

**Te Ākau / Bream Bay Sand Extraction Project**  
**FTAA-2511-1150: Section 53 Comments to the Expert Panel**  
**26 May 2026**

**A. Governance and Tikanga Framework of the Incorporation**  
**A1. Incorporation and Governance Framework**

The Incorporation presents on behalf of Te Parawhau hapū whānau pursuant to its tikanga responsibilities and exercised mana whenua obligations in relation to Te Ākau / Bream Bay, associated taonga, and the natural and physical resources affected by the present application.

The Incorporation's governance framework, constitutional structure, and tikanga-based management principles are reflected in:

- (a) the Order of Incorporation (Annexure A); and
- (b) the National Resolution Set concerning the Resource Management Act 1991 and tikanga-based environmental management (Annexure B)
- (c) the Cross-Cutting Resolution Instrument concerning negotiation, consent, and tikanga authority (Annexure C).

On 06 February 2026, the Incorporation adopted and exercised the National Resolution Set for the Resource Management Act 1991 under the authority of Nga Tikanga Māori Law/Lore Society Inc o Aotearoa (NZ).

**A2. Tikanga Environmental Principles**

Relevant principles adopted and exercised by the Incorporation include:

- consultation alone is insufficient where taonga and ancestral environments are affected;
- good-faith engagement directed toward free, prior, and informed consent is required;
- mana whenua responsibilities in relation to rāhui, protection, and management of taonga carry continuing obligations;
- fast-track pathways should not operate to override tikanga Māori, rāhui, and hapū responsibilities.

The Resolution Set is attached as contextual governance material relevant to the present application and the Incorporation's position concerning engagement, environmental protection, and decision-making affecting Te Ākau / Bream Bay.

### **A3. Whakapapa Relationship to Te Ākau / Bream Bay**

The Incorporation further notes the longstanding whakapapa and customary relationship between Te Parawhau hapū whanau and the moana environment of Te Ākau / Bream Bay, including traditions associated with Tirarau Kukupa within these coastal waters.

Those histories reflect longstanding relationships of sustenance, mana moana, and protection concerning the mauri of the receiving environment and associated species relied upon by hapū whānau across generations.

From the incorporation's perspective, the marine environment is not viewed solely as an extractive resource area, but as taonga tuku iho carrying enduring ecological, cultural, and intergenerational obligations.

### **A4. Relevance to the present proceeding**

The Incorporation respectfully submits that these matters are directly relevant to the present proceeding because the Fast-track Approvals Act requires consideration of environmental, cultural, and tikanga-related effects, including matters relating to mana whenua, mana moana, and the protection of the environments.

The Incorporation further notes that questions concerning tikanga responsibilities, status, environmental protection, and customary relationships have now been expressly identified by the Expert Panel as matters potentially relevant to its decision-making process under Minute 8.

### **A5. Annexures**

- Annexure A – Order of Incorporation
- Annexure B – National Resolution Set
- Annexure C – Cross-cutting Constitutional Resolution Instrument

## 1. Introduction

These submissions are made by Kōwhai Te Awhina Hapū o Te Parawhau Hapū Incorporation (“the Incorporation”) pursuant to section 53 of the Fast-track Approvals Act 2024 in relation to the Te Ākau / Bream Bay Sand Extraction Project.

The Incorporation notes that the evidential record before the Expert Panel continues to evolve through the ongoing Requests for Further Information issued in Minutes 4 – 6 and the subsequent material filed by the Applicant in response.

The Incorporation acknowledges the extensive matters identified by the Panel for clarification, including issues relating to:

- future environment assessment;
- sediment transport;
- benthic ecology;
- ecological recovery;
- shoreline connectivity;
- cumulative effects;
- adaptive management,
- and tangata whenua engagement.

These submissions are made from a precautionary, intergenerational and tikanga-based perspective concerning the protection of Te Ākau / Bream Bay and the associated environmental, ecological, cultural, and mana whenua values affected by the proposal.

The Incorporation is particularly concerned that substantial uncertainty remains unresolved regarding:

- ecological recovery trajectories;
- sediment connectivity;
- long-term cumulative impacts,
- and the adequacy of the proposed monitoring and adaptive management framework.

The Incorporation considers that unresolved uncertainty should not operate solely against consideration of ecological recovery and restoration possibilities

but must also weigh carefully against acceptance of potentially irreversible environmental effects.

