



**TŪWHARETOA**  
MĀORI TRUST BOARD

**Submission on:**  
***Regulatory Standards Bill***

**23 JUNE 2025**

## INTRODUCTION

Ko Tongariro te Maunga	Tongariro is the Sacred Mountain
Ko Taupō te Moana	Taupō is the Lake
Ko Tūwharetoa te Iwi	Tūwharetoa is the Tribe
Ko te Heuheu te Tangata	Te Heuheu is the Man

- 1 The Tūwharetoa Māori Trust Board (**Trust Board**) makes this submission on the Regulatory Standards Bill (the **Bill**).
- 2 Ngāti Tūwharetoa hold mana whenua, kaitiakitanga and rangatiratanga over the Central North Island including the Lake Taupō Catchment and part of the Upper Waikato, Whanganui, Rangitikei, and Rangitaiki Catchments.
- 3 Ngāti Tūwharetoa are the descendants of Ngatoroirangi and other tūpuna who have occupied the Taupō Region since the arrival of the Te Arawa waka. Ngāti Tūwharetoa are linked by whakapapa to our lands and our taonga. This connection establishes our mana whenua, kaitiakitanga and rangatiratanga, including our right to establish and maintain a meaningful and sustainable relationship between whānau, hapū, marae and our taonga tuku iho.
- 4 Ngāti Tūwharetoa assert our intergenerational custodial and customary right of tino rangatiratanga over the taonga in our rohe. Our tribal taonga include ownership of the bed, water column and air space of Lake Taupō, its tributaries, and the Waikato River from the outlet of Lake Taupō to Te Toka a Tia. They also include Te Kāhui Maunga (Tongariro National Park), the largest production forests in the North Island (Kaingaroa, Lake Taupō and Lake Rotoaira) and ownership of 51% of the whenua in the Taupō region.

## TŪWHARETOA MĀORI TRUST BOARD

- 5 The Trust Board was established pursuant to the Māori Land Amendment Act 1924 and Māori Land Claims Adjustment Act 1926 (**1926 Act**). The Trust Board later became a Māori Trust Board under the Māori Trust Boards Act 1955 (**MTB Act**).
- 6 While the Crown-Trust Board relationship is not limited to the below arrangements, the Trust Board is in the unique position of having recorded arrangements with the Crown both outside of (in the case of the 1926 Act, MTB Act, and 1992 and 2007 Deeds) and within (in the case of the Upper Waikato River settlement) a Treaty settlement context.

## 1992 and 2007 Deeds

- 7 By deeds with the Crown dated 28 August 1992 and 10 September 2007 the Trust Board is the legal owner of the bed, water column and air space of Lake Taupō, the Waihora, Waiāhā, Whanganui, Whareroa, Kuratau, Poutu, Waimarino, Tauranga-Taupō, Tongariro, Waipēhi, Waiotaka, Hinemaiaia and Waitahanui Rivers (**Taupō Waters**), and the Waikato River to Te Toka a Tia, inclusive of the Huka Falls.
- 8 The Trust Board's relationship to Taupō Waters is unique. The Trust Board holds legal title as trustee and acts as kaitiaki for Taupō Waters. These fiduciary responsibilities over Taupō Waters to present and future generations underpin all our activities and aspirations.

## Waikato River Deed and Upper Waikato River Act

- 9 The Trust Board is also a party to the Waikato River Deed with the Crown dated 31 May 2010 (**Upper Waikato River Deed**). The Crown and the Trust Board agreed to enter into the Waikato River Deed in recognition of "the interests of Ngāti Tūwharetoa in the Waikato River and its

catchment and in Taupō Waters and to provide for the participation of Ngāti Tūwharetoa in the co-governance and co-management arrangements in respect of the Waikato River”.<sup>1</sup>

- 10 The Waikato River Deed was given legal effect through the Ngāti Tūwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010 (**Upper Waikato River Act**). The overarching purpose of the Upper Waikato River Act is to restore and protect the health and wellbeing of the Waikato River for present and future generations.<sup>2</sup>
- 11 Te Ture Whaimana o Te Awa o Waikato – the Vision and Strategy for the Waikato and Waipā Rivers (Te Ture Whaimana) is a product of the settlement agreements between the Crown, Ngāti Tūwharetoa and other Waikato and Waipā River Iwi. It is a statutory instrument,<sup>3</sup> and the primary direction setting document for the Waikato and Waipā Rivers and activities within their catchments affecting the Waikato and Waipā Rivers.<sup>4</sup>

## POSITION

- 12 The Bill advances a political ideology aligned with the ACT Party’s policy platform, which emphasises property rights and economic liberalism. It introduces a narrow set of “principles of responsible regulation” that override other long-standing principles of sound law-making — including those that affirm obligations to Ngāti Tūwharetoa and other iwi and hapū under Te Tiriti o Waitangi. Despite its constitutional significance,<sup>5</sup> these regulatory principles were developed without proper iwi or public consultation and have drawn widespread criticism from subject matter experts across multiple disciplines. The process by which the Bill has been developed raises serious concerns about the health of democracy in Aotearoa New Zealand. In light of these issues, the Trust Board urges the Government to withdraw the Bill.

