National Council of Women of New Zealand
Te Kaunihera Wahine o Aotearoa

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MAKING EQUALITY REALITY

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S25.13

Submission to the Finance and Expenditure Committee on the Regulatory Standards Bill 155-1

Introduction

1. The National Council of Women of New Zealand, Te Kaunihera Wāhine o Aotearoa (NCWNZ) is an umbrella group representing around 60 affiliated organisations and 300 individual members. Collectively our reach is over 200,000 with many of our membership organisations representing all genders. NCWNZ has 12 branches across the country.

2. NCWNZ's vision is a gender equal New Zealand and research shows we will be better off socially and economically if we are gender equal. Through research, discussion and action, NCWNZ in partnership with others, seeks to realise its vision of gender equality because it is a basic human right.

3. This submission has been prepared by the NCWNZ Parliamentary Watch Committee in partnership with NCWNZ Branches. It draws on the existing NCWNZ policy and previous related submissions of NCWNZ such as on the Principles of the Treaty of Waitangi Bill[1].

Summary

4. NCWNZ is strongly opposed to the Regulatory Standards Bill.

5. NCWNZ members question the problems this Bill is attempting to solve. Similar legislation has been introduced to the House and failed to become law on three previous occasions. In the pre-legislative consultation in 2024, approximately 88% of 23,000+ submissions opposed the proposed Bill while only 0.33% supported it. The Waitangi Tribunal considers the government to have breached several Te Tiriti o Waitangi

[1] NCWNZ. 2025. Submission to the Justice Committee on the Principles of the Treaty of Waitangi Bill. S25.01.Submissions - National Council of Women of New Zealand

principles in pushing forward with this Bill.[2] The Ministry for Regulations Regulatory Impact Analysis 'suggests that the specific legislative changes sought in this Cabinet paper are unlikely to be the most efficient approach to pursuing the stated objectives.'[3]

6. NCWNZ believes the Bill threatens to perpetuate the injustices of the past and widen the gap of inequalities that persist in our communities, particularly for wāhine Māori and women. Gender inequality impacts negatively on businesses, government, families, communities and individuals. The major concerns for the Bill are:

   a) It ignores the current body of legislation and constitutional documents, most significantly the Te Tiriti o Waitangi, the New Zealand Bill of Rights Act, and the Legislation Act 2019.

   b) It fails to give account to the existing lawmaking guides and practices such as the Cabinet endorsed 2021 Guidelines for making good legislation[4].

   c) It gives the Minister for Regulation wide reaching powers and discretion, with potential for unchecked political bias impacting on democracy and citizens' rights.

7. As a case in point, NCWNZ has watched with serious dismay as the Government's pay equity decisions were rushed through Parliament without the crucial consultation our democracy demands. The repeated use of urgency, rollback of rights without consultation, and its sidelining of civil society are deeply undemocratic.

8. NCWNZ recommends that the Finance and Expenditure Committee abandon the Bill.

Part 1 Clause 5: Interpretations – Te Tiriti o Waitangi

9. For nearly 130 years, NCWNZ has campaigned for equality, and we have made a formal statement declaring our commitment to Te Tiriti o Waitangi and our dedication to its principles.[5]

10. NCWNZ views the failure to acknowledge the constitutional position of Te Tiriti in the Bill as perpetuating the blatant discrimination of Māori. As promised in the signing in 1840,

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[2] RNZ, The Regulatory Standards Bill: What you need to know. 14 January 2025. The Regulatory Standards Bill: What you need to know | RNZ News

[3] Minister for Regulation, Information Release Policy Approvals for Progressing a Regulatory Standards Bill May 2025. Information-Release-Policy-Approvals-for-Progressing-a-Regulatory-Standards-Bill-May-2025_v4.pdf

[4] Legislation Design and Advisory Committee, Legislation Guidelines (2021 Edition). LDAC-Legislation-Guidelines-2021-edition.pdf

[5] NCWNZ. 2017. Appendix "D": Resolutions of National Meetings 2011-2018. Resolution 2.11.3 That NCWNZ is committed to the rights and obligations articulated in Te Tiriti o Waitangi and the Treaty of Waitangi as the founding documents of Aotearoa. NCWNZ demonstrates a visible and tangible commitment to honouring the tikanga of tangata whenua and ensuring the fulfilment of rights and responsibilities of both Tiriti partners. 2018.

the Government must honour its commitments to upholding human rights and protecting the rights of Māori under Te Tiriti o Waitangi.

11. Under the proposed principles for developing and reviewing legislation, the Crown will have no accountability to address deep and pressing inequities that disproportionately affect Māori. Of major concern for NCWNZ is the situation for wāhine Māori who already feature negatively in statistics relating to poor education, income-earning capacity, physical health, mental health, life expectancy, domestic violence, and incarceration rate measurements.

12. All people would be impacted through the removal of environmental protections, as the Bill prioritises private property and profit at the expense of people and planet.

Section 8: Principles of responsible legislation

13. The six proposed principles focus excessively on the potential impact of legislation on individual liberties and the exercise of property rights.