## **2. Ecological Recovery, Uncertainty, and Future Environment**

### **Ecological recovery should not be dismissed as “fanciful”**

The Incorporation does not accept that consideration of future ecological recovery, restoration pathways, or strengthening environmental protections is properly characterized as “fanciful” in the present proceeding.

The Expert Panel itself has identified evidence and questions relating to possible recovery trajectories for benthic habitats, scallops, horse mussels, seagrass, and associated ecological values absent extraction activity.

In those circumstances, the Incorporation submits that the authorities relied upon by the Applicant do not require the Panel to disregard evidence-based ecological recovery possibilities, particularly where uncertainty remains unresolved and cumulative environmental pressures are already acknowledged.

### **Current degradation should not become the operative baseline**

The Incorporation is concerned that the present approach risks entrenching existing environmental degradation as the operative baseline against which further extraction effects are assessed.

The possibility of ecological improvement absent extraction activity cannot be dismissed as merely speculative where the Expert Panel itself has sought further information regarding ecological recovery trajectories and habitat resilience, sediment transport, shoreline connectivity, and cumulative ecological effects.

The Incorporation respectfully submits that the future environment is not static. Environmental understanding, restoration methodologies, tikanga-based management approaches, and public expectations evolve over time.

Accordingly, the future environment should not be treated as limited to continuation of present degraded conditions.

### **3. Precaution operates both ways**

The Applicant appears to suggest that uncertainty means ecological recovery should not be assumed. However, uncertainty equally means potentially irreversible extraction impacts should not automatically be treated as acceptable.

Nor should unresolved uncertainty automatically operate in favour of additional extraction where the potential environmental consequences may be long-term, cumulative, or irreversible.

Where substantial uncertainty remains unresolved, precaution should apply not only assumptions of ecological recovery, but equally to acceptance of potentially irreversible extraction effects.

### **4. Distinct FTAA assessment framework**

While certain Resource Management Act authorities may provide contextual guidance, the present proceeding arises under the Fast-track Approvals Act 2024, which requires the Panel to undertake its own evaluative assessment.

The Incorporation submits that the authorities relied upon by the Applicant should not be applied in a manner that artificially narrows the Panel's consideration of ecological recovery trajectories, precautionary management, tikanga responsibilities, or future environmental restoration possibilities where substantial uncertainty remains unresolved.

### **5. Tikanga and intergenerational restoration responsibilities**

From a tikanga perspective, restoration of mauri, intergenerational recovery, and enhancement obligations are legitimate future-orientated considerations. These are not speculative concepts, but form part of ongoing kaitiakitanga responsibilities.

Those obligations are reflected within longstanding Te Parawhau histories associated with Tirarau Kukupa within the coastal waters of Te Ākau / Bream Bay, where the moana sustained Te Parawhau hapū whānau across generations. Such histories reflect enduring relationships of mana moana,

kaitiakitanga, sustenance, and protection concerning the mauri of the receiving environment.

Tikanga obligations inherently include protection and restoration of mauri for future generations, including recovery of degraded marine environments where possible.

## **6. Regional Benefits and Localized Burdens**

The Incorporation acknowledges that the Applicant asserts regional and national economic benefits arising from the proposed extraction activity, including aggregate supply and infrastructure demand extending beyond Te Ākau / Bream Bay.

However, the Incorporation is concerned that the environmental, ecological, cultural, and intergenerational burdens associated with the proposal will be borne primarily within the affected marine environment and surrounding hapū rohe, while many of the asserted economic benefits are distributed externally across wider regional and metropolitan areas.

The Expert Panel should carefully assess whether the localized, cumulative, and potentially irreversible impacts upon Te Ākau / Bream Bay are proportionate to the broader economic benefits relied upon by the Applicant.

The Incorporation further notes that statutory regional boundaries used for economic assessment do not necessarily reflect tikanga relationships, mana whenua responsibilities, waka districts, or customary environmental relationships associated with the affected marine environment, including issues relating to mana whenua, mana moana, ahi kā, and exercised tikanga responsibilities identified by the Panel in Minute 8.

From the Incorporation's perspective, Te Ākau / Bream Bay is not merely an economic resource area, but a taonga environment carrying ongoing cultural, ecological, and intergenerational responsibilities.

