

12 September 2025

Resource Policy  
Ministry of Business, Innovation and Employment  
PO Box 1473  
Wellington 6140

**BY EMAIL:** [resourcesfeedback@mbie.govt.nz](mailto:resourcesfeedback@mbie.govt.nz)

**RE: Submission on a draft geothermal strategy**

Dear Geothermal Strategy Consultation team,

**Introduction**

Te Kotahitanga o Ngāti Tūwharetoa, acting on behalf of ngā hapū and iwi of Ngāti Tūwharetoa, are opposed to the Government's draft Geothermal Strategy. It fundamentally fails to recognise and provide for our legal customary rights in Te Ahi Tāmou (geothermal resources) within our tribal rohe.

**Customary rights**

As descendants of Ngātoroirangi, our tūpuna who brought Te Ahi Tāmou into being, the iwi and hapū of Ngāti Tūwharetoa hold customary title to Te Ahi Tāmou. According to our tikanga, iwi and hapū hold, and have always held, customary rights and responsibilities to protect, nurture, and benefit from Te Ahi Tāmou. Significantly, those customary rights pertain not only to the geothermal taonga on the surface, but the subterranean geothermal resource itself.

The common law recognises that customary title rights held according to tikanga Māori are property rights and further are guaranteed by Art 2 of te Tiriti o Waitangi, unless and until they are lawfully extinguished. Tūwharetoa's rights have not been extinguished.

Despite this, successive governments have taken action that is prejudicial to and unlawfully interferes with our customary title. For instance, the geothermal developments in Wairakei have severely degraded the geothermal features there.

In the Ngāti Tūwharetoa Claims Settlement Act 2018, the Crown acknowledged that “the geothermal resource is a taonga of immeasurable spiritual and cultural importance to Ngāti Tūwharetoa” (section 8(41)). The Crown also acknowledged that “particular iwi/hapū have rights and interests in specific water and geothermal resources in their rohe” and that the settlement would not affect our customary title/ customary rights. The Crown acknowledged our aspiration that provision needs to be made for the rights and interests of Ngāti Tūwharetoa in geothermal resources and stated that the process of reform then underway included discussions with Ngāti Tūwharetoa.<sup>1</sup> However, despite creating an expectation that it would engage to recognise and provide for our customary rights, the Crown has not done so. That is of deep concern when our customary rights are being prejudicially affected by the government’s proposed Strategy.

This Government has previously endeavoured to honour Treaty settlements in legislative and policy reform and should not depart from that general approach. We expect the Crown to act honourably - and urgently - to engage with us in order to recognise our customary rights. Ngāti Tūwharetoa do not consider that the draft Geothermal Strategy makes any meaningful progress towards this.

### **The Geothermal Strategy**

The Geothermal Strategy contains some references to the history of Māori use of geothermal resources and involvement in the industry. For instance, it states that:

- Geothermal features are taonga to Māori, who have used them for various purposes for centuries (page 5).
- “Partnering with tangata whenua is an increasingly integral component of geothermal development” and that collaboration “enables Māori, as kaitiaki, to actively shape the future and catalyse innovation across the industry” (page 6).
- “Geothermal development is also a powerful lever for regional and Māori economic development” and that “many geothermal fields are located on or near whenua Māori, offering opportunities for iwi and hapū to lead and benefit from the resource” (page 12).

In doing so, the Strategy pays lip-service to Māori, while undermining and failing to recognise the true nature and extent of the Ngāti Tūwharetoa’s relationship with Te Ahi Tāmou, as set out above. In particular, iwi and hapū are not merely partners, nor are their rights tied to land ownership or just to geothermal surface features. Our whakapapa is to the geothermal resource itself.

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<sup>1</sup> Deed of Settlement of the Historical Treaty Claims of Ngāti Tūwharetoa and the Crown, cl 4.15-4.20.

In other words, one of the most serious concerns with the draft Strategy is that it proposes sweeping changes—including regulatory reform, supercritical geothermal development, and the centralisation of innovation and data systems— without first recognising (or at least engaging with a view to recognising) customary title rights in Te Ahi Tāmou.

### **Announcement of first supercritical geothermal site at Rotokawa**

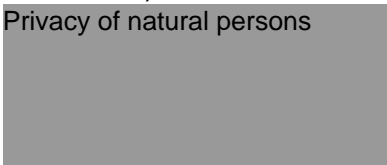
We were extremely disappointed to hear the government’s announcement on 10 September that the first supercritical geothermal exploration site has been chosen at Rotokawa. That site is within the Ngāti Tūwharetoa rohe, and therefore this decision directly impacts our customary title rights. This underscores the critical need to engage with the Crown immediately. We will be considering all our options as a matter of urgency.

### **The Crown’s obligations**

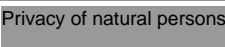
Before any reform proceeds (or as part of any reform), the Crown must first recognise and provide for existing Māori customary title rights in Te Ahi Tāmou. We have customary property rights protected by law, and the Crown is obliged to honour the guarantees in Te Tiriti o Waitangi, which include our tino rangatiratanga over our taonga (and Te Ahi Tāmou undoubtedly is a taonga). This includes a process-based obligation around engagement in the development of the Strategy. If the Crown proceeds without doing so, it exposes itself to litigation risk. Equally, it exposes potential other partners in any geothermal projects to risks.

Nāku noa, nā

Privacy of natural persons



Privacy of natural persons



Chairperson