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Tēnā koutou katoa ngā mēma o te kōmiti,

The New Zealand Psychological Society (NZPsS) is the largest professional association for psychologists, representing 2365 members across multiple scopes of practice. These include clinical, educational, organisational, community, counselling, forensic, and health psychology. NZPsS is committed to supporting a psychology workforce that enhances well-being across all our communities. A core component of this is understanding and enacting the relevant articles of Te Tiriti o Waitangi. As psychology is a regulated profession operating under New Zealand law and governance structures, psychologists are professionally and ethically obligated to honour the principles of Te Tiriti in their work.

The Psychologists Code of Ethics identifies four ethical principles that psychologists must adhere to:

1. Respect for the dignity of persons and peoples.
2. Responsible caring.
3. Integrity of relationships.
4. Social justice and responsibility to society

The NZPsS is strongly opposed to the *Regulatory Standards Bill (RSB)*. The Waitangi Tribunal has found that the RSB process is in severe breach of Te Tiriti o Waitangi due to expedience of this process and lack of adequate consultation. This is deeply concerning for psychologists across Aotearoa New Zealand. The failure of the RSB process to engage in adequate and transparent consultation undermines New Zealand's commitment to the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the United Nations Declaration Convention on the Rights of Persons with Disabilities (UNCRPD).

The Bill's emphasis on uniformity across regulations poses specific risks for psychologists. In particular, the emphasis on the principle of equality diminishes the need for equity measures for our communities who experience adverse impacts of racism, stigma, oppression, and discrimination. It shows no respect for the dignity of persons and peoples. Moreover, generic approaches to regulatory standards reduces the ability of Tiriti focussed advancements to facilitate the development of matauranga Māori alongside clinical expertise within professions such as psychology.

The proposed principles focus strongly on individual and property rights with no principles related to Te Tiriti o Waitangi, human rights, environmental rights, and the recognition of collective public interest. Psychologically, the protection of human rights and the environment have a significant

protective impact on mental health and wellbeing.¹ The RSB risks creating legislation that overrides these crucial factors for the foreseeable future. We highlight the risks of progressing the RSB and the implications of these concerns as outlined in the following.

Risk of generic regulation

The Bill promotes standardisation across diverse regulatory bodies. While consistency can reduce confusion, this approach risks erasing context-specific knowledge such as the cultural and clinical complexities inherent in psychological practice in Aotearoa.

Psychologists practising kaupapa Māori or working in whānau- and community-based models could be marginalised under a framework that does not recognise or support the legitimacy of these approaches. The potential erosion of culturally specific competencies would undermine the ongoing work to decolonise and indigenise psychological practice in Aotearoa. To be clear, psychologists risk increased standardisation of scopes of practice and competencies, which marginalise kaupapa Māori and whānau-based approaches that do not fit neatly within Western clinical paradigms.

Implications: The unique needs and values of Māori, Pacific, and other marginalised communities may be subordinated to generalised bureaucratic ideals. Tailored approaches to cultural competence and tikanga Māori will be weakened by RSB pressure to conform to generic, mainstream norms. This will result in a failure to understand the compounding impacts of intersectionality in diverse communities. Taken together, this leads to a chilling effect on innovation and culturally grounded practice. Practitioners working at the interface of community and clinical work will be further burdened by compliance regimes that do not recognise or value their ways of working.

Risk of weakened protections for Te Tiriti o Waitangi commitments

The draft legislation does not explicitly mandate legislators to uphold Te Tiriti o Waitangi, nor does it embed obligations for legislators to honour tino rangatiratanga or work in genuine partnership with Māori.

Implication: Excluding Te Tiriti o Waitangi from the principles that must be upheld, risks treating Te Tiriti commitments as optional or symbolic, rather than foundational. Lifting property rights and taxes to a higher priority than Te Tiriti o Waitangi undermines equity efforts and entrenches institutional racism within regulatory structures. As the NZPsS we see the psychological impact of such racism^{2 3} regularly and strongly recommend that upholding Te Tiriti o Waitangi is one of the most important principles of all lawmaking within Aotearoa.