Accordingly, the Incorporation submits that regional benefit considerations should not outweigh unresolved uncertainty concerning sediment transport, benthic ecology, shoreline connectivity, ecological recovery, cumulative effects, and the protection of the mauri of the receiving environment.

The marine sand resource and associated seabed environment of Te Ākau / Bream Bay are not viewed solely as commercial aggregate resources, but as taonga tuku iho carrying ongoing cultural, ecological, and intergenerational significance protected under Article 2 of Te Tiriti o Waitangi.

Enduring tikanga responsibilities, mana whenua relationships, and obligations of kaitiakitanga remain directly engaged where extraction activity has the potential to permanently alter the receiving environment and its associated ecological systems.

## **7. Distinguishing the Applicant's authorities**

### **The cited Panel decisions are distinguishable**

The Applicant treats previous decisions as establishing a broad principle favouring distribution of economic benefits across multiple regions.

However, those decisions arose in materially different factual and environmental contexts, including transport infrastructure and energy distribution projects, rather than direct extraction of finite marine taonga resources from a sensitive receiving environment.

Analogies to freight corridors, electricity distribution, or transport connectivity should therefore be approached cautiously where the present proceeding concerns direct seabed extraction within an ecologically interconnected marine environment carrying unresolved ecological, cultural, and cumulative effects.

### **Broad regional benefit does not answer localized irreversible effects**

Even where regional or inter-regional economic benefits may legitimately be considered under the FTAA framework, such benefits do not resolve whether the environmental, ecological, cultural, and intergenerational burdens imposed upon the receiving environment are proportionate or acceptable.

The broader the asserted distribution of downstream economic benefits beyond the affected hapū rohe, the more important it becomes for the Panel to carefully assess whether the localized environmental burdens are being disproportionately borne within the directly affected receiving environment and associated and mana whenua and mana moana relationships.

The affected marine area identified in Minute 7 confirms that the extraction activity directly engages Te Ākau / Bream Bay, adjacent to Ruakākā and surrounding hapū rohe.

### **Extraction of finite taonga is not equivalent to infrastructure distribution**

Marine sand extraction from Te Ākau / Bream Bay is not directly comparable to transport corridors, electricity transmission, or other infrastructure projects relied upon by the Applicant.

The material proposed to be extracted forms part of the receiving environment itself and is interconnected with taonga ecosystem carrying ecological, cultural, and intergenerational significance.

The proposed activity concerns direct removal of finite seabed material from Te Ākau / Bream Bay itself.

Unlike transport or energy infrastructure facilitating movement between regions, marine sand extraction permanently removes finite material from the receiving environment. The associated ecological, cultural, and intergenerational effects therefore remain inherently localized, regardless of where downstream economic benefits may later accrue.

The affected marine environment forms part of an interconnected taonga system associated with fisheries, kai gathering, mana moana relationships, ecological processes, and continuing tikanga responsibilities exercised by hapū whanau within the receiving environment.

## **8. Status, Mana Whenua Responsibilities, and Minute 8 Matters**

### **(a) Te Parawhau Hapū status and Incorporation standing**

- identify the Incorporation;
- role within Te Parawhau rohe;
- participation as invited commenter;
- direct relationship with Te Ākau / Bream Bay and Ruakākā.

### **(b) Ahi kā and hau kāinga responsibilities**

- continued presence and occupation;
- intergenerational relationship;

- ongoing fishing, kai gathering, tikanga practices;
- responsibilities carried by whānau living within the affected receiving environment.

**(c) Mana whenua and mana moana responsibilities**

- obligations of kaitiakitanga;
- protection of mauri;
- relationship to coastal waters, seabed, fisheries, and ecological systems;
- why extraction effects are not abstract or remote to the hapū.

**(d) Relevance to the Panel's decision-making under Minute 8**

- the Panel is assessing environmental, ecological, cultural, and cumulative effects;
- the receiving environment overlaps directly with hapū responsibilities;
- therefore status and relationship to the area are relevant to:
  - monitoring;
  - tikanga processes;
  - management plans;
  - cultural effects;
  - ecological recovery,
  - and long-term environmental stewardship.

