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Tēnā koe

## **SUBMISSION ON THE REGULATORY STANDARDS BILL**

### ***This Submission***

This submission is made on behalf of the Rangitāne o Wairau Group (comprising Te Rūnanga a Rangitāne o Wairau Trust, Rangitāne o Wairau Settlement Trust, Rangitāne Holdings Limited and Rangitāne Investments Limited) and relates to the Ministry of Regulation's request for feedback on the proposed contents of the Regulatory Standards Bill (the Bill).

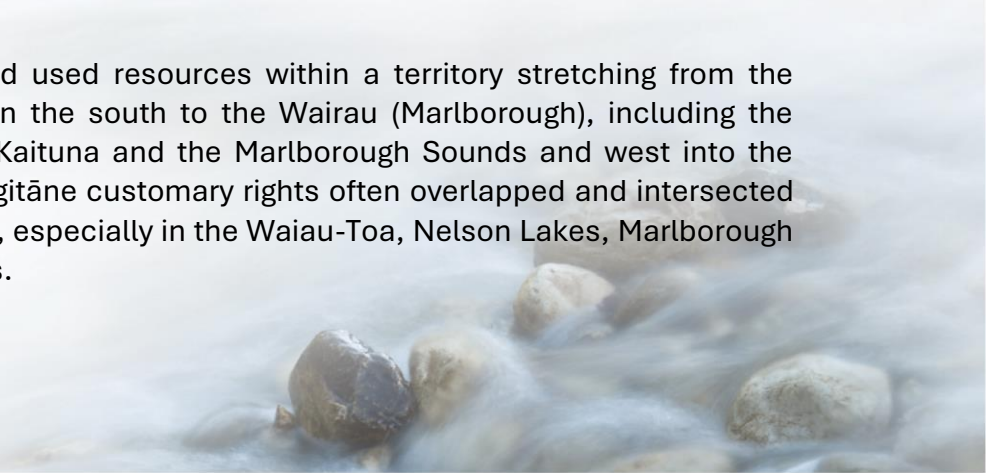
Rangitāne o Wairau welcomes the opportunity to provide a submission on the proposed Regulatory Standards Bill. As the mandated iwi authority representing the interests of Rangitāne within our rohe, we approach this submission through the lens of Te Tiriti o Waitangi, recognising the foundational role that Te Tiriti plays in Aotearoa New Zealand's legal and constitutional framework.

Our submission addresses critical areas of concern, particularly the Bill's alignment with Te Tiriti obligations, the potential impact on Māori rights and governance, and the importance of embedding a Tiriti-centric approach to regulatory standards.

### ***About Rangitāne***

Rangitāne have resided in Te Taihū o Te Waka-a-Māui (northern South Island) for many generations since the arrival of our tupuna Te Huataki in the sixteenth century. In addition to Te Huataki, other significant migrating chiefs include Hapairangi, Tūkaue, and Te Whakamana. These leaders played pivotal roles in establishing Rangitāne's presence and influence in the region.

Rangitāne have occupied and used resources within a territory stretching from the Waiau-Toa (Clarence River) in the south to the Wairau (Marlborough), including the Nelson Lakes, and north to Kaituna and the Marlborough Sounds and west into the Whakatū (Nelson) area. Rangitāne customary rights often overlapped and intersected with Kurahaupō and other iwi, especially in the Waiau-Toa, Nelson Lakes, Marlborough Sounds and Whakatū districts.



Rangitāne communities were linked by a well-used system of trails across the interior, which also formed conduits for trade and means of contact with other iwi. Trade goods included pounamu (greenstone) and pakohe (argillite). The Nelson Lakes formed the hub of this extensive network of trails which connected Rangitāne with other tribal communities in Te Hoiere, Te Tai Aorere (Tasman Bay), Mohua (Golden Bay), Te Tai Tapu (the northern West Coast) and Kawatiri (Westport).

Rangitāne Chief Ihaia Kaikōura was one of the signatories of Te Tiriti o Waitangi, signing Te Tiriti at Horahora Kākahu Island in the Port Underwood area on 17 June 1840. This established Rangitāne's enduring relationship with the Crown.

In 2014, our Treaty Settlement was passed into law, with the Ngāti Apa ki te Rā Tō, Ngāti Kuia, and Rangitāne o Wairau Claims Settlement Act gaining royal assent on 22 April 2014. Our rohe/Area of Interest is defined in our Deed of Settlement and the Settlement Act, and is attached as **Appendix 1**.

