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**The Royal Australasian College of  
Physicians' submission to Te  
Manatū Waeture | Ministry for  
Regulation**

**Regulatory Standards Bill**

**Kohi-tātea 2025**

## Introduction

The Royal Australasian College of Physicians (RACP) welcomes the opportunity to provide advice to Te Manatū Waeture | Ministry for Regulation on the proposed Regulatory Standards Bill.

The RACP works across more than 40 medical specialties to educate, innovate and advocate for excellence in health and medical care. Working with our senior members, the RACP trains the next generation of specialists, while playing a lead role in developing world best practice models of care. We also draw on the skills of our members, to develop policies that promote a healthier society. By working together, our members advance the interest of our profession, our patients and the broader community.

## RACP position on the Regulatory Standards Bill

The RACP opposes the Regulatory Standards Bill (“the Bill”), highlighting the potential for adverse impacts on the Treaty of Waitangi/Te Tiriti o Waitangi<sup>1</sup>, health outcomes for Māori, and equity presented by the provisions of the Bill.

1. *Disregard for Te Tiriti o Waitangi*: The Bill fails to reference Te Tiriti o Waitangi, ignoring the Treaty principles and obligations. This omission risks undermining Māori rights and interests protected under the Treaty.
2. *Constitutional Implications*: The Bill seeks to prioritise property rights over environmental standards and community wellbeing. It fails to recognise the constitutional relationship established by Te Tiriti, and the rights of Māori to Tino Rangatiratanga (self-determination), weakening trust between Māori and the Crown.
3. *Equity and Social Justice*: The focus on property rights and individual freedoms overlooks the need for equity and social justice. The Bill does not address systemic inequalities that disproportionately affect Māori, potentially exacerbating existing disparities and leading to poorer health outcomes for Māori.
4. *Regulatory Constraints*: The Bill aims to limit the government’s ability to implement regulations that protect public welfare, including health and environmental protections. This could hinder efforts to address health inequities and other issues impacting Māori communities.
5. *Lack of Māori Engagement*: The consultation process for the Bill has been limited, with insufficient engagement with Māori stakeholders. This approach fails to meet the Crown’s responsibilities under Te Tiriti and the UN Declaration on the Rights of Indigenous Peoples (UNDRIP)<sup>2</sup>.

This submission outlines the RACP’s primary concerns about the Bill’s content, its wider implications for Aotearoa New Zealand’s constitutional framework, and the process followed, echoing the concerns raised in our submission opposing the Principles of the Treaty of Waitangi Bill<sup>3</sup>.

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<sup>1</sup> Te Kawanatanga o Aotearoa | New Zealand Government. Treaty of Waitangi Act 1975 No. 114, Public Act. Te Kawanatanga o Aotearoa | New Zealand Government, 1975. Available from: <https://www.legislation.govt.nz/act/public/1975/0114/latest/whole.html>

<sup>2</sup> United Nations. United Nations Declaration on the Rights of Indigenous Peoples. United Nations, 13 September 2007. Available from: [https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP\\_E\\_web.pdf](https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf)

<sup>3</sup> Royal Australasian College of Physicians (RACP). The Royal Australasian College of Physicians’ submission to the Justice Committee – Principles of the Treaty of Waitangi Bill. RACP, 2024. Available from: [racp-submission-to-the-justice-committee-on-the-principles-of-the-treaty-of-waitangi-bill.pdf](https://www.racp.org.nz/submitting-to-the-justice-committee-on-the-principles-of-the-treaty-of-waitangi-bill.pdf)

## Background

The RACP has concerns about the long and contentious history in New Zealand's legislative landscape of the Regulatory Standards Bill. The ideas and intentions of the Bill were initially introduced in 2006 through the proposed Regulatory Responsibility Bill<sup>4</sup>. It has subsequently undergone several iterations, and faced significant opposition each time it was proposed.

- **2006:** The Bill was first introduced as a private member's bill. It was blocked due to concerns about its focus on property rights and the expansion of judicial roles.
- **2009:** The Bill was revived in 2009 through the formation of a Regulatory Responsibility Taskforce<sup>5</sup> and reintroduced as the Regulatory Standards Bill in 2011<sup>6</sup>. It faced opposition from the Legislative Advisory Committee, Treasury, and other stakeholders who criticised its potential to conflict with the New Zealand Bill of Rights<sup>7</sup>, and was terminated and discharged by the Select Committee.
- **2021:** The Bill was reintroduced as the Regulatory Standards Bill 2021<sup>8</sup>, but this was again defeated. MPs condemned this version as "a dangerous constitutional shift", undermining the public and collective rights, and threatening parliamentary sovereignty<sup>9</sup>.
- **2024/25 - Current Version:** The latest version of the Bill seeks to institutionalise a regime of "metaregulation" that limits government regulation<sup>10</sup>.