Te Parawhau hapū whānau have maintained continuing ahi kā and hau kāinga responsibilities within Ruakākā and the surrounding Te Ākau / Bream Bay environment for approximately 30 years, including ongoing occupation, customary association, fishing practices, gathering of kai, protection of taonga, and exercised mana whenua and mana moana responsibilities connected to the receiving environment.

Accordingly, the environmental, ecological, cultural, and intergenerational effects associated with the proposal are not abstract or remote to the Incorporation, but arise directly within the hapū rohe and receiving environment in which those tikanga responsibilities continue to be exercised.

The Incorporation also notes Minute 8 and the matters raised on behalf of Te Pouwhenua o Tiakiriri Kukupa Trust (Te Parawhau ki Tai).

While separate entities with distinct governance structures and mandates, overlapping concerns remain regarding:

- mana whenua and mana moana relationships;
- ecological uncertainty;
- sediment and receiving environment effects;
- cultural and intergenerational responsibilities; and
- protection of the mauri of Te Ākau / Bream Bay.

Accordingly, the Incorporation considers that its relationship with the receiving environment is directly relevant to the Panel's assessment of cultural effects, ecological uncertainty, precautionary management, and long-term environmental stewardship.

The present comments are provided from the Incorporation's own tikanga-based, constitutional, and intergenerational environmental management perspective.

## **9. Minute 7 Matters and Draft Conditions**

### **(a) Ongoing uncertainty remains unresolved**

- ecological uncertainty,
- sediment transport,
- benthic recovery,
- monitoring uncertainty,
- adaptive management limitations.

Minute 7 and the accompanying SMART review demonstrate that significant uncertainty remains unresolved concerning the proposed extraction activities including matters relating to monitoring frameworks, management responses, ecological recovery pathways, certification processes, and implementation of draft conditions still under refinement.

The Incorporation respectfully submits that the evolving nature of the proposed conditions reinforces the importance of precautionary assessment where potentially irreversible environmental effects remain uncertain.

**(b) Receiving environment and localized effects**

- direct extraction from Te Ākau / Bream Bay,
- finite seabed removal,
- localized burden on receiving environment,
- fishing grounds,
- kai gathering;
- marine ecology.

The extraction area identified within Minute 7 confirms that the proposal directly affects the Te Ākau / Bream Bay receiving environment adjacent to Ruakākā and the surrounding hapū rohe.

From the Incorporation's perspective, the affected marine area forms part of an interconnected taonga environment associated with fishing grounds, kai gathering, mana moana relationships, ecological systems, and ongoing tikanga responsibilities exercised by hapū whānau within the receiving environment itself.

**(c) Draft conditions remain under development**

The Panel itself acknowledged:

- the conditions are still evolving,
- SMART review changes are suggested,
- further iterations are anticipated.

Minute 9 further records that multiple versions of the draft conditions are presently in circulation, including:

- (a) the original application conditions dated 21 January 2026;
- (b) the revised conditions dated 11 May 2026; and
- (c) the Appendix One conditions attached to Minute 7 dated 18 May 2026 following the SMART review process.

The existence of multiple evolving condition sets reinforces that important aspects of the proposed management framework, monitoring pathways, certification processes, and implementation responses remain under active refinement at the present decision-making stage.

The Incorporation submits that the evolving and iterative nature of the proposed conditions reinforces the need for precautionary assessment where potentially irreversible environmental effects remain unresolved.

In those circumstances, caution should be exercised before significant unresolved ecological, sediment, cumulative, and receiving environment uncertainties are treated as adequately addressed through evolving draft management conditions alone.

**(d) Adaptive management cannot replace precaution**

The Incorporation considers that adaptive management mechanisms should not operate as a substitute for proper assessment and resolution of substantial uncertainty concerning cumulative environmental effects, benthic recovery trajectories, sediment transport, and long-term ecological resilience.

Where irreversible extraction effects are possible, precaution should apply before reliance is placed upon future monitoring or post-consent management responses.

**(e) Cultural and intergenerational dimensions remain directly engaged**

The Incorporation respectfully submits that the proposed extraction activity continues to directly engage ongoing tikanga, mana moana, and intergenerational stewardship responsibilities associated with Te Ākau / Bream Bay and the surrounding receiving environment.

From the Incorporation's perspective, the affected marine environment is not viewed solely as an extractive resource area, but as a taonga environment carrying enduring ecological, cultural, and whakapapa relationships connected to present and future generations.

