

The Regulatory Standards Bill: Neoliberal Shackles Disguised as “Good Law”



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When the New Zealand Parliament debates “better law-making,” most people yawn. It sounds procedural, technocratic — even boring. But beneath the jargon of “clarity,” “predictability,” and “transparency,” lurks a political agenda. The Regulatory Standards Bill (RSB), first introduced in 2011 by ACT Party founder Roger Douglas’s disciple Rodney Hide and continuously revived in various guises since, represents a stealth weapon in the arsenal of neoliberal capitalism. It is a Trojan horse for embedding pro-market ideology into the very machinery of the state — making it harder for any future government, let alone a radical movement, to challenge the dominance of capital.

We argue that the bill is not about making regulation “better” or “fairer,” but about handcuffing future lawmakers to an ideology that privileges private property, contract law, and the capitalist “right to profit.” Its passage would mark a dangerous deepening of bourgeois legalism, constraining any collective attempts to democratise the economy or dismantle capitalist structures through parliamentary reform — let alone revolutionary means.

The Origins: ACT's Neoliberal Dream

To understand the Regulatory Standards Bill, we must start with ACT. Founded in the 1990s as the ideological successor to Roger Douglas's Rogernomics project, the ACT Party exists to finish what the Fourth Labour Government started: the total commodification of public life. With its roots in Chicago School economics, ACT idolises the free market, loathes the state (except when protecting capital), and views regulation as an obstacle to "freedom" — defined narrowly as consumer and investor liberty.

In 2009, the National-ACT confidence and supply agreement commissioned a taskforce led by arch-neoliberal Graham Scott to look into "regulatory responsibility." Its conclusion: regulation should conform to a strict set of principles designed to prevent the state from interfering too much with market activity. This taskforce gave birth to the Regulatory Standards Bill.

Rodney Hide introduced the first version in 2011. It was met with scepticism, even from centrist legal scholars, who warned that the bill would judicialise politics and constitutionalise neoliberalism. While the bill didn't pass, its zombie-like persistence over the years shows how committed the New Zealand right remains to embedding capitalist ideology in law.

What the Bill Proposes: Rights for Capital, Not People

At first glance, the RSB reads like a list of nice-sounding principles: laws should not be retrospective, should respect property rights, should avoid creating unnecessary costs, and should be clear and accessible. But a closer look reveals its insidiousness.

1. "Property Rights" as Sacred

One of the central tenets of the bill is that laws should not "take or impair property" unless justified. This may sound reasonable, but in practice, it elevates private property above public interest. It would give courts — not the people — the power to decide whether environmental protections, housing controls, or land use laws unduly infringe on property rights. It shifts power from democratically accountable institutions to unelected judges, many of whom are steeped in commercial law and capitalist ideology.

This is a direct threat to mana whenua struggles for land justice. Imagine if land reform legislation, urban rent controls, or even a future law to nationalise fossil fuel companies were struck down because they infringed on "property rights." The bill constitutionalises the most reactionary legal principle of all: that the right to own and profit from land or capital is inviolable.

2. *“No More Than Necessary”*

Another clause says that regulation should not impose “obligations, costs, or risks” that are more than “reasonably necessary.” But who decides what’s “necessary”? Under capitalism, this often means what’s necessary for profit. Environmental laws, workplace protections, or rent freezes could all be challenged for being “too costly” to business. The bill invites judicial activism — not in the progressive sense, but as a means of protecting capitalist interests from redistributive policies.

3. *Parliamentary Veto in Disguise*

The bill would require that every new law be accompanied by a “certification” that it complies with these principles. If it doesn’t, it must be justified — and could be challenged in court. This sets up a system where legislation is no longer judged on its social merit, but on how well it conforms to market logic.

In essence, it’s a regulatory veto wrapped in legal procedure. The aim is to make it politically and legally risky for any future government to pass redistributive or transformative laws.

Embedding Capitalist Ideology into Law

What makes the RSB especially dangerous is not just its content, but its method. It doesn’t ban socialism outright. Instead, it sets up legal roadblocks that

make any move toward economic democracy more difficult, expensive, or outright unconstitutional.