Within our Treaty Settlement, the Crown made a formal apology to Rangitāne. The Crown apology is included below:

- (1) The Crown makes the following apology to Rangitāne, and to their ancestors and descendants.
- (2) On 17 June 1840 the Rangitāne rangatira Ihaia Kaikōura signed the Treaty of Waitangi at Horahora-kākahu, Port Underwood. The Crown is deeply sorry that it has not fulfilled its obligations to Rangitāne under the Treaty of Waitangi and unreservedly apologises to Rangitāne for the breaches of the Treaty of Waitangi and its principles acknowledged above.
- (3) The Crown profoundly regrets its long-standing failure to appropriately acknowledge the mana and rangatiratanga of Rangitāne. The Crown did not recognise Rangitāne when it purchased the Wairau district in 1847 and recognition of Rangitāne mana in the Te Waipounamu purchase was belated. The Crown is deeply sorry that its acts and omissions quickly left Rangitāne landless and this has had a devastating impact on the economic, social, and cultural well-being and development of Rangitāne.
- (4) The Crown regrets and apologises for the cumulative effect of its actions and omissions, which have had a damaging impact on the social and traditional structures of Rangitāne, their autonomy and ability to exercise customary rights and responsibilities, and their access to customary resources and significant sites.
- (5) With this apology the Crown seeks to atone for its past wrongs and begin the process of healing. It looks forward to re-establishing its relationship with Rangitāne based on mutual trust, co-operation, and respect for the Treaty of Waitangi and its principles.

### ***Our Strategic Direction***

Our submission is supported and guided by our Strategic Plan, set out in summary below (including our Vision, Strategic Priority Areas and Values).

OUR STRATEGIC PLANNING FRAMEWORK					
VISION	He waka uruuru moana, he waka uruuru whenua, he waka uruuru kapua		A canoe that braves the vast oceans, seeking endless opportunities, whose vision is limitless		
STRATEGIC PRIORITIES	RANGATIRATANGA	MANA MOTUHAKE	MANA TAIAO	MANA AHUREA	MANA TAHUA
	Tangata ora, mana tangata  The health and wellbeing of our people is paramount	Mana mau, mana tū!  Rights upheld, rights entrenched!	Toitū te taiao ki tua o ake tonu atu!  Ensuring the integrity and sustainability of our environment	Taku Rangitānetanga, taku mana, taku oranga!  Our Rangitāne identity is our pride and livelihood	Whakatupu tahua, whakatupu mana  Growing sustainable wealth, status and influence
VALUES	RANGATIRATANGA	KOTAHITANGA	KAITIAKITANGA	MANAAKITANGA	WHANAUNGATANGA
	Kia pono, kia ngākau māhaki, kia mana-ā-kī  Leading with honour, humility and integrity	Kia mahi tahi, kia kauanuanu tētahi ki tētahi  Working together, respectfully, as one	Tiakina ā tātou taonga kei ngaro  Embracing our responsibility to protect, preserve and enhance our taonga	Kia tangata marae, kia manaaki tētahi i tētahi  Upholding mana with hospitality, generosity and service	Kia renarena te taukaea tangata, tātou, tātou!  Valuing our relationships and ensuring a shared sense of belonging

### ***Our Feedback: Executive Summary***

This submission from Rangitāne o Wairau outlines our key concerns regarding the proposed Regulatory Standards Bill. We note the Bill's insufficient recognition of Te Tiriti o Waitangi and its potential to undermine Māori rights. Our submission focuses on strengthening the Bill by embedding a Tiriti-centric approach to ensure regulatory standards reflect Te Tiriti obligations, protect Māori collective rights, and uphold tino rangatiratanga (self-determination).

Our recommendations include:

- **Embedding Te Tiriti o Waitangi obligations** – The Bill must include an explicit commitment to uphold Te Tiriti principles within its purpose and framework.
- **Protecting Māori collective rights** – The Bill must recognise and safeguard tikanga Māori, mātauranga Māori, and Māori governance structures.
- **Supporting Māori governance and self-determination** – Regulatory standards must be flexible enough to accommodate tikanga-based models of governance.
- **Adopting a Tiriti-centric approach** – The Bill should include mechanisms such as a Tiriti clause, Māori impact assessments, and partnership models.

Rangitāne is willing to engage further with the Government to ensure that the Bill reflects the constitutional status of Te Tiriti o Waitangi and protects the rights and interests of Māori as tangata whenua.

### ***Te Tiriti o Waitangi Obligations***

The Regulatory Standards Bill, as currently drafted, lacks sufficient recognition of the Crown's obligations under Te Tiriti o Waitangi. The Ministry's assessment<sup>1</sup> highlights that the Bill does not adequately embed Tiriti principles or provide explicit safeguards to protect Māori rights and interests.