Those responsibilities include protection of mauri, customary relationships with fisheries and coastal ecosystems, and the long-term wellbeing of the receiving environment relied upon by hapū whānau within the rohe.

Accordingly, the Incorporation submits that unresolved uncertainty concerning ecological recovery, sediment effects, cumulative impacts, and long-term environmental resilience continues to engage ongoing precautionary and intergenerational responsibilities that cannot be treated as remote or purely theoretical considerations.

## 10. Conditions Framework concerns

### (a) Conditions remain dependent upon future information

- monitoring still evolving;
- certification pathways unresolved;
- future management responses remain unresolved;
- further technical refinement expected;
- ecological outcomes not yet certain.

The Incorporation notes that multiple aspects of the proposed conditions framework remain dependent upon future monitoring, certification, technical review, and adaptive management responses following consent determination.

The Incorporation further notes that several aspects of the Applicant's evidence concerning future supply allocation, monitoring pathways, adaptive responses, and certification processes remain assumption-dependent and subject to ongoing refinement.

This reinforces that significant ecological and receiving environment uncertainty remains unresolved at the current decision-making stage.

### (b) Adaptive management has inherent limitations

- cannot reverse extraction already undertaken;
- monitoring occurs after effects begin;
- ecological recovery trajectories uncertain;
- cumulative effects may change progressively;
- irreversible effects may occur before intervention thresholds are reached.

While adaptive management and monitoring may assist in identifying emerging effects, such mechanisms do not necessarily prevent irreversible extraction impacts from occurring within the receiving environment before ecological thresholds are understood or exceeded.

### (c) Receiving environment requires precautionary protection

- Te Ākau / Bream Bay,
- fishing grounds,
- kai gathering,
- mana moana,

- benthic ecology,
- sediment transport,
- and intergenerational stewardship.

In those circumstances, precautionary assessment remains important where extraction effects may extend beyond immediate extraction cells into wider receiving environment systems.

**(d) Conditions should not assume successful ecological recovery**

The Incorporation considers that the proposed management conditions should not proceed on assumptions that benthic recovery, sediment stabilization, ecological resilience, or long-term receiving environment restoration will necessarily occur within anticipated timeframes.

Minute 7 itself demonstrates that important questions concerning monitoring, recovery pathways, and implementation responses remain under active refinement.

**(e) Localized environmental burdens remain concentrated within the hapū rohe**

Regardless of how broader regional economic benefits may later be distributed, the direct ecological, cultural, and intergenerational burdens associated with extraction activity remain concentrated within the affected receiving environment adjoining Ruakākā and Te Ākau / Bream Bay.

Taken collectively, the matters outlined above indicate that important aspects of the proposed extraction regime, recovery assumptions, monitoring framework, and adaptive management response pathways remain dependent upon future refinement and uncertain ecological outcomes. The Incorporation therefore submits that precautionary decision-making remains appropriate where long-term and potentially irreversible effects may extend across interconnected receiving environment systems within the hapū rohe.

Respectfully submitted on behalf of Kōwhai Te Awhina hapū o Te Parawhau Hapū Incorporation.

Date: 26 May 2026 

Tui-Dorothy/Panui-Phillips/Tito, Secretary/Registrar  
Kōwhai Te Awhina Hapū o Te Parawhau Hapū Incorporation

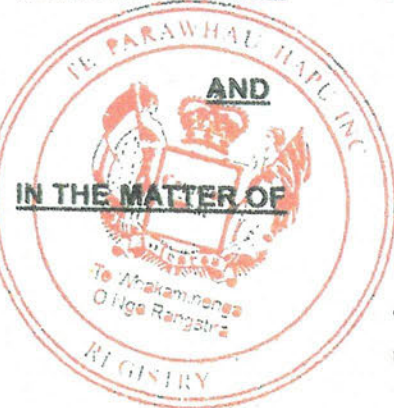
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**ORDER OF INCORPORATION**

Māori Land Court  
Whangārei  
- 4 NOV 2025  
**RECEIVED**  
Taitokorau District

**IN TE KOOTI PAREMATA MAORI**  
**KI WAITANGI O AOTEAROA (NZ)**

**IN THE MATTER OF** Te Ture Whenua Maori Incorporations Constitution Regulations 1995, s247-338



**AND**  
**IN THE MATTER OF**  
Mangakahia 2B2 No:2A1A - LINZ Ref: NA55A/1194 Area (ha): 41.1843,  
Mangakahia 2B2X - LINZ Ref: 17B/294 Area (ac): 26, and Parahaki No:1G1 -  
Area (ac): 37, Ahipara A5 Area (ac): 23

