TE KĀHUI MARU
TE IWI O MARUWHARANUI

Committee Secretariat
Finance and Expenditure Committee
Parliament Buildings
Wellington

Te Kahui Maru Trust – Submission on the Regulatory Standards Bill

Tēnā koe,

Te Kāhui Maru Trust, the Post-Settlement Governance Entity for Ngāti Maru (Taranaki), opposes the Regulatory Standards Bill. We do not consider it to be a legitimate or necessary reform. Instead, it represents a regressive and ideologically driven proposal that threatens to dismantle core elements of Aotearoa New Zealand's constitutional and legal fabric. This Bill is not about regulatory quality, it is about entrenching a narrow, neoliberal worldview that ignores the contractual relationship of Te Tiriti Waitangi, undermines Māori rights, and privileges commercial actors over public good and collective wellbeing.

We oppose this Bill in its entirety. Our position arises from a thorough and principled assessment: the claimed benefits of the Bill are speculative, overstated, and ideologically skewed, while the real-world harms—constitutional, social, environmental, and financial—are significant and enduring. The Bill represents a dangerous departure from the inclusive, Treaty-anchored law-making traditions that must guide Aotearoa forward. It would fundamentally weaken protections for Māori, suppress Treaty obligations, and damage an already fragile relationship between the Crown and tangata whenua.

This submission sets out the grounds of our opposition, drawing on constitutional law, past consultation processes, regulatory impact assessments, and the findings of the Waitangi Tribunal. We urge the Select Committee and Parliament to listen to the overwhelming public and iwi opposition and to reject this Bill without delay.

Introduction

This submission is made by Te Kāhui Maru, the post-settlement governance entity of Te Iwi o Maruwharanui or Ngāti Maru (Taranaki) on the Regulatory Standards Bill. The submission covers:

- who we are;
- our position – in opposition; and
- the reasons for that opposition.

We wish to make an oral submission in support of this written submission.

Who we are

Te Kāhui Maru are the post-settlement governance entity for Te Iwi o Maruwharanui or Ngati Maru (Taranaki). The Ngāti Maru rohe is centred on the inland Waitara River valley, east to Whanganui River and its tributaries, and west to Taranaki Maunga. Our area of interest encompasses approximately 220,000ha. Our rohe extends across five territorial authorities – New Plymouth, Stratford, South Taranaki, Whanganui and Ruapehu and two regional authorities – Taranaki and Horizons. Our marae, Te Upoko o te Whenua, is located alongside the Waitara River in Tarata, a rural town located approximately 13km east of Inglewood.

