

File No: 01 18 01B  
Document No: 31020702  
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20 December 2024

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Kia ora

### **Waikato Regional Council Submission to Principles of the Treaty of Waitangi Bill**

Thank you for the opportunity to submit on the proposed Principles of the Treaty of Waitangi Bill. Please find attached the Waikato Regional Council's (the Council's) submission regarding this Bill. The submission was formally approved by Council on **19 December 2024**.

Should you have any queries regarding the content of this document please contact Mali Ahipene, Pou Tūhono, Tai-ranga-whenua directly on (07) 8590507 or by email [mali.ahipene@waikatoregion.govt.nz](mailto:mali.ahipene@waikatoregion.govt.nz).

Ngā mihi, nā

A handwritten signature in black ink, appearing to read "C. McLay".

Chris McLay  
**CHIEF EXECUTIVE | Tumu Whakarae**

## Submission from Waikato Regional Council on the Principles of the Treaty of Waitangi Bill

### Introduction

Thank you for the opportunity to submit on the Principles of the Treaty of Waitangi Bill. Waikato Regional Council (WRC) opposes this Bill and advocates for its abandonment. The Bill seeks to eliminate the principle of partnership with iwi and hapū, undermining the foundations of co-governance, co-management and collaboration. This submission reflects our council's commitment to upholding the Treaty of Waitangi and fostering robust co-governance and co-management partnerships with iwi and hapū. These partnerships have provided significant environmental, social, and economic benefits, which are recognised nationally as exemplars of successful collaboration.

### Key Issues

#### 1. Impact on Operational Relationships

Waikato Regional Council's operational success relies on building partnerships with iwi and hapū, including those established under Treaty settlement legislation. These relationships underpin co-governance arrangements and collaborative initiatives such as the Healthy Rivers / Waioara. The Bill risks eroding these partnerships by:

- Marginalising unsettled iwi.
- Undermining statutory requirements for iwi engagement.
- Creating barriers to effective decision-making and joint initiatives.

#### 2. Undermining the Treaty Principles

The Bill creates ambiguity and uncertainty by attempting to redefine Treaty principles without any meaningful engagement with iwi and hapū. This clear disregard for consultation and collaboration on constitutional matters marginalises the role of iwi and hapū as Treaty partners. Such exclusion contradicts established jurisprudence, undermines the foundational partnership commitments enshrined in the Treaty of Waitangi, and neglects the necessity of working alongside iwi and hapū to uphold the principles of equity and partnership.

While the Bill will not apply to the interpretation of existing Treaty settlement arrangements, its application to unsettled iwi represents a significant erosion of the Crown's obligations under Article 2. This approach undermines the equitable treatment of all iwi and hapū, weakens their ability to engage as Treaty partners, and damages the trust necessary for genuine and enduring collaboration.

#### 3. Increased Costs and Strained Resources

The Bill's complexity will lead to significantly increased compliance costs, diverting vital resources away from critical community services. Ambiguous principles will likely generate protracted legal disputes, imposing further financial burdens and delaying progress on key initiatives. This financial strain, coupled with operational uncertainty, will hinder councils' ability to effectively deliver on their commitments to community outcomes. Furthermore, the resulting social division and reduced cohesion risk destabilising community trust and undermining the collaborative spirit required for long-term regional prosperity.

#### 4. Treaty Settlement Exemplars in the Waikato Region

The partnership approach embraced by Waikato Regional Council is evident in the following exemplars. These arrangements highlight the tangible benefits of honouring Treaty principles and engaging in meaningful partnership:

1. **Joint Management Agreements:** Foster holistic co-governance and co-management with iwi, leading to improved environmental, social, and economic outcomes through collaborative decision-making and strengthened relationships.
2. **Te Ture Whaimana o Te Awa o Waikato:** An example of integrated management and partnership, fostering shared responsibility for the Waikato River.
3. **Pending Hauraki Collective Agreements:** Demonstrating the potential for collaboration between multiple iwi and local government to achieve shared goals.

## Recommendations

WRC recommends the following actions:

1. **Abandon the Bill:** Recognise the fundamental flaws in its development and content, including its failure to uphold the principle of partnership derived from Treaty settlements. These partnerships have proven their value through their successful application in delivering tangible community and environmental outcomes in the Waikato region.
2. **Engage Meaningfully with Iwi and Hapū:** Encourage the Crown to work with iwi and hapū designing any future changes to constitutional arrangements to ensure alignment with the Treaty of Waitangi.
3. **Protect and Strengthen Existing Partnerships:** Continue to build on the successful models already in place to enhance outcomes for all communities.

## Conclusion

The Principles of the Treaty of Waitangi Bill undermines established jurisprudence, weakens partnerships, and risks significant operational and social costs. We urge the Crown to abandon this Bill and prioritise meaningful engagement with iwi and hapū to uphold the principles of the Treaty of Waitangi and achieve equitable, sustainable outcomes.