**Te Parawhau Hapu Incorporation**  
Ki Nga Puhi o Ngatokimatawhauroa Waka District  
(Applicant)

At a sitting on the 28<sup>th</sup> October 2022 of Te Kooti Paremata Maori Te Whakaminenga o te Rangatira o Aotearoa Meo Mate Brown Chief Native Assessor presiding.

Upon the evidence produced before Te Kooti by the applicant Kevin-John/Tito of **Te Parawhau Hapu Incorporation** before Te Whakaminenga o te Rangatira o Aotearoa. It was declared by resolution, accepted and incorporated as a Maori Incorporation within the meaning of Part XIII of Te Ture Whenua Maori Land Act 1993 and Te Ture Whenua Maori Incorporation Constitution Regulations Act 1995.

**NOW THEREFORE** as a witness to the resolution passed by Te Whakaminenga o te Rangatira o Aotearoa on the 28<sup>th</sup> October 2022, at Te Tii Waitangi Marae, Waitangi. I, Meo Mate Brown, Chief Native Assessor.

**DOETH HEREBY** confirm, declare and Order that Te Parawhau Hapu Incorporation constituted under the regulations of Te Ture Whenua Maori Incorporation Constitution Regulations Act 1995.

**AND DOETH FURTHER ORDER** that the lands, notwithstanding its status as General Land, General Land Owned by Maori and Maori freehold land hereby vests the land in Te Parawhau Hapu Incorporation and declare that the Incorporation shall hold such land and all other land within the Native District of Ngatokimatawhauroa Waka as legal beneficial and equitable owners pursuant to Te Tiriti O Waitangi 1840, for which the Native Aboriginal Title has not been extinguished pursuant to: Section 129(2)(a)/1993-1995 is deemed Customary Maori land held in accordance with Tikanga Maori Section 271(4)/93-95, 254/93-95, immediate release Section 253/93-95.

**WITNESSED** by the hand and Seal of the Chief Native Assessor, Section 5/93 Shall bind the Crown, Section 5/95 shall bind Maori.

**DATED THIS 28<sup>TH</sup> Day of October 2022**



**National Resolution Set — Resource Management Act 1991  
(Tikanga-based Constitutional Reframing)**

Te Parawhau Hapu Incorporation  
Ngatokimatawhaorua Waka District  
Under the Authority of Ngā Tikanga Māori Law/Lore Society Inc. o Aotearoa (NZ)  
(Te Paremata Māori)

These resolutions are adopted pursuant to tikanga Māori, He Whakaputanga o te Rangatiratanga 1835, Te Tiriti o Waitangi 1840, and the continuing existence of unextinguished native title. They are intended for national adoption at Waitangi on 06 February 2026 and apply to the interpretation and application of the Resource Management Act 1991.

**Resolution 1 — Purpose of the Act (section 3)**

Section 3 of the Resource Management Act 1991 must be exercised subject to tikanga Māori, rangatiratanga, and mana whenua. Sustainable management must not be interpreted as authorising decision-making that overrides tikanga Māori, rāhui, or hapū authority through consultation alone.

**Resolution 2 — Matters of National Importance (section 6)**

Section 6 must be amended so that matters of national importance include the authority of mana whenua to impose rāhui, protect wāhi tapu, ancestral lands, waters, and taonga, and to determine appropriate use in accordance with tikanga Māori. Such authority is determinative and not merely protective.

**Resolution 3 — Other Matters (section 7)**

Section 7 must be amended so that kaitiakitanga and tikanga Māori are exercised as authoritative responsibilities, not merely matters to which decision-makers have particular regard.

**Resolution 4 — Te Tiriti o Waitangi (section 8)**

Section 8 must require all persons exercising powers under the Act to give effect to Standing Orders 1839: Intention of Te Tiriti o Waitangi and Te Ture Whenua Māori Act 1993, section 1: Intention of Westminster Parliament. Compliance requires good-faith negotiation with the objective of obtaining free, prior, and informed consent.