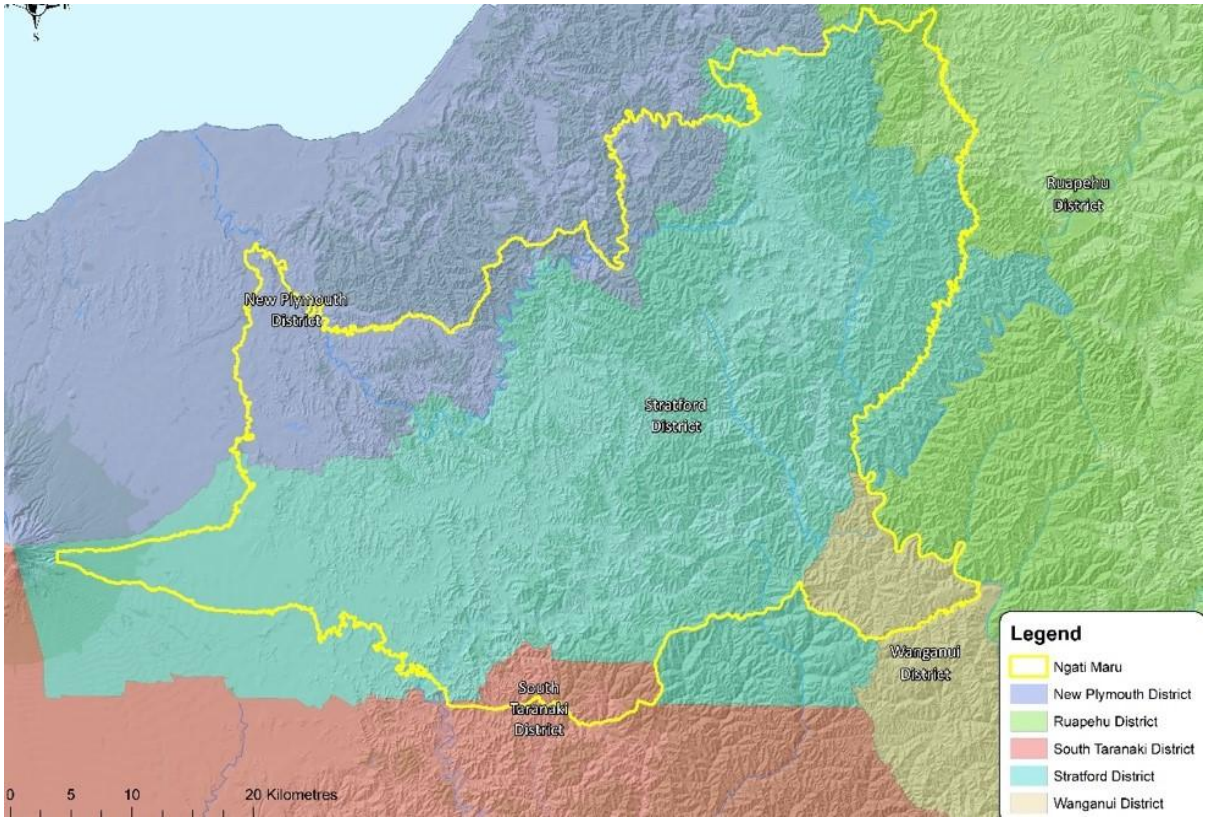


Figure 1: Ngāti Maru rohe

Ngāti Maru traditionally thrived by cultivating fertile river flats and utilising resources from forests, rivers, and wetlands. Due to their inland location, they had limited contact with Europeans in the 1840s and 1850s and were not involved in the land conflicts that led to the Taranaki War in 1860. However, in 1865, the Crown confiscated large areas of Taranaki land, including about half of Ngāti Maru's traditional lands, as punishment for so-called 'rebels'. This confiscation included many of their main settlements, burial grounds, and sacred sites, some of which have never been returned.

After the confiscation, Ngāti Maru continued to live on their lands, but the Crown's attempts to promote European settlement by offering compensation deeds to some Ngāti Maru on confiscated land covering around 60,000 acres, created significant divisions within the iwi, and compounded the damage caused by the loss of land.

The remaining Ngāti Maru land was put through the Native Land Court process, which was the only alternative if they wanted legal titles that could be legally recognised and protected from claims by others. A legal title was also necessary to enable leasing or selling. This process, however, led to the individualisation of customary titles, making the land more susceptible to alienation and further damaging tribal cohesion. Ultimately, Ngāti Maru lost all the land awarded to them by the court.

By the early 1890s, many Ngāti Maru were virtually landless and appealed to the Crown for assistance. The Crown's response was slow and inadequate, with legislation enacted only in 1907, providing poor-quality and limited land. Despite further petitions, the Crown declined to provide additional land in 1946. Much of the remaining land came under Public Trustee administration and was leased to benefit Pākehā farmers. The extensive loss of land eroded tribal structures, created severe poverty, and damaged the physical, cultural, and spiritual health of Ngāti Maru people, leading to a profound sense of loss and disconnection.

The intense sense of loss and disconnection is expressed in the following Ngāti Maru lament: Maru Hāhā. Hāhā te whenua. Hāhā te tangata. Maru of extreme loss and breathlessness. The land is deserted. The people are gone and gasping for breath.