This is classic capitalist strategy: not just win political battles, but rig the rules. It’s the same logic behind investor-state dispute settlement (ISDS) clauses in trade agreements, which allow corporations to sue states for regulating in the public interest. It’s the logic behind independent central banks, which remove monetary policy from democratic control. And it’s the logic behind “fiscal responsibility” laws that force governments to prioritise debt repayment over social investment.

The RSB is part of this neoliberal constitutionalism. It transforms what should be political questions — Who owns the land? Should rent be controlled? Should fossil fuels be nationalised? — into legal technicalities. It makes revolution, or even reform, illegal by stealth.

Aotearoa’s Class War by Other Means

The Regulatory Standards Bill must be understood in the context of Aotearoa’s broader class structure. We live in a settler-colonial capitalist state where wealth is concentrated among a small elite — disproportionately Pākehā — while working-class, Māori, and Pasifika communities struggle under the weight of

exploitation, housing precarity, and intergenerational poverty.

In such a context, regulation is one of the few remaining tools communities have to fight back. Whether it's tenant protections, limits on corporate land use, environmental regulations, or worker rights, regulation is one of the few levers available within capitalist democracy to redistribute power and resources.

The RSB seeks to destroy that lever. It cloaks itself in legal neutrality, but in reality, it is a ruling class weapon designed to foreclose collective action. It represents the judicialisation of class war. One where the capitalist class doesn't need tanks or cops to crush resistance, just well-written legislation and friendly judges.

The Limits of Parliamentary Critique

It's important to note that opposition to the RSB has come not just from the left, but from mainstream legal figures and centrists worried about the erosion of parliamentary sovereignty. The New Zealand Law Society, in a rare political statement, warned that the bill would shift power from Parliament to the judiciary, undermining democratic accountability.

But for anarcho-communists, the issue goes deeper than defending Parliament. Parliamentary democracy in a capitalist state is already limited, corrupt, and

structurally skewed toward the ruling class. Our concern is not that the RSB undermines Parliament per se, but that it further consolidates capitalist power within the state, making radical transformation through any legal means even harder.

In this sense, the RSB is not an aberration but a logical outcome of a capitalist democracy reaching its authoritarian phase. As global inequality deepens and ecological collapse accelerates, capitalist states are preemptively locking in protections for the wealthy – insulating themselves from the possibility of revolt.

A Vision Beyond the Bill

Anarcho-communists reject the premise of the RSB because we reject the premise of capitalist law itself. We do not believe the protection of property is a neutral good. We do not believe “regulatory efficiency” should be the measure of political action. And we do not accept a legal framework that privileges capital over collective well-being.

Instead, we fight for a society based on direct democracy, collective ownership, and ecological harmony. We envision a world where land is returned to tangata whenua, where housing is a right not a commodity, and where communities make decisions together, without the distortions of profit or property law.

What Is to Be Done?

We must oppose it not just with legal submissions or op-eds, but with direct action and radical education. We must expose it for what it is: a blueprint for capitalist entrenchment, not a neutral law reform. And we must prepare ourselves intellectually, and organisationally for the broader authoritarian turn it signals.

Popular education in unions, hapū, and community groups about the bill's implications.

The battle over the Regulatory Standards Bill is a battle over who controls the future: the people, or capital. Let's make sure it's us.



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them. This analysis explores the incident through dual lenses: the comparative strategy of abstentionism (as seen with Sinn Féin) and an anarcho-communist critique of state power. Both perspectives converge on a central question: Should Te Pāti Māori reject parliamentary engagement to prioritise Indigenous sovereignty and alternative governance?

The Treaty Principles Bill: Colonial Continuity and Resistance

The Treaty Principles Bill, introduced by the ACT Party, sought to redefine the foundational principles of the Treaty of Waitangi—New Zealand’s 1840 agreement between Māori chiefs and the British Crown. Critics argued the bill eroded decades of progress on Māori rights, replacing partnership and self-determination with a homogenised vision of “equal citizenship.” The proposal sparked nationwide outrage, culminating in a nine-day hīkoi (protest march) that drew over 42,000 people to Wellington, one of the largest demonstrations in New Zealand’s history.

