

23 July 2025

Finance and Expenditure Select Committee
Parliament Buildings
Wellington

fe@parliament.govt.nz

Tēnā koe

Preamble:

He Whakaputanga o te Rangatiratanga o Nu Tirenī and Te Tiriti o Waitangi were some of the enabling frameworks, outside of Te Ao Māori, that our tupuna envisioned would support the development of our nationhood as Aotearoa/New Zealand.

This submission is an ongoing part of that continuum to realise and reassert the aspirations of our tupuna to facilitate intergenerational equity whilst recognising and upholding Te Mana me te Mauri o te Taiao and Te Tiriti o Waitangi.

Submission to the Finance and Expenditure Select Committee on the Overseas Investment (National Interest Test and Other Matters) Amendment Bill

1. This response is made on behalf of Te Kahu o Taonui (Te Tai Tokerau Iwi Chairs Forum).
2. Te Kahu o Taonui was established in 2006/07 and is now a collective of Authorities in Te Tai Tokerau namely Ngāti Kuri Trust Board, Te Rūnanga Nui o Te Aupōuri, Te Rūnanga o Te Rarawa, Te Rūnanga o Ngāi Takoto, Te Iwi o Ngāti Kahurangi Trust, Kahukuraariki Trust / Ngātikahu ki Whangaroa, Te Rūnanga o Whangaroa, Te Rūnanga-Ā-Iwi-Ō Ngāpuhi, Te Rūnanga o Ngāti Hine, Ngātiwai Trust Board, Te Iwi o Te Roroa and Te Rūnanga o Ngāti Whātua.
3. The aim of Te Kahu o Taonui is to advance the collective aspirations of Te Tai Tokerau iwi and hapū. "Me mahi tahi tātou mō te iwi te take".

Overseas Investment (National Interest Test and Other Matters) Amendment Bill

Introduction:

4. Te Kahu o Taonui submits this intervention in response to the proposed amendments to the Overseas Investment Act 2005. We do so out of deep concern for the erosion of protections for whenua, wai, and taonga that are vital to the social, cultural, environmental, and economic integrity of our Māori communities. These proposed amendments have significant implications for our tino rangatiratanga and the rights affirmed under Te Tiriti o Waitangi.

Summary of Position:

5. We oppose the Overseas Investment (National Interest Test and Other Matters) Amendment Bill (the Bill) in its current form. The proposed changes, whilst promoted as streamlining and simplifying approvals, represents another systematic weakening of safeguards that protect Aotearoa's environmental heritage and Māori whenua. The Bill sidelines Te Tiriti o Waitangi and hence diminishes the ability of Māori to exercise kaitiakitanga and tino rangatiratanga over our taonga tuku iho. While the Government purports to support the Māori economy, it

simultaneously proposes legislative changes that threaten the very foundations of Māori social, environmental and cultural well-being.

Key Concerns:

Failure to Recognise Te Tiriti o Waitangi:

6. The Bill contains no provision to uphold the principles of Te Tiriti o Waitangi. It does not require the Crown, the Minister, or the Overseas Investment Office to consult with or consider the views of its Treaty partner, nor does it give effect to Article 2 rights guaranteeing Māori tino rangatiratanga over our lands and forests. This omission continues a pattern of legislative reform that marginalises Māori authority and undermines our ability to protect and manage our taonga in accordance with tikanga Māori.

Weakening of Sensitive Land Protections:

7. The removal of the Benefit to New Zealand Test and the Investor Test for large categories of “sensitive land,” including conservation land, Māori reservations, wāhi tapu, lakebeds, marine areas, and islands, is a direct attack on lands of immense significance to tangata whenua. These are not “investment opportunities,” they are taonga and removing scrutiny from overseas purchases of such land prioritises private wealth over collective cultural and environmental heritage.

Risks to Māori Land and Wai:

8. Many iwi and hapū in Te Tai Tokerau continue to hold whenua under the Te Ture Whenua Māori Act or via Māori reservations. The Bill proposes to expose these lands, as well as adjacent water sources, to foreign acquisition or use without robust checks.
9. Water extraction, including bottling, is reclassified as a standard commercial activity. In doing so, the Government erodes community and iwi safeguards over wai Māori, which is integral to Māori identity and well-being.
10. Forestry land, already a vector for carbon farming and land-use alienation, will be easier for overseas investors to purchase, even when it borders Māori land or contains ancestral whenua and wāhi tapu.

Increased Ministerial Discretion Without Safeguards:

11. The centralisation of decision-making in the hands of the Minister, without mandatory consultation with Māori or requirement to consider Te Tiriti or tikanga, opens the door to political expediency rather than principled governance. Discretion must be balanced with transparent, principled criteria, including the protection of Māori rights and recognition of iwi and hapū as partners, not community stakeholders.

Contradictions in Government Messaging:

12. The Māori economy is not purely limited to commercial gain. It is inseparable from social, cultural and environmental wellbeing's that sustain our communities. Government rhetoric around "unlocking Māori potential" rings hollow when wider legislative reforms are simultaneously stripping away environmental and cultural protections that are fundamental to Māori wellbeing. Economic development cannot come at the cost of disempowerment and dispossession resulting in profits going offshore, the loss of jobs and foreign control of iconic businesses¹.

¹ See The Treasury Regulatory Impact Statement: International investment screening. 27 November 2024: pp6

Recommendations:

We respectfully call on the Finance and Expenditure Committee to:

- Pause the legislative process and engage in meaningful consultation with iwi and hapū, including through regional hui across Te Tai Tokerau.
- Restore the Benefit to New Zealand and Investor Tests for all categories of sensitive land.
- Incorporate a strong, binding Te Tiriti clause that affirms Māori rights to land and waters, and mandates engagement with mana whenua in all decisions involving whenua and taonga.
- Explicitly recognise Māori reservations, wāhi tapu, and customary lands as requiring additional protection from overseas investment.
- Exclude water extraction activities from standard commercial categorisation and reinstate robust scrutiny and community consultation processes.
- Limit Ministerial discretion by requiring decisions to adhere to published criteria, including cultural, environmental, and Te Tiriti-based considerations.

Conclusion:

13. The proposed amendments undermine the foundational relationship between Māori and the Crown, disrespect Te Tiriti o Waitangi, and place whenua and taonga at risk of further alienation.
14. We call on the Government to reconsider its approach and to engage in genuine partnership with Māori. Decisions about the future of Aotearoa must be grounded in shared stewardship, not unilateral deregulation.
15. Please note that Te Kahu o Taonui seeks to make an oral submission and wishes to be heard on the Māori Wards Amendment Bill.
16. Please also note that this request does not usurp the mana of our respective Authorities to engage directly with the Select Committee should they so wish.

Signed:

Dated: 23 July 2025



Katie Murray
Co-Chairperson
Te Kahu o Taonui



Aperahama Edwards
Co-Chairperson
Te Kahu o Taonui

Address for Service:

Kiri Sloane-Hobson, Amorangi / Operations Manager
Te Rōpū Ringa Raupā
Te Kahu o Taonui
kiri@tkot.org.nz

Telephone:

021 420 257