In 2016, the Crown recognised the mandate of Te Rūnanga o Ngāti Maru Trust to represent Ngāti Maru in negotiating a comprehensive historical Treaty settlement. The Crown signed Terms of Negotiation with Ngāti Maru on 27 July 2016. On 20 December 2017, the Crown and Ngāti Maru signed an Agreement in Principle which formed the basis for this settlement.

On 17 August 2020, Ngāti Maru and the Crown initialled a Deed of Settlement (Deed). The Deed was then ratified by the people of Ngāti Maru and signed on 27 February 2021 at Tarata. The Ngāti Maru Claims Settlement Act 2022 came into force on 30 March 2022.

The deed contains a series of acknowledgements by the Crown where its actions arising from interaction with Ngāti Maru have breached the Treaty of Waitangi and its principles.

The deed includes a Crown apology to Ngāti Maru for its acts and omissions which breached the Crown's obligations under the Treaty of Waitangi and for the damage that those actions

caused to Ngāti Maru. These include acknowledgements relating to the wars in Taranaki in the 1860s, the Crown's confiscation of approximately half of the Ngāti Maru rohe, its imprisonment of Ngāti Maru men without trial following their participation in protests initiated at Parihaka regarding the confiscation of Taranaki lands, and its subsequent invasion and destruction of Parihaka.

The deed also includes an acknowledgement that the Crown failed to ensure that Ngāti Maru retained sufficient land for their present and future needs, and that it failed to protect their rangatiratanga.

In its apology to Ngāti Maru for its historical Treaty breaches, the Crown recognises that:

- the resilience of Ngāti Maru iwi is connected intrinsically to the whenua, awa, and taonga of their rohe. Through this settlement, and with this apology, the Crown commits to building an enduring relationship of mutual trust, respect and cooperation with Ngāti Maru based on te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

Reasons for Opposition

Ngāti Maru opposition of the Regulatory Standards Bill is on principled, constitutional, and cultural grounds. The Bill cannot be characterised as a neutral or technical instrument intended to enhance the quality of regulatory decision-making. Rather, it constitutes an ideologically driven effort to embed a specific economic orthodoxy—namely, neoliberalism into Aotearoa's legislative and constitutional frame. This ideology, imported from foreign legal and economic traditions, privileges individualism, market deregulation, and the primacy of private property rights over collective wellbeing and public accountability. These values stand in fundamental opposition to Māori jurisprudence and tikanga-based governance, which emphasise collective responsibility, intergenerational equity, and kaitiakitanga.

Clause 8 of the Bill, which sets out the "principles of responsible regulation," is presented as a set of neutral and universally applicable standards. However, a closer analysis reveals that these principles reflect a narrow and ideologically selective worldview. They disproportionately prioritise commercial certainty and economic efficiency, while omitting any recognition of tino rangatiratanga, social cohesion, or ecological balance. Most significantly, there is no reference to Te Tiriti o Waitangi or to the constitutional and legal rights of Māori as tangata whenua and Treaty partners. This omission cannot be regarded as incidental; it is indicative of a broader legislative trend that seeks to excise Māori rights and perspectives from public regulatory frameworks.

This exclusion is not without precedent. It is consistent with the conduct of the ACT Party in the development of the so-called Treaty Principles Bill introduced in 2024. That Bill was advanced without any meaningful engagement or consultation with Māori and proposed a deeply reductive and ahistorical reinterpretation of the Treaty relationship. The Regulatory Standards Bill must be understood as part of this same ideological project, one that treats Te Tiriti not as a binding constitutional commitment but as an obstacle to economic liberalisation.

For Ngāti Maru, this exclusion has direct and material consequences. It undermines our status as mana whenua, our ability to exercise rangatiratanga over our taonga, and our capacity to uphold our kaitiaki responsibilities within our rohe. The deregulatory framework envisaged by the Bill would weaken legal protections for wāhi tapu, frustrate safeguards, and marginalise iwi and hapū participation. In doing so, it reinforces structural inequalities and entrenches a one-dimensional, market-centric conception of law that has no place in a Treaty-based democracy.