During the bill’s first reading Te Pāti Māori MPs performed the “Ka Mate” haka, a traditional Māori dance symbolising resistance. MP Hana-Rawhiti Maipi-Clarke tore up a copy of the bill, calling it a betrayal of Indigenous rights. The Speaker of the House deemed the protest “grossly

disorderly,” suspending co-leaders Rawiri Waititi and Debbie Ngarewa-Packer for 21 days and Maipi-Clarke for seven days—the harshest penalties ever imposed on sitting MPs.

Parliamentary Decorum vs. Tikanga Māori: Clash of Worlds

The protest underscored tensions between parliamentary rules and tikanga Māori (Māori customs). While Parliament enforces strict procedural norms, Māori political expression prioritises oral traditions, communal debate, and symbolic acts like the haka. Critics condemned the suspensions as suppression of Indigenous voice, highlighting systemic inequities in a colonial institution.

Ngāti Toa chief executive Helmut Modlik defended the haka as a legitimate expression of dissent, arguing that Parliament exists only because Māori chiefs permitted its establishment. Similarly, Waititi emphasised that haka and waiata (songs) are inseparable from Māori political discourse. Yet, the Privileges Committee framed the protest as “intimidating,” revealing the state’s unwillingness to accommodate Indigenous modes of resistance.

Abstentionism: Sinn Féin’s Legacy and Anarcho-Communist Critique

The incident raises the viability of abstentionism – a strategy historically employed by Sinn Féin, who refused to sit in the UK Parliament to reject British authority over Northern Ireland and asserting Irish sovereignty. For Te Pāti Māori, this approach could symbolise rejection of a colonial system that marginalises Māori rights.

From an anarcho-communist perspective, parliamentary systems are inherently oppressive, serving capitalist and colonial interests. Thinkers like Rudolf Rocker and François Dumartheray argued that state institutions co-opt dissent, necessitating alternative structures rooted in mutual aid and direct democracy. Te Pāti Māori's protest exemplifies the limitations of seeking justice within a framework designed to uphold colonial hierarchies.

Critics may caution that abstentionism risks ceding hard-won political influence. Exiting Parliament would forfeit direct legislative advocacy, potentially leaving Māori rights vulnerable to further erosion under bills like the Treaty Principles proposal. Reduced visibility in national discourse could also marginalise Māori perspectives, weakening public solidarity at a time when broad alliances are critical. Additionally, abstentionism risks misinterpretation by non-Māori voters, who may perceive the strategy as divisive

rather than principled, undermining efforts to build cross-cultural understanding. While the symbolic power of refusal is undeniable, the practical consequences of disengagement, particularly in a system where Māori representation remains fragile, demand careful consideration.

However, as proponents of abstentionism, we argue that refusing to engage with parliamentary systems is a radical yet necessary act of sovereignty. By rejecting participation in institutions that suppress Indigenous expression, such as the punitive silencing of Te Pāti Māori's haka, abstentionism challenges the legitimacy of a colonial framework inherently hostile to Māori rights. This stance aligns ideologically with the broader struggle for Māori self-determination, avoiding the compromises demanded by colonial politics, which often dilute Indigenous demands into palatable reforms. Furthermore, abstentionism could galvanise grassroots mobilisation, mirroring Sinn Féin's success in Northern Ireland, where refusal to legitimise British rule fuelled support. Anarcho-communist theory bolsters this approach, advocating for the creation of autonomous, Māori-led institutions – such as iwi-run education and healthcare systems – that bypass state control. These dual power structures not only resist assimilation but also embody Indigenous sovereignty in practice,

fostering communities rooted in tikanga Māori rather than colonial hierarchies.

Building Alternatives: Dual Power and Indigenous Autonomy

Anarcho-communist thought emphasises dual power – constructing autonomous systems parallel to the state. In Aotearoa, this aligns with Māori traditions of hapū (sub-tribe) and iwi (tribe) governance, which prioritise collective well-being over individualism.

