are deemed to infringe on their profits.

This would **prioritise commercial interests over environmental, human, and Indigenous rights**, undermining efforts to respond to climate change, social inequality, and an honouring of Government obligations to uphold Te Tiriti o Waitangi.

### The Consultation Process

Consultation on the RSB opened on the same day the Hīkoi arrived at Parliament to protest the Treaty Principles Bill — both driven by the same politician, – Hon. David Seymour. The Waitangi Tribunal found that the Crown breached the principles of partnership and active protection by failing to consult meaningfully with Māori before Cabinet approved the RSB.<sup>6</sup> The RSB is constitutionally significant and as such should not be pushed through without extensive consultation.

<sup>5</sup> <https://e-tangata.co.nz/uncategorised/how-the-regulatory-standards-bill-gives-companies-more-rights-than-the-public/>

<sup>6</sup> <https://www.stuff.co.nz/nz-news/360691267/waitangi-tribunal-calls-halt-regulatory-standards-bill-finds-crown-breached-treaty-principles>

Despite the Bill's stated intention to promote transparency and accountability, the process by which it has been introduced has been the opposite.

**No direct consultation** with Māori as Treaty partners took place before key decisions were made.

The **discussion document** was excessively technical and **difficult to access**, filled with links that forced readers to jump between documents, discouraging meaningful engagement.

It failed to explain the **history of previous failed versions** of this Bill, limiting public understanding of its purpose and risks. using dense and technical language that limits the public's ability to fully understand or engage with it. Even more concerning is the lack of transparency: the 12-page Treaty Impact Analysis contains 22 redactions,<sup>7</sup> obscuring key details about how the bill will affect Te Tiriti o Waitangi.

Māori are denied the opportunity to assess and challenge the Bill's true implications, violating the principle of informed consent.

The flawed process raises serious questions about the integrity of the process and the government's commitment to genuine engagement.

In short, the consultation process did not meet basic standards of **fairness, transparency, or accountability**, which is deeply ironic for a Bill purporting to enshrine these very principles.

### Consultation Claims vs. Treaty Obligations

Minister for Regulation, David Seymour asserts that consultation occurred, citing that 144 iwi-based groups were included in the public consultation. However, this is directly challenged by Espiner, referencing the Waitangi Tribunal's finding that the Crown **breached its duties of partnership and active protection** by failing to meaningfully consult Māori prior to Cabinet decisions.<sup>8</sup> Seymour rejects the notion that Māori should be consulted in a different or more meaningful way, implying a belief in uniform, one-size-fits-all consultation processes that ignore the principles of Te Tiriti o Waitangi.

### Dismissing Submission Results

When questioned about the public response — notably, that only **0.33% of 23,000 submissions supported the Bill** — Seymour quickly dismisses the data as irrelevant. He claims the overwhelming opposition was due to a **"BOT"** campaign that produced "fake submissions," a serious accusation made without substantive public evidence. This effectively delegitimises public engagement and implies that only submissions aligned with his position are valid.

### Undermining Democratic Engagement

These comments signal a **troubling disregard for public input**. He suggests that submissions only matter when they help make "better laws" — as judged by himself or the committee — undermining the fundamental democratic principle that all public voices deserve to be heard, especially when overwhelmingly opposed to a bill.

### Contradictions in Defence

Although David Seymour insists the consultation was thorough and legitimate, he contradicts himself by undermining the submissions and rejecting their relevance when they do not align with his policy aims. This behaviour raises concerns about **bad faith engagement** and the **instrumentalisation of consultation** — using it as a box-ticking exercise rather than genuine dialogue.

The Minister of Regulation defends the consultation process for the RSB Bill as fair and sufficient yet simultaneously dismisses the overwhelming public opposition as irrelevant or illegitimate. His refusal to acknowledge the Waitangi Tribunal's findings, coupled with the accusation of fake submissions, illustrates a

<sup>7</sup> <https://www.regulation.govt.nz/assets/Publication-Documents/Preliminary-Treaty-Impact-Analysis-for-the-proposed-Regulatory-Standards-Bill.pdf>

<sup>8</sup> [https://forms.justice.govt.nz/search/Documents/WT/WT\\_DOC\\_230792542/RS%20Bill%20W.pdf](https://forms.justice.govt.nz/search/Documents/WT/WT_DOC_230792542/RS%20Bill%20W.pdf)

**deeply problematic approach to democratic process and Treaty obligations.** The interview highlights how consultation can be manipulated to appear legitimate while effectively silencing dissent, particularly from Māori, when it conflicts with political objectives.

## Summary of the Submission on the Regulatory Standards Bill (RSB)

This submission strongly opposes the Regulatory Standards Bill (RSB), arguing that it represents a significant constitutional threat to Te Tiriti o Waitangi, libertarian ideological based interference in the future funding of education that undermines democratic processes, and promotes an ideologically driven, anti-Māori agenda. The Bill is presented as a framework for “better lawmaking” but instead advances a libertarian model that prioritises individual property rights and corporate interests over collective wellbeing, Indigenous rights, and environmental justice.

At its core, the Bill **ignores Te Tiriti o Waitangi**—both procedurally and substantively. It was developed and approved by Cabinet without direct consultation with Māori as Treaty partners, a breach already confirmed by the Waitangi Tribunal. The consultation process that did occur was deeply flawed: inaccessible, overly technical, and designed to assume support for the Bill’s core framework. Even the Ministry for Regulation, in its own 2024 report<sup>9</sup>, **withheld support** for the Bill’s progression.

The Bill **introduces a “Principles Test”** that elevates liberal democratic values—focused on private property, minimal state interference, and individualism—above existing commitments to collective rights and justice. This shift **redefines the legal standard** by which all future laws would be assessed and interpreted, posing serious risks to existing and future Treaty settlements. The legal weight of Te Tiriti and tikanga-based approaches would be subordinated to the new regulatory principles, potentially classifying Treaty protections as “special interests” rather than foundational obligations.

Additionally, the Bill **centralises power** by proposing a Regulatory Standards Board appointed solely by the Minister for Regulation—currently ACT leader David Seymour. His public dismissal of Māori consultation needs and rejection of the Waitangi Tribunal’s findings raise serious questions about the objectivity and integrity of the process. The Board would displace the role of the courts, weakening judicial oversight and increasing executive control—a constitutional red flag.

The Bill also poses a risk to **environmental and social justice**, granting legal rights to “persons” that extend to corporations. This would enable corporate entities to sue the government over laws that prioritise public health, environmental protection, or Te Tiriti justice if such laws are deemed to interfere with profit-making.

The **submission highlights the broader political context** of this Bill, introduced alongside other racially charged legislation such as the Treaty Principles Bill and cuts to Māori services. The pattern suggests that the RSB is not a neutral legal instrument but a tool for undermining Māori legal and political gains, consistent with an ACT Party agenda hostile to Indigenous rights.

## Conclusion

The Regulatory Standards Bill is not simply a technical adjustment to how laws are made. It is a constitutionally dangerous and ideologically motivated attempt to redefine Aotearoa’s legal foundation in a way that **erases Te Tiriti o Waitangi, silences Māori voices, threatens public education and concentrates power in the hands of a few.** It threatens to unravel decades of hard-won Treaty progress and entrench a system that favours private and corporate interests at the expense of collective and Indigenous rights. This Bill must not proceed.

<sup>9</sup> <https://www.regulation.govt.nz/our-work/regulatory-standards-bill/>