



## Submission to the Finance and Expenditure Committee (“the Committee”) On the Regulatory Standards Bill

From: Board of Trustees – Te Kapu o Waitaha  
Date: 23 June 2025

E ngā reo tūhonohono o te motu, e ngā rangatira kei ngā tōpito katoa o Aotearoa – ka tū nei a Waitaha ki te tuku i ā mātou nei kupu

### INTRODUCTION

1. This submission on the Regulatory Standards Bill (“the Bill”) is made by Te Kapu o Waitaha Trust (“Te Kapu o Waitaha”), the post-settlement governance entity for Waitaha. As the mandated iwi authority representing the interests of Waitaha, we approach this submission through the lens of Te Tiriti o Waitangi, recognising Te Tiriti o Waitangi as the foundational covenant of this nation.
2. Te Kapu o Waitaha Trust **strongly opposes** the Bill in its entirety. We wish to speak to our submission before the Committee.
3. This submission briefly covers:
  - a. Our iwi.
  - b. Our position in opposition to the Bill.
  - c. Recommendations.
4. In making this submission, Te Kapu o Waitaha does not attempt to incorporate all the views of its members comprising koeke, pakeke, rangatahi, tamariki, nor do we seek to usurp our members’ tino rangatiratanga in making their own submissions.

### WAITAHA IWI

5. Waitaha are an ancient iwi descended from Hei and his son, Waitaha, who arrived in Aotearoa on the waka *Te Arawa*. According to tribal tradition, as Te Arawa rounded Te Rae o Pāpāmoa, Hei stood and claimed the land for his son: “*Te takapū o taku tama, Waitahanui a Hei.*” From that moment, Waitaha established enduring ties to the whenua, ngā awa, te moana and ngā maunga of their rohe. Over time, the descendants of Waitaha settled along the coastline from Katikati to Ōtamarākau, and to the island of Tūhua, maintaining deep whakapapa relationships with iwi throughout Aotearoa — including Tauranga Moana, Waikato, Ngāti Porou, Ngāi Tahu, Ngāti Kahungunu and our Te Arawa kin. By the 1840s, Waitaha were primarily based



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between Tauranga Harbour in the west and the Waiari River in the east, while also maintaining seasonal and enduring connections inland and with other Te Arawa iwi.

6. The scars of raupatu and colonisation have layered these sites with painful memories of dispossession and marginalisation. Yet, the mauri of these lands continues to be held by Waitaha, who remain resolute in the protection of their whenua, their rights, and their tikanga.
7. In 2013, the Waitaha Deed of Settlement was passed into law. Within our Treaty Settlement, the Crown formally acknowledged that the Crown's breaches of Te Tiriti o Waitangi were unjust, indiscriminate and inflicted considerable harm on Waitaha; that these breaches caused intergenerational harm; and that they nearly led to the disappearance of the iwi itself.
8. The Crown then issued a formal apology for its actions, admitting it severed Waitaha from almost all of our lands, drove Waitaha to the point it nearly ceased to exist, and labelled our tupuna Hakaraia Mahika a rebel, which created a stigma that pressed most heavily on the descendants of Hakaraia but affected all of Waitaha.
9. The Crown ended its apology hoping that it would mark the beginning of a stronger relationship with Waitaha, a relationship based on trust, co-operation and respect for Te Tiriti o Waitangi. This Bill was not designed in co-operation nor does it respect Te Tiriti.

## POSITION

### Te Tiriti o Waitangi Obligations

10. The Bill, in both purpose and design, stands in direct conflict with Te Tiriti o Waitangi as it:
  - Dismisses tino rangatiratanga, weakening legal protections for Māori and opening the door to the repeal of Treaty clauses in existing legislation.
  - Disregards the Crown's obligations to uphold and respect Māori identity, language, and institutions — all of which are central to Māori self-determination.
  - Imposes a monocultural, neoliberal legal framework that systematically excludes Māori worldviews, tikanga, and legal traditions from regulatory design and implementation.
  - Centralises power in a Minister and appointed board, with no guarantee of Māori representation, removing the ability of tangata whenua to influence or shape decisions that affect their lives, whenua, and futures.



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- Seeks to remove Te Tiriti o Waitangi from future law-making, an action that constitutes a direct constitutional threat.
11. Te Tiriti o Waitangi is not a symbolic reference or political choice — it is a binding constitutional commitment. Any attempt to diminish or override its place in law is, in our view, unconstitutional, unjust, and in breach of the enduring promises made to tangata whenua

### **Erosion of Māori Rights and Equity**

12. The Bill, through its emphasis on deregulation, will lead to the dismantling of targeted equity mechanisms that are essential to correcting the ongoing impacts of colonisation. This includes:
- Funding models for Māori health, education, and social services.
  - Protections and investments in te reo Māori, mātauranga Māori, and Māori-led governance.
  - The ability to design and maintain solutions rooted in mana motuhake.
13. Stripping back regulation under the guise of “neutrality” only re-entrenches systemic inequality and further disempowers marginalised communities — especially Māori.

### **Impact on Environmental Kaitiakitanga (Guardianship)**

14. As kaitiaki in our rohe, we are gravely concerned about the environmental implications of the Bill. The proposed regulatory standards prioritise economic efficiency and individual property rights over collective responsibility and intergenerational stewardship.
15. This threatens:
- Our taonga tuku iho, including whenua, awa, and moana.
  - Our ability to fulfil our tikanga responsibilities as kaitiaki.
  - Hard-fought environmental protections which uphold the mauri of Papatūānuku.
  - The rights of nature and communities, placing corporate rights above these
16. To weaken regulatory oversight in this space is to ignore the climate crisis and the rights of indigenous peoples to protect their ancestral lands.



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### **Democratic Accountability and Constitutional Danger**

17. The Bill represents a radical constitutional departure from democratic principles. It would give disproportionate power to unelected technocrats, reduce Parliament's role, and enshrine one party's ideological framework into our legal system.
18. Furthermore, the consultation process itself was inadequate, opaque, and procedurally flawed, failing to engage in proper good faith Treaty-based dialogue with the public, iwi and hapū across the motu.

### **RECOMMENDATIONS**

19. Te Kapu o Waitaha firmly rejects the Regulatory Standards Bill in its entirety. We call for:
  - The immediate withdrawal of the Regulatory Standards Bill.
  - A commitment to co-design any future regulatory frameworks with Māori, in accordance with Te Tiriti o Waitangi.
  - A renewed emphasis on equity, self-determination, and the constitutional recognition of tino rangatiratanga as foundational to Aotearoa New Zealand's future
20. The Regulatory Standards Bill does not represent progress. It represents regression — legally, socially, environmentally, and constitutionally. We urge the Government to uphold its Te Tiriti o Waitangi obligations, reject the Regulatory Standards Bill, and walk forward in true partnership with Māori.

Nā mātou,

**Areta Gray**  
**Chair**

**TE KAPU O WAITAHA**