<sup>1</sup> <https://www.regulation.govt.nz/assets/Publication-Documents/Preliminary-Treaty-Impact-Analysis-for-the-proposed-Regulatory-Standards-Bill.pdf>

We share this concern and emphasise that Te Tiriti is not simply an historical document, in fact it is a living covenant that forms the basis of the relationship between the Crown and Māori. That being the case, it is essential that any regulatory framework must ensure that Te Tiriti principles are upheld and reflected in decision-making processes, at all levels. The Ministry's view that the Bill risks undermining Māori rights by prioritising general regulatory principles over Tiriti obligations is particularly troubling.

We recommend that the Bill be amended to include a clear and enforceable commitment to uphold Te Tiriti o Waitangi principles. Such a commitment should be explicitly stated within the Bill's purpose and principles sections to ensure these obligations are front and centre.

### ***Protection of Māori Collective Rights***

The Ministry's assessment notes the risk that the Bill's focus on individual rights and freedoms may fail to adequately account for Māori collective rights. We echo this concern and highlight that Māori customary rights, cultural practices, and governance structures are inherently collective and must be safeguarded in any regulatory framework.

Māori rights and interests are often exercised collectively through whānau, hapū, and iwi. The Bill must acknowledge this reality and ensure that regulatory standards do not inadvertently erode these collective rights by applying a narrow, Western-centric view of individual freedoms.

We urge the Government to include specific provisions in the Bill that recognise and protect Māori collective rights. This includes explicit recognition of tikanga Māori, mātauranga Māori, and Māori governance structures within the regulatory framework.

### ***Implications for Māori Governance and Self-Determination***

The Ministry's assessment acknowledges that the Bill may have unintended consequences for Māori governance and self-determination. We are particularly concerned that the Bill's emphasis on regulatory efficiency and economic considerations could limit the ability of Māori entities to operate within tikanga-based frameworks.

Tino rangatiratanga – the right to self-determination – is a cornerstone of Te Tiriti o Waitangi and its concept has been well traversed by the Waitangi Tribunal and the judiciary. Regulatory standards must provide space for Māori to exercise tino rangatiratanga over our lands, resources, and affairs. Regulatory systems must be flexible enough to accommodate diverse governance models, including those based on tikanga Māori.

We recommend that the Bill include provisions to ensure that Māori governance models and tikanga-based practices are recognised and accommodated within the regulatory

framework. This flexibility is essential to avoid perpetuating a monocultural approach to regulation that fails to honour Te Tiriti commitments.

### ***Embedding a Tiriti-Centric Approach***

To address the concerns outlined above, we propose that the Bill adopt a Tiriti-centric approach to regulatory standards. This approach aligns with the Ministry's assessment, which suggests that a more explicit consideration of Te Tiriti principles would strengthen the Bill's overall framework.

Key elements of a Tiriti-centric approach include:

- **Inclusion of a Tiriti clause:** A clear and enforceable provision in the Bill that requires adherence to Te Tiriti o Waitangi principles.
- **Māori impact assessment:** A requirement for all regulatory proposals to include an assessment of their impact on Māori rights and interests.
- **Partnership mechanisms:** Establishment of partnership mechanisms to ensure that Māori are involved in the development and implementation of regulatory standards.

The Ministry's assessment highlights the importance of regulatory systems being responsive to the diverse needs of all New Zealanders. A Tiriti-centric approach would ensure that Māori rights and interests are given due consideration and that the regulatory framework reflects the unique constitutional status of Te Tiriti.

### ***Concluding Remarks***

Rangitāne o Wairau urges the Government to amend the Regulatory Standards Bill to ensure that it upholds Te Tiriti o Waitangi and protects Māori rights and interests. The Ministry's assessment of the Bill underscores the importance of embedding a Tiriti-centric approach to regulation that recognises and respects the unique status of Māori as tangata whenua.

We welcome further engagement with the Government on this matter (preferably, prior to the Bill entering the House and being referred to the relevant Select Committee) and remain committed to working collaboratively to ensure that Te Tiriti principles are upheld in all aspects of Aotearoa New Zealand's regulatory framework.

Ngā mihi nui, nā



Corey Hebbard

**Kaiwhakahaere Matua (General Manager)**  
**Rangitāne o Wairau Group**



## Appendix 1: Rangitāne o Wairau Area of Interest (Our Tribal Rohe)

Source: Deed of Settlement