The RACP's concerns stem from this controversial history and the potential implications for regulatory practices. The Bill's focus on limiting government regulation would undermine efforts to address Māori rights, with knock on effects for Māori health outcomes. By prioritising property rights and reducing regulatory oversight, the Bill will fail to protect Māori interests and exacerbate existing health disparities. This would lead to further breaches of Te Tiriti and negatively impact Māori communities<sup>10</sup>.

## A Breach of Treaty Rights

The RACP expresses significant concerns regarding the Bill's disregard for Te Tiriti o Waitangi, He Whakaputanga o te Rangatiratanga o Niu Tirenī<sup>11</sup>, and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)<sup>2</sup>, all of which are absent from the proposal.

The RACP echoes Professor Emeritus Jane Kelsey's concerns - even if the proposed Principles of the Treaty of Waitangi Bill<sup>12</sup> does not become law, the Regulatory Standards Bill legislation would have a similar impact by removing Te Tiriti from the list of considerations that inform regulation, aside

<sup>4</sup> NZ Parliamentary Library. Bills Digest No. 1410 – Regulatory Responsibility Bill 2006. NZ Parliament, 2006. Available from: [Parliamentary Library \(New Zealand\) Bills Digest No.](#)

<sup>5</sup> Regulatory Responsibility Taskforce. Report of the Regulatory Responsibility Taskforce, September 2009. Regulatory Responsibility Taskforce, 2009. Available from: <https://www.treasury.govt.nz/sites/default/files/2017-11/rrt-report-sep09.pdf>

<sup>6</sup> Te Kawanatanga o Aotearoa | New Zealand Government. Regulatory Standards Bill – Progress of the Bill. Te Kawanatanga o Aotearoa | New Zealand Government, 2011. Available from: <https://bills.parliament.nz/v/6/9e095dad-813f-48c8-80c8-5ff8888f62bb?Tab=history>

<sup>7</sup> Te Kawanatanga o Aotearoa | New Zealand Government. New Zealand Bill of Rights Act 1990 No 109, Public Act. Te Kawanatanga o Aotearoa | New Zealand Government, 1990. Available from: <https://www.legislation.govt.nz/act/public/1990/0109/latest/whole.html>.

<sup>8</sup> Te Kawanatanga o Aotearoa | New Zealand Government. Regulatory Standards Bill, 27-1. Te Kawanatanga o Aotearoa | New Zealand Government, 2021. Available from: <https://www.legislation.govt.nz/bill/member/2021/0027/latest/whole.html>

<sup>9</sup> Nelson, M. The 'dangerous' bill flying under the radar. E-tangata, 2024. Available from: <https://e-tangata.co.nz/comment-and-analysis/the-dangerous-bill-flying-under-the-radar/>

<sup>10</sup> Nelson, M. (n.d.). Jane Kelsey Submission on the Proposed Regulatory Standards Bill. Substack. Available from [https://melanienelson.substack.com/p/jane-kelsey-submission-on-the-proposed?utm\\_source=publication-search](https://melanienelson.substack.com/p/jane-kelsey-submission-on-the-proposed?utm_source=publication-search)

<sup>11</sup> He Whakaputanga – Declaration of Independence, 1835. Available from: <https://nzhistory.govt.nz/media/interactive/the-declaration-of-independence>

<sup>12</sup> Te Kawanatanga o Aotearoa | New Zealand Government. Principles of the Treaty of Waitangi Bill 94-1. Te Kawanatanga o Aotearoa | New Zealand Government, 2024. Available from: <https://www.legislation.govt.nz/bill/government/2024/0094/latest/whole.html>

from Treaty settlements<sup>10</sup>. This would result in new breaches of Tiriti principles identified by the Waitangi Tribunal.

The Bill's disregard for Te Tiriti o Waitangi as the nation's founding document is evident, making no mention of the Treaty, and additionally ignoring its principles and associated obligations. This omission risks undermining Māori rights and interests constitutionally protected under the Treaty. The Bill also seeks to prioritise property rights over other important considerations, such as environmental standards and community wellbeing, undermining the constitutional balance between the Crown and Māori.