**Resolution 5 — Recognition of Rāhui**

Rāhui imposed under tikanga Māori have immediate legal effect under the Act and must be complied with by all decision-makers, consent authorities, and enforcement bodies.

**Resolution 6 — Decision-making and Consent**

No resource consent, designation, or approval affecting Māori land, water, or taonga may be granted without free, prior, and informed consent exercised by the relevant hapū or Māori incorporation.

**Resolution 7 — Negotiation replaces consultation**

Where the Act refers to consultation with Māori, such consultation is insufficient. Decision-makers must engage in good-faith negotiation with the objective of obtaining free, prior, and informed consent.

**Resolution 8 — No statutory override or fast-track**

Fast-track pathways, national direction, or ministerial call-in powers must not be used to override tikanga Māori, rāhui, or hapū authority.

**Resolution 9 — Interpretive supremacy**

In the event of inconsistency in the interpretation or application of the Act in relation to Māori interests, tikanga Māori prevails.

Adopted for national application. Effective from 06 February 2026 (Waitangi).

Resolution Set and Amendments passed unanimously. No objections.



Issued under the authority of Nga Tikanga Maori Law/Lore Society Inc o Aotearoa (NZ)  
06 February 2026

**Cross-Cutting Constitutional Resolution Instrument  
Negotiation, Consent, and Tikanga Authority**

Te Parawhau Hapu Incorporation  
Ngatokimatawhaorua Waka District  
Under the Authority of Ngā Tikanga Māori Law/Lore Society Inc. o Aotearoa (NZ)  
(Te Paremata Māori)

This Cross-Cutting Constitutional Resolution Instrument is adopted to establish binding constitutional principles of general application across all enactments, policies, and decision-making processes affecting Māori, hapū, Māori land, water, taonga, tikanga, and jurisdiction.

These resolutions are adopted pursuant to tikanga Māori, He Whakaputanga o te Rangatiratanga 1835, Te Tiriti o Waitangi 1840, and the continuing existence of unextinguished native title, and are intended to apply nationally upon adoption at Waitangi on 06 February 2026.

**Resolution 1 — Recognition of Tikanga and Rangatiratanga**

Tikanga Māori is affirmed as the first law of Aotearoa New Zealand. Rangatiratanga and mana whenua are ongoing and unextinguished, and all statutory powers affecting Māori land, water, taonga, or people must be exercised consistently with tikanga Māori.

**Resolution 2 — Negotiation replaces consultation**

Where any enactment, regulation, policy, or decision-making process refers to consultation with Māori incorporations, hapū, or whanau in relation to land, water, taonga, tikanga, or jurisdictional matters, consultation is constitutionally insufficient.

Such processes must instead proceed by good-faith negotiation conducted on the basis of mutual authority, with the objective of obtaining free, prior, and informed consent. Consultation alone does not satisfy obligations arising under tikanga Māori, He Whakaputanga 1835, or Te Tiriti o Waitangi 1840.

**Resolution 3 — Free, prior, and informed consent**

Free, prior, and informed consent is required before any approval, designation, authorisation, or enforcement action affecting Māori land, water, taonga, or tikanga. Consent must be capable of being withheld and must be exercised by the relevant hapū or Māori incorporation in accordance with tikanga Māori.

**Resolution 4 — No semantic substitution or procedural avoidance**

For the avoidance of doubt, enhanced consultation, early engagement, partnership approaches, co-design processes, or similar procedural mechanisms do not satisfy the requirement for negotiation unless they involve genuine bargaining power, the ability to withhold consent, and outcomes that are not predetermined.

Any process that proceeds without agreement remains constitutionally deficient.

**Resolution 5 — Interpretive supremacy**

These resolutions prevail as interpretive principles over any inconsistent statutory language, policy, guideline, or administrative practice. In the event of inconsistency, tikanga Māori prevails.

**Adoption and Application**

This Instrument applies to all Acts, regulations, policies, and decision-making processes addressed in associated Resolution Sets and Amendment Sets. It is intended to be placed at the beginning of every draft prepared pursuant to these resolutions.

Adopted for national application. Effective from 06 February 2026 (Waitangi).

Resolution Set passed unanimously. No objections.



Issued under the authority of Nga Tikanga Maori Law/Lore Society Inc o Aotearoa (NZ)  
06 February 2026