By strengthening Māori-led education, healthcare, and environmental management, communities can reclaim autonomy while resisting assimilation. Such efforts mirror Sinn Féin’s strategy of building alternative institutions, demonstrating that liberation lies not in reforming oppressive systems but in transcending them.

Conclusion

Te Pāti Māori’s protest and the punitive response it provoked expose the colonial foundations of New Zealand’s parliamentary system. Abstentionism emerges as a compelling strategy, not merely as a symbolic rejection of colonial institutions but as a radical affirmation of Indigenous sovereignty. While critics rightly caution against risks like lost legislative influence and public misinterpretation, the limitations of participating in a system

designed to marginalise Māori voices cannot be ignored. Parliamentary engagement, as demonstrated by the suspension of MPs over the haka protest, forces Indigenous leaders to conform to colonial norms, diluting their demands into palatable reforms that fail to address systemic inequities.

By withdrawing from Parliament, Te Pāti Māori could channel energy into building dual power structures, such as Māori-led education, healthcare, and governance systems rooted in tikanga. Prioritising autonomy over assimilation empowers Māori communities to reclaim control over their futures, fostering resilience against state co-optation.

The perceived risks of marginalisation pale in comparison to the long-term potential of cultivating Indigenous sovereignty from the ground up. True liberation lies not in seeking validation from oppressive systems but in creating alternatives that embody Māori values. Abstentionism, therefore, is not surrender, rather it is a revolutionary act of refusal, a declaration that Māori will no longer legitimise a colonial order. By embracing this path, Te Pāti Māori could ignite a transformative movement, proving that the future of Aotearoa rests not in reforming broken institutions but in building anew.



Pay Equity Protest



Today Aotearoa Workers Solidarity Movement (AWSM) joined nationwide protests against new legislation reversing pay equity in Aotearoa/New Zealand.

AWSM participated in Rotorua for example, alongside approximately 50 others. The workers in the demonstration came from a range of organizations. There was an impressive variety of ages, ethnicities and genders represented. The protestors occupied the footpath outside the office of the local MP. Many carried placards or union flags and banners. There was a constant stream of support from passing motorists. Some stopped to receive material about the issue, while many honked horns or otherwise signaled their solidarity.

The call to action came in response to the sudden cancelling of pay equity measures

by the Right-Wing National/ACT/NZ First coalition government. Existing legislation was built on a series of reforms beginning in 1961 when government workers were required to be paid the same regardless of gender, followed by the same provision for the private sector in 1972.

In 2012 caregiver Kristine Bartlett won the first case ever brought under that law. Though it wasn't till 2020 that the concept of pay equity became comprehensively incorporated into law via the Equal Pay Amendment Act. The latter legislation required that claims for consideration had to concern work that is or was performed by a workforce of which approximately 60 percent or more members are female. A few factors determined whether such employment had been undervalued, such as whether it had been historically characterized as "women's work" or done for free. This has massive impact on crucial sectors of employment such as nurses, teachers, care workers, librarians, social workers and te reo Maori experts.

The current move reverses numerous features of the 2020 legislation. For example, the threshold for what constitutes a "predominantly female" field of work is being raised to 70%, so fewer cases will qualify for consideration. This would affect a number of current claims that have taken years to build, that would have to be re-

submitted under the new stricter threshold. There are also opt-outs for employers that would not require them to give explanations, such as in the case of multi-employer claims.

The changes were rammed through parliament in a single day. The primary perpetrator being Workplace Minister Brooke van Velden from the viciously anti-worker free market purists of the ACT party. She had previously criticized minimum wage increases and sick leave entitlements for supposedly increasing 'business uncertainty'. Not surprisingly, part of van Velden's ideologically driven justification for the current changes centres on reducing public expenditure.

What are the lessons to be drawn from the legal changes and the nation-wide protests? Firstly, the snail-paced speed that even modest reforms are achieved under the current system and conversely the rapidity with which they can be overturned, shows the inadequacy of using parliamentary methods to achieve progress for the working class. One set of politicians must be forced for decades just to obtain basic economic standards for some of the most important and vulnerable workers while other politricks can simply reverse it a single day without meaningful consultation.