If regulations governing the practice of psychology in Aotearoa New Zealand are amended in line with this proposed legislation, there is a risk that requirements for psychologists to be culturally

¹ <https://royalsociety.org.nz/assets/documents/Report-Human-Health-Impacts-of-Climate-Change-for-New-Zealand-Oct-2017.pdf>

² Ricci Harris, Chao Li, James Stanley, Paula Toko King, Naomi Priest, Elana Curtis, Shanthi Ameratunga, Dakota Sorensen, Fushia Tibble, Jordan Tewhaiti-Smith, Paeone Thatcher, Raeana Araroa, Sarah Pihema, Shafan Lee-Kirk, Stanley John Robert King, Tupua Urlich, Ngato-Zharnaye Livingstone, Soraya Kamau Brady, Charlizza Matehe, Sarah-Jane Paine, *Racism and Health Among Aotearoa New Zealand Young People Aged 15–24 years: Analysis of Multiple National Surveys*, Journal of Adolescent Health, Volume 75, Issue 3, 2024, <https://doi.org/10.1016/j.jadohealth.2024.04.021>

³ Harris, Stanley, J., & Cormack, D. M. (2018). Racism and health in New Zealand: Prevalence over time and associations between recent experience of racism and health and wellbeing measures using national survey data. *PLoS One*, 13(5), e0196476. <https://doi.org/10.1371/journal.pone.0196476>

competent and enact cultural safety will be removed and this will reduce the clinical efficacy of our services for Māori and other non-dominant ethnicities.

Risk of sidelining Human Rights and Environmental Protections

The draft legislation also prioritises corporate property rights over environmental protections that benefit our people and communities. Governments must have the ability to make laws to protect our people and our environment, without outsize regard to the impact on potential future profits of corporations. The principles regarding ‘Liberties,’ ‘Taking of property’ and ‘Taxes, fees and levies’ are likely to severely inhibit the ability or willingness of legislators to carry out their duties for public and environmental good.

Implication: Environmental disasters⁴ and the ongoing impact of climate change will increase psychological harm to our people and our communities. The Government and its Ministries should be able to consider the evidence and enact legislation to protect people and/or minimise this harm. The psychologists Code of Ethics highlights ‘Responsible Caring’ and ‘Social Justice and Responsibility to Society’ as key principles of our practice due to their centrality in ensuring psychological wellbeing. Whilst psychologists often work with individuals the interconnection and impact of communities, Te Taiao, society on each person is substantial. This interconnectedness needs to be recognised in any overarching legislation such as the RSB.

Summary

The proposed Regulatory Standards Bill is fundamentally misaligned with New Zealand’s Constitutional documents – including Te Tiriti o Waitangi and the Bill of Rights, as well as our international human rights commitments. It entrenches a framework that:

- Prioritises market logic and private rights over equity, inclusion, and social wellbeing.
- Undermines the Crown’s responsibilities under both Te Tiriti o Waitangi and UNDRIP.
- Undermines the Crown’s responsibilities under UNCRPD.
- Poses a serious threat to the mental health and wellbeing of all New Zealanders – and hinders the ability of the Government to adequately respond to such threats or consider such aspects in their legislative decision making.

Recommendations

The NZPSS calls for the immediate discontinuation of the *Regulatory Standards Bill*. We do not support a referendum on this issue. We strongly recommend that the government issues a clear commitment to honouring the mana of He Whakaputanga and Te Tiriti o Waitangi. In addition to this commitment, we recommend the need for transparent, robust and responsive consultation with Pacific and other marginalised communities to provide a nuanced understanding of diverse intersectionality’s that influence complex needs within our communities. Finally, we note that taking immediate and meaningful action on these recommendations will strengthen, enhance and inform the future design, development and implementation of regulatory standards and all potential legislative change in Aotearoa New Zealand.

⁴ Neria Y, Nandi A, Galea S. Post-traumatic stress disorder following disasters: a systematic review. *Psychol Med*. 2008 Apr;38(4):467-80. doi: 10.1017/S0033291707001353. Epub 2007 Sep 6. PMID: 17803838; PMCID: PMC4877688.