The Regulatory Standards Bill is not a forward-looking reform. It represents a constitutional regression—a return to legislative frameworks that ignore Te Tiriti, silence Māori voices, and reduce lawmaking to an instrument for corporate advantage. Ngāti Maru therefore reiterates our total opposition to the Bill and calls upon the Select Committee to reject it in full. The future of Aotearoa must be grounded in inclusive, Treaty-consistent, and principled lawmaking—not in ideological experiments that threaten to destabilise the foundational relationship between Māori and the Crown.

Failure to Meet Regulatory and Democratic Standards

Ngāti Maru position is on the basis that it fails to meet the very thresholds of regulatory integrity and democratic accountability that it purports to uphold. The current version of the Bill remains substantively identical to earlier iterations, notwithstanding extensive and well-documented public opposition. The Minister responsible has, regrettably, chosen to disregard serious and repeated concerns raised by tangata whenua, constitutional experts, civil society organisations, legal academics, and the broader public. This disregard for diverse and informed perspectives is not only deeply concerning, but emblematic of the procedural deficiencies that have characterised the Bill's development.

Clause 8 of the Bill, which sets out the purported "principles of responsible regulation," reveals the underlying ideological rigidity of the proposed legislation as mentioned earlier. These principles are not politically neutral or universally accepted. Rather, they embed a particular neoliberal economic ideology that privileges private property rights, market efficiency, and commercial certainty over collective interests, social equity, and environmental responsibility. There is a total absence of reference to Te Tiriti o Waitangi, to the inherent rights of Māori, or to the constitutional status of iwi and hapū as Treaty partners. This omission cannot be characterised as inadvertent—it is reflective of an intentional normative framework that seeks to entrench a deregulatory, privatised model of governance that systematically excludes Māori participation and marginalises tikanga-based perspectives.

The irony is that Clause 8 also purports to enshrine principles of good lawmaking, including the requirement to consult those materially and directly affected by regulatory proposals. Yet in practice, the Crown has demonstrably failed to meet this basic standard. No meaningful consultation has occurred with iwi, hapū, or Māori representative bodies. Instead, the legislative process has been marked by undue haste, limited transparency, and the redaction or suppression of critical regulatory impact assessments. The treatment of expert advice and stakeholder feedback has been dismissive at best and wilfully negligent at worst.

The Bill is not a technical regulatory reform but instead is a vehicle for ideological entrenchment and regulatory capture, designed to shield commercial actors from public interest regulation while further disempowering tangata whenua and other underrepresented communities. It would impose procedural barriers to progressive lawmaking and undermine the Crown's obligations under Te Tiriti o Waitangi.

For these reasons, Ngāti Maru respectfully but unequivocally calls on the Select Committee to recommend that the Regulatory Standards Bill be withdrawn in its entirety. It is fundamentally incompatible with the values of democratic governance, Treaty partnership, and inclusive lawmaking in Aotearoa New Zealand.

Regulatory Impact Analysis Statement

Ngāti Maru highlights the significant deficiencies in the Regulatory Impact Statement and (RIA) Departmental Disclosure Statements that accompany the Regulatory Standards Bill. The independent Quality Assurance panel determined that the Bill failed to fully meet the government's own quality assurance standards. The panel noted that the policy development process was artificially constrained by ministerial directive, resulting in a narrow and ideologically pre-determined range of options. Critically, the RIS failed to assess the full financial implications for local government and public administration.

More concerning still is the redaction of information regarding the Bill's potential impact on Te Tiriti o Waitangi. Despite formal requests under the Official Information Act 1982 following the 2024 consultation round, all Treaty-related analysis was withheld. The systematic suppression of Treaty impact information indicates not oversight, but a deliberate attempt to obscure the Bill's constitutional consequences.