Preliminary analysis by the Ministry for Regulation identifies fundamental failings in the proposal relating to the principles of kāwanatanga, tino rangatiratanga, and equity. The Preliminary Treaty Impact Analysis notes:

“Of significance is that the proposals do not include a principle related to the Treaty/te Tiriti and its role as part of good law-making, meaning that the Bill is effectively silent about how the Crown will meet its duties under the Treaty/te Tiriti in this space. While this does not prohibit the Crown complying with the Bill in a manner consistent with the Treaty/te Tiriti, we anticipate that the absence of this explicit reference may be seen as politically significant for Māori and could be perceived as an attempt by the Crown to limit the established role of the Treaty/te Tiriti as part of law-making.”<sup>13</sup>

The Bill continues to ignore the Crown's responsibilities under Te Tiriti and UNDRIP to engage with Māori on matters affecting their rights. The consultation process for the Bill has been limited, with insufficient engagement with Māori stakeholders. Introduced under the overwhelming coverage given to the Hīkoi mō te Tiriti and the Principles of the Treaty of Waitangi Bill, the Regulatory Standards Bill has advanced through government processes with limited public awareness, minimal media coverage, and little parliamentary debate. The limited consultation has also been highlighted in articles such as: “The Dangerous Bill Flying Under the Radar”<sup>9</sup> and “Treaty Principles Bill: Smokescreen for sweeping change”<sup>14</sup>. The RACP considers this approach fails to meet the Crown's responsibilities under Te Tiriti and the UNDRIP, and emphasises the need for a more inclusive and equitable approach to regulation.

## Impact on Māori Health and Well-being

The RACP emphasises the need for a more inclusive and equitable approach to regulation that actively addresses systemic barriers and promotes the health and wellbeing of Māori. Ignoring these barriers and existing disparities contradicts the spirit of active protection and equity enshrined in Te Tiriti o Waitangi, demanding proactive measures to improve outcomes for Māori.

The RACP is concerned that the Bill seeks to restrict the government's capacity to enact regulations safeguarding public welfare, including health and environmental protections. This limitation would worsen existing health disparities for Māori by failing to address systemic inequalities. Factors such

<sup>13</sup> Te Manatū Waeture | Ministry for Regulation. Preliminary Treaty Impact Analysis for the proposed Regulatory Standards Bill. Te Manatū Waeture | Ministry for Regulation, 2024. Available from: <https://www.regulation.govt.nz/assets/Publication-Documents/Preliminary-Treaty-Impact-Analysis-for-the-proposed-Regulatory-Standards-Bill.pdf>

<sup>14</sup> Nelson, M. (n.d.). Treaty Principles Bill: Smokescreen for sweeping economic, environmental and social change? Available from <https://melanienelson.co.nz/treaty-principles-bill-smokescreen-for-sweeping-economic-environmental-and-social-change/>

as historical trauma and social determinants of health, including poverty and inadequate housing, contribute to poorer health outcomes for Māori.

As we have highlighted in the RACP submission opposing the Treaty of Waitangi Principles Bill, in a similar manner, this Bill undermines Māori health, following the passing of the Pae Ora (Disestablishment of Māori Health Authority) Amendment Bill under urgency in March 2024<sup>15</sup>, and the subsequent disestablishment of Te Aka Whai Ora in June 2024. The RACP strongly supported the establishment of Te Aka Whai Ora to work in tandem with Te Whatu Ora, allowing opportunities for co-governance and giving effect to Te Tiriti o Waitangi<sup>16</sup>.

Systemic barriers continue lead to poorer health outcomes for Māori, including a significant life expectancy gap. These barriers risk being amplified by the Regulatory Standards Bill, which prioritises property rights over health and environmental protections. By reducing regulatory oversight, the Bill will fail to protect Māori interests. The Bill fails to acknowledge, let alone address, systemic inequalities in health, economic, and social outcomes for Māori, and the RACP believes the Bill will exacerbate existing inequalities, leading to poorer health outcomes for Māori individuals, communities and whānau.

## Conclusion

The RACP considers that the Regulatory Standards Bill will bring no benefit and has serious concerns that its continued progress through Parliament will negatively impact the health and well-being of both Māori and Pākehā in Aotearoa New Zealand. The RACP urges the Ministry for Regulation to recommend that the Bill be stopped.

The RACP thanks the Ministry for Regulation for the opportunity to provide feedback on this consultation. To discuss this submission further, please contact the Hauora Māori Team at [HauoraMāori@racp.org.nz](mailto:HauoraMāori@racp.org.nz).

Nāku noa, nā



Dr Matt Wheeler  
Chair, Māori Health Committee  
**The Royal Australasian College  
of Physicians**



Dr Hamish McCay  
Aotearoa NZ President  
**The Royal Australasian College  
of Physicians**

<sup>15</sup> Te Kawanatanga o Aotearoa | New Zealand Government. Pae Ora (Disestablishment of Māori Health Authority) Amendment Act 2024 No 5, Public Act. Te Kawanatanga o Aotearoa | New Zealand Government, 2024. Available from: <https://www.legislation.govt.nz/act/public/2024/0005/latest/whole.html#LMS939836>.

<sup>16</sup> Royal Australasian College of Physicians (RACP). General Position Election Statement 2023. RACP, 2023. Available from: [general-position-election-statement-2023.pdf](#)