## SPECIFIC CONCERNS REGARDING THE BILL

### Te Tiriti o Waitangi

- 13 The ‘principles of responsible regulation’ do not include a principle related to Te Tiriti o Waitangi (**Te Tiriti**) and its role as part of good law-making.
- 14 The lack of express reference is inconsistent with the Legislation Design and Advisory Committee guidelines (**LDAC Guidelines**). Consistency with Te Tiriti is part of one of the three fundamental objectives of high-quality legislation identified by the LDAC Guidelines.<sup>6</sup>
- 15 In this context, and given that supporters of the Bill appear to view it as a means of imposing narrow, ideologically driven limits on the role of the state, particularly in opposition to Te Tiriti and its principles, the omission seems to reflect a deliberate attempt by the Crown to diminish the established role of Te Tiriti in the law-making process
- 16 The Trust Board strongly opposes the consequential reduction of the constitutional status of Te Tiriti and undermining of its effect in law as currently recognised by the courts and incorporated in multiple statutes and Treaty settlements throughout the country.

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<sup>1</sup> Upper Waikato River Deed 31 May 2010, clause 8.

<sup>2</sup> Upper Waikato River Act, section 3.

<sup>3</sup> Given legislative effect through the Waikato and Waipā River Settlement Legislation: see also Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 and Ngā Wai o Maniapoto (Waipā River) Act 2012.

<sup>4</sup> The obligation to give effect to Te Ture Whaimana is the strongest direction that Parliament has given in relation to any RMA planning document.

<sup>5</sup> As acknowledged by the Waitangi Tribunal in its recent report: Waitangi Tribunal, Interim Regulatory Standards Bill Urgent Report (pre-publication version), 16 May 2025 at p.25.

<sup>6</sup> Legislation Guidelines: 2021 edition, p 9.

### Impact on Taupō Waters Regulation

- 17 The Trust Board understands that the Bill excludes Treaty settlement legislation from the ambit of the Bill (as per the definition of “excluded Act”).
- 18 This does not address the Trust Board’s concerns.
- 19 It is well understood that Tiriti settlements cannot be relied on or used as a proxy for iwi and hapū rights and interests more generally. In fact, in the Upper Waikato River Deed the Crown and Trust Board expressly acknowledge that the co-governance and co-management arrangements do not affect any rights and interests that Ngāti Tūwharetoa may have arising:<sup>7</sup>
  - a. according to tikanga or custom law;
  - b. from Te Tiriti o Waitangi or its principles;
  - c. under legislation;
  - d. at common law (including in relation to aboriginal title or customary law);
  - e. from a fiduciary duty; or
  - f. otherwise.
- 20 In particular, it undermines regulation required in respect of Taupō Waters arrangements, which are not the product of Treaty settlement, namely the 1926 Act, MTB Act and 1992 and 2007 Deeds. It appears that these arrangements, unique to the Trust Board *can* be impacted by the reach of the Bill into the future. Ngāti Tūwharetoa’s unique relationship to Taupō Waters (comprising proprietary, fiduciary and kaitiaki arrangements aspects) risks being undermined in future law-making. This is very concerning for the Trust Board.

### Impact on Upper Waikato River Settlement

- 21 The Trust Board’s Upper Waikato River Settlement, and associated Waikato and Waipā River settlements (the **River Settlements**) that guide the integrated, holistic and coordinated approach to river governance and management, are sacrosanct.
- 22 To properly exclude from the Bill’s reach legislation and regulation that gives effect to, or is otherwise related to, the River Settlements, those administering it must grapple with:
  - a. the fact that many Treaty settlement arrangements were expressly constructed with reference to, and are interwoven with (including by express reference<sup>8</sup>), existing legislation (policies, statutory regulations, rules, bylaws and Acts of Parliament);
  - b. the Crown’s settlement commitment in the Upper Waikato River Deed<sup>9</sup> that “when developing policies or laws impacting on the Waikato River or Lake Taupo, or affecting use rights in relation to the Waikato River or Lake Taupo (including in relation to water), it will engage with the [Trust] Board to ensure such policies and laws are implemented in accordance with the requirements of co-management”.<sup>10</sup>
- 23 In light of the Office of the Auditor General’s recent findings in its report, *How public organisations are fulfilling Treaty settlements* (10 April 2025) that, “public organisations have not fully appreciated Treaty settlements’ complexity or adequately recognised the importance

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<sup>7</sup> Upper Waikato River Deed at clause 11(c).

<sup>8</sup> See section 18 of the Upper Waikato River Act, for example.

<sup>9</sup> And equivalent statements in other Waikato and Waipā River deeds and accords, including the Kingitanga Accord.

<sup>10</sup> Deed at clause 12(d).

of meeting their commitments consistently and promptly”,<sup>11</sup> the Trust Board has a legitimate concern that the RSB will only serve to entrench these failings. Rather than a considered part of law-making, these important matters will be vulnerable instead to regulatory dilution, reduction or removal through this Bill.

#### **RECOMMENDATION**

- 24 The Trust Board strongly opposes the Bill and recommends that it is abandoned.

#### **WISH TO BE HEARD**

- 25 The Trust Board wishes to be heard in support of this submission.
- 26 Please direct all communications to the Trust Board in relation to this submission to:  
Peter Shepherd, Natural Resources Manager  
Email: [peter@tuwharetoa.co.nz](mailto:peter@tuwharetoa.co.nz)

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<sup>11</sup> *How public organisations are fulfilling Treaty settlements* (10 April 2025) at 6.