Waitangi Tribunal Findings

These concerns are compounded by the recent findings of the Waitangi Tribunal in its urgent report on WAI 3470 (16 May 2025). The Tribunal found that:

- a Regulatory Standards statute is of a constitutional nature and inherently relevant to Māori – as was found in the official advice to the Minister in September 2024. There is an obligation on the Crown to undertake targeted consultation with Māori, in good faith, before any such legislation is introduced to the House.

- the use of a sub-principle 'every person is equal before the law', contained in the proposed legislative design principle of the 'rule of law' could be used to undermine legislation that provides for substantive equality for Māori.

- if the Regulatory Standards Act were enacted without meaningful consultation with Māori, it would constitute a breach of the Treaty principles of partnership and active protection.

Te Tiriti o Waitangi and the Role of Lawmaking

Te Tiriti o Waitangi is a living contractual and constitutional document, foundational to the relationship between the Crown and Māori. The exclusion of Treaty considerations from the principles of "responsible regulation" in clause 8 of the Bill is constitutionally incoherent. It undermines the legitimacy of the entire framework. A commitment to regulatory quality cannot be genuine if it is blind to Treaty obligations. Embedding Treaty analysis into Regulatory Impact Statements and departmental disclosures, as required under the Legislation Act 2019 and related public law principles, is essential. So too is early, meaningful, and good faith consultation and engagement with Māori throughout the legislative process.

Te Tiriti is not subject to political expediency. It is a constitutional safeguard. Any attempt to redefine the "rule of law" in a manner that ignores the Treaty is not only misleading but actively corrosive of the constitutional foundations of Aotearoa. Legislative reform must occur in partnership with Māori; this Bill's omission of Te Tiriti o Waitangi and its principles demonstrates a clear disregard for that obligation.

Treaty Settlements and Arbitrary Exclusions

The Bill's treatment of Treaty-related legislation is equally concerning. Clauses 10 and 18 establish an incoherent distinction between "Treaty Settlement Acts" (excluded from review) and other legislation that incorporates Treaty clauses (subject to review). This appears designed to shield the Crown from accountability while preserving the ability to reinterpret, weaken, or undermine Treaty principles in other legislative contexts.

Treaty Settlements, including the *Ngāti Maru Claims Settlement Act 2022*, are not discretionary policy instruments. They are binding agreements of embodying formal apologies, commitments to redress, and the establishment of ongoing relationships. Excluding these from review while permitting scrutiny of other Treaty-related enactments invites a selective and ideologically driven reassessment of Māori rights. The question is to be asked, where and what has happened to the commitment from the Crown to building an enduring relationship of mutual trust, respect and cooperation?

The fiscal implications of this Bill must also be addressed. Treaty settlements have historically delivered compensation representing only a fraction—often estimated at 1–2%—of the real economic value of land and resources lost. Yet the Bill introduces a principle under clause 8(c) concerning the "taking of property" with no accompanying acknowledgment of historical takings from Māori. Clause 8(c) states:

legislation should not take or impair, or authorise the taking or impairment of, property without the consent of the owner unless—

(i) there is a good justification for the taking or impairment; and

(ii) fair compensation for the taking or impairment is provided to the owner; and

(iii) the compensation is provided, to the extent practicable, by or on behalf of the persons who obtain the benefit of the taking or impairment

This creates anxieties where no mention of land or property from Treaty Settlements are protected in wording in this clause. This doctrinal inconsistency highlights the selective and self-serving nature of the Bill's property rights framework. Rather than promoting fairness, the Bill risks reinforcing structural privilege under the guise of constitutional reform.

The Rule of Law

Aotearoa New Zealand is consistently ranked among the world's leading jurisdictions for rule of law, transparency, and regulatory quality. The World Justice Project ranks Aotearoa sixth globally, underlining our reputation for accountable governance, just laws, and accessible institutions. The Regulatory Standards Bill undermines these very principles. Its development has lacked transparency; its stated purposes are ambiguous; its impact analyses are redacted; and its key institutional innovation—a Regulatory Standards Board—would operate without qualifications, oversight, or fixed terms, and would be accountable solely to a Minister.