Secondly, the participation in protests by a wide range and number of workers, indicates that the working-class are not as passive and compliant as the media sometimes portray us or our masters wish we were. Today's actions were essentially symbolic and defensive in nature.

However, the class-solidarity they showed, indicates the potential for building a wider movement that operates away from the dead-end of parliamentary approaches and empowers all of us to find the strength to build a new society. A new society based on equality and economic democracy.

**Ideas and
contributions
welcome for the next
issue.**

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Greenwashed Capitalism: The Limits of the Green Party's 2025 Budget



The Green Party of Aotearoa New Zealand recently released its alternative 2025 budget, a document that has been lauded by many on the liberal-left as bold, transformative, and progressive. With proposals including a wealth tax, inheritance tax, tax-free income brackets, and significant investments in healthcare, education, and climate infrastructure, the Greens have positioned themselves as the party of redistribution, sustainability, and social welfare.

But for anarcho-communists—who seek not the reform of capitalism but its abolition—the Green Budget raises fundamental questions about the limitations of parliamentary politics, the persistence of capitalist logics under a green veneer, and the ongoing domestication of radical political potential by electoral parties.

1. Taxing the Rich... to Save the System?

At the centre of the Green Budget is a new suite of taxes aimed at the wealthy: a 2.5% annual tax on net assets over \$2 million (or \$4 million for couples), a 33% inheritance and gift tax above a lifetime threshold of \$1 million, and higher income and corporate tax rates. The goal? To raise \$88.8 billion over four years to fund a sweeping expansion of the welfare state.

On the surface, these are popular policies. The idea that the ultra-wealthy should pay more in a country where inequality has surged is appealing, particularly in the face of deepening poverty, a housing crisis, and crumbling public services. But the deeper problem is that these taxes still operate within a system where private property is sacred, wage labour is the norm, and wealth remains the measure of human worth.

We must ask: what does it mean to tax wealth while leaving the class structure that generates it untouched? A 2.5% wealth tax may redistribute a small fraction of what has been expropriated from workers, but it does not question the legitimacy of wealth accumulation itself. Nor does it challenge the capitalist state's role in protecting the material interests of capital. At best, this is a policy of

redistribution without expropriation—
reform without rupture.

The Green Budget also avoids confronting the role of landlords, speculators, and banks in the everyday extraction of value from working people. These sectors—central to New Zealand’s financialised economy—remain largely untouched. In fact, by depending on ongoing economic growth to fund welfare spending, the Greens reaffirm capitalism’s central contradiction: the need for endless accumulation on a finite planet.

2. Free GP Visits and Childcare: Welfare or Pacification?

There is no doubt that the budget’s investments in health, education, and social security would materially improve people’s lives. Free GP visits, restored free prescriptions, 20 hours of early childhood education from six months of age, and an income guarantee of \$395 per week for people not in work or study all represent real steps toward a more liveable and humane society.

But these reforms are not revolutionary—they are the minimum that a wealthy settler-colony like Aotearoa should provide. In fact, many of these proposals simply aim to restore the social-democratic protections dismantled over the past 40

years of neoliberalism. Their return is welcome, but their framing as “bold” or “transformative” risks reinforcing the extremely low bar of contemporary political expectations.

Anarchists must remain critical of how welfare states have historically functioned—not just to alleviate poverty, but to regulate it. Welfare has often served as a tool for disciplining the poor, pacifying dissent, and reproducing the labour force. Under capitalism, social services are not universal rights but contingent privileges tied to state surveillance, bureaucratic eligibility, and productivity metrics. Unless radically democratised and decommodified, the welfare expansions promised in the Green Budget risk becoming mechanisms of pacification rather than liberation.

3. Climate Capitalism and the Green Growth Illusion

The Greens’ environmental agenda includes reinvesting in regional rail, light rail in major cities, restoring the “Jobs for Nature” programme, and modifying the Emissions Trading Scheme (ETS) to exclude forestry and include agriculture. These policies reflect a sincere desire to address the climate crisis—but again, they remain tethered to the ideology of green capitalism.

