



Submission to the Finance and Expenditure Committee on the Regulatory Standards Bill

From: Tūwharetoa Iwi Māori Partnership Board (TIMPB)

Date: 10 June 2025

Introduction

Tēnā koutou,

This submission is made on behalf of the Tūwharetoa Iwi Māori Partnership Board (TIMPB) in response to the Regulatory Standards Bill.

We submit this in our capacity as a mandated iwi Māori entity under the Pae Ora (Healthy Futures) Act 2022, and as representatives of Ngāti Tūwharetoa — a sovereign iwi and First Nation of Aotearoa New Zealand. We affirm the status of Māori as tangata whenua and the first sovereign Indigenous peoples of this land, whose authority (mana motuhake) and responsibilities (kaitiakitanga) predate the formation of the Crown and the state.

We are deeply concerned that the Bill, as currently drafted, undermines Māori collective rights, diminishes environmental protections, and weakens the Crown's enduring obligations under Te Tiriti o Waitangi. It fails to reflect Aotearoa New Zealand's constitutional foundations, including its commitment to partnership, equity, and the recognition of Māori as a Treaty partner.

Summary of Concerns

The Regulatory Standards Bill introduces a legislative scrutiny framework grounded in individual property rights and limited government intervention. While its stated purpose is to improve the quality of lawmaking, the proposed framework risks marginalising Māori voices, eroding collective rights, and privileging ideology over equity, partnership, and sustainability.

Key Concerns

1. Collective Māori Rights and Hauora Māori Outcomes

The Bill's emphasis on individual liberty and property rights is incompatible with the collective rights and responsibilities central to Māori worldviews. This approach threatens:

- The protection of whenua, taonga, and tikanga Māori;
- The exercise of tino rangatiratanga, kaitiakitanga, and other forms of collective authority;
- The advancement of hauora Māori outcomes under the Pae Ora (Healthy Futures) Act 2022.

Iwi Māori Partnership Boards (IMPBs), as statutory entities, are mandated to influence the design and performance of the health system. A regulatory framework that excludes or undermines collective Māori interests directly compromises the realisation of equity and wellbeing for Māori.

2. Omission of Te Tiriti o Waitangi

The complete absence of Te Tiriti o Waitangi from the Bill represents a serious constitutional failing. This omission:

- Undermines the foundational relationship between Māori and the Crown;
- Risks further marginalising Māori in the development, oversight, and implementation of legislation;
- Contradicts existing statutory and policy frameworks, including Pae Ora, where Te Tiriti is central.

3. Environmental and Kaitiaki Concerns

The Bill's prioritisation of property rights and deregulatory ideology threatens environmental sustainability. For Māori, te taiao is inseparable from identity, wellbeing, and intergenerational equity. By excluding Indigenous stewardship principles such as kaitiakitanga, the Bill:

- Fails to account for Māori relationships with natural ecosystems;
- Risks weakening protections for land, water, and biodiversity;
- Undermines the Crown's obligations to respect Māori environmental values.

4. Regulatory Philosophy and Bicultural Context

The underlying philosophy of the Bill reflects a narrow, individualistic conception of rights and regulation. It does not reflect Aotearoa's bicultural constitutional context. This approach:

- Fails to acknowledge Māori as Treaty partners with distinct rights and interests;
- Weakens collective protections for Māori and vulnerable communities;
- Entrenches inequities by treating all individuals as equal in form while ignoring substantive disparities in outcome.

5. Implications for IMPBs and Māori Participation

The Bill provides no mechanism for Māori participation in the development, assessment, or oversight of regulations. This is incompatible with the statutory role of IMPBs, who are responsible for:

- Assessing local hauora Māori needs;
- Influencing health service design and delivery;
- Monitoring performance and outcomes for Māori.

A regulatory framework that excludes Māori perspectives undermines the very purpose of IMPBs and weakens the Crown's efforts to address systemic inequities.

6. Te Tiriti and Constitutional Integrity

By failing to acknowledge Te Tiriti and enshrining narrow regulatory principles, the Bill risks destabilising Aotearoa's evolving constitutional framework. Specifically, it:

- Disregards decades of jurisprudence and Waitangi Tribunal findings that give shape to the principles of Te Tiriti;
- Reduces the Crown's accountability to Māori;
- Contradicts the direction of Treaty-based policy reform and co-governance arrangements across sectors.

Recommendations

To address these concerns, we make the following recommendations:

1. Incorporate Te Tiriti o Waitangi Principles

Embed the principles of Te Tiriti o Waitangi explicitly within the Bill to honour the Crown's obligations and support meaningful Māori participation.

2. Recognise Collective Māori Rights

Ensure the Bill protects collective Māori rights, including those relating to whenua, taonga, and tikanga Māori, in line with existing Treaty settlements and legislation.

3. Strengthen Māori Participation

Guarantee that IMPBs and other Māori entities are involved in the development, monitoring, and assessment of legislation under the proposed framework.

4. Embed Kaitiakitanga and Environmental Stewardship

Recognise Māori environmental values and embed kaitiakitanga principles in the assessment of regulations to ensure environmental and intergenerational sustainability.

5. Conduct a Full Tiriti Impact Assessment

Undertake a comprehensive Te Tiriti o Waitangi impact assessment of the Bill to identify and mitigate risks to Māori rights and the Crown–Māori relationship.

6. Align with Equity and Hauora Māori Goals

Ensure that the regulatory framework supports the goals of Pae Ora and advances equitable outcomes for Māori communities.

Conclusion

The Regulatory Standards Bill, in its current form, presents substantial risks to Māori rights, environmental stewardship, and constitutional integrity. The Tūwharetoa Iwi Māori Partnership Board submits that:

If the above recommendations cannot be fully implemented, the Regulatory Standards Bill should not proceed.

We note that in April 2025, the Justice Committee (Komiti Whiriwhiri Take Ture), after extensive public consultation, recommended that the Principles of the Treaty of Waitangi Bill not proceed. That recommendation recognised the constitutional importance of Te Tiriti o Waitangi, the depth of opposition from Māori and Treaty partners, and the potential for lasting harm to the Crown–Māori relationship.

In the same spirit, we urge the Finance and Expenditure Committee to reflect carefully on the implications of proceeding with a regulatory framework that excludes or undermines Māori rights and participation. The Crown's obligations under Te Tiriti o Waitangi are enduring and must shape the foundation of all legislative reform.

Regulatory frameworks should promote equity, protect the environment, and honour the constitutional status of Te Tiriti o Waitangi — not override them in pursuit of ideological minimalism.

Ngā manaakitanga,

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