The Bill runs contrary to the Legislation Guidelines issued by the Legislative Design and Advisory Committee (LDAC) and adopted by Cabinet. These guidelines make clear that legislation should not alter the fundamental relationship between the individual and the State without compelling justification. Nor should it undermine core constitutional protections such as the Treaty of Waitangi, natural justice, and the rule of law. The Regulatory Standards Bill does precisely what the Guidelines warn against. It advances a narrow, ideologically freighted conception of law, privileging market interests while subordinating Māori rights, collective wellbeing, and environmental responsibility. It constitutes an attempt to reshape the constitutional order of Aotearoa in a manner fundamentally inconsistent with Te Tiriti o Waitangi and the democratic values underpinning our legal system.

Final Reflections and Recommendations

Ngāti Maru aligns with the recent observations of the Office of the Auditor-General, which identified a troubling pattern whereby public agencies continue to regard Treaty settlements as discrete, transactional obligations rather than as constitutional foundations for enduring partnership. The Regulatory Standards Bill exemplifies and intensifies this flawed approach. Far from initiating a constructive reset of regulatory policy, the Bill represents a calculated regression—a legislative effort to exclude Te Tiriti o Waitangi and the rights of Māori from the design and development of Aotearoa New Zealand's legal framework.

We remind the Crown that reconciliation cannot be achieved through symbolic gestures or retrospective apologies alone. Without corresponding changes in behaviour, such gestures are not acts of genuine redress but instruments of political expediency. The Crown's constitutional obligations under Te Tiriti require meaningful engagement, shared decision-making, and active protection of Māori rights—not unilateral legislative reform that seeks to marginalise them.

In summary, the Regulatory Standards Bill constitutes a serious constitutional and legal failure. It is incompatible with Aotearoa New Zealand's obligations under Te Tiriti o Waitangi, with fundamental principles of good law-making, and with our broader commitments to human rights, environmental stewardship, and democratic accountability. The expedited process by which the Bill has been advanced, coupled with repeated redactions of key information and the lack of meaningful consultation with Māori, underscores the ideologically driven nature of the proposal and raises profound concerns about transparency and public integrity.

Ngāti Maru strongly supports the findings of the Waitangi Tribunal in WAI 3470 and reiterates its recommendation that the Regulatory Standards Bill be withdrawn in full. Any future consideration of regulatory reform must begin with genuine, good faith engagement with tangata whenua and must give full expression to the principles of Te Tiriti o Waitangi.

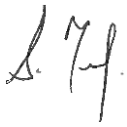
Recommendations

Ngāti Maru respectfully recommends the following:

1. Withdrawal of the Regulatory Standards Bill in its entirety, on the grounds that it is inconsistent with constitutional obligations and undermines Māori rights.
2. Commitment to fully implementing Part 4 of the Legislation Act 2019, which already provides appropriate and balanced mechanisms for improving regulatory quality without compromising constitutional principles or marginalising Treaty obligations.
3. Immediate initiation of good faith, kanohi ki te kanohi consultation with iwi and hapū prior to the development or advancement of any future proposals affecting regulatory frameworks or Treaty rights.
4. Explicit protection of Treaty Settlement legislation—including Acts enacted pursuant to settlements—and all legislation that incorporates Treaty clauses or Māori rights. Such instruments must be expressly excluded from the scope of any future regulatory review mechanisms.
5. Adherence to transparent, accountable, and procedurally fair systems for assessing regulatory quality, grounded in constitutional principles and tikanga Māori—not in narrow ideological frameworks or deregulatory imperatives.

Ngāti Maru does not consent to this Bill, its design, or its underlying ideology. We consider it an affront to tino rangatiratanga, a deviation from the rule of law, and a direct threat to the wellbeing of both tangata and taiao across Aotearoa. Accordingly, we urge the government to reject this Bill in its entirety and instead support a regulatory environment that upholds constitutional integrity, advances equity, and honours the partnership embodied in Te Tiriti o Waitangi.

Nā mātou, nā



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