14. There are other widely accepted principles that are absent, including whether legislation is consistent with Te Tiriti o Waitangi, other existing legislation such as the New Zealand Bill of Rights Act, and international treaties, and whether it is evidence-based, enforceable, equitable and sustainable, among other desirable attributes.

15. The Waitangi Tribunal's *Interim Regulatory Standards Bill Urgent Report* states that aspects of the Bill are in direct conflict with Te Tiriti. For example, there is a significant danger that the sub-principle that "all persons are equal before the law" would create a barrier against progressing policy to address the long-standing inequities experienced by Māori.[6] The Waitangi Tribunal also considers the government to have breached Te Tiriti principle of partnership by failing to pursue targeted engagement with Māori on the Bill.

16. Members made comments on the following principles:

    i) Section 8 (a) Rule of law. This principle where 'every person is equal' not only overrides the principles of Te Tiriti o Waitangi but threatens Aotearoa's progress towards its fulfilment of other international treaty obligations such as the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW). NCWNZ is also an advocate for Aotearoa's commitment to safeguard our natural environment including our international commitments to the Paris Agreement, the United Nations Framework Convention on Climate Change, our pledges to reduce greenhouse gas emissions, the Millennium Development Goals (MDG) and Sustainable Development Goals (SDG).

    i) Section 8 (b) Liberties. This principle identifies individual liberty as supreme over other equally important values such as collective welfare, equality, and social cohesion. This is directly contrary to deeply held cultural values in Aotearoa New Zealand and to aspects

[6] Waitangi Tribunal, Interim Regulatory Standards Bill Urgent Report, 16 May 2025, p. 26.

of our constitutional framework, such as Te Tiriti o Waitangi and the New Zealand Bill of Rights Act.

ii) Section 8 (c) Taking of property. This principle elevates property rights (yet to be clearly defined) and compensation entitlements for where the property portfolio of an individual or corporation is impacted by legislation. If adhered to, the principle will compound the unequal distribution of wealth in New Zealand and constrain the Government's ability to regulate for public interests.

iv) Section 8 (i) Good law-making. This principle includes the importance of consulting, however, there is a lack of clarity for circumstances whereby public consultation will occur. It will concentrate power in a small unelected group, the Regulatory Standards Board, which threatens democracy and risks representing the political interests of the Minister for Regulation over the interests of the voters.

Section 27: Guidance

17. Section 27 of the Bill affords the Minister for Regulation and Attorney-General significant power to influence how government agencies implement the Bill and how the principles should be applied.

18. NCWNZ see this as an erosion of democracy and loss of public voice. The tendency to force legislation through under urgency without public consultation and government scrutiny does not bode well for future legislation and democracy.

19. A case in point is the sudden and significant changes made to the Equal Pay Act 1972, including the discontinuation of all existing pay equity claims in May 2025. In a recent submission on this issue[7] NCWNZ encourages Governments to uphold the Convention for the Elimination of all Forms of Discrimination against Women (CEDAW).[8] We note the recommendation from CEDAW's Concluding Observations on the ninth periodic report of New Zealand[9] :

    33 The Committee recommends that the State party:

    (a) Effectively enforce the principle of equal pay for work of equal value in order to narrow and eventually close the gender pay gap, including for Māori, Pacific, and

[7] NCWNZ. 2025. Submission to the Education and Workforce Select Committee on the Employment Relations (Employee Remuneration Disclosure) Amendment Bill. S25.02 S25.2_Employment_Relations_(Employee_Remuneration_Disclosure)_Amdt_Bill.pdf

[8] United Nations. 1979. Convention on the Elimination of All Forms of Discrimination against Women New York, 18 December 1979. https://www.ohchr.org/en/instruments-echanisms/instruments/conventionelimination-all-forms-discrimination-against-women

[9] CEDAW, Advanced unedited version, 29th October 2024. Committee on the Elimination of Discrimination against Women. 2024. Concluding observations on the ninth periodic report of New Zealand. CEDAW/C/NZL/CO/9. tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FNZL%2FCO%2F9&Lang=en

migrant women, by (i) conducting regular labour inspections; (ii) applying gender-neutral analytical job classification and evaluation methods; (iii) conducting regular pay surveys; and (iv) encouraging employers to publish a narrative with their gender pay gap data, with a view to better understanding the reasons behind the gender wage gap, and to take appropriate remedial measures.

Clauses 29 and 38: Regulatory Standards Board

20. NCWNZ members are concerned that the appointment of the Regulatory Standards Board by the Minister for Regulation provides no certainty that the Board will be politically independent and impartial. This would create a powerful unelected body able to put the rights of corporations and individuals above public good in protecting vulnerable groups and the environment.

Conclusions

21. NCWNZ is strongly opposed to the Regulatory Standards Bill. We recommend that the Finance and Expenditure committee abandon this Bill.

22. NCWNZ members believe that the Bill is focussed on individual liberties and the property rights of individuals and corporations at the expense of New Zealand's commitment to human rights, environmental protections, social cohesion and collective values.

23. The Bill ignores constitutional documents, significantly Te Tiriti o Waitangi, and the body of existing legislation and lawmaking guides and practices. It threatens to perpetuate the injustices of the past and widen the gap of inequalities that persist in our communities, particularly for wāhine Māori and women.

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