At no point does the Green Budget challenge the root cause of climate breakdown: capitalism's demand for infinite growth and profit maximisation. By framing climate solutions in terms of market mechanisms, investment incentives, and infrastructure expansion, the Greens reinforce a logic that treats the earth not as a commons to be stewarded collectively, but as a resource to be managed for long-term economic stability.

From an anarcho-communist standpoint, the ecological crisis is not a failure of policy but a structural inevitability of capitalist production. True climate justice requires not technocratic tweaks or eco-Keynesian investment, but the abolition of fossil capitalism, the end of private property, and the restoration of collective autonomy over land, water, and food systems.

4. Electoralism and the Politics of Containment

The 2025 Green Budget must be understood not only as a fiscal plan but as a political performance. It serves to position the Greens as the moral conscience of Parliament—more compassionate than Labour, more competent than Te Pāti Māori, and more visionary than the reactionary coalition of

National, ACT, and NZ First. But this role is not a threat to the system; it is its left flank.

Anarchists have long critiqued the trap of electoralism: the idea that meaningful change can be achieved through participation in bourgeois parliamentary democracy. The history of social democracy across the world shows how radical energy is often captured, defanged, and institutionalised by parties that promise transformation but deliver only management.

The Green Budget is a textbook example. By presenting itself as a “realistic” and “fully costed” alternative, the Greens reassure capital that they are responsible stewards of the system. They propose tweaks, not rupture; fairness, not freedom. And while their policies are frequently attacked by the right as “Marxist” or “radical,” they are nothing of the sort. No factories will be collectivised. No land will be returned. No bosses will be expropriated. The social order remains intact.

5. What Could Real Transformation Look Like?

If the Green Budget reflects the ceiling of what parliamentary politics can offer, anarcho-communists must look to the horizon. What would a truly radical

reorganisation of society look like in Aotearoa?

- **Abolish Capitalism:** End the wage system, dismantle corporate control, and collectivise the means of production under workers' democratic control.
- **Decolonise Now:** Return land to tangata whenua, honour tino rangatiratanga, and dismantle the structures of settler colonialism embedded in the state, legal system, and economy.
- **Destroy the State:** Replace top-down bureaucracies with federated, decentralised, directly democratic assemblies rooted in communities, workplaces, and marae.
- **Care as Commons:** Decommodify health, education, and housing—not as state services but as commons managed collectively by the people who use them.
- **Ecological Reparation:** End fossil fuel extraction, industrial monoculture, and car dependence. Rewild land, support indigenous ecological knowledge, and build resilient, low-carbon communities based on care, reciprocity, and sufficiency.

These are not budget lines or policy planks. They are revolutionary transformations that can only be achieved

through mass collective action, direct democracy, and the dismantling of both state and capital.

Conclusion: The Budget Is Not Enough

The Green Party's 2025 Budget is a mirror to the contradictions of our time. It offers real improvements for people suffering under the current regime, and it rightly identifies the obscene concentration of wealth in Aotearoa. But it cannot and does not challenge the foundations of that regime. It is a programme for managing inequality, not abolishing it; for greening capitalism, not ending it.

Anarcho-communists must resist the temptation to see the budget as a stepping stone toward revolution. History teaches us that reform is not a ladder to liberation but a cul-de-sac that saps energy and neutralises dissent. The task before us is not to vote smarter or lobby harder—it is to build dual power, organise in our workplaces and communities, and dismantle the systems of domination that no budget can fix.

The future we need cannot be budgeted for. It must be seized.





Aotearoa Workers' Solidarity Movement (AWSM) are an Anarchist-Communist group in Aotearoa/ so-called New Zealand.

Since 2008 we have promoted the creation of non-hierarchical grassroots democracy and classless, stateless societies here and internationally.

We exist so our ideas can be more widely known, understood and adopted by working people. We see this theoretical knowledge and its application as essential in the struggle to replace the dominant economic system of capitalism.

Therefore, we have the ultimate aim of becoming a direct action organisation that is physically engaged in daily struggles.

We encourage sympathisers to join us and help contribute to this